

# IMPERIAL VALLEY SOLAR PROJECT (Formerly SES Solar Two)

**DOCKET**

**08-AFC-5**

DATE \_\_\_\_\_

RECD. JUL 07 2010

## Supplemental Staff Assessment



CALIFORNIA  
ENERGY COMMISSION  
Arnold Schwarzenegger, Governor

JULY 2010  
CEC-700-2010-002 SUP

DOCKET NUMBER 08-AFC-5

PROOF OF SERVICE (REVISED 5/10/10) FILED WITH  
ORIGINAL MAILED FROM SACRAMENTO ON 7/7/10

SS

**CALIFORNIA  
ENERGY COMMISSION**

1516 Ninth Street  
Sacramento, CA 95814

<http://www.energy.ca.gov/sitingcases/solartwo/index.html>

CHRISTOPHER MEYER  
*Project Manager*

ROGER JOHNSON  
*Siting Office Manager*

TERRENCE O'BRIEN  
*Deputy Director*  
*Siting, Transmission and*  
*Environmental Protection Division*

MELISSA JONES  
*Executive Director*

**DISCLAIMER**

Staff members of the California Energy Commission prepared this report. As such, it does not necessarily represent the views of the Energy Commission, its employees, or the State of California. The Energy Commission, the State of California, its employees, contractors and subcontractors make no warrant, express or implied, and assume no legal liability for the information in this report; nor does any part represent that the uses of this information will not infringe upon privately owned rights. This report has not been approved or disapproved by the Energy Commission nor has the Commission passed upon the accuracy or adequacy of the information in this report.

# **IMPERIAL VALLEY SOLAR PROJECT (08-AFC-5)**

## **SUPPLEMENTAL STAFF ASSESSMENT**

<b>EXECUTIVE SUMMARY .....</b>	<b>ES-1</b>
<b>INTRODUCTION.....</b>	<b>A-1</b>
<b>DESCRIPTION OF THE PROPOSED PROJECT AND ALTERNATIVES</b>	
Proposed Project .....	B.1-1
Alternatives .....	B.2-1
Cumulative Scenario.....	B.3-1
<b>ENVIRONMENTAL ASSESSMENT</b>	
Air Quality .....	C.1-1
Biological Resources .....	C.2-1
Cultural Resources and Native American Values .....	C.3-1
Geology, Soils, and Paleontological and Mineral Resources.....	C.4-1
Hazardous Materials Management .....	C.5-1
Public Health and Safety.....	C.6-1
Hydrology, Water Use, and Water Quality (Soil and Water Resources) .....	C.7-1
Land Use, Recreation and Wilderness.....	C.8-1
Noise and Vibration.....	C.9-1
Socioeconomics and Environmental Justice .....	C.10-1
Transportation and Traffic.....	C.11-1
Transmission Line Safety and Nuisance.....	C.12-1
Visual Resources .....	C.13-1
Waste Management.....	C.14-1
Worker Safety and Fire Protection .....	C.15-1
<b>ENGINEERING ANALYSIS</b>	
Facility Design.....	D.1-1
Geologic Stability .....	D.2-1
Power Plant Efficiency .....	D.3-1
Power Plant Reliability .....	D.4-1
Transmission System Engineering.....	D.5-1
<b>GENERAL CONDITIONS .....</b>	<b>E-1</b>
<b>LIST OF PREPARERS .....</b>	<b>F-1</b>
<b>WITNESS QUALIFICATIONS AND DECLARATIONS .....</b>	<b>G-1</b>

# EXECUTIVE SUMMARY

Christopher Meyer

## INTRODUCTION

---

Imperial Valley Solar, LLC (formerly Stirling Energy Systems Solar Two, LLC) is seeking approval to construct and operate the Imperial Valley Solar (formerly the Stirling Energy Systems Solar Two) Project and its ancillary facilities. The applicant is a wholly owned subsidiary of Tessera Solar. The main objective of the Imperial Valley Solar (IVS) Project is to provide clean, renewable, solar-powered electricity to the State of California. The electricity from the IVS Project would assist the State in meeting its objectives as mandated by the California Renewable Portfolio Standard (RPS) Program and the California Global Warming Solutions Act. The IVS Project would also address other local mandates adopted by California's electric utilities for the provision of renewable energy.

San Diego Gas & Electric (SDG&E) selected the IVS Project to help meet its objectives under the legislative requirements of the RPS Program through a least-cost, best-fit competitive solicitation. Because the IVS Project is one of the three projects that SDG&E selected from the solicitation, the applicant and SDG&E entered into a 20-year Power Purchase Agreement (PPA) for the provision of renewable electricity. This PPA would help SDG&E meet both its statutory mandate to purchase at least 20% of its electric power from renewable resources by 2010 and its future electricity requirements. The California Public Utilities Commission approved the PPA on December 1, 2005. The IVS Project represents approximately 44% of SDG&E's RPS goals.

The applicant has submitted an Application for Certification (AFC) to the California Energy Commission (Energy Commission) for the proposed project. The Energy Commission is the lead State agency responsible for evaluating the environmental effects of project and for complying with the California Environmental Quality Act (CEQA). The project proposes the use of land managed by the United States Department of the Interior, Bureau of Land Management (BLM); therefore the applicant has submitted a request for a right-of-way grant to the BLM. The BLM is the federal lead agency for the evaluation of project effects and compliance of the proposed project with the requirements of the National Environmental Policy Act (NEPA) related to possible BLM discretionary actions related to the right-of-way grant request.

The BLM and the Energy Commission prepared separate final documents for compliance with NEPA and CEQA, respectively. Specifically, the BLM is preparing the Final Environmental Impact Statement (FEIS) and the Energy Commission prepared this Supplemental Staff Assessment (SSA). The Staff Assessment/Draft Environmental Impact Statement (SA/DEIS) was the primary reference used by the BLM in preparing the FEIS and is incorporated by reference in the BLM's FEIS for the IVS Project. After the publication of the FEIS, the BLM will prepare a Record of Decision (ROD) regarding the Agency Preferred Alternative. The publication of the ROD in the Federal Register is the final step required of the BLM to meet the requirements of NEPA for the IVS Project. While the Energy Commission SSA is not written jointly with the BLM, the proponent will be required to comply with all terms and conditions required by the BLM, as will be



described in the BLM's Record of Decision and Right-of-Way grant documents for this project. The conditions of certification within this document may also require the submittal of documents and reports to other federal, state, or local agencies. It is the project owner's responsibility to ensure the timely submittal of these documents and reports.

The Energy Commission staff identified significant unmitigable impacts to Biological Resources, Land Use, Soil & Water Resources, and Visual Resources. Impacts to Cultural Resources are being analyzed and will be addressed in a document filed subsequently to this document. Because many of the unmitigable impacts identified by staff could be significantly reduced through implementation of Drainage Alternative #1, the Energy Commission staff recommends that it, rather than the proposed project, be approved by the Energy Commission. The BLM has addressed the reduction of potential impacts identified in the FEIS by coordinating with the U.S. Army Corps of Engineers (USACE) on identifying and analyzing a draft Least Environmentally Damaging Alternative (LEDPA). A final LEDPA will ultimately be identified by USACE and will be required in order for the project to proceed. The Energy Commission staff believe that when the LEDPA is finalized, it will be similar to Drainage Alternative #1 recommended by staff.

## **PROPOSED PROJECT**

---

### **Project Location and Description**

The applicant intends to develop an electric-generating facility with a nominal capacity of 750 megawatts (MW) using concentrated solar power. The IVS Project would be constructed on an approximately 6,500-acre (just over 10 square miles) site in the Imperial Valley in Imperial County, California. The site is approximately 100 miles east of San Diego, 14 miles west of El Centro, and 4 miles east of Ocotillo Wells. The IVS Project site is predominantly comprised of BLM managed lands with some private parcels within the approximately 6,500 acre site. Key features of the proposed project are described briefly below and in more detail in the following sections:

The electric-generating facility would include the construction of a new 230-kilovolt (kV) substation approximately in the center of the project site, an operation and administration building, a maintenance building, and a substation building.

The IVS Project as proposed would be constructed in two phases: Phase I would consist of up to 12,000 SunCatchers configured in 200 1.5-MW solar groups of 60 SunCatchers per group. The total net nominal generating capacity of Phase 1 is 300 MW. Phase I would require approximately 2,600 acres. The renewable energy from Phase I would be transmitted via the existing 500-kV SDG&E Southwest Powerlink transmission line. The IVS Project would be connected to the grid at the SDG&E Imperial Valley Substation via a 10.3-mi long, 230-kV interconnection transmission line that would be constructed as part of the project in a corridor parallel to the existing Southwest Powerlink transmission line.

Phase II would expand the IVS Project to a total of 30,000 SunCatchers configured in 500-1.5-MW solar groups with a total net generating capacity of both phases of 750 MW. Phase II would require approximately 3,500 ac of the project site. The 450-MW Phase II would consist of approximately 18,000 SunCatchers. The additional 450 MW generated in Phase II would require new transmission capacity within the grid. This is anticipated to be provided by the proposed 500-kV Sunrise Powerlink (or equivalent) transmission line (assumed to be a project independent of the IVS Project). The construction and operation of Phase II is contingent on the development of either the Sunrise Powerlink transmission line or additional transmission capacity in the SDG&E transmission system.

### **Solar Power Plant Equipment and Facilities**

The IVS Project would use the proprietary SunCatcher technology. Each SunCatcher consists of a 25-kilowatt (kW) solar power generating system. The system is designed to track the sun automatically and to focus solar energy onto a Power Conversion Unit (PCU), which would generate electricity. The system consists of an approximately 38-foot diameter solar concentrator dish that supports an array of curved glass mirror facets. These mirrors would collect and focus solar energy onto the heat exchanger of the PCU. The PCU would convert the solar thermal energy into electricity via a Solar Stirling Engine designed to convert solar power to rotary power through a thermal conversion process. Each SunCatcher would operate independently and would generate grid-quality electricity. Power generated by groups of 60 SunCatchers would be collected through a 600-volt (V) underground power collection system. This collection system would combine the output from the units and connect each 1.5-MW group to a generator step-up unit (GSU) transformer with an output voltage of 34.5 kilovolt (kV). The output from the GSUs would be grouped into 3-, 6-, and 9-MW groups, which would be connected via 34.5-kV underground collection circuits to 48- or 51- MW, 34.5-kV overhead collection circuits, each of which would be connected directly to the on-site collection substation. The on-site collection substation would be connected via a 230-kV, double-circuit overhead interconnection transmission line for delivery of generated electricity to the SDG&E Imperial Valley Substation, where the interconnection to the California Independent System Operator (California ISO)-controlled grid would take place.

The IVS Project includes construction and operation of an on-site substation, which would include transformers, circuit breakers, metering, and other protection required to connect the project to the SDG&E Imperial Valley Substation. The IVS Project interconnect transmission system would require construction of approximately 10.3 mi of double-circuit 230-kV transmission line to transmit the electricity generated on the project site to the SDG&E transmission facilities.

Related permanent facilities on the project site would include a Main Services Complex, which would be in a central location on site to provide for efficient access routes for maintenance vehicles servicing the SunCatcher solar field. The Main Services Complex would include the following:

Operation and Administration Building. The project administration offices and personnel facilities would be in this one-story building. This building would also contain meeting and training rooms, engineering offices, a visitor's room, and support services. The

project maintenance facilities, shop, and warehouse storage would be adjacent to the operation and administration building.

**Maintenance Building.** The maintenance building would contain maintenance shops and offices, PCU rebuild areas, maintenance vehicle servicing bays, chemical storage rooms, the main electrical room, and warehouse storage for maintenance parts to service the SunCatchers.

**Water Treatment System.** The water treatment structure would be northeast of the Main Services Complex. The water treatment structure would house water treatment equipment and safe storage areas for water treatment chemicals. A motor control center for the water treatment equipment and pumps would be located within this structure. Two wastewater evaporative ponds designed for wastewater containment would be north of the water treatment structure.

**Yard Tanks.** The yard tanks would be at-grade steel tank reservoirs and/or polyethylene tanks. The water treatment system would include a raw water tank with a permanent booster pump station, a potable water treatment system, ground-set steel or polyethylene potable water and a fire water storage tank, a booster pump station to accommodate potable water needs and fire-flow requirements, a disinfection system, a demineralized water treatment system for mirror washing water, a polyethylene storage tank for demineralized water storage, chemical storage, reject water and sludge disposal and evaporation ponds, and various support piping, valves, and miscellaneous equipment to support the system. All tanks, foundations, and piping connections would be designed and constructed to the appropriate standards for contents and seismic zone considerations.

**Control Building.** The control building would be near the substation. This building would contain relay and control systems for the substation and the operations control room.

**Utilities and Services for Ancillary Facilities and Structures.** An electric powered fire water pump and a diesel operated standby power generator would be adjacent to the operation and administration building. Electric service for the Main Services Complex would be obtained from Imperial Irrigation District (IID). Electric power would be provided either via overhead service from an IID overhead distribution line located on the north side of Evan Hewes Highway or by directly connecting to the substation in Plaster City. Communications service for the Main Services Complex would be obtained from L3 Communications Holdings, Inc. Communications service would be provided via an overhead service from existing underground communications lines located on the north side of the railroad located south of Evan Hewes Highway

### **Construction Logistics Area**

The applicant proposes using a temporary construction logistics area for staging contractor equipment and trailers, assembly yards, storage of materials, equipment laydown and wash area, construction personnel parking, and assembly areas for SunCatchers. The temporary facilities and structures in that construction logistics area would be:

Assembly Buildings. SunCatcher assembly would be performed in three temporary assembly buildings in the construction logistics area. These buildings would be removed after all the SunCatchers are assembled and installed. The three assembly buildings would be beside the Main Services Complex.

Transport trailer storage. Storage for trailers would be provided south of the assembly buildings in a storage facility that would accommodate 75 to 100 trailers, maintaining a 3 to 5 day inventory of SunCatcher parts during the assembly phase. These trailers would be removed and salvaged after all the SunCatchers are installed.

Laydown Areas. Two laydown areas would be provided: one on approximately 110 acres east of Dunaway Road and north of I-8, and the second on approximately 11 acres immediately south of the Main Services Complex.

Construction of the IVS Project is expected to begin in 2010 and would take approximately 40 months for full project completion. However, renewable power from the project would come online much earlier than 40 months after the start of the project. As groups of SunCatchers are constructed and become operational, their renewable power would immediately be supplied to the grid.

### **Water Supply and Discharge**

The proposed permanent water source for the washing the SunCatcher mirrors is reclaimed water from the Seeley County Water District's (SCWD) Seeley Waste Water Treatment Facility (SWWTF). Upgrades to the existing treatment plant so its effluent meets Title 22 requirements for recycled water are being funded by the applicant. IVS would have access to at least approximately 150,000 gallons (gal) and up to 200,000 gal of reclaimed water per day for use in all construction and operation activities. To access the reclaimed water, approximately 11.8 miles of water pipeline would be constructed as part of the IVS Project, extending from the SWWTF to the project's proposed water treatment plant, via the Evan Hewes Highway right of way (ROW).

SCWD released a Draft Mitigated Negative Declaration (MND) for the SWWRF Improvements. These improvements are necessary to ensure that no discharges from the facility exceed established effluent limits in the future. The IVS Project is anticipated to take up to 200,000 gallons-per-day (gpd) of the treated effluent. Other possible users of the tertiary-treated effluent include existing and new uses identified and evaluated in Imperial County's General Plan.

Rather than adopting the MND, SCWD is preparing an Environmental Impact Report (EIR). The Energy Commission Staff Assessment (SA) for the SES Solar Two Project assumed that the MND would be adopted. Because the MND was not adopted, staff prepared and filed an Appendix provides an independent analysis of the potential impacts of the SWWRF improvements on March 18, 2010. The EIR prepared for the SCWD will be used by the District to evaluate the impacts and to support the District's decision on the upgrades. The Energy Commission and BLM present this information in order to disclose the types and extent of impacts of the facility upgrades.

As a result of the delays necessary for the SCWD to prepare the EIR, groundwater for construction and possibly operation of the IVS Project would be supplied by the Dan

Boyer Water Company's well (State Well No. 16S/9E-36G4). Groundwater from the Dan Boyer Water Company well would be treated at an on-site facility adjacent to the on-site substation to produce demineralized water for mirror washing. However, the Ocotillo/Coyote Wells aquifer is a sole source aquifer, meaning it is an aquifer that supplies 50% or more of the drinking water for an area.

Potable water would be delivered to the site by truck and stored in a 5,000 gal tank in the water treatment area. This tank would be able to provide a two to three day supply of potable water for the operating facility.

### **Fire Protection**

The Main Services Complex would include an approximately 175,000-gal tank for water for mirror washing and fire suppression and control. Portable fire extinguishers would be located at strategic locations throughout the site. The fixed fire protection system would provide a wet, water-based sprinkler fire suppression system for the buildings. Employees would be given fire safety training, including instruction in fire prevention, the use of portable fire extinguishers and hose stations, and the reporting of fires to the local fire department.

### **Access Roads and Maintenance Paths**

Approximately 27 miles of paved arterial roads, 14 miles of unpaved perimeter roads, and approximately 234 miles of unpaved access routes would be constructed on the IVS Project site. Site access during the construction phase would be provided from Dunaway Road, which has an existing interchange from I-8 at the southeastern corner of the site.

### **Site Security and Fencing (During Construction and Operations)**

The 6,500 acre project site would be fenced, excluding the private parcels of land designated as not a part of the project. Access to the federal land managed by the BLM would be authorized under a ROW grant. Operations site security would consist of controlled access gates, perimeter security fencing, twenty-four hour site security monitoring via closed-circuit television and intercom, and regular vehicular patrols. Construction security would consist of fencing installed around the perimeter of the project site at the start of construction, and gated entrances and exits.

### **Stormwater Management Approach**

A stormwater drainage system designed to match existing drainage patterns and meeting all local regulations would collect and direct all rainwater on the project site, managing the flow through the use of existing dry washes, swales, ditches, culverts, and site grading to the pre-development site discharge locations. Erosion and sedimentation controls would be implemented during construction to retain sediment on site and to prevent violations of water quality standards. These actions would be taken in accordance with project specific Best Management Practices (BMPs). A Storm Water Pollution Prevention Plan (SWPPP) would be prepared to conform to State Water Resource Control Board Order Number 99-08-DWQ, General Permit Number CAS000002. Site drainage during construction would follow pre-development flow patterns, with ultimate discharge to Dunaway Road at the northeastern property

boundary. Low-flow culverts consisting of a small diameter storm drain with a perforated stem pipe would be installed for sediment control and to provide for storm peak attenuation.

### **Facility Operation and Maintenance**

The IVS Project would be an “as-available” resource. Therefore, the project as proposed would operate anywhere between a minimum of approximately 18 MW net when the first units are interconnected to the grid during the construction period to 750 MW on completion of construction. The capability for independent operation of all 30,000 units would give maximum flexibility in operations. The applicant expects that the project will have an annual availability of 99%.

The IVS Project is proposed operate approximately 3,500 hours annually. The number of available operating hours would depend on the availability of the sun’s energy at greater than 250 watts per square meter. SunCatchers would be unable to generate electricity when the sun’s energy is below 250 watts per square meter in the early morning or late evening hours and when cloud cover limits the sun’s energy for power generation. Also, SunCatchers would be unable to generate electricity during daylight hours when the wind speed exceeds 35 miles per hour (mph), as SunCatchers would be stowed in a safe de-track position at and above this wind speed to prevent damage. It is expected that the IVS Project would be operated with a staff of approximately 164 full-time employees. The project would operate 7 days per week, generating electricity during daylight hours when solar energy is available. Maintenance activities would occur 7 days a week, 24 hours a day to ensure SunCatcher availability when solar energy is available. Maintenance activities would include SunCatcher mirror washing. The daily average water requirement for SunCatcher mirror washing under regular maintenance routines would be approximately 10.4 gal of raw water per minute.

### **Waste Management**

Wastewater generated at the Main Services Complex would be discharged into a septic system with sanitary leach fields, and would be designed in accordance with applicable Laws, Ordinances, Regulations, and Standards (LORS), including those of the County, the RWQCB, and the California Department of Health Services. Disposal of clear liquids would be conveyed to on-site sanitary leach fields, and sewer sludge would be pumped and disposed of by trucks to an approved offsite disposal facility.

Solid waste from the IVS Project water treatment system would be trucked to an appropriate off-site landfill from evaporation ponds as a non-hazardous, low-moisture cake. An estimated 60,000 pounds (lbs) per year of salt cake would be trucked off-site to an appropriate landfill or recycled. The full 60,000 lbs would be scheduled for removal at the end of the evaporation process. Approximately 1.5 loads would be required per year.

Non-hazardous wastes generated during construction and operation includes scrap wood, concrete, steel/metal, paper, glass, scrap metals and plastic waste. All non-hazardous wastes would be recycled to the extent possible and non-recyclable wastes would be collected by a licensed hauler and disposed in a Class III solid waste disposal facility. Hazardous wastes would be recycled to the extent possible and disposed in

either a Class I or II waste facility as appropriate. All operational wastes produced at the IVS Project would be properly collected, treated (if necessary), and disposed of at either a Class I or II waste facility as appropriate.

Hazardous materials used during facility construction and operations would include paints, epoxies, grease, transformer oil, and caustic electrolytes (battery fluid). Several methods would be used to properly manage and dispose of hazardous materials and wastes. A Hazardous Materials Management Program (HMMP) would be developed and implemented during the project construction and operation phases. At a minimum, the HMMP would include procedures for hazardous materials handling, use and storage; emergency response; spill control and prevention; employee training; and recordkeeping and reporting.

### **Project Decommissioning**

Project closure can be temporary or permanent. Temporary closure is defined as a shutdown for a period exceeding the time required for normal maintenance, including closure for overhaul or replacement of the major components, such as major transformers, switchgear, etc. Causes for temporary closure include inclement weather and/or natural hazards (e.g., winds in excess of 35 mph, or cloudy conditions limiting solar insolation values to below the minimum solar insolation required for positive power generation, etc.), or damage to the project from earthquake, fire, storm, or other natural acts. Permanent closure is defined as a cessation in operations with no intent to restart operations owing to project age, damage to the project that is beyond repair, adverse economic conditions, or other significant reasons.

In the unforeseen event that the IVS Project is temporarily closed, a contingency plan for the temporary cessation of operations would be implemented. The contingency plan would be followed to ensure conformance with applicable LORS and to protect public health, safety, and the environment. The plan, depending on the expected duration of the shutdown, may include the draining of chemicals from storage tanks and other equipment and the safe shutdown of equipment.

The planned life of the IVS Project is 40 years; however, if the IVS Project is still economically viable, it could be operated longer. It is also possible that the IVS Project could become economically noncompetitive before 40 years have passed, resulting in early decommissioning. When the IVS Project is permanently closed, all the project equipment, facilities, structures and appurtenant facilities must be removed from the site. Because the conditions that would affect the decommissioning decision are largely unknown at this time, these conditions would be presented to the Energy Commission, the BLM, and other applicable agencies in a detailed decommissioning plan prior to the planned permanent decommissioning.

## **ALTERNATIVES**

---

In addition to the proposed IVS Project, three other Build Alternatives on the same general site and three No Project/No Action Alternatives are also evaluated in detail in this environmental document. Executive Summary Table -1 summarizes the acreages and MW production of the build alternatives and Executive Summary Table -2 describes

the three No Project/No Action Alternatives. The three build alternatives are a 300 MW alternative, and two alternatives that would reduce effects to waters of the United States (Drainage Avoidance Alternatives 1 and 2). The No Project/No Action Alternatives all consider not approving the IVS Project and either amending or not amending the California Desert Conservation Plan (CDCA) regarding land use designations for the site.

**Executive Summary Table 1 - Summary of the Build Alternatives**

<b>Build Alternative</b>	<b>Number of Megawatts</b>	<b>Number of Acres (approx.)</b>	<b>Number of SunCatchers</b>
Imperial Valley Solar Project	750	6,500	30,000
300 MW Alternative: proposes construction and operation of a 300 MW facility using the SunCatcher technology. On and off site facilities would be similar to the IVS Project, except supporting 300 MW of a generation capacity instead of 750 MW.	300	2,600	12,000
Drainage Avoidance #1: This Alternative was developed to reduce impacts to waters of the U.S. on the project site. It would prohibit permanent impacts within the 10 primary drainages on the project site. This alternative would have the same site boundary and SunCatcher technology as the IVS Project.	632	4,690 (reduced from 6,500 because it prohibits installation of SunCatchers in 10 primary drainages)	25,000
Drainage Avoidance #2: This Alternative 2 would remove the easternmost and westernmost parts of the project site from development. These areas are where the largest drainage complexes are located. In this alternative, permanent structures would be allowed within all drainages inside the reduced site boundaries.	423	3,153 (reduced from 6,500 because it prohibits installation of SunCatchers in eastern and western parts of the site)	16,915



**Executive Summary Table 2 - No Project/No Action Alternatives**

<b>No Project/No Action Alternative</b>	<b>SES Solar Two Project?</b>	<b>Amendment to the CDCA Plan?</b>
No Approval of the IVS Project and no CDCA Plan Amendment	IVS not approved: no solar energy power generation project would be constructed on the project site	No CDCA Plan Amendment: BLM would continue to manage the site consistent with the existing land use designation in the CDCA Plan for the site
No Approval of the IVS Project and Amendment of the CDCA Plan to Allow Solar Energy Power Generation Projects on the Project Site	IVS not approved: solar energy power generation projects could be constructed on the site (as a result of the CDCA Plan amendment)	Yes: BLM would amend the CDCA Plan to allow for solar energy power generation projects on the site
No Approval of the IVS Project and BLM Amends the CDCA Plan to Not Allow Any Solar Energy Power Generation Projects on the Project Site	IVS not approved: no solar energy power generation projects could be constructed on the site (as a result of the CDCA Plan amendment)	Yes: BLM would amend the CDCA Plan to not allow any solar energy power generation projects on the project site

## COMPARISON OF THE ALTERNATIVES

Executive Summary Table 3 describes the ability of the IVS Project, the three build alternatives, and the three No Project/No Action Alternatives to meet the defined project purpose and objectives.

**Executive Summary Table 3 - ALTERNATIVES TABLE**  
**Ability of the Alternatives to Meet the Project Purpose and Objectives and Site Criteria**

<b>Project Purpose and Objectives</b>	<b>IVS Project</b>	<b>300 MW Alternative</b>	<b>Drainage Avoidance Alternative #1</b>	<b>Drainage Avoidance Alternative #2</b>	<b>No Approval of the IVS Project and no CDCA Plan Amendment</b>	<b>No Approval of the IVS Project and Amendment of the CDCA Plan to Allow Solar Energy Power Generation Projects on the Project Site</b>	<b>No Approval of the IVS Project and BLM Amends the CDCA Plan to Not Allow Any Solar Energy Power Generation Projects on the Project Site</b>
To provide clean, renewable, solar-powered electricity and to assist San Diego Gas & Electric (SDG&E) in meeting its obligations under California's Renewable Portfolio Standard Program (RPS)	Yes	Yes	Yes	Yes	No	Potentially	No
To assist SDG&E in reducing its greenhouse gas emissions as required by the California Global Warming Solutions Act	Yes	Yes	Yes	Yes	No	Potentially	No
Provide up to 750 MW of renewable electric capacity under a 20-year PPA to SDG&E	Yes	No	No	No	No	Potentially	No
Contribute to the 20% renewables RPS target set by California's governor and legislature	Yes	Yes	Yes	Yes	No	Potentially	No
Assist in reducing greenhouse gas emissions from the electricity sector	Yes	Yes	Yes	Yes	No	Potentially	No

<b>Project Purpose and Objectives</b>	<b>IVS Project</b>	<b>300 MW Alternative</b>	<b>Drainage Avoidance Alternative #1</b>	<b>Drainage Avoidance Alternative #2</b>	<b>No Approval of the IVS Project and no CDCA Plan Amendment</b>	<b>No Approval of the IVS Project and Amendment of the CDCA Plan to Allow Solar Energy Power Generation Projects on the Project Site</b>	<b>No Approval of the IVS Project and BLM Amends the CDCA Plan to Not Allow Any Solar Energy Power Generation Projects on the Project Site</b>
Contribute to California's future electric power needs	Yes	Yes	Yes	Yes	No	Potentially	No
Assist the California Independent System Operator (CAISO) in meeting its strategic goals for the integration of renewable resources, as listed in its Five-Year Strategic Plan for 2008–2012 (CAISO 2007)	Yes	Yes	Yes	Yes	No	Potentially	No
To construct and operate a 750 MW renewable power generating facility in California capable of selling competitively priced renewable energy consistent with the needs of California utilities	Yes	No	No	No	No	Potentially	No
To locate the facility in areas of high solarity with ground slope of less than 5%	Yes	Yes	Yes	Yes	No	Potentially	No

## **PUBLIC AND AGENCY COORDINATION**

---

The Energy Commission's EIR-equivalent process and the BLM's NEPA process provide opportunities for the public and other agencies to participate and consult in the scoping of the environmental analysis, and in the evaluation of the technical analyses and conclusions of that analysis. The following subsections describe the status of these outreach efforts for the proposed IVS Project. These activities are also described in the *Final Scoping Report* (LSA Associates, Inc., September 2009).

### **AGENCY COORDINATION**

The Energy Commission certification is in lieu of any permit required by state, regional, or local agencies and by federal agencies to the extent permitted by federal law (Public Resources Code, Section 25500). However, both the Energy Commission and BLM typically seek comments from and work closely with other regulatory agencies that administer LORS that may be applicable to a proposed project. The following paragraphs describe the agency coordination that has occurred through the joint SA/EIS process and this SSA process for the proposed IVS Project.

#### **United States Army Corps of Engineers**

The United States Army Corps of Engineers (USACE) has jurisdiction to protect water quality and wetland resources under Section 404 of the Clean Water Act. Under that authority, USACE reviews proposed projects to determine whether they may impact such resources, and/or be subject to the requirements for a Section 404 permit. Throughout the process, the Energy Commission, BLM, and the Applicant have provided information to the USACE to assist them in making a determination regarding their jurisdiction and need for a Section 404 permit. Following this coordination, the USACE determined that the project would require an Individual Section 404 (b)(1) Alternatives Analysis and the selection of the Least Environmentally Damaging Practicable Alternative (LEDPA). The USACE has in turn worked with the U.S. Environmental Protection Agency on the selection of the 404 (b)(1) Alternatives Analysis and the selection of the LEDPA. This process is ongoing and staff has therefore not analyzed a LEDPA, as a final version has not yet been identified.

#### **United States Fish and Wildlife Service**

The United States Fish and Wildlife Service (USFWS) has jurisdiction to protect threatened and endangered species under the federal Endangered Species Act (ESA). Formal consultation with the USFWS under Section 7 of the ESA is required for any federal action that may adversely affect a federally-listed species. The site is known to be occupied by FTHL. The FTHL is currently not listed as threatened or endangered, but is proposed for listing as threatened. The USFWS will require a Section 7 consultation under the federal ESA with BLM for project impacts to foraging habitat for Peninsular bighorn sheep (BHS), a federally listed Endangered and state listed Threatened and state Fully Protected Species.

## **State Water Resources Control Board/Regional Water Quality Control Board**

The Regional Water Quality Control Board (RWQCB) has the authority to protect surface water and groundwater. Throughout the SA/DEIS process, the Energy Commission, BLM, and the applicant have invited the RWQCB to participate in public scoping and workshops, and have provided information to assist the agency in evaluating the potential impacts and permitting requirements of the proposed project.

## **California Department of Fish and Game**

The California Department of Fish and Game (CDFG) have the authority to protect water resources through regulation of modifications to streambeds, under Section 1602 of the Fish and Game Code. The Energy Commission, BLM, and the applicant have provided information to CDFG to assist in their determination of the impacts to streambeds, and identification of permit and mitigation requirements. CDFG also has the authority to regulate potential impacts to species that are protected under the California Endangered Species Act (CESA).

## **Imperial County**

The IVS Project site occupies approximately 360 acres of private land under the jurisdiction of Imperial County (County). The Energy Commission and BLM provided opportunities during scoping for the County to provide input to the environmental technical studies for the project.

## **Public Coordination**

The Energy Commission's CEQA process and the BLM's NEPA process provide opportunities for public participation in the scoping of the environmental analysis, and in the evaluation of the technical analyses and conclusions of that analysis. For the Energy Commission, this outreach program is primarily facilitated by the Public Adviser's Office (PAO). As part of the coordination of the environmental review process required under the Energy Commission /BLM California Desert District MOU, the agencies have jointly held public meetings and workshops which accomplish the public coordination objectives of both agencies.

The PAO's public outreach is an integral part of the Energy Commission's AFC review process. The PAO reviewed information provided by the applicant and also conducted its own outreach efforts to identify and locate local elected and certain appointed officials, as well as "sensitive receptors" (including schools, community, cultural and health facilities and daycare and senior-care centers, as well as environmental and ethnic organizations). Those agencies and individuals that provided comments concerning the project have been considered in staff's analysis. This SSA provides agencies and the public with an opportunity to review the Energy Commission staff's analysis of the proposed project. Comments received on this SAA would be taken into consideration in preparing the subsequent project documents, including the Presiding Members Proposed Decision (PMPD).

The AFC, the SA/DEIS, this SSA and other project documents are located on the Energy Commission's website at <http://www.energy.ca.gov/sitingcases/solartwo/index.html>

## **STAFF'S ASSESSMENT**

---

Each technical area section of this SAA contains a discussion of the project setting, impacts, and where appropriate, mitigation measures and conditions of certification. The SSA includes the staff's assessment of:

- the environmental setting of the proposal;
- impacts on public health and safety, and measures proposed to mitigate these impacts;
- environmental impacts, and measures proposed to mitigate these impacts;
- the engineering design of the proposed facility, and engineering measures proposed to ensure the project can be constructed and operated safely and reliably;
- project closure;
- project alternatives;
- compliance of the project with all applicable laws, ordinances, regulations and standards (LORS) during construction and operation;
- environmental justice for minority and low income populations, when appropriate; and
- proposed mitigation measures/conditions of certification.

## SUMMARY OF PROJECT RELATED IMPACTS

Executive Summary Table 4 summarizes the potential short-term, long-term and cumulative adverse impacts of the proposed IVS Project, the anticipated mitigation and conditions of certification, and the level of significance of the impacts after mitigation, under CEQA.

**Executive Summary Table 4**  
**Summary of Potential Short-Term, Long-Term, and Cumulative Adverse Impacts**

<b>Environmental Parameter</b>	<b>Complies with Applicable LORS</b>	<b>Short and Long Term Adverse Impacts</b>	<b>Cumulative Adverse Impacts</b>	<b>Mitigation and Conditions of Certification</b>	<b>CEQA Level of Significance After Mitigation</b>
Air Quality	Yes	No significant short term or long term adverse impacts with mitigation/ Conditions of Certification incorporated	No cumulative adverse impacts	<b>AQ-1 through AQ-31 and AQ-SC1 through AQ-SC7</b>	Less than significant
Biological Resources	Yes	<b>Significant short term or long term adverse impacts with mitigation/ Conditions of Certification incorporated</b>	<b>Cumulative adverse impacts</b>	<b>BIO-1 through -17</b>	<b>Significant and unavoidable</b>
Cultural Resources	TBD*	TBD*	TBD*	TBD*	TBD*
Facility Design	Yes	No significant short term or long term adverse impacts with mitigation/ Conditions of Certification incorporated	Not applicable	General Conditions	Less than significant

<b>Environmental Parameter</b>	<b>Complies with Applicable LORS</b>	<b>Short and Long Term Adverse Impacts</b>	<b>Cumulative Adverse Impacts</b>	<b>Mitigation and Conditions of Certification</b>	<b>CEQA Level of Significance After Mitigation</b>
Geology, Paleontology, and Minerals	Yes	No significant short term or long term adverse impacts with mitigation/ Conditions of Certification incorporated	No cumulative adverse impacts	<b>PAL-1</b> through <b>-7</b> , and <b>GEN-1</b> , <b>GEN-5</b> , and <b>CIVIL-1</b>	Less than significant
Hazardous Materials	Yes	No significant short term or long term adverse impacts with mitigation/ Conditions of Certification incorporated	No cumulative adverse impacts	<b>HAZ-1</b> through <b>-6</b>	Less than significant
Hydrology, Soils and Water Resources	Yes	<b>Significant short term or long term adverse impacts with mitigation/ Conditions of Certification incorporated</b>	<b>Cumulative adverse impacts</b>	<b>SOIL&amp;WATER -1</b> through <b>-9</b>	<b>Significant and unavoidable</b>
Land Use and Recreation	<b>No</b>	Significant short term and long term adverse impacts reduced with mitigation/ Conditions of Certification incorporated	<b>Cumulative adverse impacts</b>	<b>LAND-1</b>	<b>Significant and unavoidable</b>
Noise	Yes	No significant short term or long term adverse impacts with mitigation/ Conditions of Certification incorporated	No cumulative adverse impacts	<b>NOISE-1</b> through <b>-6</b>	Less than significant



<b>Environmental Parameter</b>	<b>Complies with Applicable LORS</b>	<b>Short and Long Term Adverse Impacts</b>	<b>Cumulative Adverse Impacts</b>	<b>Mitigation and Conditions of Certification</b>	<b>CEQA Level of Significance After Mitigation</b>
Public Health and Safety	Yes	No significant short term or long term adverse impacts with mitigation/ Conditions of Certification incorporated	No cumulative adverse impacts	None required	Less than significant
Power Plant Efficiency	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Power Plant Reliability	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Socioeconomics and Environmental Justice	Yes	No significant short term or long term adverse impacts with mitigation/ Conditions of Certification incorporated	No cumulative adverse impacts	None required	Less than significant
Traffic and Transportation	Yes	No significant short term or long term adverse impacts with mitigation/ Conditions of Certification incorporated	No cumulative adverse impacts	<b>TRANS-1 through -4</b>	Less than significant
Transmission Line Safety/ Nuisance	Yes	No significant short term or long term adverse impacts with mitigation/ Conditions of Certification incorporated	No cumulative adverse impacts		Less than significant
Transmission System Engineering	Yes	No significant short term or long term adverse impacts with mitigation/ Conditions of Certification incorporated	No cumulative adverse impacts		Less than significant

<b>Environmental Parameter</b>	<b>Complies with Applicable LORS</b>	<b>Short and Long Term Adverse Impacts</b>	<b>Cumulative Adverse Impacts</b>	<b>Mitigation and Conditions of Certification</b>	<b>CEQA Level of Significance After Mitigation</b>
Visual Resources	No	Would result in significant short term (construction) and long term (operation) adverse impacts.	Could result in cumulative adverse impacts	VIS-1 through -7	Significant and unavoidable
Waste Management	Yes	No significant short term or long term adverse impacts with mitigation/ Conditions of Certification incorporated	No cumulative adverse impacts	WASTE-1 through -8	Less than significant
Worker Safety and Fire Protection	Yes	No significant short term or long term adverse impacts with mitigation/ Conditions of Certification incorporated	No cumulative adverse impacts	WORKER SAFETY -1 through -6	Less than significant

TBD\* - The Cultural Resources section will be filed subsequently to this document.

## **Air Quality**

Energy Commission staff find that with the adoption of the mitigation and conditions of certification, the proposed IVS Project would comply with all applicable LORS, and would not result in significant adverse short and long term or cumulative air quality impacts under CEQA.

With respect to potential impacts on air quality, staff has made the following conclusions about the IVS Project:

- The proposed project would not have the potential to exceed PSD emission levels during direct source operation and the facility is not considered a major stationary source with potential to cause adverse NEPA air quality impacts. However, without adequate fugitive dust mitigation, the proposed project would have the potential to exceed the General Conformity PM10 applicability threshold during construction and operation and the NOx applicability threshold during construction, and could cause potential localized exceedances of the PM10 NAAQS during construction and operation. Recommended Conditions of Certification **AQ-SC1** through **AQ-SC4**, for construction, and **AQ-SC7**, for operation, will adequately mitigate these potentially adverse NEPA impacts.
- The proposed project would comply with applicable District Rules and Regulations and staff recommends the inclusion of the District's FDOC conditions as Conditions of Certification **AQ-1** through **AQ-31**.
- The proposed project's construction activities, if left unmitigated, would likely contribute to significant CEQA adverse PM10 and ozone impacts. Staff recommends **AQ-SC1** to **AQ-SC5** to mitigate the potential impacts.
- The proposed project's operation would not cause new violations of any NO<sub>2</sub>, SO<sub>2</sub>, PM2.5 or CO ambient air quality standards. Therefore, the project-direct operation NOx, SOx, PM2.5 and CO emission impacts are not CEQA significant.
- The proposed project's direct and indirect, or secondary emissions contribution to existing violations of the ozone and PM10 ambient air quality standards are likely CEQA significant if unmitigated. Therefore, staff recommends **AQ-SC6** to mitigate the onsite maintenance vehicle emissions and **AQ-SC7** to mitigate the operating fugitive dust emissions to ensure that the potential ozone and PM10 CEQA impacts are mitigated to less than significant over the life of the project.
- To ensure compliance with emergency engine emission and gasoline tank vapor recovery regulations at the time of their purchase, staff recommends **AQ-SC9** and **AQ-SC10**, respectively.
- The proposed project would be consistent with the requirements of SB 1368 and the Emission Performance Standard for greenhouse gases (see **Appendix Air-1**).

**Alternatives.** The CEQA level of significance for the 300 MW Alternative would be the same as for the proposed project, with the same significance rationale, where if left unmitigated there is the potential for significant NOx and PM emission impacts under CEQA during the alternative project's construction and operation. The mitigation that

would be proposed for the 300 MW Alternative would be the same as that proposed for the proposed IVS Project (Staff Recommended Conditions **AQ-SC1 TO AQ-SC8**).

The CEQA level of significance for the Drainage Avoidance #1 Alternative would be the same as for the proposed project, with the same significance rationale, where if left unmitigated there is the potential for significant NOx and PM emission impacts during the Alternative project's construction and operation. The mitigation that would be proposed for the Drainage Avoidance #1 Alternative would be the same as that proposed for the proposed project (staff recommended conditions **AQ-SC1 to AQ-SC8**).

The CEQA level of significance for the Drainage Avoidance #2 Alternative would be the same as for the proposed project, with the same significance rationale, where if left unmitigated there is the potential for CEQA significant NOx and PM emission impacts during the alternative project's construction and operation. The mitigation that would be proposed for the Drainage Avoidance #2 Alternative would be the same as that proposed for the proposed project (staff recommended conditions **AQ-SC1 to AQ-SC8**).

The results of the No Project / No Action Alternative would be the following:

- The impacts of the proposed project would not occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another renewable energy project.
- The benefits of the proposed project in reducing fossil fuel use and greenhouse gas emissions from gas-fired generation would not occur. Both State and Federal law support the increased use of renewable power generation.

### **Biological Resources**

Energy Commission staff find that even with the adoption of the mitigation and conditions of certification, the proposed IVS Project would result in significant adverse short and long term or cumulative impacts to biological resources under CEQA.

The proposed IVS Project and associated transmission lines necessary to bring the project on line will cause significant adverse impacts on: the flat-tailed horned lizard (FTHL) through the loss of habitat and movement corridors and through take of individuals; the American badger, desert kit fox, and burrowing owl through the loss of habitat and, in the case of burrowing owl, through the take of individuals; and the Peninsular big horn sheep and golden eagle through the loss of foraging habitat. The impacts to FTHL through the loss of connectivity and of individuals would be significant and unmitigable. Noise impacts on birds and other wildlife created during plant operation would be similarly significant and unmitigable; all other impacts can be reduced to less than significant by implementing the Conditions of Certification identified below.

The proposed IVS Project and associated transmission lines will also cause significant adverse impacts to the California horned lark, Loggerhead shrike, Le Conte's thrasher, and Black-tailed gnatcatcher through the loss of their habitat. The impact caused by the loss of habitat can be mitigated by implementing the Conditions of Certification identified below.

The proposed IVS Project and associated transmission lines will cause significant adverse impacts to certain special status plants. Impacts to Harwood's milk-vetch and brown turbans can be reduced to less than significant through the Conditions of Certification. Impacts to Wiggin's croton, Utah vine milkweed, and Thurber's pilostyles would not rise to the level of significant.

Staff has considered whether the impacts to FTHL connectivity and individuals – considered unmitigable under the proposed project description – might be mitigated to less than significant under various alternatives. Staff concludes that the Drainage Avoidance #1 Alternative would reduce the loss of habitat and of individuals and would substantially improve connectivity. However, Drainage Avoidance #1 Alternative would not reduce the noise impacts and the impacts on FTHL loss of individuals to a level that is less than significant. (Impacts to FTHL's loss of habitat and all other non-noise impacts to plant and other wildlife species would remain though would be reduced as the project footprint avoids the major washes.) Nevertheless, Staff prefers Drainage Avoidance Alternative #1 over the project as proposed, along with all Conditions of Certification set forth in this Biological Resources analysis.

The proposed construction of linear facilities delivering reclaimed water to the IVS project from the Seeley Wastewater Treatment Facility (SWWTF) will not result in significant unmitigable impacts to FTHL or the burrowing owl. In order to supply the reclaimed water to the IVS project site, the SWWTF must undergo an upgrade so that the effluent can undergo tertiary treatment. All the effluent from SWWTF that would normally empty into an unlined channel (Wildcat Drain) would be diverted to the IVS project as tertiary treated water. However, impacts from the diversion of the effluent from SWWTF to the freshwater marsh and riparian habitat along Wildcat Drain and nearby New River are not determined yet. Protocol surveys are currently being conducted for least Bell's vireo and southwestern willow flycatcher for the SWWTF upgrade. Until the surveys for the SWWTF upgrade are completed, staff is unable to determine impacts to biological resources or to recommend appropriate mitigation.

Habitat Loss: The proposed IVS project covers 6,155.9 acres including 6,063.1 acres within the proposed project site and 92.8 acres for the transmission lines outside of the proposed project site. The vegetation communities within the proposed site consist of 5,024.4 acres of Sonoran creosote bush scrub habitat and 1,038.7 acres of disturbed habitat. The transmission line includes 92.7 acres of Sonoran creosote bush scrub and 0.1 acre of disturbed habitat. The site supports a diversity of mammals, birds, and reptiles, including some special status wildlife species. Grading on the plant site would not directly or indirectly impact sensitive plant communities or wetlands because these communities are not present on the site. However, the proposed project would result in direct impacts to some special status animal species and special status plant species through the removal of vegetation that provides cover, foraging, and breeding habitat for wildlife. Construction of off-site linear facilities also has the potential for impacts to listed species; transmission line construction south of Interstate 8 would impact approximately 92.8 acres of Sonoran creosote bush scrub, which provides habitat for FTHL, which is currently a state species of special concern, a candidate for federal listing, and a BLM Sensitive species. The loss of habitat is a significant impact but would be mitigated to less than significant levels under the requirements of staff's proposed Condition of Certification **BIO-10** and **BIO-17** through the acquisition of habitat.

Seeley Wastewater Treatment Plant Expansion: The construction of the proposed 12-mile reclaimed water pipeline from the Seeley Waste Water Treatment Facility (SWWTF) would occur mainly within the disturbed road shoulder; however trenching and construction activities nevertheless could impact special status species such as the burrowing owl and FTHL, though the potentially significant impacts caused by the loss of individuals could be reduced to less than significant through implementation of impact avoidance and minimization measures. Preconstruction surveys would be required for burrowing owl, American badger, desert kit fox, nesting birds, and special status plants. An upgrade of the SWWTF would need to be completed in order for the reclaimed water to be available for the proposed project. The U.S. Fish and Wildlife Service (USFWS) raised concerns during a review of a draft Mitigated Negative Declaration for the SWWTF improvements (USFWS 2010) regarding the diversion of effluent from SWWTF that currently empties into Wildcat Drain and flows into the New River at 0.15 cubic feet per second. Diversion of the effluent would be piped to the project for industrial uses and may potentially impact the fresh water marsh and riparian habitat in Wildcat Drain and nearby New River into which Wildcat Drain empties. The freshwater marsh is potential Yuma clapper rail and California black rail habitat, and the riparian habitat is potential habitat for the least Bell's vireo and southwestern willow flycatcher. Yuma clapper rail is state listed as Threatened and is Fully Protected and is also federally listed as Endangered. California black rail is state listed as Threatened and is Fully Protected. Least Bell's vireo and southwestern willow flycatcher are both state and federally listed as Endangered. The USFWS recommended that the following be completed for the environmental review process: 1) a hydrologic study where a quantification of the flows coming from other sources to the effluent channel wetland is provided with an assessment of the likelihood of its continued existence after the effluent flows are discontinued; 2) a vegetation composition assessment of the adjacent New River corridor with an evaluation of the effluent channel wetland in the context of the broader mosaic of habitats in the vicinity; and 3) protocol surveys for the presence/absence of Yuma clapper rail. Protocol level surveys were recently conducted for Yuma clapper rail and California black rail which were negative at the Wildcat Drain marsh habitat (John Konecny, pers. comm.). Therefore, no impacts to Yuma clapper rail and California black rail are expected. Focused surveys for least Bell's vireo and southwestern willow flycatcher are currently being conducted and will be concluded by July 17, 2010. Based on the survey results concluded thus far and the marginal habitat quality for the least Bell's vireo and southwestern willow flycatcher along the New River, these species are not expected to nest there. However, results of the upcoming survey could negate staff's conclusion regarding impacts to these species. Data is currently being collected for a hydrologic report that will be prepared as part of an Environmental Impact Report (EIR) for the SWWTF upgrade which will need to determine if the marsh in Wildcat Drain and surrounding vegetation along the New River corridor would be adversely affected by the diversion of treated waste water. The USFWS has preliminarily indicated that the diversion of effluent from Wildcat Drain is not likely to adversely affect least Bell's vireo and southwestern willow flycatcher (Sirchia 2010). However, should the least Bell's vireo and southwestern willow flycatcher occur and a conclusion be reached that the effluent diversion would adversely impact their habitat, formal consultation with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the federal Endangered Species Act (FESA) would need to be reinitiated. Staff anticipates that the impacts created by the expansion of the SWWPT will be significant, but will be mitigated by imposition of the mitigation measures identified in the Mitigated

Negative Declaration. Based on information provided to date, staff does not expect there to be impacts to Yuma clapper rail, California black rail, least Bell's vireo, southwestern willow flycatcher, or the marsh and vegetation associated with the New River.

Flat-tailed Horned Lizard: Though the FTHL is not currently state or federally listed, the USFWS has recently been instructed by a federal district court to reinstate the proposal to list the FTHL under FESA. If listing of this species should take place during the construction or operation of IVS, the potential take and loss of habitat for the FTHL would need to be addressed by the BLM. Therefore, BLM is conferencing with the USFWS to develop a Conference Opinion that will identify measures needed to address any potential take. Measures for take avoidance staff expects to be included in the Conference Opinion USFWS have been incorporated into staff's proposed Conditions of Certification **BIO-9** through **BIO-11**. Staff's proposed Condition of Certification **BIO-10** recommends habitat compensation at a 1:1 ratio for 6,063.1 acres of FTHL habitat loss on the proposed IVS plant site (i.e., acquisition and preservation of one acre of compensation lands for every acre lost). For project impacts to the 92.8 acres within the Yuha Desert FTHL Management Area, the mitigation ratio would be 6:1. This compensatory mitigation is consistent with the Flat-Tailed Horned Lizard Rangeland Management Strategy, which includes a state and federal agency agreed upon habitat compensation approach to mitigate for impacts to FTHL habitat by federal and state agencies (FTHL ICC 2003). Though the impacts to loss of FTHL habitat may be mitigated to less than significant levels, the take of individual FTHLs is anticipated to number between 1,300 to 2,000 individuals. A FTHL pre-construction/post-construction occupancy survey would be conducted (**BIO-9**). The USFWS is also developing conservation measures for the Conferencing Opinion that would be implemented during construction and operation of the plant which will move any FTHLs encountered out of harm's way. Regardless, although the loss of FTHL habitat can be mitigated through habitat acquisition and preservation, the potential loss of individual FTHLs due to anticipated project impacts is considered by staff to be significant, adverse, and unmitigable. Moreover, the IVS project site is between the West Mesa FTHL Management Area to the north and the Yuha Desert FTHL Management Area to the south. The FTHL Rangeland Management Strategy lists maintaining connectivity between the FTHL Management Areas as one of the Planning Actions. USFWS is concerned that the development of the proposed project would impact the connectivity between FTHL Management Areas, which would be in direct conflict with the FTHL Rangeland Management Strategy. Permeable fencing is proposed for the project site, thus allowing FTHL movement in and out of the project site. Despite this, with the project as proposed, the USFWS is concerned that what FTHLs remain or move onsite after operations are underway, will allow the project site to become a sink for FTHLs, where the FTHLs onsite perish during project operational activities. Should a project alternative be chosen that minimizes development within certain major washes, then some FTHL connectivity through the undeveloped washes may result. The proposed project site is bounded by Interstate 8 to the south and the railroad and Evan Hewes Highway to the north. The busy roads and railroad on the project boundary currently act as a filter to FTHL movement between Management Areas. These filters are further compounded by OHV activity on the north side of Evan Hewes Highway at the BLM Plaster City Open OHV Area, which is situated between the proposed IVS project site and the West Mesa FTHL Management Area. Initial discussions for the need to improve

and maintain culverts to allow FTHL movement in both directions under Interstate 8 have begun, but staff does not believe that a feasible proposal to increase connectivity by improving culverts is forthcoming. Therefore, staff concludes that the proposed project would adversely impact connectivity for FTHL between the Management Areas and would be significant and unmitigable. While Drainage Avoidance #1 Alternative, which is described below in the “Waters of the U.S. and Waters of the State” subsection, would substantially reduce impacts to connectivity between the Management Areas and loss of habitat and would mitigate those impacts to less than significant levels under the requirements of staff’s proposed Condition of Certification **BIO-10** and **BIO-17** through the acquisition of habitat, Drainage Avoidance Alternative #1 would not reduce the impacts to loss of individual FTHLs to less than significant levels, even with the implementation of Conditions of Certification **BIO-10** and **BIO-17**.

Waters of the U.S. and Waters of the State: One of the significant biological impacts of the proposed IVS project would be the impacts to Waters of the U.S. and jurisdictional state waters (i.e., ephemeral washes) that would occur by the removal of vegetation and the placement of the SunCatchers and associated infrastructure in the bed of the ephemeral washes. Placement of the SunCatchers and associated maintenance roads, the electrical collection system, and the hydrogen distribution system would disrupt the physical (e.g., hydrological and sediment transport), chemical, and biological functions and processes of the ephemeral washes. These activities would result in the permanent loss of approximately 165 acres, 5 acres of temporary impacts, 13 acres of indirect impacts to Waters of the U.S., and 48 acres of permanent impacts to jurisdictional state waters. Permanent loss of jurisdictional state waters and fill to Waters of the U.S. is considered by staff to be a significant impact. Vegetation in the desert wash contains a greater vegetative diversity and density than the areas outside of the washes. These washes are characterized by natural processes that support recruitment of native desert wash vegetation and provide wildlife habitat and movement corridors. Impacts caused by the loss of habitat concurrent with the loss of jurisdictional state waters would be mitigated to less than significant levels under the requirements of staff’s proposed Condition of Certification **BIO-17**, which requires acquisition of at least 48 acres of jurisdictional state waters (1:1 ratio). Acquisition of the jurisdictional state waters could be accomplished incidentally (nested) through staff’s proposed Condition of Certification **BIO-10**. Should acquisition of 48 acres of jurisdictional state waters not be completed within 18 months of the Energy Commission’s certification of the project, any remaining ephemeral wash acreage up to a total of at least 48 acres would be acquired independently of Condition of Certification **BIO-10** per staff’s proposed Condition of Certification **BIO-17**. The acquisition acreage will be required to have similar functions and values to the impacted state waters.

Fill of Waters of the U.S. would require authorization by the U.S. Army Corps of Engineers (USACE) pursuant to Section 404 of the federal Clean Water Act (CWA) under a Standard Individual Permit subject to the U.S. Environmental Protection Agency (USEPA) CWA Section 404(b)(1) guidelines. The USACE would require mitigation for fill of Waters of the U.S. associated with the proposed IVS project. The mitigation requirements for the CWA 404 permit are currently unresolved, but would typically include habitat acquisition at a minimum 2:1 ratio of mitigation to impacts, which can include credit for preservation of aquatic resources under the threat of development and restoration and enhancement of existing resources within the Salton Sea watershed.



The USACE proposed two on-site alternatives: 1) Drainage Avoidance #1, which prohibits permanent impacts within the ten “primary” ephemeral washes; and 2) Drainage Avoidance #2, which eliminates the eastern and westernmost portions of the proposed project site within the largest ephemeral complexes. These alternatives would reduce development of permanent structures either within the primary drainages on the 6,063.1-acre site (Drainage Avoidance #1) or reduce the project size to 3,153 acres (Drainage Avoidance #2), avoiding the major ephemeral washes on the western and eastern ends of the proposed project site. Drainage Avoidance #1 Alternative would reduce permanent impacts to Waters of the U.S. from 165 acres to 48 acres and reduce the anticipated energy production from 750 megawatts (MW) to 632 MW. Drainage Avoidance #2 Alternative would reduce permanent impacts to Waters of the U.S. from 165 acres to 71 acres and reduce energy production to 423 MW. After further evaluation, USEPA rejected Drainage Avoidance #1 and #2; therefore, the USACE is currently considering other alternatives. Staff expects USACE to identify the Least Environmentally Damaging Practicable Alternative (LEDPA) in July of 2010. The LEDPA will determine the final footprint of the project. Based on the information received to date, staff expects that the LEDPA will create fewer impacts than the proposed project. Based on the draft LEDPA, staff does not know whether the LEDPA will have fewer impacts than Drainage Avoidance Alternative #1 and #2., but hopes that the final LEDPA will be similar in impacts to Drainage Avoidance Alternative #1.

Staff notes that due to concerns about impacts to FTHL, both drainage alternatives are expected to be preferable to the proposed project. Drainage Avoidance #2 decreases the impacts to FTHL habitat and to FTHL populations by approximately 50 percent. However, this alternative would allow development of SunCatchers in the wash that connects to the only box culvert that currently allows potential north-south movement between the proposed project site and the Management Area under Interstate 8. Drainage Avoidance #1 would result in greater impacts to FTHL and FTHL habitat than Drainage Avoidance #2 Alternative, but has the benefit of excluding SunCatchers from the washes which currently are connected to the box culverts under Interstate 8 that currently offer limited connectivity between the Management Area and the proposed project site. On balance, staff believes that Drainage Avoidance #1 offers more protection to the FTHL, but it does not reduce the impacts caused by the loss of individual FTHLs to less than significant.

The project would include construction of an approximately 12-mile reclaimed water supply pipeline along Evan Hewes Highway to the IVS project site from the SWWTF. The proposed reclaimed water line is proposed to either span or go under seven irrigation canals and the New River. If this is not done, impacts to 55.86 acres of Waters of the U.S. and 2.61 acres of jurisdictional state waters could occur. The California Department of Fish and Game (CDFG) is not anticipating impacts to jurisdictional state waters along the proposed water pipeline route. It is anticipated that Best Management Practices (BMPs) will be implemented to avoid impacts to Waters of the U.S. and jurisdictional state waters for the proposed reclaimed water line. The CDFG and USACE will require the development and implementation of a Frac-Out Contingency Plan prior to the horizontal directional drilling construction of the proposed water pipeline. The applicant is not anticipating the utilization of horizontal directional drilling (HDD), but should HDD be required, a Frac-Out Contingency Plan will be in place. A draft Frac-Out Contingency Plan has been submitted for review and should be approved before

licensing of the project. It is expected that staff's proposed Condition of Certification **BIO-7** in the final BRMIMP will be updated with the final Frac-Out Contingency Plan after consultation with CDFG and approval by the USACE and Energy Commission.

Peninsular Bighorn Sheep: The USFWS, with the support of CDFG, will require a Section 7 consultation under the federal ESA with BLM for project impacts to foraging habitat for Peninsular bighorn sheep (BHS), a federally listed Endangered and state listed Threatened and state Fully Protected Species. Initially, federal and state biologists agreed that the March 2009 sighting of BHS on the proposed IVS project site was an unusual occurrence and unlikely to occur again, therefore only requiring a letter of concurrence with BLM stating the proposed project "may affect, but is not likely to adversely affect" BHS. USFWS and CDFG biologists assessed testimony provided by CURE and concluded that sufficient evidence was lacking to prove that the bighorn sheep were not impacted by project impacts to the loss of foraging habitat. Therefore, CDFG supported FESA Section 7 consultation with USFWS in order to minimize impact of loss of foraging habitat to bighorn sheep. The potential for the loss of movement corridors through the site is speculative based on a lack of radiotelemetry data in the vicinity of the site that shows no evidence of long distance movements of BHS across the site (Guy Wagner, personal communication). As primary foraging habitat for bighorn sheep are in the ephemeral washes where there is a greater diversity of plants, the loss of foraging habitat may be mitigated in part by nesting mitigation, i.e., through the acquisition of ephemeral wash habitat within FTHL habitat based on its proximity to known BHS locations through staff's proposed Condition of Certification **BIO-10**, to the extent the characteristics and criteria for acquisition lands under **BIO-17** are satisfied. Should additional BHS foraging habitat be needed, acquisition of state jurisdictional waters through staff's proposed Condition of Certification **BIO-17** (in addition to **BIO-10**, to the extent criteria for **BIO-17** are satisfied) would mitigate for the loss of foraging habitat for bighorn sheep.

Evaporation Ponds: The IVS project would include two evaporation ponds (two acres total) that would collect reverse osmosis wastewater from the on-site water treatment facility. The ponds are a concern because they could attract ravens and other predatory bird species which in turn prey on the FTHL. The ponds could also harm waterfowl, shorebirds, and other resident or migratory birds due to anticipated hyper-saline conditions of the wastewater. The applicant has addressed these concerns by proposing exclusionary fencing around the evaporation ponds and installing netting above the ponds that would minimize wildlife use (SES 2009f). Staff concurs and has incorporated the applicant's proposal into staff's proposed Condition of Certification **BIO-13**, which would require the project developer to install fencing around the evaporation ponds with netting above the ponds and monitor the effectiveness of exclusionary measures. Staff's proposed Condition of Certification **BIO-13** would minimize the potential adverse effects of the evaporation ponds to less than significant levels under CEQA.

Special Status Plants: Staff considered results from 2009 special status plant surveys inadequate, so staff requested that spring and fall special status plant surveys be conducted for 2010. Fall 2010 surveys are requested due to none being conducted after late summer/early fall monsoonal rains, which can stimulate another bloom. Two rounds of spring special status plant surveys were conducted for 2010. For the first surveys

conducted in the early spring with the assistance of Energy Commission staff, two new California Native Plant Society (CNPS) List 4 species (species on the “Watch” list), Thurber’s pilostyles (*Pilostyles thurberi*) and Utah vine milkweed (*Cynanchum utahense*) were detected. For the later spring surveys, in addition to the Thurber’s pilostyles and Utah vine milkweed, three new CNPS List 2 (rare or endangered in California, but more common outside) species, Harwood’s milk vetch (*Astragalus insularis* var. *harwoodii*), brown turban (*Malperia tenuis*), and Wiggins’ croton (*Croton wigginsii*) were also detected. Wiggins’ croton is a BLM Sensitive plant. These rare plant occurrences were not originally found in earlier surveys in 2008 and 2009 for the proposed IVS project site. Staff has proposed Condition of Certification **BIO-19** which requires botanical surveys to be conducted during fall of 2010, the development of a special status plant species protection plan, and avoidance of rare plants during project construction and operation. Implementation of this condition would reduce impacts to special status plants to less than significant levels under CEQA.

Impacts to Special Status Mammals: The proposed project may result in direct and indirect impacts to American badger and desert kit fox through habitat and burrow loss and direct mortality to individuals during construction, operation and decommissioning of the project. Staff has proposed conditions of certification **BIO-2, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-10, BIO-15** (American Badger and Desert Kit Fox Impact Avoidance and Minimization Measures), and **BIO-20** (Decommissioning and Reclamation Plan) are expected to reduce project-related impacts to these species to a less than significant level.

Impacts to Western Burrowing Owl: The proposed project may result in direct and indirect impacts to western burrowing owl through habitat and burrow loss, direct mortality from construction, operation, and decommissioning of the project, mortality from collision with project structures, and mortality or injury associated with glare from the project mirrors. Staff has proposed conditions of certification **BIO-2, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-10, BIO-13** (Evaporation Pond Fencing, Netting, and Monitoring), **BIO-14** (Pre-construction Nest Surveys), **BIO-16** (Burrowing Owl Impact Avoidance and Minimization Measures), **BIO-20** and **BIO-21** (Monitoring Bird Impacts from Solar Technology) that are expected to reduce project-related impacts to western burrowing owl to a less than significant level.

Impacts to Special Status Bird Species: The proposed project may result in direct and indirect impacts to golden eagle, loggerhead shrike, California horned lark, and LeConte’s thrasher through loss of nesting or foraging habitat, mortality from collision with project structures, and mortality or injury associated with glare from project mirrors. Staff has proposed conditions of certification **BIO-2, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-10, BIO-13, BIO-14, BIO-20**, and **BIO-21** that are expected to reduce project-related impacts to these species to a less than significant level.

Introduction of Weeds: The proposed project may encourage the spread of invasive weed species both within and directly adjacent to the proposed site during construction, operation, and decommissioning of the project. Weed species reduce the habitat value for both native plants and wildlife species that depend on native plants for shelter and forage. Staff has proposed conditions of certification **BIO-18** (Weed Management Plan),

**BIO-19**, and **BIO-20** that are expected to reduce the impacts of introduced weed species to a less than significant level.

Noise: The proposed project will introduce new noise sources during construction, operation, and decommissioning of the plant. Increased noise may result in avoidance of the site by resident wildlife species thereby resulting in a reduction in available habitat and loss of nesting opportunities for certain species. Staff has proposed conditions of certification **NOISE-6**, **BIO-2**, **BIO-4**, **BIO-5**, **BIO-6**, **BIO-7**, **BIO-8**, **BIO-10**, **BIO-14**, and **BIO-20** that are expected to reduce the impacts of increased noise levels on resident wildlife species to a less than significant level for construction and decommissioning noise impacts only as these impacts are of a temporary nature. Operational noise levels are high (84 dBA at the SunCatcher) and are constant during daylight hours. Staff concludes that the operational noise levels on the project site will contribute to noise impacts to nesting birds and other wildlife which is significant within the boundaries of the project site and will contribute to a significant cumulative noise impact to wildlife in the region. However, staff does not propose any additional on-site operational mitigation measures because there is no feasible mitigation available to effectively mitigate noise impacts within the project boundary. The impacts of noise on biological resources outside of the project boundary are considered to be less than significant since they are within the estimated range of current background noise.

Dust: The proposed project will introduce new dust sources during construction, operation, and decommissioning of the plant. Increased dust may result in reduced productivity of remaining vegetation both within the project site and adjacent to the project site thereby resulting in reduced habitat and loss of nesting opportunities for certain species. Staff has proposed conditions of certification **BIO-2**, **BIO-4**, **BIO-5**, **BIO-6**, **BIO-7**, **BIO-8**, **BIO-10**, **BIO-14**, and **BIO-20** that are expected to reduce the impacts of increased dust levels on resident plant and wildlife species to a less than significant level.

Traffic: The proposed project will increase levels of traffic during construction, operation, and decommissioning of the plant. Increased traffic may result in direct mortality of local wildlife and plant species through collisions with vehicles or other construction equipment. Staff has proposed conditions of certification **BIO-2**, **BIO-4**, **BIO-5**, **BIO-6**, **BIO-7**, **BIO-8**, **BIO-10**, **BIO-14**, and **BIO-20** that are expected to reduce the impacts of increased traffic on resident wildlife species to a less than significant level.

Lighting: The proposed project will introduce new lighting sources during construction, operation, and decommissioning of the plant. Increased lighting may result in indirect impacts to local wildlife species through avoidance of the project site and surrounding areas thereby resulting in reduced habitat and loss of nesting or foraging opportunities for certain species. Staff has proposed conditions of certification **BIO-2**, **BIO-4**, **BIO-5**, **BIO-6**, **BIO-7**, **BIO-8**, **BIO-10**, **BIO-14**, and **BIO-20** that are expected to reduce the impacts of increased light levels on resident wildlife species to a less than significant level.

Wildlife Movement Corridor: The proposed project may impede movement of local wildlife species such as FTHL or BHS through washes on the site. This impact would be unmitigable for FTHL since the washes would be developed and largely will no longer

be suitable for FTHL movement between FTHL Management Areas. As mentioned previously, an alternative may be approved that reduces impacts to major washes on the site which may substantially reduce impacts to connectivity for FTHL as opposed to the current proposed project, but impacts will not be reduced to a level that is less than significant. With regards to Peninsular bighorn sheep, any potential corridor movement through the site will largely no longer be suitable due to perimeter fencing around the project site. However, bighorn sheep are not documented to utilize the project site as a movement corridor, but have instead, been documented to utilize movement corridors west of the project site. Based on the lack of telemetry data and roadkill records, the flatter topography of the project site, and the Yuha Desert to the south, project impacts to a potential movement corridor for bighorn sheep through the project site are speculative and are considered by staff to be less than significant level.

Increase in Avian Predator Numbers: The proposed project may result in an increase in the number of avian predators (ravens) that the site can support through an increase in availability of perch sites, an increase in the amount of trash and other human-associated food sources, and an increase in the availability of water during construction and operation of the site. An increase in raven numbers may subsequently impact resident wildlife species such as FTHL through increased predation pressure. Staff has proposed conditions of certification **BIO-12** (Raven Monitoring, Management, and Control Plan), and **BIO-13** that are expected to reduce the impacts of increased avian predation to a less than significant level.

In summary, while many project-related impacts can be reduced to less than significant levels through adoption of staff's proposed conditions of certification, the loss of 1,300 to 2,000 FTHL individuals and FTHL movement corridors is significant and may be unable to be fully mitigated. Consult section C.2.4.2 of this document for a full discussion of project-related impacts to biological resources.

## **Cultural Resources**

The Cultural Resources section of the SSA will be published subsequently.

## **Facility Design**

The Energy Commission staff concludes that the design, construction, and decommissioning of the project and its linear facilities would likely comply with applicable engineering LORS. The proposed conditions of certification would ensure compliance with the applicable LORS:

Design review, plan checking, and field inspections would be performed by the CBO or other Energy Commission delegate. Staff would audit the CBO to ensure satisfactory performance.

Though future conditions that could affect decommissioning are largely unknown at this time, it can reasonably be concluded that if, the project owner submits a decommissioning plan as required in the **General Conditions** portion of this document prior to decommissioning, decommissioning procedures would comply with all applicable engineering LORS.

Energy Commission staff further recommends that:

1. The proposed conditions of certification be adopted to ensure that the project is designed and constructed in a manner that protects the public health and safety and complies with all applicable engineering LORS;
2. The project be designed and built to the 2007 CBC (or successor standards, if in effect when initial project engineering designs are submitted for review); and
3. The CBO reviews the final designs, checks plans, and performs field inspections during construction. Energy Commission staff shall audit and monitor the CBO to ensure satisfactory performance.

**Alternatives.** The Facility Design section does not address environmental impacts under either CEQA or NEPA. The same LORS and Conditions of Certification would also apply to each of the Project Alternatives. LORS would not apply to the three No Project Alternatives because the project would not be constructed.

### **Geology, Paleontology, and Minerals**

Energy Commission staff find that with the adoption of the mitigation and conditions of certification, the proposed IVS Project would comply with all applicable LORS, and would not result in significant adverse short and long term or cumulative geologic, paleontological, and mineralogical impacts under CEQA.

The proposed IVS Project site is located in an active geologic area of the south-central Colorado Desert Geomorphic Province in south-central Imperial County in south-eastern California. Because of its geologic setting, the site could be subject to intense levels of earthquake-related ground shaking. The potential effects of strong ground shaking would be mitigated through structural designs required by the California Building Code (CBC 2007) and the project geotechnical report. The CBC (2007) requires that structures be designed to resist seismic stresses from ground acceleration and, to a lesser extent, liquefaction potential. A geotechnical investigation has been performed and presents standard engineering design recommendations for mitigation of seismic shaking and site soil conditions.

There are no known viable geologic or mineralogical resources at the proposed IVS Project site. Locally, paleontological resources have been documented within Quaternary alluvium, Colluvium, lakebed sediments, and sedimentary units of the Palm Spring formation, all of which underlie the site in the near surface. Potential project impacts to paleontological resources would be mitigated below a level of significance under CEQA through worker training and monitoring by qualified paleontologists, as required by Conditions of Certification, **PAL-1** through **PAL-7**.

Based on its independent research and review, Energy Commission staff believes that the potential is low for significant adverse impacts under CEQA to the proposed project from geologic hazards during its design life and to potential geologic, mineralogical, and paleontological resources from the construction, operation, and closure of the proposed project. It is staff's opinion that the IVS Project could be designed and constructed in accordance with all applicable LORS and in a manner that both protects environmental quality and assures public safety.

General conditions of certification with respect to engineering geology are proposed under Conditions of Certification **GEN-1, GEN-5, and CIVIL-1** in the **FACILITY DESIGN** section. It is staff's opinion that the likelihood of encountering paleontological resources is moderate at the plant site.

**Alternatives.** If the reduced acreage of the 300 MW Alternative were constructed, the CEQA Level of Significance, for geological, paleontological and mineral resources would amount to roughly 40% of the levels described for the proposed project. Potential impacts to paleontological resources would be reduced below a level of significance under CEQA through worker training and monitoring by qualified paleontologists, as required by Conditions of Certification, **PAL-1** through **PAL-7**. Based on its independent research and review, Energy Commission staff believes that the potential is low for significant adverse impacts under CEQA to the proposed project from geologic hazards during its design life and to potential geologic, mineralogical, and paleontological resources from the construction, operation, and closure of the proposed project.

Like the proposed IVS Project, the potential is low for significant adverse impacts to the Drainage Avoidance #1 Alternative from geologic hazards during its design life and to potential geologic, mineralogical, and paleontological resources from the construction, operation, and closure of the proposed project. It is staff's opinion that the alternative could be designed and constructed in accordance with all applicable laws, ordinances, regulations, and standards and in a manner that both protects environmental quality and assures public safety, to the extent practical.

Like the proposed IVS Project, the potential is low for CEQA significant adverse impacts to the Drainage Avoidance #2 Alternative from geologic hazards during its design life and to potential geologic, mineralogical, and paleontological resources from the construction, operation, and closure of the proposed project. It is staff's opinion that the alternative could be designed and constructed in accordance with all applicable laws, ordinances, regulations, and standards and in a manner that both protects environmental quality and assures public safety, to the extent practical.

With the No Project / No Action Alternative the impacts of the proposed project would not occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan.

### **Hazardous Materials**

The BLM and Energy Commission staff evaluation of the proposed IVS Project indicated that hazardous materials use, storage, and transportation as part of the proposed Project would not present a significant adverse impact under CEQA on the public or environment. With adoption of the proposed conditions of certification, the proposed project would comply with all applicable LORS related to hazardous materials.

Staff concludes that there is insignificant potential for hazardous materials release to have significant impact beyond the facility boundary, and therefore concludes there is also insignificant potential for significant (pursuant to CEQA) impact to the environment. For any other potential impacts upon the environment, including vegetation, wildlife, air, soils, and water resulting from hazardous materials usage and disposal at the proposed

facility, the reader is referred to the **Biology**, the **Air Quality**, the **Soil and Water**, and the **Waste Management** sections of this SSA.

Staff also concludes that none of the alternatives to the proposed project would materially or significantly change the impacts associated with hazardous materials handling. None of the alternatives would be preferred to the proposed project or reduce any otherwise significant (pursuant to CEQA) impacts caused by hazardous materials handling.

Staff proposes six conditions of certification, some of which are mentioned in the text (above), and listed below. **HAZ-1** ensures that no hazardous material would be used at the facility except as listed in the AFC, unless there is prior approval by the Energy Commission Compliance Project Manager (CPM) and the BLM Authorized Safety Officer. **HAZ-2** ensures that local emergency response services are notified of the amounts and locations of hazardous materials at the facility, **HAZ-3** requires the development of a Safety Management Plan that addresses the delivery of all liquid hazardous materials during the construction, commissioning, and operation of the project would further reduce the risk of any accidental release not specifically addressed by the proposed spill prevention mitigation measures, and further prevent the mixing of incompatible materials that could result in the generation of toxic vapors. Site security during both the construction and operation phases is addressed in **HAZ-4** and **HAZ-5**. **HAZ-6** ensures that the applicant complies with all Federal LORS regarding use, management, spills, and reporting of hazardous materials on Federal lands.

**Alternatives.** Like the proposed project, the construction and operation of the 300 MW Alternative would be in compliance with all applicable LORS for both long-term and short-term project impacts in the area of hazardous materials management with the adoption of the proposed conditions of certification. The mitigation that would be proposed for the 300 MW Alternative would be the same as that proposed for the proposed project (staff recommended conditions **HAZ-1** to **HAZ-6**).

Like the proposed project, the construction and operation of the Drainage Avoidance #1 Alternative would be in compliance with all applicable LORS for both long-term and short-term project impacts in the area of hazardous materials management with the adoption of the proposed conditions of certification. The mitigation that would be proposed for the Drainage Avoidance #1 Alternative would be the same as that proposed for the proposed project (staff recommended conditions **HAZ-1** to **HAZ-6**).

Like the proposed project, the construction and operation of the Drainage Avoidance #2 alternative would be in compliance with all applicable LORS for both long-term and short-term project impacts in the area of hazardous materials management with the adoption of the proposed conditions of certification. The mitigation that would be proposed for the Drainage Avoidance #1 Alternative would be the same as that proposed for the proposed project (staff recommended conditions **HAZ-1** to **HAZ-6**).

As the use of hazardous materials at the proposed project would have no CEQA significant impacts off-site, there would be no significant impact on the public resulting from their use under CEQA. Thus, the No Project/No Action alternative would not avoid or lessen any significant impacts compared to the proposed project under CEQA.



## Hydrology, Soils and Water

Energy Commission staff has determined that construction, operation, and decommissioning of the proposed IVS Project could cause potentially significant adverse impact soils, surface water, flooding, surface water quality, ground water quality, and water supply. Staff has also concluded that unmitigable impacts would occur to groundwater storage in the Ocotillo/Coyote Wells Groundwater Basin.

Groundwater consumption by the project will deplete basin storage, and the basin is in a condition of overdraft. This storage depletion is a significant negative impact, and it cannot be mitigated without decreasing pumping in other parts of the basin, enhancing recharge, or importing water. These mitigation approaches are not likely feasible for the Ocotillo/Coyote Wells Groundwater Basin, and therefore groundwater storage depletion from project pumping is considered unmitigable.

With the exception to the unmitigable impacts to groundwater storage, staff has proposed mitigation measures to reduce identified impacts to levels that are less than significant where potential impacts have been identified. The mitigation measures, as well as specifications for laws, ordinances, regulations and standards (LORS) conformance, are included herein as conditions of certification. The conditions of certification referred to herein address the California Environmental Quality Act (CEQA) requirements for the Energy Commission's analysis and BLM's needs for a National Environmental Policy Act (NEPA) analysis. With the possible exception of Section 404 of the Clean Water Act, the project would conform with all applicable LORS. Staff's conclusions regarding potential impacts are based on analysis of the information submitted to-date and are presented below:

1. The proposed project would be located in the Yuha Desert of Imperial County in an area characterized by braided, erosive stream channels, flash flooding, alluvial fan conditions, low rainfall, sparse vegetation, and the potential for wind erosion.
2. The project would place more than 5,000 solar dishes, known as SunCatchers, within areas known to be subject to flash flooding and erosion. Project-related changes to the braided and alluvial fan stream hydraulic conditions could result in on-site erosion, stream bed degradation or aggradation, and erosion and sediment deposition impacts to adjacent land. SunCatchers within the floodplain could be subject to destabilization by stream scour. Impacts to soils related to wind erosion and runoff erosion are potentially significant, as are impacts to surface water quality from sedimentation and the introduction of foreign materials, including potential contaminants, to the project area.
3. The applicant completed a hydrologic study and hydraulic modeling of the major stream channels on the project. Based on this work and subsequent analysis by staff, scour analyses have been performed to support development of a project design that can withstand flash flood flows with minimal damage to SunCatchers. Condition of Certification **SOIL&WATER-7** ensures no significant impact for SunCatchers placed in the floodplain.
4. A Drainage, Erosion, and Sedimentation Control Plan (DESCP) has been developed to mitigate the potential storm water and sediment project-related impacts. However, the calculations and assumptions used to evaluate potential storm water, geomorphic, and sedimentation impacts are imprecise and have

limitations and uncertainties associated with them. Given the uncertainty associated with the calculations, the magnitude of potential impacts that could occur cannot be determined precisely without additional detailed numeric modeling of project effects. Based on an independent preliminary assessment by staff, staff has determined the proposed project could result in erosion and stream morphology impacts that would be significant with respect to CEQA significance criteria specified herein and NEPA significance criteria specified in 40 CFR 1508.27. Conditions of Certification **SOIL&WATER-1, SOIL&WATER-5, SOIL&WATER-7, and SOIL&WATER-10** have been developed that require development of best management practices and monitoring and reporting procedures to mitigate impacts related to flooding, erosion, sedimentation, and stream morphological changes. These conditions of certification would minimize impacts, but due to the uncertainty associated with the existing analysis, impacts related to erosion, sedimentation and stream morphological changes are considered significant after mitigation.

5. Surface water and ground water quality could be affected by construction activities, ongoing activities on the project site including mirror washing, vehicle use and fueling, storage of oils and chemicals, the proposed septic and leach field system for sanitary wastes, and wastes from the water treatment system. These impacts are potentially significant. Compliance with LORS and Conditions of Certification **SOIL&WATER-1, SOIL&WATER-3, SOIL&WATER-5, SOIL&WATER-6, SOIL&WATER-7, and SOIL&WATER-8** would mitigate these impacts to a level less than significant in all areas except those associated with the sediment content of water related to stream morphological changes described under Conclusion #4 above. Uncertainty regarding sediment content of runoff water results in a conclusion of potential significant adverse water quality impact.
6. The U.S. Army Corps of Engineers (USACE) has determined that 881 acres of the project site are jurisdictional waters of the U.S. under Clean Water Act (CWA) Section 404. The U.S. Environmental Protection Agency (USEPA) Section 404(b)(1) Guidelines (40 Code of Federal Regulations [CFR] 230 *et seq.*) are substantive environmental criteria used by the USACE to evaluate permit applications. Under these guidelines, an analysis of practicable alternatives is the primary tool used to determine whether a proposed discharge can be authorized. An alternative is considered practicable if it is available and capable of being implemented after considering cost, existing technology, and logistics in light of the overall project purpose (40 C.F.R. Part 230[a][2]). The guidelines suggest a sequential approach to project planning such that the USACE must first consider avoidance and minimization of impacts to the extent practicable. Mitigation for unavoidable impacts to waters of the U.S. is addressed only after the analysis has determined the Least Environmentally Damaging Practicable Alternative (LEDPA). Although formal 404(b)(1) analysis has not been finalized by the USACE, the analysis presented herein should aid the USACE in the preparation of the analysis to be included in the FEIS.
7. The proposed project use air-cooled radiators fitted on each individual engine for heat rejection. Use of this technology would substantially reduce potential water use and is consistent with Energy Commission water policy. SunCatcher mirrors would be washed on a regular basis. Mirror washing and dust control watering would comprise the primary water use for the project, which is estimated at 33,550 gallons

per day (gpd), with total annual use approximately 32.7 acre feet. The applicant proposes to use water from a local water supplier. However, the proposed supplier is permitted to extract only 40 acre-feet per year of groundwater and their historical water sales suggest purchases for residential water use were approximately 6 acre-feet per year. Allowing the proposed project to utilize all of the water could cause residents to lose their water supply, which would be a significant adverse impact. Conditions of Certification **SOIL&WATER-2**, **SOIL&WATER-3**, and **SOIL&WATER-9** are proposed by staff to limit water purchases from the proposed supplier to 34 acre-feet per year, verify water sales and project water use, assure the available water supply, and monitor that the water supply and treatment system comply with LORS and not create adverse water quality or supply impacts whether the supply is purchased groundwater or recycled wastewater.

8. The expected water level decline from project groundwater consumption is too small to significantly affect existing well yields; there are no reported springs in the area and the present-day water table is too deep to support phreatophytic vegetation. Well interference and the effects of water level declines on other basin users are therefore considered less than significant.
9. Increased pumping in the Holocene alluvium can increase the potential for groundwater to flow upwards (upflux) from the underlying Palm Springs and Imperial formations. This can result in upward movement of relatively high TDS water into the Holocene alluvium which currently has lower TDS groundwater and is the primary water supply for the basin. Staff estimated a total upflux of less than 145 acre-feet from project water use over the construction and operational life of the project. The estimated upflux is at most 0.4 percent of the minimum affected aquifer volume and therefore considered insignificant.
10. Staff has also analyzed the impacts associated with use of recycled water from the expansion of the Seeley Wastewater Treatment Plant, should it become available sometime during the life of the project, and concludes that such use is not likely to cause significant unmitigable impacts to soil and water resources and would likely comply with soil and water LORS.
11. Approximately 4-percent of the Imperial Valley Solar project overlies the Imperial Valley Groundwater Basin, and the remaining 96-percent overlies the Ocotillo/Coyote Wells Groundwater Basin. This means approximately 4-percent of the water purchased from Dan Boyer Water Company (water that originates in the Ocotillo/Coyote Wells Groundwater Basin) would have to be exported to the Imperial Valley Groundwater Basin, which is prohibited without a permit under Imperial County Land Use Ordinance 9. Condition of Certification **SOIL&WATER-11** prohibits use of Dan Boyer Water Company water within the Imperial Valley Groundwater Basin without a permit from Imperial County.
12. Three on-site alternatives have been evaluated in addition to the No Action alternative. Drainage Avoidance #1 alternative, developed in an effort to avoid significant stream morphological and sediment transport impacts, and to avoid impacts to waters of the U.S. under Section 404 of the CWA, would successfully avoid significant impacts and is the least environmentally damaging alternative to soil and water resources. This alternative avoids the major watercourses on the site. Other on-site alternatives evaluated have smaller project footprints, but do not avoid major

watercourses and do not avoid significant impacts. Therefore, Drainage Avoidance #1 alternative is the preferred alternative.

**Alternatives.** The 300 MW Alternative has the same impacts as the proposed project, but reduced by approximately 60% due to smaller project size. Soil erosion impacts by water would potentially be significant and adverse under CEQA, but reduced in magnitude in comparison to the proposed project. All other impacts would be mitigated to a level less than significant under CEQA.

Drainage Avoidance #1 Alternative avoids CEQA significant adverse soil erosion impacts related to stream morphology and sediment transport. All other impacts are the same as for the proposed project, but reduced slightly due to smaller project size. With compliance with LORS and compliance with Conditions of Certification, Drainage Avoidance #1 Alternative has no significant adverse impacts under CEQA.

Drainage Avoidance #2 Alternative has the same impacts as the proposed project, but reduced by approximately 68% due to smaller project size. Soil erosion impacts by water would be significant and adverse under CEQA, but reduced in magnitude in comparison to the proposed project. All other impacts would be mitigated to a level less than significant under CEQA.

Under the No Project/No Action Alternative the impacts of the proposed project would not occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another renewable energy projects.

### **Land Use and Recreation**

This section addresses land use issues related to agriculture and rangeland resources, wilderness and recreation resources, wild horses and burros, and compatibility with existing land uses and applicable laws, ordinances, regulations, and standards (LORS). Implementation of the proposed IVS Project would not result in any adverse impacts to the aforementioned resources and LORS, except for the following: 1) the conversion of approximately 6,500 acres of land to support the proposed project's components and activities would directly disrupt current recreational activities in established federal, state, and local recreation areas, and the permanent preclusion of the use of the existing and planned segments of the Anza Recreational Trail alignment within the proposed project site, which would result in adverse effects on recreational users of these lands; 2) with implementation of staff's proposed Condition of Certification/Mitigation Measure **LAND-1**, the proposed project would be consistent with the applicable LORS pertaining to the Subdivision Map Act; and 3) the proposed project would not be consistent with Imperial County's S-2 zone as required by the Land Use Ordinance.

The applicant has submitted an application to the BLM requesting a right-of-way (ROW) grant to construct the proposed project and its related facilities. Pursuant to the California Desert Conservation Area (CDCA) Plan (1980, as amended), sites associated with power generation or transmission not identified in the CDCA Plan are considered through the Plan Amendment process. Because the proposed project is not currently

identified in the CDCA Plan, the proposed project would require a BLM ROW grant and a project-specific CDCA Plan Amendment.

For purposes of CEQA compliance, the level of significance of each impact of the proposed project on land use resources has been determined and is discussed in detail in Section C.8.4.3 (CEQA Level of Significance). In summary, impacts on agricultural lands, rangelands, and wilderness lands would be less than significant, and there would be no impacts related to Williamson Act contracts. Impacts to horses and burros would be less than significant. LORS compliance impacts associated with the Subdivision Map Act would be less than significant with implementation of Condition of Certification/Mitigation Measure **LAND-1**. However, the proposed project would result in two significant and unavoidable impacts associated with the disruption of recreation lands and non-compliance with the Imperial County Land Use Ordinance for portions of the site zoned S-2.

Alternative 1 to the proposed project would essentially be Phase 1 of the proposed 750 megawatt (MW) project, and would occupy approximately 2,600 acres of land. The conversion of 2,600 acres of land to support the components and activities associated with this alternative would directly disrupt current recreational activities in established federal recreation areas and would result in adverse effects on recreational users of these lands. However, this effect would be proportionally less than the 6,500 acres affected by the proposed project.

Also included is the analysis of two alternatives that were developed to reduce impacts to the U.S. Army Corps of Engineer's primary waters within the project site. As a result, Drainage Avoidance #1 Alternative would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries; and Drainage Avoidance #2 Alternative would eliminate both the eastern and westernmost portions of the proposed project, where the largest drainage complexes are located. In general, the impacts associated with these alternatives would be the same as the proposed project, and Condition of Certification/Mitigation Measure **LAND-1** would be required.

Approximately 1 million acres of land are proposed for solar and wind energy development in the southern California desert lands. Cumulative impacts to approximately 1 million acres of land would all combine to result in adverse effects on agricultural lands and recreational resources. The cumulative conversion of these lands would preclude numerous existing land uses including recreation, wilderness, rangeland, and open space, and therefore, result in a significant and unavoidable cumulative land use impact.

If the Energy Commission and the BLM approve the proposed project, staff is proposing Conditions of Certification/Mitigation Measures **LAND-1** to ensure that the proposed project mitigates for the permanent loss of recreational lands, and **LAND-2** to ensure that the project is constructed and operated in accordance with the Subdivision Map Act.

**Alternatives.** Similar to the proposed project, impacts resulting from the 300 MW Alternative on Land Use would be less-than-significant under CEQA with implementation of Condition of Certification **LAND-1**. However, the cumulative land use

effects, as discussed in subsection C.8.5.2, this alternative would be significant and unavoidable under CEQA.

Impacts resulting from Drainage Avoidance #1 Alternative on land use would be less-than-significant under CEQA with implementation of Condition of Certification **LAND-1**. As discussed in subsection C.8.5.2, and similar to the proposed project, the cumulative impacts of this alternative would be significant and unavoidable under CEQA.

Impacts resulting from Drainage Avoidance #2 Alternative land use would be less-than-significant under CEQA with implementation of Condition of Certification **LAND-1**. As discussed in subsection C.8.5.2, and similar to the proposed project, the cumulative impacts of this alternative would be significant and unavoidable under CEQA.

Under the No Project/No Action alternative land use impacts to the proposed project site and area would be similar as those currently occurring under the existing conditions in the area. Given that there would be no substantial change over the existing conditions, the land use impacts of the No Project/No Action alternative would be less-than-significant under CEQA.

### **Noise**

Energy Commission staff concludes that the IVS Project can be built and operated in compliance with all applicable noise and vibration LORS and, if built in accordance with the conditions of certification, **NOISE-1** through **NOISE-6**, would produce no significant adverse noise impacts under CEQA on people within the affected area, either direct, indirect, or cumulative.

**Alternatives.** Given the nature of the operational noise produced by the chosen project technology, the 300 MW Alternative would most likely correspond to lower operational noise impacts at noise receptors located east of the project. Operational noise impacts at those receptors west of the project would likely be the same as that of the proposed 750 MW project. Certainly, the noise impacts of the 300 MW Alternative would not be greater than the noise impacts from the proposed 750 MW project, which, as discussed are not significant under CEQA. Energy Commission staff concludes that because this alternative would result in fewer construction activities than the proposed project, the 300 MW Alternative can be built and operated in compliance with all applicable noise and vibration LORS. Also, if built in accordance with the conditions of certification proposed for the proposed project, it would produce no significant adverse noise impacts on people within the affected area, either direct, indirect, or cumulative under CEQA.

Like the proposed project, the Drainage Avoidance #1 Alternative, if built and operated in conformance with the proposed conditions of certification defined for the proposed project, would comply with all applicable noise and vibration LORS and would produce no significant adverse noise impacts on people within the project area, directly, indirectly, or cumulatively under CEQA.

The Drainage Avoidance #2 Alternative would result in fewer construction activities and at greater distances from sensitive receptors than the proposed project. Therefore, Energy Commission staff concludes that the Drainage Avoidance #2 alternative can be

built and operated in compliance with all applicable noise and vibration LORS. Also, if built in accordance with the conditions of certification proposed for the proposed project, Drainage Avoidance #2 alternative would produce no significant adverse noise impacts on people within the affected area, either direct, indirect, or cumulative under CEQA.

For the No Project / No Action Alternatives, the noise impacts associated with the proposed project would not occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan.

### **Power Plant Efficiency**

The Energy Commission staff has analyzed the potential efficiency in energy out associated with construction and operation of the IVS Project. The project would decrease reliance on fossil fuel due to increased availability of renewable energy resources. It would not create significant adverse effects on fossil fuel energy supplies or resources under CEQA, would not require additional sources of energy supply, and would not consume fossil fuel energy in a wasteful or inefficient manner. No efficiency standards apply to this project. Energy Commission staff concludes that this project would present no significant adverse impacts on fossil fuel energy resources under CEQA.

The IVS Project, if constructed and operated as proposed, would occupy approximately 8 acres per MW of power output, a figure about double that of some other solar power technologies. Employing a less land-intensive solar technology would reduce the resultant adverse environmental impacts. Staff believes the IVS Project represents one of the least land use-efficient solar projects currently going through the Energy Commission's licensing process. However, some of the IVS Project facilities (i.e., SunCatcher units) are planned to avoid environmentally sensitive land within the project footprint. Although this minimizes some environmental impacts, it reduces the density of the layout of the facilities and thus the land use efficiency.

**Alternatives.** The CEQA Level of Significance of the 300 MW Alternative would be unchanged from the proposed project.

The Drainage Avoidance #1 Alternative would occupy 10.12 acres per MW of power output (compared with approximately 8 acres per MW of power output for the proposed project). Like the proposed project, this figure is substantially greater than that of some other solar power technologies. Employing a less land-intensive solar technology would reduce these impacts by approximately 50 percent. Fossil fuel use efficiency of the Drainage Avoidance #1 alternative would be unchanged, that is, no impact. Land use efficiency of the alternative would be substantially reduced under this alternative, because power output would be reduced in comparison to occupied land (assuming that all land within the fence line is considered to be occupied or otherwise removed from public use).

The Drainage Avoidance #2 Alternative would occupy a smaller area than the proposed project, resulting in 7.45 acres per MW of power output (compared with nearly nine acres per MW of power output for the proposed project). Like the proposed project, this figure is substantially greater than that of some other solar power technologies. Employing a less land-intensive solar technology would reduce these impacts by

approximately 50 percent. Fossil fuel use efficiency of the Drainage Avoidance #2 alternative would be unchanged, that is, no impact. Land use efficiency of the alternative under this alternative would be essentially the same as that of the proposed project because within project boundaries, all lands would be available for development.

In the No Project /No Action Alternative, the proposed action would not be undertaken. Therefore, the impacts of the proposed project would not occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another renewable energy project.

### **Power Plant Reliability**

An expert familiar with the machines claims that the SunCatcher exhibits a Mean Time Between Failures (MTBF) of only 40 hours. It is believed by this expert that a MTBF of 2,000 to 10,000 hours must be proven before a technology is ready for incorporation into a utility grid (Butler 2007, Public 2009a; Conklin 2009).

Recently, Imperial Valley Solar, LLC (applicant) provided a report to the energy commission, claiming an overall availability factor of 95.1 percent for the 1.5 Megawatt (MW) Maricopa Plant (a pilot plant using the Stirling Energy Systems SunCatcher units) during the period of March 16 to June 5, 2010 (SES 2010h). (The availability factor of a power plant is the percentage of time it is available to generate power; both planned and unplanned outages subtract from this availability.) The proposed Imperial Valley Solar (formerly the Stirling Energy Systems Solar Two) Project would be essentially a multiplication of the 60-unit Maricopa Plant with similar configuration. The Maricopa Plant has generated 833,738 kWh, representing a capacity factor of 26.7 percent. This represents several hundred hours of plant operation. The applicant states that it has used lessons learned from the Maricopa Plant to incorporate engineering and maintenance improvements in order to ensure a reliable operation. This indicates that the technology has begun to go through a design refinement to address the concerns that apparently resulted in the low MTBF reported previously in 2007.

The applicant's data above demonstrates an encouraging first-step effort toward achieving a reliable technology. However, this data demonstrates an availability factor based on a limited number of operational hours. Had this technology represented an operational experience equivalent to that of a well-proven, commercial-scaled technology with thousands of hours of operational experience, such as the natural gas turbine technology, staff would have been confident in determining the availability factor. Therefore, at this time, staff cannot determine what the actual availability factor for the long term operation of the Imperial Valley Solar Project would be, but it believes that with more operational experience we will have a better idea of the long-term availability factor of this technology.

**Alternatives.** Like the proposed project, the 300 MW Alternative would require fewer SunCatcher groups to generate 300 MW (phase one) of the project. Therefore, this alternative would require fewer distribution and substation facilities to be built within the project site. Additionally, this alternative would not cause any reconductoring of the SDG&E transmission system. Since this alternative would require fewer distribution and transmission facilities to be built in the project site; this alternative causes fewer impacts to the environment and triggers less CEQA level analysis.



Like the proposed project, the Drainage #1 Alternative would include numerous groups of 60 SunCatchers, connected by underground electrical cables. When aggregated at the project substation, the power generated would interconnect to SDG&E's existing Imperial Valley 500/230 kV substation which is located southwest of El Centro, California. There would be fewer SunCatcher groups in this alternative, but the system of aggregation and power transmission would be the same as for the proposed project. Like the proposed project, the transmission system required for the Drainage Avoidance #1 alternative requires new components. While System Impact Studies have not been completed for the smaller generation capacity of this alternative, it is likely that the outlet lines and termination facilities are acceptable and would comply with all applicable LORS.

Like the proposed project and Drainage #1 Alternative, the Drainage #2 Alternative would include numerous groups of 60 SunCatchers, connected by underground electrical cables. There would be fewer SunCatcher groups in this alternative, but the system of aggregation and power transmission would be the same as for the proposed project. Like the proposed project, the transmission system required for the Drainage Avoidance #2 alternative requires new components. While System Impact Studies have not been completed for the smaller generation capacity of this alternative, it is likely that outlet lines and termination are acceptable and would comply with all applicable LORS.

In the No Project / No Action Alternative, the proposed action would not be undertaken and no solar generating or transmission facilities would be constructed on the project site or connecting to the existing transmission grid.

### **Public Health and Safety**

The Energy Commission staff have analyzed potential public health and safety risks associated with construction, operation, and decommissioning of the IVS Project and does not expect any significant adverse cancer or short- or long-term noncancer health effects from project toxic emissions. Staff's analysis of potential health impacts from the proposed Imperial Valley Solar Project uses a conservative health-protective methodology that accounts for impacts to the most sensitive individuals in a given population, including newborns and infants. According to the results of staff's health risk assessment, emissions from the Imperial Valley Solar Project would not contribute significantly to morbidity or mortality in any age or ethnic group residing in the project area.

**Alternatives.** The types of construction and operational impacts of the 300 MW Alternative would be the same as those of the proposed project. The proposed project impacts are found to be less than significant under CEQA, and impacts of this alternative would be even smaller – although marginally so - due to the smaller extent of construction disturbance and the smaller number of SunCatchers of the alternative.

Like the proposed project, emissions from the Drainage Avoidance #1 Alternative would not contribute substantially to morbidity or mortality in any age or ethnic group residing in the project area. No construction or operational impacts are found to be significant under CEQA, and no mitigation measures (Conditions of Certification) are required.

Similar to the proposed project and Drainage Avoidance #1 Alternative, emissions from the Drainage Avoidance #2 Alternative would not contribute substantially to morbidity or mortality in any age or ethnic group residing in the project area. No construction or operational impacts are found to be significant under CEQA, and no mitigation measures (Conditions of Certification) are required.

Under the No Project/No Action alternative, public health impacts to the proposed project site and area would be similar as those currently occurring under the existing conditions in the area. Given that there would be no significant change over the existing conditions under CEQA, the public health impacts of the No Project/No Action alternative would be less-than-significant under CEQA.

### **Socioeconomics and Environmental Justice**

Staff concludes that construction and operation of the IVS Project would not cause a significant direct, indirect, or cumulative adverse socioeconomic impact on the study area's housing, schools, parks and recreation, law enforcement, emergency services, or hospitals, under CEQA. Socioeconomic impacts of the IVS Project would not combine with impacts of any past, present, or reasonably foreseeable local projects to result in cumulatively considerable local impacts. Hence, there are no socioeconomic environmental justice issues related to this project. The IVS Project, as proposed, is consistent with applicable Socioeconomic LORS.

Estimated gross public benefits from the IVS Project include increases in sales, employment, and income in Imperial, Riverside, and San Diego counties during construction and operations. Taxes were also estimated. For example, there is an estimated average of 360 direct project-related construction jobs for the 40 months of construction. The IVS Project is estimated to have total project costs of \$1.14 billion. The IVS Project local construction payroll is estimated to be \$42.1 million annually, and the local operation payroll is \$8,924,810 annually. If the California property tax exemption for solar systems is not renewed when it expires in 2015-2016 fiscal, then the project's property tax on private land (most of the project is on tax-exempt federal land) would be \$840,750 annually. There is \$35,250 in school impact fees. Total sales and use taxes during construction are estimated to be approximately \$623,100 and during operation the local sales tax is estimated to be \$387,500 annually. An estimated \$2.41 million would be spent locally for materials and equipment during construction, and an additional \$7.4 million would be spent annually for the project's local operations and maintenance budget.

**Alternatives.** Similar to the proposed project, no significant adverse impacts under CEQA would result from construction and operation of the 300 MW Alternative. The benefits of the project to the local economy would be somewhat reduced due to the smaller scale of the project.

No significant adverse impacts under CEQA would result from construction and operation of the Drainage Avoidance #1 Alternative, which is similar to the proposed project. The benefits of the project to the local economy would be somewhat reduced due to the smaller scale of the project.

Like the proposed project, no significant adverse impacts under CEQA would result from construction and operation of the Drainage Avoidance #2 Alternative. The benefits of the project to the local economy would be somewhat reduced due to the smaller scale of the project.

Under the No Project/No Action Alternative, the socioeconomic benefits of the proposed project site and area would be similar as those currently occurring under the existing conditions in the area. Given that there would be no substantial change over the existing conditions, impacts to socioeconomic resources of the No Project/No Action alternative would be less-than-significant under CEQA.

### **Traffic and Transportation**

The IVS Project would be consistent with the Circulation and Scenic Highways Element of the County of Imperial General Plan and all other applicable LORS related to traffic and transportation. The IVS Project would not have a significant adverse impact under CEQA on the local and regional roadway network. During the construction and operation phases, local roadway and highway demand resulting from the daily movement of workers and materials would not increase beyond significance thresholds established by the County of Imperial or the State of California.

1. The IVS Project as proposed would comply with all applicable LORS related to traffic and transportation. It would result in less than significant impacts to the traffic and transportation system.
2. The IVS Project as proposed would cause no significant direct or cumulative traffic and transportation impacts, and therefore, no environmental justice issues.
3. Staff is proposing Condition of Certification **TRANS-1** which would require a construction traffic control plan to be developed and implemented prior to earth moving activities
4. Staff is proposing Condition of Certification **TRANS-2** which would require the applicant to provide the executed license agreement and subsequent approval of the physical improvements associated with the proposed railroad crossing.
5. Staff is proposing Condition of Certification **TRANS-3**, which would require mitigation plans for the roads that would be used for construction if they are damaged by project-related construction.
6. Because of the IVS Project's distance from the nearest airport, no direct impact on the Emory Ranch Airport, Naval Air Facility El Centro or the Imperial County Airport would occur. However, there is a potential for malfunctions in the mirror control, which could lead to glare problems for motorists and/or pilots. Therefore, Staff is proposing Condition of Certification **TRANS-4** to address this issue.

**Alternatives.** The 300 MW Alternative, if constructed with the same peak workforce as the proposed project, would result in the same levels of construction traffic and parking demand as the proposed project. However these conditions would occur for a shorter period of time given that the alternative would be approximately 40% of the size of the proposed project. Like the proposed project, with implementation of recommended conditions of certification, impacts would remain less than significant under CEQA.

The Drainage Avoidance #1 Alternative, if constructed with the same peak workforce as the proposed project, would result in the same levels of construction traffic and parking demand as the proposed project. However these conditions would occur for a shorter period of time given that the alternative would be approximately 84% of the size of the proposed project. Like the proposed project, with implementation of recommended conditions of certification, traffic impacts associated with the Drainage Avoidance #1 Alternative would remain less than significant under CEQA.

The Drainage Avoidance #2 Alternative, if constructed with the same peak workforce as the proposed project, would result in the same levels of construction traffic and parking demand as the proposed project. However, these conditions would occur for a much shorter period of time given that the alternative would be approximately 50% of the size of the proposed project. Similar to the proposed project, with implementation of recommended conditions of certification, traffic impacts associated with the Drainage Avoidance #2 Alternative would remain less than significant under CEQA.

With the No Project/No Action Alternative, the proposed action would not be undertaken. Since no action would occur under the No Project/No Action Alternative, the transportation and traffic related impacts of the IVS Project would not occur at the proposed site.

### **Transmission Line Safety and Nuisance**

The Applicant proposes to transmit the power from Phase I of the proposed IVS Project to the SDG&E transmission grid through a new, 10.3-mile double-circuit 230-kV transmission line constructed to run parallel to the existing Southwest Powerlink transmission line and connecting the project to the existing SDG&E Imperial Valley Substation to the southeast. Phase II would require SDG&E to build proposed 500-kV Sunrise Powerlink (or equivalent) transmission line (assumed be a project independent of the IVS Project). The construction and operation of Phase II is contingent on the approval and development of either the Sunrise Powerlink transmission line or additional transmission capacity in the SDG&E transmission system. This Phase II-related line would be under the jurisdiction of the California Public Utilities Commission (CPUC) and the BLM. Therefore, this staff analysis is for the Phase I-related 230-kV line. Since the Phases I and II lines would be located in the SDG&E service area, each would be constructed, operated, and maintained according to SDG&E's guidelines for line safety and field management which conform to applicable LORS. Each line would traverse undisturbed desert land with no nearby residents, thereby eliminating the potential for residential electric and magnetic field exposures. With the four proposed conditions of certification, any safety and nuisance impacts from the Phase I line the applicant proposes would be less than significant under CEQA.

Since staff does not expect the proposed 230-kV transmission line to pose an aviation hazard according to current FAA criteria, we do not consider it necessary to recommend location changes on the basis of a potential hazard to area aviation.

The potential for nuisance shocks would be minimized through grounding and other field-reducing measures that would be implemented in keeping with current SDG&E guidelines (reflecting standard industry practices). These field-reducing measures would

maintain the generated fields within levels not associated with radio-frequency interference or audible noise.

The potential for hazardous shocks would be minimized through compliance with the height and clearance requirements of CPUC's General Order 95. Compliance with Title 14, California Code of Regulations, section 1250, would minimize fire hazards while the use of low-corona line design, together with appropriate corona-minimizing construction practices, would minimize the potential for corona noise and its related interference with radio-frequency communication in the area around the route.

Since electric or magnetic field health effects have neither been established nor ruled out for the proposed IVS Project and similar transmission lines, the potential public health significance of any related field exposures cannot be characterized with certainty under CEQA. The only conclusion to be reached with certainty is that the proposed line's design and operational plan would be adequate to ensure that the generated electric and magnetic fields are managed to an extent the CPUC considers appropriate in light of the available health effects information. The long-term, mostly residential magnetic exposure of health concern in recent years would be insignificant under CEQA for the proposed line given the absence of residences along the proposed route. On-site worker or public exposure would be short term and at levels expected for SDG&E lines of similar design and current-carrying capacity. Such exposure is well understood and has not been established as posing a substantial human health hazard.

Since the proposed project line would be operated to minimize the health, safety, and nuisance impacts of concern to staff and would be routed through an area with no nearby residences, staff considers the proposed design, maintenance, and construction plan as complying with the applicable LORS. With implementation of the four recommended conditions of certification, any such impacts would be less than significant under CEQA.

**Alternatives.** Since staff finds these safety and nuisance impacts to be less than significant under CEQA for the proposed 750 MW project, staff also expects them to be less than significant under CEQA for the smaller 300 MW alternative.

The transmission line for the Drainage Avoidance #1 Alternative would follow the same route as that for the proposed project, within an existing designated transmission corridor. The line would (a) be constructed, operated, and maintained according to SDG&E's guidelines for line safety and field management which conform to applicable LORS and (b) would traverse undisturbed desert land with no nearby residents, thereby eliminating the potential for residential electric and magnetic field exposures. Similar to the proposed project, adherence to the four conditions of certification recommended for the proposed project, any safety and nuisance impacts associated with the Drainage Avoidance #1 Alternative would be less than significant under CEQA.

Drainage Avoidance #2 Alternative would require new transmission lines within an existing designated corridor. Given the construction and maintenance requirements of SDG&E and the lack of nearby residences, no impacts on residences or other facilities were identified. Like the proposed project, adherence to the four conditions of certification recommended for the proposed project would reduce any safety and

nuisance impacts associated with Drainage Avoidance #2 Alternative to a less than significant level under CEQA.

Under the No Project/No Action alternative, the transmission line safety and nuisance impacts of the IVS Project would not occur at the proposed site. This would help reduce the total human exposure to area field and non-field impacts from electric power lines in general.

### **Transmission System Engineering**

The proposed IVS Project outlet lines and termination are acceptable and would comply with all applicable LORS. The analysis of project transmission lines and equipment, both from the power plant up to the point of interconnection with the existing transmission network as well as upgrades beyond the interconnection that are attributable to the project have been evaluated by staff and are included in the environmental sections of this staff assessment.

Mitigation of thermal overloads caused by the Phase 1 under N-1 contingency analysis would require installing a 500/230kV, 1120 megavolt ampere (MVA) transformer bank at the existing Imperial Valley Substation. The transformer installation would occur within the fence line of the existing Imperial Valley Substation and would not trigger the need for compliance with the California Environmental Quality Act (CEQA).

- Mitigation of base case thermal overloads caused by Phase 2 would require installing a third 230/69 kV, 224MVA transformer bank at the existing Sycamore Substation. The transformer installation would occur within the fence line of the existing Sycamore substation and would not trigger the need for compliance with CEQA.
- The proposed IVS Project should be designed and constructed with adequate reactive power resources to compensate the consumption of volt-amperes reactive (Var) by the generator step-up transformers, distribution feeders and generator tie-lines.

The outlet lines and termination of Phases 1 and 2 of the proposed IVS Project would comply with all applicable LORS. The analysis of project transmission lines and equipment, both from the power plant up to the point of interconnection with the existing transmission network as well as upgrades beyond that interconnection that are attributable to the project have been evaluated by staff and are included in the environmental sections of this SSA as project conditions.

- Mitigation of thermal overloads caused by Phase 1 of the proposed IVS Project under N-1 contingency analysis would require installing a 500/230kV, 1120MVA transformer bank at existing Imperial Valley Substation.
- Mitigation of base case thermal overloads caused by Phase 2 of the proposed IVS Project, would require installing a third 230/69 kV, 224MVA transformer bank at the existing Sycamore Substation.

- The proposed IVS Project should be designed and constructed with adequate reactive power resources to compensate the consumption of Var by the generator step-up transformers, distribution feeders and generator tie-lines.

If the BLM and Energy Commission approve the proposed IVS Project, staff recommends that the conditions of certification/mitigation measures provided earlier be met to ensure both system reliability and conformance with LORS.

**Alternatives.** Like the proposed project, this alternative would require fewer SunCatcher groups to generate 300 MW (phase one) of the project. Therefore, the 300 MW Alternative would require fewer distribution and substation facilities to be built within the project site. Additionally, this alternative would not cause any reconductoring of the SDG&E transmission system. Since this alternative would require fewer distribution and transmission facilities to be built in the project site; it would also result in fewer impacts to the environment and triggers less CEQA level analysis.

Like the proposed project, the transmission system required for the Drainage Avoidance #1 alternative requires new components. While System Impact Studies have not been completed for the smaller generation capacity of this alternative, it is likely that the outlet lines and termination facilities are acceptable and would comply with all applicable LORS.

Like the proposed project, the transmission system required for the Drainage Avoidance #2 alternative requires new components. While System Impact Studies have not been completed for the smaller generation capacity of this alternative, it is likely that outlet lines and termination are acceptable and would comply with all applicable LORS.

In the No Project / No Action Alternative, the proposed action would not be undertaken and no solar generating or transmission facilities would be constructed on the project site or connecting to the existing transmission grid.

### **Visual Resources**

Energy Commission staff have analyzed visual resource-related information pertaining to the proposed IVS Project and conclude that the proposed project would substantially degrade the existing visual character and quality of the site and its surroundings, including motorists on Interstate 8, recreational destinations within the Yuha Desert Area of Critical Environmental Concern and portions of the Juan Bautista Anza National Historic Trail, resulting in significant impacts. Because effective, feasible mitigation measures could not be identified by staff, these impacts are considered to be unavoidable.

Impacts of the 300 Megawatt Alternative would remain significant under the California Environmental Quality Act to Interstate 8 and Yuha Desert Critical Environmental Concern viewers, and unavoidable. However, the degree and extent of those impacts would be substantially less than those of the proposed project.

Impacts of the Drainage Avoidance #1 Alternative would be substantially similar to the Proposed Project Alternative, and thus significant under the California Environmental Quality Act and unavoidable.

Impacts of the Drainage Avoidance #2 Alternative would be less extensive than those of the Proposed Project Alternative, but would remain significant under the California Environmental Quality Act and unavoidable.

The anticipated visual impacts of the IVS Project and the three alternatives analyzed in this section, in combination with past and foreseeable future local projects in the West Mesa/Yuha Desert region of southwestern Imperial County, and past and foreseeable future region-wide projects in the southern California desert are considered cumulatively considerable, potentially significant under the California Environmental Quality Act, and unavoidable.

On the basis of new information developed subsequent to publication of the Staff Assessment, staff believes that bright intrusive glare of the project under normal operation is a potential hazard to motorists and pilots near the facility. However, with a revised, staff-recommended Condition of Certification **VIS-6**, potential glare/reflection impacts could be reduced to less-than-significant levels. With a revised, staff-recommended Condition of Certification **VIS-2**, potential nighttime light pollution impacts could be kept to less-than-significant levels.

**Alternatives.** Impacts of the 300 MW Alternative would remain significant under CEQA to Interstate 8 and Yuha Desert Critical Environmental Concern viewers, and unavoidable. However, the degree and extent of those impacts would be substantially less than those of the proposed project.

The Drainage Avoidance #1 Alternative would be located within the same outer project boundaries as the proposed project, but it would be less densely developed because of avoidance of permanent structures in the major drainages. Like the proposed IVS Project, the Drainage Avoidance #1 alternative would substantially degrade the existing visual character and quality of the site and its surroundings, including motorists on Highway I-8, recreational destinations within the Yuha Desert ACEC, and portions of the Juan Bautista de Anza National Historic Trail, resulting in significant impacts under CEQA. Overall, the level of impact would be similar to the Proposed Project Alternative. There are no effective, feasible mitigation measures that could be identified, so the impacts of the Drainage Avoidance #1 are considered to be significant under CEQA and unavoidable. Impacts of the Drainage Avoidance #1 Alternative would be substantially similar to the Proposed Project Alternative, and thus significant under CEQA and unavoidable.

The Drainage Avoidance #2 Alternative would be smaller in area than the proposed project, and it would result in similar impacts as the proposed project, but somewhat more concentrated. Impacts of this alternative would remain significant under CEQA to I-8 and Yuha Desert ACEC viewers, and unavoidable. However, like the 300 MW alternative, the degree and extent of those impacts would be substantially less than those of the proposed project. Although the degree and extent of these impacts would be substantially less than those of the proposed project, there are no effective, feasible mitigation measures that could be identified to reduce impacts of this alternative. As a result, the impacts of the Drainage Avoidance #2 are considered to be significant and unavoidable under CEQA.



Under the No Project/No Action Alternative visual impacts to the proposed project site and area would be similar as those currently occurring under the existing conditions in the area. Given that there would be no substantial change over the existing conditions, the anticipated impacts of the No Project/No Action alternative would be less-than-significant under CEQA.

### **Waste Management**

After review of the applicant's proposed waste management procedures, staff concludes that project wastes would be managed in compliance with all applicable waste management LORS. Staff notes that construction, demolition, and operation wastes would be characterized and managed as either hazardous or non-hazardous waste. All non-hazardous wastes would be recycled to the extent feasible, and nonrecyclable wastes would be collected by a licensed hauler and disposed of at a permitted solid waste disposal facility. Hazardous wastes would be accumulated onsite in accordance with accumulation time, and then properly manifested, transported to, and disposed of at a permitted hazardous waste management facility by licensed hazardous waste collection and disposal companies.

However, to help ensure and facilitate ongoing project compliance with LORS, staff proposes Conditions of Certification **WASTE-1** through **-8**. These conditions would require the project owner to do all of the following:

- Ensure the project site is investigated and any contamination identified is remediated as necessary, with appropriate professional and regulatory agency oversight (**WASTE-1** and **-2**).
- Prepare Construction Waste Management and Operation Waste Management Plans detailing the types and volumes of wastes to be generated and how wastes will be managed, recycled, and/or disposed of after generation (**WASTE-3** and **-7**).
- Obtain a hazardous waste generator identification number (**WASTE-4**).
- Ensure that all spills or releases of hazardous substances are reported and cleaned-up in accordance with all applicable federal, state, and local requirements (**WASTE-8**).
- Comply with waste recycling and diversion requirements (**WASTE-6**).
- Report any waste management-related LORS enforcement actions and how violations will be corrected (**WASTE-5**).

The existing available capacity for the Class III landfills that may be used to manage nonhazardous project wastes exceeds 3.73 million cubic yards, with another 600 million cubic yards of capacity expected in the future with full operation of the Mesquite Regional Landfill. The total amount of non-hazardous wastes generated from construction, demolition and operation of the IVS project would contribute much less than 1 percent of the projected landfill capacity. Therefore, disposal of project generated non-hazardous wastes would not impact Class III landfill capacity.

In addition, the two Class I disposal facilities that could be used for hazardous wastes generated by the construction and operation of IVS have a combined remaining capacity in excess of 16 million cubic yards, with another 4.6 to 4.9 million cubic yards of proposed capacity. The total amount of hazardous wastes (405 cubic yards) generated by the IVS project would not impact remaining permitted capacity at Class I landfills.

Staff concludes that management of the waste generated during construction, operation and closure/decommissioning of the IVS project would not result in any significant adverse impacts under CEQA, and would comply with applicable LORS, if the waste management practices and mitigation measures proposed in the IVS project AFC and staff's proposed conditions of certification are implemented. Similar to the proposed project, staff considers project compliance with applicable waste management laws, ordinances, regulations, and standards and staff's conditions of certification to be sufficient to ensure that no significant adverse impacts under CEQA would occur as a result of waste management associated with the 300 MW alternative, Drainage Avoidance #1 alternative and Drainage Avoidance #2 alternative.

**Alternatives.** The 300 MW alternative would generate similar types of hazardous and non-hazardous wastes from construction, demolition and operation of the project. However, the quantities of waste would be reduced by 60 percent. The amount of non-hazardous and hazardous solid wastes generated under a 300 MW alternative that would require landfill/treatment would be approximately 5,600 and 20 cubic yards, respectively. Similar to the proposed project, staff would not require investigation and remediation of soil and groundwater contamination. Similar to the proposed project, staff considers project compliance with LORS and staff's conditions of certification to be sufficient to ensure that no CEQA significant impacts would occur as a result of waste management associated with the 300 MW alternative.

The Drainage Avoidance #1 Alternative would generate similar types of hazardous and non-hazardous wastes from construction, demolition and operation of the project. However, the quantities of waste would be reduced due to the reduced use of the site required by avoiding the primary drainages and the reduced number of SunCatchers. The amount of non-hazardous and hazardous solid wastes generated under this alternative that would require landfill/treatment would be reduced in comparison to the proposed project. Similar to the proposed project, staff considers project compliance with LORS and staff's conditions of certification to be sufficient to ensure that no CEQA significant impacts would occur as a result of waste management associated with the Drainage Avoidance #1 alternative.

The Drainage Avoidance #2 Alternative would generate similar types of hazardous and non-hazardous wastes from construction, demolition and operation of the project. However, the quantities of waste would be substantially reduced due to the reduced use of the site required by avoiding the major drainages at the east and west ends of the property. Similar to the proposed project, staff considers project compliance with LORS and staff's conditions of certification to be sufficient to ensure that no CEQA significant impacts would occur as a result of waste management associated with the Drainage Avoidance #2 Alternative.

In the No Project/No Action Alternative, the proposed action would not be undertaken. Therefore, waste management associated impacts of the proposed project would not occur.

### **Worker Safety and Fire Protection**

Staff concludes that if the applicant for the proposed Imperial Valley Solar Project provides project construction safety and health and project operations and maintenance safety and health programs, as required by conditions of certification **WORKER SAFETY -1**, and **-2**; and fulfills the requirements of conditions of certification **WORKER SAFETY-3** through **-7**, Imperial Valley Solar Project would incorporate sufficient measures to ensure adequate levels of industrial safety and comply with applicable LORS. Staff also concludes that (with staff's recommended mitigation) the proposed project would not have significant impacts on local fire protection and emergency response services.

**Alternatives.** Since the proposed project impacts are found to be less than significant under CEQA with the incorporation of conditions of certification, impacts of the 300 MW Alternative would be even smaller due to the smaller extent of construction disturbance and the smaller number of SunCatchers under this alternative. Like the proposed project, the construction and operation of the 300 MW Alternative would be in compliance with all applicable LORS for both long-term and short-term project impacts in the area of worker safety and fire protection with the adoption of the proposed conditions of certification. The mitigation that would be proposed for the 300 MW alternative would be the same as that proposed for the proposed project (staff recommended conditions **WORKER SAFETY-1** to **WORKER SAFETY-6**).

The types of construction and operational impacts of the Drainage Avoidance #1 Alternative would be the same as those of the proposed project. The proposed project impacts are found to be less than significant under CEQA with the incorporation of conditions of certification, and impacts of this alternative would be even smaller due to the smaller extent of construction disturbance and the smaller number of SunCatchers of the alternative. Like the proposed project, the construction and operation of the Drainage Avoidance #1 Alternative would be in compliance with all applicable LORS for both long-term and short-term project impacts in the area of worker safety and fire protection with the adoption of the proposed conditions of certification. The mitigation that would be proposed for the Drainage Avoidance #1 Alternative would be the same as that proposed for the proposed project (staff recommended conditions **WORKER SAFETY-1** to **WORKER SAFETY-6**).

Like the proposed project, the construction and operation of the Drainage Avoidance #2 alternative would be in compliance with all applicable LORS for both long-term and short-term project impacts in the area of worker safety and fire protection with the adoption of the proposed conditions of certification. The mitigation that would be proposed for the Drainage Avoidance #1 Alternative would be the same as that proposed for the proposed project (staff recommended conditions **WORKER SAFETY-1** to **WORKER SAFETY-6**).

As staff concludes that the proposed project would not have substantial impacts on local fire protection services, it would not cause a under CEQA impact on the public. Thus

Staff concludes that the No Project/No Action alternative would not avoid or lessen a significant impact under CEQA compared to the proposed project. Staff concludes that if the applicant for the proposed IVS Project provides project construction safety and health and project operations and maintenance safety and health programs, as required by proposed **WORKER SAFETY** conditions of certification; IVS would incorporate sufficient measures to ensure adequate levels of industrial safety and comply with applicable LORS. As worker safety is a LORS-conformity requirement, the No Project/No Action alternative consideration is not applicable to the worker safety topic.

## NOTEWORTHY PUBLIC BENEFITS

---

Staff has identified the following public benefits:

1. Greenhouse gas (GHG) related noteworthy public benefits include the construction and operation of renewable and low-GHG emitting generation technologies and the potential for successful integration into the California and greater WECC electricity systems. Renewable energy facilities, such as the Solar Two Project, are needed to meet California's mandated renewable energy goals.
2. The IVS Project would employ an advanced solar thermal technology. Solar energy is renewable and unlimited. The project would have a less than significant adverse impact under CEQA on nonrenewable energy resources (natural gas). Consequently, the project would help in reducing California's dependence on fossil fuel-fired power plants.
3. The science of paleontology is advanced by the discovery, study and duration of new fossils. These fossils can be substantial if they represent a new species, verify a known species in a new location and/or if they include structures of similar specimens that had not previously been found preserved. In general, most fossil discoveries are the result of excavations, either purposeful in known or suspected fossil localities or as the result of excavations made during earthwork for civil improvements or mineral extraction. Proper monitoring of excavations at the proposed IVS Project facility, in accordance with an approved Paleontological Monitoring and Mitigation Plan, could result in a benefit to the science of paleontology and should minimize the potential to damage a substantial paleontological resource.
4. Important public benefits discussed under the fiscal and non-fiscal effects section are: capital expenditures, construction and operation payroll, and sales tax.

# **A. INTRODUCTION**

# **A - INTRODUCTION**

Christopher Meyer

## **INTRODUCTION**

---

The proposed action evaluated within this Supplemental Staff Assessment (SSA) is the construction and operation of the Imperial Valley Solar (formerly Stirling Energy Systems Solar Two) Project, a proposed solar thermal electricity generation facility located on both private lands and public lands managed by the Bureau of Land Management (BLM) in Imperial County, California. Although the February 2010 Staff Assessment/Draft Environmental Impact Report (SA/DEIS) represented a joint environmental review document developed by the California Energy Commission (Energy Commission) and BLM to evaluate potential impacts associated with the proposed action, this SSA is solely an Energy Commission document. The BLM will be publishing a separate Final Environmental Impact Statement (FEIS).

When considering an energy project for licensing, the Energy Commission is the lead state agency for evaluating environmental impacts of a proposed licensing action under the California Environmental Quality Act (CEQA). The SSA, the result of the Energy Commission staff's environmental evaluation process, is functionally equivalent to the preparation of an Environmental Impact Report (EIR).

Because the proposed project is located on public lands managed by the BLM, BLM is the lead federal agency for evaluating environmental impacts of the proposed right-of-way grant under the National Environmental Policy Act (NEPA). The FEIS is the BLM's environmental evaluation of the potential impacts that could result from the authorization of the requested right-of-way. The Department of Energy (DOE) and BLM signed an MOU in January of 2010 to have the DOE as a cooperating agency on this project. The applicant has applied to the DOE for a loan guarantee under Title XVII of the Energy Policy Act of 2005 (EPAc 05), as amended by Section 406 of the American Recovery and Reinvestment Act of 2009, P.L. 111-5 (the "Recovery Act"). Should DOE decide to enter into negotiation of a possible loan guarantee with the Applicant, DOE will be a cooperating agency in developing the FEIS. The purpose and need for action by DOE is to comply with its mandate under EPAc by selecting eligible projects that meet the goals of the Act. The U.S. Army Corps of Engineers (USACE) is also a cooperating agency on the FEIS with the BLM pursuant to the Clean Water Act (CWA) which authorizes the Secretary of the Army, acting through the Corps, to issue permits regulating the discharge of dredged or fill material into waters of the United States (U.S.).

When the applicant filed separate applications with the Energy Commission and the BLM to obtain separate approvals to develop the project, it was deemed to be in the interest of both agencies and the public to share in the preparation of a joint environmental analysis of the proposed project to avoid duplication of staff efforts, to share staff expertise and information, to promote intergovernmental coordination at the local, state, and federal levels, and to facilitate public review by providing a joint SA/DEIS and a more efficient environmental review process. The Energy Commission and the BLM have been jointly conducting the state and federal environmental review

for the Imperial Valley Solar Project and released a joint SA/DEIS; however, the two agencies have now determined that it is necessary to produce separate, but coordinated, final environmental reviews and decision documents.

This SSA is a staff document. It is neither a document of the California Energy Commission Siting Committee, nor a draft decision by the Siting Committee. The SAA describes and evaluates the following:

- the proposed project;
- the existing environment;
- whether the facilities can be constructed and operated safely and reliably in accordance with applicable laws, ordinances, regulations, and standards (LORS);
- the environmental consequences of the proposed project including potential public health and safety impacts;
- the potential cumulative impacts of the proposed project in conjunction with other existing and known planned developments;
- mitigation measures proposed by the applicant, staff, interested agencies, local organizations, and interveners which may lessen or avoid potential impacts;
- the proposed conditions under which the project should be constructed and operated, if it is certified (known as “conditions of certification”); and
- alternatives to the proposed project.

The analyses contained in this SSA are based upon information from the: 1) Application for Certification (AFC), 2) responses to data requests, 3) supplementary information from local, state, and federal agencies; interested organizations; and individuals, 4) existing documents and publications, 5) independent research, and 6) comments at workshops and hearings. The SSA presents conclusions about potential environmental impacts and conformity with LORS, as well as proposed conditions of certification/mitigation measures that apply to the design, construction, operation, and closure of the facility. Each proposed condition of certification/mitigation measure is followed by a proposed means of verification that the condition has been met.

## **BACKGROUND**

---

Imperial Valley Solar, LLC’s (formerly Stirling Energy Systems Solar Two LLC) business model includes the development and deployment of the Stirling solar dish systems (referred to as SunCatchers) technology. It has formed the limited liability corporation Imperial Valley Solar, LLC (referred to as applicant or Imperial Valley Solar, LLC hereafter) for the purposes of filing ROW applications with the BLM for the use of public land and for filing an AFC with the Energy Commission. Imperial Valley Solar, LLC has executed Power Purchase Agreements and interconnection agreements with San Diego Gas and Electric (SDG&E) to deliver 750 megawatts (MW) of electricity to the California market.

The applicant has applied for a ROW grant from the BLM to construct the Imperial Valley Solar Project that will occupy 6,140 acres of federal land managed by the BLM

and approximately 360 acres of privately owned land, use approximately 32 acre feet of water per year, produce a nominal 750 MW of electricity, and operate for a term of 40 years. Imperial Valley Solar, LLC has also filed an AFC with the Energy Commission. Under California law, the Energy Commission has regulatory authority for certifying applications for thermal power generating facilities in excess of 50 MW in size.

Additionally, the applicant has applied to the DOE for a loan guarantee pursuant to Title XVII of the Energy Policy Act of 2005 (EPAct). The application currently under review for a loan guarantee for the Imperial Valley Solar Project was made September 14, 2009. The EPAct established a Federal loan guarantee program for eligible energy projects that employ innovative technologies. Title XVII of EPAct authorizes the Secretary of Energy to make loan guarantees for a variety of types of projects, including those that “avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases, and employ new or significantly improved technologies as compared to commercial technologies in service in the U.S. at the time the guarantee is issued.” The two principal goals of the loan guarantee program are to encourage commercial use in the U.S. of new or significantly improved energy-related technologies and to achieve substantial environmental benefits. DOE can comply with the requirements under EPAct by selecting eligible projects that meet the goals of the Act. DOE is using this NEPA process to assist in determining whether to issue a loan guarantee to Imperial Valley Solar, LLC to support the proposed project.

The proposed project could help meet the explicit policy goals of the State of California and the Federal goals of producing 10% of the nation’s electricity from renewable sources by 2012 and 25% by 2025. Authorities include:

- Executive order 13212, dated May 18, 2001, which mandates that agencies act expediently and in a manner consistent with applicable laws to increase the “production and transmission of energy in a safe and environmentally sound manner.”
- The EPAct, which requires the Department of the Interior (BLM’s parent agency) to approve at least 10,000 MW of renewable energy on public lands by 2015.
- Secretarial Order 3285, dated March 11, 2009, which “establishes the development of renewable energy as a priority for the Department of the Interior.”

## **A.1 AGENCY AUTHORITIES AND RESPONSIBILITIES**

---

The Energy Commission has the exclusive authority to certify the construction, modification, and operation of thermal electric power plants 50 MW or larger. The Energy Commission certification is in lieu of any permit required by state, regional, or local agencies and by federal agencies to the extent permitted by federal law (Pub. Resources Code, § 25500). The Energy Commission must review power plant AFCs to assess potential environmental impacts including potential impacts to public health and safety, and potential measures to mitigate those impacts (Pub. Resources Code, § 25519), and compliance with applicable governmental laws or standards (Pub. Resources Code, § 25523 (d)). The Energy Commission staff’s analyses were prepared in accordance with Public Resources Code, section 25500 et seq.; Title 20, California Code of Regulations, section 1701 et seq.; and CEQA (Pub. Resources Code, § 21000 et seq.).



The BLM's authority for the proposed action includes Federal Land Policy and Management Act (FLPMA) of 1976 [43 United States Code (U.S.C.) 1701 et seq.], Section 211 of the EPAct (119 Stat. 594, 600), and BLM's Solar Energy Development Policy of April 4, 2007. The FLPMA authorizes BLM to issue right-of-way (ROW) grants for renewable energy projects. Section 211 of the EPAct states that the Secretary of the Interior should seek to have approved a minimum of 10,000 MW of renewable energy generating capacity on public lands by 2015. This is further discussed in the BLM's FEIS.

Section 404 of the CWA authorizes the Secretary of the Army, acting through the USACE, to issue permits regulating the discharge of dredged or fill material into the waters of the U.S. Waters of the U.S. are broadly defined in Code of Federal Regulations (CFR), title 33, section 328.3, subdivision (a), to include navigable waters, perennial, intermittent, and ephemeral streams, lakes, rivers, ponds, as well as wetlands, marshes, and wet meadows.

## **A.2 PROJECT DESCRIPTION (CASE AND PROPERTY DESCRIPTION)**

---

The proposed action is designated by BLM as ROW serial number CACA-47740.

The following sections or portions of sections in Township 16 of the San Bernardino Meridian identify the project site and the planned boundary for development of the Imperial Valley Solar Project.

Within Township 16 South, Range 11 East of the San Bernardino Meridian defined by:

- the portion of Section 7 south of the railroad ROW,
- the portion of the southwest quarter section and the north half of the southeast quarter section of Section 9 south of the railroad ROW,
- the southeast quarter-quarter section of the northeast quarter section and the east half of the southeast quarter section of Section 14 north of the I-8 ROW and east of Dunaway Road,
- the southwest, northwest, and southeast quarter-quarter sections of the southwest quarter section of Section 15, and the southwest quarter-quarter of the southeast quarter section of Section 15,
- the northwest quarter and southeast quarter of Section 16,
- all of Section 17,
- Section 18, excluding the southwest and southeast quarter-quarter sections of the northeast quarter section,
- the northwest quarter and the portion of the west half of the southwest quarter of Section 19 north of the I-8 ROW,
- the portion of Sections 20 and 21 north of the I-8 ROW, and
- the portion of the north half of the northwest quarter section and the northwest quarter-quarter section of the northeast quarter section of Section 22 north of the I-8 ROW.

Township 16 South, Range 10 East defined by:

- the portions of Sections 12, 13, and 14 south of the railroad ROW,
- the portions of Section 22 south of the railroad ROW,
- all of Sections 23 and 24, and
- the portions of Sections 25, 26, and 27 north of the I-8 ROW.

### **A.3 LAND USE PLAN CONFORMANCE AND AMENDMENT**

---

The principal land use plan affecting this proposed project is the U.S. Bureau of Land Management's California Desert Conservation Area (CDCA) Plan of 1980, as amended. In the CDCA Plan, the location of the proposed Imperial Valley Solar facility includes land that is classified as Multiple-Use Class L (Limited Use). The Plan states that solar power facilities may be allowed within Limited Use areas after NEPA requirements are met. The FEIS acts as the mechanism for complying with those NEPA requirements.

Because solar power facilities are an allowable use of the land as it is classified in the CDCA Plan, the proposed action does not conflict with the Plan. However, Chapter 3, "Energy Production and Utility Corridors Element" of the Plan also requires that newly proposed power facilities that are not already identified in the Plan be considered through the Plan Amendment process. The proposed Imperial Valley Solar facility is not currently identified within the Plan, and therefore a Plan Amendment is required to include the facility as a recognized element within the Plan.

Land within Imperial County is classified according to Land Use Zoning Designations under the Imperial County General Plan, and Land Use Zoning Districts under the County Development Code. The Development Code implements the General Plan by regulating the use of land within unincorporated portions of the County. The Development Code identifies the land area of the proposed Imperial Valley Solar facility as Open Space Preservation Zone, a designation that does not allow use for electric power generation.

#### **Planning Criteria (BLM)**

The CDCA Plan planning criteria are the constraints and ground rules that guide and direct the development of the Plan Amendment. They ensure that the Plan Amendment is tailored to the identified issues and ensure that unnecessary data collection and analyses are avoided. They focus on the decisions to be made in the Plan Amendment, and will achieve the following:

"Sites associated with power generation or transmission not identified in the Plan will be considered through the Plan Amendment process."

Because the proposed facility is not currently identified within the CDCA Plan, an amendment to identify the proposed facility within the Plan is hereby proposed. As specified in Chapter 7, Plan Amendment Process, there are three categories of Plan Amendments, including:

- Category 1, for proposed changes that will not result in significant environmental impact or analysis through an EIS;
- Category 2, for proposed changes that would require a significant change in the location or extent of a multiple-use class designation; and
- Category 3, to accommodate a request for a specific use or activity that will require analysis beyond the Plan Amendment Decision.

Based on these criteria, approval of the proposed project would require a Category 3 amendment. This section summarizes the procedures necessary to evaluate the proposed Plan Amendment, as well as the procedures required to perform the environmental review of the ROW application.

**Statement of Plan Amendment.** The Implementation section of the Energy Production and Utility Corridors Element of the CDCA Plan lists a number of Category 3 amendments that have been approved since adoption of the Plan in 1980. An additional amendment is proposed to be added to this section of the Plan, and would read “Permission granted to construct solar energy facility (proposed Imperial Valley Solar Project).”

**Plan Amendment Process.** The Plan Amendment process is outlined in Chapter 7 of the Plan. In analyzing an applicant’s request for amending or changing the Plan, the BLM District Manager, Desert District, will:

1. Determine if the request has been properly submitted and if any law or regulation prohibits granting the requested amendment.
2. Determine if alternative locations within the CDCA are available which would meet the applicant’s needs without requiring a change in the Plan’s classification, or an amendment to any Plan element.
3. Determine the environmental effects of granting and/or implementing the applicant’s request.
4. Consider the economic and social impacts of granting and/or implementing the applicant’s request.
5. Provide opportunities for and consideration of public comment on the proposed amendment, including input from the public and from federal, State, and local government agencies.
6. Evaluate the effect of the proposed amendment on BLM management’s desert-wide obligation to achieve and maintain a balance between resource use and resource protection.

**Decision Criteria for Evaluation of Proposed Plan Amendment.** The Decision Criteria to be used for approval or disapproval of the proposed amendment require that the following determinations be made by the BLM Desert District Manager:

1. The proposed amendment is in accordance with applicable laws and regulations;
2. The proposed amendment will provide for the immediate and future management, use, development, and protection of the public lands within the CDCA.

The BLM Desert District Manager will base the rationale for these determinations on the principles of multiple uses, sustained yield, and maintenance of environmental quality as required in FLPMA.

**Decision Criteria for Evaluation of Application.** In addition to defining the required analyses and Decision Criteria for Plan Amendments, the Plan also defines the Decision Criteria to be used to evaluate future applications in the Energy Production and Utility Corridors Element of Chapter 3. These Decision Criteria include:

1. Minimize the number of separate rights-of-way by utilizing existing rights-of-way as a basis for planning corridors;
2. Encourage joint-use of corridors for transmission lines, canals, pipelines, and cables;
3. Provide alternative corridors to be considered during processing of applications;
4. Avoid sensitive resources wherever possible;
5. Conform to local plans whenever possible;
6. Consider wilderness values and be consistent with final wilderness recommendations;
7. Complete the delivery systems network;
8. Consider ongoing projects for which decisions have been made; and
9. Consider corridor networks which take into account power needs and alternative fuel resources.

**Factors to be Considered.** The Plan also states that, in the evaluation of proposed power plants, BLM will use the same factors affecting the public lands and their resources as those used by the Energy Commission. These factors are the environmental information requirements defined in the California Code of Regulations (CCR) Title 20, Appendix B, and include:

- |                                |   |
|--------------------------------|---|
| • General (Project Overview)   | • Biological Resources                    |
| • Cultural Resources           | • Water Resources                         |
| • Land Use                     | • Soils                                   |
| • Noise                        | • Paleontological Resources               |
| • Traffic and Transportation   | • Geological Hazards and Resources        |
| • Visual Resources             | • Transmission System Safety and Nuisance |
| • Socioeconomics               | • Facility Design                         |
| • Air Quality                  | • Transmission System Design              |
| • Public Health                | • Reliability                             |
| • Hazardous Materials Handling | • Efficiency                              |
| • Worker Safety                |   |
| • Waste Management             |   |

The specific determinations required for the Plan Amendment evaluation are discussed in detail below. The FEIS acts as the mechanism for evaluating both the proposed project application, and the proposed Plan Amendment. The factors specified in CCR Title 20, Appendix B are included within the scope of the analysis presented in the FEIS.

## **Results of CDCA Plan Amendment (BLM)**

### **Required Determinations**

1. Determine if the request has been properly submitted and if any law or regulation prohibits granting the requested amendment.

The applicant's request for a ROW was properly submitted, and the DEIS acts as the mechanism for evaluating and disclosing environmental impacts associated with that applications. No law or regulation prohibits granting the amendment.

2. Determine if alternative locations within the CDCA are available which would meet the applicant's needs without requiring a change in the Plan's classification, or an amendment to any Plan element.

The CDCA Plan does not currently identify any sites as solar generating facilities. Therefore, there is no other location within the CDCA which could serve as an alternative location without requiring a Plan Amendment. The proposed project does not require a change in the Multiple-Use Class classification for any area within the CDCA.

3. Determine the environmental affects of granting and/or implementing the applicant's request.

The DEIS acts as the mechanism for evaluating the environmental effects of granting the ROW and the Plan Amendment.

4. Consider the economic and social impacts of granting and/or implementing the applicant's request.

The DEIS acts as the mechanism for evaluating the economic and social impacts of granting the ROW and the Plan Amendment.

5. Provide opportunities for and consideration of public comment on the proposed amendment, including input from the public and from federal, State, and local government agencies.

A Notice of Intent (NOI) to amend the CDCA Plan was published in the Federal Register October 17, 2008, Vol. 73, No. 202 Fed. Reg. 61902-61903. The U.S. Environmental Protection Agency provided comments during the 30-day NOI scoping period. In accordance with the NOI, issues identified during the scoping period are placed in the comment categories below.

6. Issues to be resolved in the plan amendment:

Several comments were received with concerns over the loss of open space and recreational lands if the plan was amended to allow industrial use. This comment is being resolved through this Plan Amendment.

7. Issues to be resolved through policy or administrative action:

All other comments received addressed specific environmental impacts and mitigation measures that each commenter requested be analyzed in the FEIS. These comments are being resolved by being considered within the FEIS.

8. Issues beyond the scope of this plan amendment:

No comments were received which were outside of the scope of the BLM Plan Amendment.

9. Evaluate the effect of the proposed amendment on BLM management's desert-wide obligation to achieve and maintain a balance between resource use and resource protection.

The balance between resource use and resource protection is evaluated within the FEIS. Title VI of the FLPMA, under CDCA, provides for the immediate and future protection and administration of the public lands in the California desert within the framework of a program of multiple use and sustained yield, and maintenance of environmental quality. Multiple use includes the use of renewable energy resources, and through Title V of FLPMA, the BLM is authorized to grant ROWs for generation and transmission of electric energy. The acceptability of use of public lands within the CDCA for this purpose is recognized through the Plan's approval of solar generating facilities within Multiple-Use Class L. The purpose of the FEIS is to identify resources which may be adversely impacted by approval of the proposed project, evaluate alternative actions which may accomplish the purpose and need with a lesser degree of resource impacts, and identify mitigation measures and Best Management Practices (BMPs) which, when implemented, would reduce the extent and magnitude of the impacts and provide a greater degree of resource protection.

**Conformance of ROW Application with Decision Criteria (BLM)**

1. Minimize the number of separate ROWs by utilizing existing ROWs as a basis for planning corridors:

The proposed project assists in minimizing the number of separate ROWs by being proposed largely within existing Corridor N. Electrical transmission associated with the proposed project will occur within these existing corridors, and placement of the facility adjacent to these corridors minimizes the length of new corridors necessary for transmission of natural gas to the site.

2. Encourage joint-use of corridors for transmission lines, canals, pipelines, and cables:

Placement of the proposed project within existing Corridor N maximizes the joint-use of this corridor for natural gas and electrical transmission.

3. Provide alternative corridors to be considered during processing of applications:

This decision criterion is not applicable to the proposed project. Placement of the proposed facility adjacent to existing corridors does not require designation of alternative corridors to support the proposed project.

4. Avoid sensitive resources wherever possible:

The extent to which the proposed project has been located and designed to avoid sensitive resources is addressed throughout the FEIS. BLM and other Federal regulations that restrict the placement of proposed facilities, such as the presence of designated Wilderness Areas or Desert Wildlife Management Areas were considerations in the original siting process used by the applicant to identify potential project locations. The project location and configurations of the boundaries were modified in consideration of mineral resources. The alternatives analysis considered whether the purpose and need of the proposed project could be achieved in another location, but with a lesser effect on sensitive resources.

5. Conform to local plans whenever possible:

The extent to which the proposed project conforms to local plans is addressed within the Land Use section of the FEIS. The proposed project is in conformance with the Imperial County General Plan.

6. Consider wilderness values and be consistent with final wilderness recommendations:

The proposed project is not located within a designated Wilderness Area or Wilderness Study Area.

7. Complete the delivery systems network:

This decision criterion is not applicable to the proposed project.

8. Consider ongoing projects for which decisions have been made:

This decision criterion is not applicable to the proposed project. Approval of the proposed project would not affect any other projects for which decisions have been made.

9. Consider corridor networks which take into account power needs and alternative fuel resources:

This decision criterion is not applicable to the proposed project. The proposed project does not involve the consideration of an addition to or modification of the corridor network. However, it does utilize facilities located within Corridor N, which were designed with consideration of both power needs and locations of alternative fuel resources.

## **A.4 PROJECT OBJECTIVES (CEQA)**

---

### **APPLICANT OBJECTIVES**

The applicant's project objectives are set forth below. The fundamental objective is to build a solar project that generates 750 MW of renewable solar energy that will help the State meet its Renewable Portfolio Standard (RPS) goals for new renewable electric generation. To assist in meeting the requirement for additional generating capacity, the applicant has developed solar technology which requires commercial-scale development to demonstrate its technical and commercial viability, and has entered into power purchase agreements to provide power from renewable sources into the California Independent System Operator (CAISO) system.

- Provide up to 750 MW of renewable electric capacity under a 20-year PPA to SDG&E,
- Contribute to the 20% renewables RPS target set by California's governor and legislature,
- Assist in reducing greenhouse gas emissions from the electricity sector,
- contribute to California's future electric power needs, and
- Assist the CAISO in meeting its strategic goals for the integration of renewable resources, as listed in its Five-Year Strategic Plan for 2008-2012 (CAISO 2007).

### **CEQA OBJECTIVES**

#### **State Objectives**

Senate Bill 1078, passed on 2002, established the California RPS, which requires utilities to increase their sale of electricity produced by renewable energy sources, including solar facilities, by a minimum of 1% per year with a goal of 20% of their total sales by 2017. However, the California Public Utilities Commission (CPUC), Energy Commission, and the California Power Authority adopted the Energy Action Plan (EAP), which pledged that the agencies would meet an accelerated goal of 20% by the year 2010. As a result, the California Senate passed Senate Bill 107 to be consistent with the EAP, and accelerated the implementation of RPS, requiring utilities to meet the goal of 20% renewable energy generation by 2010. In November 2008, California's Governor instituted Executive Order S-14-08 which establishes an updated RPS goal that all retail sellers of electricity shall serve 33% of their load with renewable energy by 2020. The project would allow California utilities to increase the percentage of renewable resources in their energy portfolio, and aid the utilities in reaching the goals set forth by the RPS.

CEQA guidelines require a clearly written statement of objectives to guide the lead agency in developing a reasonable range of alternatives and aid decision-makers in preparing findings or a statement of overriding considerations. CEQA specifies that the statement of objectives should include the underlying purpose of the project (Section

15126.6(a)). These objectives reflect the applicant's objectives and the BLM's stated purpose and need of the project and will be considered in the comparison of alternatives, as required under both NEPA and CEQA. The Energy Commission developed the following objectives for the project:



1. to safely and economically construct and operate an up to 750 MW, renewable power generating facility in California capable of selling competitively priced renewable energy consistent with the needs of California utilities;
2. to locate the facility in areas of high solarity with ground slope of less than 5%;
3. to complete the impact analysis of the project so that if approved, construction could be authorized in 2010 and beyond.

## **A.5 PURPOSE AND NEED (NEPA)**

---

### **BLM PURPOSE AND NEED**

NEPA guidance published by the Council on Environmental Quality (CEQ) states that environmental impact statements' Purpose and Need section "shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action" (40 CFR §1502.13). The following discussion sets forth the purpose of, and need for, the project as required under NEPA.

The BLM's purpose and need for the Imperial Valley Solar Project is to respond to Imperial Valley Solar, LLC's application under Title V of FLPMA (43 U.S.C. 1761) for a ROW grant to construct, operate, and decommission a solar thermal facility on public lands in compliance with FLPMA, BLM ROW regulations, and other Federal applicable laws. The BLM will decide whether to approve, approve with modification, or deny issuance of a ROW grant to Imperial Valley Solar, LLC for the proposed Imperial Valley Solar Project. The BLM's actions will also include consideration of amending the CDCA Plan concurrently. The CDCA Plan (1980, as amended), while recognizing the potential compatibility of solar generation facilities on public lands, requires that all sites associated with power generation or transmission not identified in that plan be considered through the plan amendment process. If the BLM decides to approve the issuance of a ROW grant, the BLM will also amend the CDCA Plan as required.

In conjunction with FLPMA, BLM authorities include:

- Executive order 13212, dated May 18, 2001, which mandates that agencies act expediently and in a manner consistent with applicable laws to increase the "production and transmission of energy in a safe and environmentally sound manner."
- The EPLA, which requires the Department of the Interior (BLM's parent agency) to approve at least 10,000 MW of renewable energy on public lands by 2015.
- Secretarial Order 3285, dated March 11, 2009, which "establishes the development of renewable energy as a priority for the Department of the Interior."

### **DOE PURPOSE AND NEED**

The EPLA of 2005 established a Federal loan guarantee program for eligible energy projects that employ innovative technologies. Title XVII of the EPLA authorizes the Secretary of Energy to make loan guarantees for a variety of types of projects, including those that "avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases, and employ new or significantly improved technologies as compared to commercial technologies in service in the U.S. at the time the guarantee is issued."

The two purposes of the loan guarantee program are to encourage commercial use in the U.S. of new or significantly improved energy-related technologies and to achieve substantial environmental benefits. The purpose and need for action by DOE is to comply with its mandate under EPAct by selecting eligible projects that meet the goals of the Act.

## **USACE PURPOSE AND NEED**

The USACE uses two purpose and need statements to identify and analyze a reasonable range of alternatives under Section 404(b)(1). These include the basic project purpose and the overall project purpose.

The basic project purpose is used to determine whether a proposed project is water dependent (i.e., whether it requires a location that affects waters of the U.S.). The basic project purpose comprises the fundamental, essential, or irreducible purpose of the Preferred Action Alternative, and is used by the USACE to determine whether the applicant's project is water dependent.

The basic project purpose for the Preferred Plan Alternative is: “**Energy Production.**”

The basic project purpose is not water dependent but will affect waters of the U.S. in the form of ephemeral streams and therefore, the applicant has the burden of rebutting the presumption that there is a less damaging alternative for the proposed activity that would not affect waters of the U.S. {§40 CFR 230.10(a)(3.)}.

The overall project purpose is the basic project purpose with consideration of costs and technical and logistical feasibility.

The *overall project purpose* is “**To provide a renewable energy facility in Southern California.**”

## **A.6 PROJECT EVALUATION AND DECISION PROCESS**

---

### **Energy Commission Process**

The Energy Commission’s siting regulations require staff to independently review the AFC and assess whether the list of environmental impacts contained is complete and whether additional or more effective mitigation measures are necessary, feasible, and available (Cal. Code Regs., tit. 20, §§ 1742 and 1742.5(a)).

In addition, staff must assess the completeness and adequacy of the measures proposed by the applicant to ensure compliance with health and safety standards and the reliability of power plant operations (Cal. Code Regs., tit. 20, § 1743(b)). Staff is required to develop a compliance plan (coordinated with other agencies) to ensure that applicable laws, ordinances, regulations, and standards are met (Cal. Code Regs., tit. 20, § 1744(b)).

Staff conducts its environmental analysis in accordance with the requirements of the CEQA. No additional EIR is required because the Energy Commission’s site certification program has been certified by the California Resources Agency as meeting all

requirements of a certified regulatory program (Pub. Resources Code, § 21080.5 and Cal. Code Regs., tit. 14, § 15251 (j)).

Staff's impact assessment, including the recommended conditions of certification, is only one piece of evidence that the Siting Committee will consider in reaching a decision on the proposed project and making its recommendation to the full Energy Commission. At the public hearings, all parties will be afforded an opportunity to present evidence and to rebut the testimony of other parties, thereby creating a hearing record on which a decision on the project can be based. The hearing before the Siting Committee also allows all parties to argue their positions on disputed matters, if any, and it provides a forum for the Committee to receive comments from the public and other governmental agencies.

Following the hearings, the Siting Committee's recommendation to the full Energy Commission on whether or not to approve the proposed project will be contained in a document entitled the Presiding Members' Proposed Decision (PMPD). Following its publication, the PMPD is circulated in order to receive written public comments. At the conclusion of the comment period, the Siting Committee may prepare a revised PMPD. At the close of the comment period for the revised PMPD, the PMPD is submitted to the full Energy Commission for a decision.

### **BLM Process**

The DEIS was available for a 90-day public comment period. Following completion of that period, BLM will review and develop responses to comments provided by the public and other agencies. The responses to the comments, and other information identified during this period, will be incorporated into an FEIS, which will make a recommendation regarding the preferred alternative. A Notice of Availability (NOA) of the FEIS will be published when the FEIS becomes available for public review. The FEIS will be available for public review for a minimum of 30-days before the BLM issues a Record of Decision (ROD). The decision regarding the ROW grant is in full force and effect; however, it is appealable to the Interior Board of Land Appeals upon issuance of the ROD. The FEIS will also contain a proposed decision to amend the BLM Plan. Proposed plan amendment decisions may be protested within 30-days of the proposed decision. BLM cannot make a final decision regarding issuance of a ROW grant or amending the Plan until any Plan protest is resolved.

Under the NEPA process, the significance of the impacts is developed based on the definition of "significantly" provided in NEPA regulations Section 1508.27. This evaluation includes both the context of the action with respect to the affected resources, as well as the intensity of the effect on those resources. The following are considered in evaluating the intensity:

- Whether the impact is beneficial or adverse;
- The degree to which the proposed action affects public health or safety;
- Unique characteristics of the geographic area, including parks, farmlands, wetlands, wild and scenic rivers, or ecologically critical areas;
- The degree to which the effects are likely to be highly controversial;

- The degree to which the effects are highly uncertain or involve unique or unknown risks;
- The degree to which the action may establish a precedent for future actions;
- Whether the action may be individually insignificant, but cumulatively significant when combined with other actions;
- The degree to which the action may adversely affect significant scientific, cultural, or historical resources;
- The degree to which the action may adversely affect an endangered or threatened species or its habitat; and
- Whether the action threatens a violation of federal, State, or local law or requirements imposed for the protection of the environment.

As outlined in NEPA regulations Section 1502.16, the analysis also includes a discussion of both direct and indirect effects and their significance, adverse environmental effects which cannot be avoided, whether impacts are short-term or long-term, and any irreversible or irretrievable commitments of resources.

The decisions to be made by the agencies (licensing by the Energy Commission, and ROW grant by BLM) are independent of each other.

### **DOE Process**

When the FEIS is completed and made available to the public by BLM, DOE will carry out an independent review to ensure that DOE comments have been addressed and that the proposed action is substantially the same as the action described in the EIS. If these conditions are met, DOE will adopt the FEIS without having to recirculate it pursuant to CEQ NEPA regulations at 40 CFR 1506.3(c).

While the FEIS is being developed, DOE will also be carrying out a detailed technical and legal evaluation of the proposed project pursuant to its procedures for loan guarantees set out at 10 CFR Part 609. DOE may reach agreement on a conditional commitment for a loan guarantee prior to completion of the FEIS and the BLM ROW grant; however, in this case a condition precedent will be included in the conditional commitment requiring that the NEPA review and the BLM ROW grant process be completed before DOE closes the loan guarantee transaction.

Following conclusion of the NEPA process and the BLM decision on issuance of the ROW grant, DOE will issue a Record of Decision (ROD) and proceed to close the loan guarantee transaction provided that the applicant has satisfied all the detailed terms and conditions contained in the conditional commitment and other related documents, and all other contractual, statutory, and regulatory requirements.

### **USACE Process**

Section 404 of the CWA authorizes the Secretary of the Army, acting through the Corps, to issue permits regulating the discharge of dredged or fill materials into the "navigable waters at specified disposal sites." Section 502 of the CWA further defines "navigable waters" as "waters of the United States, including territorial seas." "Waters of the United

States" are broadly defined in Code of Federal Regulations (C.F.R.), title 33, section 328.3, subdivision (a),<sup>1</sup> to include navigable waters, perennial, intermittent, and ephemeral streams, lakes, rivers, ponds, as well as wetlands, marshes, and wet meadows. Section 328.3, subdivision (a) specifically defines "waters of the United States," as follows:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
  - i. Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
  - ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - iii. Which are used or could be used for industrial purpose by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under the definition;
5. Tributaries of waters identified in paragraphs (a)(1)-(4) of this section;
6. The territorial seas;
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)(1)-(6) of this section.
8. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the EPA.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 C.F.R. 123.11(m) which also meet the criteria of this definition) are not waters of the United States.

---

<sup>1</sup> This regulation, 33 C.F.R., §328.3, and the definitions contained therein, have been the subject of recent litigation. In addition, the United States Supreme Court has recently limited the scope and extent of the Corps' jurisdiction over "navigable waters" and "waters of the United States" under the CWA. (See, e.g., *Solid Waste Agency of Northern Cook Cty. v. United States Army Corps of Engineers* (2001) 531 United States 159; *Rapanos v. United States* (2006) 126 S.Ct. 2208) Despite the impacts of these recent decisions, the definitions continue to provide guidance to the extent that they establish an outer limit on the Corps' jurisdiction over "waters of the United States," and, therefore, are referenced here for that purpose.

The lateral limits of the Corps' jurisdiction in non-tidal waters under Section 404 of the Clean Water Act are defined by the "ordinary high-water mark" (OHWM) unless adjacent wetlands are present. The OHWM is a line on the shore or edge of a channel established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed upon the bank, shelving, changes in the character of soil, destruction of vegetation, or the presence of debris. (33 C.F.R., §328.3, subd. (e).) As such, waters are recognized in the field by the presence of a defined watercourse with appropriate physical and topographic features. If wetlands occur within, or adjacent to, waters of the United States, the lateral limits of the Corps' jurisdiction will extend beyond the OHWM to the outer edge of the wetlands (33 C.F.R. §328.4(c)). The upstream limit of jurisdiction in the absence of adjacent wetlands is the point beyond which the OHWM is no longer perceptible. (33 C.F.R., §328.4; see also 51 Fed. Reg., §41217.)

The CWA Section 404(b)(1) Guidelines govern the issuance of permits authorizing the placement of fill material into waters of the United States, and state that no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. (40 C.F.R., §230.10, subd. (a).)

Under the Section 404(b)(1) Guidelines, the applicant must demonstrate avoidance or minimization of impacts to waters of the United States to the maximum extent practicable. Under the above requirements, the Corps can only issue a Section 404 Permit for the "least environmentally damaging practicable alternative" (LEDPA). In addition, the Corps is prohibited from issuing a permit that is contrary to the public interest. (33 C.F.R., §320.4.)

The section 404(b)(1) Guidelines also extend additional protection to certain rare and/or sensitive aquatic habitats. These are termed "special aquatic sites," and include six categories: sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, and riffle/pool complexes. (40 C.F.R., §§230.40-230.45.) For proposed activities involving discharges into special aquatic sites, the Section 404(b)(1) Guidelines require consideration of whether the activity is dependent on access or proximity to, or siting within, a special aquatic site in order to fulfill its basic project purpose. If an activity is determined not to be water dependent, the Section 404(b)(1) Guidelines establish the following two presumptions (40 C.F.R., §230.10, subd. (a)(3)), which the applicant is required to rebut in addition to satisfying the alternatives analysis requirements:

That practicable alternatives not involving discharges of fill material into special aquatic sites are presumed to be available; and

That all practicable alternatives to the proposed discharge not involving a discharge into a special aquatic site are presumed to have less adverse impacts on the aquatic ecosystem.

For non-water-dependent projects, the applicant must rebut these presumptions in order to demonstrate compliance with the Section 404(b)(1) Guidelines.

Section 401 of the CWA requires that an applicant for a federal permit (including a Section 404 Permit) for an activity that may result in any discharge into navigable waters provide state certification that the proposed activity will not violate state and federal water quality standards.

The USACE's assessment of the project and alternatives also emphasizes avoidance and minimization of impacts to waters of the United States, including all special aquatic sites in the project area. The above assessment method for evaluating temporary and permanent impacts to the physical and biological attributes of the aquatic environment will also be utilized for the required 404(b)(1) alternatives analysis (40 CFR 230). The evaluation of impacts and the development of appropriate mitigation measures in this section will also be used to demonstrate compliance with the Mitigation Rule (33 CFR Parts 325 and 332). As discussed in the Mitigation Rule, the USACE will consider a variety of methods to ensure that any required compensatory mitigation for impacts to jurisdictional waters of the United States provides adequate compensation for the loss of physical and biological functions and services in the project area. To address temporal impacts and to increase the level of certainty associated with any required compensatory mitigation, the USACE would require up-front compensatory mitigation at a minimum 1:1 ratio of functional units lost prior to any permanent impacts to waters of the United States as well as concurrent mitigation throughout construction activities in jurisdictional areas associated with the project and alternatives.

## **A.7 AGENCY AND PUBLIC COORDINATION**

---

As noted previously, the Energy Commission certification is in lieu of any permit required by state, regional, or local agencies and by federal agencies to the extent permitted by federal law (Pub. Resources Code, § 25500). However, the Energy Commission typically seeks comments from and work closely with other regulatory agencies that administer LORS that may be applicable to the proposed project. The following paragraphs describe the agency coordination that has occurred through this environmental review process.

### **U.S. Army Corps of Engineers**

The Corps has jurisdiction to protect water quality and wetland resources under Section 404 of the CWA. Under CWA authority, the Corps reviews proposed projects to determine whether they may impact such resources, and/or be subject to a Section 404 permit. Throughout the process, the Energy Commission, BLM, and the applicant have provided information to the Corps to assist them in making a determination regarding their jurisdiction and need for a Section 404 permit. The Corps determined that the proposed Imperial Valley Solar Project would result in fill of waters of the U.S. and would require a Standard Individual Permit (SIP) subject to CWA Section 404(b)(1) guidelines.

### **U.S. National Park Service**

The National Park Service manages the Juan Bautista de Anza National Historic Trail, which is believed to cross the proposed project area. Because of the potential impacts to the Juan Bautista de Anza National Historic Trail, the Park Service was invited to participate in the process and has provided comments on 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 Imperial Valley Solar Project and provided specific comments on the SA/DEIS that will be considered by staff. 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.

### **U.S. Fish and Wildlife Service**

The U.S. Fish and Wildlife Service (USFWS) has jurisdiction to protect threatened and endangered species under the Endangered Species Act (ESA). Formal consultation with the USFWS under Section 7 of the ESA is required for any federal action that may adversely affect a federally-listed species. The endangered peninsular bighorn sheep (*Ovis canadensis nelsoni*) has been observed on the project site, as well as the flat-tailed horned lizard (*Phrynosoma mcallii*). Though the flat-tailed horned lizard found is not currently listed, the USFWS had been recently instructed by a federal district court to reinstate the proposal to list the flat-tailed horned lizard under the federal Endangered Species Act (FESA). Therefore, formal consultation with the USFWS is not required; however, conference has been initiated by the BLM through the preparation and submittal of a Biological Assessment (BA) which describes the proposed project to the USFWS. Following review of the BA, the USFWS is expected to issue a Biological Opinion (BO) for the peninsular bighorn sheep and a Conference Opinion for the flat-tailed horned lizard, which will specify mitigation measures which must be implemented for the protection of the species.

### **State Water Resources Control Board/Regional Water Quality Control Board**

The Colorado River Regional Water Quality Control Board (RWQCB) has the authority to protect both surface water and groundwater resources at the proposed project location. Throughout the SA/DEIS process, the Energy Commission, BLM, and the applicant have invited the RWQCB to participate in public scoping and workshops, and have provided information to assist the agency in evaluating the potential impacts and permitting requirements of the proposed project. Although the RWQCB has not yet responded with comments on the proposed project, staff has specified conditions to satisfy anticipated requirements of dredge and fill permit/waste discharge requirements. Staff will work with the RWQCB during the comment period to address any necessary changes to the requirements. These requirements will be included as a recommended Condition of Certification/Mitigation Measure.

### **California Department of Fish and Game**

The California Department of Fish and Game (CDFG) have the authority to protect water resources of the state through regulation of modifications to streambeds, under Section 1602 of the Fish and Game Code. The Energy Commission, BLM, and the applicant have provided information to CDFG to assist in their determination of the impacts to streambeds, and identification of permit and mitigation requirements. The applicant filed an application for a Lake and Streambed Alteration Agreement with CDFG on October 30, 2009. The CDFG is currently reviewing the application and working on the requirements of the Streambed Alteration Agreement. These requirements will be included as a recommended Condition of Certification/Mitigation Measure.



## **Tribal Relationships**

The BLM has notified affected Indian Tribes regarding the proposed project, has sought their comments, and has invited them to consult on the project on a government-to-government basis. The affected Indian Tribes are currently working with the BLM, Energy Commission, and the State Historic Preservation Officer's office on the development of the Programmatic Agreement.

## **Public Coordination**

Both the Energy Commission's CEQA-equivalent process and the BLM's NEPA process provide opportunities for public participation in the scoping of the environmental analysis, and in the evaluation of the technical analyses and conclusions of that analysis. For the Energy Commission, this outreach program is primarily facilitated by the Public Adviser's Office (PAO). As part of the coordination of the environmental review process required under the Energy Commission/BLM California Desert District MOU, the agencies have jointly held public meetings and workshops which accomplish the public coordination objectives of both agencies. This is an ongoing process that to date has involved the following efforts:

## **Libraries**

The AFC was sent to the county libraries in El Centro, Ocotillo, Fresno, and Eureka; the main branches of the San Diego and San Francisco public libraries; the University Research Library at UCLA; the California State Library; and the Energy Commission's library in Sacramento.

## **Outreach Efforts**

The PAO's public outreach is an integral part of the Energy Commission's AFC review process. The PAO reviewed information provided by the applicant and also conducted its own outreach efforts to identify and locate local elected and certain appointed officials, as well as "sensitive receptors" (including schools, community, cultural and health facilities, and daycare and senior-care centers, as well as environmental and ethnic organizations). There were not any sensitive receptors identified within a 6-mile radius of the proposed site for the project.

Notices for workshops and hearings have been and will continue to be distributed to those agencies, individuals, and businesses that are currently on or request to be placed on the project's mailing list. Notices were distributed for the Informational Hearing and Site Visit, which was conducted on November 24, 2008, in El Centro, California.

Coincident with the PAO's outreach efforts, BLM solicited interested members of the public and agencies through the NEPA scoping process. BLM published a NOI to develop the EIS and amend the CDCA Plan in the Federal Register, Vol. 73, and No. 202 Fed. Reg. 61902-61903, dated October 17, 2008. The Energy Commission's November 24, 2008 Informational Hearing also acted as the Public Scoping meetings for the EIS, as required by NEPA.

Throughout the process, the Energy Commission and BLM have held additional joint Issue Resolution, alternatives identification, and data response workshops which were announced and made available to the public. These workshops were held on

December 18, 2008, May 7, 2009, and March 22, 2010 in El Centro, California, and on February 10, 2009 in Sacramento, California. In addition, the Energy Commission held evidentiary hearings on May 24, 2010 and May 25, 2010. The Energy Commission has also continued to accept and consider public comments, and has issued orders granting petitions to intervene to the California Unions for Reliable Energy, Tom Budlong, Hossein Alimamaghani, and the California Native Plant Society.

Those comment received from agencies and individuals on the SA/DEIS have been considered in staff's analysis. This SSA provides agencies and the public with an opportunity to review the Energy Commission staff's analysis of the proposed project.

Energy Commission regulations require staff to notice, at a minimum, property owners within 1,000 feet of a project and 500 feet of a linear facility under its jurisdiction. This was done for the IVS Project. Staff's ongoing public and agency coordination activities for this project are discussed under the Public and Agency Coordination heading in the **Executive Summary**.

The AFC, the SA/DEIS, this SSA and other project documents are located on the Energy Commission's website at <http://www.energy.ca.gov/sitingcases/solartwo/index.html>.

### **Summary of Public and Agency Comments**

The BLM and Energy Commission processes include soliciting comments regarding the scope of the analysis from other government agencies, the public and non-governmental organizations. The persons and organizations which provided scoping comments, and the general issues addressed within their comments, are provided in **Introduction Tables 1 and 2** below. Comments received on the SA/DEIS are listed in **Introduction Table 3** below and addressed in the appropriate technical section of this document.

**Introduction Table 1**  
**Summary of Written Comments Received by the Energy Commission**

Name and Agency of Commenter (and Date of Comment)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
<b>COMMENT LETTERS FROM PUBLIC AGENCIES</b>			
United States Environmental Protection Agency (EPA) (letter dated 11/14/08)	EPA-1	EPA supports the use of renewable energy resources.	See Note 1
	EPA-2	<b>Purpose and Need:</b> Provide a clear and objective statement of the project's purpose and need.	Purpose and Need
	EPA-3	<b>Alternatives:</b> Provide a robust range of alternatives; explain why some alternatives were eliminated; look at alternative sites, capacities, technologies.	Alternatives
	EPA-4	<b>Biological Resources:</b> Address threatened and endangered species in detail, including baseline conditions; how avoidance, minimization, and mitigation measures will protect species; and long-term management and monitoring efforts.	Biological Resources and Areas of Critical Environmental Concern
	EPA-5	<b>Air Quality:</b> Detailed discussion of ambient air quality; quantify project emissions; identify emissions sources (mobile, stationary, ground disturbance); identify the need for an Equipment Emissions Mitigation Plan (EEMP) and Fugitive Dust Control Plan during construction.	Air Quality
	EPA-6	<b>Climate Change:</b> Address climate change and how climate change could potentially affect the project; identify any climate change benefits of the project.	Air Quality
	EPA-7	<b>Cumulative Impacts:</b> Clearly identify resources that may be cumulatively impacted and the geographic area that will be impacted by the project; look at past impacts on resources; identify opportunities to avoid and minimize cumulative impacts.	Cumulative Impacts (in sections by environmental parameter)
	EPA-8	<b>Water Resources:</b> Evaluate project need for water and effects on water supply.	Hydrology, Water Use, and Water Quality
	EPA-9	<b>Groundwater:</b> Direct and indirect effects on groundwater.	Hydrology, Water Use, and Water Quality
	EPA-10	<b>Water Resources:</b> Impacts on springs, open water bodies, other aquatic resources.	Hydrology, Water Use, and Water Quality, and Biological Resources

Name and Agency of Commenter (and Date of Comment)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
	EPA-11	<b>Water Use:</b> Clarify the water rights permitting process.	Project Description
	EPA-12	<b>Water Quality:</b> Potential need for a Section 404 permit.	Hydrology, Water Use, and Water Quality, and Biological Resources
	EPA-13	<b>Water Quality:</b> Discuss any Section 303(d) impaired waters in the project area.	Hydrology, Water Use, and Water Quality
	EPA-14	<b>Consultation with Tribal Governments:</b> Describe process for and outcome of government-to-government consultation; discuss any National Register of Historic Places properties and any Indian Sacred Sites; and development of a Cultural Resources Management Plan.	Cultural Resources and Native American Values
	EPA-15	<b>Environmental Justice:</b> Identify environmental justice populations in the project area and potential impacts of the project on those populations; identify whether the impacts are disproportionate on those populations; discuss any coordination with environmental justice populations.	Socioeconomics and Environmental Justice
	EPA-16	<b>Recreation:</b> Address effects of the project on recreational users in the project area, including potential hazards to those users associated with the project facilities; identify appropriate safety precautions.	Land Use
	EPA-17	<b>Invasive Species:</b> Address potential for project to introduce invasive species; how they will be controlled; development of an invasive species management plan; and restoration, as appropriate, of native species.	Biological Resources
	EPA-18	<b>Hazardous Materials and Wastes:</b> Address the potential for direct, indirect, and cumulative impacts of hazardous wastes generated during project construction and operation; identify types and volumes of wastes; identify handling, storage, disposal, and management plans; alternative industrial processes using less toxic materials should be considered.	Hazardous Materials Management
	EPA-19	<b>Land Use:</b> Identify consistency and/or conflicts with federal, State, Tribal, and local land use plans, policies, and controls in the project study area.	Land Use
Imperial Irrigation District (IID) (letter dated 11/24/08) (see Note 3)	IID-1	Supports the proposed SES Solar Two project.	See Note 1

Name and Agency of Commenter (and Date of Comment)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
<b>COMMENT LETTERS FROM GROUPS AND ORGANIZATIONS</b>			
El Centro Chamber of Commerce and Visitors Bureau (letter dated 11/24/08) (see Note 3)	ECCC-1	Supports the proposed Solar Two project.	See Note 1
Teri Weiner, Imperial County Projects and Conservation Coordinator, Desert Protective Council (letter dated 12/30/08) (see Note 3)	DPC-1	<b>Cultural Resources:</b> Complete surveys of cultural artifacts, sites, and areas in the project area are needed; local archaeologists should be considered; consultation with Native American tribes is needed; need to address cumulative impacts.	Cultural Resources
	DPC-2	<b>Land Use:</b> Need to address project and cumulative loss of public lands to other uses (particularly energy projects).	Land Use
	DPC-3	<b>Biological Resources:</b> Need to address impacts to sensitive plants and animals; conduct species surveys at appropriate times of the year.	Biological Resources
	DPC-4	<b>Invasive Species:</b> Control of invasive species during construction and operation.	Biological Resources
	DPC-5	<b>Animals and Plants:</b> Potential impacts of scraping for roads on sensitive and rare plants and animals.	Biological Resources
	DPC-6	<b>Air Quality:</b> Air quality (PM <sub>10</sub> [particulate matter less than 10 microns in size]); prevention of air quality impacts during project construction and operation.	Air Quality
	DPC-7	<b>Water Supplies/Use:</b> Impacts on Ocotillo/Nomirage aquifer; overall effect on demand for water.	Hydrology, Water Use, and Water Quality
	DPC-9	<b>Land Use, Visual, and Noise:</b> Impacts to community character in the Ocotillo and Nomirage communities; dark skies impacts; noise impacts.	Land Use, Visual Resources, Noise
	DPC-10	<b>Aviation Impacts:</b> Air space impacts; glare to pilots.	Health and Safety
	DPC-11	<b>Recreation:</b> Address impacts to recreational experience at the Plaster City Open Area, Superstition Hills Recreation Area, Painted Gorge Recreation Area, and Anza-Borrego Desert State Park.	Land Use

Name and Agency of Commenter (and Date of Comment)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
Alex Daue, Renewable Energy Coordinator, The Wilderness Society, and Johanna Wald, Senior Attorney, Natural Resources Defense Council (letter dated 12/31/08)	TWS-1	Description of the Wilderness Society and the Natural Resources Defense Council.	See Note 1
	TWS-2	Supports responsible use of renewable energy resources in a responsible manner when on public lands.	See Note 1
	TWS-3	Recommend that United States Department of the Interior, Bureau of Land Management (BLM) continue to improve its right-of-way application process, including appropriate best management practices (BMPs) and addressing the difference between solar development and other uses of right-of-way, and prioritize development on already disturbed lands close to existing transmission facilities.	See Note 1
	TWS-4	<b>Project Description:</b> The Solar Two site appears to have potential for developing solar energy with fewer impacts to resources than other areas managed by BLM; should prioritize on already disturbed lands and in proximity to existing transmission lines.	Project Description
	TWS-5	Minimize and mitigate unavoidable impacts to resources and values.	In sections by environmental parameter.
	TWS-6	<b>Cultural Resources:</b> Prioritize protection of area's cultural resources; develop strategies to minimize and mitigate unavoidable effects on cultural resources; conduct ongoing consultation with local Native American tribes.	Cultural Resources
	TWS-7	<b>Biological Resources:</b> Prioritize protection of species in the project area; analyze project impacts on species; develop BMPs and other steps to minimize and mitigate unavoidable impacts on resources.	Biological Resources
	TWS-8	<b>Water Supply/Use:</b> Confirm that the water needed for the project is available and consistent with existing Energy Commission policy.	Hydrology, Water Use, and Water Quality
	TWS-9	<b>Project Description:</b> Concerns regarding viability of technology.	Project Description
	TWS-10	<b>Project Phasing:</b> Consider granting right-of-way for Phase I only, with Phase II dependent on approval finalization of the Sunrise Powerlink project and resolution of additional issues regarding the Solar Two project.	Project Description
	TWS-11	<b>Project Phasing:</b> Consider establishing requirements for a demonstration of technological and economic viability with 3 to 5 years of approval of right-of-way before extending the length of the right-of-way approval.	Project Description
	TWS-12	<b>Project Description:</b> Conduct an analysis of the energy return on investment to assess the net energy production value of the project.	Project Description

Name and Agency of Commenter (and Date of Comment)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
	TWS-13	<b>Hazards:</b> Analyze the potential effects of hydrogen leakage and identify strategies to minimize and mitigate impacts.	Hazardous Materials Management
	TWS-14	<b>Project Description/Funding:</b> Want cash bonds to cover future decommissioning costs with bonds phased consistent with the project phasing.	Project Description
Edie Harmon, Sierra Club, San Diego Chapter (letter dated 1/2/09) (see Note 4)	SC-1	<b>Alternatives:</b> Analyze a range of alternatives to avoid the impacts of the project on cultural resources and to overall reduce the reliance on fossil fuels.	Alternatives
	SC-2	<b>Alternatives:</b> Suggest No Project Alternative include other energy-generating options.	Alternatives
	SC-3	<b>Alternative Use of Funds:</b> Suggest using money from Solar Two and Sunrise Powerlink projects for conservation and weatherization improvements.	See Note 1
	SC-4	<b>Alternatives:</b> Suggest installing units in San Diego County closer to the users of the electricity.	Alternatives
	SC-5	<b>Alternatives:</b> Suggest installing units in Imperial County at dispersed locations.	Alternatives
	SC-6	<b>Alternative Sites:</b> Suggest looking at alternative sites such as Mesquite Lake that are already disturbed or looking at multiple smaller sites.	Alternatives
	SC-7	<b>Alternatives:</b> Use the Stirling SunCatcher dish at existing natural gas or coal-fired power plants.	Alternatives
	SC-8	<b>Project Description:</b> Why is the electricity generated by Solar Two not going to be available to IID for use in Imperial County?	Project Description
	SC-9	<b>Project Description and Air Quality:</b> How will high winds and fine-grained dust affect the moveable parts of the SunCatcher assembly? How will the assembly be protected from the effects of high winds and dust?	Project Description Air Quality
	SC-10	<b>Project Description:</b> What will be the effect of high winds and fine-grained dust on the mean time between failure (MTBF) and the need to clean the mirrors?	Project Description
	SC-11	<b>Project Description:</b> What effect will gypsum dust from the US Gypsum Plaster City factory have on the facilities?	Project Description
	SC-12	<b>Project Description:</b> What was the MTBF at the New Mexico site? What is the estimated MTBF at the proposed site?	Project Description
	SC-13	<b>Socioeconomics:</b> What kind of jobs at what skill levels will be created? Will those jobs be met by existing employees in Imperial County or will they require employees relocating from other areas?	Socioeconomics

Name and Agency of Commenter (and Date of Comment)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
	SC-14	<b>Project Description:</b> Concern regarding going from small prototype to large-scale commercial facility without an intermediate level of facility or experience.	Project Description
	SC-15	<b>Phasing:</b> How will the project be phased?	Project Description
	SC-16	<b>Project Description:</b> What factors will contribute to MTBF and ongoing facility maintenance?	Project Description
	SC-17	<b>Project Description:</b> How will materials for the project be brought to the site?	Project Description
	SC-18	<b>Project Description:</b> How much hydrogen will be stored on site? Where will it be located on site?	Project Description
	SC-19	<b>Project Funding:</b> What is the financial experience of the project financial backers for this type of project? Where will all the money come from that is needed for the entire project?	See Note 1
	SC-20	<b>Project Description/Funding:</b> Want cash bonds to cover future decommissioning costs; will components have any resale or recycling value; how much material might end up in landfills; who will be responsible for the bond costs?	Project Description
	SC-21	<b>Project Description:</b> How will higher summer temperatures in Imperial County affect the system?	Project Description
	SC-22	<b>Project Description:</b> How much water will need to be used for mirror cleaning? How much will run off into the ground versus evaporation?	Project Description
	SC-23	<b>Invasive Species:</b> Introduction of nonnative invasive species; precautions or mitigation measures needed to prevent invasive species.	Biological Resources
	SC-24	<b>Project Description:</b> How will total dissolved solids (TDS) in the wastewater impoundment areas be handled to avoid runoff outside the impoundment areas or becoming airborne as dust; how will TDS be disposed of; how will the impoundment areas be managed and maintained; how will the waste impoundment areas be addressed when the facility is decommissioned, including restoration of the land occupied by the wastewater impoundment areas; what strategies will be in place to minimize attracting birds to the wastewater impoundment areas?	Project Description
	SC-25	<b>Cultural Resources:</b> Have all cultural resource studies been evaluated by outside consultants familiar with the area prior to release to the public?	See Note 1
	SC-26	<b>Cultural Resources:</b> Address issues related to site potentially being designated as an Area of Traditional Cultural Concern (ATCC).	Cultural Resources



Name and Agency of Commenter (and Date of Comment)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
	SC-27	<b>Cultural Resources:</b> Seek input from Native American groups and the State Historic Preservation Officer.	Cultural Resources
	SC-28	<b>Visual Resources:</b> Effect on visual resources in the area, including potential cumulative effect of this and other projects in the area.	Visual Resources
	SC-29	<b>Traffic and Land Use:</b> Traffic study should include traffic associated with Centinela State Prison; the prison should be labeled appropriately on figures.	Traffic and Land Use
	SC-30	<b>Hazards:</b> Issues associated with the potential for Valley Fever; risks to project employees and employees/prisoners at Centinela State Prison.	Health and Safety
	SC-31	<b>Cumulative Impacts:</b> Consider potential for cumulative impacts of this project and other nonrenewable and renewable energy, and land development projects; cumulative impacts on biological resources, cultural resources, environmental justice, air quality, and recreation uses/users.	Cumulative Impacts (in sections by environmental parameter)
	SC-32	<b>Seismic:</b> Potential damage/risks to project associated with seismic activity, including activity on the nearby Elsinore/Laguna Salada fault.	Geologic Stability
Mussey Grade Road Alliance (letter dated 1/2/09)	MG-1	<b>Scoping:</b> Requests that this comment letter be included in the scoping record.	Scoping Report
	MG-2	<b>Other Environmental Document:</b> Requests that the Final Environmental Impact Report (EIR) for the Sunrise Powerlink project, including its mitigation measures, be incorporated into the record for this project and used to scope the current project.	See Note 2
	MG-3	<b>Project Description:</b> Concerns regarding the commercial viability of the proposed Stirling Energy Systems, LLC (SES) technology; will it work; will it hold up to desert weather; not cost competitive.	Project Description
<b>COMMENT LETTERS FROM MEMBERS OF THE GENERAL PUBLIC</b>			
Marilyn Moskowitz (email dated 12/23/08) (see Note 3)	MM-1	Opposed to the Solar Two project.	See Note 1
	MM-2	<b>Air Quality:</b> Concerned regarding dust and potential health (asthma) effects on children.	Air Quality
	MM-3	<b>Water Use:</b> Objects to the use of drinkable water from the Ocotillo aquifer for industrial uses.	Hydrology, Water Use, and Water Quality
	MM-4	<b>Project Description:</b> Concerned that cleanup costs be provided in a bond.	Project Description
	MM-5	<b>Project Description:</b> Concerned other technologies will quickly make the Solar Two technology obsolete.	Project Description

Name and Agency of Commenter (and Date of Comment)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
Richard A. Ayers (letter dated 12/27/08)	RA-1	<b>Project Description:</b> Who is financially responsible for cleanup if the technology is not successful; taxpayer liability?	Project Description
	RA-2	<b>Project Description/Purpose:</b> Relationship to the Southwest Powerlink and role of Semptra.	Project Description
	RA-3	<b>Project Description:</b> SunCatcher reliability is not proven in actual operations.	Project Description
	RA-4	Stirling engines not successfully adapted for other commercial uses.	See Note 1
	RA-5	<b>Project Description:</b> Issues related to metal creep, metal fatigue, and seal integrity.	Project Description
	RA-6	<b>Project Description:</b> Need a level of project between small amount of units tested at Sandia and total proposed number of units for the Solar Two project; suggest 1 megawatt (MW)	Project Description
	RA-7	Recommends deferral of the Southwest Powerlink until needed in the future.	See Note 1
Cheryl Lenz (letter dated 1/2/09)	CL-1	<b>Project Description:</b> Who is financially responsible for cleanup if the technology is not successful; taxpayer liability?	Project Description
	CL-2	<b>Project Description:</b> SunCatcher reliability is not proven in actual operations.	Project Description
	CL-3	<b>Air Quality:</b> Effects of sand storms and “white clouds” from Plaster City.	Air Quality
	CL-4	<b>Project Description:</b> Need a level of project between small amount of units tested at Sandia and total proposed number of units for the Solar Two project; suggest 1 MW	Project Description
Charlene Ayers (letter dated 1/2/09)	CA-1	<b>Project Description:</b> Concerns regarding viability of technology and availability of technical information on the technology.	Project Description
	CA-2	<b>Project Description:</b> Potential effects of sand on the facility.	Project Description
	CA-3	<b>Project Description:</b> Commercial availability and viability of the technology.	Project Description
Donna Tisdale (letter dated 1/2/09) (see Note 3)	DT-1	Suggests rejecting the SES Solar Two and other projects because they do not represent the best and highest use of land, are not in the best interest of the taxpayers, and will result in loss of the use of public lands and recreation areas.	See Note 1
	DT-2	<b>Alternatives:</b> Other technologies are less destructive, expensive, and time consuming for approvals/litigation.	Alternatives
	DT-3	<b>Other Environmental Document:</b> Incorporates by reference the Final EIR and other materials for the Sunrise Powerlink project in her comments.	See Note 2

Name and Agency of Commenter (and Date of Comment)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
	DT-4	Incorporates by reference the <i>San Diego Smart Energy 2020</i> report in her comments.	Refer to comment DT-3 above, which includes a copy of that report.
	DT-5	<b>Project Funding:</b> Concerned regarding availability/sources of funding.	Project Description
	DT-6	<b>Project Description:</b> SunCatcher reliability is not proven in actual operations.	Project Description
	DT-7	<b>Project Description:</b> Construction of SunCatchers on site: where will that facility be, how big will it be, what are the impacts of that facility?	Project Description
	DT-8	<b>Land Use:</b> Definition of "limited use" designation.	Land Use
	DT-9	<b>Cultural Resources:</b> Potential for additional cultural resources in the area.	Cultural Resources
	DT-10	<b>Recreation:</b> Impacts on recreation uses and users.	Land Use
	DT-11	<b>Visual Resources:</b> Effects of motion-sensitive lighting.	Visual Resources
	DT-12	<b>Project Description:</b> Need data on current wind conditions to understand the effects of wind resulting in downtime.	Project Description
	DT-13	<b>Project Description:</b> Does Sunrise Powerlink have sufficient transmission capacity available for the SES Solar Two project? If not, are there other sources of capacity available?	Project Description
	DT-14	<b>Socioeconomics:</b> What kind of jobs at what skill levels will be created? Will those jobs be met by existing employees in Imperial County or other American workers or will they require employees from other countries?	Socioeconomics
	DT-15	<b>Visual:</b> Potential for glare impacts on motorists on Interstate 8, other streets, and United States Navy, United States Border Patrol, and general aviation activities in the area.	Visual Resources
	DT-16	<b>Visual:</b> Potential for project and cumulative visual impacts.	Visual Resources
	DT-17	<b>Cultural Resources:</b> Potential for project and cumulative impacts on cultural resources.	Cultural Resources
	DT-18	<b>Air Quality:</b> Potential project impacts related to dust, hydrogen gas, and diesel emissions, and cumulative impacts with other area land uses.	Air Quality
	DT-19	<b>Water Use:</b> Not clear that IID has committed to provide the water needed for the project.	Hydrology, Water Use, and Water Quality
	DT-20	<b>Hydrology:</b> Effects on watercourses and groundwater.	Hydrology, Water Use, and Water Quality

Name and Agency of Commenter (and Date of Comment)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
	DT-21	<b>Floods:</b> Effects of rare floods on project facilities; project facilities and debris basins located in floodplains.	Hydrology, Water Use, and Water Quality
	DT-22	<b>Project Description:</b> Need better description of evaporation ponds and the waste materials generated in those ponds.	Project Description
	DT-24	<b>Recreation:</b> Cumulative effects on recreation uses/users and general quiet enjoyment of public lands.	Land Use
	DT-25	<b>Cumulative Impacts:</b> Potential effects related to a wide range of environmental parameters.	Cumulative Impacts (in sections by environmental parameter)
	DT-26	<b>Value of Land:</b> Appraisal, calculation of value of BLM lands, likely fees that would be paid to BLM.	See Note 1
	DT-27	<b>Project Description:</b> Concerned that cleanup costs be provided in a bond.	Project Description
	DT-28	<b>Alternatives:</b> Look at different technologies.	Alternatives
Denis Trafecanty (letter dated 1/3/09) (see Note 5)	DET-1	Opposed to both the Sunrise Powerlink project and the Solar Two project.	See Note 1
	DET-2	<b>Project Description:</b> SunCatcher reliability is not proven in actual operations.	Project Description
	DET-3	<b>Project Description:</b> Costs to produce electricity too high; refer to the <i>San Diego Smart Energy 2020</i> report attached to this comment.	Project Description

- NOTE 1:** This comment does not raise an issue under the National Environmental Policy Act (NEPA) or the California Environmental Quality Act (CEQA). All comments describing support for or opposition to the proposed project or asking for analyses not required under CEQA or NEPA will be considered by the decision-makers at the BLM and the Energy Commission.
- NOTE 2:** The Final EIR for the Sunrise Powerlink project (A.06-08-010) is on file at the Energy Commission and therefore does not need to be incorporated in the record for this current project. The Energy Commission and the BLM used that document, plus other materials and past experiences on energy projects, plus agency and public input provided during the scoping process, to scope the technical studies and environmental document for the proposed Solar Two project.
- NOTE 3:** This commenter also provided verbal comments at the November 24, 2008, scoping meeting and/or the December 18, 2008, workshop/scoping meeting. Refer to Table 3.B for a summary of those verbal comments. Comments from these parties are numbered consecutively, including the written comments in Table 3.A and the verbal comments in Table 3.B.
- NOTE 4:** Ms. Harmon also provided written comments to the Energy Commission, as summarized in Table 3.A, as a representative of the Sierra Club, San Diego Chapter. Ms. Harmon did not indicate that she was commenting on behalf of the Sierra Club in her verbal comments provided at the two scoping meetings. Therefore, her comments at the scoping meeting are numbered as comments from an individual and separately from her comments as a representative of the Sierra Club.
- NOTE 5:** Mr. Trafecanty also provided written comments to the Energy Commission, as summarized in Table 3.A, as an individual. In those written comments, Mr. Trafecanty did not indicate that he was commenting on behalf of the Protect Our Communities Fund (POCF) as he did in his verbal comments at the November 24, 2008, scoping meeting. Therefore, his verbal comments at the scoping meeting are numbered as comments from Mr. Trafecanty as a representative of POCF and separately from his written comments to the Energy Commission as an individual.

**Introduction Table 2**  
**Summary of Verbal Comments Received**  
**at the November 24, 2008, and December 18, 2008, Scoping Meetings**

Name and Agency of Commenter (transcript pages)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
<b>VERBAL COMMENTS RECEIVED AT THE NOVEMBER 24, 2008, SCOPING MEETING</b>			
Paul Foley, California Unions for Reliable Energy (CURE), Intervener (pg 10)	—	No comment; acknowledged his presence as a representative of CURE as an intervener for the Solar Two project.	—
Gary Wyatt, Supervisor, Imperial County (pp 62–66)	GW-1	Supportive of renewable energy opportunities, and new industry/jobs in Imperial County; supportive of the Solar Two project.	See Note 1
John Mennvielle, President, Imperial Irrigation District (IID) Board of Directors (pp 66 and 67) (see Note 2)	IID-2	Supportive of the SES Solar Two project and its benefits for employment and the regional economy.	See Note 1
Mark Gran, City Council Member, City of Imperial (pp 67 and 68)	MG-1	Supportive of the SES Solar Two project, economic driver for the area, good paying jobs.	See Note 1
Marlene Best, Imperial Valley Economic Development Corporation (pp 68 and 69)	MB-1	Supportive of the SES Solar Two project and the economic and employment benefits.	See Note 1
Connie Bergmark, Resident, Imperial Lakes (pp 69 and 70)	CB-1	<b>Public Participation:</b> Supportive of renewable energy, wants to be kept informed about construction and operations as project progresses.	Public Coordination
Jennifer Donovan, Resident, Imperial Lakes (pg 70)	JD-1	Supportive of Solar Two project and employment and economic benefits.	See Note 1
Maurice Lam (pp 71 and 72)	ML-1	Supportive of Solar Two project and employment and economic benefits; area has substantial resources to offer to project.	See Note 1

Name and Agency of Commenter (transcript pages)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
Dennis Trafecanty, Protect Our Communities Fund, San Diego Foundation (pp 73–77) (see Note 4)	POCF-1	<b>Project Description:</b> Concerned about Stirling Energy Systems, LLC (SES) and the Solar Two project; concerned about the commercial viability of the project.	Project Description
	POCF-2	<b>Project Description:</b> Concerned about availability of funding for the project.	Project Description
	POCF-3	<b>Project Description:</b> Relationship to the Sunrise Powerlink project; does not think Sunrise Powerlink project is commercial.	Project Description
	POCF-4	<b>Project Description:</b> Concerned regarding public investment in Sunrise Powerlink, which is part of the cost of the Solar Two project.	Project Description
	POCF-5	<b>Purpose and Need:</b> Questions when power will actually be needed in San Diego.	Purpose and Need
	POCF-6	<b>Air Quality and Health and Safety:</b> Health concerns in Imperial Valley, asthma; concerned regarding bringing “dirty” fossil fuels from Mexico to support the San Diego Gas and Electric (SDG&E)/Sempra projects.	Air Quality and Health and Safety
	POCF-7	<b>Project Description:</b> Do not want transmission lines through open desert or through Anza Borrego Desert State Park.	Project Description
	POCF-8	Impacts to big horn sheep and sheep migration route to Mexico.	Biological Resources and Areas of Critical Environmental Concern (ACEC)
Laura McDonald, SDG&E (pp 77 and 78)	LM-1	Supportive of the SES Solar Two project.	See Note 1
Carroll Buckley, President of the El Centro Chamber of Commerce and Visitors Bureau (pp 78 and 79) (see Note 2)	ECCC-2	Supportive of SES Solar Two project and employment and economic benefits.	See Note 1
Karen Collins (pp 79–81)	KC-1	<b>Project Description:</b> Concerned that energy generated will go to San Diego with none to IID.	Project Description
	KC-2	<b>Project Description:</b> Concern regarding life expectancy of dishes and what happens when they are abandoned.	Project Description
	KC-3	<b>Cultural Resources:</b> Concerned regarding impacts on cultural resources, National Register of Historic Places resources, Lake Kuwae, District for the Yuha Intaglios, cremation sites.	Cultural Resources

Name and Agency of Commenter (transcript pages)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
	KC-4	<b>Alternatives:</b> Suggests sites already disturbed by agricultural uses.	Alternatives
	KC-5	<b>Alternatives:</b> Site closer to water sources to take advantage of gravity flow and avoid the need for pumps.	Alternatives
	KC-6	<b>Water Supplies/Use:</b> Does not think there is sufficient water available for the project.	Hydrology, Water Use, and Water Quality
Tim Kelly, President and Chief Executive Officer of the Imperial Valley Economic Development Corporation (pp 81–84)	TK-1	Appreciates current economic benefits based on presence of SES in Imperial County.	See Note 1
	TK-2	Supportive of the SES Solar Two project, job creation, training for project jobs, dust mitigation/reduction in health impacts, tourism to see the project, generation of energy, lower rates in Imperial County.	See Note 1
Christina Luhn, San Diego Regional Economic Development Corp. (pp 84 and 85)	REDC-1	Supportive of the SES Solar Two project for creation of jobs in industries that have a future.	See Note 1
Steve Taylor, SDG&E (pp 85 and 86)	ST-1	Supportive of the Solar Two project and technology, benefits SDG&E achievement of defined renewable portfolio standard.	See Note 1
Carmen Lucas (pp 86–90)	CL-1	<b>Cultural Resources:</b> Commenter is a Native American, concerned regarding survival of culture.	Cultural Resources
	CL-2	Requests that a Native American monitor be included in site surveys.	Cultural Resources
	CL-3	Cumulative impacts of solar and geothermal projects on Bureau of Land Management (BLM) lands.	Cultural Resources
	CL-4	<b>Cultural Resources:</b> Wants care taken; area has a lot of pottery deposits that could be sacrificial burial areas.	Cultural Resources
	CL-5	<b>Cultural Resources:</b> Concerned regarding impacts outside immediate disturbance areas.	Cultural Resources
Elias Felix (pg 90)	EF-1	Supportive of the Solar Two project, economic development, educational opportunities to learn about energy production alternatives.	See Note 1
Donna Tisdale (pp 90–94) (see Note 2)	DT-29	<b>Project Description:</b> Relationship of SES Solar Two project to the Sunrise Powerlink project. What is the need for Sunrise? Is there available capacity in the Southwest Powerlink project?	Project Description
	DT-30	<b>Project Description and Land Use:</b> Concern about the BLM land use amendment and its relationship to the updated resource management plan.	Project Description and Land Use

Name and Agency of Commenter (transcript pages)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
	DT-31	<b>Socioeconomics:</b> Concern that jobs go to local people and not people brought from outside the community.	Socioeconomics
	DT-32	<b>Project Description:</b> Will project need tax breaks or incentives?	Project Description
	DT-33	<b>Project Description:</b> Why not build the fabrication factory in the project area?	Project Description
	DT-34	<b>Visual and Aesthetics, and Public Health and Safety:</b> Concern regarding reflection from mirrors on drivers and aircraft.	Visual and Aesthetics, and Public Health and Safety
	DT-35	<b>Project Description:</b> What will the cost of the Solar Two project be to ratepayers?	Project Description
	DT-36	<b>Cumulative Impacts:</b> Concerned about cumulative impacts of various renewable energy projects, on 2.5 million acres of BLM lands.	Cumulative Impacts
Edie Harmon (pp 94–99) (see Note 3)	EH-1	<b>Air Quality:</b> Questions the effect of dust on the mirrors and other moving parts of the Solar Two project.	Air Quality
	EH-2	<b>Project Description:</b> Effects of wind on the project components	Project Description
	EH-3	<b>Project Description:</b> Concern regarding the differences between Sandia, New Mexico and the Imperial Valley; prototype was a smaller scale and in a different type of area.	Project Description
	EH-4	Concern regarding impacts on cultural resources.	Cultural Resources
	EH-5	<b>Project Description:</b> Why isn't the electricity being generated going to nearby land uses or the IID?	Project Description
	EH-6	<b>Project Description:</b> Is this project dependent on the Sunrise Powerlink project?	Project Description
	EH-7	<b>Alternatives:</b> Why not alternative sources for San Diego in San Diego: rooftop solar, photovoltaics, distributed electricity?	Alternatives
	EH-8	<b>Project Description and Alternatives:</b> Concerned that industry thinks public lands are a less expensive way of getting land than using fallowed farmlands, abandoned feedlots, areas where the soil is sterile, parking lots, rooftops.	Project Description and Alternatives
	EH-9	<b>Air Quality:</b> Concerns regarding carbon sequestration on the affected lands.	Air Quality



Name and Agency of Commenter (transcript pages)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
Thomas Topuzes, Co-Chair, MegaRegion Initiative (pp 101 and 102)	TT-1	Supportive of the Solar Two project and the jobs it would provide.	See Note 1
Tim Dubose, Second Vice-President, Building Industry Association, Desert Chapter (pp 102–105)	TD-1	Supportive of the Solar Two project and the jobs it would provide.	See Note 1
<b>VERBAL COMMENTS RECEIVED AT THE DECEMBER 18, 2008, SCOPING MEETING</b>			
Paul Foley, CURE, Intervener (pp 9, 10, 23–26, 31–33, 41–43, 70, 71, and 102)	—	No comment; introduced himself as a representative of CURE as an intervener for the Solar Two project.	—
	CURE-1	<b>Biological Resources:</b> Questions regarding the jurisdictional delineation provided by the applicant: status, whether it addresses the transmission or water lines off the project site.	Biological Resources
	CURE-2	<b>Project Description:</b> Question regarding the value and disposal of scrap metal when the project is decommissioned.	Project Description
	CURE-3	<b>Water Quality and Project Permits:</b> Will the project have a general or individual storm water permit during construction? Have the appropriate water quality control agencies been contacted regarding the project?	Water Quality and Project Permits
	CURE-4	<b>Air Quality:</b> Questions regarding air quality permit and dust mitigation.	Air Quality
	CURE-5	<b>Project Description and Land Use:</b> Questions regarding parcels that are not part of the project or are immediately adjacent to the project site and how access and other considerations regarding those parcels will be addressed.	Project Description and Land Use
	CURE-6	Comment on the size of the project parcel (10 square miles)	See Note 1
	—	No comment; acknowledged his presence as a representative of CURE as an intervener for the Solar Two project (during the second half of the meeting).	—
Edie Harmon (pp 71–88, 122, 123, 140–148, and 156–158)	EH-10	<b>Water Use/Supply:</b> Questioned the amount of water that would be stored on site and the issue of evaporation.	Water Use
	EH-11	Question regarding effects of high total dissolved solids (TDS) in area groundwater.	Water Quality
	EH-12	<b>Project Description and Water Use:</b> Question regarding which aquifer water will come from.	Project Description and Water Use

Name and Agency of Commenter (transcript pages)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
	EH-13	<b>Biological Resources:</b> Comment that wastewater ponds should not be attractive to wildlife.	Biological Resources
	EH-14	<b>Project Description and Water Use:</b> Question regarding how much water will be used by project.	Project Description and Water Use
	EH-15	<b>Project Description and Air Quality:</b> Question on whether project roads will be paved; issue of dust generation.	Project Description and Air Quality
	EH-16	<b>Project Description:</b> Question regarding frequency of mirror washing.	Project Description
	EH-17	<b>Cultural Resources:</b> Concern regarding cultural resources, archaeological sites, historic trails in the area.	Cultural Resources
	EH-18	<b>Cultural Resources:</b> Concern that cultural studies are conducted by persons familiar with the desert and desert cultures.	Cultural Resources
	EH-19	<b>Cultural Resources:</b> Concern that Native American issues be handled appropriately and sensitively.	Cultural Resources
	EH-20	<b>Air Quality and Public Health and Safety:</b> Questions regarding airborne soil fungi and potential effects on prisoners at the State Prison and as a general public health issue.	Air Quality and Public Health and Safety
	EH-21	Wants the real estate appraisals to be public.	See Note 1
	EH-22	<b>Alternatives:</b> Look at alternative sites including Mesquite Lake, which is zoned for industrial uses.	Alternatives
	EH-23	<b>Alternatives:</b> Look at an alternative site that is already disturbed, such as for agriculture or feedlots.	Alternatives
	EH-24	<b>Cumulative Impacts:</b> Look at cumulative impacts of all solar projects on BLM lands.	Cumulative Impacts
	EH-25	<b>Alternatives:</b> Look at in-base and solar rooftop alternatives.	Alternatives
	EH-26	<b>Air Quality and Socioeconomics:</b> Address climate change and potential effects on demographics in San Diego.	Air Quality and Socioeconomics
	EH-27	<b>Project Description and Alternatives:</b> Disperse units to provide electricity to the prison, schools, hospitals, etc; or to IID; or to meet high daytime demand in the county.	Project Description and Alternatives
	EH-28	<b>Project Description:</b> Concerned that use of public land is solely to ensure profitability of the project.	Project Description

Name and Agency of Commenter (transcript pages)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
	EH-29	<b>Visual and Aesthetics:</b> Assess visual resources impacts consistent with the BLM Visual Resources Management guidelines.	Visual and Aesthetics
	EH-30	<b>Project Description and Land Use:</b> Concern on how the plan amendment will be done.	Project Description and Land Use
	EH-31	<b>Project Description:</b> Will sources of funding include federal funding for a private profit-making company?	Project Description
	EH-32	<b>Project Description:</b> Comments from Dr. Butler on the downtime for the dishes.	Project Description
	EH-33	<b>Project Description:</b> Concerns regarding the reliability of the process and the ability to provide the number of solar dishes proposed for this and other projects.	Project Description
	EH-34	<b>Project Description:</b> Concerns about where the engines will be on the site.	Project Description
	EH-35	<b>Project Description and Biological Resources:</b> Concerns about the evaporation of water from the wastewater ponds; does not want the ponds to be attractive to birds.	Project Description and Biological Resources
	EH-36	<b>Biological Resources:</b> Concern regarding invasive plant species.	Biological Resources
	EH-37	<b>Cultural Resources:</b> Wants BLM to work closely with Native Americans.	Cultural Resources
Donna Tisdale (pp 88, 89, and 48–152) (see Note 2)	DT-37	Concerned that the Energy Commission/BLM should not depend on the Environmental Impact Report (EIR) for U.S. Gypsum because the commenter feels it was inadequate.	See Note 1
	DT-38	Concerned that government employees are subject to substantial political pressure.	See Note 1
	DT-39	Commented on approval of the Sunrise Powerlink project through the community of Boulevard.	See Note 1
	DT-40	<b>Project Description:</b> Concerned with winds on the site; will an anemometer be used?	Project Description
	DT-41	<b>Cumulative Impacts:</b> Wants cumulative visual impacts addressed, including several projects in the vicinity of the Solar Two project.	Cumulative Impacts
	DT-42	<b>Project Description:</b> Concerned that project is in early phases without details on funding and manufacturing of the project components.	Project Description

Name and Agency of Commenter (transcript pages)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
	DT-43	<b>Project Description:</b> Concern about whether there is sufficient capacity in the Sunrise Powerlink project for the Solar Two project and other projects in line or proposed.	Project Description
Teri Weiner, Desert Protective Council (DPC) (pp 89–94, 123, and 137–139) (see Note 2)	DPC-1	<b>Project Description:</b> Questions regarding how the Solar Two energy generation process works.	Project Description
	DPC-2	<b>Biological Resources:</b> Concerned regarding effects on the burrowing owl.	Biological Resources
	DPC-3	<b>Biological Resource:</b> Concerned regarding effects on the flat-tailed horned lizard.	Biological Resources
	DPC-4	<b>Biological Resources and Project Permits:</b> Question regarding need for a Streambed Alteration Agreement from the California Department of Fish and Game.	Biological Resources and Project Permits
	DPC-5	<b>Project Description:</b> When would construction start? After the environmental process?	Project Description
	DPC-6	<b>Project Description and Land Use:</b> Question on when the draft land use amendment would be released.	Project Description and Land Use
	DPC-7	Requests an economic analysis comparing the Solar Two project with other renewable energy projects such as rooftop solar.	See Note 1
	DPC-8	<b>Alternatives:</b> Concern regarding use of public lands for so many projects, including renewable energy such as the Solar Two project, when there are alternative areas where those projects could be located.	Alternatives
	DPC-9	<b>Visual and Aesthetics:</b> Importance of visual resources in the desert.	Visual and Aesthetics
	DPC-10	<b>Socioeconomics:</b> What are the economic impacts of the project?	Socioeconomics
	DPC-11	<b>Public Health and Safety:</b> Concern regarding glare from mirrors to aircraft.	Public Health and Safety
	DPC-12	<b>Cultural Resources:</b> Engage Native American leaders to provide input on the cultural integrity of the area.	Cultural Resources
	DPC-13	<b>Water Use:</b> Concern regarding the demand for water to wash the mirrors.	Water Use
Marilyn Moskowitz (pp 152–154) (see Note 2)	MM-6	<b>Air Quality and Public Health and Safety:</b> Concerned regarding air quality in the area and health effects such as asthma.	Air Quality and Public Health and Safety
	MM-7	<b>Water Sources and Use:</b> Concerned regarding using drinking quality water from the aquifer.	Water Use
	MM-8	<b>Alternatives:</b> An alternative to Solar Two would be rooftop solar.	Alternatives

Name and Agency of Commenter (transcript pages)	Comment Number	Summary of Comments by Environmental Parameter or Topic	Where the Comments will be Addressed in the Environmental Document
	MM-9	<b>Project Description:</b> Concerned about technological obsolescence of the project and who will be financially responsible at that point. Wants a large bond posted for cleanup and restoration of the site.	Project Description
	MM-10	<b>Alternatives:</b> Shift from large mega stations to decentralized, localized, and alternative sources.	Alternatives
Steve Taylor, SDG&E (pp 155 and 156)	ST-2	Supportive of the Solar Two project	See Note 1

- NOTE 1: This comment does not raise an issue under the National Environmental Policy Act (NEPA) or the California Environmental Quality Act (CEQA) relative to the proposed Solar Two project. All comments describing support for or opposition to the proposed project or asking for analyses not required under CEQA and NEPA will be considered by the decision-makers at the United States Department of the Interior, Bureau of Land Management and the Energy Commission.
- NOTE 2: This commenter also provided written comments to the Energy Commission. Refer to Table 3.A for a summary of those comments. Comments from these parties are numbered consecutively, including the written comments in Table 3.A and the verbal comments in Table 3.B.
- NOTE 3: Ms. Harmon also provided written comments to the Energy Commission, as summarized in Table 3.A, as a representative of the Sierra Club, San Diego Chapter. Ms. Harmon did not indicate that she was commenting on behalf of the Sierra Club in her verbal comments provided at the two scoping meetings. Therefore, her comments at the scoping meeting are numbered as comments from an individual and separately from her comments as a representative of the Sierra Club.
- NOTE 4: Mr. Trafecanty also provided written comments to the Energy Commission, as summarized in Table 3.A, as an individual. In those written comments, Mr. Trafecanty did not indicate that he was commenting on behalf of the Protect Our Communities Fund (POCF) as he did in his verbal comments at the November 24, 2008, scoping meeting. Therefore, his verbal comments at the scoping meeting are numbered as comments from Mr. Trafecanty as a representative of POCF and separately from his written comments to the Energy Commission as an individual.

**Introduction Table 3**  
**Summary of Written Comments Received on the SA/DEIS**

Comment Number	Agency/Person
<b>COMMENTS ON SA/DEIS FROM FEDERAL AGENCIES.</b>	
F1	United States Department of the Interior National Park Service (May 4, 2010)
F2	United States Environmental Protection Agency (June 14, 2010)
<b>COMMENTS ON SA/DEIS FROM NATIVE AMERICAN TRIBAL GOVERNMENTS.</b>	
NA1	Quechan Indian Tribe (May 17, 2010)
NA2	Kwaaymii, Laguna Band of Indians (May 16, 2010)
<b>COMMENTS ON SA/DEIS FROM STATE AGENCIES.</b>	
S1	California Department of Transportation (May 27, 2010)
S2	State of California Department of Parks and Recreation (May 28, 2010)
<b>COMMENTS ON SA/DEIS FROM LOCAL AGENCIES.</b>	
L1	City of El Centro (May 13, 2010)
L2	Imperial County (May 27, 2010)
<b>COMMENTS ON SA/DEIS FROM ORGANIZATIONS.</b>	
O1	Public Employees for Environmental Responsibility (PEER)
O2	Center for Biological Diversity (CBD)
O3	Defenders of Wildlife
O4	Natural Resource Defense Council the Wilderness Society
O5	Anza Trail Coalition of Arizona
O6	Backcountry Against Dumps (June 15, 2010)
O7	Basin and Range Watch
O8	Backcountry Against Dumps (May 27, 2010)
O9	California Unions for Reliable Energy
O10	California Native Plant Society

Comment Number	Agency/Person
O11	BLM California Desert District Advisory Council (email April 1, 2010)
<b>COMMENTS ON THE SA/DEIS FROM PUBLIC UTILITIES</b>	
U1	San Diego Gas & Electric (May 14, 2010)
<b>COMMENTS ON SA/DEIS FROM THE GENERAL PUBLIC.</b>	
P1	Edie Harmon and Donna Tisdale (email March 2, 2010)
P2	Anita Nicklen (email May 28, 2010)
P3	Kim Bauer (email April 17, 2010)
P4	Glenn Kirby (email April 24, 2010)
P5	Gregory Gandrud (email May 5, 2010)
P6	Cody Hanford (email May 13, 2010)
P7	Brendan Hughes (email May 17, 2010)
P8	Jamie Shores (email May 26, 2010)
P9	Patrick Donnelly (email May 26, 2010)
P10	Denis Trafecanty (no date)
P11	Edie Harmon (email May 26, 2010)
P12	Greg P. Smestad, Ph.D. (May 21, 2010)

## **A.8 ORGANIZATION OF THE DOCUMENT**

---

The SAA begins with an Executive Summary, Introduction, Proposed Action Alternative/Project Description, Alternatives, and Cumulative Scenario. The environmental, engineering, and public health and safety analyses of the proposed project are contained in 20 separate chapters. They include the following: Air Quality, Biological Resources, Cultural Resources and Native American Values (this section to be published in August 2010, subsequent to the main body of the SSA), Hazardous Materials Management, Land Use Recreation and Wilderness, Noise and Vibration, Public Health and Safety, Socioeconomics and Environmental Justice, Soil and Water Resources, Traffic and Transportation, Transmission Line Safety and Nuisance, Visual Resources, Waste Management, Worker Safety and Fire Protection, Geology Soils and Paleontological and Mineral Resources, Geologic Stability, Facility Design, Power Plant Efficiency, Power Plant Reliability, and Transmission System Engineering. These chapters are followed by the general project conditions and a summary of agency and public comments. This is followed by a list of staff who contributed to the document and a reference list.

Each of the technical area assessments includes a discussion of:

- laws, ordinances, regulations and standards (LORS);
- the regional and site-specific setting;
- project direct and indirect impacts;
- mitigation measures;
- closure and decommissioning impacts and mitigation;
- no project/no action alternative;
- cumulative impacts;
- noteworthy public benefits;
- response to public and agency comments on the SA;
- conclusions and recommendations; and
- mitigation measures/conditions of certification for both construction and operation (as applicable).



## **B. DESCRIPTION OF THE PROPOSED PROJECT AND ALTERNATIVES**

## B.1 - PROPOSED PROJECT

Christopher Meyer

### B.1.1 INTRODUCTION

On June 30, 2008, Stirling Engine Systems Solar Two, LLC, (SES Solar Two, LLC) submitted an Application for Certification (AFC) to the California Energy Commission to develop the Stirling Engine Systems Solar Two Project (subsequently renamed the Imperial Valley Solar Project) on both privately owned land and public land managed by the Bureau of Land Management (BLM) in Imperial County, California. On October 1, 2008, the Energy Commission accepted the AFC as complete. The applicant's development plans have been updated several times since filing its original right-of-way (ROW) and/or AFC applications with the most substantial revisions summarized as follows in **Project Description Table 1**.

**Project Description Table 1**  
**Summary of Applicant's Updates to the Imperial Valley Solar Development Plans**

Date	Reference Document	Revisions to Proposed Project
06/08/2008	AFC Section 1.4, page 1-3 (SES2008a)	The project site boundary was reduced from approx. 7,700 acres to 6,500 acres and the electrical output was reduced from 900 MW to 750 MW to avoid potentially significant impacts to cultural resources.
12/08/2008	Data Response #39 (SES2008f)	The main entrance was relocated to the east on Evan Hewes Highway to improve visibility for oncoming traffic and move the guard shack onto the project site.
03/26/2009	Data Response #53-110 (SES2008i)	The on-site road system was reduced to eliminate a majority of the east-west roads and minimize roads in washes.
06/12/2009	Supplement to the AFC, Section 1.2 (SES2009q)	The water supply for the project was changed from the potable water in the Westside Canal to reclaimed water from the Seeley Waste Water Treatment Facility, also requiring an extension of the proposed water pipeline.
06/12/2009	Supplement to the AFC, Section 1.3 (SES2009q)	The hydrogen supply for the project was changed from off-site reformation of natural gas to on-site production from electrolysis (from water). Environmental impacts related to hydrogen tank deliveries avoided.
11/23/2009	Additional Supportive Materials – Biology and Water	Following the completion of the 35% engineering design, the applicant determined that SunCatchers would be located in washes.
05/05/10	Supplement to the AFC, Section 1.2 (SES2010g)	The applicant proposed to modifications to the transmission interconnection. The first change was to shift 760 feet of the western section approx. 120 feet to the southwest. The second change was to shift 1,025 feet of the section north of the SDG&E substation 300 feet to the east.

05/05/10	Supplement to the AFC, Section 1.3 (SES2010g)	The applicant proposed to modifications to the water pipeline alignment to the Seeley Waste Water Treatment Facility in two locations. The shifts in the proposed water pipeline would be 160 and 300 feet long, requiring additional biological and cultural surveys.
05/05/10	Supplement to the AFC, Section 1.4 (SES2010g)	The applicant proposed a temporary water source while the Seeley County Water District prepares an Environmental Impact Report for the expansion of the Seeley Waste Water Treatment Facility. The temporary water supply proposed is the Dan Boyer Water Company in Ocotillo, CA.
05/05/10	Supplement to the AFC, Section 1.5 (SES2010g)	The applicant proposed increasing the amount of hydrogen stored in each SunCatcher unit from 3.4 standard cubic feet (scf) to 11 scf and related modification of the hydrogen system to expand the storage capacity approximately threefold.

## B.1.2 PROJECT LOCATION

The Imperial Valley Solar (IVS) Project site is located primarily on public land managed by the BLM. The project site is approximately 100 miles east of San Diego, 14 miles west of El Centro, and 4 miles east of Ocotillo. The following sections or portions of sections in Township 16 of the San Bernardino Meridian identify the project site and the planned boundary for development of the IVS Project (see **Project Description Figure 1**).

Within Township 16 South, Range 11 East of the San Bernardino Meridian defined by:

- the portion of Section 7 south of the railroad ROW,
- the portion of the southwest quarter section and the north half of the southeast quarter section of Section 9 south of the railroad ROW,
- the southeast quarter-quarter section of the northeast quarter section and the east half of the southeast quarter section of Section 14 north of the I-8 ROW and east of Dunaway Road,
- the southwest, northwest, and southeast quarter-quarter sections of the southwest quarter section of Section 15, and the southwest quarter-quarter of the southeast quarter section of Section 15,
- the northwest quarter and southeast quarter of Section 16,
- all of Section 17,
- Section 18, excluding the southwest and southeast quarter-quarter sections of the northeast quarter section,
- the northwest quarter and the portion of the west half of the southwest quarter of Section 19 north of the I-8 ROW,
- the portion of Sections 20 and 21 north of the I-8 ROW, and
- the portion of the north half of the northwest quarter section and the northwest quarter-quarter section of the northeast quarter section of Section 22 north of the I-8 ROW.

Township 16 South, Range 10 East defined by:

- the portions of Sections 12, 13, and 14 south of the railroad ROW,
- the portions of Section 22 south of the railroad ROW,
- all of Sections 23 and 24, and
- the portions of Sections 25, 26, and 27 north of the I-8 ROW.

The proposed IVS Project also includes an electrical transmission line, water supply pipeline, and a site access road. The off-site 6-inch-diameter water supply pipeline would be constructed a distance of approximately 11.8 miles from the Seeley Waste Water Treatment Facility (SWWTF) to the project boundary if the SWWTF expansion is approved by the lead agency on the Environmental Impact Report for that project. The water supply pipeline would be routed in the Evan Hewes Highway ROW, or adjacent to this ROW on public and private lands. The applicant has proposed the temporary use of water from the Dan Boyer Water Company in Ocotillo, California until the SWWTF expansion is completed. Approximately 7.56 miles of the 10.3-mile double-circuit generation interconnection transmission line would be constructed off-site. The transmission line would connect the proposed IVS substation to the existing San Diego Gas & Electric (SDG&E) Imperial Valley Substation. A site access road would be constructed from Evan Hewes Highway to the northern boundary of the project site (see **Project Description Figure 2**).

### **B.1.3 PROCESS DESCRIPTION**

---

The SunCatcher is a 25-kilowatt-electrical (kWe) solar dish Stirling system designed to automatically track the sun and collect and focus solar energy onto a power conversion unit (PCU), which generates electricity. The system consists of a 40-foot-high by 38-foot-wide solar concentrator in a dish structure that supports an array of curved glass mirror facets. These mirrors collect and concentrate solar energy onto the solar receiver of the PCU (see **Project Description Figure 3**).

The PCU converts the focused solar thermal energy into grid-quality electricity. The conversion process in the PCU involves a closed-cycle, 4-cylinder, 35-horsepower reciprocating Solar Stirling Engine utilizing an internal working fluid of hydrogen gas that is recycled through the engine. The Solar Stirling Engine operates with heat input from the sun that is focused by the SunCatcher's dish assembly mirrors onto the PCU's solar receiver tubes, which contain hydrogen gas. The PCU solar receiver is an external heat exchanger that absorbs the incoming solar thermal energy. This heats and pressurizes the hydrogen gas in the heat exchanger tubing, and this gas in turn powers the Solar Stirling Engine.

A generator is connected to the Solar Stirling Engine; this generator produces the electrical output of the SunCatcher. Each generator is capable of producing 25 kWe at 575 volts alternating current (VAC)/60 hertz (Hz) of grid-quality electricity when operating with rated solar input. Waste heat from the engine is transferred to the ambient air via a radiator system similar to those used in automobiles.

The hydrogen gas is cooled by a standard glycol-water radiator system and is continually recycled within the engine during the power cycle. The conversion process does not consume water. The only water consumed by the SunCatcher is for washing of the mirrors to remove accumulated dust and replenishing small losses to the cooling system radiator in a 50-50 glycol-water coolant.

### **B.1.3.1 SUNCATCHER COMPONENTS**

The following section provides an overview of the three major SunCatcher components: the foundation/pedestal, the dish assembly, and the PCU.

#### **Foundation/Pedestal**

The solar dish would typically be mounted on a foundation consisting of a metal pipe that is hydraulically driven into the ground. This foundation is preferred because no concrete is required, no spoils are generated, and the foundations can be completely removed when the project is decommissioned. When conditions are not conducive to the use of the metal pipe foundation, the foundation would consist of rebar-reinforced concrete constructed below grade. Both of these foundation designs meet all applicable structural design requirements and applicable LORS.

The SunCatcher pedestal on which the SunCatcher Dish Assembly is secured is approximately 18 feet 6 inches in height and would be an integrated part of the metal pipe foundation or would be a separate structure fastened to the rebar-reinforced concrete foundation at ground level.

#### **Dish Assembly**

The SunCatcher Dish Assembly is fitted with a trunnion that attaches to the pedestal. Each Dish Assembly consists of a 38-foot by 40-foot steel structure that supports an array of curved glass mirror facets. These mirrors form a curved shape engineered to concentrate solar energy onto the solar receiver portion of the PCU. The Dish Assembly includes azimuth and elevation drives for tracking the sun and a PCU support boom.

The SunCatcher Dish Positioning Control System employs proprietary algorithms to track the sun. This system focuses the solar energy onto the solar receiver by controlling elevation and azimuth drives, and executes startup, shutdown, and de-track procedures. These procedures allow the dish to “wake up” from the night-stow position in the morning to focus the dish mirror facets on the solar receiver of the PCU, and then to track the sun during the daylight operating time of the project. The dish control system also communicates with and receives instructions from the central control room via the Supervisory Control and Data Acquisition (SCADA) system. The system is designed to place the dish into a “wind stow” position when sustained winds exceed 35 miles per hour to protect the system from wind damage. The system also places the dish into “wind stow” position on loss of communications with the central control room or on receipt of a fault signal from the PCU control system.

#### **Power Conversion Unit**

The SunCatcher PCU converts the solar energy into grid-quality electricity. Hydrogen gas is used in a closed-cycle heating/expansion – cooling/compression cycle to drive a

high-efficiency, 380-cubic-centimeter displacement, 4-cylinder reciprocating Solar Stirling Engine. The Solar Stirling Engine powers an electrical generator that produces 25 kWe net output after accounting for on-board parasitic loads at 575-volt alternating current, 60 Hz of grid-quality electricity. The PCU attaches to the end of the PCU boom.

The dimensions of the PCU are approximately 88 inches (7 feet) long by 63 inches (5 feet) wide by 37 inches (3 feet) high. The PCU weighs approximately 1,400 pounds.

The PCU consists of six subsystems: solar receiver, Solar Stirling Engine, generator; cooling system, gas management system, and the PCU control system. Each subsystem is described below.

- **Solar Receiver:** The SunCatcher solar receiver consists of an insulated cavity with an aperture that allows the solar energy to enter. Within the cavity are 4 heater heads. Each heater head forms a tube network for one quadrant of the engine. The solar flux, radio energy from the sun, heats the metal tubes and the heat is then transferred through the tubes to the working hydrogen gas. The heat absorbed at the solar receiver drives the Solar Stirling Engine.
- **Solar Stirling Engine:** The kinematic Solar Stirling Engine has evolved from a Kockums kinematic Solar Stirling Engine design. Kockums, the world's leader in kinematic Solar Stirling Engines, has invested significant development into the design, efficiency, and reliability of this type of Solar Stirling Engine since purchasing the technology in 1970. The Kockums kinematic Solar Stirling Engine is used as a propulsion source for submarines and is highly reliable, low maintenance, and highly efficient. Solar Two has further developed and improved the engine design specifically for use in the SunCatcher.
- **Generator:** A generator is connected to the Solar Stirling Engine to produce the electrical output of the SunCatcher. The PCU generator attached to each Solar Stirling Engine is capable of producing up to 25 kWe at 575 VAC, 60 Hz of grid-quality electricity when operating with a solar input of between 250 and 1,000 W/m<sup>2</sup>. The generator output is connected to the power collection system.
- **Cooling System:** Waste heat from the hydrogen gas within the engine is transferred to the ambient air via a radiator system similar to the type used in automobiles. The SunCatcher cooling system is made up of ethylene-glycol fluid, a cooler in the gas circuit, a radiator, a fluid circulation pump, and a cooling fan. The cooling fan and circulation pump are driven by electric motors.

The system is used to cool the hydrogen gas before the compression portion of the cycle. The pump circulates the cooling fluid through the gas cooler and radiator. Waste heat from the hydrogen gas is transferred to the ethylene-glycol fluid in the cooler. The coolant is then pumped through the radiator where the fan forces ambient air over the cooling fins to remove heat. The heat is transferred to the atmosphere via the airflow over the radiator.

- **Gas Management System:** The gas management system controls the working pressure to ensure high efficiencies. The hydrogen gas is contained within a closed and sealed cycle, yet a very small amount of the hydrogen working fluid does leak (less than 200 cubic feet per dish per year) by the rod seals and is lost to the

atmosphere. As a result, an on-site distributed hydrogen system has been proposed to replenish hydrogen lost to the atmosphere.

- **Control System:** The SunCatcher PCU control system monitors, controls, and communicates PCU performance. Thermal detectors are monitored by the PCU control system and the data are used to control the thermal balancing of the PCU. Alarms and faults monitored by the PCU control system are communicated to the Dish Positioning Control System and the Project SCADA system.

## **B.1.4 PROJECT DESCRIPTION**

---

The proposed IVS Project would be a nominal 750-megawatt (MW) Solar Stirling Engine project, with construction planned to begin in 2010. Although construction would take approximately 40 months to complete, power would be available to the grid as each 60-unit group of Stirling Engine modules is completed. The primary equipment for the generating facility would include approximately 30,000, 25-kilowatt solar dish Stirling systems (referred to as SunCatchers), their associated equipment and systems, and their support infrastructure. Each SunCatcher consists of a solar receiver heat exchanger and a closed-cycle, high-efficiency Solar Stirling Engine specifically designed to convert solar power to rotary power then driving an electrical generator to produce electricity. The 6,500-acre project site is located on approximately 6,140 acres of public land managed by the BLM and approximately 360 acres of privately owned land.

The applicant has applied for a right-of-way (ROW) grant for the project site from the BLM California Desert District. Although the project is phased, it is being analyzed in this SAA as if all phases would be operational at the same time.

Within the project boundary, the SunCatchers in Phase I require approximately 2,600 acres and those in Phase II require approximately 3,500 acres. The total area required for both phases, including the area for the operation and administration building, the maintenance building, and the substation building, is approximately 6,500 acres. The 230-kV transmission line required for Phase I would parallel SDG&E's existing Southwest Powerlink transmission line within the designated ROW. A water supply pipeline for the project would be built on the existing Evan Hewes Highway ROW.

### **B.1.4.1 PROJECT SITE ARRANGEMENT**

The basic building blocks for the project are 1.5-MW solar groups consisting of 60 SunCatchers. The 1.5-MW groups would be connected in series to create 3-, 6-, and 9-MW solar groups. The 3-, 6-, and 9-MW groups would be connected to overhead collection lines rated at 48 MW or 51 MW. The typical solar groups would be arranged as necessary to fit the contours of the site.

The entire project would be fenced for security, however the design of the fencing is being determined in coordination with the regulatory and resource agency to protect sensitive ecological areas and address storm flows in washes. The project would have 2 laydown areas. One laydown area would be located on approximately 110 acres east of Dunaway Road and north of I-8. The other laydown area would be located on-site on approximately 11 acres adjacent to the Main Services Complex.

The fenced boundary of the project would encompass approximately 6,500 acres of land, not including the private parcels of land designated as not a part of the project. Access to the federal land managed by the BLM would be authorized under a ROW permit.

During project construction and operation, the main access to the project site would be from the north, off the Evan Hewes Highway. Secondary access would be from the east via Dunaway Road and I-8. The AFC proposed the development of the following roadways on the project site: approximately 27 miles of paved arterial roads, approximately 14 miles of unpaved perimeter roads, and approximately 234 miles of unpaved access routes. However, the applicant has committed to eliminating a number of the east-west roads on the project site. The paved arterial roads would reduce fugitive dust while allowing full access to all dishes and infrastructure. Polymeric stabilizers may be used in lieu of traditional road construction materials for paved roads and/or to stabilize unpaved roads. All access to the project site would be through controlled gates.

#### **B.1.4.2 SOLAR POWER PLANT EQUIPMENT AND FACILITIES**

Project Description Table 2, Major Equipment List, and Project Description Table 3, Significant Structures and Equipment, list the major equipment and significant structures required for the IVS Project, respectively.

**Project Description Table 2  
Major Equipment List**

<b>Description</b>	<b>Quantity</b>	<b>Size/Capacity</b>	<b>Remarks</b>
SunCatcher power generating system	30,000	25 kWe	Focuses solar energy onto a Power Conversion Unit to generate 25 kWe of electricity
Generator collection sub-panel; distribution panel, 42 circuit, with circuit breakers in a weatherproof enclosure	2,500	400 A, 600 V	Collects the output from 12 Stirling dish assemblies (one 300-MW solar group). Each dish assembly connects to a 40-A, 3-pole circuit breaker (36 poles).
Generator collection power center, distribution switchboard with 6 400-A circuit breakers	500	2,000 A Bus, 600 V	Collects 5 1.5-MW solar groups and connects one power factor correction capacitor group.
Collector group generator step-up unit (GSU) transformer, with taps	500	1,750 kVA, 575 V to 34.5 kV	Step up power from 1.5-MW solar group (60 Stirling dishes assemblies).
Power factor correction capacitor, switched in 5 each 200 kVAR steps	500	1,000 kVAR, 600 V	Provides power factor correction at the 1.5-MW solar group level.
Open bus switch rack, 5 1,200-A feeder breakers, 40-kA INT, with switches, insulators, and bus work	5	34.5 kV, 3,000A	Each switch rack lineup collects 150 MW at 34.5 kV.



Description	Quantity	Size/Capacity	Remarks
Shunt capacitor bank, switched in 6 15-MVAR steps	5	34.5 kV, 90 MVAR	Provides power factor correction at the 150-MW solar group level.
Dynamic VAR (DVAR) compensation system in coordination with shunt capacitor banks; size to be determined by studies	1	34.5 kV, size to be determined	Provides active VAR compensation to maintain required power factor profile and to aid in meeting low-voltage ride-through requirements.
Disconnect switch, 35 kV, 200 kVBIL, group-operated	10	35 kV, 3,000 A	Provides capability to isolate power transformer from the 34.5-kV collection system.
Power transformer, 3-phase, oil filled	5	120/160/200 MVA, 230/132.8 to 134.5/19.9 kV, 750 kV BIL	Step up power from 34.5-kV collection voltage to 230-kV transmission voltage.
Power circuit breaker	7	242 kV, 2,000 A, 40-kA interrupting capacity	Transformer and line protection.
Coupling capacitor voltage transformer	6	242 kV, 900 kV BIL, 60 Hz, PT Ratio 1,200/2,000:1	Voltage source for protection and control.
Disconnect switch, 242 kV, 900 kV BIL, group operated	10	242 kV, 2,000 A	For isolation of the power transformers, breakers and for isolating the substation from the interconnect transmission lines.
Diesel power generator set	1	250 kW, 480 V	Installed at Main Services Complex
Fire water pump, electric	1	26 HP	Installed at Main Services Complex
Water Treatment	1	64,000 gpd	Automatic reverse osmosis system

Source: SES Solar Two AFC (SES 2008a).

Notes:

A = ampere (amp)  
 BIL = basic impulse level  
 gpd = gallons per day  
 HP = horsepower  
 Hz = hertz  
 INT = international  
 kA = kilo amps  
 kV = kilovolt  
 kVA = kilovolt amps  
 Kvar = kilovolt amp reactive  
 kW = kilowatt  
 kWe = kilowatt-electric  
 MVA = megavolt amps  
 MVAR = megavolt amp reactive  
 MW = megawatts  
 V = volts  
 VAR = volt amp reactive  
 W = watts

**Project Description Table 3  
Significant Structures and Equipment**

<b>Description</b>	<b>Quantity</b>	<b>Length (feet)</b>	<b>Width (feet)</b>	<b>Height (feet)</b>
SunCatcher power generating system	30,000	38	38	40
Main Services Complex administration building	1	60	70	17
Main Services Complex maintenance building	1	70	70	17
Main SunCatcher assembly building	3	1,000	100	78
Raw water storage tank, 175,000 gallons	1	40		20
Demineralized water tank, 175,000 gallons	2	40		20
Potable Water Tank, 17,000 gallons	1	18		10
230-kV transmission line towers, double-circuit with upswept arms	85 to 100	--	32	90 to 110
Generator collection sub-panel; distribution panel, 42 circuit, 400 A, 600 V, with circuit breakers in a weatherproof enclosure	2,500	1	2.67	5
Generator collection power center, 2,000-A distribution panels with 6 400-A circuit breakers	500	2	3.33	7.5
Collector group generator step-up unit transformer (GSU), 1,750 kVA, 575 V to 34.5 kV, with taps	500	6.67	7.5	6.67
Power factor correction capacitor, 600 V, 1,000 kVAR, switched in 5, each 200 kVAR steps	500	2.5	6.67	7.5
Open bus switch rack, 35 kV, 7 bay with 5 35-kV, 1,200-A, 40-kVA INT, circuit breakers, insulators, switches, and bus work	5	105	20	30
Shunt capacitor bank, 34.5 kV, 90 MVAR switched in 6 each 15 MVAR steps	6	15	8	20*
Dynamic VAR (DVAR) compensation system in coordination with shunt capacitor banks – size to be determined by studies	4	60	12	16
Disconnect switch, 35 kV, 3,000 A, 200 kV BIL, group-operated	5	3	11	16*
Power transformer, 3-phase, 100/133/166.7 megavolt amp, 230/132.8-34.5/19.9 kV, 750 kV BIL, oil filled	5	15	35	23
Power circuit breaker, 242 kV, 2000A, 40 kilo amp interrupting capacity	7	12	20	16
Coupling capacitor transformer for metering, 242 kV, 900 kV BIL, 60 Hertz, Potential Transformer ratio 1,200/2,000:1	6	1	1	25*
Disconnect switch, 242 kV, 2000A	10	10	25	25*

Source: SES Solar Two, LLC, 2008.

Notes:

\*Includes structure height to provide electrical safety clearances to ground.

-- = not applicable

A = ampere (amp)

BIL = basic impulse level

INT = international

kV = kilovolt

kVA = kilovolt amp

kVAR = kilovolt amp reactive

MVAR = megavolt amp reactive

v = volts

### **B.1.4.3 SITE GRADING AND DRAINAGE**

The original layout for the IVS Project site was based on avoiding major washes and minimizing surface-disturbing activities. Following the completion of the 35% engineering in June of 2009, the applicant determined that it would be necessary to place some SunCatcher units in washes to attain the proposed 750 MW yield.

Brush trimming would be conducted between alternating rows and would consist of cutting the top of the existing brush while leaving the existing native plant root system in place to minimize soil erosion. To minimize shading on SunCatchers and prevent potential brush fire hazards, natural vegetation trimmings would be cleared in the area of each SunCatcher as well as on either side of the paved arterial roadways.

After brush has been trimmed, blading for roadways and foundations would be conducted between alternating rows to provide access to individual SunCatchers. Blading would consist of limited removal of terrain undulations. Although ground disturbance would be minimized wherever possible, the applicant proposes that localized rises or depressions within the individual 1.5-MW solar groups would be removed to provide for proper alignment and operation of the individual SunCatchers. Paved roadways would be constructed as close to the existing topography as possible, with limited cut-and-fill operations to maintain roadway design slope to within a maximum of 10 percent.

The layout of the proposed IVS Project would maintain the local pre-development drainage patterns where feasible, and water discharge from the site would remain at the eastern boundary. The paved roadways would have a low-flow, unpaved swale or roadway dip as needed to convey nuisance runoff to existing drainage channels/swales. It is expected that storm water runoff would flow over the crown of the paved roadways, which are typically less than 6 inches from swale flow line to crown at centerline of roadway, thus maintaining existing local drainage patterns during storms. The applicant has proposed that unpaved roads would utilize low-flow culverts.

The applicant has proposed localized channel grading on a limited basis to improve channel hydraulics within the dry washes and to control flow direction where buildings and roadways are proposed. The Main Services Complex would be protected from a 100-year flood by berms or channels that would direct the flow around the perimeter of the building site, if required.

Arizona Crossings (roadway dips) would be used for major washes where the channel cross section exceeds 8 feet in width and 3 feet in depth or exceeds 20 feet in width and 2 feet in depth. The roadway section at the channel flow line would be without a crown. If asphalt is selected as a paving material, roadway protection would be provided by a concrete cut-off wall along the edges of the roadway with un-grouted (loose) riprap downstream of the concrete cut-off wall. Additionally, protection measures would be the use of a cut-off wall, if warranted, in addition to protection from un-grouted (loose) riprap at critical areas.

The proposed east-west on-site paved arterial roadway section between the Main Services Complex and Dunaway Road would be designed as a designated evacuation route. The driving surface of the section of roadway to be used as a designated

evacuation route shall be constructed above the projected profile of a minimum of six inches below the 100-year flood event.

It is anticipated that roadway maintenance would be required after rainfall events. For minor storm events, it is anticipated that the unpaved roadway sections may need to be bladed to remove soil deposition, along with sediment removal from stem pipe risers at the culvert locations. For major storm events, in addition to the aforementioned maintenance, roadway repairs may be required due to possible damage to pavement where the roadways cross the channels and where the flows exceed the culvert capacity. Additional maintenance may be required after major storm events to replace soil eroded from around SunCatcher pedestals located in washes.

Building sites would be developed per county drainage criteria, with provision for soft bottom storm water retention basins. Rainfall from paved areas and building roofs would be collected and directed to the storm water retention basins. Volume on retention or detention basins should have a total volume capacity for a 3-inch minimum precipitation covering the entire site. Volume can be considered by a combination of basin size and additional volume provided within paving and/or landscaping areas.

The retention basin would be designed so that the retained flows would empty within 72 hours after the storm to provide mosquito abatement. This design can be accomplished by draining, evaporation, infiltration, or a combination thereof.

The post-development flow rates released from the project site are expected to be less than the pre-development flow rates, thus complying with Best Management Practices (BMPs). The expected flow reduction is based on the following factors.

- Except for the building sites, the majority of the project site would remain 100 percent pervious, as only a negligible portion of the site would be affected by pavement and SunCatchers foundations.
- The increased runoff expected from the building sites would be over-mitigated by capturing 100 percent of the runoff in a retention basin, where the storm runoff would be infiltrated and/or evaporated to the atmosphere.
- The proposed perforated risers to be constructed upstream of the roadway culverts would provide for additional detention.

#### **B.1.4.4 BUILDINGS**

All buildings would be constructed in accordance with the appropriate edition of the California Building Code (CBC) and other applicable LORS.

The Main Services Complex would be located within the project site in a central location that provides for efficient access routes for maintenance vehicles servicing the SunCatcher solar field. The main control room would be located at the Main Services Complex.

Warehouse and shop spaces would provide work areas and storage for spare parts for project maintenance. The Main Services Complex would contain meeting and training rooms, maintenance and engineering offices, and administrative offices.

The project administration offices and personnel facilities would be located in a one-story operation and administration building. The operation and administration building would measure approximately 60 feet long by 70 feet wide by 17 feet high. This building would also contain meeting and training rooms, engineering offices, a visitor's room, and support services.

The project maintenance facilities, shop, and warehouse storage would be located adjacent to the operation and administration building. The maintenance building would measure 70 feet wide by 70 feet long by 17 feet in height. This building would contain maintenance shops and offices, PCU rebuild areas, maintenance vehicle servicing bays, chemical storage rooms, the main electrical room, and warehouse storage for maintenance parts to service the SunCatchers (see **Project Description Figure 4**).

A water treatment shade structure would be located next to the Main Services Complex and to the northeast side of the Main Services Complex. The water treatment structure would house water treatment equipment and safe storage areas for water treatment chemicals. A motor control center for the water treatment equipment and pumps would be located within this structure. Two wastewater evaporative ponds designed for water treatment wastewater containment would be located just north of the water treatment structure.

A control building would be located near the project substation. This building would contain relay and control systems for the substation in one room and the project operations control room in another room or rooms.

A electric-powered fire water pump and a diesel operated standby power generator would be located adjacent to the operation and administration building on the north side.

Electric service for the Main Services Complex would be obtained from Imperial Irrigation District (IID). Electric power would be provided either via overhead service from an IID overhead distribution line located on the north side of Evan Hewes Highway or by a direct connection to the IID substation in Plaster City.

Communications service for the Main Services Complex would be obtained from L3 Communications Holdings, Inc. Communications service would be provided via an overhead service from existing underground communications lines located on the north side of the railroad located south of Evan Hewes Highway.

The operation and administration building, maintenance building, and Main Services Complex would be painted with a matching desert sand color and would be manufactured buildings. The water treatment building and the water holding tanks, including the potable water, raw water, and demineralized/fire protection water tanks located at the Main Services Complex would also be painted with a matching desert sand color.

SunCatcher assembly would be performed on-site in three temporary structures. These buildings would be decommissioned after all project SunCatchers are assembled and installed. The three assembly buildings would be located beside the Main Services Complex.

Each assembly building would be 100 feet wide by 1,000 feet long by 78 feet in height and would contain two assembly lines. Each assembly building would be located on a concrete pad for the storage of SunCatcher components and assembled SunCatcher staging before field installation.

The primary purpose of the SunCatcher assembly buildings would be the assembly of the SunCatcher superstructure, the main beam assembly and trusses, the pedestal trunnion, mirrors, wire harnesses, control systems, drive position motors, and the calibration of the mirrors and control systems before field installation. Each assembly bay would be equipped with an automated platform on locating rails to move the SunCatcher through the assembly process.

The exterior material for the assembly buildings would be a fire retardant vinyl fluoride film with ultraviolet blocking characteristics and would be chemical and weather resistant. The exteriors would be painted desert sand to match the other structures.

A concrete pad with the dimensions 50 feet by 510 feet would be located north of the assembly buildings for staging the assembled SunCatchers before field installation.

Transport trailer storage would be located south of the assembly bays. This storage facility would accommodate approximately 75 to 100 trailers, maintaining a supply of 3 to 5 days of inventory of SunCatchers parts during the assembly phase of construction.

These assembly buildings would be decommissioned and salvaged after all SunCatchers for the project are installed.

#### **B.1.4.5 WATER SUPPLY AND TREATMENT**

The following types of water will be required for the project:

- equipment washing water,
- potable water,
- dust control water, and
- fire protection water.

When completed, the IVS Project would require a total of approximately 32.7 acre-feet of raw water per year. The applicant is working to reduce this consumption by developing alternative mirror washing methods and schedules; however, the SSA has analyzed the originally proposed 32.7 acre-feet. SunCatcher mirror washing and operations dust control under regular maintenance routines will require an average of approximately 23.3 gallons of raw water per minute, with a daily maximum requirement of approximately 39.2 gallons of raw water per minute during the summer peak months each year, when each SunCatcher receives a single mechanical wash.

Potable water to meet plant requirements would be delivered by truck and stored in a 5000 gallon tank in the water treatment area. This tank would be able to provide all required potable water for the operating facility for 2-3 days at which time it would need to be replenished.

The IVS Project water supply requirements are tabulated in Project Description Table 4, Water Usage Rates for IVS Project Operations. The table provides both the expected maximum water usage rates and the annual average usage rates.

**Project Description Table 4  
Water Usage Rates for Operation**

<b>Water Use</b>	<b>Daily Average (gallons per minute)</b>	<b>Daily Maximum (gallons per minute)</b>	<b>Annual Usage (acre-feet)</b>
<b>Equipment Water Requirements</b>			
SunCatcher mirror washing	10.4 <sup>1</sup>	17.4 <sup>2</sup>	14.2 <sup>3</sup>
<b>Water Treatment System Discharge</b>			
Brine to evaporation ponds	5.5	10.2 <sup>4</sup>	7.5
<b>Potable Water Use</b>			
For drinking and sanitary water requirements	3.9 <sup>5</sup>	4.7 <sup>6</sup>	5.4 <sup>7</sup>
<b>Dust Control</b>			
Raw water for dust control during operations	3.5 <sup>8</sup>	6.9 <sup>9</sup>	5.6 <sup>10</sup>
<b>Totals</b>	<b>23.3</b>	<b>39.2</b>	<b>32.7</b>

Source: SES Solar Two, LLC, 2008.

Notes:

- 1 - Based on 30,000 SunCatchers requiring a monthly wash with an average of 14 gallons of demineralized water per spray wash and a 5-day work week (21 work days per month).
- 2 - During a 3 month period, all SunCatcher mirrors are given a scrub wash requiring up to 3 times the normal wash of 14 gallons per SunCatcher. Therefore, the Daily Maximum usage rate is based on two-thirds of the SunCatchers receiving a normal wash and one-third receiving a scrub wash.
- 3 - Based on every SunCatcher having approximately 8 normal washes per year with one additional scrub wash.
- 4 - Based on the maximum amount of demineralized water required for mirror washing and assumes a decrease in raw water quality requiring an additional 20 percent of system discharge.
- 5 - Assumes 30 gallons per person per day for 188 people.
- 6 - Maximum amount assumes a 20 percent contingency over the Daily Average.
- 7 - Assumes a 6-day work week and average daily usage.
- 8 - Assumes 5,000 gallons per day
- 9 - Assumes up to 10,000 gallons per day.
- 10 - Assumes daily average dust control operations.

### **Water Supply Source**

The following water service providers were originally considered by the applicant for the IVS Project:

- Imperial Irrigation District (IID),
- Ocotillo Mutual Water Company, and
- Coyote Valley Mutual Water Company.

Water studies showed that the aquifer is significantly overdrafted and that new well permits are not being granted. The use of potable water for operational uses was a topic of concern during the Informational Hearing/Scoping Meeting of the proposed project. Therefore, in July of 2009, the applicant expanded the range of possible water sources analyzed and proposed the use of secondary treated water from the Seeley Waste

Water Treatment Facility as the new source of water for the project. This change in the proposed water source would extend the water supply pipeline needed to approximately 11.8 miles long. The applicant has proposed moving the alignment of the extended water pipeline from the railroad ROW to the shoulder of the Evan Hewes Highway. This pipeline would be buried within the ROW of Evan Hewes Highway approximately 30" below the existing grade. The line would enter the IVS property approximately 1000 yards east of Plaster City and then run due south to the Raw Water Storage Tank.

The Seeley Waste Water Treatment Facility is located at 1898 West Main Street in Seeley, California, approximately 13 miles east of the project site. It is operated by the Seeley County Water District (SCWD) and is designed to produce secondary treated water at the rate of 200,000 gallons per day (gpd) (139 gpm or 224 acre feet per year [afy]).

According to the current National Pollutant Discharge Elimination System (NPDES) Permit: The treatment system consists of a lift station, a drum screen, a bar screen, a "Clemson" aerated pond treatment system with surface aerators, pressure sand filters, and an ultraviolet (UV) disinfection system. The facility's "Clemson" system consists of 5 aerated ponds operated in series. Bio-solids are removed by draining the last 2 ponds, removing the sludge and storing it in the out of service treatment ponds of the replaced treatment system, prior to removal. Wastewater is discharged from Discharge Point 001 to the New River, a water of the United States, tributary to the Salton Sea, and within the Salton Sea Transboundary Watershed.

The applicant would finance an upgrade to the existing facility to allow it to meet Title 22 water quality standards and would fund the training of operators for the new facility. The SCWD would provide as much treated effluent water as needed to the proposed IVS Project. The current influent flow rate is approximately 150,000 gpd, or 168 afy. Improvements to the treatment facility would increase the Title 22 effluent capacity to 250,000 gpd. Any surplus water, not needed by the proposed IVS Project, will be used by SCWD for irrigation or discharged into the New River. The discharge rate is based on the population of the service area, not the annual rain fall.

The water from Seeley Waste Water Treatment Facility is characterized as secondary treated water and will require treatment to remove dissolved solids for SunCatcher mirror wash water applications.

SCWD released a Draft Mitigated Negative Declaration (MND) for the SWWRF Improvements. These improvements are necessary to ensure that no discharges from the facility exceed established effluent limits in the future. The IVS Project is anticipated to take up to 200,000 gallons-per-day (gpd) of the treated effluent. Other possible users of the tertiary-treated effluent include existing and new uses identified and evaluated in Imperial County's General Plan.

Rather than adopting the MND, SCWD is preparing an Environmental Impact Report (EIR). The Energy Commission Staff Assessment (SA) for the SES Solar Two Project assumed that the MND would be adopted. Because the MND was not adopted, staff prepared and filed an Appendix provides an independent analysis of the potential impacts of the SWWRF improvements on March 18, 2010. The EIR prepared for the



SCWD will be used by the District to evaluate the impacts and to support the District's decision on the upgrades. The Energy Commission and BLM present this information in order to disclose the types and extent of impacts of the facility upgrades.

As a result of the delays necessary for the SCWD to prepare the EIR, groundwater for construction and possibly operation of the IVS Project would be supplied by the Dan Boyer Water Company's well (State Well No. 16S/9E-36G4). Groundwater from the Dan Boyer Water Company well would be treated at an on-site facility adjacent to the on-site substation to produce demineralized water for mirror washing. However, the Ocotillo/Coyote Wells aquifer is a sole source aquifer, meaning it is an aquifer that supplies 50% or more of the drinking water for an area.

#### **B.1.4.5 WASTEWATER AND WASTE MANAGEMENT**

The water treatment wastewater generated by the RO unit would contain relatively high concentrations of TDS. Wastewater or brine generated by the RO unit would be discharged to a polyvinyl chloride (PVC) -lined concrete evaporation pond that meets the requirements of the local Regional Water Quality Control Board. Each pond would be sized to contain 1 year of discharge flow, approximately 2.44 million gallons. A minimum of 1 year is required for the water treatment waste to undergo the evaporation process. The second pond would be in operation while the first is undergoing evaporation. The two ponds would alternate their functions on an annual basis.

After the brine has gone through the evaporation process, the solids that settle at the bottom of the evaporation pond will be tested by the applicant and disposed of in an appropriate non-hazardous waste disposal facility. The solids would be scheduled for removal during the summer months, when the concentration of solids is at its greatest due to an increase in evaporation rates, in order to achieve maximum solids removal.

#### **B.1.4.6 HAZARDOUS WASTE MANAGEMENT**

Hazardous materials used during facility construction and operations would include paints, epoxies, grease, transformer oil, and caustic electrolytes (battery fluid). Several methods would be used to properly manage and dispose of hazardous materials and wastes. Waste lubricating oil would be recovered and recycled by a waste oil recycling contractor. Chemicals would be stored in appropriate chemical storage facilities. Bulk chemicals would be stored in large storage tanks, while most other chemicals would be stored in smaller returnable delivery containers. All chemical storage areas would be designed to contain leaks and spills in concrete containment areas.

#### **B.1.4.7 DISTRIBUTED HYDROGEN SYSTEM**

The project described the hydrogen use, supply and storage in the AFC, filed June 30, 2008. The hydrogen system was described as a k-bottle of hydrogen on each Power Conversion Unit (PCU). One hydrogen gas cylinder would contain approximately 195 cubic feet of hydrogen, used to replenish lost hydrogen gas within the gas circuit. Each k-bottle was to be supported from the base of the PCU boom. Each PCU's k-bottle would either need to be removed and replaced or refilled at each dish site as required (approximately two times per year). The applicant reconsidered the plan for providing

hydrogen to the PCUs and has proposed an on-site hydrogen gas supply, storage and distribution system that would eliminate the need for the delivery of hydrogen k-bottles.

The June 12, 2009 Supplement to the AFC filed by the applicant modified the original project description to propose having the hydrogen gas supply produced through electrolysis by one on-site hydrogen generator. It is important to note that the hydrogen will not be generated from natural gas. The generator is capable of producing 1065 standard cubic feet of hydrogen per hour (scfh) and requires 146 watts/scf of electricity and 2.58 cubic inches of water/scf/hour during operation. Approximately 184 gallons of water per day, or 0.0133 acre feet per year would be required for this generator.

Reclaimed water would be obtained from the Seeley County Water District, processed through the on-site Water Treatment Plant to produce Demineralized Water and fed to the electrolyzer mounted on the hydrogen generator skid. The electrolyzer would eliminate any final impurities in the water prior to processing. The annual power consumption to meet the hydrogen production needs is 100KWper day, or 36.64 MW per year. Although the hydrogen generator could run full time if needed to support SunCatcher hydrogen requirements, the generator would normally be operated at off-peak electric hours using grid power. The hydrogen gas would be stored in a steel storage tank capable of storing approximately 2 days supply of hydrogen gas. It would be piped through a 1.5-inch stainless steel piping system to 87 individual compressor groups. Each compressor group will be electrically operated and consist of a compressor, delivering gas at approximately 2,900 psig, and a high pressure supply tank.

Initially, it would take 11 scf of hydrogen to charge the Stirling engine. Each Power Conversion Unit is estimated to lose about 200 scf per year. Each high pressure supply tank would supply hydrogen gas to 360 SunCatchers via a 0.25-inch stainless tubing. A low pressure dump tank would be installed with each compressor group utilizing a 0.25-inch stainless steel return line to recover hydrogen gas when the SunCatchers are not in-service. This would reduce hydrogen leaks through fittings and seals on the Stirling Engine. In the event that the hydrogen generator fails, an unloading station designed to receive and transfer hydrogen gas to the storage tank would be installed to allow for the delivery of hydrogen gas to the site by an outside supplier. The hydrogen gas storage tank would provide a few days of hydrogen supply as a back-up system. IVS would complete all scheduled maintenance to the hydrogen generator, when the gas supply is adequate.

#### **B.1.4.8 TRANSMISSION SYSTEM INTERCONNECTION AND UPGRADES**

This section describes the on-site substation and the transmission interconnection between the IVS Project and the existing electric grid.

The proposed project would include the construction of a new 230-kV substation approximately in the center of the project site. The applicant would need to build a 34.5-kV to 230-kV substation on the project site. The proposed project substation would consist of an open air bus with 15 35-kV collection feeder circuit breakers. Each feeder breaker would be connected to one of the 48-MW or 51-MW overhead collection lines.

Additional 35-kV circuit breakers would connect to power factor correction capacitor banks located in the substation yard. This new substation would be connected to the existing San Diego Gas and Electric (SDG&E) Imperial Valley Substation via an approximately 10.3-mile, double-circuit, 230-kV transmission line. Other than this interconnection transmission line, no new transmission lines or off-site substations would be required for the 300-MW Phase I construction.

For the 300-MW Phase I of the project, the first interconnection substation would initially consist of 2 power transformers rated at 120/160/200 megavolt amperes (MVA) each to convert the generation collection voltage from 34.5 kV to the transmission tie voltage of 230 kV. The substation would ultimately contain 5 120/160/200-MVA, 34.5-kV to 230-kV step-up power transformers. Each power transformer would serve 3 of the 15 overhead collection lines (one 48-MW line and 2 51-MW lines).

The power transformers would be protected by 230-kV power circuit breakers. Provisions would be made to expand the substation from 300 to 750 MW with the addition of 3 power transformers in Phase II of the proposed project. Each transformer would collect 150 MW of generation via 3 overhead 34.5-kV collection circuits, each protected by a 35-kV power circuit breaker. The 34.5-kV feeders would be terminated on outdoor circuit breakers.

Control, metering, and protection systems for the line, substation, and collection systems would be contained within a control building located adjacent to the substation. The control building would also contain the necessary communications equipment to meet owner, California ISO, and SDG&E requirements. Additional substation equipment would include a 34.5-kV power-factor correction capacitor control system designed to meet the power factor and zero and low-voltage ride-through requirements of the Interconnect Agreement.

The on-site portion of the interconnection transmission line would be installed in a 100-foot ROW from the IVS Project substation east and south to point where the SDG&E Southwest Powerlink transmission line ROW crosses the southern boundary of the project. A portion of this transmission line would be routed in a surveyed linear ROW located at the north edge of the northeast quarter of Section 19. The routing was selected to minimize the distance required and to reduce the undercrossing of the line with assembled SunCatchers.

The off-site portion of the 230-kV interconnect transmission line would be routed in a 100-foot ROW parallel to the existing SDG&E 500-kV Southwest Powerlink transmission line on the southwest side until approximately the third tower from the SDG&E Imperial Valley Substation, where the line would cross under the existing 500-kV transmission line. This route was chosen to minimize effects on the flat-tailed lizard management area south of I-8 by using the existing access roads for the existing transmission line and by placing the disturbance for the interconnect transmission line immediately adjacent to an existing disturbance.

The interconnect transmission line would cross under the existing 500-kV transmission line and the proposed future second 500-kV transmission line (part of the Sunrise Powerlink project) at approximately the third tower from the SDG&E Imperial Valley

Substation and will then continue due east and then due south to the point of interconnect. This crossing point is selected to maintain the routing along the existing corridor as long as possible. The transmission circuits are “rolled” between this tower and the SDG&E Imperial Valley Substation, which reduces overhead clearances for the crossing. The crossing could occur between the dead-end tower adjacent to the SDG&E Imperial Valley Substation and the SDG&E Imperial Valley Substation fence; however, a future 230-kV generator interconnect is anticipated by SDG&E from the south. SDG&E has requested that this space for crossing between the dead-end tower and the SDG&E Imperial Valley Substation fence be reserved for this future transmission line.

The transmission line towers would consist of H-Frame towers at the undercrossing of the existing 500-kV transmission line and double-circuit lattice steel towers and/or steel poles elsewhere. Both circuits of the overhead 230-kV transmission line would be constructed with one 1,590-kilo circular miles/phase, aluminum steel-reinforced conductor per line, each thermally rated to carry full project output in emergency conditions and one-half of project output in normal conditions. Two fiber optic cables are provided for communication with SDG&E and the California Independent System Operator (California ISO).

Each set of overhead 230-kV transmission conductors to the physical connection with the existing Imperial Valley Substation 500-kV transmission line would be supported by a dead-end structure in the project’s substation and 85 to 100 double-circuit lattice steel transmission towers and/or steel poles.

## **B.1.5 RELATED FACILITIES**

---

This section describes activities or projects related to the IVS Project, but outside the BLM ROW grant and Energy Commission Decision addressed in this SSA. These projects have undergone environmental review and permitting under a jurisdiction other than the BLM or Energy Commission.

### **B.1.5.1 SUNRISE POWERLINK PROJECT TRANSMISSION UPGRADES**

The full Phase II expansion of the project, and delivery of the additional renewable power to the San Diego regional load center, would require the construction of the 500-kV Sunrise Powerlink transmission line project proposed by SDG&E. The CPUC is the lead agency for CEQA compliance and the BLM is the lead agency for National Environmental Policy Act compliance on the Sunrise Powerlink transmission line project. SDG&E received a Certificate of Public Convenience and Necessity from the California Public Utilities Commission (CPUC) for the Sunrise Powerlink project. Construction on the Sunrise Powerlink project is scheduled to begin in 2010, with the majority of construction expected to start once the CPUC issues Notices to Proceed for each segment. Issuance of Notices to Proceed will be contingent upon SDG&E compliance with pre-construction requirements as specified by the approved mitigation measures.

The Sunrise Powerlink project consists of a 150-mile transmission line between Southern California's Imperial and San Diego counties. The major project components comprise:

- A new 91-mile, single-circuit 500 kV overhead electric transmission line linking SDG&E's existing Imperial Valley Substation (in Imperial County near the City of El Centro) with a new 500/230 kV Central East Substation to be constructed in the San Felipe area of central San Diego County, southwest of the intersection of County Highway S22 and S2; and
- A new 59-mile 230 kV double-circuit and single-circuit transmission line, running partly overhead and partly underground through San Diego County from the proposed new 500/230 kV Central East Substation to SDG&E's existing Peñasquitos Substation (in the City of San Diego).

Since the environmental review of the Sunrise Powerlink Project by the BLM and CPUC was completed prior to the completion of this SSA, staff did not independently review this related project.

#### **B.1.5.2 SEELEY WASTE WATER TREATMENT FACILITY UPGRADES**

After evaluating the currently available water supply options, the applicant concluded that the primary source of water for the project would be furnished by the Seeley Waste Water Treatment Facility (SWWTF). The applicant would finance upgrades to the existing treatment plant so its effluent meets Title 22 requirements for recycled water. In exchange IVS would have access to at least approximately 150,000 gallons and up to 200,000 gallons of reclaimed water per day for use in all construction and operation activities except for potable water.

SCWD serves customers in the town of Seeley, which is located in the unincorporated area of Imperial County, California, with certain utility services, including, without limitation, sewage collection and treatment services. Currently, sewage collected in Seeley's system is treated and, thereafter, flows into the New River. SCWD has signed a Will Serve Letter with the applicant to provide reclaimed water to the IVS Project. An agreement between SCWD and IVS, LLC was signed at the Seeley Board Meeting scheduled for May 18, 2009. As a result of the terms of this Agreement, Seeley's sewage treatment facilities would be upgraded to treat 250,000 gpd and 200,000 gpd of treated effluent (Title 22 water) would be made available to IVS. This effluent level reflects SCWD's future influent levels expected due to population growth and would be provided to IVS if requested.

SCWD is the lead agency pursuant to CEQA, and is responsible for approving the upgrades to their existing wastewater treatment facility (SWWTF). The SCWD originally proposed that a Mitigated Negative Declaration (MND) would be the appropriate environmental document to be prepared in compliance with CEQA. Rather than adopting the MND, SCWD is preparing an Environmental Impact Report (EIR). The Energy Commission Staff Assessment (SA) for the IVS Project assumed that the MND would be adopted. Because the MND was not adopted, staff prepared and filed Appendix on March 18, 2010 to provide an independent analysis of the potential

impacts of the SWWRF improvements. The EIR prepared for the SCWD will be used by the District to evaluate the impacts and to support the District's decision on the upgrades.

## **B.1.6 CONSTRUCTION**

---

The project as proposed would be constructed in two phases. Phase I of the project would consist of up to 12,000 SunCatchers configured in 200 1.5-MW solar groups of 60 SunCatchers per group and have a net nominal generating capacity of 300 MW. Phase II would add approximately 18,000 SunCatchers, expanding the project to a total of approximately 30,000 SunCatchers configured in 500-1.5-MW solar groups with a total net generating capacity of 750 MW (see **Project Description Figure 2**).

Heavy construction for the project would be scheduled to occur between 0700 and 1900 Monday through Friday. Additional hours may be necessary to make up schedule deficiencies or to complete critical construction activities.

Some activities would continue 24 hours per day, 7 days per week. These activities include, but are not limited to, SunCatcher assembly, refueling of equipment, staging of materials for the next day's construction activities, quality assurance/control, and commissioning.

Project construction would be performed in accordance with plans and mitigation measures that would assure the project conforms with applicable LORS and would avoid significant adverse impacts. These plans that are to be developed by the applicant, for which some have already been prepared in draft and reviewed by staff to support this environmental analysis, and the necessary mitigation measures, are specified in the Conditions of Certification as appropriate of each technical area of this SSA.

## **B.1.7 OPERATION AND MAINTENANCE**

---

The IVS Project would be an "as-available" resource. Therefore, the project as proposed would operate anywhere between a minimum of approximately 18 MW net when the first units are interconnected to the grid during the construction period to 750 MW on completion of construction. The capability for independent operation of all 30,000 units would give maximum flexibility in operations. The applicant expects that the project would have an annual availability of 99 percent.

The project would be dispatched by the California ISO, through day-ahead, hour-ahead, and real-time scheduling, as required to meet the demands of the Southern California market. The market would dictate unit operations and total power requirements. The IVS Project is proposed to operate approximately 3,500 hours per annum and is expected by the applicant to have an overall availability of 99 percent or higher. The number of available operating hours is determined by the availability of the sun's energy at greater than 250 watts per square meter. SunCatchers would be unable to generate electricity when the sun's energy is below 250 watts per square meter in the early morning or late evening hours and when cloud cover limits the sun's energy for power generation. Also, SunCatchers would be unable to generate electricity during daylight

hours when the wind speed exceeds 35 miles per hour, as SunCatchers would be stowed in a safe de-track position at this wind speed to prevent damage. SunCatchers are designed to withstand wind speeds of 50 miles per hour in the operating mode and 90 miles per hour in the stowed position. Because the SunCatchers move slowly, they start moving into stow position once winds reach 35 miles per hour in order to be in stow position by the time winds reach 90 miles per hour. Because of the geographical size of the project, cloud cover and/or wind conditions may only affect a portion of the project at any given time.

It is expected that the IVS Project would be operated with a staff of approximately 164 full-time employees. The project would operate 7 days per week, generating electricity during normal daylight hours when the solar energy is available. Maintenance activities would occur 7 days a week, 24 hours a day to ensure SunCatcher availability when solar energy is available.

## **B.1.8 DECOMMISSIONING AND RESTORATION**

---

### **Introduction**

Project closure can be temporary or permanent. Temporary closure is defined as a shutdown for a period exceeding the time required for normal maintenance, including closure for overhaul or replacement of the major components, such as major transformers, switchgear, etc. Causes for temporary closure include inclement weather and/or natural hazards (e.g., winds in excess of 35 mph, or cloudy conditions limiting solar insolation values to below the minimum solar insolation required for positive power generation, etc.), or damage to the project from earthquake, fire, storm, or other natural acts. Permanent closure is defined as a cessation in operations with no intent to restart operations owing to project age, damage to the project that is beyond repair, adverse economic conditions, or other significant reasons.

### **Temporary Closure**

In the unforeseen event that the project is temporarily closed, a contingency plan for the temporary cessation of operations will be implemented. The contingency plan will be followed to ensure conformance with applicable LORS and to protect public health, safety, and the environment. The plan, depending on the expected duration of the shutdown, may include the draining of chemicals from storage tanks and other equipment and the safe shutdown of equipment. Wastes will be disposed of according to applicable LORS, as discussed in the **Waste Management** section.

### **Permanent Closure**

The planned life of the IVS Project is 40 years; however, if the project is still economically viable, it could be operated longer. It is also possible that the project could become economically noncompetitive before 40 years have passed, forcing early decommissioning. Whenever the project is permanently closed, the closure procedure will follow a plan that will be developed as described below.

The removal of the project from service, or decommissioning, may range from “mothballing” to the removal of equipment and appurtenant facilities, depending on

conditions at the time. Because the conditions that would affect the decommissioning decision are largely unknown at this time, these conditions would be presented to the Energy Commission, the BLM, and other applicable agencies for review and approval as part of the decommissioning plan. The decommissioning plan will discuss the following:

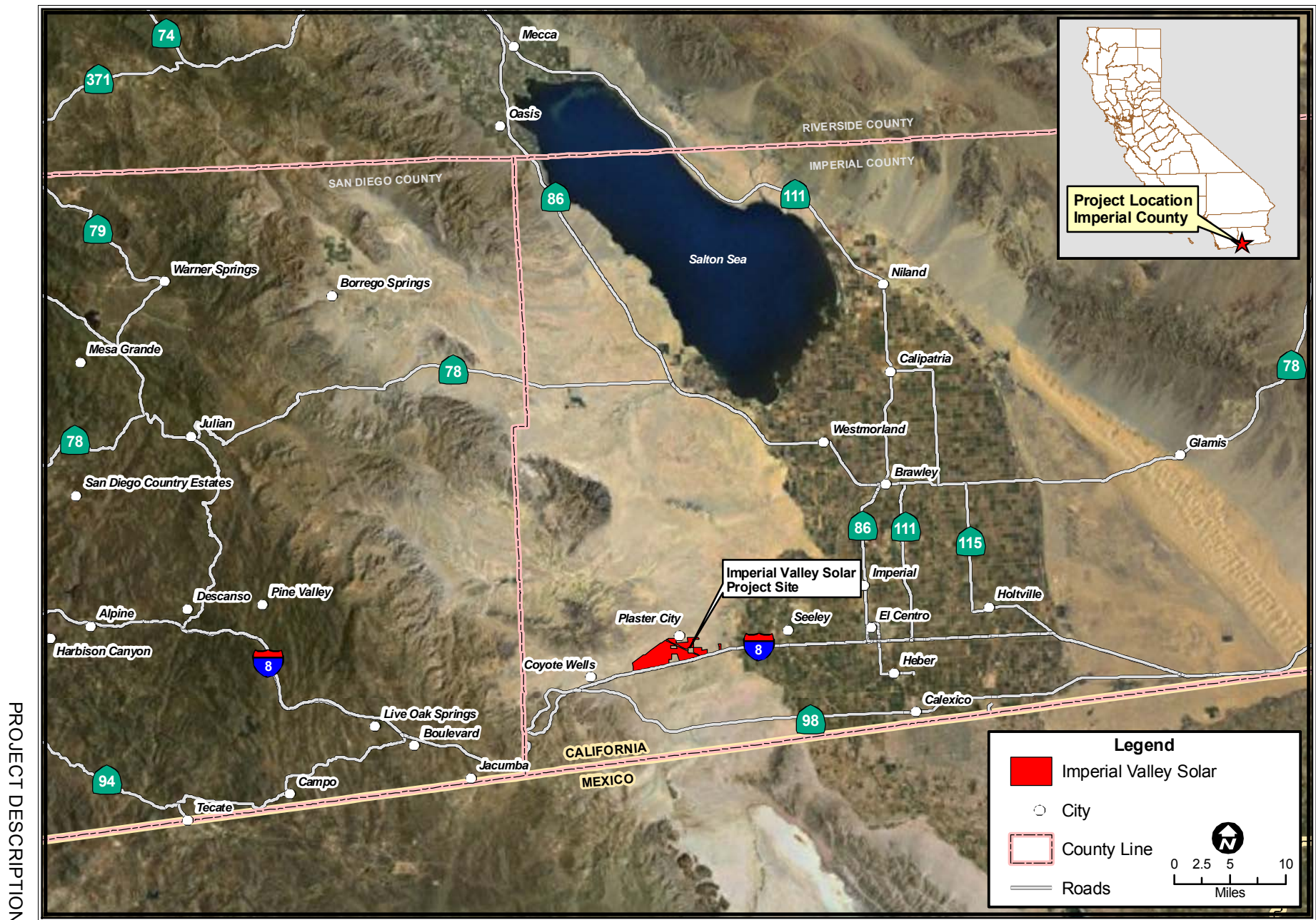
- proposed decommissioning activities for the project and appurtenant facilities constructed as part of the project,
- conformance of the proposed decommissioning activities with applicable LORS and local/regional plans,
- activities necessary to restore the project site if the plan requires removal of equipment and appurtenant facilities,
- decommissioning alternatives other than complete restoration to the original condition, and
- associated costs of the proposed decommissioning and the source of funds to pay for the decommissioning.

In general, the decommissioning plan for the project will attempt to maximize the recycling of project components. IVS will attempt to sell unused chemicals back to the suppliers or other purchasers or users. Equipment containing chemicals will be drained and shut down to ensure public health and safety and to protect the environment. Nonhazardous wastes will be collected and disposed of in appropriate landfills or waste collection facilities. Hazardous wastes will be disposed of according to applicable LORS. The site will be secured 24 hours per day during the decommissioning activities, and IVS will provide periodic update reports to the Energy Commission, the BLM, and other appropriate parties.

Similar to project construction and facility operations, decommissioning would be performed in accordance with plans and mitigation measures that would assure the project conforms with applicable LORS and would avoid significant adverse impacts. These plans that are to be developed by the applicant, for which some have already been prepared in draft and reviewed by staff to support this environmental analysis, and the necessary mitigation measures, are specified in the Conditions of Certification as appropriate for each technical area of this SSA.



**PROJECT DESCRIPTION - FIGURE 1**  
Imperial Valley Solar - Regional Overview Map

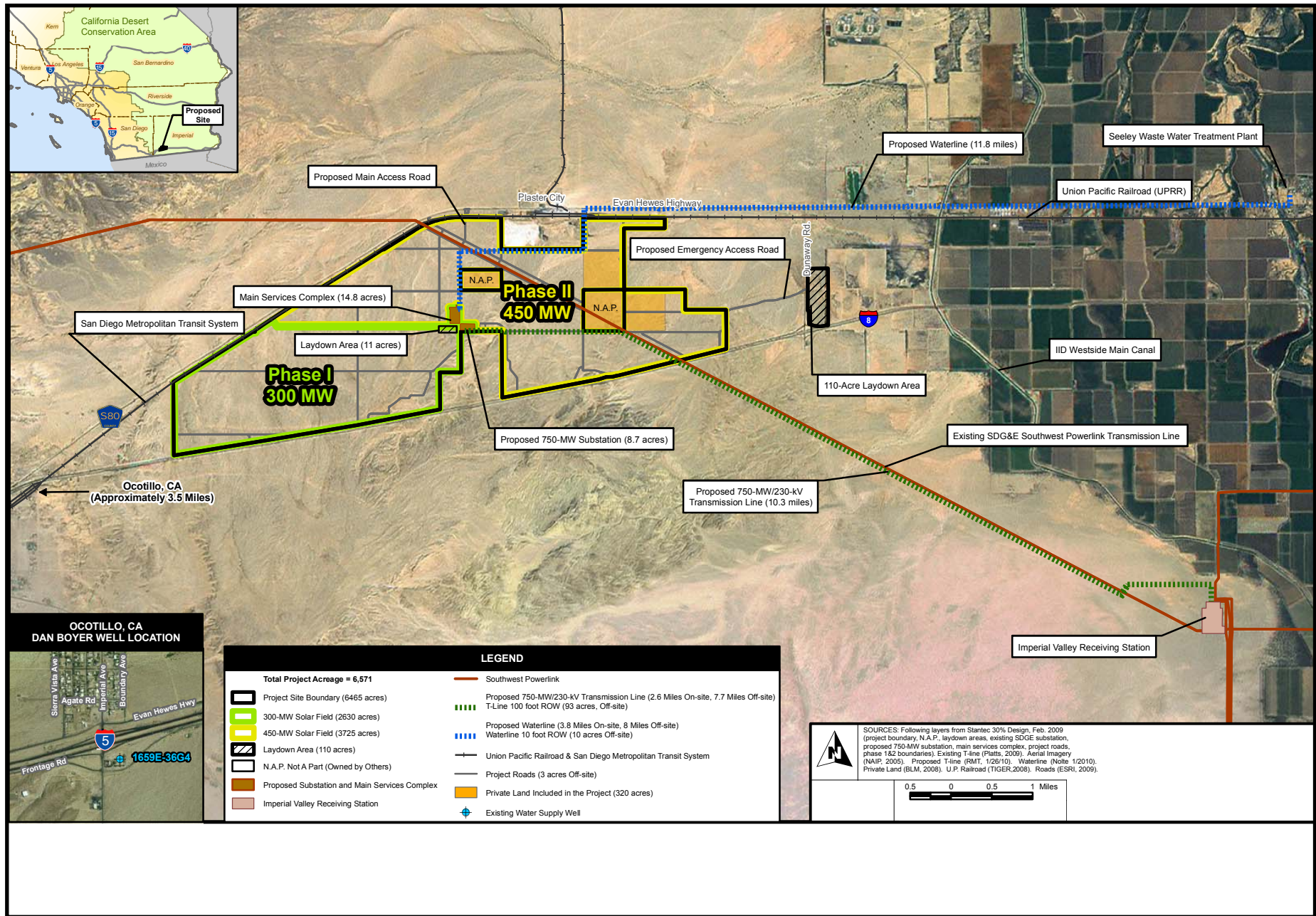


CALIFORNIA ENERGY COMMISSION, SITING, TRANSMISSION AND ENVIRONMENTAL PROTECTION DIVISION

SOURCE: ESRI Image - Multinet 09 Roads- URS Corp.

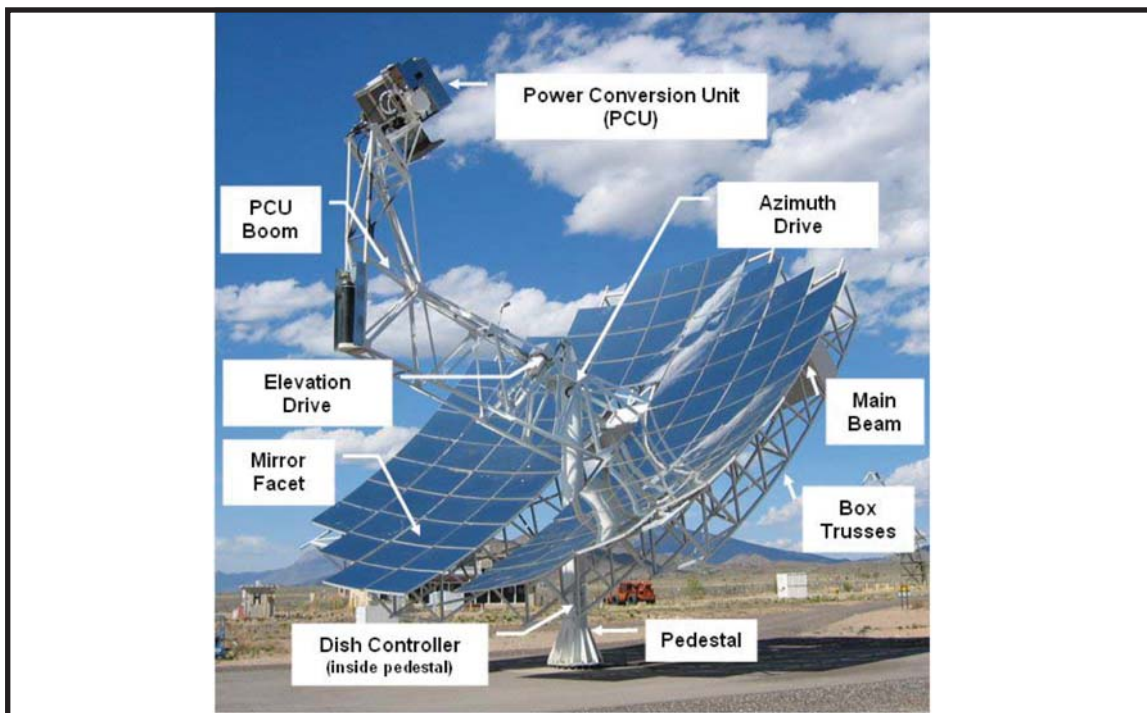
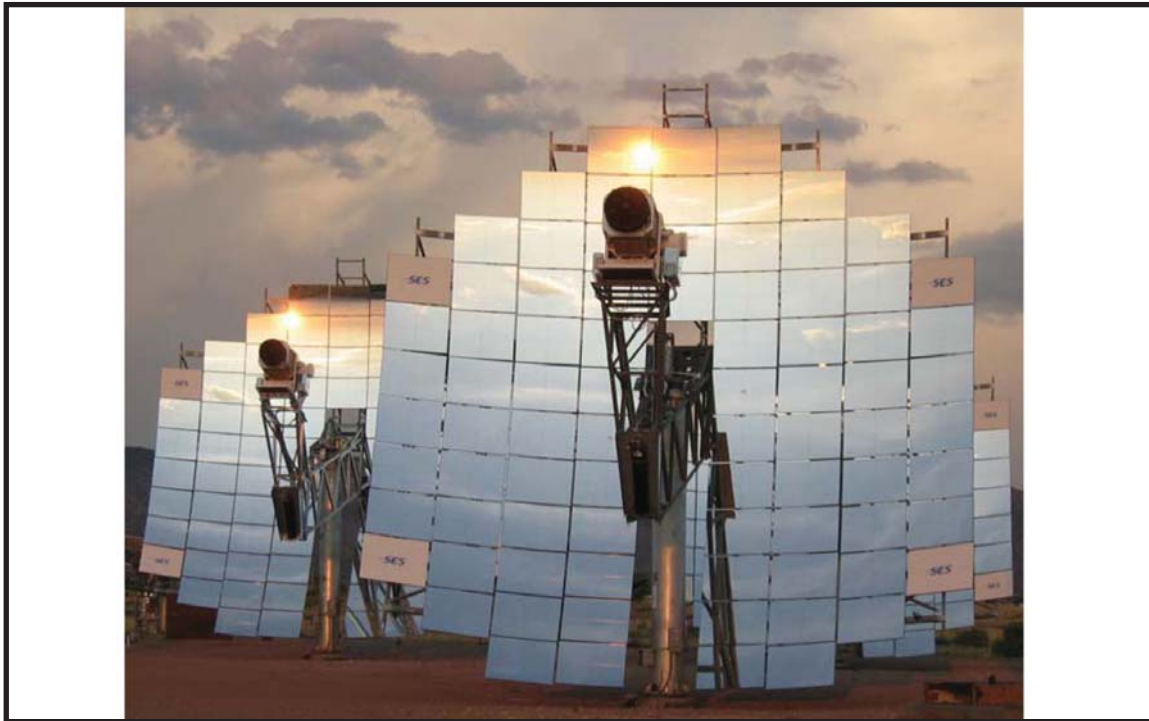


**PROJECT DESCRIPTION - FIGURE 2**  
Imperial Valley Solar - Project Overview Map



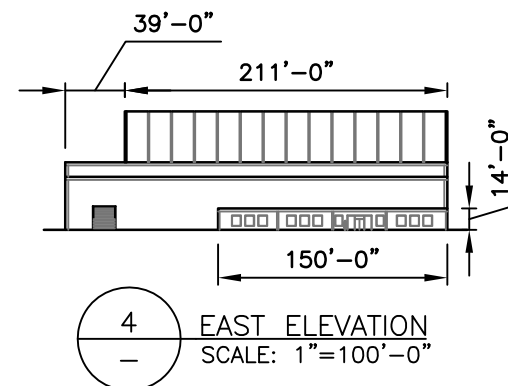
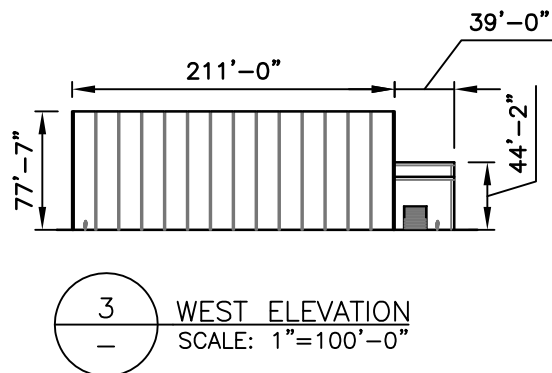
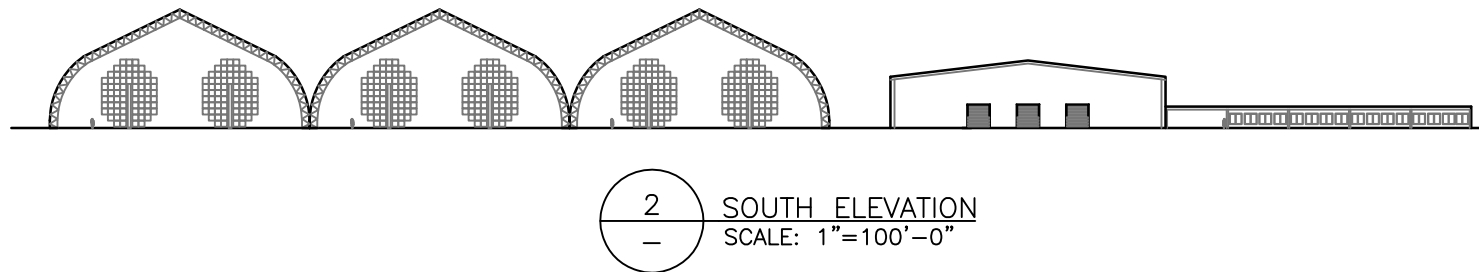
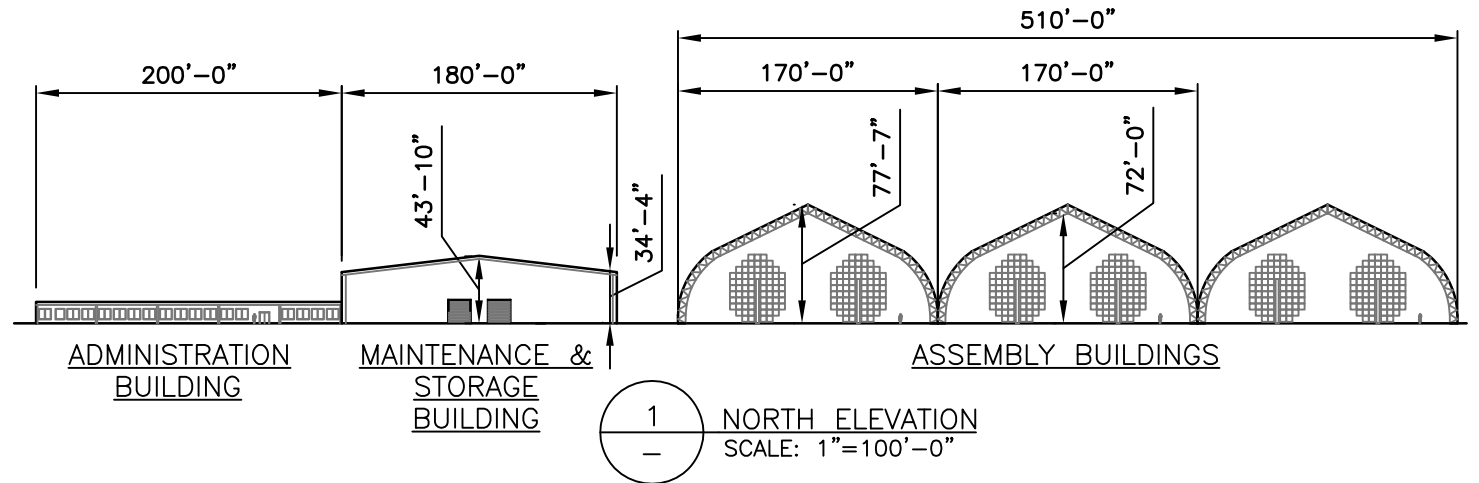
PROJECT DESCRIPTION

**PROJECT DESCRIPTION - FIGURE 3**  
Imperial Valley Solar - SunCatcher Details





**PROJECT DESCRIPTION - FIGURE 4**  
Imperial Valley Solar - Main Services Complex Elevation View



PROJECT DESCRIPTION

## **B.2 - ALTERNATIVES**

Testimony of Susan V. Lee

### **B.2.1 SUMMARY OF CONCLUSIONS**

---

In this analysis of the Imperial Valley Solar Project, 27 alternatives have been identified and evaluated in addition to the proposed project. These include eight alternative site locations, three alternatives that would reduce effects to jurisdictional waters of the United States, a range of solar and renewable technologies, generation technologies using different fuels, conservation/demand-side management, and a 300 MW Alternative to the proposed 750 MW proposed project.

Of the 27 alternatives, seven alternatives were determined to be reasonable and potentially feasible by the Energy Commission and have the potential to reduce impacts that would be created by the proposed project: the 300 MW Alternative, two of the Drainage Avoidance alternatives that would reduce effects to waters of the United States, three off-site alternatives, and the No Project/No Action Alternative.

Energy Commission Staff have determined that the No Project Alternative is not superior to the proposed project because it would likely delay development of renewable resources or shift renewable development to other similar areas, and would lead to increased operation of existing power plants that use non-renewable technologies.

The 300 MW Alternative would substantially reduce impacts in comparison to the proposed project and is analyzed in each discipline's analysis in Section C. However, the 300 MW Alternative would still result in the following significant impacts: effects on waters of the United States; loss of flat-tailed horned lizards, habitat, and movement corridors; land use effects on the de Anza Trail; and visual impacts. As a smaller alternative, it would reduce the impact to water supply because it would require less water for construction; however, it would not reduce this impact to less than significant. The 300 MW Alternative is considered to be potentially feasible, as solar thermal facilities of 300 MW and smaller are currently proposed in California and because SDG&E has filed a request for approval of renewable power purchase with Imperial Valley Solar, LLC for 300 MW, presumably a feasible project. However, no independent studies have been done to evaluate its economic feasibility. Additionally, as highlighted in the Section C.1 (Air Quality), the 300 MW Alternative would reduce the benefits of the proposed project by approximately 60 percent.

The two drainage avoidance alternatives were developed to lessen impacts to waters of the United States and to be practicable and are analyzed in each discipline's analysis in Section C. Drainage Avoidance #1 Alternative would reduce impacts to waters of the United States and California Department of Fish and Game jurisdictional streambeds and would eliminate significant impacts to biological resources (flat-tailed horned lizard movement corridors). Impacts to visual resources, water supply, and the de Anza Trail remain significant, as they are for the proposed Imperial Valley Solar project.

Drainage Avoidance #2 Alternative would reduce impacts to federal and state jurisdictional streambeds, but would still have the following significant impacts: effects

on waters of the United States and limited water supply; loss of flat-tailed horned lizards, habitat, and movement corridors; land use effects on the de Anza Trail; and visual impacts. The alternative would reduce the impact to water supply because it would require less water for construction; however, it would not reduce this impact to less than significant.

Both drainage avoidance alternatives are considered feasible. However, no independent studies have been done to evaluate their economic feasibility. The Applicant has submitted to the Army Corps of Engineers a revised drainage avoidance alternative that it considers practicable that avoids some impacts to jurisdictional waters. This alternative is being considered by the Army Corps and would be within the range of alternatives considered by the Energy Commission Staff in the SSA.

The Mesquite Lake Alternative, Agricultural Lands Alternative, and South of Highway 98 Alternative would have impacts similar to those of the proposed site in many resource elements. However, all three of these alternative sites are likely to have less severe cultural, soils and water, and visual impacts than the proposed site, and two of the three alternative sites (located on disturbed lands) would also have reduced impacts to biological resources. The Mesquite Lake and Agricultural Lands Alternative would eliminate the significant water supply impact of the proposed project, as they would be located within the Imperial Irrigation District's service area and could purchase water from the irrigation district for construction. They would also both be located on some active and some previously farmed agriculture land, resulting in impacts to agriculture. However, these alternatives are not considered feasible at this time because they would require the submittal of a new application to the Energy Commission and would not achieve the project objective of completing the review process in a timeframe that would allow the applicant to start construction or meet the economic performance guidelines by December 31, 2010 to potentially qualify for the 2009 ARRA cash grant in lieu of tax credits. In addition, at least one of the agricultural land sites currently has a Conditional Use Permit application pending to Imperial County for development of a solar photovoltaic facility.

The three alternative sites are all less than 6,500 acres. Because these alternative sites would have fewer environmental and engineering constraints and are more level than the proposed site, it is considered likely that a smaller site would still allow development of a 750 MW facility. If the project were not able to be constructed on less than 6,500 acres, the individual alternative site(s) considered here would not meet project requirements and a combination of two separate alternative sites would be anticipated to be necessary. This would increase the cost of the project due to the need for additional infrastructure (transmission, water, etc.).

The Mesquite Lake Alternative presents an additional challenge: it is made up of approximately 70 parcels with 52 separate landowners. Due to the number of parcels that would have to be acquired, obtaining site control would be more challenging at this site. At the proposed site, BLM is the primary land management entity although there are some private parcels within the proposed project site.

Alternative solar thermal technologies (parabolic trough, solar power tower, utility scale solar photovoltaics, and linear Fresnel) are also evaluated. As compared with the

proposed Stirling technology, most of these technologies would not substantially change the severity of visual impacts, biological resources impacts and cultural impacts, as all require extensive acreage. Distributed solar photovoltaic facilities would likewise require extensive acreage if deployed in the same location as the project, although it can also be installed on existing buildings, minimizing the loss of undisturbed open space. However, increased deployment of distributed solar photovoltaics faces challenges in manufacturing capacity, cost, and policy implementation. Water use varies among the technologies.

Other generation technologies (wind, geothermal, biomass, tidal, wave, natural gas, and nuclear) are also examined as possible alternatives to the project. These technologies would either be infeasible at the scale of the Imperial Valley Solar Project, or they would create their own significant adverse impacts in other locations. A natural gas plant would contribute to greenhouse gas emissions and would not meet the project's renewable generation objective. Construction of new nuclear power plants is currently prohibited under California law.

Conservation and demand side management programs would likely not meet the state's growing electricity needs that would be served by the Imperial Valley Solar Project. In addition, these programs would not provide the renewable energy required to meet the California Renewable Portfolio Standard requirements. Wave and tidal technologies are not yet commercially available in the United States.

Staff's analysis of renewable energy technology options indicates that contributions from each commercially available renewable technology will be needed to meet California's Renewable Portfolio Standard requirements and to achieve the statewide RPS target for 2020 (between 45,000 GWhs to almost 75,000 GWhs according to the 2009 IEPR). Therefore, the combined contribution of the alternatives of wind, distributed solar photovoltaic, geothermal, and biomass is needed to complement rather than substitute for Imperial Valley Solar Project solar thermal contribution to meeting SDG&E and statewide RPS requirements. The table below indicates that each of these four alternative technology options when considered individually is insufficient to meet the project objectives related to the RPS.

**Alternatives Table 1** lists the alternatives retained for analysis in this SSA and those eliminated, and summarizes the rationale for each conclusion.

**Alternatives Table 1**  
**Summary of Alternatives Retained and Eliminated**

Alternative	Rationale for Retention or Elimination
<b>Alternatives Retained for CEQA and NEPA Analysis</b>	
<b>Proposed Project/Action</b> - 750 MW - 6,500 acres - 30,000 SunCatchers	Evaluated as the applicant's proposal.
<b>300 MW Alternative</b> - 300 MW - 2,600 acres (40% of proposed) - 12,000 SunCatchers	Evaluated in the SSA because it would substantially reduce impacts of the Imperial Valley Solar Project and meet the purpose and need of the BLM's proposed action.

<b>Alternative</b>	<b>Rationale for Retention or Elimination</b>
<b>Drainage Avoidance #1 Alternative</b> - 632 MW - 4,690 acres (72% of proposed) - 25,000 SunCatchers	Evaluated in the SSA because it would substantially reduce impacts to waters of the U.S. and meet the purpose and need of the BLM's proposed action.
<b>Drainage Avoidance #2 Alternative</b> - 423 MW - 3,153 acres (49% of proposed) - 10,240 SunCatchers	Evaluated in the SSA because it would substantially reduce impacts to waters of the U.S. and meet the purpose and need of the BLM's proposed action.
<b>No Project/No Action Alternative</b>	Required under CEQA and NEPA. Note that additional NEPA No Action Alternatives are described below under Land Use Plan Amendment Alternatives.
<b>Land Use Plan Amendment Alternatives Evaluated Only under NEPA</b>	
Authorize Imperial Valley Solar project through a CDCA Land Use Plan amendment	Action required under the CDCA Plan of 1980, as amended.
Authorize a reduced size project within the proposed project's boundaries through a CDCA Land Use Plan amendment (300 MW Alternative, Drainage Avoidance #1 or #2 Alternatives)	A smaller project reduces impacts; site location is an action for which an amendment to the CDCA Plan of 1980, as amended, is required.
Do not approve the ROW grant and do not amend the CDCA Land Use Plan of 1980, as amended.	The first No Action Alternative: deny the ROW application and does not amend the CDCA Land Use Plan of 1980.
Do not approve the ROW grant and amend the CDCA Land Use Plan of 1980, as amended, to make the area unavailable for future solar development.	The second No Action Alternative: deny the ROW application and amend the CDCA Land Use Plan of 1980 to make the site unavailable for any future solar development.
Do not approve the ROW grant and amend the CDCA Land Use Plan of 1980 to make the area available for future solar development.	The third No Action Alternative: deny the ROW application but amend the CDCA Land Use Plan of 1980 to make the site available for future solar development.
<b>Site Alternatives Evaluated only under CEQA</b>	
Mesquite Lake Alternative	Would substantially reduce impacts of the Imperial Valley Solar Project while meeting most project objectives.
Agricultural Lands Alternative	Would substantially reduce impacts of the Imperial Valley Solar Project while meeting most project objectives.
South of Highway 98 Alternative	Would substantially reduce impacts of the Imperial Valley Solar Project while meeting most project objectives.



Alternative	Rationale for Retention or Elimination
<b>Alternatives Eliminated from Detailed Analysis</b>	
Alternative Site #1	Would not substantially reduce impacts of the Imperial Valley Solar Project; located in Department of Defense (DOD) “no fly” “no build” area therefore not a feasible alternative for the Stirling engine technology; pending right-of-way grant application for the site, therefore not considered a viable alternative.
Alternative Site #2	Would not substantially reduce impacts of the Imperial Valley Solar Project; located in DOD “no fly” “no build” area therefore not a feasible alternative for the Stirling engine technology; pending right-of-way grant application for the site, therefore not considered a viable alternative.
Alternative Site #3	Would not substantially reduce impacts of the Imperial Valley Solar Project; pending right-of-way grant application for the site, therefore not considered a viable alternative.
Wind Zero Site (Ocotillo)	Alternative site was eliminated as infeasible because of the pre-existing proposed use as a private military training facility. Currently undergoing environmental review.
Parabolic Trough Technology	Would not substantially reduce impacts of the Imperial Valley Solar Project.
Solar Power Tower Technology	Would not substantially reduce impacts of the Imperial Valley Solar Project.
Linear Fresnel Technology	Would reduce area required by about 40% but would not eliminate significant impacts of the SES Soar Two Project.
Solar Photovoltaic Technology – Utility Scale	Would not substantially reduce impacts of the Imperial Valley Solar Project.
Distributed Solar Technology	While it will very likely be possible to achieve 750 MW of distributed solar energy over the coming years, the limited numbers of existing facilities make it difficult to conclude with confidence that this much distributed solar will be available within the timeframe required for the Imperial Valley Solar project. Barriers exist related to interconnection with the electric distribution grid. Also, solar PV is one of the components of the renewable energy mix required to meet the California Renewable Portfolio Standard requirements, and additional technologies like solar thermal generation, would also be required.
Wind Energy	While there are substantial wind resources in western Imperial and eastern San Diego Counties, environmental impacts could also be significant so wind would not reduce impacts in comparison to the Imperial Valley Solar Project. Also, wind is one of the components of the renewable energy mix required to meet the California Renewable Portfolio Standard requirements, so additional technologies like solar thermal generation, would also be required.

Alternative	Rationale for Retention or Elimination
Geothermal Energy	Despite the encouragement provided by Renewable Portfolio Standards and ARRA funding, few new geothermal projects have been proposed in the Imperial Valley and no geothermal projects are included on the Renewable Energy Action Team list of projects requesting ARRA funds. Therefore, the development of 750 MW of new geothermal generation capacity within the timeframe required for the Imperial Valley Solar project is considered speculative.
Biomass Energy	Most biomass facilities produce only small amounts of electricity (in the range of 3 to 10 MW) and so could not meet the project objectives related to the California Renewable Portfolio Standard. In addition, between 75 and 250 facilities would be needed to achieve 750 MW of generation, creating substantial adverse impacts.
Tidal Energy	Tidal fence technology is commercially available in Europe. However, it has not been demonstrated and proven at the scale that would be required to replace the proposed project, particularly with Pacific tides. Therefore, it would not substantially reduce impacts of the Imperial Valley Solar Project.
Wave Energy	Unproven technology at the scale that would be required to replace the proposed project; it may also result in substantial adverse environmental impacts
Natural Gas	Would not attain the objective of generating renewable power meeting California's renewable energy needs
Coal	Would not attain the objective of generating renewable power meeting California's renewable energy needs and is not a feasible alternative in California
Nuclear Energy	The permitting of new nuclear facilities in California is not currently allowable by law
Conservation and Demand-side Management	Conservation and demand-management alone are not sufficient to address all of California's energy needs, and would not provide the renewable energy required to meet the California Renewable Portfolio Standard requirements
Avoidance of Waters of the U.S.	Would not attain the objective of generating sufficient renewable power

## B.2.2 INTRODUCTION

Stirling Energy Systems Solar Two, LLC<sup>1</sup> (SES) proposes to build the Stirling Energy Systems (SES) Solar Two solar facility on federal land under the administrative jurisdiction of the BLM. Since the Bureau of Land Management (BLM) is a federal agency, the Imperial Valley Solar power plant is subject to review under the National Environmental Policy Act (NEPA) in addition to CEQA. The purpose of this alternatives

<sup>1</sup> The formal company name is now Tessera Solar, but the application was filed as Stirling Energy Systems.

analysis is to comply with State and Federal environmental laws by providing an analysis of a range of reasonable alternatives which, under CEQA, would feasibly attain most of the basic objectives of the project but would substantially lessen or avoid any potentially significant adverse impacts of the proposed project, or under NEPA, would inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment [40 CFR 1502.1]. This section summarizes the potentially significant adverse impacts of the proposed project and analyzes different technologies and alternative sites that may reduce or avoid some or all of those significant adverse impacts.

Of the 27 alternatives, three alternatives in addition to the proposed project were determined to be reasonable by both the BLM and Energy Commission: the 300 MW Alternative and two of the alternatives that would reduce effects to waters of the United States. These alternatives and the no project/no action alternative are analyzed in further detail within each of the technical sections of this document, and are considered for selection as the preferred alternative by both agencies.

This section presents analysis of three site alternatives that are evaluated under CEQA only and presents the plan amendment alternatives evaluated under NEPA only. The section also presents the discussion and analysis of all alternatives eliminated from consideration by both the Energy Commission and the BLM.

### **B.2.3      ALTERNATIVES DEVELOPMENT AND SCREENING PROCESS**

---

#### **LAWS, ORDINANCES, REGULATIONS, AND STANDARDS**

SES proposes to build the Imperial Valley Solar facility on federal land within the jurisdiction of the BLM. Since the BLM is a federal agency and the California Energy Commission has State authority to license thermal power plants, the Imperial Valley Solar power plant is subject to review under both NEPA and CEQA.

##### **California Environmental Quality Act Criteria**

The *Guidelines for Implementation of the California Environmental Quality Act*, Title 14, California Code of Regulations, section 15126.6(a), provides direction by requiring an evaluation of the comparative merits of “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” In addition, the analysis must address the No Project Alternative (Cal. Code Regs., tit. 14, § 15126.6(e)).

The range of alternatives is governed by the “rule of reason” which requires consideration only of those alternatives necessary to permit informed decision making and public participation. CEQA states that an environmental document does not have to consider an alternative the effect of which cannot be reasonably ascertained and of which the implementation is remote and speculative (Cal. Code Regs., tit. 14, § 15125(d)(5)).

## **National Environmental Policy Act Criteria**

NEPA requires that the decision-makers and the public be fully informed of the impacts associated with the proposed project. The intent is to make decisions based on an understanding of environmental consequences, and to take actions to protect, restore, and enhance the environment.

Regulations promulgated by the Council on Environmental Quality require that an EIS rigorously explore and objectively evaluate all reasonable alternatives to a proposed action. Reasonable alternatives are those for which effects can be reasonably ascertained, whose implementation is not remote or speculative, that are feasible, effective, are not remote from reality, and those that are consistent with the basic policy objectives for management of the area. (40 CFR 1502.14; CEQ Forty Questions, No. 1A; Headwaters, Inc. v. BLM, 914 F.2d. 1174 (9th Cir. 1990)). Reasonable alternatives are dictated by the nature and scope of the proposed action. To determine reasonable alternatives, an agency must define the purpose and need of the proposal. The purpose and need of the proposed action is to be evaluated under a reasonableness standard. CEQ regulations state that an agency should include reasonable alternatives not within the jurisdiction of the lead agency [40 CFR 1502.14(c)]. BLM interprets this to apply to exceptional circumstances and limits its application to broad, programmatic EISs that would involve multiple agencies. For most actions, the purpose and need statement should be constructed to reflect BLM's discretion consistent with its decision space under its statutory and regulatory requirements. Thus, alternatives that are not within BLM jurisdiction would not be considered reasonable. Further, "[i]n determining the scope of alternatives to be considered, the emphasis is on what is 'reasonable' rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative..." (CEQ Forty Questions, No. 2a.)

Consideration of a No Action Alternative is mandated by NEPA. As with the CEQA No Project Alternative, this is the scenario that would exist if the proposed project were not constructed and no land use plan amendment were undertaken. Under the first No Action Alternative, the land would continue to be managed by BLM under the existing management plan as defined in the California Desert Conservation Area plan. This SSA also evaluates two other No Action Alternatives: one in which the project could be disapproved, but the plan amendment approved to allow other solar projects, and one in which the project would be disapproved and a plan amendment implemented to prohibit solar or renewable project development at the site.

## **U.S. Army Corps of Engineers Regulations**

Federal regulations require that if waters of the U.S. are affected by a proposed project, alternatives must be considered that reduce effects on the waters of the U.S. These regulations are presented in CFR 40 Part 230 Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material, Subpart B--Compliance With the Guidelines, Sec. 230.10 Restrictions on discharge. Those regulations require that the Corps prepare a "404(b)1 Analysis" to evaluate alternatives.

Regarding the Corps' required alternatives analysis, the regulations state the following:

- (a) Except as provided under section 404(b)(2), no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed

discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.

(1) For the purpose of this requirement, practicable alternatives include, but are not limited to:

- (i) Activities which do not involve a discharge of dredged or fill material into the waters of the United States or ocean waters;
- (ii) Discharges of dredged or fill material at other locations in waters of the United States or ocean waters;

(2) An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. If it is otherwise a practicable alternative, an area not presently owned by the applicant, which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered.

(3) Where the activity associated with a discharge which is proposed for a special aquatic site (as defined in subpart E) does not require access or proximity to or sighting within the special aquatic site in question to fulfill its basic purpose (i.e., is not "water dependent"), practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise...

To meet these requirements, this alternatives analysis fully considers two alternatives within the boundaries of the proposed project, as described in Section B.2.4. In addition, a range of other alternatives that comply with the Corps' guidelines are presented in Section B.2.6 (alternatives considered but eliminated from detailed analysis), and additional offsite alternatives are presented in Section B.2.5 (Site Alternatives Evaluated Under CEQA).

## **B.2.4 SCREENING METHODOLOGY**

---

To prepare the alternatives analysis, the following methodology was used:

1. Develop an understanding of the project, identify the basic objectives of the project, and describe its potentially significant adverse impacts.
2. Identify and evaluate technology alternatives to the project such as increased energy efficiency (or demand-side management) and the use of alternative generation technologies (e.g., solar or other renewable or nonrenewable technologies).
3. Identify and evaluate alternative locations.
4. Evaluate potential alternatives to select those qualified for detailed evaluation. Under NEPA, explore and evaluate all reasonable alternatives, and of those reasonable alternatives, identify those that would avoid or minimize adverse impacts or enhance the quality of the human environment.
5. Evaluate the impacts of not constructing the project, known as the No Project alternative under CEQA and the No Action alternative under NEPA.

Based on this methodology, each potential alternative was evaluated according the following criteria for its ability to:

- for CEQA purposes, avoid or substantially lessen one or more of the potential significant adverse effects of the project as described above;
- for CEQA purposes, meet most or all of the project objectives;
- for NEPA purposes, be consistent with BLM's purpose and need, and be otherwise reasonable.

#### **B.2.4.1 APPLICANT'S PROJECT OBJECTIVES**

Two primary objectives are set forth by Stirling Energy Systems (SES 2008a):

- to provide clean, renewable, solar-powered electricity and to assist San Diego Gas & Electric (SDG&E) in meeting its obligations under California's Renewable Portfolio Standard Program (RPS);
- to assist SDG&E in reducing its greenhouse gas emissions as required by the California Global Warming Solutions Act.

Additionally, Stirling Energy Systems states the purpose of the project as:

- to provide up to 750 MW of renewable electric capacity under a 20-year power purchase agreement (PPA) to SDG&E;
- to contribute to the achievement of the 20% renewables RPS target set by California's governor and legislature;
- to assist in reducing greenhouse gas emissions from the electricity sector;
- to contribute to meeting California's future electric power needs, and
- to assist the California Independent System Operator (CAISO) in meeting its strategic goals for the integration of renewable resources, as listed in its Five-Year Strategic Plan for 2008-2012.

#### **B.2.4.2 PROJECT OBJECTIVES OF THE ENERGY COMMISSION (CEQA)**

After considering the objectives set out by the applicant, the Energy Commission has identified the following basic project objectives, which are used to evaluate the viability of alternatives in accordance with CEQA requirements:

- To construct and operate an up to 750 MW renewable power generating facility in California capable of selling competitively priced renewable energy consistent with the needs of California utilities;
- To locate the facility in areas of high insolation with ground slope of less than 5%.

In addition, when considering retention or elimination of alternative renewable technologies, in addition to evaluating the likelihood of reducing or eliminating the potential impacts of Imperial Valley Solar at its proposed site, staff evaluated whether alternative technologies could meet the following key project objectives:

- To provide clean, renewable electricity to support California's Renewable Portfolio Standard Program (RPS);
- To assist in reducing its greenhouse gas emissions as required by the California Global Warming Solutions Act;
- To contribute to the achievement of the 33% RPS target set by California's governor and legislature; and
- To complete the environmental review process in a timeframe that would allow the applicant to start construction or meet the economic performance guidelines by December 31, 2010 to potentially qualify for the 2009 ARRA cash grant in lieu of tax credits for certain renewable energy projects.

#### **B.2.4.3 PURPOSE AND NEED FOR PROPOSED PROJECT AND PLAN AMENDMENT (BLM)**

**Bureau of Land Management.** Federal orders and laws require government agencies to expedite the review of energy related projects to the extent allowed by law, evaluate energy generation projects and facilitate the development of renewable energy sources. The Energy Policy Act of 2005 (EPAct) encourages the United States Department of the Interior (DOI), BLM's parent agency, to approve at least 10,000 MW of renewable energy on public lands by 2015. Executive Order 13212, dated May 18, 2001, mandates that agencies expedite their "review of permits or take other actions as necessary to accelerate the completion of such projects, while maintaining safety, public health, and environmental protections" in the "production and transmission of energy in a safe and environmentally sound manner."

Secretarial Order 3283, *Enhancing Renewable Energy Development on the Public Lands*, requires the BLM to ensure that processing and permitting of renewable energy projects complies with the requirements of the National Environmental Policy Act, Endangered Species Act, National Historic Preservation Act, and all other laws and regulations; improve efficiencies in the processing of renewable energy applications and the consistent application of renewable energy policies; and develop Best Management Practices for renewable energy projects on public lands to ensure the most environmentally responsible development of renewable energy, among other things.

Secretarial Order 3285, *Renewable Energy Development by the Department of the Interior* requires BLM to encourage the development of environmentally responsible renewable energy generation. Both of these Secretarial Orders will be considered in responding to the SES application for the proposed Solar Two Project.

SES has filed an application with BLM for a land use right-of-way (ROW) grant pursuant to the Federal Land Policy and Management Act (FLPMA, 43 USC 1761). Under FLPMA Title V Section 501 (a)(4) (Rights-of-Way), the United States Secretary of the Interior, as delegated to the BLM, is authorized to grant ROW on lands under the jurisdiction of the BLM for the purpose of allowing systems for generation, transmission, and distribution of electric energy.

The BLM's purpose and need for the Solar Two project is to respond to the SES application under Title V of FLPMA for a ROW grant to construct, operate and

decommission a solar thermal facility and associated infrastructure in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws. The BLM will decide whether to approve, approve with modification, or deny issuance of a ROW grant to SES for the proposed Solar Two Project, BLM's actions will also include concurrent consideration of amending the California Desert Conservation Area (CDCA) Plan of 1980. The decision the BLM will make is whether or not to grant a ROW and, if so, under what terms and conditions, and whether or not to amend the land use plan.

As discussed in Section A, solar power facilities are an allowable use of lands under BLM jurisdiction in Multiple Use Class (MUC) L (limited use) areas. Since the site for the proposed Solar Two Project is currently classified within an MUC L area, solar power facilities are generally allowed. However, Chapter 3, the "Energy Production and Utility Corridors Element" of the CDCA Plan requires that newly proposed sites associated with power generation or transmission facilities not already identified in the Plan will be considered through the plan amendment process. The proposed Imperial Valley Solar project site is not currently identified in the proposed power facility and transmission line element within the Plan. As such, a plan amendment is required in order to approve the site location consistent with the CDCA Plan.

**Department of Energy.** SES has also applied to the United States (U.S.) Department of Energy (DOE) for a loan guarantee pursuant to Title XVII of the EPA Act. Title XVII of EPA Act authorizes the United States Secretary of Energy to make loan guarantees for a variety of types of projects, including those that "avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases, and employ new or significantly improved technologies as compared to commercial technologies in service in the United States at the time the guarantee is issued." The two principal goals of the loan guarantee program are to encourage commercial use in the United States of new or significantly improved energy-related technologies and to achieve substantial environmental benefits. The purpose and need for action by DOE is to comply with their mandate under EPA Act by selecting eligible projects that meet the goals of the Act.

#### **B.2.4.4 IMPACTS OF THE PROPOSED PROJECT**

Based on the analysis presented in the technical sections of this Supplemental Staff Assessment (SSA), the following impacts have been identified as issues of greatest concern for the proposed Imperial Valley Solar project:

- **Cultural Resources:** Due to the undisturbed nature of the area, the extremely high frequency of identified cultural resources on or adjacent to the proposed project site, and the potential for unidentified cultural resource sites, the Imperial Valley Solar project would create impacts to numerous cultural resources. Although the BLM plans to address cultural resources through a Programmatic Agreement (PA) negotiated amongst all federal, state, and private stakeholders, the SSA includes Conditions of Certification that would mitigate project impacts to cultural resources to a level that is not significant. Development of the PA by the BLM is underway, but will not be completed until mid-summer.
- **Biological Resources:** The Imperial Valley Solar site supports a diversity of mammals, birds, and reptiles, including some special-status wildlife species. Grading on the site will not directly or indirectly impact sensitive plant communities or



wetlands, but will result in direct impacts to some special-status animal species and possibly special-status plant species and in the removal of vegetation that provides cover, foraging, and breeding habitat for wildlife. Impacts would be significant to the flat-tailed horned lizard, which would lose habitat, individuals, and movement corridors. The Imperial Valley Solar project would impact ephemeral washes with the placement of the SunCatchers in the bed of the washes which would disrupt the hydrological and biological functions and processes of the ephemeral washes. Effects on waters of the U.S. are considered to be significant, so alternatives must be considered. Cumulative impacts to biological resources include contributions to the cumulative loss of habitat for native plant communities and wildlife, including special-status species. Imperial Valley Solar would also contribute to the cumulative increase in avian and other predators in the area, increasing predation pressures on FTHL.

- **Soils and Water:** The proposed use of groundwater results in a significant effect on water supply, given the overdraft status of the basin. Stream morphology on the site could be affected through: a) increased production of sediment from the watershed surface; b) placement of obstructions in the flow path resulting in local scour and potential diversions; c) clearing of vegetation within channels and increasing sediment transport capacity; and, d) installing sediment basins throughout the site to mitigate for increased sediment production.
- **Visual Resources:** The Imperial Valley Solar project would substantially degrade the existing visual character and quality of the site and its surroundings, resulting in significant impacts. The anticipated cumulative visual impacts of the Imperial Valley Solar project in combination with past and foreseeable future local projects in the West Mesa/Yuha Desert region of southwestern Imperial County, and past and foreseeable future region-wide projects in the southern California desert are considered cumulatively considerable, potentially significant, and unavoidable
- **Land Use:** Significant impacts to an important recreational resource, the Juan Bautista de Anza National Historic Trail, would result, as the route passes through the project site. Cumulative impacts to land use would be considered significant and unavoidable because the cumulative land use conversion resulting from the proposed project, along with the impacts of past and foreseeable projects in the region would preclude numerous existing land uses including recreation, rangeland, and open space.

The alternatives analysis focuses on the consideration of these impacts and the extent to which they could be reduced or eliminated by alternatives to the proposed project.

## **B.2.5 SUMMARY OF SCOPING AND SCREENING RESULTS**

---

The public scoping comment period allowed the public and regulatory agencies an opportunity to comment on the scope of the SSA, and on the alternatives considered, and identify issues that should be addressed in the SSA. The discussion below presents the key issues identified from the written and oral comments received during the scoping process on the Imperial Valley Solar project. The specific issues raised during the public scoping process are:

- Concerns regarding the project's purpose and need and the project's relationship to the Sunrise Powerlink project
- Concerns regarding the viability of the proposed technology
- Concerns regarding alternatives, suggestions for project phasing, alternative sites and smaller sites, alternative technologies, and distributed rooftop solar

Scoping comments are also listed in **Introduction Table 1** of the **Introduction** section of this SSA and in the BLM's Final Scoping Report.

## **B.2.6 ALTERNATIVES EVALUATED UNDER NEPA AND CEQA**

---

Section B.2.1 describes the requirements for evaluation of alternatives under NEPA, CEQA, and the Corps' requirements for 404(b)1 analyses. This section describes the three alternatives to the proposed project that are retained for analysis: the 300 MW (Phase 1) Alternative, the Drainage Avoidance #1 Alternative, the Drainage Avoidance #2 Alternative, as well as the No Project/No Action Alternative. The proposed project is described in Section B.1. The proposed project and the retained alternatives are evaluated under both NEPA and CEQA in Sections C and D (Environmental and Engineering Analysis).

### **B.2.6.1 300 MW ALTERNATIVE**

The 300 MW Alternative would essentially be Phase 1 of the proposed 750 MW project as defined by SES. The boundaries of this alternative are shown in **Alternatives Figure 1A** (all figures are presented at the end of this section). The 300 MW Alternative would consist of 12,000 SunCatchers with a net generating capacity of approximately 300 MW occupying approximately 2,600 acres of land. This alternative would retain 40% of the proposed SunCatchers and would affect 40% of the land of the proposed 750 MW project.

Similar to the proposed project, the 300 MW Alternative would transmit power to the grid through the SDG&E Imperial Valley Substation and would require infrastructure including a water supply pipeline, a transmission line, road access, operations facilities, a substation, and a hydrogen system (SES 2008a). This infrastructure would require approximately 40 acres.

The 300 MW Alternative is considered potentially feasible. However, a detailed cost-benefit analysis for a reduced-size project was not performed and would be required in order to determine the economic feasibility of this alternative. It should be noted that the power purchase agreement signed by the applicant with SDG&E is for 300 MW (see Advice Letter 2161-E dated April 7, 2010).

The 300 MW Alternative is evaluated in this SSA because it is reasonable and would substantially lessen all of the impacts of the project. Additionally, the 300 MW Alternative would allow the applicant to demonstrate the success of the Stirling engine technology and construction techniques, while resulting in reduced impacts to the desert environment. Such a limited or phased alternative was suggested in numerous scoping comments.

Under the 300 MW Alternative, the Energy Commission and BLM would approve only the 300 MW facility, and not the 750 MW project that is proposed. While the proposed project would be phased (300 MW, then the remaining 450 phased), the 300 MW Alternative would occur in one phase and would not include additional phases leading to the total 750 MW facility. Under this alternative a ROW grant for the appropriate acreage would be issued, and the CDCA plan would be amended to include the Imperial Valley Solar project power generation facilities and transmission line as an approved site under the Plan.

This alternative is analyzed in section C and D, below, within each resource element subsection.

### **B.2.6.2 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

The first of two alternatives developed to reduce impacts to the waters of the U.S. would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries. This alternative is illustrated in **Alternatives Figure 1B**. This alternative would have the same outer project boundaries as the proposed project, but it would prohibit installation of permanent structures within the ten primary drainages, thereby reducing the available acreage for development from 6,500 to 4,690, and reducing the generation capacity from 750 MW under the proposed project to 632 MW (84% of the proposed generation capacity). Rather than the 30,000 SunCatchers included in the proposed project, there would be approximately 25,000 of them installed.

This alternative was developed by the Corps with the following intent:

- It would avoid permanent effects on all "Primary" Waters of the U.S. ("primary" streams are shown in **Alternatives Figure 1B**).
- Tributaries to these main stems are considered "secondary" streams and are not fully avoided in this alternative.
- This alternative would allow for limited road and transmission line crossings through "primary" streams, but not installation of sun catchers within the waters of the U.S.
- Transmission crossings below the existing grade would have temporary impacts and road crossings would be designed to have minimal impacts. Minimal impacts means that arch crossings, bottomless culverts, or bridges would be used that allow full conveyance of hydrology and sediment and if necessary wildlife movement).

The Drainage Avoidance #1 Alternative is considered potentially feasible. However, a detailed cost-benefit analysis for a reduced-size project was not performed and would be required in order to determine the economic feasibility of this alternative.

Under this alternative a ROW grant for the appropriate acreage would be issued, and the CDCA plan would be amended to include the Imperial Valley Solar project power generation facilities and transmission line as an approved site under the Plan. This alternative is analyzed in Sections C and D, below, within each resource element subsection.

### **B.2.6.3 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

The Drainage Avoidance #2 Alternative would eliminate both the eastern and westernmost portions of the proposed project, where the largest drainage complexes are located. This alternative is shown in **Alternatives Figure 1C**. It would reduce the overall size of the project area by over 50% (from 6,500 acres to 3,153 acres). It would also reduce the generation capacity from 750 MW to 423 MW (retaining only about 32% of the proposed number of SunCatchers). In this alternative, permanent structures (SunCatchers) would be allowed within all drainages inside the revised, smaller project boundaries, but the only development allowed outside of the alternative boundaries would be access roads and transmission line crossings.

This alternative was developed by the Corps with the following intent:

- The alternative would avoid most severe effects on tributaries to the New River and the Salton Sea by avoiding the largest drainage complexes.
- It would avoid effects on all "primary" and "secondary" streams on both the western and eastern edge of the proposed project area with the exception of limited road and transmission line crossings required to serve the remaining center project segment (as described in Drainage Avoidance #1 Alternative, above).

The Drainage Avoidance #2 Alternative is considered potentially feasible. However, a detailed cost-benefit analysis for a reduced-size project was not performed and would be required in order to determine the economic feasibility of this alternative.

Under this alternative a ROW grant for the appropriate acreage would be issued, and the CDCA plan would be amended to include the Imperial Valley Solar project power generation facilities and transmission line as an approved site under the Plan.

This alternative is analyzed in Sections C and D, below, within each resource element subsection.

### **B.2.6.4 NO PROJECT/NO ACTION ALTERNATIVE**

#### **CEQA No Project Alternative**

The No Project Alternative under CEQA defines the scenario that would exist if the proposed Imperial Valley Solar Project were not constructed. The CEQA Guidelines state that "the purpose of describing and analyzing a 'no project' alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project" (Cal. Code Regs., tit. 14 § 15126.6(i)). The No Project analysis in this SSA considers existing conditions and "what would be reasonably expected to occur in the foreseeable future if the project were not approved..." (Cal. Code Regs, tit. 14 § 15126.6(e)(2)).

If the No Project Alternative were selected, the construction and operational impacts of the Imperial Valley Solar project would not occur. There would be no grading of the site, no loss of resources or disturbance of approximately 6,500 acres of desert habitat, and no installation of power generation and transmission equipment. The No Project Alternative would also eliminate contributions to cumulative impacts on a number of

resources and environmental parameters in Imperial County and in the Colorado Desert as a whole.

In the absence of the Imperial Valley Solar project, however, other power plants, both renewable and non-renewable, may have to be constructed to serve the demand for electricity and to meet RPS. The impacts of these other facilities may be similar to those of the proposed project because these technologies require large amounts of land like that required for the Imperial Valley Solar Project. The No Project/No Action Alternative may also lead to siting of other non-solar renewable technologies to help achieve the California RPS.

Additionally, if the No Project/No Action Alternative were chosen, additional gas-fired power plants may be built, or that existing gas-fired plants may operate longer. If the proposed project were not built, California would not benefit from the reduction in greenhouse gases that this facility would provide, and SDG&E would not receive the 750 MW contribution to its renewable state-mandated energy portfolio.

### **NEPA No Action Alternatives**

Under NEPA, the No Action Alternative is used as a benchmark of existing conditions by which the public and decision makers can compare the environmental effects of the proposed action and the alternatives. Like the No Project Alternative described above, under the No Action Alternative, the impacts of the Imperial Valley Solar project would not occur.

BLM is considering two separate actions (whether to approve a plan amendment and whether to approve the proposed project or an alternative). BLM's "action alternative" would be to amend the CDCA Plan to include Imperial Valley Solar project (750 MW), and to approve the project as proposed (750 MW). The Imperial Valley Solar 750 MW project and ancillary facilities are approved, a ROW grant is issued, and the CDCA Plan is amended to include the Imperial Valley Solar power generation facilities and transmission line as an approved site under the Plan. Similarly, BLM could amend CDCA Plan to include one of the alternatives fully analyzed in this Draft EIS (the 300 MW, Drainage Avoidance #1, or Drainage Avoidance #2 alternatives), and approve the construction and operation of those alternatives. The alternative and ancillary facilities would be approved, a ROW grant for the appropriate acreage would be issued, and the CDCA Plan would be amended to include the alternative power generation facilities and transmission line as an approved site under the Plan.

BLM's alternatives related to the No Action Alternative and the Plan amendment are the following:

- **No Action on project but amend the CDCA plan to make the area available for future solar development.** The Imperial Valley Solar project is not approved (project denied), and no ROW grant is issued to SES, but the CDCA plan is amended to make the project area available for large scale renewable energy development under a future project.
- **No Action on project and amend the CDCA plan to make the area unavailable for future solar development.** The Imperial Valley Solar project is not approved (project denied), and no ROW grant is issued to SES, and the CDCA plan is

amended to make the project area unavailable for large scale renewable energy development.

- **No Action on project application and on land use plan amendment.** The Imperial Valley Solar project is not approved (denied), no ROW grant is issued, and no CDCA Plan amendment is approved. There is no consideration of information that would allow approval of a CDCA Plan amendment that would make the land available for large scale energy development in the future.

Each of these No Action Alternatives is addressed under each resource element of Sections C and D.

## **B.2.7 SITE ALTERNATIVES EVALUATED ONLY UNDER CEQA**

---

Three site alternatives are evaluated by the Energy Commission under CEQA only. Two of the alternative sites evaluated in this section (Mesquite Lake and Agricultural Lands Alternatives) are located on private lands. The third alternative site evaluated under CEQA only (South of Highway 98 Alternative) is on land under the jurisdiction of the Bureau of Reclamation; it was withdrawn from the operation of the public land laws due to its proximity to the All American Canal. This site is within the area identified by BLM as a Solar Study Area for the Solar Programmatic EIS now being prepared.

The Energy Commission does not have the authority to approve an alternative or require SES to move the proposed project to another location, even if it identifies an alternative site that meets the project objectives and avoids or substantially lessens one or more of the significant adverse effects of the project. Implementation of an alternative site would require the applicant to submit a new Application for Certification (AFC), including revised engineering and environmental analyses. This more rigorous AFC-level analysis of any of the alternative sites could reveal environmental impacts; nonconformity with laws, ordinances, regulations, and standards; or potential mitigation requirements that were not identified during the more general alternatives analysis presented herein. Preparation and review of a new AFC for the Imperial Valley Solar Project on an alternative site would require substantial additional time.

Alternatives sites for the Imperial Valley Solar Project were suggested in scoping comments as a means to reduce the project impacts to undisturbed land and desert environments. The Mesquite Lake Alternative was suggested by scoping comments, and numerous scoping comments suggested consideration of a private/disturbed land alternative. Scoping comments stated that because the Stirling technology is developed in clusters, it is not necessary for the solar facility site to be on a single contiguous parcel. The South of Highway 98 Alternative was identified by the Renewable Energy Transmission Initiative (RETI) process as a proxy solar project. It is currently under consideration by the BLM and DOE in the Solar Programmatic EIS as a Solar Energy Study Area.

The three alternative sites considered in the analysis in this SSA are illustrated on **Alternatives Figure 2** at the end of this section:

- Mesquite Lake Alternative

- Agricultural Lands Alternative
- South of Highway 98 Alternative

### **Site Selection Criteria**

The following site selection criteria identified in the Imperial Valley Solar AFC were used to choose the proposed site (SES 2008a):

- facility should be located in an area of long hours of sunlight (low cloudiness), insolation should be at a level of seven kilowatt-hours per square meter per day;
- the site should be relatively flat, site grade may be up to 5%;
- wind speed of more than 35 miles per hour less than 2% of the time;
- land must be available for sale or use, landowner must be willing to negotiate a long-term option agreement so that site control does not require a large capital investment until license is obtained;
- project must be located in close proximity to high-voltage California Independent System Operator (CAISO) transmission lines with adequate capacity and should have an adequate water supply;
- site should have ease of access and close proximity to access roads;
- site should have few or no environmentally sensitive areas (particularly biological and cultural resources) and should allow development with minimal environmental impacts;
- proposed use should be consistent with existing laws, ordinances, regulations, and standards;
- site should be located on property currently available at a reasonable cost.

The site criteria do not state a minimum acreage required for a 750 MW Stirling engine system facility. Within the 6,500 acres for which SES has requested a ROW grant from BLM, approximately 3,000 acres would be graded for the project, including access roads and infrastructure (SES 2008a). It is assumed that additional acreage (above 3,000) would be required for project design and to avoid shading; however, the exact amount of total acreage required is unclear. Because the site alternatives do not contain major washes or sensitive habitat and cultural resources, it is possible that less than 6,500 acres would be required for a 750 MW facility at one or more of those sites. If the project were not able to be constructed on less than 6,500 acres, the individual alternative sites considered here would not meet project requirements and a combination of portions of two alternative sites would be necessary. This would increase the cost of the project due to the need for additional infrastructure (transmission, water, etc.).

In a June 2009 comment letter, Audubon California and other groups defined the following list of criteria for areas to avoid in siting renewable projects:

- Locations that support sensitive biological resources, including: federally designated and proposed critical habitat; significant populations of federal or state threatened and endangered species, significant populations of sensitive, rare and special status species, and rare or unique plant communities;

- Areas of Critical Environmental Concern, Wildlife Habitat Management Areas, proposed Habitat Conservation Plan and Natural Community Conservation Plan Conservation Reserves;
- Lands purchased for conservation including those conveyed to the BLM;
- Landscape-level biological linkage areas required for the continued functioning of biological and ecological processes;
- Proposed Wilderness Areas, proposed National Monuments, and Citizens' Wilderness Inventory Areas;
- Wetlands and riparian areas, including the upland habitat and groundwater resources required to protect the integrity of seeps, springs, streams or wetlands;
- National Register of Historic Places eligible sites and other known cultural resources;
- Locations directly adjacent to National or State Park units.

During the FLPMA ROW grant pre-application period, BLM worked closely with the project applicant to identify a feasible site without known environmental concerns. This effort resulting in a identification of the propose site, which does reflect many of the suggested criteria for siting identified by Audubon California. Similarly, alternative sites considered in this SSA were selected to meet as many of these criteria as possible.

### **Other Sites on BLM Land**

The BLM has received a large number of utility-scale solar energy project proposals for BLM-administered lands throughout California. The BLM processes solar energy ROW grant applications under its Solar Energy Development Policy (Instructional Memorandum No. 2007-097) and addresses environmental concerns for the utility-scale energy projects on a case-by-case basis in conformance with its existing policies, manuals, and statutory and regulatory authorities. Under its existing regulations, BLM determines if competing applications exist for the same facility or system. Applications that are first in time are given priority in consideration and are not considered competing applications with those filed later in time.

In addition, another site with an active pending application (Site 2) is not a reasonable alternative to a proposed project, such as SES Solar Two. Site 2 is not a reasonable alternative because selection and approval of Site 2 in lieu of the proposed project (or one of its alternatives) is remote and speculative. If BLM were to consider Site 2 as an alternative to the proposed project, it would inherently be making a determination of reasonableness of the proposed alternative. However, an active pending application for Site 2 commands priority in consideration for that site location just as an active pending application for the Imperial Valley Solar site commands priority for its site location. Unless and until the active pending application for Site 2 is eliminated from consideration, the BLM would not approve the Site 2 alternative over the proposed project, in this case SES Solar Two. Therefore, an alternative site on BLM land with an active pending application for another project is not considered a reasonable alternative to the proposed project for purposes of alternatives analysis.

The BLM and DOE are preparing a Programmatic Environmental Impact Statement (PEIS) on solar energy development in six states in the western U.S. (Arizona, California,



Colorado, New Mexico, Nevada, and Utah) (USDOE 2008). As part of that PEIS, the BLM and DOE identified 24 tracts of BLM-administered land for in-depth study for solar development, some or all of which may be found appropriate for designation as solar energy zones in the future. The public scoping period on the solar energy zone maps ended in September 2009. The Draft PEIS is anticipated to be published in 2010.

### **B.2.7.1 MESQUITE LAKE ALTERNATIVE**

Scoping comments requested that the Mesquite Lake area be considered as an alternative site because it is disturbed land and is zoned for industrial use. The Mesquite Lake Specific Plan defines Mesquite Lake as an area that is bordered by Keystone Road to the north, Highway 86 to the west, Harris Road to the south, and approximately 2,250 feet east of Old Highway 111 to the east. **Alternatives Figure 3** shows the Mesquite Lake Specific Plan area.

This land was previously used primarily for agriculture. The Mesquite Lake Specific Plan Area encompasses approximately 5,100 acres of land; however, some of this land is already in use. However, approximately 2,150 additional acres may be available immediately north of the Mesquite Lake Specific Plan Area. This is because, in the 1993 General Plan, Imperial County designated a Specific Plan Area that consists of approximately 11.5 square miles (approximately 7,250 acres) extending between SR 86 on the west, SR 111 on the east and bordered by Harris Road on the south and Carey Road on the north as an area for new job-producing light, medium, and heavy industrial uses (Imperial County 2006). In 2006, the Mesquite Lake Specific Plan Area scaled back the Specific Plan Area to 5,100 acres and identifies the additional 2,150 acres as a future expansion zone.

The Mesquite Lake Alternative would require approximately 6,500 acres to construct the 750 MW solar facility and associated facilities. Because the layout for the Imperial Valley Solar project at the proposed site is based on avoiding major washes and sensitive habitat and cultural resource areas whenever possible, it is possible that fewer than 6,500 acres would be required at the Mesquite Lake Specific Plan Area because it is flatter and does not include large washes as does the proposed Imperial Valley Solar site.

The Mesquite Lake Specific Plan Area encompasses 5,100 acres. The Holly Sugar Plant is located in the northwest corner. One non-operational alternative-fuel-burning electric power plant, the Mesquite Lake Recovery Facility and one operational biomass facility, the Imperial Valley Resource Recovery Plant, are located within the plan boundaries (Imperial County 2006). Some crop production occurs at the site and there are several fish production ponds; however, due to the alkalinity of the soil, much of the agricultural land is currently fallow.

The Mesquite Lake Specific Plan Area is made up of approximately 70 parcels with 52 land owners. A number of these parcels have been advertised for sale on local realty websites. The land north of the Mesquite Lake Specific Plan Area, identified in the 1993 General Plan Specific Plan Area, includes additional separate parcels. Due to the number of parcels that would have to be acquired to accommodate a 750 MW alternative on this site, this alternative would make obtaining site control more challenging (in comparison to obtaining a right-of-way grant to use BLM land). The applicant would have to negotiate

separately with multiple landowners. The Draft Phase 2a Report published by the Renewable Energy Transmission Initiative (RETI) in early June 2009 identified private land areas suitable for solar development only if there were no more than 20 owners in a two-square-mile (1,280-acre) area.

The Mesquite Lake Specific Plan Area is located approximately one mile north of the City of Imperial and approximately four miles south of the City of Brawley. The Mesquite Lake region has a solar potential of between 6.75 and 8 kilowatt hours (kWh)/meter squared ( $m^2$ )/day (CEC 2008a). The elevation of the site is approximately 75 to 140 feet below mean sea level and severe tropical storms have been known to cause shallow inundation in the area (Imperial County 2006). The site would be accessed via SR 86, from the Keystone Road exit. Existing structures are located at the northwest and northeast corners of the plan area and existing fish ponds are located along part of the southern boundary.

Four projects have applied for use of land in the Mesquite Lake Specific Plan Area. According to the 2006 Master EIR for the area, the projects proposed for use of this land include:

- Liberty X Biofuels Power, LLC, a new 17.5 MW thermal electric plant located on a 38-acre site on Keystone Road, west of SR 111;
- Holly Sugar/Imperial Bioresources, LLC, proposes an upgrade to the existing Holly Sugar/Imperial Sugar Beet Factory which would include adding the processing of sugar cane to the existing sugar beet factory and would also include the production of ethanol from corn and sugar cane;
- Palo Verde Valley Disposal Service on a 25-acre site that would become a waste collection facility north of Harris Road and approximately 1,650 feet east of SR 111; and
- The NEAC, LLC, Compressed Hay Facility, a project on 142 acres located at the northeast corner of SR 111 and Harris Road.

The Union Pacific Railroad and Rose Canal run through the Mesquite Lake Alternative site. The Imperial Irrigation District (IID) is the energy supplier in the region, and there is currently a 92 kV transmission line located along the west side of Dogwood Road and two 34.5 kV sub-transmission lines located along the west side of SR 111 (Imperial County 2006). These lines have limited capacity to accommodate new development (Imperial County 2006). As with the proposed Imperial Valley Solar project, the Mesquite Lake Alternative would include a water supply line, a hydrogen system, an onsite water treatment facility, and an evaporation pond. Water supply for this alternative is assumed to be from the Imperial Irrigation District, as the site is located within district boundaries.

**Transmission Interconnection.** The Mesquite Lake Alternative would require approximately 25 miles of new 230 kV transmission line to reach the Imperial Valley Substation. The transmission line would follow the existing IID 92 kV ROW. It would exit the alternative site just west of Dogwood Road. and continue south for approximately 4.5 miles until the intersection of Dogwood Road and West Aten Road. The transmission interconnection would parallel the existing IID 230 kV ROW from this intersection until

reaching the Imperial Valley Substation. At the intersection of Dogwood Road and West Aten Road, the transmission route would turn west for approximately 7 miles, then turn south approximately 4.5 miles, crossing over I-8. Approximately 0.5 miles south of I-8, the transmission line would turn west for approximately 2 miles, then it turn south for 1.9 miles along County Hwy S29. The route would turn west for approximately 1.4 miles at West Wixom Road, then south for 1.4 miles along Liebert Road to enter the Imperial Valley Substation from the north.

## **Environmental and Engineering Assessment of the Mesquite Lake Alternative**

### **Air Quality**

**Environmental Setting.** Each local air quality district in California establishes its own significance criteria for environmental review of projects based on the specific conditions within each air basin. Like the proposed Imperial Valley Solar project, the Mesquite Lake Alternative site is in the Salton Sea Air Basin, regulated by the Imperial County Air Pollution Control District, (ICAPCD). The pollutants of concern for Imperial County are ozone (O<sub>3</sub>) and particulate matter that is 10 microns or less in diameter or 2.5 microns or less in diameter (Imperial County 2006). More specific information regarding the Salton Sea Air Basin and ICAPCD can be found in the **Air Quality** section of this SSA.

**Environmental Impacts.** Air quality impacts would principally consist of exhaust emissions from on-site, off-road and gasoline-powered construction equipment (e.g., ozone precursors, NO<sub>x</sub> and VOC; other criteria pollutants, such as CO and PM<sub>10</sub>; and toxic diesel particulate matter emissions) and fugitive particulate matter (dust) from travel on unpaved surfaces. These emissions are described in the **Air Quality** Section of the SA/EIS for the proposed project and would be essentially the same at any site.

Exhaust emissions would also be caused by workers commuting to and from the work sites, from trucks hauling equipment and supplies to the sites, and crew trucks (e.g., derrick trucks, bucket trucks, pickups). Because of the remoteness of the alternative site, workers and trucks hauling equipment and supplies would have to commute 8 miles (to El Centro) or 120 miles (to San Diego) to reach the Mesquite Lake Alternative. The proposed site for the Imperial Valley Solar project is located approximately 15 miles from El Centro and 100 miles east of San Diego.

Emissions from the Mesquite Lake Alternative would need to be controlled to satisfy the air permitting requirements of the ICAPCD. As such, construction and operation of a 750 MW project at the Mesquite Lake Alternative site would be subject to permit requirements, and it would require Energy Commission mitigation, similar to that of the proposed Imperial Valley Solar project, to avoid significant air quality impacts. Appropriate mitigation at the Mesquite Lake Alternative site would likely involve similar, locally oriented recommendations such as the Conditions of Certification presented in the **Air Quality** section of this SSA to reduce PM<sub>10</sub> impacts.

**Comparison to Proposed Project.** The construction and operation emissions resulting from building a 750 MW solar power plant at the Mesquite Lake Alternative site would be similar to those of the Imperial Valley Solar project at the Plaster City Region.

## Biological Resources

The Mesquite Lake Alternative site is located in an agricultural area of Imperial County. The primary land cover is active and inactive agricultural land. Rose Canal traverses the west-central portion of the site from north to south. Several smaller unnamed irrigation canals are also present on site. The Holly Sugar Corporation occupies the northwestern corner, and Memory Gardens Cemetery is located further south along the western site boundary. Surrounding lands are active and inactive agriculture. The New River is located approximately two miles to the west of the site.

A reconnaissance survey of the alternative site was conducted in December, 2009. Reconnaissance surveys included visiting representative samples of habitat throughout the proposed and alternative site, by driving roads in and adjacent to the Imperial Valley Solar project site and each alternative, as applicable, as well as conducting brief habitat assessments on foot for parcels with public access. Plant and animal species observed were noted, as well as potentially jurisdictional features. A jurisdictional feature includes a feature that is under the jurisdiction of a local, State or federal agency such as the Waters of the United States (including wetlands) which are regulated by the U.S. Army Corps of Engineers (COE) under Section 404 of the Clean Water Act. Aerial interpretation also was used for areas with restricted access and/or time constraints. Sensitive species with potential to occur on each alternative were determined by a habitat-based analysis and by consulting the California Natural Diversity Database (CNDDB).

The majority of the Mesquite Lake Alternative site is active and inactive agriculture comprised of hay fields, fallow fields, cattle grazing, a fish farm, processing plant, and equipment staging areas. Small areas of highly disturbed Sonoran desert scrub occur in a scattered distribution on site and include creosote bush, alkali goldenbush, and desert-thorn (*Lycium* sp.) as typical species. Patches of tamarisk scrub occur along portions of some on-site irrigation canals, as well as in a stand north of the cemetery. The entire site is highly disturbed and degraded from ongoing agricultural activities.

The Mesquite Lake Specific Plan Area Master EIR identified three vegetation communities within the plan area: bush seepweed-iodine bush scrub, tamarisk scrub, and disturbed wetlands (Imperial County, 2006). These plant communities are described below. As noted earlier, the majority of the area is in agricultural uses or fallow agricultural uses.

Bush Seepweed-Iodine Bush Scrub. Bush seepweed-iodine bush scrub is a community dominated by shrubs in the Chenopodiaceae family. This community occurs on moist valley bottoms and lake beds. The sites supporting this community have poorly drained soils with extremely high alkalinity and/or salt content. A total of 729.7 acres of bush seepweed-iodine bush scrub, of which 562.2 acres are disturbed, occur within the Mesquite Lake Specific Plan Area (Imperial County, 2006).

Tamarisk Scrub. Irrigation drains and canals, low-lying areas, and berms surrounding some old drainage ponds support tamarisk scrub, freshwater marsh and/or exotic, herbaceous wetland species. Most of the concrete-lined drains and canals do not support vegetation. Vegetation is restricted to the earthen facilities (Imperial County 2006). Tamarisk scrub occurs along sandy or gravelly braided washes or intermittent streams, often in areas where high evaporation increases the stream's salinity. Within the specific plan area, this community occurs sporadically along the drains and canals,

along the berms of agriculture ponds, and in low-lying areas with a high water table. A total of 287.5 acres of tamarisk scrub occurs within the Specific Plan area. Included in this total are approximately 64.5 acres of disturbed tamarisk scrub (Imperial County 2006).

Disturbed Wetlands. Many of the earthen drains and canals within the study area are periodically cleared of vegetation to improve water flow and reduce evapotranspiration losses from the vegetation. Areas classified as disturbed wetlands support herbaceous species such as salt grass and Mexican sprangletop (*Leptochloa uninervia*), with an occasional small woody species such as tamarisk. A total of 6.6 acres of disturbed wetlands occurs in the specific plan area (Imperial County 2006).

Agriculture. The majority of the specific plan area consists of agricultural lands. This includes fields in active cultivation, and fields that have been fallow only a short period of time and have not yet been colonized by the bush seepweed community species discussed above. A total of 2,244.3 acres of active and fallow agricultural land, including the aquaculture facility, occur within the specific plan area (Imperial County 2006).

**Alternatives Table 2** lists the sensitive species found in CNDDB records between one and five miles of the alternative site. These records are primarily associated with native habitat areas along the New River, rather than agricultural lands. No critical habitat occurs on or near the site.

**Alternatives Table 2**  
**California Natural Diversity Database Records for Sensitive Species**  
**Within 5 Miles of the Mesquite Lake Alternative**

<b>Common Name / Scientific Name</b>	<b>Status State/Fed/CNPS/BLM</b>	<b>Occurrence Within 5 Miles of Agricultural Lands Alternative</b>
Abrams' spurge <i>Chamaesyce abramsiana</i>	--/--/2.2/--	Occurs 5 miles north of the site.
Flat-tailed horned lizard <i>Phrynosoma mcallii</i>	SSC/--/--/BLMS	Occurs in 2 locations, 5 miles west and 5 miles north of site.
Yuma clapper rail <i>Rallus longirostris yumanensis</i>	ST/FE/--/--	Occurs 5 miles east of site.
Western yellow bat <i>Lasiurus xanthinus</i>	SSC/--/--/--	Occurs in 2 locations, 5 miles north and 2 miles south of site.
Burrowing Owl <i>Athene cunicularia</i>	SSC/--/--/BLMS	Occurs in 3 locations, 3 miles southwest of site.
Gila Woodpecker <i>Melanerpes uropygialis</i>	SE/--/--/--	Occurs approximately 5 miles north of site.
Crissal thrasher <i>Toxostoma crissale</i>	SSC/--/--/--	Occurs approximately 5 miles north of site.

Source: SES 2009n.

**STATUS CODES**

**Federal** FE = Federally listed endangered: species in danger of extinction throughout a significant portion of its range  
FT = Federally listed, threatened: species likely to become endangered within the foreseeable future  
BCC: Fish and Wildlife Service: Birds of Conservation Concern: Identifies migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent highest conservation priorities <[www.fws.gov/migratorybirds/reports/BCC2002.pdf](http://www.fws.gov/migratorybirds/reports/BCC2002.pdf)>  
**State** SE = State listed, endangered

ST = State listed as threatened  
SSC = Species of special concern  
WL = State watch list

**California Native Plant Society**

List 1B = Rare, threatened, or endangered in California and elsewhere  
List 2 = Rare, threatened, or endangered in California but more common elsewhere  
List 3 = Plants which need more information  
List 4 = Limited distribution – a watch list  
0.1 = Seriously threatened in California (high degree/immediacy of threat)  
0.2 = Fairly threatened in California (moderate degree/immediacy of threat)  
0.3 = Not very threatened in California (low degree/immediacy of threats or no current threats known)

**BLM: Sensitive: Bureau of Land Management**

BLM Manual § 6840 defines sensitive species as "...those species that are (1) under status review by the FWS/NMFS; or (2) whose numbers are declining so rapidly that federal listing may become necessary, or (3) with typically small and widely dispersed populations; or (4) those inhabiting ecological refugia or other specialized or unique habitats." <[www.blm.gov/ca/pdfs/-pa\\_pdfs/biology\\_pdfs/SensitiveAnimals.pdf](http://www.blm.gov/ca/pdfs/-pa_pdfs/biology_pdfs/SensitiveAnimals.pdf)>

Following are descriptions of the sensitive species in the vicinity of this alternative site (SES, 2009n).

- **Flat-Tailed Horned Lizard (FTHL)** habitat includes windblown desert sand deposits within several vegetative associations. In California, the FTHL has been recorded in sandy flats and hills, badlands, salt flats and gravelly soils characterized by the Lower Colorado River Valley Subdivision of Sonoran Desert Scrub (CPUC 2008). Areas identified as especially important to the species in California encompass approximately 210,000 acres found in four regions with management areas (MA) established as the core areas for maintaining self-sustaining populations of the FTHL in perpetuity. Prescriptions that guide management within MAs are designed to reduce surface disturbance and to promote habitat reclamation.
- **Yuma clapper rail** habitat includes fresh-water marshes dominated by cattail or bulrush. Early successional marshes with little residual vegetation may be preferred. Most individuals do not migrate, but have minor seasonal changes in their activity areas. Juveniles do disperse to nearby habitats.
- **Western Yellow Bat** habitat includes wooded areas and desert scrub. Roosts in foliage, particularly in palm trees.
- **Burrowing owl** is a year-long resident of open, dry grassland and desert habitats. It is also found as a resident in grass, forb, and open shrub stages of pinyon-juniper and ponderosa pine habitats as well as agricultural lands. This small owl is found the length of the State of California in appropriate habitats and has been found at elevations as high as 5,300 ft in Lassen County. They are not found in the humid northwest coastal forests. Outside California, this bird is found in southwestern Canada, the western U.S., Florida, and northern Alaska (CPUC 2008). The burrowing owl is migratory over much of its range even in southern California.
- **Gila woodpecker** is a permanent Sonoran desert dweller found in southeast California, southwest Nevada, southern Arizona, southwest New Mexico and south into central Mexico.
- **Crissal thrasher** is an inhabitant of desert washes and riparian thickets of the American Southwest and central Mexico.
- **Abrams' spurge**, an annual herb, occurs in Mojave desert scrub and Sonoran desert scrub in sandy areas.

No sensitive species sightings occurred within the Mesquite Lake Alternative site. During the reconnaissance survey, access to this site was restricted to public roads, making it difficult to look for animal sign. Species observed on site include black phoebe (*Sayornis nigricans*), western meadowlark, and American kestrel (*Falco sparverius*). No sensitive species were documented on site during the biological reconnaissance, and no CNDDDB records exist for the site. However, a single northern harrier (SSC) was observed foraging over agricultural lands south of the site and is likely to use the alternative site as well. Although not considered a sensitive habitat, the agricultural fields on site support potential habitat for several sensitive animal species, including burrowing owl (moderate potential; SSC), California horned lark (moderate potential; SSC), and northern harrier (high potential), which may use the fields for foraging. The site is unlikely to support the flat-tailed horned lizard. Sensitive plants are unlikely to occur on site due to extensive disturbance from agriculture and development activities.

### **Environmental Impacts – Construction**

Approximately 6,500 acres of active and fallow agricultural land would be permanently lost as a result of vegetation clearing, grading, and construction of the solar facilities, potentially affecting special status animal species such as the burrowing owl which uses agriculture lands for habitat. Impacts to listed or sensitive plant species would result from direct or indirect loss of known locations of individuals or direct loss of habitat. Indirect loss of individual plants may occur in instances such as sediments transported (e.g., from cleared areas during rain events) that cover adjacent plants or changes in a plant's environment that cause its loss (e.g., adjacent shrubs that provided necessary shade are removed). Additional impacts would occur due to the construction and operation of linear facilities associated with a solar facility at the Mesquite Lake Alternative, including a transmission line approximately 25 miles long.

**Impacts/Mitigation to Wildlife.** Building a solar facility at the Mesquite Lake Alternative site would primarily impact active and fallow agricultural lands. Impacting agricultural lands would potentially have an adverse effect on listed and sensitive wildlife species and their habitats either directly or through habitat modifications, especially on the burrowing owl which is known to use agricultural land for habitat. Any wildlife residing on this site would potentially be displaced, injured, or killed during project activities. Animal species in the project area could fall into construction trenches, be crushed by construction vehicles or equipment, or be harmed by project personnel. In addition, construction activities may attract predators or crush animal burrows or nests.

**Burrowing Owl.** The burrowing owl's numbers have been markedly reduced in California for at least the past 60 years. Conversion of grasslands, other habitat destruction, and poisoning of ground squirrels have contributed to the reduction in numbers in recent decades, which was noted in the 1940s, and earlier. Within the past 20 years, however, and particularly within the past five years, the decline of burrowing owls in California appears to have greatly accelerated. Apparently, this has resulted because of habitat loss caused by increased residential and commercial development (CPUC 2008). Although the CNDDDB database does not show any record of the burrowing owl at the Mesquite Lake Alternative site, it has been observed nearby and could move onto the alternative site at any time. Burrowing owl survival can be adversely affected by human disturbance and foraging habitat loss, even when impacts to individual owls and burrows are avoided.

**Migratory/Special Status Bird Species.** Agriculture lands and fish ponds at the Mesquite Lake Alternative site provide foraging, cover, and/or breeding habitat for migratory birds, including special-status bird species that may be present at the site. Project construction and operation could impact nesting birds in violation of the Migratory Bird Treaty Act. Preconstruction surveys and avoidance of nesting birds would reduce such impacts.

**Spread of Noxious Weeds.** Construction of a solar facility at the Mesquite Lake Alternative site could result in the introduction and dispersal of invasive or exotic weeds. The permanent and temporary earth disturbance adjacent to native habitats increases the potential for exotic, invasive plant species to establish and disperse into native plant communities, which leads to community and habitat degradation. A weed reduction program would potentially reduce and mitigate impacts.

**Noise.** Noise from construction activities could temporarily discourage wildlife from foraging and nesting immediately adjacent to the alternative site. Many bird species rely on vocalization during the breeding season to attract a mate within their territory. Noise levels from certain construction, operations, and demolition activities could reduce the reproductive success of nesting birds.

### ***Operational Impacts***

Operation of a 25-mile transmission line could result in increased avian mortality due to collision with new transmission lines. Mitigation could include installing the transmission line in accordance with the Avian Powerline Interaction Committee (APLIC) Guidelines designed to minimize avian-power line interactions.

**Comparison to Proposed Project.** Definite conclusions about the potential for significant adverse impacts of a 750 MW project on the Mesquite Lake Alternative site to biological resources cannot be made in the absence of site-specific surveys and project design information. Overall, development of a solar project at the Mesquite Lake Alternative site would likely impact fewer biological resources compared to those impacted by the proposed Imperial Valley Solar project. The Mesquite Lake Alternative consists primarily of agricultural land, which is not a sensitive habitat. Rose Canal, its tributaries, and a few small areas of tamarisk scrub may be considered jurisdictional by the Corps and/or CDFG. The agricultural fields provide potential foraging habitat for the burrowing owl, California horned lark, and loggerhead shrike, but do not support habitat suitable for the flat-tailed horned lizard or Le Conte's thrasher. Due to the high level of land alteration and disturbance (i.e., continual tilling and grading), rare plant species are not expected to occur. This alternative has fewer biological constraints than the proposed Imperial Valley Solar project site, since it is mainly agricultural land with some development (i.e., cemetery, sugar factory).

### **Cultural Resources**

**Environmental Setting.** The Mesquite Lake Alternative site is located on a combination of agricultural land, undeveloped land, and disturbed, industrial land in Imperial County. The alternative site is located in the ancient Lake Cahuilla bed, formed when the Colorado River flowed north into the Salton Trough before shifting and flowing south to the Gulf of Mexico (Imperial County 2006). There appear to have been between three



and five filling episodes of Lake Cahuilla between 100 B.C. and A.D. 1700 (Imperial County 2006). When full, this vast freshwater lake was over 100 miles long and about 35 miles wide. There are numerous recessional shorelines. These high levels and recessional shorelines, down to approximately 40 feet below sea level, contain large numbers of archaeological sites (Imperial County 2006). Recessional shorelines at elevations below 40 feet below sea level have a much lower potential for archaeological materials. The large number of Late Prehistoric archaeological sites along Lake Cahuilla shorelines suggests that large groups of people harvested fish, waterfowl, and plant resources along its shorelines when the lake was full. Further details regarding Lake Cahuilla can be found in the **Cultural Resources** section of this SSA.

From a 1908 USGS topographic map, Mesquite Lake was known to exist as a relatively large ephemeral lake near the west side of the Alamo River about half-way between the current towns of Imperial and Brawley (Imperial County 2006). From an examination of the 1908 map, it would appear that Mesquite Lake was fed by two ephemeral streams leading from the Alamo River. Today, Mesquite Lake is most evidenced by a depression adjacent to Keystone Road in the northeast portion of the project area. Nearly the entire Mesquite Lake Special Plan Area has been utilized for agriculture in the past, although large areas have been left fallow for some time (Imperial County 2006).

Native American cultural history in the Mesquite Lake region is believed to date to 12,000 years ago, the period referred to as San Dieguito, distinguished by assemblages of varnished choppers, scrapers, and other core-based tools found on old desert pavement areas (Imperial County 2006). The materials suggest a mobile group focused on big game hunting (Imperial County 2006). From about 7,000 to 4,000 years ago there is an apparent shift to a more generalized economy and an increased emphasis on the exploitation of plant resources (Imperial County 2006). The refinement of tool types and milling equipment suggest a more effective adaptation to conditions in the greater southwest deserts (Imperial County 2006).

The Late Prehistoric period in the Colorado Desert begins approximately 1,500 years ago and is characterized by changes in economic and settlement systems. Along the Colorado River there was a shift from hunting and gathering to floodplain horticulture (Imperial County 2006). Culture traits generally associated with this period include increasingly elaborate kinship systems, rock art, and expanded trading networks (Imperial County 2006).

The Mesquite Lake region was settled by the Kamia, whose territory included the southern Imperial Valley from the southern half of the Salton Sea to well south of the United States/Mexico border (Imperial County 2006). The Kamia hunted, gathered, and used floodplain horticulture along the New and Alamo Rivers (Imperial County 2006). The Mesquite Lake Specific Plan Area includes the Kamia *Saxnuwai* settlement, which began at the general latitude of Brawley and continued south including the Mesquite Lake and French Lake regions (Imperial County 2006).

In the late 1800s, Imperial Valley's agricultural and water resource development began. Historical resources include roads, canals, drains, powerlines and the Niland-Calexico rail line (Southern Pacific Railroad). The majority of these historic resources have been continuously modified, maintained and improved (Imperial County 2006).

A cultural records search was conducted for the Mesquite Lake Specific Plan Master EIR which resulted in a total of two historic and two prehistoric sites that had been recorded within one mile of the study area (Imperial County 2006). A cultural research record search was conducted in 2009 for the Mesquite Lake Alternative site which identified a total of 13 previously recorded cultural resources sites. This research search was limited to the data located within the boundaries of the Mesquite Lake Alternative site. Based on the two database searches, a total of 15 recorded resources were identified (SES 2009n; Imperial County 2006), as shown in **Alternatives Table 3**, including:

- 2 lithic scatters
- 3 temporary campsites
- 1 ceramic scatter
- 4 historic sites
- 2 cave sites
- 1 combination trail, lithic scatter, and sleeping circles
- 1 large temporary camp (site form missing from URS search)
- 1 ethnographic village site

**Alternatives Table 3**  
**Cultural Resources – Mesquite Lake Alternative Site**

Resource	Description	Resource	Description
IMP-4678	Large temporary camp with 17 loci	IMP-1003	Lithic Site – Cores and flakes
IMP-670/831/370	Temporary camp	IMP-295	Ceramics – isolated ceramic scatter
IMP-301	Temporary campsite	IMP-8682 (P-13-008682)	Historic – Southern Pacific Railroad
IMP-87	Cave site	IMP-88	Cave site
IMP-2881	Lithic – Single artifact	IMP-1020	Historic – Irrigation canals
IMP-177	Trails, lithics, sleeping circles	IMP-301	Temporary campsite
IMP-441	Historic wagon road	IMP-1698	Ethnographic village site
IMP-5979H	Historic Imperial Cemetery		

Source: SES 2009n; Imperial County 2006.

**Environmental Impacts.** Fifteen known archaeological, architectural, or historical sites would potentially be affected by construction and operation of a solar facility at the Mesquite Lake Alternative site. Conditions of Certification such as those required for the Imperial Valley Solar Project at Plaster City provided in the **Cultural Resources** section of this SSA may reduce this impact; however, specific site surveys would be required to be certain.

Currently unknown, unrecorded cultural resources may be found at the Mesquite Lake Alternative site associated with the lower elevation recessional shorelines of Lake Cahuilla. As they are discovered, resources would be recorded and information retrieved. If the nature of the resource requires it, the resource would be protected. When discovered, cultural resources would be treated in accordance with applicable federal and state laws and regulations as well as the mitigation measures and permit requirements applicable to a project. As with the Imperial Valley Solar Plaster City location, resources discovered during construction of current and future projects would be subject to legal requirements designed to protect them. Areas within the Mesquite Lake Alternative site where intensive cultivation for agricultural use has occurred would have a low probability for the presence of significant cultural resources due to deep excavation for drainage tiles and recurring surface disturbance (Imperial County 2006).

**Comparison to Proposed Project.** Development of a solar project at the Mesquite Lake Alternative site would likely impact fewer cultural resources than at the Imperial Valley Solar project at Plaster City as a significant portion of the alternative site has been previously disturbed for agricultural and other purposes. As such, the Mesquite Lake Alternative is preferred to the proposed Imperial Valley Solar site for impacts to cultural resources.

## **Hazardous Materials**

**Environmental Setting.** The topography of the Mesquite Lake Alternative site is essentially flat, as are the immediately surrounding areas. One caretaker residence is located within the Mesquite Lake Alternative site, and other caretaker dwellings may be present (Imperial County 2006). Rural residences are located one mile north of the site, at Brawley. The Mesquite Lake Specific Plan does not allow residential uses other than caretakers or security personnel, nor does it allow schools or hospitals in the specific plan area. No schools, hospitals or other vulnerable land uses exist within a two-mile radius of the site (Imperial County 2006).

Access to the Mesquite Lake Alternative site would likely be via SR 86 from El Centro to the Keystone exit. Transport would likely turn east onto Keystone Road from SR 86 to arrive at the site; however, internal access roads would be required. The exit off of SR 86 has been improved and includes a turning lane onto Keystone Road reducing traffic conflicts.

**Environmental Impacts.** Hazardous materials use at the Mesquite Lake Alternative site, including the quantities handled during transportation and disposal, would be the same as those of the proposed Imperial Valley Solar project. As stated in the **Hazardous Materials** section in this SSA, hazardous materials used during the construction phase of the Imperial Valley Solar project would include gasoline, diesel fuel, motor oil, lubricants, and small amounts of solvents and paint. No acutely toxic hazardous materials would be used on site during construction, and none of these materials pose a significant potential for off-site impacts as a result of the quantities on site, their relative toxicity, their physical states, and/or their environmental mobility.

Hydrogen gas would be produced on site through electrolysis by one hydrogen generator. Hydrogen is identified as a hazardous substance based on its flammable characteristics. Although the project would not be subject to State or federal requirements for hydrogen storage, SES conducted an Offsite Consequence Analysis for the project and considered four worst-case scenarios. In the event of the worst case scenario induced from cumulative releases at the site, the maximum impacted distance is 0.13 mile (SES 2009q). Because the Mesquite Lake Alternative site would have at least one sensitive receptor in the specific plan area, the release of hydrogen could pose a significant impact. Conditions of Certification and compliance with applicable laws, ordinances, regulations, and standards (LORS) would reduce this impact to less than significant.

Transportation of hazardous materials to the Mesquite Lake Alternative site would require passing near residences located in El Centro and the City of Imperial. The transportation would be primarily on I-8, SR 86 or SR 111 and would avoid smaller roads with residences.

**Comparison to Proposed Project.** The hazardous materials used at the Mesquite Lake Alternative site would be the same as those used at the proposed Imperial Valley Solar site and both the Mesquite Lake Alternative site and the proposed site have sensitive subgroups within a five-mile radius. With adoption of the proposed Conditions of Certification, the Mesquite Lake Alternative would comply with all applicable LORS and result in no significant impacts to the public.

## **Land Use**

**Environmental Setting.** The Mesquite Lake Alternative site would be located on private agricultural and industrial land containing at least one residence and potentially other caretaker residences. The County General Plan designated an area of approximately 11.5 square miles extending between SR 86 on the west and SR 111 on the east, and bordered by Harris Road on the south and Carey Road on the north as the Mesquite Lake Specific Plan in 1993. Imperial County designated the site an area for new job-producing light, medium, and heavy industrial uses (Imperial County 2006). The county performed an environmental review of a portion of this special plan area in 2005, the Mesquite Lake Specific Plan Area. The Mesquite Lake Specific Plan Area is zoned Heavy Industrial, Medium Industrial, Light Industrial, Agriculture and Aquaculture, and Government/Special Public (Imperial County 2006).

Existing land uses at the Mesquite Lake Specific Plan Area include the Holly Sugar plant located in the northwest corner, the Imperial Valley Resource Recovery Co., LLC (operational) and the Mesquite Lake Cattle Manure Power Plant (non-operational) adjacent to SR 111. Proposed uses for the land include the Palo Verde Valley Recycling Center, NEAC Hay Compression, Liberty X Biofuels Power, and improvements to the existing Holly Sugar plant to become the Holly Sugar Imperial Bioresources facility.

Land uses on the Mesquite Lake Alternative site include approximately 1,420 acres of crop production and approximately 1,905 acres of fallow land as well as a fish farming operation located on approximately 640 acres in the eastern portion of the site. The northern portion of the fish farm does not appear to be operational. Approximately 347 acres of this land has been designated as Prime Farmland, 1,425 acres as Farmland of Statewide Importance, 213 acres as Unique Farmland, and 718 acres as Farmland of local importance by the California Department of Conservation (Imperial County 2006).

Approximately 1,600 acres of the Mesquite Lake Specific Plan Expansion Area are designated as Farmland of Statewide Importance. The Mesquite Lake Specific Plan Expansion zone is actively farmed. Additionally, while the transmission interconnection would follow existing ROW, it would be located on agricultural land and would permanently convert some agricultural land to non-agriculture uses.

The Union Pacific Railroad and IID Rose Canal cross the site from southwest to northeast.

**Sensitive Land Uses.** Approximately two households are located within 2,500 feet of this alternative site. No other sensitive receptors are located within 2,500 feet of the site. A number of sensitive receptors would be located within 2,500 feet of the transmission interconnection because it would follow existing IID ROW which traverses several residential communities on West Aten Road on the southern side of the City of Imperial.

**Transmission Interconnection.** As stated above, the Mesquite Lake Alternative site would require approximately 25 miles of new 230 kV transmission line to reach the Imperial Valley Substation. The transmission line would follow the existing IID 92 kV ROW until the intersection of Dogwood Road and East Villa Road. The transmission interconnection would then parallel the existing IID 230 kV ROW southwest from this intersection until reaching the Imperial Valley Substation. The route would cross approximately 0.4 mile of BLM land before entering the substation from the north. This land is within the area covered by the CDCA Plan. The Energy Production and Utility Corridor Element of the CDCA Plan established a network of joint-use planning corridors intended to meet the projected utility service needs at the time the Plan was written. The transmission line would be developed on BLM land within the CDCA planning area designated utility corridor N; therefore a Plan Amendment would not be required for this transmission line.

**Environmental Impacts.** The Mesquite Lake Alternative site is within areas of the Mesquite Lake Specific Plan and Specific Plan Expansion zone. The Mesquite Lake Specific Plan identifies renewable electric generation facilities (primarily biomass, biogas, and geothermal) as a permitted use with a Conditional Use Permit after CEQA requirements are met. In addition, the existing Geothermal Overlay Zone is retained on the specific plan area which permits the development of geothermal resources for the production of energy or other geothermal products by conditional use permit in accordance with Division 17 of the Imperial County Land Use Ordinance.

Use of the entire Mesquite Lake Specific Plan Area and Future Expansion area for the Imperial Valley Solar power plant would prevent any other potential uses of this area. The Mesquite Lake Specific Plan identifies beneficial uses of the land including government facilities and special public zones, heavy manufacturing, storage and distribution, transportation facilities such as heliports and railroad spurs/ yards, communication and public utilities, semi-public and institutional uses such as water and sewage treatment facilities and flood control facilities. Imperial County anticipated that the Mesquite Lake Specific Plan Area would result in new job creation in employment sectors such as manufacturing, fabrication, processing, wholesale and others. If the land were used for the Imperial Valley Solar power plant, no other use would be viable.

The construction and operation of a 750 MW Solar Two project at the Mesquite Lake Alternative site would result in the removal of up to 3,660 acres of farmed and fallow agricultural land and the permanent conversion of approximately 6,500 acres of farmland to renewable energy production. The construction and operation of the solar power plant would eliminate existing agricultural operations and foreseeable future agricultural use. However, this loss of agricultural lands is likely to be a less than significant impact because the County has determined, since the 1970s, that the project area's highest and best use would be for medium and heavy industrial uses that would provide for more diversified employment opportunities and has rezoned the land for industrial use (Imperial County 2006). According to the Mesquite Lake Specific Plan Master EIR, the conversion of the project site to industrial uses would result in a minor reduction in countywide lands designated as important farmlands. However, in conjunction with other planned projects in the vicinity, particularly those in the Cities of Imperial and Brawley, as well as future anticipated development of each city's Urban

Area, the proposed project, would cumulatively reduce the amount of land designated in the farmland categories and would also cumulatively reduce the area of farmed land.

The Mesquite Lake Alternative site has at least one caretaker residence. However, because the Mesquite Lake Alternative design would avoid impacting the existing infrastructure on the land this residence would be avoided.

The nearest group of residences is the City of Imperial approximately one mile south of the Mesquite Lake Alternative site. Other rural residences, primarily farm houses are located within one mile of the site. Construction activities for the alternative would create temporary disturbance at these residential areas (i.e., heavy construction equipment on temporary and permanent access roads and moving building materials to and from construction staging areas). Conditions of Certification to reduce noise and air quality impacts are presented in the Noise and Air Quality sections of this SA/EIS for the proposed Imperial Valley Solar project. Because this disturbance would be temporary at any one location and because of the distance between the Mesquite Lake Alternative site and the residential uses, the impacts would likely be less than significant.

**Comparison to Proposed Project.** The Mesquite Lake Alternative site would eliminate use of BLM land, and eliminate the need for a CDCA Plan amendment. The Mesquite Lake Alternative site would remove agricultural land from productivity, including Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of local importance. However, according to the Imperial County Mesquite Lake Specific Plan Master EIR, conversion of the farmland to primarily industrial uses is consistent with the specific plan area designation of the County General Plan (1993) which acknowledges that the project site is “predominantly affected by soils that are high alkaline which reduces agriculture production.” Because of the soil alkalinity and because the specific plan area has been designated for industrial use, the impact caused by the conversion of agricultural land at the Mesquite Lake Alternative site would be reduced in severity.

## **Recreation and Wilderness**

**Environmental Setting.** The Mesquite Lake Alternative site would be located on primarily agricultural land that is zoned Heavy, Medium, and Light Industrial and Agriculture and Aquaculture. No recreational land is located on or adjacent to the Mesquite alternative site. The nearest parks are located in the City of Imperial, approximately one mile south of the Mesquite Lake Alternative site. The only recreational use in the region is the periodic flooding of fallow farmlands during the duck hunting season for use by hunting clubs (Imperial County 2006).

**Environmental Impacts.** Due to the distance between the Mesquite Lake Alternative site and the nearest recreational facility or wilderness, no impacts to these resources would occur at this site. While conversion of the property from fallow farmland to industrial uses would preclude flooding properties during duck hunting season for duck hunting, numerous other sites suitable for duck hunting occur throughout Imperial County and are actively used.

**Comparison to Proposed Project.** No recreational lands are located adjacent to the Mesquite Lake Alternative site. The Imperial Valley Solar project site is characterized by diverse recreational opportunities on BLM lands, including areas for off-road vehicle (ORV)

use, camping and backpacking. As such, recreational impacts at the proposed Plaster City site would be greater than at the Mesquite Lake Alternative site.

## **Noise and Vibration**

**Environmental Setting.** The Mesquite Lake Alternative site and its associated 230 kV transmission line would be located on private farmed and fallow agricultural lands. Low noise levels under 50 dBA generally currently occur on these agricultural lands. Holly Sugar Imperial Bioresources, located at the northwest corner of the Mesquite Lake Alternative site, increases the ambient noise levels due to the sugar plant and biomass facility operations. Existing noise levels have not been measured near the plant because the area is unpopulated. Noise levels would be elevated along the western and eastern boundaries of the Mesquite Lake Alternative site due to the presence of SR 86 and SR 111 and existing industries near that part of the site.

Nearby sensitive receptors include the caretaker's residence on the project site and potentially other nearby caretaker residences.

**Environmental Impacts.** As discussed in the **Noise** section of this SSA, the construction of the Imperial Valley Solar plant would create noise, or unwanted sound. The character and loudness of this noise, the times of day or night at which it is produced, and the proximity of the facility to sensitive receptors combine to determine whether the facility would meet applicable noise control laws and ordinances and whether it would cause significant adverse environmental impacts.

The Mesquite Lake Specific Plan does not propose residential uses. Only a few single family residences exist within or adjacent to the project site that could be potentially affected by noise at the Mesquite Lake Specific Plan Area (Imperial County). Imperial County designated the Mesquite Lake area as industrial in part because it would avoid potential nuisance conflicts such as noise impacts to sensitive receptors.

**Comparison to Proposed Project.** Building the Imperial Valley Solar project at the Plaster City site or the 750 MW project at the Mesquite Lake Alternative site would not create noise impacts.

## **Public Health and Safety**

**Environmental Setting.** As with the Imperial Valley Solar site, the Mesquite Lake Alternative site is located in an isolated area. The nearest city, City of Imperial, is located approximately one mile south of the southwest corner of the Mesquite Lake Alternative site. Scattered rural residences occur within one mile of the Mesquite Lake Alternative. The Mesquite Lake Alternative is zoned for industrial use.

**Environmental Impacts.** While the meteorological conditions and topography at the site are not exactly the same as at the applicant's proposed site, they are similar, and the results of air dispersion modeling and a human health risk assessment for the Mesquite Lake Alternative site would be similar to that of the proposed site. The cancer risk and hazard indices are much below the level of significance at the point of maximum impact, so the project would be unlikely to pose a significant risk to public health at the Mesquite Lake Alternative site. See the **Public Health and Safety** section

of the SSA for details of the cancer risk and hazard indices study for the Imperial Valley Solar project.

**Comparison to Proposed Project.** There is no significant difference between this location and the proposed site for public health.

### **Socioeconomics and Environmental Justice**

**Environmental Setting.** Like the proposed Imperial Valley Solar site, the Mesquite Lake Alternative site is located in Imperial County. The demographic characteristics of Imperial County are described in the **Socioeconomics and Environmental Justice** section of the SSA.

**Environmental Impacts.** Because of the limited population in the Cities of Imperial and Brawley, construction workers would most likely be from larger nearby cities such as El Centro and San Diego. While there is limited housing in the Cities of Imperial and Brawley, workers could commute from El Centro, approximately eight miles south of the Mesquite Lake Alternative site. An option would be to construct temporary housing in the immediate area of the Mesquite Lake Alternative site; however, this would increase the construction impacts and require provision of additional services such as electricity, water, waste removal, and food. Because it is unlikely that the construction workers would relocate to the City of Imperial or Brawley, the Mesquite Lake Alternative would not cause a significant adverse socioeconomic impact on the area's housing, schools, police, emergency services, hospitals, and utilities.

The Imperial County Sheriff's Department commented on the Mesquite Lake Specific Plan Master EIR and stated that the development of the Mesquite Lake Specific Plan area would potentially impact the Sheriff's Office due to calls for service during construction and operation of the Specific Plan land uses. Use of this site for a 750 MW project may require mitigation that would provide for fees to offset the cost of providing additional deputies for this service. The inclusion of mitigation fees would reduce this impact to less than significant.

There would be no adverse socioeconomic impacts because most of the construction and operation workforce is within the regional labor market area, and construction activities would be short-term. Benefits from the 750 MW Imperial Valley Solar project, should it be built at the Mesquite Lake Alternative site, are likely to be similar to the benefits from the Imperial Valley Solar project in the Plaster City region. These include increases in sales taxes, employment, and income for Imperial County. Increased job creation would be consistent with the Imperial County specific plan for Mesquite Lake, which included establishment of an area for new job-producing light, medium, and heavy industrial uses.

**Comparison to Proposed Project.** The socioeconomic impacts of the 750 MW Imperial Valley Solar project at the Mesquite Lake Alternative site would be similar to building and operating the Imperial Valley Solar project at the proposed site.

### **Soil and Water Resources**

**Environmental Setting.** Soils in the Mesquite Lake Alternative site are primarily Imperial Silty Clay, Imperial-Glenbar Loams, with a small amount of Holtville Silty Clay,



Indio Loam, Meloland Very Fine Sandy Loam, and Vint and Indio very fine sandy loams (USDA 2009). Some of these soil types are considered Prime Farmland and Farmland of Statewide Importance when irrigated. However, much of this area also contains alkaline soils.

The Mesquite Lake Alternative site lies within the Imperial Subregion of the Colorado River Basin Region 7. The site lies between the New and Alamo Rivers which are the major local flows into the Salton Sea.

Imperial Valley's agriculture drainage system provides over 1,450 miles of surface drains that discharge directly into the Alamo and New Rivers, and the Salton Sea. One of these canals, the Rose Canal, runs through the site from south to north. The Imperial Valley portion of the Colorado River Basin region faces several water quality issues, including increasing salinity, selenium, and eutrophication in the Salton Sea; and silt, nutrient, and pesticide pollution caused by the agricultural drains (Imperial County 2006).

There are no major watercourses on the site. The site area is flat with some minor drainage ways and sinks on the property. Existing drainage systems in the project area are designed to carry irrigation runoff to the Alamo River via Imperial Irrigation District drains, primarily utilizing the Rose Outlet. Evaporation ponds exist for the Holly Sugar plant operations (Imperial County, 2006). The area is classified by FEMA as Zone X, meaning the area is outside the 500-year floodplain. Some local minor flooding could occur in the area due to the flat terrain. The Mesquite Lake Specific Plan Area contains a depressed "sink" area adjacent to Keystone Road which retains water during rainstorms and can make Keystone Road impassible (Imperial County 2006).

The Mesquite Lake site lies above the Imperial Valley Groundwater Basin described in the setting for the proposed project.

Water can be provided to the site by the Imperial Irrigation District from the Colorado River via the All-American Canal, which imports water by gravity flow at an annual rate of approximately 3.1 million acre-feet. The project area is served from the Rose Canal.

The project is not within the service area of any water treatment plant, the nearest being the City of Imperial plant approximately three miles to the southwest. Raw water from IID can also be used for many industrial processes. Each 160-acre quarter section of land in the Imperial Valley includes the right to use up to 326,000 gallon per day of Colorado River water (Imperial County, 2006).

### ***Environmental Impacts***

**Soil Erosion Potential by Wind and Water.** As discussed in the **Soils and Water** section of this SSA, construction activities can lead to adverse impacts to soil resources including increased soil erosion, soil compaction, loss of soil productivity, and disturbance of soils crucial for supporting vegetation and water-dependent habitats. Activities that expose and disturb the soil leave soil particles vulnerable to detachment by wind and water. Soil erosion results in the loss of topsoil and increased sediment loading to nearby receiving waters. Although access to the site would be from existing roads, construction of the solar dish array would require a substantial construction of local access roads as in the proposed project. While the volume of earth movement

required at the alternative site is unknown, the topography and slope of the Mesquite Lake Alternative site are less severe than at the proposed Imperial Valley Solar site.

The Mesquite Lake Alternative site is not crossed by desert washes as is the proposed site, and would not have the erosion-related impacts related to placement of SunCatcher arrays within drainage ways as described for the proposed project. Soil erosion impacts would be relatively minor and likely mitigated by the Storm Water Pollution Prevention Plan (SWPPP), and Drainage Erosion and Sediment Control Plan (DESCP) that would be required. Due to the flat terrain and existing disturbed condition of this site, the SWPPP and DESCP would likely be sufficient to mitigate soil erosion impacts to a level less than significant.

**Water Supply.** The specific source of water supply for the Mesquite Lake Alternative site is unknown. The most likely source would be water supplied by the Imperial Irrigation District via the Rose Canal, which crosses the alternative site. Water rights of 326,000 gpd for each 160 acres would be more than sufficient to supply the project with water for mirror washing and dust control. Potable water would be from the same source as for the proposed project.

**Wastewater/Storm Water Quality.** Storm water runoff from the site during construction and operation could have similar impacts as proposed for the proposed project. The site construction will require a SWPPP which will specify Best Management Practices (BMPs) to minimize or eliminate water contamination. Water quality impacts would likely not be significant.

Sanitary waste disposal could be through existing wastewater infrastructure, or through on-site facilities as for the proposed project. No significant adverse impact is anticipated.

**Comparison to Proposed Project.** The level, disturbed terrain lacking in existing drainage ways on the Mesquite Lake site, results in a lesser Hydrology, Water Use and Water Quality impact for the Mesquite Lake Alternative than for the proposed project in the area of soil erosion and stream morphology. This alternative would avoid the significant impact identified for the proposed project in this regard. Water supply to the Mesquite Lake Alternative would most likely be from the IID Rose Canal.

## **Traffic and Transportation**

**Environmental Setting.** The Mesquite Lake Alternative site is east of SR 86 and west of SR 111. SR 86 and SR 111 are four-lane divided highways that provide at-grade connections to Harris Road and Keystone Road. The Keystone Road intersections at SR 86 and SR 111 are signalized; the other State highway intersections are stop sign controlled for access from the local roads. Dogwood Road crosses the site from north to south. SR 111 provides a direct connection to the International Border Crossing at Calexico, California, and Mexicali, Baja California, approximately 15 miles south of the project site. All roads in the project area currently operate at a level of service C or better (Imperial County, 2006).

Transportation facilities serving the project area include the Countywide Transit System, Union Pacific Railroad, the Imperial County Airport and Brawley Municipal Airport. Daily service on the Countywide Transit System is provided along SR 86 and SR 111 between

El Centro and Brawley. The Union Pacific Railroad line passes through Mesquite Lake Alternative site and provides a through freight link between Arizona and points east, and to Los Angeles and points north. SR 86 is designated as a bicycle route in the Imperial County Bicycle Master Plan (Imperial County 2006).

Workers employed to construct the project at this alternative site would most likely commute from El Centro (eight miles).

**Environmental Impacts.** During the 40-month construction period, approximately 731 workers would commute to the site on a daily basis in addition to an estimated 274 truck trips daily. The worst case scenario estimates a total of 1,736 peak car and truck trips per day (SES 2008a). Before construction could occur at the Mesquite Lake Alternative site, a construction traffic control and transportation demand implementation program would need to be developed in coordination with Caltrans. This analysis may result in the need to limit construction-period truck and commute traffic to off-peak periods to avoid or reduce traffic and transportation impacts.

According to Caltrans (Imperial County 2006), extensive improvements to both SR 86 and SR 111 would be required to accommodate the increased use of the Harris Road and Keystone Road. However, a turning lane has been recently constructed at the intersection of SR 86 and Keystone Road. Caltrans may also require that the intersections continue to operate at a LOS C or better and any increase in delay at these intersections from project-related traffic would need to be analyzed (Imperial County 2006). Funding for the necessary improvements of SR 86 and SR 111 other than developer-installed improvements and impacts fees have not been identified by Imperial County and as such, the impacts would not be fully mitigated until funding were established to accommodate the improvements (Imperial County 2006).

The project would potentially impact the Union Pacific right-of-way because it would be located adjacent to an active railroad. Impacts to rail operations would be less than significant based on proper coordination with local agencies and the railroad operator. This rail line could also potentially be used to transport materials required for the project.

**Glare.** Similar to the proposed project, there is the potential for highly distracting diffuse glare from the project to affect nearby motorists. Existing uses at the site along both SR 86 (Holly Sugar Plant) and SR 111 (Mesquite Lake Recovery Facility and Imperial Resource Recovery Plant) would offer some physical screening for motorists. Staff developed **CONDITION OF CERTIFICATION VIS-6**, which requires mitigation in the form of physical screening (berms, fencing, landscaping, or similar means) along the length of the project adjacent to Interstate 8. That measure would be adapted to this alternative and would apply to adjacent roadways.

**Comparison to Proposed Project.** Impacts to traffic and transportation at the Mesquite Lake Alternative site would likely be greater than those at the proposed Imperial Valley Solar site. Construction of the Mesquite Lake Alternative site would require improvements to both SR 86 and SR 111 to avoid impacting the LOS on these highways and without mitigation would likely cause a greater impact to traffic than the project at the Plaster City site.

## **Transmission Line Safety and Nuisance**

**Environmental Setting.** The Mesquite Lake Alternative site would require approximately 25 miles of a new 230 kV transmission interconnection, compared to 10.3 miles required at the proposed project site. An existing IID 92 kV line crosses the Mesquite Lake site heading south. An additional 230 kV IID transmission line ROW could be followed from the intersection of Dogwood Road and West Aten Road until reaching the Imperial Valley Substation. This 230 kV ROW would require crossing the southern boundary of the City of Imperial within 500 feet of several residential neighborhoods located on West Aten Road.

**Environmental Impacts.** Similar to the proposed project, this alternative would be unlikely to cause transmission line safety hazards or nuisances with implementation of Conditions of Certification Such as those described in the **Transmission Line Safety and Nuisance** section of the SSA. The potential for nuisance shocks would be minimized through grounding and other field-reducing measures that would be implemented in keeping with current standard industry practices, and the potential for hazardous shocks would be minimized through compliance with the height and clearance requirements of CPUC's General Order 95. Compliance with Title 14, California Code of Regulations, Section 1250, would minimize fire hazards, while the use of low-corona line design, together with appropriate corona-minimizing construction practices, would minimize the potential for corona noise and its related interference with radio-frequency communication in the area around the route.

The public health effects of any related field exposures cannot be characterized with certainty. The only conclusion to be reached with certainty is that the proposed lines' design and operational plan would be adequate to ensure that the generated electric and magnetic fields are managed to an extent the CPUC considers appropriate.

**Comparison to Proposed Project.** The Mesquite Lake Alternative site would require a longer transmission line interconnection with the SDG&E transmission system. While the electric and magnetic fields would be managed to an extent the CPUC considers appropriate, the transmission line would be located near a number of residential neighborhoods along West Aten Road. Because the transmission interconnection for the proposed site would not be located within 500 feet of any residential properties, the potential impact associated with transmission lines would be greater for the Mesquite Lake Alternative than for the proposed site.

## **Visual Resources**

**Environmental Setting.** The Imperial Valley is a flat, low-lying desert area primarily covered with a patchwork of irrigated farmland in the vicinity of the Mesquite Lake Alternative. A series of open canals extend across the valley both north-south and east-west. The New River, approximately two miles west of the Mesquite Lake Specific Plan Area, meanders toward the northeast and drains into the Salton Sea. The City of Brawley lies about three miles north of the Mesquite Lake Alternative, and the Cities of Imperial and El Centro are located approximately one and five miles south of the alternative, respectively. Much of the development in the vicinity of the Mesquite Lake Alternative site is confined to these three cities.

There is one known residence within the alternative site and one south of the site on Dogwood Road. Other scattered residences would have views of the facility site from the north and west. Viewer concern, as defined in the **Visual Resources** section of the SSA, of the project should it be developed at the Mesquite Lake Alternative site would be moderate. The number of residential viewers represented in this view is low, and their focus on scenic values in this agriculture- and industrially-oriented context is considered moderately low. There are no parks or recreation areas in the immediate area. Several mountain ranges border the valley, particularly to the south and northeast, but these hills are relatively far away and provide a generally hazy, low, and uneven view horizon.

Much of the Mesquite Lake Alternative site is currently occupied by farmland or farm-related auxiliary structures. The principal buildings at the site are associated with heavy industrial use. Silos at the Holly Sugar plant can be seen from surrounding areas. The factory site has a large mound of lime, used to process the sugar beets and sugar cane, southeast of the main facility that appears as a white mesa. Other buildings and sheds are scattered throughout the specific plan site including those associated with the existing Mesquite Lake Cattle Manure Power Plant, which is currently inactive, and the Liberty X Biofuels plant. These structures are functional and have an industrial look. A screened chain link fence and a masonry wall partially block views of the power plants.

**Environmental Impacts.** As discussed in the Visual Resource section in this SSA, the Energy Commission staff, in coordination with BLM, applied the BLM Visual Resource Management (VRM) system of visual assessment to the proposed Imperial Valley Solar site at Plaster City. These delineated areas were then assigned a VR Class (from I through IV). VR Classes are analogous to Overall Sensitivity ratings under the Energy Commission method and are used to determine an area's visual objective, that is, the level of project-caused contrast that is acceptable, above which contrast could constitute a potentially significant adverse impact.

For the Mesquite Lake Alternative site, a visual impact analysis would be based on a comparison of the area's visual sensitivity with the industrial features added by the solar project. With the addition of a 750 MW project, views of the rural landscape would be increasingly industrial. Views would be dominated by roughly ten square miles of engine mirror-arrays, graded areas, and retention ponds, as well as light rays reflected off ambient atmospheric dust. There would be no natural features to block the view of the solar facilities on any side of the site, although other industrial facilities on the site like the Holly Sugar plant would block some of the views.

The site would be prominently visible from SR 86 and SR 111, for both northbound and southbound traffic. Travelers would see the site from a distance and there is little elevation or natural contouring that would block the solar facilities on the alternative site. According to the Mesquite Lake Specific Plan Master EIR, the visual experience of motorists on SR 86 and SR 111 is generally consistent throughout the project area, with no unique topographic features, and a utilitarian function and design to the few existing structures in the area. Views of the project would be short term and the viewer expectation of motorists driving through the area is generally low due to the disturbed nature of the area (Imperial County 2006).

The linear facilities associated with the Mesquite Lake Alternative site would include a 230 kV transmission line approximately 25 miles long. The transmission line would follow existing utility corridors and would roughly parallel existing IID transmission lines until reaching the Imperial Valley Substation. By following existing rights-of-way, the impact of a new transmission line would be minimized, as seen by travelers along SR 86 and SR 111. However, because the transmission line would follow West Aten Road and traverse a number of residential neighborhoods, a large number of residences would view the transmission line.

**Comparison to Proposed Project.** The Mesquite Lake Alternative site is preferred over the proposed Imperial Valley Solar site for visual resources, because fewer viewers would see the solar facility at this alternative site and because the visual concern at the Mesquite Lake Alternative site would be lower than at the proposed site. Existing industrial and agricultural facilities at the site would reduce the visual contrast of the solar project at the Mesquite Lake Alternative site. As a result, a large solar project on the Imperial Valley Solar area would create a more dramatic change to the visual environment than would occur at the Mesquite Lake Alternative site.

The interconnection transmission line at the Mesquite Lake Alternative site would be longer than at the proposed Plaster City site, but both interconnections would be located adjacent to existing line(s) in existing corridors. However, the Mesquite Lake Alternative transmission line would traverse residential neighborhoods along West Aten Road. As such, a greater number of visual receptors would be subject to increased industrial views and the visual impact of the transmission line would be greater at the Mesquite Lake Alternative site.

## **Waste Management**

**Environmental Setting.** A leaking underground fuel tank is located approximately one mile north of the alternative site (Envirostor 2010). Additionally, a Federal Superfund Site is located east of Dogwood Road approximately half way between Keystone and Harris Roads. The 0.6-acre contamination site underwent a preliminary assessment by the EPA and has not been placed on the National Priorities List (Envirostor 2010). The potential contaminants of concern include pesticides from rinse water and from wastes from production (Envirostor 2010).

As discussed in the Waste Management section of this SSA, hazardous (estimated at 2 cubic yards per week) and nonhazardous (estimated at 80 cubic yards per week) solid and liquid wastes, including wastewater, would be generated at the Imperial Valley Solar project site during construction and operation of the solar power plant. Waste would be recycled where practical and nonrecyclable waste would be deposited in a Class III landfill. The nearest waste disposal facilities that could potentially accept the nonhazardous construction and operation wastes generated by the project are the Imperial Solid Waste Site and the Allied Imperial Landfill in Imperial, California. The remaining capacity for the disposal facilities are 184,000 cubic yards and 2.1 million cubic yards respectively. Additional disposal facilities are located in proximity to the Mesquite Lake Alternative site.

The hazardous waste generated during project construction could include waste paint, spent construction solvents, waste cleaners, waste oil, oily rags, waste batteries, and

spent welding materials. (SES 2008a). The two Class I landfills that accept hazardous wastes in California are the Clean Harbor Landfill (Buttonwillow) in Kern County and the Chemical Waste Management Landfill (Kettleman Hills) in Kings County (SES 2008a). The Kettleman Hills facility also accepts Class II and Class III wastes. In total, there is in excess of 11 million cubic yards of remaining hazardous waste disposal capacity at these landfills, with approximately 30 years of remaining operating lifetimes (SES 2008a).

**Environmental Impacts.** Construction at the Mesquite Lake Alternative site would require excavation of fill material that underlies the site similar to that of the proposed project. Both nonhazardous and hazardous wastes would be created by the construction of the 750 MW Solar Two project at the Mesquite Lake Alternative site in similar quantities as at the proposed site and would be disposed of at appropriate facilities. The applicant would be required to obtain a unique hazardous waste generator identification number for the site prior to starting construction and would be required to comply with Conditions of Certification similar to those identified for the proposed site. The project at either the Imperial Valley Solar or Mesquite Lake Alternative sites would produce minimal maintenance and plant wastes.

All nonhazardous wastes would be recycled to the extent possible, and nonrecyclable wastes would be regularly transported off site to a local solid waste disposal facility. Generation plant wastes include oily rags, broken and rusted metal and machine parts, defective or broken electrical materials, empty containers, and other miscellaneous solid wastes, including the typical refuse generated by workers. All construction and operation activities would need to be conducted in compliance with regulations pertaining to the appropriate management of wastes. The total amount of nonhazardous waste generated from the project is estimated to be 80 cubic yards of solid waste per week from construction, and approximately 10 cubic yards per week from operation. The disposal of the solid wastes generated by the Imperial Valley Solar facility can occur without significantly impacting the capacity or remaining life of any of the probable disposal facilities that would be used.

Like nonhazardous wastes, hazardous wastes would be recycled to the extent possible. The 2 cubic yards per week of hazardous waste from the Imperial Valley Solar site requiring off-site disposal would be far less than staff's threshold of significance and would therefore not significantly impact the capacity or remaining life of the Class I waste facilities. Similar to the proposed Imperial Valley Solar project, the 750 MW project at the Mesquite Lake Alternative site would need to implement a comprehensive program to manage hazardous wastes and obtain a hazardous waste generator identification number (required by law for any generator of hazardous wastes).

**Comparison to Proposed Project.** The environmental impacts of waste disposal at the Mesquite Lake Alternative site would be similar to those at the proposed Imperial Valley Solar site at Plaster City. However, the Mesquite Lake Alternative site would be closer to the Imperial Solid Waste Site and the Allied Imperial Landfill than the proposed site.

### **Worker Safety and Fire Protection**

**Environmental Setting.** The Mesquite Lake Alternative site would be located within an area that is currently primarily agricultural. The area is currently served by the Imperial County Fire Department located at the airport in the City of Imperial, approximately two

miles south of the site. Mutual aid service for police and fire emergencies is available from Brawley and El Centro. The Worker Safety and Fire Protection section in this SA/EIR provides more information regarding the Imperial County Fire Department. The fire risks of this alternative site would be similar to those of the proposed Plaster City site as both have desert conditions and both sites are adjacent to heavily used transportation corridors.

**Environmental Impacts.** A solar plant at the Mesquite Lake Alternative site would require a Project Demolition and Construction Injury and Illness Prevention Program and a Project Operations Safety and Health Program in order to ensure adequate levels of industrial safety. The applicant would also be required to provide safety and health programs for project construction, operation, and maintenance, similar to the requirements for the proposed project site. The Imperial County Fire Department would be contacted to assure that the level of staffing, equipment, and response time for fire services and emergency medical services are adequate.

**Comparison to Proposed Project.** The environmental impact of worker safety and fire protection at the Mesquite Lake Alternative site would be similar to that at the proposed Plaster City site.

### **Engineering Assessment for Mesquite Lake Alternative**

#### **Facility Design**

The design of a 750 MW project at the Mesquite Lake Alternative site would be similar to that of Imperial Valley Solar at the proposed project Plaster City site. The project design at the Mesquite Lake Alternative site would have to avoid some existing structures and proposed projects; however, it would not be constrained by the desert washes like the Plaster City site. Staff-recommended measures may be appropriate to ensure compliance with engineering laws, ordinances, regulations, and standards applicable to the design and construction of the project.

#### **Geology, Paleontology and Minerals**

**Environmental Setting.** The Cahuilla Lake Beds underlie the Mesquite Lake Alternative site. The Cahuilla Lake Beds are generally composed of thinly bedded, poorly sorted, fine-grained, light grayish-brown fluvial sediments intervening with a lacustrine sequence of tan and gray fossiliferous clay, silt, sand, and gravel. These sediments are widespread and were deposited during the last seven high stands of the ancient Lake Cahuilla, believed to have existed intermittently from 270 years ago to at least 6,000 years ago. Fossil remains discovered in the Cahuilla Lake Beds include freshwater diatoms, sponges, terrestrial plants, mollusks, fish, ostracodes, and small terrestrial vertebrates. The Cahuilla Lake Beds are determined to have a high potential for paleontological resources (CPUC 2008b).

The Imperial Fault passes through Mesquite Lake, generally on a north-south alignment. In accordance with the Alquist-Priolo Earthquake Fault Zoning Act (Chapter 7.5 of Division 2, California Public Resources Code), the Office of the State Geologist has delineated Special Study Zones, which encompass potentially and recently active traces of major faults, including the Imperial Fault (Imperial County 2006).



The Imperial Valley, including the Mesquite Lake region, experiences natural subsidence at a rate of nearly two inches per year at the center of the Salton Sea and decreasing toward zero near the United States/Mexico border (Imperial County 2006). This includes gradual, local settling of the earth's surface with little or no horizontal motion. It is generally uniform but local depressions have formed such as the Mesquite Sink (Imperial County 2006).

The Salton Trough is an area underlain with geothermal water of sufficient temperature to be suitable for electrical generation. The Mesquite Lake Specific Plan Area is included in the South Brawley Known Geothermal Resource Area, encompassing approximately 12,640 acres (Imperial County 2006).

There are no known mineral resources at the site.

**Environmental Impacts.** Seismic ground shaking is probable at the alternative site because the Imperial Fault crosses that site. The severity and frequency of ground shaking associated with earthquake activity at the Mesquite Lake Alternative site is higher than at the proposed Plaster City site. As such, more stringent design criteria may be required for the Mesquite Lake Alternative in accordance with a design-level geotechnical report and California Building Code (2007) standards. Adequate design parameters for the facility would need to be determined through a site-specific evaluation by a Certified Engineering Geologist or Geotechnical Engineer. Impacts due to seismic hazards and soil conditions, such as subsidence, would be addressed by compliance with the requirements and design standards of the California Building Code. The potential for liquefaction exists in Imperial County in areas where relatively loose, sandy soils exist with high groundwater levels during long duration, high seismic ground shaking. There is potential for liquefaction along the Mesquite Lake Specific Plan Area due to the occasional flooding of this region.

The paleontological sensitivity and potential to encounter significant paleontological resources in Lake Cahuilla Beds at the alternative site is similar to that of the proposed Imperial Valley Solar site. Construction of the proposed project will include grading, foundation excavation, utility trenching, and possibly drilled shafts. There exists the probability of encountering paleontological resources. As with the Plaster City site, the proposed Conditions of Certification are designed to substantially mitigate paleontological resource impacts at either site.

**Comparison to Proposed Project.** The Mesquite Lake Alternative site is subject to a greater risk of geologic hazards because of the stronger ground shaking and potential for liquefaction. In addition, this area experiences subsidence and potential flooding. Strong ground shaking could be effectively mitigated through facility design. The potential to encounter geologic resources and significant paleontological resources at the alternative site is similar to the Plaster City site. The Conditions of Certification provided in the Geology, Paleontology and Minerals section in this SSA would be applicable to the Mesquite Lake Alternative site.

### **Power Plant Efficiency**

The plant configuration and Stirling Engine technology that would be employed at the Mesquite Lake Alternative site would be similar to the proposed Imperial Valley Solar

project, which means it would result in similar consumption of fuel, and it would result in a similar level of efficiency.

### **Power Plant Reliability**

The plant configuration at the Mesquite Lake Alternative site would be similar to the proposed Imperial Valley Solar project, which means it would result in similar levels of equipment availability. Plant maintainability, fuel and water availability, and reliability of the plant in relation to natural hazards would each be similar at the Mesquite Lake Alternative site to the proposed project.

### **Transmission System Engineering**

As with the Imperial Valley Solar site, the Mesquite Lake Alternative would interconnect with the Imperial Valley Substation through a new 230 kV transmission line dedicated to this project. As such, the transmission system evaluation for the Mesquite Lake Alternative site would be similar to that of the Imperial Valley Solar project at the Plaster City site.

### **Summary of Impacts – Mesquite Lake Alternative**

The Mesquite Lake Alternative site would have impacts similar to the proposed Imperial Valley Solar site at Plaster City for 11 of the 20 environmental and engineering resource elements discussed above: air quality, hazardous materials, noise, public health, socioeconomics, waste management, worker safety and fire protection, facility design, power plant efficiency, power plant reliability, and transmission system engineering.

The Imperial Valley Solar site is preferred over the Mesquite Lake Alternative site in three resource elements: traffic and transportation; geology, paleontology and minerals; and transmission line safety and nuisance. The Mesquite Lake Alternative site would require a significantly longer transmission interconnection that would be adjacent to residences in the City of Imperial for several miles.

The Mesquite Lake Alternative site is preferred over the proposed Imperial Valley Solar site at Plaster City for six resource elements: land use, recreation, soils and water, biology, cultural resources, and visual resources. Impacts to biological and cultural resources are anticipated to be reduced at the Mesquite Lake Alternative site compared to at the Imperial Valley Solar site because the Mesquite Lake Alternative site would be located on disturbed land. This would lessen the amount of sensitive species habitat that would be lost due to the construction of the project and would potentially lessen impacts to cultural resources. However, without having completed detailed site surveys of biological and cultural resources at the Mesquite Lake Alternative site, a detailed comparison is not possible.

The alternative would reduce impacts in comparison with the proposed project. However, the alternative is not considered feasible because it would require the submittal of a new application to the Energy Commission and would not achieve the project objective of completing the review process in a timeframe that would allow the applicant to start construction or meet the economic performance guidelines by December 31, 2010 to potentially qualify for the 2009 ARRA cash grant in lieu of tax credits. In addition, as stated above, the Mesquite Lake Specific Plan Area is made up

of approximately 70 parcels with 52 land owners. Due to the number of parcels that would have to be acquired, this alternative would make obtaining site control more challenging in comparison to obtaining a right-of-way grant for use of BLM administered land at the Imperial Valley Solar site.

### **B.2.7.2 AGRICULTURAL LANDS ALTERNATIVE**

The proposed Imperial Valley Solar project is described above. Multiple scoping comments requested that an alternative site be considered on disturbed land, thereby lessening the potential project impacts to the desert environment. Commenters also noted that because the technology allows for distributed units, a contiguous site may not be necessary.

The RETI Phase 2A Draft Final Maps (9/01/09) highlight the Imperial Valley as a location of disturbed land with solar potential. A large amount of disturbed land occurs in the Imperial County; however, the majority of this land is active and viable farmland. In order to avoid impacting active agricultural land, no longer productive land or land that would not be economically viable for agriculture was considered. This land must also achieve most of the site selection criteria defined by SES and provided earlier in this section.

Local agencies were contacted in the Imperial County region and a representative of the Imperial Irrigation District (IID) Real Estate Division stated that land just west of the Westside Canal had been used for agricultural purposes in the past but that it was no longer economically viable for agricultural uses. As such, approximately 1,700 acres of this land had been put up for sale (Kelley 2009; confirmed by site visit August 2009). Since the time of publication of the SA/DEIS, this parcel has been incorporated into a proposed 250 MW solar photovoltaic generation facility proposed to the County of Imperial, the Sunrise Gateway West Solar farm. This site is therefore no longer available as an alternative, but its proposal for development indicates that this type of private land alternative is viable and economically feasible for its developer at the 250 MW scale.

Additionally, the IID advertised a surplus land sale in November 2009 that included up to 2,900 acres of agricultural land near the United States/Mexico border. This land, the Border Properties, had been advertised as “currently income producing agricultural use, but has excellent potential for renewable energy development or other commercial/ industrial use” (IID 2008). Bidding on the Border Properties closed on November 12, 2009. No additional information regarding the sale has been published by the IID.

This land would be within the Sonoran desert with appropriate slope and solarity requirements and would consist of nine ranches and twenty-three parcels. The land would be located approximately seven miles west of Calexico, adjacent to the Wisteria and Wormwood Canals.

**Alternatives Figure 4** shows the Agricultural Lands Alternative sites. This alternative is made up of seven separate and unconnected parcels totaling 4,600 acres. The total acreage of the components of this alternative is 1,450 acres smaller than that of the proposed Plaster City site. As stated above, approximately 3,000 acres of the Plaster City site would be graded for the Imperial Valley Solar project, including access roads,

and infrastructure (SES 2008a). While it is assumed that additional acreage would be required for project design and to avoid shading, the exact acreage requirements are unknown at this time. If the project were not able to be constructed on 4,600 acres, the Agricultural Lands Alternative site considered here would not meet the project requirements and a combination of two alternative sites would be necessary. This would increase the cost of the project due to the need for additional infrastructure (transmission, water, etc.).

Because the parcels are not contiguous, the individual site areas in this alternative were numbered, as shown on the figure, to facilitate their description and analysis. Non-contiguous parcels are considered to be viable as part of the Agricultural Lands Alternative because the SES project defines construction of separate groups of SunCatchers.

Parcel BL-1 contains approximately 1,700 acres and is located east of the proposed Imperial Valley Solar site, and west of the Westside Main Canal, both north and south of I-8. Parcels BL-2, BL-3, BL-4, BL-5, BL-6 and BL-7 comprise approximately 2,900 acres just north of the United States/Mexico Border. Because this alternative would not be on contiguous land parcels, additional major equipment, transmission lines and substations, would be required for this alternative, increasing the cost of the project.

The BL-1 parcel is located on private land, north and south of Interstate 8 (I-8), approximately 0.5 mile south of the Ewan Hewes Highway. Property BL-1 has appropriate insolation and minimal slope and has been previously graded for agriculture. The elevation of the site is between sea level and 20 feet below sea level. The site would be accessed via I-8 at the Dunaway Road exit. There are no structures on this land although a windbreak of trees has been planted on the western side of the property.

Parcels BL-2 through BL-7 are located on private land north and south of Highway 98. BL-2, BL-3, and BL-4 would be accessed via Drew Road; BL-5 and BL-7 would be accessed via Brockman Road; BL-6 would be accessed via George Road. No structures are located on this land although there are some rural residences and farm structures adjacent to the land. This land is actively farmed.

Within the seven parcel groups identified on **Alternatives Figure 4**, the Agricultural Lands sites would be made up of approximately 25 separate parcels with two or three land owners. The Final Phase 2a Report published by the Renewable Energy Transmission Initiative (RETI) and updated in September 2009 identified private land areas for solar development only if there were no more than 20 owners in a two-square-mile (1,280-acre) area.

Parcel BL-1 is located immediately west of the IID Westside Canal and BL-2 through BL-7 are located east of the IID Westside Canal and west of the Wisteria Canal. Parcels BL-4 and BL-5 are traversed by the Greeson Wash. In order to avoid impacts to the wash, permanent structures (the SunCatchers) would not be allowed to be placed within the wash. Additionally, transmission crossings below the existing grade would have temporary impacts and road crossings would be designed to have minimal impacts. Minimal impacts means that arch crossings, bottomless culverts, or bridges would be used that allow full conveyance of hydrology and sediment and if necessary wildlife movement along this wash. All of the Agricultural Lands parcels have supported

agricultural operations in the past, and many are currently in agricultural production. Water supply for this alternative is assumed to be from the Imperial Irrigation District, as the site is located within district boundaries.

**Transmission Interconnection.** The Agriculture Lands Alternative sites would require two separate transmission interconnections because the parcels are separated by about six miles. The existing Southwest Powerlink (SWPL) 500 kV transmission line passes between the two groups of parcels, providing a major corridor that could be used for this alternative.

The transmission interconnection for Parcel BL-1 would exit the parcel along the southwest corner and parallel the existing Southwest Powerlink (SWPL) corridor southeast for approximately 4.5 miles to reach the Imperial Valley Substation.

Parcels BL-2, BL-3, and BL-4 are contiguous and could share transmission facilities. Parcels BL-5, BL-6, and BL-7 are approximately 1 to 1.5 miles from those contiguous parcels. For purposes of the analysis, it is assumed that one 230 kV substation would be required on the north side of Parcel BL-2. Parcels BL-5, BL-6, and BL-7 would interconnect with Parcel BL-2 at a lower voltage. The 230 kV transmission interconnection would exit the new substation and head north for approximately 0.75 mile to reach the existing SWPL corridor. Here the 230 kV line would head west for approximately 1.75 miles to reach the Imperial Valley Substation. Because the alternative would likely require two interconnections with the Imperial Valley Substation (one for parcel BL-1 and one for parcels BL-2 through BL-7), it is possible that the transmission lines could be at a voltage lower than 230 kV.

## **Environmental and Engineering Assessment of the Agricultural Lands Alternative**

### **Air Quality**

**Environmental Setting.** Each local air quality district in California establishes its own significance criteria for environmental review of projects based on the specific conditions within each air basin. The Agricultural Lands Alternative site is located within the Salton Sea Air Basin, regulated by the Imperial County Air Pollution Control District (ICAPCD). The Agricultural Lands Alternative would be located approximately seven miles from Calexico and two miles from the U.S./Mexico border. The California-Mexico border region is characterized by air quality conditions that tend to be worse than elsewhere in the County. Imperial County (Calexico) persistently violates ambient air quality standards for PM<sub>10</sub> and CO. Calexico is the only area of the State that does not meet the CO standards, apparently due to motor vehicle emissions and pollution transported from Mexico (CARB, 2006a). More specific information regarding the Salton Sea Air Basin and ICAPCD can be found in the Air Quality section of this SSA.

**Environmental Impacts.** Air quality impacts would principally consist of exhaust emissions from heavy-duty diesel and gasoline-powered construction equipment (e.g., ozone precursors, NO<sub>x</sub> and VOC; other criteria pollutants, such as CO and PM<sub>10</sub>; and toxic diesel particulate matter emissions) and fugitive particulate matter (dust) from travel on unpaved surfaces. These emissions are described in the Air Quality section for the proposed project and would be essentially the same at any site.

Exhaust emissions would also be caused by workers commuting to and from the work sites, from trucks hauling equipment and supplies to the sites, and crew trucks (e.g., derrick trucks, bucket trucks, pickups). Because of the remoteness of the site, workers and trucks hauling equipment and supplies would have to commute 15 miles (to El Centro) or 120 miles (to San Diego) to reach the Agricultural Lands Alternative site.

Emissions from the construction and operation of a 750 MW solar project at the Agricultural Lands Alternative site would need to be controlled to satisfy the air permitting requirements of the ICAPCD. As such, construction and operation of the Imperial Valley Solar project at the Agricultural Lands Alternative would be subject to permit requirements, and it would require Energy Commission mitigation, similar to that of the proposed project, to avoid significant air quality impacts. Appropriate mitigation at the Agricultural Lands Alternative site would likely involve similar, locally oriented recommendations such as the Conditions of Certification presented in the **Air Quality** section of this SSA to reduce PM10 and CO impacts.

**Comparison to Proposed Project.** The construction and operation emissions resulting from building a 750 MW solar power plant at the Agricultural Lands Alternative site would be similar to the construction emissions for the Imperial Valley Solar project at the proposed location. Both the Agricultural Lands Alternative site and the Imperial Valley Solar site are located in somewhat remote areas with the potential for commuting from 20 to 120 miles, or local camping. Assuming implementation of similar Conditions of Certification, operational emissions from the Agricultural Lands Alternative site would be similar to those of the proposed Imperial Valley Solar site.

## **Biological Resources**

**Environmental Setting.** Imperial Valley is located in the Colorado Desert bioregion, encompassing all of Imperial County, the southeastern portion of Riverside County, the eastern end of San Bernardino County, and the eastern portion of San Diego County. This agriculturally rich bioregion is semi-arid and heavily irrigated (California Environmental Resources Evaluation System [CERES] 2009).

The Colorado Desert is the western extension of the Sonoran desert, which covers southern Arizona and northwestern Mexico. Much of the Colorado Desert land lies below 1,000 feet in elevation. Mountain peaks rarely exceed 3,000 feet. Common habitats include sandy desert, scrub, palm oasis, and desert wash. Summers are hot and dry, and winters are cool and moist (CERES 2009).

The Colorado Desert supports a diverse array of plant and wildlife species including the Yuma antelope, ground squirrels, white-winged doves, muskrats, southern mule deer, coyotes, bobcats, and raccoons. Rare animals include desert pupfish, flat-tailed horned lizard (FTHL), prairie falcon, Andrew's dune scarab beetle, Coachella Valley fringe-toed lizard, Le Conte's thrasher, black-tailed gnatcatcher, and California leaf-nosed bat. Rare plants include Orcutt's woody aster, Orocopia sage, foxtail cactus, Coachella Valley milk vetch, and crown of thorns (CERES 2009).

The Agricultural Lands Alternative site would be located on disturbed lands. Parcel BL-1 was used for agriculture until the cost of irrigation made this site no longer profitable. BL-1 is located on Sonoran mixed salt desert scrub and Colorado desert wash scrub;

however, this is also considered disturbed non-native vegetation (SES 2009n; CPUC 2008). Parcels BL-2 through BL-7 are located on cultivated cropland and hay/pasture land, with some desert riparian woodland adjacent to the washes and canals (SES 2009n).

The Westside Main Canal runs north-south along the east side of BL-1 and further south along the west sides of BL-2 and BL-3. Greeson Wash cuts diagonally through BL-4 and BL-5, while the Wistaria Canal crosses BL-6. The All American Canal parallels the south side of BL-7. BL-1 is just north of the BLM's Yuha Basin Area of Critical Environmental Concern (ACEC), which was established to conserve the flat-tailed horned lizard. The remaining parcels (BL-2 through BL-7) are surrounded by agricultural lands. Several bee boxes were observed on BL-1, which also is used by ORVs.

This alternative consists almost entirely of active and fallow agricultural lands, interspersed with irrigation canals and desert washes. BL-1 supports limited areas of Sonoran desert scrub, dominated by widely spaced creosote bush and four-wing saltbush (*Atriplex canescens*). A few small stands of desert dry wash woodland dominated by smoke tree (*Psoralea argophylla*) occur in the west-central portion of BL-1 in association with a small wash. Although subject to historical agricultural uses, BL-1 has remained fallow for at least a few years and native habitat is recovering.

The remaining parcels, BL-2 through BL-7, are active agricultural lands with little or no native habitat. BL-2, BL-3, BL-6, and BL-7 consist entirely of agricultural lands. BL-4 supports tamarisk/disturbed riparian scrub along the Greeson Wash. Undeveloped lands also occur along Greeson Wash through BL-5, but are disturbed and sparsely vegetated.

A total of five washes are thought to occur on site; access to this site was restricted to public roads, thus aerial interpretation was used to identify washes. All of these washes are jurisdictional to CDFG and likely to the Corps as well. In addition, the irrigation canals on site are potentially jurisdictional to the Corps and CDFG.

A reconnaissance survey of the Agricultural Lands Alternative sites was conducted in December 2009 (see the Mesquite Lake biological analysis for details of the survey procedure). Species detected on site include harvester ants (*Pogonomyrmex* sp.), desert cottontail, coyote, American kestrel, Say's phoebe (*Sayornis saya*), European starling (*Sturnus vulgaris*), western meadowlark, Gambel's quail, cattle egret (*Bubulcus ibis*), red-tailed hawk (*Buteo jamaicensis*), northern harrier, and burrowing owl. Numerous small rodent burrows also were observed in areas with native vegetation or fallow agriculture, as well as in disturbed habitat adjacent to canals. Riparian scrub areas along Greeson Wash provide nesting/foraging habitat for birds.

The Agricultural Lands Alternative would be located on sites that support burrowing owl and FTHL (SES 2009n). BL-1 is north of the Yuha Basin ACEC and provides additional potential habitat for flat-tailed horned lizard and other wildlife known from the ACEC, although I-8 acts as a barrier to wildlife movement between the northern and southern portions of this parcel. However, wildlife are able to cross below the interstate on a dirt road adjacent to the Westside Main Canal along the eastern boundary of BL-1.

**Alternatives Table 4** lists sensitive species on and in the vicinity of the Agricultural Lands Alternative site.

**Alternatives Table 4**  
**California Natural Diversity Database Records for Sensitive Species**  
**Within Five Miles of the Agricultural Lands Alternative Sites**

Common Name / Scientific Name	Status State/Fed/CNPS/BLM	Occurrence Within 5 Miles of Agricultural Lands Alternative Sites
Chaparral sand verbena <i>Abronia villosa</i> var. <i>Aurita</i>	--/--/L1B/--	Occurs approximately 5 miles east of Parcel BL-1.
Brown turbans <i>Malperia tenuis</i>	--/--/L2/	Occurs approximately 1.5 miles southwest of Parcel BL-3.
Pink fairy-duster <i>Calliandra eriophylla</i>	--/--/2.3/--	Occurs within a 5-mile radius southwest of Parcel BL-2 and BL-3 site.
Hairy stickleaf <i>Mentzelia hirsutissima</i>	--/--/L2/--	Occurs within a 1-mile radius of Parcel BL-4.
Abrams' spurge <i>Chamaesyce abramsiana</i>	--/--/2.2/--	Occurs 5 miles northeast of Parcel BL-6.
Annual rock-nettle <i>Eucnide rupestris</i>	--/--/2.2/--	Occurs on Parcel BL-3 and BL-5.
Baja California ipomopsis <i>Ipomopsis effusa</i>	--/--/2.1/--	Occurs within a 5-mile radius southwest of Parcel BL-2 and BL-3.
Le Conte's thrasher <i>Toxostoma lecontei lecontei</i>	SSC/BSS/S	Occurs 2 miles west of Parcel BL-1.
Flat-tailed horned lizard <i>Phrynosoma mcallii</i>	SSC/--/--/BLMS	Occurs on Parcel BL-3 and BL-5 and within 5 miles of all parcels.
Yuma clapper rail <i>Rallus longirostris yumanensis</i>	FE/ST/--/--	Occurs approximately 5 miles northeast of BL-1.
Vermilion flycatcher <i>Pyrocephalus rubinus</i>	SSC/--/--/--	Occurs 2 miles north of Parcel BL-4.
Western yellow bat <i>Lasiurus xanthinus</i>	SSC/--/--/--	Occurs 2 miles north of Parcel BL-4.
Burrowing Owl <i>Athene cunicularia</i>	SSC/--/--/BLMS	Occurs adjacent to Parcels BL-2 through BL-7, potential habitat at site.
Barefoot banded gecko <i>Coleonyx switaki</i>	--/ST/--/--	Occurs 5 miles east of Parcel BL-1.
American badger <i>Taxidea taxus</i>	SSC/--/--/--	Occurs 5 miles north of Parcel BL-4.

Source: CNDDDB 2009.

**STATUS CODES:**

**Federal** FE = Federally listed endangered: species in danger of extinction throughout a significant portion of its range  
FT = Federally listed, threatened: species likely to become endangered within the foreseeable future  
BCC = Fish and Wildlife Service: Birds of Conservation Concern: Identifies migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent highest conservation priorities <[www.fws.gov/migratorybirds/reports/BCC2002.pdf](http://www.fws.gov/migratorybirds/reports/BCC2002.pdf)>

**State** SE = State listed, endangered  
ST = State listed as threatened  
SSC = Species of special concern  
WL = State watch list



#### **California Native Plant Society**

List 1B = Rare, threatened, or endangered in California and elsewhere

List 2 = Rare, threatened, or endangered in California but more common elsewhere

List 3 = Plants which need more information

List 4 = Limited distribution – a watch list

0.1 = Seriously threatened in California (high degree/immediacy of threat)

0.2 = Fairly threatened in California (moderate degree/immediacy of threat)

0.3 = Not very threatened in California (low degree/immediacy of threats or no current threats known)

#### **BLM: Sensitive: Bureau of Land Management**

BLM Manual § 6840 defines sensitive species as "...those species that are (1) under status review by the FWS/NMFS; or (2) whose numbers are declining so rapidly that federal listing may become necessary, or (3) with typically small and widely dispersed populations; or (4) those inhabiting ecological refugia or other specialized or unique habitats." <[www.blm.gov/ca/pdfs/pa\\_pdfs/biology\\_pdfs/SensitiveAnimals.pdf](http://www.blm.gov/ca/pdfs/pa_pdfs/biology_pdfs/SensitiveAnimals.pdf)>

**Sensitive Species.** Following are descriptions of the sensitive species habitat in the vicinity of the alternative site (CNDDDB, 2009). Only the FTHL, burrowing owl, and annual rock-nettle occur on the alternative site. The descriptions of species provided earlier for the Mesquite Lake Alternative site are not repeated here.

- Chaparral sand verbena occurs in sandy areas within coastal sage scrub and chaparral from 80 to 1600 meters. Occurs in the central and southern south coast, and western Sonoran Desert.
- Brown turbans occurs in Sonoran desert scrub on arid slopes with shallow soils, rocky surface rubble with few large boulders, and little competition from shrubs.
- Pink fairy-duster is a deciduous shrub that occurs in Sonoran desert shrub, sandy or rocky.
- Hairy stickleaf is an annual herb that occurs in rocky Sonoran desert shrub in Imperial and San Diego Counties and Baja California.
- Abrams' spurge: see Mesquite lake alternative biological setting for details.
- Annual rock-nettle is an annual herb that is found in the Sonoran desert shrub at elevations between 500 and 600 meters.
- Thurber's pilostyles is a perennial herb that occurs in the Sonoran desert at elevations between sea level and 365 meters.
- Baja California ipomopsis is an annual herb that occurs in Imperial County and Baja California in chaparral and Sonoran desert scrub at elevations between sea level and 100 meters.
- Le Conte's thrasher habitat includes open desert scrub, washes, alkali desert scrub, and desert succulent shrub habitats.
- Flat-Tailed Horned Lizard (FTHL): see Mesquite Lake Alternative biological setting for details.
- Yuma clapper rail: see Mesquite Lake Alternative biological setting for details.
- Vermilion flycatcher range from southwestern United States to central Argentina and Uruguay. Breeding birds in colder regions such as the Mojave Desert withdraw at least partially in the winter; in the Mojave Desert the breeding distribution is known to extend as far west as the Morongo Valley in San Bernardino County.
- Western Yellow Bat: see Mesquite Lake Alternative biological setting for details.
- Burrowing owl: see Mesquite Lake Alternative biological setting for details.

- Barefoot banded gecko inhabits the eastern edge of the Peninsular Ranges from Palms to Pines Highway (SR 74) to the Baja California border. It occupies arid, rocky areas on flatlands and in canyons and thornscrub, especially where there are large boulders and rock outcrops and the vegetation is sparse. This species is known only from five localities in eastern San Diego County and western Imperial County. Anza-Borrego Desert State Park (ABDSP) affords protection for some gecko habitat (CPUC 2008).
- American Badger occupies habitat that is dry in open treeless areas, grasslands, and coastal sage scrub.
- Pallin bat are common in grasslands and desert regions in the southwestern United States and most abundant in the Sonoran life zones. It is less abundant in evergreen and mixed forests than in vegetation assemblages characteristic of lower elevations.
- Townsend's big-eared bats' roosting sites are restricted to caves and cave-type dwelling such as tunnels, mines, and bridges. Big-eared bats are found in all habitats except subalpine and alpine. The bat is found only along the inland half of the west coast.

Two sensitive species were observed during the site reconnaissance: a single northern harrier was observed in BL-4, and two burrowing owls were observed in a burrow on a canal berm west of BL-6. Burrowing owls also have been documented on BL-1, and could potentially occur on any of the other BL parcels, as they are known from the vicinity. BL-1 supports approximately 500 acres of suitable habitat for flat-tailed horned lizard, and is located north of the Yuha Basin ACEC. No critical habitat occurs on or near the site. Sensitive plants are unlikely to occur on site due to extensive disturbance (ongoing and historical) from agriculture and development activities.

The following five animal species have high potential to occur on the BL-1 parcel: burrowing owl, prairie falcon, northern harrier, Le Conte's thrasher, and American badger. Three of these (burrowing owl, northern harrier, and prairie falcon) have high potential to occur in the remaining parcels (BL-2 through BL-7).

### ***Environmental Impacts – Construction***

Approximately 4,600 acres of agricultural land would be permanently lost as a result of vegetation clearing, grading, and construction of the solar facilities, potentially affecting special status animal species. Few, if any, impacts to listed or sensitive plant species would be expected because the site is active agricultural land.

Additional impacts would occur due to the construction of linear facilities associated with the project facilities at the Agricultural Lands Alternative site, including a transmission line approximately 7.5 miles long that would cross 6 miles of FTHL habitat.

**Impacts/Mitigation to Wildlife.** Building a solar facility at the Agricultural Lands Alternative site would primarily impact agricultural lands. As such, the project would impact few listed and sensitive wildlife species and their habitats at this site. The potential effect would likely be greatest for the burrowing owl, which is known to use agricultural land for foraging.

Any wildlife residing on this site would potentially be displaced, injured, or killed during project construction activities. Animal species in the project area could fall into construction trenches, be crushed by construction vehicles or equipment, or be harmed by project personnel. In addition, construction activities may attract predators or crush animal burrows or nests.

**Burrowing Owl.** The burrowing owl's numbers have been markedly reduced in California for at least the past 60 years. Conversion of grasslands, other habitat destruction, and poisoning of ground squirrels have contributed to the reduction in numbers in recent decades, which was noted in the 1940s and earlier. Within the past 20 years, however, and particularly within the past five years, the decline of burrowing owls in California appears to have greatly accelerated. Apparently, this has resulted because of habitat loss caused by increased residential and commercial development (CPUC 2008). Although the CNDDDB does not show any record of the burrowing owl at the Agricultural Lands Alternative site, it has been observed nearby and could move onto the alternative site at any time. Burrowing owl survival can be adversely affected by human disturbance and foraging habitat loss, even when impacts to individual owls and burrows are avoided.

**Migratory/Special Status Bird Species.** The Agriculture Lands alternative site provides foraging, cover, and/or breeding habitat for migratory birds, including special-status bird species that may be present at the site. Project construction and operation could impact nesting birds in violation of the Migratory Bird Treaty Act. Preconstruction surveys and avoidance of nesting birds would reduce such impacts.

**Spread of Noxious Weeds.** Construction of a solar facility at the Agricultural Lands Alternative site could result in the introduction and dispersal of invasive or exotic weeds. The permanent and temporary earth disturbance adjacent to native habitats increases the potential for exotic, invasive plant species to establish and disperse into native plant communities, which leads to community and habitat degradation. A weed reduction program would potentially reduce and mitigate impacts.

**Noise.** Noise from construction activities could temporarily discourage wildlife from foraging and nesting immediately adjacent to the project area. Many bird species rely on vocalization during the breeding season to attract a mate within their territory. Noise levels from certain construction, operations, and demolition activities could reduce the reproductive success of nesting birds.

### ***Operational Impacts***

Operation of up to 7.5 miles of transmission line could result in increased avian mortality due to collision with new transmission lines. Mitigation would include installing the transmission line in accordance with the Avian Powerline Interaction Committee (APLIC) Guidelines designed to minimize avian-power line interactions.

**Comparison to Proposed Project.** This alternative consists primarily of active and fallow agricultural lands, although riparian habitat does occur along Greeson Wash as well as along an unnamed wash in BL-1. Several smaller washes are present on BL-1. The extensive agricultural fields provide foraging habitat for the burrowing owl, and berms adjacent to the canals provide locations for potential owl burrows. Suitable habitat for the flat-tailed horned lizard occurs only in BL-1. The biological constraints for

this alternative are similar to that of the proposed project site, (owl and lizard habitat, presence of washes); though this alternative supports substantially less potential lizard habitat since approximately 68% (2,800 acres of the 4,105-acre site) are active agriculture (BL-2 through BL-7). Apart from bird species that may use the agricultural lands for foraging, general wildlife use of this alternative also would be expected to be less than for the proposed project site since much of it is actively farmed, while the proposed Imperial Valley Solar site supports primarily native desert scrub habitat. In summary, the Agricultural Lands Alternative site is preferred over the proposed Solar Two site for impacts to biological resources.

## **Cultural Resources**

**Environmental Setting.** The Agricultural Lands Alternative site is located in the ancient Lake Cahuilla region. Detailed information regarding the formation of Lake Cahuilla and its history is provided in the **Cultural Resources** section of this SSA above for the Mesquite Lake Alternative.

The predominant evidence of human occupation in Imperial County during the Late Prehistoric Period is located along the ancient shoreline at approximately 12 meters (40 feet) above mean sea level and is exemplified by ceramic and lithic artifact scatters associated with rock rings and fish traps (CPUC 2008). Trails used by Native Americans as well as Spanish, Mexican, and American Period explorers are still evident in portions of the Imperial Valley and are typically associated with known water sources. During the historic period, agriculture was made possible through the development of a system of canals that directed water from the Colorado River to farmlands. The Imperial Irrigation District (IID) was formed in 1911 to acquire properties of the bankrupt California Development Company and its Mexican subsidiary (IID, 2009c). By 1922, the IID had acquired 13 mutual water companies, which had developed and operated distribution canals in the Imperial Valley (IID, 2009c). By the mid-1920s, the IID was delivering water to nearly 500,000 acres.

A cultural research records search was conducted in 2009 for the Agricultural Lands Alternative site which identified a total of 14 previously recorded cultural resources sites as shown in **Alternatives Table 5**, including:

- 6 lithic scatters
- 2 temporary campsites
- 3 historic sites
- 1 prehistoric sleeping circle site
- 2 sites located on the map but with the site forms missing.

The lithic scatters did not include temporally diagnostic artifacts or features, and the ceramics could not be attributed to specific, identifiable, temporal or cultural affiliation beyond association with the Late Prehistoric (SES 2009n).

**Alternatives Table 5**  
**Cultural Resources – Agricultural Lands Alternative Project Site**

Resource	Description	Resource	Description
P-13-009541	Lithic scatter, 1 volcanic debitage	IMP-3400H	Historic, wagon road
P-13-009542	Lithic scatter, 1 fine grained debitage	P-13-009543	Lithic scatter, 1 volcanic debitage
IMP-2481	Lithic, 1 metate fragment	IMP-1413	Lithics, 5 lithic reduction loci with flakes, cores, hammerstone
IMP-301	Temporary campsite	IMP-8923	Historic, irrigation canal
P-13-008983	Historic, Wormwood Canal built around 1911	IMP-698/708	Lithic scatter, unknown
IMP-7661	Site form missing, unknown	IMP-1045/170	Temporary camp
IMP-408	Prehistoric house sites	IMP-1057	Site form missing, unknown

Source: SES 2009n.

**Environmental Impacts.** Fourteen known archaeological, architectural, or historical sites would potentially be affected by construction and operation a solar facility at the Agricultural Lands Alternative site. Conditions of Certification such as those required for the Imperial Valley Solar project at Plaster City in the Cultural Resources section of this PSSA may reduce this impact; however, specific site surveys would be required to be certain.

Currently unknown, unrecorded cultural resources may be found at the Agricultural Lands Alternative site associated with the lower elevation recessional shorelines of Lake Cahuilla. As they are discovered, resources would be recorded and information retrieved. If the nature of the resource requires it, the resource would be protected. When discovered, cultural resources would be treated in accordance with applicable federal and state laws and regulations as well as the mitigation measures and permit requirements applicable to a project. As would be done during construction at the Imperial Valley Solar Plaster City location, should resources be discovered during construction of current and future projects, they would be subject to legal requirements designed to protect them. The Agricultural Lands Alternative site would have a lower probability for the presence of significant cultural resources due to deep excavation for drainage tiles and recurring surface disturbance because of the intensive cultivation for agricultural use. The Imperial County General Plan EIR identifies most of the Agricultural Lands as having zero to rare cultural resources although some of Parcel BL-6 is located in an area identified as very sensitive for cultural resources (Imperial County 1993).

**Comparison to Proposed Project.** Development of a solar project at the Agricultural Lands Alternative site would likely have fewer impacts to cultural resources than the Imperial Valley Solar site at Plaster City because the Agricultural Lands Alternative has been intensely disturbed for agricultural purposes. Additionally, most of the Agricultural Lands Alternative has been identified as having zero to rare cultural resources. As such, the Agricultural Lands Alternative is preferred to the proposed Imperial Valley Solar site for impacts to cultural resources.

## **Hazardous Materials**

**Environmental Setting.** The topography of the Agricultural Lands Alternative sites is essentially flat, as are the immediately surrounding areas. Sensitive receptors which in this case are single family residences, are located immediately adjacent to Parcels BL-2, BL-4, and BL-6. Additional rural residences are located 0.5 mile north of the BL-1, immediately north of Evan Hewes Highway.

Access to Parcel BL-1 would likely be via I-8 from El Centro to the Dunaway Road exit. At Dunaway Road, transport would turn north to Reynolds Road for 0.25 mile adjacent to open space. Access to Parcels BL-2 through BL-7 would likely be via Highway 98. From Highway 98, travel to BL-2, BL-3 and BL-6 would be via Drew Road, to BL-4 and BL-7 would be via Brockman Road, and to BL-5 would be via George Road. Transport would be adjacent to agricultural land.

**Environmental Impacts.** Hazardous materials use at the Agricultural Lands Alternative site, including the quantities handled during transportation and disposal, would be the same as those of the proposed project. As stated in the Hazardous Materials section for the proposed project, hazardous materials used during the construction phase of the project would include gasoline, diesel fuel, motor oil, lubricants, and small amounts of solvents and paint. No acutely toxic hazardous materials would be used on site during construction, and none of these materials pose a significant potential for off-site impacts as a result of the quantities on site, their relative toxicity, their physical states, and/or their environmental mobility.

Hydrogen gas would be produced on site through electrolysis by one hydrogen generator. Hydrogen is identified as a hazardous substance based on its flammable characteristics. Although the project would not be subject to State or federal requirements for hydrogen storage, SES conducted an Offsite Consequence Analysis for the project and considered four worst-case scenarios. In the event of the worst case scenario induced from cumulative releases at the site, the maximum impacted distance is 0.13 mile (SES 2009q). As the Agricultural Lands Alternative site would have sensitive receptors within 0.13 miles, the release of hydrogen could pose a significant impact. Conditions of Certification and compliance with applicable LORS would reduce this impact.

Transportation of hazardous materials to the Agricultural Lands Alternative site would require passing by rural residences located along Drew Road, Fisher Road, Brockman Road, and Kubler Road. After exiting I-8, transportation of hazardous materials would be on smaller roads with some residences.

**Comparison to Proposed Project.** The hazardous materials that would be used at the Agricultural Lands Alternative site would be the same as those used at the proposed Imperial Valley Solar site; both the Agricultural Lands Alternative site and the proposed site have sensitive subgroups within a five-mile radius. Compared to the proposed project, selecting the Agricultural Lands Alternative site would result in slightly greater impacts from transportation of hazardous materials as they would travel on smaller roads with adjacent scattered rural residences. With adoption of the proposed Conditions of Certification, construction of the proposed project at the Agricultural Lands Alternative site would comply with all applicable laws, ordinances, regulations, and standards (LORS) and result in no significant impacts to the public.

The Agricultural Lands Alternative site would potentially result in greater impacts from hydrogen storage at the facility because Parcels BL-2 through BL-7 have sensitive receptors located within 1,000 feet of their borders.

## **Land Use**

**Environmental Setting.** The Agricultural Lands Alternative site is agricultural land. BL-1 is owned by two owners and BL-2 through BL-7 are lands owned by the IID advertised as “surplus lands” and up for sale to the public in the last quarter of 2009.

Parcels BL-2 through BL-7 are currently used for farming and were advertised as income producing medium quality farmland. Imperial County Land Use General Plan designated the sites as agricultural use.

Parcel BL-1 is located on land previously used for agriculture production. This land is no longer economically viable for agriculture production due to the cost of pump irrigation. As such, the land was proposed for development of a mixed-use project which would incorporate approximately 3,800 residences, one or more lakes, a golf course, and commercial development (CPUC 2007). The status of this development project is unknown at this time; and as of the third quarter 2009, the land along I-8 is advertised for sale. Parcel BL-1 is not currently in use.

According to the Imperial County General Plan Land Use Element, industrial uses are not permitted on agricultural lands except for those directly associated with agricultural products and processes. Electrical and other energy generating facilities are considered heavy industrial uses except for geothermal, hydroelectric, wind and solar facilities which may be regulated differently than other types of power plants. Geothermal plants may be permitted in agricultural lands with a conditional use permit subject to zoning and environmental review.

In April 2009, Imperial County and the IID signed a Joint Resolution for the Creation of an Imperial Valley Renewable Energy Development Program to promote renewable energy resources in Imperial Valley (Imperial County 2009a). This resolution encourages the growth of renewable energy in Imperial Valley and focuses on creating a data bank where developers, investors and government regulators can access available data about permitting processes and encourages both the IID and Imperial County to maximize development of renewable resources in a manner consistent with sound environmental and land use planning principles (Imperial County 2009a). However, because the proposed project is a result of a Power Purchase Agreement between San Diego Gas & Electric and the Applicant, development of this project would not contribute to Imperial County's energy supplies. As such, development of the Agricultural Lands Alternative could be inconsistent with the IID and Imperial County Joint Resolution.

**Agriculture.** Agriculture is the most important industry in Imperial Valley, with over 500,000 acres of land used for agriculture production and a gross net value of over \$1.5 billion in 2008 (Imperial County 2009). The Agricultural Lands Alternative site is comprised of active and previously farmed agricultural lands. Parcel BL-1 is mapped as “other” land by the California Department of Conservation (DOC 2006). Approximately 2,600 acres of Parcels BL-2 through BL-7 are mapped as Farmland of Statewide Importance and approximately 300 acres of Parcels BL-2 through BL-7 are mapped as Prime

Farmland (DOC 2006). Prime Farmland includes lands with the best combination of physical and chemical features able to sustain long-term agricultural production that has been used for irrigated agriculture within the previous four years. Farmland of Statewide Importance is similar to Prime Farmland with some shortcomings such as a greater slope or lesser ability to store soil moisture.

Aerial spraying (i.e., crop dusting) is used to control insects, weeds, and diseases that may affect crops in the Imperial Valley. Aerial spraying occurs in those areas of the Imperial Valley actively cultivated with field crops. Aerial applicators fly at low elevations and sometimes at speeds in excess of 100 miles per hour. Fatalities associated with aerial applicators can partly be attributed to flying at low altitudes and high speeds, as well as the presence of obstacles such as power lines, trees, towers, or buildings within the flight area (CPUC, 2008). Where transmission lines exist in an agricultural area, pilots must fly over, beside, and (occasionally) under the lines to complete aerial spraying activities. Transmission lines and towers thus present a substantial obstacle to be avoided during aerial spraying operations, and require additional attention from the pilots. Because the new transmission line would follow the existing SWPL ROW, the impact to aerial spraying may be reduced; however, approximately 0.5 mile of the transmission line would require new transmission ROW.

The Agricultural Lands Alternative site is located approximately six miles west of Calexico and seven miles southwest of El Centro.

**Sensitive Land Uses.** Parcel BL-1 is located 2,640 feet south of a community with approximately 20 residences known as Imperial Lakes along West Evan Hewes Highway. Approximately 10 residences are located within 2,500 feet of Parcels BL-2 through BL-6, with some residences within several hundred feet of the boundary of this site. No other sensitive receptors are located within 2,500 feet of the site.

**Transmission Interconnection.** As stated above, the Agricultural Lands Alternative would require approximately 7.5 miles of new 230 kV transmission line to reach the Imperial Valley Substation. The route would cross approximately 6.0 miles of BLM land before entering the substation. This land is part of the California Desert Conservation Area (CDCA). The Energy Production and Utility Corridor Element of the CDCA Plan established a network of joint-use planning corridors intended to meet the projected utility service needs at the time the Plan was written. The transmission line would be developed on BLM land within the CDCA planning area designated utility corridor N; therefore a Plan Amendment would not be required.

**Environmental Impacts.** Because of the desire to consider use of disturbed lands for large solar projects, the Agricultural Lands Alternative site is located on active and non-active agricultural lands. The Imperial County General Plan states that, in general, industrial uses are not permitted on agricultural lands; however, some renewable energy is allowed on agricultural lands with a conditional use permit subject to zoning and environmental review.

The construction and operation of the Imperial Valley Solar project at the Agricultural Lands Alternative site would result in the conversion of up to 2,900 acres of actively-



used agricultural land to renewable energy production. The construction and operation of the solar power plant would eliminate the existing agricultural operations and foreseeable future agricultural use on this site. This loss of agricultural lands is a potentially significant impact, and would likely require mitigation to offset the loss. As with the proposed Imperial Valley Solar site, the California Agricultural LESA Model was used to assess impacts to the Agricultural Lands Alternative site. See the **Land Use** section of this SSA for more details on the LESA Model. The LESA Model for the Agricultural Lands Alternative site was conducted in accordance with the detailed instructions provided in the LESA Model Instruction Manual. The LESA score is based on a scale of 0 to 100. The Final LESA score for the Agricultural Lands parcel BL-1 is 38.03. The Final LESA score for the Agricultural Lands parcels BL-2 through BL-7 is 76.22. Based on the California Agricultural LESA Thresholds, a score of 38.03 would not result in adverse effects due to the permanent conversion of 1,200 acres of Farmland. However, a score of 76.22 would result in significant adverse effects due to the permanent conversion of 2,900 acres. This alternative would result in the conversion of 2,900 acres of agriculture land with an industrial utility use (i.e., a 750 MW power plant and associated infrastructure). As stated above, agriculture is the most important industry in Imperial Valley with over 500,000 acres of land used for agriculture production. This amount of land conversion along with all other existing, planned, and proposed projects would result in adverse cumulative land conversion. The completed LESA Model worksheets for the Agriculture Lands parcels are included within **APPENDIX AIts-1** at the end of this section.

Construction activities for the alternative would create temporary disturbance to residential areas (i.e., heavy construction equipment on temporary and permanent access roads and moving building materials to and from construction staging areas). Conditions of Certification to reduce noise and air quality impacts are presented in the Noise and Air Quality sections of this SSA for the proposed Imperial Valley Solar site. Because this disturbance would be temporary at any one location, the impacts would likely be less than significant.

**Comparison to Proposed Project.** Selecting the Agricultural Lands Alternative site would not require the use of BLM land, and would not require a land use plan amendment. However, use of the Agricultural Lands Alternative site would result in greater impacts to agricultural land than the project site at Plaster City, including the loss of Prime Farmland and Farmland of Statewide Importance and the loss of approximately 2,900 acres of active farmland resulting in a significant impact per the LESA model. Loss of agricultural lands would likely require Conditions of Certification to offset the loss of these lands.

Additionally, the Agricultural Lands Alternative site would be located within 2,500 feet of approximately 10 residences and 2,500 feet of an additional 20 residences. Because more sensitive receptors would be impacted by the indirect impacts of constructing the project at the Agricultural Lands Alternative site, this impact would be greater than at the proposed site in Plaster City.

## **Recreation and Wilderness**

**Environmental Setting** The Agricultural Lands Alternative site is located primarily on active and previously farmed agricultural land. No recreation opportunities are available at the Agricultural Lands Alternative site. The Imperial Lakes community, approximately

0.5 mile north of parcel BL-1 includes two 15-acre tournament style water-ski lakes used for non-commercial recreation.

Additional sensitive lands in the vicinity of this site include the BLM Yuha Basin ACEC, immediately west of parcel BL-1 and approximately one mile west of parcels BL-2 through BL-7, and the Plaster City Open Area approximately one mile north of the parcel BL-1. The Yuha Basin ACEC and Plaster City Open Area are discussed further in the **Land Use Table 1** in the **Land Use** section of this SSA.

**Environmental Impacts.** A solar facility at this site would have no direct impact on land used for recreation nor would it displace any existing recreation uses. The proposed project would have an indirect impact on recreational users due to its impact on the visual landscape. Some proportion of recreational users may ultimately prefer to visit other areas due to the changed viewshed presented by the Imperial Valley Solar project should it be built at the Agricultural Lands Alternative site.

Landscaping would be provided on the Agricultural Lands Alternative site to block views of the solar facilities from the Imperial Lakes community. This landscaping, in addition to the distance between Parcel BL-1 and the Imperial Lakes community recreation facilities, may partially block some views of the project facilities. However, it is unlikely that the distance and landscaping would entirely block the solar project due to the height of the Stirling engine systems and the overall size of the facility.

**Comparison to Proposed Project.** Parcel BL-1 of the Agricultural Lands Alternative would be nearer to the recreational users at the Imperial Lakes ski lakes than the proposed site, and equally near recreational users within in the Yuha Basin and the Plaster City Open Area. However, Parcels BL-2 through BL-7 would impact no recreation areas. Overall, impacts to recreational users would be less at the Agricultural Lands Alternative site compared with the Imperial Valley Solar Plaster City site.

## **Noise and Vibration**

**Environmental Setting.** Generally low levels of ambient noise exist along the Parcels BL-2 through BL-7 as these parcels are used for agriculture and are located approximately 4.7 miles south of I-8. Noise levels at Parcel BL-1 would be elevated due to the presence of I-8, and the aircraft associated with the NAF El Centro Desert Range.

Intermittent noise is expected to occur at the northern side of parcel BL-1 where the alternative site is located within 2,600 feet of the Imperial Lakes residential community. Nearby sensitive receptors include this community and the scattered rural residences adjacent to Parcels BL-2 through BL-7. The nearest residential area would be about 100 feet from the southern boundary of parcel BL-2 and the northern boundary of BL-3. The nearest sensitive receptors to the proposed Imperial Valley Solar site at Plaster City are at a distance of 3,300 feet.

**Environmental Impacts.** As stated in the **Noise** section of this SSA, the construction of the Imperial Valley Solar project would create noise, or unwanted sound. The character and loudness of this noise, the times of day or night at which it is produced, and the proximity of the facility to sensitive receptors combine to determine whether the facility

would meet applicable noise control laws and ordinances and whether it would cause significant adverse environmental impacts.

The Agricultural Lands Alternative site is located in an area dedicated to agricultural uses. Scattered rural residences are located within 100 feet of the boundaries of the Agricultural Lands Parcels BL-2 through BL-7.

**Comparison to Proposed Project.** Building the Imperial Valley Solar project at the Agricultural Lands Alternative site would create a slightly greater impact than at the Plaster City site because of the closer proximity to a greater number of sensitive receptors (residences).

### **Public Health and Safety**

**Environmental Setting.** The Agricultural Lands Alternative site is located in an isolated area primarily dedicated to farming. The nearest residences are located approximately 100 feet from parcels BL-2 and BL-3. There are no nearby schools or other sensitive receptors.

**Environmental Impacts.** While the meteorological conditions and topography at the site are not exactly the same as at the proposed Plaster City site, they are similar enough that the results of air dispersion modeling and a human health risk assessment for the Agricultural Lands Alternative site would be expected to be very similar to that for the proposed site. The cancer risk and hazard indices are much below the level of significance at the point of maximum impact, so the project would be unlikely to pose a significant risk to public health at this location. See the **Public Health and Safety** section of the SSA for more details on the cancer risk and hazard indices analysis.

**Comparison to Proposed Project.** There is no substantial difference between this location and the proposed site for public health.

### **Socioeconomics and Environmental Justice**

**Environmental Setting.** Like the proposed Imperial Valley Solar site, the Agricultural Lands Alternative site is located in Imperial County. The demographic characteristics of Imperial County are described in the **Socioeconomics and Environmental Justice** section of this SSA.

**Environmental Impacts.** Construction workers would most likely be from larger nearby cities such as El Centro, Calexico and San Diego. While there is limited housing available in the vicinity of the Agricultural Lands Alternative site, workers could commute from El Centro or Calexico, approximately seven miles east of the Agricultural Lands Alternative site. An additional option would be to erect temporary housing in the immediate area of the Agricultural Lands Alternative site; however, this would increase the project related construction impacts and require provision of additional services such as electricity, water, and food. Because it is unlikely that the construction workers would relocate to the immediate vicinity of the Agricultural Lands Alternative site, this alternative would not cause a significant adverse socioeconomic impact on the area's housing, schools, police, emergency services, hospitals, and utilities.

Development of a 750 MW solar plant at the Agriculture Lands alternative site area would potentially impact the Sheriff's Office due to increased demand for service as a result of calls for service during construction and operation. Use of this site for a 750 MW project may require mitigation that would provide for fees to offset the cost of providing additional deputies for this service. The inclusion of mitigation fees would reduce this impact to less than significant.

There would be no adverse socioeconomic impacts since most of the construction and operation workforce is within the regional labor market area, and construction activities are short-term. The socioeconomic benefits from the Imperial Valley Solar project, should it be built at the Agricultural Lands alternative site, are likely to be similar to the benefits from Imperial Valley Solar project in the Plaster City area. Those benefits include increases in sales taxes, employment, and income for Imperial County.

**Comparison to Proposed Project.** The socioeconomic impacts of the Imperial Valley Solar project at the Agricultural Lands Alternative site would be similar to building and operating the project at the proposed site.

### **Soil and Water Resources**

**Environmental Setting.** Soils in the Agricultural Lands Alternative site include Imperial Glenbar, Imperial Clay, Holtville Foam, Holtville Silty Clay, and Meloland (IID 2008). Some of these soil types are considered Prime Farmland and Farmland of Statewide Importance when irrigated.

The Agricultural Lands Alternative site lies within the Imperial Subregion of the Colorado River Basin Region 7, west of the New River described in the setting for the proposed project. Site topography is flat and with the exception of Parcel BL-1, currently dedicated to agriculture. Parcel BL-1 is graded for agriculture and has been farmed in the past. Parcels BL-4 and BL-5 are crossed by the Greeson Wash. The Greeson Wash in Parcel BL-4 is mapped by FEMA as Flood Zone A (100-year flood zone with no base flood levels determined).

Parcel BL-2 is directly downstream of, and across the Westside Main Canal from, the Pinto Wash, described by Imperial County (Imperial County, 2007) as having caused more damage from flooding and sediment deposition than the other washes in the county. The Pinto Wash has overflowed the Westside Main Canal and caused severe damage on several occasions. For instance, Imperial County (2007) states that in 1976: "Extensive damage was caused from overflows from this (the Pinto) wash and from the breached Westside Main Canal. The floodwaters originated in Mexico and built up to a head of water, eight to ten feet high in places where first the cultivated fields were flooded, then spread out inundating a large area three to four feet deep. Crops damaged in this area were mostly cotton and alfalfa. Grain and sudan grass were also damaged. Large quantities of sediment were deposited in fields resulting in total destruction of crops. Fields had to be re-leveled and replanted, causing some late planting of crops which resulted in loss of profits. Approximately 1,750 acres of agricultural land were flooded." Based on the position of Parcel BL-2 downstream of the FEMA Pinto Wash floodplain, much of this damage could have been on the BL-2 parcel.

A portion of the southeastern part of Parcel BL-1 is within the FEMA-designated Zone A of the Yuha Wash, also described by Imperial County as capable of causing severe flood damage.

The Agricultural Lands Alternative lies above the Imperial Valley Groundwater Basin described for the proposed project.

The Agricultural Lands Alternative parcels are located within the Imperial Irrigation District and as such, water for the project at this site would be available from the IID. Parcels BL-2 through BL-7 are located east of the Westside Main Canal. Parcel BL-1 is located west of the Westside Main Canal and would require pumping for the water to reach the site. Reclaimed water may also be available from the Seeley Waste Water Treatment Facility as with the proposed Imperial Valley Solar site.

### ***Environmental Impacts***

**Soil Erosion Potential by Wind and Water.** As discussed in the **Soils and Water** section of this SSA, construction activities can lead to adverse impacts to soil resources including increased soil erosion, soil compaction, loss of soil productivity, and disturbance of soils crucial for supporting vegetation and water-dependent habitats. Activities that expose and disturb the soil leave soil particles vulnerable to detachment by wind and water. Soil erosion results in the loss of topsoil and increased sediment loading to nearby receiving waters. Although access to the site would be from existing roads, construction of the solar dish array would require a substantial construction of local access roads as in the proposed project. While the volume of earth movement required at the alternative site is unknown, the topography and slope of the Agricultural Lands Alternative site are less severe than at the proposed Imperial Valley Solar site.

The Agricultural Lands Alternative site is subject to flooding from the Gleeson Wash, the Pinto Wash, and the Yuha Wash, but with the exception of the Gleeson Wash, which would likely be avoided due to locally steep terrain and flooding impacts, the alternative does not have major drainage channels. Assuming the Gleeson Wash would be avoided, the Agricultural Lands Alternative would not have the erosion-related and stream morphology impacts described for the proposed project. Rather, being situated in a flat area downstream of two major desert washes, portions of the Agricultural Lands Alternative would be subject to sediment deposition and flooding from large floods on these washes. This impact would primarily affect the project itself, but the adverse effect could be significant. It may not be possible to practically mitigate this impact except by mapping and avoiding the severe hazard areas, which would result in a smaller alternative.

As at the Imperial Valley Solar Project site, grading plans, a Storm Water Pollution Prevention Plan (SWPPP), and a Drainage Erosion and Sediment Control Plan (DESCP) would be required. Due to the flat terrain and existing disturbed condition of this site, the SWPPP and DESCP would likely be sufficient to mitigate soil erosion impacts to a level less than significant, provided the high hazard areas of the Pinto and Yuha washes could be avoided.

**Water Supply.** The specific source of water supply for the Agricultural Lands Alternative is unknown. The most-likely source is water supplied by the Imperial Irrigation District

via the Westside Main Canal which is located immediately adjacent to the alternative site. Potable water would be from the same source as for the proposed project.

**Wastewater/Storm Water Quality.** Storm water runoff from the site during construction and operation could have similar impacts as those for the proposed project. The site construction will require a SWPPP which will specify Best Management Practices (BMPs) to minimize or eliminate water contamination. Water quality impacts would likely not be significant.

Sanitary waste disposal would likely be through on-site facilities as for the proposed project. No significant adverse impact is anticipated.

**Comparison to Proposed Project.** The level, disturbed terrain lacking in existing drainageways on the Agricultural Lands Alternative results in a lesser Hydrology, Water Use and Water Quality impact for the Agricultural Lands Alternative than for the proposed project in the area of soil erosion and stream morphology, but significant impacts could still occur as a result of a portion of this alternative being at the receiving end of Pinto Wash and Yuha Wash flows. Significant impacts could likely be avoided by not constructing in high hazard areas. Water supply to the Agricultural Lands Alternative site would most likely be from the IID.

## **Traffic and Transportation**

**Environmental Setting.** The Agricultural Lands Alternative site would include parcels both north and south of I-8. Access to parcel BL-1 would be via I-8 to the Dunaway Road exit. Parcels BL-2 through BL-7 would be accessed via the Drew Road exit off of I-8. Parcel BL-2 is located approximately five miles south of I-8 at Drew Road. An alternative access to Parcel BL-2 would be via Highway SR 98. Local roads in the region can be used to access BL-4 (Pullman Road), BL-5 (Brockman Road), BL-6 (George Road) and BL-7 (Brockman Road).

Workers employed during construction of the project at this alternative site would most likely commute from El Centro or Calexico (7 miles) or San Diego (120 miles). As with the proposed Imperial Valley Solar site, I-8 would be the primary access road.

**Environmental Impacts.** A construction traffic control and transportation demand implementation program would need to be developed in coordination with Caltrans before construction could occur at the Agricultural Lands Alternative site. This analysis may result in the need to limit construction-period truck and commute traffic to off-peak periods to avoid or reduce traffic and transportation impacts. These impacts would likely be similar to those of the proposed project as both projects would require the use of I-8 and other smaller access roads. Highway 98 could also be used to access the Agricultural Lands Alternative site to avoid use of the smaller access roads off of I-8.

As with the Mesquite Lake Alternative, improvements to Highway 98 and other local roads may be required to accommodate the increased use. Caltrans may also require that all intersections continue to operate at a LOS C or better and any increase in delay at these intersections from project-related traffic would need to be analyzed (Imperial County 2006). Funding for the necessary improvements of Highway 98 and other roads other than developer-installed improvements and impacts fees have not been identified

by Imperial County and as such, the impacts would not be fully mitigated until funding were established to accommodate the improvements (Imperial County 2006).

**Glare.** Similar to the proposed project, there is the potential for highly distracting diffuse glare from the project to affect nearby motorists. Staff developed **CONDITION OF CERTIFICATION VIS-6**, which requires mitigation in the form of physical screening (berms, fencing, landscaping, or similar means) along the length of the project adjacent to Interstate 8. That measure would be adapted to this alternative and would apply to adjacent roadways.

**Comparison to Proposed Project.** Impacts to traffic and transportation at the Agricultural Lands Alternative site would be similar to those at the proposed Imperial Valley Solar site.

### **Transmission Line Safety and Nuisance**

**Environmental Setting** Parcel BL-1 of the Agricultural Lands Alternative site would connect with the SDG&E system at the Imperial Valley Substation through a new transmission line that would exit this parcel and head south for approximately 0.8 mile, then turn southeast for approximately four miles. This transmission line would be located adjacent to the existing SWPL ROW. Parcels BL-2 through BL-7 would require interconnection at a lower level before following the existing SWPL ROW west to the existing Imperial Valley Substation. It is assumed for this alternative assessment that the output from parcels BL-2 through BL-7 would be gathered on BL-2 using an overhead collection circuit of between 34.5 kV and 230 kV. The collector substation on BL-2 would connect to the Imperial Valley Substation using a 230 kV interconnection transmission line. This line would exit parcel BL-2 to the north approximately 0.5 mile to reach the existing SWPL ROW, and turn east for approximately 2.5 miles to reach the Imperial Valley Substation. This transmission line would be within 500 feet of approximately two residences. Underground collector lines could also be used to bring power from parcels BL-3 through BL-7 to parcel BL-2.

**Environmental Impacts.** Similar to the proposed project, this alternative site would not be likely to cause transmission line safety hazards or nuisances with implementation of Conditions of Certification such as those described in the **Transmission Line Safety and Nuisance** section of the SSA. The potential for nuisance shocks would be minimized through grounding and other field-reducing measures that would be implemented in keeping with current standard industry practices, and the potential for hazardous shocks would be minimized through compliance with the height and clearance requirements of CPUC's General Order 95. Compliance with Title 14, California Code of Regulations, section 1250, would minimize fire hazards, while the use of low-corona line design, together with appropriate corona-minimizing construction practices, would minimize the potential for corona noise and its related interference with radio-frequency communication in the area around the route.

As with the proposed Imperial Valley Solar transmission lines, the public health significance of any related field exposures cannot be characterized with certainty. The only conclusion to be reached with certainty is that the proposed lines' design and operational plan would be adequate to ensure that the generated electric and magnetic

fields are managed to an extent the CPUC considers appropriate in light of the available health effects information.

**Comparison to Proposed Project.** The Agricultural Lands Alternative site would require a shorter transmission line interconnection with the SDG&E transmission system. While the electric and magnetic fields would be managed to an extent the CPUC considers appropriate, the transmission line would be located near approximately two residences. Additionally, the Agricultural Lands Alternative site would potentially require longer interconnections between the different parcels that make up the alternative. Because the transmission interconnection for the proposed site would not be located within 500 feet of any residential properties, this impact would be greater for the Agricultural Lands Alternative site than for the proposed site.

## **Visual Resources**

**Environmental Setting.** The Agricultural Lands Alternative site parcels would be located entirely on current or previously farmed land. There are few buildings in the area which are primarily scattered rural residences. IID canals border BL-1 to the east and BL-2 and BL-3 to the west. The SWPL transmission line, the I-8 freeway, and Highway SR-98 introduce a more developed and industrial feature to the otherwise agricultural setting. Viewer concern, as defined in the **Visual Resources** section of the SSA, of the project should it be developed at the Agriculture Lands Alternative site would be moderate. The number of residential viewers represented in this view is low, and their focus on scenic values in this agriculture- oriented context is considered moderately low.

Nearby views from Parcels BL-2 through BL-7 to the north, south, west and east are of actively farmed lands crossed by water canals, some paved roads, and rural residences. Views from parcel BL-1 to the east are of active agriculture and canals, and to the west of open space. Parcel BL-1 has a wind break surrounding its border which would offer some view blockage of the site should the trees remain in place. There is little elevated land surrounding the parcels to offer views of this alternative site other than from the I-8 which traverses Parcel BL-1. Views of Parcel BL-1 from the I-8 would be prominent for approximately one mile and, as with the proposed site, viewer exposure would be high along the I-8.

**Environmental Impacts.** As stated in the **Visual Resource** section, the Energy Commission staff, in coordination with BLM, applied the BLM Visual Resource Management (VRM) system of visual assessment to the proposed Imperial Valley Solar site at Plaster City. VR Classes are analogous to Overall Sensitivity ratings under the Energy Commission method and are used to determine an area's visual objective, that is, the level of project-caused contrast that is acceptable, above which contrast could constitute a potentially significant adverse impact.

For non-BLM land, the visual impact analysis would be based on a comparison of the area's visual sensitivity with the industrial features added by the solar project at this location. With the addition of the project, views of the agricultural lands would change from a pastoral, rural landscape to a substantially more industrial, highly altered one. The industrial landscape would be dominated by the thousands of SunCatchers, approximately 38 feet high by 40 feet wide. There would be no natural features to block



the view of the solar facilities on any side of Parcels BL-2 through BL-7. A wind break would potentially block some of Parcel BL-1 from the residential neighborhood north of the site. However I-8 crosses the site and is elevated in this area, and as such passing motorists would be able to look down on the parcel.

Like the proposed project, the Agricultural Lands Alternative site would be prominently visible from I-8 (Parcel BL-1) for both westbound and eastbound traffic, and from Highway SR 98 (Parcels BL-2 through BL-7). Travelers would be immediately adjacent to the site, and there is little elevation or natural contouring to block views of the SES project components from these roads.

The linear facilities associated with the Agricultural Lands Alternative site include two 230 kV transmission lines approximately 4.8 and 3 miles long, respectively. Additionally, lower voltage transmission lines would be required to connect the output of the generator step-up unit groups to an on-site collector substation. As such, it is likely that Parcel BL-1 would require a 34.5 kV connector circuit to cross the I-8 on wood poles. The 230 kV transmission lines would follow the existing utility ROW and would roughly parallel an existing SWPL 500 kV transmission line for the entire length of their interconnection. The Agricultural Lands Alternative site interconnection would introduce additional industrial character to the area; however, because the land is primarily used for agriculture and open space, few viewers would see the new transmission lines.

**Glare.** Similar to the proposed project, there is the potential for general brightness of light not directed back at the mirrors. Staff developed **CONDITION OF CERTIFICATION VIS-6**, which requires mitigation in the form of physical screening (berms, fencing, landscaping, or similar means) along the length of the project adjacent to Interstate 8 to protect nearby motorists from glare. That measure would be adapted to this alternative and would apply to adjacent roadways. Because the Agricultural Lands Alternative would have residences within 500 feet of the alternative, an additional Condition of Certification would be required. The Condition of Certification would require the applicant to respond to complaints regarding glare and brightness. Specifically the applicant would be required to respond to third-party complaints of glare and brightness generated by operation of the project by investigating the complaints and by implementing feasible and appropriate measures (such as building higher physical screening).

**Comparison to Proposed Project.** The Agricultural Lands Alternative site is preferred over the proposed Imperial Valley Solar site for visual resources. The Agricultural Lands Alternative site would be located in a slightly more developed setting near existing agriculture land, and this alternative site is further from recreation areas than the proposed site. Both sites would be prominently visible to travelling motorists on I-8; however, the views of Parcel BL-1 would last for a shorter duration than those of the proposed site. Highway 98 is less travelled than I-8 and fewer people would be exposed to views of Parcels BL-2 through BL-7 from that road. As a result, a solar project at the proposed site would affect a greater number of viewers than a project at the Agricultural Lands Alternative site.

The Agricultural Lands Alternative site transmission line would create a visual impact similar to that of the Imperial Valley Solar proposed site interconnection. The interconnection transmission line at the Agricultural Lands Alternative site would be of a

similar length as the proposed site and would be located adjacent to the same existing corridor.

## **Waste Management**

**Environmental Setting.** The nearest hazardous materials release to this site was identified as a leaking underground fuel tank approximately one mile north of Parcel BL-1 (Envirostor 2009). Additionally, the site would be located on actively or previously farmed land and it is possible that the site has been contaminated by agriculture residues.

As stated in the **Waste Management** section, hazardous and nonhazardous solid and liquid waste, including wastewater, would be generated at the Imperial Valley Solar project during construction and operation of the solar power plant. Waste would be recycled where practical and nonrecyclable waste would be deposited in a Class III landfill. See the Mesquite Lake Alternative analysis for a discussion regarding the hazardous waste generated by the project. The Agricultural Lands Alternative would use the same landfills as those identified for the Mesquite Lake Alternative.

**Environmental Impacts.** Construction at the Agricultural Lands Alternative site would require excavation of fill material that underlies the site. Both nonhazardous and hazardous wastes would be created by the construction of the Imperial Valley Solar project at the Agricultural Lands Alternative site in similar quantities as at the proposed site and would be disposed of at appropriate facilities. The applicant would be required to obtain a unique hazardous waste generator identification number for the site prior to starting construction and would be required to comply with similar Conditions of Certification. The project would produce minimal maintenance and plant wastes.

All nonhazardous wastes would be recycled to the extent possible, and nonrecyclable wastes would be regularly transported off site to a local solid waste disposal facility. Generation plant wastes include: oily rags, broken and rusted metal and machine parts, defective or broken electrical materials, empty containers, and other miscellaneous solid wastes, including the typical refuse generated by workers. As with the proposed project, all construction and operation activities would need to be conducted in compliance with regulations pertaining to the appropriate management of wastes. The total amount of nonhazardous waste generated from the project is estimated to be 80 cubic yards of solid waste per week from construction, and approximately 10 cubic yards per week from operation. Staff finds that disposal of the solid wastes generated by the Imperial Valley Solar facility can occur without significantly impacting the capacity or remaining life of any of these disposal facilities.

Like nonhazardous wastes, hazardous wastes would be recycled to the extent possible. The two cubic yards per week of hazardous waste from the Imperial Valley Solar requiring off-site disposal would be far less than staff's threshold of significance and would therefore not significantly impact the capacity or remaining life of the Class I waste facilities. Similar to the proposed project, the project would need to implement a comprehensive program to manage hazardous wastes and obtain a hazardous waste generator identification number (required by law for any generator of hazardous wastes).

**Comparison to Proposed Project.** The environmental impacts of waste disposal at the Agricultural Lands Alternative site would be similar to those at the proposed Imperial Valley Solar site at Plaster City.

### **Worker Safety and Fire Protection**

**Environmental Setting.** The Agricultural Lands Alternative site is located within an area that is primarily agricultural. The area is currently served by the Imperial County Fire Department located at the airport in the City of Imperial, approximately 10 miles north of the site. Mutual aid service for police and fire emergencies is available from Brawley and El Centro. See the **Worker Safety and Fire Protection** section for more information regarding the Imperial County Fire Department. As with the proposed site, the fire risks of this alternative would be low as the site would be managed for vegetation control and would be adjacent to areas of active agriculture use that are frequently irrigated, and do not gather large amounts of fire fuel.

**Environmental Impacts.** Similar to the proposed Imperial Valley Solar project, it would be appropriate for a solar plant at the Agricultural Lands Alternative site to provide a Project Demolition and Construction Injury and Illness Prevention Program and a Project Operations Safety and Health Program in order to ensure adequate levels of industrial safety. The applicant would also be required to provide safety and health programs for project construction, operation, and maintenance. As with the proposed project, the Imperial County fire department would be contacted to assure that the level of staffing, equipment, and response time for fire services and emergency medical services are adequate.

**Comparison to Proposed Project.** Staff concludes that the environmental impact of worker safety and fire protection at the Agricultural Lands Alternative site would be similar to that at the proposed Solar Two site at Plaster City.

### **Engineering Assessment for Agricultural Lands Alternative**

#### **Facility Design**

The project's design at the Agricultural Lands Alternative site would be similar to that of Imperial Valley Solar at the Plaster City site, although it would require longer transmission collector systems and would be potentially constrained by the limited acreage available. However, the project at the Agricultural Lands Alternative site would not be required to avoid desert washes as at the Plaster City site. As with the proposed site, staff-recommended measures may be appropriate to ensure compliance with engineering laws, ordinances, regulations, and standards applicable to the design and construction of the project.

#### **Geology, Paleontology and Minerals**

**Environmental Setting.** As with the Mesquite Lake Alternative site, the Cahuilla Lake Beds underlie the Agricultural Lands Alternative site. The Mesquite Lake Alternative analysis provides detailed information regarding the Cahuilla Lake Beds.

The Agricultural Lands Alternative site is located within five miles of the Yuha Wells Fault, and within 20 miles of the Laguna Salada Fault and the Imperial Fault (CPUC

2008). In accordance with the Alquist-Priolo Earthquake Fault Zoning Act (Chapter 7.5 of Division 2, California Public Resources Code), the Office of State Geologist has delineated Special Study Zones, which encompass potentially and recently active traces of major faults, including the Imperial Fault (Imperial County 2006). Estimated peak ground acceleration for this area is between 0.4g to 0.6 g (CPUC 2008). No mineral resources have been identified.

**Environmental Impacts.** Seismic ground shaking is probable at this alternative site because it is located within 20 miles of the Yuha Wells Fault, the Laguna Salada Fault, and the Imperial Fault. The severity and frequency of ground shaking associated with earthquake activity at the Agricultural Lands Alternative site is expected to be similar to that of the proposed Plaster City site. As such, similar design criteria would be required for the Agricultural Lands Alternative site in accordance with a design-level geotechnical report and California Building Code (2007) standards. Adequate design parameters for the facility would need to be determined through a site-specific evaluation by a Certified Engineering Geologist or Geotechnical Engineer. Impacts due to seismic hazards and soil conditions, such as subsidence, would be addressed by compliance with the requirements and design standards of the California Building Code. The potential for liquefaction in this area is low due to anticipated depths of groundwater; however, the water table may rise temporarily and sections of the Agricultural Lands Alternative site are adjacent to active river washes. As such the alternative site may be moderately susceptible to liquefaction if a strong earthquake occurs while the valley floor sediments are saturated.

The paleontological sensitivity and potential to encounter significant paleontological resources in Lake Cahuilla Beds at this alternative site and the Plaster City site is similar. As stated in the **Geology, Paleontology, and Minerals** section, construction of the proposed project will include grading, foundation excavation, utility trenching, and possibly drilled shafts. There exists the probability of encountering paleontological resources. As with the Plaster City site, the proposed Conditions of Certification are designed to mitigate any paleontological resource impacts to a less-than-significant level.

**Comparison to Proposed Project** The Agricultural Lands Alternative site is subject to a similar risk of geologic hazards as the proposed Imperial Valley Solar site. Strong ground shaking would be effectively mitigated through facility design. The potential to encounter geologic resources and significant paleontological resources at the alternative site is similar to the Plaster City site. The Conditions of Certification provided in the **Geology, Paleontology and Minerals** section would be applicable to the Agricultural Lands Alternative site.

### **Power Plant Efficiency**

The plant configuration and Stirling Engine technology that would be employed at the Agricultural Lands Alternative site would be similar to the proposed project, which means it would result in similar consumption of fuel, and it would result in a similar level of efficiency.

## **Power Plant Reliability**

The plant configuration at the Agricultural Lands Alternative site would be similar to the proposed project, which means it would result in similar levels of equipment availability. Plant maintainability, fuel and water availability, and reliability of the plant in relation to natural hazards would each be similar at this alternative site to the proposed project.

## **Transmission System Engineering**

Locating a solar facility at the Agricultural Lands Alternative site would require longer connector lines than at the proposed Imperial Valley Solar site. Once collected, the power would interconnect with the Imperial Valley Substation. As such, the transmission system evaluation for the Agricultural Lands Alternative site would be similar to that of the Imperial Valley Solar facility at the Plaster City site.

## **Summary of Impacts – Agricultural Lands Alternative**

The Agricultural Lands Alternative site would have impacts similar to the proposed Imperial Valley Solar site at Plaster City for 11 of the 20 environmental and engineering resource elements: air quality, public health, socioeconomics, traffic and transportation, waste management, worker safety and fire protection, facility design, geology, paleontology and minerals, power plant efficiency, power plant reliability, and transmission system engineering.

The Imperial Valley Solar site is preferred over the Agricultural Lands Alternative site for four resource elements: hazardous materials, land use, noise, and transmission line safety and nuisance.

The Agricultural Lands Alternative site would be preferred to the proposed Imperial Valley Solar site at Plaster City for five resources: biological resources, cultural resources, recreation, soils and water resources, and visual resources.

The alternative would reduce impacts in comparison with the proposed project. However, the alternative is not considered feasible because it would require the submittal of a new application to the Energy Commission and would not achieve the project objective of completing the review process in a timeframe that would allow the applicant to start construction or meet the economic performance guidelines by December 31, 2010 to potentially qualify for the 2009 ARRA cash grant in lieu of tax credits.

## **B.2.7.3 SOUTH OF HIGHWAY 98 ALTERNATIVE**

The South of Highway 98 Alternative site is located on federally owned land that is designated as BLM land, but it was withdrawn from BLM management by the Bureau of Reclamation in 1928. When federal lands are withdrawn from the public domain they become administered by, and are under the jurisdiction of, an agency whose specific needs and purposes take precedent over other land uses. However, the Memorandum of Agreement between the Bureau of Reclamation and the BLM states that the Bureau of Reclamation administers all Reclamation withdrawn lands on which there are authorized or constructed Reclamation projects (DOI 1981). BLM may provide assistance with managing Bureau of Reclamation-withdrawn lands by providing law

enforcement and overseeing any allowed recreational uses (DOI 1981). The BLM administers all other Bureau of Reclamation withdrawn lands which are not within the boundaries of national forests or under other agency administration (DOI 1981).

The South of Highway 98 Alternative site area was recently identified by the BLM and DOE for in depth study for solar development in Solar PEIS (BLM 2009d).

The South of Highway 98 Alternative site is located near existing infrastructure and is crossed by an existing 500 kV transmission line. See **Alternatives Figure 5** for a depiction of the South of Highway 98 Alternative site. The South of Highway 98 Alternative site is located approximately four miles southeast of the greater El Centro region. Highway 98 is the northern border of the alternative site and the United States/Mexico border creates the southern border of the site.

Approximately 5,000 acres south of Highway 98 have appropriate solarity and less than 5% slope, as evidenced by the RETI data and the adjacent solar project application (CACA 050174) on land surrounding the All-American Canal (BLM, 2009). The South of Highway 98 Alternative site has elevation ranging between 115 and 360 feet above sea level. It is accessible via I-8 and Highway 98.

The alternative site is located immediately south of Highway 98 between the Lake Cahuilla-D ACEC and three miles east of the intersection of SR 98 and I-8 and would surround the BLM Tamarisk Long Term Visitor Area (LTVA) campground. It is located both north and south of the All-American Canal.

At 5,000 acres, the South of Highway 98 Alternative site does not have the same acreage as the proposed project (6,500 acres), which would accommodate a 750 MW solar power plant. However, this alternative site is considerably flatter than the proposed site, so it is possible that this site could be used more efficiently than the proposed Plaster City site, allowing generation of 750 MW within a smaller space. Alternatively, this site could be combined with land areas identified in other alternative sites such as the Mesquite Lake or Agricultural Lands Alternatives sites, described above.

The land uses in the immediate area of the alternative site area are open space, public land and infrastructure. The nearest town is Calexico, California (estimated population 38,344 in 2008) approximately 16 miles west of the South of Highway 98 Alternative (United States Census 2009). The IID Garrison Camp is located approximately 0.5 mile west of this alternative site; this is a small residential area for IID employees working at generation facilities along the canal.

Water for the South of Highway 98 Alternative would be acquired from the Seeley Waste Water Treatment Facility and would require an approximately 38-mile pipeline to reach this alternative site.

It is assumed that the same number of construction and operation workers would be required for the South of Highway 98 Alternative as for the proposed site, approximately 731 at peak construction and 164 during operation. It is likely that the construction workers would use lodging in either El Centro or Calexico, approximately 27 and 16 miles west of the project, respectively.

**Transmission Interconnection.** It is assumed that the project at this alternative site would require construction of an electrical substation that would connect to the existing Imperial Valley Substation via a new overhead 230 kV transmission line. This transmission interconnection would follow the existing SWPL ROW east for approximately 30 miles until reaching the Imperial Valley Substation. This transmission line is substantially longer than the 10-mile line required for the proposed project at the Plaster City site.

## **Environmental and Engineering Assessment of the South of Highway 98 Alternative**

### **Air Quality**

**Environmental Setting.** Each local air quality district in California establishes its own significance criteria for environmental review of projects based on the specific conditions within each air basin. Like the proposed Imperial Valley Solar site, the South of Highway 98 Alternative site would be located within the Salton Sea Air Basin, regulated by the Imperial County Air Pollution Control District (ICAPCD). The South of Highway 98 Alternative site is located approximately sixteen miles from Calexico and immediately adjacent to the United States/Mexico border. The California-Mexico border region is characterized by air quality conditions that tend to be worse than elsewhere in the County. Imperial County (Calexico) persistently violates ambient air quality standards for PM<sub>10</sub> and CO. Calexico is the only area of the State that does not meet the CO standards, apparently due to motor vehicle emissions and pollution transported from Mexico (CARB, 2006a). More specific information regarding the Salton Sea Air Basin and ICAPCD can be found in the **Air Quality** section of this SSA.

**Environmental Impacts.** Air quality impacts would principally consist of exhaust emissions from heavy-duty diesel and gasoline-powered construction equipment (e.g., ozone precursors, NO<sub>x</sub> and VOC; other criteria pollutants, such as CO and PM<sub>10</sub>; and toxic diesel particulate matter emissions) and fugitive particulate matter (dust) from travel on unpaved surfaces. These emissions are described for the proposed project and would be essentially the same at any site.

Exhaust emissions would also be caused by workers commuting to and from the work sites, from trucks hauling equipment and supplies to the sites, and crew trucks (e.g., derrick trucks, bucket trucks, pickups). Because of the remoteness of the site, workers and trucks hauling equipment and supplies would have to commute 27 miles (to El Centro) or 140 miles (to San Diego) to reach the South of Highway 98 Alternative site. The proposed Imperial Valley Solar site is located about 20 miles from El Centro and 120 miles to San Diego.

Emissions from the construction and operation of a 750 MW solar project at the South of Highway 98 Alternative would need to be controlled to satisfy the air permitting requirements of the ICAPCD. As such, construction and operation of the Imperial Valley Solar project at the South of Highway 98 Alternative site would be subject to permit requirements, and it would require Energy Commission mitigation, similar to that of the proposed project, to avoid adverse air quality impacts. Appropriate mitigation at the South of Highway 98 Alternative site would likely involve similar, locally oriented recommendations such as the Conditions of Certification presented in the **Air Quality** section of this SSA to reduce PM<sub>10</sub> and CO impacts.

**Comparison to Proposed Project.** The construction emissions resulting from building a 750 MW solar power plant at the South of Highway 98 Alternative site would be similar to the construction emissions for the Imperial Valley Solar project at the proposed location. The South of Highway 98 Alternative would have slightly higher commute emissions as it is located further from housing options. Operational emissions from the South of Highway 98 Alternative would be similar to those of the proposed Imperial Valley Solar site.

## **Biological Resources**

**Environmental Setting.** As with the Mesquite Lake and Agricultural Lands Alternatives sites, the South of Highway 98 Alternative site is located in the Imperial Valley in the Colorado Desert bioregion. Details regarding the general biological diversity of the Colorado Desert can be found in the biological resources assessment provided earlier for the Agricultural Lands Alternative site.

The South of Highway 98 Alternative site is located on partially disturbed lands. The site is crossed by the concrete-lined All-American Canal and the existing SWPL 500 kV transmission line ROW. Dirt roads/off-road vehicle (ORV) trails are present alongside the canal, as well as other areas on site. Undeveloped lands occur to all sides, with the exception of I-8 to the north. The primary land cover of this alternative site is desert scrub, dunes and arid wetlands dominated by arrow weed (*Pluchea sericea*) and salt cedar (*Tamarix* sp.) (SES 2009n). Seepage from the All-American Canal influences the local vegetation cover; the current vegetation cover will likely change over time as the canal has been recently concrete-lined to conserve water (SES 2009n).

Sonoran desert scrub on site is comprised primarily of varying densities of creosote bush (*Larrea tridentata*), white bur-sage (*Ambrosia dumosa*), ephedra (*Ephedra* sp.), alkali goldenbush (*Isocoma acradenia*), buckwheat (*Eriogonum* sp.), Sahara mustard (*Brassica tournefortii*), and Mediterranean grass (*Schismus barbatus*). Arrowweed scrub is dominated by arrowweed (*Pluchea sericea*) and tamarisk (*Tamarix* sp.), and likely established as a result of water seepage from the canal, prior to it being lined. Stabilized sand dunes support species found in Sonoran desert scrub, in addition to honey mesquite (*Prosopis glandulosa*). Sand dunes and riparian habitat are considered sensitive habitats by the County.

Based on the site reconnaissance and aerial interpretation, past seepage from the All American Canal resulted in the formation of several hundred acres of wetland/riparian habitat on site. Large portions of the site that were historically subject to this seepage appear to have been severed from this water source since the lining of the canal through the site, which has resulted in the die-off of wetland vegetation in some areas. Areas with extant wetland vegetation would be considered potentially jurisdictional to the California Department of Fish and Game (CDFG) and U.S. Army Corps of Engineers (Corps). Because the site is located on federal lands, it would be at the federal government's discretion whether or not to pursue a Streambed Alteration Agreement with CDFG for any potential wetland impacts. In addition, the All American Canal itself may be considered a jurisdictional waterway and also is considered a Significant Natural Area (SNA) in the vicinity of the alternative site, pursuant to the Imperial County General Plan.



The site is used by a variety of common animal species, including coyote (*Canis latrans*), desert cottontail (*Sylvilagus bachmani*), black-tailed jackrabbit (*Lepus californicus*), and various resident and migratory bird species, such as black-tailed gnatcatcher (*Polioptila melanura*), American kestrel (*Falco sparverius*), and Gambel's quail (*Callipepla gambelii*). The canal supports year-round flows and is used by migratory waterfowl as well as resident species such as American coot (*Fulica americana*) and great blue heron (*Ardea herodias*). Several small burrows (0.5" to 2") were noted during the reconnaissance survey, many of which were inactive. The burrows are likely used by kangaroo rats, lizards, and snakes.

Although not observed during the biological reconnaissance, CNDDDB species records for the site include one listed species: the federally endangered (FE) and state threatened (ST) Yuma clapper rail (*Rallus longirostris yumanensis*), and two California species of special concern (SSC): flat-tailed horned lizard (*Phrynosoma mcallii*) and Yuma hispid cotton rat (*Sigmodon hispidus eremicus*). Two non-listed sensitive plant species: sand food (*Pholisma sonorae*; California Native Plant Society [CNPS] List 1B.2), and giant Spanish needle (*Palafoxia arida* var. *gigantea*; CNPS List 1B.3) have been documented off site to the east, and critical habitat for the federally threatened (FT) and state endangered (SE) Peirson's milk-vetch (*Astragalus magdalenae* var. *peirsonii*) occurs approximately six miles to the northeast.

**Alternatives Table 6** lists the sensitive species near the South of Highway 98 Alternative site.

**Alternatives Table 6**  
**California Natural Diversity Database Records for Sensitive Species**  
**Within 5 Miles of the South of Highway 98 Alternative Site**

Common Name / Scientific Name	Status State/Fed/CNPS/BLM	Occurrence Within 5 Miles of the South of Highway 98 Alternative Site
Sand food <i>Pholisma sonorae</i>	--/--/1B/--	Occurs within one mile east of the site.
Giant Spanish-needle <i>Palafoxia arida</i> var. <i>gigantea</i>	--/--/1B/BLMS	Occurs within one mile east of the site.
Yuma clapper rail <i>Rallus longirostris yumanensis</i>	ST/FE/--/--	Occurs approximately five miles northeast of site.
Yuma hispid cotton rat <i>Sigmodon hispidus eremicus</i> ;	SSC/--/--/--	Occurs within the site.
Flat-tailed horned lizard <i>Phrynosoma mcallii</i>	SSC/--/--/BLMS	Occurs within one mile north of the site.

Source: SES 2009n.

#### STATUS CODES:

**Federal** FE = Federally listed endangered: species in danger of extinction throughout a significant portion of its range  
FT = Federally listed, threatened: species likely to become endangered within the foreseeable future  
BCC = Fish and Wildlife Service: Birds of Conservation Concern: Identifies migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent highest conservation priorities <[www.fws.gov/migratorybirds/reports/BCC2002.pdf](http://www.fws.gov/migratorybirds/reports/BCC2002.pdf)>

**State** SE = State listed, endangered  
ST = State listed as threatened  
SSC = Species of special concern  
WL = State watch list

#### California Native Plant Society

List 1B = Rare, threatened, or endangered in California and elsewhere  
List 2 = Rare, threatened, or endangered in California but more common elsewhere  
List 3 = Plants which need more information  
List 4 = Limited distribution – a watch list  
0.1 = Seriously threatened in California (high degree/immediacy of threat)  
0.2 = Fairly threatened in California (moderate degree/immediacy of threat)  
0.3 = Not very threatened in California (low degree/immediacy of threats or no current threats known)

#### BLM: Sensitive: Bureau of Land Management

BLM Manual § 6840 defines sensitive species as "...those species that are (1) under status review by the FWS/NMFS; or (2) whose numbers are declining so rapidly that federal listing may become necessary, or (3) with typically small and widely dispersed populations; or (4) those inhabiting ecological refugia or other specialized or unique habitats." <[www.blm.gov/ca/pdfs/pa\\_pdfs/biology\\_pdfs/SensitiveAnimals.pdf](http://www.blm.gov/ca/pdfs/pa_pdfs/biology_pdfs/SensitiveAnimals.pdf)>

## Sensitive Species

Following are descriptions of the sensitive species habitat in the vicinity of the alternative site (SES 2009n).

- **Sand food** is a parasitic perennial herb that occurs in sandy areas and blooms between April and June.
- **Giant Spanish needle** is an annual or becoming perennial herb that is found in desert sand dunes at 15 to 100 meters. It blooms February to May.
- **Yuma clapper rail** see Mesquite Lake Alternative biological setting for details.
- **Yuma hispid cotton rat** habitat includes dense grassy areas such as fields and along roadside edges, brushy or weedy areas among weeds and cattails along the Colorado River and streams or ponds, in irrigated fields, and desert scrub.
- **Flat-Tailed Horned Lizard (FTHL)** see Mesquite Lake Alternative biological setting for details.

The site has moderate to high potential to support sand food and giant Spanish needle in the stabilized sand dune habitat. The following animal species have high potential to occur on site: foraging golden eagles (*Aquila chrysaetos*; Fully Protected [FP]) and prairie falcons (*Falco mexicanus*; SSC), Le Conte's thrasher (*Toxostoma lecontei*; SSC), Yuma clapper rail, Yuma hispid cotton rat, and American badger (*Taxidea taxus*; SSC). Burrowing owl (*Athene cunicularia*; SSC) has moderate potential to occur on site.

## Environmental Impacts

### Construction

Approximately 5,000 acres of desert scrub, dunes, and arid wetlands would be permanently lost at this alternative site, as a result of vegetation clearing, grading, and construction of the solar facilities, potentially affecting special status animal species. Impacts to listed or sensitive plant species would result from direct or indirect loss of known locations of individuals or direct loss of habitat. Indirect loss of individuals may

occur in instances such as sediments transported (e.g., from cleared areas during rain events) that cover adjacent plants or changes in a plant's environment that cause its loss (e.g., adjacent shrubs that provided necessary shade are removed). Additional impacts would occur due to the construction and operation of linear facilities associated with a solar facility at the South of Highway 98 Alternative site, including a possible transmission line approximately 30 miles long that would cross FTHL habitat and disturbed agricultural land.

**Impacts/Mitigation to Wildlife.** Building a solar facility at the South of Highway 98 Alternative site would primarily impact desert scrub. Impacting desert scrub would potentially have an adverse effect on listed and sensitive wildlife species and their habitats either directly or through habitat modifications, especially on the Yuma hispid cotton rat and Yuma clapper rail both of which have been documented at the South of Highway 98 Alternative site. Any wildlife residing within this site would potentially be displaced, injured, or killed during project activities. Animals could fall into construction trenches, be crushed by construction vehicles or equipment, or be harmed by project personnel. In addition, construction activities may attract predators or crush animal burrows or nests.

**Migratory/Special Status Bird Species.** Desert scrub provides foraging, cover, and/or breeding habitat for migratory birds, including special-status bird species that may be present at the site. Project construction and operation could impact nesting birds in violation of the Migratory Bird Treaty Act. Preconstruction surveys and avoidance of nesting birds would reduce such impacts.

**Spread of Noxious Weeds.** Construction of a solar facility at the South of Highway 98 Alternative site could result in the introduction and dispersal of invasive or exotic weeds. The permanent and temporary earth disturbance adjacent to native habitats increases the potential for exotic, invasive plant species to establish and disperse into native plant communities, which leads to community and habitat degradation. A weed reduction program would potentially reduce and mitigate impacts.

**Noise.** Noise from construction activities could temporarily discourage wildlife from foraging and nesting immediately adjacent to the project area. Many bird species rely on vocalization during the breeding season to attract a mate within their territory. Noise levels from certain construction, operations, and demolition activities could reduce the reproductive success of nesting birds.

#### Operational Impacts

Operation of a 30-mile transmission line could result in increased avian mortality due to collision with new transmission lines. Mitigation could include installing the transmission line in accordance with the Avian Powerline Interaction Committee (APLIC) Guidelines designed to minimize avian-power line interactions.

Definite conclusions about the potential for significant impacts to biological resources cannot be made in the absence of site-specific survey and project design information.

**Comparison to Proposed Project.** This alternative supports stabilized sand dunes, riparian/wetland habitat, and Sonoran desert scrub. The sand dune and riparian/wetland

habitat are County-sensitive vegetation communities (County 2005). Furthermore, the riparian/wetland habitat has CNDDDB records for one listed animal species (Yuma clapper rail) and one California species of special concern (Yuma hispid cotton rat), and the habitat itself would be jurisdictional to CDFG and potentially to the Corps. Much like the proposed Imperial Valley Solar site, this alternative supports potential habitat for flat-tailed horned lizard and burrowing owl, as well as moderate potential for various rare plant species. This alternative has overall greater biological sensitivity than the proposed site, due to the presence of riparian habitats and CNDDDB records of a listed species.

## **Cultural Resources**

**Environmental Setting.** The South of Highway 98 Alternative site is located on desert scrub lands in Imperial County. The alternative site is located in the ancient Lake Cahuilla region. Detailed information regarding the formation of Lake Cahuilla and its history can be found under the **Cultural Resources** section of this SSA for the proposed project or above for the Mesquite Lake Alternative site. The western border of the South of Highway 98 Alternative site would be adjacent to the Lake Cahuilla-D ACEC which was designated to recognize and protect the significant cultural resources found along the eastern edge of the ancient shoreline of Lake Cahuilla.

The predominant evidence of human occupation in Imperial County during the Late Prehistoric Period is located along the ancient shoreline at approximately 12 meters (40 feet) above mean sea level and is exemplified by ceramic and lithic artifact scatters associated with rock rings and fish traps (CPUC 2008). Trails used by Native Americans as well as Spanish, Mexican, and American Period explorers are still evident in portions of Imperial Valley and are typically associated with known water sources.

The Imperial County General Plan EIR identifies the South of Highway 98 Alternative site as having a moderate to light sensitivity for cultural resources. A cultural resources records search was conducted in 2009 for the South of Highway 98 Alternative site which identified a total of 51 previously recorded cultural resources sites as shown in **Alternatives Table 7**. The records search indicated 26 of the previously documented sites could not be relocated during surveys conducted in 2003. The sites include:

- 5 historic sites
- 24 ceramic sites
- 2 temporary campsites
- 1 trail
- 10 lithic scatters
- 1 milling station
- 1 combination of ceramics and lithics
- 2 trails and ceramics
- 1 unknown origin
- 4 sites located on the map but with site forms missing

Lithic scatters did not include temporally diagnostic artifacts or features, the ceramics could not be attributed to specific, identifiable, temporal or cultural affiliation beyond association with the Late Prehistoric (SES 2009n).

**Alternatives Table 7**  
**Cultural Resources – South of Highway 98 Alternative Site**

<b>Resource</b>	<b>Description</b>	<b>Resource</b>	<b>Description</b>
IMP-7130H	Historic – All-American Canal	IMP-8909	Site form missing
IMP-3127	Ceramic, pot scatter 20 sherds	IMP-853	Temporary camp, 3 cleared circles
IMP-873	Trail, exact location unknown	IMP-8490	Ceramics, pot drop of 22 black mesa buff sherds
IMP-8969	Historic, refuse dump with household wares, food remains, burned materials	IMP-1031	Lithic Scatter, anvil, hammer, 48 pieces of quartz
IMP-3798	Lithic, single tool	IMP-3799	Lithic Scatter, 1 flake, 1 core
P-13-008935	Ceramic, 1 Tumco buffware sherd	IMP-3056	Ceramics, 6 potsherds
IMP-974	Temporary camp, random tools	IMP-630/656	Site form missing
IMP-3801H	Historic, Debris scatter of 1920-1930 range	IMP-3802	Ceramic, Pottery scatter
IMP-3803	Lithic, Core	IMP-3804	Historic, Isolated glass insulator
IMP-3800	Lithic, Isolated basalt core	IMP-786	Milling station, bedrock milling with pottery, tools, flakes
IMP-530	Ceramic & lithic, ceramics and manos	IMP-8934	Site form missing
IMP-3129	Ceramic, 5 Salton buffware sherds	IMP-3130	Ceramic, 2 Colorado buffware sherds
IMP-3649H	Historic, communication site	IMP-3317	Site form missing
IMP-1390	Ceramic, potsherds	IMP-1391	Ceramic, potsherds
IMP-3125	Lithic scatter	IMP-3048	Ceramic, 8 potsherds
IMP-3049	Lithic, Isolated chert flake	IMP-4243	Lithics, Isolates flakes
IMP-3126	Ceramics, 20 potsherds	IMP-3805	Ceramic, Isolated rim sherd
IMP-1392	Ceramics, 3 potsherds	IMP-1393	Ceramics, Potdrop
IMP-3052	Ceramics, 28 potsherds	IMP-3053	Trail and Ceramics, prehistoric trail and scattered sherds
IMP-3054	Ceramics, 38 potsherds	IMP-3055	Trail and Ceramics, 1500' long trail segment and scattered potsherds
IMP-3049	Lithic, Isolated chert flake	IMP-3124	Ceramics, Isolated potsherd scatter
IMP-3123	Ceramics, Isolated potsherd scatter	IMP-1394	Ceramic, Isolated potsherd
IMP-4238	Ceramics, 30 buffware potsherds	IMP-4239	Ceramics, Potdrop of 74 sherds
IMP-4240	Ceramic, Isolate	IMP-4241	Lithic, Isolated scraper
P13-008519/IMP-7950H	Historic – Experimental Farm #1	IMP-4242	Ceramics, 6 potsherds
IMP-829	Unknown	IMP-8334	Ceramic, 60 Tumco buff sherds
IMP-530/656	Unknown	IMP-233	Trail
IMP-1031	Site form missing		

Source: SES 2009n.

## Environmental Impacts

Fifty-one known archaeological, architectural, or historical sites would potentially be affected by construction and operation of a solar facility at the South of Highway 98 Alternative site. Conditions of Certification such as those required for the Imperial Valley Solar project at Plaster City in the **Cultural Resources** section of this PSSA may reduce this impact; however, specific site surveys would be required to be certain.

Unknown, unrecorded cultural resources may be found at the South of Highway 98 Alternative site associated with the lower elevation recessional shorelines of Lake Cahuilla. As they are discovered, resources would be recorded and information retrieved. If the nature of the resource requires it, the resource would be protected. When discovered, cultural resources would be treated in accordance with applicable federal and state laws and regulations as well as the mitigation measures and permit requirements applicable to a project. Should resources be discovered during construction of current and future projects, they would be subject to legal requirements designed to protect them.

**Comparison to Proposed Project** The South of Highway 98 Alternative site has been disturbed previously in some areas due to the construction, operation, and maintenance of the All-American Canal. This disturbance may result in a lower probability for undisturbed cultural resources than at the Imperial Valley Solar Plaster City site. Additionally, the Imperial County General Plant EIR identifies a lower cultural resource sensitivity for the South of Highway 98 Alternative site (identified as moderate to light sensitivity), than for the Imperial Valley Solar proposed site (identified as very sensitive). However, without more site-specific information about cultural resources at the South of Highway 98 Alternative site, no more detailed comparisons are possible.

## Hazardous Materials

**Environmental Setting.** The topography of the South of Highway 98 Alternative site is essentially flat, as are the immediately surrounding areas. The Imperial Irrigation District Garrison Camp is located approximately 0.5 miles west of the South of Highway 98 alternative, next to the Highline Substation. Additionally, the site would surround the Tamarisk Long-Term Visitor Area. The camping area is open September 15 through April 15 (BLM 1998a)

Access to the South of Highway 98 Alternative site would likely be via I-8 to exit 143, Highway SR 98. Access roads to the site would need to be built, including a bridge across the All-American Canal. Alternately, the Herman Schneider Jr. Bridge could be used to cross the canal; however, this would require longer access roads to reach this alternative site. Transport of hazardous materials would be primarily through agricultural land and designated BLM open space via I-8.

**Environmental Impacts.** Hazardous materials use at the South of Highway 98 Alternative site, including the quantities handled during transportation and disposal, would be the same as those of the proposed project. As stated in the **Hazardous Materials** section for the proposed project, hazardous materials used during the construction phase of the project would include gasoline, diesel fuel, motor oil, lubricants, and small amounts of solvents and paint. No acutely toxic hazardous

materials would be used on site during construction, and none of these materials pose a significant potential for off-site impacts as a result of the quantities on site, their relative toxicity, their physical states, and/or their environmental mobility.

Hydrogen gas would be produced on site through electrolysis by one hydrogen generator. Hydrogen is identified as a hazardous substance based on its flammable characteristics. Although the project would not be subject to State or federal requirements for hydrogen storage, SES conducted an Offsite Consequence Analysis for the project and considered four worst-case scenarios. In the event of the worst case scenario induced from cumulative releases at the site, the maximum impacted distance is 0.13 mile (SES 2009q). As the South of Highway 98 Alternative site would have sensitive receptors within 0.13 mile, at the Tamarisk LTVA, the release of hydrogen could pose a significant impact. Conditions of Certification and compliance with applicable LORS would reduce this impact.

Transportation of hazardous materials to the South of Highway 98 Alternative site would be primarily on I-8 and Highway 98. The impacts from transportation of hazardous material would be similar as for the proposed Plaster City site.

**Comparison to Proposed Project.** The hazardous materials that would be used at the South of Highway 98 Alternative site would be the same as those used at the proposed Imperial Valley Solar site; both the South of Highway 98 Alternative site and the proposed site have sensitive subgroups within a five-mile radius. With adoption of the proposed Conditions of Certification, the South of Highway 98 Alternative would comply with all applicable laws, ordinances, regulations, and standards (LORS) and result in no significant impacts to the public.

The South of Highway 98 Alternative would potentially result in greater impacts from hydrogen storage at the facility because of the proximity between the alternative site and the Tamarisk LTVA. Conditions of Certification could be required such that the hydrogen storage tank was placed at least 0.13 mile from the LTVA.

## **Land Use**

**Environmental Setting.** The South of Highway 98 Alternative site is located on federally owned, Bureau of Reclamation withdrawn lands. When federal lands are withdrawn from the public domain they become administered by, and are under the jurisdiction of, an agency whose specific needs and purposes take precedent over other land uses. However, the Memorandum of Agreement between the Bureau of Reclamation and the BLM states that the Bureau of Reclamation administers all Reclamation withdrawn lands on which there are authorized or constructed Reclamation projects (DOI 1981). The BLM administers all other Bureau of Reclamation withdrawn lands which are not within the boundaries of national forests or under other agency administration (DOI 1981). The project would need to be consistent or compatible with the Bureau of Reclamation withdrawal. As the South of Highway 98 Alternative site has been identified by the BLM and DOE for in depth study for solar development in Solar PEIS, it is assumed that the project would potentially be compatible with the Bureau of Reclamation withdrawal.

The BLM Multiple Use Classification for this land is Limited. Multiple Use Class L is designed for the protection of sensitive, natural, scenic, ecological, and cultural resource values (BLM 1999). Public lands designated as Class L are managed to provide for

generally lower intensity, carefully controlled multiple use of resources, while ensuring that sensitive values are not significantly diminished. The CDCA plan identifies solar facilities as permitted uses on Multiple-Use Class L lands after NEPA requirements are met. A portion of this land has been identified by the BLM as a Solar Energy Study Area in the BLM and DOE Solar PEIS. These areas have been identified for in-depth study of solar development and may be found appropriate for designation as solar energy zones in the future.

**Agriculture.** The South of Highway 98 Alternative site is not used for agricultural purposes; however, it would require an approximately 30-mile transmission line to reach the Imperial Valley Substation. This would include crossing approximately 26 miles of agricultural lands. Generally, tubular steel poles are used to cross agricultural lands. These poles have a permanent disturbance area of approximately 64 square feet, and a span length of 700 to 900 feet or 7 to 10 structures per linear mile (CPUC 2008). As such, approximately 182 to 260 pole structures would be required to reach the Imperial Valley Substation representing a total permanent loss of less than 0.5 acre of farmland.

Aerial spraying (i.e., crop dusting) is used to control insects, weeds, and diseases that may affect crops in the Imperial Valley. Aerial spraying occurs in those areas of the Imperial Valley actively cultivated with field crops. Aerial applicators fly at low elevations and sometimes at speeds in excess of 100 miles per hour. Fatalities associated with aerial applicators can partly be attributed to flying at low altitudes and high speeds, as well as the presence of obstacles such as power lines, trees, towers, or buildings within the flight area (CPUC, 2008). Where transmission lines exist in an agricultural area, pilots must fly over, beside, and (occasionally) under the lines to complete aerial spraying activities. Transmission lines and towers thus present a substantial obstacle to be avoided, and require additional attention from the pilots. Because the new transmission line would be located immediately adjacent to the existing 500 kV SWPL transmission line, the impact to aerial spraying would be minimal.

**Sensitive Receptors.** The Tamarisk Long Term Visitor Area (LTVA) would be surrounded by solar facilities if the Solar Two project is constructed on this alternative site. Visitors may stay at the LTVA between September 15 and April 15 with a long term permit. Visitors to the LTVA are allowed to remain up to 14 days of any 28-day period between April 16 and September 14. The Tamarisk LTVA has minimal facilities and allows only self-contained camping units. In 2009, 13 short-term permits and 2 long-term permits were issued for the LTVA.

**Transmission Interconnection.** As stated above, the South of Hwy 98 alternative would require approximately 30 miles of new 230 kV transmission line to reach the Imperial Valley Substation. The route would cross approximately 3.5 miles of BLM land before entering the substation. This land is part of the CDCA. The Energy Production and Utility Corridor Element of the CDCA Plan established a network of joint-use planning corridors intended to meet the projected utility service needs at the time the Plan was written. The transmission line would be developed on BLM land within the CDCA planning area designated utility corridor N; therefore a Plan Amendment would not be required for this transmission facility.



**Environmental Impacts.** The South of Highway 98 Alternative would be located on land under the jurisdiction of both the BLM and the BOR, which is partially disturbed and is currently being considered as a Solar Energy Study Area. Like the proposed Imperial Valley Solar site, a key land use plan affecting this project is the BLM CDCA Plan of 1980, as amended. The South of Highway 98 Alternative site, as stated above, is located within areas of the CDCA that are designated Multiple-Use L. The CDCA Plan identifies solar facilities as permitted use on Multiple-Use L lands after NEPA requirements are met.

There are no agricultural uses or properties within one mile of this alternative site. Neither the construction nor operation of the proposed project would result in any impacts to existing agricultural operations or foreseeable future agricultural use; however, the transmission interconnection would result in the permanent loss of approximately 0.5 acres of active farmland and potential impacts to aerial spaying.

As with the proposed Imperial Valley Solar site, the South of Highway 98 Alternative would not physically divide an established community because the solar facility site and linear features would be located on undeveloped federal property in unincorporated Imperial County and would not be located within or near an established community.

Seasonal partial-year LTVA occupants would be impacted by the proposed project if it were built at the South of Highway 98 Alternative site. The South of Highway 98 Alternative site would not directly impact any residences. Construction activities for the alternative would create temporary disturbance to the LTVA occupants (i.e., heavy construction equipment on temporary and permanent access roads and moving building materials to and from construction staging areas). Conditions of Certification to reduce noise and air quality impacts are presented in the Noise and Air Quality sections for the proposed Imperial Valley Solar site. Because this disturbance would be temporary at any one location, the impacts would likely be less than significant.

**Comparison to Proposed Project.** Selecting the South of Highway 98 Alternative site would result in similar impacts to land use as would occur with the Imperial Valley Solar Plaster City site. However, impacts would occur to temporary occupants of the Tamarisk LTVA. The South of Highway 98 site would be located on some land identified by the BLM as Solar Energy Study Area and potentially appropriate for designation as solar energy zones in the future. Similar Conditions of Certification as those proposed for the Imperial Valley Solar site would be required for the solar project on this alternative site.

## **Recreation and Wilderness**

**Environmental Setting.** The South of Highway 98 Alternative site is located on BLM/BOR lands adjacent to the All-American Canal and surrounds the Tamarisk LTVA.

The South of Highway 98 Alternative site is located approximately four miles west of the Imperial Sand Dunes Recreation Area, including the Dune Buggy Flats and Grays Well campgrounds. The Imperial Sand Dunes Recreation Area is actively used for off-highway vehicles and camping. Approximately 92,000 permits for use of that recreation area were sold in 2007 (SF 2008).

**Environmental Impacts.** A solar project at the South of Highway 98 Alternative site would have a direct impact on recreational users at the Tamarisk LTVA, due to the impact on the immediate landscape, construction and operational noise, and overall change to the LTVA setting. Some proportion of recreational users may ultimately prefer to visit other areas due to the industrial views of the Imperial Valley Solar project if located at this alternative site. To mitigate the potential negative effects of the changes to the viewshed, landscaping may be required, or recreational facilities that support these users may be improved or installed.

The distance between the South of Highway 98 Alternative site and the Imperial Sand Dunes Recreation Area may block some views of the project; however, given the elevation of the Sand Dunes Recreation Area, a portion of the project would likely still be visible due to the height of the Stirling engine systems and the overall size of the facility.

**Comparison to Proposed Project** There are more recreational opportunities near the South of Highway 98 Alternative site than at the proposed Plaster City site because of the extensive use of the Imperial Sand Dunes Recreation Area. However, the project built at this alternative site would directly impact only recreational users at the LTVA. Impacts to recreational users by the South of Highway 98 Alternative would be similar to impacts at the Imperial Valley Solar Plaster City site because of the extensive use of the Plaster City Open Area for OHV purposes and use of the Yuha Basin ACEC.

## **Noise and Vibration**

**Environmental Setting.** Generally low levels of ambient noise are expected to occur in desert environments. Natural deserts do not exceed 66 dBA, and no desert animal creates sounds above 56 dBA (BLM 2002). However, noise levels would likely be elevated at and adjacent to this alternative site because of the adjacent Highway 98 and I-8, the existing All-American Canal, and off road vehicle use of the Imperial Sand Dunes Recreation Area.

Additional intermittent noise is expected to occur at the northwestern corner of this alternative site where it is located approximately 0.5 mile from the IID Garrison Camp.

Nearby sensitive receptors include the IID Garrison Camp residential community and the visitors to the Tamarisk LTVA. Visitors staying at the LTVA would be within 500 feet of components of the South of Highway 98 alternative.

**Environmental Impacts.** As stated in the **Noise** section of this SSA, the construction of the Imperial Valley Solar plant would create noise, or unwanted sound. The character and loudness of this noise, the times of day or night at which it is produced, and the proximity of the facility to sensitive receptors combine to determine whether the facility would meet applicable noise control laws and ordinances and whether it would cause significant adverse environmental impacts.

The South of Highway 98 Alternative site is located in an area that is primarily open space. Rural residences are located northwest of the site within 0.5 mile and visitors to the Tamarisk LTVA would be surrounded by the project within 500 feet. As such, they would be subject to unwanted noise, particularly during construction of the project. The

nearest permanent sensitive receptors to the proposed site are located 3,300 feet from the project site.

**Comparison to Proposed Project.** Building the Imperial Valley Solar project at the South of Highway 98 Alternative would create a greater impact than at the Plaster City site because of the closer proximity of sensitive receptors.

### **Public Health and Safety**

**Environmental Setting.** The South of Highway 98 Alternative site is located in an isolated area. The nearest sensitive receptor is located approximately 500 feet from the project area, at the Tamarisk LTVA.

**Environmental Impacts.** While the meteorological conditions and topography at the site are not exactly the same as at the proposed Plaster City site, they are similar enough that the results of air dispersion modeling and a human health risk assessment for the South of Highway 98 Alternative site would likely be similar to that found for the proposed site. The cancer risk and hazard indices are much below the level of significance at the point of maximum impact, so the project would be unlikely to pose a significant risk to public health at this location.

**Comparison to Proposed Project.** There is no significant difference between this alternative site and the proposed site for public health.

### **Socioeconomics and Environmental Justice**

**Environmental Setting.** Like the proposed Imperial Valley Solar site, the South of Highway 98 Alternative site is located in Imperial County. The demographic characteristics of Imperial County are described in the **Socioeconomics and Environmental Justice** section of this SSA.

**Environmental Impacts.** Construction workers would most likely be from larger nearby cities such as El Centro, Calexico and San Diego. While there is no housing available in the vicinity of the South of Highway 98 Alternative site, workers could commute from El Centro or Calexico, approximately 16 to 20 miles west of the South of Highway 98 Alternative site. An additional option would be to erect temporary housing in the immediate area of the South of Highway 98 Alternative site; however, this would increase the construction impacts and require provision of additional services such as electricity, water, and food. The Tamarisk LTVA does not have services such as electricity and water. Because it is unlikely that the construction workers would relocate to the immediate vicinity of the South of Highway 98 region, this alternative site would not cause a significant adverse socioeconomic impact on the area's housing, schools, police, emergency services, hospitals, and utilities.

There would be no adverse socioeconomic impacts since most of the construction and operation workforce is within the regional labor market area, and construction activities are short-term. Benefits from the Imperial Valley Solar project, should it be built at the South of Highway 98 Alternative site, are likely to be similar to the benefits from the Imperial Valley Solar project in the Plaster City region. Benefits include increases in sales taxes, employment, and income for Imperial County.

**Comparison to Proposed Project.** The socioeconomic impacts of the Imperial Valley Solar project at the South of Highway 98 Alternative site would be similar to building and operating the project at the proposed site.

## **Soil and Water Resources**

**Environmental Setting.** Soils in the South of Highway 98 Alternative site include primarily the Rositas soil series, composed of somewhat excessively drained sand, fine sand, and silt loam, and the Rosita-Superstition soil series, composed of somewhat excessively drained loamy fine sand or fine sand (Imperial County, 1993). These soils are generally characterized by high permeability, slow surface water runoff, and slight erosion hazard. The hazard of soil blowing is high. Approximately 3,000 acres of land on this alternative site would be disturbed by the construction (SES 2008a).

The South of Highway 98 Alternative site lies within the Imperial Subregion of the Colorado River Basin Region 7, east of the Alamo River and east of the Imperial Valley agricultural area. The site is undeveloped desert crossed by the All-American Canal, Highway 98, and the Southwest Powerlink Transmission line. The All-American Canal delivers approximately 3.1 million acre-feet of water annually from the Colorado River to the Imperial Valley. There are no natural watercourses on the project site. Topography is flat and gently sloping toward the west in the direction of the Alamo River.

As with the proposed Imperial Valley Solar site, the South of Highway 98 Alternative site is located outside the service area of the Imperial Irrigation District. As such, reclaimed water for the alternative would be used from the Seeley Waste Water Treatment Facility. A water pipeline approximately 38 miles long would be required to bring water to the South of Highway 98 Alternative site. As with the proposed site, this pipeline could potentially follow Evan Hewes Highway. The applicant has spoken with the Imperial County Department of Public Works and the Imperial County Commissioners Office regarding the use of the Evan Hewes Highway ROW west of the Seeley Waste Water Treatment Facility for a new waterline installation and no concerns were raised (SES 2009q). However, without confirmation from Imperial County, it is unknown whether the Evan Hewes Highway ROW east of the treatment facility would also be available for use for a water pipeline.

## ***Environmental Impacts***

**Soil Erosion Potential by Wind and Water.** As discussed in the **Soils and Water** section of this PSSA, construction activities can lead to adverse impacts to soil resources including increased soil erosion, soil compaction, loss of soil productivity, and disturbance of soils crucial for supporting vegetation and water-dependent habitats. Activities that expose and disturb the soil leave soil particles vulnerable to detachment by wind and water. Soil erosion results in the loss of topsoil and increased sediment loading to nearby receiving waters. Although access to the site would be from existing roads, construction of the solar dish array would require a substantial construction of local access roads as in the proposed project. While the volume of earth movement required at the alternative site is unknown, the topography and slope of the South of Highway 98 Alternative site are less severe than at the proposed Imperial Valley Solar site.

As at the Solar Two site, grading plans, a Storm Water Pollution Prevention Plan (SWPPP), and a Drainage Erosion and Sediment Control Plan (DESCP) would be required. Due to the flat terrain and existing disturbed condition of this site, the SWPPP and DESCP would likely be sufficient to mitigate soil erosion impacts to a level less than significant.

**Project Water Supply.** Reclaimed water from the Seeley Waste Water Treatment Facility would be used. The South of Highway 98 Alternative site would require approximately 38 miles of pipeline to reach that treatment facility, 25 miles longer than that required to serve the proposed site. Whether the Evan Hewes Highway ROW east of the treatment facility would be available for use for a water pipeline is unknown at this time.

**Wastewater/Storm Water Quality.** Storm water runoff from the site during construction and operation could have similar impacts as proposed for the proposed project. The site construction will require a SWPPP which will specify Best Management Practices (BMPs) to minimize or eliminate water contamination. Water quality impacts would likely not be significant.

Sanitary waste disposal would likely be through on-site facilities as for the proposed project. No significant adverse impact is anticipated.

**Comparison to Proposed Project.** The level terrain lacking in existing drainageways on the South of Highway 98 Alternative results in a lesser Hydrology, Water Use and Water Quality impact for the South of Highway 98 Alternative than for the proposed project in the area of soil erosion and stream morphology. These impacts, significant for the proposed project, would be avoided in the South of Highway 98 Alternative.

While the Seeley Waste Water Treatment Facility would be able to supply water for the project at the South of Highway SR 98 alternative site, it is uncertain whether the Evan Hewes Highway ROW could be used to bring in that water supply. Water pipeline construction would be substantially greater for the South of Highway 98 Alternative than for the proposed project.

## **Traffic and Transportation**

**Environmental Setting.** The South of Highway 98 Alternative site is located south of I-8 and Highway 98. Access to this alternative site would be via exit 143 off of I-8, or along Highway 98 itself.

Workers employed to construct the project at this alternative site would most likely commute from El Centro or Calexico (16 miles) or San Diego (140 miles). Given the limited use of I-8 east of El Centro, added traffic on the I-8 would be unlikely to impact the level of service.

It is possible that the Herman Schneider Jr. Bridge could be used cross over the All-American Canal; however, this would require additional access roads to reach the site once south of the canal. A bridge could also be built over the All-American Canal to reach the southern half of the project site.

**Environmental Impacts.** Before construction could occur at the South of Highway 98 Alternative site, a construction traffic control and transportation demand implementation

program would need to be developed in coordination with Caltrans. This analysis may result in the need to limit construction-period truck and commute traffic to off-peak periods to avoid or reduce traffic and transportation impacts. These impacts would likely be similar to those of the proposed project as both projects would require the use of I-8 and other smaller roads for access. Highway 98 could also be used to access the South of Highway 98 Alternative site to avoid use of the I-8 during peak periods.

**Glare.** Similar to the proposed project, there is the potential for highly distracting diffuse glare from the project to affect nearby motorists. Staff developed **CONDITION OF CERTIFICATION VIS-6**, which requires mitigation in the form of physical screening (berms, fencing, landscaping, or similar means) along the length of the project adjacent to Interstate 8. That measure would be adapted to this alternative and would apply to adjacent roadways.

**Comparison to Proposed Project.** Impacts to traffic and transportation at the South of Highway 98 Alternative site would be similar to those at the proposed Imperial Valley Solar site.

### **Transmission Line Safety and Nuisance**

**Environmental Setting.** The South of Highway 98 Alternative site would connect with the SDG&E system at the Imperial Valley Substation through a new transmission line that would exit the site along the SWPL ROW and head west for approximately 30 miles. Approximately 26 miles of the new transmission line would cross agricultural land within the Imperial Valley, but the entire new line would parallel the existing SWPL.

The transmission line would be within 500 feet of approximately two residences.

**Environmental Impacts.** Similar to the proposed project, this alternative site would not be likely to cause transmission line safety hazards or nuisances with implementation of Conditions of Certification such as those described in the **Transmission Line Safety and Nuisance** section of the SSA. The potential for nuisance shocks would be minimized through grounding and other field-reducing measures that would be implemented in keeping with current standard industry practices, and the potential for hazardous shocks would be minimized through compliance with the height and clearance requirements of CPUC's General Order 95. Compliance with Title 14, California Code of Regulations, section 1250, would minimize fire hazards, while the use of low-corona line design, together with appropriate corona-minimizing construction practices, would minimize the potential for corona noise and its related interference with radio-frequency communication in the area around the route.

As with the proposed Imperial Valley Solar transmission lines, the public health significance of any related field exposures cannot be characterized with certainty. The only conclusion to be reached with certainty is that the proposed lines' design and operational plan would be adequate to ensure that the generated electric and magnetic fields are managed to an extent the CPUC considers appropriate in light of the available health effects information.

**Comparison to Proposed Project.** The South of Hwy 98 alternative site would require a longer transmission line interconnection with the SDG&E transmission system. While

the electric and magnetic fields would be managed to an extent the CPUC considers appropriate, the transmission line would be located near approximately two residences. Because the transmission interconnection for the proposed site would not be located within 500 feet of any residential properties, this impact would be greater for the South of Highway 98 Alternative site than for the proposed site.

## **Visual Resources**

**Environmental Setting.** The South of Highway 98 Alternative site is located on Bureau of Reclamation withdrawn land adjacent to the All-American Canal. There are canal drop stations, a substation, and one group of company housing near this alternative site. The SWPL transmission line crosses the entire length of the site. The site is south of I-8 and Highway SR-98, and north of the United States/Mexican border. This infrastructure introduces developed and industrial features to the otherwise visually open setting.

Views from the South of Highway 98 Alternative site to the north, south, west and east are of open space and some canal and transmission infrastructure. The Imperial Sand Dunes would have a distant view of the site as they are located approximately six miles to the east.

According to the Imperial County Recreation Area Management Plan Scoping Report, the BLM has not formally inventoried the lands within the Imperial Sand Dunes Recreation Area, nor has it given the lands relative visual ratings (BLM 2008b). The BLM currently manages the recreation area according to the Multiple-Use Classes for this area. The recreation area is identified as MUC I (Intensive Use) and MUC C (Controlled Use). The MUC C corresponds with the North Algodones Dune Wilderness Area. The VRM Classes associated with Multiple-Use Classes are:

- Class I Intensive Use – VRM Class IV
- Class M Moderate Use – VRM Class III
- Class L Limited Use – VRM Class II
- Class C Controlled Use – VRM Class I.

**Environmental Impacts.** As stated in the **Visual Resource** section, the Energy Commission staff, in coordination with BLM, applied the BLM Visual Resource Management (VRM) system of visual assessment to the proposed Imperial Valley Solar site at Plaster City. The existing visual setting baseline under the VRM methodology is characterized in terms of Visual Resource (VR) Classes. Under the VRM system, areas of the project viewshed are delineated and mapped based on broadly uniform characteristics of visual quality, viewers' sensitivity, and distance from project to viewers. These delineated areas are then assigned a VR Class (from I through IV). VR Classes are analogous to Overall Sensitivity ratings under the Energy Commission method and are used to determine an area's visual objective, that is, the level of project-caused contrast that is acceptable, above which contrast could constitute a potentially significant adverse impact.

With the addition of the project, views of the alternative site would change from an open landscape to a substantially more industrial, highly altered one. The industrial landscape

would be dominated by the thousands of SunCatchers, approximately 38 feet high by 40 feet wide. There would be no natural features to block the view of the solar facilities on any side.

The South of Highway 98 Alternative site would be prominently visible from Highway SR 98 and I-8 for both westbound and eastbound traffic. Travelers would be immediately adjacent to the site, and there is little elevation or natural contouring to block views of the solar dishes and other facilities on the site. I-8 east of SR 111 has a lower average daily traffic count than I-8 west of SR 111 (Caltrans 2002). As such, the South of Highway 98 Alternative would be visible to fewer viewers than the proposed Imperial Valley Solar site.

The alternative site would be potentially visible in the distance from the Imperial Sand Dunes as they are elevated. The Imperial Sand Dunes in this area are managed as MUC I, corresponding with VRM IV. The objective of this class is to provide for management activities which require major modifications of the existing character of the landscape (BLM, 2008b). The level of change to the characteristic landscape can be high.

The linear facilities associated with the South of Highway 98 Alternative site include a 230 kV transmission lines approximately 30 miles long. The transmission lines would follow the existing SWPL ROW for the entire length of the interconnection. The South of Highway 98 Alternative interconnection would introduce additional industrial character to this agriculture area.

**Comparison to Proposed Project.** The South of Highway 98 Alternative site would have similar visual impacts as the proposed Imperial Valley Solar site. Both the proposed and alternative sites would be located next to existing infrastructure, highways, transmission lines, canals, among others. Additionally, both sites would be located near BLM ACECs as well as BLM land managed as MUC I, Intensive Use. I-8 would be adjacent to both sites, and each site has a second, major road adjacent to it. As a result, a large solar project at either site would have a number of viewers along the nearby roads, although there are fewer travelers on I-8 east of SR 111 than west of SR 111 and as such fewer viewers of the project were it built at the South of Highway 98 Alternative site.

The South of Highway 98 Alternative transmission line would create a greater visual impact than that of the Imperial Valley Solar proposed site transmission interconnection because it would be substantially longer than at the Plaster City site. However, this alternative transmission line would be adjacent to an existing 500 kV line, would be in a remote area with minimal viewers, and would be within a designated utility corridor.

## **Waste Management**

**Environmental Setting.** The South of Highway 98 Alternative site is located in desert open space environment with little commercial and industrial use. Therefore the potential for petroleum products and/or hazardous materials in the soil or groundwater is low. However, the eastern boundary of the alternative site is located south of the Brock Ranch Experimental Research Center at the proposed site for the All-American Drop 2 reservoir. Soil and groundwater at the Brock Ranch were impacted by an accidental



release of diesel from an above ground storage tank, and soil sampling has indicated that some areas of the ranch have been impacted by machinery waste oil, and other soil contaminants (USBR 2007). Additional contaminants could be present on this alternative site from nearby construction on the All-American Canal.

As stated in the **Waste Management** section, hazardous and nonhazardous solid and liquid waste, including wastewater, would be generated at the Imperial Valley Solar project during construction and operation of the solar power plant. Waste would be recycled where practical and nonrecyclable waste would be deposited in a Class III landfill. The nearest waste disposal facilities that could potentially accept the nonhazardous construction and operation wastes generated by the project are the Imperial Solid Waste Site and the Allied Imperial Landfill in Imperial, California. The remaining capacity for the disposal facilities are 184,000 cubic yards and 2.1 million cubic yards respectively.

See the Mesquite Lake analysis regarding hazardous waste generated by the project.

**Environmental Impacts.** Construction at the South of Highway 98 Alternative site would require excavation of fill material that underlies the site similar to that of the proposed project. Both nonhazardous and hazardous wastes would be created by the construction of the Imperial Valley Solar project at the South of Highway 98 Alternative site in similar quantities as at the proposed Imperial Valley Solar site and would be disposed of at appropriate facilities. The applicant would be required to obtain a unique hazardous waste generator identification number for the site prior to starting construction and would be required to comply with similar Conditions of Certification. The project would produce minimal maintenance and plant wastes.

All nonhazardous wastes would be recycled to the extent possible, and nonrecyclable wastes would be regularly transported off site to a local solid waste disposal facility. Generation plant wastes include: oily rags, broken and rusted metal and machine parts, defective or broken electrical materials, empty containers, and other miscellaneous solid wastes, including the typical refuse generated by workers. As with the proposed project, all construction and operation activities would need to be conducted in compliance with regulations pertaining to the appropriate management of wastes. The total amount of nonhazardous waste generated from the project is estimated to be 80 cubic yards of solid waste per week from construction, and approximately 10 cubic yards per week from operation. Disposal of the solid wastes generated by the Imperial Valley Solar facility can occur without significantly impacting the capacity or remaining life of any of these disposal facilities.

Like nonhazardous wastes, hazardous wastes would be recycled to the extent possible. The two cubic yards per week of hazardous waste from the Imperial Valley Solar requiring off-site disposal would be far less than staff's threshold of significance and would therefore not significantly impact the capacity or remaining life of the Class I waste facilities. Similar to the proposed project, the project would need to implement a comprehensive program to manage hazardous wastes and obtain a hazardous waste generator identification number (required by law for any generator of hazardous wastes).

**Comparison to Proposed Project.** The environmental impacts of waste disposal at the South of Highway 98 Alternative site would be similar to those at the proposed Imperial Valley Solar site at Plaster City.

### **Worker Safety and Fire Protection**

**Environmental Setting.** The South of Highway 98 Alternative site is located within an area that is primarily open space. The area is currently served by the Imperial County Fire Department located at the airport in the City of Imperial. Mutual aid service for police and fire emergencies is available from Brawley and El Centro. See the **Worker Safety and Fire Protection** section for more information regarding the Imperial County Fire Department. As with the proposed site, the fire risks of this alternative would be low due to the sparse desert vegetation and the scattered population centers. The desert environment of the Imperial Valley does not promote fast-growing woody vegetation communities.

**Environmental Impacts.** A solar plant at the South of Highway 98 Alternative site would be required to provide a Project Demolition and Construction Injury and Illness Prevention Program and a Project Operations Safety and Health Program in order to ensure adequate levels of industrial safety. The applicant would also be required to provide safety and health programs for project construction, operation, and maintenance, similar to the requirements for the proposed Plaster City project site. The Imperial County fire department would be contacted to assure that the level of staffing, equipment, and response time for fire services and emergency medical services are adequate.

**Comparison to Proposed Project.** The environmental impact of worker safety and fire protection at the South of Highway 98 Alternative site would be similar to that at the proposed Plaster City site.

### **Engineering Assessment for South of Highway 98 Alternative**

#### **Facility Design**

The project's design at the South of Highway 98 Alternative would be similar to that of the Imperial Valley Solar project at the Plaster City site. However, the project at the South of Highway 98 Alternative site would not be as constrained by the desert washes as the project would be at the Plaster City site. As with the proposed site, staff-recommended measures may be appropriate to ensure compliance with engineering laws, ordinances, regulations, and standards applicable to the design and construction of the project.

#### **Geology, Paleontology and Minerals**

**Environmental Setting.** As with the Mesquite Lake Alternative site, the Cahuilla Lake Beds underlie the South of Highway 98 Alternative site. The Mesquite Lake Alternative analysis provides detailed information regarding the Cahuilla Lake Beds.

The South of Highway 98 Alternative site is located approximately 10 miles east of the Imperial Valley Fault and approximately 6.5 miles southwest of the potentially active Algodones Fault (USBR 2007). In accordance with the Alquist-Priolo Earthquake Fault

Zoning Act (Chapter 7.5 of Division 2, California Public Resources Code), the Office of State Geologist has delineated Special Study Zones, which encompass potentially and recently active traces of major faults, including the Imperial Fault (Imperial County 2006). No mineral resources have been identified.

**Environmental Impacts.** Seismic ground shaking is probable at this alternative site because it is located within 20 miles of the Imperial Valley Fault, and the Algodones Fault. The severity and frequency of ground shaking associated with earthquake activity at the South of Highway 98 Alternative site is expected to be similar to that of the proposed Plaster City site, although the alternative site is slightly closer to the active Imperial Valley Fault than the proposed site. Similar design criteria would be required for the South of Highway 98 Alternative site in accordance with a design-level geotechnical report and California Building Code (2007) standards. Adequate design parameters for the facility would need to be determined through a site-specific evaluation by a Certified Engineering Geologist or Geotechnical Engineer. Impacts due to seismic hazards and soil conditions, such as subsidence, would be addressed by compliance with the requirements and design standards of the California Building Code. The potential for liquefaction in this area is low due to anticipated depths of groundwater; however, water table may rise temporarily and sections of the South of Highway 98 Alternative site may be moderately susceptible to liquefaction if a strong earthquake occurs while the valley floor sediments are saturated.

The paleontological sensitivity and potential to encounter significant paleontological resources in Lake Cahuilla Beds at the alternative site and the Plaster City site is similar. As stated in the **Geology, Paleontology and Minerals** section, construction of the proposed project will include grading, foundation excavation, utility trenching, and possibly drilled shafts. There exists the probability of encountering paleontological resources. As with the Plaster City site, the proposed Conditions of Certification are designed to mitigate any paleontological resource impacts to a less-than-significant level.

**Comparison to Proposed Project.** The South of Highway 98 Alternative site is subject to a similar risk of geologic hazards as the proposed Imperial Valley Solar site. Strong ground shaking would be effectively mitigated through facility design. The potential to encounter geologic resources and significant paleontological resources at the alternative site is similar to the Plaster City site. The Conditions of Certification provided in the **Geology, Paleontology, and Minerals** section would be applicable to the South of Highway 98 Alternative site.

### **Power Plant Efficiency**

The plant configuration and Stirling Engine technology that would be employed at the South of Highway 98 Alternative site would be similar to the proposed project, which means it would result in similar consumption of fuel, and it would result in a similar level of efficiency.

### **Power Plant Reliability**

The plant configuration at the South of Highway 98 Alternative site would be similar to the proposed project, which means it would result in similar levels of equipment availability.

Plant maintainability, fuel and water availability, and reliability of the plant in relation to natural hazards would each be similar to the proposed project.

### **Transmission System Engineering**

While locating a solar facility at the South of Highway 98 Alternative site would require a longer interconnection than at the proposed Imperial Valley Solar site, the power would interconnect with the Imperial Valley Substation. As such, the transmission system evaluation for the South of Highway 98 Alternative site would be identical to that of the Imperial Valley Solar facility at the Plaster City site.

### **Summary of Impacts – South of Highway 98 Alternative Site**

Part of the South of Highway 98 Alternative site has been identified by the BLM and DOE for in-depth study of solar development and may be found appropriate for designation as a solar energy zone in the future.

The South of Highway 98 Alternative site would have impacts similar to the proposed Imperial Valley Solar site at Plaster City for 13 of the 20 environmental and engineering resource elements: air quality, land use, public health, socioeconomics, traffic and transportation, waste management, worker safety and fire protection, facility design, geology, paleontology and minerals, power plant efficiency, power plant reliability, and transmission system engineering.

The Imperial Valley Solar site is preferred over the South of Highway 98 Alternative site for four resource elements: biological resources, hazardous materials, noise, and transmission line safety and nuisance. It is believed that impacts to biological resources would be worse at the South of Highway 98 Alternative site compared with the proposed Imperial Valley Solar site. This is because in regards to sensitive habitats and jurisdictional waters, the South of Highway 98 Alternative is the most biologically sensitive due to the presence of stabilized sand dunes and riparian habitat. In regards to rare plants, the proposed Project site and the South of Highway 98 Alternative are very similar, in that neither site has any observed locations of rare plant species, but both are relatively undisturbed sites supporting native habitat and with low to moderate potential for certain rare plants to be present.

The South of Highway 98 Alternative site would be preferred to the proposed Imperial Valley Solar site at Plaster City for three resource elements: soils and water, cultural resources, and visual resources. Given the intensity of cultural history at the proposed Plaster City site, it is believed that impacts to cultural resources would be reduced at the South of Highway 98 Alternative site. The alternative site is located on lands that were identified as having a lower cultural sensitivity than the proposed site by Imperial County. However, without site-specific survey information about cultural resources, a detailed comparison is not possible.

This alternative would not likely reduce impacts overall in comparison to the proposed Imperial Valley site. In addition, the alternative is not considered feasible because it would require the submittal of a new application to the Energy Commission and would not achieve the project objective of completing the review process in a timeframe that would allow the applicant to start construction or meet the economic performance

guidelines by December 31, 2010 to potentially qualify for the 2009 ARRA cash grant in lieu of tax credits.

## **B.2.8 ALTERNATIVES CONSIDERED BUT NOT EVALUATED IN FURTHER DETAIL**

---

This section considers potential alternatives to the proposed Imperial Valley Solar project that were evaluated, and determined to not be feasible for meeting key project objectives, they are not yet commercially available, or they would not result in lesser impacts than the proposed action. Because these alternatives would not avoid or substantially reduce the adverse impacts of the proposed Solar Two project or because they do not meet project objectives, the purpose and need for the project, or are otherwise not reasonable alternatives, they are not analyzed in further detail in this SSA.

### **B.2.8.1 APPLICANT'S SITE ALTERNATIVES**

The following alternative sites were evaluated in this analysis and, based on the findings of those analyses, were not carried forward for detailed evaluation in this SSA:

- 900 MW Alternative (original proposed project)
- Alternative Site #1 (Site AS1)
- Alternative Site #2 (Site AS2)
- Alternative Site #3 (Site AS3)
- Wind Zero Site (Ocotillo)

Each site is discussed in the following paragraphs.

#### **900 MW Alternative**

The 900 MW Alternative was the original proposed Project. During the environmental review process conducted by the Applicant, the easternmost segment (holding 150 MW of generation) was eliminated in order to avoid specific cultural resources sites. The 900 MW Alternative was to be constructed on approximately 7,600 acres of land, and it would have been built in two phases. Phase I of the 900 MW Alternative would essentially correspond with the 300 MW Alternative described above (Phase I of the 750 MW project). Phase II would expand Phase I with an additional 600 MW. Full expansion of Phase II to 900 MW would be dependent on expansion of the Sunrise Powerlink Project. In total, approximately 36,000 SunCatchers would be required for the 900 MW Alternative.

**Environmental Assessment.** The 900 MW Alternative would result in greater environmental impacts than the proposed project for all resource elements, and specifically to cultural resource. This is because impacts of the 900 MW Alternative would be similar to those of the proposed project but would extend over a more extensive area.

Cultural resource impacts of the 900 MW Alternative would result in the potential to impact a larger number of cultural resources than the 750 MW alternative. During the Applicant's cultural resources analysis, field surveys, and mapping exercises, a large number of cultural resources, including lithic surface finds, were concentrated in the easternmost third of the project site. While proper protection and treatment for the resources would be required, the large concentration of the resource would cause potential delays in the project and a strong potential for significant impacts. As such, the applicant moved forward to exclude the region with the largest concentration of cultural resources from the project design.

As with the proposed project, ephemeral drainages traverse the site generally from the south to north. The 900 MW Alternative would impact all the same drainages as the proposed project as well as additional drainages located on the easternmost side of the alternative that flow toward the Westside Main Canal. Because the 900 MW Alternative would impact a greater number of ephemeral drainages, it would have the potential to impact basic stream morphology and sediment transport characteristics to a greater degree than the proposed Project. As such the alternative would result in impacts to a greater acreage of waters of the U.S.

### ***Rationale for Elimination***

The System Impact Study and Interconnection Facilities Study for the project showed that the SDG&E 500-kilovolt SWPL transmission line had sufficient capacity to accept the 300 MW output from Phase I; however, full expansion of Phase II to 900 MW would be dependent on expansion of the Sunrise Powerlink transmission line (or other comparable transmission), including an additional 500-kilovolt transmission line, from the SDG&E Imperial Valley Substation to SDG&E's service territory. Additionally, because the 900 MW Alternative would result in greater environmental impacts to all resource elements, and specifically to cultural resources and waters of the U.S., the alternative was eliminated from full consideration in the SA/EIS.

### **Applicant's Alternative Site #1**

Alternative Site #1 (Site AS1) was identified by Solar 2, LLC in the AFC as a potential alternative site for the proposed project. Site AS1 is located in the Western Colorado (WECO) Plan area along the border between San Diego and Imperial Counties. The elevation of Site AS1 is between approximately sea level and 130 feet above sea level. The site is located north of the Fish Creek Mountains Wilderness, approximately one mile east of the Anza-Borrego Desert State Park (ABDSP), and less than two miles east of the Vallecito Mountain Wilderness in the ABDSP.

Site AS1 was not pursued as a possible site for the proposed project by the applicant because the ground slope exceeded the 5% threshold in parts; it is located a great distance from existing roads thereby requiring longer access roads; and it lacks an adequate water supply. The site is also located in a United States Department of Defense (DOD) "no-fly," "no-build" area (SES 2008a). Site AS1 is located northwest of the proposed Imperial Valley Solar site in Plaster City; see **Alternatives Figure 6**.

**Environmental Assessment.** As with the proposed Imperial Valley Solar site, Site AS1 would require use of 6,500 acres and would result in the permanent loss of

approximately 6,500 acres of desert habitat. The project would require grading of approximately 3,000 acres and would likely result in impacts to biological and cultural resources similar to the impacts caused by the proposed project at the proposed Plaster City site.

Impacts to land use and recreation at Site AS1 would potentially be significant as it is adjacent to the Fish Creek Mountains Wilderness and would surround the Juan Bautista de Anza National Historic Trail. Like the proposed Imperial Valley Solar site, Site AS1 is located within the CDCA and WECO Planning Areas and would require a plan use amendment. Site AS1 also includes more private lands than the proposed Imperial Valley Solar site, which may cause site acquisition and/or control difficulties (BLM 1998).

Both the proposed Imperial Valley Solar site and Site AS1 would have a large footprint and require extensive grading, potentially resulting in modification of site erosion and runoff characteristics. Site AS1 is within one mile of Fish Creek Mountains Wilderness and within two miles of the Vallecito Mountain Wilderness and would likely be visible from both mountain ranges and recreation areas. Given the size of the power plants and the approximately 40-ft tall SunCatchers, visual impacts would be considerable and similar to those at the proposed Imperial Valley Solar site.

The alternative is also located in a United States Department of Defense (DOD) “no-fly,” “no-build” area and it would violate the DOD height restrictions for these zones causing impacts to land use (SES 2008a).

### ***Rationale for Elimination***

Site AS1 would likely cause biological and cultural resources impacts similar to the proposed project due to the extensive grading required for the 750 MW solar power plant (approximately 3,000 acres). Additionally, because of Site AS1 is further from an existing road than the proposed Imperial Valley Solar site, longer access roads would be required increasing the amount of grading and potentially resulting in greater soil impacts and wind and water erosion. Because Site AS1 is located adjacent to and at a lower elevation than the Fish Creek Mountain Wilderness, visual impacts would potentially be significant and similar to the impacts at the proposed project site. Under CEQA, the alternative site was eliminated because it would not substantially lessen the significant effects of the proposed Imperial Valley Solar project, and because it was not feasible, see below.

In December 2007, OptiSolar, Inc. submitted an application to the BLM for use of a portion of the land identified in Alternative Site #1 for the construction and operation of a 500 MW photovoltaic solar facility (BLM 2009). As discussed earlier, under its existing regulations, BLM determines if competing applications exist for the same facility or system. Applications that are first in time are given priority in consideration and are not considered competing applications with those filed later in time. Therefore, an alternative site on BLM land with a pending application for another project is not considered a reasonable alternative to the proposed project for purposes of alternatives analysis.

## **Applicant's Alternative Site #2**

Alternative Site #2 (Site AS2) was identified by SES Solar 2, LLC in the AFC as a potential alternative site for the proposed Solar Two project. It was not pursued by the applicant as a possible site for the proposed project because the ground slope exceeded the 5% threshold in parts. Site AS2 is located a great distance from existing roads thereby requiring longer access roads. It also lacks an adequate water supply. The site is located in a DOD “no-fly,” “no-build” area (SES 2008a). Site AS2 is located approximately one mile east of Site AS1 and would have many of the same environmental and technical constraints as Site AS1; see **Alternatives Figure 6**.

Site AS2 is located in the WECO Plan area along the border between San Diego and Imperial Counties. The elevation of Site AS2 is between approximately sea level and 130 feet above sea level. The site is located northeast of the Fish Creek Mountains Wilderness and is located just west of and overlaps with the boundary of the West Mesa Area of Environmental Concern (ACEC) as shown on **Alternatives Figure 6**.

**Environmental Assessment.** As with the proposed Imperial Valley Solar site, Site AS2 would require use of 6,500 acres of land and would result in the permanent loss of approximately 6,500 acres of desert habitat. The project would require grading of approximately 3,000 acres and would likely result in impacts to biological and cultural resources similar to the impacts of the proposed project at the Plaster City site. Site AS2 is adjacent to and overlaps the boundary of the West Mesa ACEC. The primary reason for establishment of this ACEC was to protect cultural resources and botanical and wildlife resources, specifically the BLM-sensitive FTHL (BLM 2002).

Impacts to land use and recreation at Site AS2 would potentially be significant as it is adjacent to the Fish Creek Mountains Wilderness and would surround the Juan Bautista de Anza National Historic Trail. Like the proposed Imperial Valley Solar site, Site AS1 is located within the CDCA and WECO Planning Areas and would require a plan use amendment. Site AS2 is also located on more private lands than the proposed Imperial Valley Solar site, which may cause site acquisition and control difficulties (BLM 1998).

Both the proposed Imperial Valley Solar site and Site AS2 would have a large footprint and require extensive grading, potentially resulting in modification of site erosion and runoff characteristics. Site AS2 would be adjacent to the Fish Creek Mountains Wilderness and would likely be visible from the mountain ranges, a resource frequently used for recreation. Given the size of the power plants and the approximately 40-foot-tall SunCatchers, visual impacts would be considerable and similar to those at the proposed Imperial Valley Solar site.

### ***Rationale for Elimination***

Site AS2 would likely cause biological and cultural resources impacts similar to the proposed project due to the extensive grading required for the 750 MW solar power plant (approximately 3,000 acres). Additionally, because Site AS2 is further from an existing road than the proposed Imperial Valley Solar site, longer access roads would be required increasing the amount of grading and potentially soil impacts and wind and water erosion. Under CEQA, the alternative site was eliminated because it would not



substantially lessen the significant effects of the proposed Imperial Valley Solar project and because it was not considered feasible, see below.

In December 2007, OptiSolar, Inc. submitted a application to the BLM for use of a portion of the land identified in Alternative Site #2 for the construction and operation of a 500 MW photovoltaic solar facility (BLM 2009). As discussed earlier, under its existing regulations, BLM determines if competing applications exist for the same facility or system. Applications that are first in time are given priority in consideration and are not considered competing applications with those filed later in time. Therefore, an alternative site on BLM land with a pending application for another project is not considered a reasonable alternative to the proposed project for purposes of alternatives analysis.

### **Alternative Site #3**

Alternative Site #3 (Site AS3) was identified by SES Solar 2, LLC in the AFC as a potential alternative site for the proposed project. It was not pursued as an alternative to the proposed site because the ground slope exceeded the 5% threshold in part; it lacks an adequate water supply; and it does not have the required proximity to infrastructure. The site would have required off-road access, additional transmission capacity, and extensive off-site transmission lines (SES 2008a). Site AS3 is located due west of Westmorland, California and southwest of the Salton Sea as shown on **Alternatives Figure 6**.

Site AS3 is located in the WECO Plan area along the border between San Diego and Imperial Counties. The elevation of Site AS3 is between approximately sea level and 165 feet above sea level. The site is located approximately one mile southwest of the Salton Sea National Wildlife Refuge.

**Environmental Assessment.** As with the proposed Imperial Valley Solar site, Site AS3 would require use 6,500 acres of land and would result in the permanent loss of approximately 6,500 acres of desert habitat. The project would require grading of approximately 3,000 acres and would likely result in impacts to biological and cultural resources similar to the impacts caused by the proposed project at the Plaster City site. Site AS3 is adjacent to SR 78 and southeast of the Salton Sea. The soil is dominated by chenopod scrubs and washes with slightly higher plant diversity. Dominant, perennial plant species are saltbush, iodine bush, and inkweed. The many washes are dominated by saltbush, tamarisk, and coldenia with catclaw acacia and thornbush also commonly found (BLM 2002).

Impacts to land use and recreation at Site AS3 would potentially be significant as it is approximately one mile from the Salton Sea National Wildlife Refuge. At some times of the year, up to 380 species of wildlife can be found at the refuge which is the second-most diverse refuge in the United States. Visitor activities at the Salton Sea National Wildlife Refuge include bird watching, boating, hiking and fishing (BLM 1998). Like the proposed Imperial Valley Solar site, Site AS3 is located within the CDCA and WECO Planning Areas and would require a plan amendment. Site AS3 is not located on any private land.

Both the proposed Imperial Valley Solar site and Site AS3 would have a large footprint and require extensive grading, potentially resulting in erosion and runoff. Site AS3

would be within one mile of the Salton Sea National Wildlife Refuge. The distance from the site to the refuge would potentially offer some visual blockage. However, because of the size of the power plants and the approximately 40-foot-tall SunCatchers, visual impacts may still be considerable and similar to those at the proposed Imperial Valley Solar site.

### ***Rationale for Elimination***

Site AS3 would likely cause biological and cultural resources impacts similar to the proposed project due to the extensive grading required for the 750 MW solar power plant (approximately 3,000 acres). Additionally, Site AS3 would require an extensive off-site transmission line, which would potentially cause additional environmental impacts. Under CEQA, the alternative site was eliminated because it would not substantially lessen the significant effects of the proposed Imperial Valley Solar project, and because it was not feasible, see below.

In July 2007, SunPeak Solar submitted an application to the BLM for use of 5,587 acres of land identified in Alternative Site #3 for the construction and operation of a 500 MW photovoltaic solar facility (BLM 2009). As discussed earlier, under its existing regulations, BLM determines if competing applications exist for the same facility or system. Applications that are first in time are given priority in consideration and are not considered competing applications with those filed later in time. Therefore, an alternative site on BLM land with a pending application for another project is not considered a reasonable alternative to the proposed project for purposes of alternatives analysis.

### **Wind Zero Site (Ocotillo)**

The Wind Zero Site near Ocotillo was suggested as an alternative site during the scoping period. The Wind Zero Project is proposed to be located on private land. It would include a military training facility and motorsport race resort proposed for 944 acres. While this acreage would not be sufficient for a contiguous 750 MW Solar facility; it could be a component of a larger, multiple site solar facility. However, the Wind Zero Site is currently under environmental review for the military training facility. A Notice of Preparation of a Draft Environmental Impact Report was filed with the State Clearinghouse on January 23, 2009 for the proposed Coyote Wells Specific Plan (CEQANET, 2009). The scoping period for that EIR closed on February 23, 2009. Because this alternative site has a proposed use and is currently undergoing environmental review for that proposed Specific Plan, this alternative site was eliminated as unfeasible and is not evaluated further in this SSA.

## **B.2.8.2 ALTERNATIVE SOLAR GENERATION TECHNOLOGIES**

In addition to the range of alternative sites discussed earlier, several alternative solar generation technologies were evaluated as potential alternatives to the proposed Imperial Valley Solar project (which would use the Stirling dish technology). Although alternative solar generation technologies would achieve most of the project objectives, each would have different environmental or feasibility concerns. The following solar generation technologies were considered in this analysis:

- parabolic trough technology
- solar power tower technology

- linear Fresnel technology
- photovoltaic technology – utility scale
- distributed solar technologies

Among the solar thermal technology alternatives, the linear Fresnel alternative has the potential for least ground disturbance due to its more compact configuration (reducing ground disturbance); however, the technology is proprietary and is not available to other applicants or developers. The distributed solar alternative would have fewer impacts than the proposed Imperial Valley Solar project because it would be located on already existing buildings or on already disturbed land. However, achieving 750 MW of distributed solar PV or solar thermal would depend on additional policy support, manufacturing capacity, and lower cost than currently exists to provide the renewable energy required to meet the California Renewable Portfolio Standard requirements so additional technologies, like utility-scale solar thermal generation, would also be necessary.

These analyses assumed that the alternative technologies would be implemented on the site for the proposed Imperial Valley Solar project, at Plaster City.

### **Parabolic Trough Technology**

A parabolic trough system converts solar radiation to electricity by using sunlight to heat a fluid, such as oil, which is then used to generate steam. The plant consists of a large field of trough-shaped solar collectors arranged in parallel rows, normally aligned on a north-south horizontal axis, see **Alternatives Figure 7**. Each parabolic trough collector has a linear parabolic-shaped reflector that focuses the sun's direct beam radiation on a linear receiver, also referred to as a heat collection element located at the focus of the parabola. Heat transfer fluid within the collector is heated to approximately 740 degrees Fahrenheit (°F) as it circulates through the receiver and returns to a series of heat exchangers where the fluid is used to generate high-pressure steam. The superheated steam is then fed to a conventional reheat steam turbine/generator to produce electricity.

A solar trough power plant generally requires land with a less than 2% grade. On average, five to eight acres of land are required per MW of power generated. A parabolic trough power plant would include the following major elements:

- **Parabolic Trough Collectors.** The parabolic trough collectors would rotate around the horizontal north/south axis to track the sun. Reflectors, or mirrors, would focus the sun's radiation on a linear receiver located along the length of the collector.
- **Solar Boiler.** Solar boilers are designed differently than conventional gas-fired boilers in that they are fueled with hot oil instead of hot gases. This design is similar to any shell and tube heat exchanger in that the hot heat transfer fluid is circulated through tubes and the steam is produced on the shell side.
- **Heat Transfer Fluid Oil Heater.** Due to the high freezing temperature of the solar field's heat transfer fluid (54°F), to eliminate the problem of oil freezing, an oil heater would be installed to protect the system during the night hours and colder months.

Parabolic trough power plants are the currently the most established type of large solar generator. Existing facilities are located in several places, including the following:

- **Nevada SolarOne** (shown in **Alternatives Figure 7**) near Boulder City, Nevada, has been operating since June 2007. It cost over \$260 million and generates 64 MW. It is the largest concentrating solar power plant to be built in the last 17 years and is the third largest plant of its kind in the world (Nevada SolarOne 2008).
- **Sunray Energy, Inc. Solar Energy Generating System** is located in Daggett, California adjacent to an abandoned power tower facility. It generates 44 MW and is shown in **Alternatives Figure 7**.
- **Kramer Junction Solar Energy Generating System** is located about 30 miles west of Barstow, California. The project is a series of utility-scale solar thermal electric power plants, which were designed and developed in the mid-1980s by LUZ Industries. The facility can produce 165 MW at full capacity (Solel 2008).

**Environmental Assessment.** Approximately 3,750 to 6,000 acres of land would be required for a 750 MW solar trough power plant, resulting in a permanent loss of natural desert habitat similar to the habitat loss.

If the solar trough technology were used at the Plaster City site, somewhat greater acreage may be required because that proposed site is crossed by several desert washes. Parabolic troughs require a more level ground surface, so the entire site would need to be graded for the solar trough power plant, removing all vegetation from the area. This results in a somewhat more severe effect on biological and cultural resources than the Imperial Valley Solar project, which would not require grading the entire site.

The size and height of the solar trough mirrors (each approximately 28 feet high) would cause visual impacts from I-8 and Evan Hewes Highway. The plant would also be visible from the Yuha Basin ACEC, immediately south of the Plaster City site and slightly elevated. While the solar trough technology would be slightly lower to the ground than the Stirling Engine SunCatchers, the number of solar troughs and the large acreage required would introduce prominent and reflective structures, industrializing the area.

Solar trough plants require water to generate the steam that powers the turbines. The technology uses a closed-loop circulation that requires some boiler make-up water to replace water lost in the system. Water is also required to wash the mirrors for both types of technologies. If wet cooling were used, the cooling towers would require approximately 600 acre-feet/year (AFY) per 100 MW of capacity. Dry cooling would use significantly less water, approximately 18 AFY per 100 MW (NRDC 2008a).

Because of the extensive grading required for a solar trough plant, soil erosion and air emissions during construction could be more severe than with the Imperial Valley Solar project.

**Summary of Impacts.** The land area needed for a solar trough power plant would likely be less than required for the proposed Imperial Valley Solar project, but more intensive in terms of ground disturbance. Because of the more intensive use of the land and the grading required to achieve a 2% grade, there could be more severe impacts to biological and cultural resources than would occur with the Stirling engine facility. Use of a heat transfer fluid as would be conveyed in miles of pipelines from the parabolic trough collectors to the solar boiler would create a potential for spills of hazardous materials

into soil or water, which would not be present with the proposed Imperial Valley Solar project engine.

### ***Rationale for Elimination***

Solar trough technology is a viable renewable technology and could potentially reduce the footprint of the project between 10% and 45%. However, due to its requirement for a nearly flat, graded site, it would require more construction with greater air emissions and more erosion potential. With a minimum size of nearly 4,000 acres, solar trough technology would not eliminate any of the significant impacts of the Imperial Valley Solar plant. Therefore, this alternative technology was eliminated from further consideration in this SSA.

### **Solar Power Tower Technology**

The solar power tower technology converts thermal energy to electricity by using heliostat (mirror) fields to focus energy on a boiler located on power tower receivers near the center of each heliostat array. Each mirror tracks the sun during the day. The heliostats would be 7.2 feet high by 10.5 feet wide. See **Alternatives Figure 7** for an illustration. The solar power towers can be up to 459 feet tall with additional 10-foot-tall lightning rods. The solar power tower would receive heat from the heliostats then convert the heat into steam by heating water in the solar boilers. A secondary phase would convert the steam into electricity using a Rankine-cycle reheat steam turbine electric generator housed in a power block facility at each of the plants.

In general, a solar power tower power plant requires 5 to 10 acres of land per MW of power generated. A 750 MW solar power tower field would require from 3,750 acres to 7,500 acres of land.

Site preparation involves grading at the base of the heliostat and grading the access roads required for maintenance. Each heliostat field has the following primary components.

- **Heliostats.** The heliostat mirrors are arranged around each solar receiver boiler. Each mirror tracks the sun throughout the day and reflects the solar energy to the receiver boiler. The heliostats are approximately 7.2 feet high by 10.5 feet wide. They are arranged in arcs around the solar boiler towers asymmetrically.
- **Power Tower.** The power tower structure height is up to 459 feet. Primary thermal input is via solar receiver boilers, superheater and reheaters at the top of the distributed power towers.
- **Steam Turbine Generator (STGs).** The steam turbine system consists of a condensing steam turbine generator with reheat, gland steam system, lubricating oil system, hydraulic control system, and steam admission/induction valving. Power will be generated by the STGs at 19 kV (hydrogen cooled) and then stepped up by transformers for more efficient transmission across the grid.

**Environmental Assessment.** The land area required for a 750 MW solar power tower plant is similar or greater to that required for the proposed Imperial Valley Solar project. Grading of permanent access roads would be required due to the need for regular washing of the mirrors. This grading would cause removal of vegetation. Additionally,

because the proposed Imperial Valley Solar site is crossed by several desert washes, the installation of the heliostats and power towers could require a larger total acreage of land, resulting in a greater loss of habitat.

Due to the size and height of the solar power towers, up to 600 feet, and mirrors, impacts to visual resources would be greater than those of the Imperial Valley Solar project and would introduce an industrial character to this site and the surrounding areas.

Because of the height of the solar power towers, there may be concerns regarding any nearby aviation or military operations. While the solar power tower technology built at the Solar Two site would not be located in the military no fly/no build areas, it would be located in a DOD Airspace Consultation Area and conflicts with the nearby El Centro Naval Air Facility may arise.

### ***Rationale for Elimination***

The area needed for a solar power tower plant would be comparable to the land requirement for the Imperial Valley Solar power plant. Grading requirements for the solar power tower would be similar to the proposed Stirling technology because both technologies require access roads in between the rows of heliostats or engines. For these reasons, recreation and land use, biological resources, cultural resource and soil erosion impacts would be similar to those of the Imperial Valley Solar facility. In addition, due to the extent of the facility and the height of the power towers, visual impacts would like be greater for this alternative. Additionally, the height of the power tower would create potential impacts with the adjacent military facilities.

Because no substantial reduction in impacts would occur under this alternative technology, the solar power tower technology was eliminated from further consideration in this SSA as an alternative technology.

### **Linear Fresnel Technology**

A solar linear Fresnel power plant converts solar radiation to electricity by using flat moving mirrors to follow the path of the sun and reflect its heat on the fixed pipe receivers located about the mirrors. During daylight hours, the solar concentrators focus heat on the receivers to produce steam, which is collected in a piping system and delivered to steam drums located in a solar field and then transferred to steam drums in a power block (Carrizo 2007). The steam drums transferred to the power block will be used to turn steam turbine generators and produce electricity. The steam is then cooled, condensed into water, and recirculated back into the process.

In general, the linear Fresnel technology requires four to five acres of land per MW of power generated. A 750 MW solar linear Fresnel field would require approximately 3,000 to 3,750 acres of land.

Each row-segment is supported by large hoops that rotate independently on metal castors. Rotation of the reflectors would be driven by a small electrical pulse motor. Reflectors are stowed with the mirror aimed down at the ground during the night. The major components are:

- **Compact Linear Fresnel Reflector (CLFR) Solar Concentrator.** A solar Fresnel power plant would use Ausra's CLFR technology which consists of slightly curved linear solar reflectors that concentrate solar energy on an elevated receiver structure. Reflectors measure 52.5 by 7.5 feet (Carrizo 2007). There are 24 reflectors in each row. A line is made up of 10 adjacent rows and operates as a unit, focusing on a single receiver (Carrizo 2007).
- **Receiver Structure.** The receiver structure is approximately 56 feet tall (Carrizo 2007). It would carry a row of specially coated steel pipes in an insulated cavity. The receiver would produce saturated steam at approximately 518°F from cool water pumped through the receiver pipes and heated (Carrizo 2007). The steam would drive turbines and produce electricity.

### ***Rationale for Elimination***

The Fresnel solar technology is a proprietary technology owned by Ausra, Inc. However, Ausra, Inc. has changed its focus to being a technology and equipment provider rather than an independent power developer and owner and will focus on medium-sized (50 MW) solar steam generating systems for customers including steam users, such as food processors and enhanced oil recovery firms and utilities for power augmentation systems that deliver steam into existing fossil-fuel power plants. A project of 750 MW is theoretically possible, and would require smaller acreage per megawatt. However, at nearly 4,000 acres for 750 MW, this technology would not eliminate the significant impacts of the proposed SES technology at this site.

### **Solar Photovoltaic Technology – Utility Scale**

A utility scale solar photovoltaic (PV) power generation facility would consist of PV panels that would absorb solar radiation and convert it directly to electricity. The definition of a utility scale photovoltaic projects varies; for this analysis utility scale project would consist of any solar photovoltaic facilities that would require transmission to reach the load center, or center of use.

PV facilities have been suggested using two general technologies:

- Thin film installed on fixed metal racks, as proposed by OptiSolar, Inc. (see **Alternatives Figure 8**)
- Concentrating photovoltaics installed in elevated groups of panels that track the sun. These technologies are available from companies such as SunPower and Amonix. SunPower's PowerTracker technology consists of a single-axis mechanism that rotates the PV panels to follow the sunlight. The Amonix technology allows tracking on two axes. See **Alternatives Figure 8**.

Examples of existing utility scale PV facilities are:

- El Dorado Energy (Boulder City, NV): First Solar built a 10 MW facility using thin film technology for Sempra Energy demonstrating the commercial viability of its technology. The facility consists of over 167,000 solar modules on 80 acres of land and was completed in December 2008. (Sempra 2008). Additionally, Sempra Generation will begin expanding the facility by 48 MW in January 2010. All 58 MWs would be purchased by PG&E (Sempra 2009).

- NRG Solar (Blythe, CA): NRG Solar acquired a 21 MW thin film PV project in Blythe, CA. Commercial operation of the facility began in December 2009 and the electricity generated by the project is being sold to SCE under a 20-year power purchase agreement (NRG 2009).

Because PV technologies vary, the acreage required per MW of electricity produced from a large solar PV power plant is wide ranging and likely to change as technology continues to develop. The land requirement varies from approximately three acres per MW of capacity for crystalline silicon to more than 10 acres per MW produced for thin film and tracking technologies (NRDC 2008c). Therefore, a nominal 750 MW solar PV power plant would require between 2,250 and 7,500 acres.

Utility-scale solar PV installations require land with less than 3% slope. Solar photovoltaics do not require water for electricity generation. Because some water will be required to wash the solar panels to maintain efficiency, approximately 2 to 10 AFY of water is estimated to be required for a 100 MW utility solar PV installation or 15 to 75 AFY for a 750 MW installation (NRDC 2008c). The SunPower-CA Valley Solar Ranch states that the facility would use approximately 11.6 AFY for a 250 MW PV facility, or approximately 36 AFY for a 750 MW PV facility (SLO 2009).

Solar PV arrays and inverters would be approximately 15 to 20 feet high; however, some components of the solar PV facility, such as collector power lines or a transmission interconnection may be substantially taller (SLO 2009).

As with any large solar facility, additional operational components may be required. The SunPower-California Valley Solar Ranch would require operational components such as electrical equipment, collector power lines, access roads, a substation, an operation and maintenance building, and water tanks (SLO 2009).

**Environmental Assessment.** A utility scale solar PV facility would create a number of substantial adverse effects similar to those created by the proposed Imperial Valley Solar facility. If utility scale solar PV technology were built at the Imperial Valley Solar site, approximately 2,250 to 7,500 acres may be required, depending on the technology. Because the proposed site is crossed by several desert washes, it is likely that additional acreage would be required to site the solar PV arrays away from the major washes. Additionally, because some solar PV technology requires ground surface with less than 3% slope, it is likely that the entire site would be graded, removing all vegetation from the area. This results in a somewhat more severe effect on biological and cultural resources than the Imperial Valley Solar project, which would not require grading the entire site.

The size and height of the solar PV arrays would likely be visible from nearby areas, such as I-8 and Evan Hewes Highway due to the large size of the solar PV facility. The facility would also be visible from the nearby recreation areas and ACECs. The large number of solar PV arrays, access roads, and interconnection power lines required for a 750 MW solar facility would introduce prominent industrial features. However, the solar PV technology would not introduce components as tall as the 40-foot Stirling SunCatchers. Additionally, because most PV panels are black to absorb sun, rather than mirrored to reflect it, glare and reflection would be lessened.



Because the solar PV technology does not require any water for cooling or steam generation, the technology uses less water than solar concentrating technologies. Water would be required only for washing the solar PV arrays. Approximately 36 AFY would be required (SLO 2009). This is similar to the amount of water required by the Imperial Valley Solar project which estimates use of approximately 33 AFY annually.

More extensive grading would be required for some PV technologies than for the proposed Imperial Valley Solar facility. Because thin film solar PV facilities require land with only 3% slope and the solar panels are grouped more densely together, constructability would be challenging without significant grading. Additionally, many miles of permanent access roads would be required for washing and maintenance of the solar panels. The extensive grading would likely create greater air emissions and erosion concerns than those of the Imperial Valley Solar project.

**Summary of Impacts.** The large land area required for PV development would result in similar impacts to recreation, land use, biological and cultural resources, and likely greater impacts to soil and water resources as those of the Imperial Valley Solar facility. A utility scale PV project would reduce impacts to glare and would require minimal water for washing of the PV panels.

### ***Rationale for Elimination***

Utility scale solar PV technology is a viable renewable technology, but it is not retained for analysis because, as stated above, in order for California to meet the renewable portfolio standards, it must have access to all types and scales of renewable technologies. While utility scale solar PV technology is a viable renewable technology, its use would not reduce major biological resources impacts of the proposed Imperial Valley Solar facility because the extent of land and access roads required, and the more extensive grading and stormwater management system required. Due to its requirement for a nearly flat, graded site, it would require more construction with greater air emissions and more erosion potential. With a minimum size of nearly 2,500 acres, solar PV technology would not eliminate any of the significant impacts of the Imperial Valley Solar plant. Therefore, this alternative technology was eliminated from further consideration in this SSA.

### **Distributed Solar Technology**

There is no single accepted definition of distributed solar technology. The *2009 Integrated Energy Policy Report* (IEPR) defines distributed generation resources as “grid-connected or stand-alone electrical generation or storage systems, connected to the distribution level of the transmission and distribution grid, and located at or very near the location where the energy is used.”

Distributed solar facilities vary in size from kilowatts to tens of megawatts but do not require transmission to get to the areas in which the generation is used. Distributed solar generation is generally considered to use photovoltaic (PV) technology although at slightly larger scales it is also being implemented using solar thermal technologies. Both technologies are considered below.

## Distributed Solar PV Systems

A distributed solar alternative would consist of PV panels that would absorb solar radiation and convert it directly to electricity. The PV panels could be installed on residential, commercial, or industrial building rooftops or in other disturbed areas such as parking lots or disturbed areas adjacent to existing substations. To be a viable alternative to the proposed Imperial Valley Solar project, there would have to be sufficient newly-installed panels to generate 750 MW of capacity.

California currently has over 540 MW of distributed solar PV systems which cover over 40 million square feet (CPUC 2009). During 2008, 158 MW of distributed solar PV was installed in California, doubling the amount installed in 2007 (78 MW), and with 78 MW installed through May 2009, installation data suggests that at least the same amount of MW could be installed in 2009 as in 2008 (CPUC 2009).

Rooftop PV systems and parking lot systems exist in small areas throughout California. Larger distributed solar PV installations are becoming more common. Examples of distributed PV systems are:

- Nellis Air Force Base (AFB, Nevada): Over 72,000 solar panels, generating 14 MW of energy, were constructed in 2007, by SunPower Corp. on 140 acres of Nellis AFB land (Whitney 2007). Energy generated is used at the Nellis AFB.
- Southern California Edison (Fontana, CA): SCE has installed over 3 MW of distributed solar energy in two phases on over 1 million square feet of commercial roof using thin film PV technology provided by First Solar. This is the beginning of a planned installation of 3.5 million PV panels that would generate 250 MW of capacity (SCE 2009).
- San Diego Gas & Electric (San Diego, CA): SDG&E's Solar Energy Project is designed to install up to 30 MW of solar PV, which would include PV installation on parking structures and tracking systems on open land (SDG&E 2008).
- Pacific Gas & Electric (San Francisco, CA): PG&E launched a five-year program to develop 500 MW of solar PV power. The program would consist of 250 MW of utility-owned PV generation and an additional 250 MW to be built and operated by independent developers under a streamlined regulatory process. PG&E's program targets mid-sized projects, between 1 and 20 MWs, mounted on the ground or rooftops within its service area. It was approved by the CPUC in April 2010 (PG&E 2010).
- City of San Jose (San Jose, CA): The City of San Jose is considering the development and implementation of 50 MW of renewable solar energy on city facilities and/or land (San Jose 2009). San Jose's Green Vision lays out a goal of achieving 100% of the city's electricity from renewable energy by 2020 and plans to implement strategies of a 24-month period to increase solar installations in San Jose by 15%. The City anticipates that City facilities with appropriate solar access including parking lots, garages, lands and landfills would be eligible for solar installation and San Jose received ARRA funding for the project.

Like utility-scale PV systems, the acreage of rooftops or other infrastructure required per MW of electricity produced is wide ranging. As stated above, California has

approximately 40 million square feet (approximately 920 acres) of distributed solar PV accounting for 441 MW installed (CPUC 2008b). However, based on SCE's use of 600,000 square feet for 2 MW of energy, 225 million square feet (approximately 5,165 acres) would be required for 750 MW.

Imperial County is estimated to have the technical potential for 234 MW of distributed solar PV (CEC 2007b). However, distributed solar PV could be located throughout the State. The location of the distributed solar PV would impact the capacity factor of the distributed solar PV.<sup>2</sup> The capacity factor depends on a number of factors including the insolation<sup>3</sup> of the site. Because a distributed solar PV alternative would be located throughout the State, the insolation at some of these locations would be less than in the Colorado Desert. The Renewable Energy Transmission Initiative (RETI) assumed a capacity factor of approximately 30% for solar thermal technologies and tracking solar PV and approximately 20% capacity factor for rooftop solar PV which is assumed to be non-tracking, for viable solar generation project locations (B&V 2008; CEC 2009). Tracking distributed solar PV would have a higher capacity factor as well.

**San Diego Smart Energy 2020 (SDSE).** This document, put forth by E-Tech International, presents a plan for shifting the focus of the energy supply for the San Diego region from a reliance on fossil fuels and imported power to local solutions. The plan would rely on several existing and future energy elements to reduce greenhouse gas emissions from power generation and increase the electricity supply from renewable resources, while maximizing locally generated power.

The SDSE plan calls for an ambitious reduction of the energy demand and peak load in the SDG&E territory. SDSE prescribes a reduction of energy demand by 20% or 4,000 GWh/yr through energy efficiency by 2020. This includes maximizing Demand Reduction through Energy Efficiency upgrades and "smart" meters to reduce peak demand in the region to 3,500 MW. This element of the SDSE would curtail load growth.

Additionally, the SDSE also calls for developing 300 MW of solar PV systems on rooftops as part of the California Solar Initiative (CSI) with an additional 2,040 MW of nameplate capacity solar PV systems including battery storage for peaking duty under a program called the "San Diego Solar Initiative." The SDSE also includes 700 MW of new combined heat and power energy, and the use of existing combined heat and power plants and existing combined-cycle gas-fired power plants within the San Diego Region (Powers 2007).

The "San Diego Solar Initiative" would use an incentive structure similar to the CSI, which provides incentives for commercial PV applications of up to one megawatt and also provides incentives for residential systems. The objective of the incentives is to make PV cost-competitive with purchased utility power. This would be in addition to the 300 MW level of rooftop PV that SDG&E anticipates to occur as part of CSI. The development curve of the "San Diego Solar Initiative" would be similar to the rate-of-growth demonstrated in the solar PV program in Germany, which reached a growth rate

---

<sup>2</sup> The capacity factor of a power plant is a percentage that tells how much of a power plant's capacity is used over time (CEC 2008a)

<sup>3</sup> Insolation is the total amount of solar radiation striking a surface exposed to the sky (CEC 2008a).

of 837 MW per year in 2005 (Powers 2007). Under the “San Diego Solar Initiative,” the first 40 MW would be installed between 2008 and 2010, with the majority of the 2,040 MW becoming operational in the final few years before 2020.

A critical assumption of the “San Diego Solar Initiative” in the SDSE, as well as the CSI, is that the large market demand for solar PV systems will reduce the cost of PV to the point where PV technology will be cost-competitive with purchased utility electricity rates by 2017 without incentive payments, although federal and state tax credits are assumed to remain in place. The projected decline of the cost of solar PV systems is backed by U.S. Department of Energy projections and current industry trends (Powers 2007). Other assumptions are that the majority of the installed capacity, 75%, will be commercial installations over 100 kW and that a high level of standardization will be utilized by a limited number of large contractors to minimize costs through bulk purchasing of PV system hardware.

### **Distributed Solar Thermal Systems**

Solar thermal technology, specifically Concentrated Solar Power (CSP) technology, has also been adapted for use at distributed locations. In August 2009, eSolar began operations of a new distributed solar power tower technology. This technology uses small, flat mirrors which track the sun and reflect the heat to tower-mounted receivers that boil water to create superheated steam (eSolar 2009). An example of the eSolar system is the Sierra SunTower, located in Lancaster, CA, which produces 5 MW of energy for SCE on 20 acres of land (eSolar 2009). Each eSolar module locates one tower, one thermal receiver, and 12,000 mirrors on ten acres of land and produces 2.5 MW of power. Additionally, eSolar has developed a larger module, a 46 MW CSP plant that would include sixteen towers, a turbine generator set, and a steam condenser which would be located on approximately 160 acres (eSolar 2009).

Solar trough technology could also be used as distributed technology. Solar Millennium has stated that its technology could be used in conjunction with desalination plants and other industrialized activities and could be used in 20 MW blocks (Solar Millennium 2008).

Both the solar thermal technologies have been implemented recently and are described here as an example of the evolving distributed solar technologies.

**Environmental Assessment.** Installations of 750 MW distributed solar PV would require up to 225 million square feet (approximately 5,000 acres). Distributed solar PV is assumed to be located on already existing structures or disturbed areas so little to no new ground disturbance would be required and there would be few associated biological and cultural resources impacts.

Minimal grading or new access roads would be required and relatively minimal maintenance and washing of the solar panels would be required. As such, it is unlikely that the rooftop solar PV alternative would create erosion impacts. Some water would be required to wash the solar panels, especially with larger commercial rooftop solar installations; however, the commercial facilities would likely already be equipped with drainage systems. Therefore, the wash water would not contribute to runoff or to erosion.

Because most PV panels are black to absorb sun, rather than mirrored to reflect it, glare would be lessened. Additionally, the distributed solar PV alternative would not require the additional operational components, such as dry-cooling towers, substations, transmission interconnection, and maintenance and operation facilities with corresponding visual impacts. Solar PV panels would be visible to passing residents and may be viewed by a larger number of people.

### **Consideration of CEQA/NEPA Criteria**

**Reduction of Impacts.** Distributed solar technology is assumed to be located on already existing structures or disturbed areas so little to no new ground disturbance would be required; there would be few associated impacts to biological and cultural resources. Additionally, impacts to soils and waters as well as visual resources would be reduced.

**Meet Most Project Objectives.** A distributed solar technology alternative, if constructed at 750 MW, would meet the CEC project objectives to operate 750 MW of renewable power in California capable of selling competitively priced renewable energy. The solar technology would not necessarily meet the objective to locate the facility in areas of high solar, because the distributed technology could be located throughout the State.

**Feasibility.** The rate of PV manufacturing and installation is expected to continue to grow very quickly. However, given that there are currently only about 500 MW of distributed solar PV in California, the addition of an additional 750 MW to eliminate the need for the Imperial Valley Solar project cannot be guaranteed. This would require an even more aggressive deployment of PV at more than double the historic rate of solar PV implementation than the California Solar Initiative program currently employs. Challenges to an accelerated implementation of distributed solar PV are discussed below.

- **RETI Consideration of Subsidies, Tariffs, Cost, and Manufacturing.** The RETI Discussion Draft Paper *California's Renewable Energy Goals – Assessing the Need for Additional Transmission Facilities* published with the RETI Final Phase 2A Report (September 2009), addresses the likelihood of a scenario of sufficient distributed solar PV to remove the need for utility scale renewable development. This discussion paper identified the factors likely to influence the pace of large scale deployment of distributed solar PV: subsidies, feed-in tariffs, manufacturing and installation cost, and manufacturing scale-up.
- **Cost.** The 2009 IEPR states that solar PV technology has shown dramatic cost reductions since 2007, and is expected to show the most improvement of all the technologies evaluated in the 2009 IEPR model, bringing its capital cost within range of that of natural gas-fired combined cycle units. However, the CPUC 33% *Renewables Portfolio Standard Implementation Analysis Preliminary Results* considered a number of cases to achieve a 33% RPS standard. The results of this study state that the cost of a high distributed generation case is significantly higher than the other 33% RPS alternative cases. The study explains that this is due to the heavy reliance on solar PV resources which are more expensive than wind and central station solar.

- **Tariffs.** Additionally, the IEPR discusses the need to adjust feed-in tariffs to keep downward pressure on costs. Feed-in tariffs should be developed based on the size and type of renewable resources, given that the cost of generating energy from a 100 MW wind farm is less than the cost of generating to ensure a good mix of new renewable energy projects. According to the report, differentiating feed-in tariffs by type and size can ensure a good mix of new renewable energy projects and avoid paying too much for some technologies and too little for others.
- **Limited Installations.** Examples of large scale distributed solar projects are still limited. In the spring of 2008, SCE proposed 250 to 500 MW of rooftop solar PV to be installed in five years. As of January 2010, SCE had installed only 3 MW. As the 2009 IEPR points out, the potential for distributed resources remains largely untapped and integrating large amounts of distributed renewable generation on distribution systems throughout the State presents challenges.
- **Electric Distribution System.** The State's electric distribution systems are not designed to easily accommodate large quantities of randomly installed distributed generation resources at customer sites. Accomplishing this objective efficiently and cost-effectively will require the development of a new transparent distribution planning framework.

The 2009 IEPR makes a number of recommendations to support the integration of distributed generation into the California grid, expand feed-in tariffs, and support the efforts to achieve the RPS goals as a whole. It also recommends supporting new renewable facilities and the necessary transmission corridors and lines to access the facilities.

In testimony filed by the Center for Biological Diversity in the Ivanpah Solar Electric Generating System (ISEGS) proceeding [Docket No. 07-AFC-5], Bill Powers stated his disagreement with the conclusions of the ISEGS Alternatives FSSA section addressing distributed solar PV. Powers believed that the technology and manufacturing capacity is available to develop 750 MW of distributed PV, and that the distribution system would be able to accommodate the additional distributed generation. He presents numerous examples of California utility programs that have committed to development of hundreds of megawatts of additional distributed solar PV.

### ***Rationale for Elimination***

The conclusion of this section is that, while it will very likely be possible to achieve 750 MW of distributed solar energy over the coming years, the very limited numbers of existing facilities make it difficult to conclude with confidence that it will happen within the timeframe required to implement the Imperial Valley Solar project. As a result, this technology is eliminated from detailed analysis in this SA/EIS.

## **B.2.8.3 ALTERNATIVE RENEWABLE TECHNOLOGIES**

Non-solar renewable generation technologies were considered as potential alternatives to the proposed Imperial Valley Solar project. The following renewable generation technologies were considered in this analysis:

- wind energy
- geothermal energy

- biomass energy
- tidal energy
- wave energy

The non-solar renewable technologies alternatives (wind, geothermal, biomass, tidal, wave) would either be infeasible for meeting key project objectives at the scale of the proposed Imperial Valley Solar project, or would not eliminate significant impacts caused by the project without creating significant impacts in other locations. Specifically, wind and geothermal energy that would be viable at some locations in Imperial County could create significant impacts to biological, visual, cultural, and water and soils resources.

None of these non-solar renewable technologies would meet the BLM's purpose and need, which is to approve, modify, or deny the applicant's request for a right-of-way. These technologies would be too great a departure from the application to be considered a modification of the applicant's proposal.

### **Wind Energy**

Wind carries kinetic energy that can be used to spin the blades of a wind turbine rotor and an electrical generator, which then feed alternating current (AC) into the utility grid. Most state-of-the-art wind turbines operating today convert 35% to 40% of the wind's kinetic energy into electricity. A single 1.5 MW turbine operating at a 40% capacity factor generates 2,100 MWh annually.

Wind turbines currently being manufactured have power ratings ranging from 250 watts to 5 MW, and units larger than 7 MW in capacity are now under development (AWEA 2008). The average capacity of wind turbines installed in the United States in 2007 was 1.65 MW (EERE 2008). The perception of wind as an emerging energy source reached a peak in the early 1980s, when wind turbine generators to convert wind power into electricity were being installed in California at a rate of nearly 2,000 per year. Progress slowed a few years later, however, as start-up tax subsidies disappeared and experience demonstrated some deficiencies in design. At the present time, technological progress has caught up, contributing lower cost, greater reliability, and reason for genuine optimism for this renewable energy source in the future.

This technology is now well developed and can be used to generate substantial amounts of power. There are now approximately 2,490 MW of wind-generated power being produced in California (AWEA 2008).

Modern wind turbines represent viable renewable alternatives to solar energy projects in the region as exemplified by the number of wind projects applications pending at the BLM in both California and Nevada. The BLM has received approximately 64 applications for wind projects in the California Desert District as of August 2009, for use of over 457,769 acres of land (BLM 2009b). Several of these projects are proposed to interconnect to the Sunrise Powerlink transmission line (like the proposed Imperial Valley Solar project), including the Tule Wind project in McCain Valley, the Ocotillo Express Wind Project (located about 20 miles east of the Imperial Valley Solar project, and several projects in northern Mexico).

**Environmental Assessment.** Wind turbines can create adverse environmental impacts, as summarized below (AWEA 2008):

- Wind energy requires between 5 and 17 acres per MW of energy created. As such a nominal 750 MW power plant would require between 3,750 and 12,750 acres. However, wind turbine footprints typically use only 5% of the total area.
- Erosion can be a concern in certain habitats such as the desert or mountain ridgelines. Standard engineering practices can be used to reduce erosion potential.
- Birds collide with wind turbines. Avian deaths, particularly raptors, are a substantial concern depending on raptor use of the area.
- Wind energy can negatively impact birds and other wildlife by fragmenting habitat, both through installation and operation of wind turbines themselves and through the roads and power lines that are required to support the turbines.
- Bats collide with wind turbines. The extent of bat mortality depends on turbine placement and bat flight patterns.
- Visual impacts of wind turbines can be significant, and installation in scenic and high traffic areas can result in strong local opposition. Other impressions of wind turbines are that they are attractive and represent clean energy.

**Summary of Impacts.** Approximately 3,750 to 12,750 acres of land would be required for a 750 MW wind electricity power plant. While wind plants would not necessarily impact the same types of wildlife and vegetation as the proposed Imperial Valley Solar plant, the significant acreage necessary for a 750 MW wind plant would still cause significant habitat loss in addition to potentially significant impacts from habitat fragmentation and bird and bat mortality. Wind turbines are often over 400 feet high for 2 MW turbines. As such, any wind energy project would be highly visible and can conflict with civilian or military flight operations.

### ***Rationale for Elimination***

While wind electricity generation is a viable and important renewable technology in California, it would not reduce the large-scale ground disturbance and visual impacts associated with the Imperial Valley Solar project. Therefore wind generation was eliminated from further consideration in this SSA. Furthermore, wind is part of a renewable energy supply mix along with solar thermal, which staff believes will be needed to meet SDG&E and statewide RPS requirements.

### **Geothermal Energy**

Geothermal technologies use steam or high-temperature water obtained from naturally occurring geothermal reservoirs to drive steam turbine/generators. There are vapor dominated resources (dry, super-heated steam) and liquid-dominated resources where various techniques are used to extract energy from the high-temperature water.

Geothermal plants account for approximately 5% of California's power and range in size from under 1 MW to 200 MW. California is the largest geothermal power producer in the United States, with about 1,800 MW installed capacity; in 2007, 13,000 gigawatt hours



of electricity were produced in California (CEC 2008). Geothermal plants provide highly reliable baseload power, with capacity factors from 90% to 98%.

Geothermal plants must be built near geothermal reservoir sites because steam and hot water cannot be transported long distances without substantial thermal energy loss. Geothermal power plants are currently operating in the following California counties: Lake, Sonoma, Imperial, Inyo, Mono, and Lassen.

The amount of geothermal resources available in Imperial County is uncertain. Following are historic data showing that the estimated resource value has been declining:

- A 1977 report estimated 4,500 MW of geothermal electricity could be generation from the Salton Sea, Heber, Brawley, and East Mesa resources (IID 2008a).
- The Imperial Valley Study Group (September 2005) estimated 1,950 MW of geothermal power reserves in Imperial Valley.
- Imperial County estimated 1,790 MW of geothermal resources in the General Plan (2006).
- In July, 2008 the BLM El Centro Field Office approved the leasing of all BLM-managed lands, totaling 14,731 acres, within the Truckhaven Geothermal Leasing Area. As part of the Truckhaven Geothermal Leasing Final EIS, the BLM developed a Reasonably Foreseeable Development Scenario which assumed that 50 MW (net) of geothermal generation would ultimately be developed in the Truckhaven area (BLM 2007).
- The RETI Phase 1A Report (2008) estimated an incremental capacity of approximately 2,400 MW for the entire State by 2018.
- As of December 2009, the Renewable Energy Action Team's list of Proposed Renewable Energy Projects for California included approximately 640 MW of proposed geothermal projects in Imperial County (CEC 2009).

**Geothermal Alternative Scenario.** There is no single 750 MW geothermal project in Imperial County. In order to develop an alternative scenario for analysis, this analysis assumes that approximately five to ten smaller projects would be required to achieve 750 MW of geothermal energy. While a site-specific environmental assessment is not possible, the following analysis describes the types of environmental impacts that geothermal facilities would create.

The amount of land required for a geothermal facility varies greatly. Examples of these facilities follow:

- As stated above, the Truckhaven EIS Reasonably Foreseeable Development Scenario of 50 MW included use of 14,731 acres of land, of which the total surface disturbance including well locations, access roads, pipelines, power plant sites, and transmission lines was approximately 400 acres.
- The Salton Sea Unit #6 project, now the Black Rock 1, 2, and 3 Geothermal Power Project, currently proposes to develop 3,180 acres of the Salton Sea Known Geothermal Resource Area (KGRA) to generate 150 MW of energy (CEC 2009a). Of

the 3,180 acres, approximately 197 acres would be graded and occupied by structures (CEC 2003).

- The Obsidian Butte region of the KGRA has nine plants producing 350 MW of geothermal energy on 4,808 acres of land. The amount of ground disturbance for these projects is unknown.

Based on the above examples, 750 MW of geothermal energy could require the use of thousands of acres of land. However, the amount of ground disturbance on that area would be less than 10%. Based on the Salton Sea Unit #6 scenario, less than 900 acres of ground disturbance would be required for 750 MW of geothermal energy. The Truckhaven EIS Reasonably Foreseeable Development Scenario would require development covering nearly 6,000 acres to achieve 750 MW of energy. Additionally, while the power plant, cooling towers and brine ponds would likely be fenced, there would not likely be fencing required for the wells and well pads. In that 5 to 10 geothermal facilities would be required for provision of 750 MW, depending on the locations of the new facilities, more transmission lines and switchyards with corresponding potential impacts (i.e., biological, cultural, soil & water, land use, visual) may be required for grid interconnection, when compared to the proposed SES Two project.

## **Environmental Assessment**

### ***Air Quality***

As with the Imperial Valley Solar project, construction of geothermal facilities would cause dust and exhaust emissions with crews operating off-road equipment and on-road mobile sources. The construction phase activity would also cause emissions during well drilling from diesel engine exhaust, dust from activity on unpaved surfaces, and geothermal steam from well testing. Beyond the boundaries of the project area, exhaust emissions would also be caused by workers commuting to and from the construction sites, trucks hauling equipment and supplies to the sites, dump trucks hauling away dirt or vegetation debris, and trucks delivering fresh concrete.

Toxic air contaminants and odors would be emitted as a result of fuel combustion in construction-related equipment and vehicles and as a result of geothermal steam released during well testing. Hydrogen sulfide ( $H_2S$ ) in geothermal steam is a toxic air contaminant and a colorless, flammable, poisonous compound with a characteristic rotten-egg odor. Ammonia also occurs in geothermal steam and is a toxic air contaminant with a pungent, penetrating odor. Ammonia is also a precursor pollutant to particulate matter in the ambient air. Releasing geothermal steam during well testing and development would cause substantial emissions of these toxic air contaminants and odors over the construction phase. Aside from closely managing the well testing schedule, few mitigation options are available, and the impact of toxic air contaminants and odors during construction would be significant and unavoidable.

Operational air emissions would result from vehicle use that would be necessary for periodic maintenance, repair, and inspection of the facilities. Operating a geothermal power facility generally causes very low or no emissions of  $CO_2$  or other pollutants, except when geothermal steam escapes to the atmosphere. Geothermal steam can contain varying amounts of  $CO_2$ , methane, ammonia, and  $H_2S$ .

Extracting power from geothermal steam equipment can cause emissions of ammonia and H<sub>2</sub>S, which are odors and toxic air contaminants present in the geothermal brine. Ammonia emissions also react with ambient air to form inhalable PM<sub>10</sub>, and H<sub>2</sub>S in the atmosphere will oxidize to SO<sub>2</sub> and sulfuric acid. Without proper control, emissions of these contaminants would cause increased health risks, create objectionable odors, and cause or substantially contribute to violations of H<sub>2</sub>S and/or PM<sub>10</sub> ambient air quality standards. These contaminants would be emitted during any short-term commissioning activities or uncontrolled releases of geothermal steam, but these impacts would be less than significant because they would be short-term and managed in accordance with ICAPCD permitting requirements.

Ammonia and H<sub>2</sub>S emissions could be avoided with sulfur control systems and use of an air-cooling system to reduce cooling tower drift. Commonly, water cooling causes the geothermal fluid entering the cooling tower to be emitted to the atmosphere as water vapor, which results in high levels of ammonia and H<sub>2</sub>S in the vapor from the cooling tower. However, a binary cycle plant emits only fresh water vapor from the cooling tower. Cool geothermal brine is injected into the ground after the energy is extracted.

**Comparison to Proposed Project.** The construction emissions resulting from building five to ten geothermal facilities would be similar to the type of construction emissions for the Imperial Valley Solar project. However, the five to ten geothermal facilities would require fewer acres of ground disturbance. Operational emissions from the geothermal facilities would be greater than those of the proposed Imperial Valley Solar project because of the potential emissions of ammonia and H<sub>2</sub>S. However, with mitigation, these impacts would be less than significant.

### ***Biological Resources***

The development and utilization of geothermal energy could have adverse impacts to vegetation and wildlife from the construction of well pads, wells, ponds, power plants, access roads, pipelines, transmission lines, other generation or transmission facilities, and any temporary extra workspace. Construction of geothermal projects would cause both temporary (during construction from vegetation clearing) and permanent (displacement of vegetation with project features) impacts to vegetation and wildlife habitat. Construction activities may also result in the alteration of soil conditions, including the loss of native seed banks and changes in topography and drainage, such that the ability of a site to support native vegetation after construction is impaired. Desert ecosystems are especially sensitive to ground disturbance and can take decades to recover, if at all. Because the geothermal facilities would not require the entire geothermal field to be fenced, wildlife migration would potentially be allowed to continue.

Exploratory drilling and associated surface disturbances could cause soil to become contaminated with construction-related materials, such as oils, greases, hydraulic fluids, etc. Pollutants and contaminated soil have the potential to enter jurisdictional waters and, ultimately, the Salton Sea.

Additionally, the BLM Final EIS for the Truckhaven Geothermal Leasing Areas identified potential impacts to the Flat-Tailed Horned Lizard (FTHL) as a concern for developing geothermal facilities in this region of Imperial County. The EIS included mitigation measures/best management practices to minimize impacts to FTHL habitat.

**Comparison to Proposed Project.** As with the Imperial Valley Solar project, the construction of five to ten geothermal facilities would result in ground disturbance and loss of vegetation and wildlife habitat. However, the geothermal facilities would disturb fewer acres than the Imperial Valley Solar facility. Additionally, because the geothermal field would not require perimeter fencing as with the Imperial Valley Solar project, the impact to wildlife migration would be reduced. As such, the geothermal facilities would create fewer impacts to biological resources compared with the Imperial Valley Solar project.

### ***Cultural Resources***

Known archaeological, architectural, or historical sites would potentially be affected by construction and operation of a geothermal facility. For example, there are 179 known archaeological sites within the Truckhaven Geothermal Leasing Area which may be impacted by the construction of geothermal facilities at this location. Conditions of Certification such as those required for the Imperial Valley Solar Project at Plaster City provided in the **Cultural Resources** section of this SSA may reduce this impact; however, specific site surveys would be required to be certain.

Currently unknown, unrecorded cultural resources may be found at the geothermal facility sites. As they are discovered, resources are recorded and information retrieved. If the nature of the resource requires it, the resource is protected. When discovered, cultural resources are treated in accordance with applicable federal and state laws and regulations as well as the mitigation measures and permit requirements applicable to a project. As with the Imperial Valley Solar Plaster City location, resources discovered during construction of current and future projects would be subject to legal requirements designed to protect them, thereby reducing the effect of impacts.

**Comparison to Proposed Project.** While the construction of five to ten geothermal facilities would result in ground disturbance and could impact known and unknown cultural resources, the facilities would disturb fewer acres than the Imperial Valley Solar facility. As such, it is likely that the geothermal facilities would create fewer impacts to cultural resources compared with the Imperial Valley Solar project.

### ***Hazardous Materials***

Soil or groundwater contamination could result from accidental spill or release of hazardous materials at the geothermal facility during operations or maintenance of the transmission line, towers, wells or power plant. This could result in exposure of the facility, maintenance workers, and the public to hazardous materials; and could result in contamination to soil and/or groundwater.

Geothermal plants can also produce waste and byproducts that can have significant impacts. The most potentially harmful gas generally encountered in geothermal systems is H<sub>2</sub>S, which at concentrations higher than 30 parts per million (ppm) is toxic (CEC 2003). It can cause a variety of problems including dizziness, vomiting, and eventually death if one is exposed for long periods of time. In concentrations above 100 ppm, H<sub>2</sub>S can be fatal. H<sub>2</sub>S is heavier than air and can accumulate in low-lying areas (equipment pits, ravines, and other depressions) and become concentrated over time.

H<sub>2</sub>S releases could potentially be of concern during drilling, well testing, and plant start-up and shut-down operations, although recent technology improvements in atmospheric separators can significantly decrease emissions and noise during these operations. H<sub>2</sub>S is now often abated at geothermal power plants, resulting in a conversion of close to 100% of the H<sub>2</sub>S into elemental sulfur (GEA 2007). Since 1976, H<sub>2</sub>S emissions have decreased from 1,900 pounds per hour to 200 pounds per hour despite an increase in geothermal power production from 500 MW to 2,000 MW (GEA 2007).

**Comparison to Proposed Project.** Both the construction and operation of five to ten geothermal facilities and the Imperial Valley Solar Project would require the use of H<sub>2</sub>S. However, because of the potentially harmful releases of hydrogen sulfide with geothermal projects, impacts from hazardous materials would be worse for the geothermal facilities. However, with mitigation these impacts would likely be less than significant.

### ***Land Use***

The amount of land required for geothermal facilities varies greatly and is contingent in part on the geothermal resource below ground. The amount of ground disturbance for a geothermal facility is significantly smaller than the total amount of land required for the geothermal field, approximately 10%. Impacts to land use depend on the existing use of the land. For example, BLM lands within the Truckhaven area are open space areas. No sensitive land uses would be traversed by or adjacent to the Truckhaven Geothermal Leasing Area. However, the Truckhaven area is used by off-highway vehicles and would potentially create impacts to recreation (see the discussion of **Recreation and Wilderness** below).

**Comparison to Proposed Project.** Five to ten geothermal facilities are expected to require thousands of acres of land similar to the Imperial Valley Solar facility. While a smaller portion of this land would be disturbed, the entire site would be converted to an industrial use, similar to that of the Imperial Valley Solar facility.

### ***Recreation and Wilderness***

The construction of pipelines, wells, storage yards, staging areas, power plants, transmission lines, and roads for geothermal facilities would reduce the amount of land available to recreationists for hiking, wildlife viewing, camping, and ORV use. For example, approximately 83% of the Truckhaven Geothermal Leasing Area is within the Ocotillo Wells State Vehicular Recreation Area (SVRA). Most vehicles gain access to the SVRA through OHV routes accessible via SR78. Geothermal development in the area would restrict or reduce the opportunities for OHV vehicles to access certain areas of the SVRA during construction of geothermal wells and electric generation facilities.

Additionally, geothermal facilities would result in a long-term impact from the noise and vibration of the power plant and nearby pipelines. Views of equipment or the addition or change of industrial structures such as pipelines, power lines, and power production facilities conflict with the natural background of recreational resources in the desert and could also diminish users' recreational experiences on lands that remain open for recreation.

**Comparison to Proposed Project.** As with the Imperial Valley Solar facility, geothermal facilities constructed on Federal land could disrupt the use of recreation and wilderness lands.

### ***Noise and Vibration***

Construction of the proposed facilities would require heavy equipment operations for grading, filling, compacting, and paving. After site preparation, noise would be generated by well-boring equipment and by normal construction activities such as the use of power saws, drills, and hammers. Noise will be generated from drilling and testing operations at each well pad and would create both continuous and intermittent noise.

Typically, the loudest noise encountered during construction, inherent in building any project incorporating a steam turbine, is created by the steam blows. After erection and assembly of the steam system, the piping and tubing that comprises the steam path has accumulated dirt, rust, scale and construction debris such as weld spatter, dropped welding rods and the like. If the plant were started up without thoroughly cleaning out these systems, all this debris would find its way into the steam turbine, quickly destroying the machine.

In order to prevent this, before the steam system is connected to the turbine, the steam line is temporarily routed to the atmosphere. High pressure steam is then allowed to escape to the atmosphere through the steam piping. This flushing action, referred to as a steam blow, is quite effective at cleaning out the steam system. Such steam blows could produce noise as loud as 118 dBA at a distance of 100 feet. However, silencers can be used to reduce noise levels by up to 44 dBA (CEC 2003).

Well operations and energy generation would also contribute to increased noise levels. The principal noise sources would be turbine operations, noise generated from cooling tower, and associated project vehicles. However, at any distance greater than roughly 0.5 miles, power plant operation would generate noise levels indistinguishable from existing ambient noise levels.

**Comparison to Proposed Project.** Both geothermal facilities and the Imperial Valley Solar facility would require use of heavy equipment which would create construction noise. However, the drilling of the geothermal wells would likely require 24-hour drilling and the power plant would operate 24 hours a day, creating additional noise 24 hours daily. Additionally, the geothermal facility operation would require steam blows. The additional noise caused by the geothermal facilities would create greater noise impacts than the Imperial Valley Solar facility.

### ***Public Health and Safety***

Without meteorological conditions and topography at the specific geothermal sites, conclusions regarding air dispersion modeling and a human health risk assessment are not possible. The analysis for the Salton Sea Unit #6 resulted in a less than significant and this same analysis would be required for each of the five to ten geothermal facilities required to achieve 750 MW of geothermal energy. Without more specific site analysis comparison with the proposed Imperial Valley Solar facility is not possible.

One additional concern regarding hazardous materials present in geothermal facilities includes the possibility for bacterial growth to occur in the cooling tower, including Legionella. Legionella is a type of bacteria that grows in water and causes Legionellosis, otherwise known as Legionnaires' disease. Untreated or inadequately treated cooling systems in the United States have been correlated with outbreaks of Legionellosis. These outbreaks are usually associated with building heating, ventilating, and air conditioning (HVAC) systems but it is possible for growth to occur in industrial cooling towers. In order to ensure that Legionella growth is kept to a minimum, mitigation would require the project owner to prepare and implement a biocide and anti-biofilm agent monitoring program to ensure that proper levels of biocide and other agents are maintained within the cooling tower water at all times, that periodic measurements of Legionella levels are conducted, and that periodic cleaning is conducted to remove bio-film buildup. With the use of an aggressive antibacterial program coupled with routine monitoring and biofilm removal, the chances of Legionella growing and dispersing would be reduced to insignificance.

**Comparison to Proposed Project.** Without site specific information, a detailed comparison of the risk to public health and safety is not possible.

### ***Socioeconomics and Environmental Justice***

The socioeconomic impacts of building five to ten geothermal facilities in Imperial County would be similar to building and operating the Imperial Valley Solar project at the proposed site. The source of construction and operation workers would be similar and the estimated benefits to Imperial County would be similar. However, unlike the Imperial Valley Solar facility, the geothermal facilities would be required to pay property taxes on their facility over the life of the project increasing the county's revenue.

### ***Soil and Water Resources***

The construction activities associated with geothermal exploration and development have the potential for adverse impacts to surface water quality, especially through erosion of disturbed soil and resulting sedimentation. Accelerated wind and water-induced erosion may result from earthmoving activities associated with construction. Precipitation, or high intensity and short duration runoff events coupled with ground disturbing activities, can result in onsite erosion eventually increasing the sediment load into nearby waters, notably the Salton Sea. Soils devoid of vegetation have a high potential for erosion, particularly when disturbed. Background levels of erosion and sedimentation would also be high for the same reason.

A Stormwater Pollution Prevention Plan (SWPPP) would be required for construction of the geothermal facilities. This SWPPP will outline best management practices that will control sedimentation during construction. However, since the projects would involve extensive construction and grading over the site area, it is recommended that a drainage plan be developed to ensure minimal long-term disturbance to drainage patterns.

Excavation for geothermal wells and other project facilities, including tower foundations in shallow groundwater could contaminate groundwater if oil from excavation equipment is spilled into the excavation pit. However, per typical permit requirements, any facilities

related to geothermal exploration and development must be designed with appropriate standards to protect against such releases.

A geothermal brine spill could adversely impact the soils surrounding pipelines. If a surface spill were to reach lands currently farmed, the soil would be rendered hypersaline and most likely unsuitable for agricultural purposes. It is likely that if a spill were to occur, such disturbance would be temporary, lasting only as long as remediation measures required.

The operation of the geothermal facilities and of wells, pipelines, and power facilities could cause indirect impacts to surface or groundwater quality due to a pipeline rupture, leakage, or failure from a surface impoundment or well casing leakage. Pipeline, pond, or well failures could be related to a seismic event. Any facilities related to geothermal exploration and development would be designed in accordance with appropriate standards to protect against such releases.

Imperial County ordinances state that developments below elevation –220 feet (220 feet below sea level) are required to apply for a Development Permit. As such, geothermal facilities may be required to erect berms to protect the project from flooding caused by the Salton Sea or other water ways in Imperial County.

Geothermal facilities may require use of large amounts of fresh water. For example, the Salton Sea Unit #6 project would require approximately 293 AFY of fresh water during an average year, but could require up to 987 AFY if the brine were to reach a salinity of 25.0%. This would translate into approximately 1,200 AFY during an average year for 750 MW of geothermal facilities and up to 4000 AFY.

**Comparison to Proposed Project.** Impacts related to erosion, sedimentation and stream morphological changes for the Imperial Valley Solar project will remain significant after mitigation. As a result of issues related to this significant impact, the project will likely not comply with Section 404 of the Clean Water Act, administered by the U.S. Army Corps of Engineers. Impacts related to erosion and sedimentation for the five to ten geothermal projects are assumed to be mitigable to less than significant because a geothermal facility requires much less ground disturbed than the Imperial Valley Solar facility and because there is flexibility when siting the geothermal plant structures and well pads. As such, the geothermal facilities would create lesser impacts to soils and water than the proposed Imperial Valley Solar facility. However, it should be noted that the geothermal facility would require a significantly greater amount of water than the Imperial Valley Solar facility during project operation.

### ***Traffic and Transportation***

Before construction could occur at the geothermal facilities, a construction traffic control and transportation demand implementation program would need to be developed in coordination with Caltrans. This analysis may result in the need to limit construction-period truck and commute traffic to off-peak periods to avoid or reduce traffic and transportation impacts. These impacts would likely similar to those of the proposed project as the geothermal projects would likely require the use of I-8 and other smaller roads for access.



**Comparison to Proposed Project.** Impacts to traffic and transportation of the geothermal facilities would be similar to those at the proposed Imperial Valley Solar site. Impacts to traffic and transportation during operation of the geothermal facilities would be reduced compared with the Imperial Valley Solar project because the geothermal facilities would have no glare impacts to oncoming traffic.

### ***Transmission Line Safety and Nuisance***

Similar to the proposed project, this alternative would not be likely to cause transmission line safety hazards or nuisances. As stated in the **Transmission Line Safety and Nuisance** section, the potential for nuisance shocks would be minimized through grounding and other field-reducing measures that would be implemented in keeping with current standard industry practices, and the potential for hazardous shocks would be minimized through compliance with the height and clearance requirements of CPUC's General Order 95. Compliance with Title 14, California Code of Regulations, section 1250, would minimize fire hazards, while the use of low-corona line design, together with appropriate corona-minimizing construction practices, would minimize the potential for corona noise and its related interference with radio-frequency communication in the area around the route. As with the proposed Imperial Valley Solar transmission lines, the public health significance of any related field exposures cannot be characterized with certainty. The only conclusion to be reached with certainty is that the proposed lines' design and operational plan would be adequate to ensure that the generated electric and magnetic fields are managed to an extent the CPUC considers appropriate in light of the available health effects information.

### ***Visual Resources***

Geothermal facilities would require a power plant, production wells, injection wells, and pipelines to connect the wells to the plants. The wells would be approximately 15 feet high and the pipelines may run several miles (CEC 2003). The pipelines may be elevated up to three feet off the ground. The most visible features of geothermal projects would include the steam turbine generator and crane, crystallizers, cooling towers, dilution water heaters, and emergency relief tanks (CEC 2003). The transmission interconnection and switchyards would also be visible components of a geothermal facility.

Construction of geothermal power plant and linear facilities would cause temporary adverse visual impacts due to the presence of equipment, materials, and workforce. Construction would involve the use of cranes, heavy construction equipment, temporary storage and office facilities, and temporary laydown/staging areas. Construction would include site clearing and grading, trenching, construction of the actual facilities, and site and rights-of-way cleanup and restoration.

Geothermal projects would introduce the prominent geometric forms and vertical and horizontal lines of the various structures and stacks. These structural characteristics would be consistent with the forms and lines related to any existing industrial facilities and would contrast with natural forms and lines present in the setting. The wells and pipelines would be visible to motorists and agricultural workers in the local area, particularly if they are incased in shiny aluminum jackets or are painted with reflective paint.

Geothermal facilities would likely require nighttime lighting for operational safety and security though not FAA beacons. Lighting would be directed on site to avoid back-scatter, and shielded from public view to the extent practical. High illumination areas not occupied on a regular basis would be provided with switches or motion detectors to light these areas only when occupied.

Visible plumes from cooling towers would occur. The resulting visual contrast would be high and the power plant and cooling tower would appear co-dominant compared to the surrounding landforms. Geothermal unabated dilution water heater plume may be a somewhat prominent and persistent feature in the views from sections of local roads and residences.

**Comparison to Proposed Project.** Geothermal facilities would introduce industrial facilities into what may be predominantly natural settings. Additionally, geothermal facilities may have visible plumes that rise hundreds of feet into the air. However, the permanent facilities required for a geothermal facility would be much less extensive than those required at the Imperial Valley Solar project with thousands of SunCatchers approximately 40 feet tall. Additionally, a geothermal facility would not have visible glare from the SunCatchers' mirrors during the daytime hours. As such, visual impacts of the Imperial Valley Solar facility would likely be reduced with use of geothermal power.

### ***Waste Management***

The minimal amounts of nonhazardous waste generated from geothermal projects, would be disposed of in a Class III waste disposal site. The brine pond solids would constitute the largest percentage of waste at geothermal facilities. Brine pond solids and scale found in pipes, clarifiers, and separators during maintenance shutdowns would be disposed of as hazardous waste in a Class I landfill. The drilling waste and H<sub>2</sub>S abatement waste would be tested and, if found hazardous, would be disposed of in a Class I landfill.

**Comparison to Proposed Project.** The environmental impacts of waste disposal at geothermal facilities would be similar to those at the proposed Imperial Valley Solar site at Plaster City and would not be expected to create significant impacts.

### ***Worker Safety and Fire Protection***

Industrial environments are potentially dangerous, during both construction and operation of facilities. Workers at the proposed project will be exposed to loud noises, moving equipment, trenches, and confined space entry and egress problems. The workers may experience falls, trips, burns, lacerations, and numerous other injuries. They have the potential to be exposed to falling equipment or structures, chemical spills, hazardous waste, fires, explosions, and electrical sparks and electrocution. It is important for the facilities to have well-defined policies and procedures, training, and hazard recognition and control at their facility to minimize such hazards and protect workers. If the facility complies with all LORS, workers will be adequately protected from health and safety hazards (CEC 2003).

During construction and operation of the geothermal facilities there is the potential for both small fires and major structural fires. Electrical sparks, combustion of fuel oil,

flammable gas or liquids, explosions, and over-heated equipment, may cause small fires. Major structural fires may develop from uncontrolled fires or be caused by large explosions of flammable gasses or liquids. Compliance with all LORS will be adequate to assure protection from all fire hazards.

**Comparison to Proposed Project.** The environmental impact of worker safety and fire protection at geothermal facilities sites would be similar to that at the proposed Plaster City site.

## **Engineering Assessment**

### ***Facility Design***

This analysis encompasses the civil, structural, mechanical and electrical engineering design of a project. It is assumed that each renewable technology would abide by the required LORS for that facility and would comply with the California Building Standards Code.

### ***Geology, Paleontology and Minerals***

Active seismicity and subsidence generally occur in areas with high levels of tectonic activity (e.g., volcanic regions, fault zones), which are the same areas in which geothermal resources occur; therefore, it is difficult to discern between power plant-induced and naturally occurring seismicity and subsidence. Drilling deep into the earth's crust to access high-temperature geothermal resources and subsequent re-injection of fluid into the geothermal reservoir may result in microearthquakes, which are generally below magnitude 2–3 on the Richter scale. These microearthquakes are typically centered on the injection site and are too low to be noticed by humans (Kagel 2007).

The applicant would follow all applicable building codes and standard practices for power plant construction as required by the CEC including: Title 24, California Code of Regulations, which adopts the current edition of the CBC as minimum legal building standards; the 2001 California Building Code (CBC) for design of structures; the 1996 Structural Engineers Association of California's Recommended Lateral Force Requirements, for seismic design; ASME-American Society of Mechanical Engineers Boiler and Pressure Vessel Code, and the NEMA-National Electrical Manufacturers Association.

Subsidence can occur naturally or through the extraction of subsurface fluids, including geothermal fluids. Subsidence has been proven to be effectively mitigated through injection of spent geothermal fluids into the underground reservoir (CEC 2003a). Injection is regulated by the U.S. Environmental Protection Agency (EPA) to adhere to requirements of the Underground Injection Control Program.

Site specific information regarding mineral resources and paleontological resources would be required. However, it is likely that should mineral resources and paleontological resources be present, mitigation would be required to reduce the impacts to less than significant. This is because both mineral and paleontological resources could be avoided through the flexible siting of the project infrastructure.

**Comparison to Proposed Project.** Geothermal facilities sites would create greater impacts to geologic resources because they are known to create microearthquakes through the development of the technology.

### ***Power Plant Efficiency***

Both geothermal facilities and the Imperial Valley Solar project would decrease reliance on fossil fuel, and would increase reliance on renewable energy resources. They would not create significant adverse effects on fossil fuel energy supplies or resources, would not require additional sources of energy supply, and would not consume fossil fuel energy in a wasteful or inefficient manner.

### ***Power Plant Reliability***

Geothermal facilities may achieve a 95% or higher availability (CEC 2003). Because the geothermal steam is available throughout the day, geothermal facilities provide an adequate level of reliability throughout the entire day.

**Comparison to Proposed Project.** Compared to solar energy, geothermal facilities provide a higher reliability because of their ability to provide base load energy throughout the entire day, whereas solar projects can generate power only when the sun is shining.

### ***Transmission System Engineering***

The geothermal facilities would require evaluating the capacity of the transmission lines that would be used for interconnection. The geothermal facilities may cause adverse effects to the transmission system and require system upgrades.

### **Summary of Impacts – Geothermal Technology**

Geothermal facilities would have impacts similar to the proposed Imperial Valley Solar project for 10 of the 20 environmental and engineering resource elements: land use and recreation, public health, socioeconomics, transmission line safety and nuisance, waste management, worker safety and fire protection, facility design, power plant efficiency, and transmission system engineering.

Geothermal generation would likely have greater impacts than the proposed Imperial Valley Solar site for four resource elements: air quality, hazardous materials, noise, and geology, paleontology and minerals.

Geothermal generation would likely have fewer impacts than the proposed Imperial Valley Solar site at Plaster City for six resources: biological resources, cultural resources, soil and waters, traffic and transportation, visual resources, and power plant reliability.

### ***Rationale for Elimination***

Geothermal generation is a commercially available technology and is important for California's renewable energy future because it provides baseload power that is available 24 hours a day. It also can be developed with substantially less ground disturbance than that needed for the Imperial Valley Solar project, so impacts related to

biological and cultural resources, water and soils resources, and traffic/transportation would be reduced. The Imperial Valley's geothermal resources are also within reach of the proposed Sunrise Powerlink, and are relatively close to the San Diego metropolitan load center. However, despite the encouragement provided by Renewable Portfolio Standard targets and ARRA funding, few new projects have been proposed in the Imperial Valley and no geothermal projects are included on the Renewable Energy Action Team list of projects requesting ARRA funds. Therefore, while the technology is clearly feasible and additional development is expected, the technology is not retained for detailed analysis in this SSA.

## **Biomass Energy**

Electricity can be generated by burning organic fuels in a boiler to produce steam, which then turns a turbine; this is biomass generation. Biomass can also be converted into a fuel gas such as methane and burned to generate power. Wood is the most commonly used biomass for power generation. Major biomass fuels include forestry and mill wastes, agricultural field crop and food processing wastes, and construction and urban wood wastes. Several techniques are used to convert these fuels to electricity, including direct combustion, gasification, and anaerobic fermentation. Biomass facilities do not require the extensive amount of land required by the other renewable energy sources discussed, but they generate much smaller amounts of electricity.

Currently, nearly 19% of the state's renewable electricity derives from biomass and waste-to-energy sources (CEC 2007). Most biomass plant capacities are in the 3- to 10 MW range and typically operate as baseload capacity. The average size of a sales generation biomass plant is 21 MW (CBEA 2008). Unlike other renewable sources, the locational flexibility of biomass facilities would reduce the need for substantial transmission investments. Solid fuel biomass (555 MW) makes up about 1.75% of the state's electricity, and landfill methane gas generation (260 MW) makes up about 0.75%. Existing landfills not now producing electricity from gas could add a maximum of about 170 MW of new generation capacity (CBEA 2008).

**Environmental Assessment.** Generally, small amounts of land are required for biomass power facilities; however, a biomass facility should be sited near a relatively large source of biomass to minimize the cost of bringing the biomass waste to the facility.

Operational noise impacts may be a concern, originating from truck engines as a result of hauling operations coming from and going to the facility repeatedly on a daily basis. Other operations of the biomass facilities, while internal to the main structure, can result in increased noise due to the material grinding equipment.

The emissions due to biomass fuel-fired power plant operation are generally unavoidable. Direct impacts of criteria pollutants could cause or contribute to a violation of the ambient air quality standards. Significant impacts can potentially occur for PM10 and ozone because emissions of particulate matter and precursors and ozone precursors could contribute to existing violations of the standards for those criteria pollutants. Biomass/biogas facility emissions could also adversely affect visibility and vegetation in federal Class I areas or state wilderness areas as a result of significantly deteriorating air quality related values in the wilderness areas. Toxic air contaminants from routine

operation would also cause health risks that could adversely affect sensitive receptors in the local area of the plant.

### ***Rationale for Elimination***

Most biomass facilities produce only small amounts of electricity (in the range of 3 to 10 MW) and so could not meet the project objectives. Biomass facilities also generate significant air emissions and require numerous truck deliveries to supply the plants with the biomass waste materials. Also, in waste-to-energy facilities, there is some concern regarding the emission of toxic chemicals, such as dioxin, and the disposal of the toxic ash that results from biomass burning. Therefore, this technology is not analyzed in detail in this SSA as an alternative to the Imperial Valley Solar project.

### **Tidal Energy**

The oldest technology to harness tidal power for the generation of electricity involves building a dam, known as a *barrage*, across a bay or estuary that has large differences in elevation between high and low tides. Water retained behind a dam at high tide generates a power head sufficient to generate electricity as the tide ebbs and water released from within the dam turns conventional turbines.

Certain coastal regions experience higher tides than others. This is a result of the amplification of tides caused by local geographical features such as bays and inlets. In order to produce practical amounts of power for tidal barrages, a difference between high and low tides of at least 5 meters is required. There are about 40 sites around the world with this magnitude of tidal range. The higher the tides, the more electricity can be generated from a given site and the lower the cost of the electricity produced. Worldwide, existing power plants using tidal energy include a 240 MW plant in France, a 20 MW plant in Nova Scotia, and a 0.5 MW plant in Russia (EPRI 2006).

### ***Tidal Fences***

Tidal fences are effectively barrages that completely block a channel. If deployed across the mouth of an estuary, they can be very environmentally destructive. However, in the 1990s, their deployment in channels between small islands or in straights between the mainland and islands has increasingly been considered a viable option for the generation of large amounts of electricity.

The advantage of a tidal fence is that all the electrical equipment (generators and transformers) can be kept high above the water. Also, by decreasing the cross-section of the channel, current velocity through the turbines is significantly increased.

The United Kingdom is currently considering the feasibility of tidal energy across the Bristol Channel. The feasibility study began with the consideration of the Severn tidal barrage. The barrage would work similarly to a dam which generates hydro electric power by holding water back before it is allowed to flow at speed through a pipe at the base of the dam to drive the turbines (BBC 2007). Since then, alternative tidal projects have been proposed, including a tidal fence that would allow shipping to move freely and keep ports at Cardiff and Bristol open (BBC 2008). The results of the feasibility study are expected to be published in 2010; however, preliminary results from the Sustainable Development Commission confirmed the potential of the huge Severn tidal

range to generate approximately 5% of United Kingdom's electricity (BIS 2009). Tidal Turbines

Tidal turbines are the chief competition to the tidal fence. Looking like an underwater wind turbine, they offer a number of advantages over the tidal fence. They are less disruptive to wildlife, allow small boats to continue to use the area, and have much lower material requirements than tidal fences.

Tidal turbines function well where coastal currents run at 2 to 2.5 meters per second (slower currents tend to be uneconomic while larger ones stress the equipment). Such currents provide an energy density four times greater than air, meaning that a 15-meter-diameter turbine will generate as much energy as a 60-meter-diameter windmill. In addition, tidal currents are both predictable and reliable, a feature which gives them an advantage over both wind and solar systems. The tidal turbine also offers significant environmental advantages over wind and solar systems because the majority of the assembly is hidden below the waterline and all cabling is along the sea bed.

There are many sites around the world where tidal turbines could be effectively installed. An ideal site is close to shore (within 1 kilometer) in water depths of about 20 to 30 meters. In April 2007, the first major tidal-power project was installed in the United States off New York City's Roosevelt Island (Fairley 2007). Turbines such as those used in New York City use in-flow turbines, thereby lessening the environmental impacts. A study conducted in 2006, *System Level Design, Performance, Cost and Economic Assessment – San Francisco Tidal In-Stream Power Plant*, concluded that a tidal plant located under the Golden Gate Bridge could create approximately 35 MW of power with no significant impacts to the environment and recommended further research and development into both ocean energy technology and a pilot project in San Francisco (EPRI 2006a).

**Environmental Assessment.** Tidal technologies, especially tidal fences, have the potential to cause significant biological impacts, especially to marine species and habitats. Fish could be caught in the unit's fins by the sudden drop in pressure near the unit. The passageways, more than 15 feet high and probably sitting on a bay floor, could squeeze out marine life that lives there or alter the tidal flow, sediment build-up, and the ecosystem in general. Even the in-flow turbines can have adverse impacts on marine systems. The in-flow turbines off New York City must undergo environmental monitoring for 18 months to ensure the turbines will not create adverse impacts to the river's marine wildlife. Also, depending on the location of the tidal technology, commercial shipping could be disrupted during construction.

The reduced tidal range (difference between high and low water levels) resulting from tidal energy generation can destroy inter-tidal habitat used by wading birds. Sediment trapped behind the barrage could also reduce the volume of the estuary over time.

### ***Rationale for Elimination***

Tidal fence technology is a commercially available technology in Europe, although limited to areas that are adjacent to a body of water with a large difference between high and low tides, and it can result in significant environmental impacts to ocean ecosystems. In-flow tidal turbines are a relatively new technology and are not considered

an alternative to the Imperial Valley Solar project because they are an unproven technology at the scale that would be required to replace the proposed project. Additionally, the potential for adverse impacts of tidal turbines is still under review, as demonstrated by the pilot project under environmental monitoring in New York. Therefore, this technology is not analyzed in detail in this PSA/EIS as an alternative to the Solar Two project.

## Wave Energy

Wave power technologies have been used for nearly 30 years. Setbacks and a general lack of confidence have contributed to slow progress towards proven devices that would have a good probability of becoming commercial sources of electrical power using wave energy.

The highest energy waves are concentrated off the western coasts of the United States in the 40° to 60° latitude range north and south. The power in the wave fronts varies in these areas between 30 and 70 kilowatts per meter (kW/m) with peaks to 100 kW/m in the Atlantic southwest of Ireland, the Southern Ocean and off Cape Horn. Many wave energy devices are still in the research and development stage and would require large amounts of capital to get started. Additional costs from permitting and environmental assessments also make wave energy problematic (WEC 2007). Nonetheless, wave energy is likely to increase in use within the next 5 to 10 years.

The total power of waves breaking on the world's coastlines is estimated at 2 to 3 million MW. In favorable locations, wave energy density can average 65 MW per mile of coastline. Three approaches to capturing wave energy are:

- **Floats or Pitching Devices.** These devices generate electricity from the bobbing or pitching action of a floating object. The object can be mounted to a floating raft or to a device fixed on the ocean floor.
- **Oscillating Water Columns.** These devices generate electricity from the wave-driven rise and fall of water in a cylindrical shaft. The rising and falling water column drives air into and out of the top of the shaft, powering an air-driven turbine.
- **Wave Surge or Focusing Devices.** These shoreline devices, also called tapered channel or tapchan systems, rely on a shore-mounted structure to channel and concentrate the waves, driving them into an elevated reservoir. Water flow out of this reservoir is used to generate electricity, using standard hydropower technologies.

In December 2007, PG&E signed a power purchase agreement with Finavera Renewables, which had planned to operate a wave farm approximately 2.5 miles off the coast of Eureka, California. The agreement was for 2 MW of power beginning in 2012. On October 16, 2008, the California Public Utilities Commission rejected PG&E's request for approval of a renewable resource procurement contract with Finavera Renewables because, among other reasons, the CPUC concluded the project had not been shown to be viable. As stated in that decision, there is significant uncertainty surrounding wave technology and the wave energy industry is at a beginning stage (CPUC 2008). The CPUC did authorize up to \$4.8 million for PG&E to undertake its WaveConnect project in Decision D.09-01-036. WaveConnect is designed to document the feasibility of a



facility that converts wave energy into electricity by using wave energy conversion (WEC) devices in the open ocean adjacent to PG&E's service territory.

In January 2010, the California State Lands Commission and the Federal Energy Regulatory Commission issued a Request for Statements of Interest to prepare an environmental document for the PG&E WaveConnect project discussed above. PG&E has selected a wave energy project siting area that is between 2.5 and 3.0 nautical miles (nm) from the shore in Humboldt County. WaveConnect consists of: (1) wave energy converters (WECs) including multi-point catenary moorings and anchors; (2) marker buoys, navigation lights, and environmental monitoring instruments; (3) subsea electrical cables extending on-shore to (4) land-based power conditioning equipment; (5) an above-ground transmission line and interconnection to the electrical grid; (6) data acquisition and telemetry equipment; and (7) security and safety equipment.

**Environmental Assessment.** The environmental impacts of wave power have yet to be fully analyzed. A recent study published by the U.S. Department of Commerce and National Oceanic and Atmospheric Administration listed a number of potentially significant environmental impacts created by wave power (Boehlert 2008):

- Significant reduction to waves with possible effects to beaches (e.g. changes to sediment transport processes).
- The use of buoys may have positive effects on forage fish species, which in turn could attract larger predators. Structures need to be designed to reduce the potential entanglement of larger predators, especially marine turtle species.
- Modifications to water circulation and currents may result in changes to larval distribution and sediment transport.
- Wave energy development may affect community structures for fish and fisheries.
- Lighting and above-water structures may result in marine bird attraction and collisions and may alter food webs and beach processes.
- A diversity of concerns would arise regarding marine mammals including entanglement issues.
- Energy-absorbing structures may affect numerous receptors and should avoid sensitive habitats.
- Potential hazards from chemicals used in the process must be addressed both for spills and for a continuous release such as in fouling paints.
- New hard structures and lighting may break loose and increase debris accumulation.
- Impacts on fish and marine mammals caused by noise coming from the buoys should be understood and mitigated.
- Electromagnetic effects may affect feeding or orientation and should be better understood.
- Impact thresholds need to be established. As projects scale up in location or implementation, new risks may become evident.

### ***Rationale for Elimination***

Wave energy is new and may not be technologically feasible; as stated above, PG&E is proposing to sponsor a project to test the feasibility of harnessing wave energy. Additionally, wave power must be located where waves are consistently strong; even then, the production of power depends on the size of waves, which result in large differences in the amount of energy produced. Wave technology is not considered an alternative to the Imperial Valley Solar project because it is an unproven technology at the scale that would be required to replace the proposed project and because it may also result in substantial adverse environmental impacts. Therefore, this technology is not analyzed in detail in this SSA as an alternative to the Solar Two project.

### **B.2.8.4 ALTERNATIVE METHODS OF GENERATING OR CONSERVING ELECTRICITY**

Nonrenewable generation technologies that require use of natural gas, coal, or nuclear energy would not achieve the key project objective for the proposed Imperial Valley Solar project to provide clean, renewable, solar-powered electricity and to assist San Diego Gas & Electric (SDG&E) in meeting its obligations under California's Renewable Portfolio Standard Program.

While these generation technologies would not achieve this key objective, they are described briefly in this section to present this information to the public and decision makers. Conservation and demand-side management are also briefly addressed in this section.

The following topics were considered in this analysis:

- natural gas
- coal
- nuclear energy
- conservation and demand-side management

Of the three nonrenewable generation alternatives (natural gas, coal, and nuclear), only natural gas-fired power plants would be viable alternatives within California. However, gas-fired plants would fail to meet a major project objective to construct and operate a renewable power generating facility in California capable of selling competitively priced renewable energy consistent with the needs of California utilities and would therefore not achieve the purpose and need of the project. Because these alternatives would not support renewable power generation within California, and could have significant environmental impacts of their own, they were eliminated from further consideration.

None of these non-renewable energy technologies would meet the BLM's purpose and need, which is to approve, modify, or deny the applicant's request for a right-of-way. These technologies would be too great a departure from the application to be considered a modification of the applicant's proposal.

## **Natural Gas Generation**

Natural gas power generation accounts for approximately 22% of all the energy used in the United States and comprises 40% of the power generated in California (CEC 2007). Natural gas power plants typically consist of combustion turbine generators, heat recovery steam generators, a steam turbine generator, wet or dry cooling towers, and associated support equipment. An interconnection with a natural gas pipeline, a water supply, and electric transmission are also required.

A gas-fired power plant generating 750 MW would generally require less than 80 acres of land.

**Environmental Assessment.** Natural gas power plants may result in numerous adverse environmental impacts such as the following.

- Overall air quality impacts would increase because natural gas-fired power plants can contribute to local violations of the PM10 and ozone air quality standards, and operational emissions could result in toxic air contaminants that could adversely affect sensitive receptors. Net increases in greenhouse gas emissions due to natural gas-firing in the conventional power plants would also be substantial.
- Environmental justice may be a concern. Gas-fired power plants tend to be located in developed urban areas that are zoned for heavy industry. In some instances, low-income and minority populations are also located in such areas.
- To avoid adverse land use impacts, natural gas-fired power plants must be consistent with local jurisdictions' zoning.
- Several hazardous materials, including regulated substances (aqueous ammonia, hydrogen, and sulfuric acid), would be stored at a natural gas power plant during operation. Aqueous ammonia would be stored in amounts above the threshold quantity during the final stages of construction, initial start-up, and operations phases. Transport of hazardous materials during power plant operation includes delivery of aqueous ammonia and removal of wastes. During operation, the aqueous ammonia transporter would be required to obtain a Hazardous Material Transportation License in accordance with California Vehicle Code Section 32105 and would be required to follow appropriate safety procedures and routes.
- Cultural impacts can be severe depending on the power plant siting; however, because natural gas power plants require substantially fewer acres per MW of power generated, impacts to cultural resources would be expected to be fewer than with solar facilities.
- Power plant siting may result in the permanent conversion of designated farmland to non-agricultural uses. However, because natural gas power plants require substantially fewer acres per MW of power generated, impacts to designated farmlands would be expected to be less than with solar facilities.
- Visual impacts may occur with natural gas power plants because they introduce large structures with industrial character. The most prominent structures are frequently the cooling towers, which may reach 100 feet tall, and the power plant stacks, which may reach over 100 feet tall. Visible plumes from the cooling tower would also potentially occur.

## ***Rationale for Elimination***

Although natural gas generation is clearly a viable technology, it is not a renewable technology, so it would not attain the objective of generating renewable power meeting California's renewable energy needs. The air quality impacts of gas-fired plants include greenhouse gases and are one major reason that California's Renewable Portfolio Standard was developed. Therefore, this alternative is not considered in detail as an alternative to the Imperial Valley Solar project and is not analyzed further in this SSA.

## **Coal Generation**

Coal-fired electric generating plants are the cornerstone of America's electric power generation system. Traditional coal-fired plants generate large amounts of greenhouse gases. New clean coal technology includes a variety of energy processes that reduce air emissions and other pollutants from coal-burning power plants. The Clean Coal Power Initiative is providing government co-financing for new coal technologies that help utilities meet the Clear Skies Initiative to cut sulfur, nitrogen, and mercury pollutants by nearly 70% by 2018. The Clean Coal Power Initiative is now focusing on developing projects that use carbon sequestration technologies and/or beneficial reuse of carbon dioxide (DOE 2008). However, these technologies are not yet in use.

In 2006, approximately 15.7% of the energy used in California came from coal fired sources; 38% of this was generated in state, and 62% was imported (CEC 2007). The in-state coal-fired generation includes electricity generated from out-of-state, coal-fired power plants owned by and reported by California utilities (CEC 2007). In 2006, California enacted Senate Bill 1368 (Perata, Chapter 598, Statutes of 2006), which prohibits utilities from making long-term commitments for electricity generated from plants that create more carbon dioxide (CO<sub>2</sub>) than clean-burning natural gas plants (CEC 2007).

**Environmental Assessment.** Coal-fired power plants may also result in numerous adverse environmental impacts such as the following.

- Overall, air quality impacts would increase because coal-fired power plants contribute carbon dioxide, sulfur dioxide, nitrogen oxides, mercury, and fly ash (USEPA 2008a). Mining, cleaning, and transporting coal to the power plants generates additional emissions. Average per megawatt hour emissions of a coal-fired power plant are 2,249 pounds of carbon dioxide, 13 pounds of sulfur dioxide and 6 pounds of nitrogen oxides (EPA 2008a). Net increases in greenhouse gas emissions due to coal-firing in conventional power plants would be significant.
- Health risks associated with power plants have also been documented, including problems associated with exposure to fine particle pollution or soot, an increase in asthma, and an increase in non-fatal heart attacks.
- Large quantities of water are generally required to produce steam and for cooling. When coal-fired power plants use water from a lake or river, fish or other aquatic life can be adversely impacted (EPA 2008).

### ***Rationale for Elimination***

Although coal generation is a viable technology, it is not a renewable technology, so it would not attain the objective of generating renewable power meeting California's renewable energy needs. Existing technology for coal-fired plants results in high greenhouse gas emissions. Therefore, coal generation was eliminated from detailed analysis and is not considered further in this SSA.

### **Nuclear Energy**

Due to environmental and safety concerns, California law currently prohibits the construction of new nuclear power plants in the state until the California Energy Commission finds that the federal government has approved and there exists a demonstrated technology for the permanent disposal of spent fuel from these facilities (CEC 2006). In June 1976, California enacted legislation directing the Energy Commission to perform an independent investigation of the nuclear fuel cycle. This investigation was to assess whether the technology to reprocess nuclear fuel rods or to permanently dispose of high-level nuclear waste had been demonstrated and approved and was operational (Public Resources Code 25524.1 (a) (1), 25524.1 (b), and 25524.2 (a)). After extensive public hearings, the Energy Commission determined that it could not make the requisite affirmative findings concerning either reprocessing of nuclear fuel or disposal of high-level waste as documented in the *Status of Nuclear Fuel Reprocessing, Spent Fuel Storage and High-level Waste Disposal*, Energy Commission publication P102-78-001 (January 1978.) As a result, the development of new nuclear energy facilities in California was prohibited by law.

It has been more than 25 years since the last comprehensive Energy Commission assessment of nuclear power issues. The *Nuclear Power in California: 2007 Status Report* (October 2007) provides a detailed description of the current nuclear waste issues and their implications for California. This was prepared as part of the development of the Energy Commission's *2007 Integrated Energy Policy Report* (CEC 2007a).

### ***Rationale for Elimination***

The permitting of new nuclear facilities in California is currently illegal, so this technology is infeasible and is not considered further in this SSA.

### **Conservation and Demand-Side Management**

Conservation and demand-side management consist of a variety of approaches to reduction of electricity use, including energy efficiency and conservation, building and appliance standards, and load management and fuel substitution. In 2005 the Energy Commission and CPUC's Energy Action Plan II declared cost effective energy efficiency as the resource of first choice for meeting California's energy needs. The Energy Commission noted that energy efficiency has helped flatten the state's per capita electricity use and saved consumers more than \$56 billion since 1978 (CPUC 2008). The investor-owned utilities' 2006-2008 efficiency portfolio marks the single-largest energy efficiency campaign in U.S. history, with a \$2 billion investment by California's energy ratepayers (CPUC 2008). However, with population growth, increasing demand for energy, and the need to reduce greenhouse gases, there is a greater need for energy efficiency.

The CPUC, with support from the Governor's Office, the Energy Commission, and the California Air Resources Board, among others, adopted the *California Long-Term Energy Efficiency Strategy Plan for 2009 to 2020* (CPUC September 2008). The plan is a framework for all sectors in California including industry, agriculture, large and small businesses, and households. Major goals of the plan include:

- All new residential construction will be zero net energy by 2020;
- All new commercial construction will be zero net energy by 2030;
- Heating, ventilation, and air conditioning industries will be re-shaped to deliver maximum performance systems;
- Eligible low-income customers will be able to participate in the Low Income Energy Efficiency program and will be provided with cost-effective energy efficiency measures in their residences by 2020.

### ***Rationale for Elimination***

Conservation and demand-side management are important for California's energy future and cost effective energy efficiency is considered as the resource of first choice for meeting California's energy needs. However, with population growth and increasing demand for energy, conservation and demand-management alone are not sufficient to address all of California's energy needs. Additionally, it will not provide the renewable energy required to meet the California Renewable Portfolio Standard requirements, so technologies, like solar thermal generation, would be required. Therefore, they are not analyzed in detail in this SSA as an alternative to the Solar Two project.

## **B.2.8.5 AVOIDANCE OF WATERS OF THE U.S. ALTERNATIVE**

The Avoidance of Waters of the U.S. alternative was developed by the U.S. Army Corps of Engineers (Corps), and would require avoidance of all permanent effects on waterways within the Imperial Valley Solar proposed site. All drainages have been determined to be under the jurisdiction of the Corps. This would include both "primary" and "secondary" streams as defined by the Corps. This alternative is illustrated in **Alternatives Figure 9**, in which the blackened areas show where SunCatchers would not be allowed.

The Avoidance of the Waters of the U.S alternative would allow limited crossings of waterways by roads and electric collection system lines, but would not allow any permanent facilities (i.e., SunCatchers) to be installed within the boundaries of waters of the U.S. Primary and secondary streams are located throughout the Imperial Valley Solar proposed site. As a result, the alternative would allow development only in the center section of the project area, shown in yellow and gray on **Alternatives Figure 9**.

According to the applicant's consultants, the Avoidance of Waters of the U.S. alternative would result in elimination of 6,580 SunCatchers that are proposed to be located in drainages, but would isolate an additional 19,976 SunCatchers, making them infeasible to construct and operate. There would remain about 3,444 SunCatchers (retaining only about 10% of the proposed SunCatchers). Permanent structures would be allowed in only about 10% of the proposed project site. Streams crossed in order to provide access to the remaining developable portion of the site would be protected from erosion

and sedimentation by use of “Arizona crossings” (crossings with no culverts) or “bottomless culverts.”

### **Environmental Assessment**

The Avoidance of Waters of the U.S. alternative would require substantially less land than the proposed project, reducing the developed area by about 90%. As a result, impacts would be substantially reduced.

**Soil and Water.** Because permanent structures would not be allowed within the primary and secondary streams, this alternative would substantially reduce impacts to waters of the U.S. The many primary and secondary streams in the project area provide beneficial functions and values such as groundwater recharge, flood peak attenuation and floodwater conveyance, and wildlife habitat. Most of these functions would remain relatively unimpaired by construction and operation of the Imperial Valley Solar project in this alternative because of the elimination of permanent structures within the streams themselves. This would maintain flow where possible with water exiting the site within existing natural drainages.

While no permanent structures would be allowed within primary and secondary streams all of the ephemeral drainages on the Imperial Valley Solar project area are potentially vulnerable to soil and vegetation disturbance as a result of road construction and electric gathering line crossings, use of the construction logistics area, and construction of linear facilities, as well as ongoing vegetation maintenance, weed control, and other maintenance activities associated with project operation.

**Biological Resources.** The existing drainages currently support undisturbed native plant communities that help stabilize stream banks and provide valuable wildlife habitat and wildlife movement corridors. The Avoidance of the Waters of the U.S. alternative would not directly disturb these drainages, but it would fragment the area by allowing extensive construction activities within the alternative boundaries. As a result, this alternative would degrade the beneficial functions and values that these waters provide to wildlife. Fencing the project, even at the smaller size, could still effectively remove the connectivity value of the washes for wildlife use.

**Other Resources.** The Avoidance of Waters of the U.S. alternative would be located within the same project boundaries as the proposed project (but with substantially fewer SunCatchers). It would require fencing of a much smaller footprint, construction of many fewer roads, and only about 10% of the SunCatchers. Therefore, impacts to air quality, cultural resources, land use, recreation, and noise would be reduced substantially. Given the remaining size of the overall facility and the installation of approximately 3,440 40-foot-tall SunCatchers, visual impacts would remain considerable and similar to those at the proposed Imperial Valley Solar site.

### ***Rationale for Elimination***

The Avoidance of the Waters of the U.S. alternative was developed in order to satisfy the requirements of the U.S. Army Corps of Engineers to evaluate alternatives that minimize project effects on Waters of the U.S. This alternative would eliminate permanent structures within the primary and secondary drainages within the project boundary,

substantially reducing impacts to all resource areas. However, this alternative would allow generation of less than 100 MW, which does not meet the project objectives or purpose and need for the project. Therefore, the alternative has been eliminated from detailed analysis.

## **B.2.9        RESPONSES TO AGENCY AND PUBLIC COMMENTS**

---

Staff received comments on the Alternatives section of the Staff Assessment (SA) for the proposed Imperial Valley Solar Project from a number of commenters. Because many agency and public comments were similar, the comments have been addressed by theme rather than by commenter. Following is a summary of these comments and staff's response to each. In addition to the comments addressed below, a number of commenters expressed support for the proposed Imperial Valley Solar Project, the No Action/No Project Alternative, and a variety of the Plan alternatives.

**Comment 1:** A number of commenters expressed support for the private land alternatives that would involve use of previously disturbed areas, and stated that the proposed site is inappropriate for solar development.

**Response:** Two alternatives located on disturbed land are analyzed in the SSA; see Section B.2.7. Since the publication of the SA, a portion of the Agriculture Lands Alternative has been proposed as a 250 MW solar PV project and is under environmental review. As such, it would not longer be available as an alternative to the proposed Imperial Valley Solar Project. Additionally, as stated above, these alternatives are not considered feasible at this time because they would require the submittal of a new application to the Energy Commission and would not achieve the project objective of completing the review process in a timeframe that would allow the applicant to start construction or meet the economic performance guidelines by December 31, 2010 to potentially qualify for the 2009 ARRA cash grant in lieu of tax credits.

**Comment 2:** Commenters requested additional information regarding the economic feasibility of the alternatives. The applicant stated that the alternatives analysis did not address the economic feasibility of alternatives with reduced energy output. Other commenters, such as Tom Budlong, requested that the analysis clearly identify the economic criteria used for evaluating alternatives.

**Response:** The Applicant has stated in a public workshop that it would provide data regarding the economic feasibility of the project and potentially smaller alternatives. At this time, no economic modeling has been provided, so the data necessary to complete an economic analysis is not available. On April 7, 2010 SDG&E filed Advice Letter 2161-E with the CPUC for approval of renewable power purchase with Imperial Valley Solar, LLC for a 300 MW concentrating dish Stirling solar project. As such, a 300 MW project would appear to be feasible.

**Comment 3.** Commenters stated that the SA/DEIS should analyze a 300 MW alternative that is not located at the Phase I site, but rather that incorporates the entire site and avoids the resources of greatest concern. Commenters stated that a 300 MW alternative would be feasible because the Applicant has entered into an agreement with



SDG&E for 300 MW with an option to purchase an additional 300 MW and first rights of refusal on the final 150 MW.

**Response:** CEQA requires consideration of a reasonable range of alternatives that meet the CEQA screening criteria [see CEQA Guidelines Section 15126 (a)]. CEQA does not require consideration of all potential alternatives to a proposed project. Three smaller alternatives within the boundaries of the proposed project are fully evaluated in the SA. The SA includes analysis of a 300 MW Alternative that was designed to reduce impacts to cultural resources. Two alternatives designed to reduce impacts to jurisdictional waters were also fully analyzed, the Drainage Avoidance Alternative #1 and Drainage Avoidance Alternative #2.

**Comment 4:** Commenters suggested a new alternative be analyzed in the SSA that would reduce impacts to the Juan Bautista de Anza National Historic Trail, including an alternative that would move the project at least ten miles from the trail.

**Response:** Please see response to Comment 3 regarding the CEQA's requirements for consideration of multiple alternatives. The alternatives analysis includes three alternatives that would reduce impacts to the Juan Bautista de Anza National Historic Trail including two alternatives on private lands and the South of Highway 98 Alternative. These alternatives are not considered feasible at this time because they would require the submittal of a new application to the Energy Commission and would not achieve the project objective of completing the review process in a timeframe that would allow the applicant to start construction or meet the economic performance guidelines by December 31, 2010 to potentially qualify for the 2009 ARRA cash grant in lieu of tax credits.

**Comment 5:** Commenters requested the analysis of the Applicant-submitted Least Environmentally Damaging Practicable Alternative, or LEDPA. Commenters stated that the LEDPA would be a 709 MW project that would avoid some of the drainages on the project site.

**Response:** The Staff Assessment does not contain analysis of the LEDPA, as it has not been resolved between the Army Corps of Engineers and the Applicant. Given this status, Energy Commission Staff is moving forward with the best information currently available. It is Staff's understanding that the LEDPA is expected to have fewer impacts than the proposed project and would fall within the range of the alternatives fully analyzed in the SSA. Therefore, it should be an option available to the Energy Commission for selection.

**Comment 6:** Commenters requested the analysis of an alternative that would develop the 640-acre and 160-acre private inholdings within the proposed project boundaries to balance additional energy output with the protection of high value drainages and avoidances of jurisdictional waters.

**Response:** CEQA requires consideration of a reasonable range of alternatives that meet the CEQA screening criteria [see CEQA Guidelines Section 15126 (a)]. CEQA does not require full analysis of all potential alternatives to a proposed project. The SA includes a comprehensive alternatives analysis, including full consideration of seven alternatives (the

300 MW Alternative, two drainage avoidance alternatives, three off-site alternatives, and No Project Alternative) and discussion of an additional 20 alternatives that were considered but eliminated from detailed consideration. In addition, the feasibility of acquisition of the inholdings is unknown at this time. An alternative that incorporated the private inholdings would be located on land substantially similar to the proposed project site. While incorporating the inholdings may reduce impacts to some jurisdictional waters, portions of the inholdings are encumbered by the transmission line rights-of-way (including the Southwest Powerlink ROW and the proposed Sunrise Powerlink ROW). Additionally, the inholdings are likely to have a greater number of cultural resources as they are located adjacent to the portions of the proposed project site with the greatest number of cultural resources.

**Comment 7:** An alternative location of the Main Services Complex should be considered to avoid 18 acres of permanent impacts to jurisdictional waters. Alternatives should also discuss alternate designs that reduce the size of holding areas, and consider minimizing the number of temporary assembly tents required to outfit the facility. **Response:** CEQA requires consideration of a reasonable range of alternatives that meet the CEQA screening criteria [see CEQA Guidelines Section 15126 (a)]. CEQA does not require full analysis of all potential alternatives to a proposed project. The SA includes two drainage avoidance alternatives that avoid impacts to jurisdictional waters. Additionally, while Energy Commission Staff does not know the LEDPA at this time, it is Staff's understanding that it is expected to have fewer impacts to jurisdictional waters.

**Comment 8:** Commenters expressed support for the Distributed Solar Alternative including suppose for the San Diego Smart Energy 2020 plan. Commenters stated that distributed PV is feasible based on National Renewable Energy Lab data and increased examples of distributed PV in California. Additionally, commenters stated that the proposed project timeline should not be a reason to eliminate the distributed PV alternative because the only requirement for that the proposed project be built within this time frame is to qualify for federal funding.

**Response:** The Distributed Solar Technology Alternative is analyzed in Section B.2.8.2. The alternative is eliminated from detailed analysis because, while it will very likely be possible to achieve 750 MW of distributed solar energy over the coming years, the very limited numbers of existing facilities make it difficult to conclude with confidence that it will happen within the timeframe required to implement the Imperial Valley Solar project. As stated in Section B.2.4.2, Energy Commission project objectives include supporting California's RPS program, assist in reducing greenhouse gas emissions, and contribute to the achievement of the 33% RPS target. An additional project objective is to complete the review process in a timeframe that would allow the applicant to potentially qualify for 2009 ARRA funding. The Distributed Solar Technology Alternative would not meet the project objectives.

**Comment 9:** Commenters expressed support for conservation and efficiency measures that would reduce the demand for energy and reduce the need for additional power sources. Examples of projects that could be implemented to reduce the demand for energy included conservation measures in high-energy load centers, funding community projects for training and implementation of conservation measures such as increased insulation, sealing and caulking, and new windows for older buildings.

**Response:** As stated in Section B.2.8.4, conservation and demand-side management are important for California's energy future and cost effective energy efficiency is considered as the resource of first choice for meeting California's energy needs. Additionally, as stated in the 2009 IEPR, because California's renewable energy goals are based on a percentage of retail sales of electricity, reducing overall electricity demands means fewer retail sales and therefore less renewable energy that must be generated. Furthermore, it states that conservation and demand-side management means fewer renewable plants will need to be built. However, conservation and demand-side management will not itself provide the renewable energy required to meet the California RPS. Therefore, it would not meet project objectives pertaining to the RPS requirements and renewable technologies, like solar thermal generation, would be required.

**Comment 10:** Comments recommended issuing a condition on the permit to limit the construction to the first 300 MW until such time that commercial application of the Stirling engine technology at this site has been demonstrated.

**Response:** The commenter's support for limiting the project until such time that commercial application of this technology at this site has been demonstrated is acknowledged. As stated in CEQA Guidelines Section 15092, after considering the final EIR and in conjunction with making findings under Section 15091 the Lead Agency may decide whether or how to approve or carry out the project, including approval of smaller configurations within the project analyzed.

**Comment 11:** Commenters stated that the consideration of wind as an alternative renewable technology should not be constraint to San Diego and Imperial Counties; it should consider regions with high wind potential which are not in the California desert.

**Response:** The Wind Technology Alternative provides details regarding proposed wind projects in San Diego and Imperial Counties; however, it does not limit the location of the alternative. CEQA requires a consideration of alternatives that would avoid or substantially lessen any of the significant effects of the project [see CEQA Guidelines Section 15126 (a)]. Wind electricity generation would not reduce the large-scale ground disturbance and visual impacts associated with the Imperial Valley Solar project. Therefore wind generation was eliminated from further consideration in this SSA.

**Comment 12:** Commenters stated that geothermal technology has a much higher capacity factor than a solar thermal project and because of this would require much less land per megawatt produced than a solar project.

**Response:** Commenter is correct. As stated in Section B.2.8.3, geothermal plants provide highly reliable baseload power, with capacity factors from 90 to 98 percent. Section B.2.8.3 further states that a geothermal plant can be developed with substantially less ground disturbance than that needed for the Imperial Valley Solar project, so impacts related to biological and cultural resources, water and soils resources, and traffic/transportation would be reduced. However, it should also be noted that solar facilities maximize production of electricity at times of peak demand, so a 750 MW solar thermal generating facility would produce more peak energy than a smaller geothermal plant.

**Comment 13:** Commenter stated that the CEQA objectives do not include or imply an underlying purpose for the project, only development details.

**Response:** Section B.2.4.2 of the SA addresses the project objectives of the Energy Commission. Although the project objectives do discuss development details, the project objectives also consider the underlying purpose of the proposed project such as providing renewable electricity to support California's RPS goals and assisting in reducing greenhouse gas emissions.

**Comment 14:** Out of hand rejection of other generation technologies simply underscores impact issues of the proposed project. For example, this document does not demonstrate differences in greenhouse gas releases on any rigorous basis, including effects of release by land disturbance to create the facilities, the GHG cost of producing the hydrogen to be used by Solar Two, and the actual extensive use of natural gas as at existing concentrating solar power plants.

**Response:** Alternative generation technologies were eliminated because they would not avoid or substantially lessen any of the significant effects of the proposed project. Staff's analysis of renewable energy technology options indicates that contributions from each commercially available renewable technology will be needed to meet California's Renewable Portfolio Standard requirements and to achieve the statewide RPS target for 2020 (between 45,000 GWhs to almost 75,000 GWhs according to the 2009 IEPR). Therefore, the combined contribution of the alternatives of wind, distributed solar photovoltaic, geothermal, and biomass is needed to complement rather than substitute for Imperial Valley Solar Project solar thermal contribution to meeting SDG&E and statewide RPS requirements.

**Comment 15:** A commenter requested confirmation regarding the 30% capacity factor assumed for solar thermal in the Distributed Solar Alternative and stated that the nine SEGS parabolic mirrors get to that capacity factor through use of natural gas in non-solar periods, and that 22% capacity factor is closer to their capacity factor with solar alone.

**Response:** As stated in Section B.2.8.2 a capacity factor of 30% was assumed by the Renewable Energy Transmission Initiative. Further details regarding the RETI assumptions regarding this capacity factor can be found in the Renewable Energy Transmission Initiative Phase 1A Final Report. The Energy Commission SSA addresses the efficiency of the Imperial Valley Solar Project in Section D.3 (Power Plant Efficiency) and addresses the reliability of the Imperial Valley Solar Project in Section D.4 (Power Plant Reliability) including a discussion regarding the availability of this power plant.

## **B.2.10 CONCLUSIONS OF ALTERNATIVES ANALYSIS**

---

In this analysis of the Imperial Valley Solar Project, 27 alternatives have been identified and evaluated in addition to the proposed project. These include eight alternative site locations, three alternatives that would reduce effects to jurisdictional waters of the United States, a range of solar and renewable technologies, generation technologies using different fuels, conservation/demand-side management, and a 300 MW Alternative to the proposed 750 MW proposed project.

Of the 27 alternatives, seven alternatives were determined to be reasonable and potentially feasible by the Energy Commission and have the potential to reduce impacts that would be created by the proposed project: the 300 MW Alternative, two of the Drainage Avoidance alternatives that would reduce effects to waters of the United States, three off-site alternatives, and the No Project/No Action Alternative.

Energy Commission Staff have determined that the No Project Alternative is not superior to the proposed project because it would likely delay development of renewable resources or shift renewable development to other similar areas, and would lead to increased operation of existing power plants that use non-renewable technologies.

The 300 MW Alternative would substantially reduce impacts in comparison to the proposed project and is analyzed in each discipline's analysis in Section C. However, the 300 MW Alternative would still result in the following significant impacts: effects on waters of the United States; loss of flat-tailed horned lizards, habitat, and movement corridors; land use effects on the de Anza Trail; and visual impacts. As a smaller alternative, it would reduce the impact to water supply because it would require less water for construction; however, it would not reduce this impact to less than significant.

The 300 MW Alternative is considered to be potentially feasible, as solar thermal facilities of 300 MW and smaller are currently proposed in California and because SDG&E has filed a request for approval of renewable power purchase with Imperial Valley Solar, LLC for 300 MW, presumably a feasible project. However, no independent studies have been done to evaluate its economic feasibility. Additionally, as highlighted in the Section C.1 (Air Quality), the 300 MW Alternative would reduce the benefits of the proposed project by approximately 60 percent.

The two drainage avoidance alternatives were developed to lessen impacts to waters of the United States and to be practicable and are analyzed in each discipline's analysis in Section C. Drainage Avoidance #1 Alternative would reduce impacts to waters of the United States and California Department of Fish and Game jurisdictional streambeds and would eliminate significant impacts to biological resources (flat-tailed horned lizard movement corridors). Impacts to visual resources, water supply, and the de Anza Trail remain significant, as they are for the proposed Imperial Valley Solar project.

Drainage Avoidance #2 Alternative would reduce impacts to federal and state jurisdictional streambeds, but would still have the following significant impacts: effects on waters of the United States and limited water supply; loss of flat-tailed horned lizards, habitat, and movement corridors; land use effects on the de Anza Trail; and visual impacts. The alternative would reduce the impact to water supply because it would require less water for construction; however, it would not reduce this impact to less than significant.

Both drainage avoidance alternatives are considered feasible. However, no independent studies have been done to evaluate their economic feasibility. The Applicant has submitted to the Army Corps of Engineers a revised drainage avoidance alternative that it considers practicable that avoids some impacts to jurisdictional waters.

This alternative is being considered by the Army Corps and would be within the range of alternatives considered by the Energy Commission Staff in the SSA.

The Mesquite Lake Alternative, Agricultural Lands Alternative, and South of Highway 98 Alternative would have impacts similar to those of the proposed site in many resource elements. However, all three of these alternative sites are likely to have less severe cultural, soils and water, and visual impacts than the proposed site, and two of the three alternative sites (located on disturbed lands) would also have reduced impacts to biological resources. The Mesquite Lake and Agricultural Lands Alternative would eliminate the significant water supply impact of the proposed project, as they would be located within the Imperial Irrigation District's service area and could purchase water from the irrigation district for construction. They would also both be located on some active and some previously farmed agriculture land, resulting in impacts to agriculture. However, these alternatives are not considered feasible at this time because they would require the submittal of a new application to the Energy Commission and would not achieve the project objective of completing the review process in a timeframe that would allow the applicant to start construction or meet the economic performance guidelines by December 31, 2010 to potentially qualify for the 2009 ARRA cash grant in lieu of tax credits. In addition, at least one of the agricultural land sites currently has a Conditional Use Permit application pending to Imperial County for development of a solar photovoltaic facility.

The three alternative sites are all less than 6,500 acres. Because these alternative sites would have fewer environmental and engineering constraints and are more level than the proposed site, it is considered likely that a smaller site would still allow development of a 750 MW facility. If the project were not able to be constructed on less than 6,500 acres, the individual alternative site(s) considered here would not meet project requirements and a combination of two separate alternative sites would be anticipated to be necessary. This would increase the cost of the project due to the need for additional infrastructure (transmission, water, etc.).

The Mesquite Lake Alternative presents an additional challenge: it is made up of approximately 70 parcels with 52 separate landowners. Due to the number of parcels that would have to be acquired, obtaining site control would be more challenging at this site. At the proposed site, BLM is the primary land management entity although there are some private parcels within the proposed project site.

Alternative solar thermal technologies (parabolic trough, solar power tower, utility scale solar photovoltaics, and linear Fresnel) are also evaluated. As compared with the proposed Stirling technology, most of these technologies would not substantially change the severity of visual impacts, biological resources impacts and cultural impacts, as all require extensive acreage. Distributed solar photovoltaic facilities would likewise require extensive acreage if deployed in the same location as the project, although it can also be installed on existing buildings, minimizing the loss of undisturbed open space. However, increased deployment of distributed solar photovoltaics faces challenges in manufacturing capacity, cost, and policy implementation. Water use varies among the technologies.

Other generation technologies (wind, geothermal, biomass, tidal, wave, natural gas, and nuclear) are also examined as possible alternatives to the project. These technologies would either be infeasible at the scale of the Imperial Valley Solar Project, or they would create their own significant adverse impacts in other locations. A natural gas plant would contribute to greenhouse gas emissions and would not meet the project's renewable generation objective. Construction of new nuclear power plants is currently prohibited under California law.

Conservation and demand side management programs would likely not meet the state's growing electricity needs that would be served by the Imperial Valley Solar Project. In addition, these programs would not provide the renewable energy required to meet the California Renewable Portfolio Standard requirements. Wave and tidal technologies are not yet commercially available in the United States.

Staff's analysis of renewable energy technology options indicates that contributions from each commercially available renewable technology will be needed to meet California's Renewable Portfolio Standard requirements and to achieve the statewide RPS target for 2020 (between 45,000 GWhs to almost 75,000 GWhs according to the 2009 IEPR). Therefore, the combined contribution of the alternatives of wind, distributed solar photovoltaic, geothermal, and biomass is needed to complement rather than substitute for Imperial Valley Solar Project solar thermal contribution to meeting SDG&E and statewide RPS requirements.

## **B.2.11 REFERENCES**

---

AWEA (American Wind Energy Association), 2008 – American Wind Energy Association 2004. <http://www.awea.org> Accessed November 2008.

BBC, 2007 – “Tidal Barrage moves a step closer.” [http://news.bbc.co.uk/2/hi/uk\\_news/wales/6681113.stm](http://news.bbc.co.uk/2/hi/uk_news/wales/6681113.stm) Accessed January 2010.

BBC, 2008 – “Severn tidal ‘fence’ idea floated.” [http://news.bbc.co.uk/2/hi/uk\\_news/wales/7509904.stm](http://news.bbc.co.uk/2/hi/uk_news/wales/7509904.stm) Accessed January 2010.

BIS (Department of Business Innovation & Skills), 2009 – Severn Tidal Power, Feasibility Study. <http://webarchive.nationalarchives.gov.uk/+http://www.berr.gov.uk/whatwedo/energy/sources/renewables/explained/severntidalpower/thefeasibilitystudy/page46182.html> Accessed, January 2010.

BLM (Bureau of Land Management, 1980 – The California Desert Conservation Area Plan, as Amended.

BLM, 1998 – Surface Management Status Desert Access Guide. California Desert District: Borrego Valley.

BLM, 1998a – Surface Management Status Desert Access Guide. California Desert District: El Centro.

BLM, 1999 – The California Desert Conservation Area Plan 1980 as amended. <http://www.blm.gov/ca/st/en/prog/planning.1.html> Accessed November 2008.

- BLM, 2002 – California Desert Conservation Area Plan Amendment for the Western Colorado Desert Route of Travel Designation Environmental Assessment. [http://www.blm.gov/ca/news/pdfs/weco\\_2002/weco2002.pdf](http://www.blm.gov/ca/news/pdfs/weco_2002/weco2002.pdf) Accessed December 11, 2008.
- BLM, 2005a – Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States. June.
- BLM, 2007 – Final Environmental Impact Statement for the Truckhaven Geothermal Leasing Area. Imperial County. October.
- BLM, 2008 – Imperial Sand Dunes Recreation Area Management Plan Scoping Report. [http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/elcentro/planning/2008/isdra.Par.97215.File.dat/ISDRA\\_Scoping\\_Report.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/elcentro/planning/2008/isdra.Par.97215.File.dat/ISDRA_Scoping_Report.pdf) Accessed September 2009.
- BLM, 2009 – Geocommunicator. <http://www.geocommunicator.gov/blmMap/Map.jsp?MAP=Energy> Accessed January 29, 2009.
- BLM, 2009b – California Renewable Energy Summary Statistics as of August 2009. <http://www.blm.gov/ca/st/en/prog/energy/solar.html> Accessed September 2009.
- BLM, 2009c – Solar Energy Application – CDD Updated 02/09.
- BLM, 2009d – Solar Energy Development Programmatic EIS Solar Energy Study Area Maps. <http://www.solareis.anl.gov/news/index.cfm#SESAMaps> Accessed September 2009.
- Boehlert, G. W, G. R. McMurray, and C. E. Tortorini (editors), 2008 – Ecological effects of wave energy in the Pacific Northwest. U.S. Dept. Commerce, NOAA Tech. Memo. NMFS-F/SPO-92.
- Caldwell, Eldon, 1995 – Birds of the Imperial Valley. <http://www.imperial.edu/~birds/>
- Caltrans, 2002 – 2002 Imperial County Transportation Plan Highway Element. [http://www.dot.ca.gov/dist11/departments/planning/pdfs/02\\_IC\\_TransportationPlan.PDF](http://www.dot.ca.gov/dist11/departments/planning/pdfs/02_IC_TransportationPlan.PDF) Accessed September 2009.
- Cannon (Cannon Solar Partners, LLC), 2008 – Solar Energy Plan of Development. 10/2/2008.
- Carrizo (Carrizo Energy), 2007 – Application for Certification (07-AFC-8) for the Carrizo Energy Solar Farm. Submitted to the California Energy Commission 10/25/07.
- CBEA (California Biomass Energy Alliance), 2006 – Bioenergy Plan for California. <http://www.calbiomass.org/technical.htm> Accessed April 2008.
- CDFG (California Department of Fish and Game), 2009 – California Natural Diversity Database (CNDDDB). November.
- CEC 2003—California Energy Commission. 2004. Final Staff Assessment Salton Sea Geothermal Unit #6 Power Project (02-AFC-2).
- CEC (California Energy Commission), 2003a – Alternative Generation Technologies. Draft Report (Unpublished). December 2003.
- CEC, 2005 – California Geothermal Resources. CEC-500-2005-070. <http://www.energy.ca.gov/2005publications/CEC-500-2005-070/CEC-500-2005-070.PDF> Accessed April 2008.



CEC, 2006 – Nuclear Energy in California. <http://www.energy.ca.gov/nuclear/california.html> Accessed April 2008.

CEC, 2007 – 2007 Integrated Energy Report. CEC-100-2007-008-CTF.

CEC, 2007a – Nuclear Power in California: 2007 Status Report.

CEC, 2008 – Geothermal Energy in California. <http://www.energy.ca.gov/geothermal/> Accessed November 2008.

CEC, 2008a – California Concentrating Solar Power Prospects. [http://www.energy.ca.gov/maps/Solar\\_Resource\\_Potential.pdf](http://www.energy.ca.gov/maps/Solar_Resource_Potential.pdf) Accessed July 2009.

CEC, 2009 – 33% by 2020: Implementing the Renewable Energy Executive Order. Proposed Renewable Energy Project for California. <http://www.energy.ca.gov/33by2020/documents/index.html>

CEC, 2009a – Black Rock 1, 2, and 3 Geothermal Power Project Major Amendment [http://www.energy.ca.gov/sitingcases/saltionsea\\_amendment/index.html](http://www.energy.ca.gov/sitingcases/saltionsea_amendment/index.html)

CEQ Forty Questions, 1A, 2008. Accessed at: <http://www.nepa.gov/nepa/regs/40/1-10.HTM#1> November.

CEQANET, 2009 – CEQAnet Database. <http://www.ceqanet.ca.gov/ProjDocList.asp?ProjectPK=595797> Accessed March 19, 2009.

CERES, 2009 – California Environmental The Colorado Desert – An Overview. [http://www.ceres.ca.gov/geo\\_area/bioregions/Colorado\\_Desert/about.html](http://www.ceres.ca.gov/geo_area/bioregions/Colorado_Desert/about.html) Accessed July 2009.

Chester, T., and J. Strong, 2007 – Native and Introduced Plants of Southern California. Weblink: <http://tchester.org/plants/site/intro.html>

CPUC (California Public Utilities Commission), 2007 – San Diego Gas & Electric Company's Sunrise Powerlink Project Public Scoping Report, Part 2. Section D-2 Part 7, Castle Eurasia Corporation/Zen Media Corporation. <http://www.cpuc.ca.gov/environment/info/aspen/sunrise/toc-scoping2.htm> Accessed July 2009.

CPUC, 2008 – Energy Division Resolution E-4196. [http://docs.cpuc.ca.gov/Published/Comment\\_resolution/90830.htm](http://docs.cpuc.ca.gov/Published/Comment_resolution/90830.htm) Accessed November 2008.

CPUC, 2008a – California Long Term Energy Efficiency Strategy Plan. <http://www.californiaenergyefficiency.com/docs/EEStrategicPlan.pdf> Accessed November 2008.

CPUC, 2008b – Final Environmental Impact Report/Environmental Impact Statement and Proposed Land Use Amendment Sunrise Powerlink Project. <http://www.cpuc.ca.gov/environment/info/aspen/sunrise/toc-feir.htm> Accessed July 2009.

CPUC, 2009 – California Solar Initiative Annual Program Assessment to the Legislature – June 2009. <http://www.cpuc.ca.gov/PUC/energy/Solar/apa09.htm> Accessed September 2009.

DOE (Department of Energy), 2008. Clean Coal Technology & the President's Clean Coal Power Initiative. <http://fossil.energy.gov/programs/powersystems/cleancoal/> Accessed November 2008.

- DOI (Department of Interior), 1981 – Office of the Solicitor Pacific Southwest Region. MEMO regarding Granting Rights-of-Way Across Bureau of Reclamation Withdrawn Lands. June 22, 1981.
- EERE (Energy Efficiency and Renewable Energy), 2008 – Annual Report on U.S. Wind Power Installation, Cost, and Performance Trends: 2008.
- Envirostor (Department of Toxic Substances Control Envirostor Database), 2009 – [http://www.envirostor.dtsc.ca.gov/public/map.asp?global\\_id=&x=-119.1357421875&y=37.82280243352756&zl=5&ms=640,480&mt=m&findaddress=True&city=EL%20CENTRO&zip=&county=IMPERIAL&federal\\_superfund=true&state\\_response=true&voluntary\\_cleanup=true&school\\_cleanup=true&corrective\\_action=true&permit\\_site=true&permit\\_and\\_ca\\_site=true](http://www.envirostor.dtsc.ca.gov/public/map.asp?global_id=&x=-119.1357421875&y=37.82280243352756&zl=5&ms=640,480&mt=m&findaddress=True&city=EL%20CENTRO&zip=&county=IMPERIAL&federal_superfund=true&state_response=true&voluntary_cleanup=true&school_cleanup=true&corrective_action=true&permit_site=true&permit_and_ca_site=true) Accessed August 2009.
- Envirostor, 2010 – [http://www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=13070031](http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=13070031) Accessed January 2010.
- EPRI (Electric Power Research Institute), 2006 – North America Tidal In-Stream Energy Conversion Technology Feasibility Study. EPRI TP-008-NA [http://oceanenergy.epri.com/attachments/streamenergy/reports/008\\_Summary\\_Tidal\\_Report\\_06-10-06.pdf](http://oceanenergy.epri.com/attachments/streamenergy/reports/008_Summary_Tidal_Report_06-10-06.pdf) Accessed April 2008.
- EPRI, 2006a – System Level Design, Performance, Cost and Economic Assessment – San Francisco Tidal In-Stream Power Plant.
- Fairley, Peter, 2007 – Tidal Turbines Help Light Up Manhattan. <http://www.technologyreview.com/energy/18567/page2/> Accessed November 2008.
- FS (U.S. Forest Service – BLM), 2008 – Imperial Sand Dunes Recreation Area Non-Commercial, Individual, Special Permit Adjustment Proposal. <http://www.fs.fed.us/r5/passes/rrac/meetings/january2008/blm4.php> Accessed September 2009.
- GEA (Geothermal Energy Association), 2007 – A Guide to Geothermal Energy and the Environment. <http://www.geo-energy.org/publications/reports/Environmental%20Guide.pdf> Accessed November 2008.
- Hickman, J. C., ed., 1993 – The Jepson Manual: Higher Plants of California. University of California Press, Berkeley. 1400 pp.
- Holland R. F., 1986 – Preliminary Descriptions of the Terrestrial Natural Communities of California. Nongame-Heritage Program, State of California, Department of Fish and Game, Sacramento. 156 pp.
- IID (Imperial Irrigation District), 2008 – Surplus Land Sale and Border Property Ranch Detail 072208. <http://www.iid.com/Operations/SurplusLandSale> Accessed January 29, 2009.
- IID, 2008a – Renewable Energy Feasibility Study Final Report April 1, 2008.
- IID, 2009a – Solicitation RFP 693 – Description Renewable Energy Resources. <https://www.ebidexchange.com/Solicitation.aspx?cid=974162d4-8c5f-48ee-8cef-8e7bba c1d9e7&uid=00000000-0000-0000-0000-000000000000&sid=10196> Accessed June 24, 2009.
- IID, 2009b – All American Canal Lining Project. [http://www.iid.com/Water\\_Index.php?pid=64](http://www.iid.com/Water_Index.php?pid=64) Accessed September 2009.

IID, 2009c – <http://www.iid.com/About/GeneralHistory> Accessed September 2009.

Imperial County, 1993 – General Plan EIR. <http://www.icpds.com/?pid=829> Accessed September 2009.

Imperial County, 2005 – Imperial County General Plan, Conservation and Open Space Element.

Imperial County, 2009 – Agriculture Commission 2008 Annual Agriculture Crop and Livestock Report for Imperial County Agriculture.  
<http://imperialcounty.net/ag/Crop%20&%20Livestock%20Reports/Crop%20&%20Livestock%20Report%202008.pdf> Accessed August 2009.

Imperial County, 2009a – Joint Resolution of the Imperial Irrigation District and County of Imperial for the Creation of an Imperial Valley Renewable Energy Development Program. <http://www.co.imperial.ca.us/supervisors-agendas/2009/RESOLUTIONS/029%20CEO.pdf> Accessed August 2009.

Kagel, et al., 2007 – “A Guide to Geothermal Energy and the Environment.” Geothermal Energy Association, Washington, D.C. April 2007. <http://www.geo-energy.org/publications/reports/Environmental%20Guide.pdf> Accessed July 28, 2009.

Nevada SolarOne, 2008 – <http://www.nevadasolarone.net/the-plant> Accessed November 11, 2008.

NRDC (Natural Resources Defense Council), 2008a – Energy Facts: Solar Trough. [http://www.energy.ca.gov/reti/steering/2008-06-18\\_meeting/SOLAR\\_FS-Solar\\_Trough.pdf](http://www.energy.ca.gov/reti/steering/2008-06-18_meeting/SOLAR_FS-Solar_Trough.pdf) Accessed: September, 2008.

NRDC, 2008b – Energy Facts: Compact Linear Fresnel Reflector. [http://www.energy.ca.gov/reti/steering/2008-06-18\\_meeting/SOLAR\\_FS-Compact\\_Linear\\_Fresnel\\_Reflector.pdf](http://www.energy.ca.gov/reti/steering/2008-06-18_meeting/SOLAR_FS-Compact_Linear_Fresnel_Reflector.pdf) Accessed September 2008.

NRDC, 2008c – Energy Facts: Utility-Scale Photovoltaic (PV). [http://www.energy.ca.gov/reti/steering/2008-06-18\\_meeting/SOLAR\\_FS-Utility-Scale\\_Photovoltaic.pdf](http://www.energy.ca.gov/reti/steering/2008-06-18_meeting/SOLAR_FS-Utility-Scale_Photovoltaic.pdf) Accessed October 2008.

NRG 2009—First Solar and NRG Energy Open Largest Solar PV Power Plant in California. <http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9MjQ4ODB8Q2hp bGRJRD0tMXxUeXBIPtM=&t=1> Accessed January 2010.

Osborne, Peter, 2000 – Electricity from the Sea. Originally published in September 1998, web version updated in July 2000. <http://www.fujitaresearch.com/reports/tidalpower.html> Accessed November 2008.

PGE 2010. PG&E to Launch Major Solar Energy Initiative.  
 <[http://www.pge.com/about/newsroom/newsreleases/20100422/pge\\_to\\_launch\\_major\\_solar\\_energy\\_initiative.shtml](http://www.pge.com/about/newsroom/newsreleases/20100422/pge_to_launch_major_solar_energy_initiative.shtml)> Accessed May, 2010.

Powers, Bill, 2007 – San Diego Smart Energy 2020: The 21st Century Alternative. Prepared by: E-Tech International, Santa Fe, New Mexico. October 2007.

Powers, Bill, 2009 – Testimony of Bill Powers, P.E., Ivanpah Solar Electric Generating System, Docket 07-AFC-5. Filed by Center for Biological Diversity. December 16.

Reiser, Craig, 2001 – Rare Plants of San Diego County. Aquafir Press.

RETI (Renewable Energy Transmission Initiative), 2008 – RETI – Phase 1B Resource Maps: CREZ Map. [http://www.energy.ca.gov/reti/documents/phase1B/maps/CREZ\\_Map.pdf](http://www.energy.ca.gov/reti/documents/phase1B/maps/CREZ_Map.pdf) Accessed January 29, 2009.

SCE, 2009 – Second Rooftop in Southern California Edison’s Massive Solar Panel Installation Program Now Generating Power in Chino. <http://www.edison.com/pressroom/pr.asp?id=7286>

SDGE 2010—San Diego Gas & Electric. 2010. SDG&E’s Solar Energy Project. <<http://www.sdge.com/environment/solar/sdSolarInitiative.shtml>> Accessed May, 2010.

Sempra, 2008 – Nevada officials help dedicate Sempra Energy’s first solar power installation. [http://public.sempra.com/newsreleases/viewPR.cfm?PR\\_ID=2330&Co\\_Short\\_Nm=SE](http://public.sempra.com/newsreleases/viewPR.cfm?PR_ID=2330&Co_Short_Nm=SE) Accessed January 28, 2009.

Sempra, 2009 – Regulators approve key contract for new 48-megawatt Sempra Generation solar power plant. [http://public.sempra.com/newsreleases/viewpr.cfm?PR\\_ID=2434&Co\\_Short\\_Nm=SE](http://public.sempra.com/newsreleases/viewpr.cfm?PR_ID=2434&Co_Short_Nm=SE)

SES (Stirling Energy Systems), 2008 – <http://www.stirlingenergy.com/technology/default.asp> Accessed October 2008.

SES, 2008a – Application for Certification Solar 2, LLC. Submitted to California Energy Commission 6/30/2008.

SF Gate (San Francisco Chronicle), 2009 – Renewable power decisions create a tangled web. <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/09/20/BU1S19PACH.DTL> Accessed September 2009.

Solar Millennium. 2008. The parabolic trough power plants Andasol 1 to 3. <<http://www.solarmillennium.de/upload/Download/Technologie/eng/Andasol1-3engl.pdf>> Accessed May 2010.

Solel, 2008 – <http://www.solel.com/products/pgeneration/ls2/kramerjunction/> Accessed November 11, 2008.

USBR (United States Bureau of Reclamation), 2007 – Lower Colorado River Drop 2 Storage Reservoir Project Final Environmental Assessment. <http://www.usbr.gov/lc/region/programs/drop2/envdocs/index.html> Accessed September 2009.

USDA (United States Department of Agriculture), 2009 – Natural Resources Conservation Service Web Soil Survey. <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx> Accessed July 2009.

USDOE (United States Department of Energy), 2008 – United States Department of Energy and United States Department of the Interior. Notice of Intent to Prepare a Programmatic Environmental Impact Statement (PEIS) to Evaluate Solar Energy Development, Develop and Implement Agency-Specific Programs, Conduct Public Scoping Meetings, Amend Relevant Agency Land Use Plans, and Provide Notice of Proposed Planning Criteria. Dated on 5/23/2008.

USEPA (United States Environmental Protection Agency), 2008 – Region 9: Air Programs. [http://www.epa.gov/region09/air/maps/r9\\_co.html](http://www.epa.gov/region09/air/maps/r9_co.html) Accessed November 2008.

USEPA, 2008a – Clean Energy Water Resource Use and Air emissions <http://www.epa.gov/cleanenergy/energy-and-you/affect/water-resource.html> Accessed November 2008.

USGS (United States Geologic Survey), 2008 – National Geologic Map Database. [http://ngmdb.usgs.gov/ngm-bin/ILView.pl?sid=454\\_1.sid&vtype=b](http://ngmdb.usgs.gov/ngm-bin/ILView.pl?sid=454_1.sid&vtype=b) Accessed July 2008.

Walsh, Bryan, 2009 – Catching the Currents. [http://www.time.com/time/specials/packages/article/0,28804,1872110\\_1872133\\_1872147,00.html](http://www.time.com/time/specials/packages/article/0,28804,1872110_1872133_1872147,00.html) Accessed March 19, 2009.

WEC (World Energy Council), 2001 – WEC Survey of Energy Resources 2007 – Wave Energy. [http://www.worldenergy.org/publications/survey\\_of\\_energy\\_resources\\_2007/wave\\_energy/761.asp](http://www.worldenergy.org/publications/survey_of_energy_resources_2007/wave_energy/761.asp) Accessed April 2008.

Whitney, Ryan, 2007 – Nellis activates Nations largest PV Array. [http://www.nellis.af.mil/news/story\\_print.asp?id=123079933](http://www.nellis.af.mil/news/story_print.asp?id=123079933) Accessed November 2008.

WTE (Wave & Tidal Energy), 2009 – Study on the effects of turbines on sea life launched. <http://www.wave-tidal-energy.com/home/news-archive/36-research/167-study-on-the-effects-of-turbines-on-sea-life-launched> Accessed March 19, 2009.

URS Corporation, 2008 – Biological Resources Technical Report for the Solar Two Project Site, Imperial County, California. May 23.

Zimmerman, R. P., 1981 – Soil Survey of Imperial County, California, Imperial Valley Area. USDA SCS in cooperation with University of California Agricultural Experiment Station and the Imperial Irrigation District.

## Appendix ALTS-1 – LESA Model Worksheets

The California Agricultural LESA Model is composed of six different factors. Two "Land Evaluation" factors are based upon measures of soil resource quality. Four "Site Assessment" factors provide measures of a given project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. For a given project, each of these factors is separately rated on a 100 point scale. The factors are then weighted relative to one another and combined, resulting in a single numeric score for a given project, with a maximum attainable score of 100 points. It is this project score that becomes the basis for making a determination of a project's potential significance, based upon a range of established scoring thresholds. The California Agricultural LESA Instruction Manual found at the California Department of Conservation, Division of Land Resource Protection website provides detailed instructions on how to complete the LESA worksheet.

### **Calculation of the Land Evaluation (LE) Score**

#### **Part 1. Land Capability Classification (LCC) Score**

- (1) Determine the total acreage of the project.
- (2) Determine the soil types within the project area and enter them in **Column A** of the **Land Evaluation Worksheet** provided on page A-2.
- (3) Calculate the total acres of each soil type and enter the amounts in **Column B**.
- (4) Divide the acres of each soil type (**Column B**) by the total acreage to determine the proportion of each soil type present. Enter the proportion of each soil type in **Column C**.
- (5) Determine the LCC for each soil type from the applicable Soil Survey and enter it in **Column D**.
- (6) From the LCC Scoring Table below, determine the point rating corresponding to the LCC for each soil type and enter it in **Column E**.

#### **LCC Scoring Table**

LCC Class	I	Ile	Ils, w	IIle	IIIs, w	IVe	IVs, w	V	Vle, s, w	Vlle, s, w	VIII
Points	100	90	80	70	60	50	40	30	20	10	0

- (7) Multiply the proportion of each soil type (**Column C**) by the point score (**Column E**) and enter the resulting scores in **Column F**.
- (8) Sum the LCC scores in **Column F**.
- (9) Enter the LCC score in box <1> of the Final LESA Score Sheet on page A-10.

#### **Part 2. Storie Index Score**

- (1) Determine the Storie Index rating for each soil type and enter it in **Column G**.
- (2) Multiply the proportion of each soil type (**Column C**) by the Storie Index rating (**Column G**) and enter the scores in **Column H**.
- (3) Sum the Storie Index scores in **Column H** to gain the Storie Index Score.
- (4) Enter the Storie Index Score in box <2> of the Final LESA Score Sheet on page A-10.

**Land Evaluation Worksheet**  
**Land Capability Classification (LCC) and Storie Index Scores**

A	B	C	D	E	F	G	H
Soil Map Unit	Project Acres	Proportion of Project Area	LCC	LCC Rating	LCC Score	Storie Index	Storie Index Score
101	205.3	0.117	7e	10	1.17	90	10.50
102	6.9	0.004	N/A	0	0.00	N/A	0.00
110	1.3	0.001	7w	10	0.01	50	0.04
119	15.4	0.009	7e	10	0.09	90	0.79
120	165.3	0.094	7e	10	0.94	N/A	0.00
121	41.3	0.023	7e	10	0.23	30	0.70
124	49	0.028	7e	10	0.28	30	0.84
126	2.6	0.001	7e	10	0.01	30	0.04
127	197.8	0.112	7e	10	1.12	50	5.62
130	551.1	0.313	7e	10	3.13	50	15.66
132	104	0.059	7e	10	0.59	50	2.96
138	417.7	0.237	7e	10	2.37	70	16.62
142	1.7	0.001	7w	10	0.01	70	0.07
<b>Totals</b>	<b>1,759.40</b>	<b>1.00</b>	<b>LCC Total Score</b>		<b>9.96</b>	<b>Storie Index Total Score</b>	<b>53.84</b>

(Must Sum To 1.0)

**Site Assessment Worksheet 1.**  
**Project Size Score**

I	J	K
LCC Class I - II	LCC Class III	LCC Class IV- VIII
		205.3
		N/A
		1.3
		15.4
		165.3
		41.3
		49
		2.6
		197.8
		551.1
		104
		417.7
		1.7
<b>Total Acres</b>		<b>1752.5</b>
<b>Project Size Scores</b>		<b>100</b>
<b>Highest Project Size Score</b>	<b>100</b>	

## **Calculation of the Site Assessment (SA) Score**

### **Part 1. Project Size Score**

- (1) Using **Site Assessment Worksheet 1** provided on page A-2, enter the acreage of each soil type from **Column B** in the **Column I, J or K** that corresponds to the LCC for that soil. (Note: While the Project Size Score is a component of the Site Assessment calculations, the score sheet is an extension of data collected in the Land Evaluation Worksheet, and is therefore displayed beside it.)
- (2) Sum **Column I** to determine the total amount of class I and II soils on the project site.
- (3) Sum **Column J** to determine the total amount of class III soils on the project site.
- (4) Sum **Column K** to determine the total amount of class IV and lower soils on the project site.
- (5) Compare the total score for each LCC group in the Project Size Scoring Table below and determine which group receives the highest score.

### **Project Size Scoring Table**

Class I or II			Class III			Class IV or Lower	
Acreage	Points		Acreage	Points		Acreage	Points
>80	100		>160	100		>320	100
60-79	90		120-159	90		240-319	80
40-59	80		80-119	80		160-239	60
20-39	50		60-79	70		100-159	40
10-19	30		40-59	60		40-99	20
10<	0		20-39	30		40<	0
			10-19	10			
			10<	0			

- (6) Enter the **Project Size Score** (the highest score from the three LCC categories) in box <3> of the Final LESA Score Sheet on page A-10.



## **Part 2. Water Resource Availability Score**

- (1) Determine the type(s) of irrigation present on the project site, including a determination of whether there is dry land agricultural activity as well.
- (2) Divide the site into portions according to the type or types of irrigation or dry land cropping that is available in each portion. Enter this information in **Column B** of **Site Assessment Worksheet 2 - Water Resources Availability** provided on page A-5.
- (3) Determine the proportion of the total site represented for each portion identified, and enter this information in **Column C**.
- (4) Using the Water Resources Availability Scoring Table provided on page A-6, identify the option that is most applicable for each portion, based upon the feasibility of irrigation in drought and non-drought years, and whether physical or economic restrictions are likely to exist. Enter the applicable Water Resource Availability Score into **Column D**.
- (5) Multiply the Water Resource Availability Score for each portion by the proportion of the project area it represents to determine the weighted score for each portion in **Column E**.
- (6) Sum the scores for all portions to determine the project's total Water Resources Availability Score.
- (7) Enter the Water Resource Availability Score in box <4> of the Final LESA Score Sheet on page A-10.

**Site Assessment Worksheet 2.**  
**Water Resource Availability**

A	B	C	D	E
Project Portion	Water Source	Proportion of Project Area	Water Availability Score	Weighted Availability Score (C x D)
1	Colorado River Basin	1	0	0
2				
3				
4				
5				
6				
		1.00	<b>Total Water Resource Score</b>	0.00
		(Must Sum to 1.0)		

**Water Resource Availability Scoring Table**

Option	Non-Drought Years				Drought Years			WATER RESOURCE SCORE
	RESTRICTIONS				RESTRICTIONS			
	Irrigated Production Feasible?	Physical Restrictions ?	Economic Restrictions ?		Irrigated Production Feasible?	Physical Restrictions ?	Economic Restrictions?	
1	YES	NO	NO		YES	NO	NO	100
2	YES	NO	NO		YES	NO	YES	95
3	YES	NO	YES		YES	NO	YES	90
4	YES	NO	NO		YES	YES	NO	85
5	YES	NO	NO		YES	YES	YES	80
6	YES	YES	NO		YES	YES	NO	75
7	YES	YES	YES		YES	YES	YES	65
8	YES	NO	NO		NO	--	--	50
9	YES	NO	YES		NO	--	--	45
10	YES	YES	NO		NO	--	--	35
11	YES	YES	YES		NO	--	--	30
12	Irrigated production not feasible, but rainfall adequate for dry land production in both drought and non-drought years.							25
13	Irrigated production not feasible, but rainfall adequate for dry land production in non-drought years but not in drought years).							20
14	Neither irrigated nor dry land production feasible.							0

### Part 3. Surrounding Agricultural Land Use Score

- (1) Calculate the project's Zone of Influence (ZOI) as follows:
  - (a) a rectangle is drawn around the project such that the rectangle is the smallest that can completely encompass the project area.
  - (b) a second rectangle is then drawn which extends one quarter mile (1,320 feet) on all sides beyond the first rectangle.
  - (c) The ZOI includes all parcels that are contained within or are intersected by the second rectangle, less the area of the project itself.
- (2) Sum the area of all parcels to determine the total acreage of the ZOI.
- (3) Determine which parcels are in agricultural use and sum the areas of these parcels.
- (4) Divide the area in agriculture found in step (3) by the total area of the ZOI found in step (2) to determine the percent of the ZOI that is in agricultural use.
- (5) Determine the Surrounding Agricultural Land Score utilizing the Surrounding Agricultural Land Scoring Table below.

#### Surrounding Agricultural Land Scoring Table

Percent of ZOI in Agriculture	Surrounding Agricultural Land Score
90-100	100
80-89	95
70-79	90
65-69	85
60-64	80
55-59	70
50-54	60
45-49	50
40-44	40
35-39	30
30-34	20
20-29	10
<19	0

- (6) Enter the Surrounding Agricultural Land Score in box <5> of the Final LESA Score Sheet on page A-10.

#### Part 4. Surrounding Protected Resource Land Score

The Surrounding Protected Resource Land scoring relies upon the same Zone of Influence information gathered in Part 3, and figures are entered in Site Assessment Worksheet 3, which combines the surrounding agricultural and protected lands calculations.

- (1) Use the total area of the ZOI calculated in Part 3 for the Surrounding Agricultural Land Use score.
- (2) Sum the area of those parcels within the ZOI that are protected resource lands, as defined in the LESA Instruction Manual (e.g., Williamson Act contracted lands, publicly owned lands maintained as park, forest, or watershed resources).
- (3) Divide the area that is determined to be protected in step (2) by the total acreage of the ZOI to determine the percentage of the surrounding area that is under resource protection.
- (4) Determine the Surrounding Protected Resource Land Score utilizing the Surrounding Protected Resource Land Scoring Table below.

**Surrounding Protected Resource Land Scoring Table**

Percent of ZOI Protected	Protected Resource Land Score
90-100	100
80-89	95
70-79	90
65-69	85
60-64	80
55-59	70
50-54	60
45-49	50
40-44	40
35-39	30
30-34	20
20-29	10
<20	0

- (5) Enter the Surrounding Protected Resource Land score in box <6> of the Final LESA Score Sheet on page A-10.

**Site Assessment Worksheet 3.**

**Surrounding Agricultural Land and Surrounding Protected Resource Land**

A	B	C	D	E	F	G
Zone of Influence					Surrounding Agricultural Land Score (from table on page A-7)	Surrounding Protected Resource Land Score (from table on page A-8)
Total Acres	Acres in Agriculture	Acres of Protected Resource Land	Percent in Agriculture (B/A)	Percent Protected Resource Land (C/A)		
10,900	160	0	1%	0	0	0

\* The total number and percentage of acres in agriculture are based on the March 20, 2008 letter (pg. 3) from the San Luis Obispo County Agriculture Department, which states their LESA model assumed that surrounding agriculture is >90%.

## Final LESA Score Sheet

### Calculation of the Final LESA Score

- (1) Multiply each factor score by the factor weight to determine the weighted score and enter in Weighted Factor Scores column.
- (2) Sum the weighted factor scores for the LE factors to determine the total LE score for the project.
- (3) Sum the weighted factor scores for the SA factors to determine the total SA score for the project.
- (4) Sum the total LE and SA scores to determine the Final LESA Score for the project.

		Factor Scores	Factor Weight	Weighted Factor Scores
<b><u>LE Factors</u></b>				
Land Capability Classification (see page A-2)	<1>	9.96	0.25	2.49
Storie Index Rating (see page A-2)	<2>	53.84	0.25	13.46
<b>LE Subtotal</b>			<b>0.50</b>	<b>15.95</b>
<b><u>SA Factors</u></b>				
Project Size (see page A-2)	<3>	100	0.15	15
Water Resource Availability (see page A-5)	<4>	0	0.15	0
Surrounding Agricultural Land (see page A-9)	<5>	0	0.15	0
Surrounding Protected Resource Land (see page A-9)	<6>	0	0.05	0
<b>SA Subtotal</b>			<b>0.50</b>	<b>15</b>
<b>Final LESA Score</b>				<b>30.95</b>

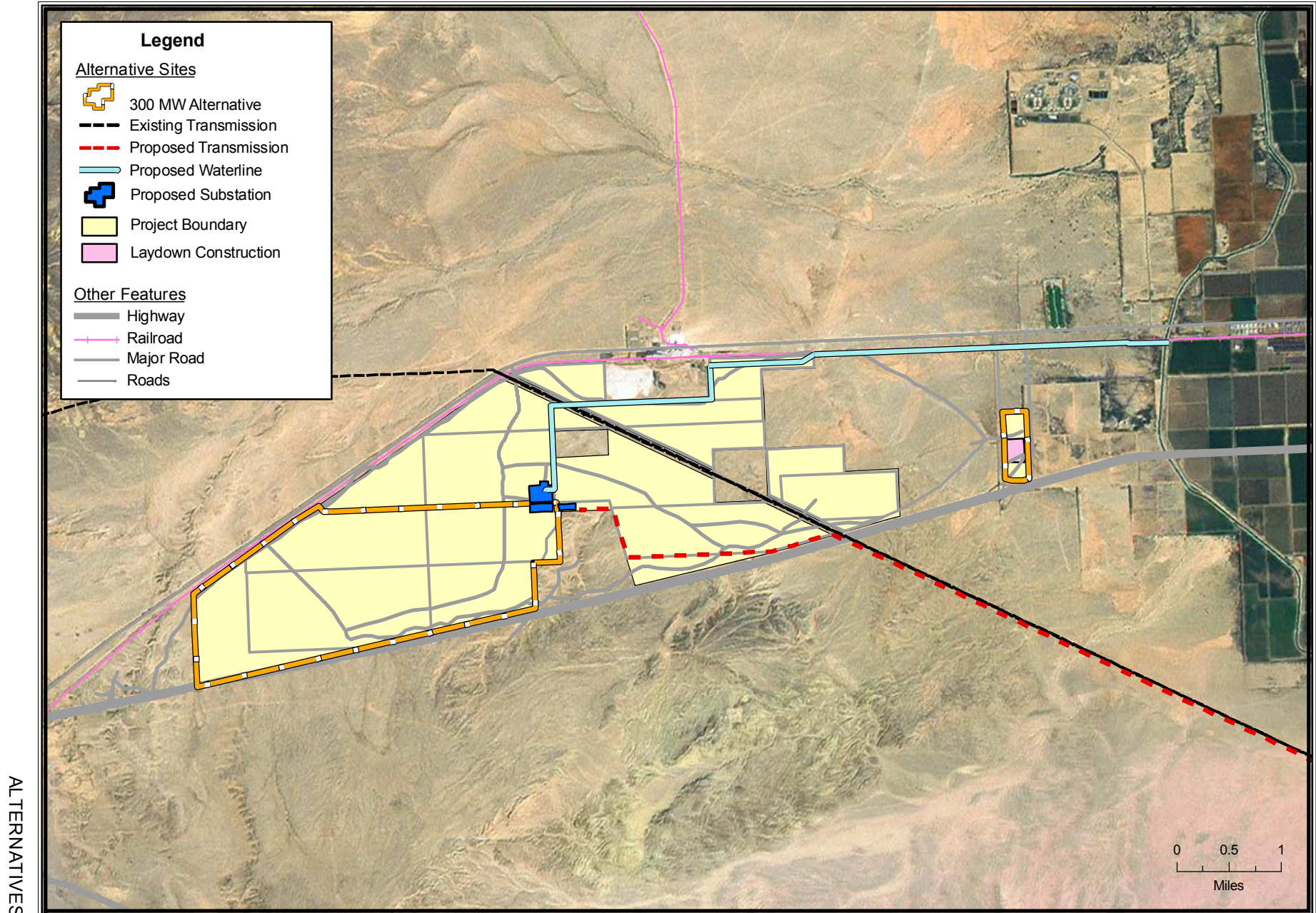
### California Agricultural LESA Scoring Thresholds

Total LESA Score		Scoring Decision
0 to 39 points		Not Considered Significant
40 to 59 points		Considered Significant <u>only</u> if LE <u>and</u> SA subscores are each <u>greater</u> than or equal to 20 points
60 to 79 points		Considered Significant <u>unless</u> either LE <u>or</u> SA subscore is <u>less</u> than 20 points
80 to 100 points		Considered Significant

The California Agricultural LESA Model is designed to make determinations of the potential significance of a project's conversion of agricultural lands during the Initial Study phase of the CEQA review process. Scoring thresholds are based upon both the total LESA score as well the component LE and SA subscores. In this manner the scoring thresholds are dependent upon the attainment of a minimum score for the LE and SA subscores so that a single threshold is not the result of heavily skewed subscores (i.e., a site with a very high LE score, but a very low SA score, or vice versa). For additional information on the significance scoring thresholds under the California Agricultural LESA Model, consult Section 4 in the LESA Instruction Manual.

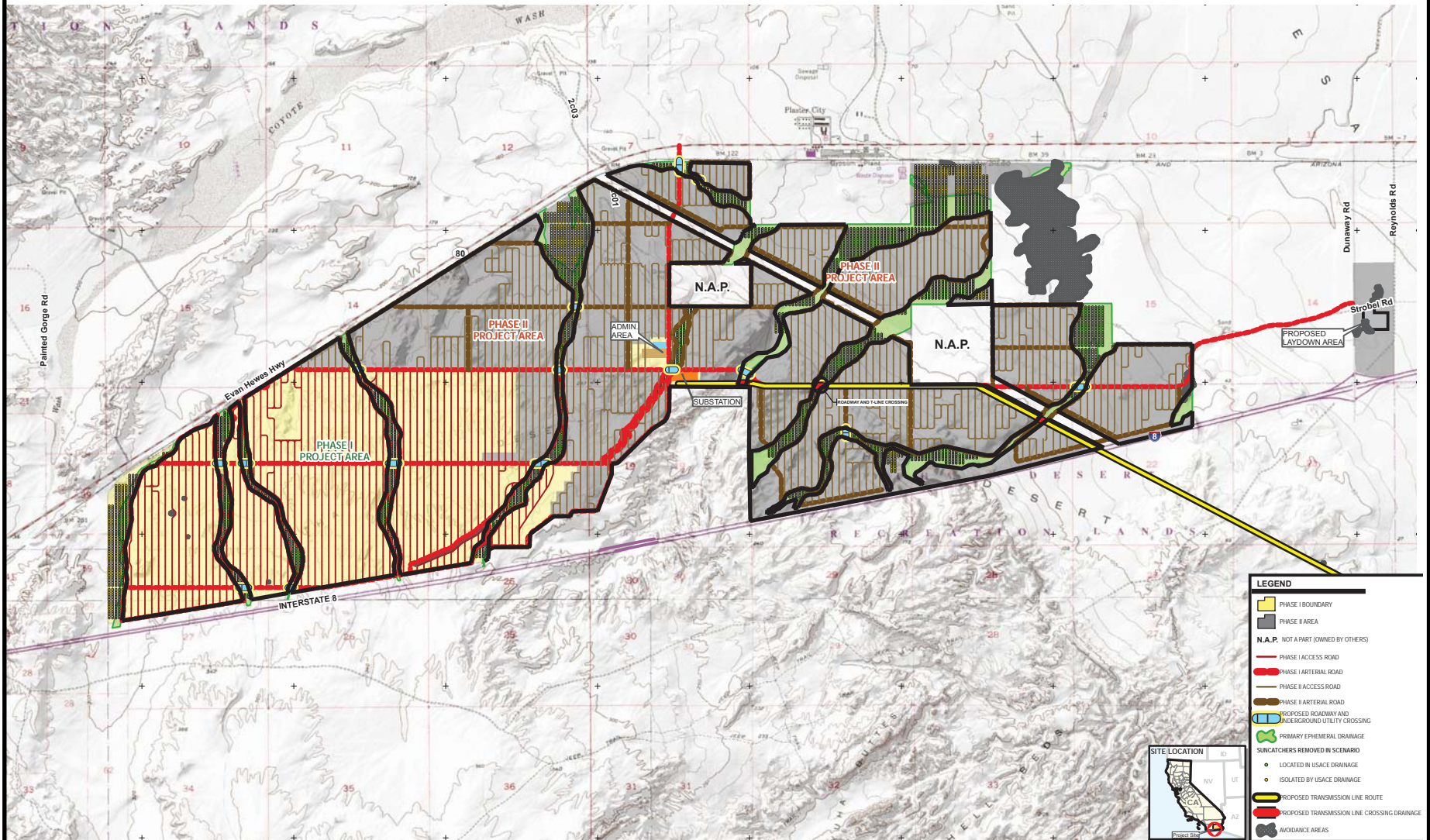


**ALTERNATIVES - FIGURE 1A**  
Imperial Valley Solar - 300 MW Alternative





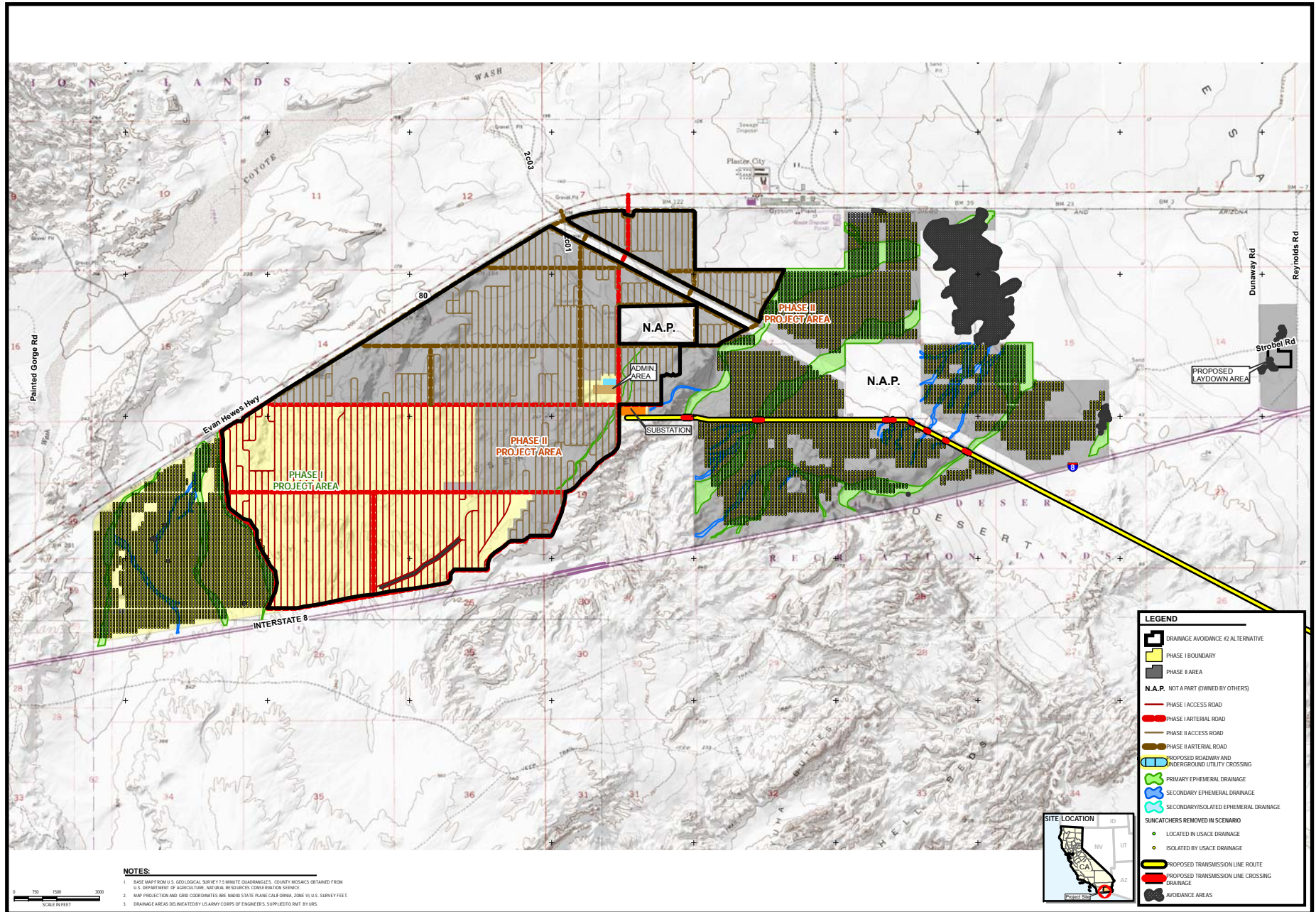
# **ALTERNATIVES - FIGURE 1B** Imperial Valley Solar - Drainage Avoidance #1 Alternative



ALTERNATIVES



# **ALTERNATIVES - FIGURE 1C** Imperial Valley Solar - Drainage Avoidance #2 Alternative



ALTERNATIVES



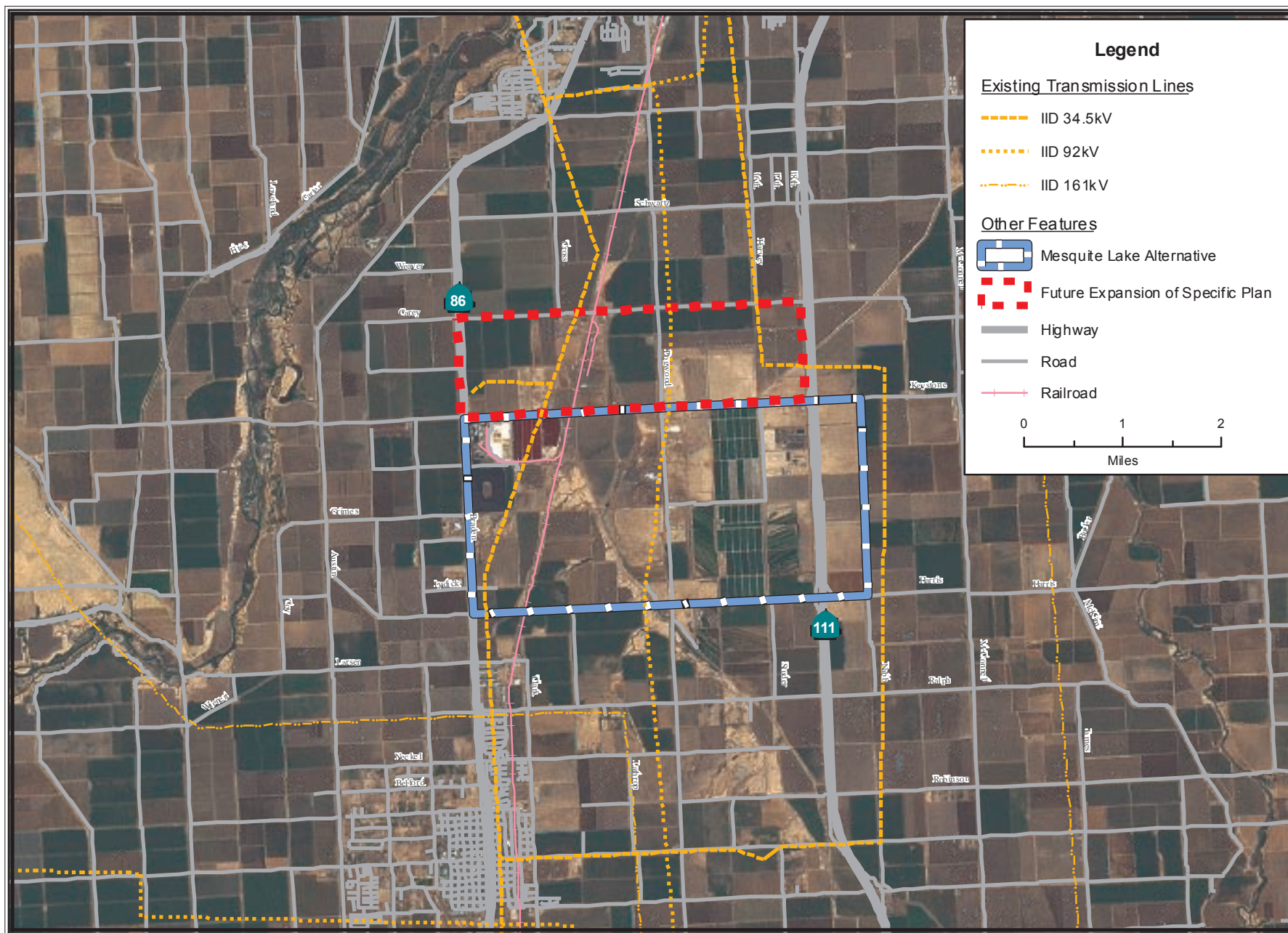
## Imperial Valley Solar - Site Alternatives Evaluated under CEQA



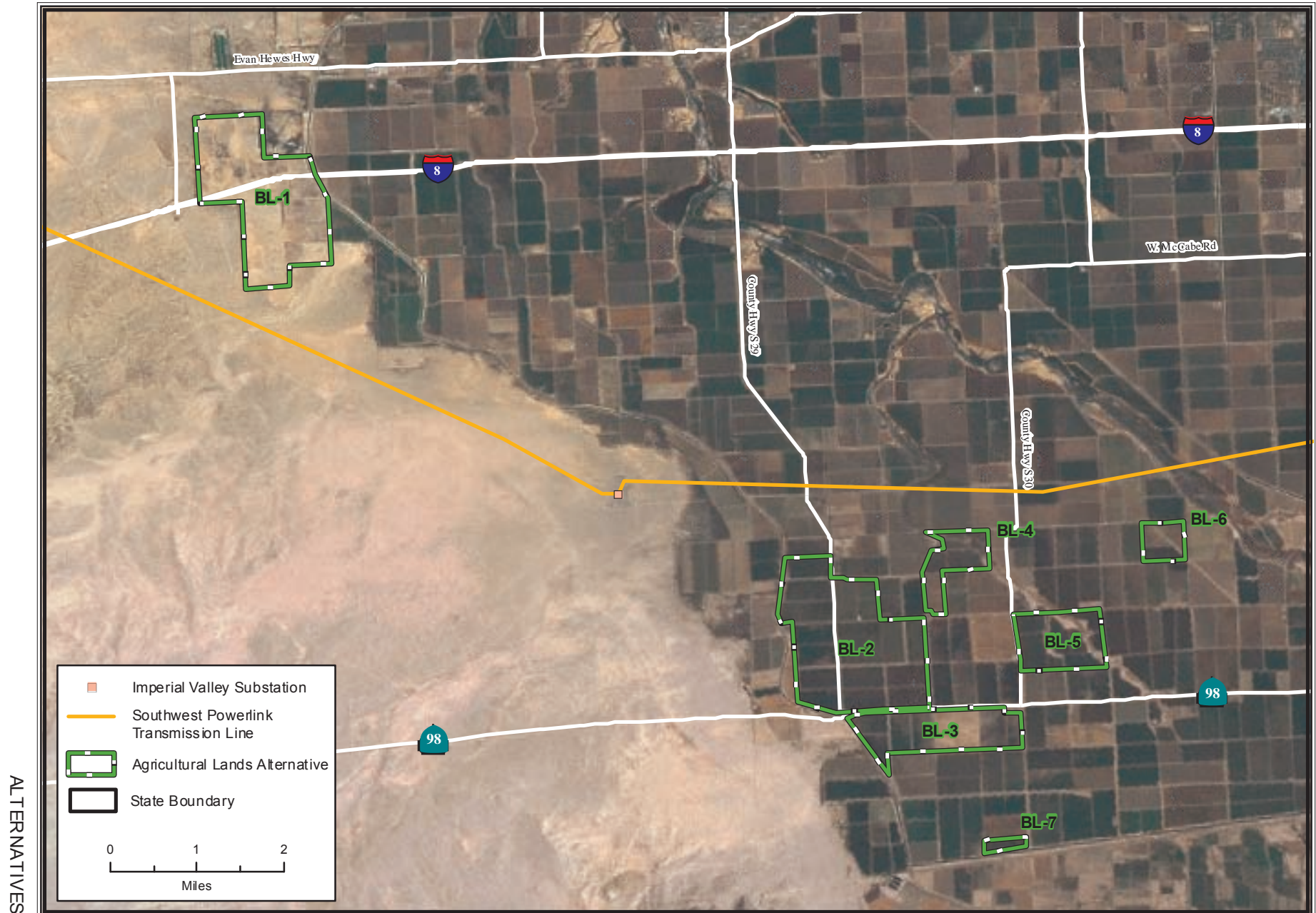


**ALTERNATIVES - FIGURE 3**  
Imperial Valley Solar - Mesquite Lake Alternative

ALTERNATIVES



**ALTERNATIVES - FIGURE 4**  
Imperial Valley Solar - Agricultural Lands Alternative

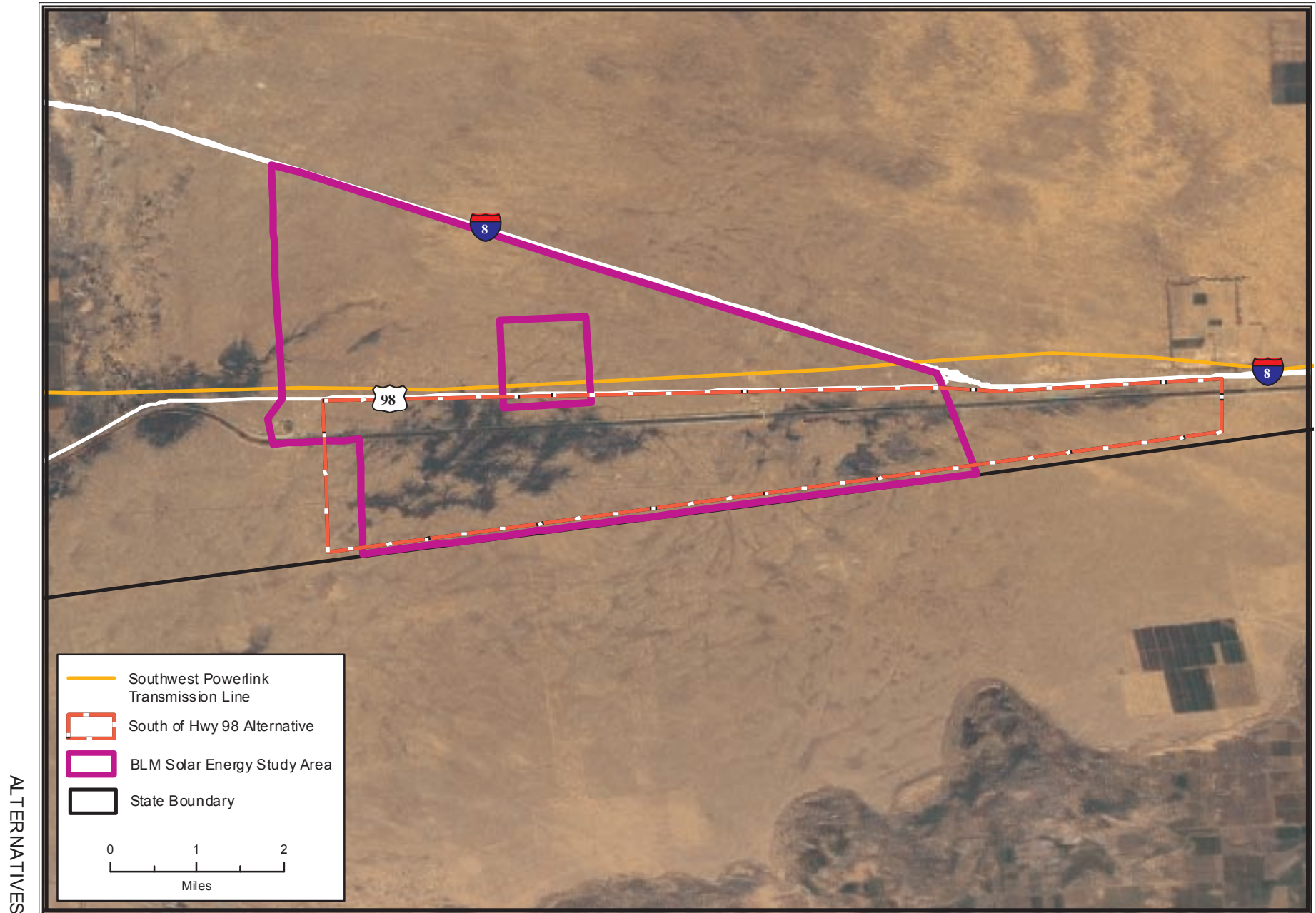


CALIFORNIA ENERGY COMMISSION - SITING, TRANSMISSION AND ENVIRONMENTAL PROTECTION DIVISION

SOURCE: California Energy Commission



**ALTERNATIVES - FIGURE 5**  
Imperial Valley Solar - South of Hwy 98 Alternative

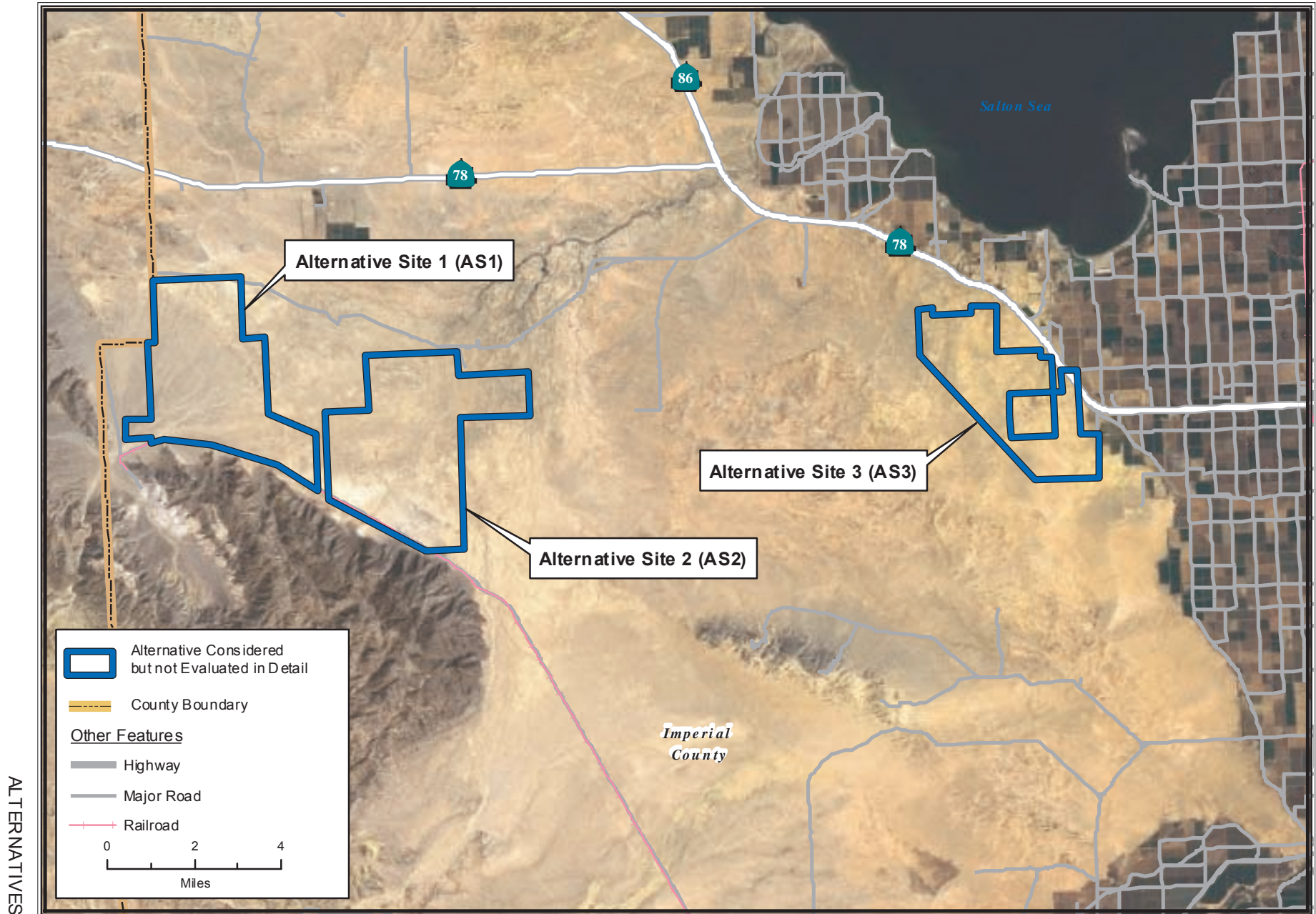


CALIFORNIA ENERGY COMMISSION - SITING, TRANSMISSION AND ENVIRONMENTAL PROTECTION DIVISION

SOURCE: California Energy Commission

## ALTERNATIVES - FIGURE 6

Imperial Valley Solar - Alternatives Considered but Not Evaluated in Further Detail



CALIFORNIA ENERGY COMMISSION - SITING, TRANSMISSION AND ENVIRONMENTAL PROTECTION DIVISION

SOURCE: SES 2008a



## ALTERNATIVES FIGURE 7 – Solar Generation Technologies



**Parabolic trough technology as used in Daggett, CA (Sunray Energy, Inc.)**



**Parabolic trough technology in a 64 MW field**  
(Nevada SolarOne in Boulder City, NV; photo from SolarOne website)



**Solar Power Tower (from ISEGS PSA, 2008)**

## ALTERNATIVES FIGURE 8 – Linear Fresnel and Photovoltaic Technologies



Linear Fresnel technology  
(Wikipedia.org, Fresnel\_reflectors\_ausra.jpg)



First Solar's thin film solar photovoltaic field  
(Photo: Susan Lee)



Canon Solar

use the 35 kW Amonix system  
(Canon 2008)

Partners proposes to

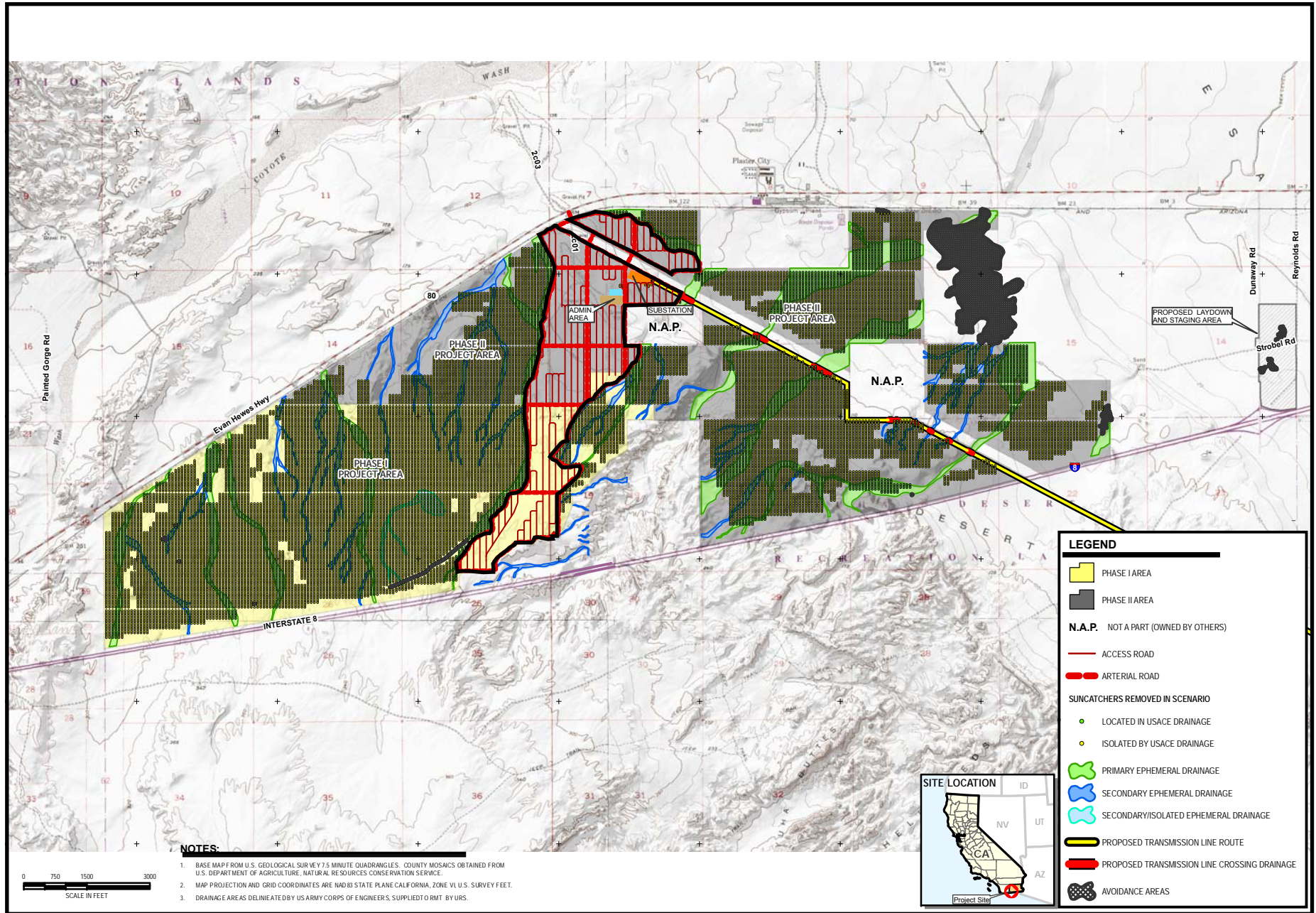


SunPower's PowerTracker Solar in Gwangju City Power Plant, South Korea - 1 MW  
<http://www.sunpowercorp.com/For-Power-Plants.aspx>



# **ALTERNATIVES - FIGURE 9** Imperial Valley Solar - Drainage Avoidance #3 Alternative (Eliminated)

ALTERNATIVES



## B.3 - CUMULATIVE SCENARIO

Susan V. Lee

### B.3.1 INTRODUCTION

---

Preparation of a cumulative impact analysis is required under CEQA. Under CEQA Guidelines, “a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts” (14 Cal Code Regs §15130(a)(1)). Cumulative impacts must be addressed if the incremental effect of a project, combined with the effects of other projects is “cumulatively considerable” (14 Cal Code Regs §15130(a)). Such incremental effects are to be “viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects” (14 Cal Code Regs §15164(b)(1)). Together, these projects comprise the cumulative scenario which forms the basis of the cumulative impact analysis.

CEQA also states that both the severity of impacts and the likelihood of their occurrence are to be reflected in the discussion, “but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion of cumulative impacts shall be guided by standards of practicality and reasonableness, and shall focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact” (14 Cal Code Regs §15130(b)).

### B.3.2 RENEWABLE RESOURCES IN CALIFORNIA

---

A number of renewable projects are currently under environmental review on BLM managed land, State land, and private land in California. Solar, wind, and geothermal development applications have requested use of BLM land, including approximately 1 million acres of the California Desert. Additional BLM land in Nevada and Arizona also has approximately 78 applications for solar and wind projects. State and private lands have also been targeted for renewable solar and wind projects. **Cumulative Figures 1 and 2 and Cumulative Tables 1A and 1B** illustrate the numerous renewable projects on BLM, State and private land. Approximately 24 solar projects, 9 wind projects, and 2 geothermal projects in California are in various stages of the environmental review process or under construction (November, 2009). Additional remote renewable projects may be under consideration for which a Notice of Preparation and/or Notice of Intent have not been published at this time. Not all of the projects listed below will complete the environmental review, nor is it likely that all projects will be funded and constructed. However, the list is indicative of the large number of remote renewable projects being considered in California.

The numerous renewable projects now described in applications to the BLM and on private land are competing for utility Power Purchase Agreements, which will allow utilities to meet the state-required Renewable Portfolio Standard. While **Cumulative Impacts Figures 1 and 2 and Tables 1A and 1B** show a very large number of

applications to BLM, it is unlikely that all of these projects will be constructed for the following reasons:

- Not all developers will develop the detailed information necessary to meet BLM and Energy Commission standards. Most of the solar projects with pending applications are proposing generation technologies that have not been implemented at large scales. As a result, preparing complete and detailed plans of development (PODs) is difficult, and completing the required NEPA and CEQA documents is especially time-consuming and costly.
- As part of approval by the appropriate Lead Agency under CEQA and/or NEPA (generally the Energy Commission and/or BLM), all regulatory permits must be obtained by the applicant or the prescriptions required by the regulatory authorities incorporated into the Lead Agency's license, permit or right-of-way grant. The large size of these projects may result in permitting challenges related to endangered species, mitigation measures or requirements, and other issues.
- Also after project approval, construction financing must be obtained (if it has not been obtained earlier in the process). The availability of financing will be dependent on the status of competing projects, the laws and regulations related to renewable project investment, and the time required for obtaining permits.

While not all the renewable projects currently proposed will be constructed, a number of existing policies and incentives encourage renewable energy development. These incentives lead to a greater number of renewable energy proposals. Examples of incentives for developers to propose renewable energy projects on private and public lands in California, Nevada and Arizona, include the following:

- U.S. Treasury Department's Payments for Specified Energy Property in Lieu of Tax Credits under §1603 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) - Offers a grant (in lieu of investment tax credit) to receive funding for 30% of their total capital cost at such time as a project achieves commercial operation (currently applies to projects that begin construction by December 31, 2010 and begin commercial operation before January 1, 2017).
- U.S. Department of Energy (DOE) Loan Guarantee Program pursuant to §1703 of Title XVII of the Energy Policy Act of 2005 - Offers a loan guarantee that is also a low interest loan to finance up to 80% of the capital cost at an interest rate much lower than conventional financing. The lower interest rate can reduce the cost of financing and the gross project cost on the order of several hundred million dollars over the life of the project, depending on the capital cost of the project.

### **B.3.3 DEFINITION OF A CUMULATIVE PROJECT SCENARIO**

---

The purpose of a cumulative effects analysis is to ensure that the decision makers consider the full range of consequences of the action. Most of the projects listed in the cumulative projects tables (see **Cumulative Tables 1, 2, and 3** at the end of this section) have, are, or will be required to undergo their own independent environmental review under CEQA.

Under CEQA, there are two acceptable and commonly used methodologies for establishing the cumulative impact setting or scenario: the “list approach” and the “projections approach”. The first approach would use a “list of past, present, and probable future projects producing related or cumulative impacts.” 14 Cal Code Regs §15130(b)(1)(A). The second approach is to use a “summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact” (14 Cal Code Regs §15130(b)(1)(B)). This SSA uses the “list approach” to provide a tangible understanding and context for analyzing the potential cumulative effects of a Project.

In order to provide a basis for cumulative analysis for each discipline, this section provides information on other projects in both maps and tables. Projects are defined within a geographic area that has been identified by the Energy Commission and the BLM as covering an area large enough to provide a reasonable basis for evaluating cumulative impacts for all disciplines, as shown in three maps and accompanying tables. **Cumulative Figures 1, 2, and 3** are on the following pages, and **Cumulative Tables 1, 2, and 3** are presented at the end of this section.

**Cumulative Impacts - Figure 3, Plaster City Existing and Future/Foreseeable Projects and Tables 2 and 3** list foreseeable future projects in the immediate Plaster City area. Table 2 presents existing projects and Table 3 presents Future Foreseeable Projects in the Plaster City Area. Both tables indicate project name and project type, its location and its status.

### **B.3.4 APPROACH TO CUMULATIVE IMPACT ANALYSIS**

---

This Supplemental Staff Assessment (SSA) evaluates cumulative impacts within the analysis of each resource area, following these steps:

1. Define the geographic scope of cumulative impact analysis for each discipline, based on the potential area within which impacts of the Imperial Valley Solar (IVS) Project could combine with those of other projects.
2. Evaluate the effects of the IVS Project in combination with past and present (existing) projects in the project area.
3. Evaluate the effects of the IVS Project with foreseeable future projects that occur within the area of geographic effect defined for each discipline.

Each of these steps is described below.

#### **Geographic Scope of Cumulative Analysis**

The area of cumulative effect varies by resource. For example, air quality impacts tend to disperse over a large area, while traffic impacts are typically more localized. For this reason, the geographic scope for the analysis of cumulative impacts must be identified for each resource area.



The analysis of cumulative effects considers a number of variables including geographic (spatial) limits, time (temporal) limits, and the characteristics of the resource being evaluated. The geographic scope of each analysis is based on the topography surrounding the IVS Project and the natural boundaries of the resource affected, rather than jurisdictional boundaries. The geographic scope of cumulative effects will often extend beyond the scope of the direct effects, but not beyond the scope of the direct and indirect effects of the proposed action and alternatives.

In addition, each project in a region will have its own implementation schedule, which may or may not coincide or overlap with the IVS Project's schedule. This is a consideration for short-term impacts from the IVS Project. However, to be conservative, the cumulative analysis assumes that all projects in the cumulative scenario are built and operating during the operating lifetime of the IVS Project.

### **Project Effects in Combination with Foreseeable Future Projects**

Each discipline evaluates the impacts of the proposed project on top of the current baseline; the past, present (existing) and future projects near the Imperial Valley Solar site as illustrated in **Cumulative Impacts - Figure 3, Plaster City Area Existing and Future/Foreseeable Projects** and listed in **Table 2 (Existing Projects in the Plaster City Region)**. The intensity, or severity, of the cumulative effects should consider the magnitude, geographic extent, duration and frequency of the effects (CEQ, 1997). The magnitude of the effect reflects the relative size or amount of the effect; the geographic extent considers how widespread the effect may be; and the duration and frequency refer to whether the effect is a one-time event, intermittent, or chronic (CEQ, 1997).

Reasonably foreseeable projects that could contribute to the cumulative effects scenario depend on the extent of resource effects, but could include projects in the immediate Plaster City area as well as other large renewable projects in Imperial County, or the greater California Desert. These projects are illustrated in **Cumulative Impacts Figures 1 and 2**.

IVS Project area projects are illustrated in **Cumulative Impacts Figure 3, Plaster City Area Existing and Future Foreseeable Projects**. As shown in the map and table, there are a number of projects in the immediate area around Plaster City whose impacts could combine with those of the proposed IVS Project. As shown on **Cumulative Impacts Figure 2** and in **Table 1**, solar and wind development applications for use of BLM land have been submitted for approximately 107,000 acres of the land in the Imperial County region of the California Desert Conservation Area.

**Cumulative Impacts Table 2** lists existing projects in the IVS Project area, and **Cumulative Impacts Table 3** lists future foreseeable projects in the IVS Project area.

## **RESPONSES TO AGENCY AND PUBLIC COMMENTS**

Staff received comments on the Cumulative Scenario section of the Staff Assessment (SA) for the proposed IVS Project requesting that the future foreseeable projects table be updated. CEQA Section 15130 authorizes the lead agency to limit its analysis of

probably future projects to those which are planned or which have had an application made at the time the NOP is released for review. Commenters mentioned a number of new cumulative renewable projects in the Imperial Valley. Where information regarding these projects was readily available, the projects were included in Table 3 below.

**Cumulative Impacts Table 1A  
Renewable Energy Projects in the California Desert District**

<b>BLM Field Office</b>	<b>Number of Projects &amp; Acres</b>	<b>Total MW</b>
<b>Solar Energy</b>		
Barstow Field Office	<ul style="list-style-type: none"> <li>• 20 projects</li> <li>• 150,217 acres</li> </ul>	• 13,176 MW
El Centro Field Office	<ul style="list-style-type: none"> <li>• 9 projects</li> <li>• 62,989 acres</li> </ul>	• 4,820 MW
Needles Field Office	<ul style="list-style-type: none"> <li>• 19 projects</li> <li>• 284,680 acres</li> </ul>	• 15,700 MW
Palm Springs Field Office	<ul style="list-style-type: none"> <li>• 19 projects</li> <li>• 127,561 acres</li> </ul>	• 11,400 MW
Ridgecrest Field Office	<ul style="list-style-type: none"> <li>• 5 projects</li> <li>• 31,743 acres</li> </ul>	• 2,935 MW
<b>TOTAL – CA Desert District</b>	<ul style="list-style-type: none"> <li>• <b>72 projects</b></li> <li>• <b>649,440 acres</b></li> </ul>	• <b>48,531 MW</b>
<b>Wind Energy</b>		
Barstow Field Office	<ul style="list-style-type: none"> <li>• 25 projects</li> <li>• 171,560 acres</li> </ul>	• n/a
El Centro Field Office	<ul style="list-style-type: none"> <li>• 8 projects</li> <li>• 49,506 acres</li> </ul>	• n/a
Needles Field Office	<ul style="list-style-type: none"> <li>• 8 projects</li> <li>• 111,931 acres</li> </ul>	• n/a
Palm Springs Field Office	<ul style="list-style-type: none"> <li>• 4 projects</li> <li>• 5,852 acres</li> </ul>	• n/a
Ridgecrest Field Office	<ul style="list-style-type: none"> <li>• 16 projects</li> <li>• 94,872 acres</li> </ul>	• n/a
<b>TOTAL – CA Desert District</b>	<ul style="list-style-type: none"> <li>• <b>61 projects</b></li> <li>• <b>433,721 acres</b></li> </ul>	• n/a

Source: Renewable Energy Projects in the El Centro Field Office of the California Desert Conservation Area identifies solar and wind renewable projects as listed on the BLM California Desert District Alternative Energy Website (BLM 2009)



**Cumulative Impacts Table 1B**  
**Renewable Energy Projects on State and Private Lands**

<b>Renewable Resource</b>	<b>Project Name</b>	<b>Location</b>	<b>Status</b>
<b>Solar</b>	Abengoa Mojave Solar Project (250 MW solar thermal)	San Bernardino County, Harper Lake	Under environmental review
	Rice Solar Energy Project (150 MW solar thermal)	Riverside County, north of Blythe	Under environmental review
	3 MW solar PV energy generating facility	San Bernardino County, Newberry Springs	MND published for public review
	Blythe Airport Solar 1 Project (100 MW solar PV)	Blythe, California	MND published for public review
	First Solar's Blythe (21 MW solar PV)	Blythe, California	Under construction
	California Valley Solar Ranch (SunPower) (250 MW solar PV)	Carrizo Valley, San Luis Obispo County	Under environmental review
	LADWP and OptiSolar Power Plant (68 MW solar PV)	Imperial County, SR 111	Under environmental review
	Topaz Solar Farm (First Solar) (550 MW solar PV)	Carrizo Valley, San Luis Obispo County	Under environmental review
	AV Solar Ranch One (230 MW solar PV)	Antelope Valley, Los Angeles County	Under environmental review
	Bethel Solar Hybrid Power Plant (49.4 MW hybrid solar thermal and biomass)	Seeley, Imperial County	Under environmental review
	Mt. Signal Solar Power Station (49.4 MW hybrid solar thermal and biomass)	8 miles southwest of El Centro, Imperial County	Under environmental review
<b>Wind</b>	Alta-Oak Creek Mojave Project (up to 800 MW)	Kern County, west of Mojave	Under environmental review
	PdV Wind Energy Project (up to 300 MW)	Kern County, Tehachapi Mountains	Approved
	Solano Wind Project Phase 3 (up to 128 MW)	Montezuma Hills, Solano County	Under environmental review
	Hatchet Ridge Wind Project	Shasta County, Burney	Under construction
	Lompoc Wind Energy Project	Lompoc, Santa Barbara County	Approved
	Pacific Wind (Iberdrola)	McCain Valley, San Diego County	Under environmental review
	TelStar Energies, LLC (300 MW)	Ocotillo Wells, Imperial County	Under environmental review
<b>Geothermal</b>	Buckeye Development Project	Geyserville, Sonoma	Under environmental review
	Orni 18, LLC Geothermal Power Plant (49.9 MW)	Brawley, Imperial County	

Source: CEQAnet [<http://www.ceqanet.ca.gov/ProjectList.asp>], November 2009.

**Cumulative Impacts Table 2  
Existing Projects in the Plaster City Area**

<b>ID</b>	<b>Project Name/Agency ID</b>	<b>Location</b>	<b>Ownership</b>	<b>Status</b>	<b>Project Description</b>
<b>1</b>	U.S. Naval Air Facility El Centro	West Mesa	U.S. Navy	Existing	El Centro Naval Air Facility U.S. Naval Reservation Target 103 and Parachute Drop Zone. Desert range is used for air-to-ground bombing, rocket firing, strafing, dummy drops and mobile land target training.
<b>2</b>	Recreation Activities	West Mesa FTHL Management Area	BLM	Ongoing	The area is primarily used for the conservation of Flat Tailed Horned Lizard. OHV activity is limited to designated routes of travel only within this area. There are occasional groups that visit this area for trail rides.
<b>3</b>	Recreation Activities	Yuha Basin ACEC	BLM	Ongoing	The area is primarily used for the conservation of Flat Tailed Horned Lizard, and archaeological resources. OHV activity is limited to designated routes of travel only within this area. The Juan Bautista De Anza National Historic Trail runs through this area. This region is also rich with paleontological and geological resources. Visitors come to this area to find fossils and explore the area's geology and enjoy the desert landscape. Some schools and universities have visited this region for educational field trips and research.
<b>4</b>	U.S. Gypsum Mining	Plaster City	Gypsum Mining	Existing; Quarry is undergoing expansion FEIR released Jan 2008.	Existing gypsum plant; proposal to expand active gypsum quarry undergoing environmental review. Gypsum quarry is located 26 miles northwest of the plant located at Plaster City.
<b>5</b>	California State Prison, Centinela	2302 Brown Road, Imperial, CA	State of California	Existing	Existing prison opened in 1993 which covers 2,000 acres.
<b>6</b>	Recreation Activities	Superstition Mountain and Plaster City Open Area	BLM	Ongoing	Cross-country OHV use is permitted within the boundaries of this area.  Approximately 20 to 30 Permitted and Organized events occur on the Plaster City Open Area and Superstition Mountains Open Area. Many of these events are competitive OHV races involving as many as 100 riders and several hundred spectators. The area is a popular OHV riding area with high visitation during the cool season and on holiday weekends.

Source: Existing Projects in the Plaster City Area identifies already existing projects within the Plaster City area. These projects were identified through a variety of sources including the Imperial County and City of El Centro websites, BLM website and individual project websites

**Cumulative Impacts Table 3**  
**Future Foreseeable Projects in the Plaster City Area**

<b>ID</b>	<b>Project Name/Agency ID</b>	<b>Location</b>	<b>Ownership</b>	<b>Status</b>	<b>Project Description</b>
<b>A</b>	Mount Signal Solar Power Station	Imperial Valley – Need further detail.	MMR Power Solutions, LLC	PPA with SDG&E. SDG&E filed request for approval of PPA with CPUC Energy Division and approval was granted 9/18/08.	New 49.4 MW solar thermal hybrid project due online in December 2009.
<b>B</b>	Green Path	From the Imperial Valley Substation to the Dixieland Substation	IID	Draft EIS in progress, Scoping Report available. Preparing Draft EIS: Draft Alternatives Working Paper is available. Construction expected to begin 2012.	Green Path 230 kV Project (Board Approved). The upgrade would serve solar, wind and biomass generators near the Imperial Valley Substation, and act as a back-up to the current 'S' line and creating greater system reliability to the entire IID system.  Construct two new 230 kV electrical substations on 10 acres with a 230 kV transmission line connection.
<b>C</b>	Wind Zero – Training Facility	Ocotillo	Wind Zero Group, Inc.	Wind Zero Group, Inc. submitted plans to Imperial County May 2008.	Wind Zero proposes to build a 400-acre training facility for law enforcement, government, college and public near Ocotillo (south of Interstate 8 and north of SR 98) on land that it purchased in 2007. Wind Zero proposes to use the additional 600-acre site to build a 6.1-mile road course and racetrack country club.
<b>D</b>	Atlas Storage Facility	Ocotillo townsite/ Imperial Highway	Atlas Storage Centers	Atlas Storage Centers	RV storage facility related to new water well on 5.3 acre parcel currently vacant land.
<b>E</b>	Mixed-Use Development	South of Ross Avenue/east of Austin	Miller Burson Development Design and Engineering	Responses to Draft EIR under preparation.	570 single-family lots and a school site on 160 acres. COZ No. 05-02, EIR No. 05-02.
<b>F</b>	Mixed-Use Development	West of La Brucherie/east of Austin and north of West Evan Hewes Highway	Las Aldeas Specific Plan Westshore (Lerno) Development	City of El Centro staff working on staff report and conditions of approval.	2,641 residential lots, general commercial (27.46 acres), heavy commercial (10.17 acres), 2 school sites for a total of over 680 acres.
<b>G</b>	Mixed-Use Development	Southeast corner of 8th Street (Clark Road) about 630 feet south of Horne Road	Michael H Galey/The Kennedy Group	MND proposal being reviewed by applicant	65 single-family lots on over 36 acres.

<b>ID</b>	<b>Project Name/Agency ID</b>	<b>Location</b>	<b>Ownership</b>	<b>Status</b>	<b>Project Description</b>
<b>N/A</b>	Update General Plan	El Centro city-wide	City of El Centro	Tentative schedule for PC meeting of January 6, 2009	Update Circulation Element of General Plan; Update Housing Element of General Plan;
<b>N/A</b>	Update Park Master Plant	El Centro city-wide	City of El Centro	Scheduled for CC meeting December 17, 2008	Preparation of Parks & Recreation Facilities Master Plan
<b>H</b>	Mixed-Use Development	South of Interstate 8 between La Brucherie and Lotus Canal and Drain	Lotus Ranch (Gary McPhetridge)	On hold per applicant request (June 2008)	658 single family lots, detention basin on over 213 acres.
<b>I</b>	Mixed-Use Development	East of Austin Road and north of W. Ross Rd.	Desert Village #6	Approved – granted extension of 2 years for filing final map of Subdivision Map (August 2008)	110 single-family units, 125 multiple-family units, 5.5 acres of commercial development
<b>J</b>	Mixed-Use Development	East of Austin Road and south of Orange Avenue	Courtyard Villas	EIR in process	21.5 acres, 54 single-family units
<b>K</b>	Mixed-Use Development	1002 East Evan Hewes Highway	Colace Brothers Industrial Park	Approved by City of El Centro March 2008	15 parcel subdivision on APN 054-280-024 and 054-280-048
<b>L</b>	Sunrise Powerlink Project	From Imperial County to San Diego County	SDG&E	FEIR/EIS released, awaiting Commission and BLM decision	Approximately 120-mile long 500 kV transmission line from Imperial Valley Substation to Sycamore Canyon Substation, BLM preferred route would bisect the proposed SES Solar Two LLC site
<b>M</b>	Ocotillo Express Wind Facility	Immediately east of the proposed site	Pattern Energy Group	Under environmental review	Construct an approximately 550 MW wind facility immediately east of the proposed project on approximately 15,000 acres.
<b>N</b>	Pedestrian Fence 225 and Pedestrian Fence 70	Along the U.S./Mexico Border	U.S. Department of Homeland Security	Under construction	Construct a tactical infrastructure project that plans to construct approximately 225 miles of primary pedestrian fencing along the southwest border of the United States.

ID	Project Name/Agency ID	Location	Ownership	Status	Project Description
<b>O</b>	Mixed Use–Recreation	Plaster City Open Area; Yuha; Superstition Mountain Open Area	BLM	The recreational use of the open areas, especially OHV use, is expected to continue and potentially grown in the foreseeable future.	Cross-country OHV use is permitted within the boundaries of Plaster City Open Area and Superstition Mountain Open Area. Limited Use area is allowed in Yuha which offers washes and trails. Organized and permitted OHV events occur at both Plaster City Open Area and Superstition Mountain Open Area.
<b>P</b>	West-wide Energy Corridor	Throughout the Imperial Valley on BLM land	DOE	Final Programmatic EIS was published Nov. 28; awaiting Record of Decision	Section 368 of the Energy Policy Act of 2005 (the Act), Public Law 109-58 (H.R. 6), enacted August 8, 2005, directs the Secretaries of Agriculture, Commerce, Defense, Energy, and the Interior (the Agencies) to designate under their respective authorities corridors on federal land in 11 Western States (Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming) for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities (energy corridors).
<b>Q</b>	Seeley Waste Water Treatment Facility Upgrade	New River Boulevard, Seeley, California	Seeley County Water District	Engineering plans required, completion of project expected March 2010.	SES would finance an upgrade to the existing facility to allow it to meet the Title 22 water quality standards.
<b>R</b>	Sunrise Gateway West	Immediately west of the Westside Main Canal and 4 to 5 miles northwest of the Imperial Valley Substation.	CSOLAR Development, LLC	Under review by Imperial County	A solar photovoltaic (PV) project of 200 to 250 megawatts (MW), proposed to be online by September 2011. CSOLAR proposes to construct the project on 10 parcels (1130 acres, according to the LightSource website).
<b>S</b>	Sunrise Gateway South	Southwestern end of Imperial Valley, immediately adjacent to the All-American canal and the Mexican border.	CSOLAR Development, LLC	Under review by Imperial County	A solar photovoltaic (PV) project of 200 to 250 megawatts (MW), proposed to be online by September 2011. CSOLAR proposes to construct the project on 6 parcels (903 acres) of actively farmed agricultural land.
<b>T</b>	Centinela Solar Energy Facility, LLC	Near the intersection of Highway 98 and Brockman Road, Calexico	LS Power Associates, L.P.	Proposed	A 110-130 MW solar photovoltaic project, expected to be installed by April, 2013.

Source: Future Foreseeable Projects in the Plaster City Area identifies future foreseeable projects within the Plaster City area. These projects were identified through a variety of sources including the Imperial County and City of El Centro websites, BLM website and personal communication, and individual project websites

### B.3.5 REFERENCES

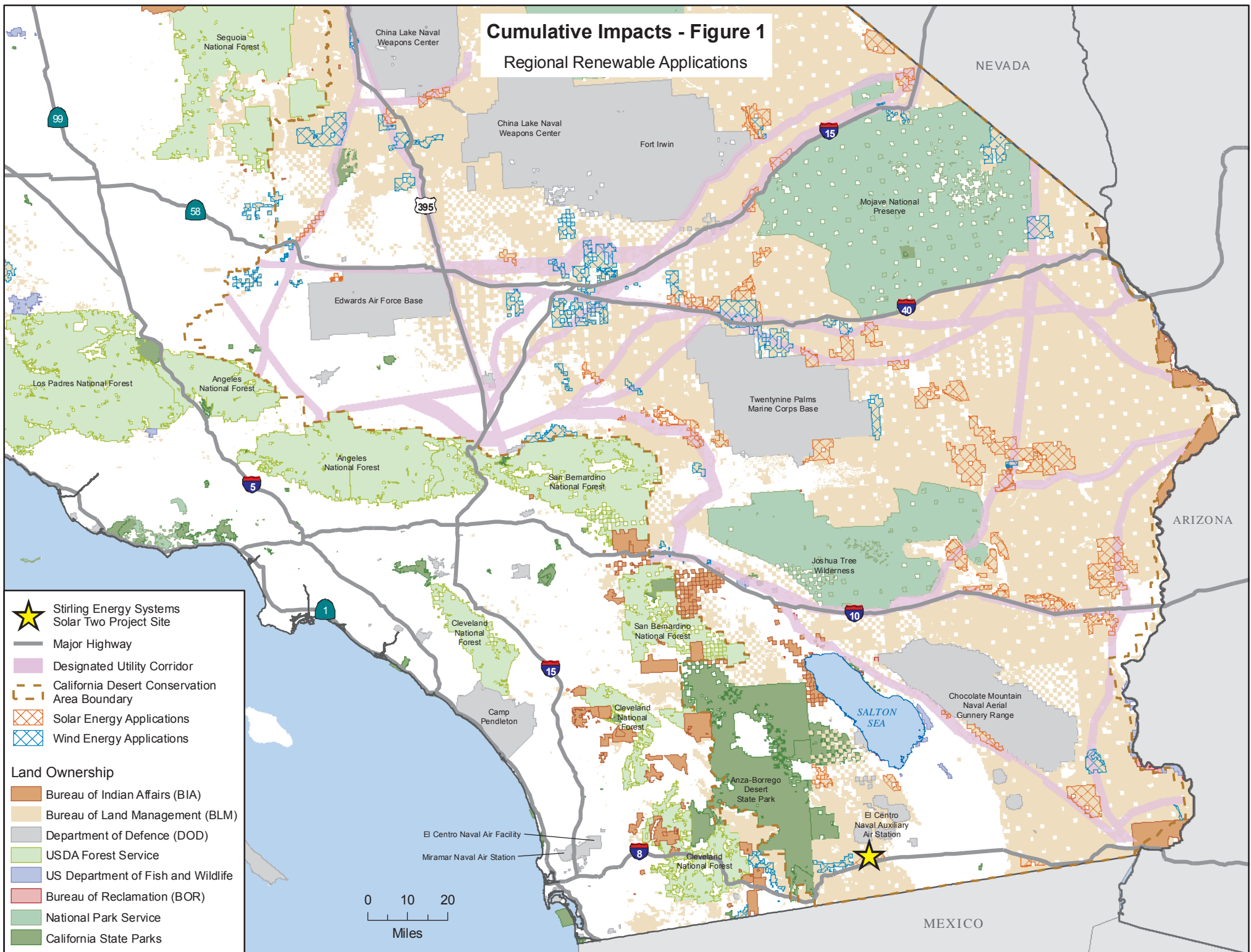
---

- BLM (Bureau of Land Management), 2008 – Wind Energy Applications & Solar Energy Applications – California Desert District [http://www.blm.gov/ca/st/en/fo/cdd/alternative\\_energy.html](http://www.blm.gov/ca/st/en/fo/cdd/alternative_energy.html). Accessed November 18, 2008.
- BLM, 2008a – BLM El Centro Field Office. <http://www.blm.gov/ca/st/en/fo/elcentro/recreation/ohvs.html>. Accessed November 19, 2008.
- BLM, 2008b – United States Gypsum Company Expansion/Modernization Project Imperial County, California. Final EIR/EIS. [http://www.blm.gov/ca/st/en/fo/elcentro/nepa/usg\\_eis0108.html](http://www.blm.gov/ca/st/en/fo/elcentro/nepa/usg_eis0108.html). Accessed November 25, 2008.
- BLM, 2008c – BLM National Environmental Policy Act Handbook H-1790-1. January 2008.
- California Public Utilities Commission, 2008 – Resolution E-4176: September 18, 2008. [http://docs.cpuc.ca.gov/word\\_pdf/FINAL\\_RESOLUTION/91113.doc](http://docs.cpuc.ca.gov/word_pdf/FINAL_RESOLUTION/91113.doc). Accessed November 18, 2008.
- CEQ (Council on Environmental Quality), 1997 – Considering Cumulative Effects Under the National Environmental Policy Act. <http://ceq.hss.doe.gov/NEPA/ccenepa/ccenepa.htm>. Accessed February 2, 2009.
- City of El Centro, 2008 – Department of Planning and Zoning Project List Monthly Status Report October 2008. <http://www.cityofelcentro.org/planning/pdf/CurrentProposedProjects.pdf>. Accessed November 18, 2008.
- City of El Centro, 2008a – Council Agenda Regular Meeting August 6, 2008. <http://www.cityofelcentro.org/clerksoffice/archives/20080806s.pdf>. Accessed November 18, 2008.
- E3 (Energy and Environmental Economics, Inc.), 2008 – 33% Staff Analysis: Methodology and Timeline. August 26, 2008. <http://www.cpuc.ca.gov/PUC/energy/Renewables/33percentworkshop.htm>. Accessed March 11, 2009.
- El Centro Chamber of Commerce, 2008 – Desert eyed for Training. June 20, 2008. <https://elcentrochamber.org/news/archived-news/?build=view&idr=1570&page=53&>. Accessed December 3, 2008.
- Green Path, 2008 – Green Path Project: Green Path Transmission Expansion Plan. [http://www.greenpath.us/gp\\_projects.html](http://www.greenpath.us/gp_projects.html). Accessed November 18, 2008.
- Imperial Valley News, 2008 – “Wind Zero to Support Navy Unmanned Aircraft System Training.” [http://imperialvalleynews.com/index.php?option=com\\_content&task=view&id=3126](http://imperialvalleynews.com/index.php?option=com_content&task=view&id=3126). Accessed November 18, 2008.
- RETI (Renewable Energy Transmission Initiative), 2009 – RETI Phase 1B Final Report Update Net Short Recalculation and New PV Assumptions. [http://www.energy.ca.gov/reti/documents/phase1B/PHASE\\_1B\\_UPDATE\\_NET\\_SHORT\\_RECALC\\_ADOP TED\\_02-24-2009.PDF](http://www.energy.ca.gov/reti/documents/phase1B/PHASE_1B_UPDATE_NET_SHORT_RECALC_ADOP TED_02-24-2009.PDF). Accessed March 16, 2009.
- RETI, 2009a – Renewable Energy Transmission Initiative Phase 1B Final Report. RETI-1000-2008-003-F.

SES (Stirling Energy Systems Solar Two, LLC), 2008a – Application for Certification for the Stirling Energy Systems (SES) Solar Two Project, Volumes 1 and 2.  
Submitted to the California Energy Commission, June 30, 2008.

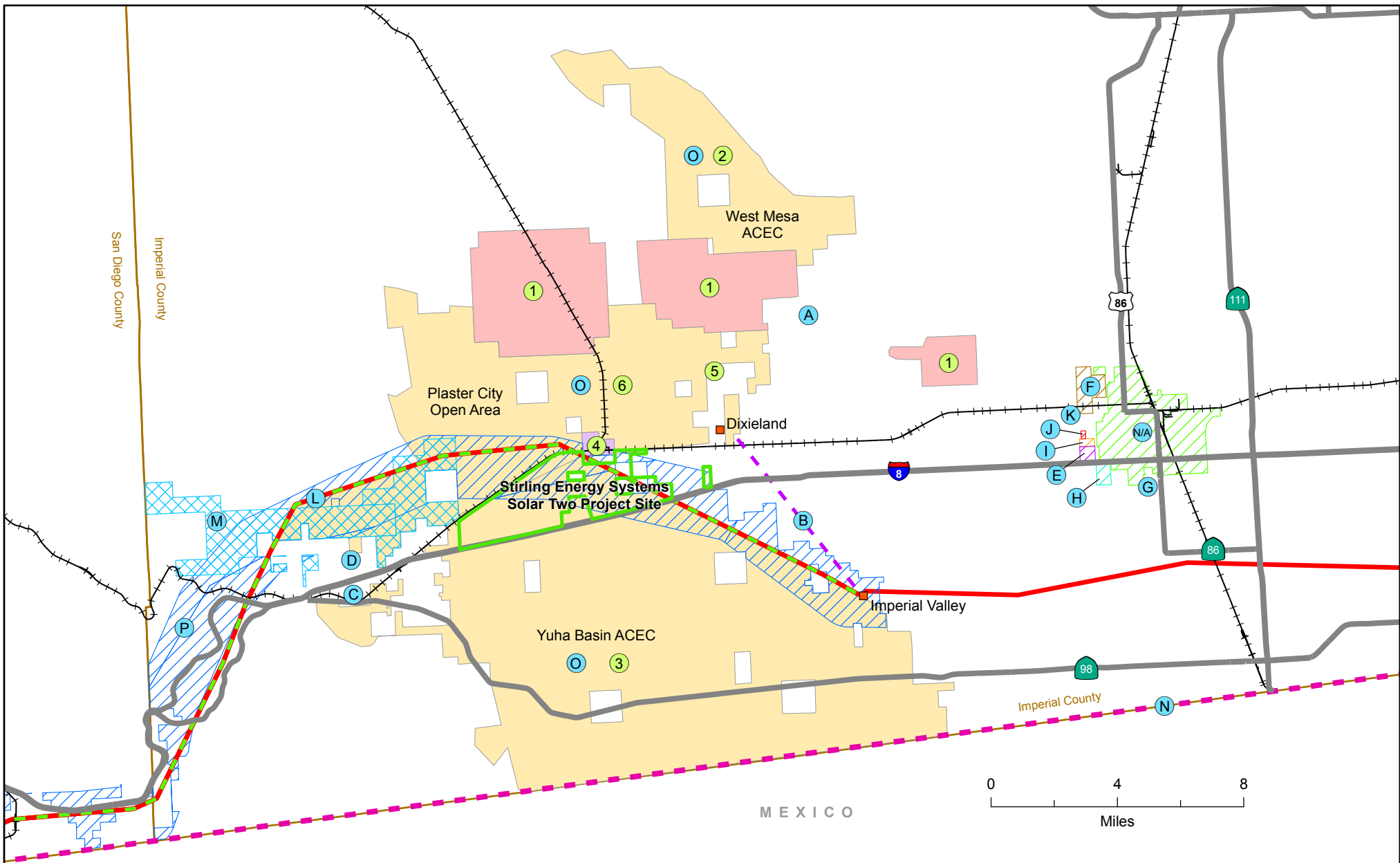
Wind Zero, 2009 – <http://www.wind-zero.com>. Accessed January 7, 2009.

**Cumulative Impacts - Figure 1**  
Regional Renewable Applications









### Cumulative Impacts - Figure 3

#### Plaster City - Existing and Future/Foreseeable Projects

##### Existing Projects

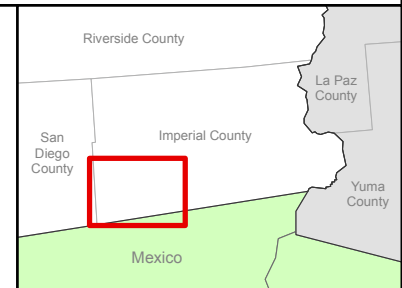
- Existing Project
- 1
- 4
- 6, 7, 8, and O

##### Future/Foreseeable Projects

- Future/Foreseeable Project
- B
- L
- N
- J
- M
- I
- F
- H
- P
- E
- N/A

##### Other Features

- Substation
- Southwest Power Link
- Major Highway
- Railroad
- Stirling Energy Systems Solar Two Project Site



## **C. ENVIRONMENTAL ANALYSIS**

## C.1 - AIR QUALITY

Testimony of William Walters, P.E.

### C.1.1 SUMMARY OF CONCLUSIONS

---

California Energy Commission staff<sup>1</sup> (hereinafter referred to as “staff”) find that with the adoption of the attached conditions of certification, the proposed Imperial Valley Solar Project (formerly called the Stirling Energy Systems Solar Two Project) would comply with all applicable laws, ordinances, regulations, and standards and would not result in any significant California Environmental Quality Act air quality impacts<sup>2</sup>. These Conditions of Certification meet the Energy Commission’s responsibility to comply with the California Environmental Quality Act.

Staff have concluded that the proposed project would not have the potential to exceed Prevention of Significant Deterioration emission threshold levels during direct source operation and the facility is not considered a major stationary source with potential to cause adverse National Environmental Policy Act air quality impacts. However, without adequate fugitive dust mitigation, the proposed project would have the potential to exceed the General Conformity PM10 applicability threshold during construction and operation, and could cause potential localized exceedances of the PM10 National Ambient Air Quality Standard during construction and operation. This potential exceedance of federal air quality standards would be considered a direct, adverse impact under National Environmental Policy Act. This impact would be less than adverse with the proposed mitigation measures controlling fugitive dust.

The Imperial Valley Solar Project would emit substantially lower greenhouse gas<sup>3</sup> emissions per megawatt-hour than fossil fueled generation resources in California. The Imperial Valley Solar Project, as a renewable energy generation facility, is determined by rule to comply with the Greenhouse Gas Emission Performance Standard requirements of SB 1368 (Chapter 11, Greenhouse Gases Emission Performance Standard, Article 1, Section 2903 [b][1]).

---

<sup>1</sup> This analysis has been completed solely by Energy Commission staff and only reflects the findings and recommendations of Energy Commission staff. BLM will complete a separate Final Environmental Impact Statement for this project and the official federal findings and recommended mitigation measures will be provided in that document. Please see the Executive Summary of this Supplemental Staff Assessment (SSA) for more information regarding the separation of Energy Commission and BLM environmental review process.

<sup>2</sup> Staff’s conclusions provided in the SA/DEIS have not changed. This Supplemental Staff Assessment (SSA) includes information regarding minor changes to the project description and emissions and describes a project related future action. The applicant provided comments on the Staff Assessment/Draft Environmental Impact Statement (SA/DEIS). Revisions to the conditions and editorial revisions requested by the applicant, acceptable to staff, along with other revisions determined necessary based on other comments received or for continuity with other solar project recommended conditions of certification have been included in this SSA.

<sup>3</sup> Greenhouse gas emissions are not criteria pollutants, but they affect global climate change. In that context, staff evaluates the GHG emissions from the proposed project (Appendix Air-1), presents information on GHG emissions related to electricity generation, and describes the applicable GHG standards and requirements.

## C.1.2 INTRODUCTION

---

Imperial Valley Solar LLC, formerly Stirling Energy Systems Solar Two, LLC<sup>4</sup>, applicant, submitted an Application for Certification (AFC) to construct and operate a solar power plant in Imperial County, California. The Imperial Valley Solar (IVS) Project would be one of the world's largest solar power projects. The originally proposed project would have 30,000 solar dish Stirling systems, occupying 6,500 acres. The project site is located in an undeveloped area of Imperial County, approximately 100 miles east of San Diego, California and 14 miles west of El Centro, California. The proposed project would be located just south of Plaster City and adjacent to Interstate 8 at the Dunaway Road exit. This Supplemental Staff Assessment (SSA) provides air quality information and staff's assessment of the applicant's May 2010 Supplement to the Imperial Valley Solar Project Application for Certification (SES 2010g), as well as addresses applicant and other comments received to date on the SA/DEIS.

This analysis evaluates the expected air quality impacts from the emissions of criteria air pollutants from both the construction and operation of the IVS Project. Criteria air pollutants are defined as air contaminants for which the state and/or federal governments, per the California Clean Air Act and federal Clean Air Act, have established ambient air quality standards to protect public health.

The criteria pollutants analyzed within this section are nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), ozone (O<sub>3</sub>), and particulate matter (PM). Lead is not analyzed as a criteria pollutant, but lead and other toxic air pollutant emissions impacts are analyzed in the Public Health Section of this document. Two subsets of particulate matter are inhalable particulate matter (less than 10 microns in diameter, or PM<sub>10</sub>) and fine particulate matter (less than 2.5 microns in diameter, or PM<sub>2.5</sub>). Nitrogen oxides (NO<sub>x</sub>, consisting primarily of nitric oxide [NO] and NO<sub>2</sub>) and volatile organic compound (VOC) emissions readily react in the atmosphere as precursors to ozone and, to a lesser extent, particulate matter. Sulfur oxides (SO<sub>x</sub>) readily react in the atmosphere to form particulate matter and are major contributors to acid rain. Global climate change and greenhouse gas (GHG) emissions from the proposed project are discussed in Appendix Air-1 and analyzed in the context of cumulative impacts.

In carrying out this analysis, the California Energy Commission (Energy Commission) staff evaluated the following four major issues:

- whether the IVS Project is likely to conform with applicable federal, state, and Imperial County Air Pollution Control District (ICAPCD or District) air quality laws, ordinances, regulations and standards (Title 20, California Code of Regulations, section 1744 (b));
- whether the IVS Project is likely to cause new violations of ambient air quality standards or contribute substantially to existing violations of those standards (Title 20, California Code of Regulations, section 1743);

---

<sup>4</sup> In certain cases project references will give the former project applicant name or project name as they were the official names at the time of the development of the referenced documents and the official project reference list.

- whether mitigation measures proposed for the proposed project are adequate to lessen potential impacts under CEQA to a level of insignificance (Title 20, California Code of Regulations, section 1742 (b)).
- whether the IVS would exceed regulatory benchmarks identified by and used by staff to analyze National Environmental Policy Act (NEPA) air quality impacts, before or after implementation of recommended mitigation measures.

### **C.1.3      METHODOLOGY AND THRESHOLDS FOR DETERMINING ENVIRONMENTAL CONSEQUENCES**

---

A significant impact is defined under CEQA as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project” (Cal.Code Regs., tit.14 [hereinafter CEQA Guidelines] Section 15382). Questions used in evaluating significance of air quality impacts are based on Appendix G of the CEQA Guidelines (CCR 2006). The specific approach used by Energy Commission staff in determining CEQA significance is discussed in more detail below.

#### **C.1.3.1      LORS**

The federal, state, and local laws and policies applicable to the control of criteria pollutant emissions and mitigation of air quality impacts for the IVS are summarized in **Air Quality Table 1**. Staff’s analysis examines the proposed project’s compliance with these requirements.

# Air Quality Table 1

## Laws, Ordinances, Regulations, and Standards

Applicable LORS	Description
<b>Federal</b>	
40 Code of Federal Regulations (CFR) Part 52	Nonattainment New Source Review (NSR) requires a permit and requires Best Available Control Technology (BACT) and Offsets. Permitting and enforcement delegated to Imperial County Air Pollution Control District (ICAPCD).  Prevention of Significant Deterioration (PSD) requires major sources or major modifications to major sources to obtain permits for attainment pollutants. The IVS Project is a new source that does not have a rule listed emission source thus the PSD trigger levels are 250 tons per year for NO <sub>x</sub> , VOC, SO <sub>2</sub> , PM <sub>2.5</sub> and CO.
40 CFR Part 60	New Source Performance Standards (NSPS), Subpart IIII Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. Establishes emission standards for compression ignition internal combustion engines, including emergency fire water pump engines.
40 CFR Part 93 General Conformity	Requires determination of conformity with State Implementation Plan for Projects requiring federal approvals if project annual emissions are above specified levels.
<b>State</b>	
Health and Safety Code (HSC) Section 40910-40930	Permitting of source needs to be consistent with Air Resource Board (ARB) approved Clean Air Plans.
HSC Section 41700	Restricts emissions that would cause nuisance or injury.
California Code of Regulations (CCR) Section 93115	Airborne Toxics Control Measure for Stationary Compression Ignition Engines. Limits the types of fuels allowed, establishes maximum emission rates, and establishes recordkeeping requirements on stationary compression ignition engines, including emergency fire water pump engines.
<b>Local (Imperial County Air Pollution Control District)</b>	
ICAPCD Rule 201 Permits Required	Requires an Authority to Construct before construction of an emission source occurs. Prohibits operation of any equipment that emits or controls air pollutants without first obtaining a permit to operate.
ICAPCD Rule 207 New and Modified Stationary Source Review	Specifies BACT/Offsets technology and requirements for a new emissions unit that has potential to emit any regulated pollutants. Also, specifies District participation requirements for power plant projects under the jurisdiction of the Energy Commission.
ICAPCD Rule 400 Fuel Burning Equipment - Oxides of Nitrogen	Limits the emission levels of oxides of nitrogen from any source to no more than 140 lbs/hr of NO <sub>x</sub> , calculated as NO <sub>2</sub> .
ICAPCD Rule 401 Opacity of Emissions	Limits the opacity of discharges from any single source to less than 20% opacity or No. 1 on the Ringlemann Chart.
ICAPCD Rule 403 General Limitations on the Discharge of Air Contaminants	Limits the concentration of the discharge of air contaminants, combustion contaminants, and particulate matter into the atmosphere.
ICAPCD Rule 405 Sulfur Compounds Emission Standards, Limitations, and Prohibitions	Limits the concentration of the discharge of sulfur compounds and the sulfur content of liquid fuels.

<b>Applicable LORS</b>	<b>Description</b>
ICAPCD Rule 407 Nuisances	Prohibits the discharge from any source of any air contaminant that may cause injury, detriment, nuisance, or annoyance to any considerable number of persons or the public, or which endangers such persons or public or which may cause injury or damage to business or property.
ICAPCD Rule 415 Transfer and Storage of Gasoline	This rule specifies the vapor recovery requirement for tank filling (Phase I) and vehicle refueling (Phase II) for gasoline storage and refueling facilities.
ICAPCD Rule VIII Fugitive Dust Rules 800 through 806	These rules identify mitigation requirements to reduce fugitive dust emissions.
ICAPCD Rule 1101 New Source Performance Standards	Incorporates the Federal NSPS (40 CFR 60) rules by reference.

### **C.1.3.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Energy Commission staff assesses four kinds of primary and secondary<sup>5</sup> impacts: construction, operation, closure and decommissioning, and cumulative. Construction impacts result from the onsite and offsite emissions occurring during site preparation and construction of the proposed project. Operation impacts result from the emissions of the proposed project during operation, which includes all of the onsite auxiliary equipment emissions (emergency engine and gasoline tank), the onsite maintenance vehicle emissions, and the offsite employee and material delivery trip emissions. Closure and decommissioning impacts occur from the onsite and offsite emissions that would result from dismantling the facility and restoring the site. Cumulative impacts result from the proposed project's incremental effect, together with other closely related past, present and reasonably foreseeable future projects whose impacts may compound or increase the incremental effect of the proposed project. (Pub. Resources Code § 21083; Cal. Code Regs., tit. 14, §§ 15064(h), 15065(c), 15130, and 15355.)

### **C.1.3.3 METHOD AND THRESHOLD FOR DETERMINING CEQA SIGNIFICANCE**

Energy Commission staff evaluates potential impacts per Appendix G of the CEQA Guidelines (CCR 2006). A CEQA significant adverse impact is determined to occur if potentially significant CEQA impacts cannot be mitigated through the adoption of Conditions of Certification. Specifically, Energy Commission staff uses health-based ambient air quality standards (AAQS) established by the ARB and the U.S.EPA as a basis for determining whether a project's emissions would cause a significant adverse impact under CEQA. The standards are set at levels that include a margin of safety and are designed to adequately protect the health of all members of the public, including those most sensitive to adverse air quality impacts such as the aged, people with existing illnesses, children, and infants. Staff evaluates the potential for significant adverse air quality impacts by assessing whether the project's emissions of criteria pollutants and their precursors (NO<sub>x</sub>, VOC, PM<sub>10</sub> and SO<sub>2</sub>) could create a new AAQS exceedance (emission concentrations above the standard), or substantially contributes to an existing AAQS exceedance.

<sup>5</sup> Primary impacts potentially result from facility emissions of NO<sub>x</sub>, SO<sub>x</sub>, CO and PM<sub>10/2.5</sub>. Secondary impacts result from air contaminants that are not directly emitted by the facility but formed through reactions in the atmosphere that result in ozone, and sulfate and nitrate PM<sub>10/PM2.5</sub>.



Staff evaluates both direct and cumulative impacts. Staff would find that a project or activity would create a direct adverse impact when it causes an exceedance of an AAQS. Staff would find that a project's effects are cumulatively considerable when the project emissions in conjunction with ambient background, or in conjunction with reasonably foreseeable future projects, substantially contribute to ongoing exceedances of an AAQS. Factors considered in determining whether contributions to ongoing exceedances are substantial include:

1. the duration of the activity causing adverse air quality impacts;
2. the magnitude of the project emissions, and their contribution to the air basin's emission inventory and future emission budgets established to maintain or attain compliance with AAQS;
3. the location of the project site, i.e., whether it is located in an area with generally good air quality where non-attainment of any ambient air quality standard is primarily or solely due to pollutant transport from other air basins;
4. the meteorological conditions and timing of the project impacts, i.e., do the project's maximum modeled pollutant impacts occur when ambient concentrations are high (such as during high wind periods, or seasonally);
5. the modeling methods, and how refined or conservative the impact analysis modeling methods and assumptions were and how that may affect the determined adverse impacts;
6. the project site location and nearest receptor locations; and whether the identified adverse impacts would also occur at the maximum impacted receptor location; and,
7. potential for future cumulative impacts; and whether appropriate mitigation is being recommended to address the potential for impacts associated with likely future projects.

#### **C.1.3.4 NEPA AIR QUALITY ANALYSIS METHODOLOGY**

The National Environmental Policy Act (NEPA)<sup>6</sup> air quality analysis considers the following three regulatory benchmarks:

- The project would exceed General Conformity applicability thresholds for federal nonattainment pollutants. This regulatory threshold applies to both project construction and operation emissions.
- The project would exceed PSD permit applicability thresholds for federal attainment pollutants. This regulatory threshold only applies to project operation.
- The project would cause, for federal attainment pollutants, air quality impacts in exceedance of the NAAQS.

---

<sup>6</sup> This is Energy Commission staff's analysis approach that goes beyond the minimum procedural requirements of NEPA.

If the project were to exceed either of the first two of these regulatory benchmarks then the impacts would be considered potentially adverse and would require a further refined impact and mitigation analysis in order to demonstrate that the project would not result in an adverse impact based on the potential to cause exceedances of the NAAQS. A refined impact and mitigation analysis has been conducted per CEQA requirements, and that analysis is described in detail in this document.

### **C.1.3.5 IMPACTS FROM CLOSURE AND DECOMMISSIONING**

Impacts from closure and decommissioning, as a one-time limited duration event, are evaluated with the same methods as construction emissions as discussed above.

## **C.1.4 PROPOSED PROJECT**

---

### **C.1.4.1 SETTING AND EXISTING CONDITIONS**

#### **Climate and Meteorology**

The Imperial Valley portion of Imperial County has a typical desert climate characterized by low precipitation, hot summers, mild winters, low humidity, and strong temperature inversions. Total rainfall in El Centro averages 2.96 inches per year with about 55% of the total rainfall occurring during the winter rainy season and 35% occurring during late summer and early fall thunderstorms (WC 2009). The Imperial Valley is in the rain shadow of the Santa Rosa and San Jacinto mountains, which greatly reduces the winter season rainfall in comparison with coastal and mountain areas located to the west.

The highest monthly average high temperature is 107°F in August and the lowest average monthly low temperature is 41°F in January and December (WC 2009). The applicant provided a wind rose from the Imperial County Airport for the years 1991 to 1995. These wind data indicate the highest wind direction frequencies for the annual, winter, spring, and fall periods are from the west through the southwest. In the summer there is also a high frequency for winds from the east to southeast.

#### **Sensitive Receptors**

The general population includes many sensitive subgroups that may be at greater risk from exposure to emitted pollutants. These sensitive subgroups include the very young, the elderly, and those with existing illnesses. In addition, the location of the population in the area surrounding a project site may have a large bearing on health risk. There are no sensitive receptors identified within the three-mile radius of the Project site. The nearest sensitive receptor is the Westside Elementary School, located about 4 miles east of the project site (SES 2008a). The nearest residence is located approximately 2,500 feet northwest of the property boundary.

#### **Existing Ambient Air Quality**

The Federal Clean Air Act and the California Clean Air Act both require the establishment of standards for ambient concentrations of air pollutants, called ambient air quality standards (AAQS). The state AAQS, established by the California Air Resources Board, are typically lower (more protective) than the federal AAQS, which are established by the United States Environmental Protection Agency (U.S.EPA). The

state and federal air quality standards are listed in **Air Quality Table 2**. The averaging times for the various air quality standards, the times over which they are measured, range from one-hour to an annual average. The standards are read as a concentration, in parts per million (ppm), or as a weighted mass of material per a volume of air, in milligrams or micrograms of pollutant in a cubic meter of air ( $\text{mg}/\text{m}^3$  or  $\mu\text{g}/\text{m}^3$ , respectively).

**Air Quality Table 2**  
**Federal and State Ambient Air Quality Standards**

Pollutant	Averaging Time	Federal Standard	California Standard
Ozone ( $\text{O}_3$ )	8 Hour	0.075 ppm <sup>a</sup> ( $147 \mu\text{g}/\text{m}^3$ )	0.070 ppm ( $137 \mu\text{g}/\text{m}^3$ )
	1 Hour	—	0.09 ppm ( $180 \mu\text{g}/\text{m}^3$ )
Carbon Monoxide (CO)	8 Hour	9 ppm ( $10 \text{ mg}/\text{m}^3$ )	9.0 ppm ( $10 \text{ mg}/\text{m}^3$ )
	1 Hour	35 ppm ( $40 \text{ mg}/\text{m}^3$ )	20 ppm ( $23 \text{ mg}/\text{m}^3$ )
Nitrogen Dioxide ( $\text{NO}_2$ )	Annual	0.053 ppm ( $100 \mu\text{g}/\text{m}^3$ )	0.03 ppm ( $57 \mu\text{g}/\text{m}^3$ )
	1 Hour	0.100 ppm ( $188 \mu\text{g}/\text{m}^3$ ) <sup>b</sup>	0.18 ppm ( $339 \mu\text{g}/\text{m}^3$ )
Sulfur Dioxide ( $\text{SO}_2$ )	Annual	0.030 ppm ( $80 \mu\text{g}/\text{m}^3$ )	—
	24 Hour	0.14 ppm ( $365 \mu\text{g}/\text{m}^3$ )	0.04 ppm ( $105 \mu\text{g}/\text{m}^3$ )
	3 Hour	0.5 ppm ( $1300 \mu\text{g}/\text{m}^3$ )	—
	1 Hour	—	0.25 ppm ( $655 \mu\text{g}/\text{m}^3$ )
Particulate Matter (PM <sub>10</sub> )	Annual	—	$20 \mu\text{g}/\text{m}^3$
	24 Hour	$150 \mu\text{g}/\text{m}^3$	$50 \mu\text{g}/\text{m}^3$
Fine Particulate Matter (PM <sub>2.5</sub> )	Annual	$15 \mu\text{g}/\text{m}^3$	$12 \mu\text{g}/\text{m}^3$
	24 Hour	$35 \mu\text{g}/\text{m}^3$	—
Sulfates ( $\text{SO}_4$ )	24 Hour	—	$25 \mu\text{g}/\text{m}^3$
Lead	30 Day Average	—	$1.5 \mu\text{g}/\text{m}^3$
	Calendar Quarter	$1.5 \mu\text{g}/\text{m}^3$	—
Hydrogen Sulfide ( $\text{H}_2\text{S}$ )	1 Hour	—	0.03 ppm ( $42 \mu\text{g}/\text{m}^3$ )
Vinyl Chloride (chloroethene)	24 Hour	—	0.01 ppm ( $26 \mu\text{g}/\text{m}^3$ )
Visibility Reducing Particulates	8 Hour	—	In sufficient amount to produce an extinction coefficient of 0.23 per kilometer due to particles when the relative humidity is less than 70%.

Source: ARB 2009a.

Note:

<sup>a</sup> – The 2008 standard is shown above, but as of September 16, 2009 this standard is being reconsidered. The 1997 8-hour standard is 0.08 ppm.

<sup>b</sup> – The U.S. EPA is in the process of implementing this new standard, which became effective April 12, 2010. This standard is based on the 3-year average of the 98<sup>th</sup> percentile of the yearly distribution of 1-hour daily maximum concentrations.

In general, an area is designated as attainment if the concentration of a particular air contaminant does not exceed the standard. Likewise, an area is designated as non-attainment for an air contaminant if that contaminant standard is violated. In circumstances where there is not enough ambient data available to support designation as either attainment or non-attainment, the area can be designated as unclassified. The unclassified area is normally treated the same as an attainment area for regulatory purposes. An area could be attainment for one air contaminant while non-attainment for another, or attainment for the federal standard and non-attainment for the state standard for the same air contaminant.

The project site is located in the Salton Sea Air Basin (SSAB) and is under the jurisdiction of the Imperial County Air Pollution Control District. The Imperial County portion of the SSAB is designated as non-attainment for the federal and state ozone standards, the federal PM10 standard, and the state PM10 standard. This area is designated as attainment or unclassified for the state and federal CO, NO<sub>x</sub>, SO<sub>x</sub>, and PM2.5 standards. **Air Quality Table 3** summarizes the project site area's attainment status for various applicable state and federal standards.

**Air Quality Table 3**  
**Federal and State Attainment Status**  
**Project Site Area within Imperial County**

Pollutant	Attainment Status <sup>a</sup>	
	Federal	State
Ozone	Moderate Nonattainment	Moderate Nonattainment
CO	Attainment	Attainment
NO <sub>2</sub>	Attainment <sup>c</sup>	Attainment
SO <sub>2</sub>	Attainment	Attainment
PM10	Serious Nonattainment	Nonattainment
PM2.5	Attainment <sup>b</sup>	Attainment <sup>a</sup>

Source: ARB 2009b, U.S.EPA 2009a.

<sup>a</sup> Attainment = Attainment or Unclassified.

<sup>b</sup> Site is adjacent and upwind of the U.S.EPA limited PM2.5 non-attainment area surrounding the developed areas south of the Salton Sea.

<sup>c</sup> Nitrogen dioxide attainment status for the new federal 1-hour NO<sub>2</sub> standard is scheduled to be determined by January 2012.

Ambient air quality monitoring data for ozone, PM10, PM2.5, CO, NO<sub>2</sub>, and SO<sub>2</sub>, compared to most restrictive applicable standards for the years between 2004 through 2008 at the most representative monitoring stations for each pollutant are shown in **Air Quality Table 4**, and the 1-hour and 8-hour ozone, and 24-hour PM10 data for the years 1999 through 2008 are shown in **Air Quality Figure 1**. All data are from the El Centro-9<sup>th</sup> Street monitoring station (where no ozone data is available for 1999 and 2000), with the exception of SO<sub>x</sub> data from the Calexico-Ethel Street monitoring station. It should be noted that some data collected from the Calexico-Ethel Street monitoring station have abnormally high values. One of the likely reasons for the high values at this location is due to long wait times associated with vehicles crossing the United States (U.S.)/Mexico border. Diesel-fired trucks that do not have to meet the stringent Environmental Protection Agency (EPA) environmental standards and idle for long periods of time near the Calexico monitoring stations could cause high localized criteria

pollutant levels. Another likely reason is due to pollutants transported from Mexicali, Mexico.

The El Centro-9<sup>th</sup> Street monitoring station is located approximately 15 miles east of the project site boundary, 9 miles north of the Mexican border, and 12 miles northwest of the center of Mexicali; the Calexico-Ethel Street monitoring station is located approximately 20.5 miles east southeast from the project site boundary, approximately only 0.7 miles north of the Mexican Border, and approximately only 3 miles northwest of the center of Mexicali. Therefore, the Calexico monitoring station is more strongly influenced by pollution from Mexicali and is less representative of the ambient conditions at the project site than the El Centro monitoring location.

**Air Quality Table 4**  
**Criteria Pollutant Summary**  
**Maximum Ambient Concentrations (ppm or µg/m<sup>3</sup>)**

Pollutant	Averaging Period	Units	2004	2005	2006	2007	2008	Limiting AAQS <sup>c</sup>
Ozone	1 hour	ppm	0.096	0.122	0.129	0.118	0.135	0.09
Ozone	8 hours	ppm	0.08	0.097	0.101	0.094	0.084	0.07
PM10 <sup>a</sup>	24 hours	µg/m <sup>3</sup>	57	81	146	117	88.2	50
PM10 <sup>a</sup>	Annual	µg/m <sup>3</sup>	35.4	33.9	43.3	47.5	32.7	20
PM2.5 <sup>a</sup>	24 hours	µg/m <sup>3</sup>	25.1	22.1	27.1	18.2	17	35
PM2.5 <sup>a, b</sup>	Annual	µg/m <sup>3</sup>	9.7	9.4	8.8	8.5	8.1	12
CO	1 hour	ppm	2	4.2	3.1	2.5	3.1	20
CO	8 hours	ppm	1.17	2.23	2.59	1.67	1.71	9.0
NO <sub>2</sub>	1 hour	ppm	0.067	0.065	0.066	0.071	0.081	0.18
NO <sub>2</sub>	Annual	ppm	0.013	0.011	0.011	0.011	0.009	0.03
SO <sub>2</sub>	1 hour	ppm	0.003	0.002	0.192	0.014	0.018	0.25
SO <sub>2</sub>	24 hours	ppm	0.003	0.002	0.041	0.004	0.007	0.04
SO <sub>2</sub>	Annual	ppm	0.000	0.000	0.001	0.001	0.001	0.03

Source: ARB 2009c, U.S.EPA 2009b

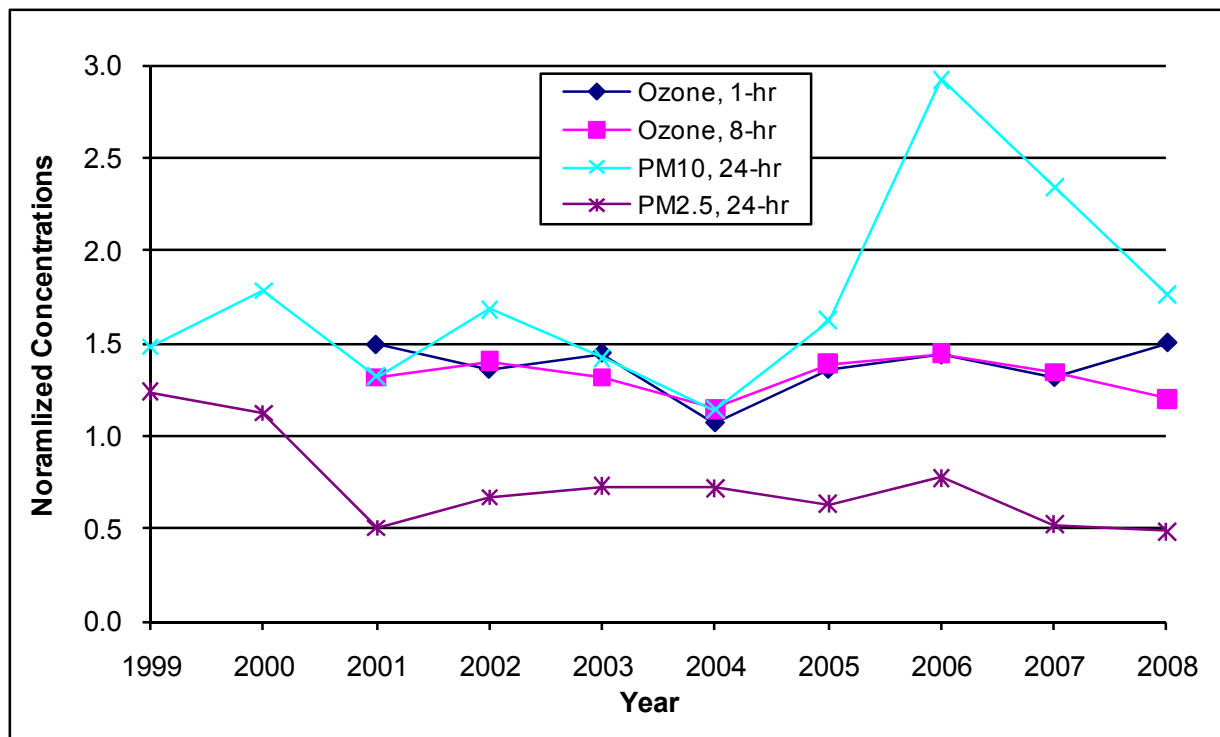
Notes:

<sup>a</sup> Exceptional PM concentration events, such as those caused by wind storms are not shown where excluded by U.S.EPA; however, some exceptions events may still be included in the data presented.

<sup>b</sup> Annual average PM2.5 data shown are National annual average, state annual average data are not available.

<sup>c</sup> The limiting AAQS is the most stringent of the CAAQS or NAAQS for that pollutant and averaging period.

**Air Quality Figure 1**  
**1996-2007 Historical Ozone and PM Air Quality Data**  
**El Centro - 9<sup>th</sup> Street Monitoring Station, Imperial County<sup>a,b</sup>**



Source: ARB 2009c, U.S.EPA 2009b

**Notes:**

<sup>a</sup> The highest measured ambient concentrations of various criteria air contaminants were divided by their applicable standard and provided as a graphical point. Any point on the chart that is greater than one means that the measured concentrations of such air contaminant exceed the standard, and any point that is less than one means that the respective standard is not exceeded for that year. For example the 1-hour ozone concentration in 2007 is 0.118 ppm/0.09 ppm standard = 1.31.

<sup>b</sup> All data are from El Centro-9<sup>th</sup> Street monitoring station, except ozone and PM2.5 concentrations data in 2000, which are from Calexico-Ethel monitoring station.

## Ozone

Ozone is not directly emitted from stationary or mobile sources, but is formed as the result of chemical reactions in the atmosphere between directly emitted nitrogen oxides (NO<sub>x</sub>) and hydrocarbons (Volatile Organic Compounds [VOCs]) in the presence of sunlight to form ozone.

As **Air Quality Table 4** and **Air Quality Figure 1** indicate, the 1-hour and 8-hour ozone concentrations measured in the Imperial County continue to exceed the CAAQS and NAAQS. The collected air quality data (not shown) indicate that the ozone violations occurred primarily during the sunny and hot periods typical during May through September.

## Nitrogen Dioxide

The entire air basin is classified as attainment for the state 1-hour and federal annual NO<sub>2</sub> standards. The nitrogen dioxide attainment standard could change due to the new

federal 1-hour standard, although a review of the air basin wide monitoring data suggest this would not occur for this SSAB.

Approximately 90% of the NO<sub>x</sub> emitted from combustion sources is nitric oxide (NO), while the balance is NO<sub>2</sub>. NO is oxidized in the atmosphere to NO<sub>2</sub>, but some level of photochemical activity is needed for this conversion. The highest concentrations of NO<sub>2</sub> typically occur during the fall. The winter atmospheric conditions can trap emissions near the ground level, but lacking substantial photochemical activity (sun light), NO<sub>2</sub> levels are relatively low. In the summer the conversion rates of NO to NO<sub>2</sub> are high, but the relatively high temperatures and windy conditions disperse pollutants, preventing the accumulation of NO<sub>2</sub>. The NO<sub>2</sub> concentrations in the project area are well below the state and federal ambient air quality standards.

### **Carbon Monoxide**

The area is classified as attainment for the state and federal 1-hour and 8-hour CO standards. The highest concentrations of CO occur when low wind speeds and a stable atmosphere trap the pollution emitted at or near ground. The CO concentrations at El Centro and more specifically Calexico are highly influenced by Mexicali and while CO standards are exceeded periodically in Calexico, due to these exceedances being the result of pollutant transported from Mexico, the whole county is designated as attainment. Additionally, the frequency of these pollutant transport CO standard exceedances has been dropping substantially over time and no monitored exceedances have occurred since 2006. The project area, in comparison with major urban areas, has a lack of substantial mobile source emissions and based on El Centro monitoring, the local CO concentrations are expected to be well below the state and federal ambient air quality standards.

### **Particulate Matter (PM<sub>10</sub>) and Fine Particulate Matter (PM<sub>2.5</sub>)**

PM<sub>10</sub> can be emitted directly or it can be formed many miles downwind from emission sources when various precursor pollutants interact in the atmosphere.

The area is non-attainment for the federal and state PM<sub>10</sub> standards. **Air Quality Table 4** and **Air Quality Figure 1** shows recent PM<sub>10</sub>/PM<sub>2.5</sub> concentrations. The figure shows fluctuating concentrations patterns, and shows clear exceedances of the state 24-hour PM<sub>10</sub> standard. It should be noted that exceedance does not necessarily mean violation or nonattainment, as exceptional events do occur and some of those events, which do not count as violations, may be included in the **Air Quality Table 4** data. However, the SSAB is designated as non attainment for both the state and federal PM<sub>10</sub> standards.

Fine particulate matter, or PM<sub>2.5</sub>, is derived mainly from either the combustion of materials, or from precursor gases (SO<sub>x</sub>, NO<sub>x</sub>, and VOC) through complex reactions in the atmosphere. PM<sub>2.5</sub> consists mostly of sulfates, nitrates, ammonium, elemental carbon, and a small portion of organic and inorganic compounds.

The entire SSAB is classified as attainment for the federal standard and unclassified for the state standards. This divergence in PM<sub>10</sub> and PM<sub>2.5</sub> attainment status indicates that a substantial fraction of the ambient particulate matter levels are most likely due to

localized fugitive dust sources, such as vehicle travel on unpaved roads, agricultural operations, or wind-blown dust<sup>7</sup>.

## **Sulfur Dioxide**

The entire air basin is classified as attainment for the state and federal SO<sub>2</sub> standards.

Sulfur dioxide is typically emitted as a result of the combustion of a fuel containing sulfur. Sources of SO<sub>2</sub> emissions within the SSAB come from a wide variety of fuels: gaseous, liquid and solid; however, the total SO<sub>2</sub> emissions within the SSAB are limited due to the limited number of major stationary sources and California's substantial reduction in motor vehicle fuel sulfur content. The project area's SO<sub>2</sub> concentrations are well below the state and federal ambient air quality standards, and the values measured in 2006 that are substantially higher than typical short-term SO<sub>2</sub> concentrations are believed to be primarily due to transport from Mexico, since the SO<sub>2</sub> emission sources in Calexico are minimal in comparison to those in Mexicali.

## **Summary**

In summary, staff recommends the background ambient air concentrations in **Air Quality Table 5** for use in the modeling and impacts analysis. The maximum criteria pollutant concentrations from the past three years of available data collected at the monitoring stations within the Imperial County, excluding known exceptional events, are used to determine the recommended background values.

---

<sup>7</sup> Fugitive dust, unlike combustion source particulate and secondary particulate, is composed of a much higher fraction of larger particles than smaller particles, so the PM<sub>2.5</sub> fraction of fugitive dust is much smaller than the PM<sub>10</sub> fraction. Therefore, when PM<sub>10</sub> ambient concentrations are significantly higher than PM<sub>2.5</sub> ambient concentrations this tends to indicate that a large proportion of the PM<sub>10</sub> are from fugitive dust emission sources, rather than from combustion particulate or secondary particulate emission sources.



**Air Quality Table 5**  
**Staff Recommended Background Concentrations (µg/m<sup>3</sup>)**

Pollutant	Averaging Time	Recommended Background	Limiting AAQS <sup>b</sup>	Percent of Standard
NO <sub>2</sub>	1 hour	152.6	339	45%
	1 hour Fed	102.5 <sup>c</sup>	188	55%
	Annual	20.9	57	37%
CO	1 hour	3,565	23,000	16%
	8 hour	2,878	10,000	29%
PM10	24 hour	146	50	292%
	Annual	47.5	20	238%
PM2.5	24 hour <sup>a</sup>	27.1	35	77%
	Annual	8.8	12	73%
SO <sub>2</sub>	1 hour	47.2	655	7%
	3 hour	42.4	1,300	3%
	24 hour	18.4	105	18%
	Annual	2.7	80	3%

Source: ARB 2009c, U.S.EPA 2009b and Energy Commission Staff Analysis

Note:

<sup>a</sup> PM 2.5 24-hour data shown in **Air Quality Table 4** are 98<sup>th</sup> percentile values which is the basis of the ambient air quality standard and the basis for determination of the recommended background concentration.

<sup>b</sup> The limiting AAQS is the most stringent of the CAAQS or NAAQS for that pollutant and averaging period.

<sup>c</sup> - This background level is the three year average of the 98<sup>th</sup> percentile of maximum daily 1-hour concentrations.

Where possible, staff prefers that the recommended background concentration measurements come from nearby monitoring stations with similar characteristics. For this proposed project the El Centro (ozone, PM10, PM2.5, CO, NO<sub>2</sub>) and Calexico (SO<sub>2</sub>) monitoring stations are the closest monitoring stations to the project site. The Calexico monitoring station is located approximately 20.5 miles east southeast of the project site, right above the U.S-Mexico border. This monitoring station provides more conservative air quality data due to the influence of pollutants from Mexico.

The background concentrations for PM10 are at or above the most restrictive existing ambient air quality standards, while the background concentrations for the other pollutants are all below the most restrictive existing ambient air quality standards.

The pollutant modeling analysis was limited to the pollutants listed above in **Air Quality Table 5**; therefore, recommended background concentrations were not determined for the other criteria pollutants (ozone, lead, visibility, etc.).

#### **C.1.4.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Staff provided a number of data requests regarding the construction and operations emission estimates and air dispersion modeling analysis (CEC 2008h and CEC 2009x), which the applicant responded to by providing revised emissions estimates with substantially revised mitigation and maintenance equipment use assumptions (SES 2009i and SES 2009n) and substantially revised and more robust dispersion modeling analysis. Staff has reviewed the revised emission estimates and air dispersion modeling

analysis<sup>8</sup> and finds them to be reasonable considering the level of emissions mitigation now stipulated by the applicant.

### **Project Description**

The proposed project is located on approximately 6,500 acres, and would include the installation of 30,000 SunCatchers, the Solar Stirling Engine Power Conversion Units (PCUs), the administration building, the maintenance building, and the substation building. The area surrounding the site is primarily open space with recreational use. Plaster City is directly to the north and a few rural residences are located a few miles to the east and west of the site. The closest main access to the site is from Evan Hewes Highway via Dunaway Road and I-8.

The proposed project also includes the construction of a new 230kV substation, main road construction and installation of an 11.8 mile water supply pipeline from the Seeley Waste Water Treatment Plant. New roads constructed for the proposed project would consist of approximately 27 miles of paved arterial roads, approximately 14 miles of unpaved/sealed perimeter roads, and approximately 234 miles of unpaved/sealed SunCatcher field access routes.

The proposed project would be constructed in two sequential phases. Phase I would include the installation of 12,000 SunCatchers and related equipment with a net nominal generating capacity of 300 MW, which would be connected from the onsite substation to the existing SDG&E Imperial Valley Substation via an approximately 10.3-mile double circuit 230kV transmission line. Phase II of the proposed project would include the installation of an additional 18,000 SunCatchers and related equipment with a net nominal generating capacity of 450 MW, which is proposed to be connected to the SDG&E's 500kV Sunrise Powerlink transmission line that is proposed to be constructed through the project site.

The applicant has proposed minor modifications to the proposed project description (SES 2010g) including:

- Transmission Line Alignment Modifications
- Waterline Alignment Modifications
- Alternative Water Supply
- Hydrogen Storage Modifications

Specifically, it is the alternative water supply that impacts the air quality discussion due to new water trucking requirements. The other proposed modifications do not significantly impact the construction or change the operating requirements of the proposed project.

---

<sup>8</sup> This includes a review of the emission source inputs, including the type of source (point, volume, area), the variables used to describe each source (emissions, height, location, temperature, etc. as appropriate), and the appropriateness of the meteorological and topographic data used in the modeling analysis.

The alternative water supply would come from the trucking of water from the Dan Boyer Well in Ocotillo.

## **Project Emissions**

### **Project Construction**

The total duration of project construction for IVS Project is estimated to be approximately 40 months. The actual construction duration would depend in part on the timing of transmission upgrades by San Diego Gas & Electric and the actual rate of SunCatcher installation. Different areas within the project site and the construction laydown areas would be disturbed at different times over the period. Total construction disturbance area would be approximately 3,000 acres, and the permanent disturbance area of project operations would be approximately 2,750 acres. Combustion emissions would result from the offroad construction equipment, including diesel construction equipment used for site grading, excavation, and construction of onsite structures, and water and soil binder spray trucks used to control construction dust emissions. Fuel combustion emissions also would result from onroad construction vehicles, including heavy duty diesel trucks used to deliver materials, other diesel trucks used during construction, and worker personal vehicles and pickup trucks used to transport workers to and from and around the construction site. Fugitive dust would result from site grading/excavation activities; installation of new transmission lines, water and onsite hydrogen gas pipelines; construction of power plant facilities, roads, and substations; and vehicle travel on paved/unpaved roads.

The applicant's mitigated construction emission estimates are provided below in revised **Air Quality Tables 6 and 7**<sup>9</sup>. Construction during Month 6 is anticipated to have the highest construction emissions and construction during Months 4 through 15 are anticipated to have the highest annual (12-month) construction emissions.

---

<sup>9</sup> The project construction emissions have been updated to include water trucking emissions. Additionally, the applicant has corrected the emission factors for on-road vehicles delivering materials to the site, developed from the California Air Resources Board (ARB) EMFAC model, from a 10 mile per hour speed basis to a 50 mile per hour speed basis. The efficiency of vehicle operation at 50 miles per hour is greater than that at 10 miles per hour, so the exhaust emission factors for all pollutants are lower, where some pollutants (NOx, CO, and VOC) are significantly lower and others (PM10/PM2.5) are just marginally lower.

**Air Quality Table 6 - Revised**  
**IVS Project Construction - Maximum Daily Emissions (lbs/day)**

	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Onsite Construction Emissions</b>						
Onsite Combustion Emissions	314.71	0.31	275.73	56.88	19.09	17.53
Onsite Fugitive Dust Emissions	--	--	--	--	251.87	37.14
<b>Subtotal of Onsite Emissions</b>	<b>314.71</b>	<b>0.31</b>	<b>275.73</b>	<b>56.88</b>	<b>270.97</b>	<b>54.67</b>
<b>Offsite Emissions</b>						
Offsite Combustion Emissions	180.40	0.29	258.76	15.90	7.04	5.59
Offsite Fugitive Dust	--	--	--	--	185.12	20.90
<b>Subtotal of Offsite Emissions</b>	<b>180.40</b>	<b>0.29</b>	<b>258.76</b>	<b>15.90</b>	<b>192.15</b>	<b>26.48</b>
<b>Total Maximum Daily Emissions</b>	<b>495.12</b>	<b>0.60</b>	<b>534.49</b>	<b>72.78</b>	<b>463.12</b>	<b>81.16</b>

Source: SES 2010g, Table 2.2-1.

**Air Quality Table 7 - Revised**  
**IVS Project Construction - Maximum Annual (12-Month) Emissions (tons/yr)**

	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Onsite Construction Emissions</b>						
Onsite Combustion Emissions	40.56	0.04	37.10	7.97	2.61	2.39
Onsite Fugitive Dust Emissions	--	--	--	--	37.84	5.54
<b>Subtotal of Onsite Emissions</b>	<b>40.56</b>	<b>0.04</b>	<b>37.10</b>	<b>7.97</b>	<b>40.45</b>	<b>7.93</b>
<b>Offsite Emissions</b>						
Offsite Combustion Emissions	27.00	0.04	33.94	2.21	1.05	0.84
Offsite Fugitive Dust	--	--	--	--	20.83	2.21
<b>Subtotal of Offsite Emissions</b>	<b>27.00</b>	<b>0.04</b>	<b>33.94</b>	<b>2.21</b>	<b>21.88</b>	<b>3.05</b>
<b>Total Maximum Annual Emissions</b>	<b>67.56</b>	<b>0.08</b>	<b>71.04</b>	<b>10.18</b>	<b>62.33</b>	<b>10.98</b>

Source: SES 2010g, Table 2.2-2.

**Air Quality Table 7** shows that the maximum annual (12-month) emissions are below the General Conformity Rule applicability thresholds for PM10 (70 tons) and Ozone Precursors, (NOx [100 tons] and VOC [100 tons]).

The water trucking emissions create a very small increase in on-road equipment exhaust emissions and on-road fugitive dust emissions. Overall, the on-road vehicle emission factor correction creates much larger reductions in all pollutants than the increase from the water trucking, except for particulate emissions where the additional fugitive dust emissions are greater than the reduction from the emission factor correction.

## Project Operation

The IVS Project facility would be a nominal 750 Megawatt (MW) solar electrical generating facility. The direct air pollutant emissions from power generation are negligible; however, there are required auxiliary equipment and maintenance activities necessary to operate and maintain the facility.

Mirror washing would be required approximately once every month, requiring 14 gallons of water per dish with an average washing rate of 20 minutes per washed dish pair, or 10 minutes per dish, since each wash vehicle is able to wash two SunCatchers simultaneously. Assuming travel time to the next pair of dishes would be less than 5 minutes, two dishes would be washed within 25 minutes. In addition to monthly

washing, seasonal scrubbing is anticipated. Seasonal scrubbing would occur prior to peak electricity demand season, which is June through September. This mechanical scrubbing would require approximately 45 minutes per dish to complete. Maintenance of the power conversion unit (PCU), and associated maintenance vehicle operations primarily due the replacement of the main piston seals ("CGC seals"), would be required every 6,000 hours of running time, which is about 20 months of solar operation.

To minimize operating emissions, the applicant has proposed measures to minimize the operating and maintenance vehicles emissions. The following are the applicant proposed measures.

- Maintenance vehicles measures:
  - All wash vehicles and other maintenance trucks would be gasoline fueled vehicles that meet California vehicle emissions standards for the model year when obtained.
  - Propane-fuel fork lift and man lifts would be used for maintenance activities requiring such equipment.
  - All security vehicles for site inspection would be hybrid-electric vehicles.
- Travel demand for operation and maintenance would be optimized to minimize vehicle miles traveled (VMT).
- Polymer based soil binders would be applied on the unpaved roads to create stabilized surfaces and all vehicles would travel only on these stabilized roads to reduce particulate emissions.
- Paved and sealed roads would be cleaned with vacuum-sweeping and/or water-flushing as necessary.
- Van-pooling of employees from El Centro during operations would be provided.
- Stationary and mobile source emissions would be reduced:
  - An electric fire water pump would be used instead of a diesel-fueled pump.
  - A 5,000 gallon regular gasoline storage tank would be used and truck refueling would be kept to minimum.
  - Hydrogen would be produced, stored and distributed onsite to remove the need for hydrogen cylinders and their delivery to the site.

The following are the stationary and mobile emission source operating assumptions that were used to develop the operation emissions estimates for IVS Project:

Stationary emission sources:

- The 335 brake-horsepower (bhp) backup diesel generator: testing 15 min/week, 13 hr/yr.
- The 5,000 gallon gasoline storage tank: 85,000 gallons per year tank filling and vehicle refueling throughput, and staff's revised maximum daily throughput basis includes one 4,000 gallon storage tank filling event and maximum daily vehicle refueling of 500 gallons.

#### Mobile emissions source:

- Mobile emissions sources required for operation and maintenance are estimated based on vehicle miles traveled (VMT) and operating hours. Each mobile source has different basis for emissions estimates as provided in the applicant's revised emission estimate spreadsheets (SES 2009i).

The IVS Project onsite stationary and onsite and offsite mobile source emissions are estimated and summarized in revised **Air Quality Tables 8 and 9<sup>10</sup>**.

**Air Quality Table 8 - Revised**  
**IVS Operations - Maximum Daily Emissions (lbs/day)**

	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Onsite Operation Emissions</b>						
Onsite Combustion Emissions	16.85	0.07	110.76	14.68	0.36	0.32
Onsite Gasoline Tank Emissions	--	--	--	31.78	--	--
Onsite Fugitive Dust Emissions	--	--	--	--	126.24	18.64
<b>Subtotal of Onsite Emissions</b>	<b>16.85</b>	<b>0.07</b>	<b>110.76</b>	<b>46.46</b>	<b>126.61</b>	<b>18.96</b>
<b>Offsite Emissions</b>						
Offsite Combustion Emissions	13.72	0.04	53.78	2.41	0.57	0.38
Offsite Fugitive Dust	--	--	--	--	28.36	2.87
<b>Subtotal of Offsite Emissions</b>	<b>13.72</b>	<b>0.04</b>	<b>53.78</b>	<b>2.41</b>	<b>28.92</b>	<b>3.25</b>
<b>Total Maximum Daily Emissions</b>	<b>30.57</b>	<b>0.11</b>	<b>164.54</b>	<b>48.87</b>	<b>155.53</b>	<b>22.22</b>

Source: SES 2010g, Table 2.2-3.

**Air Quality Table 9 - Revised**  
**IVS Operations - Maximum Annual Emissions (tons/yr)**

	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Onsite Operation Emissions</b>						
Onsite Combustion Emissions	2.75	0.01	19.83	2.61	0.05	0.05
Onsite Gasoline Tank Emissions	--	--	--	0.92	--	--
Onsite Fugitive Dust Emissions	--	--	--	--	21.71	3.20
<b>Subtotal of Onsite Emissions</b>	<b>2.75</b>	<b>0.01</b>	<b>19.83</b>	<b>3.53</b>	<b>21.77</b>	<b>3.25</b>
<b>Offsite Emissions</b>						
Offsite Combustion Emissions	1.68	0.01	9.30	0.39	0.07	0.05
Offsite Fugitive Dust	--	--	--	--	3.26	1.00
<b>Subtotal of Offsite Emissions</b>	<b>1.68</b>	<b>0.01</b>	<b>9.30</b>	<b>0.39</b>	<b>3.33</b>	<b>1.04</b>
<b>Total Maximum Annual Emissions</b>	<b>4.43</b>	<b>0.02</b>	<b>29.14</b>	<b>3.92</b>	<b>25.10</b>	<b>4.29</b>

Source: SES 2010g, Table 2.2-4.

**Air Quality Table 9** shows that the maximum annual operation emissions are well below the General Conformity Rule applicability thresholds for PM10 (70 tons) and Ozone Precursors, NOx (100 tons) and VOC (100 tons).

<sup>10</sup> The project operation emissions have also been updated to include water trucking emissions, assuming that water trucking from the Dan Boyer well in Ocotillo may still be required to supply the project's operating water needs for some period after the start of full project operation. Additionally, the applicant has corrected the on-road emission factors, developed from the ARB EMFAC model, from a 10 mile per hour speed basis to a 50 mile per hour speed basis.

## Project Construction and Operation Overlapping

The applicant plans to start operation of SunCatchers as they are ready; therefore it is anticipated that starting at Month 8 in the construction schedule, the first SunCatchers would be ready to operate and produce electricity. It is anticipated that in this first month, 18 MW of generation capacity would be available, then 18 MW would be added every month through Month 18, and 27 MW of capacity would be added every month thereafter until the completion by Month 40. Maximum short-term emissions during overlapping periods would occur in the first overlapping Month 8, since construction elements would decline as more SunCatchers are available online. Maximum annual (12-month) overlapping emissions would occur during Months 13-24 for PM10 and PM2.5, and during Months 8-19 for all other criteria pollutants. Maximum overlapping construction/operation emissions in any averaging period are estimated by the applicant to be somewhat lower than the maximum construction emissions.

The applicant's estimated mitigated maximum daily and annual (12-month) emissions during the maximum construction/operation overlapping periods are presented in revised **Air Quality Tables 10 and 11<sup>11</sup>**.

**Air Quality Table 10 - Revised**  
**IVS Maximum Daily Construction/Operation Overlapping Emissions (lbs/day)**

<b>Construction</b>						
	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Onsite Emissions</b>						
Onsite Combustion Emissions	234.90	0.24	200.27	46.44	15.35	14.08
Onsite Fugitive Dust Emissions	--	--	--	--	203.08	30.32
<b>Subtotal of Onsite Emissions</b>	<b>234.90</b>	<b>0.24</b>	<b>200.27</b>	<b>46.44</b>	<b>218.44</b>	<b>44.40</b>
<b>Offsite Emissions</b>						
Offsite Combustion Emissions	151.68	0.24	209.66	13.09	5.91	4.70
Offsite Fugitive Dust	--	--	--	--	117.57	12.05
<b>Subtotal of Offsite Emissions</b>	<b>151.68</b>	<b>0.24</b>	<b>209.66</b>	<b>13.09</b>	<b>123.48</b>	<b>16.76</b>
<b>Total Maximum Daily Emissions</b>	<b>386.58</b>	<b>0.48</b>	<b>409.93</b>	<b>59.53</b>	<b>341.92</b>	<b>61.16</b>
<b>Operation</b>						
	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Onsite Emissions</b>						
Onsite Combustion Emissions	1.24	0.02	2.73	0.38	0.02	0.02
Onsite Fugitive Dust Emissions	--	--	--	5.05	3.03	0.45
<b>Subtotal of Onsite Emissions</b>	<b>1.24</b>	<b>0.02</b>	<b>2.73</b>	<b>5.43</b>	<b>3.05</b>	<b>0.47</b>
<b>Offsite Emissions</b>						
Offsite Combustion Emissions	0.33	0.00	1.29	0.06	0.01	0.01
Offsite Fugitive Dust	--	--	--	--	0.68	0.07
<b>Subtotal of Offsite Emissions</b>	<b>0.33</b>	<b>0.00</b>	<b>1.29</b>	<b>0.06</b>	<b>0.69</b>	<b>0.08</b>
<b>Total Maximum Daily Emissions</b>	<b>1.57</b>	<b>0.02</b>	<b>4.02</b>	<b>5.49</b>	<b>3.74</b>	<b>0.54</b>
<b>Construction/Operation Overlap Totals</b>						
	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Construction/Operation Overlap Total</b>	<b>388.14</b>	<b>0.51</b>	<b>413.95</b>	<b>65.02</b>	<b>345.66</b>	<b>61.70</b>

Source: SES 2010g, Table 2.2-5.

<sup>11</sup> The project construction and operation emissions have been updated to include water trucking emissions. Additionally, the applicant has corrected the on-road emission factors, developed from the ARB EMFAC model, from a 10 mile per hour speed basis to a 50 mile per hour speed basis.

**Air Quality Table 11 - Revised**  
**IVS Maximum Annual Construction/Operation Overlapping Emissions (tons/year)**

<b>Construction</b>						
	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Onsite Emissions</b>						
Onsite Combustion Emissions	30.86	0.03	31.68	6.59	1.48	1.35
Onsite Fugitive Dust Emissions	--	--	--	--	31.57	4.53
<b>Subtotal of Onsite Emissions</b>	<b>30.86</b>	<b>0.03</b>	<b>31.68</b>	<b>6.59</b>	<b>33.05</b>	<b>5.89</b>
<b>Offsite Emissions</b>						
Offsite Combustion Emissions	25.04	0.04	32.00	2.07	1.01	0.82
Offsite Fugitive Dust	--	--	--	--	19.29	2.12
<b>Subtotal of Offsite Emissions</b>	<b>25.04</b>	<b>0.04</b>	<b>32.00</b>	<b>2.07</b>	<b>20.30</b>	<b>2.94</b>
<b>Total Maximum Annual Emissions</b>	<b>55.90</b>	<b>0.07</b>	<b>63.69</b>	<b>8.65</b>	<b>53.35</b>	<b>8.83</b>
<b>Operation</b>						
	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Onsite Emissions</b>						
Onsite Combustion Emissions	0.45	0.00	3.12	0.41	0.02	0.01
Onsite Fugitive Dust Emissions	--	--	--	0.92	6.45	0.95
<b>Subtotal of Onsite Emissions</b>	<b>0.45</b>	<b>0.00</b>	<b>3.12</b>	<b>1.33</b>	<b>6.47</b>	<b>0.97</b>
<b>Offsite Emissions</b>						
Offsite Combustion Emissions	0.26	0.00	1.46	0.06	0.02	0.01
Offsite Fugitive Dust	--	--	--	--	0.97	0.30
<b>Subtotal of Offsite Emissions</b>	<b>0.26</b>	<b>0.00</b>	<b>1.46</b>	<b>0.06</b>	<b>0.99</b>	<b>0.31</b>
<b>Total Maximum Annual Emissions</b>	<b>0.71</b>	<b>0.00</b>	<b>4.58</b>	<b>1.39</b>	<b>7.45</b>	<b>1.28</b>
<b>Construction/Operation Overlap Totals</b>						
	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Construction/Operation Overlap Total</b>	<b>56.62</b>	<b>0.07</b>	<b>68.26</b>	<b>10.05</b>	<b>60.80</b>	<b>10.10</b>

Source: SES 2010g, Table 2.2-6a.

**Air Quality Table 11** shows that the maximum annual (12-month) overlapping construction/operation emissions are below the General Conformity Rule applicability thresholds for PM10 (70 tons) and Ozone Precursors, (NOx [100 tons] and VOC [100 tons]).



**Air Quality Table 11 - Revised**  
**IVS Maximum Annual Construction/Operation Overlapping Emissions (tons/year)**

<b>Construction</b>						
	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Onsite Emissions</b>						
Onsite Combustion Emissions	30.86	0.03	31.68	6.59	1.48	1.35
Onsite Fugitive Dust Emissions	--	--	--	--	31.57	4.53
<b>Subtotal of Onsite Emissions</b>	<b>30.86</b>	<b>0.03</b>	<b>31.68</b>	<b>6.59</b>	<b>33.05</b>	<b>5.89</b>
<b>Offsite Emissions</b>						
Offsite Combustion Emissions	25.04	0.04	32.00	2.07	1.01	0.82
Offsite Fugitive Dust	--	--	--	--	19.29	2.12
<b>Subtotal of Offsite Emissions</b>	<b>25.04</b>	<b>0.04</b>	<b>32.00</b>	<b>2.07</b>	<b>20.30</b>	<b>2.94</b>
<b>Total Maximum Annual Emissions</b>	<b>55.90</b>	<b>0.07</b>	<b>63.69</b>	<b>8.65</b>	<b>53.35</b>	<b>8.83</b>
<b>Operation</b>						
	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Onsite Emissions</b>						
Onsite Combustion Emissions	0.45	0.00	3.12	0.41	0.02	0.01
Onsite Fugitive Dust Emissions	--	--	--	0.92	6.45	0.95
<b>Subtotal of Onsite Emissions</b>	<b>0.45</b>	<b>0.00</b>	<b>3.12</b>	<b>1.33</b>	<b>6.47</b>	<b>0.97</b>
<b>Offsite Emissions</b>						
Offsite Combustion Emissions	0.26	0.00	1.46	0.06	0.02	0.01
Offsite Fugitive Dust	--	--	--	--	0.97	0.30
<b>Subtotal of Offsite Emissions</b>	<b>0.26</b>	<b>0.00</b>	<b>1.46</b>	<b>0.06</b>	<b>0.99</b>	<b>0.31</b>
<b>Total Maximum Annual Emissions</b>	<b>0.71</b>	<b>0.00</b>	<b>4.58</b>	<b>1.39</b>	<b>7.45</b>	<b>1.28</b>
<b>Construction/Operation Overlap Totals</b>						
	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Construction/Operation Overlap Total</b>	<b>56.62</b>	<b>0.07</b>	<b>68.26</b>	<b>10.05</b>	<b>60.80</b>	<b>10.10</b>

Source: SES 2010g, Table 2.2-6a.

### **Initial Commissioning**

Initial commissioning refers to a period prior to beginning commercial operation when the equipment undergoes initial tests. For this proposed project, initial commission would occur throughout the construction period when each installed Suncatcher becomes operational. Because of this project's use of a non-fuel fired generating technology, staff does not expect major changes in emissions from the facility commissioning activities compared to that of normal operation.

### **Dispersion Modeling Assessment**

While the emissions are the actual mass of pollutants emitted from the proposed project, the impacts are the concentration of pollutants from the proposed project that reach the ground level. When emissions are expelled at a high temperature and velocity through the relatively tall stack, the pollutants would be greatly diluted by the time they reach ground level. For this proposed project there are no tall emission stacks, but the construction and maintenance vehicles and emergency engine do have high temperature exhausts. The emissions from the proposed project, both stationary source and onsite mobile source emissions, are analyzed through the use of air dispersion models to determine the probable impacts at ground level.

Air dispersion models provide a means of predicting the location and ground level magnitude of the impacts of a new emissions source. These models consist of several

complex series of mathematical equations, which are repeatedly calculated by a computer for many ambient conditions to provide theoretical maximum offsite pollutant concentrations for short-term (1-hour, 3-hour, 8-hour, and 24-hour) and annual periods. The model results are generally described as maximum concentrations, often described as a unit of mass per volume of air, such as micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ).

The applicant used the U.S.EPA guideline ARMS/EPA Regulatory Model (AERMOD) to estimate ambient impacts from project construction and operation. The construction emission sources for the site were grouped into two categories: equipment (off-road equipment); and vehicles (on-road equipment), where the exhaust and fugitive dust emissions for each type were calculated for particulate matter modeling. Emissions from onsite equipment engines were modeled as point sources and fugitive emission sources were modeled as area sources. Similar modeling procedures were used by the applicant to determine impacts from the operating stationary source (emergency engine) and the maintenance vehicle exhaust and fugitive dust emissions.

The inputs for typical air dispersion models include stack information (exhaust flow rate, temperature, and stack dimensions), specific engine and vehicle emission data and meteorological data, such as wind speed, atmospheric conditions, and site elevation. For this proposed project, the meteorological data used as inputs to the model included hourly wind speeds and directions measured at the Imperial County Airport meteorological station during 1991 through 1995.

For the determination of one-hour average and annual average construction NO<sub>x</sub> concentrations the Ozone Limiting Method (OLM) was used to determine worst-case near field NO<sub>2</sub> impacts. The NO<sub>x</sub> emissions from internal combustion sources, such as diesel engines, are primarily in the form of nitric oxide (NO) rather than NO<sub>2</sub>. The NO converts into NO<sub>2</sub> in the atmosphere, primarily through the reaction with ambient ozone, and NO<sub>x</sub> OLM assumes full conversion of stack or tailpipe NO emission with the available ambient ozone. The NO<sub>x</sub> OLM method used assumed an initial NO<sub>2</sub>/NO<sub>x</sub> ratio of 0.1 for diesel equipment. Actual monitored hourly background ozone concentration data (1991 to 1995 El Centro 9th Street monitoring station data that corresponds with the meteorological files) were used to calculate maximum potential NO to NO<sub>2</sub> conversion to determine the maximum hourly NO<sub>2</sub> impacts.

Staff revised the background concentrations provided by the applicant, replacing them with the available highest ambient background concentrations from the last three years at the most representative monitoring stations as show in **AIR QUALITY Table 5**. Staff added the modeled impacts to these background concentrations, then compared the results with the ambient air quality standards for each respective air contaminant to determine whether the proposed project's emission impacts would cause a new violation of the ambient air quality standards or would contribute to an existing violation.

The revisions to the IVS Project do not change the onsite emissions that were modeled and actually reduce the offsite emissions, due to an emission factor correction. Therefore, the modeling assessment provided in the SA/DEIS remains valid. However, the applicant did provide an additional modeling analysis to show compliance with the new federal 1-hour NO<sub>2</sub> standard (URS 2010a). Staff has reviewed this analysis and has determined that it provides conservative impact results.

This new modeling analysis was conducted both for construction and operation, although staff is currently only assessing operation impacts for this federal standard<sup>12</sup>. The applicant found that both construction and operation impacts, based on the 98<sup>th</sup> percentile of the three year average of maximum daily 1-hour concentrations, were below this new federal standard. For operation the applicant only had to add the previously modeled maximum 1-hour concentration (69.2  $\mu\text{g}/\text{m}^3$ ) with the three-year average 98<sup>th</sup> percentile background value (102.5  $\mu\text{g}/\text{m}^3$ ) determined for 2005 to 2007 to conservatively show that the total operating impacts (171.7  $\mu\text{g}/\text{m}^3$ ) would be below the new federal standard (188  $\mu\text{g}/\text{m}^3$ ).

The following sections discuss the proposed project's short-term direct construction and operation ambient air quality impacts, as estimated by the applicant, and provides a discussion of appropriate mitigation.

### **Construction Impacts and Mitigation**

Using estimated peak hourly, daily and annual construction equipment exhaust emissions, the applicant modeled the proposed project's construction emissions to determine impacts (SES 2009i). To determine the construction impacts on ambient standards (i.e. 1-hour through annual) the on-site off-road construction equipment tailpipe emissions were modeled assuming that the emissions would occur during a daily construction schedule of 6 am to 7 pm, and the onsite facility security, material delivery, and fugitive dust emissions were modeled evenly throughout all hours of the day. The predicted proposed project emission concentration levels were added to a conservatively estimated background of existing emission concentration levels to determine the cumulative impact. The results of the applicant's modeling analysis are presented in **Air Quality Table 12**. The construction modeling analysis includes both the onsite fugitive dust and vehicle tailpipe emission sources estimated by the applicant, which include the applicant's proposed control measures, and that are summarized in **Air Quality Tables 6 and 7**.

---

<sup>12</sup> Per determination with discussion with U.S. EPA Region 9 staff. For informational purposes the applicant determined the construction  $\text{NO}_2$  impacts, by adding the average of the annual 98<sup>th</sup> percentile of the modeled values to the 98<sup>th</sup> percentile background to be 168.8  $\mu\text{g}/\text{m}^3$ , which is below the standard of 188  $\mu\text{g}/\text{m}^3$ .

**Air Quality Table 12**  
**IVS Maximum Construction Impacts**

Pollutants	Avg. Period	Project Impact (µg/m <sup>3</sup> )	Background (µg/m <sup>3</sup> )	Total Impact (µg/m <sup>3</sup> )	Standard (µg/m <sup>3</sup> )	Percent of Standard
NO <sub>2</sub>	1-hr.	88.94	152.6	241.5	339	71%
	Annual	1.25	20.9	22.2	57	39%
CO	1-hr	78.32	3,565	3,643	23,000	16%
	8-hr	20.60	2,878	2,899	10,000	29%
PM <sub>10</sub>	24	31.37	146	177.4	50	355%
	Annual	6.11	47.5	53.6	20	268%
PM <sub>2.5</sub>	24	4.76	27.1	31.9	35	91%
	Annual	0.91	8.8	9.7	12	81%
SO <sub>2</sub>	1-hr	0.09	47.2	47.3	665	7%
	3-hr	0.04	42.4	42.4	1,300	3%
	24-hr	0.01	18.4	18.4	105	18%
	Annual	0.001	2.7	2.7	80	3%

Source: SES 2009i, Table 5.2-29 revised.

This modeling analysis indicates, with the exception of 24-hour PM<sub>10</sub> impacts, that the proposed project would not create new exceedances; and that with the exception of annual PM<sub>10</sub> impacts, that the proposed project would not contribute to existing exceedances for any of the modeled air pollutants. Staff notes that the maximum local background 24-hour measurements of PM<sub>10</sub> may be substantially impacted by wind-blown dust. However, in light of the existing PM<sub>10</sub> and ozone non-attainment status for the project site area, staff considers the construction emissions of non-attainment pollutants and their precursors (NO<sub>x</sub>, VOC, and PM emissions) to be potentially CEQA significant and recommends that the off-road equipment and fugitive dust emissions both be mitigated pursuant to CEQA.

The modeling analysis shows that, after implementation of the recommended emission mitigation measures, the proposed project's construction is not predicted to cause new exceedances of the NAAQS for attainment pollutants, but we note that PM<sub>10</sub> already exceeds the NAAQS. Additionally, the modeled maximum PM<sub>10</sub> concentrations listed in **Air Quality Table 12** would almost certainly occur during days with low average wind speeds and not correspond to the high wind speed days assumed to cause the maximum background concentration. Finally, the proposed project's construction emissions have been determined to be below the General Conformity applicability thresholds for the federal nonattainment pollutants at the project site, PM<sub>10</sub> and ozone. Therefore, staff determined that no adverse NEPA impacts would occur after implementation of the recommended mitigation measures.

### ***Construction Mitigation***

To mitigate the impacts due to construction of the facility, the applicant has committed to the following mitigation measures (SES 2009i):

For exhaust emissions control:

- Low-emitting gasoline and diesel engines meeting state and federal emissions standards (Tiers I, II and III) would be used for construction equipment, including, but not limited to catalytic converter systems and particulate filter systems.

- All vehicles would be shut down when idling for more than 5 minutes, or as required by the ARB.
- Regular preventive maintenance of equipment engines will be performed to minimize emissions.
- Diesel fueled motor vehicles would use low sulfur and low aromatic fuel meeting California standards.
- Review availability of alternatively fueled pickups and personnel transport buses and at a minimum use gasoline fueled vehicles.

For fugitive dust emissions control:

- Chemical dust suppressant<sup>13</sup> Soiltac™ or a product with same or better performance would be applied to all on-site unpaved roads and unpaved parking areas which would also be maintained or resealed as needed to minimize dust emissions.
- Construction grading requirements for the maintenance roads will be limited to surface scraping of topsoil.
- Water application or other suppression techniques would be used to mitigate dust emissions from wind erosion of areas disturbed by construction activities.
- Paved road surfaces would be vacuum-swept and/or water-flushed to remove buildup of loose material to control dust emissions from travel on the paved access road (including adjacent public streets affected by construction activities) and paved parking areas.
- All trucks hauling soil, sand, and other loose materials would be covered, or all trucks would be required to maintain at least 2 feet of freeboard.
- Traffic speeds on all unpaved and/or unsealed site areas would be limited to 5 miles per hour.
- Sandbags or other erosion control measures would be installed to prevent silt runoff to roadways.
- Disturbed areas would be revegetated as quickly as possible.
- Tires of all trucks that travel off-road would be washed prior to exiting construction site.
- Construction workers would be required to park in sealed laydown areas and would be transported to worksites in buses.
- Vehicles, including SunCatcher material delivery trucks, would be required to travel on paved or sealed roads only.
- The SunCatcher vibratory steel fin tube pedestals have been tested for all expected soil conditions on the site and can be utilized on the SunCatcher foundations without the need for a concrete pedestal base<sup>14</sup>.

---

<sup>13</sup> The soil stabilizer product used would require prior approval by BLM and the Energy Commission.

Staff recommends the implementation of mitigation measures contained in Conditions of Certification **AQ-SC1 to AQ-SC5**, which incorporate the applicant's proposed measures with minor revisions and additions recommended by staff to reduce the impacts from the construction of the proposed project. Specific recommendations from staff include requiring the use of Tier 3 offroad equipment where available.

The construction of the proposed project would cause particulate matter emissions that would add to the existing violations of the ambient PM10 air quality standards. Therefore, if unmitigated, the proposed project's construction PM10 emission impacts would be significant under CEQA. Additionally, unmitigated PM10 emissions could exceed General Conformity applicability thresholds, and could potentially cause adverse impacts pursuant to NEPA. However, staff concludes that the implementation of proposed specific mitigation measures during construction of the facility as identified in the conditions of certification would reduce the short-term PM10 impacts to a level that is less than significant pursuant to CEQA, and would mitigate the potential for adverse NEPA impacts.

### **Operation Impacts and Mitigation**

The following section discusses the proposed project's direct operating and overlapping construction/operating ambient air quality impacts, as estimated by the applicant, and evaluated by staff. Additionally, this section discusses the recommended mitigation measures.

### ***Operation Modeling Analysis***

The applicant has provided a modeling analysis using the U.S.EPA-approved AERMOD model to estimate the impacts of the proposed project's NOx, PM10, CO, and SOx emissions resulting from project operation (SES 2009i). The maintenance emissions and stationary source emissions were modeled using the emissions data presented in **Air Quality Tables 8 and 9**. The emergency diesel generator is the only stationary emission source modeled. Unlike traditional fossil fueled power plants, most operating emissions from IVS Project would occur from maintenance activities which require the use of mobile emissions sources. Similar to the assessment of construction impacts, staff added the modeled impacts to the available highest ambient background concentrations recorded during the previous three years from nearby monitoring stations to assess the proposed project operation impacts. **Air Quality Table 13** presents the results of the applicant's modeling analysis.

---

<sup>14</sup> This reduces the need for concrete to be produced at the site or at a nearby concrete batch plant, and reduces truck trip emissions associated with the delivery of finished concrete or the raw materials (water, sand, aggregate, cement) necessary to make concrete.

**Air Quality Table 13**  
**IVS Maximum Operation Emission Impacts**

Pollutants	Avg. Period	Project Impact ( $\mu\text{g}/\text{m}^3$ )	Background ( $\mu\text{g}/\text{m}^3$ )	Total Impact ( $\mu\text{g}/\text{m}^3$ )	Standard ( $\mu\text{g}/\text{m}^3$ )	Percent of Standard
NO <sub>2</sub>	1-hr.	69.18	152.6	221.8	339	65%
	1-hr Fed	69.18	102.5 <sup>a</sup>	171.7	188	91%
	Annual	0.23	20.9	21.1	57	37%
CO	1-hr	217.77	3,565	3783	23000	16%
	8-hr	64.48	2,878	2942	10000	29%
PM10	24	5.45	146	151.5	50	303%
	Annual	0.96	47.5	48.5	20	242%
PM2.5	24	0.77	27.1	27.9	35	80%
	Annual	0.14	8.8	8.9	12	75%
SO <sub>2</sub>	1-hr	1.42	47.2	48.6	665	7%
	3-hr	0.85	42.4	43.3	1300	3%
	24-hr	0.18	18.4	18.6	105	18%
	Annual	0.0004	2.7	2.7	80	3%

Source: SES 2009i, Table 5.2-30a; and URS 2010a.

Note:

<sup>a</sup> – This background level is the three year average of the 98<sup>th</sup> percentile of maximum daily 1-hour concentrations.

This modeling analysis indicates, with the exception of 24-hour PM10 impacts, that the proposed project would not create new exceedances; and that with the exception of annual PM10 impacts, the proposed project would not contribute to existing exceedances for any of the modeled air pollutants. Staff notes that the maximum local background 24-hour measurements of PM10 may be substantially impacted by wind-blown dust. However, in light of the existing PM10 and ozone non-attainment status for the project site area, staff considers the operating emissions of non-attainment pollutants and their precursors (NO<sub>x</sub>, VOC, and PM emissions) to be potentially CEQA significant and recommends that the stationary equipment, the off-road maintenance equipment, and fugitive dust emissions all be mitigated pursuant to CEQA.

The modeling analysis shows that, after implementation of the recommended emission mitigation measures, the proposed project's operation is not predicted to cause new exceedances of the NAAQS for attainment pollutants, but we note that PM10 already exceeds the NAAQS. Additionally, the modeled maximum PM10 concentrations listed in **Air Quality Table 13** would almost certainly occur during days with low average wind speeds and not correspond to the high wind speed days assumed to cause the maximum background concentration. Finally, the proposed project's operating emissions have been determined to be well below the General Conformity applicability thresholds for the federal nonattainment pollutants at the project site, PM10 and ozone. Therefore, no adverse NEPA impacts would occur after implementation of the recommended mitigation measures.

### Construction/Operation Overlapping Impacts

The applicant has provided an emission analysis, summarized in **Air Quality Tables 9** and **10**, that indicates that the mitigated construction/operation overlapping emissions would be no higher than those determined for the worst-case project construction

period. Therefore, as was determined for project construction, no significant CEQA or adverse NEPA impacts would occur after implementation of the recommended construction and operation mitigation measures

### ***Operation Mitigation***

#### **Applicant's Proposed Mitigation**

##### *Emission Controls*

As discussed in the air quality section of the AFC and Data Responses (SES 2008a, SES 2009i), the applicant has committed to the following emission controls on the stationary equipment associated with the IVS Project operation:

##### *Emergency Generator*

The applicant has proposed an ARB/EPA Tier 3 engine, compliant with the New Source Performance Standards, Subpart IIII Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, to meet Best Available Control Technology (BACT) requirements for the emergency generator engine. The proposed ARB/EPA Tier 3 engine would have the following emission guarantees:

- NO<sub>x</sub>: 4.61 gram/bhp-hour
- CO: 0.39 gram/bhp-hour
- VOC: 0.15 gram/bhp-hour
- PM<sub>10</sub>/PM<sub>2.5</sub>: 0.06 gram/bhp-hour
- SO<sub>2</sub>: 0.12 gram/bhp-hour

##### *Gasoline Tank*

The applicant proposes to use a 5,000 gallon regular gasoline storage tank that incorporates ARB-certified Phase I (tank filling) & Phase II (vehicle refueling) vapor recovery systems. The tank would be filled only when necessary to reduce turnover and truck refueling would be kept to a minimum. The maximum annual tank throughput is expected to be 85,000 gallons.

##### *Operation and Maintenance Vehicles*

- Chemical dust suppressant Soiltac™ or a product with same or better performance would be applied to all unpaved maintenance roads.
- All maintenance vehicles would be required to travel only on chemically-sealed or paved roads.
- Mirror washing maintenance would be done efficiently. Each wash vehicle would wash two SunCatchers at the same time to reduce the amount of time wash vehicles operate, and therefore reduce their emissions.
- New gasoline fueled vehicles will be used in place of diesel vehicles to reduce ozone precursor and diesel particulate matter emissions.
- Hybrid-electric vehicles would be used for all security vehicles.



- To reduce emissions from commuting, van pooling of employees from El Centro will be provided.
- Hydrogen would be produced and stored onsite and distributed to each SunCatcher to eliminate a need for hydrogen cylinder delivery truck trips.
- Paved road surfaces would be vacuum-swept and/or water-flushed to remove buildup of loose material to control dust emissions from travel on the paved access road (including adjacent public streets affected by construction activities) and paved parking areas.
- To reduce exhaust emissions, propane-fueled fork lift and man lifts would be used for maintenance.

### *Emission Offsets*

The applicant has not proposed any emission offsets, and the stationary source and operating fugitive dust emissions for IVS Project as currently proposed by the applicant would be below District offset thresholds.

### *Adequacy of Proposed Mitigation*

Staff concurs with the District's determination that the proposed project's stationary source proposed emission controls/emission levels for criteria pollutants currently meet regulatory requirements and that the proposed stationary source emission levels are reduced adequately, but recommends that conditions need to be added to ensure that the emission controls also meet potential future requirements as these stationary sources may not be purchased and installed for several years. Additionally, staff generally agrees that the applicant's proposed fugitive dust mitigation measures would provide adequate fugitive dust emission control, but has recommended minor changes and additions to the applicant's proposed measures

### *Staff Proposed Mitigation*

As mentioned earlier in the discussions of the ozone and PM10 impacts, staff concludes that the proposed project's direct stationary source ozone precursor and PM10 emissions are minimal, but when combined with the maintenance vehicles' emissions could be significant per CEQA. Additionally, staff believes a solar renewable project, which would have a 30 to 40-year life in a setting likely to continue to be impacted by both local and upwind emission sources, should address its contribution to the potentially ongoing nonattainment of the PM10 and ozone standards. Staff concludes that the applicant's proposed mitigation measures would generally mitigate these emissions adequately, so staff recommends formalizing the applicant's stipulated onsite vehicle emission mitigation measures and fugitive dust mitigation measures, with minor revisions and additions, in Conditions of Certification **AQ-SC6** and **AQ-SC-7**, respectively.

Staff is also proposing Condition of Certification **AQ-SC8** to ensure that the Energy Commission license is amended as necessary to incorporate changes to the air quality permits.

Finally staff is recommending condition of certification **AQ-SC9** and **AQ-SC10** to require that the emergency engine meets model year emission standards for the year

purchased and that the gasoline tank and appurtenances meet vapor recovery and standing loss requirements that are in effect at the time of construction.

Staff concludes that the implementation of its recommended operations mitigation measures would reduce the potential CEQA emission impacts from the facility on ozone and PM10 to a level of less than significant. Additionally, staff concludes that the implementation of its recommended operations fugitive dust mitigation measures would mitigate the potential for NEPA adverse impacts.

Staff has considered the minority population surrounding the site (see Socioeconomics Figure 1). Since the proposed project's direct CEQA air quality impacts have been reduced to a less than significant level, there is no environmental justice issue for air quality.

### **Indirect Pollutant and Secondary Pollutant Impacts**

The proposed project would have direct emissions of chemically reactive pollutants (NO<sub>x</sub>, SO<sub>x</sub>, and VOC), but would also have indirect emission reductions associated with the reduction of fossil-fuel fired power plant emissions due to the proposed project displacing the need for their operation, since solar renewable energy facilities would operate on a must-take basis<sup>15</sup>. However, the exact nature and location of such reductions is not known and most would occur outside of the SSAB; however, it is reasonable to assume that some of those reductions would occur within the SSAB as the electricity supplied by this proposed project would be partially directed to Imperial Irrigation District transmission lines, or from the neighboring upwind San Diego Air Basin since the electricity supplied by this proposed project would be partially directed to San Diego Gas and Electric (SDG&E) transmission lines. However, the overall magnitude of the local emission reductions or the downwind impact of the upwind emission reductions is speculative, so the discussion below focuses solely on the direct emissions from the proposed project within Imperial County.

### **Ozone**

There are air dispersion models that can be used to quantify ozone impacts, but they are used for regional planning efforts where hundreds or even thousands of sources are input into the model to determine ozone impacts. There are no regulatory agency models approved for assessing single source ozone impacts. However, because of the known relationship of NO<sub>x</sub> and VOC emissions to ozone formation, it can be said that the emissions of NO<sub>x</sub> and VOC from the IVS Project do have the potential (if left unmitigated) to contribute to higher ozone levels in the region. These impacts would be cumulatively significant under CEQA because they would contribute to ongoing violations of the state and federal ozone ambient air quality standards.

### **PM<sub>2.5</sub> Impacts**

Secondary particulate formation, which staff assumes to be 100% PM<sub>2.5</sub>, is the process of conversion from gaseous reactants to particulate products. The process of gas-to-particulate conversion, which occurs downwind from the point of emission, is complex

---

<sup>15</sup> This refers to the fact that the contract between the owner of this solar power facility and the utility will require that the utility take all generation from this facility with little or no provisions for the utility to direct turn down of generation from the facility.

and depends on many factors, including local humidity and the presence of specific reactive air pollutants. The basic process assumes that the SO<sub>x</sub> and NO<sub>x</sub> emissions are converted into sulfuric acid and nitric acid first, and these react with ambient ammonia to form sulfate and nitrate. The sulfuric acid reacts with ammonia much faster than nitric acid and converts completely and irreversibly to particulate form. Nitric acid reacts with ammonia to form both a particulate and a gas phase of ammonium nitrate. The particulate phase will tend to fall out; however, the gas phase can revert back to ammonia and nitric acid. Thus, under the right conditions, ammonium nitrate and nitric acid establish a balance of concentrations in the ambient air. There are two conditions that are of interest, described as *ammonia rich* and *ammonia poor*. The term ammonia rich indicates that there is more than enough ammonia to react with all the sulfuric acid and to establish a balance of nitric acid-ammonium nitrate. Further ammonia emissions in this case would not necessarily lead to increases in ambient PM<sub>2.5</sub> concentrations. In the case of an ammonia poor environment, there is insufficient ammonia to establish a balance and thus additional ammonia would tend to increase PM<sub>2.5</sub> concentrations.

The Imperial County portion of the Salton Sea Air Basin has extensive agricultural and cattle feedlot activity and is considered ammonia rich. The available chemical characterization data shows that the PM<sub>2.5</sub> concentrations in Calexico, which could be severely impacted by pollutant transport from Mexicali, are primarily combustion particulate and fugitive dust. The ammonium nitrate and ammonium sulfate fine particulate concentrations in Calexico in 2002/2003 comprised 23% of the PM<sub>2.5</sub> (ARB 2005). Because of the known relationship of NO<sub>x</sub> and SO<sub>x</sub> emissions to PM<sub>2.5</sub> formation and the known availability of ammonia in this ammonia rich area, it can be said that the emissions of NO<sub>x</sub> and SO<sub>x</sub> from the IVS Project do have the potential (if left unmitigated) to contribute to higher PM<sub>2.5</sub> levels in the region; however, the region is in attainment with PM<sub>2.5</sub> standards and the low level of NO<sub>x</sub> and SO<sub>x</sub> emissions from this proposed project are not expected to impact that status.

#### *Impact Summary*

The applicant is proposing to mitigate the proposed project's stationary source NO<sub>x</sub>, VOC, SO<sub>2</sub>, and PM<sub>10</sub>/PM<sub>2.5</sub> emissions through the use of Best Available Control Technology (BACT), minimize delivery and employee trips, and reduce the proposed project's mobile source emissions by using lower emitting gasoline and propane fueled new vehicles. With the applicant's stipulated vehicle emission mitigation, which is formalized in Staff Condition of Certification **AQ-SC6**, it is staff's conclusion that the proposed project would not cause CEQA significant secondary pollutant impacts.

### **C.1.4.3 PROJECT-RELATED FUTURE ACTIONS - AIR QUALITY**

This subsection examines the potential impacts of the Seeley Wastewater Reclamation Facility (SWWRF) upgrades that are required to provide reliable source of water for mirror washing for the IVS Project. The SWWRF upgrades are a reasonably foreseeable event if the Imperial Valley Solar project is approved and constructed as proposed.

Seeley County Water District (SCWD) released a Draft Mitigated Negative Declaration (MND) for the SWWRF Improvements, however rather than adopting the MND, SCWD is currently preparing an Environmental Impact Report (EIR). Because the MND was not

adopted and the EIR is being prepared, the level of impact analysis presented is based on available information provided by the applicant. The purpose of this analysis is to inform the Energy Commission and BLM, interested parties, and the general public of the potential environmental and public health effects that may result from the SWWRF upgrades related to the Imperial Valley Solar project.

The Seeley Waste Water Treatment Facility (SWWTF) is located in Seeley, approximately 13 miles east of the Project site. To access the water, the applicant would construct approximately 12 miles of pipeline from the Seeley facility to the proposed project's water treatment plant along the Evan Hewes Highway. This pipe would be buried within the right-of-way (ROW) of Evan Hewes Highway approximately 30" below the existing grade. The line would enter the Imperial Valley Solar property approximately 100 yards east of Plaster City and then run due south to the Raw Water Storage Tank.

### ***Environmental Setting***

The affected environment resulting from the upgrades at the SWWRF is the same as that described in Section C.1.4.1 of the SA/DEIS. The facility upgrades would be located 12 miles east of the proposed Imperial Valley Solar project, and are located in the same air basin under the same jurisdiction, Imperial County Air Pollution Control District (District).

### ***Environmental Impacts***

The construction activities caused by the SWWRF improvements would generate emissions at the locations of the work long the pipeline and at the Imperial Valley Solar project site during 5 month-construction period. The impacts would consist of exhaust emissions from heavy construction equipment and vehicles and fugitive dust generated in areas disturbed by grading, excavating, and erection of facility structures. Beyond the boundaries of the pipe line and project site, exhaust and paved road fugitive dust emissions would also be caused by workers commuting to and from the work sites, from trucks hauling pipes and other construction materials to the sites, and crew trucks. The applicant estimated construction emissions using URBEMIS 2007 Version 9.2.4 as presented in **Air Quality Table 20**.

**Air Quality Table 20**  
**SWWRF - Maximum Daily Construction Emissions (lbs/day)**

	NOx	SOx	CO	VOC	PM10	PM2.5
SWWRF Project Emissions	58.56	0.01	41.48	10.61	26.24	8.12

Source: SES 2010g

Emissions estimates related to SWWRF improvements are predicted to be well below those of the proposed project construction as the scale of the SWWRF improvements is relatively small. Therefore, since the original project's construction air quality impacts are mitigated to a degree that they are less than significant, the air quality impact caused by construction emissions from the proposed SWWRF upgrades would also be less than significant.

Once SWWRF improvement construction is complete, operation emissions would result from wastewater treatment processes and vehicles used for periodic maintenance and deliveries. Operation deliveries would include chemical delivery for sodium hypochlorite and citric acid, upgraded equipment maintenance deliveries, and sludge removal. In addition, operations and maintenance requirements could require the need for two additional staff employees, which would increase emissions generated from employee commuting. The applicant provided incremental SWWRF operation emissions estimated using the South Coast Air Quality Management District (SCAQMD) emission factors as shown in **Air Quality Table 21**.

**Air Quality Table 21**  
**SWWRF - Maximum Daily Operation Emissions (lbs/day)**

	NOx	SOx	CO	VOC	PM10	PM2.5
Existing SWWRF	--	--	--	0.009	--	--
Upgraded SWWRF (Proposed)						
Wastewater Treatment	--	--	--	0.034	--	--
Employee Trips	0.02	0.00	0.17	0.02	0.00	0.00
Sludge Removal Trips	6.91	0.01	2.22	0.56	0.33	0.29
Emergency Generator	5.58	0.01	4.84	1.86	0.28	0.25
Incremental Emissions	12.51	0.02	7.23	2.46	0.61	0.54
Total Emissions	12.51	0.02	7.23	2.47	0.61	0.54

Source: SES 2010g

The direct air quality impacts caused by the incremental increase in emissions from operation vehicles and maintenance activities are minimal and would be less than significant.

### ***Mitigation***

Mitigation measures that are recommended for construction of the SWWRF upgrades include the fugitive dust control measures to limit fugitive dust emissions, as described in the Draft MND.

### ***Conclusion***

The construction activities associated with the SWWRF improvements would cause emissions due to heavy-duty diesel and gasoline-powered construction equipment use, diesel and gasoline fueled on-road trucks and employee vehicle travel, and fugitive dust emissions from construction activities and from vehicle travel on unpaved and paved surfaces. Both construction and operation emissions are predicted to be well below the significance thresholds, and fugitive dust emissions could be reduced further with effective and comprehensive control measures. The impacts associated with the SWWRF Project would be less than significant level under CEQA, and there would be less than adverse impacts under NEPA.

## **C.1.4.4 CEQA LEVEL OF SIGNIFICANCE**

### **Project Construction**

Staff considers the unmitigated construction NOx, VOC, and PM emissions to be potentially CEQA significant and, therefore, staff is recommending that the NOx, VOC,

and PM emissions be mitigated pursuant to CEQA. Staff is recommending several mitigation measures (**AQ-SC1** through **AQ-SC5**), that also include the applicant's stipulated construction mitigation measures, to limit exhaust emissions and fugitive dust emissions during project construction to the extent feasible.

Therefore, while there would be potentially adverse CEQA air quality impacts during construction, they are expected to be less than significant after implementation of the applicant's stipulated and staff's recommended mitigation measures.

### **Project Operation**

Staff considers the unmitigated operation and maintenance NO<sub>x</sub>, VOC, and PM emissions to be potentially CEQA significant and, therefore, staff is recommending that the NO<sub>x</sub>, VOC, and PM emission be mitigated pursuant to CEQA. Staff is recommending two mitigation measures (**AQ-SC6** and **AQ-SC7**), that also include the applicant's stipulated operations emission mitigation, to limit exhaust emissions and fugitive dust emissions during project operation to the extent feasible.

Therefore, while there would be potentially adverse CEQA air quality impacts during operation, they are expected to be less than significant after implementation of the applicant's stipulated and staff's recommended mitigation measures.

### **Closure and Decommissioning**

Eventually the facility would close, either at the end of its useful life or due to some unexpected situation such as a natural disaster or catastrophic facility breakdown. When the facility closes, all sources of air emissions would cease to operate and thus impacts associated with those emissions would no longer occur. The only other expected emissions would be equipment exhaust and fugitive particulate emissions from the dismantling activities. These activities would be of much a shorter duration than construction of the proposed project, equipment are assumed to have much lower comparative emissions due to technology advancement, and fugitive dust emissions would be required to be controlled in a manner at least equivalent to that required during construction. Therefore, while there would be adverse CEQA air quality impacts during decommissioning, they are expected to be less than significant.

## **C.1.5 300 MW ALTERNATIVE**

---

The 300 MW alternative would essentially be Phase 1 of the proposed 750 MW project. This alternative is shown in **Alternatives Figure 1**.

### **C.1.5.1 SETTING AND EXISTING CONDITIONS**

The setting and existing conditions for this alternative are the same as the proposed project. The existing ambient air quality does not change and the facility would still be within the same air basin and subject to the same air quality LORS.

### **C.1.5.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The 300 MW alternative would consist of 12,000 SunCatchers with a net generating capacity of approximately 300 MW occupying approximately 2,600 acres of land. The 300 MW alternative would transmit power to the grid through the SDG&E's Imperial Valley Substation and would require infrastructure similar to the entire 750 MW project, including a water supply pipeline, transmission line, road access, operations facilities, substation, and hydrogen system (SES 2008a). This infrastructure would require approximately 40 acres.

The 300 MW alternative would use 40% of the SunCatchers, 40% of the power generating potential, and would affect 40% of the land of the proposed 750 MW project. In terms of criteria pollutant emissions, this alternative project would create more than 40% of the proposed project's construction and operation criteria pollutant emissions due to reduced efficiency of scale and staffing, and a requirement for certain facilities and other activities to be built and maintained regardless of project size (SES 2009n).

The maximum short-term and annual construction emissions are not expected to change from that of the proposed project (SES 2009n), but the total duration of construction and total construction period emissions would be reduced as the 300 MW alternative project would not require 40 months to construct. Therefore, the worst-case short-term and annual construction emissions and construction pollutant concentration impacts for this alternative would be identical to that shown in **Air Quality Tables 6, 7 and 12**.

The maximum short-term and annual operation emissions are expected to decrease from that of the proposed project (SES 2009n) due to its smaller size. Therefore, the worst-case short-term and annual operation pollutant concentration impacts for this alternative would be less than those shown previously in **Air Quality Table 13**. However, the amount of the emissions and pollutant concentration reduction is not quite proportional to the decrease in project size due a reduction in economy of scale and requirements for certain activities/emission sources that do not scale down or scale down proportionately with project site.

The applicant's estimated 300 MW Alternative onsite stationary and onsite and offsite mobile source emissions, using the same emission control assumptions as those used for the proposed project, are estimated and summarized in **Air Quality Tables 14 and 15**.

**Air Quality Table 14**  
**IVS Operations - 300 MW Alternative**  
**Maximum Daily Emissions (lbs/day)**

	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Onsite Operation Emissions</b>						
Onsite Combustion Emissions	8.10	0.047	48.89	6.02	0.17	0.15
Onsite Gasoline Tank Emissions	--	--	--	31.78 <sup>a</sup>	--	--
Onsite Fugitive Dust Emissions	--	--	--	--	53.72	7.92
<b>Subtotal of Onsite Emissions</b>	<b>8.10</b>	<b>0.04</b>	<b>46.89</b>	<b>37.80</b>	<b>53.89</b>	<b>8.07</b>
<b>Offsite Emissions</b>						
Offsite Combustion Emissions	8.42	0.02	29.48	1.35	0.34	0.23
Offsite Fugitive Dust	--	--	--	--	17.79	1.90
<b>Subtotal of Offsite Emissions</b>	<b>8.42</b>	<b>0.02</b>	<b>29.48</b>	<b>1.35</b>	<b>18.13</b>	<b>2.14</b>
<b>Total Maximum Daily Emissions</b>	<b>16.52</b>	<b>0.07</b>	<b>76.37</b>	<b>39.15</b>	<b>72.01</b>	<b>10.21</b>

Source: SES 2009n, DR 133, Table DR 133a.

Note:

<sup>a</sup> Includes staff's correction that assumes one 4,000 gallon gasoline delivery and 500 gallons of vehicle refueling during a worst-case day.

**Air Quality Table 15**  
**IVS Operations - 300 MW Alternative**  
**Maximum Annual Emissions (tons/yr)**

	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Onsite Operation Emissions</b>						
Onsite Combustion Emissions	1.17	0.00	8.34	1.05	0.02	0.02
Onsite Gasoline Tank Emissions	--	--	--	0.71	--	--
Onsite Fugitive Dust Emissions	--	--	--	--	8.66	1.27
<b>Subtotal of Onsite Emissions</b>	<b>1.17</b>	<b>0.00</b>	<b>8.34</b>	<b>1.76</b>	<b>8.68</b>	<b>1.29</b>
<b>Offsite Emissions</b>						
Offsite Combustion Emissions	0.73	0.00	4.93	0.20	0.03	0.02
Offsite Fugitive Dust	--	--	--	--	1.35	0.08
<b>Subtotal of Offsite Emissions</b>	<b>0.73</b>	<b>0.01</b>	<b>4.93</b>	<b>0.20</b>	<b>1.39</b>	<b>0.10</b>
<b>Total Maximum Annual Emissions</b>	<b>1.90</b>	<b>0.01</b>	<b>13.27</b>	<b>1.96</b>	<b>10.06</b>	<b>1.39</b>

Source: SES 2009n, DR 133, Table DR 133b.

**Air Quality Table 14** and **15**, as compared to the proposed project emissions shown in **Air Quality Table 8** and **9**, indicates that the operation emissions from the 300 MW Alternative would vary from approximately 45 to 80% of the proposed project's maximum daily emissions, and approximately 43 to 51% of the proposed project's annual emissions.

**Air Quality Table 15** also shows that the maximum annual operation emissions from the 300 MW Alternative would remain well below the General Conformity Rule applicability thresholds for PM10 (70 tons) and Ozone Precursors, (NOx [100 tons] and VOC [100 tons]).

The results of the 300 MW Alternative would be the following:

- The worst-case short-term construction emissions and ground level pollutant concentration impacts would be the same as the proposed project and would require the same level of mitigation. The total construction period and total construction



emissions and long-term ground level pollutant concentration impacts would be reduced from those required to construct the proposed project.

- The benefits of the proposed project in displacing fossil fuel fired generation and reducing associated, but mainly out of air basin, criteria pollutant emissions would be slightly reduced.
- The impacts of the proposed project would not occur on the lands not used due to the smaller project size. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project.

If the 300 MW Alternative were approved, other renewable projects would likely be developed on other sites in the in Imperial County, the Mojave Desert, or in adjacent states to fill the 450 MW gap not supplied by the proposed project as developers strive to provide renewable power that complies with utility requirements and State/Federal mandates<sup>16</sup>.

### **C.1.5.3 CEQA LEVEL OF SIGNIFICANCE**

The CEQA level of significance for the 300 MW Alternative would be the same as for the proposed project, with the same significance rationale, where if left unmitigated there is the potential for significant NOx and PM emission impacts during the Alternative project's construction and operation. The mitigation that would be proposed for the 300 MW Alternative would be the same as that proposed for the proposed project (staff recommended conditions **AQ-SC1** to **AQ-SC10**).

### **C.1.6 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

---

The first of two alternatives developed to reduce impacts to the waters of the U.S. would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries. This alternative is illustrated in **Alternatives Figure 1B**. This alternative would have the same outer project boundaries as the proposed project, but it would include prohibition of permanent drainage effects, thereby reducing the available acreage for development to 4,690 acres, and reducing the number of SunCatchers from 30,000 under the proposed project to 25,290.

#### **C.1.6.1 SETTING AND EXISTING CONDITIONS**

The setting and existing conditions for this alternative are the same as the proposed project. The existing ambient air quality does not change and the facility would still be within the same air basin and subject to the same air quality LORS.

#### **C.1.6.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The Drainage Avoidance #1 alternative would consist of 25,290 SunCatchers with a net generating capacity of approximately 632 MW occupying the entire proposed project

---

<sup>16</sup> Such as the State of California 33 percent Renewable Portfolio Standard (RPS) mandated under Executive Order S-14-08.

footprint but avoiding primary drainages. Like the proposed project, this alternative would transmit power to the grid through the SDG&E's Imperial Valley Substation and would require infrastructure similar to the entire 750 MW project, including a water supply pipeline, transmission line, road access, operations facilities, substation, and hydrogen system (SES 2008a). This infrastructure would require approximately 40 acres.

The Drainage Avoidance #1 alternative would use 84% of the SunCatchers, and have 84% of the power generating potential, but would affect nearly the same land as the proposed 750 MW project (though using this land less densely). In terms of criteria pollutant emissions, the alternative would create more than 84% of the proposed project's construction and operation criteria pollutant emissions due to reduced efficiency of scale and staffing, and a requirement for certain facilities and other activities to be built and maintained regardless of project size (SES 2009n).

The maximum short-term and annual construction emissions are not expected to change from that of the proposed project (SES 2009n), but the total duration of construction and total construction period emissions would be reduced as the Drainage Avoidance #1 alternative project would not require 40 months to construct. Therefore, the worst-case short-term and annual construction emissions and construction pollutant concentration impacts for this alternative would be identical to that shown in **Air Quality Tables 6, 7 and 12**.

The maximum short-term and annual operation emissions are expected to decrease from that of the proposed project (SES 2009n) due to its smaller number of operational components. Therefore, the worst-case short-term and annual operation pollutant concentration impacts for this alternative would be less than those shown previously in **Air Quality Table 13**. However, the amount of the emissions and pollutant concentration reduction is not quite proportional to the decrease in project size due a reduction in economy of scale and requirements for certain activities/emission sources that do not scale down or scale down proportionately with project site.

Staff estimated the operation emissions for the Drainage Avoidance #1 alternative by interpolating between the applicant-provided values for the proposed project (see **Air Quality Tables 8 and 9**) and for the 300 MW alternative (see **Air Quality Tables 14 and 15**), which by association incorporates the same emission control assumptions as those used for the proposed project. Staff's operating emissions estimate for the Drainage Avoidance #1 alternative are summarized in **Air Quality Tables 16 and 17**.

**Air Quality Table 16**  
**IVS Operations – Drainage Avoidance #1 Alternative**  
**Maximum Daily Emissions (lbs/day)**

	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Onsite Operation Emissions</b>						
Onsite Combustion Emissions	13.62	0.06	94.12	12.22	0.26	0.22
Onsite Gasoline Tank Emissions	--	--	--	31.78 <sup>a</sup>	--	--
Onsite Fugitive Dust Emissions	--	--	--	--	103.95	15.34
<b>Subtotal of Onsite Emissions</b>	<b>13.62</b>	<b>0.06</b>	<b>94.12</b>	<b>44.00</b>	<b>104.21</b>	<b>15.57</b>
<b>Offsite Emissions</b>						
Offsite Combustion Emissions	10.48	0.03	47.02	2.05	0.44	0.28
Offsite Fugitive Dust	--	--	--	--	21.38	2.00
<b>Subtotal of Offsite Emissions</b>	<b>10.48</b>	<b>0.03</b>	<b>47.02</b>	<b>2.05</b>	<b>21.82</b>	<b>2.28</b>
<b>Total Maximum Daily Emissions</b>	<b>24.10</b>	<b>0.10</b>	<b>141.14</b>	<b>46.05</b>	<b>126.03</b>	<b>17.85</b>

Source: Staff's linear interpolation of the applicant's emission data supplied for the proposed project (SES 2009i) and 300 MW Alternative (SES 2009n, DR 133, Table DR 133a).

Note:

<sup>a</sup> Includes staff's correction that assumes one 4,000 gallon gasoline delivery and 500 gallons of vehicle refueling during a worst-case day.

**Air Quality Table 17**  
**IVS Operations - Drainage Avoidance #1 Alternative**  
**Maximum Annual Emissions (tons/yr)**

	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Onsite Operation Emissions</b>						
Onsite Combustion Emissions	2.17	0.01	16.74	2.16	0.03	0.03
Onsite Gasoline Tank Emissions	--	--	--	0.86	--	--
Onsite Fugitive Dust Emissions	--	--	--	--	17.70	2.61
<b>Subtotal of Onsite Emissions</b>	<b>2.17</b>	<b>0.01</b>	<b>16.74</b>	<b>3.03</b>	<b>17.73</b>	<b>2.65</b>
<b>Offsite Emissions</b>						
Offsite Combustion Emissions	1.10	0.01	8.09	0.33	0.05	0.03
Offsite Fugitive Dust	--	--	--	--	2.00	0.09
<b>Subtotal of Offsite Emissions</b>	<b>1.10</b>	<b>0.01</b>	<b>8.09</b>	<b>0.33</b>	<b>2.05</b>	<b>0.12</b>
<b>Total Maximum Annual Emissions</b>	<b>3.26</b>	<b>0.01</b>	<b>24.83</b>	<b>3.35</b>	<b>19.78</b>	<b>2.77</b>

Source: Staff's linear interpolation of the applicant's emission data supplied for the proposed project (SES 2009i) and 300 MW Alternative (SES 2009n, DR 133, Table DR 133a).

**Air Quality Table 16** and **17**, as compared to the proposed project emissions shown in **Air Quality Table 8** and **9**, indicates that the operation emissions from the Drainage Avoidance #1 alternative would vary from approximately 86 to 95% of the proposed projects maximum daily emissions, and approximately 85 to 87% of the proposed project's annual emissions.

**Air Quality Table 17** also shows that the maximum annual operation emissions from the Drainage Avoidance #1 alternative would remain well below the General Conformity Rule applicability thresholds for PM10 (70 tons) and Ozone Precursors, (NOx [100 tons] and VOC [100 tons]).

The results of the Drainage Avoidance #1 Alternative would be the following:

- The worst-case short-term construction emissions and ground level pollutant concentration impacts would be the same as the proposed project and would require

the same level of mitigation. The total construction period and total construction emissions and long-term ground level pollutant concentration impacts would be reduced from those required to construct the proposed project.

- The benefits of the proposed project in displacing fossil fuel fired generation and reducing associated, but mainly out of air basin, criteria pollutant emissions would be slightly reduced.
- The impacts of the proposed project would still occur across the entire proposed project site, but in a less dense configuration due to avoidance of primary drainages.

If the Drainage Avoidance #1 Alternative were approved, other renewable projects may be developed on other sites in the in Imperial County, the Mojave Desert, or in adjacent states to fill the 118 MW gap not supplied by the proposed project as developers strive to provide renewable power that complies with utility requirements and State/Federal mandates.

### **C.1.6.3 CEQA LEVEL OF SIGNIFICANCE**

The level of significance under CEQA for the Drainage Avoidance #1 Alternative would be the same as for the proposed project, with the same significance rationale, where if left unmitigated there is the potential for significant NO<sub>x</sub> and PM emission impacts during the Alternative project's construction and operation. The mitigation that would be proposed for the Drainage Avoidance #1 Alternative would be the same as that proposed for the proposed project (staff recommended conditions **AQ-SC1** to **AQ-SC10**).

### **C.1.7 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

---

The Drainage Avoidance #2 alternative would eliminate both the eastern and westernmost portions of the proposed project, where the largest drainage complexes are located. This alternative is shown in **Alternatives Figure 1C**. It would reduce the overall size of the project site by 3,347 acres (from 6,500 acres to 3,153 acres) It would also reduce the number of SunCatchers from 30,000 under the proposed project to 16,915. In this alternative, permanent structures would be allowed within all drainages inside the revised, smaller project boundaries.

#### **C.1.7.1 SETTING AND EXISTING CONDITIONS**

The setting and existing conditions for this alternative are the same as the proposed project. The existing ambient air quality does not change and the facility would still be within the same air basin and subject to the same air quality LORS.

#### **C.1.7.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The Drainage Avoidance #2 alternative would consist of 16,915 SunCatchers with a net generating capacity of approximately 423 MW occupying only the central portion of the proposed project area, and avoiding the major drainages east and west of the central portion. Like the proposed project, this alternative would transmit power to the grid through the SDG&E's Imperial Valley Substation and would require infrastructure similar

to the entire 750 MW project, including a water supply pipeline, transmission line, road access, operations facilities, substation, and hydrogen system (SES 2008a). This infrastructure would require approximately 40 acres.

The Drainage Avoidance #2 alternative would use 56% of the SunCatchers, have 56% of the power-generating potential, and would affect a smaller land area. In terms of criteria pollutant emissions, the alternative would create more than 56% of the proposed project's construction and operation criteria pollutant emissions due to reduced efficiency of scale and staffing, and a requirement for certain facilities and other activities to be built and maintained regardless of project size (SES 2009n).

The maximum short-term and annual construction emissions are not expected to change from that of the proposed project (SES 2009n), but the total duration of construction and total construction period emissions would be reduced as this alternative would not require 40 months to construct. Therefore, the worst-case short-term and annual construction emissions and construction pollutant concentration impacts for this alternative would be identical to that shown in **Air Quality Tables 6, 7 and 12**.

The maximum short-term and annual operation emissions are expected to decrease from that of the proposed project (SES 2009n) due to its smaller number of operational components. Therefore, the worst-case short-term and annual operation pollutant concentration impacts for this alternative would be less than those shown previously in **Air Quality Table 13**. However, the amount of the emissions and pollutant concentration reduction is not quite proportional to the decrease in project size due a reduction in economy of scale and requirements for certain activities/emission sources that do not scale down or scale down proportionately with project site.

Staff estimated the operation emissions for the Drainage Avoidance #2 alternative by interpolating between the applicant provided values for the proposed project (see **Air Quality Tables 8 and 9**) and for the 300 MW alternative (see **Air Quality Tables 14 and 15**), which by association incorporates the same emission control assumptions as those used for the proposed project. Staff's operating emissions estimate for the Drainage Avoidance #2 alternative are summarized in **Air Quality Tables 18 and 19**.

**Air Quality Table 18**  
**IVS Operations – Drainage Avoidance #2 Alternative**  
**Maximum Daily Emissions (lbs/day)**

	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Onsite Operation Emissions</b>						
Onsite Combustion Emissions	10.14	0.05	65.65	8.32	0.20	0.18
Onsite Gasoline Tank Emissions	--	--	--	31.78 <sup>a</sup>	--	--
Onsite Fugitive Dust Emissions	--	--	--	--	72.33	10.67
<b>Subtotal of Onsite Emissions</b>	<b>10.14</b>	<b>0.05</b>	<b>65.65</b>	<b>40.10</b>	<b>72.53</b>	<b>10.85</b>
<b>Offsite Emissions</b>						
Offsite Combustion Emissions	8.42	0.02	29.48	1.35	0.34	0.23
Offsite Fugitive Dust	--	--	--	--	17.79	1.9
<b>Subtotal of Offsite Emissions</b>	<b>8.42</b>	<b>0.02</b>	<b>29.48</b>	<b>1.35</b>	<b>18.13</b>	<b>2.13</b>
<b>Total Maximum Daily Emissions</b>	<b>18.56</b>	<b>0.07</b>	<b>95.13</b>	<b>41.45</b>	<b>90.66</b>	<b>12.98</b>

Source: Staff's linear interpolation of the applicant's emission data supplied for the proposed project (SES 2009i) and 300 MW Alternative (SES 2009n, DR 133, Table DR 133a).

Note:

<sup>a</sup> Includes staff's correction that assumes one 4,000 gallon gasoline delivery and 500 gallons of vehicle refueling during a worst-case day.

**Air Quality Table 19**  
**IVS Operations - Drainage Avoidance #2 Alternative**  
**Maximum Annual Emissions (tons/yr)**

	NOx	SOx	CO	VOC	PM10	PM2.5
<b>Onsite Operation Emissions</b>						
Onsite Combustion Emissions	1.54	0.00	11.45	1.46	0.03	0.03
Onsite Gasoline Tank Emissions	--	--	--	0.77	--	--
Onsite Fugitive Dust Emissions	--	--	--	--	12.01	1.77
<b>Subtotal of Onsite Emissions</b>	<b>1.54</b>	<b>0.00</b>	<b>11.45</b>	<b>2.23</b>	<b>12.03</b>	<b>1.79</b>
<b>Offsite Emissions</b>						
Offsite Combustion Emissions	0.87	0.00	6.10	0.25	0.04	0.02
Offsite Fugitive Dust	--	--	--	--	1.59	0.09
<b>Subtotal of Offsite Emissions</b>	<b>0.87</b>	<b>0.00</b>	<b>6.10</b>	<b>0.25</b>	<b>1.63</b>	<b>0.11</b>
<b>Total Maximum Annual Emissions</b>	<b>2.41</b>	<b>0.01</b>	<b>17.55</b>	<b>2.48</b>	<b>13.66</b>	<b>1.90</b>

Source: Staff's linear interpolation of the applicant's emission data supplied for the proposed project (SES 2009i) and 300 MW Alternative (SES 2009n, DR 133, Table DR 133a).

**Air Quality Table 18** and **19**, as compared to the proposed project emissions shown in **Air Quality Table 8** and **9**, indicates that the operation emissions from the Drainage Avoidance #2 alternative would vary from approximately 58 to 85% of the proposed projects maximum daily emissions, and approximately 58 to 64% of the proposed project's annual emissions.

**Air Quality Table 19** also shows that the maximum annual operation emissions from the Drainage Avoidance #2 alternative would remain well below the General Conformity Rule applicability thresholds for PM10 (70 tons) and Ozone Precursors, (NOx [100 tons] and VOC [100 tons]).

The results of the Drainage Avoidance #2 Alternative would be the following:

- The worst-case short-term construction emissions and ground level pollutant concentration impacts would be the same as the proposed project and would require

the same level of mitigation. The total construction period and total construction emissions and long-term ground level pollutant concentration impacts would be reduced from those required to construct the proposed project.

- The benefits of the proposed project in displacing fossil fuel fired generation and reducing associated, but mainly out of air basin, criteria pollutant emissions would be reduced.
- The impacts of the proposed project would not occur on the lands not used due to the smaller project size. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project, unless the land use plan were modified.

If the Drainage Avoidance #2 Alternative were approved, other renewable projects may be developed on other sites in the in Imperial County, the Mojave Desert, or in adjacent states to fill the 327 MW gap not supplied by the proposed project as developers strive to provide renewable power that complies with utility requirements and State/Federal mandates.

### **C.1.7.3 CEQA LEVEL OF SIGNIFICANCE**

The CEQA level of significance for the Drainage Avoidance #2 Alternative would be the same as for the proposed project, with the same significance rationale, where if left unmitigated there is the potential for significant NO<sub>x</sub> and PM emission impacts during the alternative project's construction and operation. The mitigation that would be proposed for the Drainage Avoidance #2 Alternative would be the same as that proposed for the proposed project (staff recommended conditions **AQ-SC1** to **AQ-SC10**).

### **C.1.8 NO PROJECT / NO ACTION ALTERNATIVE**

---

There are three No Project/No Action Alternatives evaluated in this section, as follows:

#### **NO PROJECT/NO ACTION ALTERNATIVE #1:**

##### **No Action on IVS Project application and on CDCA land use plan amendment**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

The results of the No Project / No Action Alternative would be the following:

- The impacts of the proposed project would not occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another renewable energy project.
- The benefits of the proposed project in reducing fossil fuel use and greenhouse gas emissions from gas-fired generation would not occur. Both State and Federal law

support the increased use of renewable power generation (see **Appendix Air-1 - Greenhouse Gas Emissions** for details).

If the proposed project is not approved, renewable projects would likely be developed on other sites in Imperial County, the Mojave Desert, or in adjacent states as developers strive to provide renewable power that complies with utility requirements and State/Federal mandates. For example, there are two large wind projects proposed on BLM land within a few miles of the IVS Project site in addition to large wind projects proposed in Mexico, south of the proposed site. In addition, there are seven large solar projects proposed on BLM land within the area served by the BLM El Centro Field Office. There are currently 70 applications for solar projects covering 611,692 acres pending with BLM in the California Desert District.

## **NO PROJECT/NO ACTION ALTERNATIVE #2:**

### **No Action on IVS and amend the CDCA land use plan to make the area available for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would amend the CDCA Land Use Plan of 1980, as amended, to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site would be developed with the same or a different solar technology. As a result, air pollutant emissions and impacts would result from the construction and operation of the solar technology and would likely be similar to the air quality impacts from the proposed project. Different solar technologies require different amounts of construction and operations maintenance; however, the benefits of the proposed project in displacing fossil fuel fired generation and reducing associated pollutant emissions could occur with a different solar technology at this site and therefore with this alternative. As such, this No Project/No Action Alternative could result in air quality impacts and benefits similar to the impacts under the proposed project.

## **NO PROJECT/NO ACTION ALTERNATIVE #3:**

### **No Action on IVS application and amend the CDCA land use plan to make the area unavailable for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and the BLM would amend the CDCA Plan to make the proposed site unavailable for future solar development. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because the CDCA Plan would be amended to make the area unavailable for future solar development, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, the air quality of the site is not expected to change noticeably from existing conditions and, as such, this No Project/No Action Alternative would not result in air



quality impacts under the proposed project nor would it result in the air quality benefits from the proposed project. However, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

### **C.1.9 CUMULATIVE IMPACTS ANALYSIS**

---

Cumulative impacts are defined by CEQA as “two or more individual effects which, when considered together, are considerable or . . . compound or increase other environmental impacts.” (CEQA Guidelines, § 15355.) A cumulative impact consists of an impact that is created as a result of a combination of the project evaluated in the EIR together with other projects causing related impacts.” (CEQA Guidelines, § 15130(a)(1).) Such impacts may be relatively minor and incremental, yet still be significant because of the existing environmental background, particularly when one considers other closely related past, present, and reasonably foreseeable future projects.

Cumulative effects are defined by the Council on Environmental Quality NEPA regulations as “...the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions” (40 CFR 1508.7).

This analysis is concerned with criteria air pollutants. Such pollutants have impacts that are usually (though not always) cumulative by nature. Rarely would a project by itself cause a violation of a federal or state criteria pollutant standard. However, a new source of pollution may contribute to violations of criteria pollutant standards because of the existing background sources or foreseeable future projects. Air districts attempt to attain the criteria pollutant standards by adopting attainment plans, which comprise a multi-faceted programmatic approach to such attainment. Depending on the air district, these plans typically include requirements for air offsets and the use of Best Available Control Technology (BACT) for new sources of emissions, and restrictions of emissions from existing sources of air pollution.

Thus, much of the preceding discussion is concerned with cumulative impacts. The “Existing Ambient Air Quality” subsection describes the air quality background in the Imperial County portion of the Salton Sea Air Basin, including a discussion of historical ambient levels for each of the assessed criteria pollutants. The “Construction Impacts and Mitigation” subsection discusses the proposed project’s contribution to the local existing background caused by project construction. The “Operation Impacts and Mitigation” subsection discusses the proposed project’s contribution to the local existing background caused by project operation. The following subsection includes two additional analyses:

- a summary of projections for criteria pollutants by the air district and the air district’s programmatic efforts to abate such pollution; and
- an analysis of the proposed project’s *localized cumulative impacts*, the proposed project’s direct operating emissions combined with other local major emission sources.

### **C.1.9.1 SUMMARY OF PROJECTIONS**

Imperial County is designated as non-attainment for both federal and State ozone and PM10 standards. All other criteria pollutants (NO<sub>2</sub>, and SO<sub>2</sub>, and PM2.5) are considered to be in attainment of state standards, and in attainment and/or unclassified for federal standards.

#### **Ozone**

The current federally approved ozone plan for Imperial County is the *1991 Air Quality Attainment Plan*. This plan includes recommendations for measures to control stationary source and mobile source Reactive Organic Gases (ROG) and NOx emissions. Measures applicable to the proposed project include additional NOx control for internal combustion engines (ICEs). The proposed project's equipment would comply with the measures listed in the 1991 plan.

Imperial County failed to meet federal attainment for the 8-hour ozone NAAQS, and was formally reclassified as moderate nonattainment of the Federal 8-hour ozone standard in 2008<sup>17</sup>. Imperial County is currently required to develop an 8-hour Attainment Plan and is in the process of completing this plan. The most recent interim draft ozone plan contains control measures or strategies for the reduction of NOx and ROG emissions from stationary and mobile sources. The only measures potentially applicable to the proposed project would include transportation control measures to reduce trips to and from the site; including carpool/vanpool measures and facility design measures to enable the use of public transportation and reduce trips to and from the site during shift changes and lunch. The applicant has proposed several transportation control measures including vanpools and the use of low emission electric-hybrid vehicles, as appropriate. Since the measures in this interim draft ozone plan are not currently approved or directly applicable, the applicant may be required to enact additional emission control measures during the project's life in order to comply with new District rules enacted as part of the revised 8-hour ozone State Implementation Plan (SIP).

#### **Particulate Matter**

The current federally approved PM10 plan for Imperial County is the *1993 State Implementation Plan for PM10 in the Imperial Valley*. This plan focuses on the reduction of fugitive dust emissions from wind erosion, agricultural operations including open burning, unpaved roads, and construction activities. The recommended mitigation measures for project construction and operation would comply with the recommended PM10 mitigation measures in this plan.

U.S.EPA reclassified Imperial County from "moderate" to "serious" non-attainment of the 24-hour PM10 NAAQS on August 11, 2004. As part of this re-classification, Imperial County is required to develop a new PM10 Attainment Plan that provides attainment and at least 5% annual reduction in PM10 or PM10 precursor emissions until the area

---

<sup>17</sup> U.S.EPA proposed on 9/23/09 that Imperial County be approved as attainment of the 1997 federal 8-hour ozone standard. The state has proposed that Imperial County be designated non-attainment for the revised 2008 federal 8-hour ozone standard, but that standard is now being reconsidered by U.S.EPA. So, at this time it is unclear if completion of the 8-hour ozone attainment planning efforts by Imperial County are required, or if an ozone attainment maintenance plan will be required instead.

reaches attainment status. Imperial County completed a new PM10 Attainment Plan on August 11, 2009 that addresses impacts of PM10 transport from Mexicali, Mexico, impacts of PM10 generated by natural events such as wind and wildfire, and impacts from local sources. This plan states that the PM10 NAAQS has been attained but for international emissions. The plan relies on control measures already adopted as District rules. The core of the PM10 control program is based on the Imperial County Regulation VIII fugitive dust rules, most provisions of which were effective January 2006. Regulation VIII includes Rule 801 Construction and Earthmoving Activities, Rule 802 Bulk Materials, Rule 803 Carry-Out and Track-out, Rule 804 Open Areas, Rule 805 Paved and Unpaved Roads, and Rule 806 Conservation Management Practices. U.S. EPA approval of this plan is pending.

The IVS Project would comply with these control measures by complying with the existing District rules and the proposed conditions of certification.

### **Summary of Conformance with Applicable Air Quality Plans**

The applicable air quality plans do not outline any new control measures applicable to the proposed project's operating emission sources. Therefore, compliance with existing District rules and regulations would ensure compliance with those air quality plans.

### **C.1.9.2 LOCALIZED CUMULATIVE IMPACTS**

Since the IVS Project air quality impacts can be reasonably estimated through air dispersion modeling (see the "Operation Modeling Analysis" subsection), the proposed project's contributions to localized cumulative impacts can be estimated. To represent *past* and, to an extent, *present projects* that contribute to ambient air quality conditions, the Energy Commission staff recommends the use of ambient air quality monitoring data (see the "Environmental Setting" subsection), referred to as the *background*. The staff takes the following steps to estimate what are additional appropriate "present projects" that are not represented in the background and "reasonably foreseeable projects":

- First, the Energy Commission staff (or the applicant) works with the air district to identify all projects that have submitted, within the last year of monitoring data, new applications for an authority to construct (ATC) or permit to operate (PTO) and applications to modify an existing PTO within 6 miles of the project site. Based on staff's modeling experience, beyond 6 miles there is no statistically considerable concentration overlap for non-reactive pollutant concentrations between two stationary emission sources.
- Second, the Energy Commission staff (or the applicant) works with the air district and local counties to identify any new area sources within 6 miles of the project site. As opposed to point sources, area sources include sources like agricultural fields, residential developments or other such sources that do not have a distinct point of emission. New area sources are typically identified through draft or final Environmental Impact Reports (EIRs) that are prepared for those sources. The initiation of the EIR process is a reasonable basis on which to determine what is "reasonably foreseeable" for new area sources.

- The data submitted, or generated from the applications with the air district for point sources or initiating the EIR process for area sources, provides enough information to include these new emission sources in air dispersion modeling. Thus, the next step is to review the available EIR(s) and permit application(s), determine what sources must be modeled and how they must be modeled.
- Sources that are not new, but may not be represented in ambient air quality monitoring, are also identified and included in the analysis. These sources include existing sources that are co-located with or adjacent to the proposed source (such as an existing power plant). In most cases, the ambient air quality measurements are not recorded close to the proposed project, thus a local major source might not be well represented by the background air monitoring. When these sources are included, it is typically a result of there being an existing source on the project site and the ambient air quality monitoring station being more than 2 miles away.
- The modeling results must be carefully interpreted so that they are not skewed towards a single source, in high impact areas near that source's fence line. It is not truly a cumulative impact of the IVS Project if the high impact area is the result of high fence line concentrations from another stationary source and IVS Project is not providing a substantial contribution to the determined high impact area.

Once the modeling results are interpreted, they are added to the background ambient air quality monitoring data and thus the modeling portion of the cumulative assessment is complete. Due to the use of air dispersion modeling programs in staff's cumulative impacts analysis, the applicant must submit a modeling protocol, based on information requirements for an application, prior to beginning the investigation of the sources to be modeled in the cumulative analysis. The modeling protocol is typically reviewed, commented on, and eventually approved in the Data Adequacy phase of the licensing procedure. Staff typically assists the applicant in finding sources (as described above), characterizing those sources, and interpreting the results of the modeling. However, the actual modeling runs are usually left to the applicant to complete. There are several reasons for this: modeling analyses take time to perform and require considerable expertise, the applicant has already performed a modeling analysis of the project alone (see the "Operation Modeling Analysis" subsection), and the applicant can act on its own to reduce stipulated emission rates and/or increase emission control requirements as the results warrant. Once the cumulative project emission impacts are determined, the necessity to mitigate the project emissions can be evaluated, and the mitigation itself can be proposed by staff and/or the applicant (see the "Mitigation" subsection).

The applicant, in consultation with the District, has conducted a survey of new development projects and stationary sources that have potential for emissions of criteria air contaminants within 6 miles of the project site that are either under construction, or have received permits to be built or operate in the foreseeable future. The applicant reviewed a total of 31 projects, and 24 of them are located outside of a 6-mile radius of the proposed project site and were eliminated from the list of cumulative emission sources. Six projects were eliminated due to their annual permitted emission increases being negative, negligible, or less than 5 tons per year. The last project was eliminated because it is indefinitely on hold. Therefore, it has been determined that no stationary sources requiring a cumulative modeling analysis exist within a 6-mile radius of the proposed project site.

In addition to the projects determined through consultation with the District, there are a number of other large development projects proposed in the region. For example, there are two large wind projects proposed on BLM land within a few miles of the IVS Project site in addition to large wind projects proposed in Mexico, south of the proposed site. In addition, there are seven large solar projects proposed on BLM land within the area served by the BLM El Centro Field Office. This potential for substantial additional development within the air basin and corresponding increase in air basin emissions is a major part of staff's rationale for recommending Conditions of Certification **AQ-SC6** and **AQ-SC7** that are designed to mitigate the proposed project's cumulative impacts by reducing the dedicated on-site vehicle emissions and fugitive dust emissions during site operation.

### **C.1.10 COMPLIANCE WITH LORS**

---

The Imperial County Air Pollution Control District issued a Preliminary Determination of Compliance (PDOC) for the IVS Project on August 20, 2009 (ICAPCD 2009b) and after a 30 day comment period that ended on September 24, 2009, issued a Final Determination of Compliance on October 14, 2009 (ICAPCD 2009c). Compliance with all District rules and regulations was demonstrated to the District's satisfaction in the FDOC. The District's FDOC conditions are presented in the Conditions of Certification (**AQ-1** to **AQ-31**).

Energy Commission staff provided comments on the PDOC to the District on September 21, 2009 (CEC 2009xx). Staff has found that the revisions made to the FDOC adequately address staff's comments.

#### **C.1.10.1 FEDERAL**

The District is responsible for issuing federal New Source Review (NSR) permits and has been delegated enforcement of the applicable New Source Performance Standard (Subpart IIII). However, this project does not require a federal NSR or Title V permit and this project would not require a PSD permit from U.S.EPA prior to initiating construction.

The proposed project is located in a federal nonattainment area and requires the approval of a federal agency (BLM). Therefore, the proposed project is subject to the general conformity regulations (40 CFR Part 93). The project area is classified as serious nonattainment of the federal PM10 ambient air quality standards and moderate nonattainment of the federal ozone ambient air quality standards, and the general conformity emissions applicability thresholds for these nonattainment classifications is 100 tons/year of direct and indirect ozone precursor emissions (NOx and VOC), 70 tons/year of direct and indirect PM10 emissions, and 70 tons/year of direct and indirect PM10 precursors identified as major PM10 contributors in the SIP. The currently applicable PM10 SIP does not identify secondary pollutants (NOx, SOx, and VOC) as major contributors to ambient PM10 concentrations and focuses on fugitive dust emissions from agricultural activities, unpaved roads, and other sources.

Without appropriate mitigation, the proposed project's maximum annual direct and indirect emissions of PM10 during construction and operation would have the potential to exceed 70 tons per year, and the NOx emissions during construction would have the

potential to exceed 100 tons per year. However, with the applicant-proposed and staff recommended mitigation the PM10, NOx and VOC emissions during construction and operation would all remain below their General Conformity applicability thresholds, as shown in **Air Quality Tables 7, 9 and 11**. Therefore, the proposed project's mitigated emissions have been determined to be below the applicable General Conformity applicability thresholds, the proposed project is not required to complete a conformity analysis, and conformance with the State Implementation Plan is assumed.

### **C.1.10.2 STATE**

The project owner will demonstrate that the proposed project will comply with Section 41700 of the California State Health and Safety Code, which restricts emissions that would cause nuisance or injury, with the issuance of the District's Final Determination of Compliance and the Energy Commission's affirmative finding for the project.

The emergency generator is also subject to the Airborne Toxic Control Measure (ATCM) for Stationary Compression Ignition Engines. This measure limits the types of fuels allowed, establishes maximum emission rates, and establishes recordkeeping requirements. The proposed Tier 3 engine meets the emission limit requirements of this rule. This measure would also limit the engine's testing and maintenance operation to 13 hours per year.

### **C.1.10.3 LOCAL**

The District rules and regulations specify the emissions control and offset requirements for new sources such as the IVS Project. Best Available Control Technology would be implemented, and District rules and regulations do not require emission reduction credits (ERCs) to offset the proposed project's emissions. Compliance with the District's new source requirements would ensure that the proposed project would be consistent with the strategies and future emissions anticipated under the District's air quality attainment and maintenance plans.

The applicant provided an air quality permit application to the ICAPCD; and the District issued the PDOC on September 20, 2009 (ICAPCD 2009b), and after a 30 day comment period issued the FDOC on October 14, 2009 (ICAPCD 2009c). The FDOC states that the proposed project is expected to comply with all applicable District rules and regulations. The FDOC evaluates whether and under what conditions the proposed project would comply with the District's applicable rules and regulations, as described below.

## **Regulation II – Permits**

### **Rule 201 – Permits Required**

This rule requires an Authority to Construct and Permit to Operate before the construction or operation, respectively, of non-exempt emission sources. The FDOC completes the permit application review and the Authority of Construct and Permit to Operate would be provided per rule requirements after the CEC licensing process and after construction of the permitted emission sources, respectively. Compliance with this rule is expected.

## **Rule 207 – New and Modified Stationary Source Review**

This rule establishes the stationary source<sup>18</sup> requirements that must be met to obtain a Permit to Operate, including the requirement to comply with best available control technology (BACT), provide emission offsets for emission increases above specified thresholds; and provide a dispersion modeling analysis, an alternatives analysis, and a compliance certification (if applicable). In the FDOC, the District has determined that the proposed emission controls meet BACT requirements. Therefore, compliance with this rule has been demonstrated.

The IVS Project, as a minor stationary source, does not require offsets, require a dispersion modeling, analysis, or require a compliance certification per District Rule 207.

## **Regulation IV – Prohibitions**

### **Rule 400 – Fuel Burning Equipment**

This rule limits discharge into the atmosphere from fuel burning equipment combustion contaminants exceeding in concentration at the point of discharge 140 lbs/hr of nitrogen oxides, calculated as nitrogen dioxide (NO<sub>2</sub>). The emergency engine's maximum hourly NOx emission potential at full load operation is 3.41 lbs/hr; therefore, compliance with this rule is expected.

### **Rule 401 – Opacity of Emissions**

Rule 401 limits visible emissions from emissions sources. This rule prohibits discharge of any emissions, other than uncombined water vapor, for more than three minutes in any hour. Compliance with this rule is expected with the implementation of the recommended staff and District conditions of certification.

### **Rule 403 – General Limitation on the Discharge of Air Contaminants**

This rule limits discharge into the atmosphere from any single emission unit, combustion contaminants exceeding in concentration at the point of discharge 0.2 grains per dry cubic foot of gas, calculated to 12% of carbon dioxide (CO<sub>2</sub>) at standard conditions averaged over 25 consecutive minutes. The only item subject to this rule is the emergency generator engine which would have negligible combustion contaminant emissions. Compliance with this rule is expected.

### **Rule 405 – Sulfur Compounds Emission Standards, Limitations, and Prohibitions**

This rule limits the concentration of the discharge of sulfur compounds and the sulfur content of liquid fuels. The use of California diesel fuel would ensure compliance with this rule.

### **Rule 407 – Nuisance**

This rule restricts emissions that would cause nuisance or injury to people or property (identical to California Health and Safety Code 41700). Compliance with this rule is

---

<sup>18</sup> The maintenance vehicles are not stationary sources and are not subject to District rules.

expected with the implementation of the recommended staff and District conditions of certification.

#### **Rule 415 – Transfer and Storage of Gasoline**

This rule specifies the vapor recovery requirement for tank filling (Phase I) and vehicle refueling (Phase II) for gasoline storage and refueling facilities. The proposed gasoline tank would have both Phase I and Phase II vapor controls and would need to comply with the District's conditions (**AQ-19** through **AQ-31**). Compliance with this rule is expected.

### **Regulation VIII – Fugitive Dust Rules**

#### **Rule 800 – General Requirements for Control of Fine Particulate Matter**

Specifies the types of chemical stabilizing agents and dust suppressant materials that can (and cannot) be used to minimize fugitive dust from anthropogenic (man-made) sources. The rule also specifies test methods for determining compliance with visible dust emission (VDE) standards, stabilized surface conditions, soil moisture content, silt content for bulk materials, silt content for unpaved roads and unpaved vehicle/equipment traffic areas, and threshold friction velocity. Records shall be maintained only for those days that a control measure was implemented, and kept for two years after the date of each entry. A fugitive dust management plan for unpaved roads is discussed in Rule 805. Compliance is expected with the implementation of staff recommended mitigation measures **AQ-SC3** and **AQ-SC7**.

#### **Rule 801 – Construction and Earthmoving Activities**

Requires fugitive dust emissions throughout construction activities (from pre-activity to active operations and during periods of inactivity) to comply with the conditions of a stabilized surface area and to not exceed an opacity limit of 20%, by means of water application, chemical dust suppressants, or constructing and maintaining wind barriers. A Dust Control Plan is also required and shall be submitted to the APCO at least 30 days prior to the start of any construction activities on any site that will include 10 acres or more of disturbed surface area for residential developments, 5 acres or more of disturbed surface area for non-residential development. Compliance is expected with the implementation of staff recommended mitigation measures **AQ-SC3** and **AQ-SC7**.

#### **Rule 802 – Bulk Materials**

Limits the fugitive dust emissions from the outdoor handling, storage and transport of bulk materials. Requires fugitive dust emissions to comply with the conditions of a stabilized unpaved road surface and to not exceed an opacity limit of 20%. It specifies that bulk materials be transported using wetting agents, allow appropriate freeboard space in the vehicles, or be covered. It also requires that stored materials be covered or stabilized. Compliance is expected with the implementation of staff recommended mitigation measures **AQ-SC3** and **AQ-SC7**.

#### **Rule 803 – Carry-out and Track-out**

Limits carry-out and track-out during construction, demolition, excavation, extraction, and other earthmoving activities (Rule 801), from bulk materials handling (Rule 802),



and from paved and unpaved roads (Rule 805) where carry-out has occurred or may occur. Specifies acceptable (and unacceptable) methods for cleanup of carry-out and track-out. Compliance is expected with the implementation of staff recommended mitigation measures **AQ-SC3** and **AQ-SC7**.

#### **Rule 804 – Open Areas**

Requires any open area of 0.5 acres or more within urban areas (3 acres or more within rural areas), that contains at least 1,000 square feet of disturbed surface area to comply with the conditions of a stabilized unpaved road surface and to not exceed an opacity limit of 20%, by means of water application, chemical dust suppressants, paving, applying and maintaining gravel, or planting vegetation. Compliance is expected with the implementation of staff recommended mitigation measures **AQ-SC3** and **AQ-SC7**.

#### **Rule 805 – Paved and Unpaved Roads**

Specifies the width of paved shoulders on paved roads and guidelines for medians. Requires gravel, roadmix, paving, landscaping, watering, and/or the use of chemical dust suppressants on unpaved roadways to prevent exceeding an opacity limit of 20%. Compliance is expected with the implementation of staff recommended mitigation measures **AQ-SC3** and **AQ-SC7**.

#### **Rule 806 – Conservation Management Practices**

This rule limits fugitive emissions from Agricultural Operation Sites. The IVS Project facility is not subject to this rule.

### **Regulation XI – New Source Performance Standards**

#### **Rule 1101 – New Source Performance Standards (NSPS)**

This rule incorporates the Federal NSPS (40 CFR 60) rules by reference. The proposed Tier 3 emergency generator engine meets the emission limit requirements of the only NSPS ((Subpart IIII) that applies to the proposed IVS equipment.

#### **C.1.11      NOTEWORTHY PUBLIC BENEFITS**

---

Renewable energy facilities, such as the IVS Project, are needed to meet California's mandated renewable energy goals. While there are no local area air quality public benefits<sup>19</sup> resulting from the proposed project, it would indirectly reduce criteria pollutant emissions within the Southwestern U.S. by reducing fossil fuel fired generation.

#### **C.1.12      PROJECT CLOSURE AND DECOMMISSIONING**

---

Project Closure and Decommissioning is discussed above in Section C.1.4.4.

---

<sup>19</sup> Air quality benefits should not be confused with greenhouse gas/climate change benefits, which are discussed in Appendix AIR-1.

### **C.1.13      RESPONSE TO PUBLIC AND AGENCY COMMENTS**

---

The following responds to the substantial technical comments received from the public (including Intervenor) and agencies on the SA/DEIS air quality section. Specific federal EIS related comments will be responded to later in the FEIS for this project. Additionally, text edits and minor edits to the mitigation measures proposed by the applicant have been implemented as acceptable to staff. Responses to greenhouse gas/climate change comments are included in Appendix Air-1.

#### **California Unions for Reliable Energy (CURE 2010)**

CURE provided a comment that the SA/FEIS was incomplete and needed recirculation, including that the air quality section was not complete due to missing analysis regarding water supply. Specifically, one issue raised was that using water from the Seeley Wastewater Treatment facility would drop the level of the Salton Sea creating significant air quality impacts.

**Response:** This analysis fills that gap, both for the project specific water delivery options that are discussed in Section 4.1.4.2 and the Seeley Wastewater Treatment plant upgrade requirements that are discussed in Section 4.1.4.3, and demonstrates that the issue of water supply is a minor direct air quality issue. Staff believes the issue of Salton Sea level impacts of IVS Project water to be highly speculative. The Seeley Treatment plant is only one of many sources of inflow that reaches the Salton Sea, where the total annual inflow is estimated to be approximately 1,360,000 acre-feet. The project's operating water use would only 33 acre-feet. Even if the level of the Salton were proportional to this drop in inflow the total drop in sea level over the life of the project would be less than 1/24<sup>th</sup> of an inch. Staff's determination is that this water use would not have the potential to create a significant air quality issue at the Salton Sea.

#### **California Native Plant Society (CNPS 2010)**

The CNPS provided comments on air quality regarding the impacts of wind erosion and questions regarding the dust control suppressant that is planned to be used.

**Response:** First, the comments indicate that the air quality analysis is incomplete in regards to windblown dust particulate emission estimation and should use the "MacDougall method". Staff disagrees with this comment for two reasons. First the emission estimates are complete, do include fugitive dust emission, and use recognized and appropriate U.S. EPA fugitive dust emission factors and calculation procedures. Second, the "MacDougall method" is meant for the determination of particulate emissions from vacant lands, which is inconsistent with emissions from a project site that will have stringent fugitive dust control requirements (see conditions of certification **AQ-SC3** and **AQ-SC7**). These mitigation measures require that unpaved roads and other disturbed unpaved areas be stabilized, which would reduce the baseline fugitive dust emissions from wind erosion for the project site.

Second, the comments indicate that no information has been provided regarding the dust suppressant and more review is necessary. Staff again disagrees with this comment for two reasons. First, the applicant did specify the general type of soil binding agent proposed, a polymeric binding agent, and identified a specific product for

reference (Soiltac®) and included project literature and web links for this binding agent. Additionally, the applicant provided a sample of stabilized soils, as the product would be used for the onsite roads, was provided for staff inspection. Secondly, while staff does not believe that specifying a specific binding compound at this point is reasonable as the applicant may find more an efficient binding agent(s) either prior to the start of construction or some later period during construction or operation; staff's condition of certification requires that the Energy Commission approve the soil binder prior to use and requires that the soil binder be "as efficient or more efficient for fugitive dust control as ARB approved soil stabilizers, and shall not increase any other environmental impacts including loss of vegetation.

### **Center for Biological Diversity (CBD 2010)**

The CBD commented that the project would increase particulate emissions through the disruption of cryptobiotic soil crusts and would also reduce CO2 uptake from these soil crusts.

**Response:** Staff agrees that the project will increase particulate emissions from active construction and operation activities, and these direct emission increases have been described in this SSA. However, staff believes that the required use of soil binders for all disturbed areas will actually reduce wind event emissions from the site, as this currently uncontrolled site would require fugitive dust emission controls that would reduce wind event emissions over large areas of the site.

### **Edie Harmon**

Ms. Harmon, in comments 26, 28 and others, indicated concerns with unpaved road travel, particulate emissions, and air quality in general.

**Response:** Staff recognizes that the project will create certain localized emission increases, and to mitigate the project's direct impacts staff has recommended extensive mitigation for unpaved roads, off-road equipment, on-road equipment, etc. during construction and operation that are above and beyond that required by the Imperial County Air Pollution Control District as part of their permit requirements or as necessary to conform with the emission reduction measures identified in their Air Quality Attainment Plan.

Also, please see the response to comments above regarding other specific particulate emission sources and mitigation.

## **C.1.14 CONDITIONS OF CERTIFICATION/ MITIGATION MEASURES**

---

### **C.1.14.1 STAFF CONDITIONS OF CERTIFICATION**

Note that the term "CPM" refers to the Energy Commission's Compliance Project Manager.

**AQ-SC1** Air Quality Construction Mitigation Manager (AQCMM): The project owner shall designate and retain an on-site AQCMM who shall be responsible for directing and documenting compliance with Conditions of Certification **AQ-**

**SC3, AQ-SC4 and AQ-SC5** for the entire project site and linear facility construction. The on-site AQCMM may delegate responsibilities to one or more AQCMM Delegates. The AQCMM and AQCMM Delegates shall have full access to all areas of construction on the project site and linear facilities, and shall have the authority to stop any or all construction activities as warranted by applicable construction mitigation conditions. The AQCMM and AQCMM Delegates may have other responsibilities in addition to those described in this condition. The AQCMM shall not be terminated without written consent of the Compliance Project Manager (CPM).

**Verification:** At least 30 days prior to the start of ground disturbance, the project owner shall submit to the CPM for approval, the name, resume, qualifications, and contact information for the on-site AQCMM and all AQCMM Delegates.

**AQ-SC2** Air Quality Construction Mitigation Plan (AQCMP): The project owner shall provide an AQCMP, for approval, which details the steps that will be taken and the reporting requirements necessary to ensure compliance with Conditions of Certification **AQ-SC3, AQ-SC4, and AQ-SC5**.

**Verification:** At least 30 days prior to the start of any ground disturbance, the project owner shall submit the AQCMP to the CPM for approval. The AQCMP shall include effectiveness and environmental data for the proposed soil stabilizer. The CPM will notify the project owner of any necessary modifications to the plan within 15 days from the date of receipt.

**AQ-SC3** Construction Fugitive Dust Control: The AQCMM shall submit documentation to the CPM in each Monthly Compliance Report that demonstrates compliance with the Air Quality Construction Mitigation Plan (AQCMP) mitigation measures for the purposes of minimizing fugitive dust emission creation from construction activities and preventing all fugitive dust plumes that would not comply with the performance standards identified in **AQ-SC4** from leaving the project site. The following fugitive dust mitigation measures shall be included in the Air Quality Construction Mitigation Plan (AQCMP) required by **AQ-SC2**, and any deviation from the following mitigation measures shall require prior CPM notification and approval.

- a. The main access roads through the facility to the power block areas will be either paved or stabilized using soil binders, or equivalent methods, to provide a stabilized surface that is similar for the purposes of dust control to paving, that may or may not include a crushed rock (gravel or similar material with fines removed) top layer, prior to initiating construction in the main power block area, and delivery areas for operations materials (chemicals, replacement parts, etc.) will be paved or treated prior to taking initial deliveries.
- b. All unpaved construction roads and unpaved operation and maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent that can be determined to be both as efficient or more efficient for fugitive dust control as ARB approved soil stabilizers, and shall not increase any other environmental impacts including loss of vegetation to areas beyond where the soil stabilizers are

being applied for dust control. All other disturbed areas in the project and linear construction sites shall be watered as frequently as necessary during grading (consistent with **BIO-7**); and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods, in order to comply with the dust mitigation objectives of Condition of Certification **AQ-SC4**. The frequency of watering can be reduced or eliminated during periods of precipitation.

- c. No vehicle shall exceed 10 miles per hour on unpaved areas within the construction site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.
- d. Visible speed limit signs shall be posted at the construction site entrances.
- e. All construction equipment vehicle tires shall be inspected and washed as necessary to be cleaned free of dirt prior to entering paved roadways.
- f. Gravel ramps of at least 20 feet in length must be provided at the tire washing/cleaning station.
- g. All unpaved exits from the construction site shall be graveled or treated to prevent track-out to public roadways.
- h. All construction vehicles shall enter the construction site through the treated entrance roadways, unless an alternative route has been submitted to and approved by the CPM.
- i. Construction areas adjacent to any paved roadway below the grade of the surrounding construction area or otherwise directly impacted by sediment from site drainage shall be provided with sandbags or other equivalently effective measures to prevent run-off to roadways, or other similar run-off control measures as specified in the Storm Water Pollution Prevention Plan (SWPPP), only when such SWPPP measures are necessary so that this condition does not conflict with the requirements of the SWPPP.
- j. All paved roads within the construction site shall be swept daily or as needed (less during periods of precipitation) on days when construction activity occurs to prevent the accumulation of dirt and debris.
- k. At least the first 500 feet of any paved public roadway exiting the construction site or exiting other unpaved roads en route from the construction site or construction staging areas shall be swept as needed (less during periods of precipitation) on days when construction activity occurs or on any other day when dirt or runoff resulting from the construction site activities is visible on the public paved roadways.

- l. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds.
- m. All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least 2 feet of freeboard.
- n. Wind erosion control techniques (such as windbreaks, water, chemical dust suppressants, and/or vegetation) shall be used on all construction areas that may be disturbed. Any windbreaks installed to comply with this condition shall remain in place until the soil is stabilized or permanently covered with vegetation.

**Verification:** The AQCMM shall provide the CPM a Monthly Compliance Report to include the following to demonstrate control of fugitive dust emissions:

- A. a summary of all actions taken to maintain compliance with this condition;
- B. copies of any complaints filed with the District in relation to project construction; and
- C. any other documentation deemed necessary by the CPM and AQCMM to verify compliance with this condition. Such information may be provided via electronic format or disk at the project owner's discretion.

**AQ-SC4** Dust Plume Response Requirement: The AQCMM or an AQCMM Delegate shall monitor all construction activities for visible dust plumes. Observations of visible dust plumes that have the potential to be transported (A) off the project site and within 400 feet upwind of any regularly occupied structures not owned by the project owner or (B) 200 feet beyond the centerline of the construction of linear facilities indicate that existing mitigation measures are not resulting in effective mitigation. The AQCMP shall include a section detailing how the additional mitigation measures will be accomplished within the time limits specified. The AQCMM or Delegate shall implement the following procedures for additional mitigation measures in the event that such visible dust plumes are observed:

Step 1: The AQCMM or Delegate shall direct more intensive application of the existing mitigation methods within 15 minutes of making such a determination.

Step 2: The AQCMM or Delegate shall direct implementation of additional methods of dust suppression if Step 1, specified above, fails to result in adequate mitigation within 30 minutes of the original determination.

Step 3: The AQCMM or Delegate shall direct a temporary shutdown of the activity causing the emissions if Step 2, specified above, fails to result in effective mitigation within one hour of the original determination. The activity shall not restart until the AQCMM or Delegate is satisfied that appropriate additional mitigation or other site conditions have changed so

that visual dust plumes will not result upon restarting the shutdown source. The owner/operator may appeal to the CPM any directive from the AQCMM or Delegate to shut down an activity, if the shutdown shall go into effect within one hour of the original determination, unless overruled by the CPM before that time.

**Verification:** The AQCMM shall provide the CPM a Monthly Compliance Report to include:

- A. a summary of all actions taken to maintain compliance with this condition;
- B. copies of any complaints filed with the District in relation to project construction; and
- C. any other documentation deemed necessary by the CPM and AQCMM to verify compliance with this condition. Such information may be provided via electronic format or disk at the project owner's discretion.

**AQ-SC5 Diesel-Fueled Engine Control:** The AQCMM shall submit to the CPM, in the Monthly Compliance Report, a construction mitigation report that demonstrates compliance with the AQCMP mitigation measures for purposes of controlling diesel construction-related emissions. The following off-road diesel construction equipment mitigation measures shall be included in the Air Quality Construction Mitigation Plan (AQCMP) required by **AQ-SC2**, and any deviation from the following mitigation measures shall require prior CPM notification and approval.

- a. All diesel-fueled engines used in the construction of the facility shall have clearly visible tags issued by the on-site AQCMM showing that the engine meets the conditions set forth herein.
- b. All construction diesel engines with a rating of 50 hp or higher shall meet, at a minimum, the Tier 3 California Emission Standards for Off-Road Compression-Ignition Engines, as specified in California Code of Regulations, Title 13, section 2423(b)(1), unless a good faith effort to the satisfaction of the CPM that is certified by the on-site AQCMM demonstrates that such engine is not available for a particular item of equipment. In the event that a Tier 3 engine is not available for any off-road equipment larger than 50 hp, that equipment shall be equipped with a Tier 2 engine, or an engine that is equipped with retrofit controls to reduce exhaust emissions of nitrogen oxides (NOx) and diesel particulate matter (DPM) to no more than Tier 2 levels unless certified by engine manufacturers or the on-site AQCMM that the use of such devices is not practical for specific engine types. For purposes of this condition, the use of such devices is "not practical" for the following, as well as other, reasons.
  - 1. There is no available retrofit control device that has been verified by either the California Air Resources Board or U.S. Environmental Protection Agency to control the engine in question to Tier 2 equivalent emission levels and the highest level of available control using retrofit or Tier 1 engines is being used for the engine in question; or

2. The construction equipment is intended to be on site for 10 days or less.
3. The CPM may grant relief from this requirement if the AQCMM can demonstrate a good faith effort to comply with this requirement and that compliance is not practical.
- c. The use of a retrofit control device may be terminated immediately, provided that the CPM is informed within 10 working days of the termination and that a replacement for the equipment item in question meeting the controls required in item "b" occurs within 10 days of termination of the use, if the equipment would be needed to continue working at this site for more than 15 days after the use of the retrofit control device is terminated, if one of the following conditions exists :
  1. The use of the retrofit control device is excessively reducing the normal availability of the construction equipment due to increased down time for maintenance, and/or reduced power output due to an excessive increase in back pressure.
  2. The retrofit control device is causing or is reasonably expected to cause engine damage.
  3. The retrofit control device is causing or is reasonably expected to cause a substantial risk to workers or the public.
  4. Any other seriously detrimental cause which has the approval of the CPM prior to implementation of the termination.
- d. All heavy earth-moving equipment and heavy duty construction-related trucks with engines meeting the requirements of (b) above shall be properly maintained and the engines tuned to the engine manufacturer's specifications.
- e. All diesel heavy construction equipment shall not idle for more than five minutes. Vehicles that need to idle as part of their normal operation (such as concrete trucks) are exempted from this requirement.
- f. Construction equipment will employ electric motors when feasible.

**Verification:** The AQCMM shall include in the Monthly Compliance Report the following to demonstrate control of diesel construction-related emissions:

- A. A summary of all actions taken to maintain compliance with this condition;
- B. A list of all heavy equipment used on site during that month, including the owner of that equipment and a letter from each owner indicating that equipment has been properly maintained; and
- C. Any other documentation deemed necessary by the CPM, and the AQCMM to verify compliance with this condition. Such information may be provided via electronic format or disk at the project owner's discretion.



**AQ-SC6** The project owner, when obtaining dedicated on-road or off-road vehicles for mirror washing activities and other facility maintenance activities, shall only obtain vehicles that meet California on-road vehicle emission standards or appropriate U.S.EPA/California off-road engine emission standards for the latest model year available when obtained.

**Verification:** At least 30 days prior to the start of commercial operation, the project owner shall submit to the CPM a copy of the plan that identifies the size and type of the on-site vehicle and equipment fleet and the vehicle and equipment purchase orders and contracts and/or purchase schedule. The plan shall be updated every other year and submitted in the Annual Compliance Report.

**AQ-SC7** The project owner shall provide a site Operations Dust Control Plan, including all applicable fugitive dust control measures identified in the verification of **AQ-SC3** that would be applicable to minimizing fugitive dust emission creation from operation and maintenance activities and preventing all fugitive dust plumes that would comply with the performance standards identified in **AQ-SC4** from leaving the project site; that:

- A. describes the active operations and wind erosion control techniques such as windbreaks and chemical dust suppressants, including their ongoing maintenance procedures, that shall be used on areas that could be disturbed by vehicles or wind anywhere within the project boundaries; and
- B. identifies the location of signs throughout the facility that will limit traveling on unpaved portion of roadways to solar equipment maintenance vehicles only. In addition, vehicle speed shall be limited to no more than 10 miles per hour on these unpaved roadways, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.

The site operations fugitive dust control plan shall include the use of durable non-toxic soil stabilizers on all regularly used unpaved roads and disturbed off-road areas, or alternative methods for stabilizing disturbed off-road areas, within the project boundaries, and shall include the inspection and maintenance procedures that will be undertaken to ensure that the unpaved roads remain stabilized. The soil stabilizer used shall be a non-toxic soil stabilizer or soil weighting agent that can be determined to be both as efficient or more efficient for fugitive dust control as ARB approved soil stabilizers, and shall not increase any other environmental impacts including loss of vegetation to areas beyond where the soil stabilizers are being applied for dust control.

The performance and application of the fugitive dust controls shall also be measured against and meet the performance requirements of condition **AQ-SC4**. The performance requirements of **AQ-SC4** shall also be included in the operations dust control plan.

**Verification:** At least 30 days prior to the start of commercial operation, the project owner shall submit to the CPM for review and approval a copy of the site Operations Dust Control Plan that identifies the dust and erosion control procedures, including

effectiveness and environmental data for the proposed soil stabilizer, that will be used during operation of the project and that identifies all locations of the speed limit signs. Within 60 days after the start of commercial operation, the project owner shall provide to the CPM a report identifying the locations of all speed limit signs, and a copy of the project employee and contractor training manual that clearly identifies that project employees and contractors are required to comply with the dust and erosion control procedures and on-site speed limits.

**AQ-SC8** The project owner shall provide the CPM copies of all District issued Authority-to-Construct (ATC) and Permit-to-Operate (PTO) documents for the facility.

The project owner shall submit to the CPM for review and approval any modification proposed by the project owner to any project federal air permit. The project owner shall submit to the CPM any modification to any federal permit proposed by the District or U.S. Environmental Protection Agency (U.S. EPA), and any revised federal permit issued by the District or U.S. EPA, for the project.

**Verification:** The project owner shall submit any ATC, PTO, and proposed federal air permit modifications to the CPM within 5 working days of its submittal either by 1) the project owner to an agency, or 2) receipt of proposed modifications from an agency. The project owner shall submit all modified ATC/PTO documents and all federal air permits to the CPM within 15 days of receipt.

**AQ-SC9** The emergency generator engine procured for this project will meet or exceed the U.S. EPA New Source Performance Standard (NSPS) Subpart IIII and ARB Air Toxic Control Measure (ATCM) emission standards for the model year that corresponds to the date of purchase.

**Verification:** The project owner shall submit the emergency engine specifications to the CPM at least 30 days prior to purchasing the engines for review and approval.

**AQ-SC10** The gasoline tank and appurtenances procured for this project will meet or exceed all vapor recovery and standing loss requirements in affect at the time of construction.

**Verification:** The project owner shall submit the gasoline tank and refueling equipment specifications and documentation of compliance with effective vapor recovery and standing loss requirements to the CPM at least 30 prior to purchasing the equipment for review and approval.

## **C.1.14.2 DISTRICT CONDITIONS**

### **DISTRICT FINAL DETERMINATION OF COMPLIANCE CONDITIONS (ICAPCD 2009c)**

#### ***General Conditions***

#### **EQUIPMENT DESCRIPTION:**

A. Emergency Generator Engine, 335 hp diesel engine.

B. 5,000 gallon above ground fuel storage tank.

**AQ-1** Operation of this equipment shall be in compliance with all data and specifications submitted with the application on August 11<sup>th</sup>, 2008 (FR#574708) under which this permit is issued unless otherwise noted.

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or CEC staff.

**AQ-2** Operation of the described equipment shall be in compliance with all applicable Imperial County Air Pollution Control District Rules and Regulations.

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or CEC staff.

**AQ-3** This Permit does not authorize the emissions of air contaminants in excess of those allowed by U.S.EPA (Title 40 of the Code of Federal Regulations), the State of California Division 26, Part 24, Chapter 3 of the Health and Safety Code, or the APCD (Rules and Regulations).

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or Energy Commission staff.

**AQ-4** This permit cannot be considered permission to violate applicable existing laws, regulations, rules, or statutes of other governmental agencies.

**Verification:** Not necessary.

**AQ-5** No air contaminant shall be released into the atmosphere which causes a public nuisance, caused by permitted operation.

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or Energy Commission staff.

#### ***Facility Roads***

**AQ-6** Materials used for Chemical Stabilization of soils, including petroleum resins, asphaltic emulsions, acrylics, and adhesives shall not violate State Water Quality Control Board standards for use as a soil stabilizer. Materials accepted by the California Air Resources Board (ARB) and the United States Environmental Protection Agency (EPA), and which meet State water quality standards, shall be considered acceptable to the ICAPCD.

**Verification:** Compliance with Conditions **AQ-SC3** and **AQ-SC4** during construction and Condition **AQ-SC7** during operation will demonstrate compliance with this condition.

**AQ-7** Any use of dust suppressants or gravel pads, and paving materials such as asphalt or concrete for paving, shall comply with other applicable District rules.

**Verification:** Compliance with Conditions **AQ-SC3** and **AQ-SC4** during construction and Condition **AQ-SC7** during operation will demonstrate compliance with this condition.

**AQ-8** The project owner shall apply Soiltec soil conditioner or a similar product on all unpaved roads once per year or as necessary to comply with application information.

**Verification:** Compliance with Conditions **AQ-SC3** and **AQ-SC4** during construction and Condition **AQ-SC7** during operation will demonstrate compliance with this condition.

**AQ-9** The project owner must clean up any bulk material tracked out or carried out onto a paved road at the end of the work day.

**Verification:** Compliance with Conditions **AQ-SC3** and **AQ-SC4** during construction and Condition **AQ-SC7** during operation will demonstrate compliance with this condition.

**AQ-10** All paved and unpaved roads shall limit Visible Dust Emissions (VDE) to 20% opacity, as determined by the test methods for "Visual Determination of Opacity" in Rule 800 Appendix A.

**Verification:** Compliance with Conditions **AQ-SC3** and **AQ-SC4** during construction and Condition **AQ-SC7** during operation will demonstrate compliance with this condition.

**AQ-11** The project owner shall compile and retain records that provide evidence of control measure application. The project owner shall describe, in the records, the type of treatment or control measure, extent of coverage, and date applied. For control measures which require multiple daily applications, recordings the frequency of application will fulfill the recordkeeping requirements of this rule (i.e., water being applied three times a day and the date). Records shall be provided to the ICAPCD upon request.

**Verification:** Compliance with Conditions **AQ-SC3** and **AQ-SC4** during construction and Condition **AQ-SC7** during operation will demonstrate compliance with this condition.

### ***Emergency Generator Engine***

#### **EQUIPMENT DESCRIPTION:**

Emergency Generator Engine, 335 hp diesel engine.

**AQ-12** A log shall be maintained on the premises showing hours of operation and routine repairs of emergency generator engine. This log shall be made available for inspection by the ICAPCD.

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or Energy Commission staff.

**AQ-13** The emergency generator engine shall be restricted to operate a total of 50 hours per year for non-emergency testing and maintenance purposes.

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or Energy Commission staff.

**AQ-14** The project owner shall submit to the ICAPCD an annual report by the end of February of each operating year containing the monthly fuel consumption and hours operated per month for the unit.

**Verification:** As part of the Annual Compliance Report, the project owner shall include the monthly fuel consumption and hour operated records required by this condition, including a photograph showing the annual reading of engine hours.

**AQ-15** The emergency generator shall not be used to provide power to sources other than this facility.

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or CEC staff.

**AQ-16** The diesel engine shall not discharge into the atmosphere any visible air contaminant other than uncombined water vapor, for a period or periods aggregating more than three minutes in any one hour, which is 20 percent opacity or greater.

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or CEC staff.

**AQ-17** Hour Meter, with a minimum display capability of 9,999 hours, shall be installed and maintained to proper working condition for the unit.

**Verification:** At least thirty (30) days prior to the installation of the engine, the project owner shall provide the District and the CPM the specification of the hour timer.

**AQ-18** Emergency generator set's diesel is subject to New Source Performance Standards (NSPS) Subpart IIII and shall meet Tier 3 emissions standards (40 CFR 60.4205 (b)).

**Verification:** The project owner shall submit the emergency engine specifications to the District and the CPM for review and approval at least 30 days prior to purchasing the engine.

### ***Above Ground Storage Tank***

#### **EQUIPMENT DESCRIPTION:**

5,000 gallon above ground fuel storage tank.

**AQ-19** The Phase I Vapor Recovery System shall be installed and operated in accordance with the requirements of the California Air Resources Board (ARB) Executive Order G-70-102-A – Certification of a Phase I Vapor Recovery System for Aboveground Storage Tanks with less than 40,000 Gallons Capacity for Gasoline or Gasoline/Methanol Blended Fuels (ARB E.O. G-70-102-A).

**Verification:** The project owner shall submit the ARB Phase I Vapor Recovery System specifications to the District for approval, if required by District rules and to the CPM for review at least 30 days prior to installing the system.

**AQ-20** The Phase II Vapor Recovery System, including all associated underground and aboveground plumbing, shall be installed, operated, and maintained in accordance with ARB's Executive Order G-70-52-AM – Certification of Components for Red Jacket, Hirt, and Balance Phase II Vapor Recovery System and Executive Order G-70-162-A – Steel Tank Institute Fireguard Aboveground Tank Vapor Recovery System. Section 41954(f) of the California Health and Safety Code prohibits the sale, offering for sale, or installation of any vapor control system unless the system has been certified by ARB (ARB E.O. G-70-52-AM; ARB E.O. G-70-162-A).

**Verification:** The project owner shall submit the ARB Phase II Vapor Recovery System specifications to the District for approval, if required by District rules and to the CPM for review at least 30 days prior to installing the system.

**AQ-21** All applicable components shall be maintained to a state that is leak free and vapor tight (ICAPCD Rule 415).

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or CEC staff.

**AQ-22** The District shall be notified when installation of all piping and control fittings required by aforementioned Rules has been completed. Vapor control piping and fittings shall remain exposed until the District has inspected the installation or given approval to complete back fill (ICAPCD Rule 415 & 108).

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or CEC staff.

**AQ-23** Each vent pipe shall be equipped with an ARB certified pressure/vacuum relief valve. Plumbing may be manifolded to reduce the number of relief valves needed. The settings of the pressure/vacuum relief valve(s) shall be as follows:

a) Positive Pressure Setting: 2.5 to 6.0 inches H<sub>2</sub>O

b) Negative Pressure Setting: 6.0 to 10.0 inches H<sub>2</sub>O (ARB E.O. G-70-102-A).

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or CEC staff.

- AQ-24** The project owner shall successfully conduct the following performance tests of the Phase I Vapor Recovery System within thirty (30) days of start-up:
- a) ARB TP-201.3B – Determination of Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities with Aboveground Storage Tanks (ARB E.O. G-70-102-A; ICAPCD Rule 415)

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or CEC staff.

- AQ-25** For the purpose of compliance determination, all tests shall be conducted after all back-filling, paving, and installation of all Phase I and Phase II components, including P/V valves, have been completed (ICAPCD Rule 415).

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or CEC staff.

- AQ-26** The project owner shall submit all test results for the initial performance tests required pursuant to condition **AQ-24** within twenty (20) days of start-up (ICAPCD Rule 415).

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or CEC staff.

- AQ-27** The performance tests required pursuant to condition **AQ-24** shall be successfully conducted at least once in each twelve (12) month period after the date of successful completion of the startup performance testing. Test results shall be submitted to the Air District within twenty (20) days of conducting these annual tests (ICAPCD Rule 415).

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or CEC staff.

- AQ-28** The project owner shall annually submit to the Air District a report containing the gasoline throughput from the preceding calendar year. This annual report shall be submitted to this office no later than February 28th.

**Verification:** As part of the Annual Compliance Report, the project owner shall include gasoline throughput and annual VOC emission estimates.

- AQ-29** The project owner shall maintain an operational and maintenance manual for the Phase I and Phase II vapor recovery system of the facility. The manual must be kept at the facility and made available to the APCD upon request (ICAPCD Rule 415).

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or Energy Commission staff.

- AQ-30** The project owner shall perform monthly liquid and vapor leak inspections during product transfer operations. Information record shall include date of inspection, findings, leak determination method, corrective action, and name and signature of person performing the inspection (District Rule 415).

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or Energy Commission staff.

**AQ-31** Uncertified, missing, or improperly installed equipment and emission related defects shall be tagged out of service immediately. Such defects include, but are not limited to, suffered damage or wear which prevents proper operation of equipment (ICAPCD Rule 415).

**Verification:** During site inspection, the project owner shall make all records and reports available to the District, ARB, U.S.EPA or Energy Commission staff.

## **C.1.15 CONCLUSIONS**

---

Staff has made the following conclusions about the IVS Project:

- The proposed project would not have the potential to exceed PSD emission levels during direct source operation and the facility is not considered a major stationary source with potential to cause adverse NEPA air quality impacts. However, without adequate fugitive dust mitigation, the proposed project would have the potential to exceed the General Conformity PM10 applicability threshold during construction and operation and the NOx applicability threshold during construction, and could cause potential localized exceedances of the PM10 NAAQS during construction and operation. Recommended Conditions of Certification **AQ-SC1** through **AQ-SC4**, for construction, and **AQ-SC7**, for operation, will adequately mitigate these potentially adverse NEPA impacts.
- The proposed project would comply with applicable District Rules and Regulations and staff recommends the inclusion of the District's FDOC conditions as Conditions of Certification **AQ-1** through **AQ-31**.
- The proposed project's construction activities, if left unmitigated, would likely contribute to significant CEQA adverse PM10 and ozone impacts. Staff recommends **AQ-SC1** to **AQ-SC5** to mitigate the potential impacts.
- The proposed project's operation would not cause new violations of any NO<sub>2</sub>, SO<sub>2</sub>, PM2.5 or CO ambient air quality standards. Therefore, the project-direct operation NOx, SOx, PM2.5 and CO emission impacts are not CEQA significant.
- The proposed project's direct and indirect, or secondary emissions contribution to existing violations of the ozone and PM10 ambient air quality standards are likely CEQA significant if unmitigated. Therefore, staff recommends **AQ-SC6** to mitigate the onsite maintenance vehicle emissions and **AQ-SC7** to mitigate the operating fugitive dust emissions to ensure that the potential ozone and PM10 CEQA impacts are mitigated to less than significant over the life of the project.
- To ensure compliance with emergency engine emission and gasoline tank vapor recovery regulations at the time of their purchase, staff recommends **AQ-SC9** and **AQ-SC10**, respectively.
- The proposed project would be consistent with the requirements of SB 1368 and the Emission Performance Standard for greenhouse gases (see **Appendix Air-1**).



## **C.1.16 REFERENCES**

---

- ARB 2005 (California Air Resources Board) – Characterization of Ambient PM10 and PM2.5 in California, Technical Report. June 2005.
- ARB 2009a (California Air Resources Board) – California Ambient Air Quality Standards available on ARB Website. <http://www.arb.ca.gov/aqs/aqs.htm>. Accessed 2009.
- ARB 2009b (California Air Resources Board) – Air Designation Maps available on ARB website. <http://www.arb.ca.gov/design/adm/adm.htm>. Accessed 2009.
- ARB 2009c (California Air Resources Board) – California Ambient Air Quality Data Statistics available on ARB website. <http://www.arb.ca.gov/adam/welcome.html>. Accessed 2009.
- CBD 2010 - Center for Biological Diversity. Comments on Draft Environmental Impact Statement and Draft California Desert Conservation Area Plan Amendment for the SES Solar Two Project (08-AFC-5), Imperial County (tn: 56993), May 26, 2010.
- CCR 2006 – California Code of Regulations, Chapter 3 (CEQA Guidelines), Article 17, §§15250—15253 as amended on July 11, 2006.
- CEC 2008h – BLM and Energy Commission staff's Data Requests Set 1 Part 2 (53-127). December 2, 2008.
- CEC 2009x – BLM and Energy Commission staff's Data Requests Set 2 Part 1 (128-141). May 6, 2009.
- CEC 2009xx – CEC Staff PDOC comment letter. September 21, 2007.
- CNPS 2010 - CNPS Comments Regarding Imperial Valley Solar SAIDEIS, Docket #08-AFC-5 (tn: 56887), May 27, 2010.
- CURE 2010 – Comments of the California Unions for Reliable Energy on the Draft Environmental Impact Statement for the Imperial Valley Solar Project (08-AFC-5) (tn 56915). May 27.
- ICAPCD 2008b – Notice of Preliminary Determination of Compliance (PDOC). Permit Number 3838 – SES Solar Two Project (08-AFC-5), Dated August 12, 2009, received August 18, 2009.
- ICAPCD 2008c – Notice of Final Determination of Compliance (FDOC) Permit Number 3838 – SES Solar Two Project (08-AFC-5), dated and received October 14, 2009.
- SES (Stirling Energy Systems Solar Two, LLC) 2008a – Application for Certification for the Stirling Energy Systems (SES) Solar Two Project, Volumes 1 and 2. Submitted to the California Energy Commission, June 30, 2008.

SES 2009i – Applicant’s Response to BLM and Energy Commission Data Requests  
53-110, March 26, 2009.

SES 2009n – Applicant’s Response to BLM and Energy Commission Data Requests  
128-141, June 5, 2009.

SES 2010g - Imperial Valley Solar (formerly Solar Two) (08-AFC-5) Supplement to the  
Application for Certification. May 5, 2010

URS 2010a - Imperial Valley Solar (formerly Solar Two) (08-AFC-5) Modeling Analysis  
for Federal NO<sub>2</sub>-1 Hour Standard. March 31, 2010. Received by Dockets April  
13, 2010.

U.S.EPA 2009a – United States Environmental Protection Agency. The Green Book  
Nonattainment Areas for Criteria Pollutants. [http://www.epa.gov/oar/oaqps/  
greenbk/index.html](http://www.epa.gov/oar/oaqps/greenbk/index.html). Accessed October 2009.

U.S.EPA 2009b – United States Environmental Protection Agency. AirData database  
ambient air quality data for El Centro and Calexico, California. [http://www.epa.  
gov/aqspubl1/annual\\_summary.html](http://www.epa.gov/aqspubl1/annual_summary.html). Accessed October 2009.

WC (Weather Channel) 2009 – Averages and records for El Centro, California. Website:  
<http://www.weather.com>. Accessed October 2009.

**THIS PAGE IS INTENTIONALLY LEFT BLANK**

# APPENDIX AIR-1 - GREENHOUSE GAS EMISSIONS

Testimony of William Walters, P.E.

## SUMMARY OF CONCLUSIONS<sup>20</sup>

---

The Imperial Valley Solar (IVS) Project is a proposed addition to the state's electricity system. IVS Project is a solar concentrating thermal power plant, which is comprised of 30,000 solar dish Stirling systems (referred to as SunCatchers). Each SunCatcher focuses solar energy to power a 25-kilowatt Stirling engine. As a solar project, its greenhouse gas (GHG) emission would be considerably less than the existing statewide average GHG emissions per unit of generation and considerably less than the GHG emissions from existing fossil fuel fired power plants providing generation to California, and thus would contribute to continued reduction of GHG emissions in the interconnected California and the western United States electricity systems.

While IVS Project would emit some GHG emissions, the contribution to the system build-out of renewable resources to meet the goals of the Renewable Portfolio Standard (RPS) in California would result in a net cumulative reduction of energy generation and GHG emissions from new and existing fossil-fired electricity resources. Electricity is produced by operation of inter-connected generation resources. Operation of one power plant, like IVS Project, affects all other power plants in the interconnected system. The operation of the IVS Project would affect the overall electricity system operation and GHG emissions in several ways:

- IVS Project would provide low-GHG, renewable generation.
- IVS Project would facilitate to some degree the replacement of high GHG emitting (e.g., out-of-state coal) electricity generation that must be phased out to meet the State's 2006 Emissions Performance Standard.
- IVS Project could facilitate to some extent the replacement of generation provided by aging fossil-fired power plants that use once-through cooling.

These system impacts would result in a net reduction in GHG emissions across the electricity system providing energy and capacity to California. Thus, staff concludes that the proposed project would result in a cumulative overall reduction in GHG emissions from power plants, does not worsen current conditions, and would not result in impacts that are cumulatively CEQA significant.

Staff concludes that the short-term minor emission of greenhouse gases during construction that are necessary to create this new low GHG-emitting power generating facility would be sufficiently reduced by "best practices" and would be more than offset by GHG emission reductions during operation. Thus, construction GHG emissions would not be CEQA significant.

---

<sup>20</sup> Staff's conclusions provided in the SA/DEIS have not changed. This Supplemental Staff Assessment (SSA) includes information regarding minor changes to the project description and greenhouse gas (GHG) emissions (SES 2010g).

The IVS Project, as a renewable energy generation facility, is determined by rule to comply with the Greenhouse Gas Emission Performance Standard requirements of SB 1368 (Chapter 11, Greenhouse Gases Emission Performance Standard, Article 1, Section 2903 [b][1]).

The California Air Resources Board (ARB) has promulgated regulations for mandatory GHG emission reporting to comply with the California Global Warming Solutions Act of 2006 (AB 32 Núñez, Statutes of 2006, Chapter 488, Health and Safety Code sections 38500 et seq.) (ARB 2008a). The IVS Project, which solely generates electricity from solar power, is exempt from the mandatory GHG emission reporting requirements for electricity generating facilities [CCR Title 17 §95101(c)(1)]. However, the proposed project may be subject to future reporting requirements and GHG reductions or trading requirements as additional state or federal GHG regulations are developed and implemented.

## INTRODUCTION

---

Greenhouse gas (GHG) emissions are not criteria pollutants, but they are discussed in the context of cumulative impacts. However, on April 2, 2007, the U.S. Supreme Court found that GHGs are pollutants that must be covered by the federal Clean Air Act. In response, on September 30, 2009, the U.S. Environmental Protection Agency proposed to apply Prevention of Significant Deterioration (PSD) requirements to facilities whose carbon dioxide-equivalent emissions exceed 25,000 tons per year (U.S.EPA 2009c). The rule making is not finalized, but the GHG emissions for IVS Project are not expected to exceed this amount.

The state has demonstrated a clear willingness to address global climate change through research, adaptation and inventory reductions. In that context, staff evaluates the GHG emissions from the proposed project, presents information on GHG emissions related to electricity generation, and describes the applicable GHG standards and requirements.

Generation of electricity can produce greenhouse gases with the criteria air pollutants that have been traditionally regulated under the federal and state Clean Air Acts. For fossil fuel-fired power plants, the GHG emissions include primarily carbon dioxide, with much smaller amounts of nitrous oxide (N<sub>2</sub>O, not NO or NO<sub>2</sub>, which are commonly known as NO<sub>x</sub> or oxides of nitrogen), and methane (CH<sub>4</sub> – often from unburned natural gas). For solar energy generation projects the stationary source GHG emissions are much smaller than fossil fuel-fired power plants, but the associated maintenance vehicle emissions are higher. Other sources of GHG emissions include sulfur hexafluoride (SF<sub>6</sub>) from high voltage equipment and hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs) from refrigeration/chiller equipment. GHG emissions from the electricity sector are dominated by CO<sub>2</sub> emissions from carbon-based fuels; other sources of GHG emissions are small and also are more likely to be easily controlled or reused or recycled, but are nevertheless documented here as some of the compounds have very high global warming potentials.

Global warming potential is a relative measure, compared to carbon dioxide, of a compound's residence time in the atmosphere and ability to warm the planet. Mass

emissions of GHGs are converted into carbon dioxide equivalent (CO<sub>2</sub>E) metric tonnes (MT) for ease of comparison.

## **LAWS, ORDINANCES, REGULATIONS, AND STANDARDS**

The following federal, state, and local laws and policies in **Greenhouse Gas Table 1** pertain to the control and mitigation of greenhouse gas emissions. Staff's analysis examines the proposed project's compliance with these requirements.

## **GLOBAL CLIMATE CHANGE AND ELECTRICITY PRODUCTION**

There is general scientific consensus that climate change is occurring and that human activity contributes in some measure (perhaps substantially) to that change. Man-made emissions of greenhouse gases, if not sufficiently curtailed, are likely to contribute further to continued increases in global temperatures. Indeed, the California Legislature finds that "[g]lobal warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California" (Cal. Health & Safety Code, sec. 38500, division 25.5, part 1).

**Greenhouse Gas Table 1**  
**Laws, Ordinances, Regulations, and Standards (LORS)**

<b>Applicable Law</b>	<b>Description</b>
<b>Federal</b>	
40 Code of Federal Regulations (CFR) Part 98	This rule requires mandatory reporting of GHG emissions for facilities that emit more than 25,000 metric tons of CO <sub>2</sub> equivalent emissions per year.
<b>State</b>	
California Global Warming Solutions Act of 2006, AB 32 (Stats. 2006; Chapter 488; Health and Safety Code sections 38500 et seq.)	This act requires the California Air Resources Board (ARB) to enact standards that will reduce GHG emission to 1990 levels by 2020. Electricity production facilities will be regulated by the ARB.
California Code of Regulations, tit. 17, Subchapter 10, Article 2, sections 95100 et. seq.	These ARB regulations implement mandatory GHG emissions reporting as part of the California Global Warming Solutions Act of 2006 (Stats. 2006; Chapter 488; Health and Safety Code sections 38500 et seq.)
Title 20, California Code of Regulations, section 2900 et seq.; CPUC Decision D0701039 in proceeding R0604009	The regulations prohibit utilities from entering into long-term contracts with any base load facility that does not meet a greenhouse gas emission standard of 0.5 metric tonnes carbon dioxide per megawatt-hour (0.5 MTCO <sub>2</sub> /MWh) or 1,100 pounds carbon dioxide per megawatt-hour (1,100 lbs CO <sub>2</sub> /MWh).

In 1998, the Energy Commission identified a range of strategies to prepare for an uncertain climate future, including a need to account for the environmental impacts associated with energy production, planning, and procurement (CEC 1998, p.5). In 2003, the Energy Commission recommended that the state require reporting of greenhouse gases (GHG) or global climate change<sup>21</sup> emissions as a condition of state licensing of new electric generating facilities (CEC 2003, IEPR p. 42). In 2006,

<sup>21</sup> Global climate change is the result of greenhouse gases, or air emissions with global warming potentials, affecting the global energy balance, and thereby, climate of the planet. The term greenhouse gases (GHG) and global climate change (GCC) gases are used interchangeably.

California enacted the California Global Warming Solutions Act of 2006 (AB 32). It requires the California Air Resources Board (ARB) to adopt standards that will reduce statewide GHG emissions to statewide GHG emissions levels in 1990, with such reductions to be achieved by 2020.<sup>22</sup> To achieve this, ARB has a mandate to define the 1990 emissions level and achieve the maximum technologically feasible and cost-effective GHG emission reductions.

The ARB adopted early action GHG reduction measures in October 2007, adopted mandatory reporting requirements and the 2020 statewide target in December 2007, and adopted a statewide scoping plan in December 2008 to identify how emission reductions will be achieved from major sources of GHG via regulations, market mechanisms, and other actions. ARB staff is developing regulatory language to implement its plan and holds ongoing public workshops on key elements of the recommended GHG reduction measures, including market mechanisms (ARB 2006). The regulations must be effective by January 1, 2011 and mandatory compliance commences on January 1, 2012. The mandatory reporting requirements are effective for electric generating facilities with a nameplate capacity equal or greater than 1 megawatt (MW) capacity if their emissions exceed 2,500 metric tonnes per year. The due date for initial reports by existing facilities was June 1, 2009.

Examples of strategies that the state might pursue for managing GHG emissions in California, in addition to those recommended by the Energy Commission and the Public Utilities Commission, were identified in the California Climate Action Team's Report to the Governor (CalEPA 2006). The scoping plan approved by ARB in December 2008 builds upon the overall climate policies of the Climate Action Team report and shows the recommended strategies to achieve the goals for 2020 and beyond. Some strategies focus on reducing consumption of petroleum across all areas of the California economy. Improvements in transportation energy efficiency (fuel economy), land use planning, and alternatives to petroleum-based fuels are slated to provide substantial reductions by 2020 (CalEPA 2006). The scoping plan includes a requirement for 33% of California's electrical energy to be provided from renewable sources by 2020 (implementing California's 33% RPS goal), aggressive energy efficiency targets, and a cap-and-trade system that includes the electricity sector (ARB 2008b).

It is likely that GHG reductions mandated by ARB will not be uniform across emitting sectors, in that reductions will be based on cost-effectiveness (i.e., the greatest effect for the least cost). For example, the ARB proposes a 40% reduction in GHG from the electricity sector, even though that sector currently only produces about 25% of the state's GHG emissions. In response, in September 2008 the Energy Commission and the Public Utilities Commission provided recommendations (CPUC 2008) to ARB on how to achieve such reductions through both programmatic and regulatory approaches, and identified regulation points should ARB decide that a multi-sector cap and trade system is warranted.

The Energy Commission's *2007 Integrated Energy Policy Report* (IEPR) also addressed climate change within the electricity, natural gas, and transportation sectors (CEC

---

<sup>22</sup> Governor Schwarzenegger has also issued Executive Order S-3-05 establishing a goal of 80% below 1990 levels by 2050.

2007). For the electricity sector, it recommended such approaches as pursuing all cost-effective energy efficiency measures and meeting the Governor's stated goal of a 33% renewable portfolio standard. The Energy Commission's *2009 Integrated Energy Policy Report* continues to emphasize the importance of meeting greenhouse gas emissions reduction goals along with other important statewide issues such as backing out use of once-through cooling in coastal California power plants (CEC 2009d).

SB 1368<sup>23</sup>, enacted in 2006, and regulations adopted by the Energy Commission and the Public Utilities Commission pursuant to the bill, prohibits California utilities from entering into long-term commitments with any base load facilities that exceed the Emission Performance Standard of 0.500 metric tonnes CO<sub>2</sub> per megawatt-hour<sup>24</sup> (1,100 pounds CO<sub>2</sub>/MWh). Specifically, the SB 1368 Emission Performance Standard (EPS) applies to base load power from new power plants, new investments in existing power plants, and new or renewed contracts with terms of five years or more, including contracts with power plants located outside of California.<sup>25</sup> If a project, in-state or out of state, plans to sell base load electricity to a California utility, that utility will have to demonstrate that the project meets the EPS. *Base load* units are defined as units that operate at a capacity factor higher than 60%. As a renewable electricity generating facility, IVS Project is determined by rule to be compliant with the SB 1368 EPS.

In addition to these programs, California is involved in the Western Climate Initiative, a multi-state and international effort to establish a cap and trade market to reduce greenhouse gas emissions in the Western United States and the Western Electricity Coordinating Council (WECC). The timelines for the implementation of this program are similar to those of AB 32, with full roll-out beginning in 2012. And as with AB 32, the electricity sector has been a major focus of attention.

## ELECTRICITY PROJECT GREENHOUSE GAS EMISSIONS

Electricity use can be as simple as turning on a switch to operate a light or fan. The system to deliver adequate and reliable electricity supply is complex and variable. But it operates as an integrated whole to meet demand, such that the dispatch of a new source of generation generally curtails or displaces one or more less efficient or less competitive existing sources. Within the system, generation resources provide electricity, or energy, generating capacity, and ancillary services to stabilize the system and facilitate electricity delivery, or movement, over the grid. *Capacity* is the instantaneous output of a resource, in megawatts. *Energy* is the capacity output over a unit of time, for example an hour or year, generally reported as megawatt-hours or gigawatt-hours (GWh). Ancillary services<sup>26</sup> include regulation, spinning reserve, non-spinning reserve, voltage support, and black start capability. Individual generation resources can be built and operated to provide only one specific service. Alternatively, a resource may be able to provide one or all of these services, depending on its design and constantly changing system needs and operations.

---

<sup>23</sup> Public Utilities Code § 8340 et seq.

<sup>24</sup> The Emission Performance Standard only applies to carbon dioxide, and does not include emissions of other greenhouse gases converted to carbon dioxide equivalent.

<sup>25</sup> See Rule at [http://www.cpuc.ca.gov/PUBLISHED/FINAL\\_DECISION/64072.htm](http://www.cpuc.ca.gov/PUBLISHED/FINAL_DECISION/64072.htm)

<sup>26</sup> See page CEC 2009b, page 95.



California is actively pursuing policies to reduce GHG emissions that include adding non-GHG emitting renewable generation resources to the system mix. The generation of electricity using fossil fuels, even in a back-up generator at a thermal solar plant, produces air emissions known as greenhouse gases in addition to the criteria air pollutants that have been traditionally regulated under the federal and state Clean Air Acts. Greenhouse gas emissions contribute to the warming of the earth's atmosphere, leading to climate change.

## PROJECT CONSTRUCTION

Construction of industrial facilities such as power plants requires coordination of numerous equipment and personnel. The concentrated on-site activities result in short-term, unavoidable increases in vehicle and equipment emissions that include greenhouse gases. The greenhouse gas emissions estimate, determined for the entire 40 month construction period, is presented below in revised **Greenhouse Gas Table 2**<sup>27</sup>, where the GHG emissions were converted by staff into MTCO<sub>2</sub>E and totaled.

**Greenhouse Gas Table 2 - Revised**  
**IVS Estimated Potential Construction Greenhouse Gas Emissions**

Construction Element	CO <sub>2</sub> -Equivalent (MTCO <sub>2</sub> E) <sup>a,b</sup>
On-Site Construction Equipment	4,983.73
On-Site Construction/Delivery Trucks	1,886.93
On-Site Worker/Security Vehicles	144.20
Off-Site Construction Trucks	337.22
Off-Site Worker/Security Vehicles	4,301.43
Off-Site SunCatcher Delivery Trucks	7,551.25
Construction Total	19,204.77

Source: SES 2010g, Table 2.2-7

<sup>a</sup> One metric tonne (mt) equals 1.1 short tons or 2,204.6 pounds or 1,000 kilograms

<sup>b</sup> The vast majority of the CO<sub>2</sub>E emissions, over 99 percent, is CO<sub>2</sub> from these combustion sources.

## PROJECT OPERATIONS

Operations GHG emissions are shown in revised **Greenhouse Gas Table 3**<sup>28</sup>. Operation of the proposed IVS Project would cause GHG emissions from the facility maintenance fleet and employee trips, emergency fire pump engine, and sulfur hexafluoride emissions from new electrical component equipment.

<sup>27</sup> The project construction GHG emissions have been updated to include water trucking emissions. Additionally, the applicant has corrected the on-road emission factors, developed from the ARB EMFAC model, from a 10 mile per hour speed basis to a 50 mile per hour speed basis.

<sup>28</sup> The project operation GHG emissions have been updated to include water trucking emissions. Additionally, the applicant has corrected the on-road emission factors, developed from the ARB EMFAC model, from a 10 mile per hour speed basis to a 50 mile per hour speed basis.

**Greenhouse Gas Table 3 - Revised**  
**Estimated IVS Potential Operating Greenhouse Gas Emissions**

	Annual CO <sub>2</sub> -Equivalent (MTCO <sub>2</sub> E) <sup>a</sup>
Onsite Combustion <sup>b</sup>	1,066.71
Offsite Total <sup>b</sup>	719.92
Equipment Leakage (SF <sub>6</sub> )	271.83
<b>Total Project GHG Emissions – MTCO<sub>2</sub>E <sup>b</sup></b>	<b>2,058.47</b>
Facility MWh per year <sup>c</sup>	1,620,000
Facility GHG Performance (MTCO <sub>2</sub> E/MWh)	0.00127

Source: SES 2010g, Table 2.2-8

<sup>a</sup> One metric tonne (MT) equals 1.1 short tons or 2,204.6 pounds or 1,000 kilograms.

<sup>b</sup> The vast majority of the CO<sub>2</sub>E emissions, over 99 percent, is CO<sub>2</sub> from these two emission sources.

<sup>c</sup> Approximately a 25 percent capacity factor.

**Greenhouse Gas Table 3** shows what the proposed project, as permitted, could potentially emit in greenhouse gases on an annual basis. All emissions are converted to CO<sub>2</sub>-equivalent and totaled. Electricity generation GHG emissions are generally dominated by CO<sub>2</sub> emissions from the carbon-based fuels; other sources of GHG are typically small and also are more likely to be easily controlled or reused/recycled. For this solar project the primary fuel, solar energy, is greenhouse gas free, but there is direct and indirect gasoline and diesel fuel use in the maintenance vehicles, offsite delivery vehicles, staff and employee vehicles, and the diesel-fueled emergency engine. Another GHG emission source for this proposed project is SF<sub>6</sub> from electrical equipment leakage.

The proposed project is estimated to emit, directly from primary and secondary emission sources on an annual basis, nearly 2,000 metric tonnes of CO<sub>2</sub>-equivalent GHG emissions per year. The IVS Project, as a renewable energy generation facility, is determined by rule to comply with the Greenhouse Gas Emission Performance Standard requirements of SB 1368 (Chapter 11, Greenhouse Gases Emission Performance Standard, Article 1, Section 2903 [b][1]). Regardless, IVS Project has an estimated GHG emission rate of 0.00127 MTCO<sub>2</sub>E/MWh, well below the Greenhouse Gas Emission Performance Standard of 0.500 MTCO<sub>2</sub>/MWh.

### **Solar Project Energy Payback Time**

The beneficial energy and greenhouse gas impacts of renewable energy projects can also be measured by the *energy payback time*<sup>29</sup>. **Greenhouse Gas Tables 2 and 3** provide an estimate of the onsite construction and operation emissions, employee transportation emissions, and the final segment of offsite materials and consumables transportation. However, there are additional direct transportation and indirect manufacturing GHG emissions associated with the construction and operation of the proposed project, which are all considered in the determination of the energy payback time. A document sponsored by Greenpeace estimates that the energy payback time for concentrating solar power plants, such as IVS Project, to be on the order of 5 months

<sup>29</sup> The energy payback time is the time required to produce an amount of energy as great as what was consumed during production, which in the context of a solar power plant includes all of the energy required during construction and operation.

(Greenpeace 2005, Page 9); and the project life for IVS Project is estimated to be 40 years (SES 2008a, p. 3-74). Therefore, the proposed project's GHG emissions reduction potential from energy displacement would be substantial<sup>30</sup>.

### **Natural Carbon Uptake Reduction**

The proposed project would cause the clearing of land and removal of vegetation, which would reduce the ongoing natural carbon uptake by vegetation. A study of the Mojave Desert indicated that the desert may uptake carbon in amounts as high as 100 grams per square meter per year (Wohlfahrt et al. 2008). This would equate to a maximum reduction in carbon uptake, calculated as CO<sub>2</sub>, of 1.48 MT of CO<sub>2</sub> per acre per year for areas with complete vegetation removal. For this 6,500 acre project, which does not require the complete removal of vegetation over most of the project site, the maximum equivalent loss in carbon uptake would be 9,645 MT of CO<sub>2</sub> per year, which would correspond to 0.006 MT of CO<sub>2</sub> per MWh generated. Therefore, the natural carbon uptake loss is negligible in comparison with the reduction in fossil fuel CO<sub>2</sub> emissions, which can range from 0.35 to 1.0 MT of CO<sub>2</sub> per MWh depending on the fuel and technology, that is enabled by this proposed project.

## **CLOSURE AND DECOMMISSIONING**

Closure and decommissioning, as a one-time limited duration event, would have emissions that are similar in type and magnitude, but likely lower than, the construction emissions as discussed above.

## **ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

---

Staff assesses four kinds of impacts: construction, operation, closure and decommissioning, and cumulative effects. As the name implies, construction impacts result from the emissions occurring during the construction of the proposed project. The operation impacts result from the emissions of the proposed project during operation. Cumulative impacts analysis assesses the impacts that result from the proposed project's incremental effect viewed over time. The impact of GHG emissions caused by this solar facility is characterized by considering how the power plant would affect the overall electricity system. The integrated electricity system depends on non-fossil and fossil-fueled generation resources to provide energy and satisfy local capacity needs. As directed by the Energy Commission's adopted order initiating an informational (OII) proceeding (08-GHG OII-1) (CEC 2009a), staff is refining and implementing the concept of a "blueprint" that describes the long-term roles (i.e., retirements and displacement) of fossil-fueled power plants in California's electricity system as we move to a high-renewable, low-GHG electricity system, which will include projects like IVS Project.

---

<sup>30</sup> The GHG displacement for the project would be similar to, but not exactly the same as, the amount of energy produced after energy payback is achieved multiplied by the average GHG emissions per unit of energy displaced. The average GHG emissions for the displaced energy over the project life is not known but currently fossil fuel fired power plants have GHG emissions that range from 0.35 MT/MWh CO<sub>2</sub>E for the most efficient combined cycle gas turbine power plants to over 1.0 MT/MWh for coal fired power plants.

## PROPOSED PROJECT

### Construction Impacts

Staff concludes that the GHG emission increases from construction activities would not be CEQA significant for several reasons. First, the period of construction would be short-term and the emissions intermittent during that period, not ongoing during the life of the proposed project. Second, best practices control measures that staff recommends, such as limiting idling times and requiring, as appropriate, equipment that meets the latest emissions standards would further minimize greenhouse gas emissions since the use of newer equipment would increase efficiency and reduce GHG emissions and be compatible with low-carbon fuel (e.g., bio-diesel and ethanol) mandates that will likely be part of the ARB regulations to reduce GHG from construction vehicles and equipment. And lastly, these temporary GHG emissions are necessary to create this renewable energy source that would provide power with a very low GHG emissions profile, and the construction emissions would be more than offset by the reduction in fossil fuel fired generation that would be enabled by this proposed project. If the proposed project construction emissions were distributed over the 40 year life of the proposed project they would only increase the project life time annual facility GHG emissions rate by 0.00030 MT CO<sub>2</sub>E per MW.

### Direct/Indirect Operation Impacts and Mitigation

The proposed IVS Project promotes the state's efforts to move towards a high-renewable, low-GHG electricity system, and, therefore, reduces both the amount of natural gas used by electricity generation and greenhouse gas emissions.

Net GHG emissions for the integrated electric system will decline when new renewable power plants are added to: 1) move renewable generation towards the 33% target; 2) improve the overall efficiency, or GHG emission rate, of the electric system; or 3) serve load growth or capacity needs more efficiently, or with fewer GHG emissions.

### **The Role of IVS in Renewables Goals/Load Growth**

As California moves towards an increased reliance on renewable energy by implementing the Renewables Portfolio Standard (RPS), non-renewable energy resources will be displaced. These reductions in non-renewable energy, shown in **Greenhouse Gas Table 4**, are targeted to be as much as 36,500 GWh. These assumptions are conservative in that the forecasted growth in electricity retail sales assumes that the impacts of planned increases in expenditures on (uncommitted) energy efficiency are already embodied in the current retail sales forecast<sup>31</sup>. Energy Commission staff estimates that as much as 18,000 GWh of additional savings due to uncommitted energy efficiency programs may be forthcoming.<sup>32</sup> This would reduce non-renewable energy needs by a further 12,000 GWh given a 33% RPS.

---

<sup>31</sup> Energy efficiency savings are already represented in the current Energy Commission demand forecast adopted December 2009 (CEC 2009c).

<sup>32</sup> See *Incremental Impacts of Energy Efficiency Policy Initiatives Relative to the 2009 Integrated Energy Policy Report Adopted Demand Forecast* (CEC-200-2010-001-D, January, 2010), page 2. Table 1 indicates that additional conservation for the three investor-owned utilities may be as high as 14,374 GWh. Increasing this value by 25% to account for the state's publicly-owned utilities yields a total reduction of 17,967 GWh.

**Greenhouse Gas Table 4**  
**Estimated Changes in Non-Renewable Energy Potentially Needed to Meet**  
**California Loads, 2008-2020**

<b>California Electricity Supply</b>	<b>Annual GWh</b>	
Statewide Retail Sales, 2008, actual <sup>a</sup>	264,794	
Statewide Retail Sales, 2020, forecast <sup>a</sup>	289,697	
Growth in Retail Sales, 2008-20	24,903	
Growth in Net Energy for Load <sup>b</sup>	29,840	
<b>California Renewable Electricity</b>	<b>GWh @ 20% RPS</b>	<b>GWh @ 33% RPS</b>
Renewable Energy Requirements, 2020 <sup>c</sup>	57,939	95,600
Current Renewable Energy, 2008	29,174	
Change in Renewable Energy-2008 to 2020	28,765	66,426
Resulting Change in Non-Renewable Energy	176	(36,586)

Source: Energy Commission staff 2010.

Notes:

a. 2009 IPER Demand Forecast, Form 1.1c. Excludes pumping loads for entities that do not have an RPS.

b. 2009 IEPR Demand Forecast, Form 1.5a.

c. RPS requirements are a percentage of retail sales.

### **The Role of IVS in Retirements/Replacements**

IVS Project would be capable of annually providing 1,620 GWh of renewable generation energy to replace resources that are or will likely be precluded from serving California loads. State policies, including GHG goals, are discouraging or prohibiting new contracts and new investments in high GHG-emitting facilities such as coal-fired, generation, generation that relies on water for once-through cooling, and aging power plants (CEC 2007). Some of the existing plants that are likely to require substantial capital investments to continue operation in light of these policies may be unlikely to undertake the investments and will retire or be replaced.

### ***Replacement of High GHG-Emitting Generation***

High GHG-emitting resources, such as coal, are effectively prohibited from entering into new long-term contracts for California electricity deliveries as a result of the Emissions Performance Standard adopted in 2007 pursuant to SB 1368. Between now and 2020, more than 18,000 GWh of energy procured by California utilities under these contracts will have to reduce GHG emissions or be replaced; these contracts are presented in **Greenhouse Gas Table 5**.

**Greenhouse Gas Table 5**  
**Expiring Long-term Contracts with Coal-fired Generation 2009 – 2020**

Utility	Facility <sup>a</sup>	Contract Expiration	Annual GWh Delivered to CA
PG&E, SCE	Misc In-state Qual. Facilities <sup>a</sup>	2009-2019	4,086
LADWP	Intermountain	2009-2013	3,163 <sup>b</sup>
City of Riverside	Bonanza, Hunter	2010	385
Department of Water Resources	Reid Gardner	2013 <sup>c</sup>	1,211
SDG&E	Boardman	2013	555
SCE	Four Corners	2016	4,920
Turlock Irrigation District	Boardman	2018	370
LADWP	Navajo	2019	3,832
<b>TOTAL</b>			<b>18,522</b>

Source: Energy Commission staff based on Quarterly Fuel and Energy Report (QFER) filings.

Notes:

- a. All facilities are located out-of-state except for the Miscellaneous In-state Qualifying Facilities.
- b. Estimated annual reduction in energy provided to LADWP by Utah utilities from their entitlement by 2013.
- c. Contract not subject to Emission Performance Standard, but the Department of Water Resources has stated its intention not to renew or extend.

This represents almost half of the energy associated with California utility contracts with coal-fired resources that will expire by 2030. If the State enacts a carbon adder<sup>33</sup>, all the coal contracts (including those in **Greenhouse Gas Table 5**, which expire by 2020 and, other contracts that expire beyond 2020 and are not shown in the table) may be retired at an accelerated rate as coal-fired energy becomes uncompetitive due to the carbon adder or the capital needed to capture and sequester the carbon emissions. Also shown are the approximate 500 MW of in-state coal and petroleum coke-fired capacity that may be unlikely to contract with California utilities for baseload energy due to the SB1368 Emission Performance Standard. As these contracts expire, new and existing generation resources will replace the lost energy and capacity. Some will come from renewable generation such as this proposed project; some will come from new and existing natural gas fired generation. All of these new facilities will have substantially lower GHG emissions rates than coal and petroleum coke-fired facilities, which typically averages about 1.0 MTCO<sub>2</sub>/MWh without carbon capture and sequestration. Thus, new renewable facilities will result in a net reduction in GHG emissions from the California electricity sector.

### ***Retirement of Generation Using Once-Through Cooling***

The State Water Resource Control Board (SWRCB) has proposed major changes to once-through cooling (OTC) units, shown in **Greenhouse Gas Table 6**, which would likely require extensive capital to retrofit, or retirement, or substantial curtailment of dozens of generating units. In 2008, these units collectively produced almost 58,000 GWh. While the more recently built OTC facilities may well install dry or wet cooling towers and continue to operate, the aging OTC plants are not likely to be retrofit to use

<sup>33</sup> A carbon adder or carbon tax is a specific value added to the cost of a project for per ton of associated carbon or carbon dioxide emissions. Because it is based on, but not limited to, actual operations and emission and can be trued up at year end, it is considered a simple mechanism to assign environmental costs to a project.

dry or wet cooling towers without the power generation also being retrofit or replaced to use a more efficient and lower GHG emitting combined cycle gas turbine technology. Most of these existing OTC units operate at low capacity factors, suggesting a limited ability to compete in the current electricity market. Although the timing would be uncertain, new resources would out-compete aging plants and would displace the energy provided by OTC facilities and likely accelerate their retirements.

Any additional costs associated with complying with the SWRCB regulation would be amortized over a limited revenue stream today and into the foreseeable future. Their energy and much of their dispatchable, load-following capability will have to be replaced. These units constitute over 15,000 MW of merchant capacity and 17,800 GWh of merchant energy. Of this, much but not all of the capacity and energy are in local reliability areas, requiring a large share of replacement capacity – absent transmission upgrades – to locations in the same local reliability area. **Greenhouse Gas Table 6** provides a summary of the utility and merchant energy supplies affected by the OTC regulations.

New renewable generation resources will emit substantially less GHG emissions on average than other energy generation sources. Existing aging and OTC natural gas facility generation typically averages 0.6 to 0.7 MTCO<sub>2</sub>/MWh, which is much less efficient, higher GHG emitting, than a renewable energy project like IVS Project. A project like IVS Project, located far from the coastal load pockets like the San Diego and Los Angeles Local Reliability Areas (LRAs), would more likely provide energy support to facilitate the retirement of some aging and/or OTC power plants, but would not likely provide any local capacity support at or near the coastal OTC units. Regardless, due to its low greenhouse gas emissions, IVS Project would serve to reduce GHG emissions from the electricity sector.

### **Closure and Decommissioning**

Eventually the facility would close, either at the end of its useful life or due to some unexpected situation such as a natural disaster or catastrophic facility breakdown. When the facility closes, all sources of air emissions would cease to operate and thus impacts associated with those greenhouse gas emissions would no longer occur. The only other expected, albeit temporary, GHG emissions would be equipment exhaust (off-road and on-road) from dismantling activities. These activities would be of much a shorter duration than construction of the proposed project, equipment used to dismantle the facility are assumed to have lower comparative GHG emissions due to technology advancement, and would be required to be controlled in a manner at least equivalent to that required during construction. It is assumed that the beneficial GHG impacts of this facility, displacement of fossil fuel fired generation, would be replaced by the construction of newer more efficiency renewable energy or other low GHG generating technology facilities. Also, the recycling of the facility components (steel, concrete, etc.) could indirectly reduce GHG emissions from decommissioning activities. Therefore, while there would be temporary adverse greenhouse gas CEQA impacts during decommissioning they are determined to be less than significant.

**Greenhouse Gas Table 6**  
**Aging and Once-Through Cooling Units: 2008 Capacity and Energy Output <sup>a</sup>**

Plant, Unit Name	Owner	Local Reliability Area	Aging Plant?	Capacity (MW)	2008 Energy Output (GWh)	GHG Emission Rate (MTCO <sub>2</sub> /MWh)
Diablo Canyon 1, 2	Utility	None	No	2,232	17,091	Nuclear
San Onofre 2, 3	Utility	L.A. Basin	No	2,246	15,392	Nuclear
Broadway 3 <sup>b</sup>	Utility	L.A. Basin	Yes	75	90	0.648
El Centro 3, 4 <sup>b</sup>	Utility	None	Yes	132	238	0.814
Grayson 3-5 <sup>b</sup>	Utility	LADWP	Yes	108	150	0.799
Grayson CC <sup>b</sup>	Utility	LADWP	Yes	130	27	0.896
Harbor CC	Utility	LADWP	No	227	203	0.509
Haynes 1, 2, 5, 6	Utility	LADWP	Yes	1,046	1,529	0.578
Haynes CC	Utility	LADWP	No	560	3,423	0.376
Humboldt Bay 1, 2 <sup>a</sup>	Utility	Humboldt	Yes	107	507	0.683
Olive 1, 2 <sup>b</sup>	Utility	LADWP	Yes	110	11	1.008
Scattergood 1-3	Utility	LADWP	Yes	803	1,327	0.618
<b>Utility-Owned</b>				<b>7,776</b>	<b>39,988</b>	<b>0.693</b>
Alamitos 1-6	Merchant	L.A. Basin	Yes	1,970	2,533	0.661
Contra Costa 6, 7	Merchant	S.F. Bay	Yes	680	160	0.615
Coolwater 1-4 <sup>b</sup>	Merchant	None	Yes	727	576	0.633
El Segundo 3, 4	Merchant	L.A. Basin	Yes	670	508	0.576
Encina 1-5	Merchant	San Diego	Yes	951	997	0.674
Etiwanda 3, 4 <sup>b</sup>	Merchant	L.A. Basin	Yes	666	848	0.631
Huntington Beach 1, 2	Merchant	L.A. Basin	Yes	430	916	0.591
Huntington Beach 3, 4	Merchant	L.A. Basin	No	450	620	0.563
Mandalay 1, 2	Merchant	Ventura	Yes	436	597	0.528
Morro Bay 3, 4	Merchant	None	Yes	600	83	0.524
Moss Landing 6, 7	Merchant	None	Yes	1,404	1,375	0.661
Moss Landing 1, 2	Merchant	None	No	1,080	5,791	0.378
Ormond Beach 1, 2	Merchant	Ventura	Yes	1,612	783	0.573
Pittsburg 5-7	Merchant	S.F. Bay	Yes	1,332	180	0.673
Potrero 3	Merchant	S.F. Bay	Yes	207	530	0.587
Redondo Beach 5-8	Merchant	L.A. Basin	Yes	1,343	317	0.810
South Bay 1-4	Merchant	San Diego	Yes	696	1,015	0.611
<b>Merchant-Owned</b>				<b>15,254</b>	<b>17,828</b>	<b>0.605</b>
<b>Total In-State OTC</b>				<b>23,030</b>	<b>57,817</b>	

Source: Energy Commission staff based on Quarterly Fuel and Energy Report (QFER) filings.

a. OTC Humboldt Bay Units 1 and 2 are included in this list. They must retire in 2010 when the new Humboldt Bay Generating Station (not ocean-cooled), currently under construction, enters commercial operation.

b. Units are aging but are not OTC.



## 300 MW ALTERNATIVE

The 300 MW alternative would essentially be Phase 1 of the proposed 750 MW project. This alternative is shown in Alternatives Figure 1A. The 300 MW alternative would consist of 12,000 SunCatchers with a net generating capacity of approximately 300 MW occupying approximately 2,600 acres of land. The 300 MW alternative would transmit power to the grid through the SDG&E Imperial Valley Substation and would require infrastructure similar to the 750 MW project, including a water supply pipeline, transmission line, road access, operations facilities, substation, and hydrogen system (SES 2008a). This infrastructure would require approximately 40 acres.

The 300 MW alternative would retain 40% of the SunCatchers, 40% of the power generating potential, and would affect 40% of the land of the proposed 750 MW project. In terms of GHG emissions, the 300 MW alternative is estimated to create approximately 54.7% of the construction and operation GHG emissions<sup>34</sup> due to reduced efficiency of scale and staffing, and a requirement for certain facilities and other activities regardless of project size (SES 2009n).

The results of the 300 MW Alternative would be the following:

- The impacts of the proposed project would not occur on the lands not used due to the smaller project size. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project.
- The benefits of the proposed project in displacing fossil fuel fired generation and reducing associated greenhouse gas emissions from gas-fired generation would be slightly reduced. The overall efficiency would decrease slightly, or the GHG emission rate per unit of generation would increase slightly, due to reduction in efficiencies of scale. Both State and Federal law support the increased use of renewable power generation.

If the 300 MW Alternative were approved, other renewable projects would likely be developed that would compensate for the loss of generation compared to the proposed project on other sites in Imperial County, the Mojave Desert, or in adjacent states as developers strive to provide renewable power that complies with utility requirements and State/Federal mandates.

## DRAINAGE AVOIDANCE #1 ALTERNATIVE

The Drainage Avoidance #1 alternative would consist of 25,290 SunCatchers with a net generating capacity of approximately 632 MW occupying the entire proposed project footprint but avoiding primary drainages, which reduces the total project development to 4,690 acres. This alternative is shown in **Alternatives Figure 1B**. The Drainage Avoidance #1 alternative would transmit power to the grid through the SDG&E Imperial

---

<sup>34</sup> The applicant estimated that the annual operating emissions for the 300 MW size would be approximately 54.7% of the proposed project, 1,086.95 MTCO<sub>2</sub>E per year versus 1,987.68 MTCO<sub>2</sub>E per year (SES 2009i, SES 2009n). The applicant did not provide a similar construction emission estimate for the 300 MW Alternative, but staff assumes that a similar reduction in efficiency and increase in GHG emission per MW built would also occur during construction.

Valley Substation and would require infrastructure similar to the 750 MW project, including a water supply pipeline, transmission line, road access, operations facilities, substation, and hydrogen system (SES 2008a). This infrastructure would require approximately 40 acres.

The Drainage Avoidance #1 alternative would retain 84.3% of the SunCatchers, 84.3% of the power generating potential, and would affect 72.2% of the land of the proposed 750 MW project. In terms of GHG emissions, the Drainage Avoidance #1 alternative is estimated by staff to create slightly more than 88.2% of the construction GHG emissions and slightly more than 88.2% of the operation GHG emissions<sup>35</sup> due to reduced efficiency of scale and staffing, and a requirement for certain facilities and other activities regardless of project size (SES 2009n).

The results of the Drainage Avoidance #1 alternative would be the following:

- The impacts of the proposed project would not occur on the lands not used due to the smaller project size, and these lands are assumed not to be available for other uses as they would be within the proposed project's controlled fence line.
- The benefits of the proposed project in displacing fossil fuel fired generation and reducing associated greenhouse gas emissions from gas-fired generation would be slightly reduced. The overall efficiency, would decrease slightly, or the GHG emission rate per unit of generation would increase slightly, due to reduction in efficiencies of scale. Both State and Federal law support the increased use of renewable power generation.

If the Drainage Avoidance #1 alternative were approved, other renewable projects may be developed that would compensate for the loss of generation compared to the proposed project on other sites in the Imperial County, the Mojave Desert, or in adjacent states as developers strive to provide renewable power that complies with utility requirements and State/Federal mandates.

## **DRAINAGE AVOIDANCE #2 ALTERNATIVE**

The Drainage Avoidance #2 alternative would consist of 16,915 SunCatchers with a net generating capacity of approximately 423 MW occupying only the central portion of the proposed project area, and avoiding the major drainages east and west of the central portion, which reduces the total project development to 3,153 acres. This alternative is shown in **Alternatives Figure 1C**. The Drainage Avoidance #2 alternative would transmit power to the grid through the SDG&E Imperial Valley Substation and would require infrastructure similar to the 750 MW project, including a water supply pipeline, transmission line, road access, operations facilities, substation, and hydrogen system (SES 2008a). This infrastructure would require approximately 40 acres.

The Drainage Avoidance #2 alternative would retain 56.4% of the SunCatchers, 56.4% of the power generating potential, and would affect 48.5% of the land of the proposed 750 MW project. In terms of GHG emissions, it is estimated that this alternative would

---

<sup>35</sup> This estimate is based on a linear MW capacity approach using the applicants provided project and 300 MW alternative estimates for operating emissions (SES 2009i, SES 2009n), which are assumed to be similar to the construction emission efficiency per MW of capacity.

create more than 67.3% of the construction GHG emissions and more than 67.3% of the operation GHG emissions<sup>36</sup> due to reduced efficiency of scale and staffing, and a requirement for certain facilities and other activities regardless of project size (SES 2009n).

The results of the Drainage Avoidance #2 alternative would be the following:

- The impacts of the proposed project would not occur on the lands not used due to the smaller project size. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project.
- The benefits of the proposed project in displacing fossil fuel fired generation and reducing associated greenhouse gas emissions from gas-fired generation would be slightly reduced. The overall efficiency, would decrease slightly, or the GHG emission rate per unit of generation would increase slightly, due to reduction in efficiencies of scale. Both State and Federal law support the increased use of renewable power generation.

If the Drainage Avoidance #2 alternative were approved, other renewable projects may be developed that would compensate for the loss of generation compared to the proposed project on other sites in the Imperial County, the Mojave Desert, or in adjacent states as developers strive to provide renewable power that complies with utility requirements and State/Federal mandates.

## **NO PROJECT / NO ACTION ALTERNATIVE**

There are three No Project / No Action Alternatives evaluated as follows:

### **No Project / No Action Alternative #1: No Action on IVS application and on CDCA land use plan amendment**

Under this alternative, the proposed IVS Project would not be approved by the CEC and BLM and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

The results of the No Project / No Action Alternative would be the following:

- The impacts of the proposed project would not occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another renewable energy project.
- The benefits of the proposed project in displacing fossil fuel fired generation and reducing associated greenhouse gas emissions from gas-fired generation would not occur. Both State and Federal law support the increased use of renewable power generation.

---

<sup>36</sup> This estimate is based on a linear MW capacity approach using the applicants provided project and 300 MW alternative estimates for operating emissions (SES 2009i, SES 2009n), which are assumed to be similar to the construction emission efficiency per MW of capacity.

If the proposed project is not approved, renewable projects would likely be developed on other sites in Imperial County, the Mojave Desert, or in adjacent states as developers strive to provide renewable power that complies with utility requirements and State/Federal mandates. For example, there are two large wind projects proposed on BLM land within a few miles of the IVS Project site in addition to large wind projects proposed in Mexico, south of the proposed site. In addition, there are seven large solar projects proposed on BLM land within the area served by the BLM El Centro Field Office. There are currently 70 applications for solar projects covering 611,692 acres pending with BLM in the California Desert District.

**No Project / No Action Alternative #2: No Action on IVS and amend the CDCA land use plan to make the area available for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the CEC and BLM and BLM would amend the CDCA Land Use Plan of 1980, as amended, to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site would be developed with the same or a different solar technology. As a result, GHG emissions would result from the construction and operation of the solar technology and would likely be similar to the GHG emissions from the proposed project. Different solar technologies require different amounts of construction and operations maintenance; however, it is expected that all the technologies would provide the more significant benefit, like the proposed project, of displacing fossil fuel fired generation and reducing associated GHG emissions. As such, this No Project/No Action Alternative could result in GHG benefits similar to those of the proposed project.

**No Project / No Action Alternative #3: No Action on IVS application and amend the CDCA land use plan to make the area unavailable for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the CEC and BLM and the BLM would amend the CDCA Plan to make the proposed site unavailable for future solar development. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because the CDCA Plan would be amended to make the area unavailable for future solar development, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, the greenhouse gas emissions from the site, including carbon uptake, is not expected to change noticeably from existing conditions and, as such, this No Project/No Action Alternative would not result in the GHG benefits from the proposed project. However, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

## **CUMULATIVE IMPACTS**

*Cumulative impacts* are defined as “two or more individual effects which, when considered together, are considerable or . . . compound or increase other environmental impacts” (CEQA Guidelines § 15355). “A cumulative impact consists of an impact that is created as a result of a combination of the project evaluated in the EIR together with other projects causing related impacts” (CEQA Guidelines § 15130[a][1]). Such impacts may be relatively minor and incremental, yet still be significant because of the existing environmental background, particularly when one considers other closely related past, present, and reasonably foreseeable future projects.

Cumulative effects are defined by NEPA regulations as “...the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions” (40 CFR 1508.7).

This entire assessment is a cumulative impact assessment and the findings described elsewhere in this section are cumulative impact findings. The proposed project alone would not be sufficient to change global climate, but would emit greenhouse gases and therefore has been analyzed as a potential cumulative impact in the context of existing GHG regulatory requirements and GHG energy policies.

## **COMPLIANCE WITH LAWS, ORDINANCES, REGULATIONS, AND STANDARDS**

---

IVS Project, as a solar energy generation project, is exempt from the mandatory GHG emission reporting requirements for electricity generating facilities as currently required by the California Air Resources Board (ARB) for compliance with the California Global Warming Solutions Act of 2006 (AB 32 Núñez, Statutes of 2006, Chapter 488, Health and Safety Code sections 38500 et seq.) (ARB 2008a).

The IVS Project, as a renewable energy generation facility, is determined by rule to comply with the Greenhouse Gas Emission Performance Standard requirements of SB 1368 (Chapter 11, Greenhouse Gases Emission Performance Standard, Article 1, Section 2903 [b][1]).

Since the proposed project would have emissions that are below 25,000 MT/year of CO<sub>2</sub>E, the proposed project would not be subject to federal mandatory reporting of greenhouse gases. It would also be exempt from the state’s greenhouse gas reporting requirements.

## **NOTEWORTHY PUBLIC BENEFITS**

---

Greenhouse gas related noteworthy public benefits include the construction of renewable and low-GHG emitting generation technologies and the potential for successful integration into the California and greater WECC electricity systems. Additionally, the IVS Project would contribute to meeting the state’s AB 32 goals.

## **RESPONSE TO PUBLIC AND AGENCY COMMENTS**

---

The following responds to the substantial technical comments received from the public (including Intervenor) and agencies on the SA/DEIS greenhouse gas Appendix Air-1. Specific federal EIS related comments will be responded to later in the FEIS for this project. Additionally, text edits proposed by the applicant have been implemented as acceptable to staff.

### **Center for Biological Diversity (CBD 2010)**

The CBD commented that the project would reduce CO<sub>2</sub> uptake from these soil crusts and that the project fails to adequately identify, analyze, and offset GHG emission impacts, implying that the project has significant GHG impacts.

Staff agrees that the project would to some extent reduce natural CO<sub>2</sub> uptake and has provided a conservative estimate of the CO<sub>2</sub> emissions reductions that would not occur due to the project. However, as shown in this section the uptake loss emissions are orders of magnitude less than the CO<sub>2</sub> emission reductions that will occur due to the displacement of fossil fuel power production that would be caused by the operation of this renewable energy facility. Therefore, from a GHG emission perspective the loss of cryptobiotic soils is more than offset by the proposed project's GHG emission reductions.

Staff very strongly disagrees with the second point raised by CBD. In this appendix staff has identified direct GHG emissions sources, has identified indirect emissions sources and has identified energy payback time for the project as a whole, which clearly demonstrate that this project does not have significant GHG/climate change impact and that no GHG/climate change mitigation measures are required. One of the major reasons, if not the primary reason, to build renewable power plants is to reduce fossil fuel use and GHG emissions. By their very nature and purpose renewable energy projects will reduce GHG emissions and therefore would not have significant GHG/climate change impacts. In fact, renewable energy projects can be thought of as GHG emission mitigation projects for the electricity generation section, and certainly serve as such when integrated into a utilities RPS portfolio.

## **CONCLUSIONS**

---

The IVS Project would emit considerably less greenhouse gases (GHG) than existing power plants and most other generation technologies, and thus would contribute to continued improvement of the overall western United States, and specifically California, electricity system GHG emission rate average. The proposed project would lead to a net reduction in GHG emissions across the electricity system that provides energy and capacity to California. Thus, staff concludes that the proposed project's operation would result in a cumulative overall reduction in GHG emissions from the state's power plants that would create a beneficial effect under both CEQA and NEPA impact, would not worsen current conditions, and would thus not result in CEQA impacts that are cumulatively significant or result in adverse NEPA impacts.

Staff concludes that the GHG emission increases typical from construction and decommissioning activities would not be CEQA significant for several reasons. First, the periods of construction and decommissioning would be short-term and not ongoing during the life of the project. Second, the best practices control measures that staff recommends, such as limiting idling times and requiring, as appropriate, equipment that meets the latest emissions standards, would further minimize greenhouse gas emissions since the use of newer equipment would increase efficiency and reduce GHG emissions and be compatible with low-carbon fuel (e.g., bio-diesel and ethanol) mandates that will likely be part of the ARB regulations to reduce GHG from construction vehicles and equipment. Finally, the construction and decommissioning emissions are miniscule when compared to the reduction in fossil-fuel power plant greenhouse gas emissions during project operation. For all these reasons, staff would conclude that the short-term emission of greenhouse gases during construction would be sufficiently reduced and would be offset during project operations and would, therefore, not be CEQA significant.

The IVS Project, as a renewable energy generation facility, is determined by rule to comply with the Greenhouse Gas Emission Performance Standard requirements of SB 1368 (Chapter 11, Greenhouse Gases Emission Performance Standard, Article 1, Section 2903 [b](1)).

## **MITIGATION MEASURES/PROPOSED CONDITIONS OF CERTIFICATION**

---

No Conditions of Certification related to project greenhouse gas emissions are proposed because this proposed project would create beneficial GHG impacts. The project owner would have to comply with any future applicable GHG regulations formulated by the ARB or the U.S.EPA, such as GHG reporting or emissions cap and trade markets.

## REFERENCES

---

- ARB 2006 – Air Resources Board. AB 32 Fact Sheets, California Global Warming Solutions Act of 2006 and Timeline. [www.arb.ca.gov/cc/cc.htm](http://www.arb.ca.gov/cc/cc.htm). September 2006.
- ARB 2008a – Air Resources Board. Instructional Guidance for Mandatory GHG Emissions Reporting. <http://www.arb.ca.gov/cc/reporting/ghg-rep/ghg-rep-guid/ghg-rep-guid.htm>. December 2008
- ARB 2008b – California Air Resource Board. Climate Change, Proposed Scoping Plan a Framework for Change, Pursuant to AB 32. Released October 2008, approved December 2008. <http://www.arb.ca.gov/cc/scopingplan/document/scopingplandocument.htm>.
- CalEPA 2006 – California Environmental Protection Agency. Climate Action Team Report to Governor Schwarzenegger and the Legislature. March, 2006. [http://www.climatechange.ca.gov/climate\\_action\\_team/reports/2006report/2006-04-03\\_FINAL\\_CAT\\_REPORT.PDF](http://www.climatechange.ca.gov/climate_action_team/reports/2006report/2006-04-03_FINAL_CAT_REPORT.PDF)
- CBD 2010 - Center for Biological Diversity. Comments on Draft Environmental Impact Statement and Draft California Desert Conservation Area Plan Amendment for the SES Solar Two Project (08-AFC-5), Imperial County (tn: 56993), May 26, 2010.
- CEC 1998 – California Energy Commission. 1997 Global Climate Change, Greenhouse Gas Emissions Reduction Strategies for California, Volume 2, Staff Report. 1998. <http://www.climatechange.ca.gov/publications/97GLOBALVOL2.PDF>
- CEC 2003 – California Energy Commission. 2003 Integrated Energy Policy Report. December 2003. <http://www.energy.ca.gov/reports/100-03-019F.PDF>
- CEC 2007 – California Energy Commission. 2007 Integrated Energy Policy Report – Scenario Analysis of California’s Electricity System. [http://www.energy.ca.gov/2007\\_energypolicy/documents/index.html](http://www.energy.ca.gov/2007_energypolicy/documents/index.html). 2007.
- CEC 2009a – California Energy Commission. Committee Report (08-GHG OII-01). Committee Guidance On Fulfilling California Environmental Quality Act Responsibilities For Greenhouse Gas Impacts In Power Plant Siting Applications. March 2009. [http://www.energy.ca.gov/ghg\\_powerplants/documents/index.html](http://www.energy.ca.gov/ghg_powerplants/documents/index.html).
- CEC 2009b – California Energy Commission. Framework for Evaluating Greenhouse Gas Implications of Natural Gas-Fired Power Plants in California, CEC-700-2009-009, MRW and Associates. May 27, 2009. <http://www.energy.ca.gov/2009publications/CEC-700-2009-009/CEC-700-2009-009.PDF>
- CEC 2009c – California Energy Commission, California Energy Demand 2010-2020 Adopted Forecast. December 2009. <http://www.energy.ca.gov/2009publications/CEC-200-2009-012/CEC-200-2009-012-CMF.PDF>



CEC 2009d – California Energy Commission, 2009 Integrated Energy Policy Report. December 16, 2009. <http://www.energy.ca.gov/2009publications/CEC-100-2009-003/CEC-100-2009-003-CMF.PDF>

CPUC 2008 – California Public Utilities Commission. Final Opinion on Greenhouse Gas Regulatory Strategies, Joint Agency proposed final opinion, publication # CEC-100-2008-007-D. Posted: September 12, 2008. <http://www.energy.ca.gov/2008publications/CEC-100-2008-007/CEC-100-2008-007-D.PDF>

Greenpeace 2005. Concentrated Solar Thermal Power – Now! Authors: Rainer Aringhoff and Georg Brakmann ESTIA, Dr. Michael Geyer (IEA SolarPACES), and Sven Teske Greenpeace International. September 2005. <http://www.greenpeace.org/raw/content/international/press/reports/Concentrated-Solar-Thermal-Power.pdf>.

SES (Stirling Energy Systems Solar Two, LLC) 2008a (tn: 46819) – Application for Certification for the Stirling Energy Systems (SES) Solar Two Project, Volumes 1 and 2. Submitted to the California Energy Commission, June 30, 2008.

SES 2009i – Applicant's Response to BLM and Energy Commission Data Requests 53-110 (tn: 50750), March 26, 2009.

SES 2009n – Applicant's Response to BLM and Energy Commission Data Requests 128-141 (tn: 51828), June 5, 2009.

SES 2010g - Imperial Valley Solar (formerly Solar Two) (08-AFC-5) Supplement to the Application for Certification. May 5, 2010

U.S.EPA 2009c. - United States Environmental Protection Agency. Fact Sheet -- Proposed Rule: Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule. September 30, 2009.

Wohlfahrt. et al. 2008. Georg Wohlfahrt, Lynn F. Fenstermaker, and John A. Arnone III. Large annual net ecosystem CO<sub>2</sub> uptake of a Mojave Desert ecosystem. Global Change Biology, 2008 (14).

## ACRONYMS

AAQS	Ambient Air Quality Standard
AERMOD	ARMS/EPA Regulatory Model
AFC	Application for Certification
APCO	Air Pollution Control Officer
AQCMM	Air Quality Construction Mitigation Manager
AQCMP	Air Quality Construction Mitigation Plan
AQMD	Air Quality Management District
AQMP	Air Quality Management Plan
ARB	California Air Resources Board
ATC	Authority to Construct
ATCM	Airborne Toxic Control Measure
BACM	Best Available Control Measures
BACT	Best Available Control Technology
bhp	brake horsepower
BLM	Bureau of Land Management
CalEPA	California Environmental Protection Agency
CCR	California Code of Regulations
CEC	California Energy Commission (or Energy Commission)
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CH <sub>4</sub>	Methane
CO	Carbon Monoxide
CO <sub>2</sub>	Carbon Dioxide
CPM	(CEC) Compliance Project Manager
CPUC	California Public Utilities Commission
CTG	Combustion Turbine Generator
DPM	Diesel Particulate Matter
EIR	Environmental Impact Report
EPS	Emission Performance Standard
ERC	Emission Reduction Credit
FDOC	Final Determination Of Compliance
GCC	Global Climate Change
GHG	Greenhouse Gas
GSU	Generator Set-up Unit
GWh	Gigawatt-hour
H <sub>2</sub> S	Hydrogen Sulfide

HFCs	Hydrofluorocarbons
hp	horsepower
HSC	Health and Safety Code
ICAPCD	Imperial County Air Pollution Control District
IEPR	Integrated Energy Policy Report
IID	Imperial Irrigation District
IVS	Imperial Valley Solar Project (the proposed project)
kV	Kilovolt
LADWP	Los Angeles Department of Water and Power
lbs	Pounds
LORS	Laws, Ordinances, Regulations and Standards
LRAs	Local Reliability Areas
MCR	Monthly Compliance Report
µg/m <sup>3</sup>	microgram per cubic meter
mg/m <sup>3</sup>	milligrams per cubic meter
MTCO <sub>2</sub> E	Carbon dioxide equivalent metric tonnes
MW	Megawatts (1,000,000 Watts)
MWh	Megawatt-hour
N <sub>2</sub> O	Nitrous Oxide
NAAQS	National Ambient Air Quality Standard
NEPA	National Environmental Protection Act
NO	Nitric Oxide
NO <sub>2</sub>	Nitrogen Dioxide
NO <sub>x</sub>	Oxides of Nitrogen or Nitrogen Oxides
NSPS	New Source Performance Standard
NSR	New Source Review
O <sub>2</sub>	Oxygen
O <sub>3</sub>	Ozone
OII	Order Initiating an Informational
OLM	Ozone Limiting Method
OTC	Once-Through Cooling
PCU	Power Conversion Unit
PDOC	Preliminary Determination Of Compliance
PFCs	Perfluorocarbons
PG&E	Pacific Gas and Electric Company
PM	Particulate Matter
PM <sub>10</sub>	Particulate Matter less than 10 microns in diameter

PM2.5	Particulate Matter less than 2.5 microns in diameter
ppm	Parts Per Million
ppmv	Parts Per Million by Volume
ppmvd	Parts Per Million by Volume, Dry
PSA	Preliminary Staff Assessment (this document)
PSD	Prevention of Significant Deterioration
PTO	Permit to Operate
QFER	Quarterly Fuel and Energy Report
RACM	Reasonably Available Control Measures
RPS	Renewables Portfolio Standard
RTP	Regional Transportation Plan
SACM	Southern California Association of Governments
SCE	Southern California Edison
scf	standard cubic feet
SDG&E	San Diego Gas & Electric
SES	Stirling Energy Systems
SF <sub>6</sub>	Sulfur hexafluoride
SIP	State Implementation Plan
SO <sub>2</sub>	Sulfur Dioxide
SO <sub>4</sub>	Sulfate
SO <sub>x</sub>	Oxides of Sulfur
SSA	Supplemental Staff Assessment (this document)
SSAB	Salton Sea Air Basin
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resource Control Board
tpy	tons per year
U.S.EPA	United States Environmental Protection Agency
VDE	Visible Dust Emission
VMT	Vehicle Miles Traveled
VOC	Volatile Organic Compounds
WECC	Western Electricity Coordinating Council

## C.2 BIOLOGICAL RESOURCES

Testimony of Joy Nishida and Rick York

### C.2.1 SUMMARY OF CONCLUSIONS

---

The proposed Imperial Valley Solar (IVS) Project and associated transmission lines necessary to bring the project on line will cause significant adverse impacts on: the flat-tailed horned lizard (FTHL) through the loss of habitat and movement corridors and through take of individuals; the American badger, desert kit fox, and burrowing owl through the loss of habitat and, in the case of burrowing owl, through the take of individuals; and the Peninsular big horn sheep and golden eagle through the loss of foraging habitat. The impacts to FTHL through the loss of connectivity and of individuals would be significant and unmitigable. Noise impacts on birds and other wildlife created during plant operation would be similarly significant and unmitigable; all other impacts can be reduced to less than significant by implementing the Conditions of Certification identified below.

The proposed IVS project and associated transmission lines will also cause significant adverse impacts to the California horned lark, Loggerhead shrike, Le Conte's thrasher, and Black-tailed gnatcatcher through the loss of their habitat. The impact caused by the loss of habitat can be mitigated by implementing the Conditions of Certification identified below.

The proposed IVS project and associated transmission lines will cause significant adverse impacts to certain special status plants. Impacts to Harwood's milk-vetch and brown turbans can be reduced to less than significant through the Conditions of Certification. Impacts to Wiggin's croton, Utah vine milkweed, and Thurber's pilostyles would not rise to the level of significant.

Staff has considered whether the impacts to FTHL connectivity and individuals – considered unmitigable under the proposed project description – might be mitigated to less than significant under various alternatives. Staff concludes that the Drainage Avoidance #1 Alternative would reduce the loss of habitat and of individuals and would substantially improve connectivity. However, Drainage Avoidance #1 Alternative would not reduce the noise impacts and the impacts on FTHL loss of individuals to a level that is less than significant. (Impacts to FTHL's loss of habitat and all other non-noise impacts to plant and other wildlife species would remain though would be reduced as the project footprint avoids the major washes.) Nevertheless, Staff prefers Drainage Avoidance Alternative #1 over the project as proposed, along with all Conditions of Certification set forth in this Biological Resources analysis.

The proposed construction of linear facilities delivering reclaimed water to the IVS project from the Seeley Wastewater Treatment Facility (SWWTF) will not result in significant unmitigable impacts to FTHL or the burrowing owl. In order to supply the reclaimed water to the IVS project site, the SWWTF must undergo an upgrade so that the effluent can undergo tertiary treatment. All the effluent from SWWTF that would normally empty into an unlined channel (Wildcat Drain) would be diverted to the IVS project as tertiary treated water. However, impacts from the diversion of the effluent from SWWTF to the freshwater marsh and riparian habitat along Wildcat Drain and

nearby New River are not determined yet. Protocol surveys are currently being conducted for least Bell's vireo and southwestern willow flycatcher for the SWWTF upgrade. Until the surveys for the SWWTF upgrade are completed, staff is unable to determine impacts to biological resources or to recommend appropriate mitigation.

Habitat Loss: The proposed IVS project covers 6,155.9 acres including 6,063.1 acres within the proposed project site and 92.8 acres for the transmission lines outside of the proposed project site. The vegetation communities within the proposed site consist of 5,024.4 acres of Sonoran creosote bush scrub habitat and 1,038.7 acres of disturbed habitat. The transmission line includes 92.7 acres of Sonoran creosote bush scrub and 0.1 acre of disturbed habitat. The site supports a diversity of mammals, birds, and reptiles, including some special status wildlife species. Grading on the plant site would not directly or indirectly impact sensitive plant communities or wetlands because these communities are not present on the site. However, the proposed project would result in direct impacts to some special status animal species and special status plant species through the removal of vegetation that provides cover, foraging, and breeding habitat for wildlife. Construction of off-site linear facilities also has the potential for impacts to listed species; transmission line construction south of Interstate 8 would impact approximately 92.8 acres of Sonoran creosote bush scrub, which provides habitat for FTHL, which is currently a state species of special concern, a candidate for federal listing, and a BLM Sensitive species. The loss of habitat is a significant impact but would be mitigated to less than significant levels under the requirements of staff's proposed Condition of Certification **BIO-10** and **BIO-17** through the acquisition of habitat.

Seeley Wastewater Treatment Plant Expansion: The construction of the proposed 12-mile reclaimed water pipeline from the Seeley Waste Water Treatment Facility (SWWTF) would occur mainly within the disturbed road shoulder; however trenching and construction activities nevertheless could impact special status species such as the burrowing owl and FTHL, though the potentially significant impacts caused by the loss of individuals could be reduced to less than significant through implementation of impact avoidance and minimization measures. Preconstruction surveys would be required for burrowing owl, American badger, desert kit fox, nesting birds, and special status plants. An upgrade of the SWWTF would need to be completed in order for the reclaimed water to be available for the proposed project. The U.S. Fish and Wildlife Service (USFWS) raised concerns during a review of a draft Mitigated Negative Declaration for the SWWTF improvements (USFWS 2010) regarding the diversion of effluent from SWWTF that currently empties into Wildcat Drain and flows into the New River at 0.15 cubic feet per second. Diversion of the effluent would be piped to the project for industrial uses and may potentially impact the fresh water marsh and riparian habitat in Wildcat Drain and nearby New River into which Wildcat Drain empties. The freshwater marsh is potential Yuma clapper rail and California black rail habitat, and the riparian habitat is potential habitat for the least Bell's vireo and southwestern willow flycatcher. Yuma clapper rail is state listed as Threatened and is Fully Protected and is also federally listed as Endangered. California black rail is state listed as Threatened and is Fully Protected. Least Bell's vireo and southwestern willow flycatcher are both state and federally listed as Endangered. The USFWS recommended that the following be completed for the environmental review process: 1) a hydrologic study where a quantification of the flows coming from other sources to the effluent channel wetland is provided with an assessment of the likelihood of its continued existence after the

effluent flows are discontinued; 2) a vegetation composition assessment of the adjacent New River corridor with an evaluation of the effluent channel wetland in the context of the broader mosaic of habitats in the vicinity; and 3) protocol surveys for the presence/absence of Yuma clapper rail. Protocol level surveys were recently conducted for Yuma clapper rail and California black rail which were negative at the Wildcat Drain marsh habitat (John Konecny, pers. comm.). Therefore, no impacts to Yuma clapper rail and California black rail are expected. Focused surveys for least Bell's vireo and southwestern willow flycatcher are currently being conducted and will be concluded by July 17, 2010. Based on the survey results concluded thus far and the marginal habitat quality for the least Bell's vireo and southwestern willow flycatcher along the New River, these species are not expected to nest there. However, results of the upcoming survey could negate staff's conclusion regarding impacts to these species. Data is currently being collected for a hydrologic report that will be prepared as part of an Environmental Impact Report (EIR) for the SWWTF upgrade which will need to determine if the marsh in Wildcat Drain and surrounding vegetation along the New River corridor would be adversely affected by the diversion of treated waste water. The USFWS has preliminarily indicated that the diversion of effluent from Wildcat Drain is not likely to adversely affect least Bell's vireo and southwestern willow flycatcher (Sirchia 2010). However, should the least Bell's vireo and southwestern willow flycatcher occur and a conclusion be reached that the effluent diversion would adversely impact their habitat, formal consultation with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the federal Endangered Species Act (FESA) would need to be reinitiated. Staff anticipates that the impacts created by the expansion of the SWWPT will be significant, but will be mitigated by imposition of the mitigation measures identified in the Mitigated Negative Declaration. Based on information provided to date, staff does not expect there to be impacts to Yuma clapper rail, California black rail, least Bell's vireo, southwestern willow flycatcher, or the marsh and vegetation associated with the New River.

Flat-tailed Horned Lizard: Though the FTHL is not currently state or federally listed, the USFWS has recently been instructed by a federal district court to reinstate the proposal to list the FTHL under FESA. If listing of this species should take place during the construction or operation of IVS, the potential take and loss of habitat for the FTHL would need to be addressed by the BLM. Therefore, BLM is conferencing with the USFWS to develop a Conference Opinion that will identify measures needed to address any potential take. Measures for take avoidance staff expects to be included in the Conference Opinion USFWS have been incorporated into staff's proposed Conditions of Certification **BIO-9** through **BIO-11**. Staff's proposed Condition of Certification **BIO-10** recommends habitat compensation at a 1:1 ratio for 6,063.1 acres of FTHL habitat loss on the proposed IVS plant site (i.e., acquisition and preservation of one acre of compensation lands for every acre lost). For project impacts to the 92.8 acres within the Yuha Desert FTHL Management Area, the mitigation ratio would be 6:1. This compensatory mitigation is consistent with the Flat-Tailed Horned Lizard Rangeland Management Strategy, which includes a state and federal agency agreed upon habitat compensation approach to mitigate for impacts to FTHL habitat by federal and state agencies (FTHL ICC 2003). Though the impacts to loss of FTHL habitat may be mitigated to less than significant levels, the take of individual FTHLs is anticipated to number between 1,300 to 2,000 individuals. A FTHL pre-construction/post-construction occupancy survey would be conducted (**BIO-9**). The USFWS is also developing

conservation measures for the Conferencing Opinion that would be implemented during construction and operation of the plant which will move any FTHLs encountered out of harm's way. Regardless, although the loss of FTHL habitat can be mitigated through habitat acquisition and preservation, the potential loss of individual FTHLs due to anticipated project impacts is considered by staff to be significant, adverse, and unmitigable. Moreover, the IVS project site is between the West Mesa FTHL Management Area to the north and the Yuha Desert FTHL Management Area to the south. The FTHL Rangewide Management Strategy lists maintaining connectivity between the FTHL Management Areas as one of the Planning Actions. USFWS is concerned that the development of the proposed project would impact the connectivity between FTHL Management Areas, which would be in direct conflict with the FTHL Rangewide Management Strategy. Permeable fencing is proposed for the project site, thus allowing FTHL movement in and out of the project site. Despite this, with the project as proposed, the USFWS is concerned that what FTHLs remain or move onsite after operations are underway, will allow the project site to become a sink for FTHLs, where the FTHLs onsite perish during project operational activities. Should a project alternative be chosen that minimizes development within certain major washes, then some FTHL connectivity through the undeveloped washes may result. The proposed project site is bounded by Interstate 8 to the south and the railroad and Evan Hewes Highway to the north. The busy roads and railroad on the project boundary currently act as a filter to FTHL movement between Management Areas. These filters are further compounded by OHV activity on the north side of Evan Hewes Highway at the BLM Plaster City Open OHV Area, which is situated between the proposed IVS project site and the West Mesa FTHL Management Area. Initial discussions for the need to improve and maintain culverts to allow FTHL movement in both directions under Interstate 8 have begun, but staff does not believe that a feasible proposal to increase connectivity by improving culverts is forthcoming. Therefore, staff concludes that the proposed project would adversely impact connectivity for FTHL between the Management Areas and would be significant and unmitigable. While Drainage Avoidance #1 Alternative, which is described below in the "Waters of the U.S. and Waters of the State" subsection, would substantially reduce impacts to connectivity between the Management Areas and loss of habitat and would mitigate those impacts to less than significant levels under the requirements of staff's proposed Condition of Certification **BIO-10** and **BIO-17** through the acquisition of habitat, Drainage Avoidance Alternative #1 would not reduce the impacts to loss of individual FTHLs to less than significant, even with the implementation of Conditions of Certification **BIO-10** and **BIO-17**.

Waters of the U.S. and Waters of the State: One of the significant biological impacts of the proposed IVS project would be the impacts to Waters of the U.S. and jurisdictional state waters (i.e., ephemeral washes) that would occur by the removal of vegetation and the placement of the SunCatchers and associated infrastructure in the bed of the ephemeral washes. Placement of the SunCatchers and associated maintenance roads, the electrical collection system, and the hydrogen distribution system would disrupt the physical (e.g., hydrological and sediment transport), chemical, and biological functions and processes of the ephemeral washes. These activities would result in the permanent loss of approximately 165 acres, 5 acres of temporary impacts, 13 acres of indirect impacts to Waters of the U.S., and 48 acres of permanent impacts to jurisdictional state waters. Permanent loss of jurisdictional state waters and fill to Waters of the U.S. is considered by staff to be a significant impact. Vegetation in the desert wash contains a



greater vegetative diversity and density than the areas outside of the washes. These washes are characterized by natural processes that support recruitment of native desert wash vegetation and provide wildlife habitat and movement corridors. Impacts caused by the loss of habitat concurrent with the loss of jurisdictional state waters would be mitigated to less than significant levels under the requirements of staff's proposed Condition of Certification **BIO-17**, which requires acquisition of at least 48 acres of jurisdictional state waters (1:1 ratio). Acquisition of the jurisdictional state waters could be accomplished incidentally (nested) through staff's proposed Condition of Certification **BIO-10**. Should acquisition of 48 acres of jurisdictional state waters not be completed within 18 months of the Energy Commission's certification of the project, any remaining ephemeral wash acreage up to a total of at least 48 acres would be acquired independently of Condition of Certification **BIO-10** per staff's proposed Condition of Certification **BIO-17**. The acquisition acreage will be required to have similar functions and values to the impacted state waters.

Fill of Waters of the U.S. would require authorization by the U.S. Army Corps of Engineers (USACE) pursuant to Section 404 of the federal Clean Water Act (CWA) under a Standard Individual Permit subject to the U.S. Environmental Protection Agency (USEPA) CWA Section 404(b)(1) guidelines. The USACE would require mitigation for fill of Waters of the U.S. associated with the proposed IVS project. The mitigation requirements for the CWA 404 permit are currently unresolved, but would typically include habitat acquisition at a minimum 2:1 ratio of mitigation to impacts, which can include credit for preservation of aquatic resources under the threat of development and restoration and enhancement of existing resources within the Salton Sea watershed. The USACE proposed two on-site alternatives: 1) Drainage Avoidance #1, which prohibits permanent impacts within the ten "primary" ephemeral washes; and 2) Drainage Avoidance #2, which eliminates the eastern and westernmost portions of the proposed project site within the largest ephemeral complexes. These alternatives would reduce development of permanent structures either within the primary drainages on the 6,063.1-acre site (Drainage Avoidance #1) or reduce the project size to 3,153 acres (Drainage Avoidance #2), avoiding the major ephemeral washes on the western and eastern ends of the proposed project site. Drainage Avoidance #1 Alternative would reduce permanent impacts to Waters of the U.S. from 165 acres to 48 acres and reduce the anticipated energy production from 750 megawatts (MW) to 632 MW. Drainage Avoidance #2 Alternative would reduce permanent impacts to Waters of the U.S. from 165 acres to 71 acres and reduce energy production to 423 MW. After further evaluation, USEPA rejected Drainage Avoidance #1 and #2; therefore, the USACE is currently considering other alternatives. Staff expects USACE to identify the Least Environmentally Damaging Practicable Alternative (LEDPA) in July of 2010. The LEDPA will determine the final footprint of the project. Based on the information received to date, staff expects that the LEDPA will create fewer impacts than the proposed project. Staff does not know whether the LEDPA will have fewer impacts than Drainage Avoidance #1 and #2.

Staff notes that due to concerns about impacts to FTHL, both drainage alternatives are expected to be preferable to the proposed project. Drainage Avoidance #2 decreases the impacts to FTHL habitat and to FTHL populations by approximately 50 percent. However, this alternative would allow development of SunCatchers in the wash that connects to the only box culvert that currently allows potential north-south movement between the proposed project site and the Management Area under Interstate 8. Drainage

Avoidance #1 would result in greater impacts to FTHL and FTHL habitat than Drainage Avoidance #2 Alternative, but has the benefit of excluding SunCatchers from the washes which currently are connected to the box culverts under Interstate 8 that currently offer limited connectivity between the Management Area and the proposed project site. On balance, staff believes that Drainage Avoidance #1 offers more protection to the FTHL, but it does not reduce the impacts caused by the loss of individual FTHLs to less than significant.

The project would include construction of an approximately 12-mile reclaimed water supply pipeline along Evan Hewes Highway to the IVS project site from the SWWTF. The proposed reclaimed water line is proposed to either span or go under seven irrigation canals and the New River. If this is not done, impacts to 55.86 acres of Waters of the U.S. and 2.61 acres of jurisdictional state waters could occur. The California Department of Fish and Game (CDFG) is not anticipating impacts to jurisdictional state waters along the proposed water pipeline route. It is anticipated that Best Management Practices (BMPs) will be implemented to avoid impacts to Waters of the U.S. and jurisdictional state waters for the proposed reclaimed water line. The CDFG and USACE will require the development and implementation of a Frac-Out Contingency Plan prior to the horizontal directional drilling construction of the proposed water pipeline. The applicant is not anticipating the utilization of horizontal directional drilling (HDD), but should HDD be required, a Frac-Out Contingency Plan will be in place. A draft Frac-Out Contingency Plan has been submitted for review and should be approved before licensing of the project. It is expected that staff's proposed Condition of Certification **BIO-7** in the final BRMIMP will be updated with the final Frac-Out Contingency Plan after consultation with CDFG and approval by the USACE and Energy Commission.

Peninsular Bighorn Sheep: The USFWS, with the support of CDFG, will require a Section 7 consultation under the federal ESA with BLM for project impacts to foraging habitat for Peninsular bighorn sheep (BHS), a federally listed Endangered and state listed Threatened and state Fully Protected Species. Initially, federal and state biologists agreed that the March 2009 sighting of BHS on the proposed IVS project site was an unusual occurrence and unlikely to occur again, therefore only requiring a letter of concurrence with BLM stating the proposed project "may affect, but is not likely to adversely affect" BHS. USFWS and CDFG biologists assessed testimony provided by CURE and concluded that sufficient evidence was lacking to prove that the bighorn sheep were not impacted by project impacts to the loss of foraging habitat. Therefore, CDFG supported FESA Section 7 consultation with USFWS in order to minimize impact of loss of foraging habitat to bighorn sheep. The potential for the loss of movement corridors through the site is speculative based on a lack of radiotelemetry data in the vicinity of the site that shows no evidence of long distance movements of BHS across the site (Guy Wagner, personal communication). As primary foraging habitat for bighorn sheep are in the ephemeral washes where there is a greater diversity of plants, the loss of foraging habitat may be mitigated in part by nesting mitigation, i.e., through the acquisition of ephemeral wash habitat within FTHL habitat based on its proximity to known BHS locations through staff's proposed Condition of Certification **BIO-10**, to the extent the characteristics and criteria for acquisition lands under **BIO-17** are satisfied. Should additional BHS foraging habitat be needed, acquisition of state jurisdictional waters through staff's proposed Condition of Certification **BIO-17** (in addition to **BIO-10**,

to the extent criteria for **BIO-17** are satisfied) would mitigate for the loss of foraging habitat for bighorn sheep.

Evaporation Ponds: The IVS project would include two evaporation ponds (two acres total) that would collect reverse osmosis wastewater from the on-site water treatment facility. The ponds are a concern because they could attract ravens and other predatory bird species which in turn prey on the FTHL. The ponds could also harm waterfowl, shorebirds, and other resident or migratory birds due to anticipated hyper-saline conditions of the wastewater. The applicant has addressed these concerns by proposing exclusionary fencing around the evaporation ponds and installing netting above the ponds that would minimize wildlife use (SES 2009f). Staff concurs and has incorporated the applicant's proposal into staff's proposed Condition of Certification **BIO-13**, which would require the project developer to install fencing around the evaporation ponds with netting above the ponds and monitor the effectiveness of exclusionary measures. Staff's proposed Condition of Certification **BIO-13** would minimize the potential adverse effects of the evaporation ponds to less than significant levels under CEQA.

Special Status Plants: Staff considered results from 2009 special status plant surveys inadequate, so staff requested that spring and fall special status plant surveys be conducted for 2010. Fall 2010 surveys are requested due to none being conducted after late summer/early fall monsoonal rains, which can stimulate another bloom. Two rounds of spring special status plant surveys were conducted for 2010. For the first surveys conducted in the early spring with the assistance of Energy Commission staff, two new California Native Plant Society (CNPS) List 4 species (species on the "Watch" list), Thurber's pilostyles (*Pilostyles thurberi*) and Utah vine milkweed (*Cynanchum utahense*) were detected. For the later spring surveys, in addition to the Thurber's pilostyles and Utah vine milkweed, three new CNPS List 2 (rare or endangered in California, but more common outside) species, Harwood's milk vetch (*Astragalus insularis* var. *harwoodii*), brown turban (*Malperia tenuis*), and Wiggins' croton (*Croton wigginsii*) were also detected. Wiggins' croton is a BLM Sensitive plant. These rare plant occurrences were not originally found in earlier surveys in 2008 and 2009 for the proposed IVS project site. Staff has proposed Condition of Certification **BIO-19** which requires botanical surveys to be conducted during fall of 2010, the development of a special status plant species protection plan, and avoidance of rare plants during project construction and operation. Implementation of this condition would reduce impacts to special status plants to less than significant levels under CEQA.

Impacts to Special Status Mammals: The proposed project may result in direct and indirect impacts to American badger and desert kit fox through habitat and burrow loss and direct mortality to individuals during construction, operation and decommissioning of the project. Staff has proposed conditions of certification **BIO-2, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-10, BIO-15** (American Badger and Desert Kit Fox Impact Avoidance and Minimization Measures), and **BIO-20** (Decommissioning and Reclamation Plan) are expected to reduce project-related impacts to these species to a less than significant level.

Impacts to Western Burrowing Owl: The proposed project may result in direct and indirect impacts to western burrowing owl through habitat and burrow loss, direct

mortality from construction, operation, and decommissioning of the project, mortality from collision with project structures, and mortality or injury associated with glare from the project mirrors. Staff has proposed conditions of certification **BIO-2, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-10, BIO-13** (Evaporation Pond Fencing, Netting, and Monitoring), **BIO-14** (Pre-construction Nest Surveys), **BIO-16** (Burrowing Owl Impact Avoidance and Minimization Measures), **BIO-20** and **BIO-21** (Monitoring Bird Impacts from Solar Technology) that are expected to reduce project-related impacts to western burrowing owl to a less than significant level.

Impacts to Special Status Bird Species: The proposed project may result in direct and indirect impacts to golden eagle, loggerhead shrike, California horned lark, and LeConte's thrasher through loss of nesting or foraging habitat, mortality from collision with project structures, and mortality or injury associated with glare from project mirrors. Staff has proposed conditions of certification **BIO-2, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-10, BIO-13, BIO-14, BIO-20**, and **BIO-21** that are expected to reduce project-related impacts to these species to a less than significant level.

Introduction of Weeds: The proposed project may encourage the spread of invasive weed species both within and directly adjacent to the proposed site during construction, operation, and decommissioning of the project. Weed species reduce the habitat value for both native plants and wildlife species that depend on native plants for shelter and forage. Staff has proposed conditions of certification **BIO-18** (Weed Management Plan), **BIO-19**, and **BIO-20** that are expected to reduce the impacts of introduced weed species to a less than significant level.

Noise: The proposed project will introduce new noise sources during construction, operation, and decommissioning of the plant. Increased noise may result in avoidance of the site by resident wildlife species thereby resulting in a reduction in available habitat and loss of nesting opportunities for certain species. Staff has proposed conditions of certification **NOISE-6, BIO-2, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-10, BIO-14**, and **BIO-20** that are expected to reduce the impacts of increased noise levels on resident wildlife species to a less than significant level for construction and decommissioning noise impacts only as these impacts are of a temporary nature. Operational noise levels are high (84 dBA at the SunCatcher) and are constant during daylight hours. Staff concludes that the operational noise levels on the project site will contribute to noise impacts to nesting birds and other wildlife which is significant within the boundaries of the project site and will contribute to a significant cumulative noise impact to wildlife in the region. However, staff does not propose any additional on-site operational mitigation measures because there is no feasible mitigation available to effectively mitigate noise impacts within the project boundary. The impacts of noise on biological resources outside of the project boundary are considered to be less than significant since they are within the estimated range of current background noise.

Dust: The proposed project will introduce new dust sources during construction, operation, and decommissioning of the plant. Increased dust may result in reduced productivity of remaining vegetation both within the project site and adjacent to the project site thereby resulting in reduced habitat and loss of nesting opportunities for certain species. Staff has proposed conditions of certification **BIO-2, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-10, BIO-14**, and **BIO-20** that are expected to reduce the

impacts of increased dust levels on resident plant and wildlife species to a less than significant level.

Traffic: The proposed project will increase levels of traffic during construction, operation, and decommissioning of the plant. Increased traffic may result in direct mortality of local wildlife and plant species through collisions with vehicles or other construction equipment. Staff has proposed conditions of certification **BIO-2, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-10, BIO-14, and BIO-20** that are expected to reduce the impacts of increased traffic on resident wildlife species to a less than significant level.

Lighting: The proposed project will introduce new lighting sources during construction, operation, and decommissioning of the plant. Increased lighting may result in indirect impacts to local wildlife species through avoidance of the project site and surrounding areas thereby resulting in reduced habitat and loss of nesting or foraging opportunities for certain species. Staff has proposed conditions of certification **BIO-2, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-10, BIO-14, and BIO-20** that are expected to reduce the impacts of increased light levels on resident wildlife species to a less than significant level.

Wildlife Movement Corridor: The proposed project may impede movement of local wildlife species such as FTHL or BHS through washes on the site. This impact would be unmitigable for FTHL since the washes would be developed and largely will no longer be suitable for FTHL movement between FTHL Management Areas. As mentioned previously, an alternative may be approved that reduces impacts to major washes on the site which may substantially reduce impacts to connectivity for FTHL as opposed to the current proposed project, but impacts will not be reduced to a level that is less than significant. With regards to Peninsular bighorn sheep, any potential corridor movement through the site will largely no longer be suitable due to perimeter fencing around the project site. However, bighorn sheep are not documented to utilize the project site as a movement corridor, but have instead, been documented to utilize movement corridors west of the project site. Based on the lack of telemetry data and roadkill records, the flatter topography of the project site, and the Yuha Desert to the south, project impacts to a potential movement corridor for bighorn sheep through the project site are speculative and are considered by staff to be less than significant level.

Increase in Avian Predator Numbers: The proposed project may result in an increase in the number of avian predators (ravens) that the site can support through an increase in availability of perch sites, an increase in the amount of trash and other human-associated food sources, and an increase in the availability of water during construction and operation of the site. An increase in raven numbers may subsequently impact resident wildlife species such as FTHL through increased predation pressure. Staff has proposed conditions of certification **BIO-12** (Raven Monitoring, Management, and Control Plan), and **BIO-13** that are expected to reduce the impacts of increased avian predation to a less than significant level.

In summary, while many project-related impacts can be reduced to less than significant levels through adoption of staff's proposed conditions of certification, the loss of 1,300 to 2,000 FTHL individuals and FTHL movement corridors is significant and may be unable

to be fully mitigated. Consult section C.2.4.2 of this document for a full discussion of project-related impacts to biological resources.

## **C.2.2 INTRODUCTION**

---

This section of the Supplemental Staff Assessment provides the California Energy Commission's (Energy Commission's) staff analysis of potential impacts to biological resources from the construction and operation of the Imperial Valley Solar project (IVS). Information provided in this document addresses potential impacts to special status species and areas of critical environmental concern. This analysis also describes the biological resources at the project site and at the locations of ancillary facilities. This section discusses the need for mitigation, evaluates the adequacy of mitigation proposed by the applicant, and specifies additional mitigation measures designed to reduce impacts. It also describes compliance with applicable laws, ordinances, regulations, and standards (LORS) and recommends staff's proposed conditions of certification.

This analysis is based, in part, upon information provided in the IVS Application for Certification (AFC) (SES 2008a) and Supplement to the AFC (SES 2008d, SES 2009q, SES 2010g) and other submittals; responses to staff and intervenor data requests (SES 2008f, SES 2009h, SES 2009m, SES 2009n, and SES 2009t); staff workshops; site visits by Energy Commission staff on November 24, 2008, November 10, 2009, February 24 and 25, 2010, and May 25, 2010; communications with representatives from the BLM, the CDFG, the USFWS, and the USACE; and information contained within the Flat-Tailed Horned Lizard Rangewide Management Strategy.

### **Changes from Staff Assessment/Draft Environmental Impact Statement**

While much of this section of the Supplemental Staff Assessment (SSA) is identical to that published in the February 2010 Staff Assessment/Draft Environmental Impact Statement (SA/DEIS), some revisions have been made that reflect changed circumstances and new information, as summarized below:

- Separate CEQA/NEPA Documents. The SA/DEIS was a joint California Environmental Quality Act (CEQA) /National Environmental Policy Act (NEPA) document, but now the BLM's NEPA analysis, the Final Environmental Impact Statement, will be published separately from the SSA. For the sake of consistency the NEPA-specific language from the SA/DEIS has generally been retained in the SSA. This **Introduction** section of the SSA provides a detailed discussion of the separation of the CEQA and NEPA documents.
- 2010 Survey Results: The SSA incorporates preliminary spring 2010 survey results (SES 2010a, 2010o) on special-status plant species survey results for the project site and previously unsurveyed areas and protocol-level surveys for Yuma clapper rail and California black rail in areas previously unsurveyed. The 2010 spring surveys followed a wet winter and spring and as a result additional species and new locations of rare plants were detected that had been missed in 2007 and 2008.

- Project Modifications: Some project components have been altered since the SA/DEIS was published (SES 2010g), including minor modifications to the proposed reclaimed water pipeline and transmission line alignments and SWWTF upgrade (see the **Project Description** section for more information). The impacts of these new project features are addressed qualitatively in staff's analysis.
- Additional Mitigation Options: Language and mitigation options have been added to reflect recent establishment of a Renewable Energy Action Team–National Fish and Wildlife Foundation Account that may be used by the Applicant to deposit mitigation funding, as well as SBX8 34, legislation recently signed by the Governor that can allow qualifying projects, such as the IVS Project, to make use of a new in-lieu fee program.
- New and Revised Conditions of Certification: The SSA includes one new conditions of certification, **BIO-21** Monitoring Bird Impacts From Solar Technology. **BIO-9**, Flat-Tailed Horned Lizard Clearance Surveys has been eliminated and replaced with Flat-Tailed Horned Lizard Construction Monitoring Program and Occupancy Study. **BIO-10** and **BIO-17** have been extensively revised and renamed as **BIO-10** Special Status Species Habitat Compensatory Mitigation and **BIO-17** Lake and Streambed and Peninsular Bighorn Sheep Foraging Habitat Impact Minimization and Compensation Measures; and **BIO-19**, Special Status Plant Mitigation, have been extensively revised and expanded.

**Biological Resources Table 6** summarizes the changes to the conditions of certification.

### **Compliance with Laws, Ordinances, Regulations, and Standards**

The Project developer would need to comply with the following laws, ordinances, regulations, and standards (LORS) during Project construction and operation, as listed in **Biological Resources Table 1**.

**Biological Resources Table 1**  
**Laws, Ordinances, Regulations, and Standards**

<b>Applicable Law</b>	<b>Description</b>
<b>Federal</b>	
Federal Endangered Species Act (Title 16, United States Code, section 1531 et seq., and Title 50, Code of Federal Regulations, part 17.1 et seq.)	Designates and provides for protection of threatened and endangered plant and animal species, and their critical habitat.
Migratory Bird Treaty (Title 16, United States Code, sections 703 through 711)	Makes it unlawful to take or possess any migratory nongame bird (or any part of such migratory nongame bird) as designated in the Migratory Bird Treaty Act.

<b>Applicable Law</b>	<b>Description</b>
Clean Water Act (Title 33, United States Code, sections 1251 through 1376, and Code of Federal Regulations (CFR), part 30, section 330.5(a)(26))	Requires the permitting and monitoring of all discharges to surface water bodies. Section 404 requires a permit from the U.S. Army Corps of Engineers (USACE) for a discharge from dredged or fill materials into Waters of the U.S., including wetlands. Section 401 requires a permit from a regional water quality control board (RWQCB) for the discharge of pollutants. By federal law, every applicant for a federal permit or license for an activity that may result in a discharge into a California water body, including wetlands, must request state certification that the proposed activity would not violate state and federal water quality standards.
U.S. Environmental Protection Agency (USEPA) Section 404 (b)(1) Guidelines (40 CFR 230 et seq.)	Requires the USACE to analyze alternatives in a sequential approach such that the USACE must first consider avoidance and minimization of impacts to the extent practicable to determine whether a proposed discharge can be authorized.
National Environmental Policy Act (NEPA), (Title 42, United States Code, section 4321 et seq.)	NEPA requires an evaluation of environmental impacts of projects proposed on federal lands or receiving federal funding.
California Desert Conservation Area Plan	The California Desert Conservation Area (CDCA) comprises one of two national conservation areas established by Congress at the time of the passage of the Federal Land and Policy Management Act (FLPMA). The FLPMA outlines how the BLM would manage public lands. Congress specifically provided guidance for the management of the CDCA and directed the development of the 1980 CDCA Plan.
Flat-tailed Horned Lizard Rangewide Management Strategy	Provides guidance for the conservation and management of sufficient habitat to maintain viable populations of flat-tailed horned lizards.
Federal Noxious Weed Act of 1974 (P.L. 93-629) (7 U.S.C. 2801 et seq.; 88 Stat. 2148)	Establishes a federal program to control the spread of noxious weeds. Authority is given to the Secretary of Agriculture to designate plants as noxious weeds by regulation, and the movement of all such weeds in interstate or foreign commerce was prohibited except under permit.
Executive Order 13112 of February 3, 1999 – Invasive Species (FR doc 99-3184; FR V. 64, No. 25, Presidential documents 6183-6186)	Federal agencies are mandated to take actions to prevent the introduction of invasive species, provide for their control, and minimize the economic, ecological, and human health impacts that invasive species cause.



<b>Applicable Law</b>	<b>Description</b>
Permit for take under the Bald and Golden Eagle Protection Act, (Title 50, Code of Federal Regulations, section 22.26)	Authorizes limited take of bald eagles and golden eagles under the Bald and Golden Eagle Protection Act, where the taking is associated with, but not the purpose of the activity, and cannot practicably be avoided.
Permit for take under the Bald and Golden Eagle Protection Act, (Title 50, Code of Federal Regulations, section 22.27)	Authorizes intentional take of eagle nests where: necessary to alleviate a safety hazard to people or eagles; necessary to ensure public health and safety; the nest prevents the use of a human-engineered structure; the activity, or mitigation for the activity, will provide a net benefit to eagles; and allows inactive nests to be taken only in the case of safety emergencies
<b>State</b>	
California Endangered Species Act of 1984 (Fish and Game Code, sections 2050 through 2098)	Protects California's rare, threatened, and endangered species.
California Code of Regulations (Title 14, section 460)	Lists state protected fur-bearing mammals.
California Code of Regulations (Title 14, sections 670.2 and 670.5)	Lists the plants and animals of California that are declared rare, threatened, or endangered.
Fully Protected Species (Fish and Game Code sections 3511, 4700, 5050, and 5515)	Designates certain species as fully protected and prohibits the take of such species or their habitat unless for scientific purposes (see also California Code of Regulations Title 14, section 670.7).
Nest or Eggs (Fish and Game Code section 3503)	Protects California's birds by making it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird.
Birds of Prey (Fish and Game Code section 3503.5)	Unlawful to take, possess, or destroy any birds in the orders Falconiformes and Strigiformes or to take, possess, or destroy the nest or eggs of any such bird.
Migratory Birds (Fish and Game Code section 3513)	Protects California's migratory birds by making it unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame birds.
Fur-bearing Mammals (Fish and Game Code sections 4000 and 4002)	Lists fur-bearing mammals which require a permit for take.

<b>Applicable Law</b>	<b>Description</b>
Nongame mammals (Fish and Game Code section 4150)	Makes it unlawful to take or possess any non-game mammal or parts thereof except as provided in the Fish and Game Code or in accordance with regulations adopted by the commission.
Significant Natural Areas (Fish and Game Code section 1930 et seq.)	Designates certain areas such as refuges, natural sloughs, riparian areas, and vernal pools as significant wildlife habitat.
California Environmental Quality Act (CEQA), CEQA Guidelines section 15380	CEQA defines rare species more broadly than the definitions for species listed under the state and federal Endangered Species Acts. Under section 15830, species not protected through state or federal listing but nonetheless demonstrable as “endangered” or “rare” under CEQA should also receive consideration in environmental analyses. Included in this category are many plants considered rare by the California Native Plant Society (CNPS) and some animals on the CDFG’s Special Animals List.
Lake and Streambed Alteration Agreement (Fish and Game Code sections 1600 et seq.)	Regulates activities that may divert, obstruct, or change the natural flow or the bed, channel, or bank of any river, stream, or lake in California designated by CDFG in which there is at any time an existing fish or wildlife resource or from which these resources derive benefit. Impacts to vegetation and wildlife resulting from disturbances to waterways are also reviewed and regulated during the permitting process.
California Desert Native Plants Act of 1981 (Food and Agricultural Code section 80001 et seq. and California Fish and Game Code sections 1925-1926)	Protects non-listed California desert native plants from unlawful harvesting on both public and private lands in Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, San Bernardino, and San Diego counties. Unless issued a valid permit, wood receipt, tag, and seal by the commissioner or sheriff, harvesting, transporting, selling, or possessing specific desert plants is prohibited.
California Food and Agriculture Code, section 403	The California Department of Food and Agriculture is designated to prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.
Noxious Weeds (Title 3, California Code of Regulations, section 4500)	List of plant species that are considered noxious weeds.
Porter-Cologne Water Quality Control Act	Regulates discharges of waste and fill materials to waters of the State, including “isolated” waters and wetlands.

Applicable Law	Description
<b>Local</b>	
Imperial County General Plan (Imperial County 1993)	The Conservation and Open Space and Land Use Elements of the General Plan direct the county to evaluate the compatibility of proposed development projects with the preservation of biological resources and open space.
Imperial County Land Use Ordinance (Title 9, Division 10)	Provides grading regulations for proposed development projects throughout the unincorporated areas of the County.

### **Desert Renewable Energy Conservation Plan – Interim Planning**

In addition to the federal, state, and local LORS summarized above, federal and state agencies are currently collaborating to establish joint policies and plans to expedite development of California's utility scale renewable energy projects. On October 12, 2009, the State of California and the U.S. Department of Interior entered into a Memorandum of Understanding (MOU) on renewable energy, building on existing efforts by California and its federal partners to facilitate renewable energy development in the state. The MOU stems from California and Department of Interior energy policy directives, and California's legislative mandate to reduce greenhouse gases to 1990 levels by 2020, and meet the goal of 33 percent of California's electricity production from renewable energy sources by 2020.

The California-Department of Interior MOU expands on several MOUs issued in 2008 to establish the activities of the California Renewable Energy Action Team (REAT). The REAT was established with California Executive Order S-14-08 (issued November 18, 2008), to "*establish a more cohesive and integrated statewide strategy, including greater coordination and streamlining of the siting, permitting, and procurement processes for renewable generation ....*"

The Energy Commission and CDFG are the primary state collaborators in the REAT, operating under a November 18, 2008 MOU between the two agencies to create a "one-stop process" for permitting renewable energy projects under their joint permitting authority. The BLM and the USFWS also participate in the REAT under a separate MOU signed in November 2008, which outlines the state and federal cooperation of the group. The October 12, 2009 MOU between California and the Department of Interior reiterates several tasks of the REAT provided for in S-14-08 and the Energy Commission-Fish and Game MOU.

The REAT's primary mission is to streamline and expedite the permitting processes for renewable energy projects in the Mojave and Colorado Desert ecoregions within the State of California, while conserving endangered species and natural communities at the ecosystem scale. To accomplish this goal the REAT Agencies are developing a Desert Renewable Energy Conservation Plan (DRECP), a science-based process for reviewing, approving, and permitting renewable energy applications in California. Once the DRECP is complete, anticipated in late 2012, the plan will provide tools to expedite coordination of federal and state endangered species act permitting. The DRECP will

also offer a unified framework for state and federal agencies to oversee mitigation actions, including land acquisitions, for listed species. The REAT Agencies recognize that some renewable energy projects are scheduled to be approved prior to completion of the DRECP. Section 8.9 of the Planning Agreement for the DRECP (May 25, 2010) <<http://www.energy.ca.gov/2009publications/REAT-1000-2009-034/REAT-1000-2009-034-F.PDF>> provides explicit guidance for such interim projects, and directs the REAT Agencies to ensure that permitting for these projects:

- be consistent with the preliminary conservation objectives for the DRECP;
- not compromise successful completion and implementation of the DRECP;
- facilitate Federal Endangered Species Act, California Endangered Species Act, National Environmental Policy Act, and California Environmental Quality Act compliance; and
- not be unduly delayed during preparation of the DRECP.

### **REAT Account and SBX8 34**

The REAT agencies recently signed a Memorandum of Agreement (MOA) to establish a REAT Account that may be used by project developers to deposit funding for specified mitigation for approved renewable energy projects in the Mojave and Colorado Desert region of southern California (the MOA is available at <[www.energy.ca.gov/33by2020](http://www.energy.ca.gov/33by2020)>). For each project using the REAT Account an individual subaccount would be established for project specific tracking, compliance and accounting purposes. The subaccount would include a list of the specific mitigation actions, the cost, a timeframe for carrying out the actions, and identify which of the REAT agencies would be responsible for requiring and coordinating the mitigation actions. The National Fish and Wildlife Foundation (NFWF) would manage the REAT Account and individual project subaccounts on behalf of the REAT agencies, and at their direction would disburse mitigation funding to satisfy mitigation requirements for impacts to biological resources. NFWF is a charitable non-profit corporation established in 1984 by the federal government to accept and administer funds to further the conservation and management of fish, wildlife, plants and other natural resources <[www.nfwf.org](http://www.nfwf.org)>. Use of the REAT Account would not change any of the requirements a project proponent must fulfill in order to comply with applicable State and Federal environmental laws governing the permitting of the projects.

The REAT Account will also aid project proponents in carrying out contracting and construction activities in a timely manner per requirements for American Recovery and Reinvestment Act of 2009 (ARRA) funding. The SBX8 34 legislation that was recently signed into law by the Governor created a \$10 million loan that provides for advanced mitigation habitat purchases. This advance mitigation can be used by a qualifying solar renewable energy project to receive credit for implemented mitigation after a project proponent pays into the Renewable Energy Development Fee Trust Fund that was created by the SBX8 34 legislation (SBX8 34 Trust Fund). Funds in the MOA REAT Account and the SBX8 34 Trust Fund are similar in that renewable energy project proponents pay into accounts set up to receive project-specific mitigation funds, and a third party entity implements the mitigation actions. Staff's proposed Condition of Certification **BIO-10** provides an opportunity for the Applicant to fulfill their mitigation obligations by depositing funds into the SBX8 34 Trust Fund.

### **C.2.3 METHODOLOGY AND THRESHOLDS FOR DETERMINING ENVIRONMENTAL CONSEQUENCES**

---

This Supplemental Staff Analysis of the proposed project effects must comply with CEQA requirements. CEQA requires that the significance of individual effects be determined by the Lead Agency. CEQA includes a list of questions that can be used to determine the significance of identified impacts. A significant impact is defined under CEQA as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project” (Cal Code Regs. tit. 14, [hereinafter CEQA Guidelines] section 15382).

Thresholds for determining significance in this section are based on Appendix G of the CEQA Guidelines (CCR 2006) and performance standards or thresholds identified by the Energy Commission staff. The determination of whether a project has a significant effect on biological resources is based on the best scientific and factual data that staff could review for the project. In this analysis, the following impacts to biological resources are considered significant if the project would result in:

- a substantial adverse effects to plant species considered by the California Native Plant Society (CNPS), CDFG, or USFWS to be rare, threatened, or endangered in California or with strict habitat requirements and narrow distributions; a substantial impact to a sensitive natural community (i.e., a community that is especially diverse; regionally uncommon; or of special concern to local, state, and federal agencies);
- a substantial adverse effect to wildlife species that are federally-listed or state-listed or proposed to be listed; a substantial adverse effect to wildlife species of special concern to CDFG, candidates for state listing, or animals fully protected in California;
- substantial adverse effects on habitats that serve as breeding, foraging, nesting, or migrating grounds and are limited in availability or that serve as core habitats for regional plant and wildlife populations;
- interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- substantial adverse effect on important riparian habitats or wetlands and any other “Waters of the U.S.” or state jurisdictional waters; or
- conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

## **C.2.4 PROPOSED PROJECT**

---

### **C.2.4.1 SETTING AND EXISTING CONDITIONS**

#### **Proposed Project**

IVS proposes to develop a 750-megawatt (MW) solar energy facility called Imperial Valley Solar project (IVS) in Imperial County. The 6,063.1-acre facility would be primarily on federal land administered by BLM in the Imperial Valley, 14 miles west of El Centro. The site is situated in the Yuha Desert, which is a section of the Colorado Desert.

The project includes the plant site, (30,000 solar dish Stirling systems referred as SunCatchers, 230-kilovolt (kV) substation, administration buildings, support facilities, evaporation ponds, and access roads), upgrade of the Seeley Waste Water Treatment Facility (SWWTF) to supply reclaimed water to the IVS project, linear facilities (reclaimed water supply pipeline along Evan Hewes Highway from the SWWTF, and the transmission line and accompanying access roads to the south of Interstate 8). The total area for the proposed solar facility that would be fenced and subject to disturbance is approximately 6,063.1 acres. The major components of the project are described below.

The project would be constructed in two phases. Phase I would develop approximately 2,600 acres and would begin in the southwestern corner of the plant site west of the San Diego Gas & Electric (SDG&E) transmission line. Phase I development includes the construction and/or partial development of the following:

- Access roads;
- 12-mile off-site waterline;
- Installation of 12,000 SunCatchers;
- Main services complex;
- Hydrogen generator;
- Water treatment system;
- 230-kV substation;
- Two 2,500,000-gallon evaporation ponds;
- Retention basins;
- 10.35-mile transmission line; and
- 100-acre laydown area east of Dunaway Road.

Phase II development would encompass approximately 3,500 acres on the remainder of the project site. Phase II development would include the installation of 18,000 additional SunCatchers with accompanying access roads and would extend to the north and east of the Phase I area.

#### **Plant Site and Surrounding Area**

The project's plant site is bounded by the Union Pacific Railroad to the north and Interstate 8 to the south. The western edge would be located approximately one mile west of the junction of the Union Pacific Railroad and Interstate 8, and the eastern edge would be located west of Dunaway Road. The United States Gypsum Corporation (Plaster City) processing plant is just north of the project along Evan Hewes Highway.

Sand and gravel operations occur north of Evan Hewes Highway. Off-highway vehicle (OHV) use is designated as limited within the project site to designated routes only. North of the project site is the Plaster City Open OHV Area which is designated by BLM as being open to off road travel. Areas to the west and south of the project site are undeveloped, whereas the area to the east includes sand and gravel operations and agricultural production. More sand and gravel operations occur five miles west of the site in unincorporated Ocotillo. Sand and gravel operations occurred in the past on the project site, but the site has been subsequently revegetated. The plant site consists of Sonoran creosote bush scrub habitat.

### **Water Pipeline and Seeley Waste Water Treatment Facility**

Reclaimed water from the SWWTF would be used for Imperial Valley Solar (IVS) project construction and plant operations. An upgrade of the SWWTF would need to be done in order for the reclaimed water to be available for the proposed IVS project. An Environmental Impact Report is currently being prepared for the SWWTF upgrade. An approximately 12-mile-long, 6-inch-diameter water pipeline would be constructed mostly within a 30-foot right-of-way (ROW). The pipeline would deliver tertiary treated effluent from the SWWTF to the proposed water treatment plant on the IVS project site along Evan Hewes Highway. Also included in the acreage totals are the onsite SWWTF and the offsite SWWTF elements which include the effluent drainage channel (Wildcat Drain), any areas proposed to receive surface disturbance during construction, and areas 500 feet upstream and 500 feet downstream of Wildcat Drain's confluence with the New River (SES 2010g). The following habitats are along the Evan Hewes Highway and associated onsite and offsite SWWTF elements: low-high elevation riparian scrub, desert iodine bush scrub, desert sink scrub, fresh-brackish water marsh, arrowweed scrub, tamarisk scrub, giant reed grassland, disturbed, developed, and open channel. The open channel habitat consists of open water in the irrigation canals, drains, and the New River. It is anticipated that the proposed reclaimed water pipeline would span these open channels.

A recent project supplement (SES 2010g) discussed minor modifications made to the water pipeline alignment to follow the Evan Hewes Highway ROW where feasible to reduce environmental impacts. Shifts had been made to an approximately 1-mile segment east of Plaster City and an approximately 2-mile segment west of Seeley. Botanical and FTHL surveys were conducted for spring 2010 along these segments.

### **Transmission Line and Towers**

An approximately 10.35-mile transmission line would be constructed to interconnect the project to the existing SDG&E 230-kV Imperial Valley Substation, located 7.56 miles southeast of the proposed plant site. Approximately 2.79 miles of the proposed 10.35-mile transmission line would be within the 6,063.1-acre plant site boundary. Approximately 7.56 miles of the transmission line would be built outside of the project site within an existing utility corridor in the Yuha Desert Flat-tailed Horned Lizard Management Area (MA) south of Interstate 8. The transmission line would be constructed in Sonoran creosote bush scrub habitat and in already disturbed areas comprised of dirt and OHV roads along an existing transmission line corridor.

A recent project supplement (SES 2010g) discussed minor modifications to the transmission line alignment made near the existing San Diego Gas & Electric's Imperial Substation towards the southeast end of the transmission line. A 760-foot segment was shifted 120 feet to the southeast and a 1,025-foot segment was shifted 300 feet to the east. These areas had been previously surveyed for biological resources in 2007 and 2008. Additional botanical and FTHL surveys were conducted for spring 2010.

## **Vegetation and Wildlife**

### **Plant Communities**

Eleven habitats/cover types were mapped within the plant site and along linear facilities (SES 2008a, SES 2009q, and SES 2010g).

The Sonoran creosote bush scrub community covers the plant site and the transmission line alignment. Due to a recent change in the placement of the proposed reclaimed waterline, this plant community is no longer part of this linear (SES 2010g). This plant community is dominated by creosote bush (*Larrea tridentata*), bursage (*Ambrosia dumosa*), and brittlebush (*Encelia farinosa*). Other plant species observed includes ocotillo (*Fouquieria splendens*) and silver cholla (*Opuntia echinocarpa*). Mesquite (*Prosopis glandulosa*) and three species of non-native tamarisk (*Tamarix* spp.), mixed with creosote are found primarily within the dry washes that transect the project site. Other non-native plants observed on-site include Sahara mustard (*Brassica tournefortii*), red brome (*Bromus madritensis* ssp. *rubens*), and Mediterranean schismus (*Schismus barbatus*). Shrub density varied from low to moderate density, in which shrub spacing ranges from several feet to tens of feet (SES 2008a). Disturbed Sonoran creosote bush scrub has had some ground disturbance in the past and contains many of the same species of plants at lower shrub densities.

The low-high elevation riparian scrub community is one of the most prevalent native plant community associated with the proposed reclaimed water pipeline and SWWTF offsite area. This plant community occurs along portions of the channel banks of the New River adjacent to the flow line and the adjacent floodplain. Common species include tamarisk (*Tamarix* sp.), arrowweed (*Pluchea sericea*), mesquite, and quailbush (*Atriplex lentiformis*). Vegetative cover varied from 30 to 75 percent cumulative cover.

The desert iodine bush scrub community occurs along the east side of the New River on a primary bench with high saline, sodic soils subjected to and dependent on intermittent flooding. Iodine bush (*Allenrolfea occidentalis*) is the dominant shrub with pickleweed (*Salicornia subterminalis*) and bush seepweed (*Suaeda nigra*) making up less than 20 percent of the cover in this habitat.

Desert sink scrub is found on poorly drained soils with high alkalinity and/or salinity. Shrub density is low (less than 20 percent) and mainly includes iodine bush. The desert sink scrub is located along a primary river bench on the west and east side of the New River.

The arrowweed scrub community is comprised almost entirely of arrowweed and occurs on the east side of the New River, just north of the confluence with Wildcat Drain. .



The tamarisk scrub community is dominated by one or more species of tamarisk. Tamarisk is highly invasive and usually associated with disturbance. Other species that occur with tamarisk include arrowweed, quailbush, and salt grass (*Distichlis spicata*). The tamarisk scrub occurs near the canals, ditches, drainages, Wildcat Drain, and along the New River.

The giant reed grassland is a monotypic stand of giant reed (*Arundo donax*), an invasive nonnative weed. Giant reed occurs in areas along the main flow line of the New River.

Fresh-brackish water marsh is dominated by cattails (*Typha* spp.) in areas such as drainages, seeps, and areas with continuous shallow inundation of water. The marshes occur in Wildcat Drain.

The disturbed areas are associated with a high level of human disturbance and have very limited natural vegetation. For the project area, disturbed areas are dominated by ruderal plants which cover 15 percent or less of this vegetation type. Disturbed areas are limited to the road shoulders, OHV and dirt roads, abandoned pads, and other man-made covers.

The developed areas include paved roads, the rail line, transmission line, parking lots, buildings, landscape plantings, and structures associated with the SWWTF within the study area.

Open channel areas are characterized by constant flowing water, which includes the seven irrigation canals and the New River that occur along the proposed reclaimed water pipeline corridor. Cattail (*Typha* sp.), annual beard grass (*Polypogon monspeliensis*), giant reed (*Arundo donax*), and nutsedge (*Cyperus squarrosus*) were present in scarce quantities along the channel banks.

### **Sensitive Habitats**

No sensitive natural vegetation communities occur in the survey area or within one mile of the proposed project boundaries (CDFG 2009). The natural vegetative communities that occur in the project area are not considered to be of high priority in the California Natural Diversity Database (CNDDDB) (CDFG 2003). These vegetative communities are generally considered common enough to not be of concern (CDFG 2007). However, the BLM Yuha Desert FTHL Management Area is located immediately south of Interstate 8, on the south edge of the project site and USFWS-designated critical habitat for Peninsular bighorn sheep is located approximately six miles west of the project site.

### **Ephemeral Drainages/Waters of the U.S./Jurisdictional State Waters**

The project site is located on gently sloping alluvial sediments from alluvial fans. The project area gradually slopes to the northeast. The slopes on the western side of the project site generally vary from 2 to 5 percent, whereas the slopes on the eastern side vary from 0.5 to 1 percent. The western side of the project site varies from steep hills to level valleys. Ancient Lake Cahuilla, a prehistoric freshwater lake created from the floodwaters of the Colorado River, borders the eastern edge of the project site.

Several dry desert washes traverse the site and convey flows following a substantial rainfall. The habitat type of the washes, classified as Sonoran creosote bush scrub, also contain sparse stands of mesquite and tamarisk (SES 2008a). The ephemeral washes generally contain a greater vegetative diversity and density than the creosote bush scrub habitat outside of the washes (SES 2009s). The ephemeral washes on the western edge of the project site drain towards Coyote Wash north of the project site, washes in the center of the project site drain north towards Coyote Wash, but are estimated to return flow towards the northeastern portion of the project site, and the ephemeral washes on the eastern half of the project site drain east across the project site to the Westside Main Canal. The Westside Main Canal and Coyote Wash are tributaries to the New River and eventually to the Salton Sea, which is currently the nearest Traditionally Navigable Waterbody (TNW) as defined by the USACE. There is overlap between Waters of the U.S. and jurisdictional state waters. For the IVS project site, the USACE jurisdictional waters of the U.S. is approximately 881 acres and jurisdictional state waters is approximately 620 acres.

Off-site linear features, such as the reclaimed water pipeline, is anticipated to span the seven irrigation canals and the New River via attachment to bridge crossings or other structures rather than going under the waterbodies via directional boring. The canals and the New River are considered Waters of the U.S. and jurisdictional state waters. A recent change in the proposed reclaimed water pipeline alignment and the SSWTF upgrade has altered the affected habitat and cover types (SES 2010g) from the previous SA/DEIS, increasing the potential acreage affected for the waterline from 29.22 acres to 78.8 acres, which now also includes impacts to habitats in the SSWTF effluent channel (Wildcat Drain) and adjacent New River. The estimated acreage of jurisdictional state waters is 2.61 acres, which consists of open water and fresh-brackish water marsh in the channels (SES 2010g). Seepage from some of the canals has created adjacent wetlands which are under federal jurisdiction. Habitats adjacent to the New River are also considered wetlands which are also under federal jurisdiction. The estimated acreage of Waters of the U.S. is 55.86 acres, which includes low-high elevation riparian scrub, desert iodine bush scrub, desert sink scrub, fresh-brackish water marsh, arrowweed scrub, giant reed grassland, tamarisk scrub, and open channel (SES 2010g). **Biological Resources Table 4** has the breakdown of habitats and cover types.

## Wildlife

The proposed plant site, the transmission line corridor, and the reclaimed waterline west of the Main Canal mainly consist of native vegetation. Whereas the proposed reclaimed waterline east of the Main Canal consists mainly of developed and disturbed habitats associated with road construction. The project site supports a diversity of wildlife species. Reptiles detected during the 2007/2008 surveys include flat-tailed horned lizard (*Phrynosoma mcallii*), side-blotched lizard (*Uta stansburiana*), desert iguana (*Dipsosaurus dorsalis*), Great Basin whiptail (*Cnemidophorus tigris tigris*), zebra-tailed lizard (*Callisaurus draconoides*), desert horned lizard (*Phrynosoma platyrhinos*), and Colorado Desert sidewinder (*Crotalus cerastes*). Mammals recorded during the surveys include black-tailed jackrabbit (*Lepus californicus*), desert cottontail (*Sylvilagus audubonii*), California ground squirrel (*Spermophilus beecheyi*), coyote (*Canis latrans*), and desert kit fox (*Vulpes macrotis arsipus*) (SES 2008a). A recent site visit to the proposed IVS project

site on May 25, 2010 by staff, BLM, and USFWS noted vocalizations of roundtail ground squirrels (*Spermophilus tereticaudus*), which were not present during the 2007/2008 surveys. Along the proposed reclaimed water pipeline extension, commonly observed reptiles and mammals include the side-blotched lizard, whiptail lizard, desert cottontail, and California ground squirrel (SES 2009q).

The project area provides forage, cover, roosting, and nesting habitat for a variety of bird species, despite the moderate to low shrub density. Common resident and migratory birds detected in and near the IVS site in 2007 and/or 2008 surveys include lesser nighthawk (*Chordeiles acutipennis*), mourning dove (*Zenaida macroura*), black-tailed gnatcatcher (*Polioptila melanura*), white-crowned sparrow (*Zonotrichia leucophrys*), California horned lark (*Eremophila alpestris actia*), verdin (*Auriparus flaviceps*), cliff swallow (*Hirundo pyrrhonota*), common raven (*Corvus corax*), great-tailed grackle (*Quiscalus mexicanus*), house finch (*Carpodacus mexicanus*), mourning dove (*Zenaida macroura*), lesser goldfinch (*Carduelis psaltria*), northern mockingbird (*Mimus polyglottos*), rock dove (*Columba livia*), western kingbird (*Tyrannus verticalis*), western meadowlark (*Sturnella neglecta*), and white-winged dove (*Zenaida asiatica*). Raptors detected at the site include American kestrel (*Falco sparverius*), red-tailed hawk (*Buteo jamaicensis*), and turkey vulture (*Cathartes aura*). Burrowing owls (*Athene cunicularia*) were also detected along the transmission line route with potential burrows on the project site (SES 2008a). Along the proposed reclaimed water pipeline extension, commonly observed birds include the killdeer (*Charadrius vociferous*), song sparrow (*Melospiza melodia*), cliff swallow (*Petrochelidon pyrrhonota*), common raven, house finch, and mourning dove (SES 2009q). The highest densities of burrowing owls would most likely occur in the agricultural areas near the proposed water pipeline route.

### **Special Status Species**

Special status species are plant and wildlife species that have been afforded special recognition by federal, state, or local resource agencies or organizations. Listed and special status species are of relatively limited distribution and typically require unique habitat conditions. Special status species are defined as meeting one or more of the following criteria:

1. Listed as threatened or endangered or candidates for future listing as threatened or endangered under CESA or FESA;
2. Protected under other regulations (e.g. Migratory Bird Treaty Act);
3. Listed as species of concern by CDFG;
4. A plant species considered by the CNPS to be "rare, threatened, or endangered in California" (CNPS List 1A, 1B, and 2) as well as CNPS List 3 and 4<sup>1</sup> plant species;

---

<sup>1</sup> List 3 plants may be analyzed under CEQA §15380 if sufficient information is available to assess potential impacts to such plants. Factors such as regional rarity vs. statewide rarity should be considered in determining whether cumulative impacts to a List 4 plant are significant even if individual project impacts are not. CNPS List 3 and 4 may be considered regionally significant if, e.g., the occurrence is located at the periphery of the species' range, or exhibits unusual morphology, or occurs in an unusual habitat/substrate. For these reasons, CNPS List 3 and 4 plants should be included in the field surveys.

5. A plant listed as rare under the California Native Plant Protection Act<sup>2</sup>;
6. Considered a locally significant species, that is, a species that is not rare from a statewide perspective but is rare or uncommon in a local context such as within a county or region or is so designated in local or regional plans, policies, or ordinances; or
7. Any other species receiving consideration during environmental review under CEQA.

The BLM designates Sensitive species as those requiring special management considerations to promote their conservation and reduce the likelihood and need for future listing under FESA. BLM Sensitive species include all Federal Candidate and Federally Delisted species which were so designated within the last 5 years, and CNPS List 1B species that occur on BLM lands. For the purposes of this analysis, Energy Commission staff considers all BLM Sensitive species as special-status species.

**Biological Resources Table 2** includes special status species that are known to occur in the project area and vicinity according to the California Natural Diversity Database (CNDDDB) (CDFG 2009) or have the potential of occurring. BLM also solicited a special status species list from the USFWS. None of the special status plant species listed below was detected during the 2007/2008 surveys (SES 2008a and SES 2009q), although those surveys had limitations to the extent that staff is requiring additional surveys to be conducted in 2010 for the spring and fall. Results from the spring 2010 rare plant surveys detected five special status plant species. Five special status wildlife species were detected during the 2007/2008 surveys, and are discussed in more detail below. Special status species (or their sign) observed during the 2007/2008/2010 surveys are indicated by **bold-face type**.

---

List 3 and 4 plants are also included in the California Natural Diversity Database's (CNDDDB) Special Plants, Bryophytes, and Lichens List. [Refer to the current online published list available at: <http://www.dfg.ca.gov/biogeodata>.] Data on Lists 3 and 4 plants should be submitted to CNDDDB. Such data aids in determining or revising priority ranking (CDFG 2009).

<sup>2</sup> As defined by the California Native Plant Protection Act, a plant is rare when, although not presently threatened with extinction, the species, subspecies, or variety is found in such small numbers throughout its range that it may be endangered if its environment worsens (Fish and Game Code §1901) (CDFG 2009).

**Biological Resources Table 2**  
**Special Status Species Known or Potentially Occurring in the IVS Project Area**

<b>PLANTS</b>		
Common Name ( <i>Scientific Name</i> )	Status State/Fed/BLM/CNPS/ State Rank/Global Rank	Potential for Occurrence
chaparral sand verbena ( <i>Abronia villosa</i> var. <i>aurita</i> )	<u>  </u> / <u>  </u> /S/1B.1/ S2.1/G5T3T4	<b>Low</b> —not observed during focused surveys in 2007, 2008, and 2010. Historic CNDDDB occurrence in Seeley in the area of the proposed water pipeline. Unsuitable habitat conditions for this species caused by roadway maintenance and agricultural development.
<b>Harwood's milk-vetch</b> ( <i>Astragalus insularis</i> var. <i>harwoodii</i> )	<u>  </u> / <u>  </u> / <u>  </u> /2.2/ S2.2/G5T3	<b>Present</b> —Species observed within the proposed project site during 2010 focused surveys. Closest CNDDDB occurrence two miles southwest of proposed IVS project site. Suitable habitat occurs on project site.
little-leaf elephant tree ( <i>Bursera microphylla</i> )	<u>  </u> / <u>  </u> / <u>  </u> /2.3/ S2.3/G4	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Nearest CNDDDB occurrence is approximately 10 miles west of the proposed IVS project site.
pink fairy duster ( <i>Calliandra eriophylla</i> )	<u>  </u> / <u>  </u> / <u>  </u> /2.3/ S2.3/G5	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Nearest CNDDDB record is from 1989 approximately 4 miles southwest of the proposed IVS project site.
crucifixion thorn ( <i>Castela emoryi</i> )	<u>  </u> / <u>  </u> / <u>  </u> /2.3/ S2.2/G3	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Nearest CNDDDB record is from 1997 from the BLM Crucifixion Thorn Natural Area approximately 5.5 miles south of the proposed IVS project site. Suitable habitat occurs on the project site.

PLANTS		
Common Name ( <i>Scientific Name</i> )	Status State/Fed/BLM/CNPS/ State Rank/Global Rank	Potential for Occurrence
Peirson's pincushion ( <i>Chaenactis carphoclinia</i> var. <i>peirsonii</i> )	___/___/S/1B.3/ S1.3/G5T1	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Nearest CNDDDB occurrence is approximately 23 miles northwest of the proposed IVS project site.
Abrams' spurge ( <i>Chamaesyce</i> <i>abramsiana</i> )	___/___/___/2.2/ S1.2/G4	<b>Moderate</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Fall survey to be conducted 2010. Nearest CNDDDB occurrence is approximately 20 miles east of the proposed IVS project site.
flat-seeded spurge ( <i>Chamaesyce</i> <i>platysperma</i> )	___/___/S/1B.2/ S1.2/G3	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Nearest CNDDDB record is from the vicinity of Superstition Mountain approximately 14 miles north of the proposed IVS project site.
<b>Wiggins' croton</b> ( <i>Croton wigginsii</i> )	SR/___/S/2.2/ S1.2/G2G3	<b>Present</b> —Found within the proposed water line alignment during focused 2010 surveys. Known to occur in the Yuha Desert south of the project site (Trouette 2010). Suitable habitat occurs on the proposed IVS project site.
<b>Utah vine milkweed</b> ( <i>Cynanchum</i> <i>utahense</i> )	___/___/___/4.2/ S3.2/G4	<b>Present</b> —Species found during 2010 focused surveys. Herbarium records indicate a collection from Coyote Wells, approximately 2 miles southwest of the proposed IVS project site.
glandular ditaxis ( <i>Ditaxis claryana</i> )	___/___/___/2.2/ S1S2/G4G5	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Nearest CNDDDB occurrence is approximately 60 miles east of the proposed IVS project site.

PLANTS		
Common Name ( <i>Scientific Name</i> )	Status State/Fed/BLM/CNPS/ State Rank/Global Rank	Potential for Occurrence
annual rock nettle ( <i>Eucnide rupestris</i> )	—/—/—/2.2/ S1/G3	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Nearest CNDDDB record is approximately 4.5 miles northwest of the proposed IVS project site. Suitable habitat occurs on the project site; however, the site is located below the typical elevation range that this species usually occurs.
curly herissantia ( <i>Herissantia crispa</i> )	—/—/—/2.3/ S1.3?/G5	<b>Moderate</b> —Species not found during 2007, 2008, and 2010 spring surveys. Fall survey to be conducted in 2010. Nearest CNDDDB occurrence is approximately 17 miles southwest of the proposed IVS project site.
Mexican hulsea ( <i>Hulsea mexicana</i> )	—/—/—/2.3/ S1.3/G3G4	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Nearest CNDDDB occurrence is approximately 17 miles southwest of the proposed IVS project site.
Baja California ipomopsis ( <i>Ipomopsis effusa</i> )	—/—/—/2.1/ S1.1/G3?	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Nearest CNDDDB record is from Pinto Wash immediately north of Highway 98 approximately 9 miles southeast of the proposed IVS project site. Suitable habitat occurs on the project site.

PLANTS		
Common Name ( <i>Scientific Name</i> )	Status State/Fed/BLM/CNPS/ State Rank/Global Rank	Potential for Occurrence
slender-leaved ipomopsis ( <i>Ipomopsis tenuifolia</i> )	<u>  </u> / <u>  </u> / <u>  </u> /2.3/ S2.3?/G3G4	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Nearest CNDDDB record is a historic record (1927) from the summit of Mountain Springs Grade approximately 10 miles southwest of the proposed IVS project site. Suitable habitat occurs on the project site; however, the site is located below the typical elevation range that this species usually occurs.
pygmy lotus ( <i>Lotus haydonii</i> )	<u>  </u> / <u>  </u> /S/1B.3/ S2.3?/G3	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Nearest CNDDDB occurrence is approximately 17 miles southwest of the proposed IVS project site.
Mountain Springs bush lupine ( <i>Lupinus excubitus</i> var. <i>medius</i> )	<u>  </u> / <u>  </u> /S/1B.3/ S2.3?G4T2T3	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Nearest record is from Myers Valley approximately 9 miles southwest of the proposed IVS project site. Suitable habitat does not occur on the project site.
Parish's desert-thorn ( <i>Lycium parishii</i> )	<u>  </u> / <u>  </u> / <u>  </u> /2.3/ S2S3/G3?	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Nearest CNDDDB occurrence is approximately 10 miles west of the proposed IVS project site.
<b>brown turbans</b> ( <i>Malperia tenuis</i> )	<u>  </u> / <u>  </u> / <u>  </u> /2.3/ S1.3/G4?	<b>Present</b> —Individuals found within the proposed IVS project area during 2010 focused surveys. The nearest CNDDDB record is from the Yuha Desert, south of Pinto Wash, approximately 5 miles southeast of the project site. Suitable habitat occurs within the site.



PLANTS		
Common Name ( <i>Scientific Name</i> )	Status State/Fed/BLM/CNPS/ State Rank/Global Rank	Potential for Occurrence
hairy stickleaf ( <i>Mentzelia hirsutissima</i> )	<u>  </u> / <u>  </u> / <u>  </u> /2.3/ S2S3/G3?	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. The nearest CNDDDB occurrence is from Mountain Spring Grade approximately 11 miles southwest of the proposed IVS project site. Suitable habitat occurs within the project site.
creamy blazing star ( <i>Mentzelia tridentata</i> )	<u>  </u> / <u>  </u> /S/1B.3/ S2.3/G2	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Nearest CNDDDB occurrence is approximately 120 miles northwest of the proposed IVS project site.
slender woolly-heads ( <i>Nemacaulis denudata</i> var. <i>gracilis</i> )	<u>  </u> / <u>  </u> / <u>  </u> /2.2/ S2S3/G3G4T3?	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. The nearest CNDDDB record is approximately 3 miles west of the proposed IVS project site. Suitable habitat occurs within the project site.
<b>Thurber's pilostyles</b> ( <i>Pilostyles thurberi</i> )	<u>  </u> / <u>  </u> / <u>  </u> /4.3/ S3.3/G5	<b>Present</b> —Individuals found within the proposed IVS project site during 2010 focused surveys. Historic CNDDDB occurrence on northwest edge of project site. Suitable habitat is present as three species of <i>Psoralea</i> spp., the host plants for Thurber's pilostyles, occur on project site.
desert spike-moss ( <i>Selaginella eremophila</i> )	<u>  </u> / <u>  </u> / <u>  </u> /2.2/ S2.2?/G4	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Nearest CNDDDB occurrence is approximately 15 miles southwest of the proposed IVS project site.

PLANTS		
Common Name ( <i>Scientific Name</i> )	Status State/Fed/BLM/CNPS/ State Rank/Global Rank	Potential for Occurrence
dwarf germander ( <i>Teucrium cubense</i> ssp. <i>depressum</i> )	___/___/___/2.2/ S2/G4G5T3T4	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Nearest CNDDDB occurrence six miles southwest of proposed IVS project site. Suitable habitat occurs on project site.
Orcutt's woody-aster ( <i>Xylorhiza orcuttii</i> )	___/___/___/S/1B.2/ ?S2.2/G2G3	<b>Low</b> —not observed during 2007, 2008, and 2010 focused plant surveys. Nearest CNDDDB record is from Basin Wash into Tule Wash in the Anza-Borrego State Park approximately 12.5 miles northwest of the proposed IVS project site. Suitable habitat occurs on project site.

WILDLIFE		
Common Name ( <i>Scientific Name</i> )	Status State/Fed/BLM	Potential for Occurrence
<b>Reptiles</b>		
barefoot banded gecko ( <i>Coleonyx switaki</i> )	ST/___/___	<b>Low</b> —not observed; nearest CNDDDB occurrence approximately six miles northwest of proposed IVS project site. Lack of rocky habitat makes the project site unsuitable for this species.
<b>flat-tailed horned lizard</b> ( <i>Phrynosoma mcallii</i> )	CSC/___/S	<b>Present</b> —observed on proposed IVS project site during surveys.
Colorado Desert fringe-toed lizard ( <i>Uma notata</i> )	CSC/___/S	<b>Low</b> —not observed. Nearest CNDDDB occurrence is approximately 11 miles northwest of proposed project site. General lack of dune habitat makes the site generally unsuitable for this species. Marginal habitat exists in the sandy portions of dry washes within site.

<b>Birds</b>		
golden eagle ( <i>Aquila chrysaetos</i> )	SFP/ __/ __	<b>Moderate</b> —not observed though within winter range of this species. Rarely seen in Imperial County, only five known occurrences documented in Imperial County; nearest occurrence approximately two miles northeast of Seeley (McCaskie 2010). Suitable nesting habitat does not occur on the proposed IVS project site; however, suitable foraging habitat does occur on the project site.
<b>burrowing owl</b> ( <i>Athene cunicularia</i> )	CSC/BCC/S	<b>Present</b> —observed on proposed IVS project site during surveys.
Swainson's hawk ( <i>Buteo swainsoni</i> )	ST/ __/ __	<b>Low</b> —no records in vicinity of proposed IVS project site. May migrate through area in spring and fall and forage in nearby agricultural areas. Nearest CNDDDB occurrence is approximately 170 miles northwest of proposed project site.
mountain plover ( <i>Charadrius montanus</i> )	CSC/BCC/S	<b>Moderate</b> — Species may winter in agricultural lands in vicinity of proposed IVS project site. Nearest CNDDDB record is approximately 20 miles northeast of the proposed project site south of the Salton Sea.
fulvous whistling duck ( <i>Dendrocygna bicolor</i> )	CSC/ __/ __	<b>Low</b> —Species may occur along the New River in the vicinity of the proposed water pipeline which provides some limited habitat for this species. Nearest CNDDDB record is approximately 250 miles northwest of the proposed IVS project site.

little willow flycatcher ( <i>Empidonax trailii brewsteri</i> )	SE/__/__	<b>Low</b> —This species is found during migration within riparian areas near the Salton Sea. There are no CNDDDB records for this species in the vicinity of the project site.
southwestern willow flycatcher ( <i>Empidonax trailii extimus</i> )	SE/FE/__	<b>Moderate</b> —The New River and associated riparian areas near the proposed water pipeline provide some limited habitat for this species. The nearest CNDDDB occurrence is approximately 70 miles north of the proposed project site.
<b>California horned lark</b> ( <i>Eremophila alpestris</i> )	CSC/__/__	<b>Present</b> —observed on proposed IVS project site during surveys.
bald eagle ( <i>Haliaeetus leucocephalus</i> )	SE/FT-D/__	<b>Low</b> —not observed though within winter range of this species. Nearest occurrence is from the south shore of the Salton Sea, approximately 18 miles northeast of the proposed IVS project site (Patten et al. 2003). Suitable foraging and nesting habitat does not occur on the project site.
Yellow-breasted chat ( <i>Icteria virens</i> )	CSC/__/__	<b>Low</b> —The New River and associated riparian areas near the proposed water pipeline provide some limited habitat for this species. The nearest CNDDDB occurrence is approximately 35 miles northeast of the proposed IVS project site.
least bittern ( <i>Ixobrychus exilis</i> )	CSC/__/__	<b>Low</b> —The New River and associated riparian areas near the proposed water pipeline provide some limited habitat for this species. The nearest CNDDDB occurrence is approximately 70 miles northeast of the proposed IVS project site.
<b>loggerhead shrike</b> ( <i>Lanius ludovicianus</i> )	CSC/BCC/__	<b>Present</b> —observed on proposed IVS project site during surveys.

California black rail ( <i>Laterallus jamaicensis coturniculus</i> )	ST, SFP/BCC/___	<b>Low</b> —not observed during 2010 protocol field surveys. Nearest CNDDDB occurrence is approximately 2 miles east of the proposed water pipeline.
Gila woodpecker ( <i>Melanerpes uropygialis</i> )	SE/BCC/___	<b>Low</b> —The New River and associated riparian areas near the proposed water pipeline provide some limited foraging habitat for this species, but no suitable nest trees are present. The nearest CNDDDB occurrence is approximately 70 miles east of proposed IVS project site.
<b>black-tailed gnatcatcher</b> ( <i>Polioptila melanura</i> )	WL/___/___	<b>Present</b> —observed on proposed IVS project site during surveys.
vermillion flycatcher (breeding) ( <i>Pyrocephalus rubinus</i> )	CSC/___/___	<b>Moderate</b> —not observed; nearest CNDDDB occurrence two miles south of proposed water pipeline. Suitable habitat occurs in the riparian areas associated with the irrigation canals and New River.
Yuma clapper rail ( <i>Rallus longirostris yumamensis</i> )	SE, SFP/FE/___	<b>Low</b> —not observed during 2010 protocol field surveys; nearest documented occurrence 4 miles from the SWWTF. Suitable large areas of open water, marsh habitat, and adjacent upland areas do not occur near the SWWTF for this species.
Crissal thrasher ( <i>Toxostoma crissale</i> )	CSC/___/___	<b>Low</b> —The New River and associated riparian areas near the proposed water pipeline provide some limited habitat for this species. The nearest CNDDDB occurrence is approximately 20 miles northeast of the proposed IVS project site.
<b>Le Conte's thrasher</b> ( <i>Toxostoma lecontei</i> )	WL/BCC/___	<b>Present</b> —observed on proposed IVS project site during surveys. Several CNDDDB records within the vicinity of the site.

least Bell's vireo ( <i>Vireo bellii pusillus</i> )	SE/FE/___	<b>Moderate</b> —The New River and associated riparian areas near the proposed water pipeline provide some limited habitat for this species. The nearest CNDDDB occurrence is approximately 15 miles northwest of proposed IVS project site.
--	-----------	--

<b>Mammals</b>		
pallid bat ( <i>Antrozous pallidus</i> )	CSC/___/S	<b>Moderate</b> —no roost sites observed during field survey although focused surveys for bat roosts were not conducted; nearest CNDDDB record is 20 miles northwest of proposed IVS project site at Fish Creek Wash at the south end of Split Mountain in Anza Borrego State Park in 1996. Suitable foraging habitat occurs in the project area and suitable roosting habitat occurs along the Evan Hewes Highway for the proposed recycled water pipeline.
ringtail ( <i>Bassariscus astulus</i> )	___/___/___	<b>Low</b> —The New River and associated riparian areas along the proposed water pipeline provide some limited habitat for this species. There are no CNDDDB records for this species in the vicinity of the proposed IVS project site.
western yellow bat ( <i>Lasiurus xanthinus</i> )	CSC/___/___	<b>High</b> —no roost sites observed during field surveys although focused surveys for bat roosts were not conducted; nearest CNDDDB occurrence is 11 miles east of proposed IVS project site in El Centro during 1989-1990. Suitable roosting and foraging habitat occurs along the proposed recycled water pipeline.
big free-tailed bat ( <i>Nyctinomops macrotis</i> )	CSC/___/___	<b>Low</b> —no roost sites observed during field survey although focused surveys for bat roosts were not conducted; nearest CNDDDB occurrence is near El Centro during 1987 approximately 12 miles east of proposed IVS project site. Though the project site may be suitable foraging habitat, roosting habitat does not occur on the project site.

<b>Peninsular bighorn sheep</b> ( <i>Ovis canadensis nelsoni</i> )	ST,SFP/FE/S	<b>Present</b> —observed on proposed IVS project site. Habitat on project site is not optimal for bighorn sheep due to lack of cover, escape routes, human recreational OHV use, but the project site provides foraging habitat.
<b>American badger</b> ( <i>Taxidea taxus</i> )	CSC/___/___	<b>High</b> —not observed though potential burrows observed on proposed IVS project site during surveys. Nearest occurrence south across Interstate 8 from project site.

Sources: CDFG 2009; CNPS 2009; SES 2010



## Biological Resources Table 2 – Notes

### STATUS CODES:

#### State

CSC: California Species of Special Concern. Species of concern to CDFG because of declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction.

SE: State listed as endangered

SR: State listed as rare

ST: State listed as threatened

SFP: Fully protected

WL: Watch List: includes species formerly on California Species of Special Concern List (Remsen 1978) but which did not meet the criteria for the current list of special concern bird species (Shuford and Gardali 2008).

#### Federal

FE: Federally listed endangered: species in danger of extinction throughout a significant portion of its range

FT: Federally listed, threatened: species likely to become endangered within the foreseeable future

BCC: Fish and Wildlife Service: Birds of Conservation Concern: Identifies migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent highest conservation priorities

<http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/BCC2008/BCC2008.pdf>

D: Delisted taxon that is considered recovered

#### BLM

S: BLM Sensitive. Species requiring special management consideration to promote their conservation and reduce the likelihood and need for future listing under the ESA. BLM Sensitive species also include all Federal Candidate species and Federal Delisted species which were so designated within the last 5 years and CNPS List 1B plant species that occur on BLM lands.

[http://www.blm.gov/style/medialib/blm/wo/Information\\_Resources\\_Management/policy/blm\\_manual.Par.43545.File.dat/6840.pdf](http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/blm_manual.Par.43545.File.dat/6840.pdf)

#### California Native Plant Society (CNPS)

List 1B: Rare, threatened, or endangered in California and elsewhere

List 2: Rare, threatened, or endangered in California but more common elsewhere

List 3 = Plants which need more information

List 4 = Limited distribution – a watch list

0.1: Seriously threatened in California (high degree/immediacy of threat)

0.2: Fairly threatened in California (moderate degree/immediacy of threat)

0.3: Not very threatened in California (low degree/immediacy of threats or no current threats known)

#### Global Rank/State Rank

**Global rank (G-rank)** is a reflection of the overall condition of an element throughout its global range. Subspecies are denoted by a T-Rank; multiple rankings indicate a range of values

G1 = Less than 6 viable element occurrences (EOs) OR less than 1,000 individuals

G2 = 6-20 EOs OR 1,000-3,000 individuals

G3 = 21-100 EOs OR 3,000-10,000 individuals

G4 = Apparently secure; this rank is clearly lower than G3 but factors exist to cause some concern; i.e., there is some threat, or somewhat narrow habitat.

G5 = Population or stand demonstrably secure to ineradicable due to being commonly found in the world.

**State rank (S-rank)** is assigned much the same way as the global rank, except state ranks in California often also contain a threat designation attached to the S-rank. An H-rank indicates that all sites are historical

S1 = Less than 6 EOs OR less than 1,000 individuals

S1.1 = very threatened

S1.2 = threatened

S1.3 = no current threats known

S2 = 6-20 EOs OR 1,000-3,000 individuals

S2.1 = very threatened

S2.2 = threatened

S2.3 = no current threats known

S3 = 21-100 EOs or 3,000-10,000 individuals

S3.1 = very threatened

S3.2 = threatened

S3.3 = no current threats known

#### Potential to Occur:

**High** – Suitable habitat is present within the proposed site: occurrence records exist for species in proximity to the site; species expected to occur on site

**Moderate** – Low quality suitable habitat is present within or near the proposed site; species was not identified during reconnaissance surveys of the site; species may occur on site

**Low** – Suitable habitat is not present on site; species not expected to occur on site

## Special Status Plants

The project area is known to support a variety of special status plant species. Of the 27 special status species identified in Table 2, none are federally listed, eight are BLM Sensitive species, and one is state listed. The spring 2010 surveys confirmed most of the special status plant species listed in Table 2 have a low potential of occurring on the

project site. The low potential for occurrence for many species is mainly due to the project site being located below the typical elevation range for the particular species. Staff did not consider the 2007/2008 survey results adequate due to the following reasons: surveyors with varying degrees of botanical expertise; conducting rare plant surveys in conjunction with FTHL surveys; an incomplete list of potential special status plants that may occur on the proposed project site; and lack of special status plant surveys conducted in the fall after the late summer/early fall monsoonal rains. As a result, staff and BLM requested that the applicant repeat and expand rare plant surveys for the spring and fall of 2010. Additional species were added to the list of plants to be targeted during the 2010 surveys, including two CNPS List 2 species, Abrams' spurge and curly herissantia, which bloom in the fall. The results of the spring 2010 plant surveys documented the following special status species: Harwood's milk-vetch, Wiggins' croton, Utah vine milkweed, brown turbans, and Thurber's pilostyles on the proposed IVS project site and linears. These spring-blooming species are discussed in more detail below.

The spring 2010 surveys were conducted from February 22 to March 2, 2010, and from April 5 to April 13, 2010 for the proposed IVS project site, waterline, and transmission line. The proposed laydown area adjacent to Dunaway Road was surveyed on April 28 and 29, 2010. Botanists conducting the surveys visited reference populations for Harwood's milk vetch, brown turbans, Wiggins' croton, Emory's crucifixion thorn, Utah vine milkweed, and Thurber's pilostyles. The site was divided into 110 approximately 95-acre plots. Normally, a team of two botanists would walk transects in the plots spaced 100 feet apart using a Global Positioning System (GPS) unit to orient themselves while compiling a list of species occurring on the plot. If a special status plant species was encountered, a GPS waypoint was taken and data sheets completed. A pair of botanists spent a minimum of 3 hours on each plot to ensure that no more than 15 acres per hour was surveyed. Typically, the rate of coverage was 12 acres per person per hour. The survey corridor for the proposed waterline was 150 feet from either side of Evan Hewes Highway and 250 feet from the centerline (500 feet wide) for the proposed transmission line. Once all the plots were surveyed, eight botanists performed follow-up surveys of targeted areas for one and a half days (12 person-days). These areas of special interest consisted of all locations where brown turbans and Harwood's milk-vetch populations were detected, and areas noted to be especially suitable habitat for these two species. A more intensive, random, and meandering survey was conducted to determine if additional individuals were present.

### ***Harwood's Milk-Vetch (Astragalus insularis var. harwoodii)***

Harwood's milk-vetch is an annual herb in the pea family (Fabaceae). It occurs in Sonoran Desert scrub within San Diego, Riverside, and Imperial counties from sea level to 1,000 feet in elevation. It is typically associated with dunes or areas with sandy soils. The flowering period is typically January through May. The nearest occurrence for this species in the CNDDDB is approximately 6 miles west of the proposed project site along Interstate 8 (CDFG 2010). Focused surveys conducted in the spring of 2010 found 36 individuals in the southwestern corner of the proposed IVS project site north of Interstate 8 within the Phase I portion of the site.

### ***Wiggins' Croton (Croton wigginsii)***

Wiggins' croton is a perennial shrub in the spurge family (Euphorbiaceae) and is state listed as Rare. It occurs in Sonoran Desert scrub within Imperial County in California from sea level to 300 feet in elevation. It is typically associated with dunes or areas with sandy soils. The flowering period is typically March through May. Most of the CNDDDB records for this species are 50 miles east of the proposed project site within the Algodones Dunes, though it is known to occur in the Yuha Desert south of the proposed project site (Trouette 2010). Focused surveys conducted in the spring of 2010 found 7 individuals along the Evan Hewes Highway in the northern portion of the proposed project area within the proposed waterline ROW.

### ***Utah Vine Milkweed (Cynanchum utahense)***

Utah vine milkweed is a perennial vine in the dogbane family (Apocynaceae). It occurs in Sonoran Desert scrub within Riverside, San Bernardino, San Diego, and Imperial counties in California between 500 and 4,500 feet in elevation. It is typically associated with sandy or gravelly soils. The flowering period is typically April through June. The closest documented record for this species is approximately 2 miles southwest of the proposed project site in Coyote Wells. Focused surveys conducted in the spring of 2010 found 85 locations of the species throughout the western portion of the proposed project site.

### ***Brown Turbans (Malperia tenuis)***

Brown turbans is an annual herb in the daisy family (Asteraceae). It occurs in Sonoran Desert scrub within Imperial and San Diego counties between 50 and 1,000 feet in elevation. The flowering period is typically March through April. The nearest CNDDDB record for this species is approximately 5 miles southeast of the proposed project site. Focused surveys in the spring of 2010 found five locations of the species totaling just a few individuals along the southern boundary of the proposed project site just north of Interstate 8.

### ***Thurber's Pilostyles (Pilostyles thurberi)***

Thurber's pilostyles is a perennial herb parasite that flowers on the stems of the indigobush (*Psoralea* spp.), especially Emory indigobush (*P. emoryi*), which is a fairly common shrub on the proposed project site. It occurs in Sonoran desert scrub habitat in San Diego and Imperial counties (CDFG 2009) from 0 to 1,200 feet in elevation and blooms in January (CNPS 2010). CNDDDB (CDFG 2009) shows a historic element occurrence of this species from 1957 in the project area two miles west of Plaster City. Focused special status plant surveys conducted in the spring 2010 noted five occurrences within the proposed project site, one occurrence just outside of the project site along Evan Hewes Highway, and the greatest concentration 4.4 miles southeast of Interstate 8 along the proposed transmission line corridor.

## **Special Status Wildlife**

The project area is known to support a variety of special status wildlife species. Due to the suitable habitat being present, most of the special status wildlife species listed in **Biological Resources Table 2** have a moderate potential of occurring on the project site, though they were not detected during surveys. Species which were detected

onsite, the detection of wildlife signs (i.e., scats, burrows, or tracks), or those species with a high potential for occurrence are discussed in more detail below.

### ***Flat-Tailed Horned Lizard (Phrynosoma mcallii)***

The flat-tailed horned lizard's range includes southeastern California, southwestern Arizona, and adjacent portions of Baja California and Sonora, Mexico in the Lower Colorado River Valley Subdivision of the Sonoran Desert (Foreman 1997). Typical habitat for the FTHL is sandy desert hardpan or gravel flats with fine, windblown sand. The vegetation is scattered and sparse vegetation with low species diversity (Foreman 1997; Nafis 2009).

Some FTHLs may be active when temperatures are warm with peak activity occurring in spring, early-summer, and in the fall (Marlow 2000). Winter dormancy normally begins mid-November and continues until mid-February (Muth and Fisher 1992), but may begin as early as October and continue until March (NatureServe 2009). The FTHL primarily feed on harvester ants. They obtain water from their food source, and FTHL generally do not use free-standing water (Foreman 1997), however, rain harvesting has been noted in FTHL that have been opportunistically sprayed with water (Grant 2005).

Annual home ranges have been estimated between 0.15 and 146.3 acres and are sex and rainfall dependent and possibly resource density dependent (NatureServe 2009). During their active period, FTHL retreat to shallow burrows and aboveground shade to escape the heat of the day (Marlow 2000), and also bury themselves just beneath the surface of the sand at nighttime (NatureServe 2009).

The FTHL populations have declined throughout their range because of loss and degradation of habitat caused by urbanization, agricultural development, military activities, recreational OHV use, and Border Patrol and illegal drive-through traffic (68 FR 341). The FTHL has also been impacted by increased predation by loggerhead shrikes, roadrunners, raptors, round-tailed squirrels, common ravens, coyotes, kit foxes, and collisions with vehicles on paved and unpaved roads (Marlow 2000, Grant 2005).

### **Survey Results for Flat-Tailed Horned Lizard**

A habitat assessment was conducted in March 2007 to determine suitability for flat-tailed horned lizard (FTHL). Due to the occurrence of harvester ants (*Pogonomyrmex* spp.) a primary food source for FTHL throughout the project area, and suitable soil and vegetation to support FTHL, it was determined that surveys in accordance with the FTHL Rangewide Management Strategy (FTHL ICC 2003) would be necessary. From May 1, 2007, to May 7, 2008, modified project evaluation protocol surveys were conducted for FTHL (increased plot size from 1 hectare [approximately 2.5 acres] to 4 hectares [approximately 9.9 acres]). The project site was divided into 26-acre plots. Within each 26-acre plot, a 4-hectare survey plot was surveyed for one hour by two or three biologists, giving a sample-survey coverage rate of 38 percent (SES 2009m). During the second year, transect survey protocol was four parallel transects on each side of the linear project feature center-line. Live or dead horned lizards, their scats and tracks were recorded and mapped on a Global Positioning System (GPS) receiver with 5-meter accuracy. Photographs were taken and survey forms were completed for each horned lizard sighting. A total of four FTHLs were observed during the biological

surveys in 2007. Two FTHLs were observed within the site boundary and two deceased FTHLs were observed along the off-site transmission line.

#### Flat-Tailed Horned Lizard Habitat in the Project Area

The 6,063.1-acre plant site and the 92.8-acre off-site transmission line provide suitable habitat and food source to support FTHLs (SES 2008a). Furthermore, FTHLs were observed on the project site during surveys. Therefore, FTHLs are known to be present throughout the project site. Based on research conducted by Grant and Doherty (2007) on detection probability and abundance in three FTHL Management Areas (MAs), the USFWS estimates there could be potentially 1,300 to 2000 FTHLs in the project area (Sirchia pers. comm.).

#### Yuha Desert and West Mesa Flat-Tailed Horned Lizard Management Area Connectivity

The proposed IVS project site is located just north of Interstate 8 and the Yuha Desert FTHL MA and approximately three miles south of the West Mesa FTHL MA. The Plaster City Open OHV Area is located between the project site and the West Mesa FTHL MA. 7.56 miles of the 10.35-mile transmission line is located off-site within the Yuha Desert FTHL MA and an existing BLM-designated transmission right-of-way (ROW). The Yuha Desert and West Mesa FTHL MAs are two of five established by the FTHL Interagency Coordinating Committee (ICC), consisting of representatives from federal, state, and local governments who have entered into a conservation agreement with the objective of reducing threats to a candidate species and its habitat. The goal of designating the MAs is to maintain or increase self-sustaining FTHL populations within the MAs (FTHL ICC 2003). The FTHL ICC developed the FTHL Rangewide Management Strategy (2003) which lists maintaining connectivity between the MAs as one of the Planning Actions.

The proposed project site is bounded by Interstate 8 to the south and the railroad and Evan Hewes Highway to the north, which may serve as a filter for movement in and out of the project site. The railroad and Evan Hewes Highway have large trestle openings with sandy bottoms that allow FTHLs easy passage while allowing them bury themselves in the loose sand if disturbed. However, it is expected that the FTHLs also cross the road on the north side of the project site. The southern side of the proposed project is bounded by Interstate 8 where three sets of box culverts in excess of 200 feet in length with sandy soil on the floor which may allow limited movement between the project site and the Yuha Desert FTHL MA. There is only one box culvert connected to primary ephemeral drainage C on the western half of the project site which may possibly allow FTHL movement in both directions under the freeway (see **Soil and Water Resources Section Figure 3**). There are two other sets of box culverts connected to primary ephemeral drainage G on the eastern half of the project site which may only allow movement from south to north under Interstate 8 from the Yuha Desert FTHL MA into the proposed project site. Though limited research has been conducted on the use of various types of 40 foot long culverts as road crossings by FTHLs (Painter and Ingraldi 2007), one recommendation made by the researchers is that the culvert allows some daylight through its length. The culverts used in the study were only 40 feet long, allowing more daylight through its length than would the culverts under Interstate 8, which are in excess of 200 feet. It is possible that the culverts may allow for limited FTHL movement under Interstate 8. However, due to the great distance to be

traveled through the dark culverts and the limited number of culverts accessible to the FTHLs, it is likely that very few FTHLs would use the culverts under Interstate 8 as a movement corridor. It may be more likely that FTHLs cross the highway to move between the Yuha Desert MA and the West Mesa MA.

The Plaster City Open OHV Area north of Evan Hewes Highway may also serve as another filter for FTHL movement between the proposed project site and the West Mesa FTHL MA. This open OHV area is very popular with off-road enthusiasts. The OHV traffic can be very busy in the non-vegetated staging areas adjacent to Evan Hewes Highway, likely injuring or killing FTHLs in the immediate area. Once past the staging areas, the FTHLs are likely to take refuge under the remaining vegetation in the open OHV area.

Another possible movement corridor for FTHLs between the Yuha Desert and West Mesa FTHL MAs may be the South Fork Coyote Wash, located approximately 1 mile west of the proposed project site. Interstate 8 is elevated over the sandy South Fork Coyote Wash, which is a very large open area that allows for easier movement under the freeway. Also, recent sightings of FTHLs have been noted in Ocotillo, approximately 4 miles west of the project site (Andrew Trouette, pers. comm.) which increases the likelihood that the wash may be a FTHL movement corridor.

### ***American Badger (Taxidea taxus)***

American badgers were once fairly widespread throughout open grassland habitats of California. They are now rare, permanent residents throughout most of the state, with the exception of the northern North Coast area. Known to occur in the Colorado Desert, they are most abundant in the drier open stages of most shrub, forest, and herbaceous habitats with friable soils. In the southwest, badgers are typically associated with creosote bush scrub and sagebrush. Mating occurs in late summer or early fall and two to three young are born 183 to 265 days later in March or April (Long 1973). Badgers are fossorial, digging large burrows in dry, friable soils and would use multiple dens/cover burrows within its home range. It typically uses a different den every day, although it can use a den for a few days at a time (Sullivan 1996). Cover burrows are an average of 30 feet in length, and are approximately three feet in depth. Natal dens are larger and more complex than cover dens. In undisturbed, high-quality habitat, badger dens can average 0.64 dens per acre, but are much lower in highly disturbed areas (Sullivan 1996).

No American badgers were detected during project surveys in 2007 or 2008, although several potential burrows occurred on-site. The CNDDB indicates occurrences in the adjacent Coyote Wells and Seeley quads with the closest occurrence immediately south of Interstate 8 from the project site (CDFG 2009). The project site provides high habitat potential for this species.

### ***Peninsular Bighorn Sheep (Ovis canadensis nelsoni) Distinct Population Segment***

The Peninsular bighorn sheep are a Distinct Population Segment (DPS) of desert bighorn sheep (63 FR 13134) which occupies the Peninsular Ranges of southern California ranging from the San Jacinto Mountains in California south to the Volcan Tres Virgenes Mountains in Baja California, Mexico (Beacham 2000). Bighorn sheep are

typically found on open, rocky, steep areas used for escape cover and shelter with available water and herbaceous vegetation for forage. Bighorn sheep are agile in steep, rocky terrain, allowing them to escape predators such as coyotes (*Canis latrans*), golden eagles (*Aquila chrysaetos*), and cougars (*Felis concolor*) (Wehausen 1992). Most of the bighorn sheep live between 300 to 4,000 feet in elevation where the annual precipitation is less than 4 inches and daily high temperatures average 104°F in the summer (Beacham 2000).

Bighorn sheep primarily browse shrubs and graze on native grasses throughout the year. The pulp and fruits of various cacti are eaten during the dry season (Beacham 2000). Bighorn sheep have a large rumen, relative to body size, which allows digestion of grasses, even in a dry state (Hanly 1982). This gives them flexibility to select diets that optimize nutrient content from available forage. Consequently, bighorn sheep feed on a large variety of plant species and diet composition varies seasonally and among locations. While diet quality varies greatly among years, it is most predictably high in late winter and spring (Wehausen 1992), and this period coincides with the peak of lambing. The lambing season of Peninsular bighorn sheep is typically between January and June (Beacham 2000).

Surface water is another element of desert bighorn habitat considered to be important to population health. Bighorn sheep congregate near dependable water sources from May through October. These population aggregations during this period are due to a combination of breeding activities and diminishing water sources (Beacham 2000). It is common for males and females to segregate and occupy different habitats outside the breeding season (Bleich et al. 1997). Females tend to choose particularly steep, safe areas for bearing and initial rearing of lambs. Areas associated with ridge benches or canyon rims adjacent to steep slopes or escarpments are commonly preferred lambing areas if available. Males frequently occupy much less precipitous habitat during the lamb-rearing season (Bleich et al. 1997). Alluvial fan areas are also used for breeding and feeding activities (Beacham 2000).

In 1971, it was estimated that there were 1,171 individuals, but their numbers may have been reduced to 280 individuals by 1996. Ostermann et al. (2001) determined that between 1987 and 1998, the decline in numbers was primarily due to a low recruitment of lambs (13.7 lambs per 100 ewes) combined with mountain lion predation. Population estimates for Peninsular bighorn sheep in 2006 showed an increase of 793 individuals (72 FR 57740). The CNDDDB records indicate that this species was documented approximately 9 miles southwest of the project site in the vicinity of the Pinto/In-Ko-Pah Drainage in 1986, when approximately 20 sheep were recorded (CDFG 2009). Weaver's 1986 studies of bighorn sheep also documented approximately 85 individuals 14 miles west of the project site in the In-Ko-Pah Mountains (CDFG 2009).

The U.S. Fish and Wildlife Service designated a total of 376,938 acres of critical habitat for Peninsular bighorn sheep in the Peninsular Ranges along the northwestern edge of the Sonoran Desert. A 79,220-acre area of critical habitat in the Carrizo Canyon area of San Diego and Imperial Counties west of the proposed project site is referred to as "Unit 3" (72 FR 57740). Unit 3 encompasses the Carrizo Canyon area and the surrounding In-Ko-Pah Mountains, Tierra Blanca Mountains, and the Jacumba and Coyote Mountains near the project site in San Diego and Imperial Counties, extending south to the U.S.-

Mexico border. The primary constituent elements (PCE) in Unit 3 which are physical and biological features that are essential to the conservation of Peninsular bighorn sheep include: PCE 1—steep to very steep, rocky terrain with elevations and slopes that provide for sheltering, lambing, mating, movement among and between ewe groups; PCE 2—a range of vegetation types; PCE 3—predator evasion; and PCE 4 and 5— foraging and watering areas including alluvial fans (74 CFR 17288). The recovery objective for Peninsular bighorn sheep is to “secure and manage habitat in order to alleviate threats so that population levels will increase to the point that this species may be reclassified to threatened status and ultimately delisted” (USFWS 2000).

The presence of Peninsular bighorn sheep on the project site was confirmed in March 2009. A group of five ewes and/or juveniles, one which was pregnant, were sighted in an ephemeral wash (SES 2009m) approximately one mile southwest of Plaster City. Peninsular bighorn sheep do use lowland habitat periodically for foraging and dispersal. According to Steve Torres (2009) of the CDFG, this is the furthest east that a sighting of Peninsular bighorn sheep has been documented from known habitat approximately six miles to the west of the project site. Initially it was agreed by USFWS, CDFG, and BLM biologists that the occurrence of the Peninsular bighorn sheep on the project site was an anomaly and that it was unlikely the sheep would return to the site. USFWS and CDFG biologists assessed testimony provided by an intervener (CURE 2010) and concluded that the bighorn sheep on the project site may not have been an anomalous sighting as the site provides forage that may be especially important for pregnant ewes. A recent comment letter also mentioned that possible bighorn sheep hoof prints were found on the west end of the proposed IVS project site (Donnelly 2010).

### ***Western Yellow Bat (Lasiurus xanthinus)***

Western yellow bat is an uncommon species which ranges from southwestern U.S. into northern Mexico (WBWG 2005). In California, western yellow bats have been reported below 2,000 feet elevation in valley foothill riparian, desert riparian, desert wash and palm oasis habitats (Harris 2008). The species shows a particular association with palm oases and is believed to expanding their range and abundance with the increased usage of ornamental palms in landscaping (WBWG 2005 and Harris 2008). Western yellow bats in California can either occur year-round or individuals or populations can be migratory (WBWG 2005). This species feeds on flying insects and forages over water and among trees (Harris 2008) and commonly roosts in the skirt of dead fronds of palm trees (WBWG 2005).

No western yellow bats were observed during the surveys, but no surveys were specifically conducted for this species or any other bats. A western yellow bat specimen was collected approximately 11 miles east of the project site in 1977. Other specimens were collected in El Centro from 1980 to 1999 (CDFG 2009). Due to the lack of palms on the project site and the off-site transmission line route, staff considers it unlikely that western yellow bats occur there. However, ornamental palms planted along the Evan Hewes Highway where the reclaimed water pipeline is proposed serve as potential roosting sites for the bats. Given that western yellow bats are in the project area, there is high potential for this species to be present along the reclaimed water pipeline corridor.



### **Western Burrowing Owl (*Athene cunicularia*)**

Western burrowing owls inhabit arid lands throughout much of the western United States and southern interior of western Canada (Haug et al. 1993). In many other areas, this species has declined because of habitat modification, poisoning of its prey, and introduced nest predators. However, the Imperial Valley has been a population stronghold for burrowing owls. It is estimated that 71 percent of the state's burrowing owl pairs occur in the Imperial Valley (SCPBRG 1998-2007). The burrowing owl is diurnal and usually non-migratory in this portion of its range.

Burrowing owls are unique among the North American owls in that they nest and roost in abandoned burrows, especially those created by ground squirrels, kit fox (*Vulpes macrotis*), and other wildlife. Burrowing owls have a strong affinity for previously occupied nesting and wintering habitats. They often return to burrows used in previous years, especially if they were successful at reproducing there in previous years (Gervais et al. 2008). The southern California breeding season (defined as from pair bonding to fledging) generally occurs from February to August with peak breeding activity from April through July (Haug et al. 1993).

In the Imperial Valley, burrowing owls generally occur in high densities near agricultural lands where rodent and insect prey tend to be more abundant (Gervais et al. 2008). Burrowing owls tend to be opportunistic feeders. Large arthropods, mainly beetles and grasshoppers, comprise a large portion of their diet. Small mammals, especially mice and voles (*Microtus*, *Peromyscus*, and *Mus* spp.), are also important food items for burrowing owls. Other prey animals include reptiles and amphibians, young cottontail rabbits (*Sylvilagus* sp.), bats, and birds, such as sparrows and horned larks (*Eremophila alpestris actia*). Consumption of insects increases during the breeding season (Haug et al. 1993).

Habitat within the project area and along the linear features is suitable for burrowing owls. Nine burrows with burrowing owl sign were identified within the survey area (SES 2008a). Three active burrowing owl burrows were located on the project site, one along the transmission line corridor, one near the off-site reclaimed waterline, and four at adjacent off-site locations (SES 2008a). Surveys conducted in 2009 along the proposed reclaimed water pipeline extension did not detect burrowing owls or potential burrows (SES 2009q). There is potential for presence of burrowing owls as the pipeline would cross suitable habitat such as canal banks with ground squirrel burrows (SES 2009q).

### **Southwestern Willow Flycatcher (*Empidonax trailii extimus*)**

The southwestern willow flycatcher is found in riparian areas of the southwest United States and northern Mexico. It breeds in dense riparian woodlands comprised of willows, cottonwoods, mulefat, arrowweed, and tamarisk often associated with nearby open water areas. The species overwinters in Mexico and Central and South America (USFWS 2002). The species has suffered declines primarily due to habitat loss from water diversions, stream channelization, cattle grazing, agricultural conversions and development. The species has recently been impacted by brood parasitism by the brown-headed cowbird (*Molothrus ater*) that has reduced the reproductive success of the species in some areas (USFWS 2002). It typically feeds on flying insects and will sometimes capture insects on the ground.

Focused surveys for southwestern willow flycatcher are being conducted in 2010 by the project applicant within Wildcat Drain and nearby New River near the Seeley Wastewater Treatment Facility (SWWTF) to assess if the SWWTF treated effluent diversion from Wildcat Drain would impact this species. This habitat is dominated by saltcedar and arrowweed and is composed of intermittent dense patches of vegetation. As such, these areas provide potential habitat for the species.

### ***California Horned Lark (Eremophila alpestris actia)***

Horned larks prefer areas with sparse vegetation and exposed soil. In western North America, this species is associated with desert brushlands, grasslands, and similar open habitats, as well as alpine meadows (Garrett and Dunn 1981). Throughout their range, horned larks avoid all habitats dominated by dense vegetation and become scarce and locally distributed in heavily forested areas. Horned larks are also commonly found in agricultural areas where they breed in fallow fields (Audubon California 2007). The nests are destroyed by planting and other agricultural activities, which has contributed to an 84 percent decline in horned lark populations since 1967. As a result, Audubon California (2007) considers this species one of California's most vulnerable common birds.

Multiple individuals of this species were observed frequently throughout the survey area during the 2007 and 2008 surveys (SES 2008a).

### ***Loggerhead Shrike (Lanius ludovicianus)***

Loggerhead shrikes are uncommon residents throughout most of the southern portion of their range, including southern California. In southern California they are generally much more common in interior desert regions than along the coast (Humple 2008). Loggerhead shrikes initiate their breeding season in February and may continue with raising a second brood as late as July; they often re-nest if their first nest fails or to raise a second brood (Yosef 1996).

This species can be found within lowland, open habitat types, including creosote scrub and other desert habitats, sage scrub, non-native grasslands, chaparral, riparian, croplands, and areas characterized by open scattered trees and shrubs. Fences, posts, or other potential perches are typically present. In general, loggerhead shrikes prey upon large insects, small birds, amphibians, reptiles, and small rodents over open ground within areas of short vegetation, usually impaling prey on thorns, wire barbs, or sharp twigs to cache for later feeding (Yosef 1996).

Loggerhead shrikes are fairly common breeding residents in the Imperial Valley, and are typically associated with desert scrub. Agricultural areas, which are common in the Imperial Valley, are used during the non-breeding season (Rosenberg et al. 1991). Surveys conducted since 1966 have shown a decreasing trend in the population of loggerhead shrikes in Mojave and Sonoran Deserts (Sauer et al. 2008). Suitable habitat for loggerhead shrike occurs throughout the scrub habitats within the project survey area, and loggerhead shrikes were observed during the 2007 and 2008 surveys (SES 2008a).

### ***California Black Rail (Laterallus jamaicensis coturniculus)***

In California, the California black rail is limited to marshes in the San Francisco Bay and Sacramento River Delta, marshes near the Salton Sea, and the lower Colorado River. The species is also found in some inland marsh locations in the Sierra Nevada foothills (CDFG 1999). The species occupies saltwater, brackish, and freshwater marshes. Freshwater marsh habitat is typically dominated by cattails, tules, and shallow open water (CDFG 1999). The California black rail is a year round resident. The primary threat to this species is habitat loss due to water diversion for agriculture and development, stream channelization, grazing, and altered water flow regimes. The typical diet consists of small fish and aquatic invertebrates.

Focused surveys for rails were conducted by the applicant in 2010 along Wildcat Drain and adjacent New River. These surveys were conducted in order to confirm whether the SWWTF treated effluent diversion from Wildcat Drain to the IVS project site would impact this species. No black rails were found (J. Konecny, 2010). The areas around Wildcat Drain support very little freshwater marsh habitat and in very small patches. Therefore, this habitat is probably marginal habitat and would not support a viable population of California black rails.

### ***Black-tailed Gnatcatcher (Polioptila melanura)***

Black-tailed gnatcatchers are restricted to arid and semiarid zones in the Sonoran and Mojave deserts (Kucera 1997). This species requires areas with native vegetation and prefers to breed in desert thorn scrub and thickets, densely lined arroyos, and washes dominated by creosote bush and saltbush (Tinant 2006). This species is a year-round resident in the deserts. The North American Breeding Bird Survey Results and Analysis from 1966 to 2007 indicated that black-tailed gnatcatchers were in decline, but this decline is not considered statistically significant (Sauer et al. 2008). However, there is some cause for long-term concern due to agricultural conversion of habitat and the spread of invasive nonnative tamarisk (Tinant 2006). Black-tailed gnatcatcher is one of the focal bird species identified by The Desert Bird Conservation Plan (CalPIF 2009) that is vulnerable to habitat loss and fragmentation.

Black-tailed gnatcatchers were commonly observed throughout the IVS project site during the surveys (SES 2008a).

### ***Vermilion Flycatcher (Pyrocephalus rubinus)***

Vermilion flycatchers are a tropical species which barely extends into southwestern U.S. In the Colorado Desert, the vermillion flycatchers are uncommon residents, whereas in the colder Mojave Desert, this species disperses outside of the breeding range during the winter and spring (Myers 2008). This species was fairly widespread and a common breeder throughout the Sonoran Desert as it was associated with open, low-lying riparian areas mainly dominated by mesquite with accessible water (Patten 1997). Population declines in vermillion flycatcher numbers can be attributed to the destruction of native riparian habitat and the replacement of native riparian tree species with the non-native tamarisk (Patten 1997). Even though range expansion for the flycatcher has occurred westward through the Mojave Desert, the total number of individuals may have decreased (Patten 1997).

During breeding season, this species can be found within arid scrub, agricultural areas, savanna, and riparian woodland with open water (Myers 2008). Vermilion flycatchers prefer open riparian areas and tend to avoid dense riparian growth (Myers 2008). In general, vermilion flycatchers prey upon insects and other arthropods (Myers 2008).

Suitable habitat for vermilion flycatcher occurs in the riparian areas associated with the irrigation canals and New River along the proposed reclaimed waterline. This species has been documented as a regular winter visitor at Fig Lagoon, south of Seeley adjacent to the New River (McCaskie 2009) approximately two miles south of the reclaimed waterline.

### ***Yuma Clapper Rail (Rallus longirostris yumanensis)***

In the United States, the Yuma clapper rail occurs within marshes along the Colorado River and its tributaries within California, Nevada, Arizona, and Utah and the Salton Sea. This subspecies is limited to freshwater marshes (USFWS 2009a, 2009b). They inhabit dense marsh vegetation comprised of cattails, tules, and other marsh plants often interspersed with shallow open water. Most individuals are year-round residents. Their diet consists of crayfish, small fish, tadpoles, and aquatic invertebrates (USFWS 2009a, 2009b). Threats to the species include habitat loss due to water diversions for agriculture, channelization of streams and rivers, changes in water flow regimes

Focused surveys for rails were conducted by the applicant in 2010 along Wildcat Drain and adjacent New River. These surveys were conducted in order to confirm whether the SWWTF treated effluent diversion from Wildcat Drain to the IVS project site would impact this species. No clapper rails were found (J. Konecny, 2010). The areas around Wildcat Drain support very little freshwater marsh habitat and in very small patches. Therefore, this habitat is probably marginal habitat and would not support a viable population of Yuma clapper rails.

### ***Le Conte's Thrasher (Toxostoma lecontei)***

This species inhabits some of the hottest and driest habitats in the arid southwest, including the deserts of southeastern California where they occur year-round. Preferred habitats include sparse desert scrub, alkali desert scrub, and desert succulent scrub habitats with open desert washes. They seek gentle to rolling slopes associated with dry desert washes, conditions found on alluvial fans that are found in the project area. Nests are typically placed in prickly vegetation such as cacti or thorny shrubs (Sheppard 1996). This species requires areas with an accumulated leaf litter under most plants as cover for its preferred arthropod prey; they also feed on seeds, insects, small lizards, and other small vertebrates. The Le Conte's thrasher population densities are among the lowest of passerine (perching) birds, estimated at less than five birds per square kilometer in optimal habitats (Fitton 2008). This low population density decreases the probability of their detection during field surveys. The population is declining due in part to the conversion of habitat to agriculture and urbanization (Laudenslayer et al. 1992). LeConte's thrasher is one of the focal bird species identified by The Desert Bird Conservation Plan (CalPIF 2009) that is vulnerable to habitat loss and fragmentation. LeConte's thrashers are also affected by off-highway use during nesting season (Remsen 1978), which occurs on designated unimproved roads throughout the project site.

One LeConte's thrasher was observed just west of the project boundary within the one-mile buffer survey area during the 2007 surveys (SES 2008a). There is some confusion as to the resident status of this species in the Imperial Valley (Patten et al. 2003). Kimball Garrett of Los Angeles County Museum of Natural History Section of Ornithology considers LeConte's thrashers to be a resident species and the reason for the low species counts is possibly due to the lack of birding done in these areas (2009). There is high potential for LeConte's thrashers to utilize the project area for foraging and cover.

#### ***Least Bell's Vireo (Vireo bellii pusillus)***

The least Bell's vireo breeds in southern California parts of northern Mexico. Least Bell's vireos are restricted to riparian habitats found mostly in southern California lowlands (USFWS 1998). The species historically bred in riparian habitat within the San Joaquin and Sacramento valleys, the Coast Ranges, Death Valley, and the Sierra Nevada foothills (USFWS 1998). Vireos overwinter in Baja, Mexico. Typical breeding habitat consists of early successional riparian habitat with willows, cottonwoods, and mulefat. Vireos are insectivores and feed primarily by gleaning prey items from foliage within their riparian habitat. Threats to the vireo are loss of riparian habitat due to conversion to agriculture, water diversions and stream channelization, cattle grazing and development. The subspecies is also vulnerable to nest parasitism from the brown-headed cowbird.

Focused surveys for least Bell's vireo are being conducted in 2010 by the project applicant within Wildcat Drain and nearby New River near the SWWTF to assess if the SWWTF treated effluent diversion from Wildcat Drain would impact this species. This habitat is dominated by saltcedar and arrowweed and is composed of intermittent dense patches of vegetation. As such, these areas provide low quality potential habitat for the species.

### **C.2.4.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

#### **Construction Direct and Indirect Impacts and Mitigation**

Direct impacts are those impacts that result from the project and occur at the same time and place. Indirect impacts are caused by the project, but can occur later in time or farther removed in distance while still reasonably foreseeable and related to the project. The potential impacts discussed in this analysis are those most likely to be associated with construction and operation of the project.

Impact analyses typically characterize effects to plant communities as temporary or permanent, with a permanent impact referring to areas that are paved or otherwise precluded from restoration to a pre-project state. In the desert ecosystems, permanent impacts reflect the slow recovery rates of its plant communities. Natural recovery rates from disturbance in these systems depend on the nature and severity of the impact. For example, creosote bushes can resprout a full canopy within five years after damage from heavy vehicle traffic (Gibson et al. 2004), but more severe damage involving vegetation removal and soil disturbance can take from 50 to 300 years for partial recovery; complete ecosystem recovery may require over 3,000 years (Lovich and Bainbridge 1999). In this analysis, an impact is considered temporary only if there is

evidence to indicate that pre-disturbance levels of biomass, cover, density, community structure, and soil characteristics could be achieved within five years after the conclusion of construction.

### **Summary of Impacts**

**Biological Resources Table 3** summarizes the direct, indirect, and cumulative impacts to biological resources and includes the proposed conditions of certification that would mitigate these impacts.

**Biological Resources Table 3  
Summary of Impacts/Mitigation**

<b>Biological Resource</b>	<b>Impact/Mitigation</b>
Colorado Desert Plant Communities & Wildlife Habitat	<p><b>Impacts:</b> Permanent loss of 6,155.9 acres (6,063.1 acres from plant site and 92.8 acres of off-site transmission line) of wildlife habitat, including 1,038.9 acres of disturbed habitat; potential direct impacts to terrestrial wildlife by heavy equipment and grading; potential direct impacts to special status plant species; increased risk of roadkill; increased disturbance/dust to nearby vegetation and wildlife; spread of non-native invasive weeds.</p> <p><b>Mitigation:</b> Avoidance and minimization measures (<b>BIO-8</b>); special status species habitat compensatory mitigation (<b>BIO-10</b>); lake and streambed and Peninsular bighorn sheep habitat impact minimization and compensation measures (<b>BIO-17</b>); implement Weed Management Plan (<b>BIO-18</b>); and special status plant surveys and protection plan (<b>BIO-19</b>).</p>

Biological Resource	Impact/Mitigation
Waters of the U.S. and Jurisdictional State Waters	<p><b>Impacts:</b> For the plant site—impacts to ephemeral desert washes, resulting in permanent impacts to 48 acres to jurisdictional state waters and 165 acres of permanent impacts, 5 acres of temporary impacts, and 13 acres of indirect impacts to Waters of the U.S.; loss of associated hydrological and biological functions.</p> <p>For the recycled water pipeline—potential impact to 2.61 acres of CDFG jurisdictional state waters and 55.86 acres of Waters of the U.S.</p> <p><b>Mitigation:</b> For the plant site—jurisdictional state waters, to the extent the criteria under <b>BIO-17</b> are satisfied, replace functions and values of impacted desert wash with a 1:1 off-site acquisition (<b>BIO-10</b>) of lands required for mitigation of special status species habitat impacts within 18 months. Should the acquired special status species compensatory land not meet the acreage requirement of 48 acres of ephemeral washes, the remainder of the acreage would be acquired independent of the acquisition of special status species habitat (<b>BIO-10</b>). For impacts to Waters of the U.S., the USACE typically requires 2:1 mitigation with half the mitigation being preservation and the other half enhancement or restoration, but staff currently is uncertain what the mitigation would be. Details would be identified in the federal Clean Water Act (CWA) 404(b)(1) Alternatives Analysis. Mitigation ratio could be higher based on the analysis.</p> <p>For the recycled water pipeline—staff and CDFG do not anticipate significant impacts to jurisdictional state waters provided the applicant implements Best Management Practices (BMPs) and a Frac-Out Contingency Plan for horizontal directional drilling should this process be employed; these measures are incorporated in <b>BIO-7</b>.</p>
Special status plants	<p><b>Impact:</b> Potential direct or indirect impacts to special status plant species from construction and fragmentation of habitat.</p> <p><b>Mitigation:</b> Impact avoidance and minimization measures (<b>BIO-8</b>); implement of weed management plan (<b>BIO-18</b>); and conduct surveys during fall 2010 and Special Status Plant Protection Plan (<b>BIO-19</b>).</p>

Biological Resource	Impact/Mitigation
Special Status Wildlife	
Flat-tailed horned lizard (FTHL)	<p><b>Impact:</b> Potential take of individuals; permanent loss of approximately 6063.1 acres of FTHL habitat (Sonoran creosote bush scrub, including disturbed Sonoran creosote bush scrub) on the plant site and impact to 92.8 acres of FTHL (Sonoran creosote bush scrub) habitat on the off-site transmission line; potential loss and fragmentation of movement corridor and connectivity between FTHL Management Areas; increased risk of predation; increased road kill hazard from construction and operations traffic.</p> <p><b>Mitigation:</b> Impact avoidance and minimization measures (<b>BIO-8</b>); FTHL construction monitoring program and occupancy study (<b>BIO-9</b>); special status species habitat compensatory mitigation for 6,619.9 acres (<b>BIO-10</b>); FTHL compliance verification (<b>BIO-11</b>); and Raven Management Plan (<b>BIO-12</b>).</p>
American badger Desert kit fox	<p><b>Impact:</b> Potential loss and fragmentation of habitat, loss of foraging grounds, crushing or entombing of animals during construction.</p> <p><b>Mitigation:</b> Impact avoidance and minimization measures (<b>BIO-8</b>); special status species habitat compensatory mitigation for 6,619.9 acres (<b>BIO-10</b>); and conduct pre-construction surveys and implement impact avoidance measures (<b>BIO-15</b>).</p>
Peninsular bighorn sheep	<p><b>Impact:</b> Permanent loss of foraging habitat on the plant site.</p> <p><b>Mitigation:</b> Biological Resources Mitigation Implementation &amp; Monitoring Plan (<b>BIO-7</b>); Impact avoidance and minimization measures (<b>BIO-8</b>); Special status species habitat compensatory mitigation for 6,619.9 acres (<b>BIO-10</b>); and Lake and streambed and Peninsular bighorn sheep foraging habitat impact minimization and compensation measures (<b>BIO-17</b>).</p>



Biological Resource	Impact/Mitigation
Western burrowing owl	<p><b>Impact:</b> Potential loss of nest, eggs, or young; loss of breeding and foraging habitat on the plant site; disturbance of nesting and foraging activities for populations on and near the plant site and linear facilities;</p> <p><b>Mitigation:</b> Impact avoidance and minimization measures (<b>BIO-8</b>); special status species habitat compensatory mitigation for 6,619.9 acres (<b>BIO-10</b>); and conduct pre-construction surveys and implement burrowing owl impact avoidance and mitigation measures (<b>BIO-16</b>).</p>
Golden eagle	<p><b>Impact:</b> Permanent loss of foraging habitat on the plant site.</p> <p><b>Mitigation:</b> Impact avoidance and minimization measures (<b>BIO-8</b>); and special status species habitat compensatory mitigation for 6,619.9 acres (<b>BIO-10</b>).</p>
Other special status birds: Loggerhead shrike California horned lark Le Conte's thrasher	<p><b>Impact:</b> Disturbance of nesting activities, potential loss of nest, eggs, or young; loss of breeding and foraging habitat.</p> <p><b>Mitigation:</b> Impact avoidance and minimization measures (<b>BIO-8</b>); special status species habitat compensatory mitigation for 6,619.9 acres (<b>BIO-10</b>); and conduct pre-construction nesting surveys (<b>BIO-14</b>).</p>

## **Overview of Impacts to Vegetation and Wildlife**

### **IVS Plant Site**

Due to the placement of the SunCatchers, grading would not occur on the entire 6,063.1-acre IVS plant site. Construction on the plant site would permanently fragment approximately 5,024.4 acres of Sonoran creosote bush scrub and approximately 1,038.7 acres of previously disturbed/developed areas (SES 2009s). Approximately one-third of the plant site would be graded in rows for the access roads which would remove all vegetation, another one-third would be rows of mowed vegetation directly under the SunCatchers that would be maintained at a height of three inches, and the last one-third would have approximately 74-foot wide rows of vegetation left intact. Sensitive plant communities as defined by CDFG (2009) would not be impacted, but grading would directly affect special status plant species known to occur on the site. The project will also impact local wildlife, including special status species, by removal of shrubs and herbaceous vegetation, resulting in loss and fragmentation of cover, breeding, and foraging habitat. During construction, wildlife could be crushed or entombed in dens or burrows, and could collide with vehicles.

The project includes 30,000 SunCatchers, two 2,500,000-gallon evaporation ponds, a 230-kV substation, Main Services Complex with facilities such as an administration

building and warehouse, hydrogen generator, water treatment system, yard tanks, two laydown areas, and an on-site 2.79-mile transmission line. The SunCatchers would be oriented in north-south rows with unpaved access roads between a 112-foot-wide strip of vegetation between every other row of SunCatchers. An approximately 74-foot-wide row of vegetation would be left intact between the unpaved access roads. The vegetation row would be subject to brush trimming as needed. The SunCatchers would be located in areas where the slopes are less than a 5 percent grade, including the beds of the ephemeral washes. Approximately 27 miles of paved road, 14 miles of unpaved perimeter roads, and approximately 500 miles of unpaved access roads would be constructed on the project site to provide access to the SunCatchers and support facilities. Approximately 6,063.1 acres of the project would be surrounded by permeable fencing that will allow smaller wildlife to move through the proposed solar facility.

Onsite facilities also include two, 2,500,000-gallon evaporation ponds, each an acre in area, to receive the wastewater discharge from the project's reverse osmosis water treatment system (SES 2009f). The evaporation ponds would feature either a concrete liner or a double liner system and be monitored for a year before the ponds can be used. The evaporation ponds would be designed to contain one year of wastewater discharge and allowed to evaporate the following year while the other evaporation pond accumulates the wastewater discharge. After undergoing the evaporation process, the accumulated bottom solids would be tested and disposed in an appropriate waste disposal facility as nonhazardous waste in accordance with applicable laws and regulations. As the wastewater in the evaporation ponds would attract wildlife in a xeric environment, the applicant has proposed to design the ponds to discourage wildlife use by constructing perimeter fencing and installing wire mesh screens above the ponds (SES 2009f).

### **Transmission Lines**

Construction of an approximately 10.35-mile transmission line and spur access roads south of Interstate 8 would result in impacts to 92.7 acres of Sonoran creosote bush scrub and 0.1 acre of disturbed habitat (SES 2008a). The transmission line would be constructed to interconnect the project to the existing San Diego Gas & Electric (SDG&E) 230-kV Imperial Valley Substation, located 12 miles west-northwest of the City of Calexico. Approximately 2.79 miles of the 10.35-mile line would be within the 6,063.1-acre plant site boundary. Approximately 7.56 miles of the transmission line would be built outside of the project site within an existing utility corridor in the Yuha Desert Flat-tailed Horned Lizard Management Area (MA) south of Interstate 8. These impact acreage calculations are the impacts from construction of access roads, pole pads and pull/splicing sites. All of these transmission line construction activities would occur in occupied FTHL habitat. The transmission line would be installed on 85 to 100 new lattice steel transmission towers and/or tubular steel poles. Spur roads to new transmission towers would be built off an existing access road for the existing 500-kV transmission line located in the existing utility corridor in the MA. The applicant anticipates five pulling sites are required to install conductors along the transmission line, which would be located on existing access roads or newly constructed access roads for the transmission line (SES 2009f). Approximately 50 feet on either side of the transmission line would be disturbed during construction.

## Water Pipeline

Construction of an approximately 12-mile, 6-inch reclaimed water pipeline that would be connected to the Seeley Waste Water Treatment facility (SWWTF) would be required to provide reclaimed water for construction and operation activities. In order for the SWWTF to provide the reclaimed water for the IVS project, the facility must be upgraded. It is anticipated that this pipeline would be constructed mostly within a 30-foot right-of-way (ROW), along the Evan Hewes Highway, primarily in developed or disturbed areas in and along the road. Potentially, a total of 78.8 acres could be impacted, which includes potential temporary impacts to vegetation along the 30-foot-wide ROW and potential permanent impacts to habitats in the SWWTF effluent channel (Wildcat Drain) and adjacent New River. The water pipeline would intersect seven irrigation canals and the New River. It is currently unknown what method of construction will be used to cross the water features. The applicant has proposed either spanning or using directional drilling to go beneath the water bodies. Even in disturbed, developed, or agricultural areas, construction and trenching pose some risk to wildlife, including disturbance to nesting birds and trapping wildlife in open trenches. Burrowing owls and FTHLs could occur in the vicinity of the reclaimed water pipeline alignment; potential impacts to these species are discussed in more detail below.

The following staff-proposed conditions of certification would when implemented reduce the construction impacts of the proposed reclaimed water pipeline to less than significant levels under CEQA. The proposed water pipeline route is generally located along an existing road shoulder and other previously disturbed areas that do not provide ideal habitat for biological resources. Therefore, the best management practices included in staff's proposed Conditions of Certification **BIO-1** through **BIO-8** are expected to successfully mitigate any impacts to biological resources expected to occur that are associated with the pipeline construction. Though staff's proposed Conditions of Certification **BIO-1** through **BIO-8** would apply to all construction related impacts, construction in FTHL habitat along the transmission line corridor and within the project site would require additional measures. These additional measures are discussed below in this section on the Overview of Impacts to Vegetation and Wildlife.

- **BIO-1** (Designated Biologist Selection) which states the minimum qualifications to the satisfaction of Compliance Project Manager and BLM Biologist;
- **BIO-2** (Designated Biologist Duties) which outlines the duties performed during any site mobilization, ground disturbance, grading, construction, operation, closure, and restoration activities;
- **BIO-3** (Biological Monitor Qualifications);
- **BIO-4** (Biological Monitor Duties) in which the Biological Monitor assists the Designated Biologist during any site mobilization, ground disturbance, grading, construction, operation, closure, and restoration activities;
- **BIO-5** (Designated Biologist and Biological Monitor Authority) in which the Designated Biologist and Biological Monitor can call a halt to any activities that would be an adverse impact to biological resources;
- **BIO-6** (Worker Environmental Awareness Program) in which workers on the project site or any related facilities are informed about sensitive biological resources;

- **BIO-7** (Biological Resources Mitigation Implementation and Monitoring Plan) which identifies all biological resources mitigation, monitoring, compliance measures, Conditions of Certification, and permits; and
- **BIO-8** (Impact Avoidance and Minimization Measures) in which all feasible measures which avoid or minimize impacts to the local biological resources are incorporated in any modification or finalization of project design; and in other proposed conditions of certification.

## **SWWTF Expansion**

In order for the reclaimed water to be available for the proposed project, an upgrade of the SWWTF would be necessary. Concerns regarding the diversion of effluent from SWWTF that currently empties into Wildcat Drain, an unlined effluent channel, and flows into the New River were raised by the U.S. Fish and Wildlife Service (USFWS) during a review of a draft Mitigated Negative Declaration for the SWWTF improvements (USFWS 2010). Should the effluent that would normally empty into Wildcat Drain be diverted, potential impacts to the fresh water marsh and riparian habitat in Wildcat Drain and the riparian habitat in the nearby New River corridor could occur. The fresh water marsh is potential Yuma clapper rail and California black rail habitat, and the riparian habitat is potential least Bell's vireo and southwestern willow flycatcher habitat. The USFWS recommended that the following be completed for the environmental review process: 1) a hydrologic study be completed to quantify the flows coming from other sources such as agricultural drains and runoff to the effluent channel wetland and an assessment of the likelihood of its continued existence after the effluent flows are discontinued; 2) a vegetation composition assessment of the adjacent New River corridor with an evaluation of the effluent channel wetland in the context of the broader mosaic of habitats in the vicinity; and 3) completion of protocol surveys for the presence/absence of Yuma clapper rail.

Protocol level surveys were recently conducted for Yuma clapper rail and California black rail which were negative for their occurrence at the Wildcat Drain marsh habitat (John Konecny, pers. comm.). Therefore, no impacts to Yuma clapper rail and California black rail are expected. Focused surveys for least Bell's vireo and southwestern willow flycatcher are being conducted along Wildcat Drain and the adjacent New River corridor that could be adversely affected by the proposed effluent diversion from the SWWTF upgrade. The focused bird surveys will be concluded by July 17, 2010. Based on the survey results concluded thus far and the marginal habitat quality for the least Bell's vireo and southwestern willow flycatcher along the New River, either species may pass through the area as a migrant, but is not expected to nest in the immediate area due to a general lack of suitable habitat. In addition, staff believes that impacts to these species caused by the SWWTF upgrade and resultant effluent diversion will be less than significant as the least Bell's vireo and southwestern willow flycatcher are not expected to nest in the area due to marginal habitat quality. Also, as the flow from the SWWTF into Wildcat Drain is only 0.15 cubic feet per second (cfs) (Dudek 2009), the diverted flow is not likely to hamper the habitat that exists in the area. Agricultural underdrain discharges and underdrain flow from a separate drinking water treatment plant would apparently contribute to Wildcat Drain and therefore the overall remaining inflow into Wildcat Drain will not be greatly reduced by the SWWTF upgrade (Dudek 2009). To address these concerns in more detail, data are currently being collected for a

hydrologic report that will be prepared as part of an Environmental Impact Report (EIR) for the SWWTF upgrade. This data should help determine whether the marsh in Wildcat Drain and surrounding vegetation along the New River corridor would be adversely affected by the diversion of treated waste water. The USFWS has preliminarily indicated that the diversion of effluent from Wildcat Drain is not likely to adversely affect least Bell's vireo and southwestern willow flycatcher (Sirchia 2010). However, should the least Bell's vireo and southwestern willow flycatcher occur, formal consultation with the USFWS under Section 7 of the federal Endangered Species Act (FESA) would need to be reinitiated by BLM. CDFG indicated that if the wetland and riparian habitat are impacted, then mitigation would be either acquisition of habitat or restoration along the New River. A Lake and Streambed Alteration Agreement would not be required as alteration to the bed, bank, or channel of the waterway is not anticipated (Nichol 2010). The potential direct and indirect construction impacts to vegetation and wildlife at the IVS plant site and along linear facilities can be reduced to less than significant levels under CEQA with impact avoidance and minimization measures described in the Mitigated Negative Declaration and in staff's proposed Conditions of Certification **BIO-1** through **BIO-8**. Staff believes that the diversion of 0.15 cfs from Wildcat Drain will have a less than significant impact on the Salton Sea. However, results of the upcoming survey and hydrologic study could provide evidence that staff's conclusion regarding impacts is not supportable. If this evidence is provided prior to the completion of the Energy Commission's site certification process, the Energy Commission may choose to re-open the record to evaluate these impacts.

### **Vegetation Impacts**

Impacts to habitats/cover types are summarized in **Biological Resources Table 4**. No sensitive plant communities would be directly impacted by the proposed project. Even though there would be rows of vegetation approximately 74 feet wide between the rows of SunCatchers, these strips of vegetation are expected to have very little habitat value associated with them (SES 2008a). Only common species of lizards, snakes, and bird species such as the house finch (*Carpodacus mexicanus*) with small area requirements, are expected to possibly utilize these vegetated strips (SES 2008a). Direct impacts to habitats/cover types are discussed below.

**Biological Resources Table 4**  
**Impacts to Habitats/Cover Types – Acreage Impacts**

<b>Vegetation Communities/Cover Type</b>	<b>Impact Area (acres)</b>
<b>Plant Site</b>	
<i>Sonoran creosote bush scrub</i>	5,024.4
<i>Disturbed (Dirt and OHV roads)</i>	1,038.7
Subtotal Plant Site	6,063.1 acres
<b>Off-Site Transmission Line</b>	
<i>Sonoran creosote bush scrub</i>	92.7
<i>Disturbed (Dirt and OHV roads)</i>	0.1
Subtotal Off-Site Transmission Line	92.8 acres
<b>Off-Site Waterline (30-foot-wide ROW)</b>	
<i>Low-High Elevation Riparian Scrub</i>	35.16
<i>Desert iodine bush scrub</i>	1.53
<i>Desert sink scrub</i>	7.82
<i>Fresh-brackish water marsh</i>	0.30
<i>Arrowweed scrub</i>	1.31
<i>Tamarisk scrub</i>	7.22
<i>Giant reed grassland</i>	0.21
<i>Disturbed</i>	6.74
<i>Developed</i>	16.19
<i>Open channel</i>	2.31
Subtotal Off-Site Waterline	78.8 acres
<b>TOTAL</b>	6,234.7 acres

### **Invasive Weeds**

Construction activities and soil disturbance could introduce new invasive weeds to lands adjacent to the IVS plant site and its linear facilities, and could further spread weeds already present in the project vicinity, including Sahara mustard, red brome, and Mediterranean schismus. Invasive weeds can easily colonize areas of disturbance. Therefore, the spread of invasive plants is a major threat to biological resources in the Colorado Desert because non-native plants can displace native plants and supplant wildlife foods that are important to herbivorous species. Invasive plant species increase the threat and fuel the spread of wildfires. When fires occur in desert habitats, native plant species numbers are reduced and the nonnative plant species quickly respond, producing fuels that are more prone to burn. Since desert native shrub species require centuries to recover, repeated fires will alter the desert shrub landscape to a nonnative grassland (Brooks 2009). In order to promote ecosystem health to their public lands, BLM would require the eradication or control of invasive weeds. The BLM requires a Weed Management Plan as the spread of invasive plants destroy wildlife habitat and forage, threaten endangered species and native plants, and increase soil erosion and groundwater loss. The federal government initially recognized the threat caused by invasive plants and established the Federal Noxious Weed Act of 1974 (U.S.C. 2801 et

seq.; 88 Stat.2148) to control the spread of noxious weeds. Federal and state agencies entered into a Memorandum of Understanding (MOU) to further the intent of the Federal Noxious Weed Act in 1991 entitled “The Agreement on Biological Diversity”. The goal for all parties that entered into the MOU is to minimize the populations of undesirable and noxious plants and to enhance ecosystem natural biodiversity. As a result of the MOU, the management of undesirable plants on federal and state lands is to be coordinated (BLM 2008).

To avoid and minimize the spread of existing weeds and the introduction of new ones, an active weed management strategy and control methods must be implemented. The applicant has proposed a Draft Weed Management Plan (SES 2009e) to avoid and minimize the spread of noxious weeds which has been reviewed by staff, BLM, USFWS, and CDFG. Staff concurs with the recommendations in the applicant’s weed management plan with minor modifications and has incorporated them into staff’s proposed Condition of Certification **BIO-18** (Weed Management Plan). The Weed Management Plan includes a discussion of weeds targeted for eradication or control and a variety of weed control measures such as establishing weed wash stations for construction vehicles, rapid implementation of control measures to ensure early detection and eradication for weed invasions, and revegetation of disturbed areas with weed free native seed mix. Implementation of this condition/weed management plan would reduce potential impacts from introduction and spread of invasive weeds to less than significant levels under CEQA.

## Dust

Disturbance of the soil’s surface caused by construction traffic and other activities would result in increased wind erosion of the soil. Aeolian transport of dust and sand can result in the degradation of soil and vegetation over a widening area (Okin et al. 2001). Dust can have deleterious physiological effects on plants and may affect their productivity and nutritional qualities. The destruction of plants and soil crusts by windblown sand and dust exacerbates the erodibility of the soil and accelerates the loss of nutrients (Okin et al. 2001). Soil erosion from construction activities and vehicle activity, which affects vegetation and soil properties, could have an adverse effect on both foraging and burrowing potential for FTHL. As mentioned earlier, approximately one-third of the plant site would be graded in rows for the access roads, another one-third would be rows of mowed vegetation three inches high directly under the SunCatchers, and the last one-third would have an approximately 74-foot wide row of vegetation left intact. The applicant has proposed the use of Soiltec™ as a soil binder in the rows where vehicular traffic is anticipated. Soil impacts have the potential to occur in the rows with the mowed vegetation. However, the rows where the vegetation remains intact would not impact the soil crusts. The impacts of increased dust and other construction impacts can be minimized with implementation of staff’s proposed Condition of Certification **BIO-8** (Impact Avoidance and Minimization Measures) to less than CEQA significant levels. Measures to minimize dust impacts in staff’s proposed Condition of Certification **BIO-8** include minimizing vegetation and soil disturbance, limiting the onsite speed limit to 15 mph for vehicular traffic, and applying water to dirt roads. Similar measures have been applied on past projects and have shown that they are effective in minimizing dust impacts.

## Noise

Noise from construction activities could temporarily discourage wildlife from foraging and nesting immediately adjacent to the project area. Many bird species rely on vocalizations during the breeding season to attract a mate within their territory, and noise from construction could disturb nesting birds and other wildlife and adversely affect nesting and other activities. High noise levels may also render an otherwise suitable nesting area unsuitable. Long-term exposure to noise can cause excessive stimulation to the nervous system and chronic stress that is harmful to health and reproductive fitness (Fletcher 1980, 1990). Behavioral and physiological responses to noise and vibration have the potential to cause injury, energy loss (from movement away from noise source), a decrease in food intake, habitat avoidance and abandonment, and reproductive losses (National Park Service 1994). The wildlife species most likely to be affected by noise include the burrowing owl, FTHL, desert bighorn sheep, loggerhead shrike, and LeConte's thrasher.

Studies have shown that noise levels over 60 dBA can affect the behavior of certain bird species. In **Section C.9 Noise and Vibration**, depending on the type of equipment used, the noise produced from the operation of construction equipment can vary from 77 dBA to 90 dBA at 50 feet. The loudest noise likely to occur during IVS construction would be during pile driving. Should pile driving be necessary for construction, a maximum level of 104 dBA at 50 feet is estimated. In order to minimize noise levels from project equipment, the applicant has proposed utilizing various noise-reducing features, such as mufflers on internal combustion engines, air-inlet silencers, shrouds, or shields to minimize noise levels (SES 2008a), which has been incorporated into staff's proposed Condition of Certification **NOISE-6** (Construction Time Restrictions). Similar measures have been applied on past projects and have shown that they are effective in minimizing noise impacts on wildlife.

The existing ambient noise levels for the west project boundary is 66 dBA during the day and 72 dBA during the night. Due to the temporary nature of the noise associated with construction activities and the existing level of background noise in the project area associated with Interstate 8, the railroad, OHV activity onsite and in the adjacent Plaster City Open OHV Area, the gypsum processing plant at Plaster City, and jet activity from the U.S. Naval Air Facility, staff concludes that noise impacts to nesting birds and other wildlife would be less than significant under CEQA with the implementation of staff's proposed Conditions of Certification **NOISE-6, BIO-2, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-10, BIO-14, and BIO-20**.

## Vibration

Groundborne vibration is expected from the insertion of SunCatcher pedestals and if employed for construction, from pile driving. Construction is expected last a total of 40 months. The **Noise and Vibration Section C.9**, concluded that groundborne vibration attenuates rapidly and is likely that no vibration would be perceptible at any appreciable distance from the project site. The vibrational period for the insertion of a SunCatcher pedestal 8 feet into sandy soil was approximately one minute (C. Weaver, 2010). The vibrational period for pedestal insertion would vary depending on the depth and substrate. No studies have been carried out which would address groundborne vibration



effects on wildlife. It is anticipated that ground dwelling animals closest to the source of vibration would be impacted. Due to the short duration of groundborne vibration for each SunCatcher insertion, staff concludes that vibration impacts to wildlife would be less than significant under CEQA.

### **Impacts to Waters of the U.S. and Jurisdictional State Waters**

Ephemeral drainages in the project area provide beneficial functions and services typical of high quality, low disturbance desert scrub systems. Riverine functions are generally categorized as hydrologic, physical, and biologic. Functions performed include, but are not limited to groundwater recharge, flood peak attenuation, floodwater storage, sediment trapping and transport, nutrient trapping, and maintenance of wildlife corridors and habitat. These functions would be impaired by construction of the IVS project.

Permanent impacts to the ephemeral washes result from the placement of SunCatchers on 24-inch bases, the construction of debris/sediment basins, the construction and regular maintenance of access roads to the SunCatchers, the placement of culverts and at grade crossings in the streambeds, construction of rip-rap/retaining wall/gabion for bank stabilization after bioengineering/recontouring, and the construction of storm drain outfall structures. These structures are considered fill by the U.S. Army Corps of Engineers (USACE) when built within Waters of the U.S. Temporary impacts to the ephemeral streambeds include the underground placement of the electrical collection system, the hydrogen distribution system, reclaimed waterline, and the mowing of brush down to a height of 3 inches (SES 2009u). An indirect effect of the SunCatchers in the washes would be the scour created around the pedestals after a rain event due to the obstruction in the flow path and due to the bare soil following vegetation removal. It has been estimated that a 24-inch-diameter foundation in the bed of the desert wash would have a scour depth of approximately five feet for flow velocities of 8 to 10 feet per second (a 100-year storm event). At more common flow velocities of 2 to 5 feet per second, the scour depths are estimated from 2 to 3.5 feet (SES 2009u). More detailed analysis on the scour is presented in **C.7 Hydrology, Water Use, and Water Quality (Soil and Water Resources)** section. It is anticipated that scour repair and removal of sediment from the debris/sediment basins with heavy equipment would be ongoing throughout the life of the project.

The potential project impacts caused by the placement of the SunCatchers in ephemeral washes to Waters of the U.S. and the jurisdictional state waters are the same. According to correspondence with the USACE (Mattson 2009), data provided by the applicant's consultant indicates that the potential permanent impacts to ephemeral washes caused by the placement of the SunCatchers and associated infrastructure would be 109,376 linear feet for Phase 1 construction and 95,790 linear feet for Phase 2 construction, a total of 205,166 linear feet. The potential temporary impacts to ephemeral washes would be 5,116 linear feet for Phase 1 construction only. No additional temporary impacts are anticipated for Phase 2 construction. The total amount of acreage impacted in the ephemeral washes would be approximately 165 acres of permanent impacts, 5 acres of temporary impacts, and 13 acres of indirect impact to Waters of the U.S. and approximately 48 acres of permanent impacts to jurisdictional state waters. Permanent loss of jurisdictional state waters and fill to Waters of the U.S. is considered by staff to be a significant impact.

An estimate of the acres of Waters of the U.S. and the jurisdictional state waters for the proposed reclaimed water pipeline along Evan Hewes Highway which would either span or go under seven irrigation canals, the New River, and adjacent wetlands, is 2.61 acres for jurisdictional state waters and 55.86 acres for Waters of the U.S. (SES 2009q). The CDFG does not expect any significant impacts to jurisdictional state waters along the proposed water pipeline route, but would require approval of a Frac-Out Contingency Plan prior to horizontal directional drilling taking place should there be an inadvertent release of drilling lubricant into the waterway. At a minimum, Best Management Practices (BMPs) will be utilized to maximize avoidance of impacts to Waters of the U.S. and jurisdictional state waters for the proposed reclaimed water pipeline. The USACE would also require a Frac-Out Contingency Plan prior to the start of construction of the water pipeline. Any temporary impacts to Waters of the U.S. associated with trenching would require restoration of the stream to existing elevations and contours immediately following construction. Any permanent impacts to Waters of the U.S. would require mitigation in the form of creation, restoration, or enhancement elsewhere (Mattson 2010).

### ***Waters of the US and Jurisdictional State Waters Mitigation***

Staff's proposed Condition of Certification **BIO-17** (Lake and Streambed and Peninsular Bighorn Sheep Foraging Habitat Impact Minimization and Compensation Measures) specifies that, in addition to minimizing impacts to drainages where feasible, the replacement of the functions and services of the jurisdictional state waters similar to those on the IVS project site at a 1:1 mitigation ratio should be required. This mitigation could be integrated with the requirement to acquire off-site special status species habitat. The applicant must demonstrate that the acquired habitat includes ephemeral washes that can be used to fulfill their streambed mitigation requirement. Even if the acquired off-site habitat includes ephemeral washes, the 18-month time frame in which to acquire the mitigation lands is dependent on parcels available for sale. Should not enough habitat with 48 acres of ephemeral washes be acquired within the 18 months of issuance of the Commission Decision under the mitigation requirements, staff, in conjunction with the CDFG, would require the remainder of the acreage, up to a total of 48 acres, to be acquired independent of the acquisition of special status species habitat under this circumstance. Thus, the applicant would be required to: 1) acquire Sonoran creosote scrub habitat with up to 48 acres of jurisdictional state waters; 2) prepare a Management Plan for site-specific enhancement of the acquired land; and 3) delegate the land acquisition to CDFG or an approved third party. With implementation of this proposed condition of certification, impacts to the project area's jurisdictional state waters would be reduced to less than CEQA significant levels.

Whereas the CDFG recommends a 1:1 mitigation ratio for impacts to ephemeral washes, the USACE has indicated they typically require a minimum of a 2:1 mitigation ratio for unavoidable impacts, with up to half (1:1 ratio) of the mitigation dedicated to preservation and the other half to enhancement or restoration within the New River watershed. Mitigation ratios typically increase if proposed outside of the watershed. Thus, mitigation within another watershed would likely be at a 3:1 ratio or higher depending on the type and location of the proposed mitigation (e.g., restoration versus enhancement). Precise details of the required mitigation will be determined after the federal CWA 404(b)(1) Alternative Analysis is complete and the Least Environmentally

Damaging Project Alternative (LEDPA) is prepared. The project owner must comply with the mitigation requirements of the CWA 404 permit in order to construct. If the Commission does not approve Drainage Alternative #1 or if BLM approves a project description that is something other than Drainage Alternative #1, the applicant must seek a Commission determination that the project and conditions (or revised conditions) comply with CEQA and CESA.

### **Impacts to Special Status Plants**

Staff found the 2007 and 2008 spring surveys conducted by the applicant to be inadequate. There were also no fall surveys conducted in the past even though late summer/fall monsoonal rains prevalent in the area would stimulate another bloom. Therefore, staff and BLM requested that botanical surveys be conducted for the spring and fall 2010.

Ground-disturbing activity associated with the IVS project has the potential to disturb either individual plants or populations of special status plant species present in the project area. Direct impacts to sensitive plant species could occur from construction activities that remove vegetation, grade soils, or cause sedimentation, including the construction of the proposed IVS project, the placement of transmission lines, maintenance of construction equipment and supplies, staging of equipment and materials, the use or improvement of existing access roads, and the construction of access roads. Indirect impacts could include the disruption of native seed banks through soil alterations, the accumulation of fugitive dust, increased erosion and sediment transport, and the colonization of non-native, invasive plant species.

Only one of the plants in **Biological Resources Table 2**, Wiggins' croton, is listed under the California Endangered Species Act (CESA) as Rare. The remainder of the plants on the CNPS List 1A, 1B, and 2 meet the definitions of an "endangered" or "threatened" species under Sections 2062 and 2067 of the California Fish and Game Code, and are eligible for state listing (CNPS 2001). CNPS List 1B species are considered Sensitive by the BLM in California (BLM 2009). Even if a species is not a state or federally listed plant species, it still may be considered state endangered, rare, or threatened, if the species can be shown to meet the criteria in Section 15380 of the CEQA Guidelines. CEQA Section 15380 provides that a plant or animal species may be treated as 'rare or endangered' even if not on one of the official lists if, for example, it is likely to become endangered in the foreseeable future. Plants appearing on CNPS List 1B or 2 meet CEQA's Section 15380 criteria, and affects on these species are generally considered "significant". The species that would fall in this category which have been observed on the project site and linears during the 2010 spring botanical surveys include Harwood's milk-vetch, brown turbans, and Wiggins' croton. Two other CNPS List 2 species, curly herissantia and Abrams' spurge, bloom in the fall and have the potential to occur on the project site. Fall surveys in general, have been rarely conducted in the past so the staff anticipates potential new additions to the flora of the project area.

CNPS List 4 species are plants of limited distribution or infrequent throughout a broader area of California, and their vulnerability or susceptibility to threat appears low at this time. During the 2010 spring botanical surveys, two CNPS List 4 species, Utah vine milkweed and Thurber's pilostyles were observed on the project site. Very few CNPS List 4 plants meet the definition for state listing (CNPS 2001). Nevertheless, many are

significantly locally if, for example, they occur at the periphery of a species' range, exhibit unusual morphology, or occur in atypical habitats, and should be evaluated in a CEQA analysis.

The applicant has proposed offsite acquisition of habitat for only the CNPS List 2 species, Harwood's milk-vetch and brown turbans, at a 2:1 (2 acres acquired for every acre impacted) ratio. The Harwood's milk-vetch and brown turbans occur over an approximate 20-acre area, requiring the acquisition of 40 acres. Wiggins' croton would be avoided so no mitigation is expected for this species. Specific avoidance measures to reduce potential impacts to special status plant species were not proposed by the applicant. However, Staff and BLM have proposed mitigation that requires surveys for special status plants in the late summer/fall of 2010. Condition of Certification **BIO-19** includes detailed measures for avoiding and minimizing accidental impacts and indirect impacts to avoided plants, which may include CNPS list 4 species should the taxon be of local or regional significance. The measures include having a designated botanist onsite to oversee botanical survey and monitoring work and preparing a Special Status Plant Impact Avoidance and Minimization Plan which will designate procedures for designing site modifications to minimize impacts to newly discovered populations of special status plants and designate environmentally sensitive areas for plant avoidance. These measures will allow for adaptive management approach to special status plant avoidance in the event that additional special status plants are found onsite. Condition of Certification **BIO-19** will be discussed in more detail below.

Impact Minimization and Avoidance of Special Status Species: BLM requests 100 percent on-site avoidance for BLM Sensitive plants but the level of avoidance is decided on a case-by-case basis (Lund, pers comm). On-site avoidance is also required for non-BLM Sensitive species with a NatureServe Global Rank of G1 or G2 species if the impact exceeds 10 percent of the species' known and documented occurrences. For non-BLM Sensitive species, i.e., CNPS List 2 species, the project owner would be required to avoid a minimum of 75 percent of the total population. For perennial taxa the percent avoidance would be measured based on the percentage of the total individuals affected; for annuals the percent avoidance would be measured based on the total area occupied by the occurrence plus any additional habitat deemed critical for maintenance of the population (e.g., the upstream reach of a wash for wash-dependent species). For these very rare and critically imperiled species, the project owner would be required to incorporate site design modifications to minimize impacts and meet the avoidance standard, including using existing roads to limit new road construction; limiting the width of the work area; adjusting the alignment of the project linears, or the locations of poles and spur roads, driving and crushing vegetation as an alternative to blading temporary roads to preserve the seed bank, and, if necessary, reducing or reconfiguring the layout of the SunCatchers to facilitate greater avoidance. These measures are described in Condition of Certification **BIO-19**.

Condition of Certification **BIO-19** also includes detailed measures for avoiding and minimizing accidental impacts and indirect impacts to avoided plants, which may include CNPS list 4 species should the taxon be of local or regional significance. The measures include having a designated botanist onsite to oversee botanical survey and monitoring work and preparing a special status plant impact avoidance and minimization plan which will designate procedures for designing site modifications to minimize impacts to

newly discovered populations of special status plants and designate environmentally sensitive areas for plant avoidance. These measures will allow for adaptive management approach to special status plant avoidance in the event that additional special status plants are found onsite.

Triggers for Mitigation: In light of the unpredictability of the regions rare plant flora, staff has incorporated into **BIO-19** specific triggers for mitigation that are designed to address any unanticipated special-status plants detected during the late season surveys and thus ensure that any unforeseen finds are adequately mitigated. The triggers are based on the internationally accepted Natural Heritage Methodology, available online at: <http://www.natureserve.org/prodServices/heritagemethodology.jsp>. Included in this methodology is the NatureServe global and state ranking process ([www.natureserve.org/explorer/ranking](http://www.natureserve.org/explorer/ranking)) which provides an estimate of extinction risk worldwide and in California. An explanation of the rankings is provided in the explanation of status codes as a footnote to **Biological Resources Table 2**. The triggers assign a threshold for mitigation based on the NatureServe Global and State Rank, and the portion of the total documented occurrences that are affected by the project.

The triggers for mitigation are also based—in concept—on The Nature Conservancy (TNC) Sonoran Desert Region conservation goals, a set of peer-reviewed goals which are also based on the NatureServe ranking protocol. Staff increased the rank-based conservation goals to reflect their use as a trigger for mitigation for any special-status plants detected in the 2010 summer-fall surveys, and to incorporate consideration of various threats or scenarios not already inherent in the NatureServe rank.

The State rank, and the assessment of threats (inherent in the threat rank), is conducted by the CNDDDB botanist using NatureServe protocol, and includes a more detailed threat ranking. A detailed explanation of the ranking process is available at: <[www.natureserve.org/publications/ConsStatusAssess\\_StatusFactors.pdf](http://www.natureserve.org/publications/ConsStatusAssess_StatusFactors.pdf)>. Factors considered in the designation of global and state ranks include: range extent; area of occupancy; population size; number of occurrences; the percent of occurrences with good viability/ecological integrity; environmental specificity; long-term and short-term population trend. Energy Commission staff are coordinating with CNDDDB to run an updated NatureServe rank to conform with the new 2009 NatureServe conservation status ranking protocol, which combine rarity, threats, and trend into a single ranking and consider many new subcategories. The new system eliminates the decimal threat add-on rank (e.g., S2.2) and incorporates the threats into the overall rank. Thus, if much of the BLM land within a species range is threatened by energy development, OHV, grazing, and other incompatible land uses that must be protected under its multi-use zoning (outside of FTHL MAs), then these threats would be captured in the new rank. The threats to species with many occurrences on private land (versus protection on National Park Service lands) would be similarly reflected in the new rankings. A species that is not as rare in numbers, but has many occurrences that are threatened, or an overall downward trend, could potentially be moved from an S2-ranked species to an S1, for example. Conversely, if many new occurrences have been found as a consequence of the many new surveys being conducted in the region (e.g., for renewable energy projects), then the rank could conceivably be downgraded.

The accounting or inventory of the species' total known or documented occurrences shall be based on the following sources: CNDDDB processed and unprocessed data; California Consortium of Herbaria and other herbaria records; BLM records; survey data from other renewable energy projects and other related projects for which survey data is available; and reported occurrences by qualified botanists accompanied by a completed CNDDDB or similar field form (with or without voucher specimens). Data considered unreliable include records for which the range is implied in literature but without collection numbers or specific location information, and anecdotal reports without documentation or from non-credible sources. Occurrences based on historic (pre-CEQA, or pre-1972) collections that have not since been verified will not be considered as a documented occurrence.

The triggers for mitigation also include a provision for requiring on-site avoidance of any particularly significant finds that cannot be adequately mitigated off-site. The triggers also include provisions for upgrading the mitigation requirements for an occurrence with 'local or regional significance'. Local and regional significance is defined by CNPS 2001 guidelines and in the CDFG 2009 guidelines for assessing impacts to special-status plants, and include a threat rank of 1 or 2 (threatened and very threatened), and significant cumulative effects. New undescribed species and proposed additions to the CNPS Inventory would be treated as a CNPS List 4 (state rank 3) unless recommended otherwise by the CNDDDB or CNPS Rare Plant Botanist after the initial phase of the peer-review process. There is also a provision to encompass the special needs of state- or federal-listed species.

Special Status Plant Mitigation: Should avoidance of onsite populations of special status plants not occur, then the preparation of a Special Status Plant Mitigation Plan would be required after late summer/fall 2010 surveys which would include mitigation requirements. The mitigation would comprise of offsite compensatory mitigation with a range of land acquisition mitigation ratios of 3:1 for occupied habitat with good to excellent site integrity up to 5:1 for unoccupied habitat and not adjacent to occupied habitat. These mitigation ratios are detailed in staff's proposed Condition of Certification **BIO-19**. A restoration plan would be required for rehabilitating, repairing, or restoring the affected environment of a resource and is detailed in **BIO-19**. Habitat restoration must be designed to achieve a 'rescue' an occurrence on acquired compensation land that is currently assessed with either: a) a long-term population or area decline >30 percent; b) exhibit an immediate threat that affects >30 percent of the population, or c) has an overall threat impact that is High to Very High (see NatureServe Threat Ranking system, available online at: [www.natureserve.org/publications/ConsStatusAssess\\_StatusFactors.pdf](http://www.natureserve.org/publications/ConsStatusAssess_StatusFactors.pdf)). To demonstrate or achieve a 'rescue' of a threatened or declining population, the proposed restoration must achieve an improvement in the occurrence trend to "stable" or "increasing" status, or downgrading of the overall threat rank to slight or low (from "High" to "Very High").

The impacts of stressors (such as the spread of invasive plants, hydrologic and geomorphic alterations, etc.) on special-status plants are well-documented in the literature. The benefits of restoration to rare plant populations have been demonstrated in a variety of projects conducted by public and private land managers, including BLM, National Park Service, The Nature Conservancy, U.S. Forest Service, California State Parks, and the California Native Plant Society. **BIO-19** also includes detailed and

specific guidelines for the preparation of restoration plans. Qualifying restoration projects include:

1. Controlling unauthorized vehicle or pedestrian use within or adjacent to a special-status plant occurrences. This restoration project could prevent the direct loss of plants and protect the occurrence from the introduction and spread of noxious weeds (which are typically introduced by vehicles), trampling, soil compaction and its effects on regeneration, or by preventing soil erosion/sedimentation associated with OHV use.
2. Controlling noxious weeds or other invasive pest plants. The spread of non-native plants in wildlands is second only to habitat loss as a primary cause of decline of many special-status plants. Weeds out-compete, and eventually displace native plants for moisture and nutrients or impact them through shading or allelopathic chemicals, or increases in the frequency and intensity of fires. They can also affect rare plants indirectly by stabilizing dune habitats prematurely and disrupting the geomorphic and hydrologic processes that support them.
3. Eliminating grazing by wild burros or livestock. This land use directly harms rare plant occurrences through trampling and soil compaction, encouraging the spread of invasive or non-native plants, and altering hydrology by eroding and incising washes.
4. Restoring critical lost or degraded hydrologic or geomorphic functions to known special-status plant occurrences that have lost historic sheet flow or instream flows, as a result of diverting washes upslope by roads or ditches.

In lieu of acquiring lands itself, the Project owner (subject to approval by the Compliance Project Manager) may satisfy the requirements of the mitigation measure for acquisition by depositing funds (equivalent to the cost of acquisition) into the Renewable Energy Action Team (REAT) Account established with the National Fish and Wildlife Foundation (NFWF) or other qualified third party. The Project owner must commit to the terms and conditions of **BIO-19**, and the Energy Commission, through the Compliance Project Manager, would be responsible for enforcement of the mitigation according to the timeline, monitoring, and reporting requirements specified in the condition. The Project owner may choose to satisfy its mitigation obligations by paying an in lieu fee instead of acquiring compensation lands for special-status plant species.

To address indirect effects, a number of additional conditions of certification are required that would minimize direct and indirect impacts to special-status plants. **BIO-18** requires finalizing and implementing the detailed Weed Management Plan. The avoidance and minimization measures contained in **BIO-1** through **BIO-8** would also benefit special-status plants by protecting the avoided occurrences of Harwood's milk-vetch and brown turbans, and other avoided special-status plants from accidental effects during construction. **BIO-1** through **BIO-8** are as follows:

- **BIO-1** (Designated Biologist Selection) which states the minimum qualifications to the satisfaction of Compliance Project Manager and BLM Biologist;
- **BIO-2** (Designated Biologist Duties) which outlines the duties performed during any site mobilization, ground disturbance, grading, construction, operation, closure, and restoration activities;

- **BIO-3** (Biological Monitor Qualifications);
- **BIO-4** (Biological Monitor Duties) in which the Biological Monitor assists the Designated Biologist during any site mobilization, ground disturbance, grading, construction, operation, closure, and restoration activities;
- **BIO-5** (Designated Biologist and Biological Monitor Authority) in which the Designated Biologist and Biological Monitor can call a halt to any activities that would be an adverse impact to biological resources;
- **BIO-6** (Worker Environmental Awareness Program) in which workers on the project site or any related facilities are informed about sensitive biological resources;
- **BIO-7** (Biological Resources Mitigation Implementation and Monitoring Plan) which identifies all biological resources mitigation, monitoring, compliance measures, Conditions of Certification, and permits; and
- **BIO-8** (Impact Avoidance and Minimization Measures) in which all feasible measures which avoid or minimize impacts to the local biological resources are incorporated in any modification or finalization of project design; and in other proposed conditions of certification.

**BIO-18** requires the implementation of a Weed Management Plan, which would prevent the spread and propagation of invasive weeds. Invasive weeds can immediately colonize disturbed areas and spread into undisturbed habitats, outcompeting native plant species if not managed. **BIO-7** (preparation of BRMIMP) would ensure implementation of all mitigation measures under a mitigation monitoring plan and enforced under the authority of the CPM. Implementation of staff's proposed Conditions of Certification **BIO-1** through **BIO-8**, **BIO-18**, and **BIO-19** would reduce impacts to special status plants to less than significant levels under CEQA.

### **Impacts to Raptors and Migratory/Special Status Bird Species**

Vegetation at the plant site and along linear facilities provides foraging, cover, and/or breeding habitat for migratory birds, including a number of special status bird species confirmed to be present at the site. Loggerhead shrike, LeConte's thrasher, and California horned lark are special status species known to breed and forage at the site. Western burrowing owls, which also occur at the IVS plant site and linear facilities, are discussed below. Power plant construction would eliminate nesting habitat for these and other species, and could result in direct and cumulative impacts to these species due to habitat loss or injury/fatality of individuals. Though no impacts to raptors are anticipated because these species occur only infrequently at the IVS project area, and do not breed there, the IVS plant site is potential foraging habitat. For golden eagles, the project site contains suitable foraging habitat, therefore the loss of foraging habitat is considered a significant impact.

### ***Raptors and Migratory/Special Status Bird Species Mitigation***

Staff's proposed Condition of Certification **BIO-10** (Special Status Species Habitat Compensatory Mitigation) would minimize the impact of the loss of foraging habitat to less than significant levels under CEQA because the habitat acquired for FTHL will also constitute suitable golden eagle foraging habitat.



The loss of active bird nests or young is regulated by the federal Migratory Bird Treaty Act and California Fish and Game Code section 3503, which protects active nests or eggs of California birds. The applicant has proposed mitigation measures to avoid and minimize impacts to nesting birds that have been incorporated into staff's proposed Conditions of Certification **BIO-8** (Impact Avoidance and Minimization Measures) and **BIO-14** (Pre-construction Nest Surveys), which states guidelines for performing the pre-construction surveys. Measures to minimize impacts to nesting birds in staff's proposed Condition of Certification **BIO-8** include minimizing vegetation disturbance and clearance, flagging disturbed areas to confine equipment and vehicles within the flagged areas, and reducing the likelihood of large bird electrocutions and collisions, such as golden eagles, by following the Avian Power Line Interaction Committee guidance (APLIC 2006). Measures in staff's proposed Condition of Certification **BIO-14** which would minimize impacts to nesting birds include conducting a pre-construction survey should construction activities occur during bird nesting season, and establishing a no disturbance buffer zone should a nest be present. Similar measures have been applied on past projects and have shown that they are effective in minimizing impacts to nesting birds. Implementation of staff's proposed conditions of certification would avoid direct impacts to nests, eggs, or young of migratory birds, and would minimize the impacts to less than CEQA significant levels for construction disturbance to nesting birds.

### ***Impacts to Burrowing Owls***

Burrowing owls nesting on the project site could be directly impacted by construction of the IVS project. Burrowing owl adults, eggs or young could be crushed or entombed by grading activities, and nesting and foraging activities would be directly and indirectly impacted by construction and operation of the project. The project would also result in permanent loss of 6,185 acres that is currently used by burrowing owls for nesting and foraging. Staff considers these potential impacts significant under CEQA.

In addition to the potential direct impacts to burrows, the IVS project would permanently eliminate a large expanse of habitat on the plant site and along the linear facilities that is currently available for foraging and breeding by burrowing owls. Habitat loss is one of the primary threats to California's burrowing owl population (Gervais et al. 2008), and the IVS project would contribute incrementally to this significant loss under CEQA.

### ***Burrowing Owl Mitigation***

To avoid potential impacts to burrowing owls that might be nesting within the project impact area, the applicant has proposed conducting pre-construction surveys on the plant site and along all linear facilities, using methods recommended by the California Burrowing Owl Consortium (CBOC) (1993). To avoid and offset potentially significant impacts to nesting owls, the applicant has also proposed passive removal. Passive removal involves encouraging owls to move from occupied burrows to alternate natural or artificial burrows that are at least 150 feet from the impact zone and that are within or contiguous to a minimum of 6.5 acres of foraging habitat for each pair of relocated owls (CDFG 1995). Passive relocation of owls is only implemented during the non-breeding season (CDFG 1995) unless a qualified biologist can verify through non-invasive methods that egg laying/incubation has not begun or juveniles are foraging independently and able to fly. The unoccupied burrows would be collapsed in accordance with CDFG-approved guidelines (CBOC 1993).

The applicant has also proposed ground-disturbing activities occurring outside the burrowing owl breeding season (February 1 through August 30) when practicable and clearance surveys prior to each phase of project construction.

Though the applicant's proposal to conduct pre-construction surveys, ground-disturbing activities outside burrowing owl breeding season, and clearance surveys prior to each phase of project construction has been incorporated into staff's proposed Condition of Certification **BIO-16** (Burrowing Owl Impact Avoidance and Minimization Measures), the applicant's proposed impact avoidance, minimization, and mitigation measures would not be sufficient to reduce impacts to less than significant levels under CEQA. Staff and BLM propose that surveys and monitoring of burrowing owl burrows within 500 feet of construction activity be conducted. Staff's proposed Condition of Certification **BIO-16** provides minimization and avoidance measures for this species, and provides guidelines for a Burrowing Owl Mitigation and Monitoring Plan. Though staff and BLM had initially proposed that burrowing owl would be actively relocated outside of nesting season (February 1 through August 31), active relocation is not allowed by the CDFG code (California Fish and Game Code section 3503.5). In compliance with CDFG regulations, burrowing owls can only be passively relocated followed by the collapsing of burrows. Implementation of staff's proposed Condition of Certification **BIO-16** in addition to staff's proposed Conditions of Certification **BIO-8** (Impact Avoidance and Minimization Measures) and **BIO-10** (Special Status Species Habitat Compensatory Mitigation) would mitigate impacts to burrowing owl to less than significant levels under CEQA by avoiding take of these species and by likely offsetting habitat loss, provided the species occurs on the potential relocation site. The compensation lands acquired under BIO-10 are assumed to be suitable nesting and foraging habitat for burrowing owls. If compensation lands do not contain suitable burrowing owl burrows, artificial burrows may be constructed as specified in **BIO-16**.

## **Impacts to Special Status Mammals**

### ***Impacts to American Badger and Desert Kit Fox***

American badgers were not detected on the IVS site, but several potential burrows were discovered onsite in addition to a documented occurrence across Interstate 8 from the project site. The site includes moderately suitable foraging and denning habitat for this species. The American badger is not a protected species, but potential impacts to individuals of this species must be mitigated to less than significant levels under CEQA from either project only or cumulative effects. Construction of the IVS project could kill or injure American badgers by crushing them with heavy equipment, or could entomb them within a den.

The desert kit fox (*Vulpes macrotis*) is not a special status species. However, the desert kit fox is protected under Title 14, California Code of Regulations section 460, which states that "Fisher, marten, river otter, desert kit fox, and red fox may not be taken at any time". Therefore, take of these furbearing mammals and potential impacts to individuals of these species must be avoided. Desert kit fox sign were detected on the IVS site, and the site includes marginally suitable foraging and denning habitat for this species. Construction of the IVS project could kill or injure desert kit fox by crushing them with heavy equipment, or could entomb them within a den.

### ***American Badger and Desert Kit Fox Mitigation***

Staff's proposed Condition of Certification **BIO-15** requires that a qualified biologist would perform a pre-construction survey for badger and kit fox dens in the project area, including areas within 250 feet of all project facilities, utility corridors, and access roads. Should a badger or desert kit fox occur onsite, the applicant shall initiate passive removal of the animal and collapse the burrow after its removal per guidance provided in **BIO-15**. Active relocation would involve trapping (take), which is not allowed by CDFG code (California Fish and Game Code section 4000) and Title 14, California Code of Regulations section 460. Take is not allowed for these species. In compliance with CDFG regulations, badgers and desert kit foxes can only be passively relocated followed by the collapsing of burrows. Staff's proposed Conditions of Certification **BIO-15** and **BIO-10** (Flat-Tailed Horned Lizard Habitat Compensatory Mitigation) would mitigate impacts to American badger and desert kit fox to less than significant levels under CEQA by avoiding take of these species and by likely offsetting habitat loss, provided the species occurs on the potential relocation site. The compensation lands acquired under BIO-10 are assumed to be suitable as compensation for American badger and desert kit fox.

### ***Impacts to Peninsular Bighorn Sheep***

A group of five female/yearling Peninsular bighorn sheep have been observed in an ephemeral wash on the western half of the project site (SES 2009m), and could use the IVS project site as foraging habitat and as a possible movement corridor. CURE asserted that the project would reduce the availability of seasonal forage for Peninsular bighorn sheep and interfere with their activities as they move between the nearby Peninsular mountain range and the Yuha Desert. The response provided to CURE's data requests (SES 2009m) suggests that use of the site by Peninsular bighorn sheep is transitory at best. Initially, USFWS, CDFG, and BLM biologists agreed that the sighting of bighorn sheep on the IVS site in spring 2009 was an unusual occurrence and would unlikely occur again. This conclusion was based on the lack of previous documented lambing sites, water sites, or occurrence records in the project vicinity, the lack of suitable escape habitat on the project site, and the busy highways and railroad surrounding the site. The BLM assessment that the IVS project may affect, but is not likely to adversely affect Peninsular bighorn sheep was based on these factors.

USFWS and CDFG biologists assessed testimony provided by CURE and concluded that sufficient evidence was lacking to prove that the bighorn sheep were not impacted by project impacts to the loss of foraging habitat. Therefore, CDFG supported FESA Section 7 consultation with USFWS in order to minimize impact of loss of foraging habitat to bighorn sheep.

### ***Peninsular Bighorn Sheep Mitigation***

In order to reduce loss of foraging habitat to bighorn sheep to less than significant levels under CEQA, staff's proposed Conditions of Certification **BIO-10** (Special Status Species Compensatory Mitigation) and **BIO-17** (Lake and Streambed and Peninsular Bighorn Sheep Foraging Habitat Impact Minimization and Compensatory Mitigation) would acquire compensation land that would offset the loss of bighorn sheep foraging habitat.

As construction activities can harm bighorn sheep, implementing avoidance and minimization measure, staff's proposed Condition of Certification **BIO-8** (i.e., erecting fences and gates to prevent wildlife access and contain construction equipment; and covering excavated areas or installing wildlife escape ramps in the excavated areas should sheep wander onsite) would lessen impacts to Peninsular bighorn sheep to less than significant levels under CEQA. Other conservation measures that would be in the Biological Opinion would be incorporated in staff's proposed Condition of Certification **BIO-8**, (Impact Avoidance and Minimization Measures).

### **Impacts to Wildlife Movement Corridors and Habitat Connectivity**

Peninsular bighorn sheep: The washes onsite may potentially function as a corridor for Peninsular bighorn sheep movement. However, there is no evidence from radiotelemetry data that the site is currently used by bighorn sheep as a movement corridor (G. Wagner, pers. comm.). The radiotelemetry data shows bighorn sheep movement west of the site under the elevated portion of west-bound Interstate 8 at Coyote Wash to access what is known as the "Island", which is rocky habitat along In-Ko-Pah Gorge, approximately six miles west of the project site. A roadkill ram was documented on east-bound Interstate 8 at the "Island", but there are no documented bighorn sheep roadkills in the project vicinity. Therefore, any use of the project site as a movement corridor for bighorn sheep is speculative. The bighorn sheep are unlikely to use the box culverts under Interstate 8 and would more likely cross the highway to gain access to preferred habitats (G. Wagner, pers. comm.). In summary, bighorn sheep are documented to utilize movement corridors west of the project site. Based on the lack of telemetry data and roadkill records, the flatter topography of the project site, and the Yuha Desert to the south, project impacts to a potential movement corridor for bighorn sheep are less than significant. At this time, Staff is not considering mitigation for impacts to bighorn sheep movement corridors since there is no evidence that the site is currently being used as a long distance movement corridor by bighorn sheep.

FTHL: The proposed project site is situated between the West Mesa FTHL Management Area (MA) to the north and the Yuha Desert FTHL MA to the south. The FTHL Rangewide Management Strategy (FTHL ICC 2003) lists maintaining connectivity between the MAs for FTHLs as one of the Planning Actions. The project site is bounded by Interstate 8 to the south and the railroad and Evan Hewes Highway to the north, which may currently serve as a filter for movement in and out of the project site for wildlife. The washes onsite may function as a corridor for FTHL movement, but corresponding culverts under Interstate 8 may be of little use for movement between the project site and the Yuha Desert FTHL MA. It is possible that the culverts may allow for limited FTHL movement under Interstate 8. However, due to the great distance to be traveled through the dark culverts and the limited number of culverts accessible to the FTHLs, it is likely that very few FTHLs would use the culverts under Interstate 8 as a movement corridor. It may be more likely that FTHLs cross the highway to move between the Yuha Desert FTHL MA and the project site.

The USFWS is concerned that the development of the proposed project would impact the connectivity between FTHL Management Areas, which would be in direct conflict with the FTHL Rangewide Management Strategy. Permeable fencing is proposed for the project site, which would allow small animals, such as FTHLs, movement in and out of the project site. Even with the filters to FTHL movement outside of the project

boundaries, the proposed development of SunCatchers in the washes would further impact potential movement corridors on the project site. Also of concern to the USFWS is what FTHLs remain or move onsite during operations, would perish from maintenance and operational activities, causing the project site to become a sink for FTHLs. Should an alternative be chosen that does not allow development within certain major washes, such as Drainage Avoidance Alternative #1, then a habitat refuge for FTHL from maintenance and operational activities in the undeveloped washes may possibly be maintained and habitat connectivity between management areas would remain. Staff's Condition of Certification **BIO-10** (Special Status Species Habitat Compensatory Mitigation) would lessen the impact to movement and connectivity to some extent by acquiring FTHL habitat, but the loss of the corridors from development in the washes for the proposed project would make the site a barrier to FTHL movement between MAs. In summary, staff considers the loss of FTHL movement corridors and connectivity to the MAs to be a significant adverse impact which is unmitigable as the project is currently proposed. Adoption of Drainage Avoidance Alternative #1 would likely reduce the direct loss of FTHL connectivity to a less than significant level.

### **Impacts to Flat-tailed Horned Lizard (FTHL)**

Surveys conducted in 2007 and 2008 indicate that FTHL inhabits the 6,063-acre plant site and the 92.8-acre off-site transmission corridor (SES 2008a). Construction of the off-site reclaimed water line could impact FTHL, but the construction would occur mainly in the disturbed road shoulder of Evan Hewes Highway and would be a temporary impact. Construction activities within the plant site and off-site transmission corridor would result in permanent loss of habitat.

Construction activities could also result in direct mortality, injury, or harassment of individuals as a result of encounters with vehicles or heavy equipment. Other direct effects could include individual FTHLs being crushed or entombed in their burrows, collection or vandalism, disruption of FTHL behavior during construction or operation of facilities, and disturbance by noise or vibrations from the heavy equipment. Increased human activity and vehicle travel would occur from the construction and improvement of access roads, which could disturb, injure, or kill individual FTHLs.

After construction is complete additional project related impacts (increased levels of predation on FTHL from increased avian predators and roundtail ground squirrel, increased levels of disturbance, and incidence of vehicle strikes) could continue to adversely affect FTHL. These potential operations impacts are discussed in more detail later in this subsection.

Though the FTHL is not currently listed by the USFWS or CDFG, the possibility for listing this species is likely. The FTHL was first proposed for listing by the USFWS in 1993, but the notice was withdrawn in 1997. The withdrawal of the listing proposal was litigated and remanded to USFWS. This was followed by a second withdrawal of the proposal to list the FTHL by the USFWS in 2001. A lawsuit was filed in 2003 challenging the USFWS withdrawal of the proposed listing, and in 2005, a federal court ordered the USFWS to restore the proposed listing of FTHL. The proposal for listing was withdrawn by USFWS in 2006, which was challenged in court. The court upheld the USFWS withdrawal of a proposal for listing in 2007, but in May of 2009, the Ninth Circuit Appeals Court overruled the trial court and ordered the agency to consider listing the species. In

November of 2009, a federal district court entered judgment consistent with the Ninth Circuit Court of Appeals decision. In anticipation of the FTHL being federally listed, the BLM has undergone conferencing with the USFWS to address the potential take and loss of habitat. If the FTHL becomes listed, the Conferencing Opinion would be converted to a Biological Opinion with a take statement if no changes have occurred or if no new information is learned since the issuance of the Conferencing Opinion.

### ***FTHL Mitigation***

The FTHL Interagency Coordinating Committee (ICC), consisting of USFWS, CDFG, BLM, U.S. Marine Corps, U.S. Navy, Arizona Game and Fish, and California State Parks, developed a Flat-tailed Horned Lizard Rangewide Management Strategy (Strategy) in 1997, which was updated in 2003. As the USFWS and the BLM are signatory agencies to the FTHL ICC, the BLM expects USFWS to follow the recommendations of the Strategy (FTHL ICC 2003) for the Conference Opinion. Measures from the issuance of a Conference Opinion from the USFWS would be incorporated into the following proposed Conditions of Certification: **BIO-9** (Flat-tailed Horned Lizard Construction Monitoring Program and Occupancy Study) which states the FTHL conservation measures; **BIO-10** (Special Status Species Habitat Compensatory Mitigation) which identifies the compensation costs to mitigate for habitat loss and selection criteria for compensation lands; and **BIO-11** (Flat-tailed Horned Lizard Compliance Verification) in which the Designated Biologist verifies for the Energy Commission staff and the BLM that all FTHL impact avoidance, minimization, and compensatory measures have been implemented.

The applicant has recommended impact avoidance and minimization measures to reduce construction impacts to FTHL, including clearance surveys prior to each phase of project construction and relocation of any FTHL observed within the construction area to suitable habitat outside of the development effect footprint. Initially, a Translocation Plan for the FTHL was to be required, but recent discussions with FTHL experts confirmed that due to the low detection probability (approximately 5 percent) of FTHLs during clearance surveys, a Translocation Plan would not be necessarily helpful. Collection of data of translocated FTHLs would have been required in the Translocation Plan, but again, due to the low detection probability of FTHLs, the data would not be meaningful. The USFWS is concerned that the FTHLs that remain or move onsite during plant operations, would perish from maintenance and operational activities, causing the project site to become a sink for FTHLs. Therefore, a study of FTHL persistence on the site pre-construction and post-construction would be more meaningful. However, any FTHLs encountered during construction must be moved out of harm's way. The removal of the FTHL and other species encountered will be conducted by the biological monitors on site during construction. Any impact minimization measures from the Conferencing Opinion, which are not already included in staff's proposed Condition of Certification **BIO-9** (Flat-Tailed Horned Lizard Construction Monitoring Program and Occupancy Study), shall be included in the final BRMIMP. A Before-After Control-Impact (BACI) Occupancy Estimation Study would be prepared that would analyze the persistence of FTHL onsite after construction and during plant operations. The study would include parameters to be measured, sample size, level of effort per plot, assessment approach, and verification of scat source and extirpation of habitat. The Study shall be approved by USFWS, BLM, and Energy Commission in consultation with CDFG. Should Drainage

Avoidance #1 Alternative, which does not allow development within certain major washes, be adopted, a habitat refuge from maintenance and operational activities in the undeveloped washes may possibly allow some FTHLs to persist onsite. However, as the proposed project would develop the entire site, including the washes, staff concludes that most of the estimated 1,300 to 2,000 FTHLs currently onsite would perish, which is a significant adverse impact which is unmitigable under CEQA.

According to the Strategy (FTHL ICC 2003), the FTHL ICC has recommended the installation of FTHL exclusionary fencing which the applicant has also proposed for impact avoidance and minimization measures to FTHL. However, the BLM believes that this action may not be practicable due to the large size of the project. The FTHL Strategy was initially based on the recovery plan for desert tortoise, which requires exclusionary fencing for projects impacting desert tortoise. As the detection level during clearance surveys for desert tortoise is greater than FTHL due to the cryptic coloration and the freeze and/or bury behavior to escape detection, the FTHL exclusionary fencing would trap more organisms within the so called "cleared" areas rather than excluding them. The BLM consulted with the ICC, and all other signatories agreed with BLM to disregard the FTHL exclusionary fencing recommendation for the IVS project (Steward 2009).

One of the stated goals in the Strategy (2003) is to prevent the net loss of FTHL habitat. In order to achieve this goal, compensation for habitat lost outside of a FTHL Management Area (MA), which would include the 6,063.1-acre project site, including the 1,038.7 of dirt and OHV roads that already exist on site, would be at a 1:1 ratio. The BLM considers the 1,038.7 acres of narrow dirt and OHV roads which traverse the site equivalent habitat to the undeveloped areas as the horned lizards utilize all areas within the 6,063.1 acre site. Even though the applicant would retain some vegetation in rows next to the SunCatchers, BLM and staff consider the entire site impacted and the applicant would be required to compensate for the loss of 6,063.1 acres. The 7.56-mile transmission line outside of the project site is located in the Yuha Desert Flat-tailed Horned Lizard Management Area (MA). As 92.8 acres would be impacted within an MA, the compensation for habitat lost would be increased to a 6:1 ratio (FTHL ICC 2003), thus requiring compensation acquisition of 556.8 acres ( $92.9 \text{ acres} \times 6 = 556.8 \text{ acres}$ ). The BLM is not calculating the impact acreages along the proposed reclaimed water pipeline route for the FTHL mitigation. Though approximately 1.7 miles of the proposed reclaimed water pipeline west of the Imperial Irrigation District Westside Main Canal is on BLM administered land, the construction activities would occur mainly in the developed/disturbed portions in and along the Evan Hewes Highway. Even though FTHL habitat borders the Evan Hewes Highway, it is anticipated that direct pipeline construction impacts to vegetation and wildlife would be temporary and can be reduced to less than CEQA significant levels with implementation of impact avoidance and minimization measures described in staff-proposed Conditions of Certification **BIO-1** through **BIO-9** as described previously.

The primary focus of acquisition is to acquire FTHL habitat both within and contiguous with MAs. Staff believes that 100 percent acquisition is feasible because approximately 10,000 acres of private lands may be available (J. Eubanks pers. comm. and D. Steward 2010a). Some participants in this proceeding have raised concerns that sufficient habitat may not be available for acquisition (CURE 2010a). Staff disagrees that there is insufficient habitat. Nonetheless, even if the unlikely event that 100 percent

acquisition either cannot be or is reasonably unlikely to be achieved in 18 months, the Applicant will be required to seek an amendment approving other actions to provide the remainder of the needed mitigation, including habitat restoration of unauthorized vehicle routes in limited use areas, particularly in the Yuha Desert and West Mesa FTHL Management Areas, control of invasive plant species, and building and maintenance of fences on the boundary of open OHV areas to prevent illegal incursions by OHV's. Staff believes that all of these options have the potential to effectively mitigate for the loss of FTHL habitat. These options are a few that are approved in the FTHL Rangewide Management Strategy (FTHL ICC 2003).

#### Integrating State and Federal Flat-Tailed Horned Lizard Habitat Mitigation

Staff from BLM, Energy Commission, USFWS, and CDFG agrees that compensatory mitigation at a 1:1 ratio is appropriate for Project impacts to FTHL habitat on the IVS project site and a 6:1 ratio in the Yuha Desert FTHL MA. However, some differences remain between the federal and state approach to FTHL mitigation that currently preclude a complete integration of FTHL mitigation requirements. One difference is the state requirement for permanent protection of acquired mitigation lands. Energy Commission staff and CDFG require that mitigation lands acquired for endangered species be maintained and protected in-perpetuity for the benefit of those species. The BLM cannot always make the same commitment to protecting acquired mitigation lands because their multiple use mandate restricts their ability to designate lands solely for conservation purposes and to exclude potentially incompatible development and activities.

The REAT Agencies agree that to address the in-perpetuity protection requirement, any lands acquired and subsequently donated to BLM will have either a deed restriction or conservation easement in title that will preclude future development of the land (Fesnock pers. comm., Flint pers. comm.). The REAT Agencies also note that protection could be achieved by buying private in-holdings within designated wilderness or wilderness study areas, being that these areas are congressionally designated and as such preclude any development within them, thus meeting the requirement for in-perpetuity protection. The BLM has an established process for accepting lands with deed restrictions or conservation easements and is working on streamlined version of this process. Staff anticipates that the stream-lined process for in-perpetuity protection of BLM mitigation lands will be established before the end of 2010 (Fesnock pers. comm., Flint pers. comm.).

The BLM has also indicated that for any land enhancement actions or recovery actions implemented on existing BLM-owned lands, BLM would develop a Memorandum of Understanding (MOU) with CDFG containing provisions for notification of any proposed Projects affecting those lands (BLM 2009a). The BLM agreed that future Projects authorized on these mitigation lands would be compensated at a higher rate (BLM 2009a).

#### Calculation of Security for FTHL Habitat Compensatory Mitigation

The applicant must provide financial assurances to guarantee that an adequate level of funding is available to implement all impact avoidance, minimization, and compensation measures. These financial assurances are generally provided in the form of an



irrevocable letter of credit, a pledged savings account, or another form of security prior to initiating ground-disturbing Project activities. Staff's proposed conditions of certification typically specify the dollar amount of the security, and include a provision for adjusting that security amount when parcel-specific information is available. This security amount is calculated by multiplying the acreage of the impact area by the total per acre costs, a figure which represents the sum of the costs required for: (1) land acquisition, (2) initial habitat improvements, and (3) a long-term maintenance and management fee to support long-term management of the acquired lands.

The latter cost for the long-term management endowment is typically the largest component of the mitigation fee. Interest from the endowment creates a funding source that provides enough income to cover annual stewardship costs on the acquired lands and includes a buffer to offset inflation. The amount for the endowment is established by a Property Analysis Record (PAR), a computerized database methodology developed by the Center for Natural Lands Management (<[www.cnlm.org/cms](http://www.cnlm.org/cms)>) which calculates the costs of land management activities for a particular parcel. These activities include development of a desert tortoise management plan tailored for each parcel of mitigation land to assess habitat status, identify desired conditions, and develop plans to achieve conditions that would best support desert tortoise. Once the management plan is developed and approved by the appropriate resource agencies, implementation of enhancement actions such as fencing, road closure, weed control, habitat restoration as well as monitoring can begin. The goal of these activities is to increase the carrying capacity of the acquired lands for FTHL and increase their population numbers by enhancing survivorship and reproduction.

Funding for the initial habitat improvements supports those actions needed immediately upon acquisition of the property to secure it and remove hazards. These activities might include fencing or debris clean-up, or other urgent remedial action identified prior to when the parcels were acquired. When the management plan is completed for the acquired parcel activities like these are thereafter funded from the interest produced by the long-term management maintenance fee described above.

Staff's proposed Condition of Certification **BIO-10** specifies acquisition of 6,619.9 acres and provides an estimate of associated costs. These costs include acquisition fees of \$500 per acre, a figure that reflects recent land sale in the areas in and around the FTHL MAs in the IVS project area. Initial habitat improvement costs (for example, fencing, debris removal) are estimated at \$27 per acre, and long-term maintenance and management is estimated at \$692 per acre based on a Property Analysis Record prepared for land in and near the West Mesa and Yuha Desert FTHL MAs (Nicol pers. comm.) The estimated composite mitigation cost to meet staff's recommendation for establishing the security would be \$1,219 per acre. This security amount may change when an updated appraisal is made and a Property Analysis Record is prepared for the parcels that have been selected for acquisition. It is important to note that these are estimates based on current costs; the requirement is defined in terms of acres, not dollars per acre, and actual costs may vary. If the security proves to be inadequate to secure the necessary acreage because of increases in land costs, the project owner would need to make up the difference. Similarly, if the security was an overestimate the project owner would be refunded the excess.

In contrast to the state mitigation approach, the BLM does not require a long-term maintenance and management fee or other funding to manage the acquired FTHL mitigation lands because they pursue recovery goals through implementation of region-wide management plans and land use planning as described in the California Desert Conservation Area Plan and the ICC FTHL Rangeland Management Strategy rather than through parcel by parcel acquisitions and management. The BLM typically requires a cash payment (proffer) prior to initiating ground-disturbing activities, which generally includes a per acre cost reflecting current land value and recent purchase prices, as well as additional acquisition and indirect costs and funding for appraisals, environmental site assessments, property cleanup, and an inflation contingency. However, as noted by the REAT agencies, other methods may be employed which would satisfy both BLM and the state agency legal requirements.

The compensation funds are based on the following calculations in **Biological Resources Table 5** and are incorporated in staff's proposed Condition of Certification **BIO-10**. The costs are based on BLM's best estimate of current cost per acre. The amounts shown in **Biological Resources Table 5** are subject to changing real estate acquisition costs.

**Biological Resources Table 5**  
**Estimated Breakdown of Compensation Costs for Acquired Habitat**

	<b>Project Site (1:1 Ratio) Total Acreage</b>	<b>Off Site Transmission Line (6:1 Ratio) Acres Impacted: 92.8</b>	<b>TOTAL</b>
<b>Compensated Acres</b>	6,063.1	(92.8 x 6) = 556.8	6,619.9
Price/acre at no less than \$500/acre	\$3,031,550	\$278,400	\$3,309,950
Pre-acquisition Liability Survey (PALS) at no less than \$2,500/parcel <sup>1</sup> (approximately 40 acres/parcel)  No. of parcels (acres/40) x \$2,500/parcel cost	No. of parcels: (6,063.1/40) = 151.5775 parcels  151.5775 parcels x \$2,500 = \$378,943.75	No. of parcels: (556.8/40) = 13.92 parcels  13.92 parcels x \$2,500 = \$34,800	\$413,743.75
Appraisal at no less than \$3,000/parcel (No. of parcels x \$3,000)	151.5775 parcels x \$3,000 = \$454,732.50	13.92 parcels x \$3,000 = \$41,760	\$496,492.50
Fee to clean up, restore, and enhance FTHL habitat at no less than \$27/acre	6063.1 acres x \$27/acre = \$163,703.70	556.8 acres x \$27/acre = \$15,033.60	\$178,737.30
<b>Subtotal 1</b>	<b>\$4,028,929.90</b>	<b>\$369,993.60</b>	<b>\$4,398,923.50</b>

	<b>Project Site (1:1 Ratio) Total Acreage</b>	<b>Off Site Transmission Line (6:1 Ratio) Acres Impacted: 92.8</b>	<b>TOTAL</b>
BLM cost to accept land <sup>2</sup> (Subtotal 1 x 15%) x 1.17	\$4,028,929.90 x 15% = \$604,339.48  \$604,339.48 x 1.17 = \$707,077.19	\$369,993.60 x 15% = \$55,499.04  \$55,499.04 x 1.17 = \$64,933.88	\$772,011.07
Long term management fee at \$692/acre	6,063.1 x \$692/acre = \$4,195,665.20	556.8 x \$692/acres = \$385,305.60	\$4,580,970.80
<b>Subtotal 2</b> Estimated cost should the project owner acquire lands	<b>\$8,931,672.29</b>	<b>\$820,233.08</b>	<b>\$9,751,905.37</b>
NFWF fee <sup>3</sup> (Subtotal 2 x 7%)	\$8,931,672.29 x 7% = \$625,217.06	\$820,233.08 x 7% = \$57,416.32	\$682,633.38
<b>TOTAL</b> (Subtotal 2 + NFWF fee) Estimated cost should a REAT Account be established through NFWF.	<b>\$9,556,889.35</b>	<b>\$877,649.40</b>	<b>\$10,434,538.75</b>

1 - The Pre-acquisition Liability Survey (PALS) is charged by the parcel. Each parcel is estimated at 40 acres. The total compensated acreage is divided by 40 to figure the number of parcels. The number of parcels is then multiplied by the \$2,500 per parcel fee.

2 - This amount covers the estimate of BLM's cost to accept the land into the public management system and costs associated with tracking/managing the costs associated with the donation acceptance.

3 - The "NFWF" fee covers administrative costs to the National Fish and Wildlife Foundation for administering the project in the Renewable Energy Action Team (REAT) account.

Staff's proposed Condition of Certification **BIO-10** (Special Status Species Habitat Compensation Mitigation) would reduce impacts of the loss of FTHL habitat to less than significant levels under CEQA.

### **Construction and Operational Impacts and Mitigation**

Potential operation impacts to biological resources include increased risk of avian predation on FTHL and wildlife, disruption to remaining wildlife corridors through the proposed IVS project site due to project-related traffic and maintenance activities, impacts to birds due to hazardous conditions at the evaporation ponds, increased levels of onsite vehicular traffic and disturbance, and potential collisions with structures,

effects of disturbance and lighting, and invasive weeds. These impacts are discussed below.

### **Avian Predators**

Construction and operation of the IVS project could provide new sources of food, water, and nesting and perching sites that might attract unnaturally high numbers of FTHL predators such as the common raven, loggerhead shrikes, and American kestrel. Ravens depend on human encroachment to expand into areas where they were previously absent or in low abundance. Ravens habituate to human activities and are subsidized by the food and water, as well as roosting and nesting resources that are introduced or augmented by human encroachment. Common raven populations in the Colorado and Mojave deserts increased 1,000 percent from 1968 to 1992 in response to expanding human use of the desert (Boarman and Berry 1995). This increase has had a negative impact on sensitive species such as the desert tortoise and flat-tailed horned lizard.

Construction and operation of the proposed IVS project would provide new attractants and subsidies that might result in changes in raven population or behavior, which could subsequently affect the FTHL population in the region by increased predation. The following have been identified as raven attractants and subsidies:

- Water in evaporation ponds;
- Creation of new perching/roosting/nesting sites;
- Water ponding due to dust suppression; and
- Construction/operation waste.

The potential impacts to FTHL populations and other species resulting from operation of the IVS's evaporation ponds are discussed later in this subsection. Impacts and mitigation for the remaining three factors are discussed below.

Perching, Roosting, and Nesting Sites. Most raven predation on FTHL is thought to take place during the spring, most likely by breeding birds that spend most of their time foraging within 1,300 feet of their nests (Kristan and Boarman, 2003). Therefore, IVS structures such as towers, transmission poles and lines, maintenance buildings, facility fencing, and 30,000 SunCatcher units that offer new nesting and/or perching substrates could facilitate increased risk of predation to FTHL populations by avian predators. The applicant has proposed project design features to reduce nesting and includes physical deterrents to nesting such as bird spikes and nest removal, and monitoring to make sure these design features were working as intended. These measures are described in more detail in staff's proposed Condition of Certification **BIO-12**, which describes development of the Raven Monitoring and Management Plan. These measures are expected to mitigate the impacts to a less than significant level.

Ponding. During construction, water would be applied to the graded areas, construction right-of-way, dirt roads, trenches, spoil piles, and other areas of ground disturbance to minimize dust emissions and topsoil erosion. Ponding water resulting from these dust suppression activities has the potential to attract ravens and other predators of FTHL, thereby potentially resulting in increased FTHL predation. As described in staff's proposed Condition of Certification **BIO-8** (Impact and Avoidance Minimization Measures),

this potential impact would be minimized by using the minimal amount of water needed for dust abatement, such that impacts would not be significant.

Food Waste. Ravens are scavengers that forage at landfills, dumpsters behind restaurants and grocery stores, open garbage drums and plastic bags placed on the curb for garbage pickup, and on roadkills. Both construction and operation of the IVS would result in increased waste generation in the project area and improper management of food waste could attract ravens. This potential impact can be avoided with implementation of measures described in staff's proposed Condition of Certification **BIO-8**, which requires that all food-related waste be placed in self-closing containers and removed daily from the site, and that plastic bags containing trash would not be left out for pickup. In addition, to discourage scavenger activity, animal roadkills would be promptly removed from the project site.

To reduce the impacts of increased avian predator presence at the proposed IVS project site, the applicant has prepared a draft Raven Management Plan (SES 2009f) and has recommended impact avoidance and minimization measures, which staff has incorporated into proposed Condition of Certification **BIO-12**. If implemented, **BIO-12** would minimize the effects of increased predation on FTHL population to less than significant levels under CEQA.

Staff's proposed Condition of Certification **BIO-12** specifies that the applicant complete a final Raven Management and Monitoring Plan in consultation with staff, BLM, CDFG, and USFWS. Condition of Certification **BIO-12** would reduce the impact that ravens and other avian predators have on FTHL numbers through reducing access to anthropogenic food and water resources (subsidies), discouraging nesting and roosting, and adaptive management of raven management measures should adopted measures become ineffective in controlling predation on FTHL. These measures have been applied on past projects with desert tortoise as prey items and have been modified for the FTHL (SES 2009f). Implementation of the Raven Management and Monitoring Plan would reduce impacts on FTHL from ravens by removing subsidies and discouraging roosting and nesting. Staff anticipates that the applicant would be able to produce a final Raven Monitoring and Management Plan that would meet the approval of BLM and staff before licensing of the IVS project.

### **Other Predators**

In addition to avian predators, roundtail ground squirrels (*Spermophilus tereticaudus*) have emerged as significant predators of the FTHL (SES 2009k). A potential effect of the SunCatchers is increased shade and water from the periodic washing beneath the structure. The increase in water would increase the amount of vegetation. Even though roundtail ground squirrels were not observed on the project site during the 2007 and 2008 surveys, vocalizations of the roundtail ground squirrel were heard during a recent site visit conducted by staff, BLM, and USFWS on May 25, 2110. The higher density of vegetation, specifically perennials, could attract roundtail ground squirrels that may not have previously been sustained under the current arid conditions (Grant 2005). The possibility of roundtail ground squirrels inhabiting the site would also increase predator species which prey on them, and in turn, could also prey on FTHLs. Implementation of staff's proposed Conditions of Certification **BIO-8**, the Impact Avoidance and Minimization Measures, and **BIO-18**, the Weed Management Plan, would reduce the

potential for these impacts. Measures to minimize impacts from noxious weeds in staff's proposed Condition of Certification **BIO-8** include minimizing soil disturbance so habitat is decreased for disturbance adapted invasive species and maintaining a vehicle wash and inspection stations to prevent the spread of potential invasive weeds. In staff's proposed Condition of Certification **BIO-18**, measures to minimize impacts from invasive weeds include reestablishing vegetation on disturbed sites with native seed mixes that are weed free and monitoring and rapid implementation of control measures to ensure early detection and eradication for noxious weed invasions. Implementation of the measures in the Weed Management Plan described above and other impact avoidance and minimization measures would reduce impacts from these FTHL predators to less than significant levels under CEQA by controlling the establishment of invasive weeds, thus controlling the number of roundtail ground squirrels on the site. Controlling the number of roundtail ground squirrels would also lessen foraging at the site by predators of the ground squirrel, thereby decreasing predation rates on FTHL.

### **Disruption to Wildlife Movement Corridors**

The FTHL Rangewide Management Strategy (FTHL ICC 2003) lists maintaining connectivity between the FTHL Management Areas as one of the Planning Actions. The USFWS is concerned that the development of the proposed project would impact what limited connectivity exists between FTHL Management Areas, which would be in direct conflict with the FTHL Rangewide Management Strategy. Permeable fencing is proposed for the project site, which would allow small animals such as FTHL, movement in and out of the project site. With the development of SunCatcher in the washes for the proposed project, the USFWS is concerned that what FTHLs remain or move onsite after operations are underway, will allow the project site to become a sink for FTHLs, where the FTHLs onsite perish from operational activities. The proposed project site is bounded by Interstate 8 to the south and the railroad and Evan Hewes Highway to the north, which currently acts as a filter to FTHL movement between Management Areas. Immediately north across the Evan Hewes Highway is the BLM Plaster City Open OHV Area, which is situated between the proposed IVS plant site and the West Mesa FTHL Management Area. Since the washes are considered the major corridors for wildlife in general, should an alternative be chosen that does not allow development within certain major washes, such as Drainage Avoidance #1 Alternative, then impacts on FTHL connectivity through the undeveloped washes may be substantially reduced. Currently, there is no resolution on what the mitigation should be for impacts to FTHL connectivity. Therefore, staff concludes that the project as currently proposed would adversely impact connectivity for FTHL between the Management Areas and would be significant and unmitigable. Connectivity for FTHL under Drainage Avoidance #1 Alternative would be generally maintained and the impacts to connectivity would be considered less than significant.

With regards to Peninsular bighorn sheep, any potential corridor movement through the site would no longer be suitable due to perimeter fencing around the project site. However, bighorn sheep are not documented to utilize the project site as a movement corridor, but have instead, been documented to utilize movement corridors west of the project site. Based on the lack of telemetry data and roadkill records, the flatter topography of the project site, and the Yuha Desert to the south, project impacts to a

potential movement corridor for bighorn sheep through the project site are speculative and are considered by staff to be less than significant level.

### **Impacts of Evaporation Ponds**

The IVS project includes two evaporation ponds that would collect wastewater from the reverse osmosis water treatment system. The applicant has proposed two 2,500,000-gallon ponds (SES 2009f), each one acre in size.

Staff is concerned about the wildlife threats posed by the evaporation ponds. First, creation of a new water source in an area where water is scarce would attract predators to the IVS site, potentially increasing predation rates on FTHL. Second, waterfowl, shorebirds, and other resident or migratory birds that drink or forage at the ponds might be harmed by hyper-saline conditions that could result in high total dissolved solids (TDS) concentrations. Monitoring results from the summer of 2007 at Harper Lake Solar Electric Generating System in the Mojave Desert revealed numerous waterfowl deaths at the evaporation ponds due to salt toxicosis (Luz 2007). The Harper Lake ponds are similar to those proposed by the IVS applicant. Although Harper Lake is near a wetland area, the evaporation ponds and associated risk to birds are a source of significant concern. Another concern is the location of the evaporation ponds near the proposed transmission towers on the project site where attraction to the ponds by birds would increase the possibility of collision.

A project design feature proposed by the applicant for the evaporation ponds to discourage wildlife use would include construction of exclusionary fencing and installation of netting to cover the evaporation ponds (SES 2008f and SES 2009f). Staff concurs with the applicant's proposal to install exclusionary fencing around the evaporation ponds and netting over the ponds to exclude wildlife and has incorporated them into staff's proposed Condition of Certification **BIO-13** (Evaporation Pond Fencing, Netting, and Monitoring). In addition to the installation of the fencing and netting, the evaporation ponds would be monitored should any corrective action be needed. Implementation of measures which exclude wildlife from evaporation ponds is preferable to allowing wildlife access to the hyper-saline conditions in the pond water, which has been known to cause death in water fowl. Implementation of **BIO-13** would reduce evaporation pond impacts to wildlife to less than significant levels under CEQA.

### **Increased Risk from Roads/Traffic**

Vehicle traffic would increase as a result of IVS construction and improvement of access roads, increasing the risk of injuring or killing FTHL and other wildlife. Construction of the IVS would be completed over an estimated 40-month period, with a peak at Month 7 of approximately 731 workers per day (SES 2008a and SES 2009n). Assuming an average of 240 construction personnel vehicles with 1.5 passengers each (SES 2009n), it is anticipated an average of approximately 405 workers per day is expected over the course of construction. Construction is also forecast to generate an average of approximately 283 total one-way vehicle trips, mainly from trucks, per day with a peak of approximately 542 trips per day (SES 2009n, SES 2010g). During operations approximately 60 trucks, 4 forklifts, and 7 man lifts would be in use continuously throughout the 24-hour period; 5 delivery truck trips per week are expected, with an

estimate of vehicular traffic from 100 workers and 8 visitors on a daily basis (SES 2008a).

The potential for increased traffic-related FTHL mortality is greatest along unpaved roads in between the rows of SunCatchers, although FTHL on paved roads may also be affected due to increased vehicle frequency and higher speed.

To minimize the risks of increased traffic fatality and other hazards associated with roads at the IVS project site, staff has proposed Conditions of Certification **BIO-6** (WEAP) , **BIO-8**, Impact Avoidance and Minimization Measures. These measures include confining vehicular traffic to and from the project site to existing routes of travel, prohibiting cross country vehicle and equipment use outside designated work areas, and imposing a speed limit of 15 miles per hour on routes within the project site for the life of the project to lessen impacts to FTHLs should they possibly persist onsite during plant operations. The 15 MPH speed limit is justified because of the potential for FTHL to persist on the site during construction and operation and the cryptic nature of the species. In addition, staff's proposed Condition of Certification **BIO-9** (Flat-Tailed Horned Lizard Construction Monitoring Program and Occupancy Study) would move any FTHLs encountered during construction out of harm's way construction. Similar measures have been applied on past projects and have shown that they reduce impacts from traffic. Staff believes that these measures will reduce impacts related to construction and operation traffic to less than significant levels.

### **Collisions and Electrocution**

Birds and bats are known to collide with communication towers, transmission lines, and other elevated structures. The tallest structures at the plant site would be the assembly building, which would be approximately 78 feet tall. All other structures except for the transmission line support structures are 50 feet or less in height. Two types of transmission line towers are proposed for use in IVS. The 71-foot H-frame towers would be placed at the undercrossing of the existing 500-kV transmission line, whereas the double-circuit lattice steel towers and/or steel poles, which are a height of 90 to 110 feet, would be used elsewhere. These structures at the IVS site are unlikely to pose a collision risk because they are shorter than those typically associated with bird collision events and do not require guy wires. The number of birds that utilize native habitat would be even lower after the solar fields are built as the patchy habitat would only attract birds that are adapted to living under disturbed conditions and in close proximity to development. Since the evaporation ponds create an attractive nuisance, in order to decrease the collision and electrocution risk for birds, the evaporation ponds shall be located away from the transmission towers, which serve as potential collision sites as addressed in staff's proposed Condition of Certification **BIO-13** (Evaporation Pond Fencing, Netting, and Monitoring).

Large raptors such as golden eagles can be electrocuted by transmission lines when a bird's wings simultaneously contact two conductors of different phases, or a conductor and a ground. This happens most frequently when a bird attempts to perch on a structure with insufficient clearance between these elements. The proposed transmission lines would be 230 kV. To minimize risk of electrocution, staff recommends that "raptor-friendly" construction design for the transmission line with conductor wire spacing greater than the wingspans of large birds to help prevent electrocution as described in



Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006 (APLIC 2006). With implementation of the proposed mitigation in staff's proposed Conditions of Certification **BIO-8** (Impact Avoidance and Minimization Measures) which incorporates guidelines for transmission line construction and **BIO-13** (Evaporation Pond Netting and Monitoring), which discourages large flocks of birds from utilizing the evaporation ponds, staff concludes that the proposed transmission lines would not pose a significant threat to birds under CEQA.

The extent of collision hazard for avian species with SunCatchers is currently unknown. The reflective mirror surfaces may increase the potential for avian collision since avian species may mistake the SunCatchers for a water surface. Since the extent of this impact is currently unknown, staff is implementing BIO-21 (Monitoring Bird Impacts from Solar Technology). This measure allows for long-term monitoring of avian collisions from SunCatchers to determine if impacts result that may require additional mitigation.

### Lighting

Lighting plays a significant role in collision risk with tall towers because lights can attract nocturnal migrant songbirds, and major bird kill events have been reported at lighted communications towers (Manville 2001), with most kills from towers higher than 300 to 500 feet (Kerlinger 2004). IVS operations would require onsite nighttime lighting for safety and security, which can disturb nocturnal wildlife. To reduce offsite lighting impacts, the applicant has proposed the lighting at the IVS facility would be restricted to areas required for safety, security, and operation. Exterior lights would be hooded, and lights would be directed onsite so that light or glare would be minimized. Low-pressure sodium lamps and fixtures of a non-glare type would be specified. Switched lighting would be provided for areas where continuous lighting is not required for normal operation, safety, or security; this would allow these areas to remain un-illuminated (dark) most of the time and thereby minimizing the amount of lighting potentially visible offsite (SES 2008a). The measures are described in Visual staff's proposed Condition of Certification **VIS-2**. These measures will significantly reduce the attraction of birds, and with their implementation, lighting at the IVS would have no adverse effects on wildlife under CEQA.

### Glare

Glare from the reflection of sunlight off the SunCatcher units is another factor that may contribute to the risk of avian collision on the project site. To date little is known regarding the avian response to glare from solar technology. However, it is likely that glare will affect birds to some degree. In the same way that large mirrored buildings may be confused by birds as open sky; the mirrors will reflect light and take on the color of the image being reflected. This may result in birds confusing the SunCatchers as either open sky or water and increase the collision risk. The AFC indicated that studies of military overflights did not detect significant glare from existing solar facilities (SES 2008a). Another factor that must be considered is how reflected light may result in damage to a bird's vision from direct exposure to high levels of photon flux density (PFD). Exposure to high intensity light or glare can damage vision and impair foraging in some species. The proposed solar mirrors and heat collection elements are sources of bright light caused from the diffuse reflection of the sun. The SunCatchers are designed so that sun rays from the mirrors would be reflected directly at the receiver and not at

surrounding viewers or overhead (SES 2008a). However, glint and glare studies of solar trough technology found that pedestrians standing within 20 meters (60 feet) of the perimeter fence when the mirrors rotate from the stowed position to a vertical position may see a light intensity equal to or greater than levels considered safe for the human retina (URS 2008). Staff concludes that any wildlife on the ground at a distance of 20 meters (66 feet) or closer could experience similar hazards from unsafe light intensity.

Bird response to glare from the proposed SunCatcher technology is not well understood. As the proposed project site is in a known bird migration route between San Diego and Imperial Counties, there is potential to impact resident and migrant bird species. The Imperial Valley is one of the premiere winter birding spots in the country, and therefore has been designated an Important Bird Area (IBA) by BirdLife International. BirdLife International is a global coalition of more than 100 country partner organizations. Most of the wetland habitat is contained downstream of the project site, within units of the Sonny Bono Salton Sea National Wildlife Refuge and the Imperial State Wildlife Area (including Finney-Ramer Lakes), as well as a handful of private duck clubs. The refuges also contain large fields of grains adjacent to marshes, similar to those hundreds of miles northwest in California's Central Valley. Limited wetland and riparian (mainly tamarisk) vegetation is also associated with the two main rivers, the New and the Alamo, that flow north across the valley into the Salton Sea. Both rivers are fed nearly exclusively by agricultural runoff. The habitats of the Imperial Valley are dependent upon water levels and water delivery infrastructure. The largest California populations of several species occur here, including 30-40 percent of the global population of wintering Mountain Plover, 70 percent the state's Burrowing Owls, and the only California population of Gila Woodpecker away from the Colorado River. Burrowing owls have been documented onsite, and while not observed, mountain plover has a moderate potential to occur on nearby agricultural fields, with the nearest CNDDDB occurrence approximately 20 miles, and the Gila woodpecker has a low potential of occurring onsite. However, the extent and significance of impacts to migrating birds in respect to this particular solar technology are not currently known. Given the lack of research-based data on glare impacts related to this particular technology on birds, staff cannot conclude that they are significant. However, due to potential for significant impacts to both resident and migrant birds, staff recommends monitoring so that if impacts do occur, they can be addressed (refer to Condition of Certification **BIO-21** [Monitoring Impacts of Solar Technology on Birds]). It is intended that **BIO-21** would yield further information on migrants' use of the site. This measure requires further coordination with regulatory agencies pending results of ongoing monitoring, and therefore, allows agencies to assess the type and level of impacts to migrants from implementation of the project. The condition also includes requires preparation of adaptive management measures for operation of the plant in the event that significant avian impacts from glare do occur. Also, loss of foraging habitat for birds is achieved through staff's proposed Condition of Certification, **BIO-10**, (Special Status Species Habitat Compensatory Mitigation), at a rate of 1:1 habitat compensation.

## Noise

The primary noise sources associated with operation of the IVS project include the reciprocating Stirling Engines (including generator, cooling fan, and air compressor) utilized on each of the SunCatchers, step-up transformers, and substation. As discussed

in the Occupational Noise Section under 5.12.2.2 of the Application for Certification (SES 2008a), the occupational noise is modeled to be below 85dBA within ten feet of the SunCatcher assemblies. The proposed IVS power plant would only operate during the daytime hours when sufficient solar insulation is available. Noise from daytime operation and nighttime washing and maintenance activities could affect wildlife in adjacent habitats by interfering with breeding or foraging activities and movement patterns, causing animals to avoid areas adjacent to the project. This could disrupt breeding, foraging, sheltering, and other activities. Nocturnal wildlife would be affected less because the maintenance activities would occur in different locations each night.

Noise may affect birds in several ways, including annoyance which causes birds to abandon nests that are otherwise suitable; raise the level of stress hormones, interfering with sleep and other activities; cause permanent injury to the auditory system; and interfere with acoustic communication by masking important sounds or sound components (Dooling 2006). Many bird species rely on vocalizations during the breeding season to attract a mate within their territory, and noise from operations and maintenance activities could disturb nesting birds and other wildlife and adversely affect nesting and other activities. Studies have shown that noise levels over 60 dBA can affect the behavior of certain bird species, but Reijnen et al. (1995) demonstrated that for two species of European warbler (*Phylloscopus* spp.), sound levels between 26 dBA and 40 dBA reduced breeding density by up to 60 percent compared to areas without disturbance. These data suggest that disturbance from adjacent road noise and urban development may be a contributing factor in the use of habitat adjacent to developed areas. Similar effects may occur in other taxa, though no studies have shown how noise affects FTHLs. Noise associated with Interstate 8, the railroad, OHV activity onsite and in the adjacent Plaster City Open OHV Area, the gypsum processing plant at Plaster City, and jet activity from the U.S. Naval Air Facility are present in the project area. The noise levels within the proposed project site would be approximately 84 dBA Leq at each SunCatcher, and would be expected to adversely affect birds within the project site. It is clear that many avian species are known to avoid developed areas within urban settings and due to the noise level, these species will avoid the SunCatchers. According to **Section C.9 Noise and Vibration** in this Supplement Staff Assessment, existing ambient noise levels for the west project boundary is 66 dBA during the day and 72 dBA during the night. There was no monitoring for noise levels on the project site though it is anticipated that the ambient noise levels in the center of the project site would be lower than measured levels on the west project boundary. Staff estimates that the noise level will be approximately 75 dBA at the fence line during project operations and would increase above the current average ambient noise levels to the upper end of the range (51- 78 dBA) provided in the AFC (SES 2008a). One hundred feet offsite, the noise level is anticipated to be approximately 72 dBA. With the busy highways and roads, the nearby railroad, and various OHV areas adjacent to the project boundaries, offsite noise impacts to nearby wildlife are anticipated to be less than significant given that the estimated noise at the project fenceline would be within the current estimated noise level albeit at the high end of this range. Therefore, resident wildlife would presumably be acclimated to a similar level of background noise.

However, on the project site, the noise level would be 84 dBA. A change in sound level of about 10 dBA is perceived by the average person as a doubling or halving of a sound's volume (SES 2008a). With imposed impact and avoidance minimization

measures such as an onsite 15 m.p.h. speed limit, driving restrictions on the roads only, and implementation of annual Worker Environmental Awareness Program training, as well as a vegetation management schedule that allows for the preservation of some remnant vegetation within the project boundaries, there is some potential that FTHLs and other local wildlife species may remain on the site during operations, but a noise level of 84 dBA would be perceived as a doubling of the background noise volume over the current ambient noise levels and would impact what would already be degraded FTHL habitat on the project site. This impact would be mitigated by conditions of certification **BIO-10** and **BIO-17** which consider the entire site to be impacted with regards to biological resources and require compensation acreage for the entire project site. Staff concludes that the operational noise levels on the project site will contribute to noise impacts to nesting birds and other wildlife which is significant within the boundaries of the project site and will contribute to a significant cumulative noise impact to wildlife in the region. However, staff does not propose any additional on-site operational mitigation measures because there is no feasible mitigation available to effectively mitigate noise impacts within the project boundary. The impacts of noise on biological resources outside of the project boundary are considered to be less than significant since they are within the estimated range of current background noise.

## Vibration

No studies have been carried out which would address groundborne vibration from operating SunCatchers. Due to the small mass of the rotating components of the SunCatcher and the fact that no combustion or compression ignition takes place within the Stirling engine, the level of groundborne vibration generated would be extremely small relative to that arising from construction and site traffic (Van Patten 2010). The **Noise and Vibration Section C.9**, concluded that groundborne vibration is not likely to be detected by humans as the operating components of the SunCatchers need to be carefully balanced in order to function properly. Though the groundborne vibration may not be detectable by humans, it is unknown how ground dwelling animals are affected by vibration. Vibration attenuates quickly as vibration waves are a logarithmic function with the greatest intensity at the source of vibration, which quickly drops in dBA within a short distance. As a result, cumulative effects from groundborne vibration from existing and potential projects the surrounding project area are not expected to impact wildlife. However, it is unknown if ground dwelling animals have the potential to be impacted by constant vibration while the SunCatchers are operating. Therefore, the entire project site was included as impacted with respect to various wildlife species even those areas that will continue to provide habitat for ground dwelling animals. Implementation of Conditions **BIO-10** and **BIO-17** are expected to reduce this impact to below the level of significance.

## Dust

Disturbance of the soil's surface caused by operations traffic and other activities such as mirror washing would result in increased wind erosion of the soil by impacting soil crusts. The applicant has proposed the use of Soilac™ as a soil binder in areas where vehicular traffic is anticipated. The impacts of increased dust and other operation impacts can be minimized with implementation of staff's proposed Condition of Certification **BIO-8** (Impact Avoidance and Minimization Measures) to less than significant levels under CEQA.

## **Invasive Weeds**

It is anticipated that invasive weeds would follow in the wake of disturbance along the linears and project boundary, and could further spread weeds already present in the project vicinity. The introduction of artificial shading caused by the SunCatchers in an arid environment where light availability was not considered a limiting factor would result in changes to the micro-environments under these structures favoring weedy ephemerals. Studies conducted in the Sonoran and Mojave Deserts have demonstrated that shading resulted in a cooler, moister microhabitat below and near structures (Smith 1984, Smith et al. 1987). The shading and wind deflection caused by the structures decrease the soil temperature extremes and also decrease evaporation from the soil surface. The addition of water due to a regular mirror washing regimen also increases the humidity of the microhabitat around the solar structures. This change from the normal arid desert environment does not favor the native arid-adapted species and allows the weedy ephemerals to colonize (Smith 1984). Smith's (1984) study also demonstrated that plant biomass had substantially increased in and around the solar structures, possibly resulting in an increase of rodents and their predators. The increased vegetation around the solar structures would also potentially attract roundtail ground squirrel, which preys on FTHL. Predators of roundtail ground squirrels would also potentially prey on the FTHL.

To avoid and minimize the spread of existing weeds and the introduction of new ones, an active weed management strategy and control methods must be implemented. The applicant has provided a draft weed management plan (SES 2009e) to avoid and minimize the adverse effects of invasive weeds. Staff concurs with the recommendations in the applicant's weed management plan, and has incorporated them into staff's proposed Condition of Certification **BIO-18**, (Weed Management Plan). The Weed Management Plan will include a discussion of weed eradication and control methods, preventative measures to be implemented during operation such as weed monitoring and management, weed control in areas where irrigation and mirror washing take place, reestablishing vegetation on disturbed sites with native seed mixes that are weed free, and long-term reporting requirements. In addition, staff's proposed Condition of Certification **BIO-8**, the Impact Avoidance and Minimization Measures, includes measures to minimize soils disturbance so habitat is decreased for disturbance adapted invasive species and maintaining a vehicle wash and inspection stations to prevent the spread of potential invasive weeds. Implementation of the Weed Management Plan and other impact avoidance and minimization measures would reduce impacts of invasive weeds to less than significant levels under CEQA.

## **Project Closure/Decommissioning**

In the future, IVS would experience either a planned closure in approximately 40 years or be unexpectedly (either temporarily or permanently) closed. Temporary closure would be a result of necessary maintenance, hazardous weather conditions, or damage due to a natural disaster. Permanent closure would be a result of damage that is beyond repair, adverse economic conditions, or other significant reasons. When facility closure occurs, it must be done in such a way as to protect the environment and public health and safety.

A contingency plan, for a temporary closure, or a decommissioning plan, for a permanent closure, would be required of the applicant to submit to the Energy Commission

Compliance Project Manager (CPM) and BLM Biologist for approval (staff's proposed Condition of Certification **BIO-20** for a Decommissioning and Reclamation Plan). A contingency plan would be implemented to ensure compliance with applicable LORS, and appropriate shutdown procedures depending on the length of the cessation. A decommissioning plan would be implemented to ensure compliance with applicable LORS, removal of equipment and shutdown procedures, habitat restoration, potential decommissioning alternatives, and the costs and source of funds associated with decommissioning activities. Facility closure mitigation measures would also be included in the Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) prepared by the project owner and described in staff's proposed Condition of Certification **BIO-7**.

The Applicant submitted an outline of a Closure Plan (SES 2008f) in November 2008 in response to staff's data request (CEC 2008f) for the likely components of a facility closure plan (e.g., decommissioning methods, timing of any proposed restoration, restoration performance criteria) with a discussion of each relative to biological resources. Staff also requested a description of potential funding (e.g., bond) and/or legal mechanisms for decommissioning and restoration of the project site that could be used at the end of operations.

The applicant's data response (2008f) does not provide sufficient information to guide the decommissioning of the project disturbance area, nor does it provide adequate information regarding the funding needed for those activities. Regulations promulgated by BLM at 43 CFR 3809.550 et seq. require a more detailed reclamation plan and an estimate. Page 5 of BLM's Instructional Memo for Oregon/Washington BLM Policy for 43 CFR 3809 Notice and Plan-level Occupations, 43 CFR 3715 Use and Occupancy and Reclamation Cost Estimates (BLM 2009b) lists the requirements for a reclamation plan as follows:

*“(c) Reclamation Plan. A plan for reclamation to meet the standards in §3809.420 with a description of the equipment, devices, or practices proposed for use including, where applicable, plans for:*

- (i) drill-hole plugging;*
- (ii) regrading and reshaping;*
- (iii) mine reclamation, including information on the feasibility of pit backfilling that details economic, environmental, and safety factors;*
- (iv) riparian mitigation;*
- (v) wildlife habitat rehabilitation;*
- (vi) topsoil handling;*
- (vii) revegetation;*
- (viii) isolation and control of acid-forming, toxic, or deleterious materials;*
- (ix) removal or stabilization of buildings, structures, and support facilities; and*
- (x) post-closure management.”*

Page 3 of the same document also explicitly requires an estimate of the costs of reclamation, as follows:

*“Reclamation Cost Estimate. An estimate of the cost to fully reclaim disturbances created during the proposed operations as required by §3809.552. The reclamation cost estimate must be developed as if the BLM were to contract with a third party to reclaim the operations according to the reclamation plan.”*

Staff’s proposed Condition of Certification **BIO-20** (Decommissioning and Reclamation Plan) requires the applicant to develop a Decommissioning and Reclamation Plan and cost estimate that meets the requirements of BLM’s 43 CFR 3809.550 et seq.

Activities carried out as part of project closure/decommissioning are anticipated to have impacts similar to construction impacts. Discussion about impacts from project closure/decommissioning and additional mitigation which would be incorporated into the Decommissioning and Reclamation Plan, follows.

### **Invasive Weeds**

Decommissioning/project closure activities and soil disturbance could introduce new invasive weeds to lands adjacent to the IVS plant site and could further spread weeds already present in the project vicinity, including Sahara mustard, red brome, and Mediterranean schismus. Invasive weeds can easily colonize areas of disturbance. To avoid and minimize the spread of existing weeds and the introduction of new ones, an active weed management strategy and control methods must be implemented. The applicant has proposed an Invasive Weed Management Plan (SES 2009e) to avoid and minimize the spread of invasive weeds. Staff concurs with the recommendations in the applicant’s invasive weed management plan and has incorporated them into staff’s proposed Condition of Certification **BIO-18** (Weed Management Plan). The Invasive Weed Management Plan includes a discussion of weeds targeted for eradication or control and a variety of weed control measures such as establishing weed wash stations for vehicles, rapid implementation of control measures to ensure early detection and eradication for weed invasions, and revegetation of disturbed areas with weed free native seed mix. Implementation of this condition/weed management plan would reduce potential impacts from introduction and spread of invasive weeds to a level that is not significant.

### **Dust**

Disturbance of the soil’s surface caused by decommissioning/project closure traffic and other activities would result in increased wind erosion of the soil. Aeolian transport of dust and sand can result in the degradation of soil and vegetation over a widening area (Okin et al. 2001). Dust can have deleterious physiological effects on plants and may affect their productivity and nutritional qualities. The destruction of plants and soil crusts by windblown sand and dust exacerbates the erodibility of the soil and accelerates the loss of nutrients (Okin et al. 2001). Soil erosion from decommissioning/project closure activities and vehicle activity affects vegetation and soil properties. The applicant has proposed the use of Soiltac™ as a soil binder in areas where vehicular traffic is anticipated. The impacts of increased dust and other decommissioning/project closure impacts can be minimized with implementation of staff’s proposed Condition of Certification **BIO-8** (Impact Avoidance and Minimization Measures). Measures to minimize dust impacts in staff’s proposed Condition of Certification **BIO-8** include minimizing vegetation and soil disturbance, limiting the speed limit to 15 mph for vehicular traffic,

and applying water to dirt roads. Similar measures have been applied on past projects and have shown that they are effective in minimizing dust impacts.

## Noise

Noise from decommissioning/project closure activities could temporarily discourage wildlife from foraging and nesting immediately adjacent to the project area. Many bird species rely on vocalizations during the breeding season to attract a mate within their territory, and noise from construction could disturb nesting birds and other wildlife and adversely affect nesting and other activities. The wildlife species most likely to be affected by noise include the burrowing owl, FTHL, desert bighorn sheep, loggerhead shrike, and LeConte's thrasher.

As discussed in **C.9–Noise and Vibration** section, the impacts from decommissioning/project closure activities would be similar to construction activities, with the loudest noise created by the operation of the equipment. In order to minimize noise levels from project equipment, the applicant has proposed various noise-reducing features, such as mufflers on internal combustion engines, air-inlet silencers, shrouds, or shields would be employed to minimize noise levels (SES 2008a), which has been incorporated into staff's proposed Condition of Certification **NOISE-6** (Construction Time Restrictions). With the implementation of staff's proposed Conditions of Certification **NOISE-6, BIO-2, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-10, BIO-14, and BIO-20**, staff concludes that noise impacts related to activities during project decommissioning to nesting birds and other wildlife would be less than significant. Similar measures have been applied on past projects and have shown that they are effective in minimizing noise impacts on wildlife.

## Waters of the U.S. and Jurisdictional State Waters

Permanent impacts to the ephemeral washes would have resulted from the placement of SunCatchers on 24-inch bases, the construction of debris/sediment basins, the construction and regular maintenance of access roads to the SunCatchers, the placement of culverts and Arizona crossings in the streambeds, construction of rip-rap/retaining wall/gabion for bank stabilization after bioengineering/recontouring, and the construction of storm drain outfall structures for the proposed project. The underground electrical collection system, the hydrogen distribution system, and a 428-foot length of the reclaimed waterline in the ephemeral washes would be removed during decommissioning/plant closure. It is anticipated that after the removal of all structures, the washes would be recontoured to the original condition. The washes would be restored by replanting with native vegetation and weeding for a minimum of five years. Monitoring and success criteria would need to be function-based, scientifically defensible, explicit, and measurable. These measures would be incorporated into the Decommissioning and Reclamation Plan required by staff's proposed Condition of Certification **BIO-20**. No significant impacts to waters of the U.S. or state waters would be expected to occur since any impacts would occur during construction and decommissioning would only be restoring waters that were previously impacted during construction and operation of the plant.



The reclaimed water pipeline along Evan Hewes Highway is anticipated to remain in place, therefore, no new impacts are expected from decommissioning/plant closure activities for the pipeline.

### **Special Status Plants**

Should special status plants persist onsite, there is the potential for impacts from decommissioning/plant closure activity. Special status plant surveys would be conducted prior to decommissioning/plant closure activity. Should any special status plants occur on the site, avoidance measures described in staff's proposed Condition of Certification **BIO-19** (Special Status Plant Survey and Protection Plan) would be implemented. This condition would reduce impacts to special status plants to a less than significant level.

### **Migratory/Special Status Bird Species**

Construction and operation of the power plant would have eliminated nesting and foraging habitat for many migratory/special status birds, though western burrowing owls could exist near the periphery of the plant site. Any burrowing owls nesting on the plant site could be directly impacted by decommissioning/plant closure activities. Burrowing owl adults, eggs or young could be crushed or entombed, and nesting and foraging activities would be directly and indirectly impacted by decommissioning/plant closure activities. To avoid potential impacts to burrowing owls that might be nesting within the impact area, surveys would be conducted on the plant site using methods recommended by the California Burrowing Owl Consortium (CBOC) (1993) prior to decommissioning/plant closure activities. To avoid and offset potentially significant impacts to nesting owls, passive removal would be utilized. Passive removal involves encouraging owls to move from occupied burrows to alternate natural or artificial burrows that are at least 150 feet from the impact zone and that are within or contiguous to a minimum of 6.5 acres of foraging habitat for each pair of relocated owls (CDFG 1995). Passive relocation of owls is only implemented during the non-breeding season (CDFG 1995) unless a qualified biologist can verify through non-invasive methods that egg laying/incubation has not begun or juveniles are foraging independently and able to fly. The unoccupied burrows would be collapsed in accordance with CDFG-approved guidelines (CBOC 1993). Ground-disturbing activities would occur outside the burrowing owl breeding season (February 1 through August 30) with clearance surveys prior to each phase of decommissioning/project closure activity. In addition, monitoring of burrowing owl burrows within 500 feet of decommissioning/project closure activity would be conducted. Staging a buffer around an active burrow from the Project Disturbance Area has shown to reduce impacts to burrowing owls. Staff's proposed Conditions of Certification **BIO-16** and **BIO-8** (Impact Avoidance and Minimization Measures) would reduce potential impacts to burrowing owls to less than significant level.

### **Special Status Mammals**

Construction and operation of the power plant would have eliminated denning and foraging habitat for desert kit fox and American badger. The exclusionary fencing of the power plant would also prevent Peninsular bighorn sheep entering the site. Therefore, no impacts are expected from decommissioning/plant closure activities to desert kit fox, badger, and bighorn sheep.

## **Flat-tailed Horned Lizard (FTHL)**

The potential for FTHLs to occur on the plant site to be low due to the continual operations activities conducted prior to decommissioning/plant closure. However, should the FTHL be present, decommissioning/plant closure activities could also result in direct mortality, injury, or harassment of individuals as a result of encounters with vehicles or heavy equipment. Other direct effects could include individual FTHLs being crushed or entombed in their burrows, collection or vandalism, disruption of FTHL behavior during decommissioning/plant closure activities, and disturbance by noise or vibrations from the heavy equipment. Increased human activity and vehicle travel would occur from the construction and improvement of access roads, which could disturb, injure, or kill individual FTHLs.

Impact avoidance and minimization measures to reduce impacts to FTHL, including clearance surveys prior to each phase of decommissioning/plant closure activity and relocation of any FTHL observed within the impact area to suitable habitat outside of the development impact area. Measures from the issuance of a Conference Opinion from the USFWS would be incorporated into the following proposed Conditions of Certification: **BIO-9** (Flat-tailed Horned Lizard Construction Monitoring Program and Occupancy Study) which states the FTHL conservation measures to be implemented from the USFWS Conferencing Opinion and **BIO-11** (Flat-tailed Horned Lizard Compliance Verification) in which the Designated Biologist verifies for the Energy Commission staff and the BLM that all FTHL impact avoidance, minimization, and compensatory measures have been implemented. Impacts to individual FTHLs during project decommissioning would not be expected to be significant with adoption of the minimization measures since the population of FTHL on the site after construction and operation would be expected to be low relative to current conditions.

## **Avian Predators and Other Predators of FTHL**

Closure of the power plant would remove sources of food waste and water ponding from mirror washing and dust suppression operational activities that would attract predators of FTHL. The water that was originally used during plant operations would no longer be available for the propagation of invasive weeds. The removal of structures such as buildings, transmission towers, and SunCatchers would eliminate perching, roosting, and nesting sites for avian predators of FTHL. Removal of transmission towers will eliminate collision and electrocution hazards to birds and bats. Therefore, decommissioning will not impact the number of avian predators on the site.

## **C.2.5 COMPLIANCE WITH LAWS, ORDINANCES, REGULATIONS, AND STANDARDS (LORS)**

---

A summary of the LORS applicable to the proposed project is provided in **Biological Resources Table 1** in **Section C.2.3**.

The proposed project must comply with state and federal laws, ordinances, regulations, and standards (LORS) (see summary in **Biological Resources Table 1**) that address state and federally listed species, as well as other sensitive species and habitats, and must secure the appropriate permits to satisfy these LORS. The Energy Commission has jurisdiction over all thermal power plants rated 50 MW or more under the Warren-

Alquist Act (Pub. Resources Code § 25500). Under the Act, the Energy Commission's certificate is "in lieu of" other state, local, and regional permits (*Ibid.*), but not federal permits. Staff has incorporated all required terms and conditions that might otherwise be included in state permits into the Energy Commission's certification process. When conditions of certification are finalized, they would satisfy the following state LORS and take the place of terms and conditions that, but for the Commission's exclusive authority, would have been included in the following state permits:

**Incidental Take Permit: California Endangered Species Act (Fish and Game Code §§2050 et seq.)** The California Endangered Species Act (CESA) prohibits the "take" (defined as "to hunt, pursue, catch, capture, or kill") of State-listed species except as otherwise provided in state law. The bighorn sheep is listed as threatened under CESA and is also a State Fully Protected species. Due to the Peninsular bighorn sheep being listed as a Fully Protected species, take cannot be authorized for this species and must be avoided. Therefore, no take authorization will be issued by the Energy Commission for the Peninsular bighorn sheep. However, the loss of big horn sheep foraging habitat is a significant impact under CEQA. In order to mitigate for the loss of foraging habitat to a less than significant level, acquisition of foraging habitat at a 1:1 ratio would be required.

The southwestern willow flycatcher and the least Bell's vireo, both state listed as Endangered, may occur in riparian habitat that may be potentially impacted by the diversion of treated effluent. Protocol surveys and a hydrologic study are currently underway. It is unlikely that the diversion of treated effluent would affect these bird species by impacting their habitat, but should the surveys and study prove otherwise, acquisition or restoration of habitat along the New River would be required by CDFG.

**Lake and Streambed Alteration Agreement: California Fish and Game Code §§1600-1607.** Pursuant to these sections, CDFG typically regulates all changes to the natural flow, bed or bank, of any river, stream, or lake that supports fish or wildlife resources. Construction of the IVS project would result in permanent impacts to 48 acres of jurisdictional state waters. Staff has coordinated with CDFG to develop staff's proposed Conditions of Certification **BIO-17** and **BIO-7**. Implementation of these conditions would minimize and offset impacts to jurisdictional state waters, and would assure compliance with CDFG requirements that provide protection to jurisdictional state waters.

### **Federal LORS**

The IVS project is located on federal land under BLM's jurisdiction and is therefore subject to the provisions of BLM's California Desert Conservation Area (CDCA) Plan (Revised 1999). The BLM has worked with the USFWS to develop a variety of land designations as tools to protect sensitive biological resources, including the FTHL and Peninsular bighorn sheep. The siting of the IVS project considered the management direction of these designations, as described below:

**Flat-tailed Horned Lizard Management Areas (MA):** The goal of the establishment of these areas is to secure and/or manage sufficient habitat to maintain self-sustaining FTHL populations. The closest MA is the Yuha Desert FTHL MA, south across Interstate 8 from the IVS project site. A 7.56-mile segment of the proposed transmission

line would be built in an existing utility corridor in the MA. The West Mesa FTHL MA is approximately 3 miles north of the IVS project site.

**Critical Habitat:** Consists of specific areas defined by the USFWS as areas designated for the conservation of the listed species, which support physical and biological features essential for survival and that may require special management considerations or protection. Critical habitat for the Peninsular bighorn sheep was designated in 2001 and revised in 2009 to encompass a smaller area. The IVS project would be approximately six miles east of the closest Peninsular bighorn sheep critical habitat.

**Area of Critical Environmental Concern (ACEC):** These areas are specific, legally defined, BLM designations where special management is needed to protect and prevent irreparable damage to important historical, cultural, scenic values, fish and wildlife, and natural resources or to protect life and safety from natural hazards. The IVS project would not impact any ACEC.

BLM provides management direction for species such as FTHL within the CDCA and the FTHL MA, by identifying five designated management areas within California and Arizona (FTHL ICC 2003). The FTHL Interagency Coordinating Committee has developed the Flat-tailed Horned Lizard Rangewide Management Strategy (FTHL ICC 2003) to provide guidance for the conservation and management of sufficient habitat to maintain extant populations of FTHL in the five management areas. Guidelines on mitigation and compensation to limit the loss of habitat and effects on FTHL populations within and outside the management areas are described in the FTHL Rangewide Management Strategy. The FTHL Rangewide Management Strategy also lists maintaining connectivity between MAs as one of the Planning Actions.

The BLM permit/consultation/conferencing required for the IVS project is with the USFWS to comply with the federal Endangered Species Act (ESA) for potential take of the Peninsular bighorn sheep and FTHL and with the USACE impacts to Waters of the U.S. "Take" of a species listed under the federal SA (16 USC §§1531 et seq.) is prohibited except as authorized through consultation with USFWS and issuance of an Incidental Take Statement under Section 7 or under Section 10 of the ESA, depending on whether there is federal agency action required for the proposed project (i.e., a federal permit required or funding involved). Since federal agency action has been identified for the IVS project, Section 7 consultation/conferencing between BLM and the USFWS would therefore be obtained for take authorization under ESA Section 7. The Carlsbad Field Office of the USFWS oversees ESA permitting actions in the project area and the BLM has submitted a Biological Assessment for take of Peninsular bighorn sheep and FTHL for the SES Solar Two project. The USFWS Biological Opinion is expected July 2010 on the project's affect on Peninsular bighorn sheep. Though the FTHL is not federally listed at this time, it is anticipated that this species may be listed during the construction or operation of the proposed IVS project. In order to decrease possible time constraints, the FTHL was included in the Biological Assessment should this species become federally listed. As the FTHL is not yet listed, the BLM is undergoing conferencing, rather than consultation with the USFWS for this species. Since the BLM and USFWS are signatories in the FTHL ICC, it is anticipated that many of the recommendations stated in the FTHL Rangewide Management Strategy (FTHL ICC 2003) would be used as conservation measures in the USFWS conferencing opinion.

The southwestern willow flycatcher and the least Bell's vireo are federally listed as Endangered. The USFWS is expected to conclude that the diversion of treated effluent is not likely to affect these bird species, but should the current protocol surveys and hydrologic study prove otherwise, consultation will be reinitiated for these species.

Permit for Take Under the Bald and Golden Eagle Protection Act (Eagle Act): The USFWS requires a take permit to be issued for "take" of bald or golden eagles where the taking is associated with, but not the purpose of the activity, and cannot be practicably avoided. Take under the terms of the act is defined as "to pursue, shoot, shoot at, wound, kill, capture, trap, collect, molest, or disturb." Disturb is defined as "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, injury to an eagle; a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior." Golden eagles were not detected on the IVS project site, and are unlikely to nest there because of the absence of suitable nesting habitat. There are only five occurrences of golden eagles known to Imperial County. According to Guy McCaskie (2010), one of the occurrences was less than two miles northwest of Seeley. The USFWS did not recommend golden eagle surveys for the IVS project, however the IVS site provides suitable foraging habitat and the BLM would need to demonstrate appropriate analysis under NEPA. The USFWS recommended the BLM evaluate whether take is likely to occur from loss of foraging habitat and if this loss will impact the ability to meet the preservation standard of the Eagle Act, which is interpreted to mean "compatible with the goal of stable or increasing breeding populations." San Diego Gas & Electric (SDG&E) is currently collecting data on eagle surveys. Once SDG&E's data are available, the BLM can incorporate this information into their analysis. Avian Power Line Interaction Committee guidelines (APLIC 2004 and 2006) will be implemented for avoidance and impact minimization measures for the golden eagle. The loss of foraging habitat would be mitigated at a ratio of 1:1 by the acquisition of FTHL habitat compensation lands in staff's proposed Condition of Certification **BIO-10**.

Federal Clean Water Act 404 Permit: Fill of Waters of the U.S. would require a Standard Individual Permit subject to CWA Section 404(b)(1) guidelines. The U.S. Environmental Protection Agency (USEPA) Section 404(b)(1) Guidelines (40 CFR 230 et seq.) are substantive environmental criteria used by the USACE to evaluate permit applications. Under these guidelines, an analysis of practicable alternatives is the primary tool used to determine whether a proposed discharge can be authorized. An alternative is considered practicable if it is available and capable of being implemented after considering cost, existing technology, and logistics in light of the overall project purpose (40 CFR Part 230[a][2]). The guidelines suggest a sequential approach to project planning such that the USACE must first consider avoidance and minimization of impacts to the extent practicable. Mitigation for unavoidable impacts to Waters of the U.S. is addressed only after the analysis has determined the Least Environmentally Damaging Practicable Alternative (LEDPA). A formal 404(b)(1) analysis is still pending; however the project owner would need to comply with the requirements of the 404 permit issued by the USACE.

### **C.2.5.1 CEQA LEVEL OF SIGNIFICANCE**

The determination of whether a project has a significant effect on biological resources is based on the best scientific and factual data that staff could review for the project. Significance criteria are defined in the general context of the California Environmental Quality Act (CEQA) and other relevant federal and state laws, ordinances, regulations, and standards. The CEQA Lead Agency is responsible for determining whether an impact is significant and is required to adopt feasible mitigation measures to minimize or avoid each significant impact. Conclusions in this section are presented to identify the level of significance of each identified impact (as required by CEQA) as follows: less than significant (i.e., adverse, but not significant); less than significant with mitigation (i.e., significant without mitigation, but can be mitigated to a level that is not significant); or significant and unavoidable (i.e., cannot be mitigated to a level that is not significant)..

Staff recommends adoption of the Conditions of Certification to mitigate potential impacts for most sensitive biological resources to less than CEQA significant levels with the exception of the following impacts which are considered by staff to be significant and unavoidable:

- the potential take of an estimated 1,300 to 2,000 FTHLs from project impacts;
- the loss of connectivity between FTHL Management Areas due to the development within potential FTHL movement corridors from project impacts; and
- the noise impacts on wildlife and nesting birds due to sustained operational noise levels on the project site.

Staff is waiting on a federal Clean Water Act (CWA) 404(b)(1) Alternatives Analysis from the USACE to determine the least environmentally damaging project alternative with the required mitigation for permitting and the Biological Opinion/Conferencing Opinion for the Peninsular bighorn sheep and FTHL from the USFWS. The project owner would need to comply with the requirements of the 404 permit for impacts to Waters of the U. S., the Biological Opinion for project impacts to Peninsular bighorn sheep, and the Conferencing Opinion for project impacts to FTHL in order to reduce the impacts to a less than significant level.

### **C.2.6 300 MW ALTERNATIVE**

---

The 300 MW Alternative would essentially be Phase 1 of the proposed 750 MW IVS Project. Compared to the proposed project, the area would be reduced to a 2,577-acre project site on the southwestern portion of the proposed project area and would consist of 12,000 SunCatchers, generating 300 MW. The substation would be reduced to 300 MW capacity; however, the linear transmission line and water pipeline routes would remain the same.

#### **C.2.6.1 SETTING AND EXISTING CONDITIONS**

The general setting and existing conditions would remain as described in **Section C.2.4.1 Setting and Existing Conditions** although the land requirements would be proportionately reduced to reflect the smaller project size. For this alternative, all the ephemeral

washes have connections to Coyote Wash to the north of the site, with the exception of one. That particular ephemeral wash is located along the southern edge on the east side of the project area and connects to other ephemeral washes which flow to the northeast towards the Westside Main Canal.

### **C.2.6.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The 300 MW Alternative would permanently impact a total of 2,577 acres of Sonoran creosote bush scrub habitat with the OHV and dirt roadways. Mitigation for impacts to vegetation communities resulting from this alternative would be the same as mitigation proposed under the proposed project (i.e., staff's proposed Conditions of Certification **BIO-8** [Impact Avoidance and Minimization Measures], **BIO-10** [Special Status Species Habitat Compensatory Mitigation], **BIO-17** [Lake and Streambed and Peninsular Bighorn Sheep Foraging Habitat Impact Minimization and Compensation Measures], **BIO-18** [Weed Management Plan], and **BIO-19** [Special Status Plant Survey and Protection Plan]).

As with the proposed project, the 300 MW Alternative could result in potential impacts to individual FTHL, as well as permanent loss of approximately 2,577 acres of FTHL habitat. As this alternative is 57 percent decrease in size compared to the proposed project, staff estimates a loss of 559 to 860 FTHLs. Other potential impacts to FTHL resulting from this alternative, similar to the proposed project, include increased risk of predation, increased road kill hazard from construction and operational traffic, fragmentation of habitat, and loss of connectivity would still occur. The mitigation compensation for impacts to FTHL habitat on the plant site would be reduced to 2,577 acres at a 1:1 mitigation ratio. The off-site transmission line compensation for impacts to FTHL habitat would remain the same as the proposed project. Additional mitigation for impacts to FTHL would be the same as those for the proposed project and include: staff's proposed Conditions of Certification **BIO-8**, **BIO-9** (Flat-tailed Horned Lizard Construction Monitoring Program and Occupancy Study), **BIO-10**, and **BIO-11** (Flat-tailed Horned Lizard Compliance Verification).

Similar to the proposed project, the ephemeral washes would be impacted directly and indirectly by construction and operation of the SunCatchers with their associated infrastructure as described in **Section C.2.4.2 Impacts to Waters of the U.S. and Jurisdictional State Waters**. However, the permanent and temporary impacts would be decreased due to the reduction in project acreage. The acreage of both Waters of the U.S. and jurisdictional state waters would be reduced to 63 acres of permanent impact and 5 acres of temporary impact on the plant site from 165 acres of permanent impact and 5 acres of temporary impact for the proposed project. The linear feet of jurisdictional waters permanently impacted on the project site would be 109,376 feet and 5,116 feet of temporary impacts (Mattson 2009) for both jurisdictions. Mitigation for impacts to Waters of the U.S. and jurisdictional state waters resulting from this alternative would be similar to mitigation proposed under the proposed project (i.e., staff's proposed Conditions of Certification **BIO-8** and **BIO-17** [Lake and Streambed and Peninsular Bighorn Sheep Habitat Impact Minimization and Compensation Measures]).

There would be a decrease in permanent acreage impacts to Waters of the U.S. and jurisdictional state waters, but this alternative would indirectly affect eight primary drainages outside of the site boundaries, including six of the eight which would be directly impacted by the development of the 300 MW Alternative, causing the disruption of the physical (e.g., hydrological and sediment transport), chemical, and biological functions and processes of the ephemeral washes. The use of ephemeral washes as a movement corridor for wildlife would still be disrupted for this alternative as the washes would be developed. The 2,577 acre development would be fenced, excluding Peninsular bighorn sheep from potential foraging habitat on the project site. Mitigation for these impacts would be staff's proposed Condition of Certification **BIO-10**. The development in the washes would also affect FTHL movement through the site and may hamper connectivity between the Yuha Desert and West Mesa Management Areas.

Although the 300 MW Alternative would result in reduced impacts to American badger and desert kit fox habitat as compared to the proposed project (from 6063.1 acres to 2,577 acres), impacts to these species due to loss and fragmentation of habitat and loss of foraging grounds would still occur. This alternative would also result in impacts to loss of foraging habitat for golden eagle and Peninsular bighorn sheep. In addition, crushing or entombing these animals during construction could potentially occur. Mitigation for these impacts would be the same as that proposed under the proposed project (i.e., staff's proposed Conditions of Certification **BIO-10** and **BIO-15** [American Badger and Desert Kit Fox Impact Avoidance and Minimization Measures]).

Impacts to western burrowing owl, loggerhead shrike, California horned lark, Le Conte's thrasher, or other special-status birds under this alternative would be reduced as compared to the proposed project given the reduction of impacts to Sonoran creosote scrub habitat. Regardless, the loss of nests, eggs, or young could potentially occur. In addition, loss of breeding and foraging habitat on the alternative site as well as disturbance of nesting and foraging activities near the alternative site and linear facilities would occur. Mitigation for these impacts would be the same as those proposed under the proposed project, as appropriate (i.e., staff's proposed Conditions of Certification **BIO-8**, **BIO-10**, and **BIO-14** [Pre-construction Nest Surveys] would avoid these potentially significant impacts to nesting birds. Potential impacts to burrowing owls would be further mitigated by Condition of Certification **BIO-16** (Burrowing Owl Impact Avoidance and Minimization Measures).

Several special-status plant species are known to occur within the project area. This alternative could potentially result in direct or indirect impacts to special-status plant species from construction and fragmentation of habitat. Mitigation for these potential impacts would be similar to those proposed under the proposed project (i.e., staff's proposed Conditions of Certification **BIO-18** [Weed Management Plan] and **BIO-19** [Special-Status Plant Survey and Protection Plan]).

The impacts of evaporation ponds, bird collisions and electrocution would remain the same as the proposed project and the transmission line would not change with this alternative. Staff assumes that two evaporation ponds would still be needed at the plant site even though the need for water to clean the SunCatcher mirrors would be reduced. Plant operations would cycle one pond to fill with reverse osmosis (RO) water for a year and then evaporate the following year. The second pond will be on an alternate



schedule so there is always a pond available for receiving RO water and another to allow evaporation of RO water. Mitigation for impacts would be the same as mitigation under the proposed project (i.e., staff's proposed Conditions of Certification **BIO-8** and **BIO-13** [Evaporation Pond Fencing, Netting, and Monitoring]).

The impacts from noise would be similar to those proposed project. The noise impacts from plant operations would significantly impact wildlife and nesting birds on the plant site with no feasible mitigation.

The impacts from glare, lighting, roads, and traffic would be proportionately reduced with the smaller project size. Mitigation for impacts would be the same as mitigation under the proposed project (i.e., staff's proposed Condition of Certification **BIO-8** and **BIO-21** [Monitoring Bird Impacts from Solar Technology]).

### **C.2.6.3 CEQA LEVEL OF SIGNIFICANCE**

The adoption of the Conditions of Certification would mitigate potential impacts for most sensitive biological resources to less than CEQA significant levels with the exception of the following impacts which are considered by staff to be significant and unavoidable:

- the potential take of an estimated 559 to 860 FTHLs from project impacts;
- the loss of connectivity between FTHL Management Areas due to the development within potential FTHL movement corridors from project impacts; and
- the noise impacts on wildlife and nesting birds due to sustained operational noise levels on the project site.

Staff is waiting on a federal Clean Water Act (CWA) 404(b)(1) Alternatives Analysis from the USACE to determine the least environmentally damaging project alternative with the required mitigation for permitting and the Biological Opinion/Conferencing Opinion for the Peninsular bighorn sheep and FTHL from the USFWS. The project owner would need to comply with the requirements of the 404 permit for impacts to Waters of the U. S., the Biological Opinion for project impacts to Peninsular bighorn sheep, and the Conferencing Opinion for project impacts to FTHL in order to reduce the impacts to a less than significant level.

### **C.2.7 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

---

The Drainage Avoidance #1 Alternative would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries. This alternative would have the same outer project boundaries as the proposed project, but would prohibit installation of permanent structures within the drainages, thereby reducing the developed area from 6,063.1 acres to 4,690 acres, and reducing the generation capacity from 750 MW under the proposed project to 632 MW (84 percent of the proposed generation capacity). Rather than installation of 30,000 SunCatchers as identified under the proposed project, 25,000 SunCatchers would be installed.

### **C.2.7.1 SETTING AND EXISTING CONDITIONS**

The general setting and existing conditions would remain as described in **Section C.2.4.1 Setting and Existing Conditions**.

### **C.2.7.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The Drainage Avoidance Alternative #1 would impact 4,690 acres of Sonoran creosote bush scrub habitat as compared to the proposed project (see **Alternatives Figure 1B**), which impacts 6,063.1 acres. Mitigation for impacts to vegetation communities resulting from this alternative would be the same as mitigation under the proposed project for FTHL compensation due to the direct and indirect impacts (e.g., erosion) to the entire fenced project acreage of 6,063.1 acres with regards to FTHL. Other potential impacts to FTHL resulting from this alternative, similar to the proposed project, include increased risk of predation, increased road kill hazard from construction and operational traffic, and fragmentation of habitat would still occur; However, impacts to connectivity between the Yuha Desert and West Mesa FTHL Management Areas (MA) may be substantially reduced as the washes that are connected to the box culverts that allow limited movement under Interstate 8 and through the project site will not be developed. The undeveloped washes would also provide a refuge of moderate quality habitat for FTHL, potentially lessening the deaths of FTHLs, but given the reduction of development of 33% from the proposed project, an estimate loss of up to 1,540 FTHLs may potentially occur. However, as the drainages would be avoided, the loss of individual FTHLs could be much lower as the preferred habitat in the washes would not be developed. The compensation approach for impacts to FTHL habitat would remain the same as the proposed project (6,063.1 acres at a 1:1 mitigation ratio). The off-site transmission line compensation for impacts to FTHL habitat would remain the same as the proposed project. Compensation for impacts to vegetation communities and FTHL would be the same as those for the proposed project and include: staff's proposed Conditions of Certification **BIO-8** (Impact Avoidance and Minimization Measures), **BIO-9** (Flat-tailed Horned Lizard Construction Monitoring Program and Occupancy Study), **BIO-10** (Special Status Species Habitat Compensatory Mitigation), and **BIO-11** (Flat-tailed Horned Lizard Compliance Verification), **BIO-17** [Lake and Streambed and Peninsular Bighorn Sheep Foraging Habitat Impact Minimization and Compensation Measures], **BIO-18** (Weed Management Plan), and **BIO-19** (Special Status Plant Surveys and Protection Plan).

Under this alternative, ten primary ephemeral washes would not be directly impacted by operation of the SunCatchers and associated infrastructure as described in **Section C.2.4.2 Impacts to Waters of the U.S. and Jurisdictional State Waters**. However, site grading/recontouring, construction of at grade roads, bank stabilization features (i.e., rip-rap, retaining walls, gabions), and storm drain outfall structures would still impact the ephemeral washes. Overall, there would be a substantial decrease in permanent impacts to Waters of the U.S. and jurisdictional state waters (from 165 acres to 48 acres) and a decrease in temporary impacts (from 5 acres to no impacts). As a result, mitigation for impacts to Waters of the U.S. and jurisdictional state waters would decrease as compared to the proposed project. The use of ephemeral washes as a movement corridor for wildlife would not be disrupted in this alternative. However,

fencing of the entire site will exclude Peninsular bighorn sheep from potentially using the washes for foraging. Mitigation for impacts to Waters of the U.S. and jurisdictional state waters and loss of foraging habitat for Peninsular bighorn sheep and golden eagle resulting from this alternative would be similar to mitigation proposed under the proposed project (i.e., staff's proposed Conditions of Certification **BIO-8**, **BIO-10**, and **BIO-17** [Lake and Streambed and Peninsular Bighorn Sheep Habitat Impact Minimization and Compensation Measures]).

Drainage Avoidance #1 Alternative would result in impacts to the entire fenced acreage of 6,063.1 acres to American badger and desert kit fox habitat. Impacts to these species such as loss and fragmentation of habitat and loss of foraging grounds would still occur. This alternative would also result in impacts to loss 6,063.1 acres of foraging habitat for golden eagle and Peninsular bighorn sheep. In addition, crushing or entombing badger and kit fox during construction could potentially occur. Mitigation for these impacts would be the same as that proposed under the proposed project (i.e., staff's proposed Conditions of Certification **BIO-10** and **BIO-15** [American Badger and Desert Kit Fox Impact Avoidance and Minimization Measures]).

Impacts to western burrowing owl, loggerhead shrike, California horned lark, Le Conte's thrasher, or other special-status birds under this alternative would be slightly reduced as compared to the proposed project given the reduction of impacts to Sonoran creosote scrub habitat. Regardless, the loss of nests, eggs, or young could potentially occur. In addition, loss of breeding and foraging habitat on the alternative site as well as disturbance of nesting and foraging activities near the alternative site and linear facilities would occur. Mitigation for these impacts would be the same as those proposed under the proposed project, as appropriate (i.e., staff's proposed Conditions of Certification **BIO-8**, **BIO-10**, and **BIO-14** [Pre-construction Nest Surveys] would avoid these potentially significant impacts to nesting birds and loss of foraging habitat. Potential impacts to burrowing owls would be further mitigated by Condition of Certification **BIO-16** (Burrowing Owl Impact Avoidance and Minimization Measures).

Several special-status plant species are known to occur within the project area. This alternative could potentially result in direct or indirect impacts to special-status plant species from construction and fragmentation of habitat. Mitigation for these potential impacts would be similar to those proposed under the proposed project (i.e., staff's proposed Conditions of Certification **BIO-18** [Weed Management Plan] and **BIO-19** [Special-Status Plant Survey and Protection Plan]).

The impacts of evaporation ponds, bird collisions and electrocution would remain the same as the proposed project as the transmission line would not change with this alternative. Staff assumes that two evaporation ponds would still be needed at the plant site even though the need for water to clean the SunCatcher mirrors would be reduced. Plant operations would cycle one pond to fill with reverse osmosis (RO) water for a year and then evaporate the following year. The second pond will be on an alternate schedule so there is always a pond available for receiving RO water and another to allow evaporation of RO water. Mitigation for impacts would be the same as mitigation under the proposed project (i.e., staff's proposed Conditions of Certification **BIO-8** and **BIO-13** [Evaporation Pond Fencing, Netting, and Monitoring]).

The impacts from noise and lighting would be similar to those proposed project. Mitigation for lighting impacts would be the same as mitigation under the proposed project (i.e., staff's proposed Condition of Certification **BIO-8**). The noise impacts from plant operations would significantly impact wildlife and nesting birds on the plant site. There is no feasible mitigation for onsite operational noise impacts.

The impacts from glare, roads, and traffic would be reduced with the decrease in the number of SunCatchers. Mitigation for impacts would be the same as mitigation under the proposed project (i.e., staff's proposed Condition of Certification **BIO-8** and **BIO-21**).

### **C.2.7.3 CEQA LEVEL OF SIGNIFICANCE**

The adoption of the Conditions of Certification would mitigate potential impacts for most sensitive biological resources to less than CEQA significant levels with the exception of the following impacts which are considered by staff to be significant and unavoidable:

- the potential take of an estimated 1,000 to 1,540 FTHLs from project impacts;
- the noise impacts on wildlife and nesting birds due to sustained operational noise levels on the project site.

Staff is waiting on a federal Clean Water Act (CWA) 404(b)(1) Alternatives Analysis from the USACE to determine the least environmentally damaging project alternative with the required mitigation for permitting and the Biological Opinion/Conferencing Opinion for the Peninsular bighorn sheep and FTHL from the USFWS. The project owner would need to comply with the requirements of the 404 permit for impacts to Waters of the U. S., the Biological Opinion for project impacts to Peninsular bighorn sheep, and the Conferencing Opinion for project impacts to FTHL in order to reduce the impacts to a less than significant level.

## **C.2.8 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

---

The Drainage Avoidance #2 Alternative would eliminate both the eastern and westernmost portions of the proposed project, where the largest drainage complexes are located. It would reduce the overall size of the project area by approximately 50 percent (from 6,063.1 acres to 3,153 acres). It also would reduce the generation capacity from 750 MW to 423 MW (retaining only about 32 percent of the proposed number of SunCatchers). In this alternative, permanent structures would be allowed within all drainages inside the revised, smaller project boundary.

### **C.2.8.1 SETTING AND EXISTING CONDITIONS**

The general setting and existing conditions would remain as described in **Section C.2.4.1 Setting and Existing Conditions** although the land requirements would be proportionately reduced to reflect the smaller project size.

### **C.2.8.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The Drainage Avoidance Alternative #2 would permanently impact 3,153 acres of Sonoran creosote bush scrub as compared to the proposed project, which would impact 6,063.1 acres of habitat. Mitigation for impacts to vegetation communities resulting from this alternative would be the same as mitigation proposed under the proposed project (i.e., staff's proposed Condition of Certification **BIO-8** [Impact Avoidance and Minimization Measures], **BIO-10** [Special Status Species Habitat Compensatory Mitigation], **BIO-17** [Lake and Streambed and Peninsular Bighorn Sheep Foraging Habitat Impact Minimization and Compensation Measures], **BIO-18** [Weed Management Plan], and **BIO-19** [Special Status Plant Surveys and Protection Plan]).

As with the proposed project, Drainage Avoidance Alternative #2 could result in potential impacts to individual FTHL, as well as permanent loss of approximately 3,153 acres of FTHL habitat. As this alternative is 52 percent decrease in size compared to the proposed project, staff estimates a loss of 624 to 960 FTHLs. Other potential impacts to FTHL resulting from this alternative, similar to the proposed project, include increased risk of predation, increased road kill hazard from construction and operational traffic, fragmentation of habitat, and loss of connectivity would still occur. The mitigation compensation for impacts to FTHL habitat on the plant site would be reduced to 3,153 acres at a 1:1 mitigation ratio. The off-site transmission line compensation for impacts to FTHL habitat would remain the same as the proposed project. Additional mitigation for impacts to FTHL would be the same as those for the proposed project and include: staff's proposed Conditions of Certification **BIO-8**, **BIO-9** (Flat-tailed Horned Lizard Construction Monitoring Program and Occupancy Study), **BIO-10**, and **BIO-11** (Flat-tailed Horned Lizard Compliance Verification).

Under this alternative only the central portion of the proposed project area would be developed, thereby avoiding three primary and three secondary ephemeral washes at the western end of the proposed project area and three primary and several secondary ephemeral washes at the eastern end of the proposed project area (see **Alternatives Figure 1C**). The ephemeral washes within the central portion of the proposed project area would be impacted directly and indirectly by construction and operation of the SunCatchers with their associated infrastructure as described in **Section C.2.4.2 Impacts to Waters of the U.S. and Jurisdictional State Waters**. As such, there would be a substantial decrease in impacts (from 165 acres of permanent impacts and 5 acres of temporary impacts for the proposed project to 71 acres of permanent impacts and 1 acre of temporary impacts for this alternative) to Waters of the U.S. and jurisdictional state waters. Mitigation for impacts to Waters of the U.S. and jurisdictional state waters resulting from this alternative would be the same as those recommended for the proposed project (i.e., staff's proposed Condition of Certification **BIO-8**, **BIO-10**, and **BIO-17** [Lake and Streambed and Peninsular Bighorn Sheep Habitat Impact Minimization and Compensation Measures]).

There would be a decrease in acreage impacts to wildlife habitat, but use of ephemeral washes as a movement corridor and foraging habitat for wildlife within the central portion of the proposed project area would still be disrupted under this alternative.

Although Drainage Avoidance #2 Alternative would result in reduced impacts (from 6063.1 acres to 3,153 acres) to American badger and desert kit fox habitat as compared to the proposed project, impacts to these species such as loss and fragmentation of habitat and loss of foraging grounds would still occur. Golden eagle and bighorn sheep would also be impacted by the loss of foraging habitat. In addition, crushing or entombing badger and kit fox during construction could potentially occur. Mitigation for these impacts would be the same as that proposed under the proposed project (i.e., staff's proposed Condition of Certification **BIO-10** and **BIO-15** [American Badger and Desert Kit Fox Impact Avoidance and Minimization Measures]).

Impacts to western burrowing owl, loggerhead shrike, California horned lark, Le Conte's thrasher, or other special-status birds under this alternative would be slightly reduced as compared to the proposed project given the reduction of impacts to Sonoran creosote scrub habitat. Regardless, the loss of nests, eggs, or young could potentially occur. In addition, loss of breeding and foraging habitat on the alternative site as well as disturbance of nesting and foraging activities near the alternative site and linear facilities would occur. Mitigation for these impacts would be the same as those proposed under the proposed project, as appropriate (i.e., staff's proposed Conditions of Certification **BIO-8**, **BIO-10**, and **BIO-14** [Pre-construction Nest Surveys] would avoid these potentially significant impacts to nesting birds. Potential impacts to burrowing owls would be further mitigated by Condition of Certification **BIO-16** (Burrowing Owl Impact Avoidance and Minimization Measures).

Several special-status plant species are known to occur within the project area. This alternative could potentially result in direct or indirect impacts to special-status plant species from construction and fragmentation of habitat. Mitigation for these potential impacts would be similar to those proposed under the proposed project (i.e., staff's proposed Conditions of Certification **BIO-18** [Weed Management Plan] and **BIO-19** [Special-Status Plant Survey and Protection Plan]).

The impacts of evaporation ponds, bird collisions and electrocution would remain the same as the proposed project as the transmission line would not change with this alternative. Staff assumes that two evaporation ponds would still be needed at the plant site even though the need for water to clean the SunCatcher mirrors would be reduced. Plant operations would cycle one pond to fill with reverse osmosis (RO) water for a year and then evaporate the following year. The second pond will be on an alternate schedule so there is always a pond available for receiving RO water and another to allow evaporation of RO water. Mitigation for impacts would be the same as mitigation under the proposed project (i.e., staff's proposed Conditions of Certification **BIO-8** and **BIO-13** [Evaporation Pond Fencing, Netting, and Monitoring]).

The impacts from noise would be similar to those proposed project. The noise impacts from plant operations would significantly impact wildlife and nesting birds on the plant site with no feasible mitigation.

The impacts from glare, lighting, roads, and traffic would be reduced with the decrease in project acreage. Mitigation for impacts would be the same as mitigation under the proposed project (i.e., staff's proposed Condition of Certification **BIO-8** and **BIO-21**).

### **C.2.8.3 CEQA LEVEL OF SIGNIFICANCE**

The adoption of the Conditions of Certification would mitigate potential impacts for most sensitive biological resources to less than CEQA significant levels with the exception of the following impacts which are considered by staff to be significant and unavoidable:

- the potential take of an estimated 624 to 960 FTHLs from project impacts;
- the loss of connectivity between FTHL Management Areas due to the development within potential FTHL movement corridors from project impacts; and
- the noise impacts on wildlife and nesting birds due to sustained operational noise levels on the project site.

Staff is waiting on a federal Clean Water Act (CWA) 404(b)(1) Alternatives Analysis from the USACE to determine the least environmentally damaging project alternative with the required mitigation for permitting and the Biological Opinion/Conferencing Opinion for the Peninsular bighorn sheep and FTHL from the USFWS. The project owner would need to comply with the requirements of the 404 permit for impacts to Waters of the U. S., the Biological Opinion for project impacts to Peninsular bighorn sheep, and the Conferencing Opinion for project impacts to FTHL in order to reduce the impacts to a less than significant level.

### **C.2.9 NO ACTION/NO ACTION ALTERNATIVES**

---

#### **C.2.9.1 NO PROJECT/NO ACTION ALTERNATIVE #1:**

##### **No Action on IVS project application and on California Desert Conservation Area (CDCA) land use plan amendment**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site and no new ground disturbance. As a result, none of the impacts to biological resources from construction or operation of the proposed project would occur. No impacts to special status plants and wildlife species would occur and no impacts to desert habitat would occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project requiring a land use plan amendment. In addition, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

### **C.2.9.2 NO PROJECT/NO ACTION ALTERNATIVE #2:**

#### **No Action on IVS project and amend the CDCA land use plan to make the area available for future solar development**

Under this alternative, the proposed IVS project would not be approved by the Energy Commission and BLM and BLM would amend the CDCA Land Use Plan of 1980, as amended, to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site would be developed with the same or a different solar technology. As a result, biological impacts would result from the construction and operation of the solar technology and resulting ground disturbance and would likely be similar to the biological impacts from the proposed project, including impacts to special status plants and wildlife and to desert habitat. Different solar technologies require different amounts of grading; however, it is expected that all solar technologies would require grading and maintenance. As such, this No Project/No Action Alternative could result in biological impacts similar to the impacts under the proposed project.

### **C.2.9.3 NO PROJECT/NO ACTION ALTERNATIVE #3:**

#### **No Action on IVS project application and amend the CDCA land use plan to make the area unavailable for future solar development**

Under this alternative, the proposed IVS project would not be approved by the Energy Commission and BLM and the BLM would amend the CDCA Plan to make the proposed site unavailable for future solar development. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because the CDCA Plan would be amended to make the area unavailable for future solar development, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site and no new ground disturbance. As a result, the biological resources of the site are not expected to change noticeably from existing conditions and, as such, this No Project/No Action Alternative would not result in impacts to biological resources. However, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

### **C.2.10 CUMULATIVE IMPACTS**

---

Under CEQA, a project may result in a significant adverse cumulative impact where its effects are cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (Cal. Code Regs, tit. 14, section 15130). NEPA states that "cumulative effects can result from individually minor but collectively significant actions taking place over a period of time" (40 CFR section 1508.7).



There is the potential for substantial future development in the Imperial Valley area and throughout the California desert region. Analysis of cumulative impacts is based on data provided in the following maps and tables (see **Section G.4 Cumulative Scenario**):

- Cumulative Impacts Figure 1, Regional Renewable Applications;
- Cumulative Impacts Figure 2, Imperial County Renewable Applications on BLM Land;
- Cumulative Impacts Figure 3, Plaster City – Existing and Future/Foreseeable Projects;
- Cumulative Impacts Table 1A, Renewable Energy Projects in the California Desert District;
- Cumulative Impacts Table 1B, Energy Projects on State and Private Lands;
- Cumulative Impacts Table 2, Existing Projects in the Plaster City Area; and
- Cumulative Impacts Table 3, Future Foreseeable Projects in the Plaster City Area.

Existing projects/future foreseeable projects figures and tables include both energy and non-energy projects.

The analysis in this section first defines the geographic area over which cumulative impacts related to biological resources could occur. The cumulative impact analysis itself describes the potential for cumulative impacts to occur as a result of implementation of the IVS project along with the listed local and regional projects.

#### **C.2.10.1 GEOGRAPHIC SCOPE OF ANALYSIS**

The geographic area considered for cumulative impacts on biological resources is FTHL habitat in California. The historical range of the FTHL in California encompassed approximately 1.8 to 2.2 million acres mainly in Imperial County, but also in central Riverside County and eastern San Diego County (FTHL ICC 2003), but is now reduced to approximately 50 percent of its historical range.

##### **Effects of Past and Present Projects**

For this analysis, the following projects or developments are considered most relevant to effects on biological resources:

- Recreational activities where OHV use is permitted;
- U.S. Gypsum Mining quarry and processing plant located at Plaster City;
- U.S. Naval Air Facility El Centro;
- California State Prison, Centinela;
- Agricultural development;
- U.S.–Mexico border fence;
- Sand and gravel mining operations; and
- Urban development.

Over the past two hundred years California southern deserts have been subject to major human-induced changes that have threatened native plant and animal communities by habitat loss, fragmentation, and degradation. Some of the most conspicuous threats are those activities that have resulted in large scale habitat loss due to urbanization, agricultural uses, landfills, military operations, mining activities, as well as activities that fragment

and degrade habitats such as roads, off-highway vehicle activity, recreational use, and grazing (Berry et al. 1996; Avery 1997; Jennings 1997). The introduction of non-native plant species and increases in predators has also contributed to population declines and range contractions for many special status plant and animal species (Boarman 2002).

Approximately 50 percent of historical range of FTHL has been destroyed mainly by agricultural and urban development (FTHL ICC 2003). Agricultural practices, in particular irrigation, has altered FTHL habitat to such a degree to be unsuitable for this species. The agricultural and urban development also affected other wildlife and native plants by reducing native habitat. Other projects and activities that have reduced the range of FTHL in the Imperial Valley include: United States Gypsum Corporation (Plaster City) processing plant north of the project along Evan Hewes Highway; sand and gravel operations north of Evan Hewes Highway, five miles west of Ocotillo, and east of the project site; off-highway vehicle (OHV) use at the Plaster City Open OHV Area north of Evan Hewes Highway and limited use on designated routes within the project site; intensive agricultural production and urban development to the east of the project site; and former sand and gravel operations which occurred on the project site in the past, which has been subsequently reclaimed. Currently, the fence at the U.S.–Mexico border approximately eight miles to the south of the project site is under construction. Even though the U.S.–Mexico border fence would eliminate the illegal drive-through traffic, thus lessening impacts to FTHL along the border, the large scale habitat loss associated with the currently proposed projects negates FTHL population gains in the region. In this context, staff assessed the potential of the IVS project to contribute to cumulative significant loss, degradation, and fragmentation of habitat, including loss of connectivity for desert plants and wildlife, including FTHL and other special status species.

### **Effects of Reasonably Foreseeable Future Projects**

Biological resources are expected to be affected by reasonably foreseeable future projects. These projects, which are located within FTHL habitat, include all the future foreseeable projects in the Plaster City area listed in **Cumulative Analysis Table 3** and the following proposed projects (from **Cumulative Analysis Table 1B**):

- Los Angeles Department of Water and Power and Optisolar Plant is a proposed 68 MW photovoltaic facility located in Imperial County on State Route 111.
- Bethel Solar Hybrid Power Plant is a proposed 49.4 MW hybrid solar thermal and biomass facility located in Seeley.
- Mt. Signal Solar Power Station is a proposed 49.4 MW hybrid solar thermal and biomass facility located eight miles southwest of El Centro.
- Orni 18, LLC, Geothermal Power Plant is a proposed 49.9 MW geothermal facility in Brawley.
- Ocotillo Express Wind Facility is a proposed 561 MW wind energy project located on approximately 14,980 acres planned for north and west of Ocotillo and west and south of Nomirage.
- Wind Zero Group, Inc., is a proposed 963-acre law enforcement training facility located in the Ocotillo-Nomirage area between Interstate 8 State Route 98 which

includes a racetrack which would be partially developed in the South Fork Coyote Wash.

Proposed solar and wind energy projects have the potential to further reduce and degrade native plant and animal populations, in particular special status species such as FTHL and Peninsular bighorn sheep. Wildlife movement corridors and connectivity would be impacted by development. In comparison to solar projects which would permanently impact the entire project site for FTHL and bighorn sheep foraging habitat, the wind energy projects would not impact the FTHL habitat to the same extent as permanent ground disturbance would be limited to the bases of wind turbines and the corresponding access roads for maintenance. However, placement of the wind turbines would be in areas where bighorn sheep are more likely to occur. The wind turbines also impact birds and bats.

### **Contribution of the IVS Project to Cumulative Impacts**

**Construction.** The construction of the IVS project, which is estimated to take 40 months, is expected to result in short term adverse impacts related to construction activities. It is expected that some of the cumulative projects described above which are not yet built may be under construction the same time as the IVS project. As a result, there may be substantial short term impacts during construction of those cumulative projects related to biological resources.

The proposed IVS project would be expected to contribute only a small amount to the possible short term cumulative impacts related to biological resources because the proposed conditions of certification described below would minimize and offset the contributions of the proposed IVS project to the cumulative loss of habitat for native plant communities and wildlife, including special status species. Staff's proposed Condition of Certification **BIO-10** requires the applicant to pay for the acquisition of 6,619.9 acres of suitable habitat for FTHL. This habitat would be connected to other suitable habitat for other special status species, and would offset any habitat loss associated with the proposed IVS project. Staff's proposed Condition of Certification **BIO-9** also requires a pre-construction and post-construction occupancy study to see if FTHLs can persist onsite. Staff's proposed Conditions of Certification **BIO-16** requires protection and passive relocation for burrowing owls, and **BIO-12**, the Raven Management and Monitoring Plan, specifically includes measures that would address the cumulative regional increases in raven predation on FTHL. Staff's proposed Condition of Certification **BIO-19** requires pre-construction surveys and a special status plant protection plan. Staff's proposed Condition of Certification **BIO-21** requires a study of impacts to birds from mirrors as it is unknown how this technology can affect birds. Finally, staff's proposed Condition of Certification **BIO-17** requires that the impacts to the desert washes and bighorn sheep foraging habitat be mitigated by offsetting cumulative losses to these habitats. The cumulative impacts from all the projects would be significant under CEQA. Though compensatory mitigation in staff's proposed Conditions of Certification **BIO-10** and **BIO-17** would lessen this project's overall cumulative contribution with appropriate levels of compensatory mitigation, with regards to the loss of, connectivity to the FTHL Management Areas, and overall initial loss of approximately 1,300 to 2,000 FTHLs, the combined effect will be cumulatively considerable.

**Operation.** The operation of the IVS Project is expected to result in long term adverse impacts during operation of the project related to biological resources. It is expected that some of the cumulative projects described above may be operational at the same time as the IVS Project. As a result, there may be substantial long term impacts during operation of those cumulative projects related to biological resources. This is discussed in the **Operation Impacts and Mitigation** subsection of **Section C.2.4.2 Assessment of Impacts and Discussion of Mitigation**. Operation of the site has additional impacts on biological resources including traffic, noise, and glare. Noise is considered significant, though traffic and glare may not be considered significant for the individual project, these impacts on biological resources may be cumulatively significant in the overall region when considered with additional proposed projects. Agencies are currently preparing a habitat conservation plan for renewable energy projects that may mitigate some of these cumulative impacts to biological resources associated with operation of renewable energy plants.

**Decommissioning.** The decommissioning of the IVS Project is expected to result in adverse impacts related to biological resources similar to construction impacts. It is unlikely that the construction or decommissioning of any of the cumulative projects would occur concurrently with the decommissioning of this project, because the decommissioning is not expected to occur for approximately 40 years. As a result, there may not be impacts related to biological resources during decommissioning of the IVS Project generated by the cumulative projects. As a result, the impacts of the decommissioning of the IVS Project would not be expected to contribute to cumulative impacts related to biological resources due to the biological resources having already been impacted by the initial construction and operation of the project. Staff's proposed Condition of Certification **BIO-20**, would require a Decommissioning and Reclamation Plan for restoration of the native habitat to the site.

**Climate Change.** Climate models generally predict that desert areas of Southern California will experience an increase in average temperature and a decrease in average precipitation by the end of this century. These changes may result in changes to desert habitat that render existing blocks of habitat unsuitable for a number of native plant and wildlife species in the region. Therefore, preservation of connected blocks of habitat will be vital to allow movement of species to portions of their range that provide more suitable habitat or to allow movement to new areas that may support suitable habitat in the future.

Renewable energy projects are currently proposed on approximately 1 million acres of land in the Southern California deserts (BLM 2010). These developments will increase the existing amount of habitat fragmentation for plant and wildlife species to varying degrees. These anthropomorphic barriers increase habitat fragmentation and will presumably negatively affect species' ability to adapt to climate change through movement to more suitable habitats.

Climate change is not a direct or indirect impact of the proposed project. However, the project will contribute to the cumulative fragmentation of habitat and movement corridors such as desert washes which will likely reduce the ability of species to cope with climate change. Therefore, it is important to site renewable energy projects so as to maintain the greatest degree of connectivity as possible to protected blocks of habitat or

to acquire compensation lands that protect connectivity. Especially important will be maintenance of connectivity to blocks of suitable habitat at higher elevations or habitat in the northern extent of a species' range. The impacts of climate change would be less than significant with appropriate levels of compensatory mitigation, as discussed in staff's proposed Conditions of Certification **BIO-10**, **BIO-17**, and **BIO-19**.

## **C.2.11      NOTEWORTHY PUBLIC BENEFITS**

---

Construction and operation of the Imperial Valley Solar power plant would not result in any noteworthy public benefits with regard to biological resources.

## **C.2.12      RESPONSE TO PUBLIC AND AGENCY COMMENTS**

---

Staff received comments on the Biological Resources section of the SA/DEIS and on the November 23, 2009 Notice of Intent to Prepare an Environmental Impact Statement. Comments on biological resources were received from the following parties and compiled in Table 1 and 2 in Section A.7:

- TN 56891: Joint Letter: Backcountry Against Dumps, Protect our Communities Foundation, East County Community Action Coalition, and the Desert Tortoise Protective Council, May 28, 2010
- TN: 56865: Defenders of Wildlife (DOW), May 26, 2010
- TN 56887: California Native Plant Society (CNPS), May 27, 2010
- TN 56897: Donna Tisdale, individual, and on behalf of Backcountry Against Dumps, May 27, 2010
- TN 56900: Patrick Donnelly, May 26, 2010
- TN 56915 California Unions for Reliable Energy, May 27, 2010
- TN 56864: Natural Resources Defense Council and the Wilderness Society, May 26, 2010
- TN 56811: U.S. Environmental Protection Agency, May 12, 2010
- TN 56389: Public Employees for Environmental Responsibility, April 20, 2010
- TN 56632: California Unions for Reliable Energy, opening testimony, May 12, 2010
- TN 56380: California Native Plant Society, opening testimony, March 31, 2010
- TN 56751: California Unions for Reliable Energy, partial rebuttal testimony, May 17, 2010
- TN 56988: USEPA, May 27, 2010
- TN 56885: Denis Trafecanty, May 28, 2010
- TN 56993: Center for Biological Diversity, May 26, 2010
- TN 57005: Cody Hanford, May 13, 2010
- TN 56756: Brendan Hughes, May 17, 2010

- TN 56757: Quechan Indian Tribe, May 17, 2010
- TN 56889: Basin and Range Watch May 27, 2010
- TN 56890: Carmen Lucas, Kwaaymii, Laguna Band of Indians
- TN 56956: Imperial County Planning and Development Services, May 27, 2010
- TN 56989: Anita Nicklen, May 26, 2010
- TN 56990: Greg P. Smestead, Ph.D., May 21, 2010
- TN 56999: State of California, Department of Transportation, May 27, 2010
- TN 57003: Kim Bauer, April 17, 2010
- TN 57038: Comment Letter from Glen Kirby, April 24, 2010
- TN : Comment Letter from California Department of Parks and Recreation, May 28, 2010

*Comment Letter from Backcountry Against Dumps, Protect our Communities Foundation, East County Community Action Coalition, and the Desert Tortoise Protective Council, dated May 28, 2010*

**Comment #1:** The SA/DEIS fails to include a number of critically important studies whose inclusion is mandated by NEPA/CEQA. These studies are necessary for the public and public officials to make informed decisions. This lack of “high quality” data makes it impossible for the public and agencies to take a “hard look” at how choices presented to them will affect the environment.

Staff Response:

Please refer to Subsection C.2.4 for a discussion of baseline environmental conditions at the Project site, which presents all available information. Subsection C.2.4.2 presents an assessment of impacts to biological resources, based on baseline environmental data, and Project description information as made available by the Applicant.

Staff acknowledges the need for additional data collections, and has made revisions to the SA accordingly. Conditions of Certification have been modified to address late-coming information and to require further surveys as necessary (**BIO-19**, Special-Status Plant Impact and Avoidance, Minimization, and Compensation). Condition of Certification **BIO-14** (Pre-construction Nest Surveys), **BIO-15** (American Badger and Desert Kit Fox Impact Avoidance and Minimization Measures), **BIO-16** (Burrowing Owl Impact Avoidance and Minimization Measures), and **BIO-11** (Flat-tailed Horned Lizard Compliance Verification), additionally directs the Applicant to perform additional preconstruction surveys; however, Staff acknowledges that the results of data collection will not be available for public review prior to issuance of the SSA.

**Comment #2:** Mitigation for the proposed project has been improperly deferred to the future, and that the SA/DEIS unlawfully relies on studies whose content has yet to be formulated. Furthermore, the public, and public officials, are also denied the opportunity to review complete materials. Among these studies lacking, are the Drainage, Erosion, and sediment control plan, and the U.S. Army Corps of Engineers Least

Environmentally Damaging Project Alternative analysis. Because these pertinent studies are omitted, it is impossible to assess the adequacy of the mitigation measures.

Staff Response: Staff acknowledges the inability of the public to review all materials; where specific measures will be selected in the future, staff has identified performance standards, discussed the range of mitigation that may be selected, and determined the feasibility and effectiveness of such measures. Please refer to Comment 1 for a discussion of further studies required by the regulatory agencies, and see Subsection C.2.4.2 for recommended Conditions of Certification.

**Comment #3:** Commenter states that NEPA and CEQA require public agencies to identify the significant effects of their actions, and to mitigate them, unless mitigation is infeasible. The SA/DEIS has failed to disclose potentially significant impacts to Peninsular bighorn sheep (PBHS). The SA/DEIS has incorrectly categorized use of PBHS of the site as “transitory”, in fact, recently, a group of 5 sheep were observed onsite, and it is quite likely that PBHS appear in the project vicinity commonly.

Staff Response: Please refer to Section C.2.4, where significant modifications to the characterization of PBHS utilization of the site have been made, based upon public comment, and further agency review. Mitigation for PBHS would occur through implementation of staff’s proposed Conditions of Certification: **BIO-10** (Special Status Species Habitat Compensatory Mitigation) which would acquire FTHL mitigation land that would also be credited as foraging habitat the bighorn sheep; **BIO-17** (Lake and Streambed and PBHS Foraging Habitat Impact Minimization and Compensation Measures), which would require the project owner to acquire additional habitat should waters of the state and PBHS foraging habitat requirements not be met with the acquisition from **BIO-10**; and Condition of Certification **BIO-8** (i.e., erecting fences and gates to prevent wildlife access and contain construction equipment; and covering excavated areas or installing wildlife escape ramps in the excavated areas should sheep wander onsite). Refinements to **BIO-10** include criteria for acquisition of suitable habitat for PBHS per USFWS guidance. Staff’s recommended condition **BIO-10** is believed to be in substantial conformance with the USFWS’ forthcoming Section 7 consultation guidance for the applicant.

**Comment #4:** The SA/DEIS fails to mitigate impacts to foraging habitat for the PBHS, as well as to mitigate for the loss of 6,063 acres of habitat for the PBHS.

Staff Response: Staff agrees, and has made modifications to the SA/DEIS in response to comments. Please refer to response to comment 3 for a discussion of mitigation to PBHS.

**Comment #5:** The SA/DEIS has failed to disclose potentially significant impacts to sensitive plants. As testified to by Scott Cashen, expert biologist, the SA/DEIS contains inadequate information on the presence of special status plants species in the project area. Therefore, the SA/DEIS cannot conclude that mitigation is sufficient to reduce project impacts to below significant. Additionally, the buffer zone for special status plant species is unknown, and also likely insufficient. Unless all required plant surveys are undertaken before mitigation is adopted, it is impossible to know if the measures are

sufficient. Additionally, Mr. Cashen had previously testified that mitigation to non-listed species is unenforceable, and that impacts to non-listed species are significant.

Staff Response: Staff acknowledges the need for additional data collections, and has made revisions to the SA accordingly. Condition of Certification **BIO-19**, Special-Status Plant Impact and Avoidance, Minimization, and Compensation, has been modified extensively to require late summer/fall surveys for sensitive plants. Refer to subsection C.2.4 for a discussion of sensitive plant species, and subsection C.2.4.2 for further discussion of impact minimization and mitigation measures developed for sensitive plant species.

**Comment #6:** The SA/DEIS has failed to disclose potentially significant impacts to flat-tailed horned lizard (FTHL). The document contains no conclusion with respect to FTHL impacts, as it is required. Thousands of FTHL might die from the project construction, the loss of a population “roughly half the size of the population within the entire West Mesa MA.” The loss of 6,063 acres of habitat is significant, and these impacts must be mitigated before the Project is approved, not after. Additionally, fragmentation of FTHL habitat would allow for no movement between MAs, another unmitigated impact of the project. Further, the SA/DEIS conclusion that mitigation is infeasible is unsupported by the record. Moving of FTHL only partially addresses the issue of survivorship, and only partially mitigates. Mitigation for this impact must be undertaken. The mitigation measure **BIO-10** doesn’t fully mitigate habitat loss, and allows replacement of currently occupied habitat with “poor quality habitat,” allowing for net loss of FTHL habitat.

Staff Response: Please see Subsection C.2.4.2 for a discussion of impacts to—and mitigation measures for FTHL. Staff agrees that the potential loss of thousands of FTHL, a species proposed for listing, is significant and unmitigable. Recommendations from the Flat-tailed Horned Lizard Rangeland Management Strategy have been incorporated into proposed Conditions of Certification: **BIO-9** (Flat-tailed Horned Lizard Construction Monitoring Program and Occupancy Study) which requires FTHL removal from harm’s way and salvage during construction; **BIO-10** (Special Status Species Compensatory Mitigation) which identifies the compensation costs to mitigate for habitat loss and selection criteria for compensation lands; and **BIO-11** (Flat-tailed Horned Lizard Compliance Verification) in which the Designated Biologist verifies for the Energy Commission staff and the BLM that all FTHL impact avoidance, minimization, and compensatory measures have been implemented.

Staff also agrees that connectivity impacts to FTHL associated with the proposed Project are an issue, and for that reason, identified Drainage Avoidance #1 Alternative—which would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries, as the best alternative for minimizing connectivity impacts to FTHL.

**Comment #7:** Consultation with the USFWS regarding impacts to PBHS is required, per the Endangered Species Act. “The consultation process is triggered when a federal agency...undertakes any activity which could impact an endangered species or threaten its critical habitat.”



Staff Response: Staff agrees with this assessment, and supports the currently ongoing FESA Section 7 consultation with USFWS in order to minimize impact of loss of foraging habitat to bighorn sheep.

**Comment #8:** The impacts the project would have on waters of the state are unknown. The potential to cause massive runoff and erosion exists, and insufficient analysis has occurred in the SA.

Staff Response: Staff agrees that impacts to waters of the state are significant. The staff proposes **BIO-17**, which requires compensation for loss waters of the state.

**Comment #9:** Cumulative impacts were not fully disclosed. The project would have cumulative impacts to PBHS that were not identified.

Staff Response: Staff has revised the analysis of impacts to PBHS (see response to comments 3 and 7) based on input from the public and additional coordination with the resource agencies. Cumulative impacts to PBHS are discussed in section C.2.10.

*Comment Letter from Defenders of Wildlife (DOW), May 26, 2010*

**Comment 10:**

DOW comments that a cumulative effects analysis of the past, present, and reasonably foreseeable activities is necessary for at-risk biological resources such as the FTHL and PBHS. This analysis should reveal the condition and trend of these resources and whether additional impacts would conform to BLM manual 6500 and 6840.

Staff Response: Please refer to response to comment #6 for a discussion of impacts to FTHL and proposed mitigation, and to response to comments 3 and 7 for a discussion of PBHS. Additional information is available in SA/DEIS sections C.2.4 for more information on these species.

**Comment 11:**

DOW comments that the 1:1 mitigation for FTHL, as based on management plans, may be insufficient, as these plans were not developed for such large-scale projects. Conformance with BLM Manual 6840 is important because on March 2, 2010, the USFWS proposed the species to be listed as threatened.

Staff Response: Please refer to response to comment 6.

**Comment 12:**

The potential loss of seasonal foraging habitat and movement corridor for PBHS is a concern. Very little information on bighorn populations and movements within the region was supplied in the SA/DEIS. DOW recommends that impacts should be analyzed more thoroughly, and habitat enhancement opportunities need to be identified, and the 1:1 habitat compensation ratio may be insufficient. DOW also recommends that ephemeral washes onsite be studied for use/occupancy by bighorn, should the project preclude bighorn use of the wash. Additionally, more information on 2009 observed bighorn

should be provided. These ephemeral washes plus a corresponding buffer zone may be warranted as a means to allow bighorn continued use of the site, as determined by experts from CDFG and USFWS. Compensation for habitat should include replacement habitat and enhancement, and possibly establishment of protected reserves within the species range, where multiple use activities impact the species.

Staff Response:

Please refer to staff's response to comments 3 and 7 for a discussion of impacts and to PBHS and compensatory measures.

**Comment 12:**

BLM has failed to address climate change impacts upon sensitive species, and recommend that the analysis' scope be broadened to address occupation and use of habitat on a regional scale to sustain at-risk species. This expanded analysis should include cumulative effects and mitigation measures.

Staff Response:

Please refer to Section C.2.10.1 under the Climate Change subsection for discussion of cumulative effects and mitigation measures.

*Comment Letter from California Native Plant Society (CNPS), May 27, 2010*

**Comment 13:**

The CNPS comments that the plant surveys conducted in 2007 and 2008 are not adequate to determine the presence or absence of special plant species. CNPS believes that the applicant should not have developed its list of possible listed species from known occurrences in the immediate area of the project, as Imperial County is poorly documented. We feel that the list should have been compiled from known occurrences from the entire Colorado Basin, a much larger geographical area. We believe a list of sensitive species from the entire Colorado Basin, excluding terrain types such as rocky slopes, would contain approximately 65 species and would be the minimum adequate list for the project. It's reasonable to conclude that any existing database could not reliably predict the presence of special status species in Imperial County or that such databases could render accurate lists. The result is that surveys might not be scheduled and conducted at time when sensitive species, especially annuals, would be present.

Staff Response:

Please see staff's response to comment 5 for a discussion of sensitive plant surveys. Staff's condition **BIO-19**, special-status plant avoidance and minimization measures, has been modified significantly to address concerns from the public and agencies for impacts to sensitive plants. This condition of certification prescribes an approach to address discoveries of new sensitive species on the Project site, and details mitigation and further agency coordination that would be implemented should new species be detected.

#### **Comment 14:**

CNPS comments that impacts to cryptogammic crusts, and sensitive species from chemicals used to wash solar panels were not studied. A biodegradable soap has been proposed, but not identified, and there is no evidence the soap will degrade in the desert climate. Additional analyses on the effects of antibacterial soap on soil crusts are necessary.

#### **Staff Response:**

Staff has searched the applicant's AFC and found no mention of use of biodegradable soaps associated with mirror washing. Section 3 of the AFC states only that demineralized water will be used in washing of mirrors; therefore, staff is unable to provide an impact assessment for CNPS.

#### **Comment 15:**

Wind erosion creates dust and dust has been shown to be detrimental to desert plants and cryptobiotic crusts. The Applicant has not provided information regarding the cryptobiotic crusts, if any, on the project site. Without such information, the affects of construction and operation of the project on wind erosion and its direct and indirect impacts on local and off site plant and cryptobiotic crusts is not known. Applicant has not provided wind erosion information based on the MacDougall Method or any other In-Situ method such as Big Springs Number Eight (BSNE). Therefore, it's reasonable to conclude that any analysis of air pollution or wind erosion conducted to date is not adequate. Clearly dust from wind erosion affects plants and cryptobiotic crusts. Without adequate wind erosion information, impacts from wind erosion to onsite and offsite plant communities cannot be determined. We believe that additional analysis, using In-Situ methods, should be conducted so that impacts to onsite and offsite plant communities are known.

#### **Staff Response:**

Staff acknowledges the role that cryptobiotic soils play in the desert ecology; however, there is no applicable LOR regulating the loss of such soils. The project site is primarily composed of desert pavement crust, rather than the cryptobiotic crust. When the soil crust of desert pavement is broken, the potential for wind erosion and impacts from dust would increase. Implementation of Condition of Certification **BIO-8**, impact avoidance and minimization measures would minimize surface disturbance and corresponding dust impacts. Limiting the onsite speed to 15 m.p.h., using water for dust suppression, and utilizing a soil binder would decrease dust impacts.

#### **Comment 16:**

The project site lies entirely within the Salton Sea Watershed. The US Army Corps of Engineers Preliminary Jurisdictional Determination Form (01105/2010) states: "The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless the permit applicant or other

person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time."

The Applicant's AFC Section 5.5 - Surface Water Quality states: "Project surface water that does not infiltrate or evaporate ultimately drains approximately 30 miles north to the Salton Sea." In addition, the "Review of Federal and State Surface Waters for the Stirling Energy Systems Solar 2 Project", February 23, 2009 states: "URS conducted a site visit with the Corps on January 8, 2009, and the Corps noted indication of flooding on lands and buildings at Dixieland, which is located east of the Westside Main Canal/Dixie Drain systems, and at the intersection with Evan Hewes Highway. Laurie Monarres from the Corps indicated that she had talked to some field staff from the IID, who stated that flooding occurred in this area." We argue that the project site in fact contains jurisdictional waters of the United States and that construction and operational activities from this project and other planned renewable energy projects within the Salton Sea watershed would increase erosion, thus increasing sediment transported to the Salton Sea. The Salton Sea Restoration Plan includes two 200 acre sedimentation basins. However, the \$8.9 billion project is not designed to accommodate the cumulative additional sediment from this project or others like it in the Salton Sea watershed. The Salton Sea Executive Summary states: "Impacts to special status species would result primarily from construction of sedimentation and distribution basin at river deltas...particularly at the southern shore (of the Salton Sea)." Significant impacts, including cumulative impacts, on the Salton Sea habitat, including plants, from increased sediment have not been adequately analyzed. We believe that additional analysis should be conducted so that impacts on plant communities of the Salton Sea and its watershed are known.

Staff Response:

Staff agrees that impacts to waters of the state and U.S. are significant. Please refer to response to comment 8.

*Donna Tisdale, BackCountry Against Dumps (BAD), May 27, 2010*

**Comment 17:**

BAD comments that all washes should be avoided, that they are nature's storm channels that serve multiple services and species. A hybrid of Alternative Figures 1 B & 1C should also be considered for a much reduced project size and degree of impacts to critical water ways and sensitive resources. I personally visited the project site on April 25th, in the company of other witnesses, and found flood debris lodged about 3 feet up in Smoke Trees in one of the many desert washes. There was obvious evidence of flooding in excess of 1 foot in many of the desert washes. This flood level evidence is contrary to testimony of the applicant witness Dr. Chang, where he stated that his *modeling* showed flood waters were not expected to exceed approximately 1 foot.

Staff Response:

Please see staff's response to comment 8. Staff agrees that the majority of washes should be avoided when constructing and operating the project.

**Comment 18:**

The project and any mitigation measures cannot be analyzed or approved until all the significant amounts of outstanding information is available for public review and comment *prior* to close of public comment.

**Staff Response:**

Please see response to comment 1.

**Comment 19:**

The cumulative impacts analyses for Solar Two / IV Solar is inadequate. Industrial wind energy projects, and their related transmission infrastructure, proposed west of Solar Two, will result in direct, indirect, and cumulative impacts to Golden Eagles, other birds, bats, bighorn sheep, the flat tailed horned lizard, wildlife corridors and currently unfragmented habitat and foraging areas for a variety of species. The following project should be analyzed for cumulative impacts to bighorn sheep, the proposed Ocotillo Express wind project location is between the Coyote Mountain Wilderness and the Jacumba Mountain Wilderness. These areas, including the valley between are occupied bighorn sheep habitat.

**Staff Response:**

Staff has responded to cumulative impact concerns for flat tailed horned lizard in **Comment 10**, and to cumulative impacts to PBHS in **Comment 9**. Please see section C.2.10 for a discussion of cumulative impacts to other wildlife, and wildlife corridors. Staff agrees that the loss of 6,063.1 acres within the Project site is a significant loss of unique and valuable desert landscape, and has recommended significant habitat compensation through implementation of **BIO-10**.

**Comment 20:**

Among other impacts, industrial wind turbines require new graded pads, access roads, water use, erosion, dust issues and more. They also generate low frequency noise and vibrations which can interfere with ground dwelling species, their communication, alerts, and otherwise wellbeing.

**Staff Response:**

Please refer to section C.2.4 for a discussion of noise impacts and vibration. Staff has developed Condition of Certification **NOISE-6**, which places time constraints on certain project activities, to mitigate for noise impacts.

**Comment 21:**

Fall surveys are required for full compliance. 2010 fall bloom should be exceptional due to a wet year after numerous dry years. The fall survey is now proposed to take place *after* public review which eliminates any review and comment on impacts and proposed mitigation. Any historic information for bloom after the 1976 Hurricane Kathleen should be incorporated since many desert plants can remain dormant unless and until the right amount of rain falls at the right time. Jim Andre, a rare plant expert and director of UC Riverside's Sweeney Granite Mountains Desert Research Center in the Mojave National Preserve, has stated 40 percent of desert plants bloom in the fall.

Staff Response: please refer to response to comments 5 and 13 for a discussion of sensitive plant surveys.

**Comment 21:**

Previous BLM plans for the area recognized the project site as bighorn habitat. The on-site presence of pregnant females during lambing season begs further investigation.

Staff Response:

Please see response to comments 3 and 7 for a discussion of bighorn sheep utilization of the site. Based upon public and agency feedback, staff has revised the characterization of PBHS use of the site as foraging habitat, with potential and infrequent use as a movement corridor, per USFWS input.

**Comment 22:**

What are the potential adverse impacts of this amount of cumulative disturbances, from multiple projects, to the soils used by burrowing small mammals and lizards. This disturbance is in addition to the 27 miles of paved arterial roads, 14 miles of unpaved perimeter roads, and approximately 234 miles of unpaved access roads associated with the proposed IV Solar site (SA/DEIS ES-5) for a total of 275 miles of roads.

Staff Response:

Please refer to section C.2.10 for a cumulative effects analysis. Staff agrees that adverse effects of the project could render habitat remaining onsite after construction unsuitable for many species of plants and wildlife, and therefore has requested compensation of the entire site at a 1:1 ratio. Additionally, in order to ascertain the effects of the Project upon FTHL, staff has requested post-construction surveys of FTHL through implementation of **BIO-9**.

**Comment 23:**

Indirect and cumulative impacts associated with noise and vibrations that travel through the soil and air must be addressed.

Staff Response: please see response to comment 20 for a discussion of noise and vibration.

**Comment 23A:**

We disagree with applicant expert's position that I-8 represents a barrier for FTHL. We regularly see FTHL sitting on and crossing two lane paved roads. I-8 is two rows of two lanes with a break in the middle. There is nothing to stop or prevent FTHL from crossing. Further destroying/fragmenting their habitat is totally unnecessary and should be rejected.

Staff Response: The section C.2.4 has been revised to reflect that I-8 serves as a filter for this species, and not a complete barrier. Staff believes that onsite dry washes provide some connectivity for FTHL, in addition to providing suitable habitat. Because of this, staff advocates selection of Drainage Avoidance #1 Alternative to safeguard connectivity for this species. See also response to comment 6.

*Comment Letter from Patrick Donnelly, May 26, 2010*

**Comment 24:**

Mr. Donnelly states that the project impacts have not been fully disclosed, and that the habitat onsite is of unique character, and highly functioning habitat.

**Staff Response:**

Please see responses to comments 1, 2, 3, 5, and 6.

**Comment 25:**

Mr. Donnelly states that he has observed bighorn sheep sign on January 10, 2010, on the western portion of the project site.

**Staff Response:**

Please refer to staff's response to comments 3 and 7 for a revised discussion of PBHS use of the project site.

*Comment Letter from California Unions for Reliable Energy (CURE), May 27, 2010*

**Comment 26:**

The DEIS does not even begin to scratch the surface of the size and significance of the impacts that will be posed by this Project on public lands in the fragile desert environment. This will dramatically impact every aspect of the ecosystem on the project site and surrounding the project area. The vast majority of these impacts were not identified, disclosed, analyzed or mitigated in the DEIS. CURE specifically mentions PBHS, and FTHL impacts.

**Staff Response:**

Please see staff's responses to comments 1, 2, 3, 5, and 6.

**Comment 27:**

The proposed water diversion from waters of the U.S. to the proposed Project may result in the loss of the entire 2-acre wetland and potentially significant adverse impacts to the endangered Yuma Clapper Rail and other species in the area. In fact, the elimination of this wetland is likely to deleteriously affect the habitat for a number of threatened or endangered species, including the Yuma clapper rail, the vermillion flycatcher and the California black rail. Impacts to these species would require an incidental take permit ("ITP") issued by the U.S. Fish and Wildlife Service ("USFWS"). The issuance of an ITP would also require a federal agency to prepare an EIS, pursuant to NEPA.

**Staff Response:**

The impacts of the proposed diversion of effluent from the Seeley Waste Water Treatment Facility (SWWTF) are currently being studied for a separate EIR. Please refer to Section C.2.4.2 for staff's discussion on the proposed water diversion.

**Comment 28:**

CURE comments that the project's proposed water diversion could lead to increased salinity in the Salton Sea, where it is likely to interfere with fish reproduction and,

ultimately, survival. Loss of fish would greatly impact the Sea's productive sport fishery, and the food source of fish-eating birds that flock to the Sea, an important wildlife resource, including several state- and federal-listed endangered and threatened species. These potentially significant impacts must also be analyzed in a revised DEIS. The SWWTP modifications must be studied as direct, indirect and cumulative impacts of the Project in the DEIS.

Staff Response:

Please refer to staff's response to comment 27.

**Comment 30:**

The desert washes impacted by the Project provide critical ecological functions such as sediment transport and deposition, energy dissipation and groundwater recharge for the Salton Sea Transboundary Watershed. As explained by the EPA, these important services will be lost or degraded by the Project development. The DEIR failed to adequately describe the soil and water conditions on the Project in order to provide a baseline to evaluate the Project's impacts. Notably, the DEIS failed to include any analysis of surface soils, including identification of the presence of cryptobiotic crusts on the Project site. It is highly likely that cryptobiotic crust is widespread across the site. The BLM must establish the extent of cryptobiotic crust in the affected environment in order to analyze the effect that elimination of this crust will have on the hydrology of the Project site. This information and analysis must also be disclosed to the public, and the Project's impacts on the regional watershed must be analyzed as required by NEPA. The BLM must also evaluate the extent and type of desert pavement on the Project site in order to analyze the effects of destruction of that pavement on the hydrology of the site from Project activities.

Staff Response:

For discussion of cryptobiotic soils, please refer to staff's response to comment 15.

**Comment 31:**

The DEIS identified 183 acres of direct impacts to waters of the United States. However, indirect impacts must also be identified and mitigated. The DEIS failed to properly analyze indirect impacts to Waters of the United States

Staff Response:

Please refer to staff's response to comment 8.

**Comment 31:**

The Project site is located within a recovery area for federally endangered peninsular bighorn sheep ("PBHS"). PBHS were photographed on the Project site in March of 2009. However, the DEIS fails to describe how the Project site may be important to the recovery of PBHS. The Carrizo Mountains/Tierra Blanca Mountains/Coyote Mountains Recovery Area (henceforth referred to as the CTCRA) in the Recovery Plan for PBHS in the Peninsular Ranges. The Project site may be part of an important movement corridor in this Recovery Area. This should be described as part of the affected environment in the DEIS. PBHS were witnessed on the property in March, 2009, and as a result the DEIS fails to adequately identify the significant impacts of the project on the local population of PBHS occupying the southeastern portion of the peninsular ranges. In



particular, the DEIS failed to address four specific impacts: (a) impacts to sheep movement corridors among areas occupied (or habitat that may be suitable, but otherwise unoccupied) by PBHS; (b) impacts to PBHS through the loss of valuable forage in low-lying areas; (c) the significance of the permanent loss of 6,063 acres of habitat used at least occasionally by PBHS; and (d) cumulative impacts and their overall potential to influence the recovery or persistence of PBHS.

Staff Response:

Please refer to staff's answer to comments 3 and 7 for a discussion of these issues.

**Comment 32:**

The Rangewide Management Strategy for flat-tailed horned lizard identifies lands between the Yuha Desert and West Mesa MAs as potential habitat corridors that should be maintained. This is the area proposed for the Project site. Activities inherent in Project construction and operation would function as a barrier to FTHL movement that is unmitigated in the DEIS. The Project will almost completely isolate the Yuha Desert MA from the other MAs. The DEIS failed to identify this important movement corridor as a critical part of the Project's affected environment.

Staff Response: please refer to staff's responses to comments 6 and 23A.

**Comment 33:**

Although the SA/DEIS attempts to analyze the impacts and formulate mitigation measures before adequate survey data are obtained, the analysis and mitigation may change after the additional survey efforts are better able to identify impacts to rare plants. The baseline data that makes up the affected environment should be shared with the public and the public should have the opportunity to comment. Without this information, the affected environment is inadequately defined in the DEIS.

Staff Response:

Please refer to staff's responses to comments 1 and 5.

**Comment 34:**

According to the DEIS, information on owl presence and abundance in the Project area was achieved through incidental observations. Protocol surveys (or any focused surveys) for burrowing owls were never conducted. By not requiring any surveys for burrowing owl, the public is denied any opportunity to understand the extent of important biological resources on the Project site.

Staff Response:

Staff has developed Condition of Certification **BIO-16**, burrowing owl impact avoidance and mitigation measures, which would require the applicant to conduct pre-construction surveys for this species, and report the findings to the CDFG, USFWS, BLM Biologist, and the and the Energy Commission's Compliance Project Manager (CMP). However, staff acknowledges that the public would not have access to this information until after the project had been fully constructed.

**Comment 35:**

The fragmentation that would be caused by the proposed Project would have numerous biological consequences that were not mitigated in the DEIS. Two of these consequences, “edge effects” and loss of connectivity, are likely to be particularly severe on the FTHL population. The applicant identified interference with the movement of FTHL between the West Mesa and Yuha Desert MAs as a significant impact. However, the DEIS failed to identify this significant impact. Presently, FTHL will cross roads and culverts to get to the Project site and move between MAs. The DEIS does not propose any mitigation or avoidance to maintain connectivity through the Project site. The DEIS must be also be revised to address indirect impacts to FTHL caused by the proposed water pipeline. The DEIS subsequently fails to mitigate potentially significant impacts to FTHL from pipeline development, loss of connectivity between MAs and edge effects. The DEIS should be revised to include mitigation for these impacts and to clarify the details of the mitigation proposal for FTHL translocation and compensation.

**Staff Response:**

Please refer to staff’s response to comment 6 and Section C.2.4.2.

**Comment 36:**

The DEIS concludes the Imperial Valley Solar Project site provides suitable foraging habitat for golden eagles. According to the applicant’s survey data, jackrabbits and ground squirrels (i.e., the preferred prey) are present on the Project site and appear to be relatively abundant. The DEIS further concludes the loss of foraging habitat for golden eagles may require a permit for take under the Bald and Golden Eagle Protection Act. Despite these conclusions, the DEIS lacks any discussion on the actions that will be taken to determine whether the Project will require mitigation and issuance of a take permit for impacts to golden eagle foraging habitat. The DEIS lacks any information, or a determination, on the significance of Project impacts on golden eagles.

**Staff Response:**

Based on guidance provided by the USFWS (72 FR 31132, June 5, 2007) staff defined disturbance as an activity that would result in injury to an eagle or which would substantially interfere with normal breeding, feeding, or sheltering behavior. No golden eagles are known to occur on the project site, and therefore no mitigation has been required of the applicant. Loss of foraging habitat for the eagle would be provided through the 1:1 habitat compensation as required by **BIO-10** and **BIO-17**, compensation for state waters and PBHS foraging habitat.

**Comment 37:**

According to the California Natural Diversity Database, there are several documented occurrences of Colorado Desert fringe-toed lizards within 10 miles of the Project site, and the applicant has indicated that suitable habitat for this species occurs onsite. Therefore, the DEIS must adequately disclose and analyze the Project’s potentially significant impacts on the Colorado Desert fringe-toed lizard.

Staff Response:

Please refer to **Biological Resources Table 2**, where this species has been added.

**Comment 38:**

There is no scientific basis to conclude establishing the prescribed 50-foot buffer will mitigate Project impacts to rare plants to a less than significant level.

Staff Response:

Staff has made significant revisions to **BIO-19**, Special-status plant impact avoidance and mitigation measures. Please refer to section C.2.4.2.

**Comment 39:**

The strategy for mitigating impacts to any non-listed special-status species (e.g., CNPS listed species) found on the site is comprised of two parts. First, the Condition of Certification directs the applicant to avoid impacts “where feasible.” However, the DEIS does not define what is considered “feasible.” Consequently, the condition is at the sole discretion of the applicant, and it is unenforceable. Second, for impacts that are not “feasible” and that would result in loss of more than 10 percent of the known individuals within an existing population, the DEIS requires the project owner to preserve existing off-site occupied habitat. There is a high likelihood that due to the rarity of the plants, the applicant will be unable to locate any suitable private parcels that could serve as compensation habitat for proposed project impacts to special-status plant species.

Staff Response:

Please refer to staff’s response to comment 5.

**Comment 40:**

BIO-16, mitigation for burrowing owl, lacks certainty due to the failure to define “disturbance.” Besides earth moving activities, burrowing owls may be disturbed by Project factors such as noise, night lighting, and altered hydrology. Also, if surveys are limited to areas exposed to ground disturbance, there will be no mechanism for obtaining information on owl presence within 500 feet of the project site or linear facilities.

Staff Response:

BIO-16 has been revised to reflect that surveys will include a 500-foot buffer zone. BIO-16 also contains a provision for monitoring, which would help identify other project effects’ upon burrowing owl, and contains provisions, such as establishing setbacks, to minimize disturbance to nesting birds.

**Comment 41:**

As a result of data gaps, the DEIS has no basis to conclude the proposed pre-construction nest surveys will protect desert nesting birds from direct project impacts. The SA/DEIS fails to describe effective mitigation for nesting birds.

Staff Response:

Staff disagrees. Staff's proposed condition of certification **BIO-14** requires that all suitable habitat be surveyed for nesting birds, and has been updated to include language that specifies the skills and methods the Designated Biologist and Biological Monitor shall have.

**Comment 42:**

The project as proposed in the DEIS will result in a potentially significant unanalyzed impact to bighorn sheep and to other species that may move through the area regularly or occasionally. Movement is critical to the long term viability of many species. The DEIS identifies the ephemeral washes in the Project site as wildlife movement corridors. However, it provides no discussion of the significance of eliminating these corridors, or the ability to maintain functional wildlife movement corridors after the fence is erected around the 6,063-acre Project site. The DEIS fails to provide any mitigation for impacts that will result from erecting a fence around the Project site even though this is likely to have a significant impact on the metapopulation dynamics essential to the recovery of peninsular bighorn sheep. In addition to this species, the Project would undoubtedly serve as a significant barrier to numerous other terrestrial wildlife species. The DEIS lacks any analyses of the impacts of the Project on wildlife movement or mitigation to reduce these impacts to a level considered less than significant.

Staff Response:

Please refer to staff's response to comments 3 and 7.

**Comment 43:**

Because this Project is clearly not water-dependent, the BLM has a legal obligation to study one or more offsite alternatives that do not involve a discharge of dredge or fill into waters of the United States. The Project, as described in the DEIS, violates Section 404(b) of the Clean Water Act which prohibits avoidable discharges of dredge or fill into waters of the United States.

Staff Response:

Please refer to the Alternatives Section B.2 regarding offsite alternatives. The proposed project will require a 404 permit from the U.S. Army Corps of Engineers.

**Comment 44:**

Because there is a presumption that a less damaging practicable alternative than the Project as proposed exists and should be implemented, the Corps must identify the least environmentally damaging practicable alternative ("LEDPA"). In recent testimony at the Energy Commission, the Applicant concluded that there is a less environmentally damaging alternative that is practicable and distinct from the proposed project. The Applicant submitted a revised Project design for a 706 MW project. The Applicant's proposal does not even come close to reducing Project impacts to ensure no overall net loss of wetland functions and values to comply with the unambiguous mandate to only

permit the LEDPA. Regardless, this alternative was not analyzed in the DEIS. Further, the Project Applicant has failed to set forth the LEDPA to date.

Staff Response:

Please see staff's response to comment 8.

*Joint Comment Letter from Natural Resources Defense Council and the Wilderness Society*

**Comment 45:**

The DEIS treatment of the observance of federally endangered bighorn sheep on the project site is particularly deficient. Merely attributing the occurrence of a ewe group of bighorn sheep to a "transient occurrence" without further investigation and analysis is inadequate, id. ES-21. The DEIS indicates that the project site provides marginal foraging habitat, id. C.2-18. Under varying precipitation conditions and levels of vegetation growth, marginal foraging habitat may supply an important part of the sheep's diet and could continue to attract foraging activity on an ongoing basis. The final EIS must analyze avoidance, minimization and mitigation measures based on the assumption that bighorn sheep will continue to use the site on an ongoing basis for forage as their previous visitation suggests rather than simply dismiss their

presence as an anomaly. For example, we would suggest consideration of concrete measures to mitigate for loss of habitat, such as purchase of replacement lands, as well as ongoing monitoring on the site to ensure that any subsequent usage by the sheep is well-documented and any necessary modifications to operations are made.

Staff Response:

Please see previous responses comments 3 and 7.

**Comment 46:**

The final EIS must analyze avoidance, minimization and mitigation measures based on the assumption that bighorn sheep will continue to use the site on an ongoing basis for forage as their previous visitation suggests rather than simply dismiss their presence as an anomaly. For example, we would suggest consideration of concrete measures to

mitigate for loss of habitat, such as purchase of replacement lands, as well as ongoing monitoring on the site to ensure that any subsequent usage by the sheep is well-documented and any necessary modifications to operations are made.

Staff Response:

Please see previous responses comments 3 and 7.

**Comment 47:**

The third area of concern related to biological resources is the impacts to water resources, in particular jurisdictional water of the United States and the state of

California and biological values associated with those waters. The Army Corps of Engineers has published detailed comments on the impacts that the proposed project and alternatives identified in this DEIS would have on the Westside Main Canal and the Coyote Wash, water resources which are deemed jurisdictional waters of the United States. Given the scarcity of such water resources in the desert environment,

it is critical that the BLM fully consider the comments provided by the Army Corps. The DEIS includes the alternatives proposed by the Army Corps which supports a robust and full analysis of real alternatives. We expect to see greater certainty related to impacts to these waters of the U.S. in the final EIS.

Staff Response:

Please see previous responses to comment 8.

**Comment 48:**

Of significant concern overall regarding impacts to biological resources is the statement that, "With implementation of staff's proposed conditions of certification, staff is still uncertain if construction and operation of the proposed SES Solar Two Project would comply with all federal state and local LORS relating to biological resources." The DEIS indicates that this uncertainty is due to the lack of information regarding impacts to, and mitigation for, impacts to waters of the U.S.. We expect to see greater certainty related to impacts to overall biological resources in the final EIS.

Staff Response:

Please see staff's responses to comments 1, 5, and 8.

**Comment 49:**

In addition, we note that plant surveys have been deemed insufficient by staff and per staff recommendations in the DEIS are to be completed in the spring and fall of 2010.

Staff Response:

Please see staff's responses to comment 5.

*Comment Letter from U.S. Environmental Protection Agency, May 12, 2010*

**Comment 50:**

The project proposes discharges of dredged or fill material that would eliminate 167 acres of jurisdictional desert streams tributary to the New River and the Salton Sea. As proposed, these discharges may result in substantial and unacceptable impacts to "aquatic resources of national importance" (ARNI). The streams at this project site perform critical hydrologic, biogeochemical and habitat functions directly affecting the integrity and functional condition of the New River and Salton Sea, both listed as impaired waterbodies under the Clean Water Act (CWA) sect. 303(d). This letter identifies the permit action as a candidate for review by our respective headquarters

pursuant to our agencies' established procedures. Further, Section 404 of the Clean Water Act prohibits avoidable discharges of dredged or fill material to waters of the United States. Proposals for discharges must meet EPA's regulatory standards at 40 CFR 230.10, including a comprehensive evaluation of project alternatives that avoid and minimize impacts to the aquatic environment. The only permissible discharge is the "Least Environmentally Damaging Practicable Alternative" (LEDPA).

Staff Response:

Staff agrees; please see staff's responses to comment 8.

**Comment 51:**

The 881 acres of jurisdictional desert streams on the project site are a critical part of the Salton Sea Transboundary Watershed. The streams that would be directly impacted by this project provide services such as sediment transport and deposition, energy dissipation, and ground water recharge. These waters represent a critical stop on the Pacific Flyway for migrating birds, including several state and federal listed and threatened species.

Staff Response:

Staff agrees; please see staff's responses to comment 8, with respect to state waters. Please refer to section C.2.4 for a discussion of impacts to birds.

**Comment 52:**

The project site also provides a variety of habitat types for reptiles and mammals, including the flat-tailed horned lizard (*Phrynosoma mcallii*), proposed for listing under the Endangered Species Act, and Peninsula bighorn sheep (*Ovis canadensis nelsoni*), a listed endangered species. All of these important functions will be lost or degraded by the proposed installation of 30,000 SunCatcher dish Stirling systems and their associated equipment and infrastructure. These impacts may result in an irreversible loss of biodiversity and ecosystem stability.

Staff Response:

Staff agrees that implementation of the project would result in the loss or degradation of unique desert lands. Please see response to comments 3 and 7 for a discussion of PGHS, and comment 6 for discussion of FTHL mitigation. Compensatory mitigation for the project would occur through implementation of **BIO-10**, FTHL habitat compensation, **BIO-17**, state waters compensation, and **BIO-18**, Weed Management Plan.

*Comment Letter from Public Employees for Environmental Responsibility, April 20, 2010*

**Comment 53:**

The SA/DEIS stated "In summary, even with the implementation of staff's proposed conditions of certification, it is unknown if construction and operation of the SES Solar Two project would comply with all applicable laws, ordinances, regulations, and standards (LORS) relating to biological resources, and would be able to mitigate potential impacts to biological resources to less than CEQA significant levels. Similarly

for purposes of NEPA compliance, it is unknown if the proposed SES Solar Two project would result in adverse impacts to biological resources due to the lack of information regarding mitigation of Waters of the U.S. This is a deficiency in the document that needs to be fixed.

Staff Response:

Please see staff's response to comment 8.

**Comment 54:**

Specific guidelines for achievement of "restoration" of land post-closure are lacking. Restoration in the sense of returning the land to its pre-development condition is probably impossible, as reclamation of severely disturbed arid lands is very difficult. Also, the Definitions section (Page E-2) is incomplete. A closure plan that requires "restoration" of landforms and "revegetation" of complex arid lands ecosystems must define those terms carefully. Restoration in the sense of returning the land used by the facility to its pre~ development condition is probably not possible. The more appropriate term is "reclamation," which can and should be defined rigorously. Guidelines and standards for reclamation and revegetation must be fully specified in the SA/DEIS, including the nature and longevity of monitoring, with specific actions tied to monitoring findings. Reports on degree of successful reclamation fully explained, monitoring, and actions taken in response to monitoring results should be made public annually. Estimates of costs can and should be made now so that potential facility owners are aware that this is not a small cost item or time commitment.

Staff Response:

A Closure, Revegetation and Restoration Plan is required for Compliance for Facility Closure and will be required 12 months before closure of the facility. Please refer to Section E.8, Compliance-11 and staff's proposed Condition of Certification BIO-20.

**Comment 55:**

Where is the "Closure, Revegetation and Restoration Plan"? This document must be provided in the SA/DEIS for public review. Also, this document is not consistently labeled throughout the SA/DEIS. LORS pertinent to site closure are incomplete, or not easily identifiable by readers.

Staff Response:

Please refer to staff's response to comment 54. Inconsistencies with labeling of the Closure, Revegetation, and Restoration plan have been addressed.

**Comment 56:**

Page C.2-28 Impact analysis characterizes effects to plant communities as temporary or permanent, with a permanent impact referring to areas that are paved or otherwise precluded from restoration to a pre-project state. In this analysis, an impact is considered temporary only if there is evidence to indicate that pre-disturbance levels of biomass, cover, density, community structure, and soil characteristics could be achieved within five years." This statement means that disturbances from virtually all road-building, structure installation, including placement of SunCatchers, transmission



and pipe lines, retention and evaporation basins disturbance will be "permanent" and thus "precluded from restoration to a pre-project state."

Staff Response:

Staff has developed condition BIO-20, which requires restoration of the site to natural topography, hydrology, and wildlife habitat. Please refer to section C.2.12 for more information.

*CURE's Opening Testimony, May 12, 2010*

**Comment 57:**

The SA fails to adequately analyze the potential reasons(s) that PBHS were using that property and, as a result, the SA fails to adequately identify the significant impacts of the project on the local population of PBHS occupying the southeastern portion of the peninsular ranges, and therefore, fails to adequately mitigate for such impacts. The SA's analysis of impacts fails to address three specific impacts: (I) impacts to sheep movement corridors among areas occupied (or habitat that may be suitable, but otherwise unoccupied) by PBHS; (II) impacts to PBHS through the loss of valuable forage in low-lying areas; and (III) the significance of the permanent

loss of 6,063 acres of habitat used at least occasionally by PBHS. Further, a fourth area of concern is the lack of an adequate analysis of cumulative impacts and their overall potential to influence the recovery or persistence of PBHS. Cumulative impacts must be assessed before mitigation adequate to offset those impacts can be proposed.

Staff Response:

Please refer to staff's response to comments 3 and 7 for a revised discussion of PGHS.

*Comment Letter from California Native Plant Society, opening testimony, March 31, 2010*

**CNPS Comment 58:**

CNPS remarks that the DEIS contained an inadequate treatment of impacts to rare plants, and other special features within the site, such as cryptobiotic soils.

Staff Response:

This comment reiterates issues previously addressed in the following staff response to comments: CNPS Comment 13 (for rare plant surveys) and CNPS Comment 14 (for issues related to cryptobiotic crusts).

*CURE Partial Rebuttal Testimony, May 17, 2010*

**Comment 59:**

The applicant has testified that movement of flat-tailed horned lizards (FTHL) between

the Yuha Desert Management Area (south of I-8) and the Project site is "unlikely as there is only a single culvert that offers potential access, the extended distance through the culvert between these areas, and the lack of access to all the remaining culverts." The applicant's testimony lacks support and contravenes the scientific method.

Staff Response:

Please refer to staff's response to comments 6 and 20.

**Comment 60:**

I have reviewed the photographs of the culverts provided by the applicant. Based on those photographs, I have concluded that several of the culverts under I-8 may be accessible to FTHL. Regardless of whether FTHL use the culverts, the applicant's testimony ignores the fact that FTHLs will cross roads, and they currently may do so to access the Project site and move between MAs. As a result of these issues, it is the professional opinion of Mr. Scott Cashen that the Project continues to pose an unmitigated, significant impact to FTHL movement.

Staff Response:

Please refer to staff's responses to comments 6 and 23A.

**Comment 61:**

Adverse effects of noise on FTHL onsite (likely some FTHL will remain on the site despite the translocation effort), and in areas directly surrounding the Project site should be analyzed and mitigated. Also, the applicant's testimony ignores the noise generated by Project operation and maintenance activities. For example, in the Calico Solar Project proceeding, Energy Commission staff concluded noise from the SunCatchers would limit, and in some cases preclude, the use of habitat (for wildlife in general) adjacent to the project site. The same conclusion should be reached here. The applicant has proffered no evidence to suggest otherwise.

Staff Response:

Please refer to staff's responses to comments 6 and 20.

**Comment 62:**

The applicant's compensatory mitigation consists of a fee payment to the Bureau of Land Management, which does not guarantee Project impacts to FTHL habitat will be offset, due to issues with chasing power of compensation funds over time, and the lack of suitable land for sale. The agency approved management strategy requires the applicant to mitigate or compensate for indirect impacts, impacts the applicant's proposed mitigation generally ignores. Indirect impacts, such as those that would result from the Project, are known to have a significant adverse effect on FTHL. Because the applicant has made few attempts to mitigate the Project's indirect impacts, the proposed mitigation should not be considered consistent with the RMS.

Staff Response:

Please refer to staff's responses to comments 6 and 23A.

**Comment 63:**

Fall surveys are necessary to assess the presence of special-status plant species within the Project area.

Staff Response:

Please refer to staff's response to comment 5.

**Comment 64:**

The applicant has no scientific basis to conclude mitigation for FTHL will also benefit rare plant resources in the project vicinity. First, the SA/DEIS enables compensation lands to be "poor quality habitat." Second, lands targeted for acquisition are supposed to be within the nearest FTHL MA. This would be either the Yuha Desert or West Mesa MA. However, based on database records from the CNDDDB and Consortium of California Herbaria, the special-status plant species that occur on the Project site do not occur in either the Yuha Desert or West Mesa MA.

Staff Response:

Please refer to staff's response to comment 5 and 6. Staff disagrees that impacts to rare plants will not be mitigated; please refer to staff's proposed Condition of Certification **BIO-19** for more information on mitigation for rare plants.

**Comment 65:**

Biological surveys were incomplete, and performed by persons not qualified. The applicant only attempted protocol (or focused) surveys for rare plants and FTHL, and relied on **incidental observations** to document all other sensitive wildlife species. With respect to the burrowing owl, failure to implement the recommended survey guidelines is a violation of CEC Siting Guidelines.

Staff Response:

Please refer to staff's response to comments 1 and 34.

**Comment 66:**

The presence of golden eagle nests is largely undocumented, and loss of forage habitat is not mitigated. This should be corrected in the revised SA/EIS.

Staff Response:

Please refer to staff's response to comment 36.

**Comment 67:**

The applicant incorrectly identified the level of protection afforded to desert kit fox and American badger. Regarding impact avoidance and mitigation, the applicant has testified that Condition of Certification B10-15 reduces the potential for mortality to desert kit fox, and that passive removal will be sufficient to protect badgers. The entire Project site would be surrounded by a fence that would prevent ingress and egress of most wildlife. The key segments of the perimeter fence are likely to be installed during early phases of construction to establish site control and security. In testifying that badgers are not likely to remain on the site during construction due to increased human activity, the applicant suggests badgers (and presumably kit fox) will be present onsite when construction begins, at which time they will be forced to flee. However, it appears once construction begins, the perimeter fence will be in place and badgers and kit fox will be trapped within the construction zone. Neither the applicant nor the SA/DEIS has analyzed or mitigated these potentially significant impacts to desert kit fox, badger, and public safety, as animals forced to leave the site may cross I-80.

**Staff Response:**

Please see response to comment 6. Staff agrees that remaining vegetation onsite may be rendered unsuitable, and therefore has required mitigation for the entire project site, including undisturbed areas. Also refer to staff's proposed condition **BIO-15**, which requires pre-construction surveys for American badger and kit fox and passive relocation.

**Comment 68:**

The applicant and SA/DEIS have not provided full disclosure of relevant environmental information, including the impacts of the Project on sensitive natural communities, several of which occur onsite, as documented by CURE. Without this information, neither the Commission nor the public has any understanding of the impacts of the Project on sensitive natural communities. These impacts are potentially significant and unmitigated.

**Staff Response:**

Please refer to staff's response to comment 1.

**Comment 69:**

The project would cause the loss of cryptogammic soils, which begins a process of further degradation of the landscape, as soils and nutrients begin blowing across the project site.

**Staff Response:**

Please refer to staff's response to comment 15.

**Comment 70:**

Placing SunCatchers in the washes would undoubtedly have numerous adverse consequences to wildlife. First, they are likely to eliminate any residual value of the washes in serving as a travel corridor (which in turn promotes connectivity) as a result of either their appearance, or the loud noise they generate (reported to be 84 dBA Leq at approximately 50 feet). Second, they would serve as a mortality hazard, particularly to birds that strike the reflective surface of the units while exploiting the resources provided by the wash (regular maintenance of the units may exacerbate this issue). Finally, the regular maintenance (e.g., washing) associated with the SunCatchers would result in sustained disturbance of vegetation, soils, and special habitat elements provided by the washes.

**Staff response:**

Staff agrees, and advocates Drainage Avoidance #1 Alternative, as this alternative would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries.

**Comment 71:**

The reduction of inflows will have reasonably foreseeable significant impacts on the Salton Sea. These not only include impacts to fish and wildlife resources, but also the dust problems expected to occur when lakebed sediments are exposed.

**Staff Response:**

Please see response to comment 8.

**Comment 72:**

The landscape level disturbance caused by the Project will result in synergistic interactions that will have a dramatic and negative effect on the ecology of the region.

**Staff Response:**

Staff agrees. Please refer to section C.2.10 for a discussion of cumulative impacts of the Imperial Valley project, along with other projects identified for cumulative impact assessment.

*Comment Letter from the U.S. EPA, May 27, 2010*

**Comment 73:**

The EPA is concerned with projects' impacts to waters of the state. Discharges would impact 165 acres of jurisdictional waters, with significant downstream effects to the Salton Sea. An Additional 5,000 SunCatchers are proposed in locations subject to flash flooding. The EPA has rated these issues as "Environmental Objections." This loss of habitat will impact wildlife, destabilize the ecosystem and harm biodiversity, and degrade water quality. THE EPA suggests the applicant commit to using natural washes

for flood control, to the maximum extent possible, minimize road crossings of washes, and locate facilities outside of jurisdictional waters.

Staff Response:

Staff agrees. Please see response to comment 8.

**Comment 74:**

The project must achieve compliance with the following guidelines: Section 230.10(a), which prohibits fill when there is a less damaging environmental alternative, 230.10(d), which prohibits discharge unless all appropriate measures have been taken to minimize effects to the ecosystem. EPA has determined that the waters at the project site are “aquatic resources of national importance”, or ARNI. More information is necessary to determine the Least Environmentally Damaging Alternative”. EPA further states that it is too early to study mitigation plans, as insufficient information is available on the alternatives, and the establishment of the LEDP.

Staff Response:

Please refer to staff’s response to comment 8, 16, and 27.

**Comment 75:**

The SA/DEIS provides no assessment of cumulative effects to waters, and therefore is not in compliance with either the EPA or the US Army Corps of Engineers.

Staff Response:

Please refer to section C.2.10 for a discussion of cumulative impacts.

**Comment 76:**

EPA notes that impacts to the Salton Sea, and entire watershed, have not been assessed.

Staff Response:

Please refer to staff’s response to comment 16 and 27.

**Comment 77:**

EPA notes the DEIS not include information of the effects of fencing on drainages, which would need to withstand flash flooding.

Staff Response:

Please refer to section **C.7 Hydrology, Water Use, and Water Quality (Soil and Water Resources)** section for more information on hydrology. Staff has added an assessment of fencing impacts upon drainages, see section C.2.4.2.

**Comment 78:**

The DEIS must contain an assessment of the biological impacts as a result of the 12 mile line to the Seeley Wastewater Treatment Plant.

**Staff Response:**

Please see response to comment 27.

**Comment 79:**

The FEIS/SSA must minimize impacts to federally threatened or endangered species, BLM species of concern, and state species of concern, particularly bighorn, FTHL, American badger, western burrowing owl, and including many others. Any mitigation measures suggested by the USFWS should be included in the document, and a full accounting of alternatives, their impacts to species, and the extent to which those impacts could be mitigated, should also be included.

**Staff Response:**

Please refer to section for alternatives analysis, and to section C.2.12 for a discussion of mitigation and minimization methods.

**Comment 80:**

Complete information on mitigation proposals must be presented, and should analyze the biological tradeoffs of off-site acquisitions versus a smaller project footprint. These proposals must also include a clear description of the benefits to the species.

**Staff Response:**

Please refer to section C.2.12 for a discussion of mitigation and minimization methods.

**Comment 81:**

Grading between rows of SunCatchers will fragment and degrade remaining forage and cover habitat for a variety of wildlife, trap and entomb animals, and the desert takes a very long time to recover. EPA feels that vegetation removal impacts have not been fully discussed. Recommendations for the SSA include: require botanical surveys and avoidance of rare plants during construction and operation. Further discuss and quantify direct and indirect effects of vegetation removal and placement of facilities for each alternative, discuss impacts with pile driving SunCatcher pedestals, and include appropriate mitigation. Discuss impacts of connecting SunCatchers by electrical and gas transmission lines, and include mitigation measures to achieve maximum avoidance of sensitive species. Discuss alternatives to any proposed vegetation mowing.

Staff Response:

Please see section C.2.4.2 for a discussion of impacts, and to refer to section C.2.12 for a discussion of mitigation and minimization methods. The applicant has provided no alternative for management of vegetation, other than mowing.

**Comment 82:**

A thorough analysis of the cumulative effects of the Project to habitat, endangered species, and aquatic species is necessary. This analysis should also include an estimate of the amount of growth, likely location, and the biological resources at risk from that growth.

Staff Response:

Cumulative effects analysis of the project is available in section C.2.10.

Comment Letter from Denis Trafecanty, May 28, 2010

**Comment 83:**

Mr. Trafecanty includes details of a May 24, 2010 sighting of five bighorn sheep ewes on the project site.

Staff Response:

This sighting of bighorn sheep ewes was actually off the project site, west of Ocotillo.

*Comment Letter from the Center for Biological Diversity, May 26, 2010*

**Comment 84:**

The proposed plan amendment and right-of-way application should be denied because the proposed project will result in significant impacts to a breeding population of flat-tailed horned lizards, which are proposed to be listed under the Endangered Species Act ("ESA"). In addition to direct impacts to the flat-tailed horned lizard, the proposed project is in an area that links the northern and southern populations and management areas for this imperiled species – areas which were set aside for the conservation and recovery of the species. Nor there any discussion of the impacts of increased and more concentrated off-road recreation at the translocation sites for the flat-tailed horned lizard from those displaced from the project site, or, more to the point, the need to reduce recreation in areas any translocation areas after flat-tailed horned lizard are removed from the project site under a translocation plan. The DEIS for the proposed plan amendment should at minimum have included an alternative that would limit impacts to the lizards from off-road vehicle use in the translocation areas. No data are provided that relocation of flat-tailed horned lizard has ever proven to be a successful minimization or mitigation measure.



Staff Response:

Staff agrees, and translocation efforts have been removed from the project description. Refer to section C.2.2 for a discussion of FTHL threats, and also to response to comment 6.

**Comment 85:**

Although the DEIS acknowledges that this site includes documented foraging area for the federally and state endangered Peninsular bighorn sheep (DEIS at C.2-39), the DEIS improperly ignored potential impacts to the bighorn from the loss of this foraging area. Additionally, the DEIS does not describe whether any surveys were conducted for bighorn or sign, the methodology and results of such surveys if any, and if no surveys were conducted the reason for that omission. The DEIS simply fails to assess the impacts of the proposed project on the federally and state endangered peninsular bighorn sheep population. Without basic information about the use of the proposed project site and adjacent areas by bighorn it is impossible to assess the extent of the impacts to the bighorn population in this area from the proposed project.

Staff Response:

Please refer to response to comment 3.

**Comment 86:**

As detailed below in the NEPA sections, here BLM has failed to compile an adequate inventory of the resources of the public lands that could be affected by the proposed project *before* preparing the DEIS (including, e.g., rare plant surveys including late-summer/early-fall flowering plants, Peninsular bighorn sheep movement and use, and other biological resources) which is necessary in order to adequately assess the impacts to resources of these public lands in light of the proposed plan amendment and BLM has also failed to adequately analyze impacts on known resources.

Staff Response:

Please refer to response to comment 1, and to section C.2.4.1 for available baseline data.

**Comment 87:**

As the DEIS admits, building the proposed project at the proposed location “would permanently eliminate approximately 5,024.4 acres of Sonoran creosote bush scrub and approximately 1,038.7 acres of disturbed/developed Sonoran creosote bush scrub.” DEIS p. C.2- 29. In addition, “[g]rading would directly affect wildlife and other special status species by removal of shrubs and herbaceous vegetation, resulting in loss and fragmentation of cover, breeding, and foraging habitat.” DEIS p. C.2-29. The habitat fragmentation, loss of connectivity for terrestrial wildlife, and introduction of predators and invasive weed species associated with the proposed project in the proposed

location are contrary to an effective climate change adaptation strategy that the agencies also claim to support.

Staff Response:

Please refer to response to comment 12.

**Comment 88:**

As discussed below, because of the deficiencies of the baseline data for the proposed project area, the DEIS fails to adequately describe the environmental baseline. Many of the rare and common but essential species and habitats have incomplete and/or vague on-site descriptions that make determining the proposed project's impacts difficult at best. Some of the rare species/habitats baseline conditions are totally absent, therefore no impact assessment is provided either. A supplemental document is required to fully identify the baseline conditions of the site, and that baseline needs to be used to evaluate the impacts of the proposed project.

Staff Response:

Please refer to staff's response to comment 1.

**Comment 89:**

Thousands of acres of land currently are proposed for development, within the range of the FTHL, which will further fragment and degrade habitat. Other cumulative impacts include off-road vehicle use by border patrol agents (and others) near the California/Mexico. Border Patrol 'tire drags' of dirt roads in lizard habitat are also a problem and continue to kill or injure lizards. The spread of non-native mustards and other invasive plants may also threaten flat-tailed horned lizard habitat viability. Even if exotic plant species do not directly change the habitat character or decrease food sources, many of these invasive weed plants can support and spread fire that could kill or injure lizards in an area where fire would naturally be an extremely rare occurrence (Brooks et al. 2004). The proposed project with its large hydrogen reserves and piping system would also greatly increase the likelihood of fire and the impacts to the lizard and other wildland resources should have been considered in the DEIS but were not. These threats are significant.

Staff Response:

Please refer to staff's response to comments 6, 20, and 23A. The potential effects of fire are addressed in section C.2.4.2.

**Comment 90:**

The proposal to relocate flat-tailed horned lizards is not part of a comprehensive proposal but appears to be largely an experiment absent any scientific "controls" that may itself have significant impacts to this imperiled species. The DEIS fails to provide a draft of the relocation plan for public review thus undermining NEPA review. Relocation

sites are not identified, nor are the impacts to resident flat-tailed horned lizards at the relocation sites analyzed. Furthermore, mechanisms need to be included to assure that any and all mitigation acquisitions will be conserved in perpetuity for the conservation of the flat-tailed horned lizard.

Staff Response:

Please refer to staff's response to comment 6.

**Comment 91:**

The Imperial Valley, which is directly adjacent to the site, is noted as an Important Bird Area 13. Birds migrate to the Imperial Valley from San Diego County – a route that goes over the project site. The DEIS fails to evaluate the impact to this migratory pathway from the proposed project.

Staff Response:

Please refer to section C.2.4.2 for a revised discussion of impacts to birds, which now includes the Imperial IBA. Additionally, staff has added condition **BIO-21**, Monitoring Bird Impacts from Solar Technology, to monitor the effects of facility features such as reflective mirror-like surfaces and from heat, and bright light from concentrating sunlight.

**Comment 92:**

The DEIS fails to address the fatalities that have been documented to occur from birds flying into mirrors. Adjacent to the proposed project site are agricultural fields, which also attract birds. The DEIS does not quantify the number of birds (rare, migratory or otherwise) that use/traverse the project site (for example a mean daily count), nor does it evaluate the impact to birds. Migratory birds were noted to occur on the proposed site (DEIS at pg. C.2-37). Clearly the site is within a migratory pathway and the migratory elevation is a key issue that needs further analysis. Mirrors within migratory elevations will create impacts to migratory birds.

Staff Response:

Please refer to section C.2.4.2 for a discussion of impacts to birds, and also to response to comment 91.

**Comment 93:**

Additionally, two 2,500,000-gallon evaporation ponds are proposed to be constructed onsite. While the ponds are proposed to be fenced and netted, they still have the potential to attract birds onto the site – an oasis in the desert - and into the mirrors. DEIS at C.2-29. The DEIS is unclear about the amount of time water may be retained in these basins and no discussion of this infrastructure is identified in the biological section of the DEIS, nor are impacts analyzed or minimization measures identified. Examples of minimization could include requiring covered or contained infrastructure, which would not only eliminate bird (and other wildlife) attraction, but would reduce evaporation and

therefore water use in this arid environment. Alternatively, the pools could be required to be emptied in a less than 24 hour period so they would not be an attractant to birds (including ravens).

Staff Response:

Impacts associated with evaporation ponds are assessed in section C.2.4.2. Staff concurs with the applicant's proposal to install exclusionary fencing around the evaporation ponds and netting over the ponds to exclude wildlife and has incorporated them into staff's proposed Condition of Certification **BIO-13** (Evaporation Pond Fencing, Netting, and Monitoring). In addition to the installation of the fencing and netting, the evaporation ponds would be monitored should any corrective action be needed. Implementation of measures which exclude wildlife from evaporation ponds is preferable to allowing wildlife access to the hyper-saline conditions in the pond water, which has been known to cause death in water fowl. Implementation of **BIO-13** would reduce evaporation pond impacts to birds to less than significant levels under CEQA.

Comment 94:

The DEIS fails to evaluate the potential impact of the proposed project on the regional distribution of owls. While "passive relocation" does minimize immediate direct take of burrowing owls, ultimately the burrowing owls' available habitat is reduced, and "relocated" birds are forced to compete for resources with other resident burrowing owls and may move into less suitable habitat, ultimately resulting in "take".

Staff Response:

Staff has developed Condition of Certification **BIO-16**, burrowing owl impact avoidance and mitigation measures, which would require the applicant to conduct pre-construction surveys for this species, and report the findings to the CDFG, USFWS, BLM Biologist, and the CPM. Staff agrees that moving owls creates cumulative effects to the larger (regional) population, addressed in section C.2.10. However, staff disagrees that the low number of owls onsite are likely to experience competition from other owls, due to the low density on the project site, and because there are no immediately adjacent farmlands, which augment habitat (and therefore densities); and therefore, low densities of owls are also expected in the immediate vicinity of the project. Additionally, habitat acquisition as accomplished through implementation of **BIO-10** will secure suitable habitat for burrowing owl.

Comment 95:

Badgers and desert kit foxes were identified in the project area during surveys. DEIS C.2-38-39. Literature on the highly territorial badger indicates that badger home territories range from 340 to 1,230 hectares. Therefore, the proposed project could displace *at least* one badger territory. While surveys prior to construction are clearly essential, even passive relocation of badgers into suitable habitat may result "take". Excluding badger from the site is likely to cause badgers to move into existing badger's territory. The same scenario of passive relocation for kit fox may also result in take. Studies need to be provided on both on- and off-site badger and kit fox territories if animals are to be passively relocated in order to increase chances of persistence.

At a minimum, the revised or supplemental DEIS should identify suitable habitat nearby if the project is relying on passive relocation as a mitigation strategy.

Staff Response:

Staff agrees that further surveys for these species are necessary, and will be conducted through implementation of **BIO-15**, which requires pre-construction surveys

**Comment 96:**

The FEIS does not describe the on-site cryptobiotic soil crusts. The proposed project will disturb an unidentified portion of these soil crusts and cause them to lose their capacity to stabilize soils and trap soil moisture. The DEIS fails to provide a map of the soil crusts over the project site, and to present any avoidance or minimization measures. It is unclear how many acres of cryptobiotic soils will be affected by the project. The DEIS must identify the extent of the cryptobiotic soils on site and analyze the potential impacts to these diminutive, but essential desert ecosystem components as a result of this project.

Staff Response:

Please refer to response to comment 15.

**Comment 97:**

The Decommissioning and Reclamation Plan is not available for public review, and analysis is the DEIS states "The applicant's data response (2008f) does not provide sufficient information to guide the decommissioning of the project disturbance area, nor does it provide adequate information regarding the funding needed for those activities".

Staff Response:

Please refer to staff's response to comment 54.

**Comment 98:**

The DEIS mentions the impacts of fire via the proliferation of nonnative weeds (DEIS at C.2-32). It fails to analyze the impacts of fire on adjacent natural desert habitat. The DEIS fails to adequately analyze the impact that an escaped on-site-started fire could have on the natural lands adjacent to the project site if it escaped from the site.

Staff Response:

Please refer to Section C.2.4.2 for potential impacts stemming from fire.

**Comment 99:**

Because the DEIS fails to provide adequate identification and analysis of impacts, inevitably, it also fails to identify adequate mitigation measures for the project's environmental impacts. Also, while the Center urges the BLM ensure that any impacts

to Waters of the U.S. will be avoided, to the extent that the DEIS considers alternatives that include impacts to the Waters of the U.S. those impacts must be separately mitigated and the mitigation cannot be “nested” with any other mitigation requirement.

**Staff Response:**

Staff disagrees that nesting of mitigation is inappropriate. For example, as FTHL mitigation (**BIO-10**), it would be more appropriate to select acquisition lands that provide both drainages as well as upland habitat. Additionally, the impacts of the proposed diversion of effluent from the Seeley Waste Water Treatment Facility (SWWTF) are currently being studied for a separate EIR. Please refer to Section C.2.4.2 for a discussion on the water diversion.

**Comment 100:**

The DEIS fails to include key plans for public review. Plans relied upon for adequate mitigation but which are unavailable include: Noxious Weed Management Plan (DEIS at C.2-32), Biological Resources Mitigation Implementation and Monitoring Plan (DEIS at C.2-78), Raven Management and Monitoring Plan (DEIS at C.2-44), Contingency Plan (for temporary closure) (DEIS at C.2-50), Decommissioning and Reclamation Plan (for permanent closure) (DEIS at C.2-50), Burrowing Owl Mitigation and Monitoring Plan (DEIS at C.2-78), Frac-out Contingency Plan (DEIS at C.2-2) for the horizontal drilling of the reclaimed water-line (which may no longer be part of the project) o Drainage, Erosion, and Sedimentation Control Plan (DEIS at C.7-1)

**Staff Response:**

Please refer to staff's response to comment 1.

**Comment 101:**

The DEIS is confusing about the actual impact. At C.2-2 the DEIS states that the Project's impact “would amount to a loss of approximately 165 acres of permanent impacts, 5 acres of temporary impacts, and 13 acres of indirect impacts to Waters of the U.S. and approximately 86 acres of permanent impacts to jurisdictional state waters.” However at C.2- 56 the SA/DEIS states “Construction of the SES Solar Two would result in permanent impacts to 840 acres of jurisdictional state waters.” Clearly not enough information has been provided to identify impacts, much less appropriate mitigations. On this basis as well the DEIS fails as an informational document.

**Staff Response:**

Please refer to section C.2.4.2 for a discussion of project impacts to jurisdictional waters, and also to response to comment 27.

**Comment 102:**

While the DEIS looks at the nearby projects to some extent it ignores other scales of analysis such as across the flat-tailed horned lizard range. For example, the DEIS fails to look at cumulative impacts to the biological resources in the CDCA as a whole from multiple proposed industrial scale projects particularly how sprawling industrial sites could fragment habitats and change the quality of the CDCA overall. In addition, the DEIS should have considered the cumulative impacts to the flat-tailed horned lizard both within Imperial County and the species as a whole including the Coachella Valley and Arizona which are both areas where its habitat has become extremely constricted.

**Staff Response:**

Please refer to section C.2.10 for a discussion of cumulative impacts. For further discussion of cumulative impacts to FHTL, refer to response to comment 6.

**Comment 103:**

Because the identification of plant communities and species on site is unfinished and incomplete, the cumulative impacts are also therefore inadequate. Similarly, because impacts to the bighorn were ignored, cumulative impacts to this endangered species were also ignored. The DEIS also fails to consider all reasonably foreseeable impacts in the context of the cumulative impacts analysis. See *Native Ecosystems Council v. Dombek, et al*, 304 F.3d 886 (9<sup>th</sup> Cir. 2002) (finding future timber sales and related forest road restriction amendments were “reasonably foreseeable cumulative impacts”). The DEIS also fails to provide the needed analysis of how the impacts might combine or synergistically interact to affect the environment in this valley or region.

**Staff Response:**

Please refer to responses to comments 1 for a discussion of baseline survey data for the project. Additional information of biological resources onsite are available in section C.2.4.

Comment Letter from Cody Hanford, May 13, 2010

**Comment 104:**

Mr. Hanford comments that the area proposed for development is unique and valuable for its pristine lands and high functioning ecosystem, and as a public resource, is inappropriate for development. Previously disturbed tracts of land in Imperial County and elsewhere are better suited to development of this size.

**Staff Response:**

Thank you for your comment.

Comment Letter from Brendan Hughes, May 17, 2010

**Comment 105:**

First, impacts to biological resources would be severe. This area is important habitat for the flat-tail horned lizard (FTHL), a BLM sensitive species. The FTHL will probably be listed as a threatened species soon, and this project would certainly push the FTHL over the brink into that status. BLM should not allow further destruction of this animal's habitat. Other sensitive species have been observed on this site as well, including burrowing owls, kit foxes, and endangered peninsular bighorn sheep. The dismissal of the presence of peninsular bighorn sheep as "a transient occurrence" does not excuse the fact that the construction of this project could take away migratory and foraging habitat for bighorn sheep in the future. Additionally, the executive summary indicates that BLM declared special-status plant surveys to be inadequate. This is unacceptable for inclusion into a Draft Environmental Impact Statement.

**Staff Response:**

Please refer to revised conditions for FTHL and PBHS (section C.2.12), and to revised impacts assessment (section C.2.4.2).

*Comment Letter from the Quechan Indian Tribe, May 17, 2010*

**Comment 106:**

Cumulative effects to the FTHL are inadequately described in the DEIS. Additionally, translocation results in high mortality to this species. If attempted, surveys should occur between April 1 and September 30, with no construction until completion of surveys.

**Staff Response:**

Please refer to responses to comment 6.

**Comment 107**

The project should be rejected due to significant impacts to FTHL, in keeping with provisions of the CDCA.

**Staff Response:**

Thank you for your comment.

*Comment Letter from Basin and Range Watch May 27, 2010*

**Comment 108:**

Notes first-hand evidence of flood events that appeared to be stronger than those described by the applicant, and further, asks for information on how site fencing will affect drainages, and notes that it would likely block debris, and affect downstream habitat.



Staff Response:

Please refer to response to comment 77.

**Comment 109:**

Biological soil crusts must be analyzed and described in the DEIS.

Staff Response:

Please refer to response to comment 15.

**Comment 110:**

Basin and Range watch notes that the project is poorly placed, in a connectivity corridor for FHTL, and that I-8 is not a barrier to movement, as noted in the DEIS, and is too small an area to facilitate connectivity to the species, should the project be built as proposed. Recent ecological concepts such as “matrix ecology” should be kept in mind when managing FTHL populations where the permeability of less desirable habitat around core populations in optimum habitats must be maintained so that movement can occur between good habitat patches. Further, relocation as a mitigation measure has had a poor record of success for sensitive lizard species.

Staff Response:

Staff has revised the FTHL discussion. Please refer to section C.2.4.2; staff has removed translocation from the plan. Staff agrees that the project would have significant impacts to this species and connectivity between FTHL Management Areas.

**Comment 111:**

Habitat onsite is mischaracterized for PBHS, and needs to be maintained, as it is valuable forage for the species.

Staff Response:

Please refer to response to comment 3.

*Comment Letter from Carmen Lucas, Kwaaymii, Laguna Band of Indians, May 16, 2010*

**Comment 112:**

Comments that this landscape be preserved and protected from impacts, especially the fragile desert floor, and the creatures that survive in it.

Staff Response:

Thank you for your comment.

*Comment Letter from County Planning and Development Services, May 27, 2010*

**Comment 113**

What is the amount of area, overall, that the project would cover that would directly impact the surface water absorption? Assuming absorption is reduced what is the impact to the existing washes and drains?

**Staff Response:**

Please refer to section C.2.4.2 for a discussion of impacts to the watershed, and also to section C.7 Hydrology, Water Use, and Water Quality (Soil and Water Resources) for further information.

*Comment Letter from Anita Nicklen, May 26, 2010*

**Comment 114**

Comments that the desert is very fragile, and that the solar SunCatchers will damage and kill native vegetation.

**Staff Response:**

Staff agrees.

*Comment Letter from Greg Smestad, May 21, 2010*

**Comment 115:**

There is a strong possibility that the project will disturb the thin layer of compacted soil & rock that prevents the dust underneath from blowing in the strong winds at the site of the proposed solar project.

**Staff Response:**

Staff agrees. Please refer to response to comment 7, and also to sections C.2.4.2 for a discussion of impacts to the watershed, and also to section C.7 Hydrology, Water Use, and Water Quality (Soil and Water Resources) for further information.

**Comment 116:**

A full disclosure of the merits of the project, versus alternatives, and a full description of mitigation for each alternative is necessary.

**Staff Response:**

Please refer to section C.2.4.2 for a discussion of project impacts; alternatives are presented in sections C.2.6, 300 MW Alternative, C.2.7, Drainage Avoidance #1 Alternative, C.2.8, Drainage Avoidance #2 Alternative, and C.2.9, No action alternatives (of which there are 3). Mitigation is discussed in each respective section for alternatives, and also in section C.2.12.

*Comment Letter from Caltrans, May 27, 2010*

**Comment 117:**

Any work performed within Caltrans R/W must provide an approved final environmental document including the California Environmental Quality Act (CEQA) determination addressing any environmental impacts within the Caltrans' R/W, and any corresponding technical studies. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Identification of avoidance and/or mitigation measures will be a condition of the encroachment permit approval as well as procurement of any necessary regulatory and resource agency permits.

**Staff Response:**

At this time, no IVS work is planned within the Caltrans ROW.

**Comment 118:**

Comments that significant construction in the area has already destroyed too much of the fragile desert, and therefore, Ms. Bauer is opposed to the project.

**Staff Response:**

Thank you for your comment.

**Comment 119:**

As we listened to the info at the Evidentiary Hearing, with a potential for 2000 to 5000 FTHL on site, if they do construction immediately and increase travel speeds from 15 to 25 mph on the hundreds of miles of unpaved roads, the only real questions are how, when and where the FTHL will be killed. Translocation to already occupied habitat in winter sounds like a grand scheme for failure; and inappropriate for a species being considered for federal listing now.

**Staff Response:**

Please refer to **BIO-10** for revised conditions of certification for the FTHL.

*Comment Letter from Glen Kirby, April 24, 2010*

**Comment 120:**

Covering 6500 acres of land to generate power for homes and businesses many miles away is not environmentally prudent and also requires considerable infrastructure to transmit the power to these areas.

**Staff Response:**

Please refer to the Power Plant Efficiency **Section D.3.**

*Comment Letter from California Department of Parks and Recreation, May 28, 2010*

**Comment 121:**

Commenter states that the majority of the projects' impacts could be avoided by siting the project on previously disturbed land, and furthers mentions the considerable mitigation required for species such as burrowing owl, FTHL, PBHS, among others.

**Staff Response:**

Staff agrees. Please refer to responses to comments 3, 5, 6, and 24 for a discussion of mitigation, and also to section C.2.12 for proposed conditions of certification.

**Comment 122:**

California Parks and Recreation comments that impacts to washes and other jurisdictional features would be impacted and therefore require mitigation.

**Staff Response:**

Please refer to section C.2.4.2 for a discussion of project impacts, and also to response to comment 27. Mitigation for waters would be accomplished through implementation of **BIO-17**, which requires compensation for lost lands, and also through implementation of **BIO-20**, Decommissioning and Reclamation plan, which would restore the project to native conditions.

*Comments received via email from the Imperial Irrigation District, June 16, 2010*

**Comment 123:**

Regarding the need for electric service for the Main Services Complex mentioned on page B.1-12 [of the SA/DEIS]: Electric capacity in this area is limited and some revisions (to be performed by the IID) to the distribution circuit serving this area will be required. These revisions will be at the developer's expense. Line extensions to serve this facility will be made in accordance with current IID regulations. Due to unforeseen development, other projects could impact existing resources which could affect our ability to serve this load if not completed in a timely manner.

**Staff Response:**

Staff understands that the applicant is currently working with the IID to determine if the electrical service connection presented in the AFC will cause any problems with the distribution line. Staff further understands that the applicant may need to reroute the electrical service connection within the proposed project site and then exit the project site east of Plaster City and hang conductor on the existing 92 kV transmission line poles on the north side of Evan Hewes Highway. Staff has not identified any significant biological impacts associated with the hanging of approximately 500 feet of additional conductor on the existing 92 kV transmission line adjacent to Evan Hewes Highway. However, Wiggins' croton (*Croton wigginsii*), a BLM Sensitive and state listed Rare plant species occurs along Evan Hewes Highway near Dunaway Road within the proposed reclaimed water line right-of-way east of the proposed transmission upgrade. This state listed Rare species may be found in the vicinity of the proposed transmission

upgrade, so staff requires that directed surveys for Wiggins' croton must be conducted prior to the initiation of the upgrade, and that these plants must be avoided during the hanging of the additional 500 feet of conductor on the existing 92 kV transmission line.

## **C.2.13 PROPOSED CONDITIONS OF CERTIFICATION/MITIGATION MEASURES**

The accelerated timing requirements described in these proposed conditions of certification reflect the need for the Imperial Valley Solar Project to commence construction before the end of 2010 in order to receive American Recovery and Reinvestment Act of 2009 (ARRA) funding.

The proposed conditions of certification below are generally the same as those in the SA/DEIS published in February 2010. However, revisions have been made in some of the conditions to reflect suggested changes, clarifications and additional information from the Applicant and other parties and from discussions at staff workshop held on March 22, 2010. Updated guidance from the USFWS about FTHLs provided the basis for replacing condition, **BIO-9**. In addition, opportunities for mitigation from recently signed legislation (SB8X 34) and the Renewable Energy Action Team Memorandum of Agreement prompted changes in **BIO-10** and other conditions. **Biological Resources Table 6** summarizes the changes to proposed conditions of certification from the SA/DEIS.

**BIOLOGICAL RESOURCES TABLE 6**  
**Summary of Changes to Conditions of Certification**

<b>Condition of Certification</b>	<b>Changes from SA/DEIS</b>	<b>Applicant Reports</b>
<b>BIO-1</b> Designated Biologist Selection	Replaced "BLM's Authorized Officer" with BLM Biologist*	Resumes, references of proposed designated biologist
<b>BIO-2</b> Designated Biologist Duties	No changes	Monthly compliance report for the duration of the project, including closure and restoration
<b>BIO-3</b> Biological Monitor Qualifications	No changes	Resumes, references of proposed biological monitors
<b>BIO-4</b> Biological Monitor Duties	No changes	Monthly compliance report ( <b>BIO-1</b> ) and; Annual compliance report
<b>BIO-5</b> Designated Biologist and Biological Monitor Authority	No changes	
<b>BIO-6</b> Worker Environmental Awareness Program	Updated to require a draft WEAP 30 days prior construction, whereas the SA/DEIS required a	Worker Environmental Awareness Program (WEAP)

Condition of Certification	Changes from SA/DEIS	Applicant Reports
	WEAP 60 days prior to onset of construction.	
<b>BIO-7</b> Biological Resources Mitigation Implementation & Monitoring Plan	Modified with an additional requirement for to submit any sightings of any special-status species to the California Natural Diversity Database (CNDDDB) per CDFG requirements. The timeline for the draft BRMIMP was revised from 60- to 30-days prior to site disturbance, with the final BRMIMP now due 7 days prior to site disturbance. This condition now requires pre- and post-construction aerial photographic documentation, and a final accounting of vegetation impacts.	Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP), and Frac-Out Contingency Plan
<b>BIO-8</b> Impact Avoidance and Minimization Measures	Additional parameters placed on use of construction lighting, to minimize impacts; requirements for reporting of roadkills of wildlife, with special instructions for special-status species; erosion control methods. Invasive weed control methods were removed due to redundancy with <b>BIO-18</b>	
<b>BIO-9</b> Flat-Tailed Horned Construction Monitoring Program and Occupancy Study	Replaced requirements for translocation of FHTL with a Before-After Control-Impact (BACI) Occupancy Estimation Study, and added requirement to implement all FHTL conservation measures as directed by the Conference Opinion	<ul style="list-style-type: none"> <li>• FTHL Post-clearance report</li> <li>• Before-After Control-Impact (BACI) Occupancy Estimation Study (FTHL)</li> </ul>
<b>BIO-10</b> Special Status Species Habitat Compensation Mitigation	Now reflects updated project impact calculations and subsequent compensatory fees, to total \$10,434,538.75 based on the acquisition of 6,619.9 acres. Further parameters regarding the suitability of habitat compensation for FHTL, funding, and enhancement details are added.	<ul style="list-style-type: none"> <li>• Proof of FTHL habitat compensation payment;</li> <li>• Verification of amount of Sonoran creosote scrub impacts</li> </ul>

<b>Condition of Certification</b>	<b>Changes from SA/DEIS</b>	<b>Applicant Reports</b>
<b>BIO-11</b> Flat-Tailed Horned Lizard Compliance Verification	Adds a requirement that any sightings of FTHL be recorded, and sightings, deaths, or relocation of FTHL must be included in the monthly compliance report.	Notification of a sighting, kill, or relocation of a listed species (as needed)
<b>BIO-12</b> Raven Monitoring, Management, and Control Plan	This COC now narrows the deadline for the Raven monitoring, management, and control plan submittal from 60 to 30 days prior to ground disturbance, and additionally requires a year-end summary report.	<ul style="list-style-type: none"> <li>• Raven monitoring, management, and control plan</li> <li>• Post-construction Raven monitoring, management, and control information</li> <li>• Year-end raven control summary report</li> </ul>
<b>BIO-13</b> Evaporation Pond Fencing, Netting, and Monitoring	No changes	Evaporation pond post-construction report
<b>BIO-14</b> Pre-Construction Nest Surveys	Added a reference to guide nest searching techniques; clarified that the precise location of the nest need not be determined by searchers; and to clarify that surveys must not be concurrent with FTHL surveys.	nesting bird survey results (pre-construction)
<b>BIO-15</b> American Badger and Desert Kit Fox Impact Avoidance and Minimization Measures	No changes	American badger and desert kit fox survey and mitigation implementation report
<b>BIO-16</b> Burrowing Owl Impact Avoidance and Minimization Measures	Considerably revised: surveys shall be focused exclusively on detecting burrowing owls, and limited in time. The survey area shall include the Project Disturbance Area and surrounding 500 foot survey buffer; adds requirement for buffer fencing around burrows; adds substantial requirements and parameters for selection of relocation areas.	<ul style="list-style-type: none"> <li>• Pre-construction burrowing owl survey report</li> <li>• Post-construction burrowing owl report</li> </ul>

Condition of Certification	Changes from SA/DEIS	Applicant Reports
<b>BIO-17</b> Lake and Streambed and Peninsular Bighorn Sheep Foraging Habitat Impact Minimization and Compensation Measures	Updated to allow for acquisition of compensation lands to be included with habitat compensation lands required for <b>BIO-10</b> for up to 18 months after the Energy Commission Decision. Any additional compensation lands must be acquired independent of <b>BIO-10</b> .	<ul style="list-style-type: none"> <li>• Land acquisition delegation agreement</li> <li>• State waters compensation lands management plan</li> </ul>
<b>BIO-18</b> Weed Management Plan	Revised to require weed management plan at least 30 days prior to ground-disturbing activities	<ul style="list-style-type: none"> <li>• Weed Management Plan</li> <li>• Post-construction invasive weed report</li> </ul>
<b>BIO-19</b> Special-Status Plant Surveys and Protection Plan	Extensively revised and expanded to include: a requirement to conduct summer-fall surveys; specifications for finalizing avoidance and minimization measures; thresholds for assessing significance of impacts to late season special-status plants and conditions under which avoidance or off-site mitigation would be required; and detailed guidelines and performance standards for off-site mitigation through acquisition.	<ul style="list-style-type: none"> <li>• Sensitive plant spring survey results</li> <li>• Sensitive plant fall survey results</li> <li>• Sensitive plant protection plan (as needed)</li> <li>• Post-construction sensitive plant mitigation report</li> </ul>
<b>BIO-20</b> Decommissioning and Reclamation Plan	No Changes	<ul style="list-style-type: none"> <li>• Decommissioning and Reclamation Plan</li> <li>• Statement of financial assurances for funding decommissioning</li> </ul>
<b>BIO-21</b> Monitoring Bird Impacts From Solar Technology	New condition: requires a study of impacts to birds from mirrors, etc, including study trials and inclusion of adaptive management strategies for minimizing impacts to birds.	<ul style="list-style-type: none"> <li>• Bird Monitoring Study</li> <li>• Quarterly monitoring reports</li> <li>• Annual monitoring report</li> <li>• Peer-reviewed paper</li> </ul>

\*change made throughout Supplemental Staff Assessment



## DESIGNATED BIOLOGIST SELECTION

- BIO-1** The project owner shall assign at least one Designated Biologist to the project. The project owner shall submit the resume of the proposed Designated Biologist, with at least three references and contact information, to the Energy Commission Compliance Project Manager (CPM) and BLM Biologist for approval in consultation with CDFG and USFWS.

The Designated Biologist must meet the following minimum qualifications:

- Bachelor's degree in biological sciences, zoology, botany, ecology, or a closely related field;
- Three years of experience in field biology or current certification of a nationally recognized biological society, such as The Ecological Society of America or The Wildlife Society; and
- At least one year of field experience with biological resources found in or near the project area.

In lieu of the above requirements, the resume shall demonstrate to the satisfaction of the CPM and BLM Biologist, in consultation with CDFG and USFWS, that the proposed Designated Biologist or alternate has the appropriate training and background to effectively implement the conditions of certification.

**Verification:** The project owner shall submit the specified information at least 45 days prior to the start of site mobilization or construction-related ground disturbance activities. No site or related facility activities shall commence until an approved Designated Biologist is available to be on site.

If a Designated Biologist needs to be replaced, the specified information of the proposed replacement must be submitted to the CPM and BLM Biologist at least ten working days prior to the termination or release of the preceding Designated Biologist. In an emergency, the project owner shall immediately notify the CPM and BLM Biologist to discuss the qualifications and approval of a short-term replacement while a permanent Designated Biologist is proposed to the CPM and BLM Biologist for consideration.

## DESIGNATED BIOLOGIST DUTIES

- BIO-2** The project owner shall ensure that the Designated Biologist performs the following during any site (or related facilities) mobilization, ground disturbance, grading, construction, operation, closure, and restoration activities. The Designated Biologist may be assisted by the approved Biological Monitor(s) but remains the contact for the project owner, BLM Biologist, and CPM. The Designated Biologist Duties shall include the following:
- Advise the project owner's Construction and Operation Managers on the implementation of the biological resources conditions of certification;
  - Consult on the preparation of the Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) to be submitted by the project owner;

- Be available to supervise, conduct and coordinate mitigation, monitoring, and other biological resources compliance efforts, particularly in areas requiring avoidance or containing sensitive biological resources, such as special status species or their habitat;
- Clearly mark sensitive biological resource areas and inspect these areas at appropriate intervals for compliance with regulatory terms and conditions;
- Inspect active construction areas where animals may have become trapped prior to construction commencing each day. At the end of the day, inspect for the installation of structures that prevent entrapment or allow escape during periods of construction inactivity. Periodically inspect areas with high vehicle activity (e.g., parking lots) for animals in harm's way;
- Notify the project owner, BLM Biologist, and the CPM of any non-compliance with any biological resources condition of certification;
- Notify CDFG and USFWS within 24 hours of a Peninsular bighorn sheep become entrapped within the site, and coordinate an appropriate effort to steer animals toward safe methods of egress, preferably located away from Highway I-8.
- Respond directly to inquiries of BLM Biologist and the CPM regarding biological resource issues;
- Maintain written records of the tasks specified above and those included in the BRMIMP. Summaries of these records shall be submitted in the Monthly Compliance Report and the Annual Compliance Report;
- Train the Biological Monitors as appropriate, and ensure their familiarity with the BRMIMP, Worker Environmental Awareness Program (WEAP) training, and all permits; and
- Maintain the ability to be in regular, direct communication with representatives of BLM, CDFG, USFWS, and CPM, including notifying these agencies of dead or injured listed species and reporting special status species observations to the California Natural Diversity Database.

**Verification:** The Designated Biologist shall submit in the Monthly Compliance Report to the BLM Biologist and the CPM copies of all written reports and summaries that document construction activities that have the potential to affect biological resources. If actions may affect biological resources during operation a Designated Biologist shall be available for monitoring and reporting. During project operation, the Designated Biologist shall submit record summaries in the Annual Compliance Report unless their duties cease, as approved by the BLM Biologist and the CPM.

## **BIOLOGICAL MONITOR QUALIFICATIONS**

**BIO-3** The project owner's BLM- and CPM-approved Designated Biologist shall submit the resume, at least three references, and contact information of the proposed Biological Monitors to the BLM Biologist and the CPM for approval. The resume shall demonstrate, to the satisfaction of the BLM Biologist and the CPM, the appropriate education and experience to accomplish the assigned biological resource tasks. Specifically, the Biological Monitors shall have

experience and are capable of conducting FTHL field monitoring, have sufficient education and field experience to understand FTHL biology, to be able to identify horned lizard scat, and to be able to identify and follow FTHL tracks.

Biological Monitor(s) training by the Designated Biologist shall include familiarity with the conditions of certification, BRMIMP, WEAP, and all permits.

**Verification:** The project owner shall submit the specified information to the BLM Biologist and the CPM for approval at least 30 days prior to the start of any project-related site disturbance activities. The Designated Biologist shall submit a written statement to the BLM Biologist and the CPM confirming that individual Biological Monitor(s) have been trained including the date when training was completed. If additional biological monitors are needed during construction, the specified information shall be submitted to the BLM Biologist and the CPM for approval at least ten days prior to their first day of monitoring activities.

## **BIOLOGICAL MONITOR DUTIES**

**BIO-4** The Biological Monitors shall assist the Designated Biologist in conducting surveys and in monitoring of mobilization, ground disturbance, grading, construction, operation, closure, and restoration activities. The Designated Biologist shall remain the contact for the project owner, BLM Biologist, and the CPM.

**Verification:** The Designated Biologist shall submit in the Monthly Compliance Report to the BLM Biologist and the CPM copies of all written reports and summaries that document biological resources activities, including those conducted or monitored by Biological Monitors. If actions may affect biological resources during operation a Biological Monitor, under the supervision of the Designated Biologist, shall be available for monitoring and reporting. During project operation, the Designated Biologist shall submit record summaries in the Annual Compliance Report unless their duties cease, as approved by the BLM Biologist and the CPM.

## **DESIGNATED BIOLOGIST AND BIOLOGICAL MONITOR AUTHORITY**

**BIO-5** The project owner's construction/operation manager shall act on the advice of the Designated Biologist and Biological Monitor(s) to ensure conformance with the biological resources conditions of certification.

If required by the Designated Biologist and Biological Monitor(s) the project owner's construction/operation manager shall halt all site mobilization, ground disturbance, grading, construction, and operation activities in areas specified by the Designated Biologist. The Designated Biologist shall:

- Require a halt to all activities in any area when determined that there would be an unauthorized adverse impact to biological resources if the activities continued;
- Inform the project owner and the construction/operation manager when to resume activities; and

- Notify the BLM Biologist and the CPM if there is a halt of any activities and advise the CPM of any corrective actions that have been taken or would be instituted as a result of the work stoppage.

If the Designated Biologist is unavailable for direct consultation, the Biological Monitor shall act on behalf of the Designated Biologist.

**Verification:** The project owner shall ensure that the Designated Biologist or Biological Monitor notifies the BLM Biologist and the CPM immediately (and no later than the morning following the incident, or Monday morning in the case of a weekend) of any non-compliance or a halt of any site mobilization, ground disturbance, grading, construction, and operation activities. The project owner shall notify the BLM Biologist and the CPM of the circumstances and actions being taken to resolve the problem.

Whenever corrective action is taken by the project owner, a determination of success or failure would be made by the BLM Biologist and the CPM within five working days after receipt of notice that corrective action is completed, or the project owner would be notified by the BLM Biologist and the CPM that coordination with other agencies would require additional time before a determination can be made.

## **WORKER ENVIRONMENTAL AWARENESS PROGRAM (WEAP)**

**BIO-6** The project owner shall develop and implement project-specific Worker Environmental Awareness Program (WEAP) and shall secure approval for the WEAP from the BLM Biologist, USFWS, CDFG, and the CPM. The WEAP shall be administered to all onsite personnel including surveyors, construction engineers, employees, contractors, contractor's employees, supervisors, inspectors, subcontractors, and delivery personnel. The WEAP shall be implemented during site mobilization, ground disturbance, grading, construction, operation, and closure. The WEAP shall:

- Be developed by or in consultation with the Designated Biologist and consist of an on-site or training center presentation in which supporting electronic media and written material, including wallet-sized cards with summary information on special status species and sensitive biological resources, is made available to all participants;
- Discuss the locations and types of sensitive biological resources on the project site and adjacent areas, explain the reasons for protecting these resources, and the function of flagging in designating sensitive resources and authorized work areas;
- Place special emphasis on FTHL, including information on physical characteristics, distribution, behavior, ecology, sensitivity to human activities, legal protection and status, penalties for violations, reporting requirements, and protection measures;
- Include signage to be posted at the entrance to the project site and throughout the project site which has the following information:
  - 15 m.p.h. speed limit;
  - A picture of the FTHL; and

- Reminder to check under vehicles before driving.
- Include a discussion of fire prevention measures to be implemented by workers during project activities; request workers to dispose of cigarettes and cigars appropriately and not leave them on the ground or buried;
- Present the meaning of various temporary and permanent habitat protection measures;
- Identify whom to contact if there are further comments and questions about the material discussed in the program; and
- Include a training acknowledgment form to be signed by each worker indicating that they received the WEAP training and shall abide by the guidelines.

The specific program can be administered by a competent individual(s) acceptable to the Designated Biologist.

**Verification:** At least 30 days prior to the start of any project-related site disturbance activities, the project owner shall provide to the BLM Biologist and the CPM a copy of the draft WEAP and all supporting written materials and electronic media prepared or reviewed by the Designated Biologist and a resume of the person(s) administering the program.

The project owner shall provide in the Monthly Compliance Report the number of persons who have completed the training in the prior month and a running total of all persons who have completed the training to date. At least ten days prior to site and related facilities mobilization, the project owner shall submit two copies of the BLM- and CPM-approved final WEAP.

Training acknowledgement forms signed during construction shall be kept on file by the project owner for at least six months after the start of commercial operation.

Throughout the life of the project, the worker education program shall be repeated annually for permanent employees, and shall be routinely administered within one week of arrival to any new construction personnel, foremen, contractors, subcontractors, and other personnel potentially working within the project area. Upon completion of the orientation, employees shall sign a form stating that they attend the program and understand all protection measures. These forms shall be maintained by the project owner and shall be made available to the BLM Biologist and the CMP upon request. Workers shall receive and be required to visibly display a hardhat sticker or certificate that they have completed the training.

During project operation, signed statements for operational personnel shall be kept on file for six months following the termination of an individual's employment.

## **BIOLOGICAL RESOURCES MITIGATION IMPLEMENTATION AND MONITORING PLAN (BRMIMP)**

**BIO-7** The project owner shall develop a BRMIMP and submit two copies of the proposed BRMIMP to the BLM Biologist and the CPM (for review and approval) and shall implement the measures identified in the approved BRMIMP.

The BRMIMP shall incorporate avoidance and minimization measures described in final versions of the Raven Management Plan, the USFWS Biological Opinion, Burrowing Owl Mitigation and Monitoring Plan, Special Status Plant Impact Avoidance and Minimization Plan, Frac-Out Contingency Plan, State waters compensation lands management plan, Construction Monitoring Program, FTHL Occupancy Study, and the Weed Management Plan, and the Closure Plan. The BRMIMP shall be prepared in consultation with the Designated Biologist and shall include the following:

- All biological resources mitigation, monitoring, and compliance measures proposed and agreed to by the project owner;
- All biological resources conditions of certification identified as necessary to avoid or mitigate impacts;
- All biological resource mitigation, monitoring and compliance measures required in federal agency terms and conditions, such as those provided in the USFWS Biological Opinion/Conferencing Opinion for Peninsular bighorn sheep and FTHL and the federal Clean Water Act (CWA) 404 permit;
- All biological resource mitigation, monitoring, and compliance measures required in other state agency terms and conditions;
- All sensitive biological resources to be impacted, avoided, or mitigated by project construction, operation, and closure;
- A detailed description of measures that shall be taken to avoid or mitigate temporary disturbances from construction activities;
- A Frac-Out Contingency Plan approved by the CPM and USACE in consultation with CDFG prior to commencement of construction of the reclaimed water pipeline for horizontal directional drilling under the waterways;
- All locations on a map, at an approved scale, of sensitive biological resource areas subject to disturbance and areas requiring temporary protection and avoidance during construction;
- Aerial photographs, at an approved scale, of all areas to be disturbed during project construction activities; include one set prior to any site or related facilities mobilization disturbance and one set subsequent to completion of project construction. Provide planned timing of aerial photography and a description of why times were chosen. Provide a final accounting of the before/after acreages and a determination of whether additional habitat compensation is necessary in the Construction Termination Report;
- Duration for each type of monitoring and a description of monitoring methodologies and frequency;
- Performance standards to be used to help decide if/when proposed mitigation and conditions are or are not successful;
- All performance standards and remedial measures to be implemented if performance standards are not met;

- A discussion of biological resources-related facility closure measures including a description of funding mechanism(s);
- A process for proposing plan modifications to the CPM and appropriate agencies for review and approval; and
- A requirement to submit any sightings of any special-status species that are observed on or in proximity to the project site, or during project surveys, to the California Natural Diversity Database (CNDDB) per CDFG requirements.

**Verification:** The project owner shall submit the BRMIMP to the BLM Biologist and the CPM at least 30 days prior to start of any preconstruction site mobilization and construction-related ground disturbance, grading, boring, and trenching, and the final BRMIMP at least 7 days prior to start of any construction-related ground disturbance, grading, boring, and trenching. The BRMIMP shall contain all of the required measures included in all biological conditions of certification. No construction-related ground disturbance, grading, boring, and trenching may occur prior to approval of the final BRMIMP by the CPM.

The BLM Biologist and the CPM, in consultation with other appropriate agencies, would determine the BRMIMP's acceptability within 30 days of receipt. If there are any permits that have not yet been received when the final BRMIMP is submitted, these permits shall be submitted to the CPM within five days of their receipt, and the BRMIMP shall be revised or supplemented to reflect the permit condition within at least ten days of their receipt by the project owner. Under no circumstances shall ground disturbance proceed without implementation of all permit conditions.

To verify that the extent of construction disturbance does not exceed that described in this analysis, the Project owner shall submit aerial photographs, at an approved scale, taken before and after construction to the CPM. The first set of aerial photographs shall reflect site conditions prior to any preconstruction site mobilization and construction-related ground disturbance, grading, boring, and trenching, and shall be submitted prior to initiation of such activities. The second set of aerial photographs shall be taken subsequent to completion of construction, and shall be submitted to the CPM no later than 90 days after completion of construction. The Project owner shall also provide a final accounting of the acreages of vegetation communities/cover types present before and after construction.

Any changes to the approved BRMIMP must be approved by the CPM and in consultation with CDFG and USFWS.

Implementation of BRMIMP measures (for example, construction activities that were monitored, species observed) shall be reported in the Monthly Compliance Reports by the Designated Biologist. Within 30 days after completion of Project construction, the Project owner shall provide to the CPM, for review and approval, a written construction termination report identifying which items of the BRMIMP have been completed, a summary of all modifications to mitigation measures made during the Project's preconstruction site mobilization and construction-related ground disturbance, grading, boring, and trenching, and which mitigation and monitoring items are still outstanding.

## IMPACT AVOIDANCE AND MINIMIZATION MEASURES

**BIO-8** The project owner shall undertake the following measures to manage the construction site and related facilities in a manner to avoid or minimize impacts to biological resources during construction and operation:

- The boundaries of all areas to be disturbed (including staging areas, access roads, and sites for temporary placement of spoils) shall be delineated with stakes and flagging prior to construction activities. Spoils shall be stockpiled in disturbed areas lacking native vegetation or where habitat quality is poor. Spoil sites shall not be located within drainages or locations that may be subjected to high storm flows, where spoil shall be washed back into a drainage or lake. Disturbance of shrubs and surface soils due to stockpiling shall be minimized. All disturbances, vehicles and equipment shall be confined to the flagged areas.
- Whenever possible, equipment and vehicles shall use existing surfaces or previously disturbed areas rather than clearing vegetation and grading the ROW. Where grading is necessary, surface soils shall be stockpiled and replaced following construction to facilitate habitat restoration.
- To the extent possible, existing roads shall be used for travel and equipment storage. New and existing roads that are planned for construction, widening or other improvements shall not extend beyond the flagged impact area as described above. All vehicles passing or turning around would do so within the planned impact area or in previously disturbed areas. Where new access is required outside of existing roads (e.g. new spur roads associated with both transmission line options) or the construction zone, the route would be clearly marked (i.e., flagged and/or staked) prior to the onset of construction.
- Newly created access routes shall be restricted by constructing barricades, erecting fences with locked gates at road intersections, and/or by posting signs. In these cases, the project proponent shall maintain, including monitoring, all control structures and facilities for the life of the project and until habitat restoration is complete.
- Vehicular traffic during project construction and operation shall be confined to existing routes of travel to and from the project site, and cross country vehicle and equipment use outside designated work areas shall be prohibited. The speed limit shall not exceed 15 miles per hour on the project site.
- Transmission lines, access roads, pulling sites, storage and parking areas shall be designed, installed, and maintained with the goal of minimizing impacts to native plant communities and sensitive biological resources.
- Transmission lines and all electrical components shall be designed, installed, and maintained in accordance with the Avian Power Line Interaction Committee's (APLIC's) *Suggested Practices for Avian Protection on Power Lines* (APLIC 2006) and *Mitigating Bird Collisions with Power Lines* (APLIC 2004) to reduce the likelihood of large bird electrocutions and collisions.



- Road surfacing and sealants as well as soil bonding and weighting agents used on unpaved surfaces shall be non-toxic to wildlife and plants.
- Facility lighting shall be designed, installed, and maintained to prevent side casting of light towards wildlife habitat. Lighting shall be kept to the minimum level for safety and security needs by using motion or infrared light sensors and switches to keep lights off when not required, and shielding operational lights downward to minimize skyward illumination. No high intensity, steady burning, bright lights such as sodium vapor or spotlights shall be used. FAA visibility lighting shall employ only strobed, strobe-like or blinking incandescent lights, preferably with all lights illuminating simultaneously. Minimum intensity, maximum “off-phased” dual strobes are preferred, and no steady burning lights (e.g., L-810s) shall be used.
- Parking and storage shall occur where FTHL removal surveys have been conducted.
- At the end of each work day, the Designated Biologist shall ensure that all potential wildlife pitfalls (trenches, bores and other excavations) have been inspected for wildlife and then backfilled. If backfilling is not feasible, all trenches, bores, and other excavations shall be sloped at a 3:1 slope at the ends to provide wildlife escape ramps, or covered to completely prevent wildlife access. All trenches, bores and other excavations outside the permanently fenced area shall be inspected periodically throughout and at the end of each workday by the Designated Biologist or a Biological Monitor. Should a FTHL or other wildlife become trapped, the Designated Biologist or Biological Monitor shall remove and relocate the individual to a safe location.
- During construction, examine areas of active surface disturbance periodically—at least hourly when surface temperatures exceed 29°C (85°F) for the presence of FTHL.
- Any construction pipe, culvert, or similar structure with a diameter greater than three inches, stored less than eight inches aboveground for one or more nights, would be inspected for wildlife before the material is moved, buried, or capped. As an alternative, all such structures may be capped before being stored outside the fenced area, or placed on pipe racks.
- Water applied to dirt roads and construction areas (trenches or spoil piles) for dust abatement shall use the minimal amount needed to meet safety and air quality standards in an effort to prevent the formation of puddles, which could attract FTHL predators to construction sites. During construction, a Biological Monitor shall patrol these areas to ensure water does not puddle and attract common ravens, and other wildlife to the site, and shall take appropriate action to reduced water application rates where necessary.
- During construction, road killed animals or other carcasses detected by personnel on roads associated with the Project area will be reported immediately to a Biological Monitor or Designated Biologists, who will

remove the roadkill promptly. During operations, the Project Environmental Compliance Monitor will be notified of any roadkills and promptly remove and dispose of any roadkills to discourage scavenger activity. For special-status species road-kill, the Biological Monitor shall contact CDFG and USFWS within 1 working day of receipt of the carcass for guidance on disposal or storage of the carcass. The Biological Monitor shall report the special-status species record as described in **BIO-11** below.

- All vehicles and equipment shall be maintained in proper working condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. The Designated Biologist shall be informed of any hazardous spills immediately as directed in the project Hazardous Materials Plan. Hazardous spills shall be immediately cleaned up and the contaminated soil would be properly disposed of at a licensed facility. Servicing of construction equipment shall take place only at a designated area. Service/maintenance vehicles shall carry a bucket and pads to absorb leaks or spills.
- All contractors, subcontractors, employees and visitors shall comply with litter and pollution laws. During construction all trash and food-related waste shall be placed in self-closing containers and removed daily from the site. Workers shall not feed wildlife, or bring pets to the project site. Except for law enforcement personnel, no workers or visitors to the site shall bring firearms or weapons.
- Standard erosion control measures shall be implemented for all phases of construction and operation where sediment run-off from exposed slopes threatens to enter "Waters of the State" and/or "Waters of the U. S.". Sediment and other flow-restricting materials shall be moved to a location where they shall not be washed back into the stream. All disturbed soils and roads within the Project site shall be stabilized to reduce erosion potential, both during and following construction. Areas of disturbed soils (access and staging areas) with slopes toward drainages shall be stabilized to reduce erosion potential.
- If preconstruction site mobilization requires ground-disturbing activities such as for geotechnical borings or hazardous waste evaluations, a Designated Biologist or Biological Monitor shall be present to monitor any actions that could disturb soil, vegetation, or wildlife.
- The owner shall minimize road building, construction activities, and vegetation clearing within ephemeral drainages to the extent feasible.
- The project owner shall not allow water containing mud, silt or other pollutants from grading, aggregate washing, or other activities to enter a lake or flowing stream or be placed in locations that may be subjected to high storm flows.
- Raw cement/concrete, broken concrete, debris, soil, silt, sand, bark, slash, sawdust, rubbish, asphalt or washings thereof, paint or other coating

material, oil or other petroleum products, or any other substances which could be hazardous to vegetation or wildlife resources, resulting from project related activities shall be prevented from contaminating the soil and/or entering waters of the state. These materials, placed within or where they may enter a drainage or lake, by project owner or any party working under contract or with the permission of the project owner shall be removed immediately.

- When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any drainage.
- No equipment maintenance shall be done within 150 feet of any ephemeral drainage where petroleum products or other pollutants from the equipment may enter these areas under any flow.
- The project owner must have a Frac-Out Contingency Plan approved by CDFG and the CPM prior to commencement of construction of the reclaimed water pipeline for horizontal directional drilling under the waterways.

**Verification:** All mitigation measures and their implementation methods shall be included in the BRMIMP and implemented. Implementation of the measures would be reported in the Monthly Compliance Reports by the Designated Biologist. Within 30 days after completion of project construction, the project owner shall provide to the CPM, for review and approval, a written construction termination report identifying how measures have been completed.

## **FLAT-TAILED HORNED LIZARD CONSTRUCTION MONITORING PROGRAM AND OCCUPANCY STUDY**

**BIO-9** The project owner shall implement conservation measures and/or design features identified in the USFWS Conferencing Opinion that would avoid, minimize, and offset potential adverse effects to the FTHL into the Project's BRMIMP.

In addition, the project owner shall prepare a Before-After Control-Impact (BACI) Occupancy Estimation Study that would analyze the persistence of FTHL onsite after construction and during plant operations. At a minimum, the Study shall include:

- Parameters to be measured;
- Sample size;
- Level of effort per plot;
- Assessment approach; and
- Verification of scat source and extirpation of habitat.

The Study shall be approved by USFWS, BLM, and Energy Commission in consultation with CDFG, and shall be incorporated into the project's BRMIMP and implemented.

**Verification:** No more than 30 days following the publication of the Energy Commission License Decision or the Record of Decision/ROW Issuance, whichever comes first, the project owner shall submit to the CPM, BLM's Biologist, USFWS, and CDFG a final BACI Occupancy Estimation Study. Modifications to the BACI Occupancy Estimation Study shall be made only after approval from BLM's Biologist, USFWS, and the CPM, in consultation with CDFG. Within 30 days of completion of FTHL preconstruction occupancy surveys, the Designated Biologist shall submit a report to the CPM, BLM Biologist, USFWS, and CDFG describing the results of the survey.

During construction, the Designated Biologist shall submit a quarterly report describing the results of any removal surveys required by the Conferencing Opinion to the CPM, BLM Biologist, USFWS, and CDFG. The removal survey report shall include the FTHL survey results, capture and release locations of any FTHL encountered, description of any project related deaths or injuries detected during the study or at any other time, and any other information needed to demonstrate compliance with the measures described above. Following the completion of the fourth quarter of monitoring the Designated Biologist shall prepare an Annual Report that summarizes the year's data, analyzes any project-related FTHL fatalities or injuries detected, and provides recommendations for future monitoring and any adaptive management actions needed. The Annual Report shall be provided to the CPM, BLM's Biologist, CDFG, and USFWS. Post-construction sampling reports will be due to the CPM, BLM Biologist, USFWS, and CDFG by January 31<sup>st</sup> after sampling has taken place. The post-construction sampling report shall include the FTHL survey results, capture and release locations of any FTHL encountered, whether mitigation and adaptive management measures are necessary, and any other information needed to demonstrate compliance with the measures described above. After the BACI Occupancy Estimation Study is completed, the project owner or contractor shall prepare a paper that describes the study design and results to be submitted to a peer-reviewed scientific journal. Proof of submittal shall be provided to BLM's Biologist and the CPM within one year of concluding the monitoring study.

## **SPECIAL STATUS SPECIES HABITAT COMPENSATORY MITIGATION**

This condition is designed to compensate for project-related impacts to habitat for FTHL, burrowing owl, golden eagle, American badger, and desert kit fox. However, to the extent that any compensation land acquired under this condition satisfies the selection criteria for **BIO-17**, such compensation acreage acquired pursuant to this condition may be used to fulfill all or a portion of **BIO-17**.

**BIO-10** To fully mitigate for habitat loss for FTHL, burrowing owl, golden eagle, American badger, and desert kit fox, the project owner shall provide compensatory mitigation acreage of 6,619.9 acres. This figure was calculated as follows: a 1:1 ratio for 6,063.1 acres of impact outside of the FTHL Management Area (MA), and a 6:1 ratio for impacts to 92.6 acres within the FTHL MA. These impact acreages are to be adjusted to reflect the final approved project footprint. For purposes of this condition, the project footprint

means all lands disturbed in the construction and operation of the IVS Project, including the offsite transmission line, as well as undeveloped areas inside the Project's boundaries that will no longer provide viable long-term habitat for the species mentioned above. To satisfy this condition, the Project owner shall acquire, protect and transfer to an approved land manager no fewer than 6,619.9 acres of FTHL, burrowing owl, golden eagle, American badger and desert kit fox habitat lands (adjusted to reflect the final Project footprint), and shall also provide funding for the initial improvement and long-term maintenance and management of the acquired lands, and comply with other related requirements in this condition. Costs of these requirements are estimated to be \$9,386,637.37 based on the acquisition of 6,619.9 acres (consult **Biological Resources Table 5** for a complete breakdown of estimated costs). This includes an estimated per-acre cost of \$500 for acquisition, a pre-acquisition liability survey at no less than \$2,500 per parcel (assuming 40 acres per parcel), appraisal fees at \$3,000 per parcel, \$27 per acre for initial habitat improvement, BLM internal costs for transfer of land estimated at \$772,011.07, and \$692 per acre for long-term management.

In lieu of acquiring lands itself, the Project owner may satisfy the requirements of this condition by depositing funds into the Renewable Energy Action Team (REAT) Account established with the National Fish and Wildlife Foundation (NFWF), as described in Section 3.i., below. If the Project owner elects to use the REAT Account with NFWF, a 7% NFWF fee (totaling \$682,633.38) for the land transfer will be added to the costs to comply with this condition, bringing the total estimated cost of fulfilling this condition to \$10,434,538.75.

The actual costs to comply with this condition will vary depending on the final project footprint, the actual costs of acquiring compensation habitat, the costs of initially improving the habitat, and the actual costs of long-term management as determined by a PAR report. The 6,619.9-acre habitat requirement, and associated funding requirements based on that acreage, will be adjusted up or down if there are changes in the final project footprint.

The requirements for the acquisition, initial improvement, protection and long-term maintenance and management of compensation lands include all of the following:

1. Selection Criteria for Compensation Lands. The compensation lands selected for acquisition shall:
  - a. be within in or near FTHL Management Areas (MAs) in the Colorado Desert, with potential to contribute to FTHL habitat connectivity and build linkages between FTHL MAs, known populations of FTHLs, and/or other preserve lands;
  - b. provide high to moderate quality habitat for FTHL with capacity to regenerate naturally when disturbances are removed, though moderate to good quality habitat is acceptable near protected FTHL habitats;

- c. be near larger blocks of lands that are either already protected or planned for protection, or which could feasibly be protected long-term by a public resource agency or a non-governmental organization dedicated to habitat preservation;
  - d. be connected to lands where FTHLs can be reasonably expected to occur currently occupied by FTHL, based on habitat or historic occurrences, ideally with populations that are stable, recovering, or likely to recover;
  - e. ideally contain soils that are stable and not suffering erosional damage;
  - f. not be characterized by high densities of invasive species, either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration;
  - g. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat; and
  - h. have water and mineral rights included as part of the acquisition, unless the CPM, in consultation with CDFG, BLM and USFWS, agrees in writing to the acceptability of land without these rights.
2. Review and Approval of Compensation Lands Prior to Acquisition. The Project owner shall submit a formal acquisition proposal to the CPM describing the parcel(s) intended for purchase. This acquisition proposal shall discuss the suitability of the proposed parcel(s) as compensation lands for FTHL, burrowing owl, golden eagle, American badger, and desert kit fox in relation to the criteria listed above, and must be approved by the CPM. The CPM will share the proposal with and consult with CDFG, BLM, and the USFWS before deciding whether to approve or disapprove the proposed acquisition.
3. Compensation Lands Acquisition Requirements. The project owner shall comply with the following requirements relating to acquisition of the compensation lands after the CPM, in consultation with CDFG, BLM, and the USFWS, has approved the proposed compensation lands:
- a. Preliminary Report. The Project owner, or approved third party, shall provide a recent preliminary title report, initial hazardous materials survey report, biological analysis, and other necessary or requested documents for the proposed compensation land to the CPM. All documents conveying or conserving compensation lands and all conditions of title are subject to review and approval by the CPM, in consultation with CDFG, BLM and the USFWS. For conveyances to the State, approval may also be required from the California Department of

General Services, the Fish and Game Commission and the Wildlife Conservation Board.

- b. Title/Conveyance. The Project owner shall acquire and transfer fee title to the compensation lands, a conservation easement over the lands, or both fee title and conservation easement, as required by the CPM in consultation with CDFG. Any transfer of a conservation easement or fee title must be to CDFG, a non-profit organization qualified to hold title to and manage compensation lands (pursuant to California Government Code section 65965), or to BLM or other public agency approved by the CPM in consultation with CDFG. If an approved non-profit organization holds fee title to the compensation lands, a conservation easement shall be recorded in favor of CDFG or another entity approved by the CPM. If an entity other than CDFG holds a conservation easement over the compensation lands, the CPM may require that CDFG or another entity approved by the CPM, in consultation with CDFG, be named a third party beneficiary of the conservation easement. The Project owner shall obtain approval of the CPM, in consultation with CDFG, of the terms of any transfer of fee title or conservation easement to the compensation lands.
- c. Initial Protection and Habitat Improvement. The project owner shall fund activities that the CPM, in consultation with the CDFG, USFWS and BLM, requires for the initial protection and habitat improvement of the compensation lands. These activities will vary depending on the condition and location of the land acquired, but may include trash removal, construction and repair of fences, invasive plant removal, and similar measures to protect habitat and improve habitat quality on the compensation lands. The costs of these activities are estimated at \$27 an acre, but will vary depending on the measures that are required for the compensation lands. A non-profit organization, CDFG or another public agency may hold and expend the habitat improvement funds if it is qualified to manage the compensation lands (pursuant to California Government Code section 65965), if it meets the approval of the CPM in consultation with CDFG, and if it is authorized to participate in implementing the required activities on the compensation lands. If CDFG takes fee title to the compensation lands, the habitat improvement fund must be paid to CDFG or its designee.
- d. Property Analysis Record. Upon identification of the compensation lands, the Project owner shall conduct a

Property Analysis Record (PAR) or PAR-like analysis to establish the appropriate amount of the long-term maintenance and management fund to pay the in-perpetuity management of the compensation lands. The PAR or PAR-like analysis must be approved by the CPM, in consultation with CDFG, before it can be used to establish funding levels or management activities for the compensation lands.

- e. Long-term Maintenance and Management Funding. The Project owner shall provide money to establish an account with non-wasting capital that will be used to fund the long-term maintenance and management of the compensation lands. The amount of money to be paid will be determined through an approved PAR or PAR-like analysis conducted for the compensation lands. The amount of required funding is initially estimated to be \$692 for every acre of compensation lands. If compensation lands will not be identified and a PAR or PAR-like analysis completed within the time period specified for this payment (see the verification section at the end of this condition), the Project owner shall either provide initial payment of \$4,580,970.80 (calculated at \$692 an acre for 6,619.9 acres) or the project owner shall include \$4,580,970.80 to reflect this amount in the security that is provided to the Energy Commission under section 3.h. of this condition. The amount of the required initial payment or security for this item shall be adjusted for any change in the project footprint as described above. If an initial payment is made based on the estimated per-acre costs, the project owner shall deposit additional money as may be needed to provide the full amount of long-term maintenance and management funding indicated by a PAR or PAR-like analysis, once the analysis is completed and approved. If the approved analysis indicates less than \$692 an acre will be required for long-term maintenance and management, the excess paid will be returned to the project owner. The project owner must obtain the CPM's approval of the entity that will receive and hold the long-term maintenance and management fund for the compensation lands. The CPM will consult with CDFG before deciding whether to approve an entity to hold the project's long-term maintenance and management funds.

The project owner shall ensure that an agreement is in place with the long-term maintenance and management fund holder/manager to ensure the following requirements are met:



- i. Interest. Interest generated from the initial capital long-term maintenance and management fund shall be available for reinvestment into the principal and for the long-term operation, management, and protection of the approved compensation lands, including reasonable administrative overhead, biological monitoring, improvements to carrying capacity, law enforcement measures, and any other action that is approved by the CPM in consultation with CDFG and is designed to protect or improve the habitat values of the compensation lands.
  - ii. Withdrawal of Principal. The long-term maintenance and management fund principal shall not be drawn upon unless such withdrawal is deemed necessary by the CPM, in consultation with CDFG, or by the approved third-party long-term maintenance and management fund manager, to ensure the continued viability of the species on the compensation lands.
  - iii. Pooling Long-Term Maintenance and Management Funds. An entity approved to hold long-term maintenance and management funds for the Project may pool those funds with similar non-wasting funds that it holds from other projects for long-term maintenance and management of compensation lands for local populations of desert tortoise. However, for reporting purposes, the long-term maintenance and management funds for this Project must be tracked and reported individually to the CPM and CDFG.
- f. Other expenses. In addition to the costs listed above, the project owner shall be responsible for all other costs related to acquisition of compensation lands and conservation easements, including but not limited to the title and document review costs incurred from other state agency reviews, overhead related to providing compensation lands to CDFG or an approved third party, escrow fees or costs, environmental contaminants clearance, and other site cleanup measures.
  - g. Management plan. The project owner shall prepare a Management Plan for the compensation lands in consultation with the entity that will be managing the lands. The Management Plan shall reflect site-specific enhancement measures on the acquired compensation lands. The plan shall be submitted for approval of the CPM, in consultation with CDFG, BLM and USFWS.

- h. Mitigation Security. The project owner shall provide financial assurances to the CPM, with copies of the final document to CDFG, to guarantee that an adequate level of funding is available to implement any of the mitigation measures required by this condition that are not completed prior to the start of ground-disturbing project activities. Financial assurances shall be provided to the CPM in the form of an irrevocable letter of credit, a pledged savings account or another form of security ("Security") approved by the CPM in consultation with CDFG. Prior to submitting the Security to the CPM, the project owner shall obtain the CPM's approval, in consultation with CDFG, of the form of the Security. The CPM may draw on the Security if the CPM determines the project owner has failed to comply with the requirements specified in this condition. The CPM may use money from the Security solely for implementation of the requirements of this condition. The CPM's use of the Security to implement measures in this condition may not fully satisfy the project owner's obligations under this condition. The Security shall be returned to the Project owner in whole or in part upon successful completion of the associated requirements in this condition.

Security shall be provided in the amount of \$9,386,637.37 or (\$10,434,538.75 if the project owner elects to use the REAT Account with NFWF pursuant to paragraph 3.h. of this condition, below). The security is calculated in part, from the items that follow but adjusted as specified below (consult **Biological Resources Table 5** for the complete breakdown of estimated costs):

- i. land acquisition costs for compensation land, calculated at \$500/acre = \$3,309,950.00;
- ii. initial protection and habitat improvement activities on the compensation land, calculated at \$27/acre = \$178,732.30;
- iii. long-term maintenance and management on the compensation land calculated at \$692/acre = \$4,580,970.80;
- iv. pre-acquisition liability survey at no less than \$2,500 per parcel (assuming 40 acres per parcel) = \$413,743.75;
- v. appraisal fees at \$3,000 per parcel = \$458,908.50;
- vi. BLM cost to accept land = \$765,415.07 (if BLM is determine to be most reasonable land manager); and

- vii. NFWF fee = \$657,064.61 (if NFWF is used for acquisition).

The amount of security shall be adjusted for any change in the project footprint as described above. In addition, the amount of Security specified in this section may be reduced in proportion to any of the secured mitigation requirements that the project owner has completed at the time the Security is required to be submitted. For example, if the project owner transfers funds for long-term management of the compensation lands to an entity approved to hold those funds, the Security would not include any amount for long-term maintenance and management of the lands. The project owner will be entitled to partial or complete release of the Security as the secured mitigation requirements are successfully completed.

- i. The project owner may elect to comply with the requirements in this condition for acquisition of compensation lands, initial protection and habitat improvement on the compensation lands, or long-term maintenance and management of the compensation lands by funding, or any combination of these three requirements, by providing funds to implement those measures into the Renewable Energy Action Team (REAT) Account established with the National Fish and Wildlife Foundation (NFWF). To use this option, the Project owner must make an initial deposit to the REAT Account in an amount equal to the estimated costs (as set forth in the Security section of this condition) of implementing the requirement. If the actual cost of the acquisition, initial protection and habitat improvements, or long-term funding is more than the estimated amount initially paid by the project owner, the project owner shall make an additional deposit into the REAT Account sufficient to cover the actual acquisition costs, the actual costs of initial protection and habitat improvement on the compensation lands, or the long-term funding requirements as established in an approved PAR or PAR-like analysis. If those actual costs or PAR projections are less than the amount initially transferred by the applicant, the remaining balance shall be returned to the project owner.

The responsibility for acquisition of compensation lands may be delegated to a third party other than NFWF, such as a non-governmental organization supportive of desert habitat conservation, by written agreement of the Energy Commission. Such delegation shall be subject to

approval by the CPM, in consultation with CDFG, BLM and USFWS, prior to land acquisition, enhancement or management activities. Agreements to delegate land acquisition to an approved third party, or to manage compensation lands, shall be executed and implemented within 18 months of the Energy Commission's certification of the project.

4. The project owner may choose to satisfy its mitigation obligations identified in this condition by paying an in-lieu fee instead of acquiring compensation lands, pursuant to Fish and Game code sections 2069 and 2099 or any other applicable in-lieu fee provision, to the extent the in-lieu fee provision is found by the Commission to be in compliance with CEQA and CESA requirements.

**Verification:** The project owner shall provide the CPM with written notice of intent to start ground disturbance at least 30 days prior to the start of ground-disturbing activities on the project site.

If the mitigation actions required under this condition are not completed at least 30 days prior to the start of ground-disturbing activities, the project owner shall provide the CPM with approved Security at least 30 days prior to the start of project ground-disturbing activities

No later than 12 months after the start of ground-disturbing project activities, the project owner shall submit a formal acquisition proposal to the CPM describing the parcels intended for purchase, and shall obtain approval from the CPM, in consultation with CDFG, BLM and USFWS, prior to the acquisition. If NFWF or another approved third party is handling the acquisition, the project owner shall fully cooperate with the third party to ensure the proposal is submitted within this time period. The project owner or an approved third party shall complete the acquisition and all required transfers of the compensation lands, and provide written verification to the CPM, CDFG, BLM and USFWS of such completion, no later than 18 months after the issuance of the Energy Commission Decision. If NFWF or another approved third party is being used for the acquisition, the project owner shall ensure that funds needed to accomplish the acquisition are transferred in timely manner to facilitate the planned acquisition and to ensure the land can be acquired and transferred prior to the 18-month deadline.

Draft agreements to delegate land acquisition to CDFG, BLM, or an approved third party and agreements to manage compensation lands shall be submitted to Energy Commission staff for review and approval (in consultation with CDFG) prior to land acquisition. Such agreements shall be mutually approved and executed at least 30 days prior to start of any project-related ground disturbance activities. The project owner shall provide written verification to the CPM that the compensation lands have been acquired and recorded in favor of the approved recipient(s). Alternatively, before beginning project ground-disturbing activities, the project owner shall provide Security in accordance with section 3.h of this condition. Within 180 days after the land purchase, as determined by the date on the title, the project owner shall provide the CPM with a

management plan for review and approval, in consultation with CDFG, BLM, and USFWS, for the compensation lands and associated funds.

The project owner shall complete and submit to the CPM a PAR or PAR-like analysis no later than 60 days after the CPM approves compensation lands for acquisition. The project owner shall fully fund the required amount for long-term maintenance and management of the compensation lands no later than 30 days after the CPM approves a PAR or PAR-like analysis of the anticipated long-term maintenance and management costs of the compensation lands. Written verification shall be provided to the CPM and CDFG to confirm payment of the long-term maintenance and management funds.

No later than 60 days after the CPM determines what activities are required to provide for initial protection and habitat improvement on the compensation lands, the project owner shall make funding available for those activities and provide written verification to the CPM of what funds are available and how costs will be paid. Initial protection and habitat improvement activities on the compensation lands shall be completed, and written verification provided to the CPM, no later than six months after the CPM's determination of what activities are required on the compensation lands.

The project owner, or an approved third party, shall provide the CPM, CDFG, BLM and USFWS with a management plan for the compensation lands within 180 days of the land or easement purchase, as determined by the date on the title. The CPM, in consultation with CDFG, BLM and the USFWS, shall approve the management plan after its content is acceptable to the CPM.

Within 90 days after completion of all project related ground disturbance, the project owner shall provide to the CPM, CDFG, BLM and USFWS an analysis, based on aerial photography, with the final accounting of the amount of habitat disturbed during Project construction. This shall be the basis for the final number of acres required to be acquired.

If electing to satisfy the requirements of this condition by utilizing the options created by CDFG pursuant to SBX8 34, the Project owner shall notify the Commission that it would like a determination that the Project's in-lieu fee proposal meets CEQA and CESA requirements.

## **FLAT-TAILED HORNED LIZARD COMPLIANCE VERIFICATION**

**BIO-11** The project owner shall provide Energy Commission staff, BLM, CDFG, USFWS, and USACE representatives with reasonable access to the project site and compensation lands under the control of the project owner and shall otherwise fully cooperate with the Energy Commission staff, CDFG, USFWS, USACE, and BLM's efforts to verify the project owner's compliance with, or the effectiveness of, mitigation measures set forth in the conditions of certification. The project owner shall hold the Designated Biologist, the Energy Commission staff, CDFG, USFWS, USACE, and BLM harmless for any costs the project owner incurs in complying with the management measures, including stop work orders issued by the CPM, the BLM Biologist, or the Designated Biologist. The Designated Biologist shall do all of the following:

- Notify the BLM Biologist and the CPM at least 14 calendar days before initiating ground-disturbing activities.
- Immediately notify the BLM Biologist and the CPM in writing if the project owner is not in compliance with any conditions of certification, including but not limited to any actual or anticipated failure to implement mitigation measures within the time periods specified in the conditions of certification.
- Remain onsite daily while grubbing and grading are taking place to avoid or minimize take of special status species, to check for compliance with all impact avoidance and minimization measures, and to check all FTHL clearance areas to ensure that signs, stakes, and fencing are intact and that human activities are restricted in these protective zones.
- Conduct compliance inspections at a minimum of once per month after clearing, grubbing, and grading are completed and submit a monthly compliance report to the BLM Biologist, USFWS, CDFG and the CPM.
- No later than January 31 of every year the project facility remains in operation, provide the CPM, BLM Biologist, USFWS, CDFG, and the FTHL ICC an annual FTHL Status Report, which shall include, at a minimum: 1) a general description of the status of the project site and construction activities, including actual or projected completion dates, if known; 2) a copy of the table in the BRMIMP with notes showing the current implementation status of each mitigation measure; 3) an assessment of the effectiveness of each completed or partially completed mitigation measure in minimizing and compensating for project impacts; 4) completed Horned Lizard Observation Data Sheet Sheets and a Project Reporting Form from the *Flat-tailed Horned Lizard Rangeland Management Strategy* (FTHL ICC 2003); 5) a summary of information regarding the numbers of captured, relocated, and dead FTHLs; and 6) other relevant information associated with the project.
- Ensure that all observations of FTHL and their sign during construction project activities are reported to the Designated Biologist for inclusion in the next monthly compliance report submitted to the BLM Biologist and the CPM.
- No later than 45 days after the initial production of energy in the project's equipment, provide the BLM Biologist and the CPM a FTHL Mitigation Report that shall include, at a minimum: 1) a copy of the table in the BRMIMP with notes showing when each of the mitigation measures was implemented; 2) all available information about project-related incidental take of FTHLs; 3) information about other project impacts on the FTHL; 4) construction dates; 5) an assessment of the effectiveness of conditions of certification in minimizing and compensating for project impacts; 6) recommendations on how mitigation measures might be changed to more effectively minimize and mitigate the impacts of future projects on the FTHL; and 7) any other pertinent information, including the level of take of the FTHL associated with the project.

- Any sightings of FTHLs during construction will be recorded per the conservation measures set forth by the USFWS Conferencing Opinion.

**Verification:** No later than two calendar days following the above required notification of a sighting, kill, or relocation of a listed species, the project owner shall deliver to the BLM Biologist, the CPM, CDFG, USACE, and USFWS via FAX or electronic communication the written report from the Designated Biologist describing all reported incidents of injury, kill, or relocation of a listed species, identifying who was notified, and explaining when the incidents occurred. In the case of a sighting in an active construction area, the project owner shall, at the same time, submit a map (e.g., using Geographic Information Systems) depicting both the limits of construction and sighting location to the BLM Biologist, the CPM, CDFG, USACE, and USFWS. Information regarding sightings, kills, or relocation of FTHLs will be summarized in monthly compliance reports per conditions of **BIO-9**.

## **RAVEN MONITORING, MANAGEMENT, AND CONTROL PLAN**

**BIO-12** The project owner shall implement a Raven Monitoring, Management, and Control Plan that is consistent with the most current USFWS-approved raven management guidelines, and which meets the approval of the USFWS BLM, and Energy Commission staff, in consultation with CDFG. The draft Raven Monitoring, Management, and Control Plan submitted by the applicant (SES 2009f) shall provide the basis for the final plan, subject to review and revisions from USFWS, CDFG, BLM, and the Energy Commission staff.

**Verification:** At least 30 days prior to start of any construction-related ground disturbance activities, the project owner shall provide the CPM, BLM Biologist, USFWS, and CDFG with the final version of the Raven Monitoring, Management, and Control Plan that has been reviewed and approved by USFWS, BLM Biologist, and Energy Commission staff. The CPM would determine the plan's acceptability within 15 days of receipt of the final plan. All modifications to the approved Raven Monitoring, Management, and Control Plan must be made only after consultation with the BLM, Energy Commission staff, USFWS, and CDFG. The project owner shall notify the BLM Biologist and the CPM no less than five working days before implementing any BLM- and CPM-approved modifications to the Raven Monitoring, Management, and Control Plan.

Within 30 days after completion of project construction, the project owner shall provide to the BLM Biologist and the CPM for review and approval, a written report identifying which items of the Raven Monitoring, Management, and Control Plan have been completed, a summary of all modifications to mitigation measures made during the project's construction phase, and which items are still outstanding.

On January 31<sup>st</sup> of each year following construction, the Designated Biologist shall provide a report to the CPM that includes: a summary of the results of raven management and control activities for the year; a discussion of whether raven control and management goals for the year were met; and recommendations for raven management activities for the upcoming year.

## EVAPORATION POND FENCING, NETTING, AND MONITORING

- BIO-13** The project owner shall install exclusionary fencing around the evaporation ponds and cover the evaporation ponds prior to any discharge with 1.5-inch or smaller mesh netting designed to exclude birds and other wildlife from drinking or landing on the water of the ponds. The netted ponds shall be monitored regularly to verify that the netting remains intact, is fulfilling its function in excluding birds and other wildlife from the ponds, and does not pose an entanglement threat to birds and other wildlife. The ponds shall include a visual deterrent in addition to the netting, and the pond shall be designed such that the netting will never contact the water. Monitoring of the evaporation ponds shall include the following:
- The Designated Biologist or Biological Monitor shall regularly survey the ponds at least once per month starting with the first month of operation of the evaporation ponds. The purpose of the surveys shall be to determine if the netted ponds are effective in excluding birds, and to determine if the nets pose an entrapment hazard to birds and wildlife. Surveys shall be of sufficient duration and intensity to provide an accurate assessment of bird and wildlife use of the ponds during all seasons. Surveyors shall be experienced with bird identification and survey techniques. Operations staff at the project site shall also report finding any dead birds or other wildlife at the evaporation ponds to the Designated Biologist within one day of the detection of the carcass. The Designated Biologist shall report any bird or other wildlife deaths or entanglements within two days of the discovery to the CPM, BLM Biologist, CDFG, and USFWS.
  - If dead or entangled birds are detected, the Designated Biologist shall take immediate action to correct the source of mortality or entanglement. The Designated Biologist shall make immediate efforts to contact and consult the CPM, BLM Biologist, CDFG, and USFWS by phone and electronic communications prior to taking remedial action upon detection of the problem, but the inability to reach these parties shall not delay taking action that would, in the judgment of the Designated Biologist, prevent further mortality of birds or other wildlife at the evaporation ponds.
  - If after 12 consecutive monthly site visits no bird or wildlife deaths or entanglements are detected by or reported to the Designated Biologist, monitoring can be reduced to quarterly visits.
  - If after 12 consecutive quarterly site visits no bird or wildlife deaths or entanglements are detected by or reported to the Designated Biologist, the site visits can be reduced to two surveys per year, during spring and fall migration.

**Verification:** No less than 30 days prior to operation of the evaporation ponds the project owner shall provide to the CPM and BLM Biologist as-built drawings and photographs of the ponds indicating that the bird exclusion netting has been installed. The Designated Biologist shall submit annual monitoring reports to the CPM, BLM Biologist, CDFG, and USFWS describing the dates, durations and results of site visits conducted at the evaporation ponds. The annual reports shall fully describe any bird or wildlife death or entanglements detected during the site visits or at any other time, and



shall describe actions taken to remedy these problems. The report shall be submitted to the CPM, BLM Biologist, CDFG, and USFWS no later than January 31<sup>st</sup> of every year for the life of the project.

## **PRE-CONSTRUCTION NEST SURVEYS**

**BIO-14** Pre-construction nest surveys shall be conducted if construction activities would occur from February 1 through July 31. The Designated Biologist or Biological Monitor conducting the surveys shall be experienced bird surveyors familiar with standard nest-locating techniques such as those described in Martin and Guepel (1993). The goal of the nesting surveys shall be to identify the general location of the nest sites, sufficient to establish a protective buffer zone around the potential nest site, and need not include identification of the precise nest locations. Surveyors performing nest surveys shall not concurrently be conducting FTHL surveys. The bird surveyors shall perform surveys in accordance with the following guidelines:

- Surveys shall cover all potential nesting habitat in the project site and within 500 feet of the boundaries of the plant site and linear facilities;
- At least two pre-construction surveys shall be conducted, separated by a minimum 10-day interval. One of the surveys needs to be conducted within the 14-day period preceding initiation of construction activity. Additional follow-up surveys may be required if periods of construction inactivity exceed three weeks, an interval during which birds may establish a nesting territory and initiate egg laying and incubation;
- If active nests are detected during the survey, a no-disturbance buffer zone (protected area surrounding the nest, the size of which is to be determined by the Designated Biologist in consultation with CDFG) and monitoring plan shall be developed. Nest locations shall be mapped and submitted, along with a weekly report stating the survey results, to the BLM Biologist and the CPM; and
- The Designated Biologist shall monitor the nest until he or she determines that nestlings have fledged and dispersed; activities that might, in the opinion of the Designated Biologist, disturb nesting activities, shall be prohibited within the buffer zone until such a determination is made.

**Verification:** At least 10 days prior to the start of any project-related ground disturbance activities or construction equipment staging, the project owner shall provide the BLM Biologist and the CPM a letter-report describing the findings of the pre-construction nest surveys, including the time, date, and duration of the survey; identity and qualifications of the surveyor (s); and a list of species observed. If active nests are detected during the survey, the report shall include a map or aerial photo identifying the location of the nest and shall depict the boundaries of the no-disturbance buffer zone around the nest(s) that would be avoided during project construction.

No later than January 31<sup>st</sup> of every year following construction, a follow-up report shall be provided to the CPM, CDFG, and BLM describing the success of the buffer zones in preventing disturbance to nesting activity and a brief description of the outcome of the

nesting effort (for example, whether young were successfully fledged from the nest or if the nest failed).

## **AMERICAN BADGER AND DESERT KIT FOX IMPACT AVOIDANCE AND MINIMIZATION MEASURES**

**BIO-15** To avoid direct impacts to American badgers and desert kit fox, pre-construction surveys shall be conducted for these species concurrent with the FTHL clearance surveys. Surveys shall be conducted as described below:

- Biological Monitors shall perform pre-construction surveys for badger and kit fox dens for any areas subject to disturbance from construction no less than 30 days prior to the start of initial ground disturbance activities, including areas within 250 feet of all project facilities, utility corridors, and access roads. If dens are detected each den would be classified as inactive, potentially active, or definitely active.
- Inactive dens that would be directly impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by badgers or kit fox. Potentially and definitely active dens would be monitored by the Biological Monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If not tracks are observed in the tracking medium or no photos are taken of the target species after three nights, the den would be excavated and backfilled by hand. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the badger or kit fox from continued use. After verification that the den is unoccupied, it shall then be excavated and backfilled by hand to ensure that no badgers or kit fox are trapped in the den.

**Verification:** The project owner shall submit a report to the BLM Biologist, the CPM, and CDFG at least 30 days prior to the start of any project-related site disturbance activities that describes when badger and kit fox surveys were completed, field observations, implemented mitigation measures, and the results of the mitigation.

## **BURROWING OWL IMPACT AVOIDANCE AND MINIMIZATION MEASURES**

**BIO-16** The project owner shall implement the following measures to avoid and offset impacts to burrowing owls:

- Preconstruction Surveys. Complete a pre-construction survey for burrowing owls for any areas subject to disturbance from construction no more than 30 days prior to the start of initial ground disturbance activities. Surveys shall be focused exclusively on detecting burrowing owls, and shall be conducted from two hours before sunset to one hour after or from one hour before to two hours after sunrise. The survey area shall include the Project Disturbance Area and surrounding 500 foot survey buffer.
- Implement Avoidance Measures. If an active burrowing owl burrow is detected within 500 feet of the Project Disturbance Area (the Project

Disturbance Area means all lands disturbed in the construction and operation of the IVS Project), the following avoidance and minimization measures shall be implemented

- Establish Non-Disturbance Buffer: Fencing shall be installed at a 250-foot radius from the occupied burrow to create a non-disturbance buffer around the burrow. The non-disturbance buffer and fence line may be reduced to 160 feet if all Project-related activities that might disturb burrowing owls would be conducted during the non-breeding season (September 1<sup>st</sup> through January 31<sup>st</sup>). Signs shall be posted in English and Spanish at the fence line indicating no entry or disturbance is permitted within the fenced buffer.
  - Monitoring: If construction activities would occur within 500 feet of the occupied burrow during the nesting season (February 1 – August 31<sup>st</sup>) the Designated Biologist or Biological Monitor shall monitor to determine if these activities have potential to adversely affect nesting efforts, and shall implement measures to minimize or avoid such disturbance.
- Implement Burrowing Owl Mitigation and Monitoring Plan. If pre-construction surveys indicate the presence of burrowing owls within the Project Disturbance Area, the project owner shall prepare a Burrowing Owl Mitigation and Monitoring Plan, in addition to the avoidance measures described above. The final Burrowing Owl Mitigation Plan shall be approved by the BLM Biologist and the CPM, in consultation with USFWS and CDFG prior to relocation of owls (and incorporated into the project's BRMIMP) as well as a construction termination report with results to CDFG, BLM Biologist, and the CPM 30 days after completing owl relocation and monitoring and at least 30 days prior to the start of commercial operation. This plan shall:
  - Identify and describe suitable relocation sites within 1 mile of the Project Disturbance Area, and describe measures to ensure that burrow installation or improvements would not affect sensitive species habitat or existing burrowing owl colonies in the relocation area;
  - Provide guidelines for the creation or enhancement of no less than four artificial burrows, or at least two burrows for each owl displaced by the project as close as possible to the existing location if owls are detected in the project footprint or within 250 feet of construction. Design of the artificial burrows shall be consistent with CDFG guidelines (CDFG 1995). The Designated Biologist shall survey the site selected for artificial burrow construction to verify that such construction will not affect FTHL. The design of the burrows shall be approved by the CPM and BLM Wildlife Biologist in consultation with CDFG and USFWS. If artificial burrows are required, the project owner shall obtain by purchase the land required to support the burrows or ensure the burrows are located

in an area such as the transmission line easement where construction/development would not occur.

- Provide detailed methods and guidance for passive relocation of burrowing owls occurring in the Project Disturbance Area; and prepare a Burrowing Owl Relocation Area Management Plan. If artificial burrows are constructed, the project owner shall develop a Burrowing Owl Relocation Area Management Plan. The Burrowing Owl Relocation Area Management Plan shall include monitoring and maintenance requirements, details on methods for measuring compliance goals, and remedial actions to be taken if management goals are not met. A report describing results of monitoring and management of the relocation area shall be submitted to the CPM, BLM Biologist, CDFG, and USFWS no later than January 31<sup>st</sup> of each year for the life of the project.

**Verification:** Within 30 days of publication of the Energy Commission Decision, the project owner shall submit to CDFG, USFWS, BLM Biologist, and the CPM a draft Burrowing Owl Relocation Area Management Plan if burrowing owls will need to be relocated. Prior to any ground-disturbing activities on the project site, the project owner shall submit to the CPM a final Burrowing Owl Relocation Area Management Plan that reflects review and approval by staff in consultation with CDFG and USFWS.

If pre-construction surveys detect burrowing owls within 500 feet of proposed construction activities, the Designated Biologist shall provide to CDFG, USFWS, BLM Biologist, and the CPM a Burrowing Owl Monitoring and Mitigation Plan at least 30 days prior to the start of any project-related site disturbance activities. The project owner shall report monthly to CDFG, USFWS, the BLM Wildlife Biologist, and the CPM for the duration of construction on the implementation of burrowing owl avoidance and minimization measures described in the Burrowing Owl Monitoring and Mitigation Plan. Within 30 days after completion of construction the project owner shall provide to the CDFG, the BLM Wildlife Biologist, and the CPM a written construction termination report identifying how mitigation measures described in the plan have been completed.

## **LAKE AND STREAMBED AND PENINSULAR BIGHORN SHEEP FORAGING HABITAT IMPACT MINIMIZATION AND COMPENSATION MEASURES**

**BIO-17** The project owner is required to compensate for the loss of 881 acres of ephemeral wash foraging habitat for the Peninsular bighorn sheep (PBHS), as well as the functional loss of 48 acres of state jurisdictional waters. Mitigation presented within this proposed Condition of Certification is designed to mitigate for impacts resulting from implementation of Drainage Avoidance #1 Alternative. This alternative substantially reduces impacts to state jurisdictional waters and waters of the U.S. Further review and possible revision of compensation land acreage requirements will be necessary following determination of the final project footprint and impacts. The acquisition of jurisdictional state waters can be included with the FTHL, burrowing owl, golden eagle, American badger, and desert kit fox mitigation lands (**BIO-10**) if they are acquired within 18 months of start of construction.

If FTHL habitat mitigation lands are not acquired within 18 months, the project owner shall independently provide 48 acres of off-site desert ephemeral wash habitat.

If all or any portion of the acquired habitat compensation lands from **BIO-10** meets the criteria for bighorn sheep foraging habitat and state waters compensation lands, then the requirements of **BIO-17** are reduced by that amount.

Although the criteria for ephemeral wash foraging habitat and waters of the state habitat are listed separately below, the compensation lands acquired pursuant to this conditions must meet both sets of criteria.

1. Selection Criteria for Compensation Lands: Land selected as compensation for loss of ephemeral wash PBHS foraging habitat must satisfy the following criteria;
  - a. Be within the “Essential Habitat Line” for PBHS, as delineated by the USFWS Recovery Plan for Bighorn Sheep in the Peninsular Ranges, California (USFWS 2000). If sufficient available suitable habitat is not found within the Essential Habitat Line, then habitat immediately adjacent to the Essential Habitat Line must be purchased, and also of equal or higher quality habitat than present within the project site.
  - b. Be comprised of the same or higher quality habitat of demonstrated known utilization by PBHS as forage, and selected in conjunction with input from CDFG and the USFWS.

Land selected as compensation for impacts to state jurisdictional waters must satisfy the following criteria:

- c. Compensation land purchased in Sonoran creosote scrub habitat must include ephemeral washes with at least 48 acres of state jurisdictional waters, mitigated at a 1:1 ratio.
  - d. Be characterized by similar soil permeability, hydrological and biological functions as the impacted drainages.
  - e. Located in the Colorado Desert.
2. Review and Approval of Compensation Lands Prior to Acquisition: The Project owner shall submit a formal acquisition proposal to the CPM describing the parcel(s) intended for purchase. This acquisition proposal shall discuss the suitability of the proposed parcel(s) as compensation lands for FTHL in relation to the criteria listed above, and must be approved by the CPM. The CPM will share the proposal with and consult with CDFG, BLM, and the USFWS before deciding whether to approve or disapprove the proposed acquisition.
3. Compensation Lands Acquisition Requirements: The project owner shall comply with the following requirements relating to acquisition of the compensation lands after the CPM, in consultation with CDFG, BLM, and the USFWS, has approved the proposed compensation lands:
  - a. Preliminary Report. The Project owner, or approved third party, shall provide a recent preliminary title report, initial hazardous materials survey

report, biological analysis, and other necessary or requested documents for the proposed compensation land to the CPM. All documents conveying or conserving compensation lands and all conditions of title are subject to review and approval by the CPM, in consultation with CDFG, BLM and the USFWS. For conveyances to the State, approval may also be required from the California Department of General Services, the Fish and Game Commission and the Wildlife Conservation Board.

- b. Title/Conveyance. The Project owner shall acquire and transfer fee title to the compensation lands, a conservation easement over the lands, or both fee title and conservation easement, as required by the CPM in consultation with CDFG. Any transfer of a conservation easement or fee title must be to CDFG, a non-profit organization qualified to hold title to and manage compensation lands (pursuant to California Government Code section 65965), or to BLM or other public agency approved by the CPM in consultation with CDFG. If an approved non-profit organization holds fee title to the compensation lands, a conservation easement shall be recorded in favor of CDFG or another entity approved by the CPM. If an entity other than CDFG holds a conservation easement over the compensation lands, the CPM may require that CDFG or another entity approved by the CPM, in consultation with CDFG, be named a third party beneficiary of the conservation easement. The Project owner shall obtain approval of the CPM, in consultation with CDFG, of the terms of any transfer of fee title or conservation easement to the compensation lands.
- c. Initial Protection and Habitat Improvement. The project owner shall fund activities that the CPM, in consultation with the CDFG, USFWS and BLM, requires for the initial protection and habitat improvement of the compensation lands. These activities will vary depending on the condition and location of the land acquired, but may include trash removal, construction and repair of fences, invasive plant removal, and similar measures to protect habitat and improve habitat quality on the compensation lands. The costs of these activities are estimated at \$27 an acre, but will vary depending on the measures that are required for the compensation lands. A non-profit organization, CDFG or another public agency may hold and expend the habitat improvement funds if it is qualified to manage the compensation lands (pursuant to California Government Code section 65965), if it meets the approval of the CPM in consultation with CDFG, and if it is authorized to participate in implementing the required activities on the compensation lands. If CDFG takes fee title to the compensation lands, the habitat improvement fund must be paid to CDFG or its designee.
- d. Property Analysis Record. Upon identification of the compensation lands, the Project owner shall conduct a Property Analysis Record (PAR) or PAR-like analysis to establish the appropriate amount of the long-term maintenance and management fund to pay the in-perpetuity management of the compensation lands. The PAR or PAR-like analysis must be approved by the CPM, in consultation with CDFG, before it can be used to

establish funding levels or management activities for the compensation lands.

- e. Long-term Maintenance and Management Funding. The Project owner shall provide money to establish an account with non-wasting capital that will be used to fund the long-term maintenance and management of the compensation lands. The amount of money to be paid will be determined through an approved PAR or PAR-like analysis conducted for the compensation lands. The amount of required funding is initially estimated to be \$692 for every acre of compensation lands. If compensation lands will not be identified and a PAR or PAR-like analysis completed within the time period specified for this payment (see the verification section at the end of this condition), the Project owner shall either provide initial payment of \$609,652 (calculated at \$692 an acre for 881 acres) or the project owner shall include \$609,652 to reflect this amount in the security that is provided to the Energy Commission under section 3.h. of this condition. The amount of the required initial payment or security for this item shall be adjusted for any change in the project footprint as described above. If an initial payment is made based on the estimated per-acre costs, the project owner shall deposit additional money as may be needed to provide the full amount of long-term maintenance and management funding indicated by a PAR or PAR-like analysis, once the analysis is completed and approved. If the approved analysis indicates less than \$692 an acre will be required for long-term maintenance and management, the excess paid will be returned to the project owner. The project owner must obtain the CPM's approval of the entity that will receive and hold the long-term maintenance and management fund for the compensation lands. The CPM will consult with CDFG before deciding whether to approve an entity to hold the project's long-term maintenance and management funds.

The project owner shall ensure that an agreement is in place with the long-term maintenance and management fund holder/manager to ensure the following requirements are met:

- i. Interest. Interest generated from the initial capital long-term maintenance and management fund shall be available for reinvestment into the principal and for the long-term operation, management, and protection of the approved compensation lands, including reasonable administrative overhead, biological monitoring, improvements to carrying capacity, law enforcement measures, and any other action that is approved by the CPM in consultation with CDFG and is designed to protect or improve the habitat values of the compensation lands.
- ii. Withdrawal of Principal. The long-term maintenance and management fund principal shall not be drawn upon unless such withdrawal is deemed necessary by the CPM, in consultation with CDFG, or by the approved third-party long-term maintenance and

management fund manager, to ensure the continued viability of the species on the compensation lands.

- iii. Pooling Long-Term Maintenance and Management Funds. An entity approved to hold long-term maintenance and management funds for the Project may pool those funds with similar non-wasting funds that it holds from other projects for long-term maintenance and management of compensation lands for local populations of desert tortoise. However, for reporting purposes, the long-term maintenance and management funds for this Project must be tracked and reported individually to the CPM and CDFG.

- f. Other Expenses. In addition to the costs listed above, the project owner shall be responsible for all other costs related to acquisition of compensation lands and conservation easements, including but not limited to the title and document review costs incurred from other state agency reviews, overhead related to providing compensation lands to CDFG or an approved third party, escrow fees or costs, environmental contaminants clearance, and other site cleanup measures.
- g. Management Plan. The project owner shall prepare a Management Plan for the compensation lands in consultation with the entity that will be managing the lands. The Management Plan shall reflect site-specific enhancement measures for the drainages on the acquired compensation lands. The objective of the Management Plan shall be to enhance the wildlife value of the drainages and may include enhancement actions such as weed control, fencing to exclude livestock and OHVs, or erosion control. The plan shall be submitted for approval of the CPM, in consultation with CDFG, BLM and USFWS.
- h. Mitigation Security. The project owner shall provide financial assurances to the CPM, with copies of the final document to CDFG, to guarantee that an adequate level of funding is available to implement any of the mitigation measures required by this condition that are not completed prior to the start of ground-disturbing project activities. Financial assurances shall be provided to the CPM in the form of an irrevocable letter of credit, a pledged savings account or another form of security ("Security") approved by the CPM in consultation with CDFG. Prior to submitting the Security to the CPM, the project owner shall obtain the CPM's approval, in consultation with CDFG, of the form of the Security. The CPM may draw on the Security if the CPM determines the project owner has failed to comply with the requirements specified in this condition. The CPM may use money from the Security solely for implementation of the requirements of this condition. The CPM's use of the Security to implement measures in this condition may not fully satisfy the project owner's obligations under this condition. The Security shall be returned to the Project owner in whole or in part upon successful completion of the associated requirements in this condition.



Security shall be provided in the amount of \$1,297,656.86 or (\$1,388,492.84 if the project owner elects to use the REAT Account with NFWF pursuant to paragraph 3.h. of this condition, below). The security is calculated in part, from the items that follow but adjusted as specified below (consult **Biological Resources Table 5** for the calculation of estimated costs):

- i. land acquisition costs for compensation land, calculated at \$500/acre x 881 acres = \$440,500;
- ii. initial protection and habitat improvement activities on the compensation land, calculated at \$27/acre x 881 acres = \$23,787;
- iii. long-term maintenance and management on the compensation land calculated at \$692/acre x 881 acres = \$609,652;
- iv. pre-acquisition liability survey at no less than \$2,500 per parcel (assuming 40 acres per parcel):  
(No. of parcels = 881 acres ÷ 40 acres = 22 parcels)  
22 parcels x \$2500 = \$55,000;
- v. appraisal fees at \$3,000 per parcel = \$3000 x 22 parcels = \$66,000;
- vi. BLM cost to accept land = \$102,717.86 (if BLM is determine to be most reasonable land manager); and
- vii. NFWF fee = \$90,835.98 (if NFWF is used for acquisition).

The amount of security shall be adjusted for any change in the project footprint as described above. In addition, the amount of Security specified in this section may be reduced in proportion to any of the secured mitigation requirements that the project owner has completed at the time the Security is required to be submitted. If all or any portion of required habitat compensation lands from **BIO-10** and **BIO-17** meets the criteria set forth for special status compensation lands may be used to fulfill that portion of the obligation for this condition, thus reducing the compensation acreage amount needed to fulfill the needed 881 acres. Also, if the project owner transfers funds for long-term management of the compensation lands to an entity approved to hold those funds, the Security would not include any amount for long-term maintenance and management of the lands. The project owner will be entitled to partial or complete release of the Security as the secured mitigation requirements are successfully completed.

- i. The project owner may elect to comply with the requirements in this condition for acquisition of compensation lands, initial protection and habitat improvement on the compensation lands, or long-term

maintenance and management of the compensation lands by funding, or any combination of these three requirements, by providing funds to implement those measures into the Renewable Energy Action Team (REAT) Account established with the National Fish and Wildlife Foundation (NFWF). To use this option, the Project owner must make an initial deposit to the REAT Account in an amount equal to the estimated costs (as set forth in the Security section of this condition) of implementing the requirement. If the actual cost of the acquisition, initial protection and habitat improvements, or long-term funding is more than the estimated amount initially paid by the project owner, the project owner shall make an additional deposit into the REAT Account sufficient to cover the actual acquisition costs, the actual costs of initial protection and habitat improvement on the compensation lands, or the long-term funding requirements as established in an approved PAR or PAR-like analysis. If those actual costs or PAR projections are less than the amount initially transferred by the applicant, the remaining balance shall be returned to the project owner.

The responsibility for acquisition of compensation lands may be delegated to a third party other than NFWF, such as a non-governmental organization supportive of desert habitat conservation, by written agreement of the Energy Commission. Such delegation shall be subject to approval by the CPM, in consultation with CDFG, BLM and USFWS, prior to land acquisition, enhancement or management activities. Agreements to delegate land acquisition to an approved third party, or to manage compensation lands, shall be executed and implemented within 18 months of the Energy Commission's certification of the project.

4. The project owner may choose to satisfy its mitigation obligations identified in this condition by paying an in lieu fee instead of acquiring compensation lands, pursuant to Fish and Game code sections 2069 and 2099 or any other applicable in-lieu fee provision, to the extent the in-lieu fee provision is found by the Commission to be in compliance with CEQA and CESA requirements.
5. Notification. The project owner shall notify the CPM and CDFG in writing, at least five days prior to initiation of project activities in jurisdictional areas as noted and at least five days prior to completion of project activities in jurisdictional areas. The project owner shall notify the CPM and CDFG of any change of conditions to the project, the jurisdictional impacts, or the mitigation efforts, if the conditions at the site of a proposed project change in a manner which changes risk to biological resources that may be substantially adversely affected by the proposed project. The notifying report shall be provided to the CPM and CDFG no later than seven days after the change of conditions is identified. As used here, change of condition refers to the process, procedures, and methods of operation of a project; the biological and physical characteristics of a project area; or the laws or regulations pertinent to the project as defined below. A copy of the notifying change of conditions report shall be included in the annual reports.
  - Biological Conditions: a change in biological conditions includes, but is not limited to, the following: 1) the presence of biological

resources within or adjacent to the project area, whether native or non-native, not previously known to occur in the area; or 2) the presence of biological resources within or adjacent to the project area, whether native or non-native, the status of which has changed to endangered, rare, or threatened, as defined in section 15380 of Title 14 of the California Code of Regulations.

- Physical Conditions: a change in physical conditions includes, but is not limited to, the following: 1) a change in the morphology of a river, stream, or lake, such as the lowering of a bed or scouring of a bank, or changes in stream form and configuration caused by storm events; 2) the movement of a river or stream channel to a different location; 3) a reduction of or other change in vegetation on the bed, channel, or bank of a drainage, or 4) changes to the hydrologic regime such as fluctuations in the timing or volume of water flows in a river or stream.
- Legal Conditions: a change in legal conditions includes, but is not limited to, a change in Regulations, Statutory Law, a Judicial or Court decision, or the listing of a species, the status of which has changed to endangered, rare, or threatened, as defined in section 15380 of Title 14 of the California.

6. Lake and Streambed Impact Minimization and Compensation Measures. The project owner shall provide a copy of Condition of Certification **BIO-17** from the Energy Commission Decision to all contractors, subcontractors, and the Applicant's project supervisors. Copies shall be readily available at work sites at all times during periods of active work and must be presented to any CDFG personnel or personnel from another agency upon demand. The CPM reserves the right to issue a stop work order or allow CDFG to issue a stop work order after giving notice to the project owner and the CPM, if the CPM in consultation with CDFG, determines that the project owner has breached any of the terms or conditions or for other reasons, including but not limited to the following:

- The information provided by the applicant regarding streambed alteration is incomplete or inaccurate;
- New information becomes available that was not known to it in preparing the terms and conditions;
- The project or project activities as described in the SAA have changed; or
- The conditions affecting biological resources changed or the CPM or BLM Biologist, in consultation with CDFG or USACE, determines that project activities would result in a substantial adverse effect on the environment.

Should project conditions change and impacts to bed, bank, or channel occur on any of the water ways along the reclaimed water pipeline route, a revised Lake and Streambed Alteration Agreement (LSAA) application must be submitted to the Commission in consultation with CDFG either (1) for a Commission determination that the revised LSAA application complies with CEQA and CESA; or (2) should the project conditions change after a final decision in on the AFC in this proceeding, through an application for amendment to the Commission's final decision issued in this proceeding.

**Verification:** No later than 12 months after the start of ground-disturbing project activities, the project owner, or a third-party approved by the CPM, in consultation with CDFG and BLM, shall submit a formal acquisition proposal to the CPM describing the parcel(s) intended for purchase containing no less than 48 acres of state jurisdictional waters and 881 acres of applicable PBHS foraging habitat, and shall obtain approval from the CPM, in consultation with CDFG, BLM, and USFWS, prior to acquisition.

Draft agreements to delegate land acquisition to CDFG, BLM, or an approved third party and agreements to manage compensation lands shall be submitted to Energy Commission staff for review and approval (in consultation with CDFG) prior to land acquisition. Such agreements shall be mutually approved and executed at least 30 days prior to start of any project-related ground disturbance activities. The project owner shall provide written verification to the CPM that the compensation lands have been acquired and recorded in favor of the approved recipient(s). Alternatively, before beginning project ground-disturbing activities, the project owner shall provide Security in accordance with section 3.h of this condition. Within 180 days after the land purchase, as determined by the date on the title, the project owner shall provide the CPM with a management plan for review and approval, in consultation with CDFG, BLM, and USFWS, for the compensation lands and associated funds.

The project owner shall complete and submit to the CPM a PAR or PAR-like analysis no later than 60 days after the CPM approves compensation lands for acquisition. The project owner shall fully fund the required amount for long-term maintenance and management of the compensation lands no later than 30 days after the CPM approves a PAR or PAR-like analysis of the anticipated long-term maintenance and management costs of the compensation lands. Written verification shall be provided to the CPM and CDFG to confirm payment of the long-term maintenance and management funds.

No later than 60 days after the CPM determines what activities are required to provide for initial protection and habitat improvement on the compensation lands, the project owner shall make funding available for those activities and provide written verification to the CPM of what funds are available and how costs will be paid. Initial protection and habitat improvement activities on the compensation lands shall be completed, and written verification provided to the CPM, no later than six months after the CPM's determination of what activities are required on the compensation lands.

If electing to satisfy the requirements of this condition by utilizing the options created by CDFG pursuant to SBX8 34, the Project owner shall notify the Commission that it would like a determination that the Project's in-lieu fee proposal meets CEQA and CESA requirements.

No fewer than 30 days prior to the start of work potentially affecting jurisdictional state waters, the project owner shall provide written verification (i.e., through incorporation into the BRMIMP) to the CPM that the above best management practices will be implemented and provide a discussion of work in jurisdictional state waters in Compliance Reports for the duration of the project.

## **WEED MANAGEMENT PLAN**

**BIO-18** The project owner shall implement a Weed Management Plan that meets the approval of BLM and Energy Commission staff. The draft Weed Management Plan submitted by the applicant (SES 2009e) shall provide the basis for the final plan, subject to review and revisions from BLM, USFWS, CDFG, and the Energy Commission staff. In addition to describing weed eradication and control methods, and a reporting plan for weed management during and after construction, the final Weed Management Plan shall include at least the following Best Management Practices to prevent the spread and propagation of invasive weeds:

- Limit the size of any vegetation and/or ground disturbance to the absolute minimum, and limit ingress and egress to defined routes.
- Maintain vehicle wash and inspection stations and closely monitor the types of materials brought onto the site.
- Reestablish vegetation quickly on disturbed sites with native seed mixes.
- Monitoring and rapid implementation of control measures to ensure early detection and eradication for weed invasions.
- Use only weed-free straw or hay bales used for sediment barrier installations, and weed-free seed.
- Reclamation and revegetation shall occur on all temporarily disturbed areas, including pipelines, transmission lines, and staging areas.
- Control weeds in areas where irrigation and mirror washing take place.

**Verification:** At least 30 days prior to start of any project-related ground disturbance activities, the project owner shall provide the BLM Biologist and the CPM with the final version of the Weed Management Plan that has been reviewed and approved by BLM, USFWS, CDFG, and Energy Commission staff. The CPM and BLM Biologist would determine the plan's acceptability within 15 days of receipt of the final plan. All modifications to the approved Weed Management Plan shall be made only after consultation BLM, Energy Commission staff, USFWS, and CDFG. The project owner shall notify the CPM and BLM Biologist no less than five working days before implementing any BLM- and CPM-approved modifications to the Weed Management Plan.

Within 30 days after completion of project construction, the project owner shall provide to the BLM Biologist and the CPM for review and approval, a written report identifying which items of the Weed Management Plan have been completed, a summary of all modifications to mitigation measures made during the project's construction phase, and

which items are still outstanding. A summary report on weed management on the project site shall be submitted in the Annual Compliance Report during plant operations.

## **SPECIAL STATUS PLANT SURVEYS AND PROTECTION PLAN**

**BIO-19** The Project owner shall implement the following measures to avoid, minimize, and mitigate impacts to special status plant species:

### **Section A: Special Status Plant Avoidance and Minimization Measures**

To protect all special status plants located within 100 feet of the permitted Project Disturbance Area (including access roads, staging areas, laydown areas, parking and storage areas) from accidental and indirect impacts during construction, operation, and closure, the Project owner shall implement the following measures:

1. Designated Botanist. An experienced botanist who meets the qualifications described in Section **B-2** below shall oversee compliance with all special-status plant avoidance, minimization, and compensation measures described in this condition throughout construction, operation, and closure. The Designated Botanist shall oversee and train all other Biological Monitors tasked with conducting botanical survey and monitoring work.
2. Special Status Plant Impact Avoidance and Minimization Plan. The project owner shall develop and implement a Special Status Plant Impact Avoidance and Minimization Plan and shall incorporate the Plan into the BRMIMP (**BIO-7**). The Plan shall include the following elements:
  - a. Site Design Modifications: Incorporate site design modifications to minimize impacts to special-status plants along the Project linears: limiting the width of the work area; adjusting the location of staging areas, lay downs, spur roads and poles or towers; driving and crushing vegetation as an alternative to blading temporary roads to preserve the seed bank, and minor adjustments to the alignment of the roads and pipelines within the constraints of the right-of-way (ROW). These modifications shall be clearly depicted on the grading and construction plans, and on report-sized maps in the BRMIMP;
  - b. Establish Environmentally Sensitive Areas (ESAs). Before construction establish ESAs to protect avoided plants. The locations of ESAs shall be clearly depicted on construction drawings, which shall also include all avoidance and minimization measures on the margins of the construction plans. The boundaries of the ESAs shall be placed a minimum of 20 feet from the uphill side of the occurrence and 10 feet from the downhill side, and shall be clearly delineated in the field with temporary construction fencing and signs prohibiting movement of the fence under penalty of work stoppages and additional compensatory mitigation. ESAs shall also be permanently marked (with signage or other markers)

to ensure that avoided plants are not inadvertently harmed during construction, operation, or closure.

- c. Special-Status Plant Worker Environmental Awareness Program (WEAP). The Plan shall include training components specific to protection of special-status plants, and shall be incorporated into the WEAP described in **BIO-6**;
- d. Herbicide and Soil Stabilizer Drift Control Measures. The Plan shall provide detailed specifications for avoiding herbicide and soil stabilizer drift, and shall include a list of herbicides and soil stabilizers that will be used on the Project with manufacturer's guidance on appropriate use. The Plan shall indicate where the herbicides will be used, and what techniques will be used to avoid chemical drift or residual toxicity to special-status plants, consistent with guidelines provided by the Nature Conservancy's The Global Invasive Species Team  
<<http://www.invasive.org/gist/products.html>>
- e. Erosion and Sediment Control Measures. The Plan shall include measures to ensure that erosion and sediment control measures do not inadvertently impact special-status plants (e.g., by using invasive or non-native plants in seed mixes, introducing pest plants through contaminated seed or straw, etc.). These measures shall be incorporated in the Storm Water Pollution Prevention Plan.
- f. Avoid Special-Status Plant Occurrences. Designate spoil areas; equipment, vehicle, and materials storage areas; parking; equipment and vehicle maintenance areas, and; wash areas at least 100 feet from any ESAs.
- g. Monitoring and Reporting Requirements. The Designated Botanist shall conduct weekly monitoring of the ESAs that protect special-status plant occurrences during construction, operation, or decommissioning activities within 100 feet of the occurrences, and quarterly monitoring for the remainder of construction. The Project owner shall also conduct annual monitoring of the avoided occurrences on-site, and off-site occurrences that are adjacent to the Project, for the life of the Project (see Verification, below).
- h. Seed Collection. Conduct pre-construction collection of seed (or other propagules) of the affected special-status plants within the Project Disturbance Area in the summer-fall season prior to the start of construction and according to the seed collection and storage guidelines contained in (Wall 2009a; Bainbridge 2007). Collection of seed (or other propagules) shall be done by the Rancho Santa Ana Botanic Garden (RSABG) Conservation Program staff or other qualified seed or restoration specialist. The Project owner shall be responsible for all costs associated with seed storage. All seed storage shall occur at RSABG or other qualified seed dealer and at least 40 percent of the collected seed shall remain in long-term storage at RSABG Seed Conservation

Program, San Diego Natural History Museum, or other qualified seed conservation program, and made available for contingency efforts in the event of on-site or off-site mitigation failure.

### **Section B: Conduct Late-Season Botanical Surveys**

The Project owner shall conduct late-summer/fall botanical surveys for late-season special-status plants as described below:

1. Survey Timing. Surveys shall be timed to detect: a) summer annuals triggered to germinate by the warm, tropical summer storms (which may occur any time between June and October), and b) fall-blooming perennials that respond to the cooler, later season storms that originate in the Pacific northwest (typically beginning in September or October). The surveys shall not be timed to coincide with the statistical peak bloom period of the target species but shall instead be based on plant phenology and the timing of a significant storm event (i.e., a 10mm or greater rain or storm event, as measured at or within 1 mile of the Project site). Surveys for summer annuals shall be timed to occur approximately 4 to 7 weeks following a warm, tropical storm. Re-surveys shall occur as many times as necessary to ensure that surveys are conducted during the appropriate identification period for the target taxa, which may be blooms, fruit, seed characteristics, or vegetative characteristics, depending on the taxon.
2. Surveyor Qualifications and Training. Surveys shall be conducted by a qualified botanist knowledgeable in the complex biology of the local flora, and consistent with CDFG protocols (CDFG 2009). The botanical survey crew shall be prepared to mobilize quickly to conduct appropriately timed surveys. Each surveyor shall be equipped with a GPS unit and record a complete tracklog; these data shall be compiled and submitted along with the Summer-Fall Survey Botanical Report (described below). Prior to the start of surveys, all crew members shall, at a minimum, visit reference sites (where available) and/or review herbarium specimens of all BLM Sensitive plants, CNPS List 1B or 2 (Nature Serve rank S1 and S2) or proposed List 1B or 2 taxa, and any new reported or documented taxa, to obtain a search image. Because range extensions are likely to be found, the list of potentially occurring special-status plants shall include all special-status taxa known to occur within the Sonoran Desert region in California. The list shall also include taxa with bloom seasons that begin in fall and extend into the early spring as many of these are reported to be easier to detect in fall, following the start of the fall rains.
3. Survey Coverage.
  - a) Survey protocol utilized for the 2010 late spring surveys for the project site could be utilized for summer/fall botanical surveys (see **Methods** section of the URS report titled "Imperial Valley Solar (formerly Solar Two) (08-AFC-5) Applicant's Submittal of Late Spring Botany Report, URS Project No. 27657106.00804", dated June 11, 2010; **or** the project owner can do the following:



- b) At a minimum, the Applicant shall conduct comprehensive surveys (i.e., 100 percent visual coverage) of the washes, and other lowlands within the Project Disturbance Area to capture the full extent of the washes that will be affected by development in the washes. In the intervening uplands (dry areas), surveys shall be conducted to ensure a 25 percent visual coverage. Other special or unique habitats associated with rare plants shall also be surveyed at 100 percent visual coverage. Transects shall be “intuitive controlled” (per Whiteaker et al. 1998) to ensure a focus on habitat most likely to support rare plants (such as desert washes), rather than on pre-defined, evenly-spaced survey grids. In the one-mile Energy Commission buffer areas (outside the Project Disturbance Area), washes and other habitats strongly associated with rare plants shall also be surveyed comprehensively (i.e., 100 percent visual coverage) if they will be affected by development in the washes, but the intervening uplands or habitat not strongly associated with rare plants may be spot-checked or sampled at approximately 10 percent visual coverage.
- 4. Documenting Occurrences. If a special-status plant is detected, the full extent of the population shall be assessed, both onsite and offsite. The number of individuals shall be counted (or sub-sampled and the population size estimated in the event of large populations). The boundaries of all occurrences shall be recorded with hand-held GPS units of one meter or better accuracy and then plotted on aerial photo base maps of a scale similar to that used in the AFC (SES 2008a). All but the smallest populations (e.g., a population occupying less than 100 square feet) shall be recorded as area polygons; small populations may be recorded as point features. All GPS-recorded occurrences shall include: the number of plants, phenology, observed threats (e.g., OHV or invasive exotics), and habitat or community type. The map of occurrences submitted with the progress reports and final botanical report shall be prepared to ensure consistency with mapping protocol and definitions of occurrences in CNDDDB: occurrences found within 0.25 miles of another occurrence of the same taxon, and not separated by significant habitat discontinuities, shall be combined into a single ‘occurrence’. The project owner shall also submit the raw GPS shape files and metadata.
- 5. Reporting. Progress Reports shall be submitted during surveys (as described below in verification), and shall include: a) the raw GPS data and metadata; b) a spreadsheet of the data (from the ‘dbf’ file), and c) a map of the data showing occurrence locations (labeled with their corresponding occurrence number from the GPS files) and Project features on a USGS topographic base map.

The Final Summer-Fall Botanical Survey Report shall be prepared consistent with CDFG guidelines (CDFG 2009), and BLM guidelines (Lund pers comm) and shall include the following components:

- a. the BLM designation, NatureServe Global and State Rank of each species or taxon found (or proposed rank, or CNPS List);

- b. the number or percent of the occurrence that will be directly affected, and indirectly affected by changes in drainage patterns or altered geomorphic processes;
- c. the habitat or plant community that supports the occurrence and the total acres of that habitat or community type that occurs in the Project Disturbance Area;
- d. an indication of whether the occurrence has any local or regional significance (e.g., if it exhibits any unusual morphology, occurs at the periphery of its range in California, represents a significant range extension or disjunct occurrence, or occurs in an atypical habitat or substrate);
- e. a completed CNDDDB field form for every occurrence, and;
- f. two maps: one that depicts the raw GPS data (as collected in the field) on a topographic base map with Project features; and a second map that follows the CNDDDB protocol for occurrence mapping, which lumps two or more occurrences of the same species within one-quarter mile or less of each other into one occurrence.

### **Section C: Triggers for Implementation of Mitigation for Special-Status Plants Detected in the Summer/Fall 2010 Surveys**

The standards listed below establish criteria that would trigger implementation of additional mitigation measures for impacts to late summer/fall season special status plant species (if detected during the surveys required under Section B of this Condition). These mitigation measures, described in Section D below, would reduce impacts to any special-status plant species detected during the late summer/fall plant surveys to less than significant levels. These rankings are based on the internationally accepted Natural Heritage Methodology, available online at:

<http://www.natureserve.org/prodServices/heritagemethodology.jsp> Included in this methodology is the NatureServe global and state ranking process ([www.natureserve.org/explorer/ranking](http://www.natureserve.org/explorer/ranking)) which provides an estimate of extinction risk worldwide and in California (Master et al. 2009). Avoidance and Minimization Measures described in Section A of this condition are required for all special-status plants, regardless of NatureServe rank or CNPS List.

1. Triggers. The following triggers for implementation of mitigation are not intended for use beyond their use in the application of this Condition (Subsection C):
  - a. Level 1 Trigger. BLM requests 100 percent avoidance for BLM Sensitive species (CNPS List 1 species are BLM Sensitive) but BLM's State Botanist will decide the level of avoidance on a case-by-case basis. Any impacts to non-BLM Sensitive species with a NatureServe Global Rank of G1 or G2 will trigger mitigation as described in Section D below.

- b. Level 2 Trigger. Any impact to a CNPS List 2 taxon will trigger mitigation described in Section D below. However, should a CNPS List 3 or 4 taxon be of local or regional significance, as described below in 2b, then the level of protection for the taxon shall be adjusted
- 2. Adjustments for Triggers. The levels of protection for a taxon may be adjusted under the following scenarios:
  - a. State- or Federal-Listed Species. If a state or federal-listed species is detected, the project owner shall immediately notify the CDFG, USFWS, and the CPM, and comply with all measures contained in this condition as well as the terms and conditions of any applicable federal permit, including avoidance and reconfiguration if required.
  - b. Local or Regional Significance. CNPS List 4 (typically assigned a State rank of 3) shall be adjusted to a higher level of protection if the plant occurrence has local or regional significance not captured by the above rankings. According to CDFG protocol (CDFG 2009): "List 3 plants may be analyzed under CEQA §15380 if sufficient information is available to assess potential impacts to such plants. Factors such as regional rarity vs. statewide rarity shall be considered in determining whether cumulative impacts to a List 4 plant are significant even if individual project impacts are not. CNPS List 3 and 4 may be considered regionally significant if, e.g., the occurrence is located at the periphery of the species' range, or exhibits unusual morphology, or occurs in an unusual habitat/substrate."

A plant occurrence of any rank may be assigned a five percent higher level of protection in its ranking if the plant occurrence exhibits one or more of the following features:

  - i. occurs at the outermost periphery of its range in California;
  - ii. represents a significant range extension or disjunct occurrence (e.g., is located outside of the 9-quad region centered on the nearest known occurrence);
  - iii. is in an atypical habitat, region, or elevation for the taxon that suggests that the occurrence may have genetic significance (e.g., that may increase its ability to survive future threats), or;
  - iv. exhibits any unusual morphology that is not clearly attributable to environmental factors that may indicate a potential new variety or sub-species.- c. New, Un-Described Taxa and Other Occurrences of Questionable Taxonomic Status. BLM will treat new un-described taxa as if they are BLM Sensitive, and requests 100 percent avoidance, but BLM's State Botanist will decide the level of avoidance on a case-by-case basis. Proposed additions to the CNPS Inventory, including any new un-described taxa that are proposed additions to the CNPS

Inventory, will be treated as Proposed unless rejected by the CNPS Rare Plant Botanist after the initial literature review and consultation with the network of botanists, representing state and federal agencies, consulting firms, and academic institutions. A description of the peer review process is available at: <http://www.cnps.org/cnps/rareplants/>. Typically, under NatureServe and CNPS ranking protocol, plants with a questionable taxonomy are assigned a lower conservation priority with the caveat that resolution of this uncertainty may result in a status change that may be lower or higher than originally assigned.

- d. Significant Cumulative Effects. The assessment of known threats from over 50 sources are considered and reflected in the CNDDDB threat rank, including renewable energy (see [http://www.natureserve.org/publications/ConsStatusAssess\\_StatusFactors.pdf](http://www.natureserve.org/publications/ConsStatusAssess_StatusFactors.pdf) , “Threats”).
  - e. Ownership/Management Threats. The degree to which a taxon’s occurrences are adequately protected and managed is not included in the set of core factors used for NatureServe rankings that pre-date the 2009 revised protocols (Master et al. 2009). The threats to special-status plants with many occurrences on private lands without conservation easements, or on BLM lands managed for multiple uses (outside of a FTHL Management Area) will be captured in the new rankings available in summer 2010.
3. Basis for Assessing Total Documented Occurrences. The accounting or inventory of the species’ total known or documented occurrences shall be based on the following sources: CNDDDB processed and unprocessed data; California Consortium of Herbaria and other herbaria records; BLM records; survey data from other renewable energy projects and other related projects for which survey data is available; and reported occurrences by qualified botanists accompanied by a completed CNDDDB or similar field form (with or without voucher specimens). Data considered unreliable include: range implied in literature but without collection numbers or specific location information and anecdotal reports without documentation or from non-credible sources. Occurrences based on historic (pre-CEQA, or pre-1972) collections that have not since been verified will not be considered unless verified and documented by one of the sources described above.

#### **Section D: Mitigation Measures for Special Status Plants**

Special Status Plant Mitigation Plan. Upon completion of the summer-fall 2010 surveys, (see Section B of this Condition), the project owner shall prepare a Special Status Plant Mitigation Plan. The Plan shall also include the mitigation requirements for any additional special-status plants found during the summer-fall 2010 surveys (see Sections B and C of this Condition) in accordance with the mitigation triggers described above (Section C of this condition) and that meet the performance standards specified below. Avoidance and Minimization Measures described in Section A of this

condition are required for all special-status plants, regardless of NatureServe rank or CNPS List.

1. On-Site Avoidance. BLM requests 100 percent avoidance for BLM Sensitive species but BLM's State Botanist will decide the level of avoidance on a case-by-case basis. On-site avoidance shall also be required if the impact to a special-status species with a NatureServe Global Rank of G1 or G2 exceeds 10 percent of the species' known and documented occurrences (see 'Level 1 Trigger', Section C of this Condition). Under this scenario, the Project owner shall be required to avoid a minimum of 75 percent of the total population. For perennial taxa the percent avoidance shall be measured based on the percentage of the total individuals affected; for annuals the percent avoidance shall be measured based on the total area occupied by the occurrence plus any additional habitat deemed essential for maintaining healthy, reproductive populations (BLM CDD 2002). The Project owner shall implement all measures described in Section A of this Condition to protect the avoided occurrence from accidental direct and indirect effects during construction, operation, and closure.
2. Off-Site Compensatory Mitigation. One or more of the following options for mitigation may be used to reduce Level 2 and Level 3 impacts to special-status plants (see Section C of this Condition) to less than significant levels:
  - a. Acquire Off-Site Compensatory Land. To fully mitigate for the loss of special-status plants, the Project owner shall provide compensatory mitigation by acquiring, in fee title or conservation easement, lands meeting the specific criteria outlined in **D2b** below, and in an amount equal to the amount of occupied special-status plant habitat disturbed by the final Project footprint. The Project footprint means all lands disturbed in the construction and operation of the Project, including all Project linears.
  - b. Criteria for Compensatory Acquisition Lands. If offsite acquisition is selected to meet the mitigation obligations under **BIO-19**, the Project owner shall acquire, in fee title or conservation easement, lands that meet the criteria below. The responsibilities for acquisition and management of the compensation lands may be delegated by written agreement to a qualified third party, such as a non-governmental organization dedicated to habitat conservation. Additional funds shall be provided for basic long-term stewardship of the conservation easement. At a minimum, long-term management shall consist of the activities described in Land Trust Standards and Practices (Land Trust Alliance 2004, Practice 12A) <http://www.landtrustalliance.org/learning/sp/land-trust-standards-and-practices> for start-up and annual management activities, including preparation of a long-term management and monitoring plan. The amount of the long-term management and maintenance fund shall be based on [PAR](#) or PAR-like analysis. The terms and conditions for acquisition under this condition shall be modeled on

those described in **BIO-10**. The acquisition lands must be within California, and must meet one or more of the following additional requirements:

- 1) Occupied with good to excellent site integrity. Contains an occurrence of the target special-status plant. The occurrence may be smaller than the affected occurrence but must be a viable reproducing occurrence, stable or increasing (in size and reproduction), with good or better habitat quality than the affected occurrence, and with a reasonable expectation of long-term sustainability. The amount of land to be acquired shall be equivalent to the total acres of the affected occupied habitat mitigated at a ratio of 3:1 (3 acres acquired for every one acre of occupied habitat affected).
- 2) Occupied but with threats to habitat quality and accompanied by an approved restoration plan. The occurrence or the site may contain threats to its integrity as long as the population or the site can be reasonably expected to recover with minor restoration (e.g., barricading OHV, excluding grazing, or minor pest plant removal) and is accompanied by a restoration plan that meets the minimum standards described in **Section D2c Guidelines for the Preparation of Habitat Restoration Plan** below. The amount of land to be acquired shall be equivalent to the total acres of affected occupied habitat mitigated at a ratio of 3:1 (3 acres acquired for every one acre of occupied habitat affected), with the additional expense of preparing and implementing an approved habitat restoration plan, including long-term monitoring. The restoration plan shall be prepared in accordance with all guidelines described below in **Section D2c, Guidelines for the Preparation of Habitat Restoration Plan**.
- 3) Unoccupied but adjacent to occupied habitat. The acquired habitat may be unoccupied but it improves the defensibility and long-term sustainability of the occupied habitat by expanding the buffer of protection around the occurrence so as to prevent future development of adjacent habitat and protect its connectivity to undisturbed habitat. Buffer lands may or may not be dominated by the same habitats that support the special-status plants but must provide some habitat continuity between the occupied habitat and undisturbed habitats of a high integrity beyond the buffer lands. Habitat integrity, connectivity, defensibility, and potential threats shall also be addressed in the proposal. The amount of land to be acquired shall be equivalent to the total acres of affected occupied habitat mitigated at a ratio of 4:1 (4 acres acquired for every one acre of occupied habitat affected).
- 4) Unoccupied and not adjacent to occupied habitat. Must contain high-quality habitat that is critical to the maintenance or sustainability of the affected species and represent a potential

reserve in the future (for either natural colonization or artificial). Good to high quality within the Colorado Desert near or within the Yuha Desert or West Mesa FTHL Management Areas. Acquired lands may also focus on linkages for species dispersal between major populations and refugia at higher elevations/more mesic habitats to accommodate species migration with future climate change. Habitat integrity, connectivity, defensibility, and potential threats shall also be addressed in the proposal. The amount of land to be acquired shall be equivalent to the total acres of affected occupied habitat mitigated at a ratio of 5:1 (5 acres acquired for every one acre of occupied habitat affected).

Review and Approval of Compensation Lands Prior to Acquisition. The project owner shall submit a formal acquisition proposal to the CPM and CDFG, describing the parcel intended for purchase. This proposal shall discuss the suitability of the proposed parcel(s) as compensation for project-related impacts to special status plants in relation to the criteria specified above, and must be approved by the CPM. The CPM will share the proposal with and consult with CDFG, BLM, and the USFWS before deciding whether to approve or disapprove the proposed acquisition.

c. Guidelines for the Preparation of Habitat Restoration Plan. The Project owner shall submit a detailed Habitat Restoration Plan that includes all of the following components and according to the guidelines in [1]) through [10)] below:

- 1) Define the goals of the restoration project and a measurable course of action developed to achieve those goals. The goals and objectives must meet the following performance standards described below:
  - The proposed habitat restoration project must achieve the rescue of an occurrence on acquired compensation land that is currently assessed with: a long-term decline >30 percent, or; an immediate threat that affects >30 percent of the population, or; has an overall threat impact that is High to Very High (see NatureServe Threat Ranking system, at: [http://www.natureserve.org/publications/ConsStatusAssess\\_StatusFactors.pdf](http://www.natureserve.org/publications/ConsStatusAssess_StatusFactors.pdf) , “Threats”).
  - The proposed restoration must achieve an improvement in the occurrence trend to “stable” or “increasing” status, or downgrading of the overall threat rank to slight or low (from “High” to “Very High”).
  - Restoration projects may include one or more of the following types of projects: i) control unauthorized vehicle use into an occurrence (or pedestrian use if clearly

damaging to the species); ii) control invasive weeds that infest or pose an immediate threat to an occurrence; iii) exclude grazing by wild burros or livestock from an occurrence; or iv) restore critical lost or degraded hydrologic or geomorphic functions to known special status plant occurrences that have lost historic sheet flow or instream flows, as a result of diverting washes upslope by roads or ditches.

- 2) Estimate the pre-impact or historical conditions (before the site was degraded by weeds or grazing or OHV, etc.), and the desired conditions;
- 3) Describe other site characteristics relevant to the restoration or enhancement project (e.g., composition of native and pest plants, topography and drainage patterns, soil types, geomorphic and hydrologic processes important to the site or species;
- 4) Describe other important ecological factors of the species being protected, restored, or enhanced such as total population, reproduction, distribution, pollinators, etc.;
- 5) Describe the restoration methods that will be used (e.g., invasive exotics control, site protection, seedling protection, propagation techniques, etc.) and the long-term maintenance required. The implementation phase of the restoration must be completed within five years;
- 6) Provide a detailed budget and time-line, develop clear, measurable, objective-driven annual success criteria;
- 7) Develop clear, measurable monitoring methods that can be used to evaluate the effectiveness of the restoration and the benefit to the affected species. The Plan shall initially include a minimum of five years of quarterly monitoring and subsequent annual monitoring for the remainder of the life of the Project. At a minimum the progress reports shall include: quantitative measurements of the projects progress in meeting the restoration project success criteria, detailed description of remedial actions taken or proposed, and contact information for the responsible parties.
- 8) Ensure accountability with a reporting program that includes progress toward goals and success criteria. Include names of responsible parties.
- 9) Describe the contingency plan and adaptive management measures for failure to meet annual goals.
- 10) Include proof of the existence of long-term protection for the acquired site.



Mitigation Security. The Project owner shall provide financial assurances to the CPM under terms modeled on those specified in **Section 3** of **BIO-10**, to guarantee that an adequate level of funding is available to implement the mitigation measures described above. These funds shall be used solely for implementation of the measures associated with the project in the event the project owner fails to comply with the requirements specified in this condition. The CPM's use of the security to implement measures in this condition may not fully satisfy the project owner's obligations under this condition. Financial assurance can be provided to the CPM in the form of security prior to initiating ground-disturbing project activities. Prior to submittal to the CPM, the security shall be approved by the CPM, in consultation with BLM, to ensure funding. The amount of the security shall be determined according to the mitigation ratios described in **D2b** [1) through 4)], Off-Site Compensatory Mitigation section of this condition. The amount of security shall be adjusted for any change in the Project footprint as described above.

In lieu of acquiring lands itself, the Project owner may satisfy the requirements of this condition by depositing funds into the Renewable Energy Action Team (REAT) Account established with the National Fish and Wildlife Foundation (NFWF), under terms modeled on those in Section A.3(i) in Condition of Certification **BIO-10**.

The responsibility for acquisition of compensation lands may be delegated to a third party other than NFWF, such as a qualified land trust or other non-governmental organization supportive of habitat conservation, by written agreement of the Energy Commission. Such delegation shall be subject to approval by the CPM in consultation with BLM prior to land acquisition, restoration, or management activities.

**Verification:** Progress reports for the late summer and fall botanical surveys shall be submitted to the CPM and BLM's State Botanist no later than September 30, 2010 and October 30, 2010, respectively. The Final Summer-Fall Botanical Survey Report, GIS shape files and metadata shall be submitted to the BLM State Botanist and the CPM no less than 30 days prior to the start of ground-disturbing activities.

No less than 30 days prior to the start of ground-disturbing activities, the Project owner shall submit grading plans and construction drawings depicting the location of Environmentally Sensitive Areas and the Avoidance and Minimization Measures contained in Section A of this Condition.

No less than 30 days prior to ground-disturbing activities the Project owner shall submit to the CPM for review and approval, in consultation with the BLM State Botanist, a draft Special-Status Plant Mitigation Plan. If state or federal listed plants are potentially affected, the Project owner shall also submit the Special-Status Plant Mitigation Plan to CDFG and USFWS. The Plan shall contain, at a minimum, a conceptual proposal for compensatory mitigation through acquisition and possible restoration. If avoidance is mandatory (in accordance with Section C-1 and D-1 of this condition) the draft Plan shall include grading plans and other relevant construction drawings clearly depicting the location of the avoided plants.

The implementation phase of the restoration on acquired lands shall be completed within five years of initiation. During the initial five-year period, quarterly reports shall be submitted to the CPM no more than 30 days after the end of each quarter. After completion of the initial five year period, the Project owner shall submit a monitoring report yearly for the life of the project to monitor effectiveness of restoration measures and description of any planned remedial actions or additional habitat restoration measures to be performed in the upcoming year. This report shall provide, at a minimum: a summary of activities for the preceding year and a summary of activities for the following year; quantitative measurements of the Project's progress in meeting the restoration project success criteria; detailed description of remedial actions taken or proposed; and contact information for the responsible parties.

Within 90 days after completion of Project construction, the Project owner shall provide to the CPM an analysis with the final accounting, based on GIS analysis of post-construction aerial photography, of the amount of special-status plants and their habitat disturbed during Project construction. This shall be the basis for the final number of acres of habitat required for acquisition, as described in Section C.

If the Project owner elects to fund the acquisition and initial improvement of compensation lands through NFWF by depositing funds for that purpose into NFWF's REAT Account, payment of the initial funds for acquisition and initial improvement must be made at least 30 days prior to the start of ground-disturbing activities. No later than 12 months after the start of ground-disturbing project activities, the project owner, or a third-party approved by the CPM, in consultation with CDFG and BLM, shall submit a formal acquisition proposal to the CPM describing the parcel(s) intended for purchase and shall obtain approval from the CPM, in consultation with CDFG, BLM, and USFWS, prior to acquisition. The PAR or PAR-like Analysis shall be completed no later than 18 months from the start of ground-disturbing activities, after which the amount will be adjusted. If acquisition is proposed, the Project owner shall submit to the CPM for review and approval, in consultation with the BLM State Botanist, a final Special-Status Plant Mitigation Plan for proposed acquisition lands no later than 18 months from the start of ground-disturbing activities.

Draft agreements to delegate land acquisition to CDFG, BLM, or an approved third party and agreements to manage compensation lands shall be submitted to Energy Commission staff for review and approval (in consultation with CDFG) prior to land acquisition. Such agreements shall be mutually approved and executed at least 30 days prior to start of any project-related ground disturbance activities. The project owner shall provide written verification to the CPM that the compensation lands have been acquired and recorded in favor of the approved recipient(s). Alternatively, before beginning project ground-disturbing activities, the project owner shall provide Security in accordance with **Mitigation Security** section **D** of this condition. Within 180 days after the land purchase, as determined by the date on the title, the project owner shall provide the CPM with a management plan for review and approval, in consultation with CDFG, BLM, and USFWS, for the compensation lands and associated funds.

If special status plant are preserved onsite, an annual report shall be prepared that summarizes any protection measures for all avoided special-status plants onsite to the CPM and BLM State Botanist. The monitoring report shall include: dates of worker awareness training sessions and attendees, an inventory of the special-status plant

occurrences and description of the habitat conditions, an indication of population and habitat quality trends, and description of the remedial action, if warranted and planned for the upcoming year. Implementation of the special-status plant impact avoidance and minimization measures shall be reported in the Monthly Compliance Reports prepared by the Designated Botanist. Within 30 days after completion of Project construction, the Project owner shall provide to the CPM, for review and approval in consultation with the BLM State Botanist, a written construction termination report identifying how measures have been completed.

## **DECOMMISSIONING AND RECLAMATION PLAN**

**BIO-20** Upon project closure the project owner shall implement a final Decommissioning and Reclamation Plan to remove all structures from the project site and fill from Waters of the U.S. and restore the natural topography, hydrology and vegetation/wildlife habitat. The Decommissioning and Reclamation Plan shall include a cost estimate for implementing the proposed decommissioning and reclamation activities, and shall be consistent with the guidelines in BLM's 43 CFR 3809.550 et seq., subject to review and revisions from BLM's Biologist and the CPM in consultation with USFWS, USACE, and CDFG.

**Verification:** No less than 30 days from publication of the Energy Commission Decision or the Record of Decision, whichever comes first, the project owner shall provide to the BLM Biologist and the CPM a draft Decommissioning and Reclamation Plan. No more than 60 days prior to start of any project-related ground disturbance activities, the project owner shall provide the BLM Biologist and the CPM with the final version of a Decommissioning and Reclamation Plan that has been reviewed and approved by the BLM Biologist and the CPM, in consultation with USFWS, and CDFG. All modifications to the approved Channel Decommissioning Plan shall be made only after approval from the BLM Biologist and the CPM, in consultation with USFWS, USACE, and CDFG.

No more than 60 days prior to initiating project-related ground disturbance activities the project owner shall provide financial assurances to the BLM Biologist and the CPM to guarantee that an adequate level of funding will be available to implement measures described in the Decommissioning and Reclamation Plan.

## **MONITORING BIRD IMPACTS FROM SOLAR TECHNOLOGY**

**BIO-21** The project owner shall prepare and implement a Bird Monitoring Study to monitor the death and injury of birds from collisions with facility features such as reflective mirror-like surfaces and from heat, and bright light from concentrating sunlight. The study design shall be approved by BLM's Biologist and the CPM in consultation with CDFG and USFWS, and shall be incorporated into the project's BRMIMP and implemented. The Bird Monitoring Study shall include detailed specifications on data and carcass collection protocol and a rationale justifying the proposed schedule of carcass searches. The study shall also include seasonal trials to assess bias from carcass removal by scavengers as well as searcher bias. The Plan shall include adaptive management strategies that include the placement of bird flight diverters, aerial markers, or other strategies to minimize collisions with the SunCatcher units.

**Verification:** No more than 30 days following the publication of the Energy Commission License Decision or the Record of Decision/ROW Issuance, whichever comes first, the project owner shall submit to the CPM, BLM's Biologist, USFWS, and CDFG, a final Bird Monitoring Study. Modifications to the Bird Monitoring Study shall be made only after approval from BLM's Biologist and the CPM.

For one year following the beginning of power plant operation the Designated Biologist shall submit quarterly reports to BLM's Biologist, CPM, CDFG, and USFWS describing the dates, durations, and results of monitoring. The quarterly reports shall provide a detailed description of any project-related bird or wildlife deaths or injuries detected during the monitoring study or at any other time. Following the completion of the fourth quarter of monitoring the Designated Biologist shall prepare an Annual Report that summarizes the year's data, analyzes any project-related bird fatalities or injuries detected, and provides recommendations for future monitoring and any adaptive management actions needed. The Annual Report shall be provided to the CPM, BLM's Biologist, CDFG, and USFWS. Quarterly reporting shall continue until BLM's Biologist and the CPM, in consultation with CDFG and USFWS determine whether more years of monitoring are needed, and whether mitigation and adaptive management measures are necessary. After the Bird Monitoring Study is determined by BLM's Biologist and the CPM to be complete, the project owner or contractor shall prepare a paper that describes the study design and monitoring results to be submitted to a peer-reviewed scientific journal. Proof of submittal shall be provided to BLM's Wildlife Biologist and the CPM within one year of concluding the monitoring study.

## **C.2.14 CONCLUSIONS**

---

**Overview of Vegetation/Wildlife Impacts:** Much of the 6,155-acre IVS project plant site consists of Sonoran creosote bush scrub habitat (5,024.4 acres). There are 1,038.7 acres of disturbed habitat on the project site. Nonetheless, it supports a diversity of mammals, birds, and reptiles, including some special status wildlife species, such as FTHL and burrowing owl. Grading on the plant site would not directly or indirectly impact sensitive plant communities or wetlands, but would directly impact some special status wildlife, and plant species. The removal of vegetation would result in the loss of cover, foraging, and breeding habitat. Construction of linear facilities also has potential for impacts to wildlife; transmission line construction south of Interstate 8 would impact approximately 92.8 acres of Sonoran creosote bush scrub, which provides habitat for FTHL. Construction of the 12-mile reclaimed water pipeline would occur within the disturbed road shoulder, but nevertheless has potential to impact special status species such as burrowing owl and FTHL.

**Take of Listed Species:** Staff considers the potential take of 1,300 to 2,000 FTHLs, a candidate species for federal listing, a significant adverse impact that is significant and unmitigable. Staff's proposed Conditions of Certification **BIO-9** through **BIO-11**, which would include conservation measures from the USFWS Conferencing Opinion, compliance verification, and compensatory mitigation for approximately 6,619.9 acres of suitable FTHL habitat including impacts from the proposed site and the associated transmission lines, would not mitigate the loss of FTHL individuals to a less than significant level. However, Staff's proposed Condition of Certification **BIO-10** would mitigate loss of FTHL habitat through acquisition of compensation lands which includes

agreed upon compensation funds to mitigate for impacts to FTHL habitat by federal and state agencies (FTHL ICC 2003) at a ratio of 1:1 for the project site and 6:1 for the transmission line in the FTHL MA.

The project site is also potential foraging habitat for Peninsular bighorn sheep, a state and federally listed species. Staff's proposed Condition of Certification **BIO-10** could also mitigate for the loss of bighorn sheep foraging habitat assuming the compensation lands are suitable BHS foraging habitat as specified in **BIO-17**. Staff expects that these measures would reduce project-related impacts to bighorn sheep foraging habitat to a less than significant level.

Avian Predation on FTHL: Construction and operation of the project could provide attractants in the form of new nesting and perching sites, trash, and water, which draw unnaturally high numbers of FTHL predators such as the common raven, American kestrel, and loggerhead shrike. Increased avian predation could contribute to the significant cumulative impacts to the FTHL. Staff's proposed Condition of Certification **BIO-12** specifies that the applicant finalize their draft Raven Management and Monitoring Plan in consultation with staff, BLM, CDFG, and USFWS. Staff anticipates that the applicant would be able to produce a final plan well before licensing, and that implementation of the condition would reduce this impact to less than significant levels under CEQA.

Migratory Birds/Burrowing Mammals: Vegetation at the plant site and along linear facilities provides foraging, cover, and/or breeding habitat for migratory birds, including a number of special status bird species confirmed to be present at the site (western burrowing owl, loggerhead shrike, LeConte's thrasher, and California horned lark). The site also provides foraging habitat for golden eagles. Migratory birds and their eggs and young are protected by the federal Migratory Bird Treaty Act and Fish and Game Code section 3503. Staff's proposed Conditions of Certification **BIO-8** (Impact Avoidance and Minimization Measures) and **BIO-14** (Pre-construction Nest Surveys) would avoid these potentially significant impacts to nesting birds. Potential impacts to burrowing owls would be further mitigated by implementation of staff's proposed Condition of Certification **BIO-16**. Loss of foraging habitat would be mitigated by the acquisition of FTHL habitat by implementation of staff's proposed Condition of Certification **BIO-10** (Special Status Species Habitat Compensatory Mitigation).

American badgers and desert kit fox: American badgers were not detected during the surveys, but potential habitat is present for this species at the project site. Construction activities could also crush or entomb American badger, which are protected under Title 14, California Code of Regulations (sections 670.2 and 670.5). Staff's proposed Condition of Certification **BIO-15**, which requires pre-construction surveys and avoidance measures to protect badgers and kit fox, would avoid this potential impact. This condition also protects desert kit fox, which are known to occur on the site, and which are protected under the California Code of Regulations Chapter 5 Section 460. Loss of habitat would be mitigated by the acquisition of FTHL habitat by implementation of staff's proposed Condition of Certification **BIO-10**.

Special Status Plants: Spring 2010 surveys were conducted as staff and BLM were concerned that special status plant species may have been overlooked during 2007 and

2008 spring surveys and the lack of fall surveys after late summer/early fall monsoonal rains. Staff's proposed Conditions of Certification **BIO-8** and **BIO-18** (Weed Management Plan) would minimize potentially significant impacts to special status plants. Potential impacts to special status plants would be further mitigated by staff's proposed Condition of Certification **BIO-19** (Special Status Plant Surveys and Protection Plan). This condition requires targeted surveys during fall 2010 and a protection plan for special status species. These measures are expected to reduce project-related impacts to special status plants to a less than significant level.

Threat to Migratory Birds from Evaporation Ponds: The proposed IVS project includes two evaporation ponds totaling two acres in area. Staff and CDFG are concerned that the proposed ponds could attract avian predators, which in turn prey on the FTHL, and could also harm waterfowl, shorebirds, and other resident or migratory birds due to hyper-saline conditions. The applicant has addressed these concerns by proposing several project design features for the evaporation ponds such as constructing exclusionary fencing and installing netting to minimize wildlife access. Staff concurs and has incorporated the applicant's proposal into staff's proposed Condition of Certification **BIO-13**. This condition would reduce potential impacts of the evaporation ponds to less than significant levels under CEQA.

Impacts to Jurisdictional State Waters and Waters of the U.S.: One of the significant biological impacts of the project is the placement of SunCatchers and associated electrical collection system, hydrogen gas pipelines, debris basins, and access roads in ephemeral washes on the plant site, resulting in the permanent impact of approximately 165 acres, the temporary impact of 5 acres, and the indirect impact of 13 acres of Waters of the U.S. and permanent impact to approximately 48 acres of jurisdictional state waters. These washes are characterized by natural processes of soil deposition, channel formation, and development of microtopography and soil crusts, all of which support recruitment of native desert wash vegetation and provide wildlife habitat and a corridor for movement. Placement of the SunCatchers, access roads, road culverts, and debris/sediment basins within the beds of the ephemeral washes would disrupt the hydrological and biological functions and processes. The CDFG is agreeable to mitigation to impacts to the ephemeral washes at a 1:1 compensation ratio of ephemeral wash within acquired Sonoran creosote scrub habitat within acquired FTHL compensation land for 18 months under the FTHL mitigation requirement. If FTHL habitat mitigation lands are not acquired within 18 months, the project owner shall independently provide 48 acres of off-site desert ephemeral wash habitat. Staff concurs with the CDFG requiring 1:1 compensation ratio for impacts to the ephemeral washes on the project site. With implementation of staff's proposed Condition of Certification **BIO-17**, staff anticipates that impacts to 48 acres of jurisdictional state waters and loss of the hydrological and biological functions of the project site desert washes would be mitigated to less than CEQA significant levels.

As there is currently no avoidance of Waters of the U.S. in the proposed project, the USACE has proposed two alternatives which avoid different aspects of the ephemeral washes on the project site. These alternatives are: 1) Drainage Avoidance #1, which prohibits permanent impacts within the ten primary ephemeral washes; or 2) Drainage Avoidance #2, which eliminates the eastern and westernmost portions of the project site where the largest ephemeral complexes are located. Staff notes that due to concerns

about impacts to FTHL, both drainage alternatives are expected to be preferable to the proposed project. Drainage Avoidance #2 decreases the impacts to FTHL habitat and to FTHL populations by approximately 50 percent. However, this alternative would allow development of SunCatchers in the wash that connects to the only box culvert that currently allows potential north-south movement between the proposed project site and the Management Area under Interstate 8. Drainage Avoidance #1 would result in greater impacts to FTHL and FTHL habitat, but has the benefit of excluding SunCatchers from the washes which currently are connected to the box culverts that offer full or limited connectivity between the Management Area and the proposed project site. On balance, staff believes that Drainage Avoidance #1 offers more protection to the FTHL.

Introduction of Invasive Weeds: Construction, operation, and decommissioning of the proposed project can result in the introduction or spread of invasive weed species both within the project sites and into adjacent vegetation communities. Invasive weeds reduce available habitats for both native plant and wildlife species. Staff has incorporated Conditions of Certification **BIO-18**, **BIO-19**, and **BIO-20** that are expected to reduce project-related impacts related to invasive weeds to a less than significant level.

Wildlife Movement Corridor: The proposed project may impede movement of local wildlife species such as FTHL or BHS through washes on the site. This impact would be significant and unmitigable for FTHL since the washes would be developed and will largely no longer be suitable for FTHL movement between FTHL Management Areas. As mentioned previously, an alternative may be approved that reduces impacts to major washes on the site which may substantially reduce impacts to connectivity for FTHL as opposed to the current proposed project. With regards to Peninsular bighorn sheep, any potential corridor movement through the site will largely no longer be suitable due to perimeter fencing around the project site. However, bighorn sheep are not documented to utilize the project site as a movement corridor, but have instead, been documented to utilize movement corridors west of the project site. Based on the lack of telemetry data and roadkill records, the flatter topography of the project site, and the Yuha Desert to the south, project impacts to a potential movement corridor for bighorn sheep through the project site are speculative and are considered by staff to be less than significant. However, Drainage Avoidance #1 Alternative, which is described below in the “Waters of the U.S. and Waters of the State” subsection, would substantially reduce impacts to connectivity between the Management Areas and would mitigate impacts to FTHL movement corridors to less than significant levels under the requirements of staff’s proposed Condition of Certification **BIO-10** and **BIO-17** through the acquisition of habitat.

Impacts from Increased Noise, Traffic, Lighting: Construction, operation, and decommissioning of the proposed project will result in increased levels of noise, traffic, and lighting, these levels of noise are considered a significant impact, as noise levels can reduce suitability of remaining habitats within the proposed project site and areas immediately adjacent to the proposed project site for local wildlife species. Staff has incorporated best management practices in Conditions of Certification **NOISE-6**, **BIO-2**, **BIO-4**, **BIO-5**, **BIO-6**, **BIO-7**, **BIO-8**, **BIO-10**, **BIO-14**, and **BIO-20** that are expected to reduce the impacts of increased noise levels on resident wildlife species to a less than significant level for temporary construction and decommissioning noise .

Operational noise levels on the project site will contribute to noise impacts to nesting birds and other wildlife which is significant within the boundaries of the project site and will contribute to a significant cumulative noise impact to wildlife in the region. However, staff does not propose any additional on-site operational mitigation measures because there is no feasible mitigation available to effectively mitigate noise impacts within the project boundary. The impacts of noise on biological resources outside of the project boundary are considered to be less than significant since they are within the estimated range of current background noise.

SWWTP: For the proposed reclaimed water line along Evan Hewes Highway and the Seeley Waste Water Treatment Facility (SWWTF) upgrade, an estimated 55.86 acres for Waters of the U.S. and 2.61 acres of jurisdictional state waters has been estimated. The proposed reclaimed water pipeline would either span or go under seven irrigation canals and the New River. The CDFG does not anticipate impacts to jurisdictional state waters and staff recommends requiring the implementation of Best Management Practices (BMPs) to avoid impacts during construction, as well as a Frac-out Management Plan for horizontal directional drilling. Staff anticipates that the USACE will also require BMPs and a Frac-out Management Plan to avoid impacts to Waters of the U.S. for the proposed reclaimed water line. The potential direct and indirect construction impacts to vegetation and wildlife along the proposed water line can be reduced to less than significant levels under CEQA with impact avoidance and minimization measures described in staff's proposed Conditions of Certification **BIO-1** through **BIO-8**.

The construction of the proposed 12-mile reclaimed water pipeline from the Seeley Waste Water Treatment Facility (SWWTF) would occur mainly within the disturbed road shoulder; however trenching and construction activities nevertheless could impact special status species such as the burrowing owl and FTHL. An upgrade of the SWWTF would need to be completed in order for the reclaimed water to be available for the proposed project. The U.S. Fish and Wildlife Service (USFWS) raised concerns regarding the diversion of effluent from SWWTF that currently empties into Wildcat Drain and flows into the New River during a review of a draft Mitigated Negative Declaration for the SWWTF improvements (USFWS 2010). Diversion of the effluent may potentially impact the fresh water marsh and riparian habitat in Wildcat Drain and nearby New River into which Wildcat Drain empties. The freshwater marsh is potential Yuma clapper rail and California black rail habitat, and the riparian habitat is potential habitat for least Bell's vireo and southwestern willow flycatcher. Yuma clapper rail is state listed as Threatened and is Fully Protected and is also federally listed as Endangered. California black rail is state listed as Threatened and is Fully Protected. Least Bell's vireo and southwestern willow flycatcher are both state and federally listed as Endangered. The USFWS recommended that following be completed for the environmental review process: 1) a hydrologic study where a quantification of the flows coming from other sources to the effluent channel wetland is provided with an assessment of the likelihood of its continued existence after the effluent flows are discontinued; 2) vegetation composition assessment of the adjacent New River corridor with an evaluation of the effluent channel wetland in the context of the broader mosaic of habitats in the vicinity; and 3) conduct protocol surveys for the presence/absence of Yuma clapper rail. Protocol level surveys were recently conducted for Yuma clapper rail and California black rail which were negative for their occurrence at the Wildcat Drain



marsh habitat (John Konecny, pers. comm.). Therefore, no impacts to Yuma clapper rail and California black rail are expected. Focused surveys for least Bell's vireo and southwestern willow flycatcher are currently being conducted and will be concluded by July 17, 2010. Based on the survey results concluded thus far and the marginal habitat quality for the least Bell's vireo and southwestern willow flycatcher along the New River, and are not expected to nest there. Results of the upcoming survey could negate staff's conclusion regarding impacts to these species. Data is currently being collected for a hydrologic report that will be prepared for as part of an Environmental Impact Report (EIR) for the SWWTF upgrade which will need to determine if the marsh in Wildcat Drain and surrounding vegetation along the New River corridor would be adversely affected by the diversion of treated waste water. The USFWS has preliminarily indicated that the diversion of effluent from Wildcat Drain is not likely to adversely affect least Bell's vireo and southwestern willow flycatcher (Sirchia 2010). However, should the least Bell's vireo and southwestern willow flycatcher occur and the effluent diversion does adversely impact their habitat, formal consultation with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the federal Endangered Species Act (FESA) would need to be reinitiated. Staff recommends adoption of the Conditions of Certification to mitigate potential impacts for most sensitive biological resources to less than CEQA significant levels with the exception of the following impacts which are considered by staff to be significant and unavoidable: the potential take of an estimated 1,300 to 2,000 FTHLs from project impacts; the loss of connectivity between FTHL Management Areas due to the development within potential FTHL movement corridors from project impacts; and noise impacts on wildlife and nesting birds due to sustained operational noise levels on the project site.

Staff is waiting on a federal Clean Water Act (CWA) 404(b)(1) Alternatives Analysis from the USACE to determine the least environmentally damaging project alternative with the required mitigation for permitting and the Biological Opinion/Conferencing Opinion for the Peninsular bighorn sheep and FTHL from the USFWS. The project owner would need to comply with the requirements of the 404 permit for impacts to Waters of the U. S., the Biological Opinion for project impacts to Peninsular bighorn sheep, and the Conferencing Opinion for project impacts to FTHL in order to reduce the impacts to a less than significant level.

Project Alternatives: Staff concludes that Drainage Avoidance #1 Alternative would be the most effective in avoiding project impacts to FTHL movement corridors and corresponding connectivity between FTHL Management Areas, Waters of the U.S., and jurisdictional state waters. However, take of individual FTHLs and onsite operational noise impacts to wildlife would be significant and unmitigable. Although Drainage Avoidance # 2 Alternative would also reduce these impacts, the reduction would be greater with Drainage Avoidance #1 Alternative. Take of individual FTHLs and onsite operational noise impacts to wildlife would also remain significant and unmitigable.

For purposes of CEQA compliance, the level of significance of each impact of the proposed project on biological resources is discussed in Section C.2.4.3. Even after adoption of all conditions of certification, the project, as currently described, will have significant, unmitigable impacts in regards to loss of FTHL individuals, loss of FTHL connectivity, and onsite operational noise impacts to wildlife. Adoption of Drainage Avoidance Alternative #1 would reduce the impact to FTHL connectivity to less than significant, but

would still have a significant unmitigable impact in regards to loss of FTHL individuals and onsite operational noise impacts to wildlife.

## C.2.15 REFERENCES

---

The tn: 00000 in the references below indicates the transaction number under which the item is catalogued in the Energy Commission's Docket Unit. The transaction number allows for quicker search and retrieval of individual items docketed for a case or used for ease of reference and retrieval of exhibits cited in briefs and used at Evidentiary Hearings.

APLIC (Avian Power Line Interaction Committee), 2004 – *Mitigating Bird Collisions with Power Lines: the State of the Art in 1994*. Edison Electric Institute, Washington, DC.

APLIC (Avian Power Line Interaction Committee), 2006 – *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*. Edison Electric Institute, APLIC, and the California Energy Commission, Washington, D.C. and Sacramento, CA.

Audubon California, 2007 – Common Birds in Decline, a State of the Birds Report, Summer 2007, California's Vulnerable Common Birds. Accessed 07/02/09 at <http://ca.audubon.org/bird/birds-in-decline.php>.

Avery, H. W., 1997 – Effects of cattle grazing on the desert tortoise, *Gopherus agassizii*: Nutritional and behavioral interactions. Pages 13–20. In J. Van Abbema (ed.), Proceedings of the International Conference on Conservation, Restoration, and Management of Tortoises and Turtles. New York Turtle and Tortoise Society, New York.

Beacham, W., 2000 – Peninsular Bighorn Sheep. In Beacham, W., Castronova, F. V., and Sessine, S., eds. Beacham's Guide to the Endangered Species of North America. Beacham Publishing Corp. Osprey, FL.

Berry, K. H., F. G. Hoover, and M. Walker, 1996 – The effects of poaching desert tortoises in the western Mojave Desert: Evaluation of landscape and local impacts. In Proceedings of the 1996 Desert Tortoise Council Symposium.

Bleich, V. C., R. T. Bowyer, and J. D. Wehausen, 1997 – Sexual segregation in mountain sheep: resources or predation? *Wildlife Monographs* No. 134. 50 pp.

BLM (Bureau of Land Management), 1994 – Environmental Assessment for 1994 Experimental Program to Shoot Ravens.

BLM, 1999 – California Desert Conservation Area Plan 1980 as amended. [http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pdfs/cdd\\_pdfs.Par.aa6ec747.File.pdf/CA\\_Desert\\_.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pdfs/cdd_pdfs.Par.aa6ec747.File.pdf/CA_Desert_.pdf)

BLM, 2008 – Noxious Weeds Memorandum of Understanding. Accessed on 01/26/10 from [http://www.blm.gov/ca/st/en/prog/weeds/weeds\\_mon.html](http://www.blm.gov/ca/st/en/prog/weeds/weeds_mon.html).

- BLM, 2009 – Survey Protocols for Special Status Plant Species. 2009a. (tn 52620)
- BLM, 2009a – Letter from J. Abbott, BLM, California State Office, to K. Hunting, CDFG, regarding coordination of mitigation for BrightSource solar development. Dated July 23, 2009. Submitted to California Energy Commission Docket Unit on July 23, 2009.
- BLM, 2009b – Bureau of Land Management. Oregon/Washington Bureau of Land Management Policy for 43 CFR 3809 Notice- and Plan-Level Operations, 43 CFR 3715 Use and Occupancy, and Reclamation Cost Estimates. EMS TRANSMISSION- 05/05/2009 - Instruction Memorandum No. OR-2009-032 (Expires: 09/30/2010).
- Boarman, W. I., 2002 – Threats to desert tortoise populations: A critical review of the literature. U.S. Geological Survey, Western Ecological Research Center, Sacramento, California.
- Boarman, W. I., 2003 – Managing a Subsidized Predator Population: Reducing Common Raven Predation on Desert Tortoises. *Environmental Management*. V32:2 p 205-217.
- Boarman, W. I. and K. H. Berry, 1995 – Common ravens in the southwestern U.S. *In* Our living resources: A report to the nation on the distribution, abundance, and health of U.S. plants, animals, and ecosystems, pp. 73-201. National Biological Service, Washington D.C.
- Brooks, M., 2009 – Blackbrush Shrublands: Fire Conditions and Solutions in the Mojave Desert. Fire Science Brief. Issue 53 p1-6.  
[http://www.californiachaparral.com/images/Blackbrush\\_and\\_fire\\_Brooks\\_2009.pdf](http://www.californiachaparral.com/images/Blackbrush_and_fire_Brooks_2009.pdf)
- CalPIF (California Partners in Flight), 2009 – V. 1.0. The Desert Bird Conservation Plan: a Strategy for Protecting and Managing Desert Habitats and Associated Birds in the Mojave and Sonoran Deserts. CalPIF. <http://www.prbo.org/calpif/plans.html>.
- CBOC (California Burrowing Owl Consortium), 1993 – Burrowing Owl Survey Protocol and Mitigation Guidelines. April 1993.
- CDFG (California Department of Fish and Game), 1995 – Staff Report on Burrowing Owl Mitigation. Memorandum dated October 17, 1995.
- CDFG, 1999 – California black rail. Habitat Conservation 8 Planning Branch. Sacramento, CA.
- CDFG, 2003 – Biogeographic Data Branch, California Department of Fish and Game. List of Terrestrial Natural Communities Recognized by the California Natural Diversity Database. Memorandum dated September 2003.

- CDFG, 2007 – Biogeographic Data Branch, California Department of Fish and Game. Vegetative Classification and Mapping Program List of California Vegetation Alliances. Memorandum dated October 22, 2007.
- CDFG, 2009 – California Natural Diversity Database (CNDDDB) Rarefind Search (V. 3.1.1., updated 06/02/09) of the Brawley NW, Carrizo Mountain, Carrizo Mountain NE, Coyote Wells, In-ko-pah Gorge, Mount Signal, Painted Gorge, Plaster City, Plaster City NW, Seeley, Superstition Mountain, and Yuha Basin 7.5 minute USGS quadrangles. Accessed 06/29/09.
- CDFG, 2009b – Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Memorandum dated November 24, 2009.
- CEC, 2008f (tn 49011) – BLM and Energy Commission staff's Data Requests Set 1 Part 1 (1-52). Submitted to Energy Commission/Docket Unit on 11/14/08.
- CNPS (California Native Plant Society), 2001 – Inventory of Rare and Endangered Plants of California (sixth edition). Rare Plant Scientific Advisory Committee, David P. Tibor, Convening Editor. California Native Plant Society. Sacramento, CA. x + 388p.
- CNPS, 2009 – Inventory of Rare and Endangered Plants (online edition, v7-09b). California Native Plant Society. Sacramento, CA. Accessed 06/29/09 from <http://www.cnps.org/inventory>.
- Conway, C. J. and W. R. Eddleman, 2000 – Yuma Clapper Rail. *In* Reading, R. P. and B. Miller, eds. Endangered Animals. A Reference Guide to Conflicting Issues. Greenwood Press.
- CURE (California Unions for Reliable Energy) 2010 (tn 56632) – Intervenor's Opening Testimony for CURE, dated 05/10/10. Submitted to Energy Commission/Docket Unit on 05/10/10.
- CURE 2010a (tn 56751) –CURE Partial Rebuttal Testimony Regarding Imperial Valley Solar Project (08-AFC-5), dated 05/17/10. Submitted to Energy Commission/Docket Unit on 05/17/10.
- Donnelly, P. 2010 (tn 56900) – Public Comments on SA/DEIS, dated 05/26/10. Submitted to Energy Commission/Docket Unit on 05/26/10.
- Dooling, R. J. 2006 – Estimating effects of highway noise on the avian auditory system. *IN: Proceedings of the 2005 International Conference on Ecology and Transportation*, Eds. Irwin CL, Garrett P, McDermott KP. Center for Transportation and the Environment, North Carolina State University, Raleigh, NC: pp. 30-31.
- Dudek 2009 – Draft Mitigated Negative Declaration for the Seeley Wastewater Reclamation Facility, Imperial County, California, dated 12/09.

- Eubanks, J., 2010 – Telephone conversation between Janet Eubanks, Realty Specialist for the Bureau of Land Management, and Joy Nishida, California Energy Commission. June 10, 2010.
- Fesnock, A., 2010 – Telephone conversation between Amy Fesnock, Threatened and Endangered Species Lead, California State Office, Bureau of Land Management, Sacramento, and Susan Sanders, California Energy Commission. January 26, 2010.
- Fitton, S., 2008 – LeConte's Thrasher (*Toxostoma lecontei*). In Shuford, W. D., and T. Gardali, eds. California Bird Species of Special Concern: A Ranked Assessment of Species, Subspecies, and Distinct Populations of Birds of Immediate Conservation Concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.
- Fletcher, J. L. 1980 – Effects of noise on wildlife: a review of relevant literature 1971-1978. Pages 611-620 in JV Tobias, G Jansen, and WD Ward, eds. Proceedings of the Third International Congress on Noise as a Public Health Problem. Am. Speech-Language-Hearing Assoc., Rockville, MD.
- Fletcher, J. L. 1990 – Review of noise and terrestrial species: 1983-1988. pp. 181-188 in: B Berglund and T Lindvall, eds. Noise as a Public Health Problem Vol. 5: New Advances in Noise Research Part II. Swedish Council for Building Research, Stockholm.
- Flint, S., 2010 – Telephone conversation between Scott Flint, Environmental Program Manager, Ecosystem Conservation Division, California Department of Fish and Game, Sacramento, and Susan Sanders, California Energy Commission. January 27, 2010.
- Foreman, L.D. (Ed.), 1997 – Flat-tailed horned lizard rangewide management strategy. Report of Interagency Working Group. 61 pp. plus appendices.
- FTHL ICC (Flat-tailed Horned Lizard Interagency Coordinating Committee), 2003 – Flat-tailed horned lizard rangewide management strategy. 2003 revision. 80 pp. plus appendices.
- Garrett, K., 2009 – Telephone conversation between Kimball Garrett, Los Angeles County of Natural History, Section of Ornithology, and Joy Nishida, California Energy Commission. July 1, 2009.
- Garrett, K., and Dunn, J., 1981 – Birds of Southern California. Los Angeles Audubon Society, Los Angeles.
- Gervais, J. A., D. K. Rosenberg, and L.A. Comrack, 2008 – Burrowing Owl (*Athene cunicularia*). In Shuford, W. D., and Gardali, T., eds. California Bird Species of Special Concern: A Ranked Assessment of Species, Subspecies, and Distinct Populations of Birds of Immediate Conservation Concern in California. Studies of

Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.

Gibson, A. C., M. R. Sharifi, and P. W. Rundel, 2004 – Resprout characteristics of creosote bush (*Larrea tridentata*) when subjected to repeated vehicle damage. *Journal of Arid Environments* Volume 57, Issue 4, June 2004, Pages 411-429.

Grant, T. J., 2005 – Flat-tailed Horned Lizards (*Phrynosoma mcallii*): Population Size Estimation, Effects of Off-Highway Vehicles, and Natural History, in partial fulfillment of the requirements for the Degree of Master of Science, Colorado State University, Fort Collins, Colorado.

Grant, T. J., and P. F. Doherty, Jr., 2007 – Monitoring of the Flat-tailed Horned Lizards With Methods Incorporating Detection Probability. *Journal of Wildlife Management* Volume 71, Issue 4, Pages 1050-1056.

Hanly, T. A., 1982 – The nutritional basis for food selection by ungulates. *Journal of Range Management*. 35:146-151.

Harris, J., 1988 – Life history account for pallid bat. In Zeiner, D. C., W. F. Laudenslayer, Jr., K. E. Mayer, and M. White, eds. 1988–1991. *California's Wildlife*. Volume I–III. California Department of Fish and Game, Sacramento, California.

Harris, J., 2008 – Life history account for western yellow bat. In Zeiner, D. C., W. F. Laudenslayer, Jr., K. E. Mayer, and M. White, eds. 1988–1991. *California's Wildlife*. Volume I–III. Updated 2008. California Department of Fish and Game, Sacramento, California.

Haug, E.A., B.A. Millsap, and M.S. Martell, 1993 – Burrowing Owl (*Speotyto cunicularia*). In *The Birds of North America*, No. 61 (A. Poole and F. Gill [eds.]). Philadelphia: The Academy of Natural Sciences; Washington D.C.: The American Ornithologist's Union.

Humple, D., 2008 – Loggerhead Shrike (*Lanius ludovicianus*) (mainland populations). In Shuford, W. D., and Gardali, T., eds. *California Bird Species of Special Concern: A Ranked Assessment of Species, Subspecies, and Distinct Populations of Birds of Immediate Conservation Concern in California*. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.

Imperial County, 1993 – County of Imperial Codified Ordinances.

Imperial County, 1993 – Imperial County General Plan.

Jennings, W. B., 1997 – Habitat use and food preferences of the desert tortoise, *Gopherus agassizii* in the western Mojave and impacts of off-road vehicles. Pages 42–45. In J. Van Abbema (ed.), *Proceedings of the International Conference on Conservation, Restoration, and Management of Tortoises and Turtles*. New York Turtle and Tortoise Society, New York.

- Kerlinger, P., 2004 – Attraction of Night Migrating Birds to FAA and Other Types of Lights,” Proc. Onshore Wildlife Interactions with Wind Developments: Research Meeting V, Lansdowne, Virginia, November 3–4, 2004, prepared for the Wildlife Subcommittee of the National Wind Coordinating Committee by RESOLVE, Inc., Washington, D.C.
- Konecny, J., 2010 – E-mail communication between John Konecny, Ornithological consultant, and Joy Nishida, California Energy Commission. May 17, 2010
- Kristan, W. B., III, and W. I. Boarman, 2003 – Spatial pattern of risk of common raven predation on desert tortoises. *Ecology* 84(9):2432-2443.
- Kucera, T., 1997 – Life history account for black-tailed gnatcatcher. *In* Zeiner, D. C., W. F. Laudenslayer, Jr., K. E. Mayer, and M. White, eds. 1988-1990. California’s Wildlife. Volume I–III (updated account). California Department of Fish and Game, Sacramento, California.
- Laudenslayer, W. F., Jr., A. S. England, S. Fitton, and L. Saslaw, 1992 – The *Toxostoma* Thrashers of California: Species at Risk? *In* 1992 Transactions of the Western Section of the Wildlife Society 28:22-29. Accessed 07/01/09 at [http://www.fs.fed.us/psw/publications/laudenslayer.psw\\_1992\\_laudenslayer\\_wildlife.pdf](http://www.fs.fed.us/psw/publications/laudenslayer.psw_1992_laudenslayer_wildlife.pdf).
- Long, C. A., 1973 – *Taxidea taxus*. Mammalian Species. No. 26:1–4. American Society of Mammalogists.
- Lovich, J. E., and D. Bainbridge, 1999 – Anthropogenic Degradation of the Southern California Desert Ecosystem and Prospects for Natural Recovery and Restoration. *Environmental Management* Vol. 24, No. 3, pp. 309–326.
- Lund, C., 2010 – Telephone conversation between Christina Lund, State Botanist for the Bureau of Land Management, Sacramento, California office, and Carolyn Chainey-Davis, California Energy Commission. June 2, 2010.
- Luz Solar Partners VIII & IX, Ltd. (Luz), 2007 – Biological Resources Mitigation Implementation Plan (BRMIP) Third Quarter 2007 Compliance Report for the SEGS VIII and IX Project Area Harper Lake, California dated 10/19/07. Submitted to the California Energy Commission.
- Manville, A. M., II, 2001 – “The ABCs of avoiding bird collisions at communication towers: Next steps.” Pp. 85–103 in Avian Interactions with Utility and Communication Structures, Proceedings of a workshop held in Charleston, South Carolina, December 2–3, 1999. R. L. Carlton, ed. Concord, California: Electric Power Research Institute.
- Marlow, R. W., 1988 – Life history account for barefoot banded gecko. *In* Zeiner, D. C., W. F. Laudenslayer, Jr., and K. E. Mayer, eds. 1988-1990. California’s Wildlife. Volume I–III. California Department of Fish and Game, Sacramento, California.

- Marlow, R. W., 2000 – Life history account for flat-tail horned lizard. In Zeiner, D. C., W. F. Laudenslayer, Jr., K. E. Mayer, and M. White, eds. 1988-1990. California's Wildlife. Volume I–III (updated account). California Department of Fish and Game, Sacramento, California.
- Martin, T. E. and G. R. Geupel, 1993. Nest monitoring plots: methods for locating nests and monitoring success. *Journal of Field Ornithology* 64:507-519.
- Mattson, M., 2009 – E-mail communication between Michelle Matson, Project Manager, USACE, and Joy Nishida, California Energy Commission. December 21, 2009.
- Mattson, M., 2010 – E-mail communication between Michelle Matson, Project Manager, USACE, and Joy Nishida, California Energy Commission. January 24, 2010.
- McCaskie, G., 2010 – E-mail communication between Guy McCaskie, Author of *Birds of the Salton Sea: Status, biogeography, and ecology*, and Joy Nishida, California Energy Commission. January 22, 2010.
- Muth, A. and M. Fisher, 1992 – Development of baseline data and procedures for monitoring populations of the flat-tailed horned lizard, *Phrynosoma mcallii*. Contr. Rept. No. FG9268 to California Department of Fish and Game, Sacramento, California.
- Nafis, G., 2009 – California Herps website. Accessed 08/12/09 at <http://www.californiaherps.com/lizards/pages/c.switaki.html>.
- National Park Service, 1994 – Report to Congress, Report on effects of aircraft overflights on the National Park System.
- NatureServe, 2009 – NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe, Arlington, Virginia. Accessed 06/24/09 at <http://www.natureserve.org/explorer>.
- Nichol, K., 2010 – E-mail communication between Kimberly Nichol, CDFG, and Joy Nishida, California Energy Commission. June 11, 2010.
- Okin, G. S., B. Murray and W. H. Schlesinger, 2001 – Degradation of sandy arid shrubland environments: observations, process modeling, and management implications. *Journal of Arid Environments* Vol. 47, No. 2, pp. 123–144.
- Ostermann, S. D., J. R. Deforge, and W. D. Edge, 2001 – Captive breeding and reintroduction evaluation criteria: a case study of Peninsular bighorn sheep. *Conservation Biology* Vol. 15, No. 3: pp. 749–760.
- Painter, M. L. and M. F. Ingraldi, 2007 – Use of Simulated Highway Underpass Crossing Structures by Flat-Tailed Horned Lizards (*Phrynosoma mcallii*), Final Report 594. Arizona Department of Transportation, Phoenix, Arizona.



- Patten, M. A., G. McCaskie, and P. Unitt, 2003 – Birds of the Salton Sea: Status, biogeography, and ecology. University of California Press, Berkeley and Los Angeles, California.
- Polite, C. and J. Pratt, 1988 – Life history account for golden eagle. *In* Zeiner, D. C., W. F. Laudenslayer, Jr., K. E. Mayer, and M. White, eds. 1988-1990. California's Wildlife. Volume I–III. California Department of Fish and Game, Sacramento, California.
- Polite, C. and J. Pratt, 1988 – Life history account for bald eagle. *In* Zeiner, D. C., W. F. Laudenslayer, Jr., K. E. Mayer, and M. White, eds. 1988-1990. California's Wildlife. Volume I–III (updated 1999). California Department of Fish and Game, Sacramento, California.
- Reijnen, R., Foppen, R., Braak, C. T., and J. Thissen 1995 – The effects of car traffic on breeding bird populations in woodland. *Journal of Applied Ecology*. 32(1): 187-202.
- Remsen, J. V., Jr., 1978 – Bird species of special concern in California: An annotated list of declining or vulnerable bird species. Nongame Wild. Invest., Wildl. Mgmt Branch Admin. Rep 78-1, California Dept. Fish & Game, Sacramento.
- Rosenberg, K. V., R. D. Ohmart, W. C. Hunter, and B. W. Anderson, 1991 – Birds of the Lower Colorado River Valley. University of Arizona Press, Tucson, AZ.
- Sauer, J. R., J. E. Hines, and J. Fallon, 2008 – The North American Breeding Bird Survey, Results, and Analysis 1966–2007. Version 5.15.2008. USGS Patuxent Wildlife Research Center, Laurel, MD. Accessed 06/30/09 at <http://www.mbr-pwrc.usgs.gov/bbs/bbs.htm>.
- SCPBRG (Santa Cruz Predatory Bird Research Group), 1998-2007 – California Burrowing Owl Consortium. Accessed 06/26/09 at <http://www2.ucsc.edu/scpbrg/burrowingowls.htm>.
- SES 2008a (tn 46819) – Application for Certification SES Solar Two, LLC, dated 06/30/08. Submitted to Energy Commission/Docket Unit on 06/30/08.
- SES 2008d (tn 48223) – Supplement to Application for Certification SES Solar Two, LLC, dated 06/30/08. Submitted to Energy Commission/Docket Unit on 09/26/08.
- SES 2008f (tn 49332) – Applicant's Response to BLM and Energy Commission Data Request Set 1, Part 1 (1-52). Submitted to Energy Commission/Docket Unit on 12/08/08.
- SES 2009e (tn 50612) – Draft Noxious Weed Management Plan for the SES Solar Two Site, Imperial County, California, dated 01/29/09. Submitted to Energy Commission/Docket Unit on 03/19/09.
- SES 2009f (tn 50613) – Draft Raven Monitoring, and Control Plan, dated 03/20/09. Submitted to Energy Commission/Docket Unit on 03/19/09.

- SES 2009g (tn 50614) – Review of Federal and State Surface Waters for the Stirling Energy Systems Solar 2 Project, dated 02/23/09. Submitted to Energy Commission/Docket Unit on 03/19/09.
- SES 2009h (tn 50625) – In Response to CEC and BLM Data Requests 1–3, 5–10, 14, 24–26, 31–33, 36–38, 44, and 111–127 Application for Certification (08-AFC-5) SES Solar Two, LLC, dated 03/19/09. Submitted to Energy Commission/Docket Unit on 03/19/09.
- SES 2009k (tn 51367) – Applicant’s Supplemental Cumulative Analysis to SES Solar Two Project, dated 04/30/09. Submitted to Energy Commission/Docket Unit on 04/30/09.
- SES 2009m (tn 51460) – In Response to CURE Data Requests 1–143, Application for Certification (08-AFC-5) SES Solar Two, LLC, dated 05/06/09. Submitted to Energy Commission/Docket Unit on 05/06/09.
- SES 2009n (tn 51828) – In Response to CURE Data Requests 128–141, Application for Certification (08-AFC-5) SES Solar Two, LLC, dated 06/05/09. Submitted to Energy Commission/Docket Unit on 06/05/09.
- SES 2009q (tn 51973) – Supplement to SES Solar Two Application for Certification (08-AFC-5) SES Solar Two, LLC, dated 06/12/09. Submitted to Energy Commission/Docket Unit on 06/12/09.
- SES 2009s (tn 52157) – Applicant’s Current Conditions Report for SES Solar Two Project, dated 06/09. Submitted to Energy Commission/Docket Unit on 06/24/09.
- SES 2009t (tn 52272) – In Response to CURE Data Requests 143–178, Application for Certification (08-AFC-5) SES Solar Two, LLC, dated 07/02/09. Submitted to Energy Commission/Docket Unit on 07/02/09.
- SES 2009u (tn 53137) – SES Solar Two (08-AFC-5) Additional Supportive Materials to be Docketed—Biology and Water, dated 09/03/09. Submitted to Energy Commission/Docket Unit on 09/03/09.
- SES 2010a (tn 57103) – Applicant’s submittal of Late Spring 2010 Botanical Surveys for Imperial Valley Solar (formerly Solar Two), dated 6/14/10. Submitted to Energy Commission/Docket Unit on 6/14/10.
- SES 2010g (tn 56589) – Supplement to the Imperial Valley Solar (formerly Solar Two) Application for Certification (08-AFC-5), dated May 2010. Submitted to Energy Commission/Docket Unit on 05/05/10.
- SES 2010o (tn 56458) – Applicant’s submittal of Early Spring 2010 Botanical Surveys for Imperial Valley Solar (formerly Solar Two), dated 4/26/10. Submitted to Energy Commission/Docket Unit on 4/26/10.
- Sheppard, J. M., 1996 – Le Conte’s Thrasher (*Toxostoma lecontei*). In A. Poole and F. Gill (eds.), The Birds of North America, No. 230. The Academy of Natural

Sciences, Philadelphia, PA, and the American Ornithologists' Union, Washington, D. C.

Shuford, W. D., and Gardali, T., eds. – California Bird Species of Special Concern: A Ranked Assessment of Species, Subspecies, and Distinct Populations of Birds of Immediate Conservation Concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.

Sirchia, F., 2010 – Telephone conversation between Felicia Sirchia, Fish and Wildlife Biologist for the USFWS, Carlsbad, California office, and Joy Nishida, California Energy Commission. June 10, 2010.

Small, A., 1994 – California Birds: Their Status and Distribution. Ibis Publishing, Vista, CA.

Smith, S. D., 1984 – Environmental effects of solar thermal power systems (STPS): Analysis of plant invasion into the Barstow 10 MWe STPS. U.S. Department of Energy Contract No. DE-AM03-76-SF00012.

Smith, S. D., D. T. Patten and R. K. Monson, 1987 – Effects of artificially imposed shade on a Sonoran Desert ecosystem: microclimate and vegetation. *Journal of Arid Environments* Vol. 13, No. 1, pp. 65–82.

Stein, A., 2009 – E-mail communication between Alan Stein, Deputy District Manager, Resources, for the Bureau of Land Management, California Desert District, and Joy Nishida, California Energy Commission. December 24, 2009.

Steward, D., 2009 – Telephone conversation between Daniel Steward, Acting Field Manager for the Bureau of Land Management, El Centro, California office, and Joy Nishida, California Energy Commission. December 14, 2009.

Steward, D., 2010 – Telephone conversation between Daniel Steward, Acting Field Manager for the Bureau of Land Management, El Centro, California office, and Joy Nishida, California Energy Commission. January 6, 2010.

Steward, D., 2010a – Telephone conversation between Daniel Steward, Acting Field Manager for the Bureau of Land Management, El Centro, California office, and Joy Nishida, California Energy Commission. June 14, 2010.

Sullivan, J., 1996 – *Taxidea taxus*. In Fire Effects Information System, [Online]. U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station, Fire Sciences Laboratory (Producer). Available: <http://www.fs.fed.us/database/feis/> [2008, June 27].

Tinant, J., 2006 – Black-tailed Gnatcatcher (*Polioptila melanura*). In The Draft Desert Bird Conservation Plan: a strategy for reversing the decline of desert-associated birds in California. California Partners in Flight. Accessed on 06/29/09 at <http://www.prbo.org/calpis/htmldocs/species/desert.html>.

- Torres, S., 2009 – Telephone conversation between Steve Torres, Wildlife Biologist, CDFG, and Joy Nishida, California Energy Commission. July 30, 2009.
- Trouette, A., 2010 – Telephone conversation between Andrew Trouette, Natural Resource Specialist for the Bureau of Land Management, El Centro, California office, and Joy Nishida, California Energy Commission. February 5, 2010.
- URS 2008 – San Joaquin Solar 1 & 2 – Application for Certification Volume 2, Appendix L, “Glint and Glare Study.” [online]: [http://www.energy.ca.gov/sitingcases/sjsolar/documents/applicant/afc/AFC\\_volume\\_02/](http://www.energy.ca.gov/sitingcases/sjsolar/documents/applicant/afc/AFC_volume_02/). Accessed January 2010.
- URS 2010a (tn 56458) –Imperial Valley Solar (formerly Solar Two) (08-AFC-5) Applicant’s Submittal of Early Spring Botany Report, dated April 26, 2010. Submitted to Energy Commission/Docket Unit on 04/26/10.
- URS 2010b (tn 57103) –Imperial Valley Solar (formerly Solar Two) (08-AFC-5) Applicant’s Submittal of Late Spring Botany Report, dated June 11, 2010. Submitted to Energy Commission/Docket Unit on 06/11/10.
- USFWS (U.S. Fish and Wildlife Service), 1998 – Draft Recovery Plan for the least Bell’s vireo. USFWS, Portland, OR. 139 pp.
- USFWS, 2000 – Recovery Plan for Bighorn Sheep in the Peninsular Ranges, California. USFWS, Portland, OR.
- USFWS, 2002 – Southwestern Willow Flycatcher Recovery Plan. USFWS, Albuquerque, NM. i-ix + 210 pp., Appendices A-O.
- USFWS, 2008 – Environmental Assessment to Implement a Desert Tortoise Recovery Plan Task: Reduce Common Raven Predation on the Desert Tortoise. Ventura, CA.
- USFWS, 2009a – Yuma clapper rail (*Rallus longirostris yumanensis*) Nevada protected species account, updated October 19, 2009. Accessed 11/19/09 at [http://www.fws.gov/nevada/protected\\_species/birds/species/yucr.html](http://www.fws.gov/nevada/protected_species/birds/species/yucr.html)
- USFWS, 2009b – Yuma clapper rail (*Rallus longirostris yumanensis*) Recovery Plan. Draft First Revision. USFWS, Southwest Region, Albuquerque, NM.
- USFWS, 2010 – Draft Mitigated Negative Declaration for the Seeley Wastewater Treatment Plant Improvements, Imperial County, California, dated February 2, 2010. Reference No. FWS-IMP-08B0224-10TA0314.
- Van Patten, M., 2010 – E-mail communication between Marc Van Patten, Senior Director of Development, Tessera Solar, and Joy Nishida, California Energy Commission. May 27, 2010.
- Wagner, G., 2010 – Telephone conversation between Guy Wagner, Fish and Wildlife Biologist, USFWS, and Joy Nishida, California Energy Commission. June 22, 2010.

Weaver, C., 2010 – E-mail communication between Casey Weaver, Geologist for the California Energy Commission, and Joy Nishida, California Energy Commission. June 24, 2010.

WBWG (Western Bat Working Group), 2005 – Western yellow bat (*Lasiurus xanthinus*) species account prepared by B. C. Bolster, updated by J. A. Williams. [www.wbwg.org/speciesinfo/species\\_accounts/species\\_accounts.html](http://www.wbwg.org/speciesinfo/species_accounts/species_accounts.html).

Wehasen, J. D., 1992 – Demographic studies of mountain sheep in the Mojave Desert: Report IV. Unpublished report, California Department of Fish and Game, Sacramento. 54 pp.

Yosef, R., 1996 – Loggerhead Shrike (*Lanius ludovicianus*). In *The Birds of North America*, No. 231 (A. Poole and F. Gill [eds.]). The Academy of Natural Sciences, Philadelphia, and The American Ornithologists' Union, Washington, D.C.

Zeiner, D. C., W. F. Laudenslayer, Jr., K. E. Mayer, and M. White, eds., 1988-1990 – *California's Wildlife. Volume I–III* (updated 2004). California Department of Fish and Game, Sacramento, California.

### **C.3 - CULTURAL RESOURCES AND NATIVE AMERICAN VALUES**

The Cultural Resources and Native American Values section of the Supplemental Staff Assessment will be filed subsequently and is not included in this document.

## C.4 – GEOLOGY, SOILS, AND PALEONTOLOGICAL AND MINERAL RESOURCES

Testimony of Dal Hunter, Ph.D., C.E.G.

### C.4.1 SUMMARY OF CONCLUSIONS

---

The proposed Imperial Valley Solar (formerly the Stirling Energy Systems Solar Two) Project site is located in an active geological area of the south-central Colorado Desert Geomorphic Province in south-central Imperial County in south-eastern California. Because of its geological setting, the site could be subject to intense levels of earthquake-related ground shaking. The effects of strong ground shaking would need to be mitigated through structural designs required by the California Building Code (CBC 2007) and the project geotechnical report. The CBC (2007) requires that structures be designed to resist seismic stresses from ground acceleration and, to a lesser extent, liquefaction potential. A geotechnical investigation has been performed and presents standard engineering design recommendations for mitigation of seismic shaking and site soil conditions.

There are no known viable geological or mineralogical resources at the proposed project site. Locally, paleontological resources have been documented within Quaternary alluvium, colluvium, lakebed sediments, and in sedimentary units of the Palm Springs Formation, all of which underlie the site in the near surface. Potential impacts to paleontological resources would be mitigated through worker training and monitoring by qualified paleontologists, as required by Conditions of Certification, **PAL-1** through **PAL-7**. Minor changes to the alignments of both the proposed transmission line and the water supply line have been made during the review process. These changes do not alter the analysis of geology or paleontology.

Based on its independent research and review, California Energy Commission staff concludes that the potential is low for significant adverse impacts to the proposed project from geological hazards during its design life and to potential geological, mineralogical, and paleontological resources from the construction, operation, and closure of the proposed project. It is staff's opinion that the Imperial Valley Solar Project will be designed and constructed in accordance with all applicable laws, ordinances, regulations, and standards and in a manner that both protects environmental quality and assures public safety.

### C.4.2 INTRODUCTION

---

In this section, California Energy Commission (Energy Commission) staff discusses the potential impacts of geological hazards on the proposed Imperial Valley Solar (IVS) Project site as well as the project's potential impacts on geological, mineralogical, and paleontological resources. Staff's objective is to ensure that there will be no consequential adverse impacts to significant geological and paleontological resources during the project construction, operation, and closure and that operation of the plant will not expose occupants to high-probability geological hazards. A brief geological and paleontological overview is provided. The section concludes with staff monitoring and

mitigation measures for geological hazards and geological, mineralogical, and paleontological resources, as proposed conditions of certification.

### **C.4.3 METHODOLOGY AND THRESHOLDS FOR DETERMINING ENVIRONMENTAL CONSEQUENCES**

---

Federal agencies are required to review major federal actions such as the IVS Project under the National Environmental Policy Act (NEPA). This document has been prepared in consultation and coordination with the BLM to also address federal environmental issues. The BLM and CEC have conducted a joint environmental review of the project in a single NEPA/California Environmental Quality Act (CEQA) process. The Federal Land Policy and Management Act of 1976 (FLPMA) establishes the agency's multiple-use mandate to serve present and future generations.

The California Environmental Quality Act (CEQA) Guidelines, Appendix G, provide a checklist of questions that lead agencies typically address.

- Section (V) (c) includes guidelines that determine if a project will either directly or indirectly destroy a unique paleontological resource or site or a unique geological feature.
- Sections (VI) (a), (b), (c), (d), and (e) focus on whether or not the project would expose persons or structures to geological hazards.
- Sections (X) (a) and (b) concern the project's effects on mineral resources.

The California Building Standards Code (CBSC) and CBC (2007) provide geotechnical and geological investigation and design guidelines, which engineers must follow when designing a facility. As a result, the criteria used to assess the significance of a geological hazard include evaluating each hazard's potential impact on the design and construction of the proposed facility. Geological hazards include faulting and seismicity, volcanic eruptions, liquefaction, dynamic compaction, hydrocompaction, subsidence, expansive soils, landslides, tsunamis, and seiches. Of these, dynamic compaction, hydrocompaction, subsidence, and expansive soils are geotechnical engineering issues but are not normally associated with concerns for public safety.

Staff has reviewed geological and mineral resource maps for the surrounding area, as well as site-specific information provided by the applicant, to determine if any geological and mineralogical resources exist in the area and to determine if operations could adversely affect such geological and mineralogical resources.

To evaluate whether the proposed project and alternatives would generate a potentially significant impact as defined by CEQA on mineral resources, the staff evaluated them against checklist questions posed in the 2006 CEQA Guidelines, Appendix G, Environmental Checklist established for Mineral Resources. These questions are:

- A. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?



- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

Under NEPA, the impact of the proposed project and alternatives on mineral resources would be considered significant if they would directly or indirectly interfere with active mining claims or operations, or would result in reducing or eliminating the availability of important mineral resources. The staff's evaluation of the significance of the impact of the proposed project on mineral resources includes an assessment of the context and intensity of the impacts, as defined in the NEPA implementing regulations 40 CFR Part 1508.27.

Staff reviewed existing paleontological information and requested records searches from the San Diego Natural History Museum and the Natural History Museum of Los Angeles County for the site area. Site-specific information generated by the applicant for the IVS Project was also reviewed. All research was conducted in accordance with accepted assessment protocol (SVP 1995) to determine whether any known paleontological resources exist in the general area. If present or likely to be present, conditions of certification which outline required procedures to mitigate impacts to potential resources, are proposed as part of the project's approval.

The Antiquities Act of 1906 (16 United States Code [USC]) requires that objects of antiquity be taken into consideration for federal projects and the California Environmental Quality Act, Appendix G, also requires the consideration of paleontological resources. The Paleontological Resources Preservation Act of 2009 requires the Secretaries of the United States Department of the Interior and Agriculture to manage and protect paleontological resources on Federal land using scientific principles and expertise. The potential for discovery of significant paleontological resources or the impact of surface disturbing activities to such resources is assessed using the Potential Fossil Yield Classification (PYFC) system. This system includes three conditions (Condition 1 [areas known to contain vertebrate fossils]; Condition 2 [areas with exposures of geological units or settings that have high potential to contain vertebrate fossils]; and Condition 3 [areas that are very unlikely to produce vertebrate fossils]). The PYFC class ranges from Class 5 (very high) to Class 1 (very low) (USDI 2007).

The proposed conditions of certification allow BLM's Authorized Officer, the Energy Commission's compliance project manager (CPM) and the applicant to adopt a compliance monitoring scheme ensuring compliance with laws, ordinances, regulations, and standards (LORS) applicable to geological hazards and the protection of geological, mineralogical, and paleontological resources.

Based on the information below, it is staff's opinion that the potential for significant adverse impacts to the project from geological hazards, and to potential geological, mineralogical, and paleontological resources from the proposed project, is low.

## **LAWS, ORDINANCES, REGULATIONS, AND STANDARDS (LORS)**

Applicable laws, ordinances, regulations, and standards (LORS) are listed in the application for certification (AFC) (SES 2008a). The following briefly describes the current

LORS for both geological hazards and resources and mineralogical and paleontological resources.

**Geology and Paleontology Table 1**  
**Laws, Ordinances, Regulations, and Standards (LORS)**

<b>Applicable Law</b>	<b>Description</b>
<b>Federal</b>	
Antiquities Act of 1906 (16 United States Code [USC], 431-433)	The proposed IVS Project facility site is located entirely on land currently administered by the Bureau of Land Management (BLM). Although there is no specific mention of natural or paleontological resources in the Act itself, or in the Act's uniform rules and regulations (Title 43 Part 3, Code of Federal Regulations [43 CFR Part 3], 'objects of antiquity' has been interpreted to include fossils by the Federal Highways Act of 1956, the National Park Service (NPS), the BLM, the Forest Service (USFS), and other Federal agencies.
National Environmental Policy Act (NEPA) of 1970 (42 USC 4321, et. seq.)	Established the Council on Environmental Quality (CEQ), which is charged with preserving 'important historic, cultural, and natural aspects of our national heritage'.
Federal Land Policy and Management Act (FLPMA) of 1976 (43 USC 1701-1784)	Authorizes the BLM to manage public lands to protect the quality scientific, scenic, historical, archeological, and other values, and to develop 'regulations and plans for the protection of public land areas of critical environmental concern', which include 'important historic, cultural or scenic values'. Also charged with the protection of 'life and safety from natural hazards'.
Paleontologic Resources Preservation Act (PRPA) (Public Law [PL] 111-011)	Authorizes Departments of Interior and Agriculture Secretaries to manage the protection of paleontological resources on Federal lands.
National Historic Preservation Act of 1966 (NHPA) (16 USC 470)	Establishes policies for the 'preservation of the prehistoric and historic resources of the United States', under the direction of the Secretary of the Interior and the BLM.
<b>State</b>	
California Building Code (CBC), 2007	The CBC (2007) includes a series of standards that are used in project investigation, design, and construction (including grading and erosion control).

Applicable Law	Description
Alquist-Priolo Earthquake Fault Zoning Act, Public Resources Code (PRC), section 2621–2630	Mitigates against surface fault rupture of known active faults beneath occupied structures. Requires disclosure to potential buyers of existing real estate and a 50-foot setback for new occupied buildings. Portions of the site and proposed ancillary facilities are located within designated Alquist-Priolo Fault Zones. The proposed site layout places occupied structures outside of the 50-foot setback zone.
The Seismic Hazards Mapping Act, PRC Section 2690–2699	Areas are identified that are subject to the effects of strong ground shaking, such as liquefaction, landslides, tsunamis, and seiches.
PRC, Chapter 1.7, sections 5097.5 and 30244	Regulates removal of paleontological resources from state lands, defines unauthorized removal of fossil resources as a misdemeanor, and requires mitigation of disturbed sites.
Warren-Alquist Act, PRC, sections 25527 and 25550.5(i)	The Warren-Alquist Act requires the Energy Commission to “give the greatest consideration to the need for protecting areas of critical environmental concern, including, but not limited to, unique and irreplaceable scientific, scenic, and educational wildlife habitats; unique historical, archaeological, and cultural sites.” With respect to paleontological resources, the Energy Commission relies on guidelines from the Society for Vertebrate Paleontology, indicated below.
California Environmental Quality Act (CEQA), PRC sections 15000 et seq., Appendix G	Mandates that public and private entities identify the potential impacts on the environment during proposed activities. Appendix G outlines the requirements for compliance with CEQA and provides a definition of significant impacts on a fossil site.
Society for Vertebrate Paleontology (SVP), 1995	The “Measures for Assessment and Mitigation of Adverse Impacts to Non-Renewable Paleontologic Resources: Standard Procedures” is a set of procedures and standards for assessing and mitigating impacts to vertebrate paleontological resources. The measures were adopted in October 1995 by the SVP, a national organization of professional scientists.
<b>Local</b>	
Imperial County General Plan	Section 5.3.5.3 Seismic and Public Safety Element requires utilities that cross active faults to prepare an operations plan.

## **C.4.4 PROPOSED PROJECT**

---

### **C.4.4.1 SETTING AND EXISTING CONDITIONS**

The proposed IVS Project would be constructed on approximately 6,500 acres south of Evan Hewes Highway and north of Interstate 8 in Imperial County, California. The property includes about 6,140 acres of federal land managed by the Bureau of Land Management (BLM) and approximately 360 acres of privately owned land. The site is about 100 miles east of San Diego, 14 miles west of El Centro, and approximately 4 miles east of Ocotillo Wells.

The proposed IVS Project would be a primary power generating facility constructed in two phases. Phase one would involve construction of a 300-megawatt facility and phase two would generate an additional 450 megawatts. Power would be generated by up to 30,000 SunCatcher solar dish collectors which would be supported on individual metal pipe or drilled pier foundations. Each SunCatcher consists of a solar receiver heat exchanger and a closed-cycle, high-efficiency Solar Stirling Engine specifically designed to convert solar power to rotary power and then drive an electrical generator to produce electricity. Supporting facilities would include an operations and administration building, a maintenance building, three assembly buildings, a substation, metal canopy cover for a water treatment plant, and storage tanks for fuel and water. Ancillary facilities associated with the solar array would include two utility lines, a pipeline to waste water treatment facility, and a 10.4±-mile long electrical transmission line interconnection to the Imperial Valley Substation. Minor realignments of both the water supply line and the transmission line have occurred during the review process (Imperial Valley Solar, LLC 2010). Other improvements would include an onsite septic system, and paved and unpaved roads for site access.

### **REGIONAL SETTING**

The proposed site is located in the south-central portion of the Imperial Valley region of the Salton Trough, a topographic and structural depression within the Colorado Desert physiographic province in Southern California. Tectonically, the Salton Trough appears to lie on the boundary between the western edge of the North American Plate and the eastern edge of the Pacific Plate, with relative plate motion being transferred to the regional San Andreas Fault system via at least three more localized fault zones (Elders, 1979). This province is characterized by broad alluvium-filled valleys and plains and is bounded to the west by the northwest trending granitic mountains of the Peninsular Ranges physiographic province and on the east by the southern portion of the Mojave Desert physiographic province (Norris and Webb, 1990).

### **PROJECT SITE DESCRIPTION**

The proposed IVS Project would be constructed on 6,500 acres south of Evan Hewes Highway and north of Interstate 8 in Imperial County, California. The potential site is located within the Yuha Desert geomorphic subprovince of the Colorado Desert geomorphic province. The property lies near the eastern shoreline of ancient Lake Cahuilla and includes approximately 6,140 acres of federal land managed by the Bureau of Land Management (BLM) and approximately 360 acres of privately owned land. The eastern portion of the site is primarily composed of gently sloping undisturbed desert. The western portion of the site is better characterized by more rolling terrain or

badlands with intermittent incised drainages. Overall the site slopes northeast toward the regional topographic low point at the Salton Sea.

Subsurface stratigraphy within the project area is generally characterized by Holocene alluvium and colluvium deposits which overlie Holocene lakebed deposits. These in turn overlie Late Pleistocene to Holocene older alluvium deposits which are underlain by Pleistocene to Pliocene Palm Springs Formation.

The surficial alluvium and colluvium deposits are composed of primarily locally derived silty and clayey sands or poorly graded sand with silt or clay and are commonly 2 to 7 feet thick. These overlie sediments of ancient Lake Cahuilla which are similar in composition. Lacustrine sediments of Lake Cahuilla vary between approximately 100 to 300 feet thick where the ancient lake was deepest and are probably much thinner in the project area (Kovach et. al., 1962). Lake Cahuilla sediments are generally underlain by Late Miocene to Latest Pleistocene marine and non-marine sandstones and mudstones of the Palm Springs Formation which can be more than 15,000 feet thick. Alluvium, colluvium, and lacustrine deposits are thicker in the eastern, gently sloping portion of the project area and thinner in the western portion where tectonic forces have uplifted Palm Springs Formation deposits to the surface where they form incised badland topography.

#### **C.4.4.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

This section considers two types of impacts. The first is geological hazards, which could impact the proper functioning of the proposed facility and create life/safety concerns. The second is the potential impacts the proposed facility could have on existing geological, mineralogical, and paleontological resources in the area.

#### **DIRECT/INDIRECT IMPACTS AND MITIGATION**

Ground shaking (earthquakes) represents the main geological hazard at this site. This potential for ground shaking to damage structures catastrophically can be effectively mitigated through facility design by incorporating recommendations contained in the project geotechnical report. Proposed Conditions of Certification **GEN-1**, **GEN-5**, and **CIVIL-1** in the **Facility Design** section should also mitigate these impacts to a less than significant level.

The proposed IVS Project site is not located within an established Mineral Resource Zone (MRZ) and no economically viable mineral deposits are known to be present within the site boundaries. A major sand and gravel quarry is located approximately 4 miles north of the town of Ocotillo, California and 10 miles northwest of the western boundary of the proposed IVS Project site. These aggregate deposits occur in young alluvial fans and active washes along the southern flank of the Coyote Mountains. There is no similar geological environment within or along the proposed IVS Project boundary where similar sand and gravel deposits might reasonably be expected.

Five stratigraphic units have been identified within the project area. These are Holocene alluvium, Holocene colluvium, Holocene older alluvium, Holocene lakebeds (Lake Cahuilla), and Plio-Pleistocene age Palm Springs Formation (Morton, 1977). Staff

reviewed correspondence from the San Diego Natural History Museum (Randall 2008) and the project confidential paleontological resources technical report (PRC 2008) for information regarding known fossil localities and stratigraphic unit sensitivity within the project area. The San Diego Natural History Museum has recorded 17 fossil localities within 2 miles of the project area and ancillary facilities. Of these, 6 are terrestrial invertebrates collected from Lake Cahuilla sediments and 11 are marine invertebrates collected from the Imperial formation which is not known or expected to be present near the surface within the project boundaries. The Anza-Borrego Desert State Park Stout Research Center has located terrestrial vertebrate fossils including turtles, tortoises, and some mammals within the Palm Springs Formation within 4 miles of the project site. Just south of Anza Borrego, and approximately 3 miles west of the proposed IVS Project site, vertebrate fossils have been found in the Coyote Mountains Wilderness (Fossil Canyon). The Coyote Mountains Wilderness has been designated as a BLM Area of Environmental Concern.

Based on the recorded fossil finds, staff concludes the Holocene alluvium and colluvium have moderate paleontological resource sensitivity and the Late Cahuilla sediments and the Palm Springs Formation have high paleontological resource sensitivity. The Cahuilla lakebed deposits will likely be encountered by excavations, in particular, on the eastern area of the site. The Palm Springs Formation underlies the lakebed deposits so that its exposures are more sporadic.

Overall, staff considers the probability for significant paleontological resources to be encountered during site construction activities to be moderate. However, if construction includes significant amounts of grading or deep foundation excavation and utility trenching the potential for exposure of paleontological resources will increase with depth of the excavations. This assessment is based on SVP criteria and the paleontological report appended to the AFC (SES 2008a). Proposed Conditions of Certification **PAL-1** to **PAL-7** are designed to mitigate paleontological resource impacts, as discussed above, to less than significant levels. These conditions essentially require a worker education program in conjunction with the monitoring of earthwork activities by a qualified professional paleontologist (a paleontological resource specialist, or PRS).

The proposed conditions of certification allow the BLM Authorized Office and the Energy Commission's compliance project manager (CPM) and the applicant to adopt a compliance monitoring scheme ensuring compliance with LORS applicable to geological hazards and the protection of geological, mineralogical, and paleontological resources.

Based on the information below and proposed conditions of certification, it is staff's opinion that the potential for significant adverse, direct or indirect impacts to the project, from geological hazards, and to potential geological, mineralogical, and paleontological resources, from the proposed project, is low.

## **GEOLOGICAL HAZARDS**

The AFC provides documentation of potential geological hazards at the proposed IVS Project plant site, including limited site-specific subsurface information (SES 2008a). Review of the AFC, coupled with staff's independent research, indicates that the potential for geological hazards to impact the proposed plant site during its practical design life is low if recommendations for mitigation of seismic shaking are followed.

Geological hazards related to seismic shaking are addressed in the project geotechnical report per CBC (2007) requirements (SES 2008a).

Staff's independent research included the review of available geological maps, reports, and related data of the IVS Project site. Geological information was available from the California Geological Survey (CGS), California Division of Mines and Geology (CDMG, now know as CGS), the U.S. Geological Survey (USGS), the American Geophysical Union, the Geological Society of America, and other organizations.

### **Faulting and Seismicity**

Energy Commission staff reviewed numerous CDMG and USGS publications as well as informational websites in order to gather data on the location, age, and type of faulting in the project area (Blake 2006a; CDMG 1981; CDMG 1988; CDMG 2003; CGS 2002a and b; CGS 2007; SCEC 2006; USGS 2006). Type A and B faults within 80 miles of the IVS Project site are listed in Table 2. Type A faults have slip-rates of  $\geq 5$  mm per year and are capable of producing an earthquake of magnitude 7.0 or greater. Type B faults have slip-rates of 2 to 5 mm per year and are capable of producing an earthquake of magnitude 6.5 to 7.0. The fault type, potential magnitude, and distance from the site are summarized in **Geology and Paleontology Table 2**.

**Geology and Paleontology Table 2**  
**Active Faults Relative to the Proposed IVS Project Site**

Fault Name	Distance From Site (miles)	Maximum Earthquake Magnitude (Mw)	Estimated Peak Site Acceleration (g)	Movement and Strike	Slip Rate mm/yr	Fault Type
Laguna Salada	4.1	7.2	?	Right-Lateral Strike Slip (Northwest)	3.5	A
Elsinore (Coyote Mountain)	9.3	6.8	.187	Right-Lateral Strike Slip (Northwest)	4.0	A
Superstition Mtn. (San Jacinto)	10.8	6.6	.151	Right-Lateral Strike Slip (Northwest)	5.0	A
Superstition Hills (San Jacinto)	13.4	6.6	.129	Right-Lateral Strike Slip (Northwest)	4.0	A
Elmore Ranch	17.5	6.6	.106	Left-Lateral Strike Slip (Northwest)	1.0	B
San Jacinto – Borrego	17.8	6.6	.105	Right-Lateral Strike Slip (Northwest)	4.0	A
Imperial	18.8	7.0	.124	Right-Lateral Strike Slip (Northwest)	20.0	A
Brawley Seismic Zone	23.4	6.4	.077	Right-Lateral Strike Slip (Northwest)	25.0	B
Elsinore (Julian)	32.6	7.1	.086	Right-Lateral Strike Slip (Northwest)	5.0	A
San Jacinto – Coyote Creek	35.5	6.6	.062	Right-Lateral Strike Slip (Northwest)	4.0	A
San Jacinto – Anza	37.2	7.2	.082	Right-Lateral Strike Slip (Northwest)	12.0	A
Earthquake Valley	38.7	6.5	.055	Right-Lateral Strike Slip (Northwest)	2.0	B
San Andreas – SB - Coachella	40.4	7.7	.100	Right-Lateral Strike Slip (Northwest)	24.0	A
San Andreas - Coachella	40.4	7.7	.100	Right-Lateral Strike Slip (Northwest)	25.0	A
San Andreas – Whole	40.4	8.0	.117	Right-Lateral Strike Slip (Northwest)	34.0	A
Rose Canyon	76.6	7.2	.047	Right-Lateral Strike Slip (Northwest)	1.5	B
Fault Name	Distance From Site (miles)	Maximum Earthquake Magnitude (Mw)	Estimated Peak Site Acceleration (g)	Movement and Strike	Slip Rate mm/yr	Fault Type
Elsinore (Temecula)	79.4	6.8	.037	Right-Lateral Strike Slip (Northwest)	5.0	A

Type C and otherwise undifferentiated faults which are more than 20 miles from the site are not discussed here because they are unlikely to undergo movement or generate seismicity which could affect the project.

Seventeen Type A and B faults and fault segments were identified within 80 miles of the potential site (**Geology and Paleontology Table 2**). In addition the Yuha Wells and Dixieland faults are within close proximity to the site. The Yuha Wells fault is a zone of reticulated strands between the Laguna Salada fault southeast of the site and the Elsinore fault northwest of the site. The fault passes through the western portions of the site. Age, magnitude, and recurrence intervals of movement along the Yuha Wells fault are not well constrained but there is evidence of Quaternary movement and possible left-lateral offset of Holocene stream channels within the fault zone.

The Dixieland fault trends southeast to northwest and crosses the Evan Hewes Highway east of the proposed SSTP site. The eastern end of the proposed project water line



crosses the Dixieland fault. Surface deformation in the form of ground cracking and subsidence was first noted in 1969 and approximately 200 feet wide by 700 feet long zone of eroded fissures and sinkholes was noted in 1973 (Smith 1979). Deformation associated with the Dixieland fault may have resulted from a seismic response to the magnitude 6.4 Borrego Mountain earthquake on the Coyote Creek segment of the San Jacinto fault on April 9, 1968 (Sharp and Clark 1972).

Based on previous drilling and on the soil profile generated for this site by the geotechnical investigation, the site soil class is assumed to be seismic Class D. The estimated peak horizontal ground acceleration for the power plant is 0.74 times the acceleration of gravity (0.74g) for bedrock acceleration based on 2 percent probability of exceedence in 50 years under 2007 CBC criteria. For a Class D site, the soils profile amplifies the acceleration of the ground surface to 1.94g (USGS 2008).

All of the faults listed in Geology and Paleontology Table 2 could generate some level of ground shaking at this site. Since there are no known faults of any age through the site, the potential for actual seismic ground surface rupture is negligible.

### **Liquefaction**

Liquefaction is a condition in which a saturated cohesionless soil may lose shear strength because of sudden increase in pore water pressure caused by an earthquake. However, the potential for liquefaction of strata deeper than approximately 40 feet below surface is considered negligible due to the increased confining pressure and because geological strata at this depth are generally too compact to liquefy. The reported deep ground water table (greater than 50 feet) would indicate no potential for liquefaction. Standard penetration testing (blowcounts) reported in the project-specific geotechnical report (SES 2008a) indicate strata beneath the site are also generally too dense to liquefy. Liquefaction potential on the IVS Project site was addressed in the project geotechnical report per CBC (2007) and proposed Condition of Certification **GEN-1** requirements.

### **Lateral Spreading**

Lateral spreading of the ground surface can occur within liquefiable beds during seismic events. Lateral spreading generally requires an abrupt change in slope—that is, a nearby steep hillside or deeply eroded stream bank, etc.—but can also occur on gentle slopes such as are present at the project site. Other factors such as distance from the epicenter, magnitude of the seismic event, and thickness and depth of liquefiable layers also affect the amount of lateral spreading. Because the IVS Project site is not subject to liquefaction, there is no potential for lateral spreading at the site surface during seismic events.

### **Dynamic Compaction**

Dynamic compaction of soils results when relatively unconsolidated granular materials experience vibration associated with seismic events. The vibration causes a decrease in soil volume, as the soil grains tend to rearrange into a more dense state (an increase in soil density). The decrease in volume can result in settlement of overlying structural improvements. Site specific geotechnical investigation indicates the alluvial deposits in the site subsurface are generally too dense to allow significant dynamic compaction (SES 2008a).

## **Hydrocompaction**

Hydrocompaction (also known as hydro-collapse) is generally limited to young soils that were deposited rapidly in a saturated state, most commonly by a flash flood. The soils dry quickly, leaving an unconsolidated, low density deposit with a high percentage of voids. Foundations built on these types of compressible materials can settle excessively, particularly when landscaping irrigation dissolves the weak cementation that is preventing the immediate collapse of the soil structure. Site specific geotechnical investigation indicates the subsurface alluvial deposits which underlie the site are generally too dense to experience significant hydrocompaction (SES 2008a).

## **Subsidence**

Local subsidence or settlement may occur when areas containing compressible soils are subjected to foundation or fill loads. Site-specific geotechnical investigation indicates the alluvial deposits which underlie the site are generally at a medium-dense to very dense consistency and therefore are considered unlikely to support site-wide subsidence due to foundation loading. Due to relatively recent fissuring and subsidence along the trace of the Dixieland fault a geologist or engineer experienced in recognition and examination of faults and fissures should be available during trenching performed during construction of the ancillary facilities, particularly the water supply pipeline, to document any potential near-surface soil anomalies and facilitate any necessary changes in design. With proper geotechnical engineering design, in accordance with proposed Condition of Certification **GEN-1** and **CIVIL-1 (Facility Design section)**, the potential for localized foundation subsidence should be minimal.

Regional ground subsidence is typically caused by petroleum or ground water withdrawal that increases the effective unit weight of the soil profile, which in turn increases the effective stress on the deeper soils. This results in consolidation or settlement of the underlying soils. No petroleum or natural gas withdrawals are taking place in the site vicinity and no ground water would be pumped at the site. Significant ground water pumping for geothermal power production is taking place in the vicinity of Brawley, approximately 15 miles northeast of the project site. However, ground water extraction at this distance is unlikely to affect ground water conditions beneath the site. Regional subsidence of the Salton Trough is occurring due to ongoing tectonism and possibly basin loading. However, minor settling, spread over the entirety of the Salton Trough, is unlikely to result in significant localized subsidence within the project area. Therefore, negative impacts to the project due to subsidence from tectonism or from petroleum, natural gas, or future ground water production is considered very unlikely.

## **Expansive Soils**

Soil expansion occurs when clay-rich soils with an affinity for water exist in place at a moisture content below their plastic limit. The addition of moisture from irrigation, precipitation, capillary tension, water line breaks, etc. allows the clay minerals to absorb water molecules into their structure, which results in an increase in the overall volume of the soil. This increase in volume can cause excessive movement (heave) of overlying structural improvements. The alluvium, colluvium, and lakebed deposits which form most of the site subsurface are not considered to be expansive. However, claystone members within the Palm Springs Formation may be expansive if exposed to moisture. An inspector experienced in recognition of clay rich soils should be onsite during exca-

vation of building foundations to implement mitigation measures in areas of clay rich soils, if they are encountered. Proper routine, geotechnical mitigation of any expansive clay soils would provide adequate project performance and a minimal project impact.

### **Landslides**

The SSTP site slopes gently to the east-northeast at a gradient of less than 1 percent. Due to the low site gradient and the absence of topographically high ground in the site vicinity the potential for landslide impacts to the site is considered to be negligible. The Imperial County General Plan Landslide Activity map indicates moderate potential for landslide activity in the hills west of the site but no potential for landslide activity within the site boundaries is indicated (Imperial County 1993).

### **Flooding**

The Federal Emergency Management Agency (FEMA) has identified the majority of the IVS Project site and ancillary facilities areas as lying in Unshaded Zone X, or “Areas determined to be outside the 0.2 percent annual chance floodplain”. However, the channels and surrounding banks of ephemeral drainages which cross the site are designated special flood hazard areas subject to inundation by the 1 percent annual chance flood (FEMA 2008). Civil engineering design can minimize the potential for flash floods damage to this project to a (CEQA) less than significant level. Additional discussion of flash flooding is presented under the **Soil and Water** section of this document.

### **Tsunamis and Seiches**

The proposed IVS Project and associated linear facilities are not located near any significant surface water bodies and therefore there are no potential impacts due to tsunamis and seiches.

### **Volcanic Hazards**

The proposed IVS Project site is located approximately 30 miles southwest of the Salton Buttes volcanic vent area. The Salton Buttes are an area of explosive and extrusive rhyolitic eruptions which occurred approximately 16,000 years ago. Although no recurrence interval has been determined, the Salton Buttes is an area of active crustal spreading which makes it conducive to further eruptive activity in the future (Miller, 1989). Due to its distance from the project site the impact of eruptive activity at the Salton Buttes would likely be limited to ashfall which would have a short-lived affect on the project. This would involve having to shut down and probably cover the generators to prevent damage from the abrasive ash and having to clean the mirrors once the eruption was over. Mirrors will need to be cleaned periodically as part of normal plant operation and maintenance.

The Cerro Prieto volcano is located approximately 40 miles southeast of the project site in northern Sonora, Mexico. Cerro Prieto consists of a 733-foot tall dacitic dome with a 660-foot wide caldera which formed during a series of eruptions beginning approximately 100,000 years ago and continuing to about the earliest Holocene (10,000 years). The actual occurrence of Holocene eruptions and potential recurrence intervals has not been established. Like the Salton Buttes volcanic vent, the Cerro Prieto volcano is located in an area of active crustal spreading which makes it conducive to further eruptive activity in the future. Due to its distance from the project site the impact of

eruptive activity at Cerro Prieto would likely be limited to ashfall. The generators would need to be protected from the ash and the mirrors would need to be cleaned.

Due to the distance of the site from known Holocene volcanic areas and the likely long recurrence intervals between eruptions the potential for volcanic eruptions to cause long term or catastrophic damage to the IVS Project is considered to be very low.

## **GEOLOGICAL, MINERALOGICAL, AND PALEONTOLOGICAL RESOURCES**

Energy Commission staff has reviewed applicable geological maps, reports, and on-line resources for this area (Blake 2006a; CDMG 1977; CDMG 1981; CDMG 1984; CDMG 1988; CDMG 1990; CDMG 1994; CDMG 1998; CDMG 1999; CDMG 2003; CGS 2002a and b; CGS 2007; Jennings and Saucedo 2002; SCEC 2006; and USGS 2006). Staff did not identify any geological or mineralogical resources at the energy facility location.

Energy Commission staff reviewed the paleontological resources assessment in Section 5.8 and Appendix H of the AFC (SES 2008a) and the confidential paleontological resources report (PRC 2008). Staff has also reviewed paleontological literature and records searches conducted by the San Diego Natural History Museum (Randall 2008) and the Natural History Museum of Los Angeles County (McLeod 2009). These studies indicate the Holocene alluvium and colluvium within and near the proposed project site contain abundant fossils including wood and invertebrates, most of which are probably reworked by erosion of older formations. However, the depositional environment of these sediments is considered to be conducive to preservation of vertebrate and plant remains. Therefore the paleontological sensitivity of the Holocene alluvium and colluvium within the project boundaries is considered to be moderate.

Holocene lakebed deposits of ancient Lake Cahuilla have yielded fossil remains from numerous localities in Imperial Valley. These include extensive fresh water shell beds, fish, seeds, pollen, diatoms, foraminifera, sponges, and wood. Lake Cahuilla deposits have also yielded vertebrate fossils including teeth and bones of birds, horses, bighorn sheep, and reptiles. Therefore the paleontological sensitivity of these lakebed deposits within the potential project boundaries is considered to be high.

The Pliocene-Pleistocene Palm Springs Formation has yielded thousands of fossils from more than 2,000 collection sites in Imperial Valley. These include a large range of fossil plants, invertebrate, and vertebrate species. Therefore the paleontological sensitivity of the Palm Springs Formation, within the proposed project boundaries, is considered to be high.

This assessment is based on SVP criteria, the paleontological report appended to the AFC (PRC 2008), and the independent paleontological assessment of McLeod (2009) and Randall (2008). The Coyote Mountains Wilderness and Area of Environmental Concern (ACECS) northwest of the proposed project, were set aside primarily because of fossil discoveries. Although these mountains represent a different geological environment than the project site, there are a number of geological units with moderate to high paleontological sensitivity, within or near the boundaries of the proposed project. Moderate and high sensitivity roughly correspond to PYFC Condition 2 Class 3a to 4a and 4b, respectively (USDI 2007). If unauthorized, unmonitored excavations were to be

made in these materials, there would be some potential to damage valuable paleontological resources. This damage could include illegal collection of fossil materials, dislodging of fossils from their preserved environment (fossils out of context), and/or physical damage to fossil specimens. Proposed Conditions of Certification **PAL-1** to **PAL-7** are designed to mitigate paleontological resource impacts, as discussed above, to less than significant levels. These conditions essentially require a worker education program in conjunction with the monitoring of earthwork activities by a qualified professional paleontologist (a paleontological resource specialist, or PRS).

The proposed conditions of certification allow the Energy Commission's compliance project manager (CPM), the BLM Authorized Office, and the applicant to adopt a compliance monitoring scheme ensuring compliance with LORS applicable to geological hazards and the protection of geological, mineralogical, and paleontological resources.

## **CONSTRUCTION IMPACTS AND MITIGATION**

The design-level geotechnical investigation, required for the project by the CBC (2007) and proposed Condition of Certification **GEN-1** should provide standard engineering design recommendations for mitigation of earthquake ground shaking and excessive settlement (see **Proposed Conditions of Certification, Facility Design**).

As noted above, no viable geological or mineralogical resources are known to exist in the vicinity of the IVS Project construction site. However the alluvium, colluvium, lakebeds, and Palm Springs Formation which underlie the project site are considered to have moderate to high paleontological sensitivity due to the abundance and diversity of fossils found within these strata in other areas of the Imperial Valley. Construction of the proposed project will include grading, foundation excavation, and utility trenching. Based on the soils profile, SVP assessment criteria, and the shallow depth of the potentially fossiliferous geological units, staff considers the probability of encountering paleontological resources to be high.

Proposed Conditions of Certification **PAL-1** to **PAL-7** are designed to mitigate any paleontological resource impacts, as discussed above, to a less than significant level. Essentially, Conditions of Certification **PAL-1** to **PAL-7** require a worker education program in conjunction with monitoring of earthwork activities by qualified professional paleontologists (paleontological resource specialist, or PRS). Earthwork is halted any time potential fossils are recognized by either the paleontologist or the worker. For finds deemed significant by the PRS, earthwork cannot restart until all fossils in that strata, including those below the design depth of the excavation, are collected. When properly implemented, the conditions of certification should yield a net gain to the science of paleontology since fossils that would not otherwise have been discovered can be collected, identified, studied, and properly curated. A paleontological resource specialist is retained, for the project by the applicant, to produce a monitoring and mitigation plan, conduct the worker training, and oversee the monitoring. During the monitoring, the PRS can and often does petition the Energy Commission for a change in the monitoring protocol. Most commonly, this is a request for lesser monitoring after sufficient monitoring has been performed to ascertain that there is little chance of finding significant fossils. In

other cases, the PRS can propose increased monitoring due to unexpected fossil discoveries or in response to repeated out-of-compliance incidents by the earthwork contractor.

Based upon the literature and archives search, field surveys, and compliance documentation for the IVS Project, the applicant has proposed monitoring and mitigation measures to be followed during the construction of the project. Energy Commission staff believes that the facility can be designed and constructed to minimize the effect of geological hazards and impacts to potential paleontological resources at the site during project design life.

## **OPERATION IMPACTS AND MITIGATION**

Operation of the proposed new solar energy generating facility should not have any adverse impact on geological, mineralogical, or paleontological resources.

## **FACILITY CLOSURE**

The future decommissioning and closure of the project should not negatively affect geological, mineralogical, or paleontological resources since the ground disturbed during plant decommissioning and closure would have been already disturbed, and mitigated as required, during construction and operation of the project.

### **C.4.4.3 CEQA LEVEL OF SIGNIFICANCE**

CEQA guidelines state that the environmental analysis "...shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy" (Title 14 CCR §15126.4[a][1]). Appendix F of the guidelines further suggests consideration of such factors as the project's energy requirements and energy use efficiency; its effects on local and regional energy supplies and energy resources; its requirements for additional energy supply capacity; its compliance with existing energy standards; and any alternatives that could reduce the wasteful, inefficient, and unnecessary consumption of energy (Title 14, CCR §15000 et seq., Appendix F).

Energy use, production, and efficiency are addressed in other sections of this document. Energy/efficiency factors affect geological hazards and geological, mineralogical, and/or paleontological resources only when energy/efficiency concerns require changes to the size or location of the construction zone, as addressed below. Potential impacts to paleontological resources within the proposed project can be mitigated to a (CEQA) less than significant level by adopting and enforcing the proposed Conditions of Certification **PAL-1** through **PAL-7**.

### **C.4.5 300 MW ALTERNATIVE**

---

The 300 MW alternative proposes construction and operation of a 300 MW facility using the Stirling SunCatcher technology. The 300 MW facility under this Alternative would provide the same number of SunCatchers and other on and off-site facilities as the 300 MW phase of the proposed 750 MW project.

#### **C.4.5.1 SETTING AND EXISTING CONDITIONS**

The 300 MW alternative would consist of approximately 40 percent as many SunCatchers (12,000 machines) producing 40 percent as much power (300 MW) and occupying 40 percent as much land as the proposed project. The environmental setting described in **Section C.4.4.1** applies to this alternative.

#### **C.4.5.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The discussion of impacts to the proposed project, discussed in Section C.4.4.2, applies also to the 300 MW alternative. As for the proposed project, two types of impacts are considered. The first is geological hazards, which could impact the proper functioning of the proposed facility and create life/safety concerns. The second is the potential impacts the proposed facility could have on existing geological, mineralogical, and paleontological resources in the area.

Because the geological setting is the same as that of the proposed project, and the same types of facilities would be constructed in this alternative, the impacts would be the same as for the proposed project. The active geological setting means that the site could be subject to intense levels of earthquake-related ground shaking. The effects of strong ground shaking would need to be mitigated through structural designs required by the California Building Code (CBC 2007) and the project geotechnical report. The CBC (2007) requires that structures be designed to resist seismic stresses from ground acceleration and, to a lesser extent, liquefaction potential. A geotechnical investigation has been performed and presents standard engineering design recommendations for mitigation of seismic shaking and site soil conditions.

There are no known viable geological or mineralogical resources at the proposed IVS Project site, so none exist on the 300 MW alternative. Because the 300 MW alternative is also located in geological formations with moderate to high paleontological sensitivity (PYFC Condition 2, Class 3a, 4a, 4b), there is the potential for impacts to paleontological resources to occur; these would be mitigated through worker training and monitoring by qualified paleontologists, as required by Conditions of Certification, **PAL-1** through **PAL-7**.

Since the 300MW alternative plant would occupy only about 40 percent of the total 6500 acres, its potential to encounter and positively or negatively impact significant fossils would, roughly, be reduced to about 40 percent of that of the proposed project. Because the eastern half of the 6500-acre site may have a slightly higher potential to encounter fossils than the western half, this 40 percent value could vary, depending on the location and orientation of a smaller development within the overall project boundary.

#### **C.4.5.3 CEQA LEVEL OF SIGNIFICANCE**

Like the proposed project, the potential is low for significant adverse impacts to the 300 MW alternative from geological hazards during its design life and moderate to high paleontological resources from the construction, operation, and closure of the proposed project. It is staff's conclusion that the alternative will be designed and constructed in accordance with all applicable laws, ordinances, regulations, and standards and in a

manner that both protects environmental quality and assures public safety. The CEQA level of significance would remain unchanged from the proposed project.

## **C.4.6 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

---

The first of two alternatives developed to reduce impacts to the waters of the U.S. would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries. This alternative is illustrated in **Alternatives Figure 1B**. This alternative would have the same outer project boundaries as the proposed project, but it would include prohibition of installing permanent structures within drainages, thereby reducing the available acreage for development to 4,690 acres, and reducing the number of SunCatchers from 30,000 under the proposed project to 25,290.

### **C.4.6.1 SETTING AND EXISTING CONDITIONS**

The Drainage Avoidance #1 alternative would be constructed within the boundaries of the proposed project. The environmental setting described in Section C.4.4.1 applies to this alternative.

### **C.4.6.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The discussion of impacts to the proposed project, discussed in Section C.4.4.2, applies also to the Drainage Avoidance #1 alternative. As for the proposed project, two types of impacts are considered. The first is geological hazards, which could impact the proper functioning of the proposed facility and create life/safety concerns. The second is the potential impacts the proposed facility could have on existing geological, mineralogical, and paleontological resources in the area.

Because the overall geological setting is the same as that of the proposed project, and the same types of facilities would be constructed in this alternative, the impacts would be the same as for the proposed project. The active geological setting means that the site could be subject to intense levels of earthquake-related ground shaking. The effects of strong ground shaking would need to be mitigated through structural designs required by the California Building Code (CBC 2007) and the project geotechnical report. The CBC (2007) requires that structures be designed to resist seismic stresses from ground acceleration and, to a lesser extent, liquefaction potential. A geotechnical investigation has been performed and presents standard engineering design recommendations for mitigation of seismic shaking and site soil conditions.

There are no known viable geological or mineralogical resources at the proposed IVS Project site, so none exist on the Drainage Avoidance #1 alternative. Because the alternative is also located in geological formations with moderate to high paleontological sensitivity (PYFC Condition 2, Class 3a, 4a, 4b), there is the potential for impacts to paleontological resources to occur, but these would be mitigated through worker training and monitoring by qualified paleontologists, as required by Conditions of Certification, **PAL-1** through **PAL-7**. The smaller area of disturbance inherent in the Drainage Avoidance #1 alternative would reduce the potential to encounter fossils during construction.



Overall, this alternative could be designed and constructed in accordance with all applicable laws, ordinances, regulations, and standards and in a manner that both protects environmental quality and assures public safety.

#### **C.4.6.3 CEQA LEVEL OF SIGNIFICANCE**

Like the proposed project, the potential is low for significant adverse impacts to the Drainage Avoidance #1 alternative from geological hazards during its design life and to potential geological, mineralogical, and paleontological resources from the construction, operation, and closure of the proposed project. It is staff's conclusion that the alternative will be designed and constructed in accordance with all applicable laws, ordinances, regulations, and standards and in a manner that both protects environmental quality and assures public safety. The CEQA level of significance would remain unchanged from the proposed project.

#### **C.4.7 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

---

The Drainage Avoidance #2 alternative would eliminate both the eastern and western-most portions of the proposed project, where the largest drainage complexes are located. This alternative is shown in **Alternatives Figure 1C**. It would reduce the overall size of the project site by 3,347 acres (from 6,500 acres to 3,153 acres) It would also reduce the number of SunCatchers from 30,000 under the proposed project to 16,915. In this alternative, permanent structures would be allowed within all drainages inside the revised project boundaries.

##### **C.4.7.1 SETTING AND EXISTING CONDITIONS**

The Drainage Avoidance #2 alternative would be constructed within the boundaries of the proposed project. The environmental setting described in Section C.4.4.1 applies to this alternative.

##### **C.4.7.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The discussion of impacts to the proposed project, discussed in Section C.4.4.2, applies also to the Drainage Avoidance #2 alternative. As for the proposed project, which extends further east and west than this alternative, two types of impacts are considered. The first is geological hazards, which could impact the proper functioning of the proposed facility and create life/safety concerns. The second is the potential impacts the proposed facility could have on existing geological, mineralogical, and paleontological resources in the area.

Because the overall geological setting is the same as that of the proposed project, and the same types of facilities would be constructed in this alternative, the impacts would be the same as for the proposed project. The active geological setting means that the site could be subject to intense levels of earthquake-related ground shaking. The effects of strong ground shaking would need to be mitigated through structural design required by the California Building Code (CBC 2007) and the project geotechnical report. The CBC (2007) requires that structures be designed to resist seismic stresses from ground acceleration and, to a lesser extent, liquefaction potential. A geotechnical investigation

has been performed and presents standard engineering design recommendations for mitigation of seismic shaking and site soil conditions.

There are no known viable geological or mineralogical resources at the proposed IVS Project site, so none exist on the Drainage Avoidance #2 alternative. Because the alternative is also located in geological formations with moderate to high paleontological sensitivity (PYFC Condition 2, Class 3a, 4a, 4b), there is the potential for impacts to paleontological resources to occur, but these would be mitigated through worker training and monitoring by qualified paleontologists, as required by Conditions of Certification, **PAL-1** through **PAL-7**. The smaller area of disturbance inherent in the Drainage Avoidance #1 alternative would reduce the potential to encounter fossils during construction.

Overall, this alternative could be designed and constructed in accordance with all applicable laws, ordinances, regulations, and standards and in a manner that both protects environmental quality and assures public safety.

#### **C.4.7.3 CEQA LEVEL OF SIGNIFICANCE**

Like the proposed project, the potential is low for significant adverse impacts to the Drainage Avoidance #2 alternative from geological hazards during its design life and to potential geological, mineralogical, and paleontological resources from the construction, operation, and closure of the proposed project. It is staff's conclusion that the alternative can be designed and constructed in accordance with all applicable laws, ordinances, regulations, and standards and in a manner that both protects environmental quality and assures public safety. The CEQA level of significance would remain unchanged from the proposed project.

#### **C.4.8 NO PROJECT / NO ACTION ALTERNATIVE**

---

##### **NO PROJECT/NO ACTION ALTERNATIVE #1:**

###### **No Action on IVS Project application and on CDCA land use plan amendment**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site and no ground disturbance. As a result, impacts caused by the effects of earthquake related ground shaking would not occur. Because no ground disturbance would occur, impacts to potential geologic, mineralogic, and paleontologic resources from the construction, operation, and closure of the proposed project would not occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project requiring a land use plan amendment. In addition, in the absence of this project, other renewable energy

projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

## **NO PROJECT/NO ACTION ALTERNATIVE #2:**

### **No Action on IVS Project and amend the CDCA land use plan to make the area available for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would amend the CDCA Land Use Plan of 1980, as amended, to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site will be developed with another solar technology. Construction and operation requirements for solar technologies vary; however, it is expected that all solar technologies require some grading and some infrastructure. The effects of strong ground shaking on the project structures would need to be mitigated through structural designs required by the CBC as with the proposed project. Because it is expected that all solar technologies would require ground disturbance, the impacts to potential geologic, mineralogic, and paleontologic resources from the construction, operation, and closure of the alternative would likely be similar to under the proposed project.

## **NO PROJECT/NO ACTION ALTERNATIVE #3:**

### **No Action on IVS Project application and amend the CDCA land use plan to make the area unavailable for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and the BLM would amend the CDCA Plan to make the proposed site unavailable for future solar development. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because the CDCA Plan would be amended so no solar projects can be approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no construction of a solar facility. Therefore, this No Project/No Action Alternative would not impact potential geologic, mineralogic, and paleontologic resources from the construction, operation, and closure of the proposed project. However, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

## **C.4.9 CUMULATIVE IMPACT ANALYSIS**

---

**Section B.3, Cumulative Scenario**, provides detailed information on the potential cumulative solar and other development projects in the project area. Together, these

projects comprise the cumulative scenario which forms the basis of the cumulative impact analysis for the proposed project. In summary, these projects are:

- Renewable energy projects on BLM, State, and private lands, as shown on **Cumulative Figures 1 and 2** and in **Cumulative Tables 1A and 1B**. Although not all of those projects are expected to complete the environmental review processes, or be funded and constructed, the list is indicative of the large number of renewable projects currently proposed in California.
- Foreseeable future projects in the immediate Plaster City area, as shown on **Cumulative Impacts Figure 3, Plaster City Existing and Future/Foreseeable Projects, and Cumulative Tables 2 and 3**. Table 2 presents existing projects in this area and Table 3 presents future foreseeable projects in the Plaster City Area. Both tables indicate project name and project type, its location and its status.

These projects are defined within a geographic area that has been identified by the CEC and BLM as covering an area large enough to provide a reasonable basis for evaluating cumulative impacts for all resource elements or environmental parameters. Most of these projects have, are, or will be required to undergo their own independent environmental review under CEQA and/or NEPA. Even if the cumulative projects described in Section B.3 have not yet completed the required environmental processes, they were considered in the cumulative impacts analyses in this SA/Draft EIS.

## **GEOGRAPHIC SCOPE OF ANALYSIS**

The geographic area considered for cumulative impacts on geology and paleontology is, essentially, the western half of the Colorado Desert geomorphic province of extreme south-central California, bordering Mexico (Norris and Webb 1990). More specifically, the area includes all of Imperial County west of Range 17 and a small portion of the extreme east end of San Diego County. It is these areas that roughly define the limits of the Lake Cahuilla formation and the older, underlying Palm Springs formation. The potential impacts are limited to those involving paleontological resources since no geological or mineralogical resources have been identified within the boundaries of the proposed project. There are no geological hazards with potential cumulative effects, other than regional subsidence from ground water withdrawal. Significant ground water withdrawal is not part of the proposed project.

## **EFFECTS OF PAST AND PRESENT PROJECTS**

Any previously completed project involving subsurface excavation with paleontological monitoring could already have had a detrimental effect on paleontological resources in the area defined above under **Geographic Scope of Analysis**. Given the general scarcity of fossils, even within known fossil bearing strata, the likelihood of prior damage is modest but unavoidable, after the fact.

The existing projects most likely to have damaged paleontological resources in geological formation similar to those of the proposed IVS Project site include, by virtue of size and location:

- U.S. Gypsum Plant in Plaster City
- California State Prison, Centinela

## EFFECTS OF REASONABLY FORESEEABLE FUTURE PROJECTS

As shown in **Section B.3, Cumulative Scenario Table 1A**, the El Centro office of the BLM is aware of 9 solar energy and 8 wind energy potential projects totaling 112,495 acres of land under their jurisdiction. All energy projects on BLM land would be subject to paleontological monitoring and mitigation during construction. When properly implemented and enforced, these safeguards would provide adequate protection of paleontological resources, reducing potential impacts to a (CEQA) less than significant level.

In addition to potential renewable energy projects on BLM land, a large number of renewable energy, residential, and public works projects are proposed for the Mojave and Colorado Desert regions of Southern California on State and private lands. These projects are summarized in **Table 1B of Section B.3, Cumulative Scenario**. Of these, the following projects have the greatest potential to affect paleontological resources within the geographic scope of this analysis:

- Bethel Solar Hybrid Power Plant (estimated 200 to 400 acres)
- LADWP and OptiSolar Power Plant (estimated 400 acres)
- TelStar Energy (wind – estimated 10,000 acres)
- Wind Zero Training Facility (400 to 1,000 acres)
- Mount Signal Solar Power Station (estimated 350 to 400 acres)
- Ocotillo Express Wind Facility (15,000 acres)

These projects would be subject to CEC and/or CEQA environmental review which would include requirements for construction monitoring and mitigation of potential paleontological resources. When properly implemented and enforced, these safeguards should provide adequate protection of paleontological resources, reducing potential impacts to a (CEQA) less than significant level.

### **Contribution of the IVS Project to Cumulative Impacts**

Construction of the proposed IVS Project would require localized excavation over a very large area. Because the project area lies within geologic units with moderate to high paleontological sensitivity, the required excavation could, potentially, damage paleontological resources. Any damage could be cumulative to damage from other projects within the same geological formations. Implementation and enforcement of a properly designed Paleontological Resource Monitoring and Mitigation Plan (PRMMP) at this IVS Project site should result in a net gain to the science of paleontology by allowing fossils that would not otherwise have been found to be recovered, identified, studied, and preserved. Cumulative impacts from IVS, in consideration with other nearby similar projects, should therefore be either neutral (no fossils encountered) or positive (fossils encountered, preserved, and identified).

**Operation.** The operation of the IVS Project would not present additional risk to geological resources (none identified) or paleontological resources. Once ground disturbing activity is complete plant operation has no real potential to further affect paleontological resources. Therefore, routine plant operation would not increase potential cumulative affects on paleontological resources. The longer the plant operates,

however, the more likely it is to be damaged by hazards, primarily earthquake-related ground shaking. Construction and operation of the plant does not increase the potential of geological hazards at the site, just their potential to damage civil improvements.

**Decommissioning.** The decommissioning of the IVS Project is expected to result in no adverse impacts related to geology or paleontology. Any potential impact to geological resources (none identified) or paleontological resources would have occurred and been completed during the ground disturbing phase of project construction.

#### **C.4.10 COMPLIANCE WITH LORS**

---

Federal, state, or local/county laws, ordinances, regulations, and standards (LORS) applicable to this project or alternatives other than the No Project / No Action alternative, were detailed in **Geology and Paleontology Table 1**. Staff anticipates that the project will be able to comply with applicable LORS.

#### **C.4.11 NOTEWORTHY PUBLIC BENEFITS**

---

The science of paleontology is advanced by the discovery, study and curation of new fossils. These fossils can be significant if they represent a new species, verify a known species in a new location and/or if they include structures of similar specimens that had not previously been found preserved. In general, most fossil discoveries are the result of excavations, either purposeful in known or suspected fossil localities or as the result of excavations made during earthwork for civil improvements or mineral extraction. Proper monitoring of excavations at the proposed IVS Project facility, in accordance with an approved Paleontological Monitoring and Mitigation Plan, could result in a benefit to the science of paleontology and should minimize the potential to damage a significant paleontological resource.

#### **C.4.12 RESPONSE TO PUBLIC COMMENTS**

---

Staff reviewed numerous comments from local, state and federal agencies, private organizations, and private citizens. Only three comments relating to geology or paleontology were notes, as addressed below.

<b><u>Commenter</u></b>	<b><u>Comments</u></b>
Public Employees for Environmental Responsibility April 23, 2010 Letter	<b>C.4 – Geology and Paleontology</b> p. CA-1. It is stated that “Based on its independent research and review, “It is staff’s opinion that the Stirling Energy Systems Solar Two Project will be designed and constructed in accordance with all applicable laws, ordinances, regulations, and standards and in a manner that both protects environmental quality and assures public safety.” This is not consistent with the biological opinion cited above, which indicates that virtually all development activities will result in non-temporary-i.e. permanent impacts that degrade environmental quality.

**Staff Response:** There are no geological resources or geological features of high intrinsic value at the proposed site. Fossil organisms are not impacted by changes in environmental quality. Fossils, in fact, must properly be collected, studied, and preserved in order to advance the science of paleontology and our overall understanding of the paleo-environment. The conditions of certification proposed here have effectively assured proper collection and preservation of fossil materials on previous power plant construction projects.

<b><u>Commenter</u></b>	<b><u>Comments</u></b>
Public Employees for Environmental Responsibility April 23, 2010 Letter	<b>C.4 – Geology and Paleontology</b> p. CA-1. The above staff opinion is also inconsistent with the following staff objective on the same page: “Staff’s objective is to ensure that there will be no consequential adverse impacts to significant geological and paleontological resources during the project construction, operation, and closure of the proposed project.” There (sic) nothing relevant to application of LORS to “restoration” following closure in this section, and only indirect inferences can be made as in the above comments.

**Staff Response:** Restoration or reclamation of closed project sites is not covered by the analysis of the projects potential impacts to geology or paleontology.

<b><u>Commenter</u></b>	<b><u>Comments</u></b>
Backcountry Against DUMPS May 27, 2010 Letter	Seismic activity/impacts need to be revised to address 7.2 quake on Easter Sunday, 2010, and historic quake in 1892-both on the Laguna Salada fault. This is new information (substantial supporting information is provided).

**Staff Response:** There is no question that all of Southern California is seismically active and at high risk for major earthquakes. The April 4, 2010 magnitude 7.2 earthquake on the Laguna Salada fault, south of the proposed project site, is just more evidence that the boundary between the Pacific and North American tectonic plates is still active. The Laguna Salada fault is one of numerous faults that accommodate the slippage on the plate boundary transform fault system. The San Andreas fault is the largest of the plate boundary faults; however, as much as 25 percent of the plate motion is accommodated on lesser faults, some extending well into northwestern Nevada. While the recent Laguna Salada earthquake is geologically interesting, the fault is not known to extend as far north as the project proposed IVS Project site. There has been speculation that it may be linked to the Elsinore fault system, approximately 7 miles west-northwest of the project site (Mueller and Rockwell 1995). This northwest connection would project the Laguna Salada fault just outside the projects southwest corner. Regardless, current California state law requires only that no occupied structures be placed within 50 feet of an active fault and that all structures be designed to resist the seismic loading designated in the current *California Building Code* (2007). The design loading is based on ground acceleration that has only a 2 percent probability of being exceeded in any 50-year interval. The earthquake risk to human life and safety at the proposed IVS Project is relatively low, due to the minimum staffing required to

operate a 6,500±-acre facility. Much higher population densities are present in all of the neighboring communities, some of which are also close to active faults. **Geology and Paleontology Table 2** has been revised to show a Maximum Earthquake Magnitude of 7.2 for the Laguna Salada fault, since that has been measured. The 7.8 value referred to in the comment is from an older USGS publication (Stover and Coffman 1993) and is not reflected in current USGS websites. The potential ground acceleration at the proposed site from a 7.2 magnitude earthquake on the Laguna Salada fault is not known. The value would exceed 0.337g but would not likely exceed 0.4g.

#### **C.4.13 PROPOSED CONDITIONS OF CERTIFICATION/MITIGATION MEASURES**

---

**PAL-1** The project owner shall provide BLM's Authorized Officer and the Compliance Project Manager (CPM) with the resume and qualifications of its PRS for review and approval. If the approved PRS is replaced prior to completion of project mitigation and submittal of the Paleontological Resources Report, the project owner shall obtain BLM's Authorized Officer and CPM approval of the replacement PRS. The project owner shall keep resumes on file for qualified Paleontological Resource Monitors (PRMs). If a PRM is replaced, the resume of the replacement PRM shall also be provided to BLM's Authorized Officer and the CPM.

The PRS resume shall include the names and phone numbers of references. The resume shall also demonstrate to the satisfaction of BLM's Authorized Officer and the CPM the appropriate education and experience to accomplish the required paleontological resource tasks.

As determined by BLM's Authorized Officer and the CPM, the PRS shall meet the minimum qualifications for a vertebrate paleontologist as described in the Society of Vertebrate Paleontology (SVP) guidelines of 1995. The experience of the PRS shall include the following:

1. Institutional affiliations, appropriate credentials, and college degree;
2. Ability to recognize and collect fossils in the field;
3. Local geological and biostratigraphic expertise;
4. Proficiency in identifying vertebrate and invertebrate fossils; and
5. At least three years of paleontological resource mitigation and field experience in California and at least one year of experience leading paleontological resource mitigation and field activities.

The project owner shall ensure that the PRS obtains qualified paleontological resource monitors to monitor as he or she deems necessary on the project. Paleontological Resource Monitors (PRMs) shall have the equivalent of the following qualifications:

- BS or BA degree in geology or paleontology and one year of experience monitoring in California; or



- AS or AA in geology, paleontology, or biology and four years' experience monitoring in California; or
- Enrollment in upper division classes pursuing a degree in the fields of geology or paleontology and two years of monitoring experience in California.

**Verification:** (1) At least 60 days prior to the start of ground disturbance, the project owner shall submit a resume and statement of availability of its designated PRS for on-site work.

(2) At least 20 days prior to ground disturbance, the PRS or project owner shall provide a letter with resumes naming anticipated monitors for the project, stating that the identified monitors meet the minimum qualifications for paleontological resource monitoring required by the condition. If additional monitors are obtained during the project, the PRS shall provide additional letters and resumes to BLM's Authorized Officer and the CPM. The letter shall be provided to BLM's Authorized Officer and the CPM no later than one week prior to the monitor's beginning on-site duties.

(3) Prior to the termination or release of a PRS, the project owner shall submit the resume of the proposed new PRS to BLM's Authorized Officer and the CPM for review and approval.

**PAL-2** The project owner shall provide to the PRS, BLM's Authorized Officer and the CPM, for approval, maps and drawings showing the footprint of the power plants, construction lay down areas, and all related facilities. Maps shall identify all areas of the project where ground disturbance is anticipated. If the PRS requests enlargements or strip maps for linear facility routes, the project owner shall provide copies to the PRS, BLM's Authorized Officer and CPM. The site grading plan and plan and profile drawings for the utility lines would be acceptable for this purpose. The plan drawings should show the location, depth, and extent of all ground disturbances and be at a scale of 1 inch = 40 feet to 1 inch = 100 feet range. If the footprint of the project or its linear facilities change, the project owner shall provide maps and drawings reflecting those changes to the PRS, BLM's Authorized Officer and CPM.

If construction of the ISEGS project proceeds in phases, maps and drawings may be submitted prior to the start of each power plant. A letter identifying the proposed schedule of each project power plant shall be provided to the PRS, BLM's Authorized Officer and CPM. Before work commences on affected power plants, the project owner shall notify the PRS, BLM's Authorized Officer and CPM of any construction phase scheduling changes.

At a minimum, the project owner shall ensure that the PRS or PRM consults weekly with the project superintendent or construction field manager to confirm area(s) to be worked the following week, and until ground disturbance is completed.

**Verification:** (1) At least 30 days prior to the start of ground disturbance, the project owner shall provide the maps and drawings to the PRS, BLM's Authorized Officer and CPM.

(2) If there are changes to the footprint of the project, revised maps and drawings shall be provided to the PRS, BLM's Authorized Officer and CPM at least 15 days prior to the start of ground disturbance.

(3) If there are changes to the scheduling of the construction phases of each power plant, the project owner shall submit a letter to BLM's Authorized Officer and the CPM within 5 days of identifying the changes.

**PAL-3** If after review of the plans provided pursuant to **PAL-2**, the PRS determines that materials with moderate, high, or unknown paleontological sensitivity could be impacted, the project owner shall ensure that the PRS prepares, and the project owner submits to BLM's Authorized Officer and the CPM for review and approval, a paleontological resources monitoring and mitigation plan (PRMMP) to identify general and specific measures to minimize potential impacts to significant paleontological resources. Approval of the PRMMP by BLM's Authorized Officer and the CPM shall occur prior to any ground disturbance. The PRMMP shall function as the formal guide for monitoring, collecting, and sampling activities, and may be modified with BLM's Authorized Officer and CPM approval. This document shall be used as the basis of discussion when on-site decisions or changes are proposed. Copies of the PRMMP shall reside with the PRS, each monitor, the project owner's on-site manager, BLM's Authorized Officer and the CPM.

The PRMMP shall be developed in accordance with the guidelines of the Society of Vertebrate Paleontology (SVP 1995) and shall include, but not be limited, to the following:

1. Assurance that the performance and sequence of project-related tasks, such as any literature searches, pre-construction surveys, worker environmental training, fieldwork, flagging or staking, construction monitoring, mapping and data recovery, fossil preparation and collection, identification and inventory, preparation of final reports, and transmittal of materials for curation will be performed according to PRMMP procedures;
2. Identification of the person(s) expected to assist with each of the tasks identified within the PRMMP and the conditions of certification;
3. A thorough discussion of the anticipated geologic units expected to be encountered, the location and depth of the units relative to the project when known, and the known sensitivity of those units based on the occurrence of fossils either in that unit or in correlative units;
4. An explanation of why, how, and how much sampling is expected to take place and in what units. Include descriptions of different sampling procedures that shall be used for fine-grained and coarse-grained units;
5. A discussion of the locations of where the monitoring of project construction activities is deemed necessary, and a proposed plan for monitoring and sampling;

6. A discussion of procedures to be followed in the event of a significant fossil discovery, halting construction, resuming construction, and how notifications will be performed;
7. A discussion of equipment and supplies necessary for collection of fossil materials and any specialized equipment needed to prepare, remove, load, transport, and analyze large-sized fossils or extensive fossil deposits;
8. Procedures for inventory, preparation, and delivery for curation into a retrievable storage collection in a public repository or museum, which meet the Society of Vertebrate Paleontology's standards and requirements for the curation of paleontological resources;
9. Identification of the institution that has agreed to receive data and fossil materials collected, requirements or specifications for materials delivered for curation, and how they will be met, and the name and phone number of the contact person at the institution; and
10. A copy of the paleontological conditions of certification.

**Verification:** At least 30 days prior to ground disturbance, the project owner shall provide a copy of the PRMMP to BLM's Authorized Officer and the CPM. The PRMMP shall include an affidavit of authorship by the PRS, and acceptance of the PRMMP by the project owner evidenced by a signature.

**PAL-4** If after review of the plans provided pursuant to **PAL-2**, the PRS determines that materials with moderate, high, or unknown paleontological sensitivity could be impacted then, prior to ground disturbance and for the duration of construction activities involving ground disturbance, the project owner and the PRS shall prepare and conduct weekly BLM Authorized Officer- and CPM-approved training for the following workers: project managers, construction supervisors, foremen and general workers involved with or who operate ground-disturbing equipment or tools. Workers shall not excavate in sensitive units prior to receiving BLM Authorized Officer- and CPM-approved worker training. Worker training shall consist of an initial in-person PRS training during the project kick-off, for those mentioned above. Following initial training, a CPM-approved video or in-person training may be used for new employees. The training program may be combined with other training programs prepared for cultural and biological resources, hazardous materials, or other areas of interest or concern. No ground disturbance shall occur prior to BLM's Authorized Officer and CPM approval of the Worker Environmental Awareness Program (WEAP), unless specifically approved by the CPM.

The WEAP shall address the possibility of encountering paleontological resources in the field, the sensitivity and importance of these resources, and legal obligations to preserve and protect those resources.

The training shall include:

1. A discussion of applicable laws and penalties under the law;

2. Good quality photographs or physical examples of vertebrate fossils for project sites containing units of high paleontological sensitivity;
3. Information that the PRS or PRM has the authority to halt or redirect construction in the event of a discovery or unanticipated impact to a paleontological resource;
4. Instruction that employees are to halt or redirect work in the vicinity of a find and to contact their supervisor and the PRS or PRM;
5. An informational brochure that identifies reporting procedures in the event of a discovery;
6. A WEAP certification of completion form signed by each worker indicating that he/she has received the training; and
7. A sticker that shall be placed on hard hats indicating that environmental training has been completed.

(1) At least 30 days prior to ground disturbance, the project owner shall submit the proposed WEAP, including the brochure, with the set of reporting procedures for workers to follow.

(2) At least 30 days prior to ground disturbance, the project owner shall submit the script and final video to BLM's Authorized Officer and the CPM for approval if the project owner is planning to use a video for interim training.

(3) If the owner requests an alternate paleontological trainer, the resume and qualifications of the trainer shall be submitted to BLM's Authorized Officer and the CPM for review and approval prior to installation of an alternate trainer. Alternate trainers shall not conduct training prior to BLM's Authorized Officer and CPM authorization.

(4) In the monthly compliance report (MCR, the project owner shall provide copies of the WEAP certification of completion forms with the names of those trained and the trainer or type of training (in-person or video) offered that month. The MCR shall also include a running total of all persons who have completed the training to date.

**PAL-5** The project owner shall ensure that the PRS and PRM(s) monitor consistent with the PRMMP all construction-related grading, excavation, trenching, and augering in areas where potential fossil-bearing materials have been identified, both at the site and along any constructed linear facilities associated with the project. In the event that the PRS determines full-time monitoring is not necessary in locations that were identified as potentially fossil-bearing in the PRMMP, the project owner shall notify and seek the concurrence of BLM's Authorized Officer and the CPM.

The project owner shall ensure that the PRS and PRM(s) have the authority to halt or redirect construction if paleontological resources are encountered. The project owner shall ensure that there is no interference with monitoring

activities unless directed by the PRS. Monitoring activities shall be conducted as follows:

1. Any change of monitoring from the accepted schedule in the PRMMP shall be proposed in a letter or email from the PRS and the project owner to BLM's Authorized Officer and the CPM prior to the change in monitoring and will be included in the monthly compliance report. The letter or email shall include the justification for the change in monitoring and be submitted to BLM's Authorized Officer and the CPM for review and approval.
2. The project owner shall ensure that the PRM(s) keep a daily monitoring log of paleontological resource activities. The PRS may informally discuss paleontological resource monitoring and mitigation activities with BLM's Authorized Officer and the CPM at any time.
3. The project owner shall ensure that the PRS notifies BLM's Authorized Officer and the CPM within 24 hours of the occurrence of any incidents of non-compliance with any paleontological resources conditions of certification. The PRS shall recommend corrective action to resolve the issues or achieve compliance with the conditions of certification.
4. For any significant paleontological resources encountered, either the project owner or the PRS shall notify BLM's Authorized Officer and the CPM within 24 hours, or Monday morning in the case of a weekend event where construction has been halted because of a paleontological find.

The project owner shall ensure that the PRS prepares a summary of monitoring and other paleontological activities placed in the monthly compliance reports. The summary will include the name(s) of PRS or PRM(s) active during the month, general descriptions of training and monitored construction activities, and general locations of excavations, grading, and other activities. A section of the report shall include the geologic units or subunits encountered, descriptions of samplings within each unit, and a list of identified fossils. A final section of the report will address any issues or concerns about the project relating to paleontological resource monitoring, including any incidents of non-compliance or any changes to the monitoring plan that have been approved by BLM's Authorized Officer and the CPM. If no monitoring took place during the month, the report shall include an explanation in the summary as to why monitoring was not conducted.

**Verification:** The project owner shall ensure that the PRS submits the summary of monitoring and paleontological activities in the MCR. When feasible, BLM's Authorized Officer and the CPM shall be notified 10 days in advance of any proposed changes in monitoring different from the plan identified in the PRMMP. If there is any unforeseen change in monitoring, the notice shall be given as soon as possible prior to implementation of the change.

**PAL-6** The project owner, through the designated PRS, shall ensure that all components of the PRMMP are adequately performed including collection of fossil materials, preparation of fossil materials for analysis, analysis of fossils, identification and inventory of fossils, the preparation of fossils for curation,

and the delivery for curation of all significant paleontological resource materials encountered and collected during project construction.

**Verification:** The project owner shall maintain in his/her compliance file copies of signed contracts or agreements with the designated PRS and other qualified research specialists. The project owner shall maintain these files for a period of three years after project completion and approval of BLM Authorized Officer- and CPM-approved paleontological resource report (see **PAL-7**). The project owner shall be responsible for paying any curation fees charged by the museum for fossils collected and curated as a result of paleontological mitigation. A copy of the letter of transmittal submitting the fossils to the curating institution shall be provided to BLM's Authorized Officer and the CPM.

**PAL-7** The project owner shall ensure preparation of a Paleontological Resources Report (PRR) by the designated PRS. The PRR shall be prepared following completion of the ground-disturbing activities. The PRR shall include an analysis of the collected fossil materials and related information, and submit it to the CPM for review and approval.

The report shall include, but is not limited to, a description and inventory of recovered fossil materials; a map showing the location of paleontological resources encountered; determinations of sensitivity and significance; and a statement by the PRS that project impacts to paleontological resources have been mitigated below the level of significance.

**Verification:** Within 90 days after completion of ground-disturbing activities, including landscaping, the project owner shall submit the PRR under confidential cover to BLM's Authorized Officer and the CPM.

## **C.4.14 CONCLUSIONS**

---

The applicant should easily be able to comply with applicable LORS, provided that the proposed conditions of certification are implemented and followed. The design and construction of the project should have no adverse impact with respect to geological, mineralogical, and paleontological resources. Staff proposes to ensure compliance with applicable LORS through the adoption of the proposed conditions of certification listed above.

# Certification of Completion

## Worker Environmental Awareness Program

### Imperial Valley Solar Project (08-AFC-5)

This is to certify these individuals have completed a mandatory California Energy Commission-approved Worker Environmental Awareness Program (WEAP). The WEAP includes pertinent information on cultural, paleontological, and biological resources for all personnel (that is, construction supervisors, crews, and plant operators) working on site or at related facilities. By signing below, the participant indicates that he/she understands and shall abide by the guidelines set forth in the program materials. Include this completed form in the Monthly Compliance Report.

No.	Employee Name	Title/Company	Signature
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			

Cultural Trainer: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

PaleoTrainer: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Biological Trainer: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## C.4.15 REFERENCES

---

- Blake, T.F. 2006a – EQFAULT™ Version 3.00, *A Computer Program for the Deterministic Estimation of Peak Acceleration Using Three-Dimensional California Faults as Earthquake Sources*, <http://thomasfblake.com/eqfault.htm>.
- CBC – California Building Code, 2007.
- CDMG (California Division of Mines and Geology) 1977 – *Geology and Mineral Resources of Imperial County, California*, DMG County Report 7.
- CDMG 1981 – *Preliminary Map of October 1979 Fault Ruptures, Imperial County, California*. DMG Open File Report 81-5.
- CDMG 1984 – *Preliminary Geological Map of the California-Baja California Border Region*, DMG Open File Report 84-59.
- CDMG 1988 – *Preliminary Map of the Quaternary Faults in Southeastern San Diego County and in Southwestern Imperial County California*, DMG Open File Report 88-6.
- CDMG 1990 – *Industrial Minerals in California: Economic Importance, Present Availability, and Future Development*. Special Publication 105, reprinted from U.S. Geological Survey Bulletin 1958.
- CDMG 1994 – *Fault Activity Map of California and Adjacent Areas with Locations and Ages of Recent Volcanic Eruptions, Scale: 1:750,000*.
- CDMG 1998 – *Gold Districts of California*, Sesquicentennial Edition, California Gold Discovery to Statehood. Bulletin 193.
- CDMG 1999 – *Mines and Mineral Producers Active in California (1997–1998)*,. Special Publication 103.
- CDMG 2003 – *Fault Investigation Reports for Development Sites Within Alquist-Priolo Earthquake Fault Zones in Southern California, 1974–2000*.
- CGS (California Geological Survey) 2002a – *Fault Evaluation Reports Prepared Under the Alquist-Priolo Earthquake Fault Zoning Act, Region 2 – Southern California*, CD 2002-02.
- CGS 2002b – Probabilistic Seismic Hazard Assessment Online Database, <http://www.conservation.ca.gov/cgs/rghm/psha/>
- CGS 2007 – *California Historical Earthquake Online Database*, <http://www.consrv.ca.gov/cgs/rghm/quakes/historical/>.
- Elders, W.A. 1979 – *The Geological Background of the Geothermal Fields of the Salton Trough*, In *Geology and Geothermics of the Salton Trough*, Geological Society of Americas 92<sup>nd</sup> Annual Meeting, San Diego, P. 1-19.



- FEMA (Federal Emergency Management Agency) 2008 – *Flood Insurance Rate Map 06025C, Panels 1650C, 1675C, 2000C, and 2025C, Imperial County and Unincorporated Areas, California*, September 26, 2008.
- Imperial County 1993 – *Seismic and Public Safety Element*, Imperial County General Plan, Planning/Building Department.
- Imperial Valley Solar, LLC 2010, *Supplement to the Imperial Valley Solar (formerly Solar Two) Application for Certification*, Application for Certification (08-AFC-5), May 2010.
- Jennings, Charles W. and George J. Saucedo 2002 – *Simplified Fault Activity Map of California*. CGS Map Sheet 54.
- Kovach, R.L., C.R. Allen, and F. Press 1962 – Geophysical Investigations in the Colorado Delta Region, *Journal of Geophysical Research*, Vol. 67, No. 7, pp. 2845+2871.
- McLeod, Samuel A. 2009 – *Paleontological Resources for the Proposed SES Solar 2 Power Plant*, Natural History Museum of Los Angeles County private correspondence.
- Miller, Dan C. 1989 – *Potential Hazards from Future Volcanic Eruptions in California*. USGS Bulletin 1847.
- Morton, P.K. 1977 – *Geology and Mineral Resources of Imperial County, California*: California Division of Miens and Geology County Report 7, 104 p., scale 1:125,000.
- Mueller, K.J., and T.K. Rockwell, 1995, Late Quaternary Activity of the Laguna Salada fault in Northern Baja California, Mexico, *Geological Society of America Bulletin*, Vol. 107, p.8-18.
- Norris, R. M. and R. W. Webb 1990 – *Geology of California*. Second Edition. John Wiley and Sons. New York.
- PRC (PaleoResource Consultants) 2008 – *Paleontological Resources Technical Report for the Solar Two Project*.
- Randall, Kesler A. 2008 – *Paleontological Record Search – SES Solar Two Power Project*, San Diego Natural History Museum Private Correspondence, November 24, 2008.
- Sharp, Robert V. and Clark, Malcolm M. 1972 – *Geological Evidence of Previous Faulting Near the 1968 Rupture on the Coyote Creek Fault*, In USGS Professional Paper 787, *The Borrego Mountain Earthquake of April 9, 1968*.
- Smith, Drew P. 1979 – *Fault Evaluation Report FER-90 Dixieland Fault*, CDMG.
- SCEC (Southern California Earthquake Center) 2006 – Data Center website: <http://www.data.scec.org/>

SES (Stirling Energy Systems Solar Two, LLC) 2008a – Application for Certification for the Stirling Energy Systems (SES) Solar Two Project, Volumes 1 and 2, Submitted to the California energy Commission, June 30, 2008.

Stover, Carl W. and Jerry L. Coffman, U.S. Geological Survey Professional Paper 1527, United States Government Printing Office, Washington: 1993.

SVP (Society for Vertebrate Paleontology) 1995 – *Measures for Assessment and Mitigation of Adverse Impacts to Non-Renewable Paleontological Resources: Standard Procedures.*

USDI (United States Department of the Interior) 2007 – Bureau of Land Management, Potential Fossil Yield Classification (PFYC) System for Paleontological Resources on Public Land, Instruction Memorandum No. 2008-009, dated October 15, 2007.

USGS (United States Geological Survey) 2006 – Earthquake Hazards Program Search Results for Class A and B Faults. USGS website  
<http://gldims.cr.usgs.gov/webapps/cfusion/Sites/qfault/index.cfm>

USGS 2008 – Earthquake Hazards Program, Seismic Design for Buildings. USGS website <http://earthquake.usgs.gov/research/hazmap/design/>.

## C.5 - HAZARDOUS MATERIALS MANAGEMENT

Testimony of Rick Tyler

### C.5.1 SUMMARY OF CONCLUSIONS

---

California Energy Commission staff (referred to as staff hereafter) evaluation of the proposed project, along with staff's proposed mitigation measures, indicate that hazardous materials use at the proposed Imperial Valley Solar (formerly Stirling Energy Systems Solar Two) Project would not present a significant impact (pursuant to the California Environmental Quality Act) on the public or environment. With adoption of the proposed conditions of certification, the proposed project would comply with all applicable laws, ordinances, regulations, and standards.

### C.5.2 INTRODUCTION

---

The purpose of this **HAZARDOUS MATERIALS MANAGEMENT** section of this Supplemental Staff Assessment (SAA) is to determine if the proposed Imperial Valley Solar (IVS) Project could potentially cause significant impacts [pursuant to the California Environmental Quality Act (CEQA)] on the public from the use, handling, storage, or transportation of hazardous materials at the proposed project site. If significant adverse impacts on the public are identified, Energy Commission staff must evaluate facility design alternatives and additional mitigation measures to reduce those impacts to the extent feasible.

This analysis does not address the potential exposure of workers to hazardous materials used at the proposed project site. Employers must inform employees of hazards associated with their work and provide those employees with special protective equipment and training to reduce the potential for health impacts from the handling of hazardous materials. The **WORKER SAFETY AND FIRE PROTECTION** section of this document describes the protection of workers from those risks.

For this analysis, staff examines plausible potential loss of containment incidents (spills) for the hazardous materials to be used at the proposed facility. The worst case plausible event, regardless of cause, is considered, and analyzed to see whether the potential impacts and risk to local populations are significant (pursuant to CEQA). Hazardous material handling and usage procedures are designed to reduce the likelihood of a spill, to reduce its potential size, and to prevent or reduce the potential migration of a spill off site to the extent that there won't be significant off-site impacts. These measures look at potential direct contact from runoff of spills, air-borne plume concentrations, and the potential for spills to mix with runoff water and be carried offsite. Generally, staff seeks to confirm that the applicant has proposed secondary containment basins for containing liquids, and that volatile chemicals would have a restricted exposure to the atmosphere after capture. Containment basins are designed to be able to hold the contents of a full tank plus the potential rainfall from a 25-year storm without any loss of containment. The spilled material, along with any mixed-in water and any contaminated soils, would then be placed into containers and processed and disposed of as required by regulations.

Hazardous materials such as mineral and lubricating oils, corrosion inhibitors, herbicides, and acids and bases to control pH would be present at the proposed project site. Hazardous materials used during the construction phase include gasoline, diesel fuel, motor oil, lubricants, and small amounts of solvents and paint. No acutely toxic hazardous materials would be used on-site during construction. None of these materials pose a significant potential for off-site impacts as a result of the quantities on-site, their relative toxicity, their physical states, and/or their environmental mobility.

The IVS Project would also require the transportation of certain gaseous, liquid and solid hazardous materials to the facility. This document addresses all potential impacts associated with the use, storage, and transport of hazardous materials.

### **C.5.3 METHODOLOGY AND THRESHOLDS FOR DETERMINING ENVIRONMENTAL CONSEQUENCES**

---

#### **Laws, Ordinances, Regulation, and Standards**

The following federal, state, and local laws and policies apply to the protection of public health and hazardous materials management. Staff's analysis examines the project's compliance with these requirements.

**HAZARDOUS MATERIALS MANAGEMENT Table 1**  
**Laws, Ordinances, Regulations, and Standards (LORS)**

<b>Applicable Law</b>	<b>Description</b>
<b>Federal</b>	
The Superfund Amendments and Reauthorization Act of 1986 (42 USC §9601 et seq.)	Contains the Emergency Planning and Community Right To Know Act (also known as SARA Title III).
The Clean Air Act (CAA) of 1990 (42 USC 7401 et seq. as amended)	Establishes a nationwide emergency planning and response program, and imposes reporting requirements for businesses that store, handle, or produce significant quantities of extremely hazardous materials.
The CAA Section on Risk Management Plans (42 USC §112(r))	Requires states to implement a comprehensive system to inform local agencies and the public when a significant quantity of such materials is stored or handled at a facility. The requirements of both SARA Title III and the CAA are reflected in the California Health and Safety Code, section 25531, et seq.
49 CFR 172.800	Requires that the suppliers of hazardous materials prepare and implement security plans in accordance with U.S. Department of Transportation (DOT) regulations.

<b>Applicable Law</b>	<b>Description</b>
49 CFR Part 1572, Subparts A and B	Requires that suppliers of hazardous materials ensure that their hazardous material drivers comply with personnel background security checks.
The Clean Water Act (CWA) (40 CFR 112)	Aims to prevent the discharge or threat of discharge of oil into navigable waters or adjoining shorelines. Requires a written spill prevention, control, and countermeasures (SPCC) plan to be prepared for facilities that store oil that could leak into navigable waters.
Title 49, Code of Federal Regulations, Part 190	Outlines gas pipeline safety program procedures.
Title 49, Code of Federal Regulations, Part 191	Addresses the transportation of natural and other gases by pipeline. Requires preparation of annual reports, incident reports, and safety-related condition reports. Also requires operators of pipeline systems to notify the U.S. Department of Transportation (DOT) of any reportable incident by telephone and submit a follow-up written report within 30 days.
Title 49, Code of Federal Regulations, Part 192	Addresses transportation of natural and other gases by pipeline: Requires minimum federal safety standards, specifies minimum safety requirements for pipelines, and includes material selection, design requirements, and corrosion protection. The safety requirements for pipeline construction vary according to the population density and land use that characterize the surrounding land. This part also contains regulations governing pipeline construction, which must be followed for Class 2 and Class 3 pipelines, and requirements for preparing a pipeline integrity management program.
6 CFR Part 27	The CFATS (Chemical Facility Anti-Terrorism Standard) regulation of the U.S. Department of Homeland Security (DHS) that requires facilities that use or store certain hazardous materials to submit information to the DHS so that a vulnerability assessment can be conducted to determine what certain specified security measures shall be implemented.
<b>State</b>	
California Health and Safety Code, section 25531 to 25543.4	The California Accidental Release Program (Cal-ARP) requires the preparation of a Risk Management Plan (RMP) and Off-site Consequence Analysis (OCA) and submittal to the local Certified Unified Program Authority (CUPA) for approval.

<b>Applicable Law</b>	<b>Description</b>
Title 8, California Code of Regulations, Section 5189	Requires facility owners to develop and implement effective safety management plans to ensure that large quantities of hazardous materials are handled safely. While these requirements primarily provide for the protection of workers, they also indirectly improve public safety and are coordinated with the RMP process.
Title 8, California Code of Regulations, Section 5189	Sets forth requirements for design, construction, and operation of the vessels and equipment used to store and transfer ammonia. These sections generally codify the requirements of several industry codes including the American Society for Material Engineering (ASME) Pressure Vessel Code, the American National Standards Institute (ANSI) K61.1, and the National Boiler and Pressure Vessel Inspection Code. These codes apply to anhydrous ammonia but are also used to design storage facilities for aqueous ammonia.
California Health and Safety Code, Section 41700	Requires that "No person shall discharge from any source whatsoever such quantities of air contaminants or other material which causes injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause injury or damage to business or property."
California Safe Drinking Water and Toxic Enforcement Act (Proposition 65)	Prevents certain chemicals that cause cancer and reproductive toxicity from being discharged into sources of drinking water.
<b>LOCAL</b>	
	Imperial County Department of Toxic Substances Control does not have additional LORS that apply to Hazardous Materials Handling, but administers the State of California programs as the CUPA.

The Imperial County Department of Toxic Substances Control (ICDTSC) acts as the Certified Unified Program Authority (CUPA), and is responsible for reviewing Hazardous Materials Business Plans. With regard to seismic safety issues, the proposed Imperial Valley Solar Project site is located in Seismic Risk Zone 4. The construction and design of buildings and vessels storing hazardous materials would meet the seismic requirements of the Uniform Building Code (SES2008a).

## **C.5.4 PROPOSED PROJECT**

### **C.5.4.1 SETTING**

Several characteristics of an area in which a project is located affect its potential for an accidental release of a hazardous material. These include:

- local meteorology;

- terrain characteristics; and
- location of population centers and sensitive receptors relative to the project.

### **Meteorological Conditions**

Meteorological conditions, including wind speed, wind direction, and air temperature, affect both the extent to which accidentally released hazardous materials would be dispersed into the air and the direction in which they would be transported. This affects the potential magnitude and extent of public exposure to such materials, as well as their health risks. When wind speeds are low and the atmosphere is stable, dispersion is severely reduced and can lead to increased localized public exposure.

Recorded wind speeds, ambient air temperatures, and terrain characteristics are described in the Air Quality section (5.2) and Appendix V of the Application for Certification (AFC) (SES2008a).

### **Terrain Characteristics**

The location of elevated terrain is often an important factor in assessing potential exposure. An emission plume from an accidental release may impact high elevations before it impacts lower elevations. The topography of the Imperial Valley Solar Project site (like it's immediately surrounding areas) is essentially flat.

### **Location of Exposed Populations and Sensitive Receptors**

The general population includes many sensitive subgroups that may be at greater risk from exposure to emitted pollutants. These sensitive subgroups include the very young, the elderly, and those with existing illnesses. In addition, the location of the population in the area surrounding a project site may have a large bearing on health risk. There are no sensitive receptors within the project vicinity. The nearest residence to the Imperial Valley Solar Project is more than a mile from the project (SES2008a, Section 5.16).

## **C.5.4.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

### **Method and Threshold for Determining CEQA Significance**

Staff reviewed and assessed the potential for the transportation, handling, and use of hazardous materials to impact the surrounding community. All chemicals and natural gas were evaluated. Staff's analysis examines the potential impacts on all members of the population including the young, the elderly, and people with existing medical conditions that may make them more sensitive to the adverse effects of hazardous materials. In order to accomplish this goal, staff utilizes the most current acceptable public health exposure levels (both acute and chronic) to protect the public from the effects of an accidental chemical release.

In order to assess the potential of released hazardous materials traveling off-site and affecting the public, staff analyzed several aspects of the proposed use of materials at the facility. Staff recognizes that some hazardous materials must be used at power plants. Therefore, staff conducted its analysis by focusing on the choice and amount of

chemicals to be used, the manner in which the applicant would use the chemicals, the manner by which it would be transported to the facility and transferred to facility storage tanks, and the way in which the applicant plans to store those materials on-site.

Staff reviewed the applicant's proposed engineering and administrative controls for hazardous material use. Engineering controls are physical or mechanical systems such as storage tanks or automatic shut-off valves that can prevent a spill of hazardous material from occurring, or that can limit the spill to a small amount or confine it to a small area. Administrative controls are rules and procedures that workers must follow to help either prevent accidents or keep them small if they do occur. Both engineering and administrative controls can act as either methods of prevention or methods of response and minimization. In both cases, the goal is to prevent a spill from moving off-site and harming the public.

Staff reviewed and evaluated the proposed use of hazardous materials, as described by the applicant (SES2008a, section 5.15). Staff's assessment followed the five steps listed below:

- Step 1: Staff reviewed the chemicals and amounts proposed for on-site use, as listed in Table 5.5-3 of the AFC and determined the need and appropriateness of their use. Only those that are needed and appropriate are allowed to be used. If staff feels that a safer alternative chemical can be used, staff would recommend or require its use, depending upon the impacts posed.
- Step 2: Those chemicals, proposed for use in small amounts or whose physical state is such that there is virtually no chance that a spill would migrate off the site and impact the public, were removed from further assessment.
- Step 3: Measures proposed by the applicant to prevent spills were reviewed and evaluated. These included engineering controls such as automatic shut-off valves and different size transfer-hose couplings and administrative controls such as worker training and safety management programs.
- Step 4: Measures proposed by the applicant to respond to accidents were reviewed and evaluated. These measures also included engineering controls such as catchment basins and methods to keep vapors from spreading, and administrative controls such as training emergency response crews.
- Step 5: Staff analyzed the theoretical impacts on the public of a worst-case spill of hazardous materials even with the mitigation measures proposed by the applicant. When mitigation methods proposed by the applicant are sufficient, no further mitigation is recommended. If the proposed mitigation is not sufficient to reduce the potential for adverse impacts to an insignificant level, staff would propose additional prevention and response controls until the potential for causing harm to the public is reduced to an insignificant level. It is only at this point that staff can recommend that the project be allowed to use hazardous materials.



## **Direct/Indirect Impacts and Mitigation**

### **Small Quantity Hazardous Materials**

In conducting this analysis, staff determined in Steps 1 and 2 that most of the proposed materials, although present at the proposed facility, pose a minimal potential for off-site impacts since they would be stored in either solid form or in small quantities, have low mobility, low vapor pressure, or low levels of toxicity. These hazardous materials, which were eliminated from further consideration, are discussed briefly below.

During the construction phase of the project, the only hazardous materials proposed for use include paint, cleaners, solvents, gasoline, diesel fuel, motor oil, welding gases, and lubricants. Any impact of spills or other releases of these materials would be limited to the site because of the small quantities involved, the infrequent use and hence reduced chances of release, and/or the temporary containment berms used by contractors. Petroleum hydrocarbon-based motor fuels, mineral oil, lube oil, and diesel fuel all have very low volatility and would represent limited off-site hazards, even in larger quantities.

During operations, hazardous chemicals such as cleaning agents, lube oil, sulfuric acid, sodium hydroxide, ammonium hydroxide, diesel fuel and other various chemicals (see **Hazardous Materials Appendix A** for a list of all chemicals proposed to be used and stored at the Imperial valley Solar site) would be used and stored on-site and represent limited off-site hazard due to their small quantities, low volatility, and/or low toxicity.

After removing from consideration those chemicals that pose no potential for risk of off-site impact in Steps 1 and 2, staff continued with Steps 3, 4, and 5 to review the remaining hazardous material: Hydrogen.

### **Large Quantity Hazardous Materials**

#### ***Hydrogen***

Hydrogen is used as the working fluid in the Stirling cycle engines utilized by the project. The proposed project involves roughly 30,000 individual engines and solar collectors. Originally SES proposed use of hydrogen storage at each collector engine assembly. The proposal was later modified to utilize onsite hydrogen generation. This eliminated the use of 30,000 individual small hydrogen storage bottles at each assembly. It also eliminated the constant transportation of hydrogen bottles to and from the site. Staff views this change in the project as risk reduction particularly to road users. The project now involves the use of a distributed hydrogen system described in (SES2009b).

SES conducted analysis assuming a worst case release of all the hydrogen on site. It was assumed that a hydrogen release would form a vapor cloud and detonate causing an unconfined vapor cloud explosion. The distance to an over pressure of 1.0 psi was then determined. This is an overpressure that could cause some damage to structures and injury to exposed members of the general population. The maximum distance to this level of impact was estimated to be 0.13 miles. There are no public receptors at this distance and in general such overpressures would be confined to the project site depending on the location of the cloud at detonation. It should be noted that it is nearly impossible to detonate hydrogen in an unconfined cloud and that it disperses very

rapidly due to its low density relative to air. It should also be noted that the release scenarios are very conservative in that a release would almost certainly occur over a period of time resulting in significant dispersion of the hydrogen while the cloud was forming. Actual experience with hydrogen releases have not resulted in unconfined cloud explosions. It is widely believed that unconfined hydrogen will not detonate without a high explosive initiating event (Lees F.P. 1998).

In their May 5, 2010 Supplement to the AFC, the applicant provided additional information regarding the hydrogen generation and storage system. The new system will include a hydrogen generator utilizing electrolysis to create low pressure hydrogen gas. This low pressure gas will be compressed to an intermediate pressure of 600 psi and stored in a 9 foot diameter 30 foot long pressure vessel. This intermediate pressure tank will supply 87 individual compressor groups. These compressor groups will include a high pressure storage facility capable of storing 29,333 standard cubic feet of hydrogen gas at a pressure of 2760 psi and will also include storage of 9,900 standard cubic feet of hydrogen in a low pressure dump tank to capture hydrogen vented from SunCatchers that are taken out of use. Each compressor group will also include 30 high pressure surge tanks holding 489 standard cubic feet of hydrogen. Staff has included new **Condition of Certification HAZ- 7** to ensure that the hydrogen system is designed to applicable engineering safety codes. In particular staff has recommended that the applicant provide a design for the hydrogen handling system reviewed and stamped by a professional engineer registered in the state of California ensuring that the hydrogen will comply with the applicable ANSI/ASME pressure vessel codes and applicable NFPA Fire Protection Codes.

Staff has determined that the total amount of hydrogen that will be stored on site will exceed 5 million standard cubic feet or just over 28,000 pounds of hydrogen gas. Staff has also determined that the facility will likely trigger program 3 level RMP. This will require that the facility prepare Process Safety Management (PSM) plan pursuant both State and Federal Laws. Staff has modified **Condition of Certification Haz-2** requiring submittal of a program level 3 RMP with PSM to the Imperial County Department of Toxic Substances Control for review and the CPM approval.

Staff concurs with the analysis and a conclusion provided by the applicant and independently concludes that it is very conservative and grossly overestimates both the magnitude the potential risk of any actual explosion that could occur at the facility. It is staff's conclusion that that an unconfined hydrogen explosion is not plausible and will not occur at the proposed facility. Thus, use of hydrogen at the proposed facility poses a risk of an on-site fire, but no plausible potential for significant impact on surrounding populations or the environment from blast effects. However, the project will impact public safety by impacting local fire protection and emergency response services.

## **Mitigation**

Staff believes that this project's use of hazardous materials poses no significant risk (pursuant to CEQA) but only if mitigation measures are used. These mitigation measures are discussed in this section. The potential for accidents resulting in the release of hazardous materials is greatly reduced by the implementation of a Safety Management Program, which includes both engineering and administrative controls. Elements of facility controls and the safety management plan are summarized below.

## **Engineering Controls**

Engineering controls help prevent accidents and releases (spills) from moving off-site and impacting the community by incorporating engineering safety design criteria into the project's design. Engineering safety features proposed by the applicant include:

- Usage of secondary containment areas surrounding each of the hazardous materials storage areas, designed to contain accidental releases during storage;
- Physical separation of stored chemicals in isolated containment areas, separated by a noncombustible partition in order to prevent the accidental mixing of incompatible materials, which may in turn cause the formation and release of toxic gases or fumes.

## **Administrative Controls**

Administrative controls help prevent accidents and releases (spills) from moving off-site and impacting the community by establishing worker training programs and process safety management programs.

A Worker Health and Safety Program would be prepared by the applicant and include (but not be limited to) the following elements (see the **WORKER SAFETY/FIRE PROTECTION** section in this analysis for specific regulatory requirements):

- Worker training on chemical hazards, health and safety issues, and hazard communication;
- Procedures to ensure the proper use of personal protective equipment;
- Safety operating procedures for the operation and maintenance of systems that use hazardous materials;
- Fire safety and prevention; and
- Emergency response actions including facility evacuation, hazardous material spill cleanup, and fire prevention.

At the Imperial Valley Solar Project, the project owner would be required to designate an individual who would have the responsibility and authority to ensure a safe and healthful workplace. This project health and safety official would oversee the health and safety program and would have the authority to halt any action or modify any work practice in order to protect the workers, facility, and the surrounding community in the event that the health and safety program is violated.

Staff proposes Condition of Certification **HAZ-1** ensures that no hazardous material would be used at the facility except as listed in the AFC and reviewed for appropriateness, unless there is prior approval by the Energy Commission Compliance Project Manager (CPM). Staff reviewed the chemicals and amounts proposed for on-site use, as listed in Table 5.15-2 of the AFC and determined the need and appropriateness of their use. **HAZ-1** also requires changes to the allowed list of hazardous materials and their maximum amounts not be altered without prior approval by the CPM. Only those that are needed and appropriate would be allowed to be used. If staff feels that a safer alternative chemical can be used, staff would recommend or

require its use, depending upon the impacts posed (see Appendix A for the list of proposed hazardous materials to be used).

A Hazardous Materials Business Plan (HMBP) would also be prepared by the applicant that would incorporate state requirements for the handling of hazardous materials (SES2008a, section 5.15). Staff proposes Condition of Certification **HAZ-2** which ensures that the HMBP, Program 3 level RMP including PSM, Emergency Response Plan and Owner/Operator Identification, and Employee Training would be provided to the ICDTSC so that ICDTSC can better prepare emergency response personnel for handling emergencies which could occur at the facility. All of these plans will also be submitted to the CPM for approval.

### ***On-site Spill Response***

In order to address spill response, the facility would prepare and implement an emergency response plan which includes information on hazardous materials contingency and emergency response procedures, spill containment and prevention systems, personnel training, spill notification, on-site spill containment, prevention equipment and capabilities, etc. Emergency procedures would be established which include evacuation, spill cleanup, hazard prevention, and emergency response.

A Spill Prevention Control and Countermeasure Plan (SPCC) is required by Federal Regulations (see LORS above) and would be prepared for the petroleum-containing hazardous materials.

The Imperial County Fire Department would provide response to emergencies at the proposed facility. The response time to an emergency call from Solar 2 is approximately 30 minutes (SES2000a, Section 5.17).

Staff concludes that, given the remote location, the hazardous material response time is acceptable, and that the Imperial County Fire Department is not currently adequately trained and equipped to respond to an emergency at Solar 2 in a timely manner (See Staff's Worker Safety / Fire Protection Analysis).

### **Transportation of Hazardous Materials**

Containerized hazardous materials including sulfuric acid, and cleaning chemicals, would be transported to the facility via truck. While many types of hazardous materials would be transported to the site, previous modeling of spills involving much larger quantities of more toxic materials, has demonstrated that minimal airborne concentrations would occur at short distances from the spill.

During construction and operation of the Imperial Solar Project, staff believes that minimal amounts and types of hazardous materials (paint, cleaners, solvents, gasoline, diesel fuel, motor oil, lubricants, sodium hypochlorite, and welding gases in standard-sized cylinders) do not pose a significant risk (pursuant to CEQA) of either spills or public impacts along any transportation route. Staff therefore does not recommend a specific route.

Liquid hazardous materials can be released during a transportation accident, and the extent of their impact in the event of a release would depend on the location of the

accident and the rate of vapor dispersion from the surface of the spilled pool. The likelihood of an accidental release during transport is dependent upon three factors:

- The skill of the tanker truck driver;
- The type of vehicle used for transport; and
- Accident rates.

To address this concern, staff evaluated the risk of an accidental transportation release in the project area. Staff's analysis focused on the project area after the delivery vehicle leaves the main Interstate highway (I-8) and State route 98. Staff believes it is appropriate to rely upon the extensive regulatory program that applies to shipment of hazardous materials on California Highways to ensure safe handling in general transportation (see the Federal Hazardous Materials Transportation Law 49 USC §5101 et seq, the U.S. Department of Transportation Regulations 49 CFR Subpart H, §172-700, and the California DMV Regulations on Hazardous Cargo). These regulations also address issues of driver competence. See AFC section 5.11 for additional information on regulations governing the transportation of hazardous materials.

### **Seismic Issues**

The possibility exists that an earthquake could cause the failure of a hazardous materials storage tank. A quake could also cause the failure of the secondary containment system (berms and dikes), as well as electrically controlled valves and pumps. The failure of all these preventive control measures might then result in the release of hazardous. The effects of the Loma Prieta earthquake of 1989, the Northridge earthquake of 1994, and the earthquake in Kobe, Japan, in January 1995, heighten concerns about earthquake safety.

Information obtained after the January 1994 Northridge earthquake showed that some damage was caused to several large and small storage tanks at the water treatment system of a cogeneration facility. The tanks with the greatest damage, including seam leakage, were older tanks, while newer tanks sustained lesser damage with displacements and attached line failures. Therefore, staff conducted an analysis of the codes and standards, which should be followed to adequately design and build storage tanks and containment areas that could withstand a large earthquake. Staff also reviewed the impacts of the February 2001 Nisqually earthquake near Olympia, Washington, a state with similar seismic design codes as California. No hazardous materials storage tanks were impacted by this quake. Referring to the sections on **GEOLOGIC RESOURCES AND HAZARDS** and **FACILITY DESIGN** in the AFC, staff notes that the proposed facility would be designed and constructed to the applicable standards of the 2007 California Building Code for Seismic Zone 4 (SES2008a,). Therefore, on the basis of damage experienced from the Northridge quake to older tanks and the lack of failures during the Nisqually earthquake with newer tanks, staff determined that tank failures during seismic events are not likely and do not represent a significant risk (pursuant to CEQA) to the public.

## Site Security

The Imperial Solar Project proposes to use hazardous materials which necessitates that special site security measures should be developed and implemented to prevent unauthorized access. To address site security, US EPA published a *Chemical Accident Prevention Alert* regarding site security (EPA 2000a), the U.S. Department of Justice (US DOJ) published a special report on Chemical Facility Vulnerability Assessment Methodology (US DOJ 2002), the North American Electric Reliability Corporation (NERC) published *Security Guidelines for the Electricity Sector* in 2002 (NERC 2002), and the U.S. Department of Energy published a draft *Vulnerability Assessment Methodology for Electric Power Infrastructure* in 2002 (DOE 2002). The energy generation sector is one of 14 areas of critical Infrastructure listed by the U.S. Department of Homeland Security. On April 9, 2007, the U.S. Department of Homeland Security published, in the Federal Register (6 CFR Part 27), an Interim Final Rule requiring facilities that use or store certain hazardous materials to conduct vulnerability assessments and implement certain specified security measures. This rule was implemented with the publication of Appendix A, the list of chemicals, on November 2, 2007. Staff believes that all power plants under the jurisdiction of the Energy Commission should implement a minimum level of security consistent with the guidelines listed here.

In order to ensure that this facility (or a shipment of hazardous material) is not the target of unauthorized access, staff's proposed conditions of certification **HAZ-4** and **HAZ-5** address both construction security and operations security plans. These plans would require the implementation of site security measures that are consistent with both the above-referenced documents and Energy Commission guidelines.

The goal of these conditions of certification is to provide the minimum level of security for power plants needed to protect California's electrical infrastructure from malicious mischief, vandalism, or domestic/foreign terrorist attacks. The level of security needed for this power plant is dependent upon the threat imposed, the likelihood of an adversarial attack, the likelihood of success in causing a catastrophic event, and the severity of consequences of that event.

In order to determine the level of security, the Energy Commission staff used an internal vulnerability assessment decision matrix modeled after the U.S. Department of Justice Chemical Vulnerability Assessment Methodology (July 2002), the NERC 2002 guidelines, the U.S. Department of Energy VAM-CF model, and U.S. Department of Homeland Security regulations published in the Federal Register (Interim Final Rule 6 CFR Part 27). Staff determined that the IVS Project would fall into the "low vulnerability" category, so staff proposes that certain security measures be implemented but does not propose that the project owner conduct its own vulnerability assessment.

These security measures include perimeter fencing and breach detectors, guards (if appropriate), alarms, site access procedures for employees and vendors, site personnel background checks, and law enforcement contact in the event of a security breach. Site access for vendors would be strictly controlled. Consistent with current state and federal regulations governing the transport of hazardous materials, hazardous materials vendors would have to maintain their transport vehicle fleets and employ only drivers who are properly licensed and trained. The project owner would be required, through its

contractual language with vendors, to ensure that vendors supplying hazardous materials strictly adhere to the U.S. DOT requirements that hazardous materials vendors prepare and implement security plans per 49 CFR 172.800 and ensure that all hazardous materials drivers are in compliance with personnel background security checks per 49 CFR Part 1572, Subparts A and B. The CPM or the BLM Authorized Safety Officer may authorize modifications to these measures, or may require additional measures in response to additional guidance provided by the U.S. Department of Homeland Security, the U.S. Department of Energy, or NERC, after consultation with appropriate law enforcement agencies and the applicant.

### **Facility Closure and Decommissioning**

The requirements for handling of hazardous materials remain in effect until such materials are removed from the site, regardless of facility closure. Therefore, the facility owners are responsible for continuing to handle such materials in a safe manner, as required by applicable laws. In the event that the facility owner abandons the facility in a manner that poses a risk to surrounding populations, staff would coordinate with the California Office of Emergency Services, Imperial County Fire Department, and the California Department of Toxic Substances Control (DTSC) as BLM would be the landowner of the abandoned facility. To ensure that any unacceptable risk to the public is eliminated, Funding for such emergency action as well as site removal, rehabilitation and revegetation activities would be available from a performance bond required of the applicant by BLM.

## **C.5.4.3 CEQA LEVEL OF SIGNIFICANCE**

### **Cumulative Impacts and Mitigation**

Staff considered the potential for impacts due to a simultaneous release of any of the hazardous chemicals from the proposed Imperial Valley Solar Project with any other existing or foreseeable nearby facilities. Because of the small amounts of the hazardous chemicals to be stored at the facility, Staff determined that there was no possibility of producing an offsite impact. Because of this determination, and the additional fact that there are no nearby facilities using large amounts of hazardous chemicals, there is no possibility that vapor plumes would mingle (combine) to produce an airborne concentration that would present a significant risk (pursuant to CEQA).

### **Compliance With LORS**

Staff concludes that construction and operation of Imperial valley Solar would be in compliance with all applicable LORS for both long-term and short-term project impacts in the area of hazardous materials management.

### **Noteworthy Public Benefits**

Staff has not identified any noteworthy public benefits associated with the use of hazardous materials at the proposed project.

## **C.5.5 300 MW ALTERNATIVE**

---

The 300 MW alternative would essentially be Phase 1 of the proposed 750 MW project. This alternative is illustrated in Alternatives Figure 1.

### **C.5.5.1 SETTING AND EXISTING CONDITIONS**

The setting for this alternative would be the same as for the Phase 1 of the proposed project. The local meteorology, terrain characteristics, and location of population centers and sensitive receptors relative to the project would remain the same. Please see the discussion of existing conditions within affected BLM lands under Section C.5.4.1

### **C.5.5.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The types of construction and operational impacts of the 300 MW alternative would be the same as those of the proposed project, as described in Section C.5.4.2. For the analysis, staff examines plausible potential loss of containment incidents (spills) for the hazardous materials to be used at the proposed facility. The proposed project analysis considers the worst case, plausible event, and the impacts are found to be less than significant (pursuant to CEQA) with the incorporation of conditions of certification. The impacts of this alternative would be even smaller due to the reduce use, handling, storage, or transport of hazardous materials and the smaller number of SunCatchers of the alternative. Construction and operation risk to workers due to the use of hydrogen will be reduced because of the reduced number of SunCatchers.

### **C.5.5.3 CEQA LEVEL OF SIGNIFICANCE**

Like the proposed project, the construction and operation of the 300 MW alternative would be in compliance with all applicable LORS for both long-term and short-term project impacts in the area of hazardous materials management with the adoption of the proposed conditions of certification. The mitigation that would be proposed for the 300 MW alternative would be the same as that proposed for the proposed project (staff recommended conditions **HAZ-1** to **HAZ-6**).

## **C.5.6 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

---

The first of two alternatives developed to reduce impacts to the waters of the U.S. would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries. This alternative is illustrated in **Alternatives Figure 1B**. This alternative would have the same outer project boundaries as the proposed project, but it would include prohibition of installing permanent structures within drainages, thereby reducing the available acreage for development from 6,500 to 4,690, and reducing the generation capacity from 750 MW under the proposed project to 632 MW (84% of the proposed generation capacity). Rather than the 30,000 SunCatchers included in the proposed project, there would be approximately 25,000 of them installed.



### **C.5.6.1 SETTING AND EXISTING CONDITIONS**

The setting for this alternative would be the same as for the proposed project, including all the area within the proposed project boundaries. While the alternative boundaries would be the same as for the proposed project, development within the boundaries would be less dense due to avoidance of primary drainages. The local meteorology, terrain characteristics, and location of population centers and sensitive receptors relative to the project would remain the same. Please see the discussion of existing conditions within affected BLM lands under Section C.5.4.1

### **C.5.6.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The types of construction and operational impacts of the Drainage Avoidance #1 alternative would be the same as those of the proposed project, as described in Section C.5.4.2. For the analysis, staff examines plausible potential loss of containment incidents (spills) for the hazardous materials to be used at the proposed facility. The proposed project analysis considers the worst case, plausible event, and the impacts are found to be less than significant (pursuant to CEQA) with the incorporation of conditions of certification. The impacts of this alternative would be even smaller due to the reduce use, handling, storage, or transport of hazardous materials and the smaller number of SunCatchers of the alternative. Construction and operation risk to workers due to the use of hydrogen will be reduced because of the reduced number of SunCatchers.

### **C.5.6.3 CEQA LEVEL OF SIGNIFICANCE**

Like the proposed project, the construction and operation of the Drainage Avoidance #1 alternative would be in compliance with all applicable LORS for both long-term and short-term project impacts in the area of hazardous materials management with the adoption of the proposed conditions of certification. The mitigation that would be proposed for the Drainage Avoidance #1 Alternative would be the same as that proposed for the proposed project (staff recommended conditions **HAZ-1** to **HAZ-6**).

## **C.5.7 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

---

The Drainage Avoidance #2 alternative would eliminate both the eastern and westernmost portions of the proposed project, where the largest drainage complexes are located. This alternative is shown in **Alternatives Figure 1C**. It would reduce the overall size of the project area by over 50% (from 6,500 acres to 3,153 acres). It would also reduce the generation capacity from 750 MW to 423 MW (retaining only about 32% of the proposed number of SunCatchers). In this alternative, permanent structures would be allowed within all drainages inside the revised, smaller project boundaries.

### **C.5.7.1 SETTING AND EXISTING CONDITIONS**

The setting for this alternative would be the same as for the proposed project, including all the area within the proposed project boundaries. While the alternative boundaries would be the same as for the proposed project, development within the boundaries would be less dense due to avoidance of primary drainages. The local meteorology,

terrain characteristics, and location of population centers and sensitive receptors relative to the project would remain the same. Please see the discussion of existing conditions within affected BLM lands under Section C.5.4.1

### **C.5.7.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The types of construction and operational impacts of the Drainage Avoidance #2 alternative would be the same as those of the proposed project, as described in Section C.5.4.2. For the analysis, staff examines plausible potential loss of containment incidents (spills) for the hazardous materials to be used at the proposed facility. The proposed project analysis considers the worst case, plausible event, and the impacts are found to be less than significant (pursuant to CEQA) with the incorporation of conditions of certification. The impacts of this alternative would be even smaller due to the reduce use, handling, storage, or transport of hazardous materials and the smaller number of SunCatchers of the alternative. Construction and operation risk to workers due to the use of hydrogen will be reduced because of the reduced number of SunCatchers.

### **C.5.7.3 CEQA LEVEL OF SIGNIFICANCE**

Like the proposed project, the construction and operation of the Drainage Avoidance #2 alternative would be in compliance with all applicable LORS for both long-term and short-term project impacts in the area of hazardous materials management with the adoption of the proposed conditions of certification. The mitigation that would be proposed for the Drainage Avoidance #1 Alternative would be the same as that proposed for the proposed project (staff recommended conditions **HAZ-1** to **HAZ-6**).

### **C.5.8 NO PROJECT/NO ACTION ALTERNATIVE**

---

There are three No Project/No Action Alternatives evaluated in this section, as follows:

#### **NO PROJECT/NO ACTION ALTERNATIVE #1:**

##### **No Action on the Imperial valley Solar Project application and on CDCA land use plan amendment**

Under this alternative, the proposed IVS Project would not be approved by the CEC and BLM and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, no hazardous materials would be used and no impacts related to the use of hazardous material would occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project requiring a land use plan

amendment. In addition, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations

## **NO PROJECT/NO ACTION ALTERNATIVE #2:**

### **No Action on the Imperial Valley Solar Project and amend the CDCA land use plan to make the area available for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the CEC and BLM and BLM would amend the CDCA Land Use Plan of 1980, as amended, to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site would be developed with a different solar technology. As a result, construction and operation of the solar technology would likely result in use of hazardous materials. Different solar technologies require the use of different hazardous materials; however, it is expected that all solar technologies would require the use of hazardous materials. As such, this No Project/No Action Alternative could result impacts to hazardous material handling similar to under the proposed project.

## **NO PROJECT/NO ACTION ALTERNATIVE #3:**

### **No Action on the Imperial Valley Solar Project application and amend the CDCA land use plan to make the area unavailable for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the CEC and BLM and the BLM would amend the CDCA Plan to make the proposed site unavailable for future solar development. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because the CDCA Plan would be amended to make the area unavailable for future solar development, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site and no use of hazardous materials. As a result, this No Project/No Action Alternative would not result in impacts from the use of hazardous materials. However, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

## **C.5.9 CUMULATIVE IMPACT ANALYSIS**

---

A project may result in significant adverse cumulative impacts (pursuant to CEQA) when its effects are “cumulatively considerable.” Cumulatively considerable means that the incremental effects of an individual project are significant (pursuant to CEQA) when viewed in connection with the effects of past projects, the effects of other current projects, or the effects of probable future projects. (Title 14, California Code of Regulations, section 15130). NEPA states that cumulative effects can result from

individually minor but significant actions taking place over a period of time (40 CFR § 1508.7).

As discussed in section C.5.4.3 above, staff considered the potential for impacts due to a simultaneous release of any of the hazardous chemicals from the proposed Imperial Valley Solar Project with any other existing or foreseeable nearby facilities. Because of the small amounts of the hazardous chemicals to be stored at the facility, Staff determined that there was no possibility of producing an offsite impact. Because of this determination, and the additional fact that there are no nearby facilities using large amounts of hazardous chemicals, there is no possibility that vapor plumes would mingle (combine) to produce an airborne concentration that would present a significant risk (pursuant to CEQA).

**Section B.3, Cumulative Scenario**, provides detailed information on the potential cumulative solar and other development projects in the project area. Together, these projects comprise the cumulative scenario which forms the basis of the cumulative impact analysis for the proposed project. In summary, these projects are:

- Renewable energy projects on BLM, State, and private lands, as shown on **Cumulative Figures 1 and 2** and in **Cumulative Tables 1A and 1B**. Although not all of those projects are expected to complete the environmental review processes, or be funded and constructed, the list is indicative of the large number of renewable projects currently proposed in California.
- Foreseeable future projects in the immediate Plaster City area, as shown on **Cumulative Impacts Figure 3, Plaster City Existing and Future/Foreseeable Projects, and Cumulative Tables 2 and 3**. Table 2 presents existing projects in this area and Table 3 presents future foreseeable projects in the Plaster City Area. Both tables indicate project name and project type, its location and its status.

These projects are defined within a geographic area that has been identified by the CEC and BLM as covering an area large enough to provide a reasonable basis for evaluating cumulative impacts for all resource elements or environmental parameters. Most of these projects have, are, or will be required to undergo their own independent environmental review under CEQA and/or NEPA. Even if the cumulative projects described in Section B.3 have not yet completed the required environmental processes, they were considered in the cumulative impacts analyses in this SA/Draft EIS.

### **Geographic Scope of Analysis**

The geographic area considered for cumulative impacts from the use of Hazardous Materials is the area within one mile of the project boundary. Staff concludes that there is no potential to cause impacts beyond the facility boundary.

For this analysis, no other projects are located close enough to the proposed Imperial Valley Solar Project to cause cumulative impacts on any surrounding population.

### **Effects of Past and Present Projects**

There are no past or currently operating projects in the geographic area that would affect the same area that would be affected by the proposed facility.

### **Effects of Reasonably Foreseeable Future Projects**

There are no reasonably foreseeable future projects in the geographic area that would affect the same area that would be affected by accidental releases at the proposed facility.

### **Contribution of the Imperial Valley Solar Project to Cumulative Impacts**

**Construction.** The Imperial Valley Solar Project would not be expected to contribute to the possible short term cumulative impacts related to Hazardous Materials because it is not in close proximity to any other facility that might impact the same surrounding population in the event of an accidental release of hazardous materials.

**Operation.** The Imperial valley Solar Project would not be expected to the possible long term operational cumulative impacts related to because it is not in close proximity to any other facility that might impact the same surrounding population in the event of an accidental release of hazardous materials.

**Decommissioning.** The decommissioning of the Imperial Valley Solar Project would not be expected to contribute to the possible short term cumulative impacts related to Hazardous Materials, similar to during construction, because it is not in close proximity to any other facility that might impact the same surrounding population in the event of an accidental release of hazardous materials. similar to construction impacts. It is unlikely that the construction or decommissioning of any of the cumulative projects would occur concurrently with the decommissioning of this project, because the decommissioning is not expected to occur for approximately 40 years. As a result, there may not be impacts related to during decommissioning of the Imperial Valley Solar Project generated by the cumulative projects. As a result, the impacts of the decommissioning of the Imperial Valley Solar Project would not be expected to contribute to cumulative impacts related to Hazardous Materials because all hazardous materials would either continue to be managed effectively or removed from the facility.

### **C.5.10 COMPLIANCE WITH LORS**

---

A discussion of the proposed project's compliance with LORS applicable to hazardous materials is provided above in subsection C.5.4.3, and **HAZARDOUS MATERIALS Table 1**.

### **C.5.11 NOTEWORTHY PUBLIC BENEFITS**

---

The Imperial Valley Solar Project would employ an advanced solar thermal technology. The project would not use the hazardous materials associated with the operation of a non-renewable energy project. Consequently, the project would help in reducing the use of riskier hazardous materials for power production at other facilities.

### **C.5.12 RESPONSE TO COMMENTS**

---

**Comment 1.** The Applicant commented that the project would not require use of aqueous ammonia or 93% sulfuric acid.

**Response 1.** Staff removed reference to aqueous ammonia and 93% sulfuric acid on Page C.5-9.

**Comment 2.** The applicant would like to verify that construction can commence before establishing a perimeter fence for security.

**Response 2.** Construction can commence prior to installation of a perimeter fence. The Construction Security Plan should discuss when a perimeter fence would be installed. This does not require a change to the Conditions of Certification.

**Comment 3. HAZ-5** would require that in excess of 700 construction personnel would require onerous background checks.

**Response 3.** The requirement for background checks in Haz-5 only applies to operational personnel.

### **C.5.13      PROPOSED CONDITIONS OF CERTIFICATION**

---

**HAZ-1**    The project owner shall not use any hazardous materials not listed in **Appendix A**, below, or in greater quantities than those identified by chemical name in **Appendix A**, unless approved in advance by the BLM's authorized officer and Compliance Project Manager (CPM).

**Verification:**    The project owner shall provide to BLM's authorized officer and the CPM in the Annual Compliance Report, a list of hazardous materials contained at the facility.

**HAZ-2**    The project owner shall concurrently provide a Hazardous Materials Business Plan and level 3 RMP to the Imperial County Department of Toxic Substances Control for review and the CPM for review and approval. After receiving comments from the Imperial County and the CPM, the project owner shall reflect all received recommendations in the final documents. If no comments are received from the county within 30 days of submittal, the project owner may proceed with preparation of final documents upon receiving comments from BLM's authorized officer and the CPM. . Copies of the final Hazardous Materials Business Plan shall then be provided to the Imperial County Department of Toxic Substances Control for information and to the BLM's authorized officer and CPM for approval.

**Verification:**    At least 60 days prior to receiving any hazardous material on the site for commissioning or operations, the project owner shall provide a copy of a final Hazardous Materials Business Plan to BLM's authorized officer and the CPM for approval.

**HAZ-3**    The project owner shall develop and implement a Safety Management Plan for delivery of liquid hazardous materials. The plan shall include procedures, protective equipment requirements, training and a checklist. It shall also include a section describing all measures to be implemented to prevent

mixing of incompatible hazardous materials. This plan shall be applicable during construction, commissioning, and operation of the power plant.

**Verification:** At least sixty (60) days prior to the delivery of any liquid hazardous material to the facility, the project owner shall provide a Safety Management Plan as described above to BLM's authorized officer and the CPM for review and approval.

**HAZ-4** At least thirty (30) days prior to commencing construction, a site-specific Construction Site Security Plan for the construction phase shall be prepared and made available to BLM's authorized officer and the CPM for review and approval. The Construction Security Plan shall include the following:

1. Perimeter security consisting of fencing enclosing the construction area;
2. Security guards;
3. Site access control consisting of a check-in procedure or tag system for construction personnel and visitors;
4. Written standard procedures for employees, contractors and vendors when encountering suspicious objects or packages on-site or off-site;
5. Protocol for contacting law enforcement and the CPM in the event of suspicious activity or emergency; and
6. Evacuation procedures.

**Verification:** At least thirty (30) days prior to commencing construction, the project owner shall notify BLM's authorized officer and the CPM that a site-specific Construction Security Plan is available for review and approval.

**HAZ-5** The project owner shall prepare a site-specific Security Plan for the operational phase and shall be made available to BLM's authorized officer and the CPM for review and approval. The project owner shall implement site security measures addressing physical site security and hazardous materials storage. The level of security to be implemented shall not be less than that described below (as per NERC 2002).

The Operation Security Plan shall include the following:

1. Permanent full perimeter fence, at least eight feet high around the Solar Field;
2. Main entrance security gate, either hand operable or motorized;
3. Evacuation procedures;
4. Protocol for contacting law enforcement and the CPM in the event of suspicious activity or emergency;
5. Written standard procedures for employees, contractors and vendors when encountering suspicious objects or packages on-site or off-site;

6.
  - a. A statement (refer to sample, attachment "A") signed by the project owner certifying that background investigations have been conducted on all project personnel. Background investigations shall be restricted to ascertain the accuracy of employee identity and employment history, and shall be conducted in accordance with state and federal law regarding security and privacy;
  - b. A statement(s) (refer to sample, attachment "B") signed by the contractor or authorized representative(s) for any permanent contractors or other technical contractors (as determined by the CPM after consultation with the project owner) that are present at any time on the site to repair, maintain, investigate, or conduct any other technical duties involving critical components (as determined by the CPM after consultation with the project owner) certifying that background investigations have been conducted on contractor personnel that visit the project site.
7. Site access controls for employees, contractors, vendors, and visitors;
8. Closed Circuit TV (CCTV) monitoring system, recordable, and viewable in the power plant control room and security station (if separate from the control room) capable of viewing, at a minimum, the main entrance gate; and
9. Additional measures to ensure adequate perimeter security consisting of either:
  - a. Security guard present 24 hours per day, seven days per week, **OR**
  - b. Power plant personnel on-site 24 hours per day, seven days per week and **all** of the following:
    - 1) The CCTV monitoring system required in number 8 above shall include cameras that are able to pan, tilt, and zoom (PTZ), have low-light capability, are recordable, and are able to view 100% of the perimeter fence, the outside entrance to the control room, and the front gate from a monitor in the power plant control room; **AND**
    - 2) Perimeter breach detectors or on-site motion detectors.

The project owner shall fully implement the security plans and obtain BLM's authorized officer and CPM approval of any substantive modifications to the security plans. BLM's authorized officer and the CPM may authorize modifications to these measures, or may require additional measures, such as protective barriers for critical power plant components (e.g., transformers, gas lines, compressors, etc.) depending on circumstances unique to the facility or in response to industry-related standards, security concerns, or additional guidance provided by the U.S. Department of Homeland Security, the U.S. Department of Energy, or the North American Electrical Reliability Council, after consultation with appropriate law enforcement agencies and the applicant.



**Verification:** At least 30 days prior to the initial receipt of hazardous materials on-site, the project owner shall notify BLM's authorized officer and the CPM that a site-specific Operations Site Security Plan is available for review and approval. In the Annual Compliance Report, the project owner shall include a statement that all current project employee and appropriate contractor background investigations have been performed, and updated certification statements are appended to the Operations Security Plan. In the Annual Compliance Report, the project owner shall include a statement that the Operations Security Plan includes all current hazardous materials transport vendor certifications for security plans and employee background investigations.

**HAZ-6** The holder (project owner) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b

**Verification:** A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to BLM's authorized officer and the CPM concurrent with the filing of the reports to the involved Federal agency or State government.

**HAZ-7** The project owner shall have the hydrogen storage and handling system reviewed and stamped by a Mechanical Engineer registered in California to ensure that it complies with all applicable ANSI, ASME, and NFPA design codes.

**Verification:** At least 60 days prior to construction the Project owner shall provide a copy of design drawings, documentation, and specification of the hydrogen storage and handling system reviewed and stamped by a Mechanical Engineer registered in the state of California

## **C.5.14 CONCLUSIONS**

---

Staff's evaluation of the proposed project (with proposed mitigation measures) indicates that hazardous material use, storage, and transportation would not pose a significant (pursuant to CEQA) impact on the public. Staff's analysis also shows that there would be no significant (pursuant to CEQA) cumulative impact. With adoption of the proposed conditions of certification, the proposed project would comply with all applicable LORS. Other proposed conditions of certification address the issues of site security matters.

Staff recommends that the Energy Commission impose the proposed conditions of certification, presented below, to ensure that the project is designed, constructed, and operated in compliance with applicable LORS, and would protect the public from

significant risk (pursuant to CEQA) of exposure to an accidental release of hazardous materials. If all mitigation proposed by the applicant and by staff are implemented, the use, storage, and transportation of hazardous materials would not present a significant risk (pursuant to CEQA) to the public.

Staff concludes that there is insignificant potential for hazardous materials release to have significant impact beyond the facility boundary, and therefore concludes there is also insignificant potential for significant (pursuant to CEQA) impact to the environment. For any other potential impacts upon the environment, including vegetation, wildlife, air, soils, and water resulting from hazardous materials usage and disposal at the proposed facility, the reader is referred to the **Biology**, the **Air Quality**, the **Soil and Water**, and the **Waste Management** sections of this SA/DEIS.

Staff also concludes that none of the alternatives to the proposed project would materially or significantly change the impacts associated with hazardous materials handling. None of the alternatives would be preferred to the proposed project or reduce any otherwise significant (pursuant to CEQA) impacts caused by hazardous materials handling.

Staff proposes six conditions of certification, some of which are mentioned in the text (above), and listed below. **HAZ-1** ensures that no hazardous material would be used at the facility except as listed in the AFC, unless there is prior approval by the Energy Commission Compliance Project Manager (CPM) and the BLM Authorized Safety Officer. **HAZ-2** ensures that local emergency response services are notified of the amounts and locations of hazardous materials at the facility, **HAZ-3** requires the development of a Safety Management Plan that addresses the delivery of all liquid hazardous materials during the construction, commissioning, and operation of the project would further reduce the risk of any accidental release not specifically addressed by the proposed spill prevention mitigation measures, and further prevent the mixing of incompatible materials that could result in the generation of toxic vapors. Site security during both the construction and operation phases is addressed in **HAZ-4** and **HAZ-5**. **HAZ-6** ensures that the applicant complies with all Federal LORS regarding use, management, spills, and reporting of hazardous materials on Federal lands.

## **SAMPLE CERTIFICATION (Attachment "A")**

### **Affidavit of Compliance for Project Owners**

I, \_\_\_\_\_

(Name of person signing affidavit)(Title)

do hereby certify that background investigations to ascertain the accuracy of the identity and employment history of all employees of

\_\_\_\_\_

(Company Name)

for employment at

\_\_\_\_\_

(Project name and location)

have been conducted as required by the U.S. Bureau of Land Management Right-of-Way and California Energy Commission Decision for the above- named project.

\_\_\_\_\_

(Signature of Officer or Agent)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

THIS AFFIDAVIT OF COMPLIANCE SHALL BE APPENDED TO THE PROJECT SECURITY PLAN AND SHALL BE RETAINED AT ALL TIMES AT THE PROJECT SITE FOR REVIEW BY BLM's AUTHORIZED OFFICER AND THE CALIFORNIA ENERGY COMMISSION COMPLIANCE PROJECT MANAGER.

## **SAMPLE CERTIFICATION (Attachment "B")**

### **Affidavit of Compliance for Contractors**

I, \_\_\_\_\_

(Name of person signing affidavit)(Title)

do hereby certify that background investigations to ascertain the accuracy of the identity and employment history of all employees of

\_\_\_\_\_

(Company Name)

for contract work at

\_\_\_\_\_

(Project name and location)

have been conducted as required by the U.S. Bureau of Land Management Right-of-Way and California Energy Commission Decision for the above- named project.

\_\_\_\_\_  
(Signature of Officer or Agent)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

THIS AFFIDAVIT OF COMPLIANCE SHALL BE APPENDED TO THE PROJECT SECURITY PLAN AND SHALL BE RETAINED AT ALL TIMES AT THE PROJECT SITE FOR REVIEW BY BLM's AUTHORIZED OFFICER AND THE CALIFORNIA ENERGY COMMISSION COMPLIANCE PROJECT MANAGER.

## C.5.15 REFERENCES

---

- AIChE (American Institute of Chemical Engineers). 1989. *Guidelines for Technical Management of Chemical Process Safety*, AIChE, New York, NY 10017.
- AIChE (American Institute of Chemical Engineers). 1994. *Guidelines for Implementing Process Safety Management Systems*, AIChE, New York, NY 10017.
- API (American Petroleum Institute). 1990. *Management of Process Hazards, API Recommended Practice 750*, American Petroleum Institute, First Edition, Washington, DC, 1990.
- Davies, P.A. and Lees, F.P. 1992. *The Assessment of Major Hazards: The Road Transport Environment for Conveyance of Hazardous Materials in Great Britain*. Journal of Hazardous Materials, 32: 41-79.
- Environmental Protection Agency (US EPA). 2000a. *Chemical Accident Prevention: Site Security*, Environmental Protection Agency, Office of Solid Waste and Emergency Response. February 2000.
- Harwood, D.W., Viner, J.G., and E.R. Russell. 1990. *Truck Accident Rate Model for Hazardous Materials Routing*. Transportation Research Record. 1264: 12-23.
- Harwood, D.W., Viner, J.G., and E.R. Russell. 1993. *Procedure for Developing Truck Accident and Release Rates for Hazmat Routing*. Journal of Transportation Engineering. 119(2): 189-199.
- Lees, F.P. 1998). *Loss Prevention in the Process Industries*, Vols. I, II and III. Second Edition, Butterworths.
- National Response Center Database. U.S. Coast Guard. 2002
- National Transportation Safety Board Database. U.S. Department of Transportation. 2001
- North American Electric Reliability Corporation (NERC) 2002. *Security Guidelines for the Electricity Sector*, version 1.0, June 14, 2002.
- NRC (National Research Council). 1979. *Ammonia. Subcommittee on Ammonia. Committee on Medical and Biologic Effects of Environmental Pollutants*. Division of Medical Sciences, Assembly of Life Sciences, National Research Council (NRC), Baltimore, Maryland, University Park Press (NTIS No. PB 278-027).
- Pet-Armacost, J.J., Sepulveda, J. and M. Sakude. 1999. *Monte Carlo Sensitivity Analysis of Unknown Parameters in Hazardous Materials Transportation Risk Assessment*. Risk Analysis. 19(6): 1173-1184.

- Rhyne, W.R. 1994. Hazardous Materials Transportation Risk Analysis. Quantitative Approaches for Truck and Train. Chapter 2: Transportation Quantitative Risk Analysis; and Chapter 3: Databases
- SES2008a. Solar Energy Solutions. Application For Certification, Volumes I and II, For the SES Solar Two, (TN, 46819), Submitted to CEC Docket 6/30/08.
- SES2008b. Solar Energy Solutions. Application to Application for Certification, For SES Solar Two, (TN, 51973), Submitted to CEC Docket 6/12/09.
- U.S. Department of Energy (US DOE) 2002. Draft Vulnerability Ass, assessment Methodology, Electric Power Infrastructure. Office of Energy Assurance, September 30, 2002.
- U.S. Department of Justice (U.S. DOJ) 2002. *Special Report: Chemical Facility Vulnerability Assessment Methodology*. Office of Justice Programs, Washington, D.C. July 2002.
- OSHA (United States Occupational Safety and Health Administration). 1993. *Process Safety Management / Process Safety Management Guidelines for Compliance*. U.S. Department of Labor, Washington, DC.
- Vilchez, J.A., Sevilla, S., Montiel, H. and J. Casal. 1995. *Historical Analysis of Accidents in Chemical Plants and in the Transportation of Hazardous Materials*. J. Loss Prev. Process Ind. 8(2): 87-96.

**Hazardous Materials**  
**Appendix A**  
**Hazardous Materials Proposed for Use**  
**at the**  
**Imperial Valley Solar Power Project Site**  
**February 2010**

**Hazardous Materials Appendix A**  
**Hazardous Materials Proposed for Use at Imperial Valley Solar Project**

<b>Hazardous Materials Usage and Storage During Operations</b>				
<b>Chemical</b>	<b>Use</b>	<b>Storage Location/Type</b>	<b>State</b>	<b>Storage Quantity</b>
Insulating oil	Electrical equipment	Electrical equipment (contained in transformers and electrical switches)	Liquid	60,000 gallons initial fill
Lubricating oil	Stirling Engine/dish drives PCU	Equipment 150-gallon recycle tank located in Maintenance Building	Liquid	40,000 gallons initial fill with usage of 21 gallons per month
Hydrogen	PCU working fluid	Generated on-site and stored in pressure vessel	Gas	4,000,000 scf
Acetylene	Welding	Cylinders stored in maintenance buildings	Gas	1,000 cubic feet
Oxygen	Welding	Cylinders stored in maintenance buildings	Gas	1,000 cubic feet
Ethylene glycol	PCU Radiator Coolant, antifreeze	PCU radiator Maintenance Buildings	Liquid	40,000 gal initial fill with usage of 21 gallons per month
Various solvents, detergents, paints, and other cleaners	Building maintenance and equipment cleaning	Three (3) 55-gallon drums and 1-gallon containers will be stored Maintenance Buildings	Liquid	Ten (10) 55-gallon drums Commercial 1-gallon containers
Gasoline	Maintenance vehicles	5,000 gallon AST at refueling station with containment	Liquid	5,000 gallons
Diesel fuel	Firewater pump Maintenance Vehicles	Firewater skid 5,000-gallon AST refueling station with containment	Liquid	100 gallons initial fill 5,000 gallons
Sodium hypochlorite 12.5 percent solution (bleach)	Disinfectant for potable water	Water treatment structure	Liquid	4 gallons
Source: SES2008a. Notes: AST = aboveground storage tank PCU = power conversion unit				



## **C.6 – PUBLIC HEALTH AND SAFETY**

Testimony of Alvin J. Greenberg, Ph.D.

### **C.6.1 SUMMARY OF CONCLUSIONS**

---

The California Energy Commission staff (hereafter referred to as staff) have analyzed potential public health and safety risks associated with construction, operation, and decommissioning of the Imperial Valley Solar (formerly the Stirling Energy Systems Solar Two) Project and does not expect any significant adverse cancer or short- or long-term noncancer health effects from project toxic emissions. Staff's analysis of potential health impacts from the proposed Imperial Valley Solar Project uses a conservative health-protective methodology that accounts for impacts to the most sensitive individuals in a given population, including newborns and infants. According to the results of staff's health risk assessment, emissions from the Imperial Valley Solar Project would not contribute significantly to morbidity or mortality in any age or ethnic group residing in the project area.

### **C.6.2 INTRODUCTION**

---

The purpose of this Supplemental Staff Assessment (SSA) is to determine if emissions of toxic air contaminants (TACs) from the proposed Imperial Valley Solar (IVS) Project would have the potential to cause significant (under the California Environmental Quality Act) adverse public health and safety impacts or to violate standards for public health protection. If potentially significant health and safety impacts are identified, staff will evaluate mitigation measures to reduce such impacts to insignificant levels.

In addition to the analysis contained in this Public Health and Safety Section that focuses on potential effects to the public from emissions of toxic air contaminants, other related aspects to the assessment of potential public health and safety impacts from Imperial Valley are considered elsewhere in this document as listed and briefly described below:

- Air Quality - evaluates the expected air quality impacts from the emissions of criteria air pollutants from construction, operation, and decommissioning of the Imperial Valley Project; Criteria air pollutants are defined as air contaminants for which the state and/or federal governments have established an ambient air quality standard to protect public health;
- Hazardous Materials Management - evaluates the potential impacts on public and worker health from accidental releases of hazardous materials;
- Socioeconomics and Environmental Justice - evaluates project-induced changes on community services including law enforcement and hospitals;
- Soil and Water Resources – evaluates the potential for Imperial Valley to cause contamination of soil and water resources, to exacerbate flooding, and to cause adverse effects to water supply in consideration of other existing users and projected needs;
- Transmission Line Safety and Nuisance – evaluates potential effects associated with proposed transmission lines accounting for both the physical presence of the lines

and the physical interactions of their electric and magnetic fields; The potential effects include aviation safety, interference with radio-frequency communication, audible noise, fire hazards, hazardous shocks, nuisance shocks, and electric and magnetic field (EMF) exposure.

- Worker Safety and Fire Protection - assess the worker safety and fire protection measures proposed by the applicant including determining whether the project would have any adverse impacts on fire protection and emergency medical services that are also relied upon by the public;
- Waste Management - evaluates issues associated with wastes generated from the proposed project construction, operation, and decommissioning including ensuring that wastes would be managed in an environmentally safe manner.

### **C.6.3 METHODOLOGY AND THRESHOLDS FOR DETERMINING ENVIRONMENTAL CONSEQUENCES**

---

The analysis of proposed project effects must comply with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) requirements given the respective power plant licensing and land jurisdictions of the California Energy Commission and U.S. Bureau of Land Management (BLM). CEQA requires that the significance of individual effects be determined by the Lead Agency; however, the use of specific significance criteria is not required by NEPA.

Because this document is intended to meet the requirements of both NEPA and CEQA, the methodology used for determining environmental impacts of the proposed project includes a consideration of guidance provided by both laws.

CEQA requires a list of criteria that are used to determine the significance of identified impacts. A significant impact is defined by CEQA as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project” (State CEQA Guidelines Section 15382).

In comparison, NEPA states that “‘Significantly’ as used in NEPA requires considerations of both context and intensity...” (40 CFR 1508.27). Therefore, thresholds serve as a benchmark for determining if a project action will result in a significant adverse environmental impact when evaluated against the baseline. NEPA requires that an Environmental Impact Statement (EIS) is prepared when the proposed federal action (project) as a whole has the potential to “significantly affect the quality of the human environment.”

Thresholds for determining significance in this section are based on Appendix G of the CEQA Guidelines (CCR 2006) and performance standards or thresholds identified by the Energy Commission staff. In addition, staff’s evaluation of the environmental effects of the proposed project on land uses (i.e., those listed below) includes an assessment of the context and intensity of the impacts, as defined in the NEPA implementing regulations 40 CFR Part 1508.27.

Effects of the proposed project on the land use environment (and in compliance with both CEQA and NEPA) have been determined using the thresholds listed below.

The **PUBLIC HEALTH** section of this staff assessment discusses toxic emissions into the air to which the public could be exposed during project construction, operation, and decommissioning. Following the release of toxic contaminants into the air, people may come into contact with them through inhalation, dermal contact, or ingestion via contaminated food or water.

Air pollutants for which no ambient air quality standards have been established are called noncriteria pollutants. Unlike criteria pollutants such as ozone, carbon monoxide, sulfur dioxide, or nitrogen dioxide, noncriteria pollutants have no ambient (outdoor) air quality standards that specify levels considered safe for everyone.

Since noncriteria pollutants do not have such standards, a health risk assessment is used to determine if people might be exposed to those types of pollutants at unhealthy levels. The risk assessment consists of the following steps:

- identify the types and amounts of hazardous substances that Imperial Valley could emit to the environment;
- estimate worst-case concentrations of project emissions in the environment using dispersion modeling;
- estimate amounts of pollutants that people could be exposed to through inhalation, ingestion, and dermal contact; and
- characterize potential health risks by comparing worst-case exposure to safe standards based on known health effects.

Staff relies upon the expertise of the California Environmental Protection Agency (Cal/EPA) Office of Environmental Health Hazard Assessment (OEHHA) to identify contaminants that are known to the state to cause cancer or other noncancer toxicological endpoints and to calculate the toxicity and cancer potency factors of these contaminants. Staff also relies upon the expertise of the California Air Resources Board and the local air districts to conduct ambient air monitoring of toxic air contaminants and the state Department of Public Health to conduct epidemiological investigations into the impacts of pollutants on communities. It is not within the purview or the expertise of the Energy Commission staff to duplicate the expertise and statutory responsibility of these agencies.

Initially, a screening level risk assessment is performed using simplified assumptions that are intentionally biased toward protection of public health. That is, an analysis is designed that overestimates public health impacts from exposure to project emissions. In reality, it is likely that the actual risks from the power plant will be much lower than the risks as estimated by the screening level assessment. The risks for screening purposes are based on examining conditions that would lead to the highest, or worst-case, risks and then using those conditions in the study. Such conditions include:

- using the highest levels of pollutants that could be emitted from the plant;
- assuming weather conditions that would lead to the maximum ambient concentration of pollutants;
- using the type of air quality computer model which predicts the greatest plausible impacts;

- calculating health risks at the location where the pollutant concentrations are estimated to be the highest;
- assuming that an individual's exposure to cancer-causing agents occurs continuously for 70 years; and
- using health-based standards designed to protect the most sensitive members of the population (i.e., the young, elderly, and those with respiratory illnesses).

A screening level risk assessment will, at a minimum, include the potential health effects from inhaling hazardous substances. Some facilities may also emit certain substances that could present a health hazard from noninhalation pathways of exposure (OEHHA 2003, Tables 5.1, 6.3, 7.1). When these substances are present in facility emissions, the screening level analysis includes the following additional exposure pathways: soil ingestion, dermal exposure, and mother's milk (OEHHA 2003, p. 5-3).

The risk assessment process for this project addresses two categories of health impacts: chronic (long-term) noncancer effects, and cancer risk (also long-term). Since the only TAC emitted from this project would be diesel particulate from emergency diesel-fueled engines, and since only long-term health effects have been established for diesel particulate, no acute (short-term) health effects are calculated for this project.

Chronic health effects are those that arise as a result of long-term exposure to airborne concentrations of pollutants. The exposure period is considered to be approximately from 12% to 100% of a lifetime, or from 8 to 70 years (OEHHA 2003, p. 6-5). Chronic health effects include diseases such as reduced lung function and heart disease.

The analysis for noncancer health effects compares the maximum project contaminant levels to safe levels called *Reference Exposure Levels*, or RELs. These are amounts of toxic substances to which even sensitive people can be exposed and suffer no adverse health effects (OEHHA 2003, p. 6-2). These exposure levels are designed to protect the most sensitive individuals in the population, such as infants, the aged, and people suffering from illness or disease which makes them more sensitive to the effects of toxic substance exposure. The Reference Exposure Levels are based on the most sensitive adverse health effect reported in the medical and toxicological literature and include margins of safety. The margin of safety addresses uncertainties associated with inconclusive scientific and technical information available at the time of standard setting and is meant to provide a reasonable degree of protection against hazards that research has not yet identified. The margin of safety is designed to prevent pollution levels that have been demonstrated to be harmful, as well as to prevent lower pollutant levels that may pose an unacceptable risk of harm, even if the risk is not precisely identified as to nature or degree. Health protection is achieved if the estimated worst-case exposure is below the relevant reference exposure level. In such a case, an adequate margin of safety exists between the predicted exposure and the estimated threshold dose for toxicity.

Exposure to multiple toxic substances may result in health effects that are equal to, less than, or greater than effects resulting from exposure to the individual chemicals. Only a small fraction of the thousands of potential combinations of chemicals have been tested for the health effects of combined exposures. In conformity with the California Air

Pollution Control Officers Association (CAPCOA) guidelines, the health risk assessment assumes that the effects of each substance are additive for a given organ system (OEHHA 2003, pp. 1-5, 8-12). Other possible mechanisms due to multiple exposures include those cases where the actions may be synergistic or antagonistic (where the effects are greater or less than the sum, respectively). For these types of substances, the health risk assessment could underestimate or overestimate the risks.

For carcinogenic substances, the health assessment considers the risk of developing cancer and assumes that continuous exposure to the cancer-causing substance occurs over a 70-year lifetime. The risk that is calculated is not meant to project the actual expected incidence of cancer, but rather a theoretical upper-bound number based on worst-case assumptions.

Cancer risk is expressed in chances per million and is a function of the maximum expected pollutant concentration, the probability that a particular pollutant will cause cancer (called *potency factors* and established by OEHHA), and the length of the exposure period. Cancer risks for each carcinogen are added to yield total cancer risk. The conservative nature of the screening assumptions used means that actual cancer risks due to project emissions are likely to be considerably lower than those estimated.

The screening analysis is performed to assess worst-case risks to public health associated with the proposed project. If the screening analysis predicts no significant risks, then no further analysis is required. However, if risks are above the significance level, then further analysis, using more realistic site-specific assumptions, would be performed to obtain a more accurate assessment of potential public health risks. This methodology is also consistent with U.S. EPA risk assessment guidelines for public health assessments prepared pursuant to NEPA.

### **Significance Criteria**

Energy Commission staff determines the health effects of exposure to toxic emissions based on impacts to the maximum exposed individual. This is a person hypothetically exposed to project emissions at a location where the highest ambient impacts were calculated using worst-case assumptions, as described above.

As described earlier, noncriteria pollutants for this project are evaluated for long-term (chronic) noncancer health effects as well as cancer (long-term) health effects. The significance of project health impacts is determined separately for each of these categories.

### **Chronic Noncancer Health Effects**

Staff assesses the significance of noncancer health effects by calculating a *hazard index*. A hazard index is a ratio comparing exposure from facility emissions to the reference (safe) exposure level. A ratio of less than 1.0 signifies that the worst-case exposure is below the safe level. The hazard index for every toxic substance that has the same type of health effect is added to yield a Total Hazard Index. A Total Hazard Index of less than 1.0 indicates that cumulative worst-case exposures are less than the reference exposure levels. Under these conditions, health protection from the project is

likely to be achieved, even for sensitive members of the population. In such a case, staff presumes that there would be no significant noncancer project-related public health impacts.

### **Cancer Risk**

Staff relied upon regulations implementing the provisions of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986, (Health & Safety Code, §§25249.5 et seq.) for guidance to determine a cancer risk significance level. Title 22, California Code of Regulations section 12703(b) states that “the risk level which represents no significant risk shall be one which is calculated to result in one excess case of cancer in an exposed population of 100,000, assuming lifetime exposure.” This level of risk is equivalent to a cancer risk of 10 in 1 million, which is also written as  $10 \times 10^{-6}$ . An important distinction is that the Proposition 65 significance level applies separately to each cancer-causing substance, whereas staff determines significance based on the total risk from all cancer-causing chemicals. Thus, the manner in which the significance level is applied by staff is more conservative (health-protective) than that applied by Proposition 65. The significant risk level of 10 in 1 million is consistent with the level of significance adopted by many air districts. In general, these air districts would not approve a project with a cancer risk exceeding 10 in 1 million.

As noted earlier, the initial risk analysis for a project is typically performed at a screening level, which is designed to overstate actual risks, so that health protection can be ensured. Staff’s analysis also addresses potential impacts on all members of the population including the young, the elderly, people with existing medical conditions that may make them more sensitive to the adverse effects of toxic air contaminants and any minority or low-income populations that are likely to be disproportionately affected by impacts. To accomplish this goal, staff uses the most current acceptable public health exposure levels set to protect the public from the effects of airborne toxics. When a screening analysis shows cancer risks to be above the significance level, refined assumptions would likely result in a lower, more realistic risk estimate. Based on refined assumptions, if risk posed by the facility exceeds the significance level of 10 in 1 million, staff would require appropriate measures to reduce the risk to less than significant. If, after all risk reduction measures had been considered, a refined analysis identifies a cancer risk greater than 10 in 1 million, staff would deem such risk to be significant and would not recommend project approval. This assumption is also consistent with U.S. EPA risk management guidelines.

## Laws, Ordinances, Regulations, and Standards

**PUBLIC HEALTH AND SAFETY Table 1**  
**Laws, Ordinances, Regulations, and Standards (LORS)**

<b>Applicable Law</b>	<b>Description</b>
Federal	
Clean Air Act section 112 (Title 42, U.S. Code section 7412)	This act requires new sources that emit more than 10 tons per year of any specified Hazardous Air Pollutant (HAP) or more than 25 tons per year of any combination of HAPs to apply Maximum Achievable Control Technology.
State	
California Health and Safety Code section 25249.5 et seq. (Proposition 65)	These sections establish thresholds of exposure to carcinogenic substances above which Prop 65 exposure warnings are required.
California Health and Safety Code section 41700	This section states that “no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause injury or damage to business or property.”
California Public Resource Code section 25523(a); Title 20 California Code of Regulations (CCR) section 1752.5, 2300–2309 and Division 2 Chapter 5, Article 1, Appendix B, Part (1); California Clean Air Act, Health and Safety Code section 39650, et seq.	These regulations require a quantitative health risk assessment for new or modified sources, including power plants that emit one or more toxic air contaminants (TACs).
Local	
Imperial County Air Pollution Control District (ICAPCD) Rule 216	Requires use of T-BACT for major sources.
ICAPCD Rule 309	Requires annual fees for the Air Toxic Hot Spots (AB2588).
ICAPCD Rule 407	States that no source shall cause injury, detriment, nuisance or annoyance to the public, which could endanger their comfort, repose, health and safety, or property.
ICAPCD Rule 1002	California Airborne Toxic Control Measures.

## C.6.4 PROPOSED PROJECT

---

### C.6.4.1 SETTING AND EXISTING CONDITIONS

This section describes the environment in the vicinity of the proposed project site from the public health perspective. Characteristics of the natural environment, such as meteorology and terrain, affect the project's potential for causing impacts on public health. An emissions plume from a facility may affect elevated areas before lower terrain areas due to a reduced opportunity for atmospheric mixing. Consequently, areas of elevated terrain can often be subjected to increased pollutant impacts. Also, the types of land use near a site influence the surrounding population distribution and density, which, in turn, affect public exposure to project emissions. Additional factors affecting potential public health impacts include existing air quality, existing health concerns, and environmental site contamination.

#### **Site and Vicinity Description**

The project would be located in Imperial County between Plaster City and Interstate 8, on lands that are managed by the Bureau of Land Management (BLM) or by Imperial County. Land uses in the vicinity of the proposed project include industrial, recreational, residential, and agricultural (SES 2008a, Section 5.9.1). The nearest residence is located approximately 2,500 feet northwest of the property boundary, and the nearest sensitive receptor is the Westside Elementary School, located about 4 miles east of the project site (SES 2008a, Section 5.16.1).

The site elevation is below sea level, and the topography in the vicinity of the project is generally flat or slightly sloping. Elevated terrain exists to the north, east, and west of the project site where several mountain ranges rise to elevations ranging from 600 to 4,800 feet above mean sea level. However, the nearest elevated terrain is about 7 miles west of the project site (SES 2008a, Section 5.2.2.3).

#### **Meteorology**

Meteorological conditions, including wind speed, wind direction, and atmospheric stability, affect the extent to which pollutants are dispersed into ambient air as well as the direction of pollutant transport. This, in turn, affects the level of public exposure to emitted pollutants and associated health risks. When wind speeds are low and the atmosphere is stable, for example, dispersion is reduced, and localized exposure may be increased.

Imperial County is characterized by a desert climate; summers are hot and dry, winters are moderate with low precipitation, and temperature inversions are strong. Winds generally flow from the west and southwest across the region (SES 2008a, Section 5.2.1.1 and Figure 5.2-2).

Atmospheric stability is a measure related to turbulence, or the ability of the atmosphere to disperse pollutants due to convective air movement. Mixing heights (the height above ground level through which the air is well mixed and in which pollutants can be dispersed) are lower during mornings due to temperature inversions and increase during the warmer afternoons. Staff's **Air Quality** section presents more detailed meteorological data.



### **Existing Air Quality**

The proposed site is within the jurisdiction of the Imperial County Air Pollution Control District (ICAPCD). By examining average toxic air contaminants' concentration levels from representative air monitoring sites with cancer risk factors specific to each contaminant, lifetime cancer risk can be calculated to provide a background risk level for inhalation of ambient air. For comparison purposes, it should be noted that the overall lifetime cancer risk for the average individual in the United States is about 1 in 3, or 333,000 in 1 million.

There are several air quality monitoring stations operated by the ICAPCD, the closest of which is the El Centro 9<sup>th</sup> Street Station, located about 14 miles east of the proposed site. Data from this monitoring stations shows that the annual arithmetic mean for PM10 ranged between 34 and 44  $\mu\text{g}/\text{m}^3$  during 2005 and 2006, and that the annual arithmetic mean for PM2.5 ranged between 8.5 and 9.7  $\mu\text{g}/\text{m}^3$  during 2004 to 2007 (SES 2008a, Section 5.2.1.2 and Tables 5.2-5 and 5.2-8). The next closest station is the Calexico Monitoring Station, located approximately 22 miles southeast of the project site. Data from this monitoring site was used by the California Air Resources Board to calculate the total background cancer risk for the region, which was found to be 135 in one million (CARB 2009).

The use of reformulated gasoline, beginning in the second quarter of 1996, as well as other toxics reduction measures, have led to a decrease of ambient levels of toxics and associated cancer risk during the past few years in all areas of the state and the nation. For example, in the San Francisco Bay Area, cancer risk was 342 in 1 million based on 1992 data, 315 in 1 million based on 1994 data, and 303 in 1 million based on 1995 data. In 2002, the most recent year for which data is available, the average inhalation cancer risk decreased to 162 in 1 million (BAAQMD 2004b, p. 12).

### **Existing Public Health Concerns**

When evaluating a new project, staff often conducts a detailed study and analysis of existing public health issues in the project vicinity. This analysis is prepared in order to identify the current status of respiratory diseases (including asthma), cancer, and childhood mortality rates in the population located near the proposed project. Assessing existing health concerns in the project area will provide staff with a basis on which to evaluate the significance of any additional health impacts from the proposed Imperial Valley project and evaluate any proposed mitigation. Because of the very low population in the immediate vicinity of the project and because no existing health issues within a 6-mile radius of the project have been identified by the applicant (SES 2008a, Section 5.16.1), staff did not conduct an analysis of existing public health issues.

## C.6.4.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION

---

### DIRECT/INDIRECT IMPACTS AND MITIGATION

#### Proposed Project - Construction Impacts and Mitigation

Potential risks to public health during construction may be associated with exposure to toxic substances in contaminated soil disturbed during site preparation, as well as diesel exhaust from heavy equipment operation. Criteria pollutant impacts from the operation of heavy equipment and particulate matter from earth moving are examined in staff's **Air Quality** analysis.

Site disturbances occur during facility construction from excavation, grading, and earth moving. Such activities have the potential to adversely affect public health through various mechanisms, such as the creation of airborne dust, material being carried off site through soil erosion, and uncovering buried hazardous substances. A Phase I Environmental Site Assessment conducted for this site identified no "Recognized Environmental Conditions" per the American Society for Testing and Materials Standards (ASTM) definition. That is, there was no evidence or record of any use, spillage, or disposal of hazardous substances on the site, nor was there any other environmental concern that would require remedial action. One area of potential concern was identified off-site, consisting of waste disposal ponds that may have affected soil or groundwater at the Imperial Valley site (SES 2008a, Appendix T). In the event that any unexpected contamination is encountered during construction, proposed Conditions of Certification **Waste-1** and **Waste-2** (which require a registered professional engineer or geologist to be available during soil excavation and grading to ensure proper handling and disposal of contaminated soil) would ensure that contaminated soil does not affect the public. See the staff assessment section on **Waste Management** for a more detailed analysis of this topic.

The operation of construction equipment would result in air emissions from diesel-fueled engines. Diesel emissions are generated from sources such as trucks, graders, cranes, welding machines, electric generators, air compressors, and water pumps. Although diesel exhaust contains criteria pollutants such as nitrogen oxides, carbon monoxide, and sulfur oxides, it also includes a complex mixture of thousands of gases and fine particles. These particles are primarily composed of aggregates of spherical carbon particles coated with organic and inorganic substances. Diesel exhaust contains over 40 substances that are listed by the U.S. Environmental Protection Agency (U.S. EPA) as hazardous air pollutants and by the California Air Resources Board (ARB) as toxic air contaminants.

Exposure to diesel exhaust may cause both short- and long-term adverse health effects. Short-term effects can include increased coughing, labored breathing, chest tightness, wheezing, and eye and nasal irritation. Long-term effects can include increased coughing, chronic bronchitis, reductions in lung function, and inflammation of the lung. Epidemiological studies also strongly suggest a causal relationship between occupational diesel exhaust exposure and lung cancer.

Based on a number of health effects studies, the Scientific Review Panel on Toxic Air Contaminants recommended a chronic reference exposure level (see discussion of reference exposure levels in Method of Analysis section above) for diesel exhaust particulate matter of 5 micrograms of diesel particulate matter per cubic meter of air ( $\mu\text{g}/\text{m}^3$ ) and a cancer unit risk factor of  $3 \times 10^{-4} (\mu\text{g}/\text{m}^3)^{-1}$  (SRP 1998, p. 6).<sup>1</sup> The Scientific Review Panel did not recommend a value for an acute Reference Exposure Level since available data in support of a value was deemed insufficient. On August 27, 1998, ARB listed particulate emissions from diesel-fueled engines as a toxic air contaminant and approved the panel's recommendations regarding health effect levels.

Construction of the Imperial Valley project is anticipated to take place over a period of 40 months. Section 5.2.2 of the Responses to CEC and BLM Data Requests (SES 2009i) presents diesel exhaust emission factors and daily emissions from construction equipment. The applicant estimated worst-case emissions of 457 pounds per day of PM10 and 71 pounds per day of PM2.5 during construction (SES 2009i, Table 5.2-20 revised). The applicant has not estimated the health risks resulting from construction activities due to the short duration of this phase (SES 2008a, Section 5.16.2.2). Staff also did not conduct a quantitative assessment of construction impacts on public health because of the distance to the sparsely populated area surrounding the site and because staff has found numerous times using quantitative risk assessment tools that impacts due to construction vehicle diesel emissions are invariably less than significant even to close-in receptors. Also, as noted earlier, assessment of chronic (long-term) health effects assumes continuous exposure to toxic substances over a significantly longer time period, typically from 8 to 70 years.

Additionally, mitigation measures are proposed by both the applicant and Energy Commission staff to reduce the maximum calculated PM10 and PM2.5 emissions and thus reduce the potential impacts even further. These mitigation measures can be found in the **Air Quality** section of this document and include the use of extensive fugitive dust and diesel exhaust control measures. The fugitive dust control measures are assumed to result in 90% reductions of emissions. In order to further mitigate potential impacts from particulate emissions during the operation of diesel-powered construction equipment, Energy Commission staff recommends the use of ultra-low sulfur diesel fuel and Tier 2 or Tier 1 California Emission Standards for Off-Road Compression-Ignition Engines or the installation of an oxidation catalyst and soot filters on diesel equipment. The catalyzed diesel particulate filters are passive, self-regenerating filters that reduce particulate matter, carbon monoxide, and hydrocarbon emissions through catalytic oxidation and filtration. The degree of particulate matter reduction is comparable for both mitigation measures in the range of approximately 85–92%. Such filters will reduce diesel emissions during construction and reduce any potential for significant health impacts.

## **Proposed Project - Operation Impacts and Mitigation**

### **Emissions Sources**

The only stationary source of emissions at the proposed Imperial Valley would be one emergency diesel generator which would be operated once a week for about 15

minutes. This represents a modification of the original application in which the emergency fire water pump was also diesel-fueled (SES 2009q, Section 2.16.2). Mobile sources would have included diesel vehicles for washing the mirrors and other on-site maintenance vehicles. However, in order to reduce public health impacts during the operational phase of the project, the applicant proposes to use an electric fire water pump instead of a diesel pump, gasoline instead of diesel vehicles for mirror washing and other maintenance purposes, electric or hybrid vehicles for security purposes, and reducing the number of trips and miles traveled during operations. Thus the only TAC that would be emitted from Imperial Valley from stationary and mobile sources would be diesel particulate matter from the emergency generator.

## Emissions Levels

Once potential emissions are identified, the next step is to quantify them by conducting a “worst case” analysis. Maximum annual emissions are required to calculate cancer and chronic (long-term) noncancer health effects.

Table 5.16-1 and Appendix DD of the AFC provide the maximum hourly and annual emission rates of diesel particulate calculated for the two emergency engines originally proposed for this project based on emission factors obtained from the vendor.

The next step in the health risk assessment process is to estimate the ambient concentrations of toxic substances. This is accomplished by using a screening air dispersion model and assuming conditions that result in maximum impacts. The applicant’s screening analysis was performed using the SCREEN3 model. Ambient concentrations were used in conjunction with Reference Exposure Levels and cancer unit risk factors to estimate health effects that might occur from exposure to facility emissions. Exposure pathways, or ways in which people might come into contact with toxic substances, include inhalation, dermal (through the skin) absorption, soil ingestion, consumption of locally grown plant foods, and mother’s milk.

The above method of assessing health effects is consistent with OEHHA’s Air Toxics Hot Spots Program Risk Assessment Guidelines (OEHHA, 2003) referred to earlier and results in the following health risk estimates.

## Impacts

The applicant’s screening health risk assessment for the project as originally proposed (including two diesel emergency engines) resulted in a maximum chronic Hazard Index (HI) of 0.00003 and a worst-case individual cancer risk of 0.01 in 1 million at the location of maximum impact (SES 2008a, Table 5.16-2). As **PUBLIC HEALTH Table 2** shows, both the chronic hazard index and the cancer risk are below the level of significance, indicating that no long-term adverse health effects are expected. Since the results of the originally conducted HRA show that no significant public health effects would occur, the applicant did not revise the HRA to reflect the elimination of the diesel fire water pump in favor of an electric pump (SES 2009q, Section 2.16.2). The decrease in TAC emissions due to removal of the diesel-fueled fire water pump would only reduce the projected health impacts which are already found to be insignificant under worst-case conditions.

**PUBLIC HEALTH Table 2**  
**Operation Hazard/Risk at Point of Maximum Impact: Applicant Assessment**

Type of Hazard/Risk	Hazard Index/Risk	Significance Level	Significant?
<b>Chronic Noncancer</b>	0.00003	1.0	No
<b>Individual Cancer</b>	0.01 in a million	10.0 in a million	No

Source: SES 2008a, Table 5.16-2

Staff conducted a quantitative evaluation of the risk assessment results presented in the Imperial Valley Project AFC (SES 2008a), the 2009 Supplement to Imperial Valley AFC (SES 2009q) and the applicant's responses to comments (SES 2009i).

Staff's quantitative analysis of facility operations included the following:

- Stack parameters, building parameters, emission rates and locations of sources were obtained from the AFC and the applicant's comments on the SA/DEIS.
- Emissions from the diesel emergency generator were included in the analysis.
- Used a receptor grid of -10,000 to 10,000 m east and -10,000 to 10,000 m north, at 200 m increments. Also modeled risks at residential and sensitive receptors identified in the AFC, and at the off-site point of maximum impact, which was located at the facility fenceline, and the on-site worker.
- Exposure pathways assessed include inhalation, ingestion of home-grown produce, dermal absorption, soil ingestion and mother's milk.

Atmospheric dispersion modeling was conducted using the CARB/OEHHA Hotspots Analysis and Reporting Program (HARP), Version 1.4a. Screening meteorological data was used, as local meteorological data compatible for use in the HARP ISCST analysis was not provided by the applicant.

The emission factors used in staff's analysis of cancer risk and hazard for diesel emissions from the emergency generator were obtained from the applicant's comments on the SA/DEIS and are listed below:

- Diesel annual emission rate from emergency generator: 0.58 lb/yr
- Diesel hourly emission rate from emergency generator: 0.04 lb/hr

For cancer risk calculations using the HARP model, staff used the "Derived(Adjusted)Method" and for chronic noncancer hazard staff used the "Derived(OEHHA)Method".

Results of staff's analysis are summarized in **PUBLIC HEALTH Table 3** and are compared to the results presented by the applicant for Imperial Valley.

**PUBLIC HEALTH Table 3: Results of Staff's Analysis and the Applicant's Analysis for Cancer Risk and Chronic Hazard Index (HI).**

	Staff's Analysis (emissions from diesel emergency generator only)		Applicant's Analysis (emissions from diesel emergency generator and diesel fire pump)	
	Cancer Risk (per million)	Chronic HI	Cancer Risk (per million)	Chronic HI
PMI	0.047	0.000029	0.01	0.00003
MEIR	0.0020	0.0000012	n/a	n/a
MEIW	0.046	0.00015	n/a	n/a
Sensitive Receptor	0.00082	0.00000052	n/a	n/a

Note:

*PMI= point of maximum impact determined in staff's analysis; the PMI is located at the facility fenceline*

*MEIR = maximally exposed individual, residential is located at a residence approximately 3.7 miles west of the site of the diesel emergency generator*

*MEIW = maximally exposed individual, worker; the MEIW is located on-site*

*Sensitive Receptor is located at Westside Elementary School, located approximately 8.3 miles east of the site of the diesel emergency generator*

*n/a = not addressed*

### **Supplemental Project Description**

On May 5, 2010, the applicant submitted a Supplemental Project Description that assessed impacts from proposed project changes that included modifications to the transmission line alignment, the waterline alignment, an alternative water supply, and modifications to onsite hydrogen storage. This supplement concluded that these modifications did not result in any significant impacts to public health. Staff has reviewed and evaluated these modifications and concurs that the impacts are below the level of significance.

### **Proposed Project - Closure and Decommissioning Impacts and Mitigation**

Closure of the proposed Imperial Valley Project (temporary or permanent) would follow a Project Closure Plan prepared by the applicant and designed to minimize public health and environmental impacts. Permanent closure would presumably occur 40 years after the start of operation unless the project remains economically viable. Decommissioning procedures would be consistent with all applicable LORS and would be submitted to the Energy Commission or approval before implementation (SES 2008a, Section 3.12). Staff expects that impacts to public health from the closure and decommissioning process would represent a small fraction of the impacts associated with the construction or operation of the proposed Imperial Valley. Therefore based on staff's analysis for the construction and operation phases of this project, staff concludes that public health-related impacts from closure and decommissioning of the Imperial Valley would be insignificant.

## **C.6.5 300 MEGAWATT ALTERNATIVE**

---

The 300 MW alternative would essentially be Phase 1 of the proposed 750 MW project (see Alternatives Figure 1), and would consist of 12,000 SunCatchers with a net generating capacity of approximately 300 MW occupying approximately 2,600 acres of land. This alternative would transmit power to the grid through the SDG&E Imperial Valley Substation and would require infrastructure similar to the proposed 750 MW project, including a water supply pipeline, transmission line, road access, operations facilities, substation, and hydrogen system (SES 2008a). Infrastructure associated with this alternative would require approximately 40 acres. This alternative would retain 40% of the SunCatchers and would affect 40% of the land of the proposed 750 MW project.

### **C.6.5.1 SETTING AND EXISTING CONDITIONS**

The setting for this alternative would be approximately 2,600 acres or 40% of the lands affected by the proposed project. Lands affected by this alternative would be located on the western portion of the proposed project site, and would all be under the jurisdiction of the BLM. Please see the discussion existing conditions within affected BLM lands under Section C.8.4.1

### **C.6.5.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The types of construction and operational impacts of the 300 MW alternative would be the same as those of the proposed project, as described in Section C.6.4.2. The proposed project impacts are found to be less than significant, and impacts of this alternative would be even smaller – although marginally so - due to the smaller extent of construction disturbance and the smaller number of SunCatchers of the alternative.

## **C.6.6 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

---

The first of two alternatives developed to reduce impacts to the waters of the U.S. would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries. This alternative is illustrated in **Alternatives Figure 1B**. This alternative would have the same outer project boundaries as the proposed project, but it would include prohibition of installing permanent structures within drainages, thereby reducing the available acreage for development to 4,690 acres, and reducing the number of SunCatchers from 30,000 under the proposed project to 25,290.

### **C.6.6.1 Setting and Existing Conditions**

The setting for this alternative would be the same as for the proposed project, including all the area within the proposed project boundaries. While the alternative boundaries would be the same as for the proposed project, development within the boundaries would be less dense due to avoidance of primary drainages. All land would all be under the jurisdiction of the BLM. Please see the discussion existing conditions within affected BLM lands under Section C.8.4.1

### **C.6.6.2 Assessment of Impacts and Discussion of Mitigation**

The types of construction and operational impacts of the Drainage Avoidance #1 alternative would be the same as those of the proposed project, as described in Section

C.6.4.2. The proposed project impacts are found to be less than significant, and impacts of this alternative would be even smaller – although marginally so - due to the smaller extent of construction disturbance and the smaller number of SunCatchers of the alternative.

#### **C.6.6.3 CEQA Level of Significance**

Like the proposed project, emissions from the Drainage Avoidance #1 alternative would not contribute significantly to morbidity or mortality in any age or ethnic group residing in the project area. No construction or operational impacts are found to be significant, and no mitigation measures (Conditions of Certification) are required.

### **C.6.7 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

---

The Drainage Avoidance #2 alternative would eliminate both the eastern and westernmost portions of the proposed project, where the largest drainage complexes are located. This alternative is shown in **Alternatives Figure 1C**. It would reduce the overall size of the project site by 3,347 acres (from 6,500 acres to 3,153 acres) It would also reduce the number of SunCatchers from 30,000 under the proposed project to 16,915. In this alternative, permanent structures would be allowed within all drainages inside the revised project boundaries.

#### **C.6.7.1 Setting and Existing Conditions**

The setting for this alternative would be the same as for the proposed project, except that for the Drainage Avoidance #2 alternative, the areas at the western and eastern ends of the proposed project would be excluded from the developed area. Development within the smaller site boundaries would be at the same density as the proposed project. All land would all be under the jurisdiction of the BLM. Please see the discussion existing conditions within affected BLM lands under Section C.8.4.1

#### **C.6.7.2 Assessment of Impacts and Discussion of Mitigation**

The types of construction and operational impacts of the Drainage Avoidance #2 alternative would be the same as those of the proposed project, as described in Section C.6.4.2. The proposed project impacts are found to be less than significant, and impacts of this alternative would be even smaller due to the much smaller extent of construction disturbance and the smaller number of SunCatchers of the alternative.

#### **C.6.7.3 CEQA Level of Significance**

Like the proposed project, emissions from the Drainage Avoidance #2 alternative would not contribute significantly to morbidity or mortality in any age or ethnic group residing in the project area. No construction or operational impacts are found to be significant, and no mitigation measures (Conditions of Certification) are required.

### **C.6.8 NO ACTION ALTERNATIVE**

---

There are three No Project/No Action Alternatives evaluated in this section, as follows:



## **NO PROJECT/NO ACTION ALTERNATIVE #1:**

### **No Action on the Imperial Valley Solar Project application and on CDCA land use plan amendment**

Under this alternative, the proposed Imperial Valley Project would not be approved by the Energy Commission and BLM and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

#### **C.6.8.1 SETTING AND EXISTING CONDITIONS**

The land use setting for the No Project/No Action Alternative would include lands that would contain the proposed project site, and associated linear facilities. Subsection C.8.4.1 (above) describes in detail the lands that would be affected.

#### **C.6.8.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

In the No Project / No Action Alternative, the proposed action would not be undertaken. The BLM land on which the project is proposed would continue to be managed within BLM's framework of a program of multiple use and sustained yield, and the maintenance of environmental quality [43 U.S.C. 1781 (b)] in conformance with applicable statutes, regulations, policy and land use plan. For example, there are seven large solar projects proposed on BLM land within the area served by the BLM El Centro Field Office, and there are currently 70 applications for solar projects covering 611,692 acres pending with BLM in the California Desert District.

Under the No Project/No Action alternative, the public health-related impacts of the Imperial Valley project would not occur at the proposed site. In addition, the benefits of the proposed project in reducing greenhouse gas emissions from gas-fired generation would not occur. Both State and Federal law support the increased use of renewable power generation.

#### **C.6.8.3 CEQA LEVEL OF SIGNIFICANCE**

Under the No Project/No Action alternative, public health impacts to the proposed project site and area would be similar as those currently occurring under the existing conditions in the area. Given that there would be no significant change over the existing conditions, the public health impacts of the No Project/No Action alternative would be less-than-significant.

## **NO PROJECT/NO ACTION ALTERNATIVE #2:**

### **No Action on Imperial Valley Solar Project and amend the CDCA land use plan to make the area available for future solar development**

Under this alternative, the proposed Imperial Valley Project would not be approved by the Energy Commission and BLM and BLM would amend the CDCA Land Use Plan of 1980, as amended, to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site would be developed with the same or a different solar technology. It is expected that public health-related impacts would result from the construction and operation of the solar technology and would likely be similar to the public health-related impacts from the proposed project. As such, this No Project/No Action Alternative could result in the public health-related impacts similar to the impacts under the proposed project.

### **NO PROJECT/NO ACTION ALTERNATIVE #3:**

#### **No Action on Imperial Valley Solar Project application and amend the CDCA land use plan to make the area unavailable for future solar development**

Under this alternative, the proposed Imperial Valley Project would not be approved by the Energy Commission and BLM and the BLM would amend the CDCA Plan to make the proposed site unavailable for future solar development. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because the CDCA Plan would be amended to make the area unavailable for future solar development, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, this No Project/No Action Alternative would not result in public health-related impacts. However, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

### **C.6.9 CUMULATIVE IMPACTS AND MITIGATION**

---

A project may result in a significant adverse cumulative impact where its effects are cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (California Code Regulation, Title 14, section 15130). NEPA states that cumulative effects can result from individually minor but collectively significant actions taking place over a period of time" (40 CFR §1508.7).

#### **Geographic Extent**

Cumulative impacts can occur if implementation of the Imperial Valley project could combine with those of other local or regional projects. Cumulative impacts would occur locally if Imperial Valley project impacts combined with impacts of projects located within the same air basin. Cumulative impacts could also occur as a result of development of some of the many proposed solar and wind development projects that have been or are expected to be under consideration by the BLM and the Energy Commission in the near future. Many of these projects are located within the California Desert Conservation Area, as well as on BLM land in Nevada and Arizona.

For purposes of the cumulative analysis, the emissions from construction or operation of the Imperial Valley project could potentially combine with emissions from present and

reasonably foreseeable projects to result in adverse health effects to the public. Cumulative impacts to public health could occur as a result of implementation of the Imperial Valley project on both a local and regional level. The geographic extent for the analysis of local cumulative impacts associated with the Imperial Valley project includes the Salton Sea Air Basin (SSAB), which contains all of Imperial County and parts of Riverside County.

### **Cumulative Impact Analysis**

Cumulative impacts of the proposed project and other projects within a 6-mile radius were not evaluated by the applicant. The applicant has stated that there are no current or future projects within a 6-mile radius that could contribute to a public health cumulative impact, and therefore no further analysis was conducted (SES 2008a, Section 5.16.3). Nevertheless, there is a potential for substantial future development in the project area and throughout the southern California desert region, as indicated by the list of planned projects within a 10-mile radius (provided by the applicant), which includes several energy generating projects employing solar or wind technologies (SES 2008a, Table 5.18-3). Staff has analyzed the public health and safety effects of existing and foreseeable projects listed in the Cumulative Impacts section of the AFC (SES 2008a, Section 5.18) as follows.

### **Local Projects**

The maximum cancer risk for emissions from Imperial Valley (calculated by staff) is 0.23 in one million at a point located on-site. The maximum impact location occurs where pollutant concentrations from Imperial Valley would theoretically be the highest. Even at this location, staff does not expect any significant change in lifetime risk to any person and the increase does not represent any real contribution to the average lifetime cancer incidence rate due to all causes (environmental as well as life-style and genetic). Modeled facility-related residential risks are even lower at more distant locations and actual risks are expected to be much lower since worst-case estimates are based on conservative health-protective assumptions and thus overstate the true magnitude of the risk expected. Therefore, staff does not consider the incremental impact of the additional risk posed by Imperial Valley to be either individually or cumulatively significant.

### **Regional Projects**

The nature of public health impacts from exposure to materials that could result in negative health effects combined with the vast area over which the future solar and wind development projects would be built in southeastern California, southern Nevada, and western Arizona, as well as the relative isolation of these projects from sensitive receptors, precludes the potential for impacts of these projects to combine with each other to result in significant impacts. Any emission from construction of these projects would be dispersed over these areas and would not be expected to result in chronic health problems to sensitive receptors. Operation of the future solar and wind energy projects would result in negligible emissions, mostly related to worker vehicles and maintenance trucks, therefore, operation of these future projects would not result in negative regional health effects.

## **Cumulative Impact Conclusion**

Public health impacts of the Imperial Valley project would not combine with impacts of any past, present, or reasonably foreseeable projects to result in cumulatively considerable local or regional impacts. Therefore, no mitigation is recommended to address potential cumulative project impacts.

### **C.6.10 NOTEWORTHY PUBLIC BENEFITS**

---

It is noteworthy that a solar electric generating facility such as the proposed IVS Project would emit significantly less TACs to the environment than other energy sources available in California such as natural gas or biomass, thereby reducing the health risks that would otherwise occur with these non-renewable energy sources. At the same time, the proposed Imperial Valley would provide much needed electrical power to California residences and businesses, and will contribute to electric reliability. Electrical power is not only necessary to maintain a functioning society, but it also benefits many individuals who rely on powered equipment for their health (such as dialysis equipment and temperature control equipment). For example, it is documented that during heat waves in which elevated air-conditioning use causes an electrical blackout, hospitalizations and deaths due to heat stroke are increased and injury/deaths rise from indirect impacts when public safety measures are lost (traffic lights, elevators, etc.).

### **C.6.11 COMPLIANCE WITH LORS**

---

Staff has considered the minority population as identified in **Socioeconomics Figure 1** in its impact analysis and has found no potential significant adverse impacts for any receptors, including environmental justice populations. In arriving at this conclusion, staff notes that its analysis complies with all directives and guidelines from the Cal/EPA Office of Environmental Health Hazard Assessment and the California Air Resources Board. Staff's assessment is biased toward the protection of public health and takes into account the most sensitive individuals in the population. Using extremely conservative (health-protective) exposure and toxicity assumptions, staff's analysis demonstrates that members of the public potentially exposed to toxic air contaminant emissions of this project—including sensitive receptors such as the elderly, infants, and people with pre-existing medical conditions—will not experience any significant chronic or cancer health risk as a result of that exposure. Staff believes that it incorporated every conservative health-protective assumption called for by state and federal agencies responsible for establishing methods for analyzing public health impacts. The results of that analysis indicate that there would be no direct or cumulative significant public health and safety impact to any population in the area. Therefore, given the absence of any significant health impacts, there are no disparate health impacts and there are no environmental justice issues associated with **PUBLIC HEALTH AND SAFETY**.

Staff concludes that construction and operation of the IVS Project will be in compliance with all applicable LORS regarding long-term and short-term project impacts in the area of **PUBLIC HEALTH AND SAFETY**.

## **C.6.12      RESPONSE TO COMMENTS**

---

Staff did not identify any public or agency comments on the **Public Health and Safety** section of the SA/DEIS.

## **C.6.13      PROPOSED CONDITIONS OF CERTIFICATION/MITIGATION MEASURES**

---

No conditions of certification or mitigation measures are proposed.

## **C.6.14      CONCLUSIONS**

---

Staff has analyzed potential public health risks associated with construction and operation of the IVS Project, including the modification described in the May 5, 2010 Supplemental Project Description, and does not expect any significant adverse cancer or long-term health effects to any members of the public, including low income and minority populations, from project toxic emissions. Staff also concludes that its analysis of potential health impacts from the proposed IVS Project uses a conservative health-protective methodology that accounts for impacts to the most sensitive individuals in a given population, including newborns and infants. According to the results of staff's health risk assessment, emissions from Imperial Valley would not contribute significantly or cumulatively to morbidity or mortality in any age or ethnic group residing in the project area.

## **C.6.15      REFERENCES**

---

BAAQMD (Bay Area Air Quality Management District). 2004b. Toxic Air Contaminant Control Program Annual Report 2002. Volume I. June.

California Air Resources Board (CARB) 2002. California Air Quality Data, <<http://www.arb.ca.gov/aqd/aqd.htm>>.

California Air Resources Board (CARB) 2009. Annual Toxics Summaries. <http://www.arb.ca.gov/adam/toxics/toxics.html>

CAPCOA (California Air Pollution Control Officers Association). 1993. CAPCOA Air Toxics "Hot Spots" Program Revised 1992 Risk Assessment Guidelines. Prepared by the Toxics Committee. October.

OEHHA (Office of Environmental Health Hazard Assessment). 2003. *Air Toxics Hot Spots Program Risk Assessment Guidelines*. The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. August.

SES (Stirling Energy Systems Solar Two, LLC) 2008a – Application for Certification for the Stirling Energy Systems (SES) Solar Two Project, Volumes 1 and 2 (tn: 46819). Submitted to the California Energy Commission, June 30, 2008.

SES 2009i Applicant's Response to BLM and Energy Commission Data Requests 53-110 (tn: 50750), March 26, 2009.

SES 2009q Supplement to the Application for Certification for the SES Solar Two Project. Submitted to the California Energy Commission (tn: 51973), June 12, 2009.

SRP (Scientific Review Panel on Toxic Air Contaminants). 1998. Findings of the Scientific Review Panel on The Report on Diesel Exhaust as adopted at the Panel's April 22, 1998, meeting.

## **C.7 - HYDROLOGY, WATER USE, AND WATER QUALITY (SOIL AND WATER RESOURCES)**

Testimony of Philip Lowe, P.E., John Fio, Steven Deverel, Ph.D., P.G.,  
and Christopher Dennis, P.G.

### **C.7.1 SUMMARY OF CONCLUSIONS**

---

With the information provided to date, staff has determined that construction, operation, and decommissioning of the proposed Imperial Valley Solar (formerly known as the Stirling Energy Systems Solar Two) Project could cause potentially significant adverse impact soils, surface water, flooding, surface water quality, ground water quality, and water supply. Staff has also concluded that unmitigable impacts would occur to groundwater storage in the Ocotillo/Coyote Wells Groundwater Basin. Groundwater consumption by the project will deplete basin storage, and the basin is in a condition of overdraft. This storage depletion is a significant negative impact, and it cannot be mitigated without decreasing pumping in other parts of the basin, enhancing recharge, or importing water. These mitigation approaches are not likely feasible for the Ocotillo/Coyote Wells Groundwater Basin, and therefore groundwater storage depletion from project pumping is considered unmitigable.

With the exception to the unmitigable impacts to groundwater storage, staff has proposed mitigation measures to reduce identified impacts to levels that are less than significant where potential impacts have been identified. The mitigation measures, as well as specifications for laws, ordinances, regulations and standards (LORS) conformance, are included herein as conditions of certification. The conditions of certification referred to herein address the California Environmental Quality Act (CEQA) requirements for the Energy Commission's analysis and BLM's needs for a National Environmental Policy Act (NEPA) analysis. With the possible exception of Section 404 of the Clean Water Act, the project would conform with all applicable LORS. Staff's conclusions regarding potential impacts are based on analysis of the information submitted to-date and are presented below:

1. The proposed project would be located in the Yuha Desert of Imperial County in an area characterized by braided, erosive stream channels, flash flooding, alluvial fan conditions, low rainfall, sparse vegetation, and the potential for wind erosion.
2. The project would place more than 5,000 solar dishes, known as SunCatchers, within areas known to be subject to flash flooding and erosion. Project-related changes to the braided and alluvial fan stream hydraulic conditions could result in on-site erosion, stream bed degradation or aggradation, and erosion and sediment deposition impacts to adjacent land. SunCatchers within the floodplain could be subject to destabilization by stream scour. Impacts to soils related to wind erosion and runoff erosion are potentially significant, as are impacts to surface water quality from sedimentation and the introduction of foreign materials, including potential contaminants, to the project area.
3. The applicant completed a hydrologic study and hydraulic modeling of the major stream channels on the project. Based on this work and subsequent analysis by staff, scour analyses have been performed to support development of a project

design that can withstand flash flood flows with minimal damage to SunCatchers. Condition of Certification **SOIL&WATER-7** ensures no significant impact for SunCatchers placed in the floodplain.

4. A Drainage, Erosion, and Sedimentation Control Plan (DESCP) has been developed to mitigate the potential storm water and sediment project-related impacts. However, the calculations and assumptions used to evaluate potential storm water, geomorphic, and sedimentation impacts are imprecise and have limitations and uncertainties associated with them. Given the uncertainty associated with the calculations, the magnitude of potential impacts that could occur cannot be determined precisely without additional detailed numeric modeling of project effects. Based on an independent preliminary assessment by staff, staff has determined the proposed project could result in erosion and stream morphology impacts that would be significant with respect to CEQA significance criteria specified herein and NEPA significance criteria specified in 40 CFR 1508.27. Conditions of Certification **SOIL&WATER-1**, **SOIL&WATER-5**, **SOIL&WATER-7**, and **SOIL&WATER-10** have been developed that require development of best management practices and monitoring and reporting procedures to mitigate impacts related to flooding, erosion, sedimentation, and stream morphological changes. These conditions of certification would minimize impacts, but due to the uncertainty associated with the existing analysis, impacts related to erosion, sedimentation and stream morphological changes are considered significant after mitigation.
5. Surface water and ground water quality could be affected by construction activities, ongoing activities on the project site including mirror washing, vehicle use and fueling, storage of oils and chemicals, the proposed septic and leach field system for sanitary wastes, and wastes from the water treatment system. These impacts are potentially significant. Compliance with LORS and Conditions of Certification **SOIL&WATER-1**, **SOIL&WATER-3**, **SOIL&WATER-5**, **SOIL&WATER-6**, **SOIL&WATER-7**, and **SOIL&WATER-8** would mitigate these impacts to a level less than significant in all areas except those associated with the sediment content of water related to stream morphological changes described under Conclusion #4 above. Uncertainty regarding sediment content of runoff water results in a conclusion of potential significant adverse water quality impact.
6. The U.S. Army Corps of Engineers (USACE) has determined that 881 acres of the project site are jurisdictional waters of the U.S. under Clean Water Act (CWA) Section 404. The U.S. Environmental Protection Agency (USEPA) Section 404(b)(1) Guidelines (40 Code of Federal Regulations [CFR] 230 *et seq.*) are substantive environmental criteria used by the USACE to evaluate permit applications. Under these guidelines, an analysis of practicable alternatives is the primary tool used to determine whether a proposed discharge can be authorized. An alternative is considered practicable if it is available and capable of being implemented after considering cost, existing technology, and logistics in light of the overall project purpose (40 C.F.R. Part 230[a][2]). The guidelines suggest a sequential approach to project planning such that the USACE must first consider avoidance and minimization of impacts to the extent practicable. Mitigation for unavoidable impacts to waters of the U.S. is addressed only after the analysis has determined the Least Environmentally Damaging Practicable Alternative (LEDPA). Although formal 404(b)(1) analysis has not been finalized by the USACE, the analysis presented



herein should aid the USACE in the preparation of the analysis to be included in the FEIS.

7. The proposed project use air-cooled radiators fitted on each individual engine for heat rejection. Use of this technology would substantially reduce potential water use and is consistent with Energy Commission water policy. SunCatcher mirrors would be washed on a regular basis. Mirror washing and dust control watering would comprise the primary water use for the project, which is estimated at 33,550 gallons per day (gpd), with total annual use approximately 32.7 acre feet. The applicant proposes to use water from a local water supplier. However, the proposed supplier is permitted to extract only 40 acre-feet per year of groundwater and their historical water sales suggest purchases for residential water use were approximately 6 acre-feet per year. Allowing the proposed project to utilize all of the water could cause residents to lose their water supply, which would be a significant adverse impact. Conditions of Certification **SOIL&WATER-2**, **SOIL&WATER-3**, and **SOIL&WATER-9** are proposed by staff to limit water purchases from the proposed supplier to 34 acre-feet per year, verify water sales and project water use, assure the available water supply, and monitor that the water supply and treatment system comply with LORS and not create adverse water quality or supply impacts whether the supply is purchased groundwater or recycled wastewater.
8. The expected water level decline from project groundwater consumption is too small to significantly affect existing well yields; there are no reported springs in the area and the present-day water table is too deep to support phreatophytic vegetation. Well interference and the effects of water level declines on other basin users are therefore considered less than significant.
9. Increased pumping in the Holocene alluvium can increase the potential for groundwater to flow upwards (upflux) from the underlying Palm Springs and Imperial formations. This can result in upward movement of relatively high TDS water into the Holocene alluvium which currently has lower TDS groundwater and is the primary water supply for the basin. Staff estimated a total upflux of less than 145 acre-feet from project water use over the construction and operational life of the project. The estimated upflux is at most 0.4 percent of the minimum affected aquifer volume and therefore considered insignificant.
10. Staff has also analyzed the impacts associated with use of recycled water from the expansion of the Seeley Wastewater Treatment Plant, should it become available sometime during the life of the project, and concludes that such use is not likely to cause significant unmitigable impacts to soil and water resources and would likely comply with soil and water LORS.
11. Approximately 4-percent of the Imperial Valley Solar project overlies the Imperial Valley Groundwater Basin, and the remaining 96-percent overlies the Ocotillo/Coyote Wells Groundwater Basin. This means approximately 4-percent of the water purchased from Dan Boyer Water Company (water that originates in the Ocotillo/Coyote Wells Groundwater Basin) would have to be exported to the Imperial Valley Groundwater Basin, which is prohibited without a permit under Imperial County Land Use Ordinance 9. Condition of Certification **SOIL&WATER-11** prohibits use of Dan Boyer Water Company water within the Imperial Valley Groundwater Basin without a permit from Imperial County.

12. Three on-site alternatives have been evaluated in addition to the No Action alternative. Drainage Avoidance #1 alternative, developed in an effort to avoid significant stream morphological and sediment transport impacts, and to avoid impacts to waters of the U.S. under Section 404 of the CWA, would successfully avoid significant impacts and is the least environmentally damaging alternative to soil and water resources. This alternative avoids the major watercourses on the site. Other on-site alternatives evaluated have smaller project footprints, but do not avoid major watercourses and do not avoid significant impacts. Therefore, Drainage Avoidance #1 alternative is the preferred alternative.

## **C.7.2 INTRODUCTION**

---

This section analyzes potential impacts to soil and water resources from the construction and operation of the proposed Imperial Valley Solar project. The analysis specifically focuses on the potential for Imperial Valley Solar project to:

- Cause accelerated wind or water erosion and sedimentation;
- Exacerbate flood conditions in the vicinity of the project;
- Adversely affect surface or groundwater supplies;
- Degrade surface or groundwater quality; and
- Comply with all applicable laws, ordinances, regulations, and standards (LORS) and state policies.

Where the potential for significant adverse impacts are identified, staff has proposed mitigation measures to reduce the significance of the impact, if possible, and has recommended conditions of certification.

## **C.7.3 METHODOLOGY AND THRESHOLDS FOR DETERMINING ENVIRONMENTAL CONSEQUENCES**

---

Thresholds for determining significance in this document are based on Appendix G of the CEQA Guidelines (CCR 2006) and performance standards or thresholds identified by the Energy Commission staff. In addition, staff's evaluation of the significance of the impact of the proposed project on soil and water resources (i.e., those listed below) includes an assessment of the context and intensity of the impacts, as defined in the NEPA implementing regulations 40 CFR Part 1508.27. An impact may be considered significant if the proposed project results in the effects listed below.

To evaluate if significant impacts to soil and water resources would occur, staff assessed:

- Whether the project would violate water quality standards or waste discharge requirements.
- Whether the project substantially depletes groundwater supplies or interferes substantially with groundwater recharge such that there is a net deficit in aquifer volume.

- Whether the project substantially alters existing site or area drainage patterns, including the alteration of stream or river courses, or substantially increases the rate or amount of surface runoff in a manner that results in on- or off-site flooding or substantial erosion or siltation.
- Whether the project would create or contribute runoff water that exceeds existing or planned storm water-drainage system capacity or provides substantial additional sources of polluted runoff.
- Whether the project would place structures within a 100-year flood hazard area and impede or redirect flood flows.
- Whether the project would lower groundwater levels such that protected species or habitats are affected.
- Whether the project would substantially degrade surface water or groundwater quality.

## **C.7.4 PROPOSED PROJECT**

---

### **C.7.4.1 SETTING AND EXISTING CONDITIONS**

#### **Proposed Project**

The proposed Imperial Valley Solar project site is approximately 6,500 acres located in the southwest region of Imperial County. The site consists of an estimated 6,140 acres of public land administered by the Bureau of Land Management (BLM), and approximately 360 acres of private land under the jurisdiction of Imperial County.

The proposed project includes two laydown areas. One is a 100-acre laydown area located east of the project site on Dunaway Road and north of Highway 8. The second laydown area is 11.04 acres located within the project site boundaries just south of the Main Services Complex. In addition to the proposed Imperial Valley Solar project site and construction areas, there are other features and facilities associated with the proposed project, the majority of which are located on the proposed project site or construction laydown area, including:

- Approximately 30,000 38-foot-diameter solar disks, referred to as SunCatchers, and associated equipment and infrastructure within a fenced boundary;
- A 12-mile, 6-inch water pipeline approximately 30 inches underground off-site in the existing Evan Hewes Highway right-of-way (ROW). The pipeline would provide recycled waste water from the Seeley Waste Water Treatment Facility (SWWTF) located approximately 12 miles east of the proposed project site;
- An onsite, 24.27-acre Main Services Complex located generally in the center of the site for administration and maintenance activities. The complex would include project administration, storage, maintenance and water treatment buildings, parking areas, water storage tanks, access roads, and evaporation ponds;
- An onsite, 6-acre 750-MW Substation located generally in the center of the site, near the Main Services Complex;

- A 10.3-mile 730-MW/230-kV transmission line intended to connect to the existing San Diego Gas & Electric (SDG&E) Imperial Valley Substation located southeast of the project site. The proposed transmission line would parallel the existing Southwest Powerlink transmission line in the existing ROW;
- Approximately 27 miles of unpaved arterial roads, approximately 14 miles of unpaved perimeter roads, and approximately 234 miles of unpaved access roads; and
- The project assessment evaluated a 12-mile, 6-inch water pipeline approximately 30 inches underground off-site in the existing Evan Hewes Highway right-of-way (ROW). The pipeline could provide recycled waste water, if available, from the SWWTF located approximately 12 miles east of the proposed project site.

### **Project Site and Vicinity**

The project site, located in the Yuha Desert of the southwestern corner of Imperial County approximately 18 miles west of the city of El Centro, consists of undeveloped desert land with sparse vegetation and crossed by numerous well-defined dry wash drainageways. The Yuha Desert, part of the larger Sonoran Desert, is one of the hottest deserts in North America, with very sparse rainfall.

The site is on a north-sloping alluvial surface with ground elevations ranging from approximately 320 feet above mean sea level (msl) along the southern boundary of the western half of the property (Phase 1 construction area), to approximately 40 feet msl at the eastern boundary (Phase 2 construction area). The proposed laydown area to the east of the site is approximately 10 feet msl. Site topography is gently rolling to relatively flat, with more pronounced slopes and canyons in the western half of the site, roughly corresponding to the Phase I area. Canyons in this western portion of the site are generally not more than 20 to 40 feet deep with mildly sloping sides. The eastern portion of the site, roughly corresponding to the Phase 2 area, is generally flatter, more uniform, and without the shallow canyons of the western half.

The vicinity surrounding the project site is desert similar to the project site. To the east the desert ground slopes away, dropping below sea level, to the irrigated agricultural area of the Imperial Valley approximately 2.5 miles east of the Phase 2 site boundary. This agricultural area extends east to a point approximately 30 miles east of the project site. North, west, and south of the site are comprised of desert extending beyond the Mexican border 15 miles to the south, north to the Salton Sea roughly 25 miles from the site, and 15 miles west to the foothills of the Peninsular Mountain Range.

The Westside Main Canal is located at the edge of the agricultural area 2.5 miles east of the project site. This irrigation supply canal, operated by the Imperial Irrigation District, receives water from the All-American Canal and distributes it north to smaller irrigation canals within the Imperial Irrigation District (IID) system. Further east, approximately seven miles from the project site, is the New River, flowing north from Mexico to the Salton Sea. The Coyote Wash, a large, dry desert wash, runs southwest to northeast roughly parallel to and north of the site at a distance of approximately one mile.

Immediately adjacent to the northern boundary of the proposed project site is the USG Corporation Gypsum Wallboard Manufacturing Facility, known as Plaster City. The small communities of Edgar and Coyote Wells are located approximately five miles east and four miles west of the project site, respectively. A small water ski community known as Imperial Lakes is located about two miles northeast of the project site, and about 0.7 miles north of the project laydown area. The California State Centinela Prison is located approximately 1.5 miles north of Imperial Lakes.

Two private parcels of land, one owned by a recreational vehicle club and one by a private landowner, are surrounded by the proposed project and are not a part of the project. These parcels are separate from the 360 acres of private land described above which will be incorporated into the project by purchase or lease. The 360 acres of private land to be incorporated into the project are located to the southwest of Plaster City, are currently vacant and in a natural condition, and designated as open space by Imperial County. The northern boundary of the proposed project site is adjacent to Imperial County Route S80 and Plaster City, and the southern boundary is adjacent to Interstate Highway 8.

## Soils

With the exception of approximately the easternmost 300 acres of Phase II, the laydown area, and portions of the transmission line and water line, the soils on the site are classified by the Natural Resource Conservation Service (NRCS) as Rositas-Carrizo-Orita soils. Soils in the eastern 300 acres of Phase II, the laydown area, and portions of the proposed water line are classified as Meloland-Vint-Indio or Imperial-Glenbar-Gilman soils, with a small segment of Badland-Beeline-Rillito soils along the proposed transmission line route. **Soil and Water Table 1** provides a summary of selected characteristics of these soils.

**Soil and Water Table 1**  
**Summary of Soil Characteristics**

Soil	Texture	Depth of Surface Layer in Inches	Land Capability Class <sup>1</sup>	Wind Erodibility Group <sup>2</sup>	Erosion (K) Factor <sup>3</sup>	Erosion Hazard – Roads & Trails <sup>4</sup>	Permeability in inches per hour <sup>5</sup>
Rositas-Carrizo-Orita	Gravelly loam, sandy loam	11	7	3	0.15	Slight	6.0 – 20.0
Meloland-Vint-Indio	Loam, silt loam, sandy loam	11	7	4L	0.43	Slight	0.6 – 6.0
Badland-Beeline-Rillito	Ranges from clay to gravelly sand; fine textures predominate	12	8	8	0.15	Severe	N/A <sup>6</sup>
Imperial-Glenbar-Gilman <sup>5</sup>	Silty clay loam to clay loam	12 - 13	See Report Text	4 – 4L	0.37 – 0.43	See Report Text	0.2 – 2.0

Source: Except as otherwise indicated, table source is AFC Section 5.4 (SES, 2008a).

Notes:

- 1 - Land capability classification shows, in a general way, the suitability of soils for most kinds of field crops. Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat. Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.
- 2 - Wind erodibility groups range from 1 to 8, with 1 being highly erodible and 8 having low erodibility. L denotes calcareous soil.
- 3 - This is an index of erodibility for standard condition and includes susceptibility of soil to erosion and rate of runoff. Low K values (below 0.15) indicate low erosion potential. High K values (above 0.4) are highly erodible. See report text for additional information.
- 4 - Qualitative descriptors of erosion hazard: Slight = little or no erosion is anticipated, Moderate = some erosion anticipated, Severe = significant erosion potential exists.
- 5 - Data Source: Soil Survey of Imperial County California Imperial Valley Area. U.S. Department of Agriculture Soil Conservation Service, 1981.
- 6 - N/A = not applicable or not available.

Rositas-Carrizo-Orita soils are sandy to gravelly loam in texture, highly permeable, with high potential for wind erosion. They typically form on alluvial fans, floodplains and alluvial basin floors. These soils are highly susceptible to wind erosion. As shown in Table 1, the erosion factor (K) is relatively low, indicating a low potential for erosion-related soil loss. However, since this factor also takes into account total runoff, which is low in this area, a low K value does not necessarily indicate the soils are resistant to erosion in the event of runoff. These soils are typically sandy and can contain fine sands which are very susceptible to erosion. Runoff potential is relatively low due to high permeability.

Meloland-Vint-Indio soils are formed in recent mixed alluvium on floodplains and alluvial basin floors. They consist of sand, sandy loam, or silt loam materials. These soils are moderately permeable and moderately susceptible to wind erosion. The erosion factor is high. Runoff potential is low to moderate.

Badland soils are steep to very steep barren land soils dissected by drainageways in local steep topography. Consistency is clay to gravelly sand. Surface runoff is rapid or very rapid and the hazard of erosion is high.

Imperial-Glenbar-Gilman soils are the soils of the adjacent agricultural area of Imperial County. Wind erosion potential is moderate with high runoff erosion potential. Permeability is relatively low. These soils are highly productive for farmland. Glenbar and Gilman soils have been listed by the California Department of Conservation as meeting the criteria for prime farmland. Imperial soils are designated by the same agency as meeting the criteria for farmland of statewide importance.

Soil characteristics indicate that approximately the western 80 percent of the solar field site is susceptible to wind erosion, with highly permeable soils that produce relatively low amounts of annual soil loss erosion, but could be highly erodible locally during flood events. The eastern 20 percent of the solar field site is moderately permeable, moderately subject to wind erosion and moderately susceptible to runoff erosion. The proposed water pipeline and transmission line traverse similar soils, with the pipeline crossing high-quality farmland soils.

## **Climate**

The climate of the site vicinity is hot during summer, with temperatures commonly above 100 degrees, and moderate during winter with temperatures in the 40 to 70 degree range. Based on information from the Western Regional Climate Center (WRCC) for El Centro, approximately 18 miles east of the project site (period of record 1932 to 2009), the warmest month of the year is July with an average maximum temperature of

108 degrees Fahrenheit. Average maximum temperatures exceed 100 degrees for June, July, August, and September. The coldest month of the year is December with an average minimum temperature of 40 degrees.

Precipitation is very sparse. Annual average precipitation at El Centro (WRCC data) is 2.65 Inches. Rainfall primarily occurs December to March in the form of widespread winter storms. Approximately 53 percent of total yearly rainfall occurs during those months. Summer monsoon storms generally occur from August to October, when approximately 34 percent of total yearly rainfall occurs. There is very little precipitation during the months of April to July (about 6 percent of the yearly total). The wettest month of the year is December with an average rainfall of 0.42 Inches.

## Hydrology

The project site lies within the Imperial Subregion of the Colorado River RWQCB. There are no perennial or intermittent drainages on the project site. The closest perennial drainage to the project site is the New River, created in the early 1900's when the Colorado River overflowed a dike, and with the Alamo River further east, flowed through the Imperial Valley to form the Salton Sea. Currently, the highly polluted New River obtains its flow primarily from agricultural irrigation return, industrial discharge, and SWWTF discharge.

Numerous ephemeral drainages traverse the Imperial Valley Solar project site from the south to north in the western portion of the site and toward the northeast in the eastern half of the site. Headwaters for these drainages are gently sloping upland areas located to the south and west. Culverts under the I-8 Freeway allow flows from south of the freeway to flow across and into the site.

The ephemeral site drainages are normally dry. They contain water only infrequently following precipitation events large enough to produce runoff. Rainfall is scant in this area so long periods of time may occur between runoff events. When it does occur, runoff is generally activated by intense summer monsoon rains that produce short-duration flash flooding that can have high flow peaks. Winter storms, although producing more rain on average than the summer monsoons, are widespread and low-intensity, producing little runoff except on watersheds much larger than those affecting the project site. By illustration, stream gage records for San Felipe Creek approximately 20 miles north of the site show that August and September flows are nearly 5 times higher than the winter (December-February) flows. Although the majority of the rainfall occurs during winter, the majority (65 percent) of annual runoff occurs during the summer months of July to September. This pattern could be expected to be more pronounced on the project site due to smaller watershed size.

**Soil and Water Figure 1** shows the location, watershed areas, and estimated 100-year peak discharges of 12 drainageways entering the project site from the south as mapped by the project applicant. Stream flow estimates have been made for these watersheds using a rainfall/runoff model (SES, 2008a). This model uses rainfall estimates (2.62 inches over a 6-hour period for a 100-year event), soil type, and area and topographic information to estimate peak runoff. Watershed areas for the drainageways shown in **Soil and Water Figure 1** range from 58 to 1,574 acres, averaging 548 acres. The estimated 100-year discharges range from 57 cubic feet per second (cfs) to 777 cfs.

The 100-year discharge represents the discharge from a flood event with an annual probability of occurrence of 1 percent. Commonly called the 100-year flood, a flood of this magnitude is expected to occur, on average, once every 100 years. Since there is a 1% chance this flood occurs every year, it is possible for more, or fewer, than one flood of this magnitude to occur in a 100-year period. The 100-year flood has been designated by the Federal Emergency Management Agency (FEMA) as the national regulatory flood for flood insurance and floodplain management purposes.

As the ephemeral watercourses pass through the project site, some combine and new watersheds form. **Soil and Water Figure 1** shows the location, watershed areas, and 100-year peak discharges for 9 watercourses exiting the site toward the north and east. Watersheds for these drainageways range from 147 to 18,856 acres in area, averaging 3,246 acres (median 1,274 acres). The 100-year discharge for these watersheds ranges from 126 cfs to 4,223 cfs.

Discharges for more frequent floods have been determined. The 25-year peak discharges, with 4 percent chance of occurrence in any given year, are roughly 50 percent of the 100-year peaks given in **Soil and Water Figure 1**. The 10-year discharges, with 10 percent chance of occurrence per year, are roughly 30 percent of the 100-year peaks. The 5-year discharges, with 20 percent chance of occurrence per year, are roughly 15 percent to 20 percent of the 100-year peaks. For instance, for concentration point, CS, the estimated discharges are: 100-year equals 777 cfs, 25-year equals 397 cfs, 10-year equals 217 cfs, and 5-year equals 119 cfs.

Flows exiting the site on the north in the Phase I area are returned to the site at a point east of Plaster City, where they join other on-site flow in the Phase II area. All Phase II flows eventually exit the site on the east, overtop Dunaway Road, and make their way to the Westside Main Canal. This large drainage feature located south of Plaster City consolidates flows from much of the eastern portion of the property and is mapped as a Federal Emergency Management Agency floodplain (see Stormwater Section – Flooding, below). Flows of sufficient volume and discharge to cross the canal would be conveyed either north through the Westside Main Canal, north and east through local drainage and irrigation ditches, or overland east to the New River to be eventually deposited in the Salton Sea. It is likely that most flows would infiltrate the soil prior to reaching the New River or the Salton Sea.

## **Flooding**

Flooding, for the purpose of this report, is considered to be that area of a channel or area adjacent to a channel that is subject to inundation by channel flows. Flooding can occur anywhere there is a natural drainageway on the project site.

The Federal Emergency Management Agency prepares 100-year flood maps for flood insurance purposes and for floodplain management use by local agencies. FEMA map panels 06025C-1650C and 06025C-1675C cover the project site. Two watercourses, corresponding to E2 to Dunaway and C North on **Soil and Water Figure 1** have been mapped by FEMA as Zone A, which means 100-year flood zone with no base flood levels determined. These are considered approximate flood zones. **Soil and Water Figure 2** shows the location of the FEMA-mapped floodplain on the project site.



FEMA maps do not cover all floodplains. Rural areas, such as the project site, are commonly not mapped. The project applicant has performed independent floodplain mapping based on the discharges given in **Soil and Water Figure 1**. This flood mapping is shown in **Soil and Water Figure 3** and shows floodplains associated with 24 drainageways and one sink area (Basin D Lake) on the project site.

## **Groundwater**

The project site lies primarily over the Ocotillo-Coyote Wells aquifer which USEPA has designated as a sole source aquifer (the Ocotillo-Coyote Wells Sole Source Aquifer). Herein, this basin is referred to as the Ocotillo/Coyote Wells Groundwater Basin. The 100-square-mile basin is bounded on the north by the Coyote Mountains and the Elsinore fault zone, on the west and southwest by the Jacumba Mountains, by the United States-Mexico border on the southeast (note that the border is a jurisdictional boundary. The groundwater basin actually extends into Mexico), and by the Imperial Valley Groundwater Basin on the east

The boundary between the Ocotillo/Coyote Wells Valley Groundwater Basin and the Imperial Valley Groundwater Basin begins near the intersection of Interstate 8 and the existing SDG&E Southwest Powerlink Transmission line at the southeastern portion of the project site, and extends north-northeast through the project site. The easternmost portion of project construction Phase II, the easternmost 7.5 miles of the proposed 750-MW transmission line, the easternmost 3.2 miles of the proposed waterline, and the laydown area are over the Imperial Valley Groundwater Basin. The rest of the project site is over the Ocotillo/Coyote Wells Valley Groundwater Basin.

The Ocotillo/Coyote Wells Valley Groundwater Basin, with storage capacity of approximately 1.7 million acre feet, lies primarily within Holocene alluvium 100 to 300 feet below the ground surface, although unconsolidated alluvium extends to a depth of 650 feet (California Department of Water Resources, 2003). This basin receives recharge from the percolation from ephemeral runoff from the surrounding mountains. Groundwater levels have been declining due to pumping and underflow to the Imperial Valley Groundwater Basin and to Mexico. Groundwater quality is characterized by sodium bicarbonate-chloride with high fluoride levels in some areas. Groundwater uses include municipal, irrigation and domestic uses.

The 1,870-square-mile Imperial Valley Groundwater Basin covers all of the agricultural area of Imperial County south of the Salton Sea from the Sand Hills on the east to the Ocotillo/Coyote Wells Valley Groundwater Basin on the west. Total storage capacity is approximately 14 million acre feet. This basin has two major aquifers, with the upper averaging 200 feet in thickness and the lower 380 feet. Recharge is primarily from irrigation return, underflow from adjacent groundwater basins and seepage from unlined irrigation canals. Some recharge occurs from infiltration of natural stream flow on the West Mesa, on which the proposed project is located. Groundwater outflow and pumping exceeds recharge and inflow by approximately 17,000 acre feet per year. Groundwater quality is variable and generally the water is unsuitable for domestic and irrigation purposes without treatment. High fluoride levels occur in parts of the basin. Uses include municipal, domestic and irrigation (California Department of Water Resources, 2003).

Geotechnical drilling by the applicant found groundwater at 45 feet below the ground surface along Dunaway Road, and at a depth of 50 feet near the U.S. Gypsum Property. A test well by the applicant on the eastern part of the site in the Imperial Valley Groundwater Basin found groundwater at more than 90 feet depth. Total dissolved solids (TDS) were very high (20,000 milligrams per liter – mg/L) and groundwater production low.

## **Water Quality**

There are no perennial or intermittent drainageways on the project site. Water quality of surface runoff flows would be dependent on materials picked up on the ground surface, which is currently natural desert. The downstream disposition of surface runoff from the site is the desert area west of the Westside Main Canal, possibly the Westside Main Canal itself, local drainage and irrigation ditches west of the Westside Main Canal, the New River, and eventually the Salton Sea.

The New River is highly polluted from agricultural runoff, sewage from Mexico, and discharges from manufacturing plants in Mexico, and is listed as impaired under Section 303(d) of the Clean Water Act (See Laws, Ordinances, Regulations and Standards) for a wide range of pollutants including, but not limited to, trimethylbenzene, chlordane, chloroform, chlorpyrifos, copper, DDT, diazinon, dieldrin, mercury, meta-para xylenes, nutrients, organic enrichment, pesticides, and selenium. The Salton Sea is listed as impaired for nutrients, salinity, and selenium. Effluent discharge from the SWWTF contributes to flow in the New River.

The California Regional Water Quality Control Board identifies beneficial uses of waters of the State that may be protected against water quality degradation. These include such uses as domestic, municipal, agricultural, recreation, natural resources, and aesthetic enjoyment. Beneficial uses identified for washes in the west Colorado River basin (California Regional Water Quality Control Board, 2006) include groundwater recharge (GWR), non-contact water recreation (RECII), and wildlife habitat (WILD).

Groundwater in the Ocotillo/Coyote Wells Valley Groundwater Basin is type sodium bicarbonate-chloride. Total dissolved solids content ranges from 750 to 1,240 milligrams per liter (mg/L) in shallow wells to 300 to 450 mg/L in deeper wells (DWR 1973). Fluoride levels in some wells are as high as 3.5 mg/L (California Department of Water Resources, 2003).

Imperial Valley Groundwater Basin quality varies extensively throughout the basin. TDS content ranges from 498 to 7,280 mg/L in the basin. Department of Health Services data from 5 public supply wells show an average TDS concentration of 712 mg/L and a range from 662 to 817 mg/L. In general, groundwater beneath the basin is unusable for domestic and irrigation purposes without treatment. TDS values typically exceeding 2,000 mg/L are reported from a limited number of test wells drilled in the western part of the basin. Groundwater in areas of the basin has higher than recommended levels of fluoride and boron. Approximately 7,000 acre feet per year of groundwater are estimated to recharge the basin from the New River which drains the Mexicali Valley. This groundwater is related to surface flow from the highly polluted New River and negatively affects groundwater quality in the basin (California Department of Water Resources, 2003).

Groundwater beneficial uses in the project area include municipal and domestic supply (MUN) and industrial service supply (IND).

### **Project Features**

The project proposes to install 30,000 SunCatchers, each of which would contain a single Stirling engine. Stirling engines are designed to use closed loop air-cooled radiators, which achieves maximum water conservation with cooling. Other than dust suppression, workforce potable consumption and sanitary needs, and washing mechanical parts prior to conducting routine maintenance, water use would be limited to mirror washing and hydrogen gas generation. Water is the only feasible means of cleaning mirrors, which must be clean to maintain efficiency of output of Stirling engine power plants.

The SunCatcher foundations would be metal pipe pedestals 24 inches in diameter secured in place using metal fins for stabilization and driven hydraulically into the ground. The 30,000 SunCatchers would be installed in straight, parallel rows. Each row would consist of a series of SunCatchers in pairs, one on each side of a central access road. The distance between paired dishes along a row would be 112 feet. The distance between successive pairs in a row would be approximately 55 feet. Thus, a row 1,000 feet long would have approximately 38 SunCatchers. A 12-foot-wide unpaved access road would run along the centerline of each row, with a 15-foot unpaved maintenance road extending 60 feet to each side of the maintenance road at each SunCatcher pair. A row 1000 feet long would be serviced by approximately 28,200 square feet of unpaved roadway. The distance between rows would be 72 feet.

Foundation elements for the SunCatchers would typically be mounted on a foundation consisting of a metal fin-pipe that is hydraulically driven into the ground. This foundation requires no concrete, generates no spoils, and the foundations can be completely removed when the project is decommissioned. The metal fin-pipe foundation eliminates conventional drilling techniques that would generate soil cuttings, require dust suppression, and require the trucking and disposal of the cuttings. When conditions are not conducive to the use of the metal fin-pipe foundation, the foundation would consist of rebar-reinforced concrete constructed below grade.

The site layout would maintain pre-development drainage patterns where feasible. Grading would mostly be limited to smoothing of local surface undulations for SunCatcher and access road construction. Paved roadways would utilize roadway dip crossings, referred to as Arizona Crossings, or low-flow culverts, at watercourse crossings. The Arizona Crossings would be at-grade and protected from erosion upstream and downstream by at-grade riprap blankets. The low-flow culverts would be 8- to 24-inch-diameter circular pipes buried beneath an above-grade roadway surface. The east-west on-site paved arterial roadway between the Main Services Complex and Dunaway Road would be designed as an evacuation route. Culverts on this roadway would have capacity for a 25-year flood, leaving the roadway surface drivable for all flows less than a 25-year return period.

Maintenance after flood events would consist of sediment removal from roadway surfaces and removal of sediment from around stem pipe risers upstream of low-flow culverts. More extensive roadway repairs may be required after major flow events. Sediment

(desilting) basins are proposed upstream of 100 low flow crossings and at other areas within the project and at project boundaries for collection of sediment. Sediment basins are intended as a best management practice for water quality and to minimize roadway maintenance (sediment clearing) after minor runoff events. Sediment periodically removed from these basins would be distributed on-site at undetermined locations as deemed necessary by the project owner. Basin sizes would range from 200 cubic yards to 600 cubic yards, with several larger basins to be sized at the time of final design. Sizing is intended to collect estimated annual sediment production for two years using a regional procedure developed for the Mojave Desert (USGS, 2006).

Although the SunCatcher arrangement would be designed to fit the local contours of the site, the density of dishes and the arrangement in straight parallel rows would result in many SunCatchers being installed directly into flood hazard areas and channels. Staff estimates, using a rough grading plan and flood hazard information provided by the applicant (**Soil and Water Figure 3**), that approximately 5,150 SunCatchers would be placed in flood hazard areas, including active channels. The actual number of SunCatchers subject to flooding is expected to be higher considering the flood-prone areas not mapped in **Soil and Water Figure 3**.

Access would be provided by approximately 27 miles of paved arterial roads, approximately 14 miles of unpaved perimeter roads, and approximately 234 miles of unpaved access roads. Arterial roads would be 24 feet in width, unpaved perimeter roads would be 12 feet in width. **Soil and Water Table 2** provides a summary of roadway surfaces that would be installed in flood hazard areas based on rough grading plans and flood hazard information provided by the applicant. In total, approximately 92 miles of roadways, comprising 164 acres of area, would be installed in flood hazard areas. Approximately 90 percent by area of the roadways would be unpaved roads.

**Soil and Water Table 2**  
**SES Solar Two Roadways in Flood Hazard Areas**

Road Type	Road Length, in Feet	Road Length, in Miles	Road Width, in Feet	Road Area, in Acres
<b>Paved Roads</b>				
Arterial Main Access	31,002	5.9	24	17.1
<b>Unpaved Roads</b>				
Perimeter	12,013	2.3	12	3.3
SunCatcher Access	136,082	25.8	12	37.5
SunCatcher Maintenance	309,206	58.6	15	106.5
Total Unpaved Roads	457,301	86.6		147.3
<b>All Roads</b>				
Total	488,303	92.5		164.4

Note: These estimates are based on the floodplain mapping in **Soil and Water Resources Figure 3**. The final numbers for roadways in flood hazard areas is expected to be higher given the flood areas not mapped in **Soil and Water Resources Figure 3**.

The total land area disturbed by the construction of the SunCatcher field would be approximately 3,160 square feet per SunCatcher, including roadway construction, clearing, and

grading. Assuming a minimum of 5,150 SunCatchers in flood hazard areas, total construction disturbance for the 30,000 SunCatcher array would be at least 374 acres in the floodplain. Approximately 164 acres of this would be permanent disturbance in the form of roads and SunCatcher foundations. This estimate is based on the flood hazard delineation provided by the applicant. The actual floodplain disturbance will be greater due to features placed in flood hazard areas not mapped by the applicant, as is described in the impacts section.

Additional project features would include:

- An onsite, 42-acre Main Services Complex located generally in the center of the site for administration and maintenance activities. The complex would include an administration building, a maintenance building, a solar disk assembly building, a water treatment facility (described below), a perimeter fence, parking areas, a vehicle washing area, a 5,000-gallon fuel storage tank for vehicles, a 1-acre storm water retention pond, a chemical storage area, access roads, a storage area for hydrogen bottles, a water treatment facility, a lubricating oil recycling tank, a waste water treatment facility (or sewage holding tank), and various ancillary features.
- An onsite, 6-acre 750-MW Substation located generally in the center of the site, near the Main Services Complex.
- A 10.3-mile 730-MW/230-kV transmission line intended to connect to the existing San Diego Gas & Electric (SDG&E) Imperial Valley Substation located southeast of the project site. The proposed transmission line would parallel the existing Southwest Powerlink transmission line in the existing right of way.
- The project assessment evaluated a 12-mile, 6-inch water pipeline approximately 30 inches underground off-site in the existing Evan Hewes Highway right-of-way (ROW). The pipeline could provide recycled waste water, if available, from the SWWTF located approximately 12 miles east of the proposed project site.

## **Water Supply and Use**

Groundwater for construction and possibly operation of the Imperial Valley Solar project would be supplied by the Dan Boyer Water Company's well (State Well No. 16S/9E-36G4). Groundwater from the Dan Boyer Water Company well would be treated at an on-site facility adjacent to the on-site substation to produce demineralized water for mirror washing. The water treatment system would consist of a reverse-osmosis water treatment complex, a hydrogen complex, two 175,000-gallon raw water storage tanks, a 140,000 fire flow tank, two 17,500-gallon demineralized water tanks, a 5,500-gallon potable water tank (potable water would be trucked in), and two 1-acre concrete lined evaporation ponds for brine from the demineralization process. The hydrogen complex would produce hydrogen from demineralized water.

Potable water for construction workers and for operations, including water for hand washing and other uses requiring potable water would be supplied by a local water supplier that has yet to be selected but presumably could be the Dan Boyer Water Company well.

If it becomes available, Imperial Valley Solar proposes to utilize treated wastewater obtained from the SWWTF located in Seeley, California, to provide water for mirror washing and operations. The existing SWWTF is located 13 miles east of the project site and provides secondary treatment of municipal wastewater from the town of Seeley and the surrounding unincorporated area within Imperial County. Imperial Valley Solar has agreed to finance upgrades to the existing SWWTF to enable the plant to produce up to 250,000 gpd treated wastewater that meets California Code of Regulations Title 22 water quality requirements. The agreement entitles Imperial Valley Solar to acquire at least 150,000 gallons and up to 200,000 gallons of recycled water per day for project uses. Imperial Valley Solar will construct a 12-mile-long pipeline from the SWWTF, along Evan Hewes Highway, to the Imperial Valley Solar facility. The pipeline would be buried within the road way right-of-way to a depth of 30 inches.

### ***Construction Water***

Water demands during construction of the Imperial Valley Solar project would be relatively light for an effort as large as that proposed. Water use during construction would be approximately 45,000 gpd on average, primarily for dust control. Peak water use during construction would be approximately 90,000 gpd, with approximately half used for dust control and half used for soil preparation on concrete pours. Fifteen peak days are expected during construction. Assuming a 39-month construction period, with 15 peak days, total construction water use would be approximately 54 million gallons (166 acre feet). Potable water demand is assumed to be two gallons per day per worker (approximately 203 gpd).

### ***Operations Water***

Operations water use after full construction would be approximately 33,550 gpd, with total annual use approximately 32.7 acre feet. The largest water use, approximately 14,980 gpd, would be solar mirror washing. Each mirror would be washed using an average of 14 gallons of water once per month, with another wash of approximately 42 gallons every 3 months. Other operations water uses include: 184 gpd for production of hydrogen through electrolysis in the hydrogen generator (hydrogen gas is used in the Solar Stirling Engine); 7,920 gpd of brine resulting from the water demineralization process; 5,600 gpd for on-site staff for drinking and sanitary purposes; and 5,000 gpd for dust control. **Soil and Water Table 3** provides a summary of water use in gallons per minute and annual use in acre feet.

**Soil and Water Table 3**  
**Water Usage Rates for Imperial Valley Solar Operations**

<b>Water Use</b>	<b>Daily Average, in gallons per minute</b>	<b>Daily Maximum, in gallons per minute</b>	<b>Annual Usage, in acre feet</b>
<b>Equipment Water Requirements</b>			
Sun Catcher mirror washing	10.4 <sup>1</sup>	17.4 <sup>2</sup>	14.2 <sup>3</sup>
Hydrogen System	0.13 <sup>11</sup>	0.13 <sup>11</sup>	0.0133
<b>Water Treatment System Discharge</b>			
Brine from Demineralization Process	5.5	10.2 <sup>4</sup>	7.5

Water Use	Daily Average, in gallons per minute	Daily Maximum, in gallons per minute	Annual Usage, in acre feet
<b>Potable Water Use</b>			
For drinking and sanitary water requirements	3.9 <sup>5</sup>	4.7 <sup>6</sup>	5.4 <sup>7</sup>
<b>Dust Control</b>			
Raw water for dust control during operations	3.5 <sup>8</sup>	6.9 <sup>9</sup>	5.6 <sup>10</sup>
Totals	23.3	39.2	32.7

Source: SES2008a.

Notes:

- 1 - Based on 30,000 SunCatchers requiring a monthly wash with an average of 14 gallons of demineralized water per spray wash and a 5-day work week (21 work days per month).
- 2 - During a 3 month period, all SunCatcher mirrors are given a scrub wash requiring up to 3 times the normal wash of 14 gallons per SunCatcher. Therefore, the Daily Maximum usage rate is based on two-thirds of the SunCatchers receiving a normal wash and one-third receiving a scrub wash.
- 3 - Based on every SunCatcher having approximately 8 normal washes per year with one additional scrub wash.
- 4 - Based on the maximum amount of demineralized water required for mirror washing and assumes a decrease in raw water quality requiring an additional 20% of system discharge.
- 5 - Assumes 30 gallons per person per day for 188 people.
- 6 - Maximum amount assumes a 20% contingency over the Daily Average.
- 7 - Assumes a 6-day work week and average daily usage.
- 8 - Assumes 5,000 gallons per day.
- 9 - Assumes up to 10,000 gallons per day.
- 10 - Assumes daily average dust control operations.
- 11 - Hydrogen system would require approximately 184 gallons of water per day or about 0.0133 acre feet per year.

## Wastewater

### Construction

Construction wastewater would consist primarily of storm water runoff from the site during construction, and sanitary wastes from portable toilets. Storm water runoff could be contaminated by excess sediment, trash, fuels, oils, grease, coolants, vehicle fluids, paints, solvents, and other construction-related pollutants. The applicant has developed a Storm Water Pollution Prevention Plan (SWPPP) that addresses construction pollutants. Construction waste material including recyclable scrap wood, steel, glass, plastic and paper would be collected and taken to a recycling facility at regular intervals not to exceed 30 days. Hazardous construction waste including empty containers, solvents, oils, paint, cleaners and adhesives would be collected on site and returned to the vendor or taken to a hazardous waste facility at regular intervals not to exceed 90 days. Waste oil and other fluids from construction vehicles would be collected on site and recycled or disposed of at a hazardous waste facility at regular intervals not to exceed 90 days. Lead acid, alkaline, gel cell, nickel, and cadmium batteries would be stored on site and taken to an authorized waste recycling facility at regular intervals not to exceed 90 days.

Non-hazardous residual solids (dirt and concrete particles) from the retention pond would be excavated at the end of construction and spread on-site. Non-hazardous trash including paper, wood, plastic and cardboard would be stored onsite and taken to approved recycling or waste disposal facilities at regular intervals not to exceed 90 days.

Sanitary wastewater from portable chemical toilets would be periodically pumped to a tanker truck by a licensed contractor and shipped to a sanitary water treatment plant. Construction storm water best management practices would include temporary soil stabilization techniques such as scheduling activities to minimize land disturbance during the rainy season, marking areas not to be disturbed, using geotextiles, mats, plastic covers, or erosion blankets to stabilize disturbed areas, soil binders, earth dikes, drainage swales, lined ditches, flow velocity protection measures, silt fences, straw bales, fiber rolls, dust palliatives, tracking control at site entry/exit points and stabilized construction roadways.

### ***Operations***

Operations wastewater would consist of onsite runoff which may be contaminated with excess sediment, trash and fluids from vehicles, the Main Services Complex and the substation, wastewater (brine from the reverse osmosis process), and sanitary wastes.

A SWPPP has been developed which addresses operations best management practices for storm water pollution control. This SWPPP is in the process of being updated by the applicant for operations conditions.

Brine from the reverse osmosis process, which would be high in total dissolved solids, would be discharged to one of two concrete-lined evaporation ponds. Ponds would be sized for one year of discharge, after the first pond is full, discharge would be transferred to the second pond while the first pond evaporates. The ponds would alternate on an annual basis. Solids from the evaporation process would be removed to a non-hazardous waste disposal facility.

Sanitary wastewater from the Main Services Complex would be discharged into a septic system with sanitary leach fields adjacent to the Main Services Complex. Two leach fields would be used, each designed for 100 percent of the waste water. These would be alternated in use every two years to allow recovery from bacterial loading. Sewer sludge would be pumped and disposed of by trucks to an approved off-site disposal facility.

### **Laws, Ordinances, Regulations, and Standards (LORS)**

Soil and water resources LORS directly applicable to the proposed project and the surrounding area include Federal, State and local (Imperial County) laws and regulations. **Soil and Water Table 4** provides a general description of Soil and Water Resources LORS applicable to the proposed project and surrounding lands.



**Soil and Water Table 4**  
**Laws, Ordinances, Regulations, and Standards**

Applicable LORS	Description
<b>Federal</b>	
<p>Clean Water Act (33 U.S.C. Section 1251 et seq.)</p>	<p>The Clean Water Act (33 USC § 1257 et seq.) requires states to set standards to protect water quality, which includes regulation of storm water and wastewater discharges during construction and operation of a facility. California established its regulations to comply with the Clean Water Act under the Porter-Cologne Water Quality Control Act of 1967.</p> <p>The Clean Water Act (CWA) establishes protection of waters of the United States such as perennial and ephemeral drainages, streams, washes, ponds, pools, and wetlands through CWA Sections 401 and 404.</p> <p>Section 401 of the CWA requires that any activity which may result in a discharge into waters of the U.S. must be certified by the California State Water Resources Control Board (SWRCB) as administered by the Regional Water Quality Control Boards (RWQCB). This certification ensures that the proposed activity does not violate State and/or federal water quality standards. The Imperial Valley Solar project is within the jurisdictional area of the Colorado River RWQCB.</p> <p>Section 404 of the CWA authorizes the U.S. Army Corps of Engineers (Corps of Engineers) to regulate the discharge of dredged or fill material to the waters of the U.S. and adjacent wetlands. The Corps of Engineers issues individual site-specific or general (Nationwide) permits for such discharges. Section 404 Permits are not granted without prior 401 certification (see above paragraph).</p> <p>Section 303(d) requires states to develop a list of impaired waters that do not meet water quality standards, establish priority rankings, and develop action plans, called Total Maximum Daily Loads (TMDLs) to improve water quality.</p> <p>Section 311 prohibits the discharge of oil or hazardous materials to waters of the U.S.</p>
<p>Environmental Protection Agency (EPA) Sole Source Aquifer Protection Program, authorized by Section 14245(e) of the Safe Drinking Water Act.</p>	<p>The communities in the Ocotillo/Coyote Wells Groundwater Basin, Coyote Wells, Nomirage, and Yuha Estates and US Gypsum and several other commercial/industrial and agricultural users, depend on the Ocotillo/Coyote Wells Groundwater Basin as their source of potable water. Surface water is not present in the Basin and there are no water imports into the Basin. Therefore, the Ocotillo/Coyote Wells Groundwater Basin was designated as a “sole source aquifer” by the Environmental Protection Agency (EPA) in 1996. The sole source aquifer designation requires U.S. EPA review of proposed federally assisted “projects” to determine their potential for contaminating the aquifer.</p>
<b>State</b>	

Applicable LORS	Description
California Constitution, Article X, Section 2	This section requires that the water resources of the State be put to beneficial use to the fullest extent possible and states that the waste, unreasonable use or unreasonable method of use of water is prohibited.
The Porter-Cologne Water Quality Control Act of 1967, Water Code Sec 13000 et seq.	The Porter Cologne Water Quality Control Act of 1967, Water Code Section 13000 et seq., requires the SWRCB) and the nine RWQCBs (specifically the Colorado River RWQCB for the Imperial Valley Solar project site) to adopt water quality criteria to protect State waters (Waters of the State), defined in Section 13050 as “any surface water or groundwater, including saline waters, within the boundaries of the state.” Water quality criteria include the identification of beneficial uses, narrative and numerical water quality standards, and implementation procedures. Section 13260 sets reporting requirements for waste discharge to waters of the State. Section 13263 authorizes the RWQCBs to issue Waste Discharge Requirements specifying conditions for protection of water quality. Section 13181 of the act requires the SWRCB to develop water quality reports and lists required under Section 303(d) of the Federal Clean Water Act.
State Water Resources Control Board WQO 99-08	The SWRCB regulates storm water discharges associated with construction projects affecting areas 1 acre or larger to protect state waters. Under Order 99-08, the SWRCB has issued a National Pollutant Discharge Elimination System (NPDES) General Permit for storm water discharges associated with construction activity for which applicants can qualify if they meet the criteria and upon preparing and implementing an acceptable Storm Water Pollution Prevention Plan (SWPPP) and notifying the SWRCB with a Notice of Intent. A new General Permit is proposed to become effective July 1, 2010. This new permit would modify compliance and notification requirements based in part upon a water quality risk level assessment for each site.
State Water Resources Control Board WQO 2003-0003 – DWQ	This general permit applies to the discharge of water to land that has a low threat to water quality. Categories of low threat discharges include water storage tank flushing and testing.
California Code of Regulations, Title 17	Requires prevention measures for backflow and cross connections of potable and non-potable water lines.
California Code of Regulations, Title 22	Title 22, Division 4, Chapter 15 regulates the quality and use of recycled water and specifies Primary and Secondary Drinking Water Standards in terms of Maximum Contaminant Levels.
California Code of Regulations, Title 23	Title 23, Division 3, Chapter 15 applies to waste discharges to land and requires the Regional Board issue Waste Discharge Requirements specifying conditions for protection of water quality as applicable.
Title 27, California Code of Regulations Division 2. Section 20375	Title 27 regulates and gives design requirements for surface impoundments used for waste management.

Applicable LORS	Description
The California Safe Drinking Water and Toxic Enforcement Act	The California Health & Safety Code Section 25249.5 et seq. prohibits actions contaminating drinking water with chemicals known to cause cancer or possessing reproductive toxicity. The RWQCB administers the requirements of the Act.
California Plumbing Code. California Code of Regulations Title 24, Part 5	Appendix K relates to private sewage disposal systems. Regulates septic tank capacity, disposal fields and seepage pits, Requires: a) septic tank and disposal field system where groundwater is within 12 feet of the ground surface; b) disposal systems shall not be located in flood hazard areas; c) additional systems be installed if the original system is unable to absorb all of the sewage; and, c) leach lines must be more than 5 feet above groundwater (10 feet if groundwater is degraded).
State Water Board Resolution No. 68-16	Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings or facts.
California Water Code Section 1211	Section 1211 of the Water Code requires that before making a change in the point of discharge, place of use, or purpose of use of treated wastewater, the owner of the treatment plant must seek approval from the Division of Water Rights, which is accomplished by filing a Petition for Change for Owners of Waste Water Treatment Plants (Petition for Change).
California Water Code Section 13523	Requires that a RWQCB shall prescribe water reuse requirements for water, which is to be used or proposed to be used as recycled water after consultation with and upon receipt of recommendations from the State Department of Public Health, and if it determines such action to be necessary to protect the public health, safety, or welfare.
California Water Code Section 10910	SB 610 and SB 221 are companion measures which require specific large development projects provide city and county decision-makers detailed water availability information prior to their consideration for approval. The statute also requires that this information be included in the administrative record that serves as the evidentiary basis for the city's or county's approval action on such projects. Under SB 610 water assessments must be furnished to local governments for inclusion in any environmental documentation for certain projects (as defined in Water Code 10912 [a]) subject to the California Environmental Quality Act. The assessment is required to include an identification of existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project and water received in prior years pursuant to those entitlements, rights, and contracts. The assessment includes discussion of the total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection, and whether these supplies meet the projected water demand associated with the proposed project in addition to existing and planned future uses, including residential and non-residential water uses.

<b>Local</b>	
Imperial County Land Use Ordinance, Title 9	<p>Division 16 is the flood damage prevention regulation. Restricts floodplain uses, requires that floodplain uses be protected against flood damage, controls alteration of floodplains and stream channels, controls filling and grading in floodplains, prevents diversion of flood flows where these would increase flood hazards in other areas.</p> <p>Division 22 is the groundwater ordinance. Intended to preserve, protect and manage groundwater within the county. The ordinance states that: "Unless otherwise exempt, no groundwater shall be exported from the County or from the groundwater basin from which the groundwater is derived unless the operator of the exportation facility has applied for and obtained a permit which establishes the quantity of groundwater which may be exported and the conditions on such exportation. "Also" The Planning Commission shall not issue any permit to export water from the County or from the groundwater basin from which the groundwater is derived unless the applicant has established that there is an available supply in excess of the amount currently required for reasonable and beneficial uses within the County, and the Planning Commission determines that such export, if permitted, would not adversely affect the rights of groundwater users within the County or the groundwater basin."</p> <p>Further the ordinance states priorities among groundwater users as follows: "First, to overlying domestic uses either (a) legally existing on the effective date of [the] Ordinance, or (b) developed thereafter on property zoned R-1 or R-2 [residential]. Second to other overlying reasonable groundwater uses." Third priority are historical groundwater users and holding uses with conditional use permits. Fourth includes other County off-basin users. Future exports from the County are relegated to a priority junior to the "Priority Groundwater Uses" described in the first four priorities.</p> <p>Division 10 regulates building, sewer and grading. Includes regulations on septic tanks.</p>
<b>State Policies and Guidance</b>	
Water Quality Control Plan Colorado River – Region 7	The Water Quality Control Plan (also known as the Basin Plan) establishes beneficial uses, water quality objectives that protect the beneficial uses of surface water and groundwater, and describes an implementation plan for water quality management in the Colorado River Region. The Basin Plan describes measures designed to ensure compliance with statewide plans and policies and provides comprehensive water quality planning.
Integrated Energy Policy Report (Public Resources Code, Div. 15, Section 25300 et seq.)	In the 2003 Integrated Energy Policy Report, consistent with SWRCB Policy 75-58 and the Warren-Alquist Act, the Energy Commission adopted a policy stating they would approve the use of fresh water for cooling purposes by power plants only where alternative water supply sources and alternative cooling technologies are shown to be "environmentally undesirable" or "economically unsound."
SWRCB Sources of Drinking Water Policy / Res. No. 88-63	States that all groundwater and surface water of the State are considered to be suitable for municipal or domestic water supply with the exception of those waters that meet specified conditions.

SWRCB Res. No. 2005-0006	Adopts the concept of sustainability as a core value for State Water Board programs and directs its incorporation in all future policies, guidelines, and regulatory actions.
SWRCB Res. No. 2008-0030	Requires sustainable water resources management such as low impact development (LID) and climate change considerations (all future policies, guidelines, and regulatory actions. Directs Regional Water Boards to “aggressively promote measures such as recycled water, conservation and LID Best Management Practices where appropriate and work with Dischargers to ensure proposed compliance documents include appropriate, sustainable water management strategies.”
<b>Local Policies and Guidance</b>	
County of Imperial Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvements, Drainage and Grading Plans Within Imperial County	<p>Provides drainage design standards for development within Imperial County. These include:</p> <ul style="list-style-type: none"> <li>• Retention volume of 3 inches rainfall with no assumed infiltration or evaporation for development impervious areas. Retention basins are to empty within 72 hours after receiving water.</li> <li>• Finished pad elevations for buildings shall be at or above the 100-year flood elevation. Finished floors shall be 6 inches above the 100-year flood.</li> <li>• Drainage report required for all developments.</li> </ul>

#### **C.7.4.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

This section provides an evaluation of the expected direct, indirect, and cumulative impacts to soil and water resources quality caused by project construction, operation, and maintenance. Staff's environmental impact analysis consists of a brief description of the potential effect, an analysis of the relevant facts, and application of threshold criteria for significance to the facts. If mitigation is warranted, staff provides a summary of the Applicant's proposed mitigation and a discussion of the adequacy of the proposed mitigation. If necessary, staff presents additional or alternative mitigation measures and refers to specific conditions of certification related to a potential impact and the required mitigation measures. Mitigation reduces potentially significant environmental impacts to less than significant levels.

#### **DIRECT/INDIRECT IMPACTS AND MITIGATION**

The direct and indirect impact and mitigation discussion presented below is divided into a discussion of impacts related to construction and a discussion of impacts related to operation. For each potential impact evaluation, staff describes the potential effect and applies the threshold criteria for significance to the facts. If mitigation is warranted, staff provides a summary of the applicant's proposed mitigation and a discussion of the adequacy of the proposed mitigation. In the absence of an applicant-proposed mitigation or if mitigation proposed by the applicant is inadequate, staff mitigation measures are recommended. Staff also provides specific conditions of certification related to a potential impact.

## **Proposed Project – Construction Impacts and Mitigation**

### **Soil Erosion Potential by Water and Wind**

Construction of the project is expected to take approximately 39 months to complete. Construction would include soil excavation, clearing, grading, installation of solar disks, installation of the laydown area, and construction of the Main Services Complex, roads, utilities, water pipeline, transmission line, sediment and retention basins, substation, and other ancillary features. Groundwater would not be used. Water from the Dan Boyer well would be used for dust control and concrete pours.

Potential impacts to soils related to increased erosion from wind and runoff on disturbed areas, or release of hazardous materials, are possible during construction. Potential storm water impacts could result if increased runoff flow rates and volume discharge from the site were to increase flooding and sedimentation downstream. Dunaway Road and the area upstream of the Westside Main Canal could be affected by increased sediment deposition. Water quality could be impacted by increased sediment load from the ground surface and from discharge of hazardous materials released during construction. Site preparation would consist of brush trimming between alternating rows of SunCatchers and grading for roadways and foundations. Grading within the SunCatcher array would consist of limited removal of terrain undulations and localized rises or depressions.

**Soil and Water Table 5** provides a summary of the expected disturbance on the site. Total construction disturbance would be 3,000 acres, of which 2,175 acres would be in the SunCatcher array, the rest in other construction as detailed in **Soil and Water Table 5**.

**Soil and Water Table 5  
Estimated Disturbed Area Summary**

Project Component	Area		Proposed Length	Comments
	Construction Disturbance	Operations Permanent Disturbance		
Off-Site Development				
Off-site access road	4.5 acres	3.6 acres	1.3 miles	30-foot width for roadway and drainage
Off-site transmission line	91.6 acres	Included below	7.6 miles	50 feet each side of center
Tower structures	Included above	1.2 to 1.4 acres	Not Applicable	85 to 100 towers x 1,024 SF per tower
Waterline and pumping station	8.0 acres	1 acre	3.4 miles	9.5 feet each side of center
Off-site electrical and communications overhead service	0.3 acre	Included below	539 feet	12 feet each side of center
Poles	Included above	26 SF	Not Applicable	2 poles x 13 SF per pole
Subtotal	104.4 acres	4.6 acres		

Project Component	Area		Proposed Length	Comments
	Construction Disturbance	Operations Permanent Disturbance		
On-Site Balance-of-Plant Development				
Construction staging and construction administration area east of Dunaway Road	100 acres	Not Applicable	Not Applicable	Not Applicable
On-site construction laydown area	12 acres	Not Applicable	Not Applicable	Not Applicable
Site boundary fence line	29.9 acres	14.9 acres	20.5 miles	12-foot width construction access; 3 feet each side of the fence
Site paved roadways	137.6 acres	137.6 acres	25.2 miles	45-foot width for roadway & drainage
Unpaved perimeter roadways	16.2 acres	16.2 acres	11.2 miles	12 feet wide
Main Services Complex, parking and services	14.4 acres	14.4 acres	Not Applicable	Not Applicable
Assembly buildings and storage	14 acres	Not Applicable	Not Applicable	Not Applicable
On-Site Wet and Dry Utilities Access				
Water pipeline	8.7 acres	Not Applicable	3.8 miles	9.5 feet each side of center
On-site electrical and communications overhead service	3.8 acres	Not Applicable	6,914 feet	12 feet each side of center
Solar Two Substation	7.7 acres	5.2 acres	Not Applicable	650 feet by 350 feet
On-site transmission line 34.1 acres N/A 2.8 miles 50 feet each side of center line	34.1 acres	Not Applicable	2.8 miles	50 feet each side of center
Transmission access road	Included above	4.1 acres	2.8 miles	12 feet wide
Transmission tower structures	Included above	0.5 to 0.7 acre	Not Applicable	35 to 40 towers at 1,024 SF per tower
34.5-kV overhead runs to Solar 2A Substation	4.0 acres	Not Applicable	Not Applicable	10.95 miles by 12 feet wide with a significant portion overlapping other construction disturbed areas (75%)
Poles	Included above	0.1 acre	Not Applicable	Not Applicable
34.5-kV runs to overhead lines	5.2 acres	Not Applicable	Not Applicable	Not Applicable

Project Component	Area		Proposed Length	Comments
	Construction Disturbance	Operations Permanent Disturbance		
Subtotal	271.31 acres			
<b>Solar Field Development = 500 by 1.5-MW Solar Groups 2,3</b>				
North-south access routes	245 acres	245 acres	168 miles	1,709 feet per 1.5 MW (0.47 acre total) based on 12-foot-wide road
East-west access routes	148.3 acres	148.3 acres	102 miles	1,033 feet per 1.5 MW (0.28 acre total)
<b>Electrical Collection System</b>				
600 V underground	35 acres	Not Applicable	576 miles	5,850 feet per 1.5 MW (0.52 acre total) based on 2-foot each side of center
34.5 kV underground	20 acres	Not Applicable	45 miles	460 feet per 1.5 MW (0.06 acre total) based on 3-foot each side of center
<b>SunCatcher Installation</b>				
North-south access/SunCatcher	440 acres	440 acres	See total area	1,600 feet per 1.5 MW (0.88 acre total) based on 20-foot by 32-foot access/unit
East-west access/SunCatcher	1,735 acres	1,735 acres	See total area	4,200 feet per 1.5 MW (3.47 acres total) based on 36-foot by 70-foot access/unit
Subtotal	2,623.4 acres	2,568.4 acres		
Total Area	3,075.1 acres	2,746.6 acres		

Source: SES2008a, SES2009a.

Notes: 1 - Refer to AFC Figures 3-1 through 3-3 for locations of Project components.

2 - Assumes 750-MW net development of 30,000 SunCatchers.

3 - Reference AFC Figure 3-28, 1.5-MW Solar Two Construction Disturbance Plan.

During installation of the SunCatchers, only 50% of the total land would be disturbed. The modularity of the SunCatcher design and off-site manufacturing would enable a phased deployment, thereby minimizing the proportion of the overall site that is disturbed at any given time during construction.

The plan site layout minimizes traffic road operations of the Project.

kV = kilovolt

MW = megawatt

N/A = not applicable

SF = square feet

V = volts

The soils on the project site (See **Soil and Water Table 1** and associated text) are highly susceptible to wind erosion under normal conditions. The paucity of vegetation on the site contributes to a natural propensity for wind erosion, although the potential for wind erosion is expected to be less in the watercourses than in the upland areas due to much higher density of vegetation in the riparian areas. The applicant estimates that potential soil loss due to wind under existing conditions to be more than 100 tons per acre per year for the Imperial Valley Solar project site. This soil loss may more accurately be considered displacement, since soil lost by wind in one area of the Yuha



Desert would likely settle in another, so under natural conditions, there is no overall net loss of soil in any given area. Disturbance by grading and vegetation removal in a specific area leaves soil particles in that area more vulnerable to detachment by wind, resulting in more net loss, or displacement. Wind-related soil loss is expected to occur on the site, and given the overall size of the disturbed area could be substantial during construction depending on wind conditions. This could result in the net loss or displacement of topsoil on the site, as well as air quality and dust nuisance problems. Since the prevailing wind in the area for 11 months of the year is toward the east, dust from the site could reach Seeley, El Centro and the neighboring agricultural area.

The applicant proposes the following measures to reduce wind-related erosion:

**Soil-1:** Conduct grading operations consistent with the Imperial County Grading Ordinance.

**Soil-2:** Prepare and implement a detailed Erosion Control Plan before construction, which may be a component of the Storm Water Pollution Prevention Plan.

**Soil-3:** Limit soil erosion/dust generation by wetting active construction areas (including roads) with water or by applying dust palliatives (soil binders).

**Soil-4:** Stabilize disturbed areas that would not be covered with structures (e.g., buildings or collectors) or pavement after grading and/or cut-and-fill operations. Stabilization methods would include moisturizing and compacting and/or application of polymeric soil stabilizers. The disturbed areas of the water line route would be reseeded using a seed mixture native to the area.

**Soil-5:** Minimize disturbance of soils and vegetation by reducing access and construction areas to smallest practical dimensions.

**Soil-6:** Cut/mow vegetation when removal is necessary; clear vegetation only to the extent necessary during construction activities.

**Soil-7:** Segregate and stockpile removed topsoil for reuse if practicable.

**Soil-8:** Implement drainage control measures and grade the Project Site to direct surface water into the retention basins.

**Soil-9:** Conduct post-construction monitoring of areas that were disturbed during the construction phase.

In addition to the soil mitigation measures identified above, the applicant has proposed the following Best Management Practices (BMPs) for consideration:

- Temporary soil stabilization (SS) techniques, such as scheduling construction sequences to minimize land disturbance during the rainy and non-rainy seasons and employing BMPs appropriate for the season; preserving existing vegetation by marking areas of preservation with temporary orange propylene fencing; using geotextiles, mats, plastic covers, or erosion control blankets to stabilize disturbed areas and protect soils from erosion by wind or water; using earth dikes,

drainage swales, or lined ditches to intercept, divert, and convey surface runoff to prevent erosion; using outlet protection devices and velocity dissipation devices at pipe outlets to prevent scour and erosion from storm water flows; and/or using slope drains to intercept and direct surface runoff or groundwater to a stabilized water course or retention area.

- Sediment Control (SC) techniques, such as using silt fences, straw bales, and/or fiber rolls to intercept and slow the flow of sediment-laden runoff such that sediment settles before runoff leaves the site.
- Wind Erosion (WE) control by applying water or dust palliatives, as required, to prevent or alleviate windblown dust.
- Tracking Control (TC) techniques to limit track-out of soil by vehicles, such as using stabilized points of entering and exiting the Project Site and stabilized construction roadways on the site.
- Other measures, as appropriate, to comply with the regulations.

The applicant has prepared a draft DESCP/SWPPP (DESCP) which describes a series of best management practices intended to reduce wind erosion during construction, including applying water or other dust palliatives as to prevent or alleviate dust nuisance generated by construction activities, covering small stockpiles or other areas subject to wind erosion, wet suppression (watering), chemical dust suppression, gravel asphalt surfacing, temporary gravel construction entrances, equipment wash-out areas, haul truck covers, installing vegetation, mulching, minimizing surface areas to be disturbed, limiting on-site vehicle traffic speed, controlling the number and activity of vehicles on the site, and application of soil binders.

Staff recommends implementation of a final DESCP in accordance with Condition of Certification **SOIL&WATER-1** to ensure adequate BMPs are in place to address and mitigate potential erosion and loss of soil from wind.

The erosion potential by water during construction is expected to increase as a result of loss of vegetative cover, removal of surface crust and desert pavement, and increased local sediment transport through creation of localized gullies and rills on newly graded slopes. The applicant proposed measures listed above are intended to mitigate erosion by storm water during construction. The DESCP by the applicant includes best management practices for water erosion control which include such measures as silt fences, sediment barriers, grading restrictions, soil binders, temporary stabilized drains, brush barriers, sediment basins, strawbale barriers, fiber rolls, and sand bags.

The applicant has made an estimate of soil erosion rates using the Revised Universal Soil Loss Equation (RUSLE2). The RUSLE2 equation estimates erosion-related soil loss from a land surface using climate, soil conditions, topography, land cover, support (best management) practices, and hydraulic resistance. The results are presented in **Soil and Water Table 6**.

The RUSLE2 analysis results shows that the Rositas soil association, which covers all of the Phase I area and most of the Phase II area, has the potential for producing approximately 0.042 to 0.42 tons per acre of water-borne sediment per year. Assuming

Rositas Silt Loam soils, this amounts to only about 8.4 cubic feet per year per acre, which is a reflection of the very low rainfall of the area. At this rate, the worst-case annual watershed sediment production potential from the 3,075-acre disturbed area would be approximately 950 cubic yards. The analysis also shows that the proposed BMPs would be sufficient to mitigate sediment production during construction. Staff has made an independent RUSLE2 evaluation using very preliminary and simplified BMP inputs, with similar preliminary results. Results should be revisited at the time of final design and based on specific BMPs and monitoring procedures.

The erosion-control plan by the applicant includes the construction of approximately 100 sediment basins throughout the project. These would be designed to collect two or more years of sediment accumulation as estimated according to a procedure developed by the United States Geological Survey (USGS, 2006). These sediment basins would have an aggregate capacity of at least 21,000 cubic yards. According to this estimate, the project site would produce approximately 1 cubic yard (1.35 tons) of sediment per acre per year, which is roughly equivalent to the annual estimate for Rositas Silt Loam under construction conditions with no BMPs in **Soil and Water Table 6**. With these basins in place, along with other construction-related best management practices proposed in the DESCP, construction-related sediment production from the site, as modeled by the RUSLE2 analysis, is expected to be less than the existing sediment production from the site.

The sediment basins would be located in the bed of stream channels and are expected to prevent excess sediment from normal site flows from being transported downstream to the detriment of downstream areas such as Dunaway Road and adjacent property. They would not mitigate surface detachment and rill erosion on the watershed surface within the solar disk array and other disturbed areas. Silt fencing, soil binders and other best management practices proposed in the DESCP are intended to mitigate these impacts. Condition of Certification **SOIL&WATER-1** would ensure that sediment basins and other construction BMPs are constructed in a timely manner to mitigate potential runoff erosion and loss of soil from wind.

**Soil and Water Table 6**  
**Soil Erosion Rates**

Soil Type	Existing (ton/ac/yr)	Construction- Cut Area with No BMPs (ton/ac/yr)	Construction- Fill area with No BMPs (ton/ac/yr)	Construction- Average with No BMPs (ton/ac/yr)	Construction with BMPs (ton/ac/yr)	Operations with BMPs (ton/ac/yr)
Rositas Sand and Fine Sand, 0% to 9% Slopes	0.042	0.042	0.14	0.091	<0.042	<0.042
Rositas Loamy Fine Sand, 0% to 2% Slopes	0.082	0.081	0.25	0.17	<0.082	<0.082
Rositas Silt Loam 0% to 2% Slopes	0.42	0.42	1.3	0.86	<0.42	<0.42
Meloland Fine Sand	0.017	0.017	0.054	0.036	<0.017	<0.017

Soil Type	Existing (ton/ac/yr)	Construction– Cut Area with No BMPs (ton/ac/yr)	Construction– Fill area with No BMPs (ton/ac/yr)	Construction– Average with No BMPs (ton/ac/yr)	Construction with BMPs (ton/ac/yr)	Operations with BMPs (ton/ac/yr)
Vint Fine Sandy Loam	0.13	0.13	0.41	0.27	<0.13	<0.13
Indo Loam	0.25	0.25	0.76	0.51	<0.25	<0.25

Source: SES 2008a

Notes:

< = less than

% = percent

BMP = Best Management Practice

ton/ac/yr = tons per acre per year

Soil erosion rates reflect sheet flow and rill erosion caused by storm water runoff and were calculated using the Revised Universal Soil Loss

Equation (Version 2), RUSLE2 computer program.

BMP = Erosion and Sediment Control Best Management Practice (Erosion Blanket, Mulch, Silt Fence, Fiber Roll, or Final Stabilization, etc.).

### Seeley Wastewater Treatment Facility (SWWTF)

A Mitigated Negative Declaration (MND) prepared by the Seeley County Water District for the proposed improvements to the SWWTF (Dudek, 2009) was not adopted by the Board of Directors for the Seeley County Water District. The MND was not adopted because the potential impact to a wetland and riparian habitats by diverting effluent flow from the SWWTF was not evaluated in the MND. Surface water in the wetland is supplied in part by effluent flow from the SWWTF and by agricultural return flows and underdrain flow from a drinking water treatment plant (Dudek 2009). To evaluate this potential impact, a hydrologic study is being conducted to quantify how diverting SWWTF effluent would affect the wetland and riparian habitats and any listed species that may occupy the affected habitats, including the state and federally listed Endangered Yuma clapper rail, state listed Threatened and Fully Protected California black rail, state and federally listed Endangered southwestern willow flycatcher, and the state and federally listed Endangered least Bell's vireo. This study may identify significant impacts, but mitigation measures may be able to reduce the impacts to less than significant. Mitigation measures would include activities such as providing restoration and compensation for affected jurisdictional areas. If potential impacts can be reduced to a level that is less than significant, then the SWWTF would be a viable water supply for the proposed project. However, should the study conclude that the effluent diversion would adversely impact the habitats of these listed species, formal consultation with U.S. Fish and Wildlife Service under Section 7 of the federal Endangered Species Act would need to be reinitiated.

The MND concluded that impacts related to soil loss and the erosion of topsoil associated with the improvements to the SWWTF would be less than significant. The MND also concluded that an increase in erosion and sedimentation from soil disturbance at the project site would be temporary during construction, and that in accordance with National Pollutant Discharge Elimination System (NPDES) regulations, a SWPPP and use of BMPs would be implemented during construction under Mitigation Measures **HYD-1** and **HYD-2** as presented below.

**Mitigation Measure HYD-1:** Prior to distribution of any treated water for public use, the (Seeley County Water) District shall submit an engineering report to the

California Department of Public Health (CDPH) and the Colorado River RWQCB as required by Title 22 of the California Code of Regulations (CCR).

**Mitigation Measure HYD-2:** Seeley County Water District shall prepare a Notice of Intent to prepare a SWPPP. The SWPPP would address water quality impacts associated with construction and operation of the project. To mitigate impacts from short-term erosion and discharge of pollutants, all BMPs identified in the SWPPP would be implemented. The SWPPP shall be consistent with the requirements of the County, Clean Water Act and the BMPs of the Region 7 Regional Water Quality Control Board. Construction BMPs shall include, but may not be limited to the following:

- Limit construction access routes and stabilize access points;
- Stabilize denuded areas with seeding, mulching or other methods;
- Stake/mark construction limits;
- Designate specific areas of the site, away from storm drain inlets and drainage features for the storage, preparation and disposal of construction materials, chemical products and waste; for auto equipment parking; and for routine vehicle and equipment maintenance; store stockpiled materials and wastes under a roof or plastic sheeting; berm around stockpile/storage areas to prevent contact with runoff;
- Perform major maintenance, repair and vehicle and equipment washing off-site or in designated and controlled areas on-site;
- Sweep up spilled dry construction materials (cement, fertilizer, etc.) immediately; water would not be used to wash them away; and
- Clean up liquid spills on paved or impermeable surfaces using "dry" clean-up methods (e.g. absorbent materials, cat litter, rags) and dispose of clean-up materials properly

In addition to mitigation measures in HYD-1 that specify compliance with the requirements of CCR Title 22, Division 4, Chapter 3, compliance with Title 17, Division 1, Chapter 5 would be required. Title 17 specifies procedures to prevent backflow from non-potable water lines and cross connecting potable and non-potable water lines.

## **Project Water**

The applicant estimates that construction water for dust control and ground preparation for concrete pours would average 45,000 gallons and not exceed 90,000 gallons per day. Groundwater from a private well (Well No. 16S/9E-36G4 owned by Dan Boyer Water Company) located near Ocotillo will be used to supply water for project construction. Condition of Certification **SOIL&WATER-2, -4, -9, and -11** ensure that this water come from a water purveyor licensed to provide potable water in the state of California, that the supply provided to Imperial Valley Solar be within the licensed capabilities of the purveyor, and that no water is exported for use outside the Ocotillo/Coyote Wells Groundwater Basin.

## **Storm Water**

Storm water runoff from the site during construction could include excess sediment, trash, oils, solvents, paints, cleaners, asphaltic emulsions, mortar mix, spilled fuel, vehicle fluids and other construction-related contaminants from the construction activity. The applicant proposes to collect and remove construction waste, including hazardous wastes, according to a regular schedule. The site construction would require a SWPPP which would specify BMPs that would prevent all construction pollutants including erosion products from contacting storm water, eliminate or reduce nonstorm water discharges to waters of the nation, and provide for inspection and monitoring of BMPs. Conditions of Certification **SOIL&WATER-1** and **SOIL&WATER-5** are intended to ensure adequate control of construction storm water pollutants.

## **Wastewater**

Portable chemical toilets would be used for construction sanitary wastes. Sanitary wastewater from these toilets would be periodically pumped to a tanker truck by a licensed contractor and shipped to a sanitary water treatment plant. Condition of Certification **SOIL&WATER-5** will ensure proper handling of construction sanitary wastes.

## **Proposed Project – Operation Impacts and Mitigation**

### **Soil Erosion Potential by Water and Wind**

Wind erosion could occur on cleared and graded areas during project operation. This could result in loss of topsoil, nuisance deposition of wind-blown soil on other areas, and air quality problems for the El Centro and adjacent agricultural areas to the east, which is in the direction of the prevailing wind flow.

Under project operations disturbed and cleared areas, primarily within the SunCatcher field, would be subject to increased erosion potential due to the removal of vegetation, the removal of desert pavement, the disturbance of the surface crust, and the placement of SunCatcher foundation poles in the flow path. The result of surface disturbances and the presence of SunCatchers in the flow path could be long-term erosional degradation of the soil surface within the SunCatcher array and in the intervening undisturbed areas, as well as increased sediment discharge offsite across Dunaway Road and toward the east where the Westside Main Canal and New River flow.

The DESCP prepared by the applicant states that site soil stabilization would occur following construction and that several alternatives are being considered to determine which solution best achieves the desired effect to minimize wind erosion, prevent water erosion, minimize weed and undesired vegetation growth, as well as providing a suitable work surface. Soil binders would be used in high traffic areas. Some areas may be covered or stabilized. The laydown areas would be returned to “as found” condition as practical by removing all material placed there for the construction effort and then by restoring the soil to a native condition.

Conditions of Certification **SOIL&WATER-1** and **SOIL&WATER-5** would ensure surface erosion protection and protection against wind erosion and increased runoff-borne sediment load from the watershed surface. With the proposed BMPs in place as described in the DESCP, soil surface erosion due to wind and surface runoff would be minimized.

Localized summer monsoon storms can produce high-intensity rainfall spawning variable and unpredictable flash flooding on the project area. Flooding from these types of storms can be locally severe, with deep flows and high flow velocities. The aridity of the region results in sparse vegetative cover. Soils are generally sandy and subject to erosion during flood events. Consequently, the potential for channel bank erosion and transport of sediment downstream is high.

**Soil and Water Figures 4, 5 and 6** show typical channel patterns on the project site. **Soil and Water Figure 4** shows a view of the G North watercourse in the southwest corner of Section 15. **Soil and Water Figure 5** is an oblique aerial photograph of the same area. These images show a typical alluvial fan on Phase II with a braided but confined main channel upstream of the fan, a fan apex, and an alluvial fan with spreading, unconfined channels. At about right center in the **Soil and Water Figure 5** photograph, the local hills diminish in size at the fan apex and the main channel splits into a series of smaller channels on the fan surface. Alluvial fans typically form where confined streams discharge onto relatively flat, unconfined plain areas. As sediment transported from upstream is deposited on the plain, local channels fill and flows can take new paths by avulsion. The alluvial fan surface is covered by radiating flow paths, any one of which, or all, can be taken by any flood. The flood pattern on alluvial fans for any given flood is unpredictable.

**Soil and Water Figure 6** shows typical braided channel conditions in the C North watercourse of the Phase I portion of the project. Braided channels can be formed by streams with steep slopes, high sediment load and easily erodible banks. They are characterized by multiple, shifting channels and alluvial islands. The response of braided streams to floods is difficult to predict because they are unstable, rapidly change their alignment, carry large quantities of sediment, and are wide and shallow even at flood flow (SLA, 1982). As floods occur local channels fill and shift across the braided surface in a local avulsion process contained by the adjacent hills. At the location of **Soil and Water Figure 6**, a series of approximately 17 interconnected braided channels, across a width of approximately 320 feet, conveys the Drainageway C North flows. Most braids at this location are 10 feet or less in width.

Most of the medium to large size watercourses on the Imperial Valley Solar project site exhibit braiding or alluvial fan characteristics, or both. The site watercourses are typically unstable, with erodible banks, and are capable of rapidly shifting position where not constrained by high ground.

SunCatcher foundation poles in the flow path would create local areas of flow turbulence, resulting in local stream scour around the foundation poles. Scour such as this occurs on bridge piers, resulting in the need to bury bridge piers to a depth below the depth of scour to ensure stability. SunCatchers subject to scour could also become unstable if the scour is deep enough to undermine the structural foundation, resulting in collapse

and potentially damaging and polluting the ground surface with mirror fragments and other SunCatcher debris.

The HEC-RAS model used as a basis for floodplain modeling by the applicant is widely accepted and very effective at modeling floodplains characterized by an incised channel with well-defined overbank areas. HEC-RAS is not as effective at delineating flood hazards in wide braided channels and alluvial fan areas subject to erosion and channel avulsions as occurs on most of the Imperial Valley Solar project site. HEC-RAS models flow from cross section to cross section using a one-dimensional energy equation. In the model, flow is assigned to the lowest area of a stream cross section first, and the water level is increased equally in the model until the energy equation is balanced with the previous modeled cross section. The result is a single, flat water surface across each cross section. In the case of braided or alluvial fan conditions, where flow direction can be two-dimensional with variable water surfaces across a cross section, HEC-RAS may give inaccurate results. To illustrate this, **Soil and Water Figure 7** shows HEC-RAS Cross Section 9469.782 in the G North floodplain. This cross section is in the eastern portion of Construction Phase II approximately ½-mile downstream of the transmission line. The floodplain mapped by HEC-RAS is 646 feet wide. A geomorphic evaluation based on field observations, topographic maps and aerial photographs indicates the actual flood hazard area at this location is closer to 1,490 feet in width as indicated by the presence of visible wash beds. As floods occur on this cross section it is likely there would be variable water surface elevations across the cross section.

Numeric floodplain modeling on braided streams and alluvial fans can be accomplished by two-dimensional analysis for which a number of computer models exist. These models can be more accurate than HEC-RAS, but also have limitations. A simple and effective way to evaluate flood hazards is to use a qualitative geomorphic analysis based on observable factors such as topography, visible presence of past flow, vegetation patterns, soil characteristics, and visible presence of surface features not compatible with frequent flows (for instance desert pavement).

The floodplain mapping in **Soil and Water Figure 3** attempts to account for HEC-RAS inaccuracies by including an interpreted 100-year floodplain to supplement the HEC-RAS output in areas where the HEC-RAS output is clearly inaccurate. Staff considers these floodplain limits and HEC-RAS modeling to be an approximate representation of the main flood-prone areas on the project site, but that the mapping is not complete. Additional geomorphic or two-dimensional analysis should be conducted prior to final design to more accurately map flood hazard areas. Actual flood-prone areas would be more extensive in areas where active or potentially active braided channels and alluvial fan characteristics extend beyond the HEC-RAS interpretive limits, and where smaller drainageways were not mapped.

Staff considers the HEC-RAS data provided by the applicant to be useful for determining probable hydraulic data, such as potential flow depths and flow velocities. Flow velocities and depths for the 100-year flood as estimated from the HEC-RAS modeling are fairly uniform across the site. Flow depths on the site average approximately 1.2 feet, with flow velocities approximately 3 feet per second. No flood depths in excess of 2 feet were modeled within the Phase I and Phase II boundaries. Maximum flow velocity for both areas is 4.7 feet per second.



The applicant proposes to bury SunCatcher foundations a sufficient depth to protect against 5 feet of scour. Staff estimates using hydraulic information from the HEC-RAS analysis, and the assumption of a 2-foot diameter foundation, that total 100-year scour at SunCatchers would be 5 feet or less in most, but not all, cases. Scour depth is estimated to be deeper than 5 feet in several areas, and if long-term stream degradation and debris accumulation on SunCatcher foundations is considered, the scour depth could be greater than 5 feet in many cases.

The site contains a large number of small drainageways not mapped in **Soil and Water Figure 3**. Most originate on-site. **Soil and Water Figure 8** shows a network of unmapped drainageways in the area of the Main Services Complex. **Soil and Water Figure 9** is a ground photograph of one of the drainageways shown in **Soil and Water Figure 8**. These **Soil and Water Figure 8** drainageways are approximately 80 to 300 feet wide in the area of the Main Services Complex, and converge to approximately 2,000 feet wide farther downstream. They exhibit the same braided pattern described above for the larger drainageways. Although these drainageways are relatively wide, the contributing watersheds for them are small. The beginning of the channel shown in **Soil and Water Figure 9** is only 3,700 feet upstream. Small drainageways such as this exist throughout the site, but are more pronounced in the hillier Phase I area than Phase II area. In Phase I they run mostly north-south and are spaced roughly 300 feet apart through most of the area. Width ranges from 3 feet to about 400 feet or more including braids. Some drainageways in the Phase II area exhibit alluvial fan characteristics as they discharge onto the flatter Phase II slopes.

The flood hazard area of the small drainageways is approximately equivalent to the visible channel width. Although not modeled by the applicant, based on the hydrology and HEC-RAS results for the modeled watercourses, it is expected 100-year flood depths and velocities would be less than 1 foot and 3 feet per second, respectively.

Some SunCatchers could be placed in unmapped flood hazard areas without benefit of scour protection. By requiring implementation of a DESCP and storm water and erosion control BMPs, and development of a Storm Water Damage Monitoring and Response Plan, Conditions of Certification **SOIL&WATER-1** and **-7** would mitigate potential impacts associated with stream scour and SunCatcher instability.

Stream morphology in areas subject to direct impingement of flow could be altered by local diversions of flow by SunCatcher foundations. Local (pier) scour holes would form around the dish foundations during flooding. Each SunCatcher foundation in the flow path could have a scour hole roughly 12 feet in diameter around it (including the foundation post), assuming an average pier scour depth of 3 feet, and an angle of repose of 30 degrees for sand, during a 100-year flood. The total land area subject to disturbance by scour around the 5,150 dish foundations in the floodplain could be 13 acres.

Scour holes would likely refill, at least partially, as the flood discharge subsides, but local scour during floods would be a continuing feature of the project. The turbulence created by local scour at dish foundations would result in the potential for increased local erosion and possibly new channel avulsions. The potential for adverse impact from induced local erosion and channel avulsions is expected to be more severe in the

Phase II area because of the generally flatter terrain and higher flow discharges in Phase II. Phase II also has the presence of adjacent property not a part of the Imperial Valley Solar project, upon which these impacts could be manifested. The Phase I area would be subject to the same influences, but streams in this area are better confined by local topography.

Basic stream morphology and sediment transport characteristics could be affected by the project. Natural streams are typically in a state of dynamic equilibrium in terms of sediment transport. On average, the amount of sediment that a reach of a stream is capable of transporting is equal to the amount of sediment delivered to the reach from upstream. Should the amount of sediment delivered to a reach exceed the capacity of the stream to transport sediment the stream channel would tend to aggrade (accumulate sediment in the stream bed) as a result of the sediment delivery being in excess of the sediment transport capacity. A decrease in sediment delivery can result in stream degradation (lowering of the stream bed) as the sediment delivery is less than the sediment transport capacity and the stream takes sediment from the bed.

Stream channels are the most heavily vegetated areas on the property. **Soil and Water Figure 10**, from Drainage C in **Soil and Water Figure 3**, shows the relative density of vegetation within the stream channels as opposed to the watershed surface. The project proposes clearing vegetation along the parallel rows of SunCatchers. The width of clearing would be approximately 130 feet, with approximately 72 feet left undisturbed between rows. Clearing of vegetation and smoothing of surface irregularities, also proposed by the applicant, would result in a local decrease in channel or floodplain roughness, or resistance to flow, which could result in an increase in flow velocities along the cleared rows located in the floodplain. The capacity of a stream to transport sediment is heavily dependent on flow velocity. Staff anticipates the result would be an increased potential for sediment transport in the cleared areas.

In areas where the SunCatcher rows run parallel to and within the natural stream alignment, as is generally the case in Phase I and the western portion of Phase II, cleared areas running longitudinally along the stream alignment could be captured and used as efficient main conduits by flood flows. Localized erosion and scour could result, as well as increased sediment transport through these areas.

A sediment transport analysis to evaluate existing compared to with-project sediment transport conditions on the site is not available at this time. The RUSLE2 analysis described above addresses watershed sediment yield, not in-stream sediment transport. Staff has made a preliminary independent estimate that indicates sediment transport in areas cleared and graded for the project could be 10 percent to 60 percent higher than natural conditions. Increased sediment transport in the SunCatcher arrays could result in stream degradation within the arrays as well as sediment deposition in channels downstream of the Imperial Valley Solar project where sediment transport capacity is reduced, for instance at highway culverts and bridges which tend to slow upstream flow velocities.

Project-induced sediment deposition could be most severe in the areas of the alluvial fans on Phase II, and upstream of the railroad and roadway culverts crossings on the Evan Hughes highway at drainageways designated with the letters I, J, A, K, C, and D

(See **Soil and Water Figure 3**). Deposition upstream of the culverts, if severe enough, could compromise the capacity of these culvert and bridge crossings.

Drainageways with the letter designation E, F, G and H in the western portion of the site run roughly perpendicular to the proposed solar dish row direction. After construction of the project these drainageways would include strips of unaltered vegetation between the solar dish rows and perpendicular to the flow direction which should reduce the effect of the vegetation removal within the solar dish rows. The extent of this reduction is unknown at this time due to the absence of a detailed numeric analysis.

Drainageways F, G and H exit the solar dish array more than 1 mile upstream of the property line. This buffer distance, for which the sediment transport capacity should not be affected by the property, could also reduce or mitigate the effects of offsite sediment deposition induced by the project.

The sediment basins described in the DESCP and Section C.7.4.1 of this report are proposed as mitigation for potential excess sediment production which could result from increased sediment transport capacity in the SunCatcher arrays. These basins are designed by a regional equation rather than a site-specific sediment transport analysis. Because of the lack of precision in this form of analysis, the capacity of these basins to function as intended is not known. Since the basins are designed for two years of annual sediment production they may serve the intended purpose on small floods, but could be overwhelmed by the much larger sediment transport volume of larger floods, with the resulting effect of increased sediment deposition downstream if sediment transport from the SunCatcher fields has been increased through vegetation clearing and grading of surface irregularities.

On an average annual basis, with smaller floods occurring, the basins may function as intended to remove sediment. However, this too could have an adverse impact after a long series of small floods if the basins remove too much sediment from the system.

Artificial removal of sediment from a stream bed otherwise in equilibrium usually results in a lowering of the downstream bed. The result would be an alteration of downstream channel morphology from wide sandy washes with shallow banks to deeper channels with steeper banks. This could have an adverse effect on local riparian resources, increase the bank erosion potential, as well as affect in-stream man-made structures. Flow cascading into unprotected basins could create cuts that would migrate upstream along the channels.

Stream morphology on the site could be affected through: a) increased production of sediment from the watershed surface; b) placement of obstructions in the flow path resulting in local scour and potential diversions; c) clearing of vegetation within channels and increasing sediment transport capacity; and, d) installing sediment basins throughout the site to mitigate for increased sediment production. The result could be excess sediment deposition at culverts and bridges along the Evan Hewes Highway and parallel railroad, and toward the east in the direction of the Westside Main canal. Other effects could occur as described above. The level of analysis developed in the AFC and supporting documents is not sufficient to resolve uncertainties regarding the ability of the applicant-proposed measures to reduce sedimentation and stream morphology impacts to a level less than significant. Staff has determined by preliminary analysis that

sediment transport capacity in on-site drainageways would likely be increased by the project, with possible adverse effects. In the absence of a detailed, site-specific sediment transport analysis specifically addressing these issues, these stream morphology impacts are considered a significant adverse impact of the project.

Staff has identified two drainage avoidance alternatives that would mitigate potential impacts from SunCatcher construction in drainageways. These alternatives are discussed in Section C.7.6 and C.7.7. Additionally, the drainage avoidance alternatives were developed to avoid or minimize impacts to waters of the U.S. The USACE has determined that 881 acres of the proposed project site are jurisdictional waters of the U.S. under Section 404 of the CWA (See Section C.7.8.4 of this report). However, as described in the biology section of this report, the USACE has not yet finalized their 404(b)(1) analysis for the project. The 404(b)(1) analysis typically requires that to the extent practicable impacts to waters of the U.S. are: a) avoided; b) minimized; and, c) unavoidable impacts are mitigated. Many, if not all of the alternatives analyzed herein including the drainage avoidance alternatives will be used in the USACE alternatives analysis compliant with the CWA 404(b)(1) Guidelines. Staff expects that the soil erosion impacts associated with the LEDPA, which will be required by the USACE, will be similar to or less than the impacts identified in this discussion. Staff also expects the USACE to include measures identical or similar to those identified in **SOIL&WATER-1**, -**5**, and -**7**.

### **Storm Water**

Operations surface water quality could be affected by the increase in sediment load, addressed under Soil Erosion Potential by Water and Wind above, and through the introduction of surface water pollutants such as operations-related trash, vehicle fuels, coolants and other fluids, contaminated runoff from developed areas such as the substation and main services complex, water treatment system wastes, sanitary wastes, SunCatcher mirror washing, and the accidental release of other materials, hazardous or non-hazardous, from the site.

SunCatcher mirror washing would be ongoing throughout the life of the project. Most washings would be with demineralized water. Once per year a dilute biodegradable soap solution would be used. The amounts of water used in the washes would not be sufficient to produce runoff, and the soap solution would be biodegradable. Condition of Certification **SOIL&WATER-1** would ensure no adverse water quality or soils impact from mirror washing.

Runoff from the Main Services Complex would be directed into a 1-acre storm water retention pond. Runoff-borne contaminants from the Main Services Complex would be discharged into the retention basin rather than being discharged into the natural channel system. The project would include an oil/water interceptor to collect oil and other contaminants from the Main Services Complex. Oil collected from this interceptor would be transported to a certified recycling facility.

Conditions of Certification **SOIL&WATER-1** and **SOIL&WATER-5** would ensure minimization of operations-related storm water runoff contaminants and mitigate to a level less than significant in all areas except those associated with the sediment content of water related to stream morphological changes described above. Uncertainty

regarding sediment content of runoff water results in a conclusion of potential significant adverse water quality (sediment) impact.

If the SWWTF MND is adopted, potential storm water impacts from the SWWTF upgrade would be less than significant with implementation of SWWTF MND mitigation measures HYD-1 and HYD-2 (Dudek, 2009).

## **Wastewater**

The reverse osmosis water treatment system would produce water with a high concentration of total dissolved solids, as well as other contaminants. These waste waters would be discharged into one of two concrete-lined evaporation ponds at the Main Services Complex for drying. After a pond is filled it would be allowed to dry while the other pond is filled. The dry cake from the evaporation process would be removed by truck to a waste disposal facility. Potential impacts include groundwater degradation from infiltration at the ponds, and surface water degradation from spills and mishandling of the dry cake.

This discharge of wastes to the evaporation ponds would be subject to waste discharge requirements from the Regional Water Quality Control Board. CWC §13260–13269; 23 CCR Chapter 9 requires the filing of a Report of Waste Discharge (ROWD) and provides for the issuance of Waste Discharge Requirements with respect to the discharge of any waste that can affect the quality of the waters of the state. An ROWD would be filed for the Reverse Osmosis (RO) Unit discharge waste. Subject to verification by the RWQCB, the RO Unit and evaporation ponds would be constructed and monitored in accordance with RWQCB requirements as outlined in Appendices B, C and D of this report. Conditions of Certification **SOIL&WATER-3** and **SOIL&WATER-7** would ensure no adverse water quality impact from the water treatment system.

The storage, handling and clean-up of hazardous wastes on the site would be subject to a Hazardous Materials Management Program (HMMP) developed by the applicant. The HMMP addresses handling and usage, emergency response, spill control and prevention, training, record keeping, and reporting. A fuel handling design plan has been prepared for proper storage and handling of fuels. Section C.15 (Waste Management) of this document also addresses wastes. Condition of Certification **WASTE-7** requires preparation of an Operation Waste Management Plan, **WASTE-8** requires documentation and clean-up of all spills of hazardous substances. Conditions of Certification **SOIL&WATER-3** and **SOIL&WATER-5** would address water quality issues related to hazardous wastes.

Sanitary wastes would be discharged into a septic tank system with a dual sanitary leach field alternated every two years to allow recovery from bacterial loading. Sewer sludge would be pumped and disposed of by trucks to an approved off-site disposal facility. Adverse surface water quality impacts could occur through overflow of the septic and leach field system. Condition of Certification **SOIL&WATER-8** would ensure the sanitary system is operated and maintained so potential impacts would be mitigated to a less than significant level.

## **Project Water Supply**

Groundwater from a private well (Well No. 16S/9E-36G4 owned by Dan Boyer Water Company) located near Ocotillo will be used to “temporarily” supply water for the project. Similar to the majority of wells in the area, the Dan Boyer Water Company well reportedly pumps from the upper alluvial aquifer system. A portion of the proposed project site (about 4-percent of the project area footprint) is located in the adjacent Imperial groundwater basin, and therefore a small portion of the water extracted by this well for the project (probably less than 4-percent) would be exported from the Ocotillo/Coyote Wells Groundwater Basin for use in the Imperial Valley Groundwater Basin. Exporting groundwater from Ocotillo/Coyote Wells Groundwater Basin for use in the Imperial Valley Groundwater Basin is prohibited by Imperial County (Title 9, Division 22, Chapter 3, section 92203.02) – even for dust suppression and mirror washing.

The Dan Boyer Water Company has a “Specific Terms for Groundwater Well Registration” for their well that permits them to extract 40 acre-feet per year of water. Historical monthly sales records provided in the Project Applicant’s Supplement to their AFC (May, 2010) ranged from almost 3 acre-feet per year (1993) to 42.1 acre-feet per year (2004); the average water sales from the well was 16.8 acre-feet per year. A letter to Imperial County from the previous well owner (Michele Brammer, July 27 2004) reported that since 1983 water from the well was sold to commercial accounts and residents of Painted Gorge. The quantity of water sold for residential purposes is not reported; however the applicant has reported that well water sales are primarily used for commercial purposes (construction and dust control).

Staff reviewed reported monthly water sales data for the period May, 1990 through June 2004. Monthly water sales are variable, but in general sales increased over time and the highest sale volumes occurred after 2002. During the period of record, staff is not aware of a substantial influx of residential development in the Painted Gorge area. Hence, staff assumed the temporal variability in water sales reflects primarily variability in commercial water use. The smallest sale volumes typically occurred in February, and were fairly constant until 2000; after 2000 annual water sales from the well almost tripled. Prior to 2000, February water sales were fairly constant and averaged 0.15 acre-feet per month. Assuming construction and dust suppression water use are minimal during the winter, the February water sales likely represent hard or fixed indoor residential demand for water, and if applied over the entire year suggests residential indoor water use is almost 2 acre-feet per year. Total water sales in 1993 were 2.9 acre-feet, and may indicate commercial water use was minimal that year and annual residential demand was approximately 3 acre-feet per year. Staff is unable to confirm water sales from the Dan Boyer Water Company for fixed residential water use, and therefore conservatively assumed residential water use supported by this well is 6 acre-feet per year.

The project proposes to utilize groundwater at the rate of approximately 50 acre-feet/year during almost 40 months of construction, and if recycled water from the Seeley wastewater treatment plant is not available project operations will require almost 33 acre-feet per year of groundwater during its 40-year project life. Staff notes the construction water demand exceeds the permitted extraction rate by more than 10 acre-

feet per year. Furthermore, historical Dan Boyer Water Company residential customers will still require water.

Staff analyzed the potential impacts of proposed project groundwater consumption on the basin water budget, groundwater levels and water quality. Because the timing and source of the future recycled water supply has not been confirmed, staff was conservative and assumed the project utilized the proposed groundwater supply throughout construction and the life of the project. Staff summarized the volumetric water budget and its sensitivity to project pumping using information from US Gypsum's modernization/expansion planning effort (Bookman-Edmonston, 2004; U.S. Gypsum, 2006, and Todd Engineers, 2007), and employed standard well hydraulic equations to estimate project pumping effects on groundwater levels in the vicinity of the water supply well (i.e., drawdown and well interference).

### **Basin Balance**

As noted above, construction water use would average over 45,000 gallons per day (peak water use of approximately 90,000 gpd) and a total annual use of 51.1 acre-feet per year. Annual operational use would average 33,550 gallons per day with total annual use of 32.7 acre-feet per year. Total water use (1,474.1 acre-feet) averages 34.1 acre-feet per year when averaged over the entire construction and operation life of the project (43.25 years).

Groundwater storage in the basin is decreasing and the basin is considered to be in overdraft. As defined by the California Department of Water Resources (1998), groundwater overdraft is the condition of a groundwater basin or subbasin in which the amount of water withdrawn by pumping exceeds the amount of water that recharges the basin over a period of years, during which the water supply conditions approximate average conditions. Overdraft can be characterized by groundwater levels that decline over a period of years and never fully recover. Groundwater budgets developed by multiple authors (Todd, 2007) showed that the amount of groundwater withdrawn exceeds the amount of water that recharges the basin. Moreover, water level data collected by the USGS demonstrate that groundwater levels have been consistently declining since the mid-1970's (Todd, 2007).

**Soil and Water Figure 11** shows reported water levels in shallow (alluvium) and deep (Palm Springs and Imperial Formation) wells located in the Ocotillo/Coyote Wells Groundwater Basin (the water level data were obtained from the USGS National Water Information System database). Wells constructed in the alluvial aquifer and deeper Palm Springs and Imperial formations were delineated as reported by Todd (2007) and the aquifer thickness mapped by Bookman-Edmonston (2004). Water levels in alluvial aquifer wells near Ocotillo and the proposed water supply well have been decreasing for over 30 years.

Staff utilized the Mann-Kendall test for trend to identify water level records showing statistically significant trends, and the results are reported in **Soil and Water Table 7**. The Mann-Kendall test is a nonparametric test used to determine if the changes in water levels over time are statistically significant. The rate of change in the water levels was determined using the Sens Slope method (a nonparametric estimate of the slope of time series data). Staff's analysis indicated that observed water levels in 21 of the 23

wells shown in **Soil and Water Figure 11** have statistically significant trends, and most of the trends (14) are downwards; the water levels in all alluvial aquifer wells were downwards. The water levels in the alluvial aquifer wells have been declining at a rate of 0.13 to 0.24 feet per year (average observed decline of 0.21 feet per year).



**Soil and Water Table 7**  
**Groundwater Level Changes and Trends in the Ocotillo/Coyote Wells Groundwater Basin**

Well Number	Historical Maximum GWE		Historical Minimum GWE		2009 GWE		Change (2009- Maximum)	Trend (ft/yr)	
	Year	Elevation	Year	Elevation	Year	Elevation		$\alpha = 0.05$	
								Years	Observed
16S09E24B001S	1976	280	2010	275	2009	275	-5	1976-2010	-0.13
16S09E24D001S*	1977	278	2010	273	2009	273	-5	1977-2010	-0.16
16S09E25M002S	1991	273	2007	268	2009	269	-4	1991-2010	-0.24
16S09E26F001S	1999	235	2005	233	2009	233	-2	1998-2010	-0.21
16S09E34B001S	2000	259	2009	253	2009	253	-6	1998-2009	-0.21
16S09E35M001S	1962	289	1986	281	2010	285	-4	1962-2010	-0.08
16S09E36D002S	1975	277	2007	270	2009	270	-7	1975-2010	-0.19
16S09E36G004S	1986	260	1995	244				1975-2002	(-0.07)
16S09E36H001S	1954	274	2005	245	2009	257	-17	1954-2010	-0.22
16S10E27R001S	2002	203	1994	201	2009	202	-1	1975-2010	0.01
16S10E28D001S	1974	227	2010	220	2009	221	-6	1974-2010	-0.16
16S10E29H001S	1978	228	2003	223	2009	223	-5	1975-2010	-0.19
16S10E31B001S	1993	252	2008	248	2009	248	-4	1993-2010	-0.29
16S10E32P001S	1993	245	2009	241	2009	241	-4	1993-2010	-0.22
16S11E23B001S	1978	-9	2008	-22	2009	-21	-12	1974-2010	-0.43
16S11E27F001S*	1975	7	2004	0	2009	0	-7	1975-2010	-0.04
16S11E42L001S	1993	184	1975	150	2009	164	-20	1975-2010	(0.21)
17S10E11B001S	1976	221	1988	212	2009	217	-4	1975-2010	0.07
17S10E11G001S	1971	225	1981	142	2010	206	-19	1967-2010	0.66
17S10E11G004S	2010	205	1982	169	2009	205	0	1978-2010	0.78
17S10E11H003S	2008	209	1988	200	2009	209	0	1987-2009	0.32
17S11E16J001S	2010	208	1975	202	2009	208	0	1970-2010	0.13
17S11E22E003S	2010	207	1975	201	2009	207	0	1975-2010	0.13

Data from: USGS, National Water Information System, June 2010.

Trends in parentheses are not significant at the  $\alpha = 0.05$  level.

Shaded rows identify deep wells (wells interpreted to represent groundwater conditions in the Palm Springs and Imperial formations).

\* Extreme initial water level not used.

Todd (2007) completed a detailed review of the Bookman-Edmonson (2004) Ocotillo/Coyote Wells groundwater-flow model developed for the proposed U.S. Gypsum expansion. Todd (2007) concluded that the model is reasonably calibrated in the immediate vicinity of Ocotillo and it is a useful tool to help evaluate future impacts from pumping in the Ocotillo area. As part of their review effort, they calculated the statistical relationship between potential future pumping changes and its impact to the simulated water budget. The relationship indicated that for every 100 acre-feet per year of increased pumping, groundwater storage in the alluvial aquifer decreases by an additional 52.4 acre-feet per year.

Pumping for construction of the Imperial Valley Solar Project will average 51.1 acre-feet per year for slightly more than 3 years. Todd's (2007) statistical relationship indicates any increase in groundwater consumption will exacerbate water level declines and increase overdraft. Imperial Valley Solar's proposed construction water use will therefore increase overdraft in the aquifer, and based on Todd's (2007) relationship the overdraft will increase by almost 27 acre-feet per year during the proposed three-year construction period. This storage decline represents 19-percent of the simulated annual storage decline in Bookman-Edmonson's (2004) baseline scenario for the proposed U.S. Gypsum expansion (140 acre-feet per year depletion in groundwater storage); Bookman-Edmonson's (2004) the baseline scenario was an 80-year extension of the estimated average annual pumping from the alluvial aquifer (469 acre-feet per year). Because the basin is already in overdraft, and Imperial Valley Solar's proposed construction pumping will exacerbate the water level decline and increase groundwater storage depletion and overdraft, staff concluded the proposed construction pumping will cause a significant negative impact to basin storage.

The annualized annual pumping increase associated with Imperial Valley Solar project operation is 32.7 acre-feet per year. Todd's (2007) statistical relationship indicates project pumping will increase overdraft in the aquifer by 17 acre-feet per year. This storage decline represents 12-percent of the simulated annual storage decline in Bookman-Edmonson's (2004) baseline scenario (140 acre-feet per year). Because the basin is already in overdraft, and Imperial Valley Solar's proposed groundwater use for project operations will exacerbate the water level decline and increase groundwater storage depletion and overdraft, staff concluded the proposed use of groundwater for plant operations will cause a significant negative impact to basin storage.

Groundwater consumption by the Imperial Valley Solar project is a significant negative impact. It cannot be mitigated without decreasing pumping in other parts of the basin, enhancing recharge, or importing water. These mitigation approaches are not likely feasible for the Ocotillo/Coyote Hills Groundwater Basin, and therefore groundwater impacts from project pumping is considered unmitigable.

### **Effects on Water Levels and Other Users**

All use of wells within a groundwater basin contributes toward a lowering of water levels at other well locations. The overlap of drawdown among two or more wells is called "well interference". There are no reported springs near the site, and most mapped springs are over 10 miles from the project site and located in the mountains and outside the boundaries of the alluvial aquifer. The water table is too deep to support

phreatophytic vegetation (average depth to water is about 125 feet below land surface in the vicinity of the site and water supply well). The primary concern therefore is well interference effects that significantly change conditions in and around existing wells and affect well yield.

Reductions in well yield can occur as the static or pumping water level drops below the top of the well screen or the water production capacity decreases as a result of incrusting deposits clogging the well screen openings and water-bearing formation around the well screen. A loss of yield is appreciable if the well becomes incapable of meeting 1) maximum daily demand, 2) dry-season demand, or 3) annual demand. The maximum theoretical well yield can be defined as the pumping rate supplied by a well without lowering the water level in the well below the pump intake (F&C1979).

Typically, pump intakes are located near the top of the screened interval because it is desirable to keep the screen submerged under water; submerging the well screen can minimize chemical clogging and physical deterioration of the well screen (Driscoll1995). In **Soil and Water Table 8**, staff summarize available well construction data compiled from DWR well driller reports and water level information in the vicinity of the proposed water supply well and project site. On the average, wells are over 280 feet deep and the top of the well screen begins on average at a depth of 140 feet below land surface (standard deviation of 46-percent). Measured water levels during 2007-2010 indicate an average depth to groundwater of about 125 feet below land surface, and therefore the well screens are on average currently submerged approximately 15 feet below the water table. Staff utilized the average water level, well screen depth, and standard deviation in well screen depth to select a conservative significance threshold of 8-feet of drawdown. The average water level and well screen depth represents typical well conditions in the area, and the standard deviation incorporates a substantial portion of the observed variability between individual wells. Together, the threshold reasonably assures that water levels near the water supply well will not fall below existing well screens as a result of project pumping.

**Soil and Water Table 8**  
**Construction and Water Level Data for Wells Located Near Ocotillo**  
**and the Proposed Project Site**

Well ID	Well Depth (ft bgs)	Depth to Top of Screen	Water Level (ft bgs)	Year Measured
1	250	10	90	1980
2	379	239	---	1976
3	305	200	110	1990
4	400	132	83	1972
5	300	200	125	1961
6	410	100	85	1954
7	461	100	95	1961
8	254	115	71	1979
9	112	98	---	1969
10	200	120	115	1989
11	303	200	115	1990
12	155	70	50	1990
13	155	70	50	1990
14	184	82	85	1990
15	401	181	189	1992
16	120	87	87	1978
17	300	60	100	2001
18	250	150	135	1996
19	256	136	135	1996
20	360	250	220	1971
21	332	80	230	1974
22	301	270	170	1975
23	355	99	113	1977
24	112	52	---	1977
25	305	140	126	1978
26	398	238	---	1978
27	325	225	---	1981
28	420	120	100	1984
29	204	146	117	1984
30	205	120	111	1984
31	228	125	140	1985
32	201	100	96	1985
33	290	220	92	1988
34	---	---	44	2010
35	---	---	49	2010
36	410	---	84	2010
37	200	---	165	2010
38	---	---	316	2007

Well ID	Well Depth (ft bgs)	Depth to Top of Screen	Water Level (ft bgs)	Year Measured
39	495	---	325	2010
40	410	---	237	2009
41	300	---	197	2010
42	336	216	140	2010
43	149	---	109	2010
44	128.4	---	110	2010
Average	284	140	126 <sup>a</sup>	---
SDEV	96	65	43	---

a) Average recent water level calculated from 2007-2010 data.

Well interference from project pumping for construction and operational water use was calculated using the Theis equation. Staff utilized WinFlow v.3.11 to solve the Theis equation and simulate groundwater level changes at several existing well locations under the following conditions

- Annual time steps using average constant extraction rates as summarized below.

Year	Pumping Rate (AF yr <sup>-1</sup> )
1-3.25	51.1
3.25-43.25	32.7
Total	34.1 (1,474.1 AF)

- The Theis equation assumes the pumped well penetrates the entire aquifer, and staff's results therefore represent average conditions within the water-bearing zones intercepted by the well screen.
- Staff's modeling calculated drawdown relative to the projected future piezometric surface, and results represent the change in future water levels due solely to project pumping.
- The Jacumba Mountains, Elsinore fault zone and Coyote Mountains form barriers to groundwater flow. Furthermore, the upper alluvial aquifer is limited in extent relative to the deeper Palm Springs and Imperial formation aquifer. Staff employed the principle of superposition and imaginary wells to transform the infinite aquifer into an aquifer of finite extent. Staff's simulations represent the two conceivable extreme end members of possible hydrogeologic conditions: (1) water level changes in an aquifer without boundaries; and (2) water level changes in an aquifer influenced by boundaries formed by faulting, the Jacumba and Coyote Mountains, and the limited lateral extent of Holocene alluvium.
- The aquifer test conducted by the applicant provided an estimated transmissivity of 334 feet squared per day (ft<sup>2</sup>/d); no estimate for the storage coefficient could be made from the test data. Staff assumed a storage coefficient of 0.10 for the alluvial aquifer; a storage coefficient of 0.10 is utilized for the alluvial aquifer in the Ocotillo/Coyote Wells groundwater-flow model (Bookman-Edmonston, 2004).

- Due to natural heterogeneity in all hydrogeologic systems, the transmissivity and storage coefficient is likely not uniform and instead spatially variable. Staff employed multiple simulations using a range in transmissivity and storage coefficient values to represent uncertainty in aquifer conditions and the sensitivity of simulated water level changes due to project pumping. Staff utilized 1,000 ft<sup>2</sup>/d for an alternative transmissivity and 0.02 as an alternative storage coefficient. The alternative transmissivity is the value representing the alluvial aquifer in the Ocotillo/Coyote Wells model, and the alternative storage coefficient is the value representing the deeper Palm Springs and Imperial formations in the model.

**Soil and Water Figure 12** shows the simulated extent of water level drawdown at the end of the project construction period for variable boundary effects and aquifer parameters. The simulated water level decline within the contours is greater than or equal to 1-foot, and drawdown outside the contour is less than 1-foot. The simulated construction water use drawdown contours are most sensitive to the storage coefficient, and the construction drawdown contours were fairly insensitive to the flow-barriers. **Soil and Water Table 9a** indicates for a storage coefficient of 0.10 the simulated drawdown is at most 1.4 feet at the well located nearest the proposed supply well (well number 8 in **Soil and Water Resources Figure 12**). For a storage coefficient of 0.02 (**Soil and Water Table 9b**), the simulated drawdown at the same well location was 3.5 feet. These simulation results indicate projected well interferences from project pumping for construction water use are less than 8 feet and therefore considered not significant.

**Soil and Water Table 9a**  
**Simulated Drawdown at Select Well Locations**  
**Utilizing Storage Coefficient of 0.10**

Well	Infinite aquifer		Impermeable Barriers	
	Construction	Operation	Construction	Operation
Pumping Well	25.6	18.8	25.6	18.9
1	0.0	0.3	0.0	0.3
2	0.0	0.4	0.0	0.4
3	0.1	1.6	0.1	1.6
4	0.0	0.9	0.0	0.9
5	0.0	0.6	0.0	0.7
6	0.0	0.9	0.0	1.2
7	0.5	2.3	0.5	2.3
8	1.4	3.2	1.4	3.2
9	0.0	1.3	0.0	1.3
10	0.0	0.6	0.0	0.7

Well numbers correspond to well locations in **Soil and Water Figures 12 and 13**.

**Soil and Water Table 9b**  
**Simulated Drawdown at Select Well Locations**  
**Utilizing Storage Coefficient of 0.02**

Well	Permeable Fault		Impermeable Fault	
	Construction	Operation	Construction	Operation
Pumping Well	27.9	20.3	27.9	21.3
1	0.1	1.4	0.1	1.9
2	0.1	1.5	0.1	2.1
3	1.2	3.0	1.2	3.8
4	0.5	2.2	0.5	3.0
5	0.2	1.8	0.2	2.8
6	0.5	2.2	0.5	3.6
7	2.2	3.7	2.2	4.7
8	3.5	4.6	3.5	5.6
9	0.9	2.7	0.9	3.4
10	0.3	1.9	0.3	2.6

Well numbers correspond to well locations in **Soil and Water Figures 12 and 13**.

**Soil and Water Figure 13** shows the simulated extent of water level drawdown at the end of the project operation period for variable boundary effects and aquifer parameters. Drawdown extends into potential groundwater barriers formed by the Jacumba and Coyote mountains (**Soil and Water Figure 13a**), and the magnitude and extent of the water level decline is increased if the impermeable barriers are considered. **Soil and Water Table 9a** indicates for a storage coefficient of 0.10 the simulated drawdown at the well located closest to the proposed supply well (well number 8 in **Soil and Water Figure 13**) is more than 3 feet. For a storage coefficient of 0.02, **Soil and Water Table 9b** indicates the simulated drawdown at the same location is 5.6 feet. The results of these simulations indicate projected well interferences from project pumping will be less than 8 feet and therefore considered not significant.

In addition to well interference, staff is concerned about the impact of the proposed water use on the availability of water for other users. Historically the well has supplied

water for both commercial and residential uses. Due to substantial uncertainty in water demand and use, Staff conservatively assumed residential water use supported by this well at approximately 6 acre-feet per year. Allowing the proposed project to utilize all of the water from the Dan Boyer well could cause residents to lose their water supply, which would be a significant adverse impact. Therefore, staff has included a Condition of Certification that limits the project's use of water from the Dan Boyer well to 34 acre-feet per year (40 acre-feet per year permitted pumping rate less 6 acre-feet per year residential water use).

### **Other Water Supply Options**

The applicant also proposes to use recycled water from the SWWTF. The SWWTF, located at 1898 West Main Street in Seeley, California, approximately 13 miles east of the project site, would supply treated wastewater for mirror washing and other project uses except potable water. Imperial Valley Solar would construct an approximate 12-mile pipeline from the SWWTF to the Imperial Valley Solar water treatment plant. The project owner would finance an upgrade to the SWWTF to allow it to meet Title 22 regulations and to treat up to 250,000 gpd, with up to 200,000 gpd made available to the Imperial Valley Solar project. The SWWTF currently discharges about 150,000 gpd of reclaimed water into the New River. After construction of the Imperial Valley Solar project, an average of 33,550 gpd, and a maximum of 200,000 gpd would be routed to the Imperial Valley Solar project. The SWWTF expansion is currently undergoing environmental review; it is unclear when water would be available for the project. As noted above, staff has analyzed the project under the assumption that the Dan Boyer well would provide all of the project's construction and operation water. Nonetheless, staff has also included an analysis of the use of water from the SWWTF in the event that it becomes available to the project at some point in the future.

SWWTF discharges to the New River are currently used only for habitat along the New River and in the Salton Sea. Discharge impacts to the New River for this purpose would be minimal. A discharge of 33,550 gpd is approximately 0.05 cfs. The maximum water allotment to the Imperial Valley Solar project of 200,000 gpd is approximately 0.31 cfs. USGS records (USGS, 2009) show New River average monthly discharges to be at least 198 cfs at the international boundary upstream of the SWWTF and 554 cubic feet per second at Westmorland downstream of the SWWTF. Although staff has not identified a significant impact with the reduction of 0.05 to 0.31 cfs to the New River discharge (0.03% to 0.16% of the total) or a material effect to the water quantity of the river, the determination from the lead agency on the SWWTF upgrades is still outstanding. Condition of Certification **SOIL&WATER-9** would ensure that impacts related to the diversion of flow would be mitigated to a level not significant. Water quality impacts to the New River would be addressed by a revised waste discharge permit from the Regional Water Quality Control Board for the SWWTF upgrades proposed by Imperial Valley Solar.

Water supply from the Coyote Valley Mutual Water Company, the Ocotillo Mutual Water Company, or any other water supplier in the basin would be an added demand on the groundwater in the basin and impact water levels in the basin similarly if water is supplied to the project from the Dan Boyer Water Company well.



## Water Conservation Options

It is feasible for a project to mitigate potential water supply impacts by developing a water conservation plan that reduces or eliminates these impacts. However, there appear to be no feasible water conservation options available for this project. Staff evaluated the following potential water conservation options: use of zero liquid discharge (ZLD) technology by the project; installation of water concentration technology at the U.S. Gypsum plant; implementation of a low flow toilet/showerhead program or turf replacement/elimination program for the communities in the Ocotillo/Coyote Wells Groundwater Basin.

ZLD technology is economically infeasible given the low rate of wastewater that would be produced by this project. There may be some opportunity for the project to use less water than originally proposed due to the proposed change in water supply from the SWWTF to the Dan Boyer Water Company well. The Dan Boyer well has a much lower concentration of total dissolved solids than does the SWWTF and presumably would require less treatment, resulting in less discharge and less water demand.

According to a 2007 review of the Draft EIR/EIS completed for the U.S. Gypsum Expansion/Modernization project, feasible water conservation methods have been employed at the plant and further opportunities for further water conservation are limited potential future reformulation and/or process improvements (Todd2007). More traditional water conservation options, such as installation of low flow toilets/showerheads or turf replacement/elimination, are also limited. The number of toilets and showerheads that could be converted to low flow systems would not result in significant water savings. Assuming that 150 low flow toilets and showerheads could be installed with a water savings of 40 gallons per day per toilet/showerhead, the total annual water conservation could be approximately 6.7 acre feet. While this is some water conservation, it would not significantly reduce or eliminate the proposed project's impact to water levels in the basin. Likewise, turf replacement/elimination seems infeasible due to the limited amount of turf in the basin available for replacement or elimination.

## Water Supply Reliability

There is currently no backup water supply for the project. The applicant has stated they would suspend mirror washing operations should the supply drop below their needs. Staff expects the Dan Boyer well to reliably supply water, and also expects the SWWTF to reliably supply water if it is permitted and constructed. Condition of Certification **SOIL&WATER-9** would ensure viability of a water supply and that water use is within the amount analyzed herein.

Potable water for the operations workforce, including water for hand washing and other uses requiring potable water, would be supplied from Dan Boyer Water Company. Condition of Certification **SOIL&WATER-4** would ensure that this water come from a water purveyor licensed to provide potable water in the state of California and that the supply provided to Imperial Valley Solar is within the licensed capabilities of the purveyor, ensuring less than significant water supply impact for potable water.

## Water Supply Assessment

A Water Supply Assessment is furnished to local governments for inclusion in environmental documentation for certain projects (as defined in Water Code 10912 [a]) subject to the California Environmental Quality Act. These assessments identify existing water supply entitlements, water rights, or water service contracts relevant to the water supply identified for the project. The purpose of the Water Supply Assessment is to determine if sufficient water is available to serve the project given existing and future demands. These assessments are completed by either the Lead Agency or a Public Water Supplier. The proposed water supply for this project is private well water, and therefore staff prepared this section to summarize their findings to answer the central question of a Water Supply Assessment:

*“Does the projected supply for the next 20-years – based on normal, single dry, and multiple dry years – meet the demand projected for the project and existing and planned future uses” (DWR2003).*

The potential water supply for the project is groundwater purchased from a private well located near Ocotillo (Well No. 16S/9E-36G4 owned by Dan Boyer Water Company). The Dan Boyer Water Company has provided a “will serve” letter that states it will temporarily furnish well water to Imperial Valley Solar for an expected period of six to 11 months upon execution of an agreement. The well is permitted to extract 40 acre-feet per year, which is less than the average annual construction water requirement of 51.1 acre-feet per year. The project applicant is proposing to replace this supply with recycled wastewater from the proposed Seeley Wastewater Plant upgrade, but this is not a firm, existing supply.

The Dan Boyer Water Company provided 15-years of water sales to document water supply availability. The data is summarized below in **Soil and Water Table 9c**, and indicates an average well production rate of 16.8 acre-feet per year. The Dan Boyer Water Company states the well typically extracted 120 to 132 acre-feet per year, but this use level exceeds the wells Specific Terms for Groundwater Well Registration of 40 acre-feet per year. Furthermore, **Soil and Water Table 9c** documents that there are existing users of an already limited groundwater supply. Staff assumed for purposes of its analysis that 6 acre-feet per year is utilized by residents who rely on the water for their private water supply.

**Soil and Water Table 9c**  
**Historical Well Water Sales from Well No. 16S/9E-36G4, 1990-2004**

Year	Volume Extracted (acre feet)
1990	5.8
1991	27.1
1992	10.1
1993	2.9
1994	7.5
1995	4.7
1996	7.3
1997	15.7

Year	Volume Extracted (acre feet)
1998	8.3
1999	17.5
2000	19.7
2001	34.6
2002	22.6
2003	25.3
2004	42.1
<i>Average</i>	<i>16.8</i>

The Ocotillo/Coyote Wells aquifer is a sole source aquifer, meaning it is an aquifer that supplies 50% or more of the drinking water for an area.. Staff's analysis showed that water levels and groundwater storage will decline as a result of the proposed projects' water use. The basin is in overdraft, and project water use (annualized average use of 34.1 acre-feet per year for both construction and operation) is estimated to increase the depletion of storage by an additional 18 acre-feet per year. The accompanying decline in the water table is fairly small (less than 6 feet) and the basin will not experience significant dewatering. The Dan Boyer Water Company well is therefore a reliable water source for the project if permitted to pump at the required rate; a higher pumping rate will require a change to the well's existing permit. As noted above, the resulting storage depletion cannot be mitigated and is therefore considered a significant negative impact to the basin.

Water Supply Assessments typically are based on a 20-year analysis of the supply available to meet the project's water demand during normal, single dry, and multiple dry water years. However, because the water supply is groundwater it is insensitive to annual variability in groundwater recharge. For example, water levels in Ocotillo/Coyote Wells show little to no fluctuation even though rainfall is highly variable between seasons and years (**Soil and Water Figure 11**). The lack of water level response in wells is explained by the substantial distances between recharge areas and well locations, and the significant thickness of unsaturated zone percolating recharge must travel before reaching the water table (Todd, 2007). For these reasons, a multi-year analysis based on projected average, annual hydrologic conditions is sufficient for assessing future water supply conditions in the Ocotillo/Coyote Hills basin; the analysis period considered by staff was over 40 years.

In summary, staff's analysis determined that water supplies are not sufficient to satisfy the water demands of the project for the following reasons.

1. The well is permitted to extract 40 acre-feet per year, which is less than the average annual construction water requirement for the project of 51.1 acre-feet per year.
2. Staff estimates that residential water use supplied by the well is about 6 acre-feet per year. If Imperial Valley Solar purchases the entire 40 acre-feet per year of permitted pumping these existing users will have to obtain their water elsewhere, effectively shifting the demand to other wells in the basin.

3. Staff has determined additional groundwater use exacerbates basin overdraft, which cannot be mitigated and therefore is considered a significant negative environmental impact.
4. No firm, existing back-up or supplemental supply is identified making the project infeasible should the proposed private well fail to meet project water requirements.
5. The project applicant is proposing to replace the proposed temporary groundwater supply with recycled wastewater from the Seeley Wastewater Treatment Plant. However, the necessary upgrades and water diversion have not yet been approved or permitted, and therefore the Seeley wastewater option is not a firm and reliable existing supply at this time.

### **Groundwater Quality**

Project pumping will increase the decline in water levels, which may affect groundwater quality. In the Ocotillo area, the primary water supply is low TDS groundwater from the upper Holocene alluvium aquifer. High TDS groundwater reportedly resides in the underlying Pleistocene Palm Springs formation and the marine Imperial formation (Todd, 2007). Groundwater in the Holocene alluvium reportedly flows vertically downward to the Palm Springs and Imperial formations. Groundwater-level data show the average rate of water level decline in the Holocene alluvium of 0.21 foot per year in the alluvium and 0.14 foot per year in the lower Palm Springs and Imperial formation wells located near water supply well and site (**Soil and Water Table 7**).

Increased pumping in the Holocene alluvium can increase the potential for groundwater to flow upwards (upflux) into the Holocene alluvium from the underlying Palm Springs and Imperial formations. This can result in upward movement of relatively high TDS water into the Holocene alluvium which currently has lower TDS groundwater and is the primary water supply for the basin. The Ocotillo/Coyote Wells basin model indicates that increased pumping from the alluvial aquifer increases upflux from the Palm Springs and Imperial formations. Using the statistical relationship Todd (2007) developed to estimate changes in upflux in response to pumping increases, staff concluded that by the end of project construction upflux could increase by almost 5 acre-feet per year (a total upflux to the entire alluvial aquifer over the entire construction period of less than 15 acre-feet). For operational water use conditions, staff determined that by the end of the project upflux will have increased by about 3 acre-feet per year (total upflux to the entire alluvial aquifer over the operational life of the project of less than 130 acre-feet). Total upflux due to project construction and operation is therefore less than 145 acre-feet.

The relationship between simulated pumping and upflux is spatially variable. Todd's (2007) relationship is spatially variable and primarily associated with upgradient areas and beneath large production wells. Accordingly, the actual upflux that may occur from beneath the Dan Boyer Water Company well is probably less than 145 acre-feet.

The minimum area affected by this upflux is represented by the drawdown area produced by pumping the Dan Boyer Water Company well. The smallest drawdown area staff simulated was almost 1.5 miles in diameter (**Soil and Water Figure 13**), indicating an affected area of about 1,100 acres. Assuming an average well depth of 300 feet, depth to water of 125 feet below land surface (saturated interval adjacent to

the well of 175 feet), and a total porosity of 0.20, the potentially affected volume of water is 38,500 acre-feet. The estimated upflux of less than 145 acre-feet is at most 0.4 percent of the minimum affected aquifer volume and therefore considered insignificant.

Existing groundwater below the project site is poor in quality and located 50 feet or more below the ground surface. Potential groundwater quality impacts could occur from surface contaminants such as oil, grease and other fluids in surface water infiltrating through channel beds to the groundwater, infiltration of sanitary wastes through the septic leach fields, infiltration of contaminated brines through the evaporation ponds for the water demineralization process, and through infiltration of surface contaminants at the retention basin in the Main Services Complex.

The septic system planned for the project will contribute nitrogen to the subsurface. The amount of the contribution depends on the nitrogen concentration in the sewage effluent, volume of effluent, and subsurface processes. Septic systems can represent a significant source of local recharge in arid basins like the Ocotillo/Coyote Wells Groundwater Basin, but since local groundwater is the only source of water this recharge is actually return flow to the basin. Key factors influencing the extent of groundwater nitrate contamination due to septic systems are 1) the nitrogen concentration in the effluent, 2) effluent volume, and 3) denitrification in the unsaturated and saturated zones.

The relevant literature indicates nitrogen loading to groundwater can potentially increase groundwater nitrate concentrations in arid basins in California and Nevada. Schroeder et al. (1993) measured nitrogen (as ammonia) concentrations of about 50 mg/L in septic system effluent waters in the Mojave Desert. This nitrogen was converted to nitrate in the shallow unsaturated zone. They presented substantial evidence (isotopes, microbial assays and chemical mass balance calculations) for denitrification in the thick (about 100 feet) unsaturated zone, and low groundwater nitrate concentrations (average 1.2 mg/L) were probably the result of this denitrification. In another study in the Mojave Desert, Nishikawa et al. (2003) measured larger septic system nitrogen concentrations (150 mg/L) and increasing groundwater nitrate concentrations due to a water table rise and mixing of effluent with resident groundwater. The water table rose as the result of the increased recharge from septic systems. The project septic system will contribute recharge, which may create a local source of nitrate loading to groundwater. A key uncertainty is the extent of denitrification in reducing nitrate concentrations.

Uncertainty in subsurface processes, concentrations and loading point to a potential need to monitoring groundwater quality changes related to septic system discharge. The leach fields would be designed according to the California Plumbing Code and County of Imperial regulations and as such would be more than 10 feet above groundwater. The leach fields may also be subject to a RWQCB waste discharge permit. Condition of Certification **SOIL&WATER-8** would ensure no significant adverse impact to groundwater quality from the sanitary leach field system.

Surface contaminants in runoff would be minimized as described under surface water quality above and mitigated through Conditions of Certification **SOIL&WATER-1**, **SOIL&WATER-5**, and **SOIL&WATER-7**. Surface contaminants would be minimized

through these conditions. Contaminants that do reach surface water would be filtered through at least 50 feet of soil before reaching groundwater. No significant adverse impact to groundwater quality is expected from surface contaminants in runoff.

The demineralized water evaporation ponds would be lined with concrete to prevent infiltration. Solids from the ponds would be removed and transported by truck to a disposal facility. Conditions of Certification **SOIL&WATER-3** and **SOIL&WATER-7** would ensure no adverse ground water quality impact from the water treatment system. No significant adverse impact to groundwater quality is expected from the evaporation ponds.

The retention basin in the Main Services Complex would include an oil/water interceptor and be subject to RWQCB waste discharge requirements. Oil collected from the interceptor would be transported to a certified recycling facility. Conditions of Certification **SOIL&WATER-1** and **SOIL&WATER-5** would ensure minimization of operations-related runoff contaminants. No significant adverse impact to groundwater quality is expected from the retention basin. Upgrades to the SWWTP would have no impact on groundwater (Dudek, 2009).

## Hydrology/Flooding

Flood discharges could be increased on the site through the creation of impervious areas and the channelization of runoff conveyance channels. Channelization of flows within the solar field array would be minimal, as grading would be conducted only locally to accommodate individual solar disks or to facilitate road construction. The basic hydrologic conveyance features of the site would remain unchanged. The amount of new impervious area within the solar field array is estimated to be approximately 3 percent of the total surface, most of which is within the Main Services Complex. Within the SunCatcher array, impervious areas would consist of the SunCatcher foundations (approximately 2 acres for the 30,000 SunCatchers) and 137 acres of paved access roads. These areas would experience an increase in surface runoff locally, but considering the size of the site, the overall increase in runoff due to new impervious areas would be small. Assuming 100 percent runoff from impervious areas, the overall runoff coefficient of the SunCatcher array site would be increased by about 3 percent. At Dunaway Road, the point where runoff exits the site, the increase would be approximately 1 percent, meaning the 100-year discharge at Dunaway Road could be increased from 4,223 cfs to 4,265 cfs. This increase is negligible and would be mitigated by the presence of the site roadway culverts and sediment basins which would have the effect of retarding and attenuating flood flows. Condition of Certification **SOIL&WATER-1** would ensure no significant increase in offsite flooding potential.

The Main Services Complex would be a source of additional runoff through the construction of impervious surfaces and efficient conveyance conduits. Increased runoff from the Main Services Complex would be mitigated through the construction of a 1-acre retention basin with capacity for 3 inches of runoff from the Main Services Complex, with no assumed reduction for infiltration or evaporation (compliance with County of Imperial Engineering Design Guidelines. No significant increase in runoff volume or discharge is expected from the Main Services Complex.

Site grading is intended to preserve the existing flow pattern. Localized channel grading would take place on a limited basis to improve channel hydraulics within the dry washes and to control flow direction where buildings and roadways are proposed. Staff has made an evaluation of a typical dish array pattern within a site floodplain and determined that it is unlikely the narrow dish foundations, spaced at intervals of 112 feet or more, would significantly increase flood depths. Flood depth increases are expected to be less than 1 inch in most cases. Flow depths could actually be lower than existing if stream roughness is reduced through vegetation clearing. Roadways would locally increase flooding at the location of culverts, but the basic flow pattern would not be disturbed. The Main Services Complex would be in an area that is subject to minor drainage flows. The Main Services complex design would include protection from flooding through fill, berms and local diversion channels that will direct flow around the perimeter of the building site. Conditions of Certification **SOIL&WATER-1** and **SOIL&WATER-7** would ensure hydrology and flooding impacts are kept to a level not significant. Upgrades to the SWWTP would have less than significant hydrology or flooding impact (Dudek, 2009).

### **Water Supply - Seeley Waste Water Treatment Facility**

Operations water use, summarized in **Soil and Water Table 3** and under Water Supply and Use – Operations Water Demand in Section C.7.4.1 of this report, would average 33,550 gallons per day, with total annual use of approximately 32.7 acre feet. Groundwater from a private well (Well No. 16S/9E-36G4 owned by Dan Boyer Water Company) located near Ocotillo will be used to “temporarily” supply water for the project. Similar to the majority of wells in the area, the Dan Boyer Water Company well reportedly pumps from the upper alluvial aquifer system.

The applicant proposes to use treated wastewater from the Seeley Waste Water Treatment Facility (SWWTF), located at 1898 West Main Street in Seeley, California, approximately 13 miles east of the Project site, for mirror washing and other project uses except potable water. Imperial Valley Solar would construct an approximate 12-mile pipeline from the SWWTF to the Imperial Valley Solar project water treatment plant. The project owner would finance an upgrade to the SWWTF to allow it to meet Title 22 regulations and to treat up to 250,000 gpd, with up to 200,000 gpd made available to the Imperial Valley Solar project. The SWWTF currently discharges about 150,000 gpd of reclaimed water into the New River. After construction of the Imperial Valley Solar project, an average of 33,550 gpd, and a maximum of 200,000 gpd would be routed to the Imperial Valley Solar project.

SWWTF discharges to the New River are currently used only for habitat along the New River and in the Salton Sea. Discharge impacts to the New River for this purpose are uncertain. A discharge of 33,550 gpd is approximately 0.05 cfs. The maximum water allotment to Imperial Valley Solar of 200,000 gpd is approximately 0.31 cfs. USGS records (USGS, 2009) show New River average monthly discharges to be at least 198 cfs at the international boundary upstream of the SWWTF and 554 cubic feet per second at Westmorland downstream of the SWWTF. A reduction of 0.05 to 0.31 cfs to the New River discharge is 0.03 percent to 0.16 percent of the total. Condition of Certification **SOIL&WATER-9** would ensure that impacts related to the diversion of flow would be mitigated to a level not significant. Water quality impacts to the New River

would be addressed by a revised waste discharge permit from the Regional Water Quality Control Board for the SWWTF upgrades proposed by Imperial Valley Solar.

There is currently no backup water supply for the project. The SWWTF is expected to ultimately provide water to the project, and the Dan Boyer Water Company well could conceivably provide back-up supply. The applicant has stated they would suspend mirror washing operations should the supply drop below their needs. Condition of Certification **SOIL&WATER-9** would ensure viability of a water supply and that water use is within the amount analyzed herein.

Potable water for the operations workforce, including water for hand washing and other uses requiring potable water, would be supplied from the offsite water supplier (Dan Boyer Water Company). Condition of Certification **SOIL&WATER-4** would ensure that this water come from a water purveyor licensed to provide potable water in the state of California and that the supply provided to Imperial Valley Solar is within the licensed capabilities of the purveyor, ensuring less than significant water supply impact for potable water.

### **Decommissioning**

The removal of the Project from service, or decommissioning, may range from “mothballing” to the removal of equipment and appurtenant facilities, depending on conditions at the time. The applicant proposes to prepare a decommissioning plan which will be submitted to the Energy Commission and BLM for approval before decommissioning. In general, the decommissioning plan will attempt to maximize the recycling of project components including selling unused chemicals back to the suppliers or other purchasers or users, draining and shutting down of equipment containing chemicals, and collection and proper disposal of hazardous and nonhazardous wastes.

Decommissioning activities will produce impacts similar to the construction impacts described above, but likely to a lesser extent. Long-term impacts after decommissioning could be substantial, particularly those related to erosion by water and wind, unless the site is restored to a condition similar to the existing condition, or a post-decommissioning maintenance plan is provided to prevent these impacts. Condition of Certification **SOIL&WATER-10** would ensure that decommissioning impacts would be minimized to a level not significant.

### **C.7.4.3 CEQA LEVEL OF SIGNIFICANCE**

With exceptions as described below, staff considers project compliance with LORS and staff’s conditions of certification to be sufficient to ensure that no significant soil and water resources impacts would occur in most impact areas related to soil and water resources. This determination is based on the following:

- Whether the project would violate water quality standards or waste discharge requirements: Conditions of Certification **SOIL&WATER-1**, **SOIL&WATER-3**, **SOIL&WATER-5**, **SOIL&WATER-6**, **SOIL&WATER-7**, and **SOIL&WATER-8** would ensure no violation of water quality standards or waste discharge requirements.



- Whether the project substantially depletes groundwater supplies or interferes substantially with groundwater recharge such that there is a net deficit in aquifer volume: Impervious areas on the project would be negligible, and stream channels would remain in an essentially natural condition for groundwater recharge. However, groundwater consumption by the project exacerbates basin overdraft, which cannot be mitigated and therefore is considered a significant negative impact.
- Whether the project substantially alters existing site or area drainage patterns, including the alteration of stream or river courses, or substantially increases the rate or amount of surface runoff in a manner that results in on- or off-site flooding or substantial erosion or siltation: Conditions of Certification **SOIL&WATER-1**, **SOIL&WATER-5**, and **SOIL&WATER-7** would ensure no adverse alteration of drainage patterns related to flooding, and would reduce impacts related to sedimentation. Absent a detailed sediment transport analysis of the project drainageways, stream morphology impacts related to the alteration of hydraulic and sediment transport conditions through grading and removal of vegetation are considered significant and adverse.
- Whether the project would create or contribute runoff water that exceeds existing or planned storm water-drainage system capacity or provides substantial additional sources of polluted runoff: Conditions of Certification **SOIL&WATER-1**, **SOIL&WATER-3**, **SOIL&WATER-5**, **SOIL&WATER-6**, and **SOIL&WATER-7** would ensure that the project not create or contribute runoff water that exceeds existing or planned storm water-drainage system capacity or provides substantial additional sources of polluted runoff.
- Whether the project would place structures within a 100-year flood hazard area and impede or redirect flood flows: The project would place a substantial number of structures in the floodplain in the form of SunCatchers. The Main Services Complex and other project structures would locally impede and redirect flood flows. Aside from the Main Services Complex, drainage patterns on the site would remain basically unchanged from existing conditions. The Main Services Complex will be protected from 100-year flooding by fill or diversion structures. Conditions of Certification **SOIL&WATER-1**, and **SOIL&WATER-7** would ensure that structures within the floodplain are protected and that redirected flows are designed such that they not cause adverse impacts. However, without formal 404(b)(1) analysis and determination from the Corps of Engineers, Staff cannot determine at this time whether the project would comply with Section 404.
- Whether the project would lower groundwater levels and affect existing groundwater users or protected species and/or habitats. Water level declines and the resulting well interferences are expected to be less than 8 feet and therefore considered not significant. However, historical water sales from the Dan Boyer well suggest that approximately 6 acre-feet per year of water sales may be for local residential water use. If Imperial purchases the entire 40 acre-feet per year of permitted pumpage, these historical residential water customers will be required to obtain their water from other wells in the basin. In order to ensure that local residents do not lose their water supply, staff included a Condition of Certification that limits the project's use of water from the Dan Boyer well to 34 acre-feet per year.

- Whether the project would substantially degrade surface water or groundwater quality: Conditions of Certification **SOIL&WATER-1**, **SOIL&WATER-3**, **SOIL&WATER-5**, **SOIL&WATER-6**, **SOIL&WATER-7**, and **SOIL&WATER-8** would ensure no degradation of surface water or groundwater quality.

## **C.7.5 300 MW ALTERNATIVE**

---

The 300 MW alternative would essentially be Phase 1 of the proposed 750 MW project. The 300 MW alternative would retain 40 percent of the SunCatchers and would affect 40 percent of the land of the proposed 750 MW project. The linear routes would remain the same, although the 750-MW substation would be reduced to 300-MW capacity.

### **C.7.5.1 SETTING AND EXISTING CONDITIONS**

Except as otherwise described in this section and in Section C.7.5, the setting for this alternative is the same as for the proposed project.

The 300 MW alternative site is on a north-sloping alluvial surface with ground elevations ranging from approximately 320 feet msl along the southern boundary to approximately 200 feet msl at the north eastern corner. Site topography is gently rolling with canyons generally not more than 20 to 40 feet deep with mildly sloping sides.

#### **Soils**

Soils on the entire 300 MW alternative SunCatcher array are Rositas-Carrizo-Orita soils. Portions of the proposed water line are classified as Meloland-Vint-Indio or Imperial-Glenbar-Gilman soils, with a small segment of Badland-Beeline-Rillito soils along the proposed transmission line route. See the Soils section of Section C.7.4.1 for a description of soil conditions and characteristics.

#### **Hydrology**

Numerous ephemeral drainages traverse the site generally from the south to north. Headwaters for these drainages are gently sloping upland areas located to the south and west. Culverts under the I-8 Freeway allow flows from south of the freeway to flow across and into the site. Drainageways I, J, K, C and D in **Soil and Water Figure 1** cross the site from south to north. Watershed areas and peak discharges for these drainageways are shown in **Soil and Water Figure 1**. Drainageways C and D exit the site on the north within the Imperial Valley Solar property approximately 1,200 feet and 5,200 feet south of the Evan Hewes Highway, respectively.

#### **Stream Morphology**

The 300 MW alternative is characterized by relatively hilly terrain with braided stream channels as described in Section C.7.4.1 clearly confined by hills. There are no areas exhibiting unconfined alluvial fan characteristics.

#### **Flooding**

No watercourses within the 300 MW alternative have been mapped by FEMA. Flooding would occur on this alternative in areas not mapped by FEMA as described for the proposed project. **Soil and Water Figure 3** (Phase 1 area) shows flood hazard areas

mapped by the applicant for this alternative. Additional flood hazard areas exist on the 300 MW alternative.

### **Groundwater**

With the exception of portions of the water line and transmission line, the entire 300 MW alternative is over the Ocotillo/Coyote Wells Groundwater Basin. Portions of the water line, transmission line and the laydown area are over the Imperial Valley Groundwater Basin.

### **Project Features**

The 300 MW alternative would contain 12,000 SunCatchers in the same basic formation as described in Section C.7.4.1. Approximately 2,209 SunCatchers would be placed in flood hazard areas, including active channels. **Soil and Water Table 10** provides a summary of roadway surfaces that would be installed in flood hazard areas based on rough grading plans and flood hazard information provided by the applicant. In total, approximately 38 miles of roadways, comprising 69 acres of area, would be installed in flood hazard areas. Most, approximately 90 percent of the area, would be unpaved roads.

**Soil and Water Table 10  
300 MW Alternative Roadways in Flood Hazard Areas**

<b>Road Type</b>	<b>Road Length, in Feet</b>	<b>Road Length, in Miles</b>	<b>Road Width, in Feet</b>	<b>Road Area, in Acres</b>
<b>Paved Roads</b>				
Arterial Main Access	12,408	2.4	24	6.8
<b>Unpaved Roads</b>				
Perimeter	1,670	0.3	12	0.5
SunCatcher Access	58,280	11.0	12	16.1
SunCatcher Maintenance	132,556	25.1	15	45.6
Total Unpaved Roads	192,506	36.5		62.2
<b>All Roads</b>				
Total	204,914	38.8		69.0

Site access roads from Dunaway Road and the 12-mile waterline would be similar to the proposed project. The Main Services Complex and substation would likely be smaller than for the proposed project.

### **Water Use**

Average daily water use during construction would likely be similar to the proposed project, but with a shorter construction period resulting in lower overall use. Assuming a 16-month construction period, total water use during construction would be approximately 22 million gallons (68 acre feet). Operations water use after full construction would be approximately 13,420 gpd based on the reduced number of SunCatchers, with total annual use of approximately 13 acre feet.

## **C.7.5.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Except as otherwise described in this section, all impacts are the same as for the proposed project, but reduced in magnitude by about 60 percent due to the reduced area of this alternative. Conditions of certification are the same as for the proposed project and are applied in the same manner.

### **Construction Impacts and Mitigation**

#### **Soil Erosion Potential by Water and Wind**

Construction of the 300 MW alternative is expected to take less time than the proposed project. Based on the reduced number of SunCatchers, the construction period is expected to be approximately 16 months. Potential impacts to soils are similar to those of the proposed project, but reduced in magnitude by approximately 60 percent.

#### **Project Construction Water Supply**

The type of construction water supply needs are expected to be similar to the proposed project on a daily average basis, but reduced in total amount by approximately 60 percent due to the reduced size of the alternative. Construction water use would be reduced to 27,000 gpd on average and 54,000 gpd during peak use. The total construction water use would be approximately 100 acre feet. Accordingly, groundwater impacts are less than estimated for the proposed project. The groundwater basin is considered to be in overdraft, and though reduced groundwater consumption by the project is still considered a significant negative impact.

#### **Wastewater**

Wastewater impacts are similar to those of the proposed project, but reduced by roughly 60 percent due to the smaller size of the project.

### **Operation Impacts and Mitigation**

#### **Soil Erosion Potential by Water and Wind**

Soil erosion impacts by water and wind are the same as for the proposed project, but substantially reduced due to the smaller construction area. The 300 MW Alternative would include SunCatchers within flood hazard areas, as described for the proposed project (Drainageways I, J, K, A and C (See **Soil and Water Figure 3**). The resulting impact is expected to be increased sediment transport potential within these drainageways, manifested in sediment deposition upstream of the Evan Hewes Highway and south of Plaster City, potential erosion, and potential channel degradation as described for the proposed project. Although impacts to other drainageways within the project property boundary would be avoided, in the absence of a detailed sediment transport analysis this impact is considered significant and adverse for Drainageways I, J, K, A and C.

#### **Surface Water Quality**

Surface water quality impacts are similar to those of the proposed project. The potential for introduction of surface water pollutants such as operations-related trash, vehicle

fuels, coolants and other fluids from the solar dish array would be reduced by about 60 percent due to the smaller size of the 300 MW alternative. Impacts related to contaminated runoff from the substation, Main Services Complex would be similar to the proposed project.

### **Project Operational Water Supply**

The project applicant proposes to use recycled wastewater after treatment plant upgrades are completed and water deliveries permitted. However, there is considerable uncertainty in whether this alternative supply will indeed become available to the project. For planning purposes, staff therefore assumes the project will rely entirely on groundwater for its operational water supply.

Groundwater impacts would be less than for the proposed project due to less water use. However, the groundwater basin is considered to be in overdraft and groundwater consumption by the project is still considered a significant negative impact.

### **Groundwater Quality**

Groundwater quality may be affected by pumping for the project, but less than for the proposed project. Staff concluded impacts to groundwater quality from project water use will be insignificant. Accordingly, impacts are also considered insignificant for this alternative because less water is used.

The septic system planned for the project will contribute nitrogen to the subsurface. The amount of the contribution depends on the nitrogen concentration in the sewage effluent, volume of effluent and subsurface processes. The leach fields would be designed according to the California Plumbing Code and County of Imperial regulations and as such would be more than 10 feet above groundwater. The leach fields may also be subject to a RWQCB waste discharge permit. Condition of Certification

**SOIL&WATER-8** would ensure no significant adverse impact to groundwater quality from the sanitary leach field system.

### **Hydrology/Flooding**

Excluding stream morphology impacts described above, flood-related impacts are the same as for the proposed project, but reduced in magnitude due to the smaller size of the 300 MW Alternative.

### **Project Water Supply**

Project water supply impacts are the same as for the proposed project, but reduced by about 60 percent due to the reduced size of the 300 MW alternative.

## **C.7.5.3 CEQA LEVEL OF SIGNIFICANCE**

The CEQA level of significance is the same as for the proposed project.

## **C.7.5.4 COMPARISON TO PROPOSED PROJECT**

The 300 MW Alternative has the same impacts as the proposed project, but reduced by approximately 60 percent due to smaller project size. Soil erosion impacts by water

would potentially be significant and adverse, but reduced in magnitude in comparison to the proposed project. Groundwater storage depletion by project groundwater use would be significant and adverse, but reduced in magnitude in comparison to the proposed project. All other impacts would be mitigated to a level less than significant.

## **C.7.6 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

---

The first of two alternatives developed to reduce impacts to the waters of the U.S. would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries. This alternative would have the same outer project boundaries as the proposed project, but it would include prohibition of installing permanent structures within drainages, thereby reducing the available acreage for development from 6,500 to 4,690, and reducing the generation capacity from 750 MW under the proposed project to 632 MW (84 percent of the proposed generation capacity). Rather than the 30,000 SunCatchers included in the proposed project, there would be approximately 25,000 of them installed.

### **C.7.6.1 SETTING AND EXISTING CONDITIONS**

Except as otherwise described in this section and in Section C.7.6, the setting for this alternative is the same as for the proposed project.

Roadways installed in flood hazard areas would be limited to those necessary for main access between SunCatcher array fields. Major drainageways would have one to three of these at-grade Arizona crossings, generally spaced hundreds to thousands of feet apart. Total length of road crossings in mapped flood hazard areas is approximately 5,500 feet. There would be no disturbance of mapped floodplains by SunCatchers.

#### **Construction Water Demand**

Daily water use during construction would be approximately the same as for the proposed project. Based on project size, it is expected construction would take approximately 33 months. Assuming this construction period, with 15 peak water use days, total construction water use would be approximately 46.5 million gallons (143 acre feet).

#### **Operations Water Demand**

Operations water use after full construction would be approximately 31,200 gpd. The largest use, approximately 12,480 gpd, would be solar mirror washing. Other water uses are expected to be similar as for the proposed project.

### **C.7.6.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Except as otherwise described in this section, all impacts and conditions of certification are the same as, and apply in the same manner as, for the proposed project.

## **Construction Impacts and Mitigation**

### **Soil Erosion Potential by Water and Wind**

Under Drainage Avoidance #1 alternative, the disturbed areas presented in **Soil and Water Table 5** would be reduced. Based on the reduced number of SunCatchers for this alternative, the total construction disturbance would be approximately 2,640 acres, of which 1,810 acres would be in the SunCatcher array. Other construction disturbance would be similar to the disturbance described in **Soil and Water Table 5**. This amounts to a reduction in impact magnitude of approximately 12 percent. Impact description and the level of significance are the same as described for the proposed project.

### **Project Construction Water Supply**

Construction water supply needs are expected to be similar to the proposed project on a daily average basis, but reduced in total amount by approximately 60 percent due to the reduced size of the alternative. Accordingly, groundwater impacts are less than the proposed project. The groundwater basin is considered to be in overdraft, and groundwater consumption by the project is still considered a significant negative impact.

## **Operation Impacts and Mitigation**

### **Soil Erosion Potential by Water and Wind**

Drainage Avoidance #1 alternative avoids most SunCatcher foundation poles in the flow path. A small, undetermined number of SunCatchers would be placed in minor drainageways originating onsite. There would be local areas of scour around the foundation poles as described for the proposed project, with the same potential impacts of foundation instability and local erosion. Scour depths would likely be less than 5 feet in most cases for the Drainage Avoidance #1 alternative due to lower discharges, flow velocities, and flow depths.

Drainage Avoidance #1 alternative avoids most stream morphology and sediment transport impacts described for the proposed project. Specifically, significant impacts associated with altered sediment transport characteristics caused by vegetation removal and grading in the major drainageways would not occur. Sediment transport characteristics would be modified in the minor drainageways, but these impacts are not considered significant after implementation of conditions of approval due to small drainage areas and discharges affected, and the fact that the small tributaries drain into the major washes which would not be affected.

### **Project Operational Water Supply**

The project applicant proposes to use recycled wastewater after treatment plant upgrades are completed and water deliveries permitted. However, there is considerable uncertainty in whether this alternative supply will indeed become available to the project. For planning purposes, staff therefore assumes the project will rely entirely on groundwater for its operational water supply.

Groundwater impacts are the less than for the proposed project due to less water use. However, the groundwater basin is considered to be in overdraft and groundwater consumption by the project is still considered a significant negative impact.

## **Groundwater Quality**

Groundwater quality may be affected by pumping for the project, but less than for the proposed project. Staff concluded impacts to groundwater quality from project water use will be insignificant. Accordingly, impacts are also considered insignificant for this alternative because less water is used.

The septic system planned for the project will contribute nitrogen to the subsurface. The amount of the contribution depends on the nitrogen concentration in the sewage effluent, volume of effluent and subsurface processes. The leach fields would be designed according to the California Plumbing Code and County of Imperial regulations and as such would be more than 10 feet above groundwater. The leach fields may also be subject to a RWQCB waste discharge permit. Condition of Certification **SOIL&WATER-8** would ensure no significant adverse impact to groundwater quality from the sanitary leach field system.

### **C.7.6.3 CEQA LEVEL OF SIGNIFICANCE**

CEQA Level of Significance is the same as for the proposed project.

### **C.7.6.4 COMPARISON TO PROPOSED PROJECT**

Drainage Avoidance #1 alternative avoids significant adverse soil erosion impacts related to stream morphology and sediment transport. All other impacts are the same as for the proposed project, but reduced due to smaller project size. Compliance with LORS and the specified conditions ensures almost all impacts are mitigated in the Drainage Avoidance #1 alternative. However groundwater consumption by the alternative project contributes to basin overdraft and is a significant negative impact and unmitigable.

## **C.7.7 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

---

The Drainage Avoidance #2 alternative is the second of two alternatives intended to avoid impacts to waters of the U.S. Drainage Avoidance #2 alternative would eliminate both the eastern and westernmost portions of the proposed project, where the largest drainage complexes are located. It would reduce the overall size of the project area by over 50% (from 6,500 acres to 3,153 acres). It would also reduce the generation capacity from 750 MW to 423 MW (retaining only about 32 percent of the proposed number of SunCatchers). In this alternative, permanent structures would be allowed within all drainages inside the revised, smaller project boundaries.

### **C.7.7.1 SETTING AND EXISTING CONDITIONS**

Except as otherwise described in this section and in Section C.7.7, the setting for this alternative is the same as for the proposed project.

The Drainage Avoidance #2 alternative site is on a north-sloping alluvial surface with ground elevations ranging from approximately 320 feet msl along the southern boundary to approximately 85 feet msl at the north eastern corner. Site topography is gently rolling with canyons generally not more than 20 to 40 feet deep with mildly sloping sides.



## **Soils**

With the exception of portions of the transmission line and water line, the soils on the site are classified by the Natural Resource Conservation Service as Rositas-Carrizo-Orita soils. Soils in portions of the proposed water line are classified as Meloland-Vint-Indio or Imperial-Glenbar-Gilman soils, with a small segment of Badland-Beeline-Rillito soils along the proposed transmission line route. **Soil and Water Table 1** provides a summary of selected characteristics of these soils.

## **Hydrology**

Numerous ephemeral drainages traverse the site generally from the south to north. Headwaters for these drainages are gently sloping upland areas located to the south and west. Culverts under the I-8 Freeway allow flows from south of the freeway to flow across and into the site. Drainageways C and D in **Soil and Water Figure 1** cross the site from south to north. The site also includes the westernmost portion of Drainageway E. Watershed areas and peak discharges for these drainageways are shown in **Soil and Water Figure 1**. Drainageways C and D exit the site on the north across the Evan Hewes Highway. Drainageway E exits toward the east adjacent to Plaster City.

## **Stormwater**

### **Stream Morphology**

Stream morphology is dominated by the braided pattern described in Section C.7.4.1. There is one alluvial fan in the north western corner of this alternative, just south of Plaster City, between Plaster City and the Main Services Complex. This fan can be seen in **Soil and Water Figure 3**.

### **Flooding**

One watercourse, corresponding to C North on **Soil and Water Figure 1** has been mapped by FEMA as Zone A. **Soil and Water Figure 2** shows the location of the small FEMA-mapped floodplain on the alternative site.

## **Groundwater**

The alternative site lies entirely over the Ocotillo/Coyote Wells Groundwater Basin. Portions of the water line, transmission line and the laydown area are over the Imperial Valley Groundwater Basin.

## **Project Features**

Staff estimates, using a rough grading plan and flood hazard information provided by the applicant (**Soil and Water Figure 3**), that approximately 1,570 SunCatchers would be placed in flood hazard areas, including active channels. The actual number of SunCatchers subject to flooding is expected to be higher considering the flood-prone areas not mapped in **Soil and Water Figure 3**. **Soil and Water Table 11** provides a summary of roadway surfaces that would be installed in flood hazard areas based on rough grading plans and flood hazard information provided by the applicant. In total, approximately 28 miles of roadways, comprising 49 acres of area, would be installed in

flood hazard areas. Approximately 90% by area of the roadways would be unpaved roads.

**Soil and Water Table 11**  
**Drainage Avoidance #2 Alternative Roadways in Flood Hazard Areas**

Road Type	Road Length, in Feet	Road Length, in Miles	Road Width, in Feet	Road Area, in Acres
<b>Paved Roads</b>				
Arterial Main Access	8,937	1.7	24	4.9
<b>Unpaved Roads</b>				
Perimeter	2,951	0.6	12	0.8
SunCatcher Access	40,723	7.7	12	11.2
SunCatcher Maintenance	94,009	17.8	15	32.4
Total Unpaved Roads	137,683	26.1		44.4
<b>All Roads</b>				
Total	146,620	27.8		49.3

Note: These estimates are based on the floodplain mapping in **Soil and Water Resources Figure 3**. The final numbers for roadways in flood hazard areas is expected to be higher given the flood areas not mapped in **Soil and Water Resources Figure 3**.

Construction disturbance of land for the SunCatcher field would be approximately 3,160 square feet per SunCatcher including roadway construction, clearing and grading. Assuming a minimum of 1,570 SunCatchers in flood hazard areas, total construction disturbance for the 9,600 SunCatcher array would be at least 114 acres in the floodplain. Approximately 49 acres of this would be permanent disturbance in the form of roads and SunCatcher foundations.

### **Water Supply and Use**

Groundwater from a private well (Well No. 16S/9E-36G4 owned by Dan Boyer Water Company) near Ocotillo will be used to supply water for project construction.

### **Construction Water Demand**

Construction water demand would likely be the same as for the proposed project on a per-day basis. It is expected the construction period would be shorter for the Drainage Avoidance #2 alternative than for the proposed project. Based on the alternative size, the construction period is expected to be approximately 13 months. Assuming a 12-month construction period, with 15 peak days, total construction water use would be approximately 19 million gallons (58 acre feet).

### **Operations Water Demand**

The project applicant proposes to use recycled wastewater after treatment plant upgrades are completed and water deliveries permitted. However, there is considerable uncertainty in whether this alternative supply will indeed become available to the project. For planning purposes, staff therefore assumes the project will rely entirely on groundwater for its operational water supply.

Based on project size, operations water use after full construction is expected to be approximately 10,770 gpd, with total annual use approximately 12.0 acre feet. The largest use, approximately 4,790 gpd, would be solar mirror washing. Other operations water uses, estimated by project size, include: 184 gpd for hydrogen production; 2,530 gpd of brine resulting from the water demineralization process for mirror washing; 1,790 gpd for on-site staff for drinking and sanitary purposes; and 1,600 gpd for dust control.

### **C.7.7.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Except as otherwise described in this section, all impacts are the same as for the proposed project, but reduced in magnitude by about 68 percent due to the reduced area of this alternative. Conditions of certification are the same as, and apply in the same manner as, for the proposed project.

#### **Construction Impacts and Mitigation**

##### **Soil Erosion Potential by Water and Wind**

Under Drainage Avoidance #2 alternative, the disturbed areas presented in **Soil and Water Table 5** would be reduced. Based on the reduced number of SunCatchers for this alternative, the total construction disturbance would be approximately 940 acres, of which 840 acres would be in the SunCatcher array. Other construction disturbance would be similar to the disturbance described in **Soil and Water Table 5**. This amounts to a reduction in impact magnitude of approximately 68 percent. Impact description and the level of significance are the same as described for the proposed project.

##### **Project Construction Water Supply**

Construction water supply needs are expected to be similar to the proposed project on a daily average basis, but reduced in total amount by approximately 68 percent due to the reduced size of the alternative. Accordingly, groundwater impacts are less than the proposed project. The groundwater basin is considered to be in overdraft, and groundwater consumption by the project is still considered a significant negative impact.

#### **Operation Impacts and Mitigation**

##### **Soil Erosion Potential by Water and Wind**

Soil erosion impacts by water and wind are the same as for the proposed project, but substantially reduced due to the smaller construction area. Drainage Avoidance #2 alternative would include SunCatchers within flood hazard areas, as described for the proposed project, in Drainageways C, D and the upper alluvial fan portion of E (See **Soil and Water Figure 3**). The resulting impact is expected to be increased sediment transport potential within these drainageways, manifested in sediment deposition upstream of the Evan Hewes Highway and south of Plaster City, potential erosion, and potential channel degradation as described for the proposed project. Although impacts to other drainageways within the project property boundary would be avoided, in the absence of additional sediment transport information, this impact is considered significant and adverse for Drainageways C, D, and E.

## **Project Operational Water Supply**

The project applicant proposes to use recycled wastewater after treatment plant upgrades are completed and water deliveries permitted. However, there is considerable uncertainty in whether this alternative supply will indeed become available to the project. For planning purposes, staff therefore assumes the project will rely entirely on groundwater for its operational water supply.

Groundwater impacts are the less than for the proposed project due to less water use. However, the groundwater basin is still considered to be in overdraft and groundwater consumption by the project is considered a significant negative impact.

## **Groundwater Quality**

Groundwater quality may be affected by pumping for the project, but less than for the proposed project. Staff concluded impacts to groundwater quality from project water use will be insignificant. Accordingly, impacts are also considered insignificant for this alternative because less water is used.

The septic system planned for the project will contribute nitrogen to the subsurface. The amount of the contribution depends on the nitrogen concentration in the sewage effluent, volume of effluent and subsurface processes. The leach fields would be designed according to the California Plumbing Code and County of Imperial regulations and as such would be more than 10 feet above groundwater. The leach fields may also be subject to a RWQCB waste discharge permit. Condition of Certification **SOIL&WATER-8** would ensure no significant adverse impact to groundwater quality from the sanitary leach field system.

### **C.7.7.3 CEQA LEVEL OF SIGNIFICANCE**

The CEQA Level of Significance is the same as for the proposed project.

### **C.7.7.4 COMPARISON TO PROPOSED PROJECT**

Drainage Avoidance #2 alternative has the same impacts as the proposed project, but reduced by approximately 68 percent due to smaller project size. Soil erosion impacts by water would be significant and adverse, but reduced in magnitude in comparison to the proposed project. Groundwater storage depletion by project groundwater use would be significant and adverse, but reduced in magnitude in comparison to the proposed project. All other impacts would be mitigated to a level less than significant.

## **C.7.8 NO PROJECT/NO ACTION ALTERNATIVES**

---

### **NO PROJECT/NO ACTION ALTERNATIVE #1:**

#### **No Action on Imperial Valley Solar project application and on CDCA land use plan amendment**

Under this alternative, the proposed Imperial Valley Solar Project would not be approved by the Energy Commission and BLM and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the project site and

BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, the impacts to soils and water from the construction and operation of the proposed project would not occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project requiring a land use plan amendment. In addition, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

## **NO PROJECT/NO ACTION ALTERNATIVE #2:**

### **No Action on Imperial Valley Solar project and amend the CDCA land use plan to make the area available for future solar development**

Under this alternative, the proposed Imperial Valley Solar Project would not be approved by the Energy Commission and BLM and BLM would amend the CDCA Land Use Plan of 1980, as amended, to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site would be developed with the same or a different solar technology. As a result, impacts to soils and water would result from the construction and operation of the solar technology and resulting ground disturbance and would likely be similar to the impacts to soils and water from the proposed project, including erosion impacts and impacts to jurisdictional waters. Different solar technologies require different amounts of grading; however, it is expected that all solar technologies would require grading and maintenance. As such, this No Project/No Action Alternative could result in impacts to soils and water similar to the impacts under the proposed project.

## **NO PROJECT/NO ACTION ALTERNATIVE #3:**

### **No Action on Imperial Valley Solar project Application and Amend the CDCA Land Use Plan to Make the Area Unavailable for Future Solar Development**

Under this alternative, the proposed Imperial Valley Solar project would not be approved by the Energy Commission and BLM and the BLM would amend the CDCA Plan to make the proposed site unavailable for future solar development. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because the CDCA Plan would be amended to make the area unavailable for future solar development, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site and no soil erosion impacts or impacts to jurisdictional waters. As a result, this No Project/No

Action Alternative would not result in the impacts to soils and water under the proposed project. However, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

## **C.7.9 CUMULATIVE IMPACTS**

---

**Section B.3, Cumulative Scenario**, provides detailed information on the potential cumulative solar and other development projects in the project area. Together, these projects comprise the cumulative scenario which forms the basis of the cumulative impact analysis for the proposed project. In summary, these projects are:

1. Renewable energy projects on BLM, State, and private lands, as shown on **Cumulative Figures 1 and 2** and in **Cumulative Tables 1A and 1B**. Although not all of those projects are expected to complete the environmental review processes, or be funded and constructed, the list is indicative of the large number of renewable projects currently proposed in California.
2. Foreseeable future projects in the immediate Plaster City area, as shown on **Cumulative Impacts Figure 3, Plaster City Existing and Future/Foreseeable Projects, and Cumulative Tables 2 and 3**. Table 2 presents existing projects in this area and Table 3 presents future foreseeable projects in the Plaster City Area. Both tables indicate project name and project type, its location and its status.

These projects are defined within a geographic area that has been identified by the CEC and BLM as covering an area large enough to provide a reasonable basis for evaluating cumulative impacts for all resource elements or environmental parameters. Most of these projects have, are, or will be required to undergo their own independent environmental review under CEQA and/or NEPA. Even if the cumulative projects described in Section B.3 have not yet completed the required environmental processes, they were considered in the cumulative impacts analyses in this SA/Draft EIS.

## **GEOGRAPHIC SCOPE OF ANALYSIS**

The geographic area considered for cumulative impacts on Soil and Water Resources is defined as described below:

**Soil Erosion Potential by Water and Wind.** Soil erosion can be affected by any development or land alteration. The effects occur in terms of air quality as well as general deterioration of the land surface with potential regional effects. Cumulative impacts would be evaluated over all Southern California BLM land, including the CDCA.

**Surface Water Quality.** Project-related surface water quality impacts potentially extend from the project site to the Imperial County agricultural area and into the Salton Sea. The geographic extent of cumulative impacts would encompass those areas south of the Salton Sea that could potentially have similar extent. Imperial County is considered the geographical extent of Surface Water Quality impacts.

**Ground Water Quality.** Ground water quality impacts could affect the Coyote Wells Valley and Imperial Valley Groundwater Basins. These basins comprise the geographic area for cumulative ground water quality impacts.

**Hydrology/Flooding.** Hydrology and flooding impacts are generally managed on a county-wide or city-wide level. Imperial County is considered the geographic extent of hydrology and flooding impacts.

**Water Supply.** The US Gypsum expansion will increase groundwater consumption in the vicinity of the water supply well and site. US Gypsum may extract up to an additional 420 acre-feet per year of groundwater. The pumping may increase the depletion of groundwater in storage by as much as 350 acre-feet per year (Todd, 2007). The Imperial Valley Solar project will cause an additional depletion of groundwater storage (18 acre-feet per year when annualized over the life of the project). Although the project's contribution to the total storage depletion is fairly small (5-percent), it is significant and considered unmitigable.

## **EFFECTS OF PAST AND PRESENT PROJECTS**

For this analysis, the following projects or developments are considered most relevant to effects on Soil and Water Resources:

A) All of the projects listed in **Alternatives Table 1A**.

B) The following projects from **Alternatives Table 1B**:

- Abengoa Mojave Solar Project (250 MW solar thermal)
- Rice Solar Energy Project (150 MW solar thermal)
- 3 MW solar PV energy generating facility
- Blythe Airport Solar 1 Project (100 MW solar PV)
- First Solar's Blythe (21 MW solar PV)
- LADWP and OptiSolar Power Plant (68 MW solar PV)
- Bethel Solar Hybrid Power Plant (49.4 MW hybrid solar thermal and biomass)
- Mt. Signal Solar Power Station (49.4 MW hybrid solar thermal and biomass)
- Alta-Oak Creek Mojave Project (up to 800 MW)
- TelStar Energies, LLC (300 MW)
- Orni 18, LLC Geothermal Power Plant (49.9 MW)

C) All of the projects listed in **Alternatives Table 2**.

Soil and Water Resources in the geographic area have been impacted by past and currently approved projects as follows: A) creating soil and vegetation disturbance resulting in an increased potential for water and wind erosion; B) placing structures within flood hazard and erosion hazard areas resulting flood or erosion hazards to the project or adjacent features; C) creating flow diversions or increasing runoff potential resulting in increased flood and erosion potential; D) depleting groundwater or other water resources; E) degrading water quality through construction-related impacts; and, F) degrading water quality through project operations. Existing and planned development projects within the California Desert have substantially increased the potential for water and wind erosion particularly during the construction phase and ongoing in the operations phase in projects such as the recreation and Naval Air Facility projects listed in Table 2. Groundwater use in some areas has been substantial, as has reliance on imported sources of water.

## EFFECTS OF REASONABLY FORESEEABLE FUTURE PROJECTS

Soil and Water Resources are also expected to be affected by the reasonably foreseeable future projects listed in **Alternatives Table 3**.

## CONTRIBUTION OF THE IMPERIAL VALLEY SOLAR PROJECT TO CUMULATIVE IMPACTS

**Construction.** The construction of the Imperial Valley Solar project is expected to result in short term adverse impacts related to construction activities. It is expected that some of the cumulative projects described above which are not yet built may be under construction the same time as the Imperial Valley Solar project. As a result, there may be substantial short term impacts during construction of those cumulative projects related to Soil and Water Resources

The Imperial Valley Solar project could contribute substantially to these possible short term cumulative impacts related to Soil and Water Resources because of its size. The Imperial Valley Solar project is 6,500 acres, which amounts to roughly 25 percent of the total area of projects listed in Table 3 (not counting the general plan update and the West-wide Energy Corridor). Although applicant-proposed mitigation and conditions of certification will reduce the impact of Imperial Valley Solar project to a level not significant, it is reasonable to assume that similar restrictions and mitigation will be placed on other future projects such that the relative contribution of Imperial Valley Solar to the total impact will be substantial.

**Operation.** The operation of the Imperial Valley Solar project is expected to result in long term adverse impacts during operation of the project related to Soil and Water Resources. It is expected that some of the cumulative projects described above may be operational at the same time as the Imperial Valley Solar project. As a result, there may be substantial long term impacts during operation of those cumulative projects related to Soil and Water Resources. With the exception of impacts related to changes in stream morphology, the Imperial Valley Solar project would be expected to contribute only a small amount to these possible long term operational cumulative impacts related to Soil and Water Resources because Imperial Valley Solar impacts will be substantially mitigated. Specifically:

- Imperial Valley Solar will use groundwater, and it will contribute to cumulative groundwater depletion in the basin. Staff estimates that project construction and operation will increase the basin groundwater storage decline by 18 acre feet per year over the 40-year life of the project. The storage decline will cease if the proposed treated wastewater becomes available as an alternate supply. However, treatment plant upgrades have not been approved and delivery of the treated water has not been permitted.
- Non-sediment water quality impacts will be mitigated through strict conditions of certification such that the relative size of the Imperial Valley Solar project will be less important than in the construction phase.
- Peak discharges and the potential for offsite flooding will not be increased by the Imperial Valley Solar project. Imperial Valley Solar project features will be protected.



- The Imperial Valley Solar project will contribute substantially to erosion and sediment-related operational cumulative impacts because of a significant adverse impact associated with altered sediment-transport characteristics of the area.

**Decommissioning.** The decommissioning of the Imperial Valley Solar project is expected to result in adverse impacts related to Soil and Water Resources similar to construction impacts. It is unlikely that the construction or decommissioning of any of the cumulative projects would occur concurrently with the decommissioning of this project, because the decommissioning of the Imperial Valley Solar project is not expected to occur for approximately 40 years. As a result, the impacts of the decommissioning of the Imperial Valley Solar project would not be expected to contribute to cumulative impacts related to Soil and Water Resources.

## **C.7.10 COMPLIANCE WITH LORS**

---

### **Energy Commission Policy**

Sources for statements of Energy Commission policy relating to water use in California and applicable to power plants include the California Constitution, the Warren-Alquist Act, and the Commission's restatement of the state's water policy in the 2003 Integrated Energy Policy Report ("IEPR"). Each Stirling engine of the proposed project would use an air-cooled radiator for cooling. This method of cooling would be in compliance with Energy Commission policy.

The Energy Commission policy also encourages the use of ZLD systems that are designed to eliminate wastewater discharge and inherently conserve water. Although project proposes the use of evaporation ponds for wastewater disposal, staff believes ZLD technology is economically infeasible for this project given the low rate of wastewater that would be produced.

### **Clean Water Act**

The U.S. Army Corps of Engineers has determined that 840 acres of the project site are jurisdictional waters of the U.S. under Clean Water Act (CWA) Section 404. Approximately 165 acres of these waters are proposed as permanent impacts, 5 acres as temporary impacts. The U.S. Environmental Protection Agency (USEPA) Section 404(b)(1) Guidelines (40 Code of Federal Regulations [CFR] 230 *et seq.*) are substantive environmental criteria used by the USACE to evaluate permit applications. Under these guidelines, an analysis of practicable alternatives is the primary tool used to determine whether a proposed discharge can be authorized. An alternative is considered practicable if it is available and capable of being implemented after considering cost, existing technology, and logistics in light of the overall project purpose (40 C.F.R. Part 230[a][2]). The guidelines suggest a sequential approach to project planning such that the Corps of Engineers must first consider avoidance and minimization of impacts to the extent practicable. Mitigation for unavoidable impacts to waters of the U.S. is addressed only after the analysis has determined the Least Environmentally Damaging Practicable Alternative (LEDPA). A formal 404(b)(1) analysis has not yet been completed; however, the analysis presented herein will aid the Corps in the preparation of a draft analysis to be included in the FEIR/EIS. Nonetheless, without a determination from the Corps of

Engineers, Staff cannot determine at this time whether the project would comply with Section 404.

### **Safe Drinking Water Act**

Environmental Protection Agency (EPA) Sole Source Aquifer Protection Program, authorized by Section 14245(e) of the Safe Drinking Water Act. The communities in the Ocotillo/Coyote Wells Groundwater Basin, Coyote Wells, Nomirage, and Yuha Estates and US Gypsum and several other commercial/industrial and agricultural users, depend on the Ocotillo/Coyote Wells Groundwater Basin as their source of potable water. Surface water is not present in the Basin and there are no water imports into the Basin. Therefore, the Ocotillo/Coyote Wells Groundwater Basin was designated as a “sole source aquifer” by the Environmental Protection Agency (EPA) in 1996. The sole source aquifer designation requires U.S. EPA review of proposed federally assisted “projects” to determine their potential for contaminating the aquifer. There is potential for aquifer contamination by Imperial Valley Solar project groundwater use due to upward movement of poor quality groundwater from deeper water bearing formations and a septic system discharge.

### **Title 22, Article 3, Sections 64400.80 through 64445**

This section requires monitoring for potable water wells, defined as non-transient, non-community water systems (serving 25 people or more for more than six months); the proposed project would employ approximately 63 fulltime and 10 seasonal employees during operations. Regulated wells must be sampled for bacteriological quality once a month and the results submitted to the California Department of Public Health (CDPH) for review and comment. The wells must also be monitored for inorganic chemicals once and organic chemicals quarterly during the year designated with the year designation based on historical monitoring frequency and laboratory capacity. Condition of Certification **SOIL&WATER-12** would ensure the applicant complies with this requirement.

### **Porter-Cologne Water Quality Control Act/State Water Board Resolution No. 68-16**

Conditions of Certification **SOIL&WATER-1** to **SOIL&WATER-9**, inclusive, would satisfy the requirements of the Porter-Cologne Water Quality Control Act and State Water Board Resolution No. 68-16, and other relevant regulations as administered by the RWQCB.

### **SWRCB Resolution 75-58 and Energy Commission’s 2003 Integrated Energy Policy Report**

SWRCB Resolution 75-58, Energy Commission’s 2003 Integrated Energy Policy Report, and The Warren-Alquist Act relate to the use of fresh inland water for power plant cooling. The Imperial Valley Solar project would not use water for power plant cooling, but is in compliance with the spirit of these regulations by using reclaimed water for mirror washing. No fresh inland water would be used except for potable water.

### **Public Resources Code, Sections 25300 Through 25302**

Through compliance with Condition of Certification **SOIL&WATER-2**, information required by staff to conduct assessments and forecasts of potable and industrial water consumption by power plants is achieved.

### **California Code of Regulations Titles 17, 22, 23, 24 and 27**

Staff has determined that the proposed project would satisfy the requirements of the California Code of Regulations Titles 17, 22, 23, 24 and 27 by upgrading the SWWTP to supply tertiary treated recycled water in accordance with Title 17 and 22 requirements as is proposed by the applicant and with the adoption of Conditions of Certification **SOIL&WATER-2, SOIL&WATER-3, SOIL&WATER-4, SOIL&WATER-7, SOIL&WATER-8, and SOIL&WATER-9.**

### **Imperial County Land Use Ordinance, Title 9**

Staff has determined that the proposed project would satisfy most requirements of Imperial County Land Use Ordinance, Title 9 by adoption of the following Conditions of Certification **SOIL&WATER-1, SOIL&WATER-5, SOIL&WATER-6, and SOIL&WATER-8.** The project may not satisfy the Imperial County Land Use Ordinance with regard to stream morphological changes that could result in excess sediment production from the site.

All conditions of the well permit will need to be verified by the County. The Dan Boyer Company Well is permitted for 40 acre-feet per year but the project requires over 50 acre-feet per year for construction. Use of the Dan Boyer well will require supply of water from other sources, modification of the construction schedule, or modification to the water suppliers' permit. Condition of Certification **SOIL&WATER-2 and -9** require all permit requirements to be in place and limits water purchases by the project to 34 acre-feet per year. Additionally, Division 22 limits groundwater export from the basin. Condition of Certification **SOIL&WATER-11** prohibits the project owner from exporting water from the Dan Boyer well outside the Ocotillo/Coyote Wells groundwater basin.

### **California Water Code Section 1211**

Staff has determined that the proposed project would satisfy requirements of California Water Code Section 1211 adoption of Condition of Certification **SOIL&WATER-9.**

## **C.7.11      NOTEWORTHY PUBLIC BENEFITS**

---

Staff has not identified any noteworthy public benefits associated with soil and water resources.

## **C.7.12      RESPONSE TO AGENCY AND PUBLIC COMMENTS**

---

Responses to Agency and Public Comments are provided in Appendix E

## **C.7.13 PROPOSED CONDITIONS OF CERTIFICATION/MITIGATION MEASURES**

---

### **DRAINAGE EROSION AND SEDIMENTATION CONTROL PLAN**

**SOIL&WATER-1** Prior to site mobilization, the project owner shall obtain Compliance Project Manager's (CPM) approval for a site specific DESCP that ensures protection of water quality and soil resources of the project site and all linear facilities for both the construction and operation phases of the project. This plan shall address appropriate methods and actions, both temporary and permanent, for the protection of water quality and soil resources, demonstrate no increase in off-site flooding or sedimentation potential, and identify all monitoring and maintenance activities.

The project owner shall complete all necessary engineering plans, reports, and documents necessary for the CPM to conduct a review of the proposed project and provide a written evaluation as to whether the proposed grading, drainage improvements, sediment control measures, and flood management activities comply with all requirements presented herein. The plan shall contain the following elements:

**Vicinity Map:** A map shall be provided indicating the location of all project elements with depictions of all major geographic features to include watercourses, washes, irrigation and drainage canals, major utilities, and sensitive areas.

**Site Delineation:** The site and all project elements shall be delineated showing boundary lines of all construction areas and the location of all existing and proposed structures, underground utilities, roads, and drainage facilities. Adjacent property owners shall be identified on the plan maps. All maps shall be presented at a legible scale.

**Drainage:** The DESCP shall include the following elements:

- a. Topography. Topography for offsite areas is required to define the existing upstream tributary areas to the site and downstream to provide enough definition to map the existing storm water flow and flood hazard. Spot elevations shall be required where relatively flat conditions exist.
- b. Proposed Grade. Proposed grade contours shall be shown at a scale appropriate for delineation of onsite ephemeral washes, drainage ditches, and tie-ins to the existing topography.
- c. Hydrology. Existing and proposed hydrologic calculations for onsite areas and offsite areas that drain to the site; include maps showing the drainage area boundaries and sizes in acres, topography and typical overland flow directions, and show all existing, interim, and proposed drainage infrastructure and their intended direction of flow.
- d. Hydraulics. Provide hydraulic calculations to support the selection and sizing of the onsite drainage network, diversion facilities and BMPs.

**Watercourses and Critical Areas:** The DESCP shall show the location of all onsite and nearby watercourses including washes, irrigation and drainage

canals, and drainage ditches, and shall indicate the proximity of those features to the construction site. Maps shall identify high hazard flood prone areas.

**Clearing and Grading:** The plan shall provide a delineation of all areas to be cleared of vegetation, areas to be preserved, and areas where vegetation would be cut to allow clear movement of the SunCatchers. The plan shall provide elevations, slopes, locations, and extent of all proposed grading as shown by contours, cross-sections, cut/fill depths or other means. The locations of any disposal areas, fills, or other special features shall also be shown. Existing and proposed topography tying in proposed contours with existing topography shall be illustrated. The DESCP shall include a statement of the quantities of material excavated at the site, whether such excavations or fill is temporary or permanent, and the amount of such material to be imported or exported or a statement explaining that there would be no clearing and/or grading conducted for each element of the project. Areas of no disturbance shall be properly identified and delineated on the plan maps.

**Soil Wind and Water Erosion Control:** The plan shall address exposed soil treatments to be used during construction and operation of the proposed project for both road and non-road surfaces including specifically identifying all chemical based dust palliatives, soil bonding, and weighting agents appropriate for use at the proposed project site that would not cause adverse effects to vegetation; BMPs shall include measures designed to prevent wind and water erosion including application of chemical dust palliatives after rough grading to limit water use. All dust palliatives, soil binders, and weighting agents shall be approved by the CPM prior to use.

**Project Schedule:** The DESCP shall identify on the topographic site map the location of the site-specific BMPs to be employed during each phase of construction (initial grading, project element construction, and final grading/stabilization). Separate BMP implementation schedules shall be provided for each project element for each phase of construction.

**Best Management Practices:** The DESCP shall show the location, timing, and maintenance schedule of all erosion- and sediment-control BMPs to be used prior to initial grading, during project element excavation and construction, during final grading/stabilization, and after construction (during project operation). BMPs shall include measures designed to control dust and stabilize construction access roads and entrances. The maintenance schedule shall include post-construction maintenance of treatment-control BMPs applied to disturbed areas following construction.

**Erosion Control Drawings:** The erosion-control drawings and narrative shall be designed, stamped and sealed by a professional engineer or erosion control specialist.

**Agency Comments:** The DESCP shall include copies of recommendations, conditions, and provisions from the County of Imperial, California Department of Fish and Game (CDFG), and Colorado River Regional Water Quality Control Board (RWQCB).

**Monitoring Plan:** Monitoring activities shall include routine measurement of the volume of accumulated sediment in the onsite drainage ditches, and storm water diversions.

**Verification:** No later than ninety (90) days prior to start of site mobilization, the project owner shall submit a copy of the DESCP to the County of Imperial, the RWQCB, the AO, and CPM for review and comment. The CPM shall consider comments received from Imperial County and RWQCB.

During construction, the project owner shall provide an analysis in the monthly compliance report on the effectiveness of the drainage-erosion- and sediment-control measures and the results of monitoring and maintenance activities. Once operational, the project owner shall provide in the annual compliance report information on the results of storm water BMP monitoring and maintenance activities. The property owner shall provide the CPM with two (2) copies each of all reports, including monitoring reports.

## **MONITORING AND VERIFICATION OF WATER USE**

**SOIL&WATER-2** The Imperial Valley Solar Project plans to utilize groundwater purchased from the Dan Boyer Water Company for project construction. Staff assumes the well will provide water for project operations if the Seeley Wastewater Treatment Plant supply is not available. This condition limits water purchases from the Dan Boyer Water Company to 34 acre-feet per year, and specifies that water purchases and use restrictions have been met and documented by both Imperial Valley Solar and Dan Boyer Water Company. The project owner shall document that all required metering devices are in place and maintained as required by the well owner's permit. An annual summary of daily water sales by the water purveyor differentiating between Imperial Valley Solar power purchases and other water customers shall be submitted to the CPM in the annual compliance report. This report shall include copies of the Dan Boyer Water Company invoices as back-up for the reported sales and deliveries.

**Verification:** At least 60 days prior to use of water for Imperial Valley Solar project, the project owner shall submit to the CPM evidence that metering devices have been installed and are operational on the Dan Boyer Water Company well. In the annual compliance report, the project owner shall provide a report on the servicing, testing, and calibration of the metering devices.

The project owner shall submit a water use summary report to the CPM in the annual compliance report for the life of the project. As part of this report, the project owner shall include the monthly sales invoices by the Dan Boyer Water Company. The monthly sales invoices shall differentiate between water sold to Imperial Valley Solar and water sold to other customers. The annual water use summary report shall be based on the volume of water used by Imperial Valley Solar and shall distinguish recorded daily use of potable and operation water. The report shall include the project's daily maximum, monthly range, and monthly average in gallons per day, and the annual use in acre-feet. After the first year and for subsequent years, this information shall also include the yearly range and yearly average potable and operation water used by the project.

## **INDUSTRIAL FACILITY SWPPP**

**SOIL&WATER-3** The project owner shall comply with the requirements of the General NPDES Permit for Discharges of Storm Water Associated with Industrial Activity, including development of an Industrial Facility SWPPP. If the Regional or State Board finds the project does not require a General NPDES Permit for Discharges of Storm Water Associated with Industrial Activity, written confirmation from either board confirming this permit is not required would satisfy this condition.

**Verification:** The project owner shall submit a copy of the Industrial Facility SWPPP for operation of the project to the CPM at least 60 days prior to the start of commercial operation and shall retain a copy of the approved SWPPP on site throughout the life of the project. The project owner shall submit copies of all correspondence between the project owner and the Colorado River RWQCB regarding the general NPDES permit for discharge of storm water associated with industrial activity to the CPM within 10 days of its receipt or submittal. Copies of correspondence shall include the Notice of Intent sent by the project owner to the SWRCB, the confirmation letter indicating receipt and acceptance of the Notice of Intent, and any permit modifications or changes.

## **POTABLE WATER REQUIREMENTS**

**SOIL&WATER-4** Potable water shall be provided by a potable water purveyor licensed to provide potable water in the state of California. Potable water delivered by the purveyor to the Imperial Valley Solar project shall be within the licensed capacity of the water purveyor. The Imperial Valley Solar project shall not operate without an executed agreement for potable water on file with the CPM.

**Verification:** No later than 30 days prior to the initiation of construction the project owner shall submit two copies of the executed agreement with a licensed water purveyor for the potable water supply. The agreement shall specify that the potable water purveyor can deliver potable water sufficient for the needs of the Imperial Valley Solar Project construction and operation, specify the amount of water that shall be delivered on a monthly basis, document that the amount of water delivered is within the licensed capabilities of the water purveyor, and specify the contract time limit. The project owner shall ensure that this or an equivalent potable water agreement is in place and valid at all times the Imperial Valley Solar project is in operation. New or revised agreements shall be delivered to the CPM 30 days prior to the expiration of any agreement.

## **NPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITY**

**SOIL&WATER-5** The project owner shall comply with the requirements of the general National Pollutant Discharge Elimination System (NPDES) permit for discharge of storm water associated with construction activity. The project owner shall submit copies of all correspondence between the project owner and the State Water Resources Control Board (SWRCB) or the Colorado River RWQCB regarding this permit to the CPM. The project owner shall also develop and

implement a construction SWPPP for construction on the Imperial Valley Solar project main site, laydown areas, pipeline, and transmission line.

**Verification:** The project owner shall submit a copy of the construction SWPPP to the CPM at least 10 days prior to site mobilization for review and approval, and retain a copy of the approved SWPPP on site throughout construction. The project owner shall submit copies of all correspondence between the project owner and the SWRCB or the Colorado River RWQCB regarding the NPDES permit for the discharge of storm water associated with construction activity to the CPM within 10 days of its receipt or submittal. Copies of correspondence shall include the Notice of Intent sent to the SWRCB, the confirmation letter indicating receipt and acceptance of the Notice of Intent, any permit modifications or changes, and completion/permit Notice of Termination.

## **WASTE DISCHARGE REQUIREMENTS**

**SOIL&WATER-6** The project owner shall comply with the Waste Discharge Requirements (WDRs) established in Soil and Water Resources Appendices B, C, and D for the construction and operation of the surface impoundments (evaporation ponds) and storm water management system. These requirements relate to discharges, or potential discharges, of waste that could affect the quality of waters of the state, and were developed in consultation with staff of the State Water Resources Control Board and/or the applicable California Regional Water Quality Control Board (hereafter "Water Boards"). It is the Commission's intent that these requirements be enforceable by both the Commission and the Water Boards. In furtherance of that objective, the Commission hereby delegates the enforcement of these requirements, and associated monitoring, inspection and annual fee collection authority, to the Water Boards. Accordingly, the Commission and the Water Board shall confer with each other and coordinate, as needed, in the enforcement of the requirements. The project owner shall pay the annual waste discharge permit fee associated with this facility to the Water Boards. In addition, the Water Boards may "prescribe" these requirements as waste discharge requirements pursuant to Water Code Section 13263 solely for the purposes of enforcement, monitoring, inspection, and the assessment of annual fees, consistent with Public Resources Code Section 25531, subdivision (c).

**Verification:** No later than sixty (60) days prior to any wastewater or storm water discharge, the project owner shall provide documentation to the CPM, with copies to the Colorado River Basin RWQCB, demonstrating compliance with the WDRs established in Appendices B, C, and D. Any changes to the design, construction, or operation of the ponds or storm water system shall be requested in writing to the CPM, with copies to the Colorado River Basin RWQCB, and approved by the CPM, in consultation with the Colorado River Basin RWQCB, prior to initiation of any changes. The project owner shall provide to the CPM, with copies to the Colorado River Basin RWQCB, all monitoring reports required by the WDRs, and fully explain any violations, exceedances, enforcement actions, or corrective actions related to construction or operation of the ponds or storm water system



## STORM WATER DAMAGE MONITORING AND RESPONSE PLAN

**SOIL&WATER-7** The project owner shall prepare a detailed drainage map for existing conditions showing the location of all watercourses on the site, including those not mapped in **Soil and Water Figure 3** of this report, recognizing that site areas with visible evidence of past flows are subject to future flows. The drainage map may be based on a geomorphic evaluation based on aerial photographs, topographic maps, site visits, and other relevant factors, and may be supplemented by a two-dimensional flow analysis at the discretion of the project owner.

The project owner shall ensure that all SunCatchers within flow areas as identified in the above-referenced drainage map are designed to withstand 100-year storm water scour as estimated by a SunCatcher Foundation Depth and Stability Report to be completed by the project owner. The report shall include estimates of hydraulic conditions at each location where SunCatchers are to be located in flood hazard areas and relevant scour calculations for each location. Scour calculations shall be developed by a registered civil engineer competent in scour calculation and include all relevant scour components including pier scour, general scour, antidune trough depth, bend scour, and long-term degradation. An assessment shall be made whether foundation widths should be increased for debris production.

The project owner shall also develop a Storm Water Damage Monitoring and Response Plan to evaluate potential impacts from storm water, including SunCatchers that fail due to storm water flow or otherwise break and scatter mirror debris on to the ground surface. The Storm Water Damage Monitoring and Response Plan shall include the following elements:

- Detailed maps showing the installed location of all SunCatchers.
- Each SunCatcher shall be identified by a unique ID number marked to show initial ground surface at its base and the depth of the pylon below ground.
- Minimum Depth Stability Threshold to be maintained of pylons to meet long-term stability for applicable wind, water, and debris loading effects.
- Above and below ground construction details of a typical installed SunCatcher.
- BMPs to be employed to minimize the potential impact of broken mirrors to soil resources.
- Methods and response time of mirror cleanup and measures that may be used to mitigate further impact to soil resources from broken mirror fragments.
- Monitoring, documenting, and restoring the soil surface when impacted by sedimentation or broken mirror shards.

Monitor and Inspect Periodically, Before First Seasonal and After Every Storm Event:

- SunCatchers within Drainages or subject to drainage overflow: Inspect for tilting, mirror damage, depth of scour compared to pylon depth below ground

and the Minimum Depth Stability Threshold, collapse, and downstream transport.

- Drainage Channels: Inspect for substantial migration or changes in depth, and transport of broken glass.
- Constructed Diversion Channels: Inspect for scour and structural integrity issues caused by erosion, and for sediment and debris buildup.
- Ground Surface: Inspect for changes in the surface texture and quality from sediment buildup, erosion, or broken glass.

Short-Term Incident-Based Response:

- SunCatchers: Remove broken glass, damaged structure, and wiring from the ground, and for foundations no longer meeting the Minimum Depth Stability Threshold, either replace/reinforce or remove the mirrors to avoid exposure for broken glass.
- Drainage Channels: no short-term response necessary unless changes indicate risk to facility structures.

Long-Term Design-Based Response:

- Propose operation/BMP modifications to address ongoing issues. Include proposed changes to monitoring and response procedures, frequency, or standards.
- Replace/reinforce foundations no longer meeting the Minimum Depth Stability Threshold or remove the mirrors to avoid exposure for broken glass.
- Propose design modifications to address ongoing issues.

Inspection, short-term incident response, and long-term design-based response may include activities both inside and outside of the approved right of-way. For activities outside of the approved right-of-way, the project owner shall notify BLM and acquire environmental review and approval before field activities begin.

**Verification:** At least 90 days prior to the start of site mobilization, the project owner shall submit the final drainage map, the Foundation Depth and Stability Report, and the Storm Water Damage Monitoring and Response Plan, with supporting analysis, to the CPM for review and approval. The project owner shall retain a copy of these documents onsite at the power plant at all times. The project owner shall prepare an annual summary of the number of SunCatchers failed, cause of the failure, and cleanup and mitigation performed for each failed SunCatcher.

## **SEPTIC SYSTEM AND LEACH FIELD REQUIREMENTS**

**SOIL&WATER-8** The project owner shall comply with the requirements of the County of Imperial Land Use Ordinance Title 9 and the California Plumbing Code (California Code of Regulations Title 24, Part 5) regarding sanitary waste disposal facilities such as septic systems and leach fields. The septic system

and leach fields shall be designed, operated, and maintained in a manner that ensures no deleterious impact to groundwater or surface water. Compliance shall include an engineering report on the septic system and leach field design, operation, maintenance, loading impact to groundwater and groundwater monitoring.

**Verification:** The project owner shall submit all necessary information and the appropriate fee to the County of Imperial and the RWQCB to ensure that the project has complied with county and state sanitary waste disposal facilities requirements. Written assessments prepared by the County of Imperial and the RWQCB regarding the project's compliance with these requirements must be submitted to the CPM for review and approval 30-days prior to the start of power plant operation.

## **ASSURED WATER SUPPLY**

**SOIL&WATER-9** The project owner shall provide the CPM two copies of the following:

(1) Dan Boyer Water Company's use permit; (2) documentation and proof necessary to verify that all of Imperial County's specific terms for the well permit have been met; and (3) the executed Water Purchase Agreement (agreement) between Imperial Valley Solar and the Dan Boyer Water Company for the long term supply of groundwater for the project. The agreement shall specify the agreed upon delivery rate to meet the Imperial Valley Solar project's maximum construction and operation requirements (maximum supply of 34 acre-feet per year).

If recycled water becomes an alternative water supply, the project owner shall provide the CPM two copies of the executed Recycled Water Purchase Agreement (agreement) with the recycled waste water purveyor for the long-term supply (40 years) of disinfected tertiary recycled water to the Imperial Valley Solar project. The project shall not operate without a long term agreement for recycled water delivery and connection to a recycled water pipeline for project use. The agreement shall specify a delivery rate to meet Imperial Valley Solar project's maximum operation requirements and all terms and costs for the delivery and use of recycled water at the Imperial Valley Solar project. The Imperial Valley Solar project shall not connect to the new recycled water pipeline without the final agreement in place and submitted to the CPM. The project owner shall comply with the requirements of Title 22 and Title 17 of the California Code of Regulations and section 13523 of the California Water Code.

The project owner shall work with the Seeley Waste Water Treatment Facility (SWWTF) to obtain approval from the RWQCB Division of Water Rights for the diversion of flows from the New River to the Imperial Valley Solar project.

If recycled water from the SWWTF available as the project's water supply, the project owner shall do the following:

1. Submit to the CPM evidence that the SWWTF has obtained approval from the RWQCB Division of Water Rights for diversion of flows from the New River to the Imperial Valley Solar project;

2. Submit to the CPM evidence that a final agreement has been made between the project owner and the SWWTF that specifies the delivery rate to meet Imperial Valley Solar project's maximum operation requirements and all terms and costs for the delivery and use of recycled water by the Imperial Valley Solar project
3. Submit to the CPM evidence that metering devices are operational on the water supply and distribution systems.
4. Maintain metering devices as part of the water supply and distribution systems to monitor and record, in gallons per day, the total volume(s) of water supplied to Imperial Valley Solar project from the SWWTP. Those metering devices shall be operational for the life of the project.
5. For the first year of operation, the project owner shall prepare an annual Water Use Summary, which will include the monthly average of daily water usage in gallons per day, and total water used by the project on a monthly and annual basis in acre-feet. For subsequent years, the annual Water Use Summary shall also include the annual water used by the project in prior years. The annual Water Use Summary shall be submitted to the CPM as part of the annual compliance report.

**Verification:** No later than 60 days prior to construction the project owner shall submit two copies of the well permit, including the necessary documentation and proof that the specific terms of the permit have been met, and the executed agreement for the supply of groundwater for the project. The agreement shall specify that the water purveyor can provide water at a maximum rate up to 250,000 gpd and a maximum of 34 acre feet per year to the Imperial Valley Solar project.

## **DECOMMISSIONING PLAN**

**SOIL&WATER-10** The project owner shall identify likely decommissioning scenarios and develop specific decommissioning plans for each scenario that will identify actions to be taken to avoid or mitigate long-term impacts related to water and wind erosion after decommissioning. Actions may include such measures as a decommissioning SWPPP, revegetation and restoration of disturbed areas, post-decommissioning maintenance, collection and disposal of project materials and chemicals, and access restrictions.

**Verification:** At least 90 days prior to the start of site mobilization, the project owner shall submit decommissioning plans to the CPM for review and approval prior to site mobilization. The project owner shall amend these documents as necessary, with approval from the CPM, should the decommissioning scenario change in the future.

## **NO EXPORT OF GROUNDWATER**

**SOIL&WATER-11** Imperial County Land Use Ordinance 9 prohibits the export of groundwater from the groundwater basin from which the water was derived. No water from wells located in the Ocotillo/Coyote Wells Groundwater Basin shall be exported by Imperial Valley Solar for use in the Imperial Valley Groundwater Basin.

**Verification:** In the absence of a permit from Imperial County to export water from the Ocotillo/Coyote Wells basin to the Imperial Valley basin, the project applicant shall submit as part of the annual water use summary report required by **SOIL&WATER-2** documentation verifying that no Ocotillo/Coyote Wells Groundwater Basin water was utilized for power plant operations in areas overlying the Imperial Valley Groundwater Basin.

## **NON-TRANSIENT, NON-COMMUNITY WATER SYSTEM**

**SOIL&WATER-12:** If the project uses groundwater as a drinking water supply, the project is subject to the requirement of Title 22, Article 3, Sections 64400.80 through 64445 for a non-transient, non-community water system (serving 25 people or more for more than six months) and the project owner shall obtain a permit from the County of Imperial to operate a non-transient, non-community water system.

**Verification:** The project owner shall obtain a permit to operate a non-transient, non-community water system from the County of Imperial at least sixty (60) days prior to commencement of construction at the site. The project owner shall supply updates annually for all monitoring requirements and submittals to County of Imperial related to the permit, and proof of annual renewal of the operating permit.

### **C.7.14 CONCLUSIONS**

---

With the information provided to date, staff has determined that construction, operation, and decommissioning of the proposed project could potentially impact soils, surface water, flooding, surface water quality, ground water quality, and water supply. Staff believes that unmitigable impacts would occur to groundwater storage in the Ocotillo/Coyote Wells Groundwater Basin. Groundwater consumption by the project will deplete basin storage, and the basin is in a condition of overdraft. This storage depletion is a significant negative impact, and it cannot be mitigated without decreasing pumping in other parts of the basin, enhancing recharge, or importing water. These mitigation approaches are not likely feasible for the Ocotillo/Coyote Wells Groundwater Basin, and therefore groundwater storage depletion from project pumping is considered unmitigable.

With the exception to the unmitigable impacts to groundwater storage, staff has proposed mitigation measures to reduce identified impacts to levels that are mostly less than significant where potential impacts have been identified. The mitigation measures, as well as specifications for LORS conformance, are included herein as conditions of certification. The conditions of certification referred to herein address the CEQA requirements for the Energy Commission's analysis and BLM's needs for a NEPA analysis. With the possible exception of Section 404 of the CWA, the project would conform with all applicable LORS. Staff's conclusions regarding potential impacts are based on analysis of the information submitted to-date and are presented below:

1. The proposed project would be located in the Yuha Desert of Imperial County in an area characterized by braided, erosive stream channels, flash flooding, alluvial fan conditions, low rainfall, sparse vegetation, and the potential for wind erosion.

2. The project proposes to place more than 5,000 solar dishes, known as SunCatchers, within areas known to be subject to flash flooding and erosion. Project-related changes to the braided and alluvial fan stream hydraulic conditions could result in on-site erosion, stream bed degradation or aggradation, and erosion and sediment deposition impacts to adjacent land. SunCatchers within the floodplain could be subject to destabilization by stream scour. Impacts to soils related to wind erosion and runoff erosion are potentially significant, as are impacts to surface water quality from sedimentation and the introduction of foreign materials, including potential contaminants, to the project area.
3. The applicant completed a hydrologic study and hydraulic modeling of the major stream channels on the project. Based on this work and subsequent analysis by staff, scour analyses have been performed to support development of a project design that can withstand flash flood flows with minimal damage to SunCatchers. Condition of Certification **SOIL&WATER-7** ensures no significant impact for SunCatchers placed in the floodplain.
4. A DESCIP has been developed to mitigate the potential storm water and sediment project-related impacts. However, the calculations and assumptions used to evaluate potential storm water, geomorphic, and sedimentation impacts are imprecise and have limitations and uncertainties associated with them. Given the uncertainty associated with the calculations, the magnitude of potential impacts that could occur cannot be determined precisely without additional detailed numeric modeling of project effects. Based on an independent preliminary assessment by staff, staff has determined the proposed project could result in erosion and stream morphology impacts that would be significant with respect to CEQA significance criteria specified herein and NEPA significance criteria specified in 40 CFR 1508.27. Conditions of Certification **SOIL&WATER-1**, **SOIL&WATER-5**, and **SOIL&WATER-7** have been developed that require development of best management practices and monitoring and reporting procedures to mitigate impacts related to flooding, erosion, sedimentation, and stream morphological changes. These conditions of certification would minimize impacts, but due to the uncertainty associated with the existing analysis, impacts related to erosion, sedimentation and stream morphological changes are considered significant after mitigation.
5. Surface water and ground water quality could be affected by construction activities, ongoing activities on the project site including mirror washing, vehicle use and fueling, storage of oils and chemicals, the proposed septic and leach field system for sanitary wastes, groundwater pumping and wastes from the water treatment system. These impacts are potentially significant. Compliance with LORS and Conditions of Certification **SOIL&WATER-1**, **SOIL&WATER-3**, **SOIL&WATER-5**, **SOIL&WATER-6**, **SOIL&WATER-7**, and **SOIL&WATER-8** would mitigate to a level less than significant in all areas except those associated with the sediment content of water related to stream morphological changes described under Conclusion #4 above. Uncertainty regarding sediment content of runoff water results in a conclusion of potential significant adverse water quality impact.
6. The USACE has determined that 881 acres of the project site are jurisdictional waters of the U.S. under CWA Section 404. The USEPA Section 404(b)(1) Guidelines (40 Code of Federal Regulations [CFR] 230 *et seq.*) are substantive environmental criteria used by the USACE to evaluate permit applications. Under

these guidelines, an analysis of practicable alternatives is the primary tool used to determine whether a proposed discharge can be authorized. An alternative is considered practicable if it is available and capable of being implemented after considering cost, existing technology, and logistics in light of the overall project purpose (40 C.F.R. Part 230[a][2]). The guidelines suggest a sequential approach to project planning such that the USACE must first consider avoidance and minimization of impacts to the extent practicable. Mitigation for unavoidable impacts to waters of the U.S. is addressed only after the analysis has determined the Least LEDPA. Although formal 404(b)(1) analysis has not been finalized by the USACE, the analysis presented herein will aid the USACE in the preparation of the analysis to be included in the FEIR/EIS. Nonetheless, without a determination from the USACE, Staff cannot determine at this time whether the project would comply with Section 404.

7. The proposed project would use air-cooled radiators fitted on each individual engine for heat rejection. Use of this technology would substantially reduce potential water use and is consistent with Energy Commission water policy. The SunCatcher mirrors would be washed on a regular basis. Mirror washing and dust control watering would comprise the primary water use for the project, which is estimated at 33,550 gpd, with total annual use approximately 32.7 acre feet. The applicant proposes to use water from a local water supplier. However, the proposed supplier is permitted to extract only 40 acre-feet per year of groundwater and their historical water sales suggest purchases for residential water use were approximately 6 acre-feet per year. Allowing the proposed project to utilize all of the water could cause residents to lose their water supply, which would be a significant adverse impact. Conditions of Certification **SOIL&WATER-2**, **SOIL&WATER-3**, and **SOIL&WATER -9** are proposed by staff to limit water purchases from the proposed supplier to 34 acre-feet per year, verify water sales and project water use, assure the available water supply, and monitor that the water supply and treatment system comply with LORS and not create adverse water quality or supply impacts whether the supply is purchased groundwater or recycled wastewater.
8. The expected water level decline from project groundwater consumption is too small to significantly affect existing well yields; there are no reported springs in the area and the present-day water table is too deep to support phreatophytic vegetation. Well interference and the effects of water level declines on other basin users are therefore considered less than significant.
9. Increased pumping in the Holocene alluvium can increase the potential for groundwater to flow upwards (upflux) into the Holocene alluvium from the underlying Palm Springs and Imperial formations. This can result in upward movement of relatively high TDS water into the Holocene alluvium which currently has lower TDS groundwater and is the primary water supply for the basin. Staff estimated a total upflux of less than 145 acre-feet from project water use over the construction and operational life of the project. The estimated upflux is at most 0.4 percent of the minimum affected aquifer volume and therefore considered insignificant.
10. Approximately 4-percent of the Imperial Valley Solar project overlies the Imperial Valley Groundwater Basin, and the remaining 96-percent overlies the Ocotillo/Coyote Wells Groundwater Basin. This means approximately 4-percent of the water purchased from Dan Boyer Water Company (water that originates in the

Ocotillo/Coyote Wells Groundwater Basin) would have to be exported to the Imperial Valley Groundwater Basin, which is prohibited without a permit under Imperial County Land Use Ordinance 9. Conditions of Certification **SOIL&WATER-11** prohibits use of Dan Boyer Water Company water within the Imperial Valley Groundwater Basin without a permit from Imperial County.

11. Three on-site alternatives have been evaluated in addition to the No Action alternative. Drainage #1 alternative, developed in an effort to avoid significant stream morphological and sediment transport impacts, and to avoid impacts to waters of the U.S. under Section 404 of the Clean Water Act, would successfully avoid significant impacts and is the least environmentally damaging alternative, least environmentally damaging alternative with respect to soil and water. This alternative avoids the major watercourses on the site. Other on-site alternatives evaluated have smaller project footprints, but do not avoid major watercourses and do not avoid significant impacts. Therefore, Drainage Avoidance #1 alternative is the preferred alternative.

## **C.7.14 REFERENCES**

---

Arizona Department of Water Resources 1985 – Design Manual for Engineering Analysis of Fluvial Systems.

Bookman-Edmonston 2004 – Ocotillo/Coyote Wells Hydrology and Groundwater Modeling Study.

California Department of Water Resources 2003 – California's Groundwater. Bulletin 118.

California Department of Water Resources 1998 – California Water Plan Update.

California Regional Water Quality Control Board 2006 – Water Quality Control Plan Colorado River Basin - Region 7.

CCR 2008 – California Environmental Quality Act (CEQA) Guidelines. Title 14, California Code of Regulations, section 15000 and the following (Cal. Code Regs., tit. 14, §15000 et seq.).

Driscoll 1995 - Groundwater and Wells. Fletcher G. Driscoll (1995).

Dudek, 2009 – Draft Mitigated Negative Declaration for the Seeley Wastewater Reclamation Facility Improvements Imperial County, California. Prepared for the Seeley County Water District. Prepared by Dudek, 75151 Sheryl Avenue, Palm Desert, CA 92211.

DWR2003 – Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001 (2003).

F&C1979 – Groundwater. Freeze & Cherry (1979).

Imperial County 2007 – Imperial County Flood Management Plan. February 2007.

Nishikawa et. al. 2003 – Evaluation of the source and transport of high nitrate concentrations in groundwater, Warren Subbasin, California, USGS Water Resources Investigations Report 03-4009.

NRCS (National Resource Conservation Service) 1961 – Soil Survey of Imperial County California Imperial Valley Area.



NRCS (National Resource Conservation Service) 2004 – RUSLE2 Instructions and User Guide.

RMT 2009 – Hydrologic Assessment Report SES Solar Two Project Site. RMT, Inc. Madison, Wisconsin.

SES (Stirling Energy Systems Solar Two, LLC) 2008a – Application for Certification for the Stirling Energy Systems (SES) Solar Two Project, Volumes 1 and 2. Submitted to the California Energy Commission, June 30, 2008.

SES (Stirling Energy Systems Solar Two, LLC) 2008xx – Response to CEC &BLM Data Requests 1-3, 5-10, 14, 24-26, 31-33, 36-38, 44 and 111-127. Submitted to the California Energy Commission, March 2008.

SES (Stirling Energy Systems Solar Two, LLC) 2008xx – Response to CEC &BLM Data Requests 1-52 Set 1, Part 1. Submitted to the California Energy Commission, December 2008.

SES (Stirling Energy Systems Solar Two, LLC) 2009a – Supplement to SES Solar Two Application for Certification. June, 2009.

SES (Stirling Energy Systems Solar Two, LLC) 2009b – Response to CEC & BLM Data Requests 31 and 32 DESCP/SWPPP – Volume 1. July, 2009.

SES (Stirling Energy Systems Solar Two, LLC) 2009c – Response to CEC & BLM Data Requests 31 and 32 DESCP/SWPPP – Volume 2. July, 2009.

SES (Stirling Energy Systems Solar Two, LLC) 2009c – Additional Supportive Materials – Biology and Water. October 30, 2009.

Shroeder et. al. 1993 – Chemical, isotopic, and microbiological evidence for denitrification during transport of domestic wastewater through a thick unsaturated zone in the Mojave Desert, San Bernardino County California, USGS Open File Report 93-414.

Simons, Li & Associates, Inc. 1982 – Engineering Analysis of Fluvial Systems. Fort Collins, Colorado.

Todd 2007 – Review of Groundwater Issues, Draft EIR/EIS for US Gypsum Expansion/Modernization Project, memorandum to Stephen Lilburn, Lilburn Corporation.

US Gypsum 2006 – Draft EIR/EIS for US Gypsum Expansion/Modernization Project.

USGS (United States Geological Survey) 2006 – Sediment Yield and Runoff Frequency of Small Drainage Basins in the Mojave Desert, California and Nevada. Fact Sheet 2006-3007.

USGS 2009 – Water Data for the Nation. <http://waterdata.usgs.gov/>.

Western Regional Climate Center 2009 – <http://www.wrcc.dri.edu/index.html>.



## SOIL AND WATER RESOURCES – APPENDIX A

### ACRONYMS USED IN THIS SECTION

AFC	Application for Certification	N/A	Not Applicable
AO	BLM Authorized Office	NEPA	National Environmental Policy Act
BLM	Bureau of Land Management	REC I	Water Contact Recreation
BMP	Best Management Practice	RECII	Non-Contact Water Recreation
CCR	California Code of Regulations	RO	Reverse Osmosis
CDFG	California Department of Fish and Game	ROW	Right of Way
CEQA	California Environmental Quality Act	ROWD	Report of Waste Discharge
CFR	Code of Federal Regulations	RUSLE2	Revised Universal Soil Loss Equation
cfs	Cubic Feet Per Second	RWQCB	Regional Water Quality Control Board
CPM	Compliance Project Manager	SAP	Sampling and Analysis Plan
CWA	Clean Water Act	SC	Sediment Control
DDT	Dichlorodiphenyltrichloroethane	SDG&E	San Diego Gas & Electric
DESCP	Drainage, Erosion, and Sedimentation Control Plan	SF	Square Feet
gpd	Gallons per Day	SS	Soil Stabilization
GWR	Groundwater Recharge	SWPPP	Stormwater Pollution Prevention Plan
HEC-RAS	Hydrologic Engineering Center River Analysis System	SWRCB	California State Water Resources Control Board
IND	Industrial Service Supply	SWWTP	Seeley Waste Water Treatment Plant
K	Erosion Factor	TC	Tracking Control
kV	Kilovolt	TDS	Total Dissolved Solids
LID	Low Impact Development	TMDL	Total Maximum Daily Load
LORS	Laws, Ordinances, Regulations and Standards	USC	United States Code
mg/l	Milligrams per Liter	USGS	United States Geological Survey
ml	Milliliters	V	Volts
msl	Mean Sea Level	WDR	Waste Discharge Requirement
mg/L	Milligrams per liter	WE	Wind Erosion
MUN	Municipal and Domestic Supply	WILD	Wildlife Habitat
MW	Megawatt	WRCC	Western Regional Climate Center



# SOIL AND WATER RESOURCES – APPENDIX B

## FACTS FOR WASTE DISCHARGE

### 1. Reason for Action and Regulatory Authority

The applicant filed an Application for Certification (AFC) with the California Energy Commission (Energy Commission) on June 30, 2008. The AFC proposed the construction and operation of the Imperial Valley Solar (IVS) Project in the Yuha Desert area of Imperial County, California. In conjunction with IVS Project construction, the applicant proposes to discharge wastes, dredged, and/or fill material to State waters as defined by California Water Code (Water Code) section 13050. These discharges are subject to State requirements in accordance with Water Code section 13260 and the Water Quality Control Plan for the Regional Water Quality Control Board (RWQCB) Colorado River Region (Basin Plan). All actions impacting or potentially impacting these drainages, including dredge and fill activities and construction and industrial activities, would be regulated through these requirements, which would be incorporated in the Energy Commission's certification process.

Under the Warren-Alquist Act, and Governor's Executive Order S-14-08, the California Energy Commission (Energy Commission) has the authority to streamline permitting for renewable energy generation facilities. The Energy Commission implements an "in lieu of" permit process by incorporating the regulatory requirements and conditions of the various local and State agencies in its certification process. All necessary State and local permits for this Facility, including those permits typically issued by the Water Board are issued to the project owner through the Energy Commission's certification process. The Water Board has cooperated with the Energy Commission in evaluating the IVS and provided to the Energy Commission the Board's analysis and recommended waste discharge requirements, herein, which staff has independently evaluated and hereby adopts as its own.

### 2. Waste Discharge Requirements History

The IVS Project would be a new facility. With the exception of the Seeley Waste Water Treatment Plant (SWWTP), for which there is an existing waste discharge requirement, there are no previous Colorado River RWQCB actions for the IVS project or location.

### 3. Climate

The climate of the site vicinity is hot during summer, with temperatures commonly above 100 degrees, and moderate during winter when temperatures tend to be in the 40 to 70 degree range. Average maximum temperatures exceed 100 degrees for June, July, August and September. The coldest month of the year is December with an average minimum temperature of 40 degrees. Precipitation is very sparse. Annual average precipitation is approximately 2.65 Inches. Rainfall primarily occurs during the winter months (December to March) in the form of widespread winter storms. Summer monsoon storms generally occur from August to October.

### 4. Site Geology

#### a. Setting

The Project Site is located along the western margin of the Salton Trough near the west side of Imperial County. The Salton Trough is a sedimentary basin that was occupied by Ancient Lake Cahuilla as recently as about 300 years ago. One of the ancient shorelines of Lake Cahuilla is located near the eastern site boundary. The central and western portions of the site are characterized by low and moderate relief alluvial zones and washes. The surficial alluvial materials, created by erosion of the mountains to the west and northwest, are underlain by sandstone and claystone of the Palm Spring Formation.

b. Faulting and Seismicity

The site is in a highly seismic region of California within the broad limits of the San Andreas fault system.

c. Soils

The proposed IVS project surface is covered by silt loam, sandy loam, and gravelly loam soils that are characterized by the Natural Resource Conservation Service as highly permeable with low to medium runoff potential.

5. Groundwater

The project site lies primarily over the Coyote Wells Valley Groundwater Basin, with portions over the Imperial Valley Groundwater Basin. The Ocotillo/Coyote Wells Valley Groundwater Basin lies primarily within Holocene alluvium 100 to 300 feet below the ground surface. This basin receives recharge from the percolation of precipitation on the valley and from ephemeral runoff from the surrounding mountains. Groundwater levels have been declining due to pumping and underflow to the Imperial Valley Groundwater Basin and to Mexico. Groundwater quality is characterized by sodium bicarbonate-chloride with high fluoride levels in some areas. Groundwater uses include municipal, irrigation and domestic uses. The Imperial Valley Groundwater Basin covers all of the agricultural area of Imperial County south of the Salton Sea. This basin has two major aquifers with the upper averaging 200 feet in thickness and the lower 380 feet. Recharge is primarily from irrigation return, underflow from adjacent groundwater basins and seepage from unlined irrigation canals. Groundwater quality is variable and generally the water is unsuitable for domestic and irrigation purposes without treatment. High fluoride levels occur in parts of the basin. Uses include municipal, domestic and irrigation. Groundwater at the IVS site is known to be at least 45 feet below the ground surface, and in most places is likely more than 90 feet below.

6. Surface Water

The project site lies within the Imperial Subregion of the Colorado River RWQCB. There are no perennial or intermittent drainages on the project site. The closest perennial drainage to the project site is the New River, approximately 7 miles east of the site. The highly polluted New River obtains its flow primarily from agricultural irrigation return.

Numerous ephemeral drainages traverse the IVS site from the south to north in the western portion of the site and toward the northeast in the eastern half of the site. Headwaters for these drainages are gently sloping upland areas located to the south and west. The site drainages are normally dry and typically contain water only infrequently following precipitation events large enough to produce runoff. Rainfall is

scant in this area so long periods of time may occur between runoff events. When it does occur, runoff is generally activated by intense summer monsoon rains that produce short-duration flash flooding possibly with high flow peaks. Winter storms, although producing more rain on average, than the summer monsoons, are widespread and low-intensity, producing little runoff except on watersheds much larger than those affecting the project site. Most of the medium to large size watercourses on the IVS site exhibit braiding or alluvial fan characteristics, or both. The site watercourses are typically unstable, with erodible banks, and are capable of shifting position where not constrained by high ground.

Discharges exiting the site do so toward the north on the western portion of the site, and toward the east on the eastern portion of the site. Flows exiting the site to the north are returned to the site further east. All site flows eventually travel east toward the Imperial County agricultural area.

#### 7. Land Uses and Existing Site Conditions

The proposed IVS project site and adjacent areas are federal lands managed by the BLM and are used for off road vehicle recreation. Immediately adjacent to the northern boundary of the proposed project site is the USG Corporation Gypsum Wallboard Manufacturing Facility, known as Plaster City. The small communities of Edgar and Coyote Wells are located approximately 5 miles east and 4 miles west of the project site, respectively. A small water ski community known as Imperial Lakes is located about 2 miles northeast of the project site, and about 0.7 miles north of the project laydown area. The California State Centinela Prison is located approximately 1.5 miles north of Imperial Lakes.

Two private parcels of land, one owned by a recreational vehicle club and one by a private landowner, are surrounded by the proposed project and are not a part of the project. The northern boundary of the proposed project site is adjacent to Imperial County Route S80 and Plaster City, and the southern boundary is adjacent to Interstate Highway 8.

#### 8. Description of Direct Impacts to State Waters

Placement of the SunCatchers and associated maintenance roads, debris basins, the electrical collection system, and culverts would result in a loss of approximately 840 acres of CDFG jurisdictional state waters and fill of approximately 840 acres of Waters of the U.S.

#### 9. Mitigation Plan

As described in Section C.2 of this report, impacts to ephemeral desert washes resulting in permanent loss of 840 acres of state waters and 840 acres of Waters of the U. S., shall be mitigated as follows: a) For the plant site, replace functions and values of impacted desert wash with a 1:1 off-site acquisition; b) For the recycled water pipeline, staff is awaiting the conditions that would be included in the California Department of Fish and Game Lake and Streambed Alteration permit and requirements of the CWA Section 404(1)(b) Alternative Analysis. Once the conditions required by both agencies are known, the requirements will be incorporated into **BIO-17**; and, c) For the recycled water pipeline, staff is awaiting the conditions that would be included in the CDFG Lake and Streambed Alteration permit and requirements of the CWA

Section 404(1)(b) Alternative Analysis. Once the conditions required by both agencies are known, the requirements will be incorporated into **BIO-17**.

## 10. Wastewater Discharges

The project Main Services Complex would include a reverse osmosis water treatment plant to produce demineralized water for mirror washing. Wastewater produced by the reverse osmosis process will be approximately 7.5 acre feet per year (6,695 gpd) and be high in dissolved solids. The table below lists expected water quality characteristics for this wastewater based on a previous analysis assuming Imperial Irrigation District canal water as the water source. This water source is no longer being considered and the analysis below is subject to revision based on the current water source (SWWTP).

**Water Quality Characteristics of Wastewater  
from the Reverse Osmosis Process**

Characteristics	Units	Value
<b>GENERAL</b>		
Turbidity	NTU	0
Conductance	micromhos/cm	44
Total Dissolved Solids	Ppm	3,600
Total Hardness	Ppm	1,598
Total Alkalinity	mg/l CaCO <sub>3</sub>	710
<b>CATIONS</b>		
Calcium	mg/l	404
Magnesium	mg/l	147
Sodium	mg/l	533
Potassium	mg/l	21
<b>ANIONS</b>		
Bicarbonate	mg/l	844
Sulfate	Ppm	1,465
Chloride	Ppm	533
Fluoride	Ppm	1
<b>TRACE ELEMENTS</b>		
Arsenic	microg/l	11
Iron	microg/l	2,264
Manganese	microg/l	147

Table source: AFC Section 3 Table 3-5. Values adjusted based on AFC raw water analysis adjusted for AFC-stated concentration increases from the demineralization process.

## 11. Receiving Waters

The receiving waters immediately downstream of the project are minor surface waters of the Imperial Subregion of the Colorado River RWQCB. These flows ultimately discharge into the New River. Receiving waters for infiltrated waters from the septic



leach field system and the reclaimed water evaporation ponds would be the Coyote Wells Valley Groundwater Basin

#### 12. Colorado River Basin Plan

The Colorado River RWQCB adopted a Water Quality Control Plan (Basin Plan) in 1993, most-recently amended in June of 2006.

#### 13. Beneficial Uses -Surface Waters

The Basin Plan designates beneficial uses for surface waters in each watershed of the Colorado River Region. The beneficial uses listed for washes in the west Colorado River basin which includes the project area include groundwater recharge (GWR), non-contact water recreation (RECI), and wildlife habitat (WILD).

#### 14. Beneficial Uses -Groundwater

Groundwater beneficial uses include municipal and domestic supply (MUN) and industrial service supply (IND).

#### 15. Non-Degradation

The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California). Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings or facts. The Basin Plan implements and incorporates by reference State antidegradation policies.

#### 16. Other Considerations and Requirements for Discharge

Pursuant to Water Code section 13241, these requirements take into consideration:

a. *Past, present, and probable future beneficial uses of water.*

These requirements identify past, present and probable future beneficial uses of water as described in Facts Nos. 16 and 17. The proposed discharge would not adversely affect present or probable future beneficial uses of water, including domestic water supply, agricultural supply, industrial supply, and freshwater replenishment.

b. *Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.*

Facts Nos. 6 through 13 describe the environmental characteristics and quality of water from this hydrographic unit.

c. *Water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area.*

These requirements would not result in any significant changes to groundwater quality. Adverse effects to surface water quality would be minimized.

d. *Economic considerations.*

These requirements authorize the Discharger to implement closure and post-closure maintenance actions at the Facility as proposed by the Discharger. These requirements accept the Discharger's proposed actions as meeting the

best practicable control method for protecting water quality from impacts from the Facility.

- e. *The need for developing housing within the region.*

The Discharger is not responsible for developing housing within the region.

- f. *The need to develop and use recycled water.*

The Energy Commission is currently evaluating the feasibility of using recycled water as the water source for Facility operations.

#### 17. Description of Surface Impoundments (evaporation ponds)

Two 1-acre concrete-lined evaporation ponds are proposed. During the construction phase, raw water from the SWWTP will be stored in the ponds for construction use. Raw water from the SWWTP will have water quality concentrations approximately one-fourth to one-fifth of those listed in the Water Quality Characteristics of Wastewater from the Reverse Osmosis Process table above.

During project operation, wastewater from the demineralization process will be discharged to the evaporation ponds. Ponds will be sized for one year of discharge. After the first pond is full, discharge will be transferred to the second pond while the first pond evaporates. The ponds will alternate on an annual basis.

# SOIL AND WATER RESOURCES – APPENDIX C

## REQUIREMENTS FOR WASTE DISCHARGE

### I. DISCHARGE SPECIFICATIONS

#### A. Receiving Water Limitations

Receiving water limitations are narrative and numerical water quality objectives contained in the Water Quality Control Plan for the Colorado River Region (Basin Plan). As such, the objectives are required to be met.

##### 1. Surface Water Objectives

**AESTHETIC QUALITIES:** All waters shall be free from substances attributable to wastewater of domestic or industrial origin or other discharges which adversely affect beneficial uses not limited to: Settling to form objectionable deposits; floating as debris, scum, grease, oil, wax, or other matter that may cause nuisances; and, producing objectionable color, odor, taste, or turbidity.

**TAINTING SUBSTANCES:** Water shall be free of unnatural materials, which individually or in combination produce undesirable flavors in the edible portions of aquatic organisms.

**TOXICITY:** All waters shall be maintained free of toxic substances in concentrations which are toxic to, or which produce detrimental physiological responses in human, plant, animal, or indigenous aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, 96-hour bioassay or bioassays of appropriate duration or other appropriate methods as specified by the Regional Board. Effluent limits based upon bioassays of effluent will be prescribed where appropriate, additional numerical receiving water objectives for specific toxicants will be established as sufficient data become available, and source control of toxic substances will be encouraged.

The survival of aquatic life in surface waters subjected to a waste discharge or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge, or other control water which is consistent with the requirements for "experimental water" as described in Standards Methods for the Examination of Water and Wastewater, 18th Edition. As a minimum, compliance with this objective as stated in the previous sentence shall be evaluated with a 96-hour bioassay.

**TEMPERATURE:** The natural receiving water temperature of surface waters shall not be altered by discharges of waste unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in temperature does not adversely affect beneficial uses.

**pH:** Since the regional waters are somewhat alkaline, pH shall range from 6.0-9.0. Discharges shall not cause any changes in pH detrimental to beneficial water uses.

**SUSPENDED SOLIDS AND SETTLEABLE SOLIDS:** Discharges of wastes or wastewater shall not contain suspended or settleable solids in concentrations which increase the turbidity of receiving waters, unless it can be demonstrated

to the satisfaction of the Regional Board that such alteration in turbidity does not adversely affect beneficial uses.

**TOTAL DISSOLVED SOLIDS:** Discharges of wastes or wastewater shall not increase the total dissolved solids content of receiving waters, unless it can be demonstrated to the satisfaction of the Regional Board that such an increase in total dissolved solids does not adversely affect beneficial uses of receiving waters.

**BACTERIA:** In waters designated for water contact recreation (REC I) or noncontact water recreation (REC II), the following bacterial objectives apply. Although the objectives are expressed as fecal coliforms, E. coli, and enterococci bacteria, they address pathogenic microorganisms in general (e.g., bacteria, viruses, and fungi). Based on a statistically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period), the geometric mean of the indicated bacterial densities should not exceed one or the other of the following for REC II waters: E. coli - 630 per 100 ml; enterococci - 165 per 100 ml. Nor shall any sample exceed the following maximum allowables: E. coli - 2000 per 100 ml; enterococci - 500 per 100 ml.

**BIOSTIMULATORY SUBSTANCES:** Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.

**SEDIMENT:** The suspended sediment load and suspended sediment discharge rate to surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

**TURBIDITY:** Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.

**RADIOACTIVITY;** Radionuclides shall not be present in waters in concentrations which are deleterious to human, plant, animal or aquatic life or that result in the accumulation of radionuclides in the food web to an extent which presents a hazard to human, plant, animal or aquatic life.

**CHEMICAL CONSTITUENTS:** No individual chemical or combination of chemicals shall be present in concentrations that adversely affect beneficial uses. There shall be no increase in hazardous chemical concentrations found in bottom sediments or aquatic life.

**PESTICIDE WASTES:** The discharge of pesticidal wastes from pesticide manufacturing processing or cleaning operations to any surface water is prohibited.

## 2. Groundwater Objectives

**TASTE AND ODORS:** Ground waters for use as domestic or municipal supply shall not contain taste or odor-producing substances in concentrations that adversely affect beneficial uses as a result of human activity.

**BACTERIOLOGICAL QUALITY:** In ground waters designated for use as domestic or municipal supply (MUN), the concentration of coliform organisms

shall not exceed the limits specified in California Code of Regulations, Title 22, Chapter 15, Article 3.

**CHEMICAL AND PHYSICAL QUALITY:** Ground waters designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the limits specified in California Code of Regulations, Title 22, Chapter 15, Article 4, Section 64435, Tables 2, 3, and 4 as a result of human activity.

**BRINES:** Discharges of water softener regeneration brines, other mineralized wastes, and toxic wastes to disposal facilities which ultimately discharge in areas where such wastes can percolate to ground waters usable for domestic and municipal purposes are prohibited.

**RADIOACTIVITY:** Ground waters designated for use as domestic or municipal supply (MUN) shall not contain radioactive material in excess of the limits specified in California Code of Regulations, Title 22, Chapter 15, Article 5, Sections 64441 and 64443.

## **II. PROHIBITIONS AND REQUIREMENTS**

The discharge of wastes and fill associated with the Facility must not violate the following waste discharge prohibitions. The California Energy Commission expects that control measures would be implemented in an iterative manner as needed to meet applicable receiving water quality objectives.

### **A. Region Wide Prohibitions**

1. The discharge of waste which causes violation of any narrative water quality objective contained in the Basin Plan, including the Nondegradation Objective, (State Water Board Resolution No. 68-16) is prohibited.
2. The discharge of waste which causes a violation of any numeric water quality objective contained in the Basin Plan is prohibited.
3. Where any numeric or narrative water quality objective contained in the Basin Plan is already being violated, the discharge of waste which causes further degradation or pollution is prohibited.
4. The discharge of untreated sewage, garbage, or other solid wastes into surface waters of the Region is prohibited. For the purposes of this prohibition, "untreated sewage" is that which exceeds secondary treatment standards of the Federal Water Pollution Control Act.
5. For municipal<sup>(ii)</sup> and industrial<sup>(iii)</sup> discharges:
  - a. The discharge, bypass, or diversion of raw or partially treated sewage, sludge, grease, or oils to surface waters is prohibited.
  - b. The discharge of wastewater except to the designated disposal site (as designated in waste discharge requirements) is prohibited.

---

<sup>(ii)</sup> "Municipal waste" is defined in Section 4.4 of the Basin Plan.

<sup>(iii)</sup> "Industry" is defined in Section 4.7 of the Basin Plan.

- c. The discharge of industrial process wastes<sup>(iv)</sup> to surface waters designated for the Municipal and Domestic Supply (MUN) beneficial use is prohibited. The discharge of industrial process wastes to surface waters not designated for the MUN use may be permitted if such discharges comply with the limitations listed in the Basin Plan and if appropriate findings under state and federal anti-degradation regulations can be made.

## **B. Facility Discharge Prohibitions**

1. Activities and waste discharges associated with the Facility must not cause or threaten to cause a nuisance or pollution as defined in Water Code section 13050.
2. The discharge of waste, as defined in the Water Code that causes violation of any narrative water quality objective contained in the Basin Plan is prohibited.
3. The discharge of waste that causes violation of any numeric water quality objective contained in the Basin Plan is prohibited.
4. Where any numeric or narrative water quality objective contained in the Basin Plan is already being violated, the discharge of waste that causes further degradation or pollution (as defined in Water Code Section 13050) is prohibited.
5. The discharge of septic tank pumpings (septage) or chemical toilet wastes to other than a sewage treatment plant or a waste hauler is prohibited.

## **C. Requirements**

1. The project owner must, at all times, maintain appropriate types and sufficient quantities of material on site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the State.
2. Discharges of wastewater generated by the Facility's operations are not allowed to be released to the offsite environment.
3. The project owner must permit California Energy Commission staff or their authorized representative upon presentation of credentials:
  - a. Entry onto Facility premises.
  - b. Access to copy any record required to be kept under the terms and conditions of the Commission's Decision.
  - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by the Commission's Decision.
  - d. Sampling of any discharge or surface water covered by the Commission's Decision.
4. The project owner must immediately notify the California Energy Commission and SWRCB by telephone whenever an adverse condition occurs as a result of this discharge. Such a condition includes, but is not limited to, a violation of

---

<sup>(iv)</sup> "Industrial process wastes" are wastes produced by industrial activities that result from one or more actions, operations, or treatments which modify raw material(s) and that may (1) add to or create within the effluent, waste, or receiving water a constituent or constituents not present prior to processing, or (2) alter water temperature and/or the concentration(s) of one or more naturally occurring constituents within the effluent, waste or receiving water. Certain non-storm water discharges may occur at industrial facilities that are not considered to be industrial process wastes for the purposes of Prohibition 5(c). Examples include: fire hydrant flushing, atmospheric condensates from refrigeration and air conditioning systems, and landscape watering.

- the conditions of the Commission's Decision, a significant spill of petroleum products or toxic chemicals, or damage to control facilities that would cause noncompliance. A written notification of the adverse condition must be provided to the California Energy Commission within two weeks of occurrence. The written notification must identify the adverse condition, describe the actions necessary to remedy the condition, and specify a timetable, subject to any modifications by California Energy Commission staff, for the remedial actions.
5. The project owner must comply with the Monitoring and Report Program for Surface Water and Monitoring and Report Program Groundwater, included in these requirements.

### **III PROVISIONS**

#### **Special Provisions for the Evaporation Ponds and Water Treatment Unit**

1. The evaporation ponds shall conform to the requirements for a Class II Surface Impoundment described in CCR, Title 27.
2. There shall be no discharge, bypass, or diversion of wastewater from the collection, conveyance, or disposal facilities, including backflush from the RO Unit, to adjacent land areas or surface waters.
3. All facilities used for the collection, conveyance, or disposal of waste shall be adequately protected against overflow, washout, inundation, structural damage, or a significant reduction in efficiency resulting from a storm or flood having a recurrence interval of once in 100 years. The surface impoundments (evaporation ponds) shall be designed and maintained with the capacity to capture the 1,000-year, 24-hour rainfall.
4. The release of wastewater shall not cause the presence of the groundwater monitoring parameters listed in the Monitoring and Reporting Programs (Appendix D) to be in excess of background levels.
5. The discharge, storage or evaporative accumulation of hazardous waste to the evaporation ponds at the Facility is prohibited.
6. Only wastewater from the demineralization process or storm water from rainfall shall be discharged to the evaporation ponds.
7. The flow of wastewater to the surface impoundments shall not exceed design levels.
8. The discharge of wastewater from the demineralization process except to the authorized evaporation ponds is prohibited.
9. All lined facilities shall be effectively sealed to prevent the exfiltration of liquids. For this project, "effectively sealed" facilities are the surface impoundments that are designed and constructed in accordance with the requirements of CCR, Title 27.
10. The vertical distance between the liquid surface elevation and the highest part of a surface impoundment dike (i.e. the freeboard), or the invert of an overflow structure, shall not be less than 2 feet.





# SOIL AND WATER RESOURCES – APPENDIX D

## MONITORING AND REPORTING PROGRAM FOR GROUNDWATER

### I. WATER QUALITY PROTECTION STANDARD

Water Quality Protection Standard is required by Title 27 of the California Code of Regulations (CCR, Title 27) to assure the earliest possible detection of a release from the IVS project to underlying soil and/or groundwater. The Water Quality Protection Standard shall consist of the list of constituents of concern, the concentration limits, the Point of Compliance and all Monitoring Points. This Water Quality Protection Standard shall apply during the operation, closure, post-closure maintenance period, and during any compliance period. IVS would initially undergo construction and then would be under a Detection Monitoring Program.

### II. MONITORING

The project owner shall comply with all detention monitoring requirements contained in CCR Title 27 and as described below. Any adaptive amendments to these requirements, procedures or monitoring parameters shall be first approved by the RWQCB and then provided to the AO and CPM for incorporation into the CEC permit prior to implementation of the amendments.

#### A. Flow Monitoring of Discharges to the Surface Impoundments (the two evaporation ponds)

The project owner shall monitor the following:

1. The volume, in gallons per day (gpd), of wastewater delivered to the surface impoundments;
2. The cumulative total of wastewater flow delivered to the surface impoundments (million gallons per month; and
3. The maximum daily flow rate, in ggd, delivered to the surface impoundments each month.

#### B. Monitoring of Wastewater Discharges to the Surface Impoundments

Semi-annually, the project owner shall record the following:

1. The sources of wastewater delivered to the surface impoundments; and,
2. The analytical results of a composite wastewater grab sample that shall be collected and analyzed for the parameters in Table II-1.

**Table II-1**  
**Wastewater Sampling Parameters**

Parameter	U.S. EPA or Standard Method	Reporting Limit Goal	Units
Ammonia (as N)	350.1	100	µg/L
Aluminum	200.7	20	µg/L
Arsenic	6020	2	µg/L

Parameter	U.S. EPA or Standard Method	Reporting Limit Goal	Units
Antimony	6020	10	µg/L
Barium	6020	5	µg/L
Beryllium	6020	2	µg/L
Boron	200.7	140	µg/L
Cadmium	6020	5	µg/L
Calcium	200.7	40,000	µg/L
Chloride	300.0	14,000	µg/L
Chromium (total)	6020	5	µg/L
Cobalt	6020	5	µg/L
Copper	6020	5	µg/L
Cyanide (total)	SM 4500	10	µg/L
Fluoride	300.0	500	µg/L
Iron	200.7	20	µg/L
Lead	6020	3	µg/L
Magnesium	200.7	10,000	µg/L
Manganese	200.7	15	µg/L
Mercury	7470A	0.2	µg/L
Molybdenum	6020	10	µg/L
Nickel	6020	5	µg/L
Nitrate as nitrogen	300.0	1,000	µg/L
Nitrite as nitrogen	SM 4500	4	µg/L
Phosphate (total)	365.3	100	µg/L
Potassium	200.7	3,000	µg/L
Selenium	6020	10	µg/L
Silver	6020	5	µg/L
Sodium	200.7	10,000	µg/L
Strontium	200.7	500	µg/L
Sulfate	300.0	100.000	µg/L
Thallium	6020	10	µg/L
Total dissolved solids	SM 2540C	10,000	µg/L
Total alkalinity(as CaCO <sub>3</sub> )	SM 2320B	100,000	µg/L
Vanadium	6020	5	µg/L
Zinc	6020	10	µg/L
Biphenyl	8015M	500	µg/L
Diphenyl oxide	8015M	500	µg/L
Cyclohexamine (20-40%)	8015M	500	µg/L
Morpholine (1-10%)	8015M	500	µg/L
pH	Field	+/- 0.1	pH units
Temperature	Field	+/- 0.1	° F or °C

µg/L = micrograms per liter

Values in this table are subject to revision by the RWQCB

### C. Surface Impoundment Monitoring

The project owner shall adhere to the following surface impoundment monitoring requirements.

#### 1. Dikes and Liners

- a. Daily, the freeboard shall be measured from the top of the lowest part of the dike to the wastewater surface. If the surface impoundment is dry, indicate that it is empty of wastewater.
- b. Monthly, the integrity of the dikes and liners shall be inspected. Should the inspection indicate any damage to the dikes or liners or if an unauthorized discharge has occurred, or is likely to occur, the California Energy Commission shall be notified within 48 hours, followed by confirmation in writing.

#### 2. Surface Impoundment Wastewater Monitoring

Semi-annually, at each surface impoundment, liquid grab samples shall be collected at three (3) sample locations in the surface impoundments spaced approximately equidistant. The collected samples shall be composited into one sample by the laboratory and analyzed to determine the quantification of the parameters in Table II-1.

#### 4. Surface Impoundment Sludge Monitoring

Annually, in the last quarter of each year, three (3) representative grab samples of the bottom sludge in each surface impoundment, if present, shall be collected, composited and analyzed for the parameters in Table II-2.

**Table II-2**  
**Surface Impoundment Sludge Monitoring**

Parameters	Unit
CCR title 22 metals (CAM 17)- Antimony, Arsenic, Barium, Beryllium, Cadmium, Chromium, Cobalt, Copper, Lead, Mercury, Molybdenum, Nickel, Selenium, Silver, Thallium, Vanadium, Zinc	Milligrams per kilogram (mg/kg)
Biphenyl, diphenyl oxide (Therminol or similar)	mg/kg

### D. Detection Monitoring

Using approved statistical or non-statistical data analysis methods approved in these requirements, and in compliance with CCR, title 27, the project owner shall, for each monitoring event, compare the concentration of each monitoring parameter with its respective concentration limit to determine if there has been a release from the surface impoundments. Monitoring shall be completed in compliance with this Section D as further described below.

## 1. Unsaturated Zone Monitoring - Neutron Probe

- a. Quarterly, the project owner shall check for moisture below the surface impoundment liners using a neutron moisture probe calibrated for use at the site. If moisture content is detected above 30% by volume, field verification testing shall be performed and the project owner shall notify the California Energy Commission and report physical evidence of a release (see notification procedures below). Field verification testing may include a combination of additional neutron analysis, laboratory analysis of liquids drawn from the neutron probe casing and visual observation to verify existence of a release.
- b. Annually, the project owner shall submit documentation of instrument calibration and performance checks. Performance checks shall be a comparison of quarterly results of neutron moisture. Pre testing with earlier tests made under comparable conditions to verify proper operation of equipment must be documented.

## 2. Groundwater Monitoring

A Groundwater Monitoring Network (GMN) shall be developed for two scenarios: an on-site industrial water supply scenario, and, an off-site industrial water supply scenario. Both GMN layouts shall include three categories of monitoring wells: (1) background wells (located upgradient of the surface impoundments and land treatment unit); (2) detection wells (located adjacent to the surface impoundments and land treatment unit); and (3) compliance wells. For both onsite and offsite water supply scenarios, the detection wells shall be comprised of three proposed wells located immediately adjacent to the surface impoundments. The Point of Compliance as defined in CCR, title 27, section 20405 is "a vertical surface located at the hydraulically down gradient limit of the Unit that extends through the uppermost aquifer underlying the Unit."

Semi-annually, samples shall be collected in the groundwater monitoring network and analyzed for the parameters listed in Table II-3.

The results of the analysis shall be reported in the semi-annual report in tabular and graphical form. Each such graph shall be plotted with raw data at a scale appropriate to show trends or variations in water quality. For graphs showing the trends of similar constituents, the scale shall be the same. The data shall also be used to construct an Upper Tolerance Limit to determine evidence of a release and shall be used to evaluate data from the previous three quarters for evidence of a release.

**Table II-3**  
**Monitoring Well Sampling Parameters**

Parameter	U.S. EPA or Standard Method	Reporting Limit Goal	Units
Ammonia (as N)	350.1	100	µg/L
Aluminum	200.7	20	µg/L
Arsenic	6020	2	µg/L
Antimony	6020	10	µg/L

<b>Parameter</b>	<b>U.S. EPA or Standard Method</b>	<b>Reporting Limit Goal</b>	<b>Units</b>
Barium	6020	5	µg/L
Beryllium	6020	2	µg/L
Boron	200.7	140	µg/L
Cadmium	6020	5	µg/L
Calcium	200.7	40,000	µg/L
Chloride	300.0	14,000	µg/L
Chromium (total)	6020	5	µg/L
Cobalt	6020	5	µg/L
Copper	6020	5	µg/L
Cyanide (total)	SM 4500	10	µg/L
Fluoride	300.0	500	µg/L
Iron	200.7	20	µg/L
Lead	6020	3	µg/L
Magnesium	200.7	10,000	µg/L
Manganese	200.7	15	µg/L
Mercury	7470A	0.2	µg/L
Molybdenum	6020	10	µg/L
Nickel	6020	5	µg/L
Nitrate as nitrogen	300.0	1,000	µg/L
Nitrite as nitrogen	SM 4500	4	µg/L
Phosphate (total)	365.3	100	µg/L
Potassium	200.7	3,000	µg/L
Selenium	6020	10	µg/L
Silver	6020	5	µg/L
Sodium	200.7	10,000	µg/L
Strontium	200.7	500	µg/L
Sulfate	300.0	100.000	µg/L
Thallium	6020	10	µg/L
Total dissolved solids	SM 2540C	10,000	µg/L
Total alkalinity(as CaCO <sub>3</sub> )	SM 2320B	100,000	µg/L
Vanadium	6020	5	µg/L
Zinc	6020	10	µg/L
pH	Field	+/- 0.1	pH units
Temperature	Field	+/- 0.1	° F or °C

- a. Semi-annually, the groundwater potentiometric surface shall be illustrated on a 8.5" x 11" copy of a site plan showing the static water level, in feet below ground surface; the monitoring well locations; the location of the surface impoundments; and the groundwater gradient under each surface impoundment.
- c. Prior to sampling, each monitoring well shall be sufficiently purged in accordance with generally accepted sampling practices in order to obtain a representative ground water sample. If any monitoring well is

dry for more than a year, a new or modified monitoring well shall be installed.

Groundwater samples must be collected after the wells have been purged in accordance with California Environmental Protection Agency guidance document, *Representative Sampling of Groundwater for Hazardous Substances*, revised February 2008 (see: [http://www.dtsc.ca.gov/SiteCleanup/upload/SMP\\_Representative\\_Sampling\\_GroundWater.pdf](http://www.dtsc.ca.gov/SiteCleanup/upload/SMP_Representative_Sampling_GroundWater.pdf)). The required stability parameters and criteria from this guidance are summarized in Table II-4.

**Table II-4**  
**Stabilization Parameters and Criteria**

Parameter	Criteria
temperature	± 3% of reading (minimum of ± 0.2 C)
pH	+/- 0.1
specific electrical conductance	+/- 3%
Oxidation-reduction potential	+/- 10 millivolts
dissolved oxygen	+/- 0.3 milligrams per liter

### III. DATA ANALYSIS

All data analyses methods (statistical or non-statistical) shall meet the requirements of CCR, title 27, section 20415, subdivision (e)(9).

#### A. General Non-statistical Methods

Evaluation of data would be conducted using non-statistical methods to determine if any new releases from the surface impoundments or land treatment unit have occurred. Non-statistical analysis shall be as follows.

##### 1. Physical Evidence

Physical evidence can include dike or berm(s) damage or loss, unexplained volumetric changes in the surface impoundments, groundwater mounding, or soil discoloration. Each annual report shall comment on the absence or presence of physical evidence of a release.

##### 2. Time Series Plots

Each annual report must include time series plot for groundwater monitoring parameters. Time series plots are not required for parameters that have never been detected above their method detection limit (as specified by the applicable USEPA Method) or if there are less than four quarters of data. Evidence of a release may include trends of increasing concentrations of one or more constituent over time.

#### B. General Statistical Analysis Methods

For Detection Monitoring, the project owner shall use statistical methods to analyze constituents of concern that exhibit concentrations that equal or exceed their respective method detection limit in at least 10% of applicable historical samples.

The project owner may propose and use any statistical method that meets the requirements of CCR, title 27, section 20415, subdivision (e)(7). The report titled "Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities" (USEPA, 1989) or subsequent versions may also be used to select the statistical test to use for comparing detection monitoring well data to background monitoring data. All statistical methods and programs proposed by the project owner are subject to AO and CPM approval and must be in compliance with CCR, title 27.

#### **IV. RECORD KEEPING AND REPORTING REQUIREMENTS**

##### **A. Scheduled Reports to be filed with the California Energy Commission**

A detection monitoring report shall be submitted to the AO and CPM of the California Energy Commission. The content of the detection monitoring report shall be as follows:

1. results of sampling analysis, including statistical limits or each monitoring point;
2. a description and graphical presentation of the velocity and direction of ground water flow under or around the evaporation ponds, based upon water level elevations taken during the collection of the water quality data submitted in the report;
3. a map or aerial photograph showing the locations of observation stations, monitoring points, and background monitoring points;
4. a letter transmitting the essential points in each report, including a discussion of any requirement violations found since the last report was submitted, and describing actions taken or planned for correcting those violations. If the project owner has previously submitted a detailed time schedule for correcting requirement violations, a reference to the correspondence transmitting this schedule would be satisfactory. If no violations have occurred since the last submittal, this shall be stated in the letter of transmittal.

##### **B. Unscheduled Reports to be Filed**

1. Release from the Surface Impoundments

The project owner shall perform the procedures contained in this subsection whenever there is evidence of a release from the surface impoundments.

The project owner shall immediately notify the AO and CPM verbally whenever a determination is made that there is physical or statistically significant evidence of a release (as determined in compliance with CCR, title 27, section 20164) from a surface impoundment. This verbal notification shall be followed by written notification via certified mail within 7 days of such determination. Upon such notification, the project owner may initiate verification procedures or demonstrate that another source other than the Impoundment caused evidence of a release (see below). The notification shall include the following information:

- a. the surface impoundment that may have released or be releasing wastewater;

- b. general information including the date, time, location, and cause of the release;
- c. an estimate of the flow rate and volume of waste involved;
- d. a procedure for collecting samples and description of laboratory test to be conducted;
- e. identification of any subsurface water bearing zone affected or threatened;
- f. a summary of proposed corrective actions; and

For statistically significant evidence of a release (as determined in compliance with CCR, title 27, section 20164) - monitoring parameters and/or constituents of concern that have indicated statistically significant evidence of a release from the surface impoundments; or

For physical evidence of a release - physical factors that indicate physical evidence of a release.

## 2. Evaluation Monitoring

Pursuant to California Water Code section 13267, subdivision (b), the project owner shall, within 90 days of verifying a release, submit to the AO and CPM an amended Report of Waste Discharge proposing an evaluation monitoring program (CCR, title 27, sections 20420, subdivision (k)(5) and 20425). If project owner decides not to conduct verification procedures, or decides not to make a demonstration that a source other than the surface impoundments or land treatment unit are responsible for the release, the release would be considered verified.

## 4. Preliminary Engineering Feasibility Study Report

The project owner shall, within 180 days of verification of a release or detection, submit to the AO and CPM a Preliminary Engineering Feasibility Study pursuant to CCR, title 27, section 20420, subdivision (k)(6), that shall contain either corrective action measures that could be taken to achieve background concentration or demonstrate that the waste management units are not the cause of the detection.

# V. REPORTING REQUIREMENTS

## A. General Provisions

The project owner shall comply with the "General Provisions for Monitoring and Reporting" which is attached to and made part of this Monitoring and Reporting Program.

## B. Semi-Annual Report

Beginning on June 30, 2010, a Semi-annual Monitoring Report, including the preceding monitoring information, shall be submitted to the AO and CPM. Subsequent semi-annual monitoring reports shall be submitted to the AO and CPM by January 30 and June 30 of each year.



### **C. Annual Report**

Beginning on January 30, 2011, and by January 30 of each year, the project owner shall submit an Annual Report to the AO and CPM including the preceding information and with the following information:

- a. Evidence that adequate financial assurance for closure, post-closure, and reasonably foreseeable releases is still in effect and may include a copy of the renewed financial instrument or a copy of the receipt for payment of the financial instrument;
- b. Evidence that the amount is still adequate or increase the amount of financial assurance by the appropriate amount if necessary, due to inflation, a change in the approved closure plan, or other unforeseen events; and
- c. A review of the closure plan and a statement that the closure activities described are still accurate or an updated closure plan.

### **D. Data Analysis Report**

The project owner shall, by **January 30 of every year**, submit to the AO and CPM a Data Analysis Report as specified in Section III (Data Analysis) of this Monitoring and Reporting Program.

### **E. Electronic Submittal of Information**

Pursuant to CCT title 23, section 3890, the project owner shall submit reports, including soil, vapor and water data, prepared for the purpose of subsurface investigation or remediation of a discharge of waste to land subject to Division 2 of Title 27 electronically over the internet to the State Water Resources Control Board's Geotracker system. This requirement is in addition to, and not superseded by, any other applicable reporting requirement.

## **GENERAL PROVISIONS FOR MONITORING AND REPORTING**

### **1. SAMPLING AND ANALYSIS**

- b. All analyses shall be performed in accordance with the current edition(s) of the following documents:
  - i. Standard Methods for the Examination of Water and Wastewater
  - ii. Methods for Chemical Analysis of Water and Wastes, EPA
- c. All analyses shall be performed in a laboratory certified to perform such analyses by the California State Department of Health Services or a laboratory approved by the AO and CPM. Specific methods of analysis must be identified on each laboratory report.
- d. Any modifications to the above methods to eliminate known interferences shall be reported with the sample results. The methods used shall also be reported. If methods other than EPA-approved methods or Standard Methods are used, the exact methodology must be submitted for review and must be approved by the AO and CPM.
- e. The project owner shall establish chain-of-custody procedures to insure that specific individuals are responsible for sample integrity from commencement of sample collection through delivery to an approved laboratory. Sample collection, storage, and analysis shall be conducted in accordance with an approved Sampling and Analysis Plan (SAP). The most recent version of the approved SAP shall be kept at the facility.
- f. The project owner shall calibrate and perform maintenance procedures on all monitoring instruments and equipment to ensure accuracy of measurements, or shall insure that both activities would be conducted. The calibration of any wastewater flow measuring device shall be recorded and maintained in the permanent log book described in 2.b, below.
- g. A grab sample is defined as an individual sample collected in fewer than 15 minutes.
- h. A composite sample is defined as a combination of no fewer than 8 individual samples obtained over the specified sampling period at equal intervals. The volume of each individual sample shall be proportional to the discharge flow rate at the time of sampling. The sampling period shall equal the discharge period, or 24 hours, whichever period is shorter.

### **2. OPERATIONAL REQUIREMENTS**

- i. **Sample Results**

The project owner shall maintain all sampling and analytical results including: strip charts; date, exact place, and time of sampling; date analyses were performed; sample collector's name; analyst's name; analytical techniques used; and results of all analyses. Such records shall be retained for a minimum of three years. This period of retention shall be extended during

the course of any unresolved litigation regarding this discharge, or when requested by the AO and CPM.

j. Operational Log

An operation and maintenance log shall be maintained at the facility. All monitoring and reporting data shall be recorded in a permanent log book.

3. REPORTING

k. For every item where the requirements are not met, the project owner shall submit a statement of the actions undertaken or proposed which would bring the discharge into full compliance with requirements at the earliest time, and shall submit a timetable for correction.

l. All sampling and analytical results shall be made available to the AO and CPM upon request. Results shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge, or when requested by the AO and CPM.

m. The project owner shall provide a brief summary of any operational problems and maintenance activities to the AO and CPM with each monitoring report. Any modifications or additions to, or any major maintenance conducted on, or any major problems occurring to the wastewater conveyance system, treatment facilities, or disposal facilities shall be included in this summary.

n. Monitoring reports shall be signed by:

i. In the case of a corporation, by a principal executive officer at least of the level of vice-president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates;

ii. In the case of a partnership, by a general partner;

iii. In the case of a sole proprietorship, by the proprietor; or

iv. In the case of a municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

o. Monitoring reports are to include the name and telephone number of an individual who can answer questions about the report.



## SOIL AND WATER RESOURCES – APPENDIX E RESPONSE TO AGENCY AND PUBLIC COMMENTS

The responses to comments below are grouped by subject area and are numbered for reference.

### Soil Erosion and Dust Suppression

**Comment (California Native Plant Society).** Wind erosion creates dust and dust has been shown to be detrimental to desert plants and cryptobiotic crusts. The Applicant has not provided information regarding the cryptobiotic crusts, if any, on the project site. Without such information, the affects of construction and operation of the project on wind erosion and its direct and indirect impacts on local and off site plant and cryptobiotic crusts is not known. The Salton Sea Restoration Project, faced with the same challenge, evaluated dust emissions with on-site testing. According the Salton Sea Ecosystem Restoration Draft EIR: "There is no agreed upon method to estimate PM10 emissions or wind-blown dust, and there are many uncertainties and limitations associated with the available tools and methods. The MacDougall Method is a tool used to estimate particulate matter emissions that relies heavily on emission factors developed through us of wind tunnel and/or Portable In-Situ Wind Erosion Laboratory (PI-SWERL) study results. The MacDougall Method was developed to estimate dust emissions from land with little or no vegetation. Such lands may have the ability to form a crust, which can minimize dust emissions. Other available methods for dust emissions estimation are not able to take into account the ability of solids to form a crust. The method relies on actual field measurements of soil with and without crust to estimate PM10 emissions. Soils with vary crust strengths or stabilities may also be studied....Wind Tunnels usually operate in laboratories, but a portable version is available and was used... for measurements at the Salton Sea." The MacDougall method is an In-Situ method, normally used to quantify PM2.5 and PM10 emissions, common air pollutants. These pollutants affect human health but they are just one result of soil wind erosion and are known to harm plant communities. Dust grains of less than PM10 predominate on plant surfaces, and such deposition frequently results in dust clothing shrubs boarding dirt roads or downwind of a barren source areas, such as a dry lake (Sharifi, Gibson, Rundel: 1997) Medium and large soil grains typically move relatively short distances by modified saltation or short-term suspension, whereas smaller particulates «20um) may enter long-term suspension and be transported greater distances (Sharifi, Gibson, Rundel: 1997) Analysis of wind-blown dust effects on desert plants have shown reduced maximum rates of photosynthesis to between 21 and 58 percent compared to control plants. Dusted leaf temperatures and photosynthetic stems were 2-3 degrees Celsius higher due to greater absorption of infrared radiation; heavily dusted shrubs had smaller leaf areas and greater leaf -specific masses suggesting lowered primary production in desert plants exposed to dust (Sharifi, Gibson, Rundel: 1997) Applicant has not provided wind erosion information based on the MacDougall Method or any other In-Situ method such as Big Springs Number Eight (BSNE). Therefore, it's reasonable to conclude that any analysis of air pollution or wind erosion conducted to date is not adequate. Clearly dust from wind erosion affects plants and cryptobiotic crusts. Without adequate wind erosion information, impacts from wind erosion to onsite and offsite plant communities cannot be determined. We believe that

additional analysis, using In-Situ methods, should be conducted so that impacts to onsite and offsite plant communities are known.

**1. Response.** Staff observed a thin crust on the soil surface at many locations throughout the site, which could be an indicator of the presence of cryptobiotic organisms. Disturbance of this thin crust, as would occur with the proposed grading activities, would likely increase the potential for wind erosion, and this has been identified in the Staff Assessment as a potential significant impact for which mitigation is required. The Applicant proposes a series of measures to control wind erosion, including the application of dust palliatives, soil bonding, and weighting agents. **SOIL&WATER-1** requires additional mitigation and specifies that palliatives, bonding and weighting agents be approved by the BLM and the Energy Commission and be appropriate for use at the proposed project site without causing adverse effects to vegetation.

**Comment (California Native Plant Society).** The Imperial Valley Air Pollution Control District (IVAPCD) Rule 804, Open Areas, requires rural open areas of 3.0 acres and contains at least 1,000 square feet of disturbed area to have a stabilized surface. The applicant plans on using dust suppressants to control fugitive dust. However, no information has been provided as to the specific suppressant to be used. Some suppressants are hygroscopic; they use moisture to help bind dust particles, which inhibits fugitive dust. If the dust suppressant that the Applicant intends to use is a hygroscopic material and since the project site has a pan evaporation rate of 140 inches per year, the Applicant has not shown any evidence that hygroscopic suppressants will be effective at the project site. We believe that additional analysis of dust suppression materials and methods should be conducted, including identification of dust suppression materials, so that impacts to onsite and offsite plant communities are known.

**2. Response.** **SOIL&WATER-1** requires that palliatives, bonding and weighting agents be approved by the BLM and Energy Commission prior to use. The issues raised in this comment will be taken into account in the review and approval process for these dust-control agents.

**Comment (Public Employees for Environmental Responsibility).** This section simply states that the project conforms to all applicable LORS, with no discussion of what LORS, if any, apply to soil loss from grading and erosion, or soil contamination by leakage of evaporation ponds and other spillage absorbed by the soils. It is appropriately admitted (p. C.7-1, 2) that the effects of changed morphology and the nature of sediment carried offsite by runoff are not known. Thus, it cannot be accurately stated that the project conforms to all applicable LORS, and the effects beyond closure cannot be predicted.

**3. Response.** Soil loss from grading and erosion is a water quality issue that is addressed in many of the regulations listed in **Soil and Water Resources Table 4** including the Clean Water Act, The Porter-Cologne Water Quality Control Act, and others. Leakage of evaporation ponds and other spillage absorbed by the soils are addressed by other listed regulations including California Code of Regulations, Title 23, and Title 27, California Code of Regulations Division 2, Section 20375. Section C.7 gives specific reasons for the determinations on LORS compliance.

**Comment (Center for Biological Diversity).** The proposed project is located in the Imperial County Air Pollution Control District area, and is already in non-attainment for PM-10 particulate matter. The construction of the proposed project further increase emissions of these types of particles because of the disruption and elimination of potentially thousands of acres of cryptobiotic soil crusts. Cryptobiotic soil crusts are an essential ecological component in arid lands. They are the “glue” that holds surface soil particles together precluding erosion, provide “safe sites” for seed germination, trap and slowly release soil moisture, and provide CO<sub>2</sub> uptake through photosynthesis.

The FEIS does not describe the on-site cryptobiotic soil crusts. The proposed project will disturb an unidentified portion of these soil crusts and cause them to lose their capacity to stabilize soils and trap soil moisture. The DEIS fails to provide a map of the soil crusts over the project site, and to present any avoidance or minimization measures. It is unclear how many acres of cryptobiotic soils will be affected by the project. The DEIS must identify the extent of the cryptobiotic soils on site and analyze the potential impacts to these diminutive, but essential desert ecosystem components as a result of this project.

**4. Response.** See Responses 1 and 2.

#### **Mirror Washing**

**Comment (California Native Plant Society).** According the Applicant, all 30,000 SunCatchers' mirrors will be washed periodically with a dilute biodegradable soap. Biodegradable does not equate to non-toxic and although the applicant has stated that it is likely that the wash water and soap will not reach the soil and that the soap will biodegrade, no data or studies have been submitted to support this claim. The soap has not been identified nor has any material safety data been provided. While it may be possible that the wash water will not reach the ground during mirror washing activities, we feel the assumption that the soap will biodegrade before causing harm is false. The pan evaporation rate at the project site is an estimated 140 inches per year. The applicant provided no evidence that the soap will actually biodegrade in such a dry environment and it might be entirely possible that the soap will accumulate on the mirrors, un-degraded, until a storm event provides enough water to wash the soap from the mirrors and onto the ground, as well as onto any cryptobiotic crust and or plants beneath the mirrors. Soaps by nature are antibacterial and cryptobiotic crusts at the project site are expected to contain bacterial components. Soil crusts are only metabolically active when wet. We feel that the analysis of impacts from mirror washing activities are inadequate and additional analysis should be conducted.

**5. Response.** According the Applicant, mirror washing with a dilute biodegradable soap will occur approximately once per year. The maximum amount of water used per SunCatcher washing is reported by the Applicant as 42 gallons. During the wash with a dilute biodegradable soap solution, it is possible that some of the water reach the ground which, at the location of the SunCatchers, would have been disturbed by project construction. The amount of water used is unlikely to result in runoff that would travel to other areas with undisturbed cryptobiotic crusts. A maximum of 42 gallons amounts to approximately 0.05 inches over an area of approximately 1,400 square feet per

SunCatcher. At the average published infiltration rates for the soils on the site, this water should infiltrate completely within less than 3 minutes after reaching the ground.

**SOIL&WATER-1** requires the development and implementation of a Drainage Erosion and Sedimentation Control Plan (DESCP) that would address the issue of mirror washing and biodegradable soaps used periodically. The characteristics of soaps used, and BMPs to reduce the aerial impact of these soaps, would be subject to review and approval by the CEC prior to initiation of project operations. The concerns raised in this comment will be taken into account in the review and approval of the DESCP.

### **Potential Impacts to Surface Water**

**Comment (Center for Biological Diversity).** The newly-proposed use of groundwater for both construction and operation of the proposed project (for some unknown length of time) could impact existing uses by local communities for drinking water and domestic uses and at the expense of other environmental resources as well. Cumulative impacts of this use along with other proposed groundwater pumping from the aquifer (including by the neighboring Plaster City plant) must be identified and analyzed as well. Impacts of the over-draft of this aquifer and use of groundwater by the proposed project must be fully analyzed. Such impacts include drawdown of springs and creeks in the area and the impacts to the fragile biological resources of the region that could result including resources in the San Sebastian Marsh/San Felipe Creek Areas of Critical Environmental Concern (ACECs). Any drawdown of the aquifer would have substantial effects on water supply for other existing users. Moreover, issues regarding use of the water in this aquifer by the Plaster City plant have been in litigation for several years, including issues regarding the possibly catastrophic impacts loss of reliable well water would have on existing communities. The BLM cannot ignore the ongoing insecurity and controversy surrounding the proposed alternate water source in the DEIS and must revise or supplement the DEIS to fully disclose and analyze these issues.

**6. Response.** Staff is unaware of springs and streams that may be affected by pumping of the Dan Boyer well. Groundwater levels are typically greater than 100 feet below land surface in the vicinity of the well. Analyses of pump test data indicates no significant effects on groundwater levels in the vicinity of the well. The San Sebastian Marsh/San Felipe Creek areas are over 25 miles to the northwest of the pumping well and beyond any hydraulic influence. See Responses 8, 11, and 13 for summaries of analysis.

### **Potential Impacts to Groundwater Levels and Basin Balance**

**Comment (Edie Harmon).** What are the facts and issues related to the proposed use of potable [ground] water for industrial purposes from a basin where the nearest impacted downgradient users are those private wells using untreated water from their wells for domestic purposes.

**7. Response.** The key facts and issues related to the use of potable groundwater are as follows.



- Groundwater for construction and possibly operation of the Imperial Valley Solar project would be supplied by the Dan Boyer Water Company's well (State Well No. 16S/9E-36G).
- The Dan Boyer Water Company reportedly has a permit to extract 40 acre-feet per year of water.
- Historical water sales from the Dan Boyer well have included residential water users; these customers will still require water. This pre-existing use, or fixed demand, is considered the baseline that would be supplied by this well or from somewhere else in the same basin.
- The Imperial Valley Solar project proposes to use about 51 acre feet per year of groundwater during 4 years of construction and almost 33 acre feet per year during the life of the project. In order to ensure that local residents do not lose their water supply, staff has included Condition of Certification **SOIL&WATER-2** that limits the project's use of water is limited to 34 acre-feet per year.
- Groundwater storage in the Ocotillo/Coyote Wells basin is decreasing and the basin is considered to be in overdraft. Groundwater consumption by the project (up to 34 acre-feet per year) is above baseline conditions and has been identified as a significant negative impact.
- The expected water level decline from project groundwater consumption is too small to significantly affect existing well yields; there are no reported springs in the area and the present-day water table is too deep to support phreatophytic vegetation. Well interference and the effects of water level declines on other basin users are therefore considered less than significant.

**Comment (Edie Harmon, Center for Biological Diversity, USEPA).** What are the adverse environmental impacts and cumulative impacts on downgradient biological resources (humans in the case of groundwater) and downgradient water supply wells.

**8. Response.** Staff analyzed the effect of pumping for the Imperial Valley Solar project on basin groundwater storage and water levels. Using a statistical relationship for pumping and groundwater storage decline, staff's analysis indicates project pumping will increase overdraft in the aquifer by almost 18 acre-feet per year. The impact to groundwater storage is considered significant, and it is unlikely it can be mitigated by decreases in pumping in other parts of the basin, enhancing recharge, or importing water. Staff employed standard groundwater analyses to estimate pumping effects on water levels and concluded the expected water level decline from project groundwater consumption is too small to significantly affect existing well yields; there are no reported springs in the area and the present-day water table is too deep to support phreatophytic vegetation. Well interference and the effects of water level declines on other basin users are therefore considered less than significant.

**Comment (Backcountry Against Dumps).** There are cumulative effects from the Imperial Valley Solar Project and US Gypsum groundwater use on irreplaceable desert groundwater from a residential area that has no alternate water supply.

**9. Response.** Staff has determined that the proposed use of groundwater will decrease groundwater storage. Increased groundwater use by US Gypsum will exacerbate the storage decline. The storage depletion is a significant negative impact and likely cannot be mitigated. In order to ensure that local residents who rely on the proposed water supply well do not lose their water supply, staff has included Condition of Certification **SOIL&WATER-2** that limits the project's water purchases for plant operations to 33 acre-feet per year. Staff's analysis concluded that the pumping will not significantly affect water levels in other existing wells.

**Comment (Edie Harmon).** Water quality in domestic wells may degrade from upwelling or upconing from the project's groundwater use.

**10. Response.** Proposed project pumping will increase the decline in water levels, which may affect groundwater quality. In the Ocotillo area, the primary water supply is low TDS groundwater from the upper Holocene alluvium aquifer. High TDS groundwater reportedly resides in underlying Pleistocene Palm Springs and the marine Imperial formations (Todd, 2007). Groundwater in the Holocene alluvium reportedly flows vertically downward to the Palm Springs and Imperial formations. Increased pumping in the Holocene alluvium can increase the potential for groundwater to flow upwards (upflux) into the Holocene alluvium from the underlying Pleistocene formations. This can result in upward movement of relatively high TDS water into the Holocene alluvium which has lower TDS groundwater and is the primary water supply for the basin.

The Ocotillo/Coyote Wells basin model indicates increasing upward movement of groundwater from the Palm Springs and Imperial formations into the Holocene alluvium in response to increased pumping from the upper aquifer (Todd, 2007). Using a statistical relationship developed to estimate changes in upflux in response to pumping increases, staff concluded that by the end of project construction upflux could increase by almost 5 acre-feet per year (a total upflux to the entire alluvial aquifer after 3-years of less than 15 acre-feet). For operational water use conditions, staff determined that by the end of the project upflux will have increased by about 3 acre-feet per year (total upflux to the entire alluvial aquifer over the operational life of the project of less than 130 acre-feet). Total upflux due to project construction and operation is therefore less than 145 acre-feet.

The largest possible effect on water quality would be in the minimum area where upflux might occur. This is represented by the minimum drawdown area produced by pumping the Dan Boyer Water Company well. Staff simulated the smallest drawdown area as about 1.5 miles in diameter, indicating an affected area of about 1,100 acres. Assuming an average well depth of 300 feet, depth to water of 110 feet below land surface (saturated interval adjacent to the well of 190 feet), and a total porosity of 0.20, the potentially affected volume of water is almost 38,500 acre-feet. The estimated upflux of less than 145 acre-feet is at most 0.4 percent of the minimum affected aquifer volume and therefore considered insignificant.

**Comment (Edie Harmon).** There is a very serious potential for exacerbated degradation of the groundwater.

**11. Response.** Staff's assessment of groundwater upflux utilized statistical relationships developed by Todd (2007) using the Ocotillo/Coyote Wells groundwater flow model. The model results considered included water usage from projected population growth and US Gypsum pumping increases. Staff's assessment estimated the effects of Imperial Valley Solar project groundwater use. Staff concluded water quality impacts from upcoming are insignificant. See Response 10.

**Comment (Backcountry Against Dumps, Stephan Volker).** Section 2.5 of the Supplemental downplays the significance of the sole source aquifer designation. At a minimum a site specific study and full EIR would be legally required to determine the impacts to the Ocotillo source well(s) and aquifer which are located wholly within the boundaries of the federally designated Ocotillo/Coyote Wells Sole Source Aquifer.

**12. Response.** The sole source aquifer designation requires U.S. EPA review of proposed federally assisted "projects" to determine their potential for contaminating the aquifer. It does not explicitly address potential impacts to groundwater storage and water level decline.

Staff analyzed the potential effects of the proposed use of groundwater for the Imperial Valley Solar Project. Staff assessed potential impacts to groundwater storage, water levels, and water quality. Staff concluded the proposed groundwater use will significantly impact groundwater storage, but impacts to water levels and groundwater quality will be less than significant.

**Comment (Edie Harmon, Center for Biological Diversity).** Has the CEC staff considered the groundwater issue and evaluated the impacts, and/or will staff make such an analysis available for public review and comment.

**13. Response.** Staff analyzed available information and data and assessed potential effects of project groundwater use on aquifer storage, groundwater levels, and groundwater quality. Staff's analysis is reported in this publically available document.

**Comment (Edie Harmon).** Recent USGS groundwater monitoring data for either water level or water quality in the area where pumping is concentrated is necessary to understand the potential for cumulative impacts.

**14. Response.** Staff identified and analyzed data for 23 wells in the basin for analysis of groundwater level trends. Fourteen of these wells are located within a 4 mile radius of the proposed water supply well.

**Comment (Edie Harmon).** The Ocotillo Express Wind Facility 2009 Draft Plan of Development (Exhibit 525 and 529) provides information on the location and magnitude of the wind energy project. BLM has expressed concern to me about what would be the source for water for all these renewable energy projects and transmission towers where groundwater is so limited and the situation for domestic users vulnerable to down-gradient impacts related to both water levels and water quality. Exhibit 525 indicates that this project would require 61.4 AF for construction. (OEWS p.7).

**15. Response.** The Ocotillo Express Wind Facility 2009 Draft Plan of Development does not identify the source of water for this facility. Therefore staff has no basis for

evaluating potential impacts to soil and water. If the proposed project's source water came from an onsite groundwater well installed at the project site, installation and use of the well would be subject to the Imperial County permitting process and potential environmental impacts associated with the well would be evaluated in accordance with applicable LORS.

**Comment (Edie Harmon).** How can the Imperial Valley Solar project proposal pump for export almost five times as much water as stated is allowable in the Terms for the well 16S/9E-36G4?

**16. Response.** Approximately 4-percent of the Imperial Valley Solar project overlies the Imperial Valley Groundwater Basin, and the remaining 96-percent overlies the Ocotillo/Coyote Wells Groundwater Basin. This means approximately 4-percent of the water purchased from Dan Boyer Water Company (water that originates in the Ocotillo/Coyote Wells Basin) might be proposed for exported to the Imperial Valley Groundwater Basin, which is prohibited without a permit under Imperial County Land Use Ordinance 9. Condition of Certification **SOIL&WATER-10** prohibits use of the proposed well water within the Imperial Valley Groundwater Basin without a permit from Imperial County.

**Comment (Edie Harmon).** The Ocotillo-Coyote Wells Groundwater has been acknowledged as being in a state of local overdraft since the USGS report in 1977, a study cited in CEQA and NEPA documents for projects seeking to use groundwater from this groundwater basin. Evidence of local conditions of overdraft exists in monitored wells which reveal continuing declining water levels even though there have been three years (1976, 1977, and 1981) where there were "100 year storms" that caused considerable flood damage in communities overlying the groundwater basin, and even though there was standing water in sinks that remained for weeks. (Personal observations of flooding and standing water following heavy rains.)

**17. Response.** Staff agrees that the basin is in overdraft as evidenced by declining groundwater levels.

**Comment (Edie Harmon).** Nowhere are the problems of foreshortening the opportunities for public review and review by responsible state and federal agencies more glaring than in the applicant's changing the source of water for the construction and maintenance of the project of greater significance than in the assertion that the applicant now intends to use groundwater to be exported by tank trucks from former WestWind Water company now the Dan Boyer Well 16S/9E-34G4 which is close to the US Gypsum export wells. The location of this well and its pumping activities in the 1970s made it a major historic contributor to the large cone of depression associated with the even greater pumpage from three nearby wells owned by US Gypsum in the Ocotillo-Coyote Wells Groundwater Basin. (See 1977 USGS Report on the groundwater basin, and water level contour figures in EIRs based on USGS water level monitoring and maps depicting locations of wells for which monitoring data is available. See URS Supplement to Application for Certification Fig 1-4, Well location map p. 18. For additional information about well locations and water quality monitoring information see Exhibits 521, 522, 523 which are maps and a table from the 2008 US Gypsum Final EIR/EIS.

**18. Response.** Staff reviewed the referenced documents and has analyzed pump-test data from the Dan Boyer well and effects of groundwater use for the proposed project. See Responses 7, 8, 10, 14, and 21.

**Comment (Edie Harmon).** Nevertheless, my affirmative testimony is that the cumulative impacts of all the existing, approved and known probable requests to pump more than 5 AF/Y of groundwater from a single well in the area which appears to be the center of the cone of depression have the potential to contribute to ever increasing water level declines, and that these cumulative impacts must be analyzed for public review.

**19. Response.** Staff agrees that existing and planned pumping will continue to contribute to declining water levels.

**Comment (Edie Harmon).** Why does the Applicant's Appendix D, a 2010 Groundwater Evaluation include an Appendix D which is a USGS hydrograph for well 16S/9E-36G4 which includes no data any more recent than possibly 2003. Why has there been no more recent monitoring of water levels when this well is proposed as a source of water? Surely it would have been appropriate to request that this well be monitored in spring 2010 when other wells in the Groundwater basin were measured by USGS? Exhibit 516 includes water level data from USGS that is more recent than the hydrograph. I will double check to be certain that EH Table 10 does not contain errors.

**20. Response.** The most recent data available to staff for well 16S/9E-36G4 was October 2002. We are unaware of the reasons for the lack of recent data.

**Comment (Edie Harmon).** USGS Water Resources Center in San Diego has been monitoring the water levels and water quality of wells in the Ocotillo/Coyote Wells Groundwater basin since the early 1970s when County of Imperial became involved in litigation efforts to stop the export of groundwater from wells on three properties in different parts of the groundwater basin. It is USGS water level and water quality monitoring data that has been the basis for almost all, if not all of the reports on the groundwater basin used for CEQA and NEPA project reviews and in litigation in both State and Federal courts since 1972. How USGS data is analyzed, the accuracy of representing locations and interpretations of water quality data from USGS monitoring has been a subject of controversy in CEQA reviews for several projects. (See Exhibit 516 EH Table 10, a compilation of USGS water level and water quality data which I prepared for Sierra Club comments on the 2008 US Gypsum FEIR/S and updated for the 2010 Coyote Wells Specific Plan DEIR comments.)

**21. Response.** Staff has analyzed the USGS data to determine water level declines. Water levels in wells near Ocotillo and the proposed water supply well have been decreasing for over 30 years. Staff utilized the Mann-Kendall test for trend to identify water level records showing statistically significant trends. The Mann-Kendall test is a nonparametric test used to determine if the changes in water levels over time are statistically significant. The rate of change in the water levels was determined using the Sens Slope method. Sens Slope is a nonparametric estimate of the slope of time series data. Staff's analysis indicated that observed water levels in 21 of the 23 wells shown in Soil and Water Figure 11 have statistically significant trends, and most of the trends (14)

are downwards; the water levels in all alluvial aquifer wells were downwards. The water levels in the alluvial aquifer wells have been declining at a rate of 0.13 to 0.24 feet per year (average observed decline of 0.21 feet per year); the water level trends near Ocotillo and the proposed project site were also downwards in all but one deep aquifer well.

Staff did not analyze USGS groundwater quality data.

### **Potential Impacts to Groundwater Quality**

**Comment (Edie Harmon).** Leighton was very specific that for those reasons “the proposed project would need to specifically address the potential of groundwater degradation due to its production of groundwater.” (CWSP DEIR 36appg-hydrology p. 27.) Why isn’t this issue addressed in the Section of the SA/DEIS for IV Solar Hydrology and water quality? The SA/DEIS must provide information and be recirculated for public comment.

**22. Response.** See Responses 10, 11 and 12.

**Comment (Center for Biological Diversity).** As the BLM is aware, the Ocotillo-Coyote Wells Aquifer was designated as a sole source aquifer by the EPA on September 10, 1996. 61 Fed. Reg. 47752-53. The EPA determined that the aquifer “serves as the ‘sole source’ of drinking water for the residents of Ocotillo, Coyote Wells, Yuha Estates and Nomirage.” Id. at 47753. Further, the EPA determined that the aquifer should be protected because “[t]here is no economically feasible alternative drinking water source near the designated area.” Id. As the EPA noted the boundary of the sole source aquifer area at the Elsinore Fault “separates the sole source aquifer area, which contains high quality, potable water, from high saline, non-potable water to the east of the fault.” Id. This designation protects this aquifer from contamination by all activities whether by actively polluting the water source or by degradation of water quality due to excessive pumping and overdraft that could draw in non-potable water from adjacent aquifers.

**23. Response.** See Response 10, 11 and 12.

**Comment (Public Employees for Environmental Responsibility).** p. C.7-3. The statement claiming less than significant impacts on groundwater is not supported. Use of tertiary-treated water (Title 22 standard; p. C.7-15) imports numerous toxic contaminants onto the site that were not removed by treatment of the water. The proposed uses of this water, including dumping residual waste water, in which contaminants have been concentrated into evaporation ponds is likely to lead to progressive contamination of the unsaturated zone, and ultimately groundwater contamination by infiltration through the unsaturated zone. This can continue long after site closure. Monitoring of the concrete-lined evaporation ponds for leakage would do no more than validate contamination of the unsaturated zone if leakage is detected.

**24. Response.** Water Quality Protection Standard is required by Title 27 of the California Code of Regulations (CCR, Title 27) to assure the earliest possible detection of a release from the Imperial Valley Solar Project to underlying soil and/or groundwater. Appendix D contains the monitoring details. Compliance with Waste Discharge Requirements is specified as part of Condition of Certification **SOIL&WATER-6** These

include requirements to ensure the integrity of the evaporation pond linings, regular water quality monitoring of pond discharges and underlying groundwater, and moisture monitoring of the unsaturated zone for leak detection. Monthly, the integrity of the dikes and liners shall be inspected. Should the inspection indicate any damage to the dikes or liners or if an unauthorized discharge has occurred, or is likely to occur, the Energy Commission CPM shall be notified within 48 hours, followed by confirmation in writing. The project owner shall immediately notify the CPM verbally whenever a determination is made that there is physical or statistically significant evidence of a release (as determined in compliance with CCR, title 27, section 20164) from a surface impoundment.

**Comment (Public Employees for Environmental Responsibility).** p. C.7-15. Further treatment of imported waste water is said to "demineralize" the water for mirror washing by RO. Tertiary treated water contains many contaminants in addition to "minerals" so the actual composition of the water after on-site treatment must be stated.

**25. Response.** Appendix D of the HYDROLOGY, WATER USE, and water quality (SOIL AND WATER RESOURCES) Staff report requires that semi-annually, the project owner shall record the following: the sources of wastewater delivered to the surface impoundments; and, the analytical results of a composite wastewater grab sample that shall be collected and analyzed for the parameters.

**Comment (Edie Harmon).** Last time I have data for the fluoride level was 2.7 mg/l in 1975 (or almost double the 1.4 mg/l Maximum Contaminant Level according to the National Drinking Water Standards) and this matches the water quality information provided by the applicant in May 2010. High fluoride levels in drinking water can leach calcium from bones and causes mottling of teeth, thus the stopping of export from the well to Mexico several decades ago. There has been no regular water quality monitoring of this well by USGS since 1975 (just double checked the info at the USGS websites listed in my Exhibit 19 table of info on wells in the groundwater basin.). Fluoride levels of 2.7 mg/l would require treatment if to be used for drinking and cooking.

**26. Response.** Agreed. The water will be treated and used primarily for washing mirrors.

### **Effect on Surface Water Absorption (Groundwater Recharge)**

**Comment (Imperial County Planning and Development Services).** The County has concerns with the change in surface water absorption due to the development of 275 miles of roads that will cover an estimated 667 acres ((5,280' long x 20' wide (fire lanes) X 275 miles)/ 1 acre foot). The County could not find precise dimensions of the SunCatchers (dishes), in terms of footprint in the active and "wind stow" positions. How much land will be covered by the dishes, support buildings and equipment? What is the amount of area, overall, that the project would cover that would directly impact the surface water absorption? Assuming absorption is reduced what is the impact to the existing washes and drains?

**27. Response.** The amount of new impervious area within the solar field array is estimated to be approximately 3 percent of the total surface, most of which is within the Main Services Complex. Within the SunCatcher array, impervious areas would

consist of the SunCatcher foundations (approximately 2 acres for the 30,000 SunCatchers) and 137 acres of paved access roads. These areas would experience an increase in surface runoff locally, but considering the size of the site, the overall increase in runoff due to new impervious areas would be small and is considered insignificant. Assuming 100 percent runoff from impervious areas, the overall runoff coefficient of the SunCatcher array site would be increased by about 3 percent.

### **Proposed Project Water Supply**

**Comment (Edie Harmon).** The shortened time for review and detailed analysis of all the cumulative impacts of additional proposed groundwater use at the well identified raises serious concerns. There must be an analysis of both the existing pumping, permitted pumping, projects approved but not yet constructed, development projects proposing additional groundwater use, gravel operations groundwater use, and the proposed and foreseeable future groundwater proposals related to other industrial scale energy development projects both close in and those with wells several miles away.

**28. Response.** Staff analyzed the available information and data to determine the potential effects of the project on aquifer storage and groundwater levels on adjacent users. See Responses 8, 11, and 13.

**Comment (Edie Harmon).** Thus, the next proposed water source was going to be the Seeley WasteWater Treatment Plant facility (SWWTP) 150,000 to 200,000 gal of reclaimed water per day (2010 Solar 2 SA/DEIS ES-4) with clean up and use of RO to reduce solids and TDS so be able to use the water for washing mirrors, and was to have been a source of water for concrete for construction also. The project needs water for Solar 2 SA/DEIS ES-4 washing mirrors and dust suppression and would use about 33,550 gallons/day for those purposes (Solar 2 2010 SA/DEIS c.7-2. The SA/DEIR (at C.7-3) goes on to state that “Potable water would be supplied by a local supplier yet to be determined. Section 2.7-2 is emphatic that “No groundwater would be used by the project and the effect on groundwater infiltration would be negligible.” (Emphasis added.) Solar 2 SA/DEIS ES-4(February 2010 Solar 2 SA/DEIS at C.7-3)

**29. Response.** Comment noted.

**Comment (Center for Biological Diversity).** The DEIS analyzes a water resources scenario that no longer is a valid project description. It is now unclear whether or when reclaimed water will be available for the project from the Seeley facility and although the DEIS states otherwise, the proposed project never actually secured access to reclaimed water from the Seeley Waste Water Treatment Facility. The project proponent now proposes to use groundwater for construction and initial operations—in the hopes that the Seeley water will be available in the future. No analysis of groundwater pumping is provided in the DEIS. As a result, the DEIS is inaccurate. This significant change in the project description requires a supplemental EIS.

**30. Response.** See Responses 8, 11, and 13 for analysis of the effects of pumping.

**Comment (California Unions for Reliable Energy).** AFC Supplement (filed on May 6, 2010) contains information and analysis for a newly identified water source that would potentially be used as the only water supply for construction and operation of the



Project. This is the first time that the Applicant has disclosed any information, other than the name of the purveyor. Staff has not conducted any analysis of the new water source.

**31. Response.** Staff has reviewed the information provided in the supplemental AFC and has conducted an independent analysis of the data. These results are described in the Responses 7, 8, 10, 11, 13, 14 and 21.

**Comment (Stephan Volker).** The SA/DEIS states that “[n]o groundwater would be used by the project.” SA/DEIS, p. C.7-3. Yet the Project applicant has recently modified the Project so as to satisfy its water needs with groundwater. This substantial change must be recognized in the DEIS. The DEIS’ failure to acknowledge that the Project will use groundwater leads to the second inadequacy: the availability of the water, and the impacts of its use, are unknown because neither has been studied...Furthermore, it is unknown how long groundwater will be used. The DEIS must be revised to include this critical information.

**32. Response.** The project proposes to utilize groundwater at the rate of approximately 50 acre-feet/year during almost 40 months of construction, and if groundwater is used for project operations it will require almost 33 acre-feet per year during the 40-year life of the project. Staff analyzed the potential impacts from this groundwater use (see Responses 7, 8, 10, 11, 13, 14 and 21).

**Comment (Edie Harmon).** Not only has County of Imperial been a party to what County Counsel Fries once said was at least 8 lawsuits related to export of groundwater by old tanker trucks from the Ocotillo and Yuha areas, but there have been legal challenges to the decisions of the County Board of Supervisors to approve agricultural (El Remate project at Sunrise Butte) and industrial use (US Gypsum factory) of large quantities of potable groundwater from wells where a review of the monitoring data and underlying geology indicated that large scale pumping (by basin standards) would cause or are already associated with large cones of depression that have the potential to create serious adverse impacts on domestic users with small capacity domestic wells. Litigation related to the County’s 1998 failure to require preparation of an EIR for the increased pumping of portable groundwater for industrial purposes has not yet been resolved.

**33. Response.** Comment noted.

**Comment (Edie Harmon).** In light of the history of decades of zoning restrictions and litigation related to groundwater use issues, it is not surprising that the February 2010 SA/DEIS for the IV Solar/Solar 2 Project (at p. C.7-3) sought to avoid conflicts related to groundwater uses when it very clearly states that “NO GROUNDWATER WOULD BE USED BY THE PROJECT and the effect on groundwater infiltration would be negligible.” (Emphasis added.) This very unambiguous statement was reassuring to concerned residents of the groundwater basin, especially those downgradient residents in Nomirage.

**34. Response.** Previous assurances of no groundwater use were based on the use of treated wastewater from the Seeley Wastewater Treatment facility. Due to recent delays in the permit process, it is unknown whether it will be available for project use.

**Comment (Edie Harmon).** So on March 11, 2010 the applicant asked (through a filing on March 15, 2010, that the commission approve “a back-up/temporary supply of water for project construction and operation.” Their “preferred back-up/temporary source of water is from a well they claim to have been supplying water “in the region since the 1950s” to construction companies. Maximum permitted quantity was stated to be 40 AF/Y. There has been a very contentious history associated with the well including past litigation related to export from the County, high fluoride levels causing mottling of the teeth of consistent users.

**35. Response.** We recognize that there is a complex history associated with this well. Staff has analyzed history of pumping relative to the hydrogeologic effects of using the well to provide water to the project and has recommended that no more that 34 acre feet per year be pumped for project use.

**Comment (Imperial County Planning and Development Services).**It is the County's understanding, based on the CEC hearing on May 25,2010, that IVSP proposes to use water from the Westwind's water well in Ocotillo for a temporary water source during the construction phase, with permanent water from the Seeley County Water District. If a water supply is proposed from the Ocotillo "Westwind's" water well, proof of compliance with the February 23, 2005 Imperial County Planning Commission's approved conditions of well registration will be necessary along with an executed contract for water prior to use of the water well by IVSP. The conditions limit the well water extraction to 40 acre feet a year, it is strongly recommended that the CEC take into account the on-site water needs for the Westwind's parcel and historical residential users in its permitting of the IVSP to use this off-site water source. Also, it needs to be noted that the project description does not denote Westwind as a water supply source.

**36. Response.** Conditions of Certification **SOIL&WATER-2** and **-9** limit water purchases from the well and require compliance with County well permit.

**Comment (Edie Harmon).** How can the Planning Director suggest that the IV Solar project proposal might be able to pump for export almost five times as much water as stated is allowable in the Terms for the well 16S/9E-36G4? What would be the cumulative impacts from such a well so close to the US Gypsum Wells for which pumping quantity is unknown? How would this pumpage combined with other industrial pumpage and the Wind Zero proposed pumping impact water levels and water quality for the down-gradient private well owners of Nomirage?

**37. Response.** Staff accounted for cumulative effects of water usage due to projected population growth, US Gypsum pumping increase projections, and the IVS project. Higher water usage estimates cited for the CWSP project were not considered, as that project's future is still uncertain. The solar project proposes to utilize groundwater from the Dan Boyer Company well at the rate of approximately 50 acre-feet/year during 40 months of construction, and if groundwater is used for project operations it will require almost 33 acre-

feet per year during the 40-year life of the project. Potential groundwater and well impacts are addressed by Responses 7, 8, 10, 11, 13, 14 and 21.

**Comment (Backcountry Against Dumps).** The CEC/BLM should deny the applicant's repeated request made at the May evidentiary hearings to move forward with project review /approval without waiting for...the resolution of the legality and viability of exporting 40 acre feet per year of at risk desert ground water resources (backup water source) from the Ocotillo/Coyote Wells Sole Source Aquifer for industrial use.

**38. Response.** See Responses 16 and 37.

**Comment (Tom Budlong).** The lower left corner of Figure 1-3 in the supplement shows the location of the Boyer well. During a site visit on April 24 I stopped at the Texaco station at the same I-8 off ramp as the Boyer well. Two items:

- The station's sewage disposal system was a dirt berm leading to unpaved dirt north of the paved parking lot. The berm guided the open sewage stream. See photos 1 and 2. Terry Weiner was at the site visit and reports that she has notified the Imperial County Health Department. See Box 1, her email to me. It's unknown how long this situation existed.
- The south side of the station has an interesting facility whose purpose is unknown to me. A cluster of approximately 4-inch pipes exit the ground into what appear to be a collector arrangement. A single pipe leads to what appears to be a combustion apparatus. Since I was not aware that a well to be used on the project (the Boyer well) is in the vicinity, I did not recognize it as affecting the project and did not observe it more carefully than simple curiosity. Our speculation, with no basis other than the visual inspection, is that it is removing ground contaminant, possibly from leaking underground gasoline storage tanks.

Google Earth's distance tool shows the Texaco station to be a little less than 0.2 miles from the location of the Boyer Well as shown on Figure 1-3 of the supplement. See Figure 3. Do these possible pollution sources affect the quality of the Boyer well water? The answer may exist in the supplement or prior documentation and might be found if time permits.

**39. Response.** Staff has not analyzed the possible effect of this facility on groundwater quality.

**Comment (Edie Harmon).** These numbers exceed the allowable pumpage for the well in question according to a copy of the Specific Terms presented by the Applicant at the March CEC workshop. If permitted by the County it would be a real exacerbation of the adverse impacts of US Gypsum's nearby wells.

**40. Response.** Condition of Certification **SOIL&WATER-2** limit water purchases from the proposed well water supply. Groundwater impacts are discussed under Responses 7, 8, 10, 11, 13, 14 and 21.

**Comment (Edie Harmon).** CWSP DEIR and Appendices give the public inconsistent information about pumpage and fails to identify existing industrial export of groundwater

for the US Gypsum Plaster City factory and cites 1992 pumpage as 379 AF/Y rather than the 533 AF/Y in the BE 2004 Table 4-2 (Exhibit 35). Add to this the new information about proposal to export groundwater from a private well near to the US Gypsum well for IV Solar Project, in addition to the pumping for the proposed CWSP project and there is a very serious potential for exacerbated degradation of the groundwater in the Nomirage area of the basin as noted in Leighton 2010 at p. 24. (CWSP DEIR 36appg-hydrology p. 27.)

**41. Response.** Staff has not analyzed the accuracy of the information in the CWSP DEIR. Responses 10 and 11 address potential groundwater degradation.

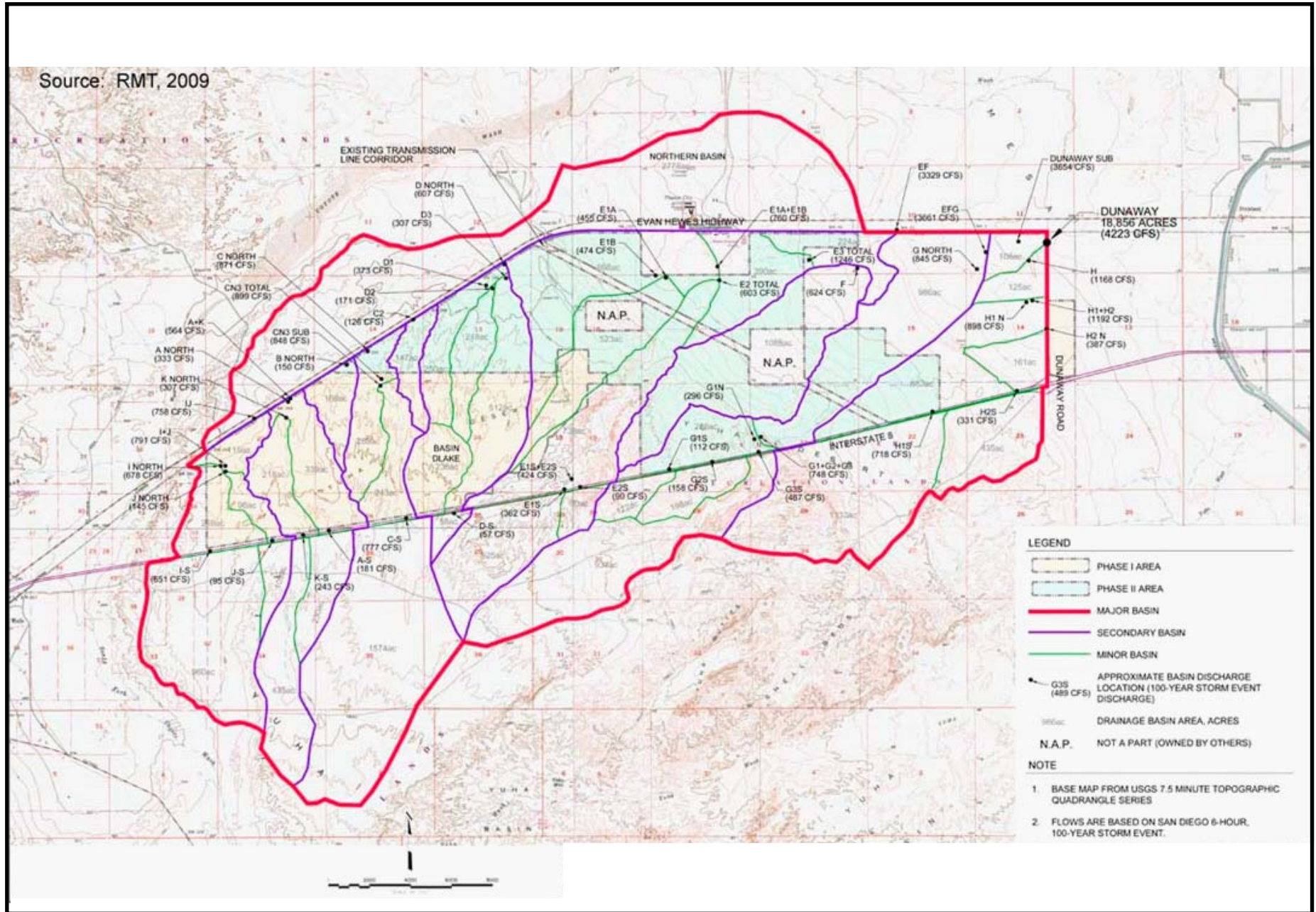
**Comment (Public Employees for Environmental Responsibility).** p. C.7-2. It is stated that the primary water use of the facility would be for mirror washing, estimated to require 33,550 gallons per day. If this is the primary use of water, why is it necessary to upgrade the Seeley Waste Water Treatment Plant to provide six times as much water per day (200,000 gallons)? If it is decided instead to use groundwater, what supply level will be sought?

**42. Response.** The project proposes to utilize groundwater at the rate of approximately 50 acre-feet/year during 40 months of construction, and if groundwater is used for project operations it will require almost 33 acre-feet per year during the 40-year life of the project. Condition of Certification **SOIL&WATER-2** limit groundwater purchases to 34 acre-feet per year.

# SOIL AND WATER RESOURCES - FIGURE 1

Imperial Valley Solar - Drainage Basins and 100-Year Peak Discharges

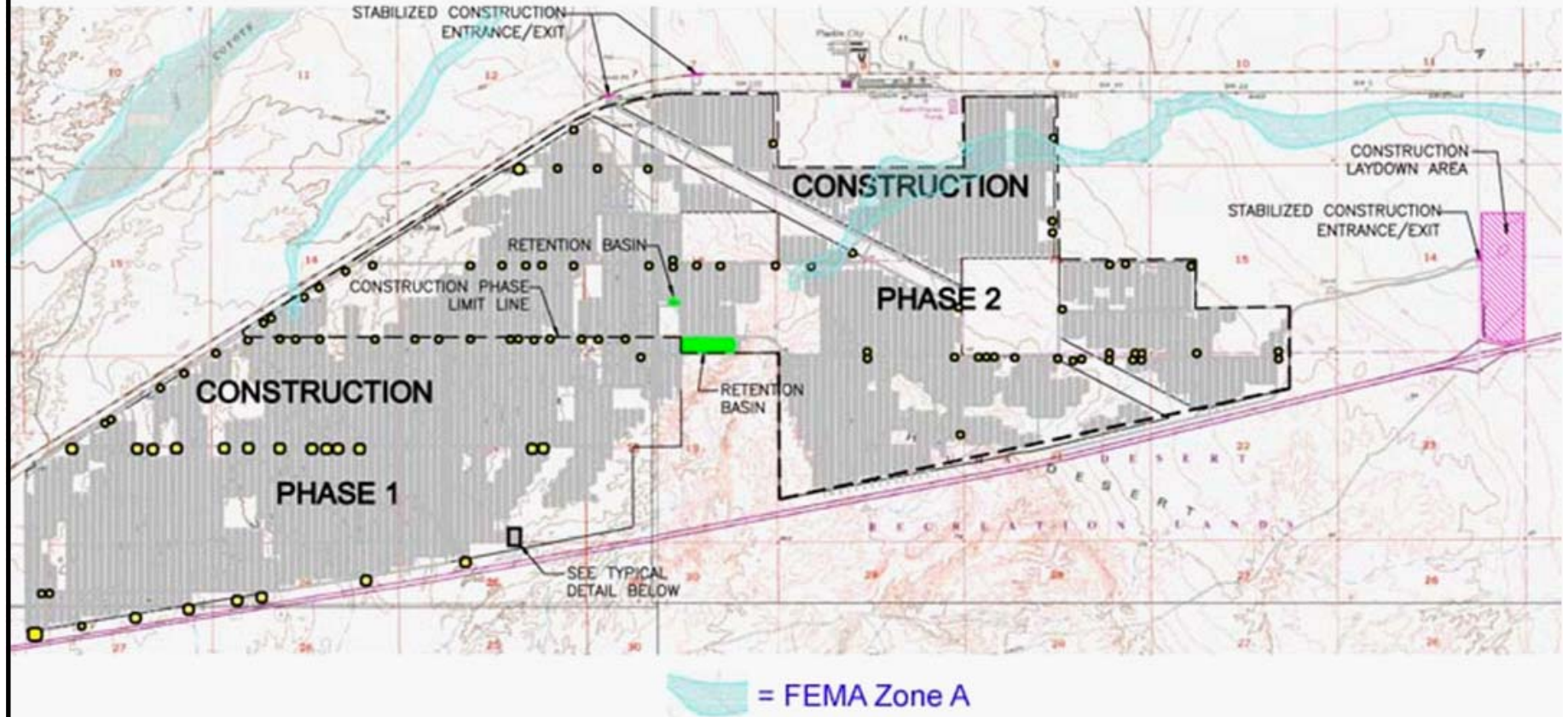
SOIL AND WATER RESOURCES





**SOIL AND WATER RESOURCES - FIGURE 2**  
Imperial Valley Solar - FEMA Floodplain

SOIL AND WATER RESOURCES

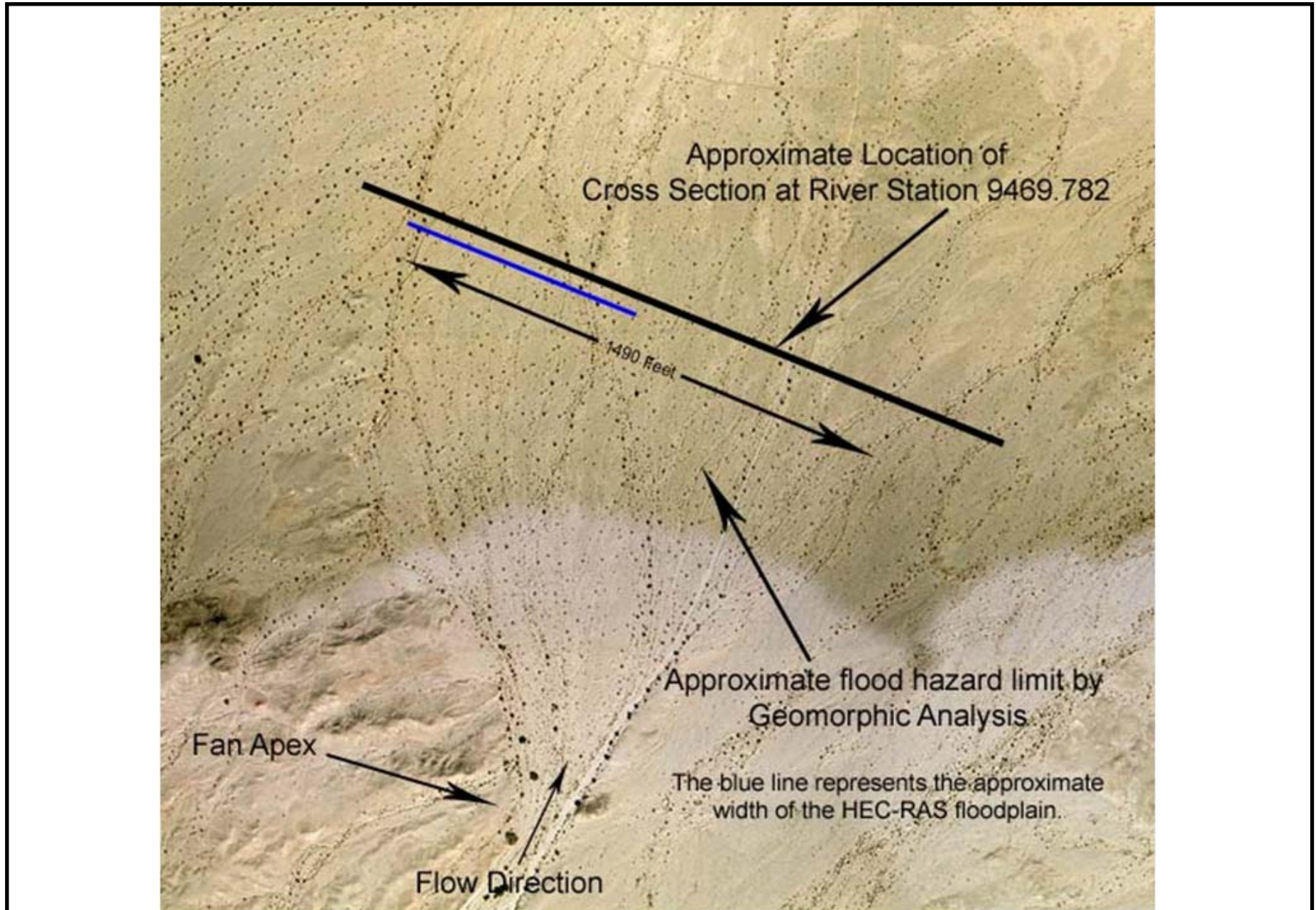


## SOIL AND WATER RESOURCES





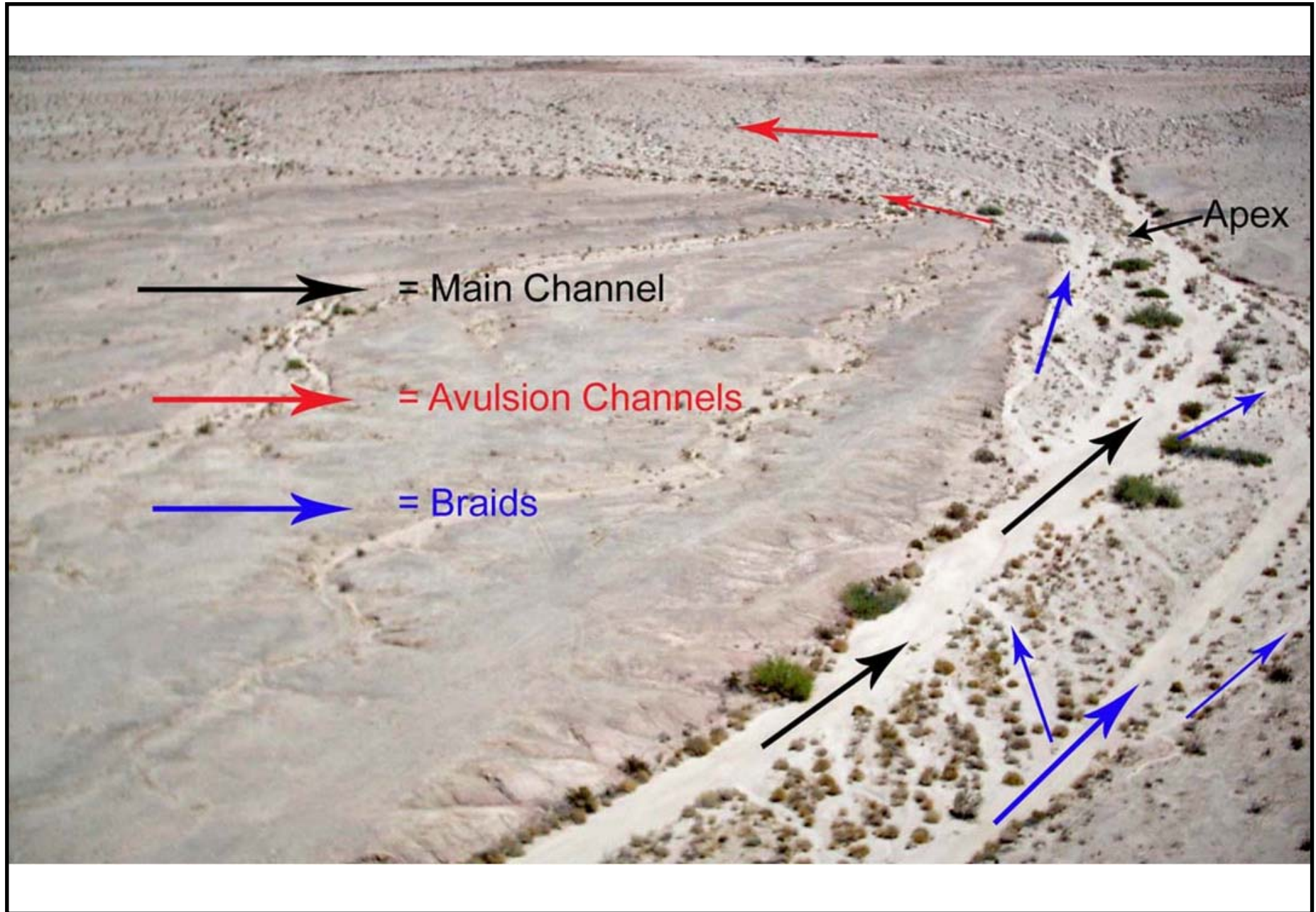
**SOIL AND WATER RESOURCES - FIGURE 4**  
Imperial Valley Solar - Watercourse G Showing Alluvial Fan Characteristics



SOIL AND WATER RESOURCES

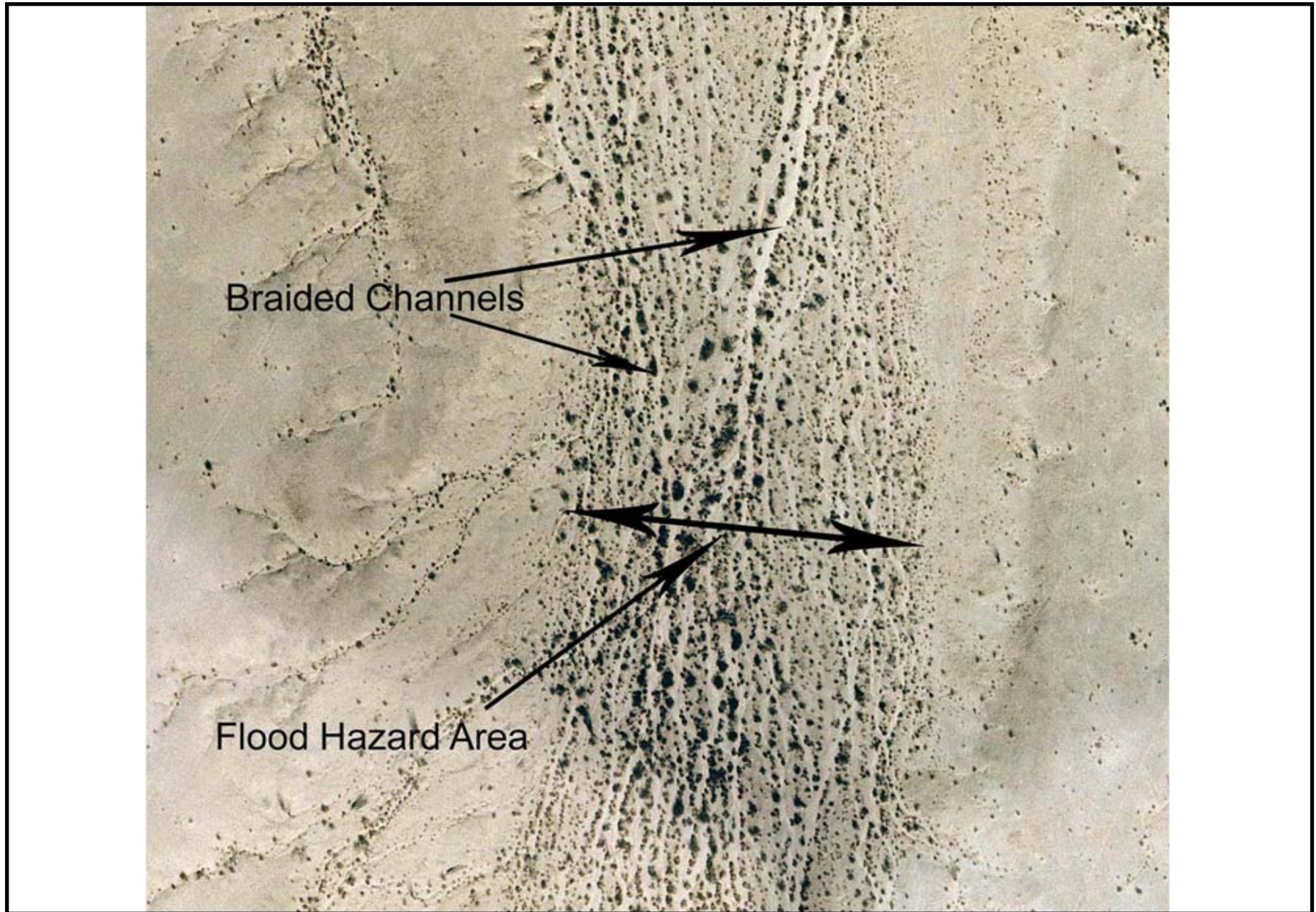


**SOIL AND WATER RESOURCES - FIGURE 5**  
Imperial Valley Solar - Watercourse G Alluvial Fan Oblique View





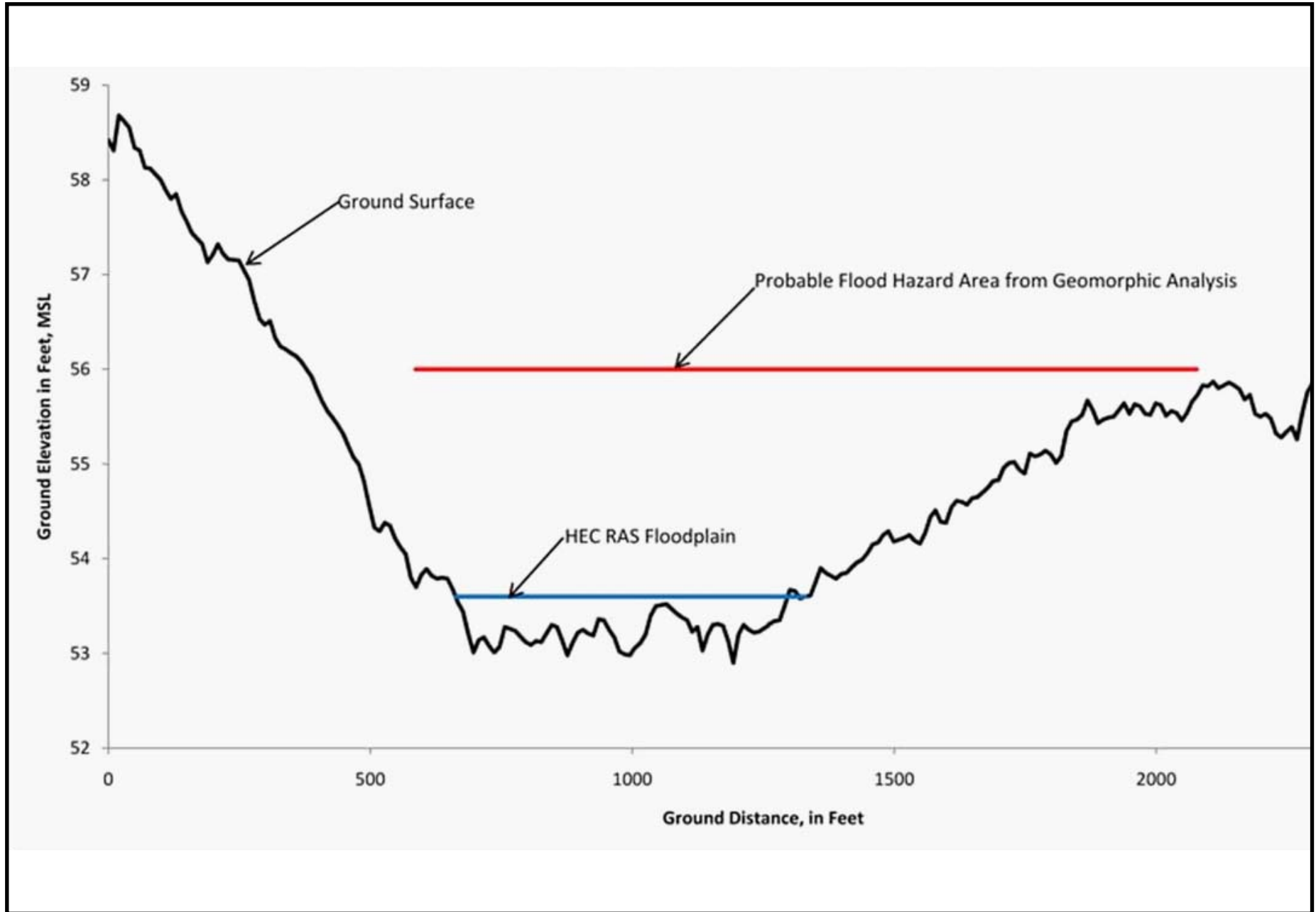
**SOIL AND WATER RESOURCES - FIGURE 6**  
Imperial Valley Solar - Braided Channels in Phase I



SOIL AND WATER RESOURCES

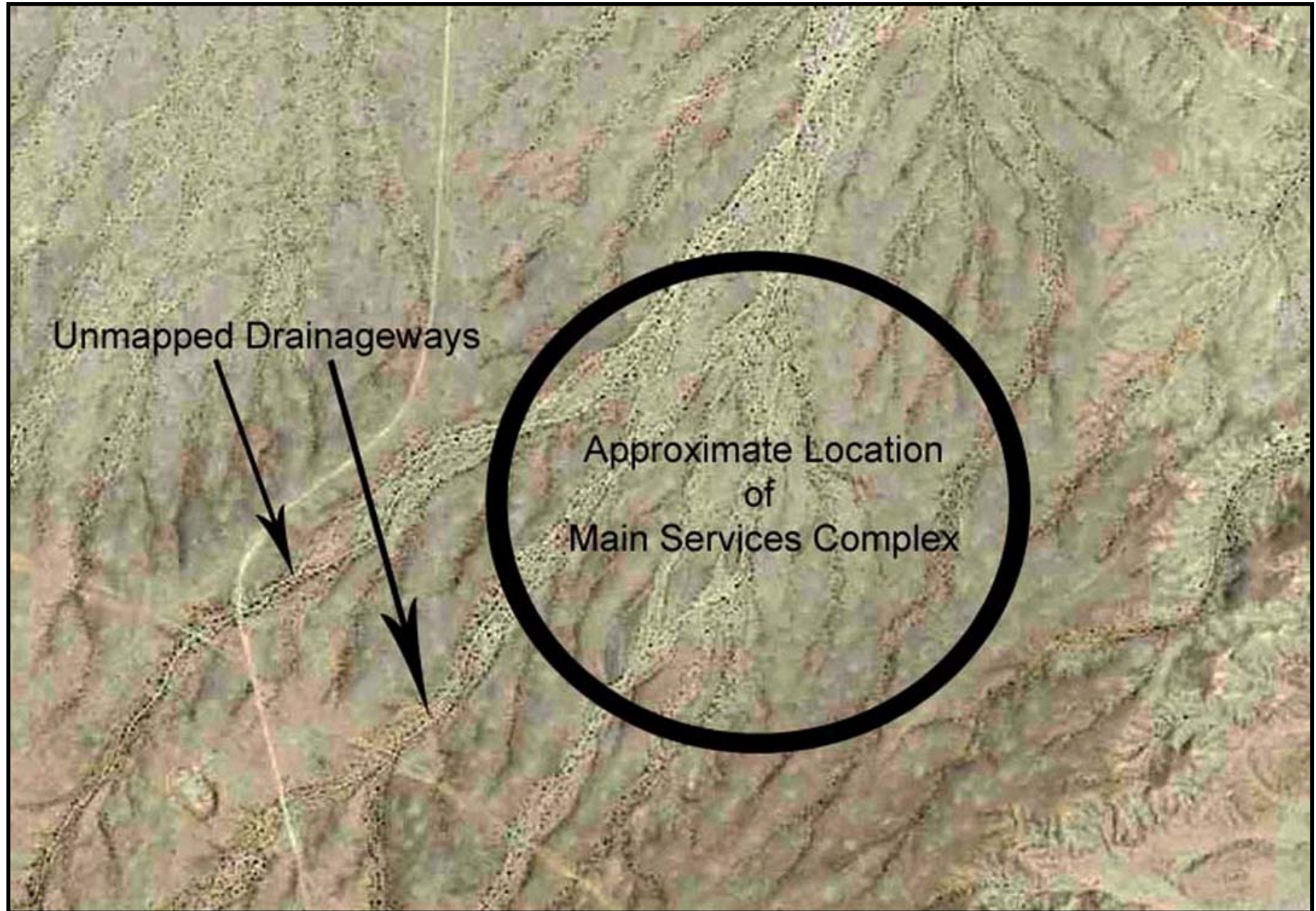
**SOIL AND WATER RESOURCES - FIGURE 7**  
Imperial Valley Solar - HEC-RAS Cross Section 9469 G

SOIL AND WATER RESOURCES





**SOIL AND WATER RESOURCES - FIGURE 8**  
Imperial Valley Solar - Unmapped Drainageways Example



SOIL AND WATER RESOURCES



## SOIL AND WATER RESOURCES - FIGURE 9

Imperial Valley Solar - Unmapped Drainageway Near the Main Services Complex



SOIL AND WATER RESOURCES

CALIFORNIA ENERGY COMMISSION - SITING, TRANSMISSION AND ENVIRONMENTAL PROTECTION DIVISION

SOURCE: Aspen Environmental Group



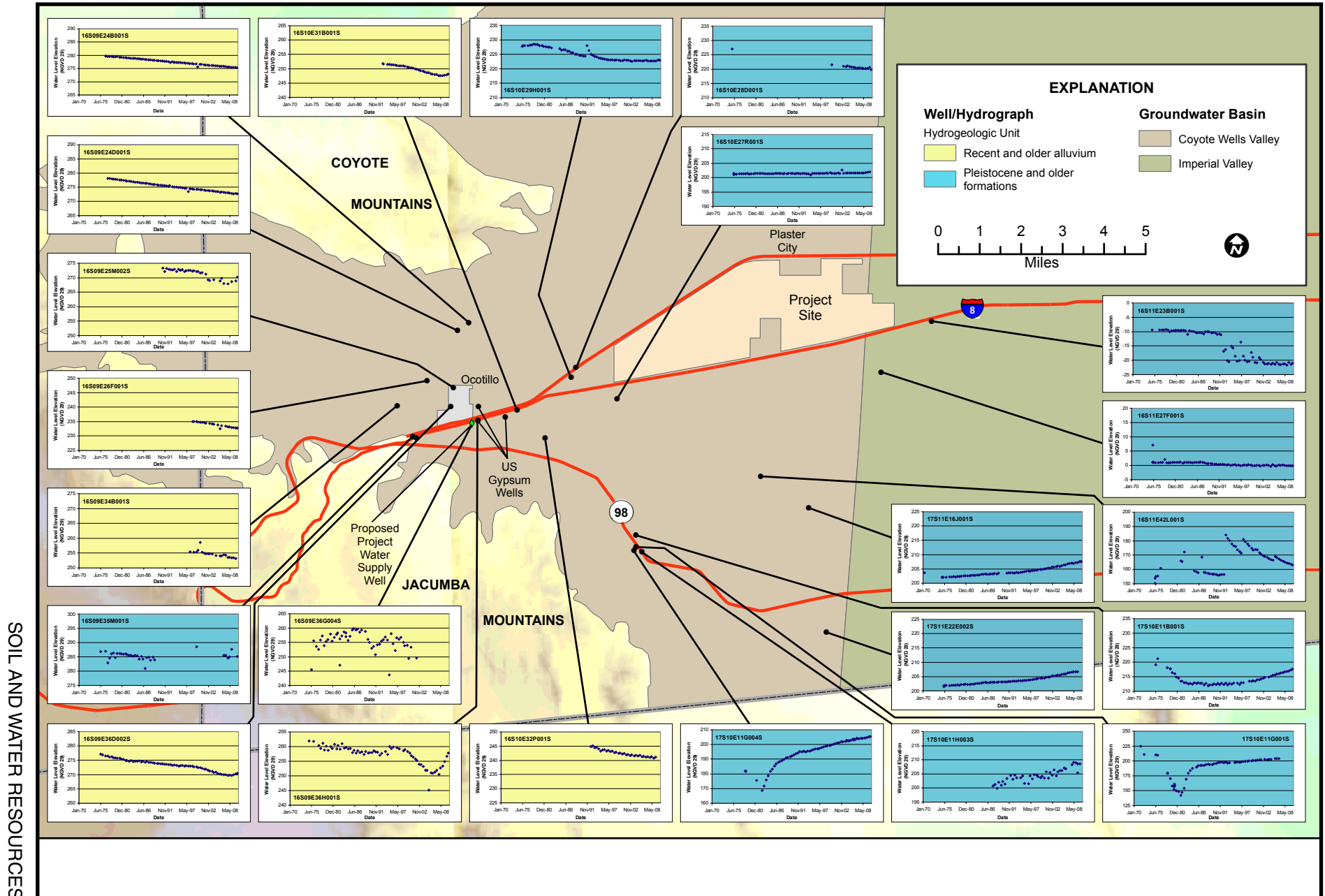
**SOIL AND WATER RESOURCES - FIGURE 10**  
Imperial Valley Solar - Floodplain Vegetation in Phase I



SOIL AND WATER RESOURCES

## SOIL AND WATER RESOURCES - FIGURE 11

Imperial Valley Solar - Select Locations and Water Level Data for Wells having Recent Time-Series Data

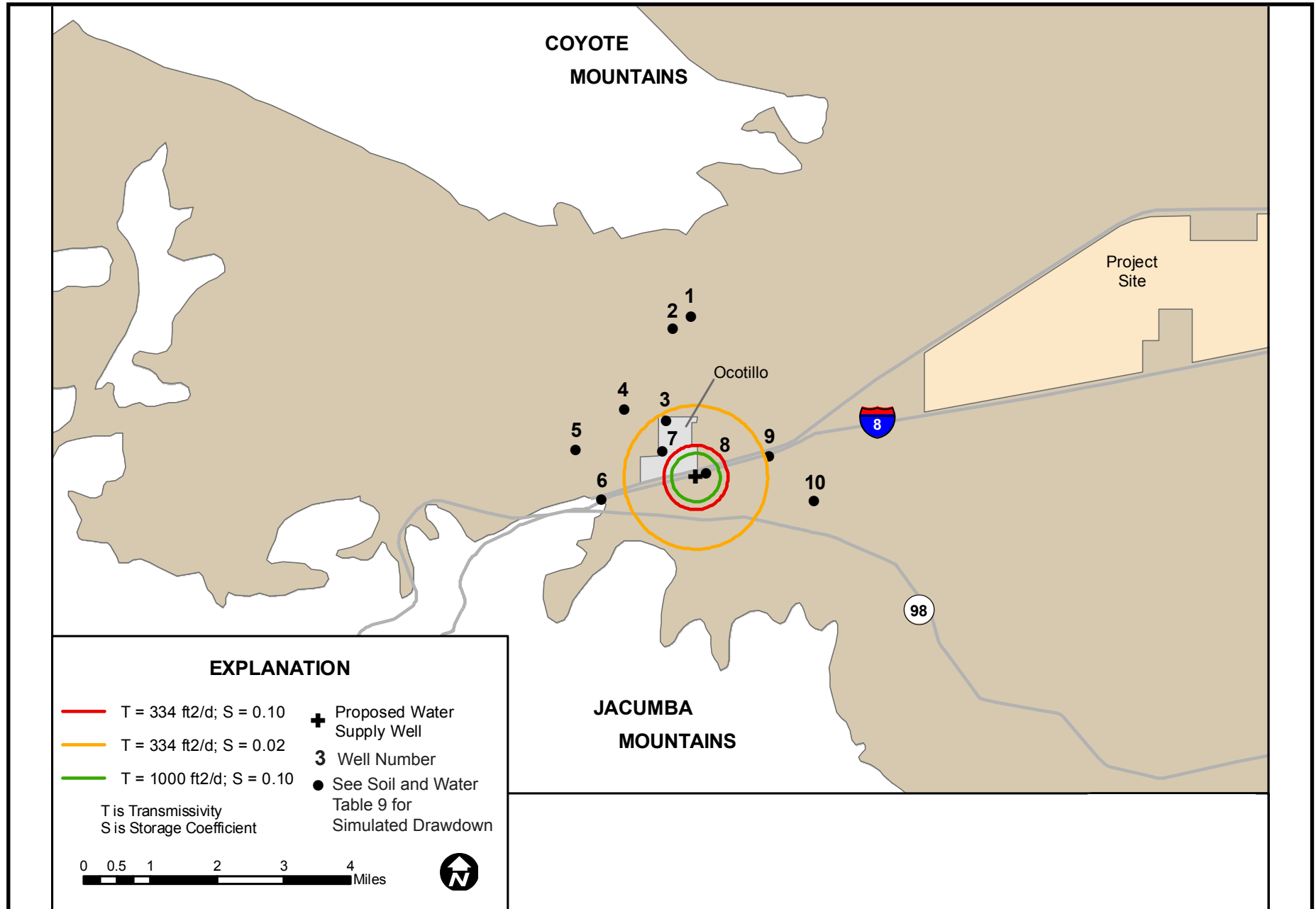


SOIL AND WATER RESOURCES

# SOIL AND WATER RESOURCES - FIGURE 12A

Imperial Valley Solar - Simulated Extent of Water Level Drawdown ( $\geq 1$  ft) - Construction Period; No Boundaries

SOIL AND WATER RESOURCES

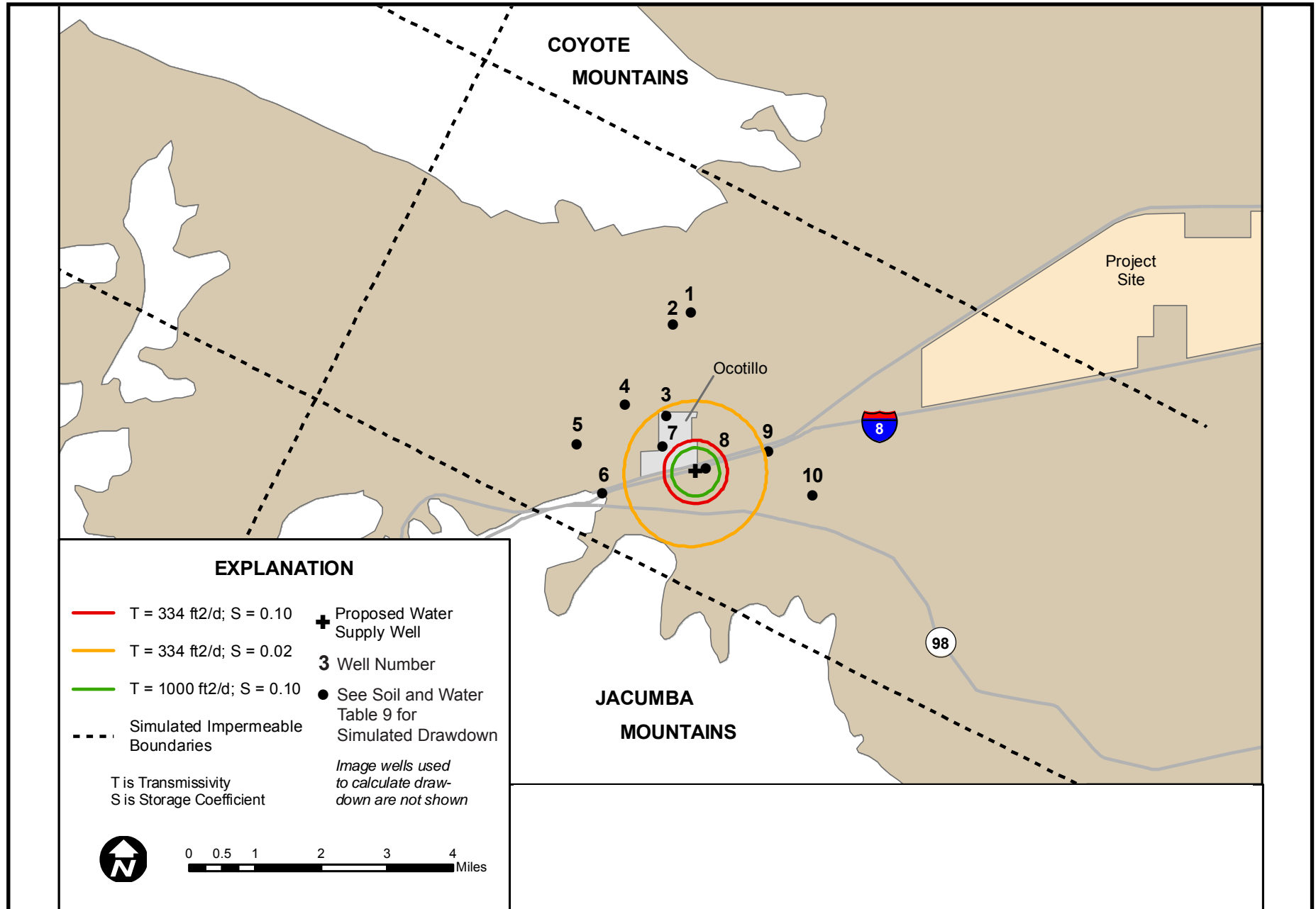




# SOIL AND WATER RESOURCES - FIGURE 12B

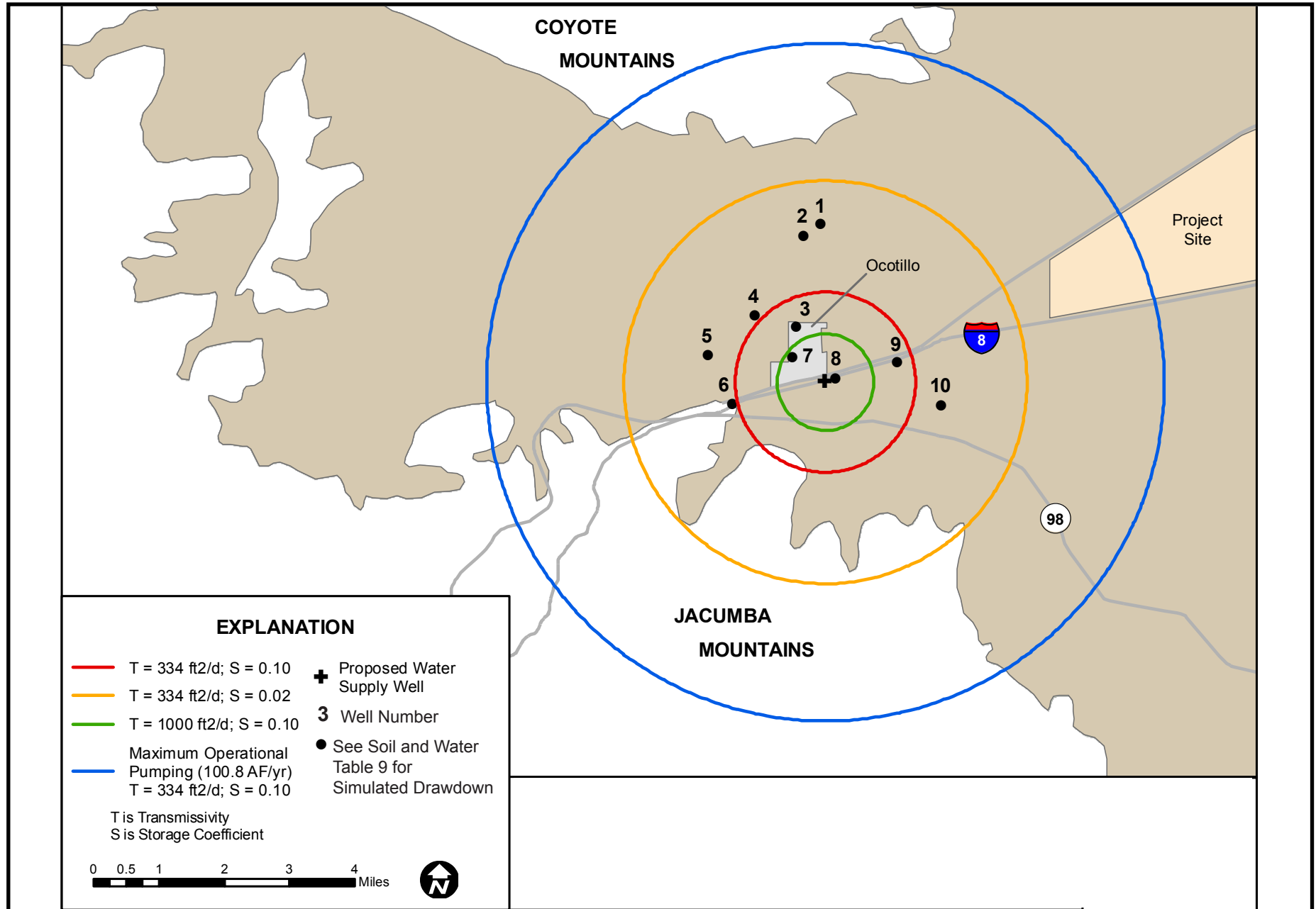
Imperial Valley Solar - Simulated Extent of Water Level Drawdown ( $\geq 1$  ft) - Construction Period; With Boundaries

SOIL AND WATER RESOURCES



# SOIL AND WATER RESOURCES - FIGURE 13A

Imperial Valley Solar - Simulated Extent of Water Level Drawdown ( $\geq 1$  ft) - Operation Period; No Boundaries

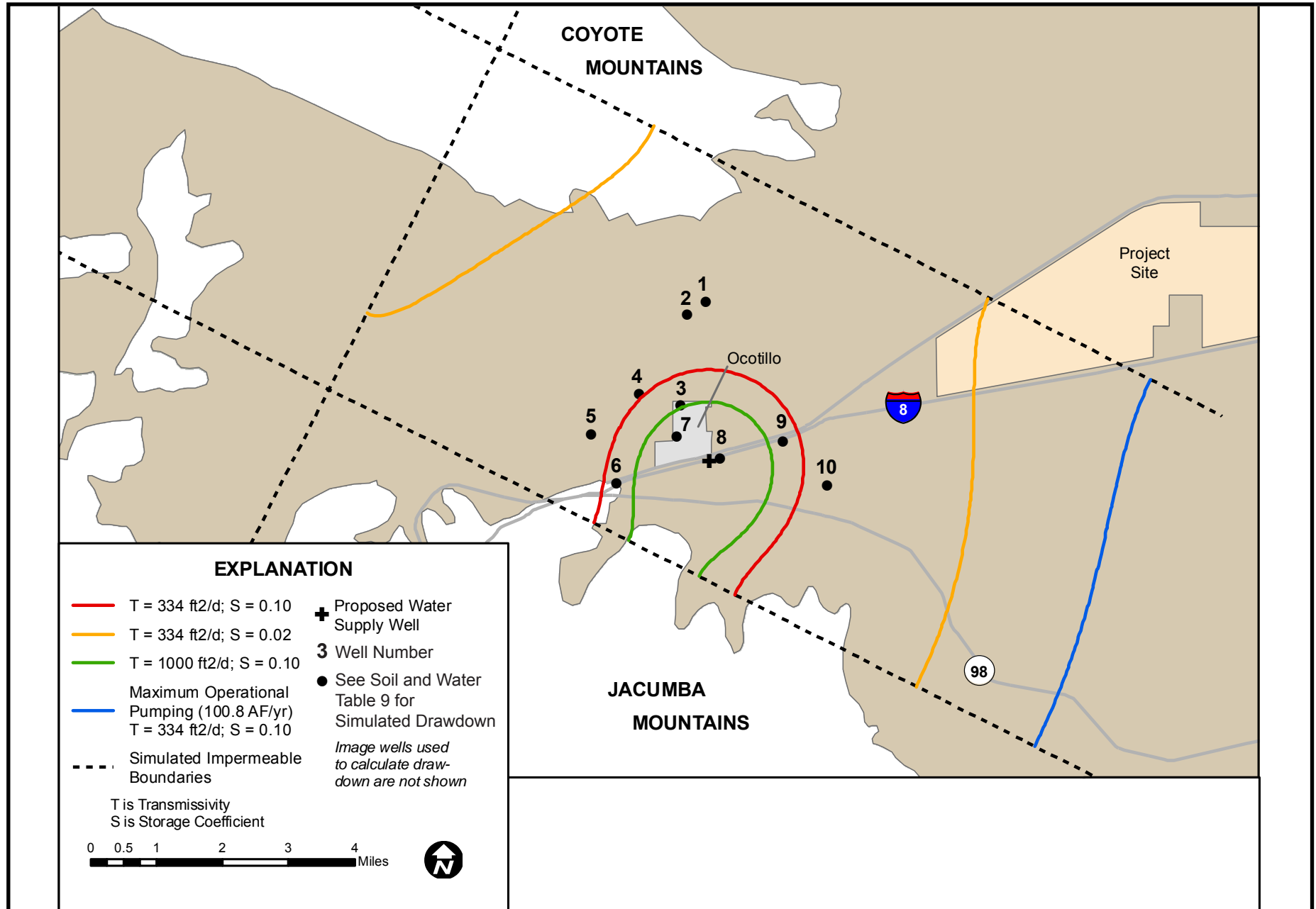


SOIL AND WATER RESOURCES

# SOIL AND WATER RESOURCES - FIGURE 13B

Imperial Valley Solar - Simulated Extent of Water Level Drawdown ( $\geq 1$  ft) - Operation Period; With Boundaries

SOIL AND WATER RESOURCES



## C.8 - LAND USE, RECREATION, AND WILDERNESS

Testimony of Negar Vahidi and Susanne Huerta

### C.8.1 SUMMARY OF CONCLUSIONS

---

The U.S. Bureau of Land Management (BLM) and Energy Commission staff (hereafter jointly referred to as “staff”) have reviewed the proposed Imperial Valley Solar Project (formerly the Stirling Energy Systems, Inc Solar Two Project) in accordance with the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). This section addresses land use issues related to agriculture and rangeland resources, wilderness and recreation resources, wild horses and burros, and compatibility with existing land uses and applicable laws, ordinances, regulations, and standards (LORS). Implementation of the proposed Imperial Valley Solar Project (IVS or “proposed project”) would not result in any adverse impacts to the aforementioned resources and LORS, except for the following: 1) the conversion of approximately 6,500 acres of land to support the proposed project’s components and activities would directly disrupt current recreational activities in established federal, state, and local recreation areas, and the permanent preclusion of the use of the existing and planned segments of the Anza Recreational Trail alignment within the proposed project site, which would result in adverse effects on recreational users of these lands; 2) with implementation of staff’s proposed Condition of Certification/Mitigation Measure **LAND-1**, the proposed project would be consistent with the applicable LORS pertaining to the Subdivision Map Act; and 3) the proposed project would not be consistent with Imperial County’s S-2 zone as required by the Land Use Ordinance.

The applicant has submitted an application to the BLM requesting a right-of-way (ROW) grant to construct the proposed project and its related facilities. Pursuant to the California Desert Conservation Area (CDCA) Plan (1980, as amended), sites associated with power generation or transmission not identified in the CDCA Plan are considered through the Plan Amendment process. Because the proposed project is not currently identified in the CDCA Plan, the proposed project would require a BLM ROW grant and a project-specific CDCA Plan Amendment.

For purposes of CEQA compliance, the level of significance of each impact of the proposed project on land use resources has been determined and is discussed in detail in Section C.8.4.3 (CEQA Level of Significance). In summary, impacts on agricultural lands, rangelands, and wilderness lands would be less than significant, and there would be no impacts related to Williamson Act contracts. Impacts to horses and burros would be less than significant. LORS compliance impacts associated with the Subdivision Map Act would be less than significant with implementation of Condition of Certification/Mitigation Measure **LAND-1**. However, the proposed project would result in two significant and unavoidable impacts associated with the disruption of recreation lands and non-compliance with the Imperial County Land Use Ordinance for portions of the site zoned S-2.

Alternative 1 to the proposed project would essentially be Phase 1 of the proposed 750 megawatt (MW) project, and would occupy approximately 2,600 acres of land. The

conversion of 2,600 acres of land to support the components and activities associated with this alternative would directly disrupt current recreational activities in established federal recreation areas and would result in adverse effects on recreational users of these lands. However, this effect would be proportionally less than the 6,500 acres affected by the proposed project.

Also included is the analysis of two alternatives that were developed to reduce impacts to the U.S. Army Corps of Engineer's primary waters within the project site. As a result, Drainage Avoidance #1 Alternative would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries; and Drainage Avoidance #2 Alternative would eliminate both the eastern and westernmost portions of the proposed project, where the largest drainage complexes are located. In general, the impacts associated with these alternatives would be the same as the proposed project, and Condition of Certification/Mitigation Measure **LAND-1** would be required.

Approximately 1 million acres of land are proposed for solar and wind energy development in the southern California desert lands. Cumulative impacts to approximately 1 million acres of land would all combine to result in adverse effects on agricultural lands and recreational resources. The cumulative conversion of these lands would preclude numerous existing land uses including recreation, wilderness, rangeland, and open space, and therefore, result in a significant and unavoidable cumulative land use impact.

## **C.8.2 INTRODUCTION**

---

The land use analysis focuses on the project's consistency with existing land use resources, land use plans, ordinances, regulations, policies, and the project's compatibility with existing or reasonably foreseeable land uses. In addition, an energy generating system and its related facilities generally have the potential to create impacts in the areas of air quality, biological resources, cultural resources, noise, dust, public health, traffic and transportation, and visual resources. These individual resource areas are discussed in detail in separate sections of this document.

## **C.8.3 METHODOLOGY AND THRESHOLDS FOR DETERMINING ENVIRONMENTAL CONSEQUENCES**

---

The analysis of proposed project effects must comply with both CEQA and NEPA requirements given the respective power plant licensing and land jurisdictions of the California Energy Commission and BLM. CEQA requires that the significance of individual effects be determined by the Lead Agency; however, the use of specific significance criteria is not required by NEPA.

Because this document is intended to meet the requirements of both NEPA and CEQA, the methodology used for determining environmental impacts of the proposed project includes a consideration of guidance provided by both laws.

CEQA requires a list of criteria that are used to determine the significance of identified impacts. A significant impact is defined by CEQA as "a substantial, or potentially

substantial, adverse change in any of the physical conditions within the area affected by the project” (State CEQA Guidelines Section 15382).

In comparison, NEPA states that “‘Significantly’ as used in NEPA requires considerations of both context and intensity...” (40 CFR 1508.27). Therefore, thresholds serve as a benchmark for determining if a project action will result in a significant adverse environmental impact when evaluated against the baseline. NEPA requires that an Environmental Impact Statement (EIS) is prepared when the proposed federal action (project) as a whole has the potential to “significantly affect the quality of the human environment.” By preparing this EIS, the BLM (as the NEPA lead agency) has deemed that the project would generally have a significant impact on the environment.

Thresholds for determining significance in this section are based on Appendix G of the CEQA Guidelines (CCR 2006) and performance standards or thresholds identified by the Energy Commission staff. In addition, staff’s evaluation of the environmental effects of the proposed project on land uses (i.e., those listed below) includes an assessment of the context and intensity of the impacts, as defined in the NEPA implementing regulations 40 CFR Part 1508.27.

Effects of the proposed project on the land use environment (and in compliance with both CEQA and NEPA) have been determined using the thresholds listed below.

### **Agricultural Lands and Rangelands**

- Conversion of Farmland<sup>1</sup> or Rangeland
  - Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
  - Conflict with existing zoning for agricultural use, or a Williamson Act contract.
  - Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses.

### **Wilderness and Recreation**

- Directly or indirectly disrupt activities in established federal, state, or local recreation areas and/or wilderness areas.

---

<sup>1</sup> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment (LESA) Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland (CCR 2006). The intent of the LESA Model is to provide: land use analysts with a quantitative means of determining agricultural land and Farmland disturbance acreages; and quantitative thresholds to determine the level of severity of those land disturbance impacts. The results of the LESA Model are then used to determine the occurrence of significant impacts on agricultural lands and Important Farmlands based on the CEQA Guidelines Appendix G thresholds of significance. Note that the California Energy Commission uses the LESA Model for assessment of impacts to agricultural lands for power generation facilities.

- Substantially reduce the scenic, biological, cultural, geologic, or other important factors that contribute to the value of federal, state, local, or private recreational facilities or wilderness areas.

### **Horses and Burros**

- Involve changes in the existing environment which, due to their nature or location, result in interference with BLM's management of Herd Management Areas (HMAs).

### **Land Use Compatibility and LORS Compliance**

- Directly or indirectly divide an established community.
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction, or that would normally have jurisdiction, over the project adopted for the purpose of avoiding or mitigating environmental effects.

### **Cumulative Land Use Effects**

- Individual environmental effects, which, when considered with other impacts from the same project or in conjunction with impacts from other closely related past, present, and reasonably foreseeable future projects, are considerable, compound, or increase other environmental impacts.

## **C.8.4 PROPOSED PROJECT**

---

### **C.8.4.1 SETTING AND EXISTING CONDITIONS**

#### **Proposed Project**

The proposed IVS site is approximately 6,500 acres and is located in the southwest region of Imperial County. The site consists of an estimated 6,140 acres of public land administered by the BLM, and approximately 360 acres of private land under the jurisdiction of Imperial County. The northern boundary of the proposed project site is adjacent to Imperial County Route S80 and Plaster City, and the southern boundary is adjacent to Interstate Highway 8 (I-8).

The IVS site currently consists of undeveloped desert land and recreation sites. Two private parcels of land, one owned by a recreational vehicle club and one by a private landowner, are surrounded by the proposed project. These parcels are not a part of the project. Access to these parcels of land would be provided via the arterial roadway system within the proposed project site (SES 2008a). The western boundary of the project site is within the Imperial County Ocotillo/Nomirage Planning Area.

The proposed project includes two laydown areas. One is a 100-acre laydown site located east of the project site on Dunaway Road and north of I-8. The second laydown site is 11.04 acres located within the project site boundaries just south of the Main

Services Complex (see description below). Facilities associated with the proposed project (the majority of which are located on the proposed project site or construction laydown area), include:

- approximately 30,000, 38-foot solar dish Stirling systems (i.e., SunCatchers) and associated equipment and infrastructure within a fenced boundary;
- an off-site 12-mile, 6-inch water pipeline approximately 30 inches underground in the existing Evan Hewes Highway ROW, which would provide reclaimed water from the Seeley Waste Water Treatment Facility (SWWTF) located approximately 13 miles east of the proposed project site;
- an onsite, 24.27-acre Main Services Complex located generally in the center of the site for administration and maintenance activities, which would include buildings, parking and access roads;
- an onsite, 6-acre 750-megawatt (MW) Substation located generally in the center of the site, near the Main Services Complex;
- a 10.3-mile 730-MW/230-kilovolt (kV) transmission line intended to connect to the existing San Diego Gas & Electric (SDG&E) Imperial Valley Substation located southeast of the project site, which would parallel the existing Southwest Powerlink transmission line ROW; and
- approximately 27 miles of unpaved arterial roads, approximately 14 miles of unpaved perimeter roads, and approximately 234 miles of unpaved access roads.

## **Surrounding Area**

The proposed project site is located in the southwestern corner of Imperial County. The surrounding area consists of undeveloped desert land with small rural communities in the vicinity. Immediately adjacent to the northern boundary of the proposed project site is the USG Corporation Gypsum Wallboard Manufacturing Facility, known as Plaster City. The Plaster City Off-Highway Vehicle (OHV) includes two staging areas, Plaster City East and Plaster City West which are popular primitive camping and day use areas (BLM 2010a). Immediately adjacent to the southern boundary of the project site is the Yuha Area of Critical Environmental Concern (ACEC) under BLM jurisdiction. Please refer to the **Biological Resources** and **Visual Resources** sections for detailed discussions regarding the setting and impacts associated with the Yuha ACEC.

The community of Edgar is located approximately 0.5 mile east of the project site and the Imperial Lakes Specific Plan area is the nearest residential development located approximately 0.7 mile northeast of the project (SES 2008a). The communities of Coyote Wells and Ocotillo are approximately 1.3 and 2.9 miles west of the nearest boundary of the project site, respectively.

## **Agricultural Lands and Rangelands**

According to the Imperial County Land Use Map, the majority of the county's existing agricultural land is located in the central portion of the county, and is a continuous land use from south of the Salton Sea to the California-Mexico border. The county's major urban areas such as Brawley, Imperial, and El Centro are surrounded by these agricultural lands. The proposed project site is located west of the communities of Edgar



and Seeley, and the proposed waterline would traverse approximately 7 miles of land designated as Agriculture by the county's General Plan. Construction of the waterline would occur in the existing Evan Hewes Highway ROW. In addition, the proposed 230-kV transmission line would connect to the existing SDG&E Imperial Valley Substation located southeast of the proposed project site. Approximately 0.75 mile of the proposed 10.3-mile transmission line would traverse agricultural land within a new ROW in the Yuha Basin. According to the AFC, this portion of the proposed transmission line is within designated Utility Corridor "N;" however, staff calculated this distance (0.75 mile) based on AFC Figures 5.4-1 and 5.9-2, which depict the proposed transmission line within the jurisdiction of Imperial County.

The United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) provides information on designation of soils in areas with agricultural lands (NRCS 2009a). According to the NRCS's Web Soil Survey (WSS), the entire project site has not been surveyed. However, approximately 30% of the total project site, or 1,931 acres of the eastern portion of the site, has been surveyed and is designated as "Prime Farmland if Irrigated" and "Farmland of Statewide Importance" (NRCS 2009b).

In addition, the Farmland Mapping and Monitoring Program (FMMP) of the California Department of Conservation (DOC) provides statistics on conversion of farmland to non-agricultural uses throughout the State. According to the farmland map of Imperial County, approximately 30% of the proposed project site is within the surveyed area and is considered "Other Land", which is land not included in a farmland mapping category (DOC 2006). Adjacent to the eastern boundary of the construction laydown site is "Farmland of Local Importance," and approximately 1.5 miles east of the laydown site is "Prime Farmland" and "Farmland of Statewide Importance." The western portion of the proposed project site has not been surveyed.

Range allotments are designated BLM allotments or pastures for wildlife and livestock (BLM 2009a). No rangeland allotments are within Imperial County; and prior to the adoption of the Eastern San Diego Resource Management Plan (RMP) in 2008, BLM-administered rangelands were located in San Diego County throughout the areas between the Cleveland National Forest, Cuyamaca Rancho State Park, and Anza-Borrego Desert State Park. However, under Section 2.13.2 of the Eastern San Diego RMP, grazing within all allotments is eliminated with the exception of vegetation management prescriptions (BLM 2008). Therefore, there are no longer any range lands on BLM administered lands. Numerous United States Forest Service (USFS) range allotments are located within the Cleveland National Forest approximately 31 miles west of the project site.

## **Wilderness and Recreation**

Wilderness land in Imperial County is administered by the BLM. According to the federal Wilderness Act, a designated Wilderness Area is defined as having four primary characteristics, including the following:

- a natural and undisturbed landscape;
- extensive opportunities for solitude and unconfined recreation;

- at least 5,000 contiguous acres; and
- feature(s) of scientific, educational, scenic, and/or historic value (US Code 2009).

The wilderness areas closest to the proposed project site are the Yuha ACEC which is adjacent to the southern boundary of the project site, the Jacumba Wilderness located approximately 4 miles southeast of the project site, and the Coyote Mountains Wilderness located approximately 7 miles northeast of the project site. The Yuha ACEC contains several unique attractions including the Juan Bautista de Anza National Historic Trail (Anza Trail), which runs through the ACEC, the proposed project area, and north on to San Sebastian Marsh; geoglyphs created by Native Americans; an area of rare crucifixion thorns; oyster shell beds; and the Yuha Well (BLM 2009b). The Jacumba Mountains Wilderness is 31,237 acres and is generally bounded by I-8 to the north and the California-Mexico border to the south. This wilderness area is notable for private lands and recreational activities including camping and hunting. The Coyote Mountains Wilderness is 18,622 acres and offers recreational activities, such as hiking, camping, and sightseeing (BLM 2009c, BLM 2010b).

Approximately half of the proposed project is within the Yuha Desert Recreation Lands, and the proposed project site has been intensely used for OHV and camping. The CDCA plan designated this area as Limited, meaning that vehicle traffic is limited to designated routes. According to the Current Conditions report submitted by the applicant, there is evidence of high levels of human activity throughout the project site due to networks of BLM authorized roads as well as unauthorized trails and roads. Geographic Information System (GIS) data found that 1,038 acres within the project boundary have been disturbed by OHV vehicles (PBS&J 2009). In addition, a private parcel used for recreational activities is surrounded by the proposed project.

The Anza Trail consists of three routes, the National Historic Trail Corridor, the Auto Tour Route, and the Anza Recreation Trail. The corridor that makes up the National Historic Trail is a 2.5-mile wide linear alignment that runs south-north through the general project area, including the proposed project site. The Auto Tour Route follows Route 86 approximately 13 miles east of the project site. The Anza Recreation Trail currently extends south of the project site from I-8 and Dunaway Road toward the Anza Overlook, and north of the project site from Plaster City along the U.S. Gypsum rail line (NPS 2010a). The Anza Recreation Trail is mapped and identified by the BLM through signs on designated routes of travel, both south of the project site in the Yuha Desert ACEC and north of the project site in the Plaster City OHV area (NPS 2010). According to the National Park Service, the gap between these two segments of the Anza Recreation Trail was intended to be connected via the I-8 Dunaway Road Overpass to an alignment along Dunaway Road and then north of the site along Evan Hughes Highway. Hiking, biking, and horseback riding through the National Historic Trail and the Anza Recreation Trail are possible, but the location of the trail on the proposed project site is not easily discernible due to the highly disturbed nature of the site from years of heavy and ongoing OHV use. Therefore, currently the level of non-OHV-related recreational activities is low. **FIGURE C.8-1(Anza Trail Routes within Imperial County)** illustrates the location of the three Anza Trail routes (NPS 2010b).

The majority of Imperial County land is designated as “Open Space/Recreation” according to the Land Use Map, and the open space and recreation areas under BLM management are designated as “open” or “limited use.” In “open” areas, all forms of cross-country travel are permitted within the posted boundaries, and in “limited use” areas vehicle travel is limited to approved/signed routes of travel and no cross-country vehicle travel is allowed. The Western Colorado Desert Routes of Travel Designations (WECO) is an amendment to the BLM’s CDCA Plan. There are ten (10) open routes designated by WECO within the project site and construction laydown site, and two (2) open routes are in the vicinity of the project site and construction laydown site that could be disturbed by operation or construction activities related to the proposed project. In addition, the California State Parks (CSP) administers recreation areas. **Land Use Table 1** describes recreation areas beginning with the area closest to the proposed project site.

**Land Use Table 1  
Open Space and Recreation Areas**

<b>Recreation Area</b>	<b>Jurisdiction/ Administration</b>	<b>Approximate Distance from the Proposed Project Site</b>	<b>Approximate Acreage</b>	<b>Allowed Uses</b>
Recreational Vehicle Club	Open Space- Imperial County	Private parcel surrounded by the proposed project	640	OHV
Yuha Desert Recreation Lands	Limited Area – BLM; ACEC	Project site is within the boundaries of this designation <sup>2</sup>	+175,000	OHV, camping
Plaster City Open Area	Open Area – BLM	500 feet north	41,000	OHV, camping
Superstition Mountain	Open Area – BLM	10 miles north	13,000	OHV, camping
Anza-Borrego Desert State Park	California State Parks (CSP)	10 miles west	+600,000	Camping, hiking, natural exhibits
Lark Canyon OHV Area and Campground	Limited Use Area – BLM	20 miles west	N/A	OHV, camping
Ocotillo Wells State Vehicular Recreation Area	CSP	23 miles north	+80,000	OHV, camping
Heber Dunes State Recreation Area	CSP	24 miles east	343	OHV, camping
East Mesa	Limited Use Area – BLM	32 miles east	N/A	OHV, camping
Imperial Sand Dunes Recreation Area	Open Area – BLM	35 miles east	118,000	OHV, camping

Source: BLM 2009d; CSP 2009; IVEDC 2007

<sup>2</sup> According to the comments provided by the BLM on a draft of the SA/DEIS, the project site is within the Yuha Desert Recreation Lands.

## **Horses and Burros**

The BLM administers wild horses and burros as guided by the Wild Free-Roaming Horses and Burros Act of 1971. This includes the management of Herd Areas (HA) and Herd Management Areas (HMAs), which are geographic areas where wild horse or burro populations were found at the passage of the Act in 1971 (BLM 2009e). California contains 33 HAs and 22 HMAs. According to BLM maps, the Chocolate-Mule Mountains HMA and the Picacho HA are located approximately 58 miles east of the proposed project site in Imperial County near the California-Arizona border (BLM 2009f, BLM 2009g). As such, the proposed project site would not contain or traverse any established HMAs or HAs.

## **Land Use and LORS Compliance**

The majority of the proposed project site (6,150 acres) is located within the “Limited Use” category of the BLM’s CDCA Plan, and 360 acres of the private lands within the site are under Imperial County jurisdiction. **Land Use Table 2** provides a general description of the land use LORS applicable to the proposed project and surrounding lands. The project’s consistency with these LORS is discussed in **Land Use Table 3**.

**Land Use Table 2**  
**Laws, Ordinances, Regulations, and Standards (LORS)**

Applicable LORS	Description
<b>Federal</b>	
Federal Land Policy and Management Act (FLPMA), 1976 – 43 CFR 1600	Establishes public land policy; guidelines for administration; and provides for the management, protection, development, and enhancement of public lands. In particular, the FLPMA's relevance to the proposed project is that Title V, Section 501 establishes BLM's authority to grant rights-of-way for generation, transmission, and distribution of electrical energy (FLPMA 2001).
Farmland Protection Policy Act, Subtitle I of Title XV, Section 1539-1549 of the Agriculture and Food Act of 1981(NRCS 2009)	The FPPA is intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that—to the extent possible—federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland. Federal agencies are required to develop and review their policies and procedures to implement the FPPA every 2 years. For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.
Bureau of Land Management – California Desert Conservation Area (CDCA) Plan, 1980 as Amended (BLM 1980)	<p>The 25 million-acre CDCA Plan Area contains over 12 million acres of public lands spread within the area known as the California Desert, which includes the following three deserts: the Mojave, the Sonoran, and a small portion of the Great Basin. The 12 million acres of public lands administered by the BLM are half of the CDCA.</p> <p>The CDCA Plan is a comprehensive, long-range plan with goals and specific actions for the management, use, development, and protection of the resources and public lands within the CDCA, and it is based on the concepts of multiple use, sustained yield, and maintenance of environmental quality. The plan's goals and actions for each resource are established in its 12 elements. Each of the plan elements provides both a desert-wide perspective of the planning decisions for one major resource or issue of public concern as well as more specific interpretation of multiple-use class guidelines for a given resource and its associated activities.</p>
Yuha Desert Management Plan (1985) (YDMP 1985)	The BLM's Yuha Desert Management Plan establishes goals and planned actions that are designed to meet the goals of the CDCA Plan. They emphasize the protection of wildlife and cultural resource values while permitting a compatible level of competitive vehicle use and energy development.

Applicable LORS	Description
Public Rangelands Improvement Act (1978) (PRIA 1978)	Establishes and reaffirms the national policy and commitment to inventory and identifies current public rangeland conditions and trends; manages, maintains and improves the condition of public rangelands so that they become as productive as feasible for all rangeland values in accordance with management objectives and the land use planning process; and continues the policy of protecting wild free-roaming horses and burros from capture, branding, harassment, or death, while at the same time facilitating the removal and disposal of excess wild free-roaming horses and burros which pose a threat to themselves, their habitat, and to other rangeland values.
Wild Free-Roaming Horses and Burros Act (1971) (BLM 2009h)	The BLM protects, manages, and controls wild horses and burros under the authority of the Wild Free-Roaming Horses and Burros Act of 1971 (Act) to ensure that healthy herds thrive on healthy rangelands. The BLM manages these animals as part of its multiple-use mission under the 1976 Federal Land Policy and Management Act. One of the BLM's key responsibilities under the Act is to determine the "appropriate management level" (AML) of wild horses and burros on the public rangelands.
<b>State</b>	
Subdivision Map Act (Public Resources Code Section 66410-66499.58)	This section of the California Public Resources Code provides procedures and requirements regulating land division (subdivisions) and parcel legality. Regulation and control of the design and improvement of subdivisions have been vested in the legislative bodies of local agencies.

Applicable LORS	Description
<b>Local</b>	
Imperial County General Plan, Land Use Element (Imperial County 2008a)	<p>Imperial County covers an area of 4,597 square miles within the southeastern portion of the State of California. Approximately 50% of Imperial County lands are undeveloped and under federal ownership and jurisdiction. Currently, 20% of the nearly 3 million acres of Imperial County is irrigated for agricultural purposes, most notably the central area known as Imperial Valley. The Imperial County General Plan consists of 9 elements that serve as the primary policy statement by the Board of Supervisors for implementing development policies and land uses in Imperial County.</p> <p>The primary purpose of the Land Use Element is to identify the goals, policies and standards of the General Plan that will guide the physical growth of Imperial County, and serves as the primary policy statement by the Board of Supervisors for implementing development policies and land uses (Imperial County 2008a). The Land Use Element describes existing land uses within the county and the facilities and services which provide the public infrastructure to support these uses. Also stated are goals and objectives for future growth, expansion of public facilities, environmental resource protection, and policies and programs to guide such future growth. In particular, the goals and objectives are intended to serve as long-term principles and policy statements representing ideals which have been determined by the citizens as being desirable and deserving of community time and resources to achieve. These goals and objectives, therefore, are important guidelines for land use decision making. (Imperial County 2008a).</p>
Imperial County General Plan, Conservation and Open Space Element (Imperial County 2006a)	<p>The Conservation and Open Space Element identifies goals and policies to insure the managed use of environmental resources. The goals and policies are also designed to prevent limiting the range of resources available to future generations.</p> <p>The purpose of the Conservation and Open Space Element is to:</p> <ul style="list-style-type: none"> <li>• promote the protection, maintenance, and use the county's natural resources with particular emphasis on scarce resources and resources that require special control and management;</li> <li>• prevent the wasteful exploitation, destruction, and neglect of the State's natural resources;</li> <li>• recognize that natural resources must be maintained for their ecological value as well as for the direct benefit to the public; and</li> <li>• protect open space for the preservation of natural resources, the managed production of resources, outdoor recreation, and public health and safety.</li> </ul>

Applicable LORS	Description
Imperial County General Plan, Geothermal/ Alternative Energy and Transmission Element (2006) (Imperial County 2006b)	Imperial County has expanded the Geothermal/Alternative Energy and Transmission Element of the General Plan to provide guidance and approaches for public input into the planning process with respect to the future siting of electrical transmission lines in the county. This addition to the element is intended to take into account the potential and probable growth of major transmission facilities anticipated to occur in Imperial County over the next decade. New transmission would accommodate increased demand for power delivery due to local growth, expected demand growth and system delivery requirements in Southern California's service area, overall system reliability and support the development of expanded renewable energy power production and exportation.
Imperial County Land Use Ordinance, Title 9 (2008) (Imperial County 2008b)	This title constitutes the comprehensive land use regulations for all unincorporated areas of Imperial County. These regulations are adopted to, promote and protect the public health, safety, and general welfare through the orderly regulation of land uses throughout the unincorporated areas of the county.
Ocotillo/Nomirage Community Area Plan (1994) (ONCAP 1994)	The Ocotillo/Nomirage Community Area Plan designates the proposed distribution and general location and extent of the uses of land for housing, business, industry, open space, including natural resources, recreation and enjoyment of scenic beauty, education, public buildings and grounds, solid waste disposal facilities and other categories of public and private uses of land.

## C.8.4.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION

### Construction and Operation

#### **Agricultural Lands and Rangelands**

According to the AFC, "...[t]he potential land use effects that relate to the Project are the loss of open space, and the removal of agricultural land for other purposes" (SES 2008a). However, the AFC then states, "[t]he Project Site is not within any specified agricultural areas and does not contain the preferred soils or water availability that facilitate intensive agricultural use. The Project Site therefore does not contain any farmland areas and will not contribute to loss of productive farmland" (SES 2008a). Staff conducted analysis of agricultural land and rangeland to verify the Applicant's assessment.

As described in detail above under the setting subsection entitled "Agricultural Lands and Rangelands," multiple governmental agencies at the federal, state, and local level have information regarding the agricultural lands relating to the proposed project and the surrounding area. To summarize, the following is a list of the various designations or categorizations these multiple governmental agencies have provided for the proposed project site and construction laydown area:

- **California DOC:** Under the standard FMMP mapping criteria, approximately 30% of the project site, which is within the survey boundaries, is considered "Other Land" (DOC 2006).



- **USDA NRCS:** As noted in the “Setting and Existing Conditions” section, 1,931 acres (approximately 30%) of the total proposed project site have been surveyed by the NRCS. According to the Web Soil Survey, the NRCS designates approximately 74% of the surveyed portion of the site as Farmland of Statewide Importance and 25% of the surveyed portion of the site as Prime Farmland if Irrigated (NRCS 2009b).
- **Imperial County:** The County of Imperial Land Use Ordinance designates the majority of the proposed site and construction laydown area within the S-2 (Open Space/Preservation) zone (Imperial County 2008b).
- **Williamson Act:** The project site is not located in an area that is under a Williamson Act contract (SES 2008a).

The DOC’s FMMP mapping information is used in Staff Assessments to analyze impacts to important farmlands (i.e., Prime Farmland, Unique Farmland, or Farmland of Statewide Importance) in the state. The FMMP designation for the proposed project site is “Other Land,” which is a designation used for land that is not included in any other mapping category, such as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance (DOC 2006).

In addition, as provided for in the CEQA Guidelines Appendix G (Environmental Checklist Form, Item II, Agricultural Resources), “[i]n determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment (LESA) Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland” (CCR 2006). Staff often uses the LESA Model for assessment of impacts to agricultural lands for power generation facilities. LESA is a term used to define an approach for rating the relative quality of land resources based upon specific measurable features. The formulation of a California Agricultural LESA Model is the result of Senate Bill 850 (Stats. 1993, ch. 812, section 3), which charged the Resources Agency, in consultation with the Governor’s Office of Planning and Research, with developing an amendment to Appendix G of the California Environmental Quality Act (CEQA) Guidelines concerning agricultural lands. Such an amendment is intended “to provide lead agencies with an optional methodology to ensure that significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process” (Public Resources Code Section 21095).

The California Agricultural LESA Model is composed of 6 different factors. Two “Land Evaluation” (LE) factors are based upon measures of soil resource quality. Four “Site Assessment” (SA) factors provide measures of a given project’s size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. For a given project, each of these factors is separately rated on a 100-point scale. The factors are then weighted relative to one another and combined, resulting in a single numeric score for a given project, with a maximum attainable score of 100 points. It is this project score that becomes the basis for making a determination of a project’s potential significance, based upon a range of established scoring thresholds (DOC 1997).

Staff conducted the LESA Model for the proposed project site in accordance with the detailed instructions provided in the LESA Model Instruction Manual. However, the

entire site has not been surveyed by the NRCS; therefore, the LESA score is based only on the portions of the project site within the surveyed areas.

The LESA score is based on a scale of 0 to 100. The Final LESA score for the IVS site is 30.95. Based on the California Agricultural LESA Thresholds,<sup>3</sup> a score of 30.95 would not result in adverse effects due to the permanent conversion of 1,931 acres of Farmland. The completed LESA Model worksheets for the proposed project are included within **APPENDIX LU-1** at the end of this section.

In addition, the proposed project's linear components include a 12-mile waterline and a 10.3 mile transmission line. Portions of these linear facilities would traverse unincorporated areas of Imperial County within agricultural zoning designations, and construction of these facilities may result in impacts to surrounding agricultural land. The waterline and the majority of the transmission line would be constructed within existing linear ROWs; however, at the southeast end of the proposed transmission line, the proposed ROW would deviate from the existing SDG&E Southwest Powerlink Transmission Line corridor and head east in a new ROW for approximately 1 mile. The proposed transmission line would then terminate at the existing SDG&E Imperial Valley Substation. Approximately 0.75 mile of this portion of the transmission line would traverse land designated for agriculture by Imperial County. Construction impacts of the new ROW would be temporary, and the amount of agricultural land permanently converted by the transmission line tower footings would be minimal. In addition, construction of the transmission line would not preclude agricultural activities from occurring within the ROW and in the immediate areas surrounding the ROW. As such, no farmland conversion impacts or inconsistencies with lands within an agricultural zone are expected due to construction of linear facilities, and the project would not involve other changes to the existing environment which could result in the conversion of farmland to non-agricultural uses. Therefore, impacts agricultural land would not be adversely affected by construction of the proposed project's linear components.

In regard to rangelands, as noted in the "Setting and Existing Conditions," no allotments of rangeland are within the vicinity of the proposed project site. Therefore, no conversion of rangelands would occur, and they would not be adversely affected by construction or operation of the proposed project.

Finally, the project site is not located in an area that is under a Williamson Act contract. Therefore, the proposed project would not result in any conflict with Williamson Act contracts.

### **Wilderness and Recreation**

Approval of the proposed project would directly remove approximately 6,500 acres from potential use for recreational opportunities such as OHV use and camping. As noted in

---

<sup>3</sup> California LESA Model Scoring Thresholds (DOC 1997, Table 9):

- 0 to 39 Points Not Considered Significant
- 40 to 59 Points Considered Significant (only if LE and SA subscores are each greater than or equal to 20 points)
- 60 to 79 Points Considered Significant (unless either LE or SA subscore is less than 20 points)
- 80 to 100 Points Considered Significant.

the “Setting and Existing Conditions” subsection, ten (10) “open” recreational routes designated by the WECO are within the project site and construction laydown site, two (2) “open” routes are in the vicinity of the proposed site and construction laydown site, and **Land Use Table 1** describes the numerous recreation areas with OHV and camping as permitted uses. In addition, the area adjacent to the southern boundary of the project site is the Yuha ACEC, while the eastern boundary of the project site borders agricultural land. As a result, these existing land uses either limit or prohibit OHV activity. However, the areas north and west of the project site are available for recreational activities, and construction of the proposed project would disrupt a highly active recreational area. This is supported by the applicant’s Current Conditions report, which states that there is evidence of human activity throughout the project site due to networks of BLM authorized roads as well as unauthorized trails and roads, and GIS data that found 1,038 acres within the project boundary have been disturbed by OHV vehicles (PBS&J 2009). In addition, according to the Recreation Element of the CDCA Plan, “...lands managed by the Bureau are especially significant to recreationists (BLM 1980). The conversion of 6,500 acres of land to support the proposed project’s components and activities would directly disrupt current recreational activities in established federal, state, and local recreation areas and would result in adverse effects on recreational users of these lands.

In addition, as noted in the “Setting and Existing Conditions” subsection, the proposed project surrounds a private parcel owned by a recreational vehicle club. The proposed project would impact the vehicles’ routes to access this parcel. However, access to this parcel would be provided via the arterial roadway system within the proposed project site (SES 2008a). Therefore, this impact is not expected to hinder the recreational users’ access to these areas that contain lands under private ownership.

As noted in the “Setting and Existing Conditions” subsection (above), the Anza Trail consists of three parts, the National Historic Trail Corridor, the Auto Tour Route, and the Anza Recreation Trail. Hiking, biking, and horseback riding through the corridor are possible, but the location of the trail on-site is not easily discernible due to the highly disturbed nature of the proposed project site from years of heavy and ongoing OHV use. In addition, as discussed above, the National Park Service intends to connect the two segments of the Anza Recreation Trail routes of travel (i.e., the segment south of the project site in the Yuha Desert ACEC and the segment north of the project site in the Plaster City OHV area) via the I-8 Dunaway Road overpass to an alignment along Dunaway Road and then north of the site along Evan Hughes Highway. Proposed project activities in this area primarily are related to construction activities, including the 25-acre construction staging area contained within the 100-acre laydown area east of Dunaway Road. There would be a permanent access road off Dunaway Road, which would be used as an alternate entrance during the operation period. However, it should be noted that the planned Anza Recreation Trail connection along Dunaway Road is in an area that currently experiences vehicle traffic. Nevertheless, upon project implementation, it is likely that the recreational experience of the trail along the planned alignment connection of the Anza Recreation Trail would be degraded due to project-related infrastructure and the resulting visual and noise impacts that would be experienced in close proximity to the proposed project. This would be an adverse impact to a recreational resource resulting from proposed project implementation.

In addition, the National Historic Trail Corridor and Anza Recreation Trail currently traverse the proposed project site. Regardless of the highly disturbed nature of the proposed project site, and the fact that the location of the Anza Recreation Trail is not easily discernible within the project site boundaries, implementation of the proposed project would permanently preclude the use of the Anza Recreation Trail along this segment by developing the site with SunCatchers and other project-related infrastructure that are industrial in nature. In other words, upon project implementation, the existing Anza Recreation Trail alignment through the proposed project site would no longer be available to recreationists. The permanent preclusion of the use of the existing Anza Recreational Trail alignment within the proposed project site is an adverse impact to a recreational resource.

Proposed project-related adverse impacts to the existing and planned portions of the Anza Recreation Trail could be mitigated only through re-routing the trail alignment away from the project site to completely avoid these recreation impacts. The National Park Service, as the federal agency charged with administering, preserving, and enhancing the National Trail System, along with the BLM (the agency with jurisdiction over the lands upon which the trail occurs) would be responsible for determining the appropriate re-location of the trail, and any other associated mitigating measures. The National Park Service recommends that the alignment of both the existing and planned Anza Recreational Trail on-site and in the project vicinity be re-evaluated and re-routed to an alternate alignment to more distant and/or shielded terrain to help improve the recreational experience of the trail by minimizing and/or avoiding proposed project impacts (NPS 2010a). However, the BLM has indicated that it is not in support of re-routing the Anza Recreation Trail. Given the current disagreement between the National Park Service and the BLM regarding this issue, Energy Commission staff does not believe that other feasible mitigation exists to offset the proposed project's impacts on the recreational value of the existing or planned portions of the Anza Recreation Trail.

In regard to potential wilderness impacts, the project would not be constructed on wilderness lands. However, the Yuha ACEC and Jacumba Mountains Wilderness near the project site attract visitors based on their scenic, biological, cultural, and recreational amenities. The proposed project would impact the recreational and wilderness values of these areas by changing the natural and undisturbed landscape at the proposed project site from open space to an intensive utility. The recreationists of the Yuha ACEC and Jacumba Wilderness may experience diminished quality of the surrounding wilderness mostly from areas where the proposed project would be visible. For example, in addition to the adverse impacts to the existing on-site and planned alignment connection of the Anza Recreational Trail, off-site recreational users of the trail also would be adversely impacted due to construction-related nuisance impacts (i.e., air quality, noise, visual, and traffic) and operation-related visual and noise impacts resulting from the SunCatchers. The **Visual Resources** section provides analysis of the proposed project's impacts on surrounding lands. Proposed project construction and operation activities would have the potential to degrade the qualities of solitude and unconfined wilderness and recreation in the remote southwestern portion of Imperial County.

Energy Commission staff acknowledges that the Anza Recreation Trail is an important resource from many perspectives, and as such the discussion of impacts to the trail is

provided in other sections of the Staff Assessment. Please refer to the **Air Quality**, **Noise** and **Traffic and Transportation** sections for a discussion of construction-related nuisance impacts. For a detailed discussion of the proposed project's operation-related visual and noise impacts on the Anza Recreation Trail, please refer to the **Visual Resources** and **Noise** sections. In addition, the **Cultural Resources** section provides a discussion of the impact to the National Historic Trail as a historic resource.

## **Horses and Burros**

The proposed project would not contain or traverse any established BLM HAs or HMAs. The nearest Chocolate-Mule Mountains HMA and the Picacho HA are located approximately 58 miles east side of the proposed project site in Imperial County near the California-Arizona border (BLM 2009f, BLM 2009g). In addition, following construction, fencing around the site would keep any burros outside of the proposed project location. Therefore, the proposed project would not result in any interference with BLM's management of an HMA or HA. For a discussion of the proposed project's consistency with Chapter 3 of the BLM's CDCA Plan, Wild Horses and Burros Element, please see **Land Use Table 3** (below).

## **Land Use Compatibility and LORS Compliance**

### ***Physical Division of an Existing Community***

The project would not physically divide an established community,<sup>4</sup> because the proposed project and associated linear facilities would be located on undeveloped lands (and adjacent to existing utility ROWs) under the jurisdiction of the BLM or Imperial County. In addition, the proposed project would not be located within or near an established community. Neither the size nor the nature of the project would result in a physical division or disruption of an established community. In addition, no existing roadways or pathways within an established community would be blocked. Due to the temporary nature of construction activities, construction generated nuisances such as dust and noise are not expected to adversely affect land uses in the area. For a detailed analysis of construction-related nuisance impacts, please see the **Air Quality**, **Visual Resources**, and **Noise** sections.

### ***Conflict with any Applicable Land Use Plan, Policy, or Regulation***

As required by California Code of Regulations, Title 20, Section 1744, Energy Commission staff evaluates the information provided by the project owner in the AFC (and any amendments), project design, site location, and operational components to determine if elements of the proposed project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, or that would normally have jurisdiction over the project except for the Energy Commission's exclusive authority. As part of the licensing process, the Energy Commission must determine whether a proposed facility complies with all applicable state, regional, and local LORS (Public Resources Code section 25523[d][1]). The Energy Commission must either find that a project conforms to all applicable LORS or make specific findings that a project's approval is justified even where the project is not in conformity with all applicable LORS (Public Resources Code section 25525).

---

<sup>4</sup> An established community usually refers to a residential community.

In addition, the applicant has submitted an application to the BLM requesting a ROW to construct the proposed project and its related facilities. Pursuant to the

California Desert Conservation Area (CDCA) Plan (1980, as amended), sites associated with power generation or transmission not identified in the CDCA Plan are considered through the Plan Amendment process. Under Federal law, BLM is responsible for processing requests for ROWs to authorize such proposed projects and associated transmission lines and other appurtenant facilities on land it manages. The CDCA Plan, while recognizing the potential compatibility of solar generation facilities on public lands, requires that all sites associated with power generation or transmission not identified in the Plan be considered through the Plan Amendment process (FR 2008). BLM would use the following Planning Criteria during the Plan Amendment process:

- The plan amendment process would be completed in compliance with the Federal Land Policy and Management Act (FLPMA), NEPA, and all other relevant Federal law, Executive orders, and management policies of the BLM;
- The plan amendment process would include an EIS (i.e., this joint Energy Commission Staff Assessment/BLM EIS) to comply with NEPA standards;
- Where existing planning decisions are still valid, those decisions may remain unchanged and be incorporated into the new plan amendment;
- The plan amendment would recognize valid existing rights;
- Native American Tribal consultations would be conducted in accordance with policy, and Tribal concerns would be given due consideration. The plan amendment process would include the consideration of any impacts on Indian trust assets (please see the **Cultural Resources** section);
- Consultation with the State Office of Historic Preservation (SHPO) would be conducted throughout the plan amendment process (please see the **Cultural Resources** section); and
- Consultation with the US Fish and Wildlife Service (USFWS) would be conducted throughout the plan amendment process (please see the **Biological Resources** section).

If the ROW and proposed land use plan amendment are approved by BLM, the proposed solar thermal power plant facility on public lands would be authorized in accordance with Title V of the FLMPA of 1976 and the Federal Regulations at 43 CFR part 2800. This Environmental Impact Statement (EIS) acts as the mechanism for meeting NEPA requirements, and also provides the analysis required to support a Plan Amendment identifying the facility within the Plan.

The proposed project's consistency with applicable Imperial County Land Use LORS has been considered. The analysis of Imperial County's General Plan Land Use Element in **Land Use Table 3** primarily consists of the goals and objectives. Typically, a LORS analysis focuses on land use policies. However, the county's Land Use Element states the following regarding their goals and objectives:

The Goals and Objectives, together with the Implementation Programs and Policies... are the statements that shall provide direction for private development as

well as government actions and programs. Imperial County's Goals and Objectives are intended to serve as long-term principles and policy statements representing ideals which have been determined by the citizens as being desirable and deserving of community time and resources to achieve. These Goals and Objectives, therefore, are important guidelines for land use decisionmaking (Imperial County 2008a).

Staff's analysis of the proposed project's consistency with applicable federal, state, regional, and local land use LORS is presented in **Land Use Table 3**. Based on staff's independent review of applicable LORS documents, the proposed project would not be consistent with the intent of the S-2 zone within the county's Land Use Ordinance. Otherwise, the project would be consistent with all other applicable land use LORS.

**Land Use Table 3**  
**Project Compliance with Adopted Land Use LORS**

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
<b>FEDERAL</b>			
<b>Federal Land Policy and Management Act, 1976 – 43 CFR 1600, Sec. 501. [43 U.S.C. 1761]</b>	(a) The Secretary, with respect to the public lands ... are authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands for:  (4) systems for generation, transmission, and distribution of electric energy, except that the applicant shall also comply with all applicable requirements of the Federal Energy Regulatory Commission under the Federal Power Act, including part I thereof (41 Stat. 1063, 16 U.S.C. 791a-825r) [P.L. 102-486, 1992]	YES	The FLPMA authorizes the issuance of a right-of-way grant for electrical generation facilities and transmission lines. In addition, based on staff's review of the Federal Power Act, the requirements would not be applicable to the proposed project as they are not related to renewable resources, and are otherwise related to administrative procedures. Therefore, the proposed project would be in compliance with this policy.
<b>Farmland Protection Policy Act, Section 658.1</b>	As required by section 1541(b) of the [Farmland Protection Policy] Act, 7 U.S.C. 4202(b), Federal agencies are (a) to use the criteria to identify and take into account the adverse effects of their programs on the preservation of farmland, (b) to consider alternative actions, as appropriate, that could lessen adverse effects, and (c) to ensure that their programs, to the extent practicable, are compatible with State and units of local government and private programs and policies to protect farmland.	YES	As discussed above in detail in Section C.8.4.2 (under the subsection entitled "Agricultural Lands and Rangelands") and in <b>APPENDIX LU-1</b> , and based on the final score (30.95) of the LESA Model, the farmland conversion impacts of the proposed project would not be adverse. In addition, construction of the proposed project and its associated linear facilities would be temporary, and the project would not involve other changes in the existing environment which could result in conversion of farmland, to non-agricultural uses. Therefore, proposed project would be consistent with the FPPA.
<b>Bureau of Land Management – California Desert Conservation Area (CDCA) Plan (BLM 1980)</b>	<b>Chapter 2 – Multiple-Use Classes</b> <b>MULTIPLE-USE CLASS GUIDELINES</b> MULTIPLE-USE CLASS L Limited Use 6. Electrical Generation Facilities –Nuclear and Fossil Fuel –Wind/Solar –Geothermal Electric generation may be allowed. 7. Transmission Facilities New gas, electric, and water facilities and cables for interstate communication may be allowed only within designated corridors (see Energy Production and Utility Corridors Element). NEPA requirements will be met. [#5,85]	YES (with BLM's project-specific CDCA Plan Amendment)	Approximately 6,140 acres of the proposed project site is administered by the BLM and is managed under multiple use Class L (Limited Use) categories in conformance with the CDCA Plan (SES 2008a). The proposed project consists of an electrical generating facility, a transmission line, a waterline, and ancillary facilities. As such, development of the proposed project is an allowed use under the Multiple-Use Class Guidelines.  In addition, the CDCA Plan, while recognizing the potential compatibility of solar generation facilities on public lands, requires that all sites associated with power generation or transmission not identified in the Plan be considered through the Plan Amendment process. Therefore, the BLM would undertake a project-specific CDCA Plan amendment along with the ROW grant for the proposed SES Solar Two Project. Upon BLM's amendment of the CDCA plan for the SES Solar Two Project, the proposed project would be fully compliant with the CDCA Plan.  This Environmental Impact Statement (EIS) acts as the mechanism for meeting NEPA requirements, and also provides the analysis required to support a Plan Amendment identifying the facility within the Plan.



Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
	<b>Chapter 3</b> <b>Wild Horse and Burros Element</b> Goal 2. Protect wild horses and burros on public lands by conducting surveillance to prevent unauthorized removal or undue harassment of animals.	YES	As noted in the "Setting and Existing Conditions" subsection above, the proposed project site is not in the vicinity of an HMA or HA; therefore, the project site and surrounding area are not notable for the presence of wild horses or burros. Therefore, the proposed project would not result in any interference with BLM's management of an HMA, and would be consistent with this element of the CDCA Plan.
	<b>Chapter 3</b> <b>Energy Production and Utility Element</b> Goal 1. Fully implement the network of joint-use planning corridors to meet projected utility needs to the year 2000. Specific electrical and natural gas right-of-way or power plant site applications made under the provisions of this element should be consistent with adopted California Energy Commission forecasts, which are reviewed biennially. Decision criteria are to: (1) Minimize the number of separate rights-of-way by utilizing existing rights-of-way as a basis for planning corridors; (2) Encourage joint use of corridors for transmission lines, canals, pipelines, and cables; (3) Provide alternative corridors to be considered during processing of applications; (4) Avoid sensitive resources wherever possible; (5) Conform to local plans whenever possible; (6) Consider wilderness values and be consistent with final wilderness recommendations; (7) Complete the delivery-systems network; (8) Consider ongoing projects for which decisions have been made, for example, the Intermountain Power Project; and (9) Consider corridor networks which take into account power needs and alternative fuel resources.	YES	The proposed project's linear facilities would either use, or be adjacent to, existing and established utility ROWs. The proposed project site is bisected by the existing 500-kV Southwest Powerlink transmission line. The proposed 230-kv transmission line would traverse approximately 7 miles of the Yuha Basin ACEC within the designated utility corridor (SES 2008a), and the proposed waterline would be constructed within an existing highway ROW (SES 2009). Therefore, the proposed project would utilize existing ROWs, and would be consistent with this element of the CDCA Plan.
	<b>Addendum B: Interim Management Guidelines</b> <b>Chapter III. Guidelines for Specific Activities</b> <b>Lands Actions – Disposal, Rights-of-Way, Access and Withdrawals</b> 2. Rights-of-Way: Existing rights-of-way may be renewed if they are still being used for their authorized purpose. New rights-of-way may be approved only for temporary uses that satisfy the non-impairment criteria. 3. Right-of-Way Corridors: Right-of-way corridors may be designated on lands under wilderness review.	YES	The non-impairment standard, directs that "until Congress has determined otherwise" the lands under review be managed so as not to impair their suitability as wilderness (CRS 2004). As the proposed project would not traverse an established Wilderness Area, the project would be in compliance with this guideline of the CDCA Plan.

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
<b>Federal Wilderness Act, 16 U.S.C. § 1131-1136</b>	<b>(a) Establishment; Congressional declaration of policy; wilderness areas; administration for public use and enjoyment, protection, preservation... provisions for designation as wilderness areas</b> In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.	YES	As the proposed project would not traverse an established Wilderness Area, the project would be consistent with this guideline.
<b>Yuha Desert Management Plan IV. Goals, Planned Actions, and Implementation</b>	<b>G. Energy Development</b> <b>I. Utilities</b> Goal: Reduce impacts from electrical transmission lines and access roads. 1. <u>Action</u> : Close most access roads to general public use (see Figures 11 and 14) and sign these closed.	YES	Approximately 7 miles of the proposed 10.3-mile transmission line would be constructed within the existing utility corridor of the Southwest Powerlink transmission line through the Yuha ACEC (SES 2008a). The remaining transmission line would be constructed within the boundaries of the proposed project site. Therefore, collocating the proposed transmission lines within, or adjacent to, existing utility corridors, would help minimize impacts. In addition, according to the applicant, all access to the proposed project site would be closed to the general public through controlled gates (SES 2008a). Therefore, the proposed project would be consistent with the Yuha Desert Management Plan.
<b>Public Rangelands Improvement Act</b>	Establishes and reaffirms the national policy and commitment to inventory and identify current public rangeland conditions and trends; manage, maintain and improve the condition of public rangelands so that they become as productive as feasible for all rangeland values in accordance with management objectives and the land use planning process; and continue the policy of protecting wild free-roaming horses and burros.	YES	As noted in the "Setting and Existing Conditions," no allotments of rangeland are within the vicinity of the proposed project site, and no conversion of rangelands would occur due to construction or operation of the proposed project. Therefore, the proposed project would be in compliance with this Act.
<b>Wild and Free-Roaming Horse and Burro Act</b>	Establishes BLM's authority to protect, manage, and control wild horses and burros to ensure that healthy herds thrive on healthy rangelands. BLM determines the "appropriate management level" (AML) of wild horses and burros on the public rangelands.	YES	As discussed above in detail in Section C.8.4.2, the proposed project would not contain or traverse an established HMA or rangeland allotment. As such, the proposed project would be consistent with this Act.

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
<b>State</b>			
<b>Subdivision Map Act</b> <u>(Public Resources Code Section 66410-66499.58)</u>	Provides procedures and requirements regulating land division (subdivisions) and parcel legality. Regulation and control of the design and improvement of subdivisions have been vested in the legislative bodies of local agencies. Section 66412.1 of the Subdivision Map Act exempts a project from State subdivision requirements provided that the project demonstrates compliance with local ordinances regulating design and improvements.	YES (with Implementation of Condition of Certification <b>LAND-1</b> )	<p>The SES Solar Two Project site is on public land that is administered by the BLM and private parcels under the jurisdiction of Imperial County. The amount of land to be fenced and developed within the BLM-administered public areas is estimated to be 6,140 acres. In addition to BLM-administered public lands, approximately 360 acres of private land would be permitted for the proposed project site (SES 2008a). The total fenced area to be developed would encompass approximately 6,140 acres of BLM-administered public lands, and private lands comprising portions of 52 contiguous parcels. In its AFC, the applicant states, “[t]he privately owned county administered lands within the Project Site are currently under option to purchase or leased by the Applicant prior to the start of construction. The Project Site would be owned and operated by Solar Two” (SES 2008a).</p> <p>In response to staff’s data request regarding the private parcels that would be part of the proposed project, the applicant has provided the parcel information related to the 360 acres of private parcels that are under the jurisdiction of Imperial County. Assessor’s Parcel Numbers (APNs) are as follows: 034-360-054, 034-360-055, 034-360-058, 034-360-079, 034-360-080, 034-360-081, 034-360-082, 034-360-083, 034-360-084, 034-360-085, and 034-360-086. The applicant would finalize the purchase or lease of these private properties prior to the issuance of the final decisions on the proposed project. If the purchase option is exercised, the applicant may merge or combine these private properties into one legal parcel after final decisions by the CEC/BLM have been issued. However, if the lease option is carried out, these private parcels would have to remain under separate ownership. (SES 2008b).</p> <p>In the event that property is purchased, the applicant would consider a number of factors including setback requirements and taxation in deciding whether to merge the parcels. In the event that the property owners elect to exercise the lease option, these private parcels would remain under separate ownerships and would not be merged into one parcel (SES 2008b).</p> <p>In order to ensure compliance with the Subdivision Map Act and site control, staff recommends Condition of Certification <b>LAND-1</b>.</p>
<b>Local</b>			
<b>Imperial County General Plan, Land Use Element</b>	Objective 1.2 Discourage the location of incompatible development adjacent to or within productive agricultural lands.	YES	As discussed in Section C.8.4.2 (under the subsection entitled “Agricultural Lands and Rangelands”) and in <b>APPENDIX LU-1</b> , according to the LESA model, there would not be any significant impacts under CEQA to agricultural land as result of the proposed project. In addition, the affected lands are not currently used for agricultural production. Therefore, the proposed project would not interfere with productive or potentially productive agricultural land, and would comply with this objective.

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
	Objective 3.6 Recognize and coordinate planning activities as applicable with the Bureau of Land Management (BLM), and the California Desert Conservation Plan.	YES	By preparing a joint document, this Staff Assessment (SA)/DEIS is intended to ensure that the proposed project is compatible with BLM and county regulations. As noted above, the proposed project is consistent with the CDCA Plan. Therefore, the proposed project is consistent with this county objective.
	<u>E. Implementation of Policies and Programs</u> <u>1. Agriculture</u> Policy The County of Imperial finds that farmland is one of its most vital resources. Continued preservation of this resource is paramount. The County is committed to the Williamson Act and its ideals of preserving Farmland. Program <ul style="list-style-type: none"> <li>The developer, property owner, or agency (applicant) of a "Development project" located on land designated by the General Plan Land Use Map (Land Use Element-Figure 1) as "Agricultural" that will result in the direct and total loss of Prime Farmland in excess of 40 acres, shall provide not-less-than 100% for un-contracted and 150% for contracted land, replacement land.</li> </ul>	YES	<p>As discussed above in detail in Section C.8.4.2 (under the subsection entitled "Agricultural Lands and Rangelands") and in <b>APPENDIX LU-1</b>, and based on the final score (30.95) of the LESA Model, the farmland conversion impacts of the proposed project would not be significant under CEQA. In addition, the project would not involve other changes in the existing environment which could result in conversion of farmland, to non-agricultural uses.</p> <p>The proposed project does not contain lands under Williamson Act contracts. However, as noted in the "Setting and Existing Conditions" subsection, the proposed project's linear components would traverse land designated for agriculture by the county's General Plan. Nonetheless, upon completion of its construction, the pipeline would be underground in the existing Evan Hewes Highway ROW. Therefore, construction of the pipeline would not result in the permanent loss of any agricultural land. The proposed project would be consistent with this policy and program.</p>
<b>Imperial County General Plan, Conservation and Open Space Element</b>	Goal 6: The County shall seek to achieve maximum conservation practices and maximum development of renewable alternative sources of energy.	YES	The proposed project would be on county lands that are currently highly disturbed by human activity, and would coincide with the county's goal of developing alternative energy resources, as well as the State's Renewable Portfolio Standard (RPS) goals. Therefore, the proposed project would achieve this county goal.
	Objective 6.6 Encourage compatibility with National and State energy goals and city and community general plans.	YES	As a large-scale solar thermal power generation facility, the proposed project would coincide with the county's goal of developing alternative energy and is intended to comply with federal and state mandates, and local goals for renewable energy development. Therefore, the proposed project would be consistent with this county objective.
<b>Imperial County General Plan, Geothermal/ Alternative Energy and Transmission Element</b>	Objective 2.3 Utilize existing easements or rights-of-way and follow field boundaries for electric and liquid transmission lines.	YES	Approximately 7 miles of the proposed 10.3-mile transmission line would be constructed within an existing utility corridor through the Yuha Basin ACEC (SES 2008a). Approximately 2.55 miles of the transmission line would be constructed within the boundaries of the proposed site, and approximately 0.75 mile of transmission line would be constructed within in a new utility ROW in an area designated as Agricultural Land according to Imperial County. Therefore, the majority of the proposed transmission line would utilize an existing utility ROW and would be consistent with this objective.
	Objective 2.6 Encourage/require alternative resource production to be in energy zoned areas to minimize off-site impacts and lessen need for more transmission corridors.	YES	Although the proposed project would not be in an energy zoned area, the project site consists of undeveloped desert land, and the majority of the proposed linear facilities would be constructed in existing ROWs.

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
	Objective 5.1 Require all major transmission lines to be located in designated federal and IID corridors or other energy facility corridors such as those owned by investor owned utilities and merchant power companies.	YES	The Project would connect to the SDG&E Imperial Valley Substation via an approximate 10.3-mile, double-circuit, 230-kV transmission line. The 230-kV transmission line would parallel the Southwest Powerlink transmission line within the designated ROW.
	Objective 5.2 Design lines for minimum impacts on agriculture, wildlife, urban areas, and recreational activities.	YES	Approximately 7 miles of the proposed 10.3-mile transmission line would be constructed within an existing utility corridor through the Yuha Basin ACEC (SES 2008a). The remaining transmission line would be constructed within the boundaries of the proposed site, and approximately 0.75 mile of transmission line would be constructed within a new utility ROW in area designated as Agricultural Land according to Imperial County. As the majority of the proposed line would be within an existing utility corridor, and the portion that would traverse agricultural land would have minimal construction impacts and would not permanently preclude agricultural activities, the proposed project would be consistent with Objective 5.2.
	Objective 5.3 Construct transmission lines in accordance with this Element.	YES	The proposed project is consistent with this element's goals and objectives related to transmission line construction.
	Objective 5.4 Design transmission lines to be joint use with transportation and other infrastructure corridors within or external to the County.	YES	Approximately 7 miles of the proposed 10.3-mile transmission line would be constructed within the existing utility corridor of the Southwest Powerlink transmission line, approximately 2.55 miles would be constructed within the boundaries of the proposed project site, and approximately 0.75 mile of transmission line would be constructed within a new utility ROW and designated for agriculture by Imperial County. Locating the proposed transmission line within existing utility corridors would make the proposed project consistent with this county objective.
<b>Imperial County Land Use Ordinance, Title 9, Division 2:</b>	<p>§ 90203.10 SIMILARITY IN USE(S)</p> <p>When an applicant proposes a use that is not specifically authorized or listed as a use or conditional use in the specific zone, he/she may apply for a determination of similar use to the Planning Commission through the following procedure. (The Planning Commission shall have final authority and no appeal to the Board on "similarity" shall be allowed).</p> <p>A. FILING:</p> <p>A request for a "similar use" determination shall be in writing to the Planning &amp; Development Services Department and shall explain in detail the proposed use and its similarity to an existing approved use within that zone.</p> <p>C.SIMILAR USE CRITERIA:</p> <p>In order for the Planning Commission to allow a use to be a "similar use" it shall first make the following findings:</p> <p>1. The proposed use resembles or is of the same basic</p>	INCONSISTENT	<p>The proposed Solar Two site is approximately 6,500 acres and consists of an estimated 6,140 acres of public land administered by the BLM and approximately 360 acres of private land under the jurisdiction of Imperial County. Approximately 5.5% of the project would impact Imperial County lands. These affected county lands show evidence of human disturbance and high activity due to recreational OHV use (PBS&amp;J 2009).</p> <p>According to the Land Use Ordinance (LUO) and county zoning maps, the 360-acre portion of the project site within Imperial County jurisdiction is designated as S-2 Open Space/Preservation. The LUO does not specifically allow energy generation in this S-2 zone.</p> <p>As noted in this section of the LUO, when an applicant proposes a use that is not specifically authorized or listed as a use or conditional use in the specific zone, he/she may apply for a determination of similar use to the Planning Commission. A request for a "similar use" determination is possible in the case of a proposed use that is similar to an existing approved use within that zone.</p> <p>According to the applicant, per its discussions with the staff of the</p>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
	<p>nature as an identified use or a conditional use in that zone.</p> <ol style="list-style-type: none"> <li>The proposed use includes activities, equipment, or materials typically employed in the identified use.</li> <li>The proposed use has equal to or less impacts on traffic, noise, dust, odor, vibration and appearance than the identified listed use.</li> <li>All impacts identified could and would be mitigated through conditions.</li> <li>The "similar" use, if allowed in the proposed zone, will not affect the health, safety and welfare of the public or impact the property and residents in the vicinity.</li> </ol>		<p>Planning and Building Division of Imperial County, and based on the requirements of this LUO section, the county would be able to issue a Conditional Use Permit to the SES Solar Two Project (but for the Energy Commission's authority) in compliance with the LUO (SES 2009).</p> <p>In May 2009, staff contacted the county for further clarification on this issue and to obtain the county's interpretation of this section of the LUO as it would apply to the 360 acres of county lands affected by the proposed project. According to the county, the Planning Commission has ruled that proposed renewable energy projects would be allowed in the S-2 zone with a CUP, as they are in the S-1 zone, based on the "similarity of use" concept (CEC 2009). On February 25, 2009, Telstar Energy's 49.5 MW solar photovoltaic (PV) project was approved for the Similarity of Use designation in the S-2 zone (Imperial County 2009). According to the county this project approval is the action that the county is using as justification for application of the "similar use" concept to the proposed project (CEC 2010). On February 2, 2010, staff contacted the county to obtain the approval document for the solar PV project, and the associated conditions the county used to conditionally approve the project in an effort to use the same or similar conditions to apply to the proposed project. The county indicated to staff that the Planning Commission Meeting Minutes from February 25, 2009 are the official record for Telstar Energy's approval of the Similarity of Use designation for development of a 49.5 megawatt PV solar generation facility in the S-2 zone (CEC 2010). After review of the February 25, 2009 Imperial County Planning Commission Meeting Minutes, staff was not able to find any specific conditions for the Telstar solar PV project that could be applied to the proposed project (Imperial County 2009). Specifically, although the February 25, 2009 Meeting Minutes discuss and approve the Telstar "Similarity of Use Determination" in the S-2 zone, no conditions are listed and there is no information regarding the five findings required by the LOU Title 9, Division 2 provisions (listed to the left). As such, in lieu of specific conditions or specific findings related to the provisions of Title 9, Division 2 of the LUO, staff has made its own following findings recognizing that the county has expressed support for the proposed project and has indicated that they view the proposed project to be a "similar use:"</p> <ol style="list-style-type: none"> <li>1. Because the county has not provided environmental documentation, conditions of approval, or specific findings related to their "Similarity of Use" determination associated with the Telstar solar PV Project or its applicability to the proposed project, staff cannot find that a 6,500-acre, 740-MW solar thermal power generating facility is a similar use to a 49.5 MW solar PV project located on approximately 540 acres of land..</li> <li>2. Staff does not believe that the proposed use (i.e., the proposed project) includes activities, equipment, or materials typically employed</li> </ol>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
			<p>in the identified use (i.e., development of solar PV), because the proposed project solar power generation technology is different (i.e., SunCatchers vs. low-profile solar PV panels). Please refer to the <b>Visual Resources</b> section for a discussion of visual and scenic impacts of the proposed project.</p> <p>3. The proposed use (i.e., the proposed project) has greater environmental impacts on traffic, noise, dust, odor, vibration and appearance than the identified listed use (i.e., the solar PV project referred to as the similar use), because the proposed project would have greater construction related nuisance impacts (i.e., noise, traffic, air quality, etc.) and operation related visual and cumulative land use impacts than the "similar use." Please refer to the <b>Air Quality, Noise, Public Health, and Visual Resources</b> sections for a detailed discussion of these impacts.</p> <p>4. All project impacts cannot be mitigated through Conditions of Certification. Please refer to the significant, unavoidable cumulative land use and recreation impacts of the proposed project discussed in detail below, and the <b>Visual Resources</b> section.</p> <p>5. The "similar" use (i.e., the proposed project), in the proposed zone, will affect the public and impact lands in the vicinity given the significant/unavoidable impacts to recreation and significant/unavoidable cumulative land use impacts.</p> <p>Based on the findings enumerated above, staff concludes that the proposed project would not be consistent with this section of the county's LUO.</p>
<b>Imperial County Land Use Ordinance, Title 9, Division 5: Zoning Areas Established</b>	<p>Chapter 18: S-2 (Open Space/Preservation)  § 90519.00  PURPOSE &amp; APPLICATION</p> <p>The S-2 Zone is considered to be the Open Space Preservation Zone. The primary intent is to preserve the cultural, biological, and open space areas that are rich and natural as well as cultural resources. The S-2 Zone is dominated by native desert habitat and stark topographic features. While certain uses are allowed within the S-2 Zone, such uses must be compatible with the intent of the Open Space and Conservation Element of the General Plan.</p> <p>§90519.03  PROHIBITED USES</p> <p>All other uses not permitted by Section 90519.01 or 90519.02 shall be prohibited in the S-2 Zone.</p>	INCONSISTENT	<p>Please see the detailed discussion above (under LUO Title 9, Division 2, § 90203.10 SIMILARITY IN USE(S)) regarding the "similar use" finding by the county and staff. According to the county, the proposed project would qualify as a "similar use" and would be allowed in the county's S-2 zone.</p> <p>Pursuant to Title 20, Section 1714.5 (California Energy Commission Siting Regulations), "...comments and recommendations submitted to the commission pursuant to this section regarding the project's conformance with applicable laws, ordinances, and standards under the agency's jurisdiction shall be given due deference by the commission staff." It should be noted that Imperial County did not specifically make findings related to the Similarity in Use concept provisions of the LUO, and did not provide staff with any specific conditions to be applied to the proposed project. Base on staff's independent evaluation (see discussion above), staff disagrees that the proposed project qualifies as a "similar use" that can be conditionally permitted in the S-2 zone. Therefore, although the county views the proposed project to be compatible with the S-2 zone, from a land use LORS consistency perspective, staff believes that given the amount and level of significance of cultural, visual, and biological</p>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
			resources impacts, the intent of S-2 zone likely would not be met, and that the proposed project would be inconsistent with this section of the county's LUO. For a detailed discussion of proposed project impacts with regard to these issues, please see the <b>Biological Resources, Cultural Resources, and Visual Resources</b> sections of this Staff Assessment.
	<p>Chapter 8: A-2 (General Agriculture) § 90508.00 PURPOSE AND APPLICATION The purpose of the A-2 (General Agriculture), [40 Acre minimum] Zone is to designate areas that are suitable and intended primarily for agricultural uses (limited) and agricultural related compatible uses.</p> <p>Chapter 16: M-2 (Medium Industrial) § 90516.00 PURPOSE &amp; APPLICATION The purpose of the M-2 (Medium Industrial) zone is to designate areas for wholesale commercial, storage, trucking, assembly type manufacturing, general manufacturing, research and development, medium intensity fabrication and other similar medium intensity processing facilities. The processing or fabrication within any of these facilities is to be limited to activities conducted either entirely within a building or within securely fenced (obscured fencing) areas. Provided further that such facilities do not omit fumes, odor, dust, smoke or gas beyond the confines of the property line within which their activity occurs, or produces significant levels of noise or vibration beyond the perimeter of the site.</p>	YES	<p>The proposed Seeley Waste Water Treatment Facility would require a 12-mile water pipeline along Even Hewes Highway to meet the water needs of the proposed project. The pipeline would be installed along the existing highway ROW, which currently contains a natural gas pipeline.</p> <p>Utility components and uses would be conditionally permitted in the A-2 and M-2 zones, But for the Energy Commission's exclusive licensing authority for power plants over 50 megawatts, and their associated components, the county would normally have jurisdiction to issue a CUP for the 12-mile pipeline. However, there's an existing pipeline in an existing highway ROW, and given the temporary nature of pipeline construction activities, any land use disturbances would be short-term, As such, staff assumes that the county would likely consider the proposed pipeline to be consistent with the use types allowed in the A-2 and M-2 zones, even though water pipelines are not expressly permitted in these zones, It should be noted that currently an EIR is being by the Seeley County Water District for the proposed project-related improvements needed for the Seeley Waste Water Treatment Facility. Also, please refer to the <b>Air Quality, Noise, and Traffic and Transportation</b> sections for a discussion of construction-related nuisance impacts resulting from the proposed pipeline.</p>
<b>Ocotillo/Nomirage Community Area Plan</b>	<p>IV. Implementation Program and Policies B. Land Use Designations and Standards 9. Open Space The Open Space designation will be applied to all land future and present that are under the administration of the U.S. Department of the Interior, Bureau of Land Management. Except for limited mining activities and utility corridors, most private enterprises or land uses are not allowed in this classification.</p>	YES	A portion of the west end of the project site would be within the boundaries of this area plan. Although the proposed project would not be allowed under this area plan's open space classification, the land is under BLM jurisdiction, which supersedes Imperial County's area plans, and as noted above, the proposed project would be consistent with BLM's CDCA Plan, once the plan is amended.



## **Project Closure and Decommissioning**

According to Section 3.12 of the applicant's project description, the solar generating facility is expected to have a lifespan of 40 years. At any point during this time, temporary or permanent closure of the solar facility could occur. Temporary closure would be a result of necessary maintenance, hazardous weather conditions, or damage due to a natural disaster. Permanent closure would be a result of damage that is beyond repair, adverse economic conditions, or other significant reasons.

Both temporary and permanent closures would require the applicant to submit to the CEC a contingency plan or a decommissioning plan, respectively. A contingency plan would be implemented to ensure compliance with applicable LORS, and appropriate shutdown procedures depending on the length of the cessation. A decommissioning plan would be implemented to ensure compliance with applicable LORS, removal of equipment and shutdown procedures, site restoration, potential decommissioning alternatives, and the costs and source of funds associated with decommissioning activities.

Upon closure of the facility or decommissioning, it is likely that the applicant would be required to restore lands affected by the project to their pre-project state. Given the fact that the proposed project site is located on undeveloped land with current evidence of high levels of disturbance (due to OHV use), staff anticipates that project decommissioning would have impacts similar in nature to proposed project construction activities. Therefore, given the temporary nature of decommissioning activities and the eventual return of the lands to their current state, the effects of decommissioning on land use is not expected to be adverse.

### **C.8.4.3 CEQA LEVEL OF SIGNIFICANCE**

For the purposes of CEQA compliance, the significance of each identified impact of the proposed project has been determined. The CEQA Lead Agency is responsible for determining whether an impact is significant and is required to adopt feasible mitigation measures to minimize or avoid each significant impact. Conclusions in this section are presented to identify the level of significance of each identified impact (as required by CEQA) as follows: less than significant (i.e., adverse, but not significant); less than significant with mitigation (i.e., can be mitigated to a level that is not significant); or significant and unavoidable (i.e., cannot be mitigated to a level that is not significant).

### **Agricultural Lands and Rangelands**

As discussed above in detail in Section C.8.4.2 (under the subsection entitled "Agricultural Lands and Rangelands") and in **APPENDIX LU-1**, and based on the final score (30.95) of the LESA Model, the farmland conversion impacts of the proposed project are "Not Considered Significant." In addition, construction of the proposed project and its associated linear facilities would be temporary, and the project would not be inconsistent with agricultural zoning nor involve other changes in the existing environment which could result in conversion of Farmland, to non-agricultural uses. Therefore, proposed project impacts on agricultural lands would be less than significant.

In regard to rangelands, as noted in the “Setting and Existing Conditions,” no allotments of rangeland are within the vicinity of the proposed project site. Therefore, no conversion of rangelands would occur. Therefore, impacts to rangelands due to construction or operation of the proposed project would be less than significant.

Finally, the project site is not located in an area that is under a Williamson Act Contract. Therefore, proposed project impacts due to conflicts with Williamson Act contracts would be less than significant.

### **Wilderness and Recreation**

As discussed above in detail in Section C.8.4.2 (under the subsection entitled “Wilderness and Recreation”), the conversion of 6,500 acres of land to support the proposed project’s components and activities would directly disrupt current recreational activities in established federal, state, and local recreation areas and would result in adverse effects on recreational users of these lands.

Access to the private parcel owned by the recreational vehicle club would be provided via the arterial roadway system within the proposed project site (SES 2008a). Therefore, the recreational users’ access to these areas would not be hindered and impacts would be less than significant to recreational use of the lands under private ownership.

Adverse impacts to the existing and planned portions of the Anza Recreation Trail could be mitigated through re-routing the trail alignment away from the project site to completely avoid these recreation impacts. The National Park Service recommends that the alignment of both the existing and planned Anza Recreational Trail on-site and in the project vicinity be re-evaluated and re-routed to an alternate alignment to more distant and/or shielded terrain to help improve the recreational experience of the trail (NPS 2010a). However, the BLM has indicated that it is not in support of re-routing the Anza Recreation Trail. Therefore, given the current disagreement between the National Park Service and the BLM regarding this issue, Energy Commission staff does not believe that other feasible mitigation exists to offset the proposed project’s impacts; therefore, this impact would be significant and unavoidable.

In regard to potential wilderness impacts, given the abundance of wilderness and recreation sites throughout the county, the proposed project would not impact the area’s wilderness areas.

### **Horses and Burros**

As discussed above in detail in Section C.8.4.2 (under the subsection entitled “Horses and Burros”), the proposed project would not contain or traverse any established BLM HMAs. Therefore, the proposed project would not result in any interference with BLM’s management of an HMA. Impacts would be less than significant.

### **Land Use Compatibility and LORS Compliance**

As discussed above in detail in Section C.8.4.2 (under the subsection entitled “Land Use Compatibility”), the project would not physically divide or disrupt an established community. Impacts would be less than significant.

Staff's analysis of the proposed project's consistency with applicable federal, state, regional, and local land use LORS is presented in **Land Use Table 3**. The proposed project would be consistent with applicable federal land use LORS. With BLM's issuance of a project-specific CDCA Plan Amendment, the proposed project would fully comply with the plan. Therefore, impacts associated with compliance with federal land use LORS would be less than significant. In addition, the proposed project would comply with the Subdivision Map Act, and would be less-than significant, with implementation of Condition of Certification **LAND-1**.

Based on staff's independent review of applicable LORS documents, the proposed project would not be consistent with applicable Imperial County land use LORS (i.e., the S-2 Zone designation) adopted for the purpose of avoiding or mitigating environmental effects. Thus, impacts would be significant and unavoidable.

### **Cumulative Land Use Effects**

Section C.8.8 (below) provides a detailed analysis of cumulative impacts. As discussed below, the potential combined development of approximately 1 million acres of land in the southern California desert, would all combine to result in adverse effects on agricultural lands (one of the state's most important resources), and recreational resources. Although the development of renewable resources in compliance with federal and state mandates is important and required, the conversion of thousands of acres of open space (including areas with high soil quality and agricultural resources) would result in a significant and unavoidable impact under CEQA. In general, the land conversion impacts to these lands would preclude numerous existing land uses including recreation, wilderness, rangeland, and open space, and would result in a significant and unavoidable cumulative impact under CEQA.

## **C.8.5 300 MW ALTERNATIVE**

---

The 300 MW alternative would essentially be Phase 1 of the proposed 750 MW project (see Alternatives Figure 1), and would consist of 12,000 SunCatchers with a net generating capacity of approximately 300 MW occupying approximately 2,600 acres of land. This alternative would transmit power to the grid through the SDG&E Imperial Valley Substation and would require infrastructure similar to the proposed 750 MW project, including a water supply pipeline, transmission line, road access, operations facilities, substation, and hydrogen system (SES 2008a). Infrastructure associated with this alternative would require approximately 40 acres. This alternative would retain 40% of the SunCatchers and would affect 40% of the land of the proposed 750 MW project.

### **C.8.5.1 SETTING AND EXISTING CONDITIONS**

The setting for this alternative would be approximately 2,600 acres or 40% of the lands affected by the proposed project. Lands affected by this alternative would be located on the western portion of the proposed project site, and would all be under the jurisdiction of the BLM. Please see the discussion of existing conditions within affected BLM lands under Section C.8.4.1

## **C.8.5.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

### **Agricultural Lands and Rangelands**

With a 60% reduction in the site, any land conversion impact would also be proportionately less. As discussed above in detail in Section C.8.4.2 (under the subsection entitled “Agricultural Lands and Rangelands”) the farmland conversion impacts of the proposed project are “Not Considered Significant” under CEQA. In addition, construction of the proposed project and its associated linear facilities would be temporary, and the project would not involve other changes in the existing environment that could result in conversion of farmland to non-agricultural uses.

In regard to rangelands, as noted in the “Setting and Existing Conditions,” no allotments of rangeland are within the vicinity of the proposed project site. Therefore, no conversion of rangelands would occur with this alternative.

Finally, given that this alternative would be located wholly on federal lands, state land preservation contracts (i.e., Williamson Act Contract), and county zoning for agricultural use would not be affected.

Therefore, the types of effects on agricultural lands and rangelands resulting from this alternative would be similar to the proposed project but less intense.

### **Wilderness and Recreation**

The conversion of 2,600 acres of land to support the components and activities associated with this alternative would directly disrupt current recreational activities in established federal recreation areas and would result in adverse effects on recreational users of these lands. However, this effect would be proportionally less than the 6,500 acres affected by the proposed project.

This alternative would have similar effects on wilderness resources as the proposed project, but these effects would be less intense due to the reduction in the size of the project by 60%.

### **Horses and Burros**

Similar to proposed project, this alternative would not contain or traverse any established BLM HMAs or HAs. Therefore, the 300 MW alternative would not result in any interference with BLM’s management of an HMA or HA.

### **Land Use Compatibility and LORS Compliance**

Similar to the proposed project, this alternative would not physically divide or disrupt an established community.

Staff’s analysis of the proposed project’s consistency with applicable federal land use LORS is presented in **Land Use Table 3**. These federal LORS would apply to this alternative. Similar to the proposed project, this alternative would be consistent with applicable federal land use LORS. With BLM’s issuance of a project-specific CDCA

Plan Amendment, the proposed project would fully comply with the Plan. With this alternative, the State Subdivision Map Act and local Imperial County land use LORS requirements would not apply.

### **Cumulative Land Use Effects**

This alternative would result in the conversion of 2,600 acres of undeveloped open space with an industrial utility use (i.e., a 300 MW power plant and associated infrastructure). When compared to the proposed project, this alternative would result in 60% less land conversion to industrial uses, and the cumulative effects of this amount of land conversion along with all other existing, planned, and proposed projects would result in adverse cumulative land conversion. Section C.8.8 (below) provides a detailed analysis of cumulative impacts. The potential combined development of approximately 1 million acres of land in the southern California desert, would all combine to result in adverse effects on agricultural lands (one of the state's most important resources), and recreational resources. In general, the conversion of vast amounts of open space lands would preclude numerous existing land uses including recreation, wilderness, rangeland, and open space, and therefore, result in a significant cumulative impact.

### **C.8.5.3 CEQA LEVEL OF SIGNIFICANCE**

#### **Agricultural Lands and Rangelands**

As discussed above in subsection C.8.5.2, and similar to the proposed project, impacts resulting from this alternative on agricultural and rangelands would be less than significant.

#### **Wilderness and Recreation**

As discussed above in subsection C.8.5.2, and similar to the proposed project, impacts resulting from this alternative to recreation would be significant and unavoidable, and impacts to wilderness would be less than significant.

#### **Horses and Burros**

As discussed above in subsection C.8.5.2, and similar to the proposed project, impacts resulting from this alternative on horses and burros would be less than significant.

#### **Land Use Compatibility and LORS Compliance**

As discussed above in subsection C.8.5.2, and similar to the proposed project, this alternative would comply with federal LORS. Therefore, impacts would be less than significant. State and local LORS would not be applicable.

### **Cumulative Land Use Effects**

As discussed above in subsection C.8.5.2, and similar to the proposed project, the cumulative impacts of this alternative would be significant and unavoidable.

## **C.8.6 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

---

The first of two alternatives developed to reduce impacts to the waters of the U.S. would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries. This alternative is illustrated in **Alternatives Figure 1B**. This alternative would have the same outer project boundaries as the proposed project, but it would include prohibition of installing permanent structures within drainages, thereby reducing the available acreage for development to 4,690 acres.

### **C.8.6.1 SETTING AND EXISTING CONDITIONS**

This alternative would exclude primary drainages located throughout the proposed project site, which would decrease the amount of land converted to an industrial use. Nonetheless, as this alternative would have the same outer project boundaries as the proposed project, the environmental setting would be the same as the proposed project. Please see the discussion of existing conditions within affected BLM lands under Section C.8.4.1.

### **C.8.6.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

#### **Agricultural Lands**

As discussed above in Section C.8.4.2 (under the subsection entitled “Agricultural Lands and Rangelands”) the farmland conversion impacts of the proposed project are “Not Considered Significant” under CEQA. Construction of the proposed project and its associated linear facilities would be temporary, and the project would not involve other changes in the existing environment that could result in conversion of farmland to non-agricultural uses. In addition, with reduced acreage, the Final LESA score for this alternative would be lower than that of the proposed project site. Therefore, the types of effects on agricultural lands resulting from this alternative would be similar to the proposed project but less intense.

In regard to rangelands, as noted in the “Setting and Existing Conditions,” no allotments of rangeland are within the vicinity of the proposed project site. Therefore, no conversion of rangelands would occur with this alternative.

Finally, given that this alternative would be located wholly on federal lands, state land preservation contracts (i.e., Williamson Act Contract) and county zoning for agricultural use would not be affected.

#### **Wilderness and Recreation**

The conversion of 4,690 acres of land to support the components and activities associated with this alternative would directly disrupt current recreational activities in established federal recreation areas and would result in adverse effects on recreational users of these lands. This effect would be to the proposed project because the site boundaries would not change (i.e., 6,500 acres would be fenced and OHV access to these lands would be restricted).

This alternative would have similar effects to the proposed project on wilderness and recreation resources.

### **Horses and Burros**

Similar to proposed project, this alternative would not contain or traverse any established BLM HMAs or HAs. Therefore, this alternative would not result in an interference with BLM's management of an HMA or HA.

### **Land Use Compatibility**

Similar to the proposed project, this alternative would not physically divide or disrupt an established community.

Staff's analysis of the proposed project's consistency with applicable federal, state, and local land use LORS is presented in **Land Use Table 3**, which would also apply to this alternative. Similar to the proposed project, with BLM's issuance of a project-specific CDCA Plan Amendment, and implementation of Condition of Certification/Mitigation Measure **LAND-1** (which would be required for compliance with the State Subdivision Map Act), this alternative would be consistent with applicable land use LORS.

### **Cumulative Land Use Effects**

This alternative would result in the conversion of 4,690 acres of undeveloped open space with an industrial utility use. When compared to the proposed project, this alternative would result in approximately 28% less land conversion to industrial uses. However, the cumulative effects of this amount of land conversion along with all other existing, planned, and proposed projects would result in adverse cumulative land conversion. Section C.8.8 (below) provides a detailed analysis of cumulative impacts. The potential combined development of approximately 1 million acres of land in the southern California desert, would all combine to result in adverse effects on agricultural lands (one of the state's most important resources), and recreational resources. In general, the conversion of vast amounts of open space lands would preclude numerous existing land uses including recreation, wilderness, rangeland, and open space, and therefore, result in a significant cumulative impact under CEQA.

## **C.8.6.3 CEQA LEVEL OF SIGNIFICANCE**

### **Agricultural Lands and Rangelands**

As discussed above in subsection C.8.5.2, and similar to the proposed project, impacts resulting from this alternative on agricultural and rangelands would be less than significant.

### **Wilderness and Recreation**

As discussed above in subsection C.8.5.2, and similar to the proposed project, impacts resulting from this alternative to recreation resources would be significant and unavoidable, and wilderness impacts would be less than significant.

## **Horses and Burros**

As discussed above in subsection C.8.5.2, and similar to the proposed project, impacts resulting from this alternative on horses and burros would be less than significant.

## **Land Use Compatibility and LORS Compliance**

As discussed above in subsection C.8.5.2, and similar to the proposed project, this alternative would comply with federal LORS, and with implementation of Condition of Certification **LAND-1** (which would be required for compliance with the State Subdivision Map Act), this alternative would be consistent with applicable land use LORS. Similar to the proposed project, for the lands under county jurisdiction, implementation of this alternative would not be consistent with county LORS regarding zoning (i.e., siting of a power generating facility in the S-2 zone). The inconsistency with the S-2 zoning designation is a significant and unavoidable impact under CEQA. Please refer to **Land Use Table 3**.

## **Cumulative Land Use Effects**

As discussed above in subsection C.8.5.2, and similar to the proposed project, the cumulative impacts of this alternative would be significant and unavoidable.

## **C.8.7 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

---

The Drainage Avoidance #2 alternative would eliminate both the eastern and western-most portions of the proposed project, where the largest drainage complexes are located. This alternative is shown in **Alternatives Figure 1C**. It would reduce the overall size of the project site by 3,347 acres (from 6,500 acres to 3,153 acres). In this alternative, permanent structures would be allowed within all drainages inside the revised project boundaries.

### **C.8.7.1 SETTING AND EXISTING CONDITIONS**

This alternative would exclude segments of land located throughout the proposed project site, which would decrease the amount of land converted to an industrial use. Nonetheless, as this alternative would have the same outer project boundaries as the proposed project, the environmental setting would be the same as the proposed project. Please see the discussion of existing conditions within affected BLM lands under Section C.8.4.1.

### **C.8.7.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

#### **Agricultural Lands**

As discussed above in Section C.8.4.2 (under the subsection entitled “Agricultural Lands and Rangelands”) the farmland conversion impacts of the proposed project are “Not Considered Significant” under CEQA. Construction of the proposed project and its associated linear facilities would be temporary, and the project would not involve other changes in the existing environment that could result in conversion of farmland to non-agricultural uses. In addition, with reduced acreage, the Final LESA score for this alternative would be lower than that of the proposed project site. Therefore, the types of



effects on agricultural lands resulting from this alternative would be similar to the proposed project but less intense.

In regard to rangelands, as noted in the “Setting and Existing Conditions,” no allotments of rangeland are within the vicinity of the proposed project site. Therefore, no conversion of rangelands would occur with this alternative.

Finally, given that this alternative would be located wholly on federal lands, state land preservation contracts (i.e., Williamson Act Contract), and county zoning for agricultural use would not be affected.

### **Wilderness and Recreation**

The conversion of 3,153 acres of land to support the components and activities associated with this alternative would directly disrupt current recreational activities in established federal recreation areas and would result in adverse effects on recreational users of these lands. However, this effect would be similar to the proposed project, because the outer boundary of the site would not change and access to the 6,500 acres that would be fenced would be restricted for OHV users and the Anza Recreation Trail.

This alternative would have similar effects on wilderness and recreation resources, but these effects would be less intense due to the reduction in the size of the project by approximately 51%.

### **Horses and Burros**

Similar to proposed project, this alternative would not contain or traverse any established BLM HMAs or HAs. Therefore, this alternative would not result in any interference with BLM’s management of an HMA or HA.

### **Land Use Compatibility**

Similar to the proposed project, this alternative would not physically divide or disrupt an established community.

Staff’s analysis of the proposed project’s consistency with applicable federal, state, and local land use LORS is presented in **Land Use Table 3**, which would also apply to this alternative. Similar to the proposed project, with BLM’s issuance of a project-specific CDCA Plan Amendment, this alternative would be consistent with applicable federal land use LORS. Implementation of Condition of Certification/Mitigation Measure **LAND-1** is required for compliance with the State Subdivision Map Act. Similar to the proposed project, for the lands under county jurisdiction, implementation of this alternative on county lands zoned S-2 would not be consistent with county LORS regarding zoning (i.e., siting of a power generating facility in the S-2 zone).

### **Cumulative Land Use Effects**

This alternative would result in the conversion of 3,153 acres of undeveloped open space with an industrial utility use. When compared to the proposed project, this alternative would result in approximately 51% less land conversion to industrial uses, and the cumulative effects of this amount of land conversion along with all other

existing, planned, and proposed projects would result in adverse cumulative land conversion. Section C.8.8 (below) provides a detailed analysis of cumulative impacts. The potential combined development of approximately 1 million acres of land in the southern California desert, would all combine to result in adverse effects on agricultural lands (one of the state's most important resources), and recreational resources. In general, the conversion of vast amounts of open space lands would preclude numerous existing land uses including recreation, wilderness, rangeland, and open space, and therefore, result in a significant cumulative impact under CEQA.

### **C.8.7.3 CEQA LEVEL OF SIGNIFICANCE**

#### **Agricultural Lands and Rangelands**

As discussed above in subsection C.8.5.2, and similar to the proposed project, impacts resulting from this alternative on agricultural and rangelands would be less than significant.

#### **Wilderness and Recreation**

As discussed above in subsection C.8.5.2, and similar to the proposed project, impacts resulting from this alternative to recreation resources would be significant and unavoidable, and impacts to wilderness resources would be less than significant.

#### **Horses and Burros**

As discussed above in subsection C.8.5.2, and similar to the proposed project, impacts resulting from this alternative on horses and burros would be less than significant.

#### **Land Use Compatibility and LORS Compliance**

As discussed above in subsection C.8.5.2, and similar to the proposed project, this alternative would comply with federal LORS, and with implementation of Condition of Certification **LAND-1** the proposed project would comply with the State Subdivision Map Act). The inconsistency with the S-2 zoning designation is a significant and unavoidable impact under CEQA.

#### **Cumulative Land Use Effects**

As discussed above in subsection C.8.5.2, and similar to the proposed project, under CEQA the cumulative impacts of this alternative would be significant and unavoidable.

### **C.8.8 NO ACTION ALTERNATIVES**

---

#### **NO PROJECT/NO ACTION ALTERNATIVE #1:**

#### **No Action on IVS Project Application and on CDCA Land Use Plan Amendment**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM, and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the project site and BLM would continue to

manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site and no land disturbance. As a result, the land use-related impacts of the IVS Project would not occur at the proposed site, including the conversion of 6,500 acres of land and any resulting impacts to existing uses, including recreational uses. Additionally, a project-specific land use plan amendment would not be required. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project requiring a land use plan amendment. In addition, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

#### **C.8.8.1 SETTING AND EXISTING CONDITIONS**

The land use setting for the No Project/No Action Alternative would include lands that would contain the proposed project site and the associated linear facilities, which would become available for other uses that are consistent with BLM's land use plan, including another renewable energy project. In addition, renewable projects could be developed on other sites in Imperial County, the Mojave Desert, or in adjacent states as developers strive to provide renewable power that complies with utility requirements and State/Federal mandates. Subsection C.8.4.1 (above) describes in detail the lands that would be affected, as well as a general description of Imperial County.

#### **C.8.8.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

With the No Project /No Action Alternative, the construction- and operation-related impacts of the proposed project would not occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, potentially including other renewable energy projects, recreational activities, etc. Currently, there are 7 large solar projects proposed on BLM land within the area served by the BLM El Centro Field Office, and 70 applications for solar projects covering 611,692 acres pending with BLM in the California Desert District.

Under the No Project/No Action alternative, the land use-related impacts of the IVS Project would not occur at the proposed site. The conversion of 6,500 acres of land that would be converted as a result of the proposed project would not occur, and a project-specific CDCA Plan amendment would not be necessary. In addition, OHV users and recreationists would continue to be able to use the lands affected by the proposed project occurring under existing conditions. Although, it is possible that the proposed project site could be developed with power generation and/or utility uses in the future given the existing and planned energy-related infrastructure and industrial uses in the area (i.e., high voltage Southwest Power link transmission line and Imperial Valley Substation, the approved Sunrise Powerlink transmission line, and Plaster City), the specific size, type, and timing of such use would be unknown. Land use effects under

the No Project/No Action Alternative would be similar to the current setting of the proposed project area.

### **C.8.8.3 CEQA LEVEL OF SIGNIFICANCE**

Under the No Project/No Action alternative land use impacts to the proposed project site and area would be similar as those currently occurring under the existing conditions in the area. Given that there would be no significant change over the existing conditions, the land use impacts of the No Project/No Action alternative would be less than significant.

### **NO PROJECT/NO ACTION ALTERNATIVE #2:**

#### **No Action on IVS Project and Amend the CDCA Land Use Plan to Make the Area Available for Future Solar Development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would amend the CDCA Land Use Plan of 1980, as amended, to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site would be developed with the same or a different solar technology. Different solar technologies require the use of different amounts of land; however, it is expected that all utility solar technologies would require the use of large amount of the site. As a result, construction and operation of the solar technology would likely result in the conversion of 6,500 acres of land and would create impacts to existing uses of the land, including recreational users. As such, this No Project/No Action Alternative could result in the conversion of 6,500 acres of land similar to under the proposed project.

### **NO PROJECT/NO ACTION ALTERNATIVE #3:**

#### **No Action on IVS Project Application and Amend the CDCA Land Use Plan to Make the Area Unavailable for Future Solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and the BLM would amend the CDCA Plan to make the proposed site unavailable for future solar development. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because the CDCA Plan would be amended to make the area unavailable for future solar development, it is expected that the site would continue to remain in its existing condition, and the conversion of 6,500 acres of land as a result of the proposed project would not occur. OHV users and recreationists would continue to be able to use the lands affected by the proposed project as is occurring under existing conditions. As a result, the use of the site is not expected to change noticeably from existing conditions and, as such, this No Project/No Action Alternative would not result in impacts from the conversion of 6,500 acres of land at the project site. However, in the absence of this

project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

## **C.8.9 CUMULATIVE IMPACT ANALYSIS**

---

### **C.8.9.1 AGRICULTURAL LANDS AND RANGELANDS**

#### **Geographic Extent**

The geographic scope for the analysis of cumulative impacts related to agricultural lands and rangelands includes agricultural land within Imperial County and rangeland under BLM jurisdiction throughout the Imperial Valley region. Cumulative impacts include the conversion of agricultural land and/or rangelands that would conflict with existing land uses. Projects related to agriculture and rangelands consist of all construction activities, and residential, and industrial developments within the region. For the purpose of this analysis, in addition to the projects listed in **Cumulative Impacts Tables 2 and 3**, data obtained from the NRCS, the U.S. Census, and the BLM's online GIS maps were considered when identifying activities that could contribute to cumulative impacts.

#### **Existing Cumulative Conditions**

A wide variety of past and present development projects contribute to the cumulative conditions for agricultural lands. As noted above in the "Setting and Existing Conditions" subsection for agricultural lands, the majority of the county's agricultural land is surrounded by the county's largest urban areas. According to the U.S. Census, from 1990 to 2000 the population of El Centro increased by 20.5%, and from 2000 to 2007 the population increased by 4.8% (U.S. Census 2009). This is an example of the steady growth rate that has occurred throughout this portion of Imperial County. As a result, past and present residential, commercial, and industrial development has contributed to the conversion of existing rural and open space land uses, including agriculture, to other land uses.

In regard to rangeland, no allotments are located within Imperial County. The BLM rangeland allotments closest to the project site are in San Diego County throughout the areas between the Cleveland National Forest, Cuyamaca Rancho State Park, and Anza-Borrego Desert State Park. Otherwise, a number of rangeland allotments are located in Riverside County near the California-Arizona border. Past and present projects contribute to the cumulative conditions for rangelands, including industrial and military developments.

#### **Future Foreseeable Projects**

##### **Foreseeable Projects in the Plaster City Area**

According to **Cumulative Impacts Figure 3** and **Cumulative Impacts Table 3**, about 12 multiple mixed-used developments have been proposed for approximately 1,200 acres of undeveloped and agricultural land in El Centro east of the proposed project site.

## **Foreseeable Renewable Projects in the California Desert**

As shown in **Cumulative Impacts Tables 1 and 2** renewable energy projects are proposed throughout the California desert lands. According to **Cumulative Analysis Table 1**, a total of 72 projects and 649,440 acres of solar energy and 61 projects and 433,721 acres of wind energy are currently proposed for development in the California desert lands. This represents a worst-case scenario and not all of these projects would be ultimately developed. In addition, according to the BLM's online GIS data, one proposed solar energy project in Riverside County may traverse the Ford Dry Lake allotment, and one solar energy project would be in the vicinity of Keoughs allotment (BLM 2009g).

### **Contribution of the IVS Project to Cumulative Impacts**

**Construction.** The construction of the IVS Project is expected to result in short term adverse impacts related to construction activities. It is expected that some of the cumulative projects described above which are not yet built may be under construction the same time as the proposed project. As a result, there may be substantial short term impacts during construction of those cumulative projects related to agricultural lands and rangelands.

The IVS Project would be expected to contribute only a small amount to the possible short term cumulative impacts related to agricultural lands due to portions of the proposed project's linear facilities that would traverse unincorporated areas of Imperial County that are designated as agricultural land. Construction of these facilities may result in impacts to surrounding agricultural land. However, the waterline and transmission line would be constructed within existing linear ROWs, and therefore, construction impacts would be temporary. In addition, the proposed project would be expected to contribute only a small amount to the possible short term cumulative impacts related to rangelands since few solar or wind energy applications have been proposed in or near designated allotments.

**Operation.** The operation of the IVS Project is expected to result in long term adverse impacts during operation of the project related to agricultural lands and rangelands. It is expected that some of the cumulative projects described above may be operational at the same time as the proposed project. As a result, there may be substantial long term impacts during operation of those cumulative projects related to agricultural lands and rangelands.

The proposed project could contribute substantially to these possible long term operational cumulative impacts related to agricultural lands and rangelands since the proposed project would convert approximately 1,391 acres of agricultural land to a nonagricultural use. The cumulative impacts of additional development projects that would convert the county's agricultural land to non-agricultural uses and conflict with agricultural operations could be cumulatively considerable over time. However, all development projects must go through environmental review and be in compliance with all applicable LORS. In particular, the Imperial County Agricultural Element states that agricultural production has been the county's major economic industry throughout the 1900s and in recognition of the importance of agricultural production and the potential threats to continued success, the County Board of Supervisors directed that an Agricultural Element be developed (Imperial County 1996). Although, the proposed project by itself would not

convert a significant amount of agricultural land to nonagricultural uses, the conversion of lands due to past and present projects, and the potential development of the approximately 1 million acres of land in the southern California desert, would all combine to result in adverse effects on agricultural lands (one of the state's most important resources). Therefore, although the development of renewable resources in compliance with federal and state mandates is important and required, the conversion of thousands of acres of open space (including areas with high soil quality and agricultural resources) would result in a significant and unavoidable cumulative impact under CEQA.

**Decommissioning.** The decommissioning of the IVS Project is expected to result in adverse impacts related to agricultural lands and rangelands similar to construction impacts. It is unlikely that the construction or decommissioning of any of the cumulative projects would occur concurrently with the decommissioning of this project, because the decommissioning is not expected to occur for approximately 40 years. As a result, there may not be impacts related to agricultural lands and rangelands during decommissioning of the IVS Project generated by the cumulative projects. However, due to the temporary nature of decommissioning activities and the eventual return of the lands to their current state, the effects of decommissioning on agricultural lands and rangelands is not expected to be adverse. Therefore, impacts of the decommissioning of the IVS Project would not be expected to contribute to cumulative impacts related to agricultural lands and rangelands.

## **C.8.9.2 WILDERNESS AND RECREATION**

### **Geographic Extent**

The geographic scope for the analysis of cumulative impacts related to wilderness and recreation includes the local and regional wilderness areas and recreation facilities in the Imperial Valley. Recreational facilities primarily include OHV and camping sites located throughout the county. Likewise, wilderness areas are located throughout Imperial County and in San Diego County, a number of which are also designated as ACECs.

### **Existing Cumulative Conditions**

Existing recreation and wilderness areas throughout the county are abundant and maintained by the BLM and California State Parks. However, past and present developments, in particular Department of Defense sites, occupy significant portions of open space areas throughout the county which preclude recreation activities.

### **Future Foreseeable Projects**

#### **Foreseeable Projects in the Plaster City Area**

Proposed projects in the vicinity of the IVS Project site and Plaster City include the West-Wide Energy Corridor, which generally follows State Highway 8 eastward from the San Diego–Imperial County border to the edge of the Yuha Basin. As a result, in addition to the proposed project, a wind energy development project is proposed immediately east of the IVS Project, the Mount Signal Solar Power Station is proposed northeast of the project site, and the Sunrise Powerlink Project follows the entire length of the

proposed energy corridor and westward into San Diego County and eastward through southern Arizona. Additional projects include a 225-mile pedestrian fence along the U.S.-Mexico border, and mixed-use developments.

### **Foreseeable Renewable Projects in the California and Arizona Desert**

As shown in **Cumulative Impacts Tables 1 and 2** renewable energy projects are proposed throughout the BLM's California Desert District. According to **Cumulative Analysis Table 1**, a total of 72 projects and 649,440 acres of solar energy and 61 projects and 433,721 acres of wind energy are proposed for development.

### **Contribution of the IVS Project to Cumulative Impacts**

**Construction.** The construction of the IVS Project is expected to result in short term adverse impacts related to construction activities. It is expected that some of the cumulative projects described above which are not yet built may be under construction the same time as the IVS Project. As a result, there may be substantial short term impacts during construction of those cumulative projects related to wilderness and recreation resources.

The IVS Project could contribute substantially to these possible short term cumulative impacts related to wilderness and recreation resources since there are many past, present, or reasonably foreseeable future actions that contribute to impacts to recreation and wilderness areas. Regionally, there have been both positive and negative impacts to recreational and wilderness resources as a result of development projects within Imperial Valley. Development of highway access to the region has provided direct vehicular access to open desert scenery for residents throughout Southern California. This increased access improved the recreational experience for some users by making the area more accessible and detracted from the recreational experience for other users who preferred remote camping, hiking, and hunting away from populated areas. Presently, as noted above, numerous energy-related development projects, including the proposed project, would remove large acreages of land from potential recreational use, and would have adverse effects on the viewscape that would result in some users seeking out other areas of the desert for their activities (see the cumulative analysis in the **Visual Resources** section). Similarly, within wilderness areas, the attraction of hiking, camping, and other outdoor activities is likely to decrease due to the increased large-scale construction of industrial uses in the region, and its consequent impact of development on the viewscape. The combined effect of construction of past, present, and proposed and reasonably foreseeable projects in the Imperial Valley would adversely affect recreation and wilderness resources. Therefore, the cumulative effect of would be significant and unavoidable under CEQA.

**Operation.** The operation of the IVS Project is expected to result in long term adverse impacts during operation of the project related to wilderness and recreation resources. It is expected that some of the cumulative projects described above may be operational at the same time as the IVS Project. As a result, there may be substantial long term impacts during operation of those cumulative projects related to wilderness and recreation resources.



The IVS Project could contribute substantially to these possible long term operational cumulative impacts related to wilderness and recreation resources because the proposed project would permanently change the nature of land use at the proposed project site from Government Special Public Limited Use interspersed with private parcels that are zoned for Open Space, to an intensive utility for the generation of power. The combined effect of the overall cumulative past, present, and proposed and reasonably foreseeable projects in the Imperial Valley would adversely affect wilderness and recreation resources. Therefore, the cumulative effect of would be significant and unavoidable under CEQA.

**Decommissioning.** The decommissioning of the IVS Project is expected to result in adverse impacts related to wilderness and recreation resources similar to construction impacts. It is unlikely that the construction or decommissioning of any of the cumulative projects would occur concurrently with the decommissioning of this project, because the decommissioning is not expected to occur for approximately 40 years. As a result, there may not be impacts related to wilderness and recreation resources during decommissioning of the IVS Project generated by the cumulative projects. However, due to the temporary nature of decommissioning activities and the eventual return of the lands to their current state, the impacts of the decommissioning of the IVS Project would not be expected to contribute to cumulative impacts related to wilderness and recreation resources. Therefore, the effects of decommissioning on wilderness and recreation resources are not expected to be adverse.

### **C.8.9.3 HORSES AND BURROS**

#### **Geographic Extent**

As there are no HMAs or HAs in the immediate vicinity of the proposed project site, the geographic scope for the analysis of cumulative impacts related to horses and burros includes the Imperial Valley region. Cumulative impacts would result in changes in the existing environment which, due to their nature or location, would result in interference with BLM's management of HMAs. The cumulative analysis of wild horses and burros was conducted using BLM maps of HMAs and HAs.

#### **Existing Cumulative Conditions**

The Chocolate-Mule Mountains HMA is the closest management area, which is located approximately 58 miles northeast of the project site near the California-Arizona border. This area is not notable for significant past or present development.

#### **Future Foreseeable Projects**

##### **Foreseeable Projects in the Plaster City Area**

As no HMAs or HAs are in the vicinity of the proposed project, it is unlikely that future projects in the Plaster City area would impact horses or burros.

##### **Foreseeable Renewable Projects in the California and Arizona Desert**

As shown in **Cumulative Impacts Figures 1 and 2**, two energy applications are proposed in areas surrounding the Chocolate-Mule Mountains HMA.

## **Contribution of the IVS Project to Cumulative Impacts**

**Construction.** The construction of the IVS Project is expected to result in short term adverse impacts related to construction activities. It is expected that some of the cumulative projects described above which are not yet built may be under construction the same time as the SES Solar Two Project. As a result, there may be substantial short term impacts during construction of those cumulative projects related to horses and burros.

The IVS Project would be expected to contribute only a small amount to the possible short term cumulative impacts related to horses and burros because authorized and unauthorized vehicle use, and construction of utility rights-of-way could impact horses and burros by removal of vegetation utilized for forage and the danger of vehicles colliding with burros. However, in areas of close proximity to HMAs or HAs, development projects would be required to consider impacts related to wild horses and burros. Therefore, cumulative constructions impacts would not be adverse.

**Operation.** The operation of the IVS Project is expected to result in long term adverse impacts during operation of the project related to horses and burros. It is expected that some of the cumulative projects described above may be operational at the same time as the IVS Project. As a result, there may be substantial long term impacts during operation of those cumulative projects related to horses and burros.

The proposed project would be expected to contribute only a small amount to these possible long term operational cumulative impacts related to horses and burros because the impact of the proposed and probable development projects would cumulatively remove and isolate potential grazing sites for burros. In addition, maintenance activities could impact horses due to the danger of vehicles colliding with burros. However, in areas of close proximity to HMAs or HAs, development projects would be required to consider impacts related to wild horses and burros. Therefore, cumulative impacts would not be adverse.

**Decommissioning.** The decommissioning of the IVS Project is expected to result in adverse impacts related to horses and burros similar to construction impacts. It is unlikely that the construction or decommissioning of any of the cumulative projects would occur concurrently with the decommissioning of this project, because the decommissioning is not expected to occur for approximately 40 years. As a result, there may not be impacts related to horses and burros during decommissioning of the IVS Project generated by the cumulative projects. However, given the temporary nature of decommissioning activities and the eventual return of the lands to their current state, the impacts of the decommissioning of the proposed project would not be expected to contribute to cumulative impacts related to horses and burros. Therefore, the effects of decommissioning on horses and burros is not expected to be adverse.

### **C.8.9.4 LAND USE COMPATIBILITY AND LORS COMPLIANCE**

#### **Geographic Extent**

The geographic scope for the analysis of cumulative impacts related to land use compatibility and LORS compliance are the local and regional communities and sensitive receptors. Cumulative impacts could result from the physical division of an established

community or from conflict with any applicable land use plan, policies, or regulation adopted for the purpose of avoiding or mitigating environmental impacts.

### **Existing Cumulative Conditions**

Past and present projects occurring in the vicinity of the proposed project site include recreational activities proposed by the BLM, quarry activities in Plaster City, and development of the existing state prison.

### **Future Foreseeable Projects**

#### **Foreseeable Projects in the Plaster City Area**

Proposed projects in the vicinity of the IVS Project site and Plaster City include the West-Wide Energy Corridor, which generally follows the State Highway 8 eastward from the San Diego-Imperial County border to the edge of the Yuha Basin. As a result, in addition to the proposed project, a wind energy development project immediately east of IVS and the Mount Signal Solar Power Station, northeast of the project site, are proposed for development. The Sunrise Powerlink Project follows the entire length of the proposed energy corridor and westward into San Diego County and eastward through southern Arizona. Additional projects include a 225-mile pedestrian fence along the U.S.-Mexico border, and mixed-use developments.

#### **Foreseeable Renewable Projects in the California and Arizona Desert**

As shown in **Cumulative Impacts Tables 1 and 2** renewable energy projects are proposed throughout the BLM's California Desert District. According to **Cumulative Analysis Table 1**, a total of 72 projects and 649,440 acres solar energy and 61 projects and 433,721 acres of wind energy are proposed for development.

### **Contribution of the IVS Project to Cumulative Impacts**

**Construction.** The construction of the IVS Project is expected to result in short term adverse impacts related to construction activities. It is expected that some of the cumulative projects described above which are not yet built may be under construction the same time as the IVS Project. As a result, there may be substantial short term impacts during construction of those cumulative projects related to land use compatibility and LORS compliance.

The proposed developments near the project site that would have the potential to induce cumulative impacts include a wind energy generation project, a solar energy generation project, the Sunrise Powerlink Project, and numerous mixed-use developments. However, in consideration of cumulative land use compatibility impacts, the implementation of renewable projects in Southern California would occur mostly in undeveloped desert lands or areas of rural development, and would not create physical divisions of established residential communities. Therefore, IVS Project would be expected to contribute only a small amount to the possible short term cumulative impacts related to land use compatibility and LORS compliance.

**Operation.** The operation of the IVS Project is expected to result in long term adverse impacts during operation of the project related to land use compatibility and LORS

compliance. It is expected that some of the cumulative projects described above may be operational at the same time as the IVS Project. As a result, there may be substantial long term impacts during operation of those cumulative projects related to land use compatibility and LORS compliance.

The IVS Project could contribute substantially to these possible long term operational cumulative impacts related to land use compatibility and LORS compliance because as noted above, over 1 million acres of land are proposed for solar and wind energy development in the southern California desert lands. The conversion of these lands would permanently preclude numerous existing land uses including recreation, wilderness, rangeland, and open space, and therefore, result in a significant cumulative impact.

**Decommissioning.** The decommissioning of the IVS Project is expected to result in adverse impacts related to land use compatibility and LORS compliance similar to construction impacts. It is unlikely that the construction or decommissioning of any of the cumulative projects would occur concurrently with the decommissioning of this project, because the decommissioning is not expected to occur for approximately 40 years. As a result, there may not be impacts related to land use compatibility and LORS compliance during decommissioning of the IVS Project generated by the cumulative projects. However, given the temporary nature of decommissioning activities and the eventual return of the lands to their current state, the impacts of the decommissioning of the proposed project would not be expected to contribute to cumulative impacts related to land use compatibility and LORS compliance. Therefore, the effects of decommissioning on land use compatibility and LORS compliance is not expected to be adverse.

## **C.8.10 COMPLIANCE WITH LORS**

---

A detailed discussion of the proposed project's compliance with LORS applicable to land use, recreation, and wilderness is provided above in subsection C.8.4.2, and **Land Use Table 3** (Project Compliance with Adopted Land Use LORS).

## **C.8.11 NOTEWORTHY PUBLIC BENEFITS**

---

The proposed project would permanently change the nature of land use at the project site from publicly- and privately-owned open space lands, to an intensive utility for the generation of power. Therefore, from a land use perspective, development of the proposed project would not result in any noteworthy public benefits because:

- the IVS Project site would be developed with 30,000 SunCatchers and associated ancillary facilities and linears, which would result in approximately 2,747 acres of total permanent surface disturbance. Construction would result in temporary surface disturbance of approximately 3,000 acres. Once constructed, the IVS Project would result in the total conversion of 6,140 acres in the Government Special Public zone of the Ocotillo/Nomirage Planning Area from BLM-administered public land Open Space land use, to solar energy capture and energy conversion apparatus, attendant outbuildings, supporting structures, roadways, and parking lots;

- the proposed project would affect both private lands within the jurisdiction of Imperial County and BLM-administered public lands under the jurisdiction of the BLM; and
- there would be a loss of recreational use at the project site that is used for dispersed camping and associated OHV use.

Therefore, although the development of the proposed project is intended to address the requirements of federal and state mandates for renewable energy, the land conversion and associated land use impacts would not yield any noteworthy public benefits related to land use, recreation, or wilderness.

## **C.8.12 RESPONSE TO COMMENTS**

---

Responses to comments provided on the **Land Use** section of the SA/DEIS are provided below. Note that comments have been summarized by the types of issues raised in the comments.

### **C.8.12.1 PUBLIC AGENCY COMMENTS**

**Comment:** Comments on the **Land Use** section were provided stating the proposed project is inconsistent with federal plans and policies, including the FLMPA, the CDCA, and BLM's Class L Designation.

**Response:** Staff believes the analysis adequately analyzes the project's applicable federal LORS, and provides a detailed analysis and sound reasoning for staff's LORS consistency conclusions as presented in **Land Use Table 3** in the **Assessment of Impacts and Discussion of Mitigation** subsection.

**Comment:** Comments were provided by Imperial County and by members of the public stating the proposed project is inconsistent with the county's General Plan and zoning designations.

**Response:** As presented in **Land Use Table 3**, the proposed project would be inconsistent with the S-2 zoning designation and would not adhere to the criteria for the Similarity in Use finding, and therefore, would result in significant and unavoidable impacts related to LORS noncompliance. In the county's comments dated May 27, 2010, they stated the proposed project has not been specifically considered similar in the Government Special Public or S-2 Zones, and past solar projects that have been considered similar did not involve the development of 6,500 acres of 30,000 SunCatcher type solar thermal technology. As such, under the Land Use Ordinance the applicant would be required to go through a similarity of use process, or the applicant could request that the CEC exercise its authority to override local government LORS (Imperial County 2010).

**Comment:** Comments were provided by the National Park Service and by members of the public requesting additional analysis on the Anza Trail, as well as specific mitigation to offset potential impacts to the trail.

**Response:** Staff has included a description of the Anza Trail in the “Setting and Existing Conditions” subsection, as well as an impact analysis in the “Assessment of Impacts and Discussion of Mitigation” subsection.

**Comment:** Comments were provided stating cumulative impacts to surrounding recreational resources would be significant due to the multiple renewable energy and transmission project proposed in the region.

**Response:** As discussed in the “Cumulative Impact Analysis” subsection, approximately one million acres of land are proposed for solar and wind energy development in the Southern California desert lands. Cumulative impacts would preclude numerous existing land uses including recreation, and therefore, would combine to result in a significant and unavoidable impact on recreational resources.

### **C.8.12.2 APPLICANT’S COMMENTS**

**Comment:** Comments were received from the project applicant stating that the proposed project would not significantly impact any designated recreation or wilderness areas established by federal, state, or local entities. In addition, the applicant stated that the Multiple Use Class L allows for low to moderate intensity recreational activities, such as backpacking, camping, and hiking; and that one of the goals of the Yuha Desert Management Plan is to direct OHV use away from the Yuha Desert study area.

**Response:** As stated in the analysis for impacts associated with recreation and wilderness resources, the conversion of 6,500 acres of land to support the proposed project’s components and activities would directly disrupt current recreational activities in established federal, state, and local recreation areas and would result in adverse effects on recreational users of these lands. In addition, as discussed in the “Cumulative Impact Analysis” subsection, approximately one million acres of land are proposed for solar and wind energy development in the Southern California desert lands. Cumulative impacts would preclude numerous existing land uses including recreation, and therefore, would combine to result in a significant and unavoidable impact on recreational resources.

The National Park Service also provided comments stating that the Yuha Desert and Anza Trail would be irrevocably changed by the proposed project, and has requested that the direct and indirect impacts be mitigated through a comprehensive Interpretive Plan and re-evaluation of the Anza Recreational Trail.

**Comment:** Comments were provided stating the proposed project would not conflict with Imperial County’s S-2 Open Space/Preservation designation.

**Response:** In the county’s comments dated May 27, 2010, they stated the proposed project has not been specifically considered similar in the Government Special Public or S-2 Zones. As such, under the Land Use Ordinance the applicant would be required to go through a similarity of use process, or the applicant could request that the CEC exercise its authority to override local government LORS (Imperial County 2010).

In a letter dated June 10, 2010, the applicant acknowledged that the proposed solar facility is not an allowed use under the S-2 zone and would not qualify as a similar use. Therefore, the applicant requested that the CEC override the county's zoning and setback requirements to allow the use of the properties for a solar facility (URS 2010).

**Comment:** Comments were provided stating that the Yuha ACEC is not a congressionally designated wilderness area and should be removed from the wilderness area discussion.

**Response:** The wilderness impact analysis discusses potential impacts to special management areas designated by the BLM, including ACECs. Since this analysis was prepared as a joint CEC/BLM document, analysis of the ACEC is applicable to the recreation and wilderness analysis.

**Comment:** The applicant requested a citation for the Yuha Desert Recreation Lands in order to ascertain whether or not it is officially designated as a recreational resource by the BLM.

**Response:** The "Setting and Existing Conditions" subsection and **Land Use Table 1** describe the Yuha Desert Recreation Lands. According to the BLM during preparation of the SA/DEIS, the project site is within the Yuha Desert Recreation Lands.

**Comment:** Comments were provided stating that the Imperial County Planning Commission has adopted a resolution allowing solar power in the S-2 Zone designation pursuant to a CUP under a similarity of use. The Applicant stated that they discussed this with the county and would submit written confirmation that the proposed project would be consistent with a CUP and a similarity of use would be allowed.

**Response:** In the county's comments dated May 27, 2010, they stated the proposed project has not been specifically considered similar in the Government Special Public or S-2 Zones, and past solar projects that have been considered similar did not involve the development of 6,500 acres of 30,000 SunCatcher type solar thermal technology. Therefore, according to the county, under the Land Use Ordinance the applicant would be required to go through a similarity of use process, or the applicant could request that the CEC exercise its authority to override local government LORS.

Furthermore, the applicant has not submitted written confirmation from the county stating that the proposed project would be consistent with a CUP. Therefore, based on the county's comments and staff's analysis, the proposed project would not be consistent with county CUP provisions.

### **C.8.13      PROPOSED CONDITIONS OF CERTIFICATION/MITIGATION MEASURES**

---

**LAND-1** The project owner shall comply with the Subdivision Map Act (Pub. Resources Code Section 66410-66499.58) by adhering to the provisions of Imperial County Land Use Ordinance, Title 9, Division 8, Subdivision Ordinance, Section 90801.01 to ensure legality of parcels and site control.

**Verification:** At least 30 days prior to construction of the project, the project owner shall submit evidence to the CPM, indicating approval of the merger of parcels by Imperial County, or written approval of another process (i.e., to adjust lot lines) that is acceptable to the county. The submittal to the CPM shall include evidence of compliance with all conditions and requirements associated with the approval of the Certificate of Merger and/or Notice of Lot Line Adjustment by the county. If all parcels or portions of parcels are not owned by the project owner at the time of the merger, a separate deed shall be executed and recorded with the county recorder. A copy of the recorded deed shall be submitted to the CPM, as part of the compliance package.

### **C.8.14      CONCLUSIONS**

---

- No farmland conversion impacts are expected as a result of linear facilities' construction, and the proposed project would not involve other changes in the existing environment which could result in conversion of farmland, to non-agricultural uses.
- No conversion of rangelands would occur, and they would not be adversely affected by construction or operation of the proposed project.
- The conversion of 6,500 acres of land to support the proposed project's components and activities would directly disrupt current recreational activities in established federal, state, and local recreation areas and would result in adverse effects on recreational users of these lands.
- The permanent preclusion of the use of the existing and planned segments of the Anza Recreational Trail alignment within and near the proposed project site would result in adverse effects on recreational users of these lands. The National Park Service recommends that the alignment of both the existing and planned Anza Recreational Trail on-site and in the project vicinity be re-evaluated and re-routed to an alternate alignment to more distant and/or shielded terrain. However, the BLM has indicated that it is not in support of re-routing the Anza Recreation Trail. Given the current disagreement between the National Park Service and the BLM regarding this issue, Energy Commission staff does not believe that other feasible mitigation exists to offset the proposed project's impacts on the recreational value of the existing or planned portions of the Anza Recreation Trail.
- The Yuha ACEC and Jacumba Wilderness surrounding the project site attract visitors based on their scenic, biological, cultural, and recreational amenities. The proposed project would impact the wilderness values of these areas. However, due to the abundance of wilderness sites throughout the county, the proposed project would impact a small fraction of these lands.



- The proposed project would not contain or traverse any established BLM HAs or HMAs, and the HMA and HA are approximately 58 miles east side of the proposed project site. In addition, following construction, fencing around the site would keep any burros outside of the proposed project location. Therefore, the proposed project would not result in any interference with BLM's management of an HMA or HA.
- The proposed project would not disrupt or divide the physical arrangement of an established community.
- The applicant has submitted an application to the BLM requesting a right-of-way (ROW) to construct the proposed project and its related facilities. Pursuant to the California Desert Conservation Area (CDCA) Plan (1980, as amended), sites associated with power generation or transmission not identified in the CDCA Plan are considered through the Plan Amendment process. Under Federal law, BLM is responsible for processing requests for ROWs to authorize such proposed projects and associated transmission lines and other appurtenant facilities on land it manages. If the ROW and proposed land use plan amendment are approved by BLM, the proposed solar thermal power plant facility on public lands would be authorized in accordance with Title V of the FLMPA of 1976 and the Federal Regulations at 43 CFR part 2800.
- Based on staff's independent review of applicable federal, state, and local LORS documents, the proposed project would comply with federal LORS, and with implementation of Condition of Certification **LAND-1** the proposed project would comply with the State Subdivision Map Act. However, the inconsistency with the S-2 zoning designation is a significant and unavoidable impact under CEQA.
- For purposes of CEQA compliance, the level of significance of each impact of the proposed project on land use resources has been determined and is discussed in detail in Section C.8.4.3 (CEQA Level of Significance). In summary, impacts on agricultural lands, rangelands, and wilderness lands would be less than significant, and there would be no impacts related to Williamson Act contracts. Impacts to recreation resources would be significant and unavoidable. Impacts to horses and burros would be less than significant. LORS compliance impact would be less than significant with implementation of Condition of Certification/Mitigation Measure **LAND-1**.
- Cumulative impacts to approximately 1 million acres of land in the southern California desert would all combine to result in adverse effects on agricultural lands and recreational resources and would result in a significant and unavoidable impact. In consideration of cumulative land use compatibility impacts, the implementation of renewable projects in Southern California would occur mostly in undeveloped desert lands or areas of rural development, and therefore, would not create physical divisions of established residential communities. Nonetheless, approximately 1 million acres of land are proposed for solar and wind energy development in the Southern California desert lands. The conversion of these lands would preclude numerous existing land uses including recreation, wilderness, rangeland, and open space, and therefore, result in a significant cumulative impact.
- The land use impacts associated with the alternatives would be similar to the proposed project. Condition of Certification/Mitigation Measure **LAND-1** would be required with

each alternative, with the exception of Alternative 1, which would be constructed on BLM land only.

If the California Energy Commission and the U.S. Bureau of Land Management approve the proposed project, staff is proposing Condition of Certification/Mitigation Measure **LAND-1** to ensure that the project is constructed and operated in accordance with the Subdivision Map Act.

## **C.8.15 REFERENCES**

---

BLM 1980 – U.S. Bureau of Land Management - California Desert Conservation (CDCA) Plan, 1980 as Amended.

BLM 2010a. U.S. Bureau of Land Management – Plaster City OHV Open Area. [http://www.blm.gov/ca/st/en/fo/elcentro/recreation/ohvs/plaster\\_city.html](http://www.blm.gov/ca/st/en/fo/elcentro/recreation/ohvs/plaster_city.html). Accessed February 1, 2009.

BLM 2010b. U.S. Bureau of Land Management – Comments on the Draft SA/DEIS January 26, 2009.

BLM 2009a. U.S. Bureau of Land Management – Rangeland Administration System, <http://www.blm.gov/ras/>. Accessed May 14, 2009.

BLM 2009b. U.S. Bureau of Land Management – Jacumba Mountains Wilderness. [http://www.blm.gov/ca/st/en/fo/elcentro/recreation/poi/el\\_centropoi.html](http://www.blm.gov/ca/st/en/fo/elcentro/recreation/poi/el_centropoi.html). Accessed May 8, 2009.

BLM 2009c. U.S. Bureau of Land Management – Coyote Mountains Wilderness Area. [http://www.blm.gov/az/st/en/prog/blm\\_special\\_areas/wildareas/coyote.html](http://www.blm.gov/az/st/en/prog/blm_special_areas/wildareas/coyote.html). Accessed May 8, 2009.

BLM 2009d. U.S. Bureau of Land Management – Recreation – Off Highway Vehicles. <http://www.blm.gov/ca/st/en/fo/elcentro/recreation/ohvs.html>. Accessed May 8, 2009.

BLM 2009e. U.S. Bureau of Land Management – Wild Horses and Burros. [http://www.blm.gov/ca/st/en/prog/wild\\_horse\\_and\\_burro.1.html](http://www.blm.gov/ca/st/en/prog/wild_horse_and_burro.1.html). Accessed March 30, 2009

BLM 2009f. U.S. Bureau of Land Management – Wild Horses and Burros. [http://www.blm.gov/wo/st/en/prog/wild\\_horse\\_and\\_burro/Fact\\_Sheet/herd\\_area\\_and\\_herd.html](http://www.blm.gov/wo/st/en/prog/wild_horse_and_burro/Fact_Sheet/herd_area_and_herd.html). Accessed March 30, 2009

BLM 2009g. U.S. Bureau of Land Management – GeoCommunicator. <http://www.geocommunicator.gov/blmMap/Map.jsp?MAP=GA>. Accessed May 11, 2009.

BLM 2009h. U.S. Bureau of Land Management – Wild Horses and Burros. [http://www.blm.gov/wo/st/en/prog/wild\\_horse\\_and\\_burro.html#](http://www.blm.gov/wo/st/en/prog/wild_horse_and_burro.html#). Accessed March 30, 2009

BLM 2008. U.S. Bureau of Land Management – El Centro Field Office Eastern San Diego County Resource Management Plan and Record of Decision. <http://www>.

- blm.gov/pgdata/etc/medialib/blm/ca/pdf/elcentro/planning/2007/fesdrmp.Par.29969.File.dat/ESDC\_RMP26ROD.pdf. Accessed January 29, 2010.
- CCR 2006 – California Code of Regulations, Title 14, Chapter 3 (CEQA Guidelines), §§15000-15387, as amended July 11, 2006.
- CEC 2010 – CEC/S. Huerta. Record of Conversation – Staff and Department of Planning, County of Imperial. Dated February 2, 2010.
- CEC 2009 – CEC/S. Huerta. Record of Conversation – Staff and Department of Planning, County of Imperial. Dated May 13, 2009.
- CRS 2004 – Congressional Research Service – CRS Report for Congress. <http://www.cnire.org/NLE/CRSreports/04aug/RS21917.pdf>. Accessed May 15, 2009.
- CSP 2009. California State Park – Ocotillo Wells SVRA. [http://www.ohv.parks.ca.gov/default.asp?page\\_id=1217](http://www.ohv.parks.ca.gov/default.asp?page_id=1217). Accessed May 15, 2009.
- DOC 2006. California Department of Conservation – Imperial County Important Farmland 2006 Map. <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2006/imp06.pdf>. Accessed May 8, 2009.
- DOC 1997. California Department of Conservation, Office of Land Conservation – *California Agricultural Land Evaluation and Site Assessment Model* (Instruction Manual). 1997.
- FLPMA 2001 – Federal Land Policy and Management Act, As Amended. Revised October 2001. <http://www.blm.gov/flpma/index.html>. Accessed May 15, 2009.
- FR 2008 – Federal Register / Vol. 73, No. 202 / Friday, October 17, 2008 / Notices. Department of the Interior, Bureau of Land Management, Notice of Intent to Prepare an Environmental Impact Statement/Staff Assessment and Proposed Land Use Plan Amendment for the Proposed SES Solar Two Project, Imperial County, CA.
- Imperial County 2010. Imperial County (tn: 56956). Imperial County Planning & Development Services Response Comments. Submitted to CEC/C. Meyer/Dockets on 05/27/2010.
- Imperial County 2009. Imperial County – Planning Commission Minutes 2/25/09. <http://www.icpds.com/CMS/Media/02-25-09-PC-MINUTES.pdf>. Accessed February 2, 2010.
- Imperial County 2008a. Imperial County – General Plan, Land Use Element. Revised January 29, 2008.
- Imperial County 2008b. Imperial County – Land Use Ordinance, Title 9. Amended January 29, 2008.

- Imperial County 2007. Imperial County – General Plan, Land Use Map. Revised November 2007.
- Imperial County 2006a. General Plan – Conservation and Open Space Element. Revised October 2006.
- Imperial County 2006b. Imperial County – General Plan, Geothermal/Alternative Energy and Transmission Element. Revised October 2006.
- Imperial County 1996. Imperial County – Agricultural Element. 1996.
- IVEDC 2009 – Imperial Valley Economic Development Corporation - Recreation. <http://www.ivedc.com/?pid=46>. Accessed May 15, 2009.
- NPS 2010a. U.S. Department of the Interior, National Park Service. Comments regarding the Proposed Imperial Valley Solar Project Draft EIS – Impacts to the Anza National Historic Trail. May 4, 2010.
- NPS 2010b. U.S. Department of the Interior, National Park Service. – Juan Bautista de Anza County Maps. Site accessed at: <http://www.nps.gov/juba/planyourvisit/anza-trail-county-maps.htm>. June 17, 2010.
- NRCS 2009a – Federal Protection Policy Act- Purpose. <http://www.nrcs.usda.gov/programs/fppa/>. Accessed April 22, 2009
- NRCS 2009b – Natural Resource Conservation Service, Web Soil Survey. Site accessed at: <http://www.websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. March 30, 2009.
- ONCAP 1994. Imperial County – Ocotillo/Nomirage Community Area Plan. April 1994.
- PBS&J 2009 – PBS&J, (tn: 52157). Current Conditions of SES Solar Two, LLC. Dated June 2009. Submitted to CEC/C. Meyer/Dockets on 06/25/2009.
- PRIA 1978 – United States Forest Service – Public Rangelands Improvement Act. <http://www.fs.fed.us/rangelands/whoweare/lawsregs.shtml>. Accessed March 15, 2009.
- SES 2009 – SES Solar Two, LLC/URS/A. Leiba (tn: 51828). In Response to CEC and BLM Data Requests, Set 2, Part 1. Dated June 5, 2009. Submitted to CEC/C. Meyer/Dockets on 06/05/2009.
- SES 2008a – SES Solar Two, LLC/SES/R. Liden (tn:46819 ). Submittal of the Application for Certification for the SES Solar Two, LLC Project. Dated June 30, 2008. Submitted to CEC/E. Allen/Dockets on 06/30/2008.
- SES 2008b – SES Solar Two, LLC/SES/A. Leiba (tn:49322). Submittal of the Response to Data Requests 1-52 for the SES Solar Two, LLC Project. Dated December 8 2008. Submitted to CEC/C. Meyer/Dockets on 12/8/2008.

U.S. Code 2009 – Cornell University Law School – U.S. Code Collection. [http://www.law.cornell.edu/uscode/16/usc\\_sec\\_16\\_00001131----000-.html](http://www.law.cornell.edu/uscode/16/usc_sec_16_00001131----000-.html). Accessed May 11, 2009.

U.S. Census Bureau 2009 – Population Finder. El Centro, California. [http://factfinder.census.gov/servlet/SAFFPopulation?\\_event=ChangeGeoContext&geo\\_id=16000US0621782&\\_geoContext=&\\_street=&\\_county=el+centro%2C+ca&\\_cityTo wn=el+centro%2C+ca&\\_state=&\\_zip=&\\_lang=en&\\_sse=on&ActiveGeoDiv=&\\_useEV=&pctxt=fph&pgsl=010&\\_submenuId=population\\_0&ds\\_name=null&ci\\_nbr=null&q\\_r\\_name=null&reg=null%3Anull&\\_keyword=&\\_industry=](http://factfinder.census.gov/servlet/SAFFPopulation?_event=ChangeGeoContext&geo_id=16000US0621782&_geoContext=&_street=&_county=el+centro%2C+ca&_cityTo wn=el+centro%2C+ca&_state=&_zip=&_lang=en&_sse=on&ActiveGeoDiv=&_useEV=&pctxt=fph&pgsl=010&_submenuId=population_0&ds_name=null&ci_nbr=null&q_r_name=null&reg=null%3Anull&_keyword=&_industry=). Accessed April 22, 2009.

URS 2010. URS Corporation – Applicant’s Brief Regarding Land Use Issues. Submitted to CEC/C. Meyer on 06/10/2010.

UTV 2009 – UTV Industry News. *California Desert Receives \$8.3 million OHV Grant*. <http://www.utvguide.net/news/2009/07/>. Accessed September 28, 2009.

YDMP 1985 – Bureau of Land Management – Yuha Desert Management Plan. March 1985.

## Appendix LU-1 – LESA Model Worksheets

The California Agricultural LESA Model is composed of six different factors. Two "Land Evaluation" factors are based upon measures of soil resource quality. Four "Site Assessment" factors provide measures of a given project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. For a given project, each of these factors is separately rated on a 100 point scale. The factors are then weighted relative to one another and combined, resulting in a single numeric score for a given project, with a maximum attainable score of 100 points. It is this project score that becomes the basis for making a determination of a project's potential significance, based upon a range of established scoring thresholds. The California Agricultural LESA Instruction Manual found at the California Department of Conservation, Division of Land Resource Protection website provides detailed instructions on how to complete the LESA worksheet.

### **Calculation of the Land Evaluation (LE) Score**

#### **Part 1. Land Capability Classification (LCC) Score**

- (1) Determine the total acreage of the project.
- (2) Determine the soil types within the project area and enter them in **Column A** of the **Land Evaluation Worksheet** provided on page A-2.
- (3) Calculate the total acres of each soil type and enter the amounts in **Column B**.
- (4) Divide the acres of each soil type (**Column B**) by the total acreage to determine the proportion of each soil type present. Enter the proportion of each soil type in **Column C**.
- (5) Determine the LCC for each soil type from the applicable Soil Survey and enter it in **Column D**.
- (6) From the LCC Scoring Table below, determine the point rating corresponding to the LCC for each soil type and enter it in **Column E**.

#### **LCC Scoring Table**

LCC Class	I	Ile	Ils, w	IIle	IIIs, w	IVe	IVs, w	V	Vle, s, w	Vlle, s, w	VIII
Points	100	90	80	70	60	50	40	30	20	10	0

- (7) Multiply the proportion of each soil type (**Column C**) by the point score (**Column E**) and enter the resulting scores in **Column F**.
- (8) Sum the LCC scores in **Column F**.
- (9) Enter the LCC score in box <1> of the Final LESA Score Sheet on page A-10.

#### **Part 2. Storie Index Score**

- (1) Determine the Storie Index rating for each soil type and enter it in **Column G**.
- (2) Multiply the proportion of each soil type (**Column C**) by the Storie Index rating (**Column G**) and enter the scores in **Column H**.
- (3) Sum the Storie Index scores in **Column H** to gain the Storie Index Score.
- (4) Enter the Storie Index Score in box <2> of the Final LESA Score Sheet on page A-10.

**Land Evaluation Worksheet**  
**Land Capability Classification (LCC) and Storie Index Scores**

A	B	C	D	E	F	G	H
Soil Map Unit	Project Acres	Proportion of Project Area	LCC	LCC Rating	LCC Score	Storie Index	Storie Index Score
101	205.3	0.117	7e	10	1.17	90	10.50
102	6.9	0.004	N/A	0	0.00	N/A	0.00
110	1.3	0.001	7w	10	0.01	50	0.04
119	15.4	0.009	7e	10	0.09	90	0.79
120	165.3	0.094	7e	10	0.94	N/A	0.00
121	41.3	0.023	7e	10	0.23	30	0.70
124	49	0.028	7e	10	0.28	30	0.84
126	2.6	0.001	7e	10	0.01	30	0.04
127	197.8	0.112	7e	10	1.12	50	5.62
130	551.1	0.313	7e	10	3.13	50	15.66
132	104	0.059	7e	10	0.59	50	2.96
138	417.7	0.237	7e	10	2.37	70	16.62
142	1.7	0.001	7w	10	0.01	70	0.07
<b>Totals</b>	<b>1,759.40</b>	<b>1.00</b>	<b>LCC Total Score</b>		<b>9.96</b>	<b>Storie Index Total Score</b>	<b>53.84</b>

(Must Sum To 1.0)

**Site Assessment Worksheet 1.**  
**Project Size Score**

I	J	K
LCC Class I - II	LCC Class III	LCC Class IV- VIII
		205.3
		N/A
		1.3
		15.4
		165.3
		41.3
		49
		2.6
		197.8
		551.1
		104
		417.7
		1.7
<b>Total Acres</b>		<b>1752.5</b>
<b>Project Size Scores</b>		<b>100</b>
<b>Highest Project Size Score</b>	<b>100</b>	

## **Calculation of the Site Assessment (SA) Score**

### **Part 1. Project Size Score**

- (1) Using **Site Assessment Worksheet 1** provided on page A-2, enter the acreage of each soil type from **Column B** in the **Column I, J or K** that corresponds to the LCC for that soil. (Note: While the Project Size Score is a component of the Site Assessment calculations, the score sheet is an extension of data collected in the Land Evaluation Worksheet, and is therefore displayed beside it.)
- (2) Sum **Column I** to determine the total amount of class I and II soils on the project site.
- (3) Sum **Column J** to determine the total amount of class III soils on the project site.
- (4) Sum **Column K** to determine the total amount of class IV and lower soils on the project site.
- (5) Compare the total score for each LCC group in the Project Size Scoring Table below and determine which group receives the highest score.

### **Project Size Scoring Table**

Class I or II			Class III			Class IV or Lower	
Acreage	Points		Acreage	Points		Acreage	Points
>80	100		>160	100		>320	100
60-79	90		120-159	90		240-319	80
40-59	80		80-119	80		160-239	60
20-39	50		60-79	70		100-159	40
10-19	30		40-59	60		40-99	20
10<	0		20-39	30		40<	0
			10-19	10			
			10<	0			

- (6) Enter the **Project Size Score** (the highest score from the three LCC categories) in box <3> of the Final LESA Score Sheet on page A-10.



## **Part 2. Water Resource Availability Score**

- (1) Determine the type(s) of irrigation present on the project site, including a determination of whether there is dry land agricultural activity as well.
- (2) Divide the site into portions according to the type or types of irrigation or dry land cropping that is available in each portion. Enter this information in **Column B** of **Site Assessment Worksheet 2 - Water Resources Availability** provided on page A-5.
- (3) Determine the proportion of the total site represented for each portion identified, and enter this information in **Column C**.
- (4) Using the Water Resources Availability Scoring Table provided on page A-6, identify the option that is most applicable for each portion, based upon the feasibility of irrigation in drought and non-drought years, and whether physical or economic restrictions are likely to exist. Enter the applicable Water Resource Availability Score into **Column D**.
- (5) Multiply the Water Resource Availability Score for each portion by the proportion of the project area it represents to determine the weighted score for each portion in **Column E**.
- (6) Sum the scores for all portions to determine the project's total Water Resources Availability Score.
- (7) Enter the Water Resource Availability Score in box <4> of the Final LESA Score Sheet on page A-10.

**Site Assessment Worksheet 2.**  
**Water Resource Availability**

A	B	C	D	E
Project Portion	Water Source	Proportion of Project Area	Water Availability Score	Weighted Availability Score (C x D)
1	Colorado River Basin	1	0	0
2				
3				
4				
5				
6				
		1.00	<b>Total Water Resource Score</b>	0.00
		(Must Sum to 1.0)		

**Water Resource Availability Scoring Table**

Option	Non-Drought Years				Drought Years			WATER RESOURCE SCORE
	RESTRICTIONS				RESTRICTIONS			
	Irrigated Production Feasible?	Physical Restrictions ?	Economic Restrictions ?		Irrigated Production Feasible?	Physical Restrictions ?	Economic Restrictions?	
1	YES	NO	NO		YES	NO	NO	100
2	YES	NO	NO		YES	NO	YES	95
3	YES	NO	YES		YES	NO	YES	90
4	YES	NO	NO		YES	YES	NO	85
5	YES	NO	NO		YES	YES	YES	80
6	YES	YES	NO		YES	YES	NO	75
7	YES	YES	YES		YES	YES	YES	65
8	YES	NO	NO		NO	--	--	50
9	YES	NO	YES		NO	--	--	45
10	YES	YES	NO		NO	--	--	35
11	YES	YES	YES		NO	--	--	30
12	Irrigated production not feasible, but rainfall adequate for dry land production in both drought and non-drought years.							25
13	Irrigated production not feasible, but rainfall adequate for dry land production in non-drought years but not in drought years).							20
14	Neither irrigated nor dry land production feasible.							0

### Part 3. Surrounding Agricultural Land Use Score

- (1) Calculate the project's Zone of Influence (ZOI) as follows:
  - (a) a rectangle is drawn around the project such that the rectangle is the smallest that can completely encompass the project area.
  - (b) a second rectangle is then drawn which extends one quarter mile (1,320 feet) on all sides beyond the first rectangle.
  - (c) The ZOI includes all parcels that are contained within or are intersected by the second rectangle, less the area of the project itself.
- (2) Sum the area of all parcels to determine the total acreage of the ZOI.
- (3) Determine which parcels are in agricultural use and sum the areas of these parcels.
- (4) Divide the area in agriculture found in step (3) by the total area of the ZOI found in step (2) to determine the percent of the ZOI that is in agricultural use.
- (5) Determine the Surrounding Agricultural Land Score utilizing the Surrounding Agricultural Land Scoring Table below.

#### Surrounding Agricultural Land Scoring Table

Percent of ZOI in Agriculture	Surrounding Agricultural Land Score
90-100	100
80-89	95
70-79	90
65-69	85
60-64	80
55-59	70
50-54	60
45-49	50
40-44	40
35-39	30
30-34	20
20-29	10
<19	0

- (6) Enter the Surrounding Agricultural Land Score in box <5> of the Final LESA Score Sheet on page A-10.

#### Part 4. Surrounding Protected Resource Land Score

The Surrounding Protected Resource Land scoring relies upon the same Zone of Influence information gathered in Part 3, and figures are entered in Site Assessment Worksheet 3, which combines the surrounding agricultural and protected lands calculations.

- (1) Use the total area of the ZOI calculated in Part 3 for the Surrounding Agricultural Land Use score.
- (2) Sum the area of those parcels within the ZOI that are protected resource lands, as defined in the LESA Instruction Manual (e.g., Williamson Act contracted lands, publicly owned lands maintained as park, forest, or watershed resources).
- (3) Divide the area that is determined to be protected in step (2) by the total acreage of the ZOI to determine the percentage of the surrounding area that is under resource protection.
- (4) Determine the Surrounding Protected Resource Land Score utilizing the Surrounding Protected Resource Land Scoring Table below.

**Surrounding Protected Resource Land Scoring Table**

Percent of ZOI Protected	Protected Resource Land Score
90-100	100
80-89	95
70-79	90
65-69	85
60-64	80
55-59	70
50-54	60
45-49	50
40-44	40
35-39	30
30-34	20
20-29	10
<20	0

- (5) Enter the Surrounding Protected Resource Land score in box <6> of the Final LESA Score Sheet on page A-10.

**Site Assessment Worksheet 3.**

**Surrounding Agricultural Land and Surrounding Protected Resource Land**

A	B	C	D	E	F	G
Zone of Influence					Surrounding Agricultural Land Score (from table on page A-7)	Surrounding Protected Resource Land Score (from table on page A-8)
Total Acres	Acres in Agriculture	Acres of Protected Resource Land	Percent in Agriculture (B/A)	Percent Protected Resource Land (C/A)		
10,900	160	0	1%	0	0	0

\* The total number and percentage of acres in agriculture are based on the March 20, 2008 letter (pg. 3) from the San Luis Obispo County Agriculture Department, which states their LESA model assumed that surrounding agriculture is >90%.

## Final LESA Score Sheet

### Calculation of the Final LESA Score

- (1) Multiply each factor score by the factor weight to determine the weighted score and enter in Weighted Factor Scores column.
- (2) Sum the weighted factor scores for the LE factors to determine the total LE score for the project.
- (3) Sum the weighted factor scores for the SA factors to determine the total SA score for the project.
- (4) Sum the total LE and SA scores to determine the Final LESA Score for the project.

		Factor Scores	Factor Weight	Weighted Factor Scores
<b><u>LE Factors</u></b>				
Land Capability Classification (see page A-2)	<1>	9.96	0.25	2.49
Storie Index Rating (see page A-2)	<2>	53.84	0.25	13.46
<b>LE Subtotal</b>			<b>0.50</b>	<b>15.95</b>
<b><u>SA Factors</u></b>				
Project Size (see page A-2)	<3>	100	0.15	15
Water Resource Availability (see page A-5)	<4>	0	0.15	0
Surrounding Agricultural Land (see page A-9)	<5>	0	0.15	0
Surrounding Protected Resource Land (see page A-9)	<6>	0	0.05	0
<b>SA Subtotal</b>			<b>0.50</b>	<b>15</b>
<b>Final LESA Score</b>				<b>30.95</b>

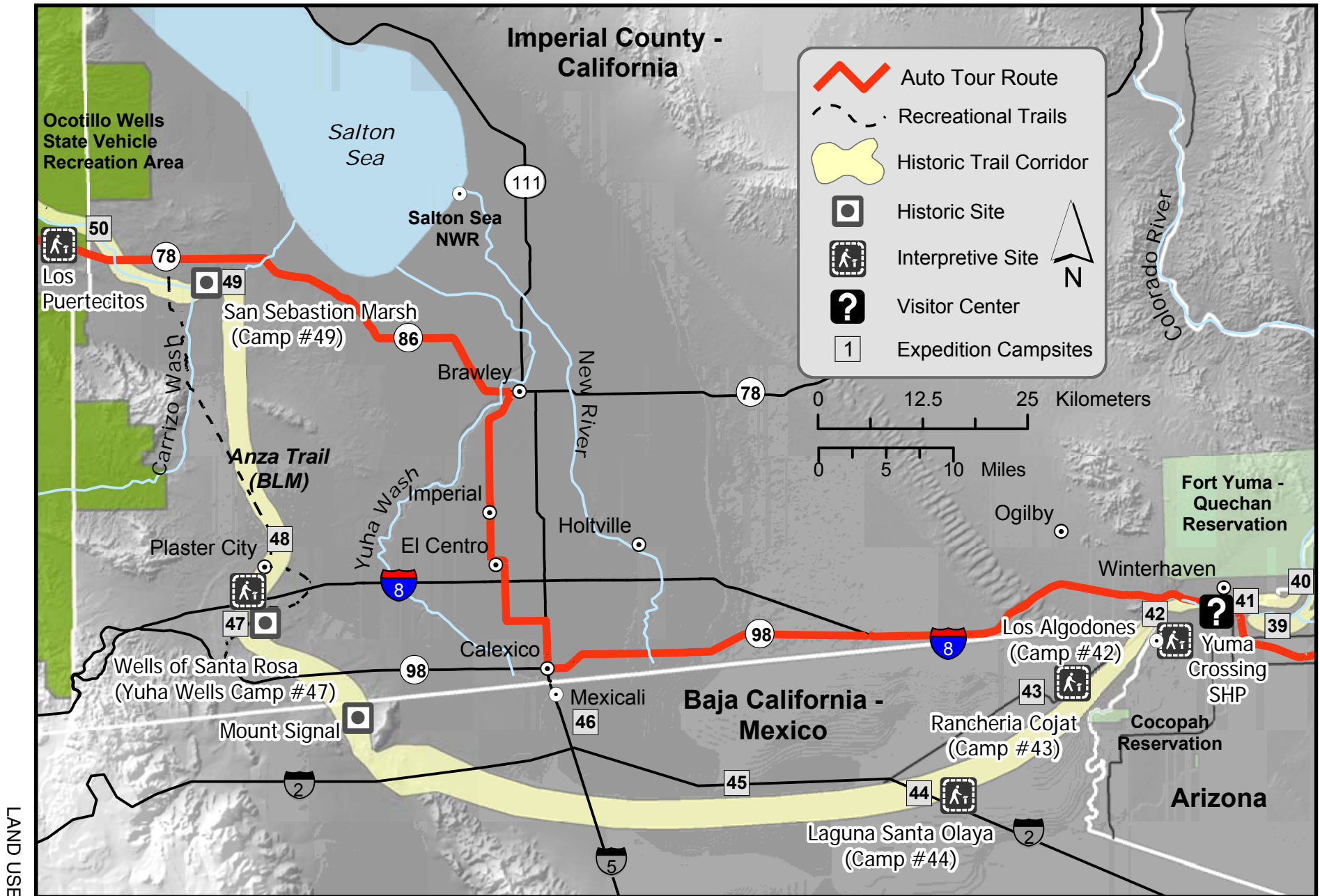
### California Agricultural LESA Scoring Thresholds

Total LESA Score		Scoring Decision
0 to 39 points		Not Considered Significant
40 to 59 points		Considered Significant <u>only</u> if LE <u>and</u> SA subscores are each <u>greater</u> than or equal to 20 points
60 to 79 points		Considered Significant <u>unless</u> either LE <u>or</u> SA subscore is <u>less</u> than 20 points
80 to 100 points		Considered Significant

The California Agricultural LESA Model is designed to make determinations of the potential significance of a project's conversion of agricultural lands during the Initial Study phase of the CEQA review process. Scoring thresholds are based upon both the total LESA score as well the component LE and SA subscores. In this manner the scoring thresholds are dependent upon the attainment of a minimum score for the LE and SA subscores so that a single threshold is not the result of heavily skewed subscores (i.e., a site with a very high LE score, but a very low SA score, or vice versa). For additional information on the significance scoring thresholds under the California Agricultural LESA Model, consult Section 4 in the LESA Instruction Manual.



**LAND USE - FIGURE 1**  
Imperial Valley Solar - Anza Trail Map



## **C.9 - NOISE AND VIBRATION**

Testimony of Erin Bright

### **C.9.1 SUMMARY OF CONCLUSIONS**

---

California Energy Commission staff concludes that the Imperial Valley Solar (formerly Stirling Energy Systems Solar Two) Project can be built and operated in compliance with all applicable noise and vibration laws, ordinances, regulations, and standards and, if built in accordance with the conditions of certification proposed below, would produce no significant adverse noise impacts on people within the affected area, either direct, indirect, or cumulative.

### **C.9.2 INTRODUCTION**

---

The construction and operation of any power plant creates noise, or unwanted sound. The character and loudness of this noise, the times of day or night that it is produced, and the proximity of the facility to sensitive receptors combine to determine whether the facility would meet applicable noise control laws and ordinances and whether it would cause significant adverse environmental impacts under CEQA. In some cases, vibration may be produced as a result of power plant construction practices, such as blasting or pile driving. The groundborne energy of vibration has the potential to cause structural damage and annoyance.

The purpose of this analysis is to identify and examine the likely noise and vibration impacts from the construction and operation of the Imperial Valley Solar (IVS) Project and to recommend procedures to ensure that the resulting noise and vibration impacts would be adequately mitigated to comply with applicable laws, ordinances, regulations, and standards (LORS) and to avoid creation of significant adverse noise or vibration impacts. For an explanation of technical terms and acronyms employed in this section, please refer to **Noise Appendix A** immediately following.

### **C.9.3 METHODOLOGY AND THRESHOLDS FOR DETERMINING ENVIRONMENTAL CONSEQUENCES**

---

#### **California Environmental Quality Act**

The California Environmental Quality Act (CEQA) requires that significant environmental impacts be identified and that such impacts be eliminated or mitigated to the extent feasible. Section XI of Appendix G of CEQA Guidelines (See Cal. Code Regs., tit. 14, Section 15063) sets forth some characteristics that may signify a potentially significant impact. Specifically, a significant effect from noise may exist if a project would result in:

1. exposure of persons to, or generation of, noise levels in excess of standards established in the local General Plan or noise ordinance or applicable standards of other agencies;
2. exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels;

3. substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or
4. substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

The Energy Commission staff, in applying item 3 above to the analysis of this and other projects, has concluded that a potential for a significant noise impact exists where the noise of the project plus the background exceeds the background by 5 dBA or more at the nearest sensitive receptor. A change in level of at least 5 dB is required before any noticeable change in community response would be expected.

Staff considers it reasonable to assume that an increase in background noise levels up to 5 dBA in a residential setting is insignificant; an increase of more than 10 dBA is considered significant. An increase between 5 and 10 dBA should be considered adverse, but may be either significant or insignificant, depending on the particular circumstances of the case.

Factors to be considered in determining the significance of an adverse impact (as defined above) include:

1. the resulting combined noise level;<sup>1</sup>
2. the duration and frequency of the noise;
3. the number of people affected;
4. the land use designation of the affected receptor sites; and
5. public concern or controversy expressed at workshops or hearings or in correspondence.

Noise impacts due to construction activities are usually considered to be insignificant if:

- the construction activity is temporary;
- use of heavy equipment and noisy activities are limited to daytime hours; and
- all industry-standard noise abatement measures are implemented for noise-producing equipment.

Staff uses the above method and threshold to protect the most sensitive populations, including the minority population.

---

<sup>1</sup> For example, a noise level of 40 dBA would be considered quiet in many locations. A noise limit of 40 dBA would be consistent with the recommendations of the California Model Community Noise Control Ordinance for rural environments and with industrial noise regulations adopted by European jurisdictions. If the project would create an increase in ambient noise no greater than 10 dBA at nearby sensitive receptors, and the resulting noise level would be 40 dBA or less, the project noise level would likely be insignificant.

## **Laws, Ordinances, Regulations, and Standards**

**Noise Table 1**  
**Laws, Ordinances, Regulations, and Standards**

<b>Applicable Law</b>	<b>Description</b>
<b>Federal</b> (OSHA): 29 U.S.C. § 651 et seq.	Protects workers from the effects of occupational noise exposure.
<b>State</b> (Cal/OSHA): Cal. Code Regs., tit. 8, §§ 5095–5099	Protects workers from the effects of occupational noise exposure.
<b>Local</b> Imperial County General Plan - Noise Element  Imperial County Noise Ordinance	Establishes acceptable noise levels and limits hours of construction.  Establishes acceptable noise levels.

### **C.9.3.1 FEDERAL**

Under the Occupational Safety and Health Act of 1970 (29 USC § 651 et seq.), the Department of Labor, Occupational Safety and Health Administration (OSHA) has adopted regulations designed to protect workers against the effects of occupational noise exposure (29 CFR § 1910.95). These regulations list permissible noise exposure levels as a function of the amount of time during which the worker is exposed (see **NOISE Appendix A, Table A4** immediately following this section). The regulations further specify a hearing conservation program that involves monitoring the noise to which workers are exposed, assuring that workers are made aware of overexposure to noise, and periodically testing the workers' hearing to detect any degradation.

There are no federal laws governing off-site (community) noise.

The only guidance available for evaluation of power plant vibration is guidelines published by the Federal Transit Administration (FTA) for assessing the impacts of groundborne vibration associated with construction of rail projects. These guidelines have been applied by other jurisdictions to assess groundborne vibration of other types of projects. The FTA-recommended vibration standards are expressed in terms of the “vibration level,” which is calculated from the peak particle velocity measured from groundborne vibration. The FTA measure of the threshold of perception is 65 VdB,<sup>2</sup> which correlates to a peak particle velocity of about 0.002 inches per second (in/sec). The FTA measure of the threshold of architectural damage for conventional sensitive structures is 100 VdB, which correlates to a peak particle velocity of about 0.2 in/sec.

### **C.9.3.2 STATE**

California Government Code section 65302(f) encourages each local governmental entity to perform noise studies and implement a noise element as part of its General Plan. In addition, the California Office of Planning and Research has published guidelines for preparing noise elements, which include recommendations for evaluating

---

<sup>2</sup> VdB is the common measure of vibration energy.

the compatibility of various land uses as a function of community noise exposure. The State land use compatibility guidelines are listed in **Noise Table 2**.

**Noise Table 2**  
**Land Use Compatibility for Community Noise Environment**

LAND USE CATEGORY		COMMUNITY NOISE EXPOSURE – Ldn or CNEL (db)													
		50		55		60		65		70		75		80	
Residential - Low Density Single Family, Duplex, Mobile Home	Normally Acceptable	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	Conditionally Acceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Normally Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Clearly Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Residential - Multi-Family	Normally Acceptable	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	Conditionally Acceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Normally Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Clearly Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Transient Lodging – Motel, Hotel	Normally Acceptable	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	Conditionally Acceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Normally Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Clearly Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Schools, Libraries, Churches, Hospitals, Nursing Homes	Normally Acceptable	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	Conditionally Acceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Normally Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Clearly Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Auditorium, Concert Hall, Amphitheaters	Normally Acceptable	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	Conditionally Acceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Normally Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Clearly Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Sports Arena, Outdoor Spectator Sports	Normally Acceptable	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	Conditionally Acceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Normally Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Clearly Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Playgrounds, Neighborhood Parks	Normally Acceptable	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	Conditionally Acceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Normally Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Clearly Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Golf Courses, Riding Stables, Water Recreation, Cemeteries	Normally Acceptable	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	Conditionally Acceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Normally Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Clearly Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Office Buildings, Business Commercial and Professional	Normally Acceptable	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	Conditionally Acceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Normally Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Clearly Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Industrial, Manufacturing, Utilities, Agriculture	Normally Acceptable	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	Conditionally Acceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Normally Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Clearly Unacceptable	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Normally Acceptable	Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.													
	Conditionally Acceptable	New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design.													
	Normally Unacceptable	New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirement must be made and needed noise insulation features included in the design.													
	Clearly Unacceptable	New construction or development generally should not be undertaken.													

Source: State of California General Plan Guidelines, Office of Planning and Research, June 1990.

The California Occupational Safety and Health Administration (Cal/OSHA) has promulgated Occupational Noise Exposure Regulations (Cal. Code Regs., tit. 8, §§ 5095–5099) that set employee noise exposure limits. These standards are equivalent to the federal OSHA standards (see the **Worker Safety and Fire Protection** section of this document, and **NOISE Appendix A, Table A4**).

### C.9.3.3 LOCAL

#### **Imperial County General Plan Noise Element**

The County’s General Plan Noise Element sets standards for the control of noise. The Noise Element defines “sensitive receptors” to include residences, schools, hospitals, parks and office buildings; it further states that riparian bird species may also be considered sensitive receptors (Imperial County 2001, § II.C). Imperial County has adopted the State of California land use compatibility guidelines (shown above in **Noise Table 2**) in their general plan (Imperial County 2001). The noise levels considered generally acceptable and conditionally acceptable for single-family residences are 60 dB Community Noise Equivalent Level (CNEL) and 70 dB CNEL, respectively.

Objectives of the Noise Element include controlling noise at the source where feasible (Imperial County 2001, § III.B, Goal 1, Objective 1.3).

The Noise Element also sets property line noise limits for sensitive receptors. These limits are summarized in **Noise Table 3**.

**Noise Table 3**  
**Imperial County General Plan Property Line Noise Limits**

<b>Zone</b>	<b>Time</b>	<b>1-hour Average Sound Level, dB</b>
Residential	7 a.m. to 10 p.m.	50
	10 p.m. to 7 a.m.	45
Multi-Residential	7 a.m. to 10 p.m.	55
	10 p.m. to 7 a.m.	50
Commercial	7 a.m. to 10 p.m.	60
	10 p.m. to 7 a.m.	55
Light Industrial and Industrial Park	Anytime	70
General Industrial	Anytime	75

Source: Imperial 2001, Table 9

The Noise Element further states that construction noise shall not exceed 75 dB  $L_{eq}$  at the nearest sensitive receptor. Construction equipment operation shall be limited to the following hours:

- Monday through Friday      7 a.m. to 7 p.m.
  - Saturday                      9 a.m. to 5 p.m.
  - Sunday and Holidays      Not allowed
- (Imperial County 2001 § IV.C.3)

If the noise level at a receptor, with the project complete, is within the “normally acceptable” range of the Noise/Land Use Compatibility Guidelines cited above (**Noise Table 2**), and the project has increased noise levels 3 dB CNEL or more, then the project is deemed to have created a potentially significant noise impact, and mitigation measures must be considered (Imperial County 2001, § IV.C.4.a, IV.C.4.b).

The Noise Element allows the institution of required noise reduction measures either at the source of the noise, along the path of the noise from source to receptor, or at the receptor (Imperial County 2001, § IV.D.8). Preference is given to reduction at the source or along the path, but in certain cases, such as when there is only one receptor, reduction at the receptor is recognized as most cost effective, and therefore acceptable (Imperial 2001, § IV.D.8.c).

### **Imperial County Noise Ordinance**

The County’s Noise Ordinance (Imperial County 1998) establishes sound level limits identical to the property line noise limits presented in the Imperial County General Plan, as summarized in **Noise Table 3**, above.

## **C.9.4 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

---

The analysis of proposed project effects must comply with both CEQA and NEPA requirements given the respective power plant licensing and land jurisdictions of the California Energy Commission and U.S. Bureau of Land Management (BLM). Because this document is intended to meet the requirements of both NEPA and CEQA, the methodology used for determining environmental impacts of the proposed project includes a consideration of guidance provided by both laws.

As noted above, CEQA identifies criteria that may be used to determine the significance of identified impacts. A significant impact is defined by CEQA as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project” (Cal. Code Reg., tit. 14 (hereinafter State CEQA Guidelines) Section 15382).

In comparison, NEPA states that “‘Significantly’ as used in NEPA requires considerations of both context and intensity...” (40 CFR 1508.27). Therefore, thresholds serve as a benchmark for determining if a project action will result in a significant adverse environmental impact when evaluated against the baseline. NEPA requires that an Environmental Impact Statement (EIS) is prepared when the proposed federal action (project) as a whole has the potential to “significantly affect the quality of the human environment.”

Criteria for determining significance in this section are based on Appendix G of the CEQA Guidelines (CCR 2006) and performance standards or thresholds identified by the Energy Commission staff. In addition, staff’s evaluation of the environmental effects of the proposed project on land uses (i.e., those listed below) includes an assessment of the context and intensity of the impacts, as defined in the NEPA implementing regulations 40 CFR Part 1508.27.

Effects of the proposed project on noise and vibration (and in compliance with both CEQA and NEPA) have been determined using the thresholds listed below.

## **C.9.5 PROPOSED PROJECT**

---

### **C.9.5.1 SETTING AND EXISTING CONDITIONS**

The proposed IVS Project would be constructed on a 6,500 acre site located approximately 4 miles east of the town of Ocotillo in Imperial County. The site is primarily on undisturbed federal land managed by the BLM (SES Solar Two, LLC 2008a, AFC §§ 3.2, 3.3.1).

The ambient noise regime in the project vicinity consists of aircraft traffic, highway traffic, wind and wildlife. The nearest sensitive receptor is a small group of residences located approximately 0.6 miles (1 kilometer) west of the project's northwest border. Additional sensitive receptors are located southwest and northeast of the project boundaries at greater distances (SES Solar Two, LLC 2008a, AFC 5.12.1.4, Figure 5.12-1).

#### **Ambient Noise Monitoring**

In order to establish a baseline for comparison of predicted project noise to existing ambient noise, the applicant has presented the results of an ambient noise survey (SES Solar Two, LLC 2008a, AFC § 5.12.1.4, Appendix CC-1, Tables CC-1-1 through CC-1-4). The survey was conducted on January 29, 30 and 31, 2008, and monitored existing noise levels at the following locations, shown on **Noise and Vibration Figure 1**:

1. Measuring Location 1: Near a residence located approximately 5,300 feet southwest of the project site, at 426 Evan Hewes Highway. This represents the sensitive receptor most likely to be impacted by project noise. Long-term (25-hour) monitoring showed ambient noise levels typical of a desert environment.
2. Measuring Location 2: Near the project site western border, approximately 4300 feet from the nearest sensitive residential receptors at 1516 Painted Gorge Road.
3. Measuring Location 5: Near a residential community located approximately 10,500 feet to the northeast of the project site.

Ambient noise measurements were not taken at the nearest sensitive receptors, a group of five mobile residences located approximately 3,300 feet from the project's western border, at 1516 Painted Gorge Road. The applicant asserts that, on the basis of comparable noise conditions such as noise source proximity and exposure, ambient noise at these nearest receptors can be assumed similar to that of ML1 (Data Response 138). Given the similarities between the noise environments at the receptors at Painted Gorge Road and ML1, and that the long-term measurements at ML2 were considerably higher than those at ML1 (66 dBA Leq at ML2 compared to 49 dBA Leq at ML1) staff agrees that the more conservative measurements from ML1 are an appropriate proxy for these nearest sensitive receptors. This grouping of sensitive receptors is referred to as "Painted Gorge" in this analysis.



**Noise Table 4** summarizes the ambient noise measurements:

**Noise Table 4**  
**Summary of Measured Ambient Noise Levels**

Measurement Location	Measured Noise Levels, dBA		
	L <sub>eq</sub> – Daytime <sup>1</sup>	L <sub>eq</sub> – Nighttime <sup>2</sup>	L <sub>90</sub> – Nighttime <sup>3</sup>
ML1: Southwest Residence	49	42	38
ML2: West Project Boundary	66	72	72
Painted Gorge Residences	49	42	38
ML5: Northeast Residence	56	52	48

Source: SES Solar Two, LLC 2008a, AFC Appendix CC-1, Tables CC-1-1 through CC-1-5; data response 138

<sup>1</sup> Staff calculations of average of 15 daytime hours

<sup>2</sup> Staff calculations of average of 9 nighttime hours

<sup>3</sup> Staff calculations of average of 4 consecutive quietest hours of the nighttime

## **C.9.5.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

### **DIRECT IMPACTS AND MITIGATION**

Noise impacts associated with the project can be created by short-term construction activities and by normal long-term operation of the power plant.

#### **Construction Impacts and Mitigation**

Construction of SES Solar 2 is expected to occur in two phases over a period of 40 months (SES Solar Two, LLC 2008a, AFC § 5.12.2.1). Phase I would be constructed first, on the western half of the project site; Phase II would subsequently be constructed on the eastern half of the project site.

#### **Compliance with LORS**

Construction of an industrial facility such as a power plant is typically noisier than permissible under usual noise ordinances. In order to allow the construction of new facilities, construction noise during certain hours of the day is commonly exempt from enforcement by local ordinances.

The Applicant has predicted the noise impacts of project construction on the nearest sensitive receptors (SES Solar Two, LLC 2008a, AFC § 5.12.2.1, Tables 5.12-4 through 5.12-6, supplement to data response 139). Assembly and installation of solar collectors, Sun Catchers, for the project is expected to be performed in blocks around the site with additional, more substantial structural construction taking place at the Main Services Complex centrally located on the site. The applicant has estimated that the noise resulting from construction of the collector block closest to the Painted Gorge receptor northwest of the project border would be no more than 66 dBA at the receptor. Similarly, noise resulting from the construction of the collector blocks closest to locations ML1 and ML5 would be no more than 62 dBA and 56 dBA at ML1 and ML5, respectively. A

maximum construction noise level of 74 dBA  $L_{eq}$  is estimated to occur at a distance of 3,300 feet (1 kilometer) from the acoustic center of the construction activity (the Main Services Complex) for all other project construction (such as roads and buildings) and attenuate to no more than 58 dBA  $L_{eq}$  at Painted Gorge, and 56 dBA  $L_{eq}$  at ML1 and ML5. Overall construction noise would, therefore, be no more than 67 dBA at the Painted Gorge location, 63 dBA at location ML1, and 59 dBA at location ML5 (SES Solar Two, LLC 2008a, AFC § 5.12.2.1, Tables 5.12-4 through 5.12-6; and staff calculations). A comparison of construction noise estimates to measured ambient conditions is summarized in **Noise Table 5**.

**Noise Table 5**  
**Predicted Power Plant Construction Noise Impacts**

<b>Receptor</b>	<b>Highest Construction Noise Level<sup>1</sup> (dBA <math>L_{eq}</math>)</b>	<b>Measured Existing Ambient<sup>2</sup> (dBA <math>L_{eq}</math>)</b>	<b>Cumulative (dBA <math>L_{eq}</math>)</b>	<b>Change (dBA)</b>
ML1 – Southwest Residence	63	49 daytime	63 daytime	+14 daytime
Painted Gorge Residences	67	49 daytime	67 daytime	+18 daytime
ML5 – Northeast Residence	59	56 daytime	61 daytime	+5 daytime

<sup>1</sup> Source: SES Solar Two, LLC 2008a, AFC § 5.12.2.1, Tables 5.12-4 through 5.12-6; and staff calculations

<sup>2</sup> Source: SES Solar Two, LLC 2008a, AFC Appendix CC-1, Tables CC-1-1 through CC-1-5; data response 138 and staff calculations of average of daytime hours.

The Imperial County General Plan Noise Element limits noise levels at residential receptors to no more than 75 dBA  $L_{eq}$ . The General Plan also limits noisy construction to daytime hours. Noisy construction work would be allowed only during the daytime hours of 7:00 a.m. to 7:00 p.m. on weekdays, 9:00 a.m. to 5:00 p.m. on Saturdays, and not at all on Sundays. To ensure that these hours are, in fact, enforced, staff proposes Condition of Certification **NOISE-6**.

Compliance with **NOISE-6** would insure that the noise impacts of IVS construction activities would comply with the local noise LORS.

## **CEQA Impacts**

### ***Power Plant Site***

To evaluate construction noise impacts, staff compares the projected noise levels to the ambient levels. Since construction noise typically varies continually with time, it is most appropriately measured by, and compared to, the  $L_{eq}$  (energy average) metric.

The applicant estimates that construction of the IVS Project would take place in two phases over a period of 40 months, which is significantly longer than the 12 to 16 month construction period of a traditional power plant. However, the construction of IVS would be conducted modularly, each module taking approximately 4 months to construct. Thus, maximum construction noise would occur during the construction of the module

closest to the receptor for a duration of 4 months and would decrease as construction activity moved on to the next module, further from the receptor. Construction for IVS would therefore still constitute a temporary noise impact.

Aggregate construction noise may be expected to reach levels as high as 67 dBA  $L_{eq}$  at the nearest sensitive receptor, the residences at Painted Gorge Road, for a period of approximately 4 months; an increase of 18 dBA during daytime hours (see **NOISE Table 5**, above). Such an increase represents nearly a quadrupling of noise level at the receptor and would generally be considered a significant impact. The projected construction noise levels, however, are most likely conservative, calculated from manufacturers' estimated data and engine power sound generation formulae; actual noise levels may be less than predicted. Since noisy construction work will be restricted to daytime hours, staff believes it will be noticeable, but tolerable, at the nearest residences. Because the maximum construction noise would be temporary and limited to daytime hours, staff considers the noise impacts due to construction activity to be less than significant.

In the event that actual construction noise should annoy nearby residents, staff proposes Conditions of Certification **NOISE-1** and **NOISE-2**, which would establish a Notification Process to make nearby residents aware of the project, and a Noise Complaint Process that requires the applicant to resolve any problems caused by noise from the project.

### Linear Facilities

Linear facilities include a new 3.4 mile water supply pipeline extending from the Imperial Irrigation District Westside Main canal to the eastern project boundary, as well as new electrical transmission lines interconnecting to the transmission system to the east of the project site. Both the water supply pipeline and the transmission lines would extend past the project site boundaries and would pass relatively close to two different sensitive receptors (ML6 and ML9, respectively, as shown on **Noise and Vibration Figure 1**) (SES Solar Two, LLC 2008a, AFC Figure 5.12-1). While the construction noise levels for the linears would be noticeable, construction on linears proceeds rapidly, so no particular area is exposed to noise for more than a few days.

### Pile Driving

The applicant does not explicitly state that pile driving would be necessary for construction of IVS, however staff has analyzed the potential noise impacts of pile driving in case it is found necessary during the construction process. If pile driving is required for construction of the project, the noise from this operation could be expected to reach 104 dBA at a distance of 50 feet. Pile driving noise would thus be projected to reach levels of 68 dBA at the Painted Gorge residences, the nearest residential receptor (staff calculation). Added to the existing daytime ambient level of 49 dBA  $L_{eq}$ , this would combine to produce 68 dBA, an increase of 19 dBA over ambient noise levels (see **NOISE Table 6**, below). While this would produce a noticeable impact, staff believes that limiting pile driving to daytime hours, in conjunction with its temporary nature, would result in impacts tolerable to residents. Staff proposes Condition of Certification **NOISE-6** to ensure that pile driving noise, should it occur, would be limited to daytime hours.

**Noise Table 6**  
**Pile Driving Noise Impacts**

<b>Receptor</b>	<b>Pile Driving Noise Level (dBA L<sub>eq</sub>)</b>	<b>Daytime Ambient Noise Level (dBA L<sub>eq</sub>)</b>	<b>Cumulative Level (dBA)</b>	<b>Change (dBA)</b>
Painted Gorge Road	68	49	68	+19
ML1	64	49	64	+15
ML5	58	56	60	+4

1 Source: SES Solar Two, LLC 2008a, AFC Appendix CC-1, Tables CC-1-1 through CC-1-5; data response 138; and staff calculations

### **Vibration**

The only construction operation likely to produce vibration that could be perceived off site would be pile driving, should it be employed. Vibration attenuates rapidly; it is likely that no vibration would be perceptible at any appreciable distance from the project site. Staff therefore believes there would be no significant impacts from construction vibration.

### **Worker Effects**

The applicant has acknowledged the need to protect construction workers from noise hazards and has recognized those applicable LORS that would protect construction workers (SES Solar Two, LLC 2008a, AFC § 5.12.2.1). To ensure that construction workers are, in fact, adequately protected, staff has proposed Condition of Certification **NOISE-3**, below.

### **Operation Impacts and Mitigation**

The primary noise sources of IVS would consist of the reciprocating Stirling Engines (including generator, cooling fan and air compressor) utilized on each of the Sun Catchers that make up the project, as well as step-up transformers and a new substation (SES Solar Two, LLC 2008a, AFC § 3.4.4.1, 5.12.2.2). Staff compares the projected noise with applicable LORS. In addition, staff evaluates any increase in noise levels at sensitive receptors due to the project in order to identify any significant adverse impacts.

### **Compliance with LORS**

The applicant performed noise modeling to determine the project's noise impacts on sensitive receptors (SES Solar Two, LLC 2008a, AFC § 5.12.2.2, Table 5.12-8; Data Response 139 supplement, Table 3).

As seen in **Noise Table 7**, the project's operational noise level at the nearest sensitive receptor would be no more than 52 dBA CNEL, which complies with the noise level limits specified in the Imperial County General Plan Noise Element.

**Noise Table 7**  
**Plant Operating Noise LORS Compliance**

Receptor	LORS	LORS Limit	Projected Noise Level (CNEL)
ML1	Imperial County General Plan Noise Element	60 dBA CNEL daytime	50 dBA
Painted Gorge Residences			52 dBA
ML5			48 dBA

Source: Imperial County 2001, and SES Solar Two, LLC 2008a, AFC Table 5.12-8, supplement to data response 139.

### CEQA Impacts

Power plant noise is unique. Essentially, a power plant operates as a steady, continuous, broadband noise source, unlike the intermittent sounds that comprise the majority of the noise environment. As such, power plant noise contributes to, and becomes part of, the background noise level, or the sound heard when most intermittent noises cease. Where power plant noise is audible, it will tend to define the background noise level. For this reason, staff compares the projected power plant noise to the existing ambient background ( $L_{90}$ ) noise levels at the affected sensitive receptors. If this comparison identifies a significant adverse impact, then feasible mitigation must be incorporated in the project to reduce or remove the impact.

In many cases, a power plant will be intended to operate around the clock for much of the year. As a solar thermal generating facility, IVS would operate only during the daytime hours, typically 15 hours per day during the summer (with fewer hours during the fall, winter, and spring), when sufficient solar insolation is available.

Typically, daytime ambient noise consists of both intermittent and constant noises. The noise that stands out during this time is best represented by the average noise level, or  $L_{eq}$ . Staff's evaluation of the above noise surveys shows that the daytime noise environment in the IVS Project area consists of both intermittent and constant noises. Thus, staff compares the project's daytime noise levels to the daytime ambient  $L_{eq}$  levels at the project's noise-sensitive receptors.

As seen in **Noise Table 8**, power plant noise levels are predicted to be less than 52 dBA CNEL (45 dBA  $L_{eq}$ ) at all sensitive receptors during daytime operation.

**Noise Table 8**  
**Power Plant Noise Impacts at Nearest Sensitive Receptors**

Location	Power Plant Noise Level, dBA $L_{eq}$ <sup>1</sup>	Ambient Noise Level, dBA $L_{eq}$ <sup>2</sup>	Cumulative Noise Level, dBA	Change from Ambient Level dBA
ML1	43	49	50	+1
Painted Gorge	45	49	50	+1
ML5	41	56	56	+0

<sup>1</sup> Source: SES Solar Two, LLC 2008a, AFC Table 5.12-8, supplement to data response 139, and staff calculations.

<sup>2</sup> Source: SES Solar Two, LLC 2008a, AFC Appendix CC-1, Tables CC-1-1 through CC-1-5; data response 138 and staff calculations of average of fifteen consecutive daytime hours.

When projected plant noise is added to the daytime ambient value (as calculated by staff), the cumulative level is higher than the ambient value at the Painted Gorge residences and location ML1 by an inaudible amount (see **NOISE Table 8**), and the same as the ambient level at ML5. No change in ambient noise at any sensitive receptor at night would result from plant operation.

### **Tonal Noises**

One possible source of disturbance would be strong tonal noises. Tonal noises are individual sounds (such as pure tones) that, while not louder than permissible levels, stand out in sound quality. The applicant can to avoid the creation of annoying tonal (pure-tone) noises by balancing the noise emissions of various power plant features during plant design. To ensure that tonal noises do not cause annoyance, staff proposes Condition of Certification **NOISE-4**, below.

### **Linear Facilities**

Noise effects from the electrical interconnection line typically do not extend beyond the right-of-way easement of the line and would thus be inaudible to any receptors.

### **Vibration**

Vibration from an operating power plant could be transmitted by two chief means; through the ground (groundborne vibration) and through the air (airborne vibration).

The IVS Project would be essentially comprised of a large number of solar dish generators, the operating components of each consisting of a relatively small reciprocating engine, cooling fans and air compressor. All of these pieces of equipment must be carefully balanced in order to operate. Given the distributive layout of the project, Energy Commission staff believes that the ground borne vibration from Solar Two would be undetectable by any likely receptor.

Airborne vibration (low frequency noise) can rattle windows and objects on shelves and can rattle the walls of lightweight structures. None of the project equipment is likely to produce low frequency noise; this makes it highly unlikely that IVS would cause perceptible airborne vibration effects.

### **Worker Effects**

The applicant has acknowledged the need to protect plant operating and maintenance workers from noise hazards and has committed to comply with applicable LORS (SES Solar Two, LLC 2008a, AFC § 5.12.2.2). To ensure that plant operation and maintenance workers are, in fact, adequately protected, Energy Commission staff has proposed Condition of Certification **NOISE-5**, below.

## **FACILITY CLOSURE**

In the future, upon closure of IVS, all operational noise from the project would cease, and no further adverse noise impacts from operation of IVS would be possible. The remaining potential temporary noise source is the dismantling of the structures and equipment and any site restoration work that may be performed. Since this noise would be similar to that caused by the original construction, it can be treated similarly. That is,

noisy work could be performed during daytime hours, with machinery and equipment properly equipped with mufflers. Any noise LORS that are in existence at that time would apply. Applicable conditions of certification included in the Energy Commission decision would also apply unless modified.

### **C.9.5.3 CEQA LEVEL OF SIGNIFICANCE**

For the purposes of CEQA compliance, the significance of construction and operating noise impacts of the proposed project at the nearest sensitive receptors has been determined.

#### **Construction Impacts**

As discussed in detail in section C10.4.2 above (under the subsection entitled “Construction Impacts and Mitigation”), the noise level increase at the nearest sensitive receptors resulting from construction of the project (presented in **Noise Table 5**) would be noticeable. However, given the temporary nature of construction noise and the fact that noisy construction activity would be restricted to daytime hours (by both the local LORS and Condition of Certification **NOISE-6**), the impacts due to construction noise are considered less than significant.

#### **Operation Impacts**

As discussed in detail in section C10.4.2 above (under the subsection entitled “Operation Impacts and Mitigation”), power plant noise levels are predicted to be less than 45 dBA Leq at all sensitive receptors during daytime operation, which would result in an inaudible increase over ambient noise. No change in ambient noise at any sensitive receptor at night would result from plant operation. Thus, operation noise impacts of the project would be insignificant.

### **C.9.6 300 MW ALTERNATIVE**

---

The 300 MW alternative would essentially consist of just Phase 1 of the proposed 750 MW project (see Alternatives Figure 1) being built (as opposed to both phases for the 750 MW project), and would consist of 12,000 SunCatchers with a net generating capacity of approximately 300 MW occupying approximately 2,600 acres of land. This alternative would transmit power to the grid through the SDG&E Imperial Valley Substation and would require infrastructure similar to the proposed 750 MW project, including a water supply pipeline, transmission line, road access, operations facilities, substation, and hydrogen system (SES 2008a). Infrastructure associated with this alternative would require approximately 40 acres. This alternative would retain 40% of the SunCatchers and would affect 40% of the land of the proposed 750 MW project.

#### **C.9.6.1 SETTING AND EXISTING CONDITIONS**

The 300 MW alternative would be constructed within the boundaries of the proposed IVS Project, described in Section C.9.4.1. The site is primarily on undisturbed federal land managed by the BLM (SES Solar Two, LLC 2008a, AFC §§ 3.2, 3.3.1). As a result, the setting is the same as that of the proposed project. The ambient noise regime in the project vicinity consists of aircraft traffic, highway traffic, wind and wildlife. The nearest sensitive receptor is a small group of residences located approximately 0.6 miles (1

kilometer) west of the project's northwest border. Additional sensitive receptors are located southwest and northeast of the project boundaries at greater distances (SES Solar Two, LLC 2008a, AFC 5.12.1.4, Figure 5.12-1).

### **C.9.6.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Given the distributive nature of the operational noise produced by the chosen project technology, the 300 MW alternative would most likely correspond to lower operational noise impacts at noise receptors located east of the project. Operational noise impacts at those receptors west of the project would likely be the same as that of the proposed 750 MW project. Certainly, the noise impacts of the 300 MW alternative would not be greater than the noise impacts from the proposed 750 MW project, which, as discussed above in section 10.4.2, are not significant.

Because this alternative would result in fewer construction activities conducted at greater distances from sensitive receptors than the proposed project, the analysis for the proposed project demonstrates that the 300 MW alternative can be built and operated in compliance with all applicable noise and vibration laws, ordinances, regulations, and standards. Also, if built in accordance with the conditions of certification proposed for the proposed project, it would produce no significant adverse noise impacts on people within the affected area, either direct, indirect, or cumulative.

### **C.9.6.3 CEQA LEVEL OF SIGNIFICANCE**

Like the proposed project, the 300 MW alternative, if built and operated in conformance with the proposed conditions of certification defined for the proposed project, would comply with all applicable noise and vibration LORS and would produce no significant adverse noise impacts on people within the project area, directly, indirectly, or cumulatively.

## **C.9.7 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

---

The first of two alternatives developed to reduce impacts to the waters of the U.S. would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries. This alternative is illustrated in **Alternatives Figure 1B**. This alternative would have the same outer project boundaries as the proposed project, but it would include prohibition of installing permanent structures within drainages, thereby reducing the available acreage for development to 4,690 acres, and reducing the number of SunCatchers from 30,000 under the proposed project to 25,290.

### **C.9.7.1 SETTING AND EXISTING CONDITIONS**

The Drainage Avoidance #1 alternative would be constructed within the boundaries of the proposed IVS Project, described in Section C.9.4.1. The site is primarily on undisturbed federal land managed by the BLM (SES Solar Two, LLC 2008a, AFC §§ 3.2, 3.3.1). As a result, the setting is the same as that of the proposed project. The ambient noise regime in the project vicinity consists of aircraft traffic, highway traffic, wind and wildlife. The nearest sensitive receptor is a small group of residences located approximately 0.6 miles (1 kilometer) west of the project's northwest border. Additional



sensitive receptors are located southwest and northeast of the project boundaries at greater distances (SES Solar Two, LLC 2008a, AFC 5.12.1.4, Figure 5.12-1).

### **C.9.7.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Noise impacts associated with the project can be created by short-term construction activities and by normal long-term operation of the power plant. Construction noise estimated in **Noise Table 5** would also apply to the Drainage Avoidance #1 alternative. Similarly, **Noise Table 8** presents data for noise impacts during facility operation, which define noise levels that may be greater than those that would occur with this alternative because this alternative would have few SunCatchers.

Because this alternative would result in fewer construction activities conducted at greater distances from sensitive receptors than the proposed project, the analysis for the proposed project demonstrates that the Drainage Avoidance #1 alternative can be built and operated in compliance with all applicable noise and vibration laws, ordinances, regulations, and standards. Also, if built in accordance with the conditions of certification proposed for the proposed project, it would produce no significant adverse noise impacts on people within the affected area, either direct, indirect, or cumulative.

### **C.9.7.3 CEQA LEVEL OF SIGNIFICANCE**

Like the proposed project, the Drainage Avoidance #1 alternative, if built and operated in conformance with the proposed conditions of certification defined for the proposed project, would comply with all applicable noise and vibration LORS and would produce no significant adverse noise impacts on people within the project area, directly, indirectly, or cumulatively.

## **C.9.8 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

---

The Drainage Avoidance #2 alternative would eliminate both the eastern and westernmost portions of the proposed project, where the largest drainage complexes are located. This alternative is shown in **Alternatives Figure 1C**. It would reduce the overall size of the project site by 3,347 acres (from 6,500 acres to 3,153 acres) It would also reduce the number of SunCatchers from 30,000 under the proposed project to 16,915. In this alternative, permanent structures would be allowed within all drainages inside the revised project boundaries.

### **C.9.8.1 SETTING AND EXISTING CONDITIONS**

The Drainage Avoidance #2 alternative would be constructed within the boundaries of the proposed IVS Project, described in Section C.9.4.1. The site is primarily on undisturbed federal land managed by the BLM (SES Solar Two, LLC 2008a, AFC §§ 3.2, 3.3.1). As a result, the setting is the same as that of the proposed project. The ambient noise regime in the project vicinity consists of aircraft traffic, highway traffic, wind and wildlife.

The nearest sensitive receptor to this alternative would be further away because the alternative would avoid development at the east and west ends of the proposed site. Therefore, the small group of residences located approximately 0.6 miles (1 kilometer) west of the project's northwest border would be approximately one additional kilometer from the alternative boundary. The additional sensitive receptors located southwest and northeast of the project boundaries would similarly be about one kilometer further from the boundaries of this alternative than they are from the proposed project boundaries (SES Solar Two, LLC 2008a, AFC 5.12.1.4, Figure 5.12-1).

### **C.9.8.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Noise impacts associated with the project can be created by short-term construction activities and by normal long-term operation of the power plant. Construction noise estimated in **Noise Table 5** would also apply to the Drainage Avoidance #2 alternative, though noise levels for this alternative would be lower for receptors east and west of the project. Similarly, **Noise Table 8** presents data for noise impacts during facility operation, which would exceed those of this smaller alternative at all sensitive receptors.

Because this alternative would result in fewer construction activities and at greater distances from sensitive receptors than the proposed project, the analysis for the proposed project demonstrates that the Drainage Avoidance #2 alternative can be built and operated in compliance with all applicable noise and vibration laws, ordinances, regulations, and standards. Also, if built in accordance with the conditions of certification proposed for the proposed project, it would produce no significant adverse noise impacts on people within the affected area, either direct, indirect, or cumulative.

### **C.9.8.3 CEQA LEVEL OF SIGNIFICANCE**

Like the proposed project, the Drainage Avoidance #2 alternative, if built and operated in conformance with the proposed conditions of certification defined for the proposed project, would comply with all applicable noise and vibration LORS and would produce no significant adverse noise impacts on people within the project area, directly, indirectly, or cumulatively.

## **C.9.9 NO PROJECT / NO ACTION ALTERNATIVE**

---

There are three No Project/No Action Alternatives evaluated in this section, as follows:

### **C.9.9.1 NO PROJECT/NO ACTION ALTERNATIVE #1:**

#### **No Action on the IVS Project application and on CDCA land use plan amendment**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, the construction and operation noise-related impacts of the IVS Project would not occur at the proposed site. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project requiring a land use plan amendment. In addition, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations

### **C.9.9.2 NO PROJECT/NO ACTION ALTERNATIVE #2:**

#### **No Action on the IVS Project and amend the CDCA land use plan to make the area available for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would amend the CDCA Land Use Plan of 1980, as amended, to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site would be developed with the same or a different solar technology. Different solar technologies use different machinery during construction and would create different ambient noise levels during operation; however, it is expected all technologies would require the use of large construction vehicles that would create unwanted noise and some intermittent noise during operations. However, as with the proposed project, it is expected that solar technologies create minor increases in ambient noise during operation. As such, this No Project/No Action Alternative could result in an impact from increased ambient noise during construction and operation similar to under the proposed project.

### **C.9.9.3 NO PROJECT/NO ACTION ALTERNATIVE #3:**

#### **No Action on the IVS Project application and amend the CDCA land use plan to make the area unavailable for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and the BLM would amend the CDCA Plan to make the proposed site unavailable for future solar development. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because the CDCA Plan would be amended to make the area unavailable for future solar development, it is expected that the site would continue to remain with the existing ambient noise from its existing condition. Ambient noise of the site is not expected to change noticeably from existing conditions and, as such, this No Project/No Action Alternative would not result in impacts from any increase in noise at the project site. However, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

### **C.9.10 CUMULATIVE IMPACT ANALYSIS**

---

#### **Geographic Extent**

The geographic scope for considering cumulative noise impacts on sensitive receptors for this project consists of the region immediately surrounding those receptors identified in the project application.

#### **Existing Cumulative Conditions**

Any existing cumulative noise conditions are included in the existing ambient noise survey conducted at the sensitive receptors.

#### **Future Foreseeable Projects**

##### **Foreseeable Projects in the Plaster City Area**

There are no future foreseeable projects near enough to the IVS Project to create cumulative noise impacts.

##### **Foreseeable Renewable Projects in the California and Arizona Desert**

Projects further afield than the immediate vicinity of the project, whether renewable or otherwise, would be outside the geographic scope of consideration for noise impacts of the project and would thus pose no potential for cumulative noise impacts.

### **C.9.11 COMPLIANCE WITH LORS**

---

A detailed discussion of the proposed project's compliance with LORS applicable to noise and vibration is provided above in subsection C.9.4.2.

## C.9.12 NOTEWORTHY PUBLIC BENEFITS

---

The proposed project would affect the daytime ambient noise levels in the project area. While this change would not be noticeable at the sensitive receptors near the project, and thus not significant, development of the proposed project would not result in any noteworthy public benefits.

## C.9.13 RESPONSE TO PUBLIC AND AGENCY COMMENTS

---

The National Park Service presented comments in a letter dated May 4, 2010:

**Comment:** The analysis does not clearly describe the noise levels on or adjacent to the project site, or at the Anza Recreational Trail.

**Response:** The applicant states in the AFC that property line noise levels would be within the limitations set by the Imperial County General Plan for a general industrial land use, so the noise level at the project boundary would be no more than 75 dBA  $L_{eq}$ . The applicant also states that the noise within the project site boundary was estimated to be below 85 dBA amongst several Sun Catcher assemblies (SES Solar Two, LLC 2008a, AFC § 5.12.2.2). Noise levels on and adjacent to the project site boundaries would be loud, likely considerably louder than the current ambient levels on the property, but within all LORS limitations.

A conclusion regarding the significance of noise impact to recreational users of the trail would require additional information about the regularity of usage of the trail that is presumably unavailable, given that the trail is not a regulated national recreational use area. However, visitors to remote recreational use areas are not generally considered noise sensitive receptors<sup>3</sup> because use of the trail, and thus noise impacts to users, would be infrequent and temporary. Therefore, the noise levels from the project at the Anza trail would not likely constitute a significant noise impact.

**Comment:** The project operational noise impacts presented in **Noise Table 8** appear to contradict data presented in the AFC (Table 5.12-8).

**Response:** Operational noise estimates for the project were clarified and updated in the supplemental data responses, which are referenced in this document.

**Comment:** Due to the cumulative magnitude of noise from the Stirling dish engines, a combination of noise mitigation measures is probably warranted.

---

<sup>3</sup> The standard industry definition of a noise-sensitive receptor, also referred to as a sensitive noise receptor, is a receptor at which there is a reasonable degree of sensitivity to noise where noise can interrupt ongoing activities and can result in community annoyance, especially in residential areas and where frequent human activities occur. A noise-sensitive receptor includes primarily residences, schools, hospitals, elder care facilities, libraries, cemeteries, and places of worship.

**Response:** As shown in the analysis above, the noise impacts to nearby noise sensitive receptors in the project vicinity would be less than significant. Additional mitigation is, therefore, not necessary. However, in an unlikely event that project's noise proves to exceed the noise limitation specified in Condition of Certification **NOISE-4**, mitigation measures would be necessary. Additionally, Condition of Certification **NOISE-2** includes a noise complaint process that requires the applicant to resolve any problems caused by noise from the project; the resolution can include implementation of mitigation measures.

**Comment:** A verbal comment was presented at the evidentiary hearing by Mr. Hossein Alimamaghani regarding the noise impacts on private parcels of land adjacent to the project.

**Response:** Given that there are currently no sensitive receptors located on the parcel at which measurements might be taken, the significance of noise impacts to potential receptors on the property cannot be determined.

#### **C.9.14 PROPOSED CONDITIONS OF CERTIFICATION/MITIGATION MEASURES**

---

**NOISE-1** At least 15 days prior to the start of ground disturbance, the project owner shall notify all residents within two miles of the site, by mail or other effective means, of the commencement of project construction. At the same time, the project owner shall establish a telephone number for use by the public to report any undesirable noise conditions associated with the construction and operation of the project and include that telephone number in the above notice. If the telephone is not staffed 24 hours per day, the project owner shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This telephone number shall be posted at the project site during construction in a manner visible to passersby. This telephone number shall be maintained until the project has been operational for at least one year.

**Verification:** Prior to ground disturbance, the project owner shall transmit to the Compliance Project Manager (CPM) a statement, signed by the project owner's project manager, stating that the above notification has been performed and describing the method of that notification, verifying that the telephone number has been established and posted at the site, and giving that telephone number.

#### **NOISE COMPLAINT PROCESS**

**NOISE-2** Throughout the construction and operation of the IVS Project, the project owner shall document, investigate, evaluate, and attempt to resolve all project-related noise complaints. The project owner or authorized agent shall:

- Use the Noise Complaint Resolution Form (below), or a functionally equivalent procedure acceptable to the CPM, to document and respond to each noise complaint;
- Attempt to contact the person(s) making the noise complaint within 24 hours;
- Conduct an investigation to determine the source of noise related to the complaint;
- Take all feasible measures to reduce the noise at its source if the noise is project related; and
- Submit a report documenting the complaint and the actions taken. The report shall include: a complaint summary, including final results of noise reduction efforts, and if obtainable, a signed statement by the complainant stating that the noise problem is resolved to the complainant's satisfaction.

**Verification:** Within five days of receiving a noise complaint, the project owner shall file a copy of the Noise Complaint Resolution Form with the CPM, documenting the resolution of the complaint. If mitigation is required to resolve a complaint, and the complaint is not resolved within a three-day period, the project owner shall submit an updated Noise Complaint Resolution Form when the mitigation is implemented.

**NOISE-3** The project owner shall submit to the CPM for review and approval a noise control program and a statement, signed by the project owner's project manager, verifying that the noise control program will be implemented throughout construction of the project. The noise control program shall be used to reduce employee exposure to high noise levels during construction and also to comply with applicable OSHA and Cal/OSHA standards.

**Verification:** At least 30 days prior to the start of ground disturbance, the project owner shall submit to the CPM the noise control program and the project owner's project manager's signed statement. The project owner shall make the program available to Cal/OSHA upon request.

## **NOISE RESTRICTIONS**

**NOISE-4** The project design and implementation shall include noise mitigation measures that ensure that the operation of the project will not cause the noise levels due to plant operation alone to exceed an average of 45 dBA  $L_{eq}$  at the residence located at or near 1510 Painted Gorge Road.

No new pure-tone components shall be caused by the project. No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints.

- A. When the project first achieves a sustained output of 85% or greater of rated capacity, the project owner shall conduct a 25-hour community noise survey at monitoring location SR2, or at a closer location acceptable to the CPM. This survey shall also include measurement of one-third octave

band sound pressure levels to ensure that no new pure-tone noise components have been caused by the project.

During the period of this survey, the project owner shall also conduct a short-term survey of noise at monitoring location SL1 or at a closer location acceptable to the CPM. The short-term noise measurements at this location shall be conducted during morning, early afternoon, and evening hours.

The measurement of power plant noise for the purposes of demonstrating compliance with this condition of certification may alternatively be made at a location, acceptable to the CPM, closer to the plant (e.g., 400 feet from the plant boundary) and this measured level then mathematically extrapolated to determine the plant noise contribution at the affected residence. The character of the plant noise shall be evaluated at the affected receptor locations to determine the presence of pure tones or other dominant sources of plant noise.

- B. If the results from the noise survey indicate that the power plant noise at the affected receptor sites exceeds the above specified values, mitigation measures shall be implemented to reduce noise to a level of compliance with these limits.
- C. If the results from the noise survey indicate that pure tones are present, mitigation measures shall be implemented to eliminate the pure tones.

**Verification:** The survey shall take place within 30 days of the project first achieving a sustained output of 85% or greater of rated capacity. Within 15 days after completing the survey, the project owner shall submit a summary report of the survey to the CPM. Included in the survey report will be a description of any additional mitigation measures necessary to achieve compliance with the above listed noise limit, and a schedule, subject to CPM approval, for implementing these measures. When these measures are in place, the project owner shall repeat the noise survey.

**NOISE-5** Following the project's first achieving a sustained output of 80% or greater of rated capacity, the project owner shall conduct an occupational noise survey to identify the noise hazardous areas in the facility.

The survey shall be conducted by a qualified person in accordance with the provisions of Title 8, California Code of Regulations sections 5095–5099 and Title 29, Code of Federal Regulations section 1910.95. The survey results shall be used to determine the magnitude of employee noise exposure.

The project owner shall prepare a report of the survey results and, if necessary, identify proposed mitigation measures that will be employed to comply with the applicable California and federal regulations.

**Verification:** Within 30 days after completing the survey, the project owner shall submit the noise survey report to the CPM. The project owner shall make the report available to OSHA and Cal/OSHA upon request.



## CONSTRUCTION TIME RESTRICTIONS

**NOISE-6** Heavy equipment operation and noisy construction work relating to any project features shall be restricted to the times of day delineated below:

Mondays through Fridays:	7:00 a.m. to 7:00 p.m.
Saturdays:	9:00 a.m. to 5:00 p.m.
Sundays and Holidays:	No Construction Allowed

In the event that nighttime construction is believed necessary by the project owner, a written request shall be submitted to the CPM for approval.

Approval for nighttime construction will be limited to construction activities which are not noisy and that would be difficult to complete during daytime hours (such as concrete pours during hot summer months).

Haul trucks and other engine-powered equipment shall be equipped with mufflers that meet all applicable regulations. Haul trucks shall be operated in accordance with posted speed limits. Truck engine exhaust brake use shall be limited to emergencies.

**Verification:** Prior to ground disturbance, the project owner shall transmit to the CPM a statement acknowledging that the above restrictions will be observed throughout the construction of the project. Prior to the start of nighttime construction activities the project owner shall submit a written request to allow nighttime construction to the CPM for approval. The request shall outline the expected extended hours beyond the limitations specified in this condition of certification, the reason for the extended hours, the nature of the activities, and the measures that will be taken to ensure that nighttime activities will not constitute noisy construction work. A copy of the CPM's approval, if it is issued, shall be submitted to Imperial County.

### C.9.15 CONCLUSIONS

---

Staff concludes that the IVS Project, if built and operated in conformance with the proposed conditions of certification below, would comply with all applicable noise and vibration LORS and would produce no significant adverse noise impacts on people within the project area, directly, indirectly, or cumulatively.

## EXHIBIT 1 - NOISE COMPLAINT RESOLUTION FORM

Imperial Valley Solar Project (08-AFC-5)		
<b>NOISE COMPLAINT LOG NUMBER</b> _____		
Complainant's name and address:  		
Phone number: _____		
Date complaint received: _____ Time complaint received: _____		
Nature of noise complaint:  		
Definition of problem after investigation by plant personnel:  		
Date complainant first contacted: _____		
Initial noise levels at 3 feet from noise source _____ dBA	Date: _____	
Initial noise levels at complainant's property: _____ dBA	Date: _____	
Final noise levels at 3 feet from noise source: _____ dBA	Date: _____	
Final noise levels at complainant's property: _____ dBA	Date: _____	
Description of corrective measures taken:  		
Complainant's signature: _____		Date: _____
Approximate installed cost of corrective measures: \$ _____		
Date installation completed: _____		
Date first letter sent to complainant: _____ (copy attached)		
Date final letter sent to complainant: _____ (copy attached)		
This information is certified to be correct:  		
Plant Manager's Signature: _____		

(Attach additional pages and supporting documentation, as required).

## **C.9.16 REFERENCES**

---

Imperial County 2001. Imperial County General Plan, Noise Element.

Imperial County 1998 – Imperial County Land Use Ordinance, Title 9, Division 7: Noise Abatement and Control. Effective November 24, 1998.

SES Solar Two, LLC 2008a – Application for Certification for the Stirling Energy Systems (SES) Solar Two Project (tn: 46819), Volumes 1 and 2. Submitted to the California Energy Commission, June 30, 2008.

## NOISE APPENDIX A

### FUNDAMENTAL CONCEPTS OF COMMUNITY NOISE

To describe noise environments and to assess impacts on noise sensitive area, a frequency weighting measure, which simulates human perception, is customarily used. It has been found that “A-weighting” of sound intensities best reflects the human ear’s reduced sensitivity to low frequencies and correlates well with human perceptions of the annoying aspects of noise. The A-weighted decibel scale (dBA) is cited in most noise criteria. Decibels are logarithmic units that conveniently compare the wide range of sound intensities to which the human ear is sensitive. **NOISE Table A1** provides a description of technical terms related to noise.

Noise environments and consequences of human activities are usually well represented by an equivalent A-weighted sound level over a given time period ( $L_{eq}$ ), or by average day and night A-weighted sound levels with a nighttime weighting of 10 dBA ( $L_{dn}$ ). Noise levels are generally considered low when ambient levels are below 45 dBA, moderate in the 45 to 60 dBA range, and high above 60 dBA. Outdoor day-night sound levels vary over 50 dBA depending on the specific type of land use. Typical  $L_{dn}$  values might be 35 dBA for a wilderness area, 50 dBA for a small town or wooded residential area, 65 to 75 dBA for a major metropolis downtown (e.g., San Francisco), and 80 to 85 dBA near a freeway or airport. Although people often accept the higher levels associated with very noisy urban residential and residential-commercial zones, those higher levels nevertheless are considered to be levels of noise adverse to public health.

Various environments can be characterized by noise levels that are generally considered acceptable or unacceptable. Lower levels are expected in rural or suburban areas than would be expected for commercial or industrial zones. Nighttime ambient levels in urban environments are about seven decibels lower than the corresponding average daytime levels. The day-to-night difference in rural areas away from roads and other human activity can be considerably less. Areas with full-time human occupation that are subject to nighttime noise, which does not decrease relative to daytime levels, are often considered objectionable. Noise levels above 45 dBA at night can result in the onset of sleep interference effects. At 70 dBA, sleep interference effects become considerable (U.S. Environmental Protection Agency, Effects of Noise on People, December 31, 1971).

To help the reader understand the concept of noise in decibels (dBA), **NOISE Table A2** illustrates common noises and their associated sound levels, in dBA.

**Noise Table A1**  
**Definition of Some Technical Terms Related to Noise**

<b>Terms</b>	<b>Definitions</b>
Decibel, dB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure.
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise. All sound levels in this testimony are A-weighted.
L <sub>10</sub> , L <sub>50</sub> , & L <sub>90</sub>	The A-weighted noise levels that are exceeded 10%, 50%, and 90% of the time, respectively, during the measurement period. L <sub>90</sub> is generally taken as the background noise level.
Equivalent Noise Level, L <sub>eq</sub>	The energy average A-weighted noise level during the noise level measurement period.
Community Noise Equivalent Level, CNEL	The average A-weighted noise level during a 24-hour day, obtained after addition of 4.8 decibels to levels in the evening from 7 p.m. to 10 p.m., and after addition of 10 decibels to sound levels in the night between 10 p.m. and 7 a.m.
Day-Night Level, L <sub>dn</sub> or DNL	The Average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10 p.m. and 7 a.m.
Ambient Noise Level	The composite of noise from all sources, near and far. The normal or existing level of environmental noise at a given location.
Intrusive Noise	That noise that intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.
Pure Tone	A pure tone is defined by the Model Community Noise Control Ordinance as existing if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the two contiguous bands by 5 decibels (dB) for center frequencies of 500 Hz and above, or by 8 dB for center frequencies between 160 Hz and 400 Hz, or by 15 dB for center frequencies less than or equal to 125 Hz.

Source: Guidelines for the Preparation and Content of Noise Elements of the General Plan, Model Community Noise Control Ordinance, California Department of Health Services 1976, 1977.

**Noise Table A2**  
**Typical Environmental and Industry Sound Levels**

Noise Source (at distance)	A-Weighted Sound Level in Decibels (dBA)	Noise Environment	Subjective Impression
Civil Defense Siren (100')	140-130		Pain Threshold
Jet Takeoff (200')	120		Very Loud
Very Loud Music	110	Rock Music Concert	
Pile Driver (50')	100		
Ambulance Siren (100')	90	Boiler Room	
Freight Cars (50')	85		
Pneumatic Drill (50')	80	Printing Press Kitchen with Garbage Disposal Running	Loud
Freeway (100')	70		Moderately Loud
Vacuum Cleaner (100')	60	Data Processing Center Department Store/Office	
Light Traffic (100')	50	Private Business Office	
Large Transformer (200')	40		Quiet
Soft Whisper (5')	30	Quiet Bedroom	
	20	Recording Studio	
	10		Threshold of Hearing

Source: Handbook of Noise Measurement, Arnold P.G. Peterson, 1980

### **Subjective Response to Noise**

The adverse effects of noise on people can be classified into three general categories:

- Subjective effects of annoyance, nuisance, dissatisfaction.
- Interference with activities such as speech, sleep, and learning.
- Physiological effects such as anxiety or hearing loss.

The sound levels associated with environmental noise, in almost every case, produce effects only in the first two categories. Workers in industrial plants can experience noise effects in the last category. There is no completely satisfactory way to measure the subjective effects of noise or of the corresponding reactions of annoyance and dissatisfaction, primarily because of the wide variation in individual tolerance of noise.

One way to determine a person's subjective reaction to a new noise is to compare the level of the existing (background) noise, to which one has become accustomed, with the level of the new noise. In general, the more the level or the tonal variations of a new noise exceed the previously existing ambient noise level or tonal quality, the less acceptable the new noise will be, as judged by the exposed individual.

With regard to increases in A-weighted noise levels, knowledge of the following relationships can be helpful in understanding the significance of human exposure to noise.

1. Except under special conditions, a change in sound level of 1 dB cannot be perceived.
2. Outside of the laboratory, a 3-dB change is considered a barely noticeable difference.
3. A change in level of at least 5 dB is required before any noticeable change in community response would be expected.
4. A 10-dB change is subjectively heard as an approximate doubling in loudness and almost always causes an adverse community response (Kryter, Karl D., The Effects of Noise on Man, 1970).

### **Combination of Sound Levels**

People perceive both the level and frequency of sound in a non-linear way. A doubling of sound energy (for instance, from two identical automobiles passing simultaneously) creates a 3-dB increase (i.e., the resultant sound level is the sound level from a single passing automobile plus 3 dB). **NOISE Table A3** indicates the rules for decibel addition used in community noise prediction.

**NOISE Table A3**  
**Addition of Decibel Values**

When two decibel values differ by:	Add the following amount to the larger value
0 to 1 dB	3 dB
2 to 3 dB	2 dB
4 to 9 dB	1 dB
10 dB or more	0

Figures in this table are accurate to  $\pm 1$  dB.

Source: Architectural Acoustics, M. David Egan, 1988.

### **Sound and Distance**

Doubling the distance from a noise source reduces the sound pressure level by 6 dB.

Increasing the distance from a noise source 10 times reduces the sound pressure level by 20 dB.

### **Worker Protection**

OSHA noise regulations are designed to protect workers against the effects of noise exposure and list permissible noise level exposure as a function of the amount of time to which the worker is exposed, as shown in **NOISE Table A4**.

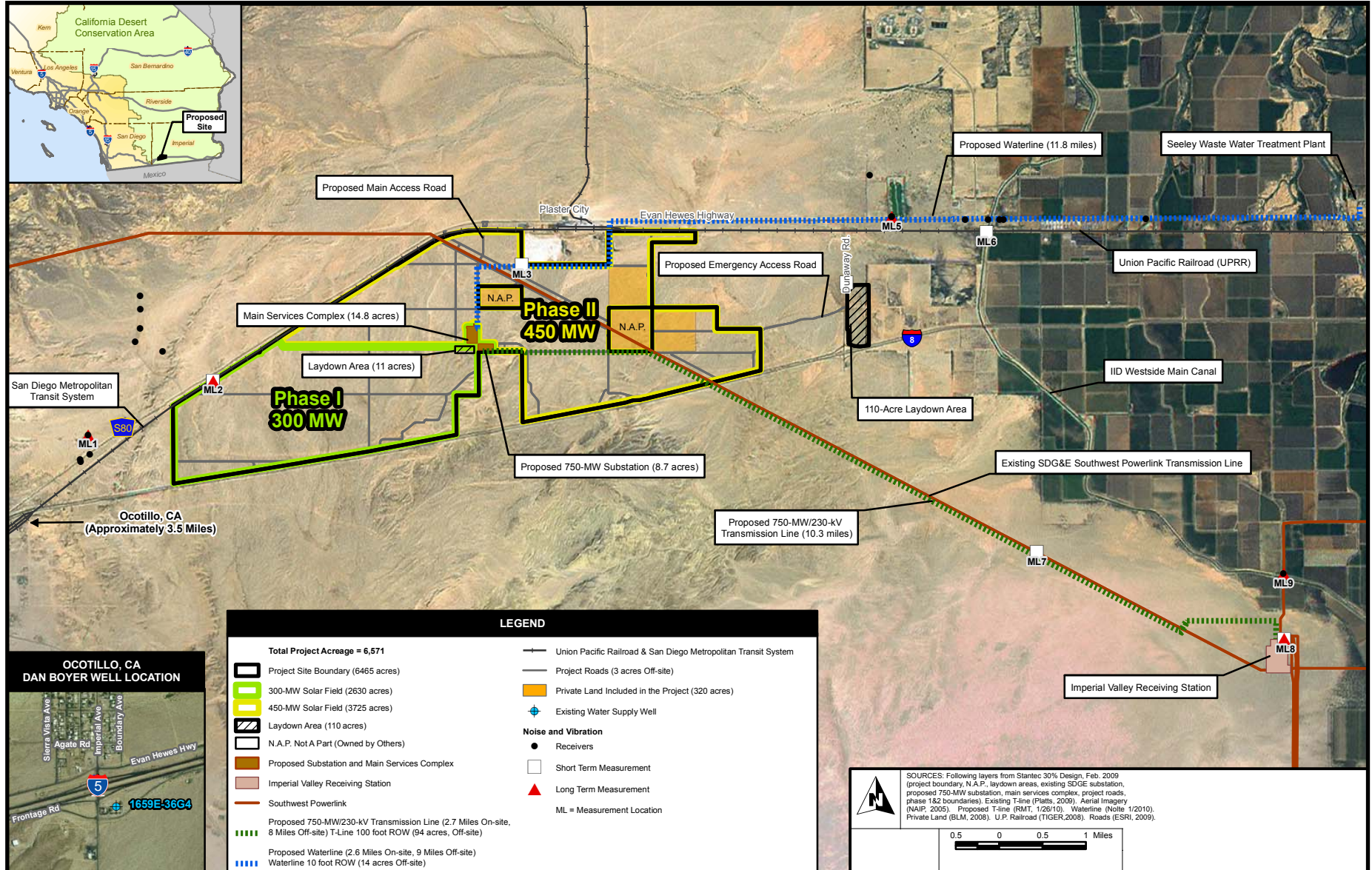
**NOISE Table A4**  
**OSHA Worker Noise Exposure Standards**

<b>Duration of Noise (Hrs/day)</b>	<b>A-Weighted Noise Level (dBA)</b>
8.0	90
6.0	92
4.0	95
3.0	97
2.0	100
1.5	102
1.0	105
0.5	110
0.25	115

Source: 29 CFR § 1910.95.



**NOISE AND VIBRATION - FIGURE 1**  
Imperial Valley Solar - Noise Survey Locations



NOISE AND VIBRATION

## C.10 - SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

Testimony of Amanda Stennick

### C.10.1 SUMMARY OF CONCLUSIONS

---

The U.S. Bureau of Land Management and Energy Commission staff (hereafter jointly referred to as “staff”) have reviewed the proposed Imperial Valley Solar (IVS) Project (proposed project) in accordance with the requirements of the National Environmental Policy Act and the California Environmental Quality Act. With respect to California Environmental Quality Act and National Environmental Policy Act, staff concludes that the 750-megawatt IVS Project would not under California Environmental Quality Act cause a significant adverse direct or indirect impact or contribute to a cumulative socioeconomic impact on the area’s housing, schools, parks and recreation, police, emergency medical services, or hospitals, because the project’s construction and operation workforce currently resides in the regional or local labor market area, and construction would be short-term. Staff also concludes that the project would not require the construction of new or altered public facilities.

The construction and operation of the proposed project would not result in any disproportionate socioeconomic impacts to low-income or minority populations. Gross public benefits from the project include capital costs, construction and operation payroll, and sales tax from construction and operation spending.

Please refer to the **Land Use, Recreation, and Wilderness** section of this document for further analysis of recreation impacts.

### C.10.2 INTRODUCTION

---

Staff’s socioeconomic impact analysis evaluates project-induced changes on community services and/or infrastructure, and related community issues such as environmental justice. Staff discusses the estimated beneficial impacts of the construction, operation, and decommissioning of the IVS Project and other related socioeconomic economic impacts.

#### **Project Closure and Decommissioning**

According to Section 3.12 of the applicant’s project description, the solar generating facility is expected to have a lifespan of 40 years. At any point during this time, temporary or permanent closure of the solar facility could occur. Temporary closure would be a result of necessary maintenance, hazardous weather conditions, or damage due to a natural disaster. Permanent closure would be a result of damage that is beyond repair, adverse economic conditions, or other significant reasons.

Both temporary and permanent closures would require the applicant to submit to the Energy Commission a contingency plan or a decommissioning plan. A decommissioning plan would be implemented to ensure compliance with applicable socioeconomic LORS, removal of equipment and shutdown procedures, site restoration, potential decommissioning alternatives, and the costs and source of funds associated with decommissioning activities.

Upon closure of the facility or decommissioning, it is likely that the applicant would be required to restore lands affected by the project to their pre-project state. Given the fact that the proposed project site is located on undeveloped land with current evidence of high levels of disturbance (due to OHV use), staff anticipates that project decommissioning would have impacts similar in nature to proposed project construction activities. Therefore, given the temporary nature of decommissioning activities and the eventual return of the lands to their current state, staff concludes the effects of decommissioning on socioeconomic resources would not be adverse.

### **C.10.3      METHODOLOGY AND THRESHOLDS FOR DETERMINING ENVIRONMENTAL CONSEQUENCES**

---

The analysis of proposed project effects must comply with both California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) requirements given the respective power plant licensing and land jurisdictions of the California Energy Commission and U.S. Bureau of Land Management (BLM). CEQA requires that the significance of individual effects be determined by the Lead Agency; however, the use of specific significance criteria is not required by NEPA.

Because this document is intended to meet the requirements of both NEPA and CEQA, the methodology used for determining environmental impacts of the proposed project includes a consideration of guidance provided by both laws.

CEQA requires a list of criteria that are used to determine the significance of identified impacts. A significant impact is defined by CEQA as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project” (State CEQA Guidelines Section 15382).

In comparison, NEPA states that “‘Significantly’ as used in NEPA requires considerations of both context and intensity...” (40 CFR 1508.27). Therefore, thresholds serve as a benchmark for determining if a project action will result in a significant adverse environmental impact when evaluated against the baseline. NEPA requires that an Environmental Impact Statement (EIS) is prepared when the proposed federal action (project) as a whole has the potential to “significantly affect the quality of the human environment.”

Thresholds for determining significance in this section are based on Appendix G of the CEQA Guidelines (CCR 2006) and performance standards or thresholds identified by the Energy Commission staff. In addition, staff’s evaluation of the environmental effects of the proposed project on socioeconomic resources (i.e., those listed below) includes an assessment of the context and intensity of the impacts, as defined in the NEPA implementing regulations 40 CFR Part 1508.27.

Effects of the proposed project on socioeconomic resources (and in compliance with both CEQA and NEPA) have been determined using the thresholds listed below.

According to Appendix G of the CEQA guidelines, a project may have a significant effect on population, housing, and public services if the project will:

- Induce substantial population growth in an area, either directly or indirectly;
- Displace substantial numbers of people and/or existing housing, necessitating the construction of replacement housing elsewhere; or
- Adversely impact acceptable levels of service for fire and police protection, schools, parks and recreation, and other public facilities.

A socioeconomic analysis looks at beneficial impacts from construction and operation spending, and property and sales taxes as well as potential adverse impacts on housing, schools, and public services. To determine whether a project would have any significant impacts, staff analyzes whether the current status of these community services and capacities can absorb the project-related impacts in each of these areas. If the project's impacts could appreciably strain or degrade these services, staff considers this to be a significant adverse impact under CEQA and would propose mitigation.

In this analysis, staff used fixed percentage criteria for determining the presence of a minority or low-income population for environmental justice. Impacts on housing, schools, emergency medical services, law enforcement, parks and recreation, and cumulative impacts are based on professional judgments or input from local and state agencies. Substantial employment of people coming from regions outside the study area has the potential to create significant adverse socioeconomic impacts under CEQA. Significance criteria for subject areas such as utilities, fire protection, water use, and wastewater disposal are identified in the **Soil and Water Resources, Reliability, Worker Safety and Fire Protection**, and **Waste Management** sections of this document.

### **Laws, Ordinances, Regulations, and Standards**

The following table contains all applicable socioeconomic laws, ordinances, regulations, and standards (LORS).

**SOCIOECONOMICS Table 1**  
**Laws, Ordinances, Regulations, and Standards (LORS)**

<b>Applicable Law</b>	<b>Description</b>
<b>Federal</b>	
Emergency Economic Stabilization Act of 2008 (P.L. 110-343) Business Solar Investment Tax Credit (IR Code §48)	Extends the 30% investment tax credit (ITC) for solar energy property for eight years through December 31, 2016. The bill allows the ITC to be used to offset both regular and alternative minimum tax (AMT) and waives the public utility exception of current law (i.e., permits utilities to directly invest in solar facilities and claim the ITC). The five-year accelerated depreciation allowance for solar property is permanent and unaffected by passage of the eight-year extension of the solar ITC.

Applicable Law	Description
<b>State</b>	
California Education Code, Section 17620	The governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement for the purpose of funding the construction or reconstruction of school facilities.
California Government Code, Sections 65996-65997	These sections include provisions for school district levies against development projects. As amended by Senate Bill (SB) 50 (stats. 1998, ch. 407, sec. 23), these sections state that, except for fees established under Education Code 17620, state and local public agencies may not impose fees, charges, or other financial requirements to offset the cost of school facilities.
California Revenue and Tax Code 70-74.7	Property taxes are not assessed on solar facilities. Assembly Bill 1451 extended the current property tax exclusion for new construction of solar energy systems to January 1, 2017.

## **C.10.4 PROPOSED PROJECT**

### **C.10.4.1 SETTING AND EXISTING CONDITIONS**

The IVS Project site would be located primarily (approximately 95%) on federal land managed by the Bureau of Land Management (BLM), 14 miles west of El Centro, California in unincorporated western Imperial County. The project site would be situated in the eastern section of Imperial County's Ocotillo/Nomirage Planning Area. The applicant expects construction of the IVS Project would take place in two phases and employ an average of 360 persons per month, totaling 24,086 personnel months for the 40-month construction period; when fully operational the project would employ 164 full-time workers and would operate 7 days a week, with maintenance activities occurring 7 days a week, 24 hours a day. (SES 2008a).

In 2000, as reported by the U.S. Census, the population of the Ocotillo/Nomirage planning area was 719 and 800 in 2006. Imperial County had a total population of 142,361 in 2000 and 161,867 in 2007 (California Department of Finance 2000 and (SES 2008a).

The unemployment rate for Imperial County was 24.5% in February 2009 (not seasonally adjusted). This is not full employment for Imperial County. Over the past few decades, full employment has been typically defined as approximately 4.0% to 5.5% unemployment. For California, the unemployment rate was 10.9% in February 2009 (not seasonally adjusted) (State of California Employment Development Department 2008a).

### **ENVIRONMENTAL JUSTICE/DEMOGRAPHIC SCREENING**

Executive Order 12898, "Federal Actions to address environmental justice in Minority Populations and Low-Income Populations," focuses federal attention on the environment and human health conditions of minority communities and calls on agencies to achieve environmental justice as part of this mission. The order requires the US Environmental Protection Agency (EPA) and all other federal agencies (as well as state agencies



receiving federal funds) to develop strategies to address this issue. The agencies are required to identify and address any disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations.

Civil Rights Act of 1964, Public Law 88-352, 78 Stat.241 (Codified as amended in scattered sections of 42 U.S.C.) Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national programs in all programs or activities receiving federal financial assistance.

California law defines environmental justice as “the fair treatment of people of all races, cultures and income with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies” (Government Code Section 65040.12 and Public Resources Code Section 72000).

All Departments, Boards, Commissions, Conservancies and Special Programs of the Resources Agency must consider environmental justice in their decision-making process if their actions have an impact on the environment, environmental laws, or policies. Such actions that require environmental justice consideration may include:

- Adopting regulations;
- Enforcing environmental laws or regulations;
- Making discretionary decisions of taking actions that affect the environment;
- Providing funding for activities affecting the environment; and
- Interacting with the public on environmental issues.

In considering environmental justice in energy siting cases, staff uses a demographic screening analysis to determine whether a low-income and/or minority population exists within the potentially affected area of the proposed site. The potentially affected area consists of a 6-mile radius of the site and is consistent with air quality modeling of the range of a project’s air quality impacts. The demographic screening is based on information contained in two documents: *Environmental Justice: Guidance Under the National Environmental Policy Act* (Council on Environmental Quality, December, 1997) and *Guidance for Incorporating Environmental Justice Concerns in EPA’s Compliance Analyses* (U.S. Environmental Protection Agency, April, 1998). The screening process relies on Year 2000 U.S. Census data to determine the presence of minority and below-poverty-level populations.

In addition to the demographic screening analysis, staff follows the steps recommended by the U.S. EPA’s guidance documents which are outreach and involvement, and if warranted, a detailed examination of the distribution of impacts on segments of the population.

Staff has followed each of the above steps for the following 11 sections in the FSA: Air Quality, Hazardous Materials, Land Use, Noise, Public Health, Socioeconomics, Soils and Water, Traffic and Transportation, Transmission Line Safety/Nuisance, Visual Resources, and Waste Management. Over the course of the analysis for each of the 11

areas, staff considered potential impacts and mitigation measures, significance, and whether there would be a significant impact on an environmental justice population.

### **Minority Populations**

According to *Environmental Justice: Guidance Under the National Environmental Policy Act*, minority individuals are defined as members of the following groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic.

A minority population, for the purposes of environmental justice, is identified when the minority population of the potentially affected area is greater than 50% or meaningfully greater than the percentage of the minority population in the general population or other appropriate unit of geographical analysis;

For the IVS Project, the total population within the 6-mile radius of the proposed site is 4,583 persons, and the total minority population is 3,725 persons or 81.27% of the total population (see **Socioeconomics Figure 1**). Therefore, staff in 11 technical areas identified in the Executive Summary has considered environmental justice in their environmental impact analyses.

### **Below-Poverty-Level Populations**

Staff has also identified the below-poverty-level population based on Year 2000 U.S. Census block group data within a 6-mile radius of the project site. The below-poverty-level population within a 6-mile radius of the IVS Project consists of 163 people or about 11% of the total population in that area.

## **C.10.4.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The socioeconomic resource areas evaluated by staff are based on Appendix G of the California Environmental Quality Act (CEQA) Guidelines and shown in **Socioeconomics Table 2**. Staff's assessment of impacts on population, housing, emergency medical services, police protection, schools, emergency medical services, and parks and recreation, are based on professional judgments, input from local and state agencies, and the industry-accepted 2-hour commute range for construction workers. Criteria for subject areas such as utilities, fire protection, water supply, and wastewater disposal are analyzed in the **Reliability, Worker Safety and Fire Protection**, and **Water Resources** sections of this document.

## **DIRECT/INDIRECT/INDUCED IMPACTS**

### **Induce Substantial Population Growth**

For the purpose of this analysis, staff defines "induce substantial population growth" as workers permanently moving into the project area because of project construction and operation, thereby encouraging construction of new homes or extension of roads or other infrastructure. To determine whether the project would induce population growth, staff analyzes the availability of the local workforce and the population within the region. Staff defines "local workforce" as Imperial, San Diego, Riverside, and San Bernardino Counties. Construction workers beyond a 2-hour commute (either in- or out-of-state)

would likely relocate for the workweek but would return to their primary residences and families on weekends.

Staff used the Imperial, San Diego, Riverside, and San Bernardino labor market area for its evaluation of construction worker availability and Imperial County for community services and infrastructure impacts from construction of the IVS project.

Project construction of the power generation facility is expected to occur over a 40 month period. The applicant proposes that project construction would start in first or second quarter of 2010. The greatest number of construction workers (peak) would occur in the seventh month of construction. The number of construction workers would range from about 101 in the first month of construction to approximately 731 workers at peak construction. There would be an average of 360 workers per month during construction (SES 2008a).

**SOCIOECONOMICS Table 2** shows that total labor by skill, in Imperial, San Diego, Riverside, and San Bernardino Counties, with annual averages for 2009, is adequate when compared to IVS project needs. Peak construction activity would employ approximately 731 workers and represents less than 1% of the Imperial County), San Diego County, Riverside and San Bernardino Counties) Metropolitan Statistical Areas (MSA).

**SOCIOECONOMICS Table 2**  
**Total Labor in Imperial, San Diego, Riverside, and San Bernardino Counties**  
**by Skill for Construction In 2009**

<b>Occupational Title</b>	<b>Annual Average 2009</b>	<b>Maximum Needed Per Month for IVS</b>
Carpenters	55,075	47
Concrete Crews	8,840	46
Electricians	13,980	113
Ironworkers	760	48
Laborers	38,255	142
Miscellaneous Crews	N/A*	10
Operators	8,675	86
Plumbers	12,550	26
IVS Technicians	N/A*	32
SunCatchers Assemblers	N/A*	64
SunCatchers Electricians	13,980	16
SunCatchers Ironworkers	760	32
SunCatchers Laborers	38,255	16
SunCatchers Material Handlers	N/A*	16
SunCatchers Operators	8,675	8
SunCatchers Teamsters	32,265	12
SunCatchers Technicians	N/A*	32
Teamsters	32,265	60
Technicians	N/A	5

Source: SES 2008a and State of California Employment Development Department 2008a, b, and c.

\*Not Available.



Because the majority of the construction workforce currently resides within Imperial, San Diego, San Bernardino, and Riverside Counties, construction, operation, and demolition of the project would have little impact with respect to inducing substantial population growth. For operations, the workforce is modest (164 workers) and most would reside in Imperial, San Diego, San Bernardino, and Riverside Counties (SES 2008a). Demolition workforce would likely total the peak number of construction workforce. Staff concludes that inducement of substantial population growth either directly or indirectly by the IVS project, under CEQA would not be significant or adverse.

### **Housing Supply**

As shown on the State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State, 2001-2008, with 2000 Benchmark. Sacramento, California, May 2008, housing supply within the four-county area is more than adequate should some project construction or operation workers choose to relocate. For example, housing units (single- and multiple-family, and mobile homes) in Imperial County (unincorporated and incorporated) totaled about 55,600 with an overall vacancy rate of 11%; Riverside County was about 775,000 units with an overall 13% vacancy rate; San Bernardino County was about 686,000 units with an overall 12% vacancy rate; and San Diego County had about 1,140,000 units with an overall 4.4% vacancy rate.

Housing, should it be required for a percentage of the construction and operation workforces would likely be within a 1- to 2-hour commute of the project site. Staff concludes that adequate housing exists and no new housing construction would be required. Because of the large labor force within commuting distance of the project, staff expects the majority of construction workers would commute to the project daily from their existing residences. No new housing construction would be required.

### **Displace Existing Housing and Substantial Numbers of People**

The IVS Project site would be located 14 miles west of El Centro, California on federal land managed by the BLM in unincorporated western Imperial County. The project site would be situated in the eastern section of Imperial County's Ocotillo/Nomirage Planning Area. As cited in the Ocotillo/Nomirage Community Area Plan, "Due to water constraints, it is not anticipated the Ocotillo/Nomirage Community Area will experience a significant amount of population growth."

Because the project would be constructed on 95% of federal lands, it would not displace existing housing. Private lands within the project site are zoned for Open Space use (Section 5.9 of the AFC). Few residences are present in the area, and no inhabited residence would be displaced as a result of project construction. Therefore, staff concludes that the proposed project would not displace any people or necessitate construction of replacement housing elsewhere.

### **Result in Substantial Physical Impacts to Government Facilities**

As discussed under the subject headings below, the proposed project would not cause significant impacts to service ratios, response times, or other performance objectives relating to emergency medical services, law enforcement, or schools. Fire protection,

including the applicant's proposed onsite Fire Protection and Prevention Plan, is analyzed in the **Worker Safety and Fire Protection** section of this document.

### **Emergency Medical Services**

The project would be located in a remote area in Imperial County, California. The nearest hospital is El Centro Regional Medical Center, located in El Centro, California, about 15 miles from the site with an estimated 14-minute response time. Additional emergency medical service would be provided by Pioneers Memorial Healthcare, a full-service facility located about 28 miles northeast of the project site in the city of Brawley.

Including emergency services provided by Imperial County EMS Area 1 and a full-time fire station and advanced life support ambulance station located in Ocotillo, there are seven life-support ambulances in the area with a proposal for additional EMS near the city of Imperial, about 20 miles away. Fire Chief Petrie of the El Centro Fire Department and Mr. Kelly of the Imperial County Public Health and Emergency Services indicated that there is adequate capacity of local EMS to accommodate construction and operation of the project (SES 2008a and URS 2008).

The estimated response time for the Ocotillo/Nomirage planning area is 10 to 25 minutes. In the event of a life threatening injury, air support would be directed through the Imperial County Sheriff's Department. Air support would be provided by Reach Air, which has major trauma treatment capability. Emergency air lift services can be provided locally in the City of Brawley, in San Diego County, and from as far away as Yuma, Arizona, depending on the availability of emergency air response equipment and crews.

**Worker Safety and Fire Protection** staff reports that construction, and in particular power plant construction is hazardous relative to other workplaces. Over the last 20 or more years, significant injury in power plants licensed by the Energy Commission has been infrequent but has significant potential if safety is not a top priority. For additional discussion see the **Worker Safety and Fire Protection** section of this Supplemental Staff Assessment (SSA).

The applicant's proposed safety procedures and employee training would minimize potential unsafe work conditions and the need for outside emergency medical response. Staff concludes that the emergency medical services described above would be adequate during construction and operation. Thus, the project would not require construction of new or physically altered emergency medical facilities.

### **Law Enforcement**

The Imperial County Sheriff's Department would provide police protection and public safety services (traffic and neighborhood police control, emergency calls, and crime prevention) to the IVS project during construction and operation. The Imperial County Sheriff's Department has an office located in El Centro, located 14 miles from the project site. Imperial County Sheriff's Department has 229 full time employees with 111 sworn officers and 36 vehicles. Additional response support could be supplied by other patrols within the county and the California Highway Patrol (CHP). As reported by Chief Deputy Gutierrez and cited in the AFC, the level of crime in the project area is low relative to other locations in Imperial County (SES 2008a).

The IVS project should not impact criminal activity, traffic, or crowd control, from a population perspective, since most of the construction labor force would be local. For the operations phase, the change in workforce is modest (164), with most coming from the four-county area within commuting distance of the project. The IVS Project would include appropriate site security measures during construction (fencing) and operation (24-hour site security monitoring in a control room via closed-circuit television and intercom system, security fencing, 24-hour security officers and off-site emergency response teams for after hour emergencies) which would minimize the potential need for the Imperial County Sheriff's Department assistance (SES 2008a).

In comparison to residential or commercial developments, power plants do not attract large numbers of people and thus require little in the way of law enforcement. Because of this factor and the proposed onsite safety and security measures, staff concludes that the existing law enforcement resources would be adequate to provide services to the IVS Project during construction and operation. Thus, the project would not require new or physically altered law enforcement facilities. Staff concludes that, under CEQA there would be no impacts to law enforcement services.

## **Education**

For the 2008-2009 school year, Imperial Unified School District, which serves the IVS Project site, had six schools and a total of 3,602 students.

Staff's analysis shows that the construction workforce from Imperial, San Diego, San Bernardino, and Riverside Counties would be more than adequate to serve construction needs. This workforce would commute either daily or weekly to the site. Due to the commuting habits of construction workers, staff does not expect any construction workers to relocate their families to the area. Thus, the proposed project would not require construction of new or physically altered school facilities.

A total of 164 operation workers are needed to operate the IVS Project. As previously stated, the applicant and staff expect to hire the operation workforce from within the area and no operation workers are expected to relocate with their families. However, if all 164 operation workers relocate within Imperial Unified School District, an average family size of 3.32 persons per household (U.S. Census Bureau, Household and Families, 2000 for Imperial County) would result in the addition of about 217 children to the local schools. Under this worst-case scenario, staff believes the school district could easily accommodate additional students. The AFC references a conversation with Kay McAllaster, Director of Business Services at the Imperial Unified School District who stated that local schools are currently at capacity. However, Imperial Unified School District expects additions to enrollment based on projected growth rates and expected development. Ms. McAllaster predicts that the District would be able to accommodate growth resulting from this and other projects at existing schools. Thus, operation of the proposed project would not require construction of new or physically altered school facilities.

Like all school districts in the state, the Imperial Unified School District is entitled to collect school impact fees for new construction within their district under the California Education Code Section 17620. These fees are based on the project's square feet of industrial space. Because the main services complex of the IVS Project (considered "industrial

space”) would be constructed entirely on BLM land, no private land would be affected and therefore, the provisions of Education Code Section 17620 would not apply to this project.

### **Increase the Use of Existing Recreation Facilities**

The Imperial County Parks and Recreation Department maintains a variety of community parks, off-road parks, and special activities. The community parks amenities include swimming pools, picnic tables, baseball/softball fields, basketball courts, community centers, playgrounds, walking trails, and barbeques (<http://www.imperial.ca.us>).

Given the existing labor force within 2-hour commuting time of the project, staff does not expect employees to relocate to the immediate project area. Staff concludes that there are a number and variety of parks within the regional project area and the project would not require construction of new parks nor substantially increase the use of existing parks. Therefore, the construction and operation workforce would not have a significant adverse impact on parks and recreation. For additional discussion on recreation uses, see the **Land Use, Recreation, and Wilderness** section of this document.

### **NOTEWORTHY PUBLIC BENEFITS**

Noteworthy public benefits include the direct, indirect, and induced impacts of a proposed power plant. For example, the dollars spent on or resulting from the construction and operation of the IVS Project would have a ripple effect on the local economy. This ripple effect is measured by an input-output economic model. The model relies on a series of multipliers to provide estimates of the number of times each dollar of input or direct spending cycles through the economy in terms of indirect and induced output, or additional spending, personal income, and employment. The typical input-output model used by economists and the one used for this analysis by the applicant is the IMPLAN model. IMPLAN multipliers indicate the ratio of direct impacts to indirect and induced impacts. Staff reviewed the results of the IMPLAN model and found them to be reasonable considering data provided by the applicant as well as data obtained by staff from governmental agencies, trade associations, and public interest research groups.

IVS Project owners would employ workers and purchase supplies and services for the life of the project. Employees would use salaries and wages to purchase goods and services from other businesses. Those businesses make their own purchases and hire employees, who also spend their salaries and wages throughout the local and regional economy. This effect of indirect (jobs, sales, and income generated) and induced (employees’ spending for local goods and services) spending continues with subsequent rounds of additional spending, which is gradually diminished through savings, taxes, and expenditures made outside the area. For purposes of this analysis, direct impacts were said to exist if the project resulted in permanent jobs and wages; indirect impacts, if jobs, wages, and sales resulted from project construction; induced impacts, from the spending of wages and salaries on food, housing, and other consumer goods. The economic benefits of the proposed project, as required by the Energy Commission regulations and resulting from the IMPLAN model are shown in **Socioeconomics Table 3**.

**SOCIOECONOMICS Table 3**  
**Data and Information<sup>1</sup>**

Estimated Project Costs	\$1.14 billion
Estimate of Locally Purchased Materials: Construction Operation (Operation and Maintenance)	\$2.41 million \$7.4 million annually
Estimated Annual Property Taxes	None – The IVS Project is expected to be allowed a 100% property tax exemption as part of Section 73 of the California Revenue and Tax Code for solar systems. Also, it is primarily on federal land managed by the BLM which is exempt from local property taxes. Because of AB 1451, if the California property tax exemption for solar systems is not renewed when it expires during the 2015-2016 fiscal year, then the project's property tax on private land would be \$840,750 annually.
Estimated School Impact Fees	None – the “industrial square footage” of the project would be constructed on federal land managed by the BLM.
Estimated Direct Employment: Construction (average) Operation	360 workers (average per month) 164 workers
<b>Secondary Impacts (Indirect and Induced)</b>	
Construction	314 workers \$13,021,074 \$39,815,155
Operation (Phase 2): Employment Income Output	77 workers \$3,410,893 \$9,984,482
Estimated Payroll (three-county area of Imperial, San Diego, and Riverside Counties): Construction Operation	\$42.1 million total \$8,924,810 annually
Estimated Sales Taxes: Construction Operation	\$623,100 \$387,500 annually
Existing Unemployment Rate	25.1% in March 2009 for Imperial County (not seasonally adjusted) and 11.5% in March 2009 for California (not seasonally adjusted)
Percent Minority Population (6-mile radius)	81.27%
Percent Poverty Population (6-mile radius)	11%

<sup>1</sup> Table 3 uses 2008 dollars for total project costs. Construction would be for 40 months and the project's life is planned for 40 years. Unemployment information is for Imperial County. Population is for a 6 mile radius from the power plant.

### **C.10.4.3 CEQA LEVEL OF SIGNIFICANCE**

As discussed in the subject headings above, under CEQA, project-related socioeconomic impacts would be less than significant for population, employment, housing, schools, parks and recreation, emergency medical services, and law enforcement.

### **C.10.5 300 MEGAWATT ALTERNATIVE**

---

The 300 MW alternative would essentially be Phase 1 of the proposed 750 MW project (see Alternatives Figure 1), and would consist of 12,000 SunCatchers with a net generating capacity of approximately 300 MW occupying approximately 2,600 acres of land. This alternative would transmit power to the grid through the SDG&E Imperial Valley Substation and would require infrastructure similar to the proposed 750 MW project, including a water supply pipeline, transmission line, road access, operations facilities, substation, and hydrogen system (SES 2008a). Infrastructure associated with this alternative would require approximately 40 acres. This alternative would retain 40% of the SunCatchers and would affect 40% of the land of the proposed 750 MW project.

#### **C.10.5.1 SETTING AND EXISTING CONDITIONS**

The setting for this alternative would be approximately 2,600 acres, reducing the project footprint by 60%. The socioeconomic resources described in the proposed project setting would be the same as those for this alternative.

#### **C.10.5.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Similar to the proposed project, this alternative would not impact socioeconomic resources. With a 60% reduction in the site, any socioeconomic impact would also be proportionately less. Construction activities would be reduced, resulting in a shorter overall construction schedule, fewer tax benefits to local governments, and less local spending.

#### **C.10.5.3 CEQA LEVEL OF SIGNIFICANCE**

Similar to the proposed project, no significant adverse impacts would result from construction and operation of the 300 MW alternative. The benefits of the project to the local economy would be somewhat reduced due to the smaller scale of the project.

### **C.10.6 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

---

The first of two alternatives developed to reduce impacts to the waters of the U.S. would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries. This alternative is illustrated in **Alternatives Figure 1B**. This alternative would have the same outer project boundaries as the proposed project, but it would include prohibition of installing permanent structures within drainages, thereby reducing the available acreage for development to 4,690 acres, and reducing the number of SunCatchers from 30,000 under the proposed project to 25,290.

### **C.10.6.1 SETTING AND EXISTING CONDITIONS**

The setting for the Drainage Avoidance #1 alternative is the same as that of the proposed project, because the boundaries of both project areas would be the same. The socioeconomic resources described in the proposed project setting would be the same as those for this alternative.

### **C.10.6.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Section C.10.4.2 describes the impacts of the proposed project. The impacts of the Drainage Avoidance #1 alternative would be very similar, but slightly reduced due to the smaller number of SunCatchers required for this alternative. Construction activities would be reduced, resulting in a shorter overall construction schedule, fewer tax benefits to local governments, and less local spending.

### **C.10.6.3 CEQA LEVEL OF SIGNIFICANCE**

Similar to the proposed project, no significant adverse impacts would result from construction, operation, or demolition of the Drainage Avoidance #1 alternative. The benefits of the project to the local economy would be somewhat reduced due to the smaller scale of the project.

## **C.10.7 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

---

The Drainage Avoidance #2 alternative would eliminate both the eastern and western-most portions of the proposed project, where the largest drainage complexes are located. This alternative is shown in **Alternatives Figure 1C**. It would reduce the overall size of the project site by 3,347 acres (from 6,500 acres to 3,153 acres). It would also reduce the number of SunCatchers from 30,000 under the proposed project to 16,915. Under this alternative, construction activities would be reduced, resulting in a shorter overall construction schedule, fewer tax benefits to local governments, and less local spending.

### **C.10.7.1 SETTING AND EXISTING CONDITIONS**

The setting for the Drainage Avoidance #2 alternative is the same as that of the proposed project, because while this alternative is smaller, it is located within the boundaries of the proposed project. The socioeconomic resources described in the proposed project setting would be the same as those for this alternative.

### **C.10.7.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Section C.10.4.2 describes the impacts of the proposed project. The impacts of the Drainage Avoidance #2 alternative would be very similar, but reduced due to the smaller number of SunCatchers required in the alternative. Construction activities would be reduced, resulting in a shorter overall construction schedule, fewer tax benefits to local governments, and less local spending.

### **C.10.7.3 CEQA LEVEL OF SIGNIFICANCE**

Similar to the proposed project, no significant adverse impacts would result from construction and operation of the Drainage Avoidance #2 alternative. The benefits of the project to the local economy would be somewhat reduced due to the smaller scale of the project.

### **C.10.8 NO PROJECT/NO ACTION ALTERNATIVES**

---

There are three No Project/No Action Alternatives evaluated in this section, as follows:

#### **NO PROJECT/NO ACTION ALTERNATIVE #1:**

##### **No Action on IVS Project application and on CDCA land use plan amendment**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, none of the construction or operation benefits would occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, one of which would be a solar project requiring a land use plan amendment. Therefore, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

#### **NO PROJECT/NO ACTION ALTERNATIVE #2:**

##### **No Action on the IVS Project and amend the CDCA land use plan to make the area available for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM would amend the CDCA Land Use Plan of 1980, as amended, to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site would be developed with the same or a different solar technology. As a result, socioeconomic impacts and benefits would be similar to the socioeconomic impacts and benefits from the proposed project. As such, this No Project/No Action Alternative could result in socioeconomic benefits similar to the benefits under the proposed project.



## **NO PROJECT/NO ACTION ALTERNATIVE #3:**

### **No Action on the IVS Project application and amend the CDCA land use plan to make the area unavailable for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM would amend the CDCA Plan to make the proposed site unavailable for future solar development. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because the CDCA Plan would be amended to make the area unavailable for future solar development, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, the socioeconomic setting of the site would not change from existing conditions. This No Project/No Action Alternative would not result in socioeconomic benefits beyond those of the existing base line. In the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar socioeconomic impacts in other locations.

With the No Project/No Action Alternative, the proposed action would not be undertaken and no impacts would occur to the socioeconomic environment of the project area.

#### **C.10.8.1 SETTING AND EXISTING CONDITIONS**

The socioeconomic setting for the No Project/No Action Alternative would be the same as the proposed project site and associated linear facilities. Subsection C.10.4.2 describes in detail the socioeconomic resources that would be affected. The socioeconomic resources described in the proposed project setting would be the same as those for this alternative.

#### **C.10.8.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Under the No Project/No Action alternative, the socioeconomics-related impacts of the IVS Project would not occur at the proposed site. In addition, the benefits of the proposed project (construction spending, tax benefits, etc.) would not occur in Imperial County and the surrounding area.

#### **C.10.8.3 CEQA LEVEL OF SIGNIFICANCE**

Under the No Project/No Action alternative, the socioeconomic benefits of the proposed project site and area would be similar as those currently occurring under the existing conditions in the area. Given that there would be no significant change over the existing conditions, impacts to socioeconomic resources of the No Project/No Action alternative would be less-than-significant.

#### **C.10.9 CUMULATIVE IMPACTS AND MITIGATION**

---

Under CEQA Guidelines, "a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other proj-

ects causing related impacts” (14 Cal Code Regs §15130(a)(1)). Cumulative impacts must be addressed if the incremental effect of a project, combined with the effects of other projects is “cumulatively considerable” (14 Cal Code Regs §15130(a)). Such incremental effects are to be “viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects” (14 Cal Code Regs §15164(b)(1)). Together, these projects comprise the cumulative scenario which forms the basis of the cumulative impact analysis.

CEQA also states that both the severity of impacts and the likelihood of their occurrence are to be reflected in the discussion, “but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion of cumulative impacts shall be guided by standards of practicality and reasonableness, and shall focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact” (14 Cal Code Regs §15130(b)).

NEPA states that cumulative effects can result from individually minor but collectively significant actions taking place over a period of time” (40 CFR §1508.7). Under NEPA, both context and intensity are considered. When considering intensity of an effect, we consider “[w]hether the action is related to other actions with individually minor but cumulatively significant impacts. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.” 40 CFR §1508.27(b)(7).

Cumulative impacts could occur when more than one project has an overlapping construction schedule that creates a demand for workers that cannot be met by local labor, resulting in an influx of non-local workers and their dependents, or if project may have a significant effect on population, housing, and public services and the project would:

- Induce substantial population growth in an area, either directly or indirectly;
- Displace substantial numbers of people and/or existing housing, necessitating the construction of replacement housing elsewhere; or
- Adversely impact acceptable levels of service for fire and police protection, schools, parks and recreation, and other public facilities.

### **Geographic Extent**

Cumulative impacts can occur if implementation of the IVS project could combine with those of other local or regional projects. Analysis of cumulative impacts is partially based on data/information in the following tables which can be found in the **Cumulative Scenario** section of this document:

- Table 2 Existing Projects in the Plaster City Area; and
- Table 3 Foreseeable Project in the Plaster City Area.

Other sources of data/information were the Solar Two AFC (i.e., for the IVS Project), BLM’s El Centro Office list of solar projects, and Energy Commission filings.

The geographic extent of cumulative impacts related to socioeconomics is Imperial County. This geographic extent is appropriate because socioeconomic factors such as public services and benefits would be within Imperial County. As stated above, the geographic extent for the labor force would be Imperial, San Diego, Riverside, and San Bernardino Counties.

Socioeconomic Resources evaluates the impacts of the proposed project on top of the current baseline and the past, present (existing) and future projects near the IVS Project site as illustrated in **Cumulative Impacts - Figure 3, Plaster City Area Existing and Future/Foreseeable Projects** and listed in **Table 2 (Existing Projects in the Plaster City Region)**. The intensity, or severity, of the cumulative effects should consider the magnitude, geographic extent, duration and frequency of the effects (CEQ, 1997). The magnitude of the effect reflects the relative size or amount of the effect; the geographic extent considers how widespread the effect may be; and the duration and frequency refer to whether the effect is a one-time event, intermittent, or chronic (CEQ, 1997).

Reasonably foreseeable projects that could contribute to the cumulative effects scenario depend on the extent of resource effects, but could include projects in the immediate Plaster City area as well as other large renewable projects in Imperial County, or the greater California Desert. These projects are illustrated in **Cumulative Impacts Figures 1 and 2**. As shown here, there are a number of projects in the immediate area around Plaster City whose impacts could combine with those of the proposed IVS Project. As shown on **Cumulative Impacts Figure 2** and in **Table 1**, solar and wind development applications for use of BLM land have been submitted for approximately 107,000 acres of the land in the Imperial County region of the California Desert Conservation Area.

**Cumulative Impacts Table 2** lists existing projects in the IVS Project area, and **Cumulative Impacts Table 3** lists future foreseeable projects in the project area.

### **Cumulative Impact Analysis**

#### **Local Projects**

Large power plant projects pending United States Bureau of Land Management (BLM) applications near the IVS Project and other reasonable foreseeable projects in Imperial County include:

- Sun Peak Solar (formerly BCL Associates) 500 MW photovoltaic solar electric generation facility. Construction would be starting in 2010 and would be for 6.5 years. The highest monthly peak would be 364 construction workers.
- Power Partner SW c/o enXco Development Corporation has two projects (one a 300 MW Solar electric generation facility) that would have a 30 month construction period from 2010-2013 with a peak labor force of 600 construction workers. The operational workforce is about 50 workers over a 30 year operational life (SES 2008a and Owen 2008);
- Pacific Solar Investments, Inc. c/o Iberdrola Renewables estimates would construct a 1,500 MW solar trough project from July 2009 to October 2014. This project would have estimated employment peak of 1,650 construction workers (SES 2008a and Mays 2008);

- OptiSolar, Inc. photovoltaic solar project involving 7,400 acres provided no comment (SES 2008a);
- Light Source Renewables estimates it would construct a 250 MW solar parabolic trough plant beginning in third quarter of 2012 through the fourth quarter of 2014, with an operating life of 30 years. “Full swing” construction in quarter one of 2013 to quarter one of 2014 would be 500 workers. The operations workforce would be 50 to 75 full time equivalent personnel (Whitworth 2009);
- Solar Reserve LLC estimates it would construct a 250 MW solar power tower beginning in January 1, 2012. Construction would last for 30 months and the project is expected to be commercially ready for operation on July 1, 2014. It would have an estimated average construction workforce of 250 employees with a peak of 400 to 500 employees. The operation workforce would be 40-45 employees during normal operation for at least 30 years (Wang 2009); and
- Sempra Generation estimates it would construct Niland Solar Project a 500-MW solar parabolic trough plant, beginning in 2011 and ending in 2015. Each 100-MW block would have a construction force of up to approximately 300 workers. This plant would be fully operational in 2016 with each phase operating for 30 years. Operation of the Niland Solar Project would have four full-time maintenance personnel (Burke 2009).

Other major construction projects in Imperial County which might overlap the 40 month construction period of IVS Project are:

- The San Diego Gas and Electric (SDG&E) Sunrise Powerlink Power Project, a 150-mile transmission line between the cities of El Centro and San Diego was approved by the Public Utilities Commission (PUC). Start of construction is unknown. Peak construction workforce’s estimate would be 800 workers for the two-year project. The expected project life is 58 years and would have an operational workforce of 40-50 people per year (SES 2008a and Woldeman 2008);
- The Green Path transmission line project owned by Imperial Irrigation District (IID) is a 230-kV project which has been approved by the IID Board. The project would involve two new 230 kV transmission line connections from the Imperial Valley Substation to the Dixieland Substation in Imperial County. Construction would start in early 2010 to late 2010 with a workforce at peak of 32. The expected life of the project would be 60 to 70 years but no operational workforce information was provided (Diamond 2009); and
- The upgrade of the Seeley County Wastewater Treatment Plant involves an unknown number of construction workers at peak and an unknown number of operations workers. When this data becomes available, staff will incorporate this into the **Socioeconomics** section.

Overall, a worst-case cumulative peak for these 12 projects would require 6,119 construction workers, which represents approximately 2.5% of the El Centro MSA (Imperial County), San Diego–Carlsbad–San Marcos MSA (San Diego County), and Riverside–San Bernardino–Ontario MSA (Riverside and San Bernardino Counties) labor market construction and extraction workforce of 246,545. The operational workforce

from the 12 projects is estimated at 760 workers in Imperial County which had a high unemployment rate of about 25.0% in March 2009 (not seasonally adjusted).

These 12 projects should have beneficial public impacts since they would lower the unemployment rate in Imperial County. Other cumulative benefits could include direct impacts of operations and maintenance, payroll, taxes and fees, and associated secondary impacts. In addition, staff has found no significant adverse socioeconomic impacts under CEQA on housing, schools, emergency medical services, law enforcement, parks and recreation due to an influx of construction or operation workers.

Overall, staff finds no significant adverse socioeconomic cumulative impacts under CEQA associated with the proposed IVS project.

### **C.10.10      IMPORTANT PUBLIC BENEFITS**

---

As described above, include capital expenditures, construction and operation payroll, and sales tax from construction and operation spending.

### **C.10.11      COMPLIANCE WITH LORS**

---

Staff concludes that construction, operation, and demolition of the IVS Project would comply with all applicable federal and state LORS.

### **C.10.12      RESPONSE TO COMMENTS**

---

Staff did not identify any public or agency comments on the **Socioeconomics and Environmental Justice** section of the SA/DEIS.

### **C.10.13      PROPOSED CONDITIONS OF CERTIFICATION/MITIGATION MEASURES**

---

Staff proposes no conditions of certification.

### **C.10.14      CONCLUSIONS**

---

Staff concludes that construction, operation, and demolition of the proposed project would not cause, under CEQA, a significant direct, indirect, or cumulative adverse socioeconomic impact on the study area's housing, schools, parks and recreation, law enforcement, and emergency services. Socioeconomic impacts of the IVS project would not combine with impacts of any past, present, or reasonably foreseeable local projects to result in cumulatively considerable local impacts. Hence, there are no socioeconomic environmental justice issues related to this project. The IVS Project, as proposed, is consistent with applicable Socioeconomic LORS.

Estimated gross public benefits from the IVS Project include increases in sales, employment, and income in Imperial County and the surrounding region during construction and operation. There would be an estimated average of 360 direct project-related construction jobs for the 40 months of construction. The IVS Project would have

an estimated total project cost of \$1.14 billion and a construction payroll of \$42.1 million annually, with a local operation payroll of \$8,924,810 annually. Total sales and use taxes during construction are estimated to be approximately \$623,100; during operation the local sales tax is estimated to be \$387,500 annually. An estimated \$2.41 million would be spent locally for materials and equipment during construction, and an additional \$7.4 million would be spent annually for the project's local operations and maintenance budget.

**SOCIOECONOMICS Table 3** on page C.10-13 of this document provides a summary of socioeconomic data and information from this analysis, with emphasis on the economic benefits of the IVS project.

## C.10.14 REFERENCES

---

- Burke, Marilyn, 2009 (tn 52750) – E-mail to Joseph Diamond, Energy Commission Staff on Sempra Generation's Niland Solar Project's CEQA cumulative review – Imperial County. January 23, 2009.
- CDE (California Department of Education 2006-2007a – State of California Education Profile, Fiscal Year 2006-2007. <http://www.ed-data.k12.ca.us>
- CDE, 2006-2007b – Imperial Countywide Profile, Fiscal Year: 2006-07. <http://www.ed-data.k12.ca.us>
- CDE, 2006-2007c – Imperial Unified School District Profile Fiscal Year 2006-2007. <http://www.ed-data.k12.ca.us>
- California Department of Finance, 2000 – Demographic Research Unit, California State Census Data Center Census 2000 PL94-171, Table Two Population by Race/Ethnicity Incorporated Cities by County.
- CEC (California Energy Commission), 2006 – Statewide transmission and power plant maps 2006, Census 2000 PL-171 Data-Matrix PL2. <http://www.city-data.com/county/Imperial-County-CA.html>, July 2, 2008.
- CEC, 2003 – *Environmental Performance Report Staff Report*. August.
- CEC, 2005 – *Environmental Performance Report of California's Electrical Generation System*. June.
- Council on Environmental Quality, 1997 – *Environmental Justice: Guidance Under the National Environmental Policy Act*. December 10. [http://www.lm.doe.gov/env\\_justice/pdf/justice.pdf](http://www.lm.doe.gov/env_justice/pdf/justice.pdf).
- Council on Environmental Quality, 1998 – Final Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses. April. [http://www.epa.gov/compliance/resources/policies/ej/ej\\_guidance\\_nepa\\_epa0498.pdf](http://www.epa.gov/compliance/resources/policies/ej/ej_guidance_nepa_epa0498.pdf)
- Diamond, Joseph, 2008 (tn 47505) – ROC with Mr. Clare Lees of Sun Peak Solar (formerly BCL and Associates) about Cumulative project information associated with Solar (Stirling). August 11, 2008.
- El Centro Medical Center, 2008 – About The Hospital El Centro Medical Center, July 29, 2008.
- Executive Order 12898 (*Federal Register*, Vol. 59, No. 32, February 11, 1994)
- Mays, Wayne, 2008 (tn 52748) – E-mail to Joseph Diamond, Energy Commission Staff on Pacific Solar Investments construction and work force information. August 15, 2008.
- Owen, Dai, 2008 (tn 47529) – E-mail to Joseph Diamond, Energy Commission Staff for enXco projects concerning Imperial Valley Cumulative Economic Impacts, August 12, 2008.
- Pioneers Memorial Hospital, 2008 – Pioneers Memorial Hospital. July 30, 2008.

Salton Sea Unit 6 Amendment, 2009 – Amended Salton Sea Unit 6 Project. Volumes 1-2, Submitted to the California Energy Commission, February 2009.

SES (Stirling Energy Systems Solar Two, LLC) 2008a – Application for Certification for the Stirling Energy Systems (SES) Solar Two Project, Volumes 1 and 2. Submitted to the California Energy Commission, June 30, 2008.

SES 2008d – Supplement to the Application for Certification for the SES Solar Two Project. Submitted to the California Energy Commission, September 2008.

SES 2008f – Applicant’s Response to BLM and Energy Commission Data Request Set 1, Part 1 (1-52), December 8, 2008.

State of California Employment Development Department, 2008a – Labor Market Information-Occupational Employment Projects 2004-2014 El Centro Metropolitan Statistical Area (Imperial County). <http://www.labormarketinfo.edd.ca.gov>

State of California Employment Development Department, 2008b – Occupational Employment Projections 2004-2014 San Diego–Carlsbad–San Marcos Metropolitan Statistical Area (San Diego County). <http://www.labormarketinfo.edd.ca.gov>

State of California Employment Development Department, 2008c – Occupational Employment Projections 2004-2014 Riverside–San Bernardino–Ontario Metropolitan Statistical Area (Riverside and San Bernardino Counties). <http://www.labormarketinfo.edd.ca.gov>

State of California, Employment Development Department, 2009 – Report 400 C Monthly Labor Force Data for Counties March-2009 Not Seasonally Adjusted. <http://www.calmis.ca.gov/file/lfmonth/countyur-400c.pdf>

State of California, Department of Finance – E-5 Population and Housing Estimates for Cities, Counties and the State, 2001-2008, with 2000 Benchmark. Sacramento, California, May 2008.

US Census Bureau, 2006 – Imperial County California 2006 American Community Survey Data Profile Highlights, July 29, 2008.

US Census, 2000 – U.S. Census Bureau. Poverty Thresholds 2000. <http://www.census.gov/hhes/www/poverty/threshld.html>

US Census, 2008 – U.S. Census Bureau. Year 2000 Census Lookup. Internet Site: <http://factfinder.census.gov/servlet/BasicFactsServlet>

URS, 2008 (tn 47902) – Solar Two Responses to Imperial County Comments. September 3, 2008.

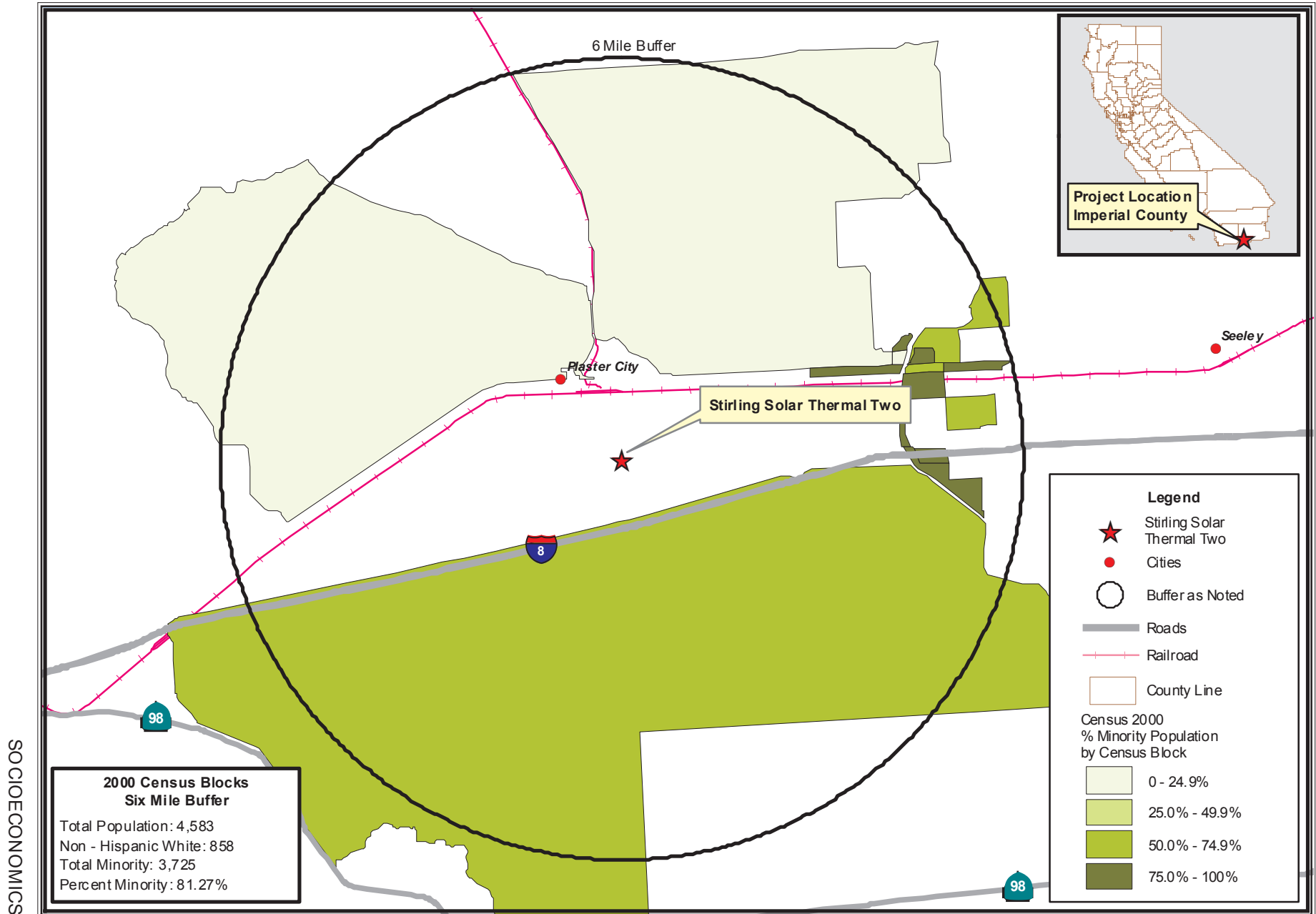
Wang, Andrew, 2009 (tn 49990) – E-mail to Joseph Diamond, Energy Commission Staff on Solar Reserve’s socioeconomic impact. January 21, 2009.

Whitworth, Paul, 2009 (tn 49986) – E-mail to Joseph Diamond, Energy Commission Staff on LightSource Renewables Socioeconomic Cumulative Information For (Stirling) Solar Two. January 21, 2009.



# SOCIOECONOMICS - FIGURE 1

Imperial Valley Solar - Census 2000 Minority Population by Census Block - Six Mile Buffer



## **C.11 - TRAFFIC AND TRANSPORTATION**

Testimony of Steven J. Brown PE

### **C.11.1 SUMMARY OF CONCLUSIONS**

---

The Imperial Valley Solar (formerly Stirling Energy Systems Solar Two) Project would be consistent with the Circulation and Scenic Highways Element of the County of Imperial General Plan and all other applicable laws, ordinances, regulations, and standards related to traffic and transportation. Imperial Valley Solar would not have a significant adverse impact on the local and regional roadway network. During the construction and operation phases, local roadway and highway demand resulting from the movement of workers and materials would not increase beyond significance thresholds for congestion established by the County of Imperial for local roads and the State of California for state highways.<sup>1</sup>

Conditions of certification were developed by staff to ensure that the construction-related travel is handled in a safe manner through an appropriate traffic control plan and that any pavement damage is repaired. A condition of certification was also developed to address potential glare impacts to motorists and pilots.

### **C.11.2 INTRODUCTION**

---

The Traffic and Transportation analysis focuses on the Imperial Valley Solar (IVS) Project's affect on transportation systems in the vicinity of the site. The analysis examines the compatibility of the IVS Project with applicable laws, ordinances, regulations, and standards (LORS). In addition, the analysis identifies potential impacts related to the construction and operation of IVS Project on the surrounding transportation systems and roadways. Mitigation measures (conditions of certification) are recommended, when applicable.

### **C.11.3 METHODOLOGY AND THRESHOLDS FOR DETERMINING ENVIRONMENTAL CONSEQUENCES**

---

Significance criteria are based on California Environmental Quality Act (CEQA) Guidelines, the CEQA Environmental Checklist and on performance standards and thresholds established by interested agencies. The National Environmental Protection Act (NEPA) does not provide any standards specific to transportation. A project may have a significant effect if the project would:

- cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system;
- exceed an established level of service standard applicable for the designated roads or highways;
- alters waterborne, rail, or air traffic;

---

<sup>1</sup> The federal government (NEPA) has not established any standards for congestion, as this is a matter of local preference.

- alters existing patterns of circulation or the movement of people/goods;
- increases traffic hazards to motor vehicles, bicyclists, or pedestrians;
- result in inadequate emergency access;
- result in inadequate parking capacity; or
- conflict with adopted policies, plans, or programs.

### **Level of Service**

When evaluating IVS Project –related potential impacts on the local transportation system, staff used level of service (LOS) determinations as the foundation on which to base its analysis. Level of service is a measure of congestion as experienced by motorists.

Intersection operations were evaluated using the *Highway Capacity Manual 2000* (HCM) methodology. This methodology assesses delay at an unsignalized intersection for movements operating under traffic control. For example, at an intersection where only the side-street has a stop sign, delay will be reported for movements controlled by the stop sign. The delay is then assigned a corresponding letter grade that represents the overall condition of the intersection. These grades range from LOS A (free flow) to LOS F (congested).

The LOS standards for the Project are as follows:

- LOS D or better conditions on a State of California highways
- LOS C or better conditions on an Imperial County roadways

A significant impact would be caused if the Project causes intersection operations to exceed the accepted LOS standards on a State or County roadway.

### **Laws, Ordinances, Regulations, and Standards**

Staff uses LORS as significance criteria to determine if the proposed IVS Project would have a significant adverse impact on the environment. The federal, state, and local regulations that are applicable to the proposed IVS Project are listed in **Traffic and Transportation Table 1**. The IVS Project will include chemical storage tanks on site along with delivery of hydrogen gas to the site. It is staffs' understanding, that the applicant intends to comply with all LORS related to the transport of hazardous materials.

**Traffic and Transportation Table 1**  
**Traffic and Transportation LORS**

<b>Applicable LORS</b>	<b>Description</b>
<b>Federal</b>	
Code of Federal Regulations Title 49, Sections 171-177 & 350-399.	Governs the transportation of hazardous materials and related guidelines.
Code of Federal Regulations Part 77, Federal Aviation Administration Regulations	Implements standards for determining obstructions in navigable airspace. Sets forth requirements for notice to the FAA of certain proposed construction or alteration. Also, provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace.
Code of Federal Regulations Title 49, Sections 350-399 and Appendices A-G	Includes procedures and regulations pertaining to interstate and intrastate transport (includes hazardous materials program procedures) and provides safety measures for motor carriers and motor vehicles who operate on public highways.
<b>State</b>	
California Vehicle Code Division 2, Chapter 2.5, Division 6, Chapter 7, Division 13, Chapter 5, Division 14.1, Chapter 1 and 2, Division 14.8, Division 15	Includes regulations pertaining to licensing, size, weight and load of vehicles operated on highways, safe operation of vehicles, and the transportation of hazardous materials.
California Streets and Highways Code Division 1 and 2, Chapter 3 and Chapter 5.5	Includes regulations for the care and protection of State and County highways, and provisions for the issuance of written permits.
<b>Local</b>	
County of Imperial General Plan Circulation and Scenic Highways Element	Requires that developments contribute positively to the County's transportation network and that negative impacts are reduced. For example, requirements include new developments provide local roads to serve the needs of the development, future construction does not interfere with present and potential highway and right-of-way needs, and freight loading/unloading does not occur on public roadways. In addition, construction of private streets in developments is allowed.

## **C.11.4 PROPOSED PROJECT**

### **C.11.4.1 PROJECT DESCRIPTION**

The proposed IVS Project is a solar energy collection facility operated by Stirling Energy Systems, LLC. The IVS Project proposes to install approximately 30,000 solar dish

systems in a 6,500 acre project site. The construction will be completed in two phases and is expected to last for approximately 40 months.

The proposed IVS Project site is located on approximately 6,140 acres of federal land managed by the Bureau of Land Management and approximately 360 acres of privately owned land. The site is approximately 100 miles east of the City of San Diego, 14 miles west of the City of El Centro, and four miles east of the unincorporated community of Ocotillo Wells.

Access to the IVS Project site is by a private access road from Evan Hewes Highway. Regional vehicular access to the site is to be provided by Interstate 8 (I-8) and the parallel Evan Hewes Highway.

#### **C.11.4.2 SETTING AND EXISTING CONDITIONS**

The proposed IVS Project site is located south of Evan Hewes Highway, west of Dunaway Road, and north of I-8 in unincorporated Imperial County. Evan Hewes Highway and Dunaway Road would provide direct access to the site. The IVS Project access is proposed to be located on Evan Hewes Highway.

##### **Local Highways and Roads**

The following describes the roadways in the vicinity of IVS Project site:

Evan Hewes Highway is an east-west roadway that parallels I-8 to the north. The roadway begins east of the City of Holtville with its junction at I-8 and travels through El Centro and Seeley before ending in Ocotillo. The roadway is typically used for local travel and provides an alternative to I-8. In the vicinity of the IVS Project site, Evan Hewes Highway is two lanes and lacks bicycle or pedestrian facilities (i.e. no bike lanes or sidewalks). The posted speed limit adjacent to the IVS Project site is 55 mph.

Evan Hewes Highway is classified as Imperial County Route S80 and has been classified as a historic highway by the State of California as it was once part of United States Highway 80.

Dunaway Road is a relatively short roadway that connects I-8 and Evan Hewes Highway. The north-south roadway is unimproved with no curb and gutter and provides one lane of travel in each direction. The roadway does not have bicycle or pedestrian facilities. The speed limit adjacent to the IVS Project site is 55 mph.

Interstate 8 is an interregional highway between San Diego and Arizona. Through Imperial County, I-8 provides two lanes (in each direction) of grade-separate highway. The posted speed limit is 70 mph and there are no bicycle or pedestrian facilities.

According to the California Department of Transportation (Caltrans) 2007 average annual daily traffic counts, I-8 carries 13,300 vehicles per day (in both directions) adjacent to the IVS Project site. This is a low traffic volume for a four lane, grade separated highway.

## **Public Transportation**

The IVS Project area is not serviced by transit. Imperial Valley Transit is the transit service provider in the area; however, no regularly scheduled lines run near the IVS Project site.

Imperial Valley Transit does offer a limited service to their “remote zones.” The service provided is identified as a “lifeline service” and reaches Ocotillo once a week, which is in the general area of the IVS Project site.

## **Bicycle and Pedestrian Facilities**

There are no bicycle facilities (such as on-street lanes and off-street paths) adjacent to the proposed IVS Project site. Bicycle activity in the vicinity of the IVS Project site is minimal-to-none.

The County of Imperial Bicycle Master Plan Update (from September 2003) identifies all planned bicycle facilities in the County. However, the IVS Project site is located outside of the Master Plan’s study area. No bicycle facilities are planned for the study area.

There are no pedestrian facilities (such as sidewalks and walkways) adjacent to the proposed IVS Project site. Pedestrian activity in the vicinity of the IVS Project site is minimal-to-none.

## **Airports**

The FAA has notification requirements for airports which are located within a 20,000 foot horizontal distance of the IVS Project site. No airport is located within 20,000 feet of the IVS Project site boundary. For informational purposes, the following lists the airports nearest the IVS Project site (all distances are based on aerial photography and should be considered approximate):

- Emory Ranch Airport (small private airport) is 50,000 feet west of the IVS Project site
- Naval Air Facility El Centro is 41,000 feet northeast of the IVS Project site
- Imperial County Airport is 72,000 feet northeast of the IVS Project site

## **Railroads**

A railroad line parallels the northern boundary of the IVS Project site (between Evan Hewes Highway and the IVS Project boundary). In the vicinity of the IVS Project site, Dunaway Road crosses the railroad at-grade. Additionally, there is an unimproved (dirt) roadway that crosses the railroad at the location of the proposed main access to the IVS Project site. The proposed main driveway is located off of Evan Hewes Highway along the northern portion of the IVS Project site. The applicant is proposing to construct an at-grade rail crossing as part of the main driveway access to the site.

The railroad line in question is owned and controlled by a subsidiary of the San Diego Metropolitan Transit Service (MTS) and operated as a private transit system. The portion of the line adjacent to the project site is part of the “Desert Line” of the San Diego and Arizona Eastern Railway, which is a short-line freight route from the Mexico border to the Union Pacific Line in El Centro.

The Desert Line has been out of service to the east of Tecate since 1983. MTS is trying to assemble the funding needed to repair and upgrade the line to restore freight service.

#### **C.11.4.3 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The direct and indirect impacts of the proposed IVS Project on the transportation system are discussed in this section. The assessment of transportation-related impacts is based on evaluations and technical analysis which compare the pre- IVS Project conditions to the post- IVS Project conditions.

##### **Study Intersection / Road Segment Locations**

The following locations on the surrounding roadway network were reviewed:

- I-8 WB Ramp/Imperial Highway
- I-8 EB Ramp/Imperial Highway
- SR 98/Imperial Highway
- I-8 WB Ramp/Dunaway Road
- I-8 EB Ramp/Dunaway Road
- I-8: West of Imperial Highway
- I-8: East of Dunaway Road
- SR 98: West of Imperial Highway
- Imperial Highway: North of SR 98
- Evan Hewes Highway: East of Imperial Highway
- Evan Hewes Highway: West of Dunaway Road
- Dunaway Road: North of I-8 Westbound Ramps

##### **Direct/Indirect Impacts and Mitigation**

The direct and indirect impacts of the IVS Project are addressed for modes of travel and significance criteria previously addressed. Two major project scenarios have been evaluated: construction and operational phase. The IVS Project would experience approximately 10 times more daily traffic during the peak construction period than would occur during the operational phase; therefore, an evaluation of construction impacts has been included. Traffic during the de-commissioning period would be expected at a level between those experienced during operation and construction, and likely closer to the operational levels.

Impacts were addressed for two separate future year scenarios: construction year (2010) and IVS Project opening year (2017). Existing traffic volumes were increased to account for future growth unrelated to the IVS Project, based on direction from the Imperial County Traffic Engineer and consistent with other studies in the area. Other planned projects in the vicinity of the site were determined to contribute to both year 2010 and year 2017 traffic levels; therefore, trips from the planned projects were added into the future traffic volumes.

## **Construction Period Impacts and Mitigation**

Potential traffic impacts associated with construction of the IVS Project were evaluated for both construction workforce traffic and construction truck traffic.

To determine the amount of construction workforce vehicle trips to the IVS Project site during peak construction, the applicant assumed that workers would commute alone during the morning and afternoon peak intervals (7 to 9 AM and 4 to 6 PM). The average number of construction workers would be approximately 731 during the peak one month period (expected to occur at month seven of the 40 month construction schedule).

Based on regional demographics and availability of skilled laborers, it is expected that 90% of the construction employees will reside in Southern California. During construction, it is anticipated that construction workers and technical workers will reside in temporary housing or apartments during the week. The temporary housing is expected to be located in the El Centro area.

To reach the IVS Project site, the applicant assumes construction workers traveling from the east and west would primarily use I-8 (65% from the east and 15% from the west). The remaining trips would use Evan Hewes Highway, with 15% traveling from the east and 5% traveling from the west. Staff believes that these are reasonable assumptions since they appear to be the most direct routes.

Although the IVS Project will be located west of Dunaway Road and south of Evan Hewes Highway, construction parking is to be located on an approximately 100 acre parcel immediately east of Dunaway Road. All parking from the construction workforce would be located on this off-site, off-street staging area. Workers would be bused across Dunaway Road into the IVS Project site.

Construction of the proposed project would require the use of heavy equipment for the installation of associated systems and structures. Heavy equipment would be used throughout the construction period, including trenching and earthmoving equipment, forklifts, cranes, cement mixers and drilling equipment. However, this heavy equipment would be delivered by non- IVS Project employees and has been separately added to the IVS Project trip generation. IVS Project construction is expected to require 2,198 truck trips<sup>2</sup> per month (24 working days) during the peak month. It has been estimated that 30% of the trucks would arrive/depart during the peak hours of adjacent street traffic. The Supplement to the AFC filed by the applicant in May of 2010 proposed the temporary use of well water from the Dan Boyer well in Ocotillo, CA. This would add approximately 26 truck trips per day to the west of the project site along Evans Hewes Highway. This increase has been addressed in **Traffic and Transportation Table 2** and represents only a 5 percent increase over the change in project traffic without the water trucks.

The project will generate a substantial level of overall traffic and heavy-vehicle traffic during construction. The heavy vehicles in particular have the potential to damage the

---

<sup>2</sup> "Trips" in the transportation analysis refers to travel in one direction. For example, the project is expected to have 1,099 trucks come to the site in the peak month, which will result in 2,198 "trips."



surface of local roadways. Condition of Certification **TRANS-3** requires the applicant to document before/after conditions and to repair any damage caused by the project.

Total peak construction traffic (workforce and trucks) would be 758 vehicle trips (731 workers plus 27 trucks) per peak hour. The peak construction increase in traffic would represent a noticeable change when compared to existing conditions, particularly on Dunaway Road between the IVS Project driveway and I-8. Traffic volumes would increase from existing daily traffic volume of 780 vehicles to 2,240 vehicles during the Construction Year. While the percentage increase is substantial, the roadway will not be congested, as the road capacity is approximately 10,000 vehicles per day.

**Traffic and Transportation Table 2** identifies the expected change in daily traffic volume on all the study roadways during the peak construction period.

While traffic volumes will increase, the LOS at the study intersections and roadway segments would remain within the LOS thresholds identified by the local jurisdictions. All study roadway segments and intersections are expected to operate at LOS C or better conditions with the IVS Project –related construction traffic as shown in **Traffic and Transportation Tables 3 and 4**. Therefore, impacts from IVS Project –related construction traffic are less than significant.

**Traffic and Transportation Table 2**  
**Comparison of Construction Year (2010) Traffic on Study Roadways**

<b>Roadway Segment</b>	<b>Existing ADT</b>	<b>Year 2010 ADT w/o Project</b>	<b>Year 2010 ADT with Project</b>	<b>Percent Change Associated with Project</b>
I-8: West of Imperial Highway	15,300	16,830	17,245	3%
I-8: East of Dunaway Road	13,400	14,740	15,940	8%
SR 98: West of Imperial Highway	1,500	1,575	1,590	1%
Imperial Highway: North of SR 98	315	330	365	11%
Evan Hewes Highway: East of Imperial Highway	1,250	1,300	1,535	18%
Evan Hewes Highway: West of Dunaway Road	515	535	1,196	124%

Roadway Segment	Existing ADT	Year 2010 ADT w/o Project	Year 2010 ADT with Project	Percent Change Associated with Project
Dunaway Road: North of I-8 Westbound Ramps	780	810	2,240	176%

Notes: ADT – average daily traffic

Source: URS Corporation. *Application for Certification SES Solar Two, LLC*. June 2008 and AFC Supplement, May 2010. This data was modified by staff to generate 2010 estimate for I-8 to reflect 4 years of growth at 2.5% (not compounded) to reflect that while the Caltrans data was published in 2008, it reflected data from 2006.

**Traffic and Transportation Table 3**  
**Construction Year (2010) Intersection Level of Service Summary**

Study Inter-section	Existing Conditions				Year 2010 w/o Project				Year 2010 with Project			
	AM Peak		PM Peak		AM Peak		PM Peak		AM Peak		PM Peak	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
I-8 WB Ramp/ Imperial Highway	1.7	A	3.3	A	1.7	A	3.3	A	1.6	A	1.1	A
I-8 EB Ramp/ Imperial Highway	5.6	A	3.3	A	5.6	A	3.3	A	5.1	A	2.7	A
SR 98/ Imperial Highway	0.7	A	0.8	A	0.9	A	0.8	A	1.3	A	1.6	A
I-8 WB Ramp/ Dunaway Road	2.5	A	1.9	A	2.6	A	2.1	A	15.3	C	0.2	A
I-8 EB Ramp/ Dunaway Road	6.9	A	7.4	A	6.9	A	6.9	A	9.6	A	8.8	A

Notes: 'Average Delay' reported in seconds per vehicle.

All study intersections are unsignalized.

LOS – level of service

Source: URS Corporation. *Application for Certification SES Solar Two, LLC*. June 2008.

Vehicular delay for each intersection is based on multiple factors, including peak hour traffic volumes, arrival patterns, lane configurations, etc. The outcome of the calculation is based upon the volume of each and is reported in seconds per vehicle. In some instances, the delay for the intersection may improve with the addition of traffic volume, because the outcome is “weighted” based upon the volume of individual movements.

**Traffic and Transportation Table 4** summarizes the level of service of the study roadway segments.

While the project will not create any impacts with respect to traffic congestion, it will create unusual traffic conditions that may be hazardous — such as the delivery of oversized equipment. To mitigate these potential hazards, staff has recommended Condition of Certification TRANS-1 that requires the development and implementation of a traffic control plan during construction.

**Traffic and Transportation Table 4  
Construction Year (2010) Roadway Segment Level of Service Summary**

Roadway Segment	Existing Conditions		Year 2010 w/o Project		Year 2010 with Project	
	ADT	LOS	ADT	LOS	ADT	LOS
I-8: West of Imperial Highway	15,300	A	16,830	A	17,245	A
I-8: East of Dunaway Road	13,400	A	14,740	A	15,940	A
SR 98: West of Imperial Highway	1,500	A	1,575	A	1,590	A
Imperial Highway: North of SR 98	315	A	330	A	365	A
Evan Hewes Highway: East of Imperial Highway	1,250	A	1,300	A	1,535	A
Evan Hewes Highway: West of Dunaway Road	515	A	535	A	1,170	A
Dunaway Road: North of I-8 Westbound Ramps	780	A	810	A	2,240	B

Notes: ADT – average daily traffic  
LOS – level of service

Source: URS Corporation. *Application for Certification SES Solar Two, LLC*. June 2008. This data was modified by staff to generate 2010 estimate for I-8 to reflect 4 years of growth at 2.5% (not compounded) to reflect that while the Caltrans data was published in 2008, it reflected data from 2006.

### **Operation Impacts and Mitigation**

Operation of the facility would require a labor force of up to 164 full-time employees. The estimated peak hour trips would be 100 cars and four vanpool vehicles. Additional non-employee trips are also to be expected, such as eight daily visitor trips, deliveries, and other related services. The non-employee IVS Project-related trips have been assumed to occur during the peak hours with 24 during the AM peak hour and 14 during

the PM peak hour. It was assumed that the geographic location of housing for operational workers would be similar to those of the construction workers, and therefore, they would access the site in a similar spatial pattern.

Trips added by the project during operations would not deteriorate the LOS of the study roadways or intersections. All study roadways and intersections would operate at LOS B or better conditions with the IVS Project–related traffic (refer to the following tables for LOS summaries of study intersections and roadway segments). Therefore, impacts from IVS Project –related traffic are less than significant.

**Traffic and Transportation Table 5** compares the expected traffic volumes during standard operations to the base traffic volumes on the study roadway segments. As shown in the table, the majority of the IVS Project–related traffic would use the segment of Evan Hewes Highway west of Dunaway Road. However, the average daily traffic volumes are expected to be relatively low for a roadway with the characteristics of Evan Hewes Highway. As shown, over half of the study roadway segments are expected to experience an increase in IVS Project–related traffic of 1% or less.

**Traffic and Transportation Table 5**  
**Comparison of Standard Operations (Year 2017) Traffic on Study Roadways**

Roadway Segment	Existing ADT	Year 2017 ADT w/o Project	Year 2017 ADT with Project	Percent Change due to Project
I-8: West of Imperial Highway	15,300	19,510	19,550	< 1%
I-8: East of Dunaway Road	13,400	17,085	17,305	1%
SR 98: West of Imperial Highway	1,500	1,875	1,880	< 1%
Imperial Highway: North of SR 98	315	395	400	1%
Evan Hewes Highway: East of Imperial Highway	1,250	1,565	1,615	3%
Evan Hewes Highway: West of Dunaway Road	515	645	880	36%
Dunaway Road: North of I-8 Westbound Ramps	780	975	1,090	12%

Notes: ADT – average daily traffic

Source: URS Corporation. *Application for Certification SES Solar Two, LLC*. June 2008. This data was modified by staff to generate 2017 estimate for I-8 to reflect 11 years of growth at 2.5% (not compounded) to reflect that while the Caltrans data was published in 2008, it reflected data from 2006.

**Traffic and Transportation Table 6** summarizes the level of service of the study intersections for existing conditions and for future conditions, with and without the IVS Project during standard operations.

**Traffic and Transportation Table 6  
Standard Operations (Year 2017) Intersection Level of Service Summary**

Study Inter-section	Existing Conditions				Year 2017 w/o Project				Year 2017 with Project			
	AM Peak		PM Peak		AM Peak		PM Peak		AM Peak		PM Peak	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
I-8 WB Ramp/ Imperial Highway	1.7	A	3.3	A	1.7	A	2.8	A	1.5	A	2.8	A
I-8 EB Ramp/ Imperial Highway	5.6	A	3.3	A	5.7	A	3.2	A	6.1	A	3.2	A
SR 98/ Imperial Highway	0.7	A	0.8	A	0.8	A	0.9	A	0.9	A	0.9	A
I-8 WB Ramp/ Dunaway Road	2.5	A	1.9	A	1.0	A	0.4	A	3.3	A	0.4	A
I-8 EB Ramp/ Dunaway Road	6.9	A	7.4	A	8.3	A	10.9	B	8.3	A	10.9	B

Notes: 'Average Delay' reported in seconds per vehicle.

All study intersections are unsignalized.

LOS – level of service

Source: URS Corporation. *Application for Certification SES Solar Two, LLC*. June 2008.

**Traffic and Transportation Table 7** summarizes the level of service of the study roadway segments during standard operations. As shown, the study roadway segments are expected to operate at the same condition, LOS A, as in existing conditions.

**Traffic and Transportation Table 7**  
**Standard Operations (Year 2017) Roadway Segment Level of Service Summary**

Roadway Segment	Existing Conditions		Year 2017 w/o Project		Year 2017 with Project	
	ADT	LOS	ADT	LOS	ADT	LOS
I-8: West of Imperial Highway	15,300	A	19,510	A	19,550	A
I-8: East of Dunaway Road	13,400	A	17,085	A	17,305	A
SR 98: West of Imperial Highway	1,500	A	1,875	A	1,880	A
Imperial Highway: North of SR 98	315	A	395	A	400	A
Evan Hewes Highway: East of Imperial Highway	1,250	A	1,565	A	1,615	A
Evan Hewes Highway: West of Dunaway Road	515	A	645	A	880	A
Dunaway Road: North of I-8 Westbound Ramps	780	A	975	A	1,090	A

Notes: ADT – average daily traffic  
LOS – level of service

Source: URS Corporation. *Application for Certification SES Solar Two, LLC*. June 2008. This data was modified by staff to generate 2017 estimate for I-8 to reflect 11 years of growth at 2.5% (not compounded) to reflect that while the Caltrans data was published in 2008, it reflected data from 2006.

### **Emergency Services Vehicle Access**

The environmental review of emergency service vehicle access considers the off-site accessibility by emergency vehicles to the site. It is staff's opinion that the regional access to the site is adequate given that an emergency vehicle can access the site directly from Evan Hewes Highway or Dunaway Road, with very direct and proximate access to/from Interstate 8. Emergency vehicles can therefore approach the site from adjacent cities using different routes and would not be barred from access due to a singular problem on a surrounding roadway. Therefore, the emergency vehicle access for IVS Project is considered adequate

On-site circulation of emergency vehicles is subject to site plan review by local agencies (Imperial County, in this case) and the standards of the Uniform Fire Code and Uniform Building Code.

### **Water, Rail, and Air Traffic**

The proposed IVS Project is not located adjacent to a navigable body of water; therefore, the IVS Project is not expected to alter water-related transportation.

The project proposes to construct a private crossing of a railroad line as part of its primary access. The rail line in question is controlled by a subsidiary of the San Diego Metropolitan Transit Service (MTS) and operated as a private transit system, not subject to PUC authority. This freight line is currently not providing any service due to needed track repairs and upgrades. However, there is the potential for rail/vehicle conflicts in the future when rail service re-opens.

The IVS Project owner has negotiated a lease agreement<sup>3</sup> with MTS to provide a private crossing “located west of Plaster City, south of Evan Hewes Highway at Road 2003 along the Desert Line at approximately Milepost 128.5.” This agreement requires the project owner to pay annual license fee, maintain appropriate insurance, and provide the necessary crossing improvements (not specified).

**TRANS-2** requires the IVS Project owner to provide an executed agreement of the above prior to project construction and to obtain approval from the MTS for the permanent form of the railroad crossing.

The proposed project lacks any concentrated heat rejection source, so there would not be any corresponding turbulence impacts to low flying aircraft.

The applicant’s submittals state that the relationship between the SunCatcher mirror and the face of the Stirling Engine changes when moving from stow position, when responding to cloud cover, or to high winds. As a result staff believes that possible malfunctions in mirror control might reasonably occur, presenting a potential glare or temporary blindness hazard to off-site viewers including motorists or airplane pilots. Staff concludes that there should be some method to assure that this is unlikely and that legitimate complaints of such malfunctions are recorded and corrected. Staff therefore recommends Condition of Certification **TRANS-4**.

The proposed project has no cooling towers or boilers, so no visible water vapor plumes are anticipated that would cause a visual impact to motorists.

### **Transport of Hazardous Materials**

Both the construction and operation of the proposed IVS Project would involve the transport of hazardous materials to the site. The transport vehicles are required to follow federal regulations governing the proper containment vessels and vehicles, including appropriate identification of the nature of the contents.

Delivery to the site would require vehicles to cross a private crossing of a railroad line as part of its primary access. The rail line in question is controlled by a subsidiary of the San Diego Metropolitan Transit Service (MTS), and this freight line is not currently active. The IVS Project has negotiated a lease agreement with the MTS to traverse the railroad line. Should the rail line become active, either MTS or the IVS Project (via a revised lease agreement) will need to provide the appropriate railroad crossing warning equipment.

---

<sup>3</sup> Metropolitan Transit System, San Diego. License to place permanent improvements in MTS/SD&AE Right-of-Way. January 7, 2010. MTS Doc #S200-10-424, ADM 160.1. CEC Doc 08-AFC-5

In addition to the governing federal regulations, Condition of Certification **HAZ-3** requires the applicant to develop and implement a Safety management Plan for the delivery of hazardous materials. Please see the **HAZARDOUS MATERIALS MANAGEMENT** section of this document.

### **Parking Capacity**

Construction period parking demands are to be accommodated by an approximately 100 acre lay-down area adjacent to the development site.

On-site parking for standard operations will be accommodated by a paved employee parking lot. The lot will be located in the Administrative, Assembly, and Construction Area which will cover approximately 42 acres. With the proposed construction parking area (100 acres adjacent to the site) and on-site parking for operational employees, the project will not result in any parking spill-over to sensitive areas and will not create an adverse impact.

### **Conflict with Policies, Plans, or Programs**

The IVS Project would not conflict with any formal policies, plans, or programs related to transportation aspects of the project.

## **C.11.4.3 CEQA/NEPA LEVEL OF SIGNIFICANCE**

The proposed project would not violate any standards or thresholds associated with CEQA or NEPA. The conditions of certification identified by staff are meant to ensure compliance with best practices for construction and preclude a potential glare impact.

## **C.11.5 300 MEGAWATT ALTERNATIVE**

---

The 300 MW alternative would essentially be Phase 1 of the proposed 750 MW project (see Alternatives Figure 1), and would consist of 12,000 SunCatchers with a net generating capacity of approximately 300 MW occupying approximately 2,600 acres of land. This alternative would transmit power to the grid through the SDG&E Imperial Valley Substation and would require infrastructure similar to the proposed 750 MW project, including a water supply pipeline, transmission line, road access, operations facilities, substation, and hydrogen system (SES 2008a). Infrastructure associated with this alternative would require approximately 40 acres. This alternative would retain 40% of the SunCatchers and would affect 40% of the land of the proposed 750 MW project.

## **SETTING AND EXISTING CONDITIONS**

The setting for this alternative would be approximately 2,600 acres or 40% of the lands affected by the proposed project. Lands affected by this alternative would be located on the western portion of the proposed project site, and would all be under the jurisdiction of the BLM.

## **ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The 300 MW Alternative, if constructed with the same peak workforce as the proposed project, would result in the same levels of construction traffic and parking demand as



the proposed project. However these conditions would occur for a shorter period of time given that the alternative would be approximately 40% of the size of the proposed project.

## **CEQA LEVEL OF SIGNIFICANCE**

Like the proposed project, with implementation of recommended conditions of certification, impacts would remain less than significant.

### **C.11.6 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

---

The first of two alternatives developed to reduce impacts to the waters of the U.S. would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries. This alternative is illustrated in **Alternatives Figure 1B**. This alternative would have the same outer project boundaries as the proposed project, but it would include prohibition of installing permanent structures within drainages, thereby reducing the available acreage for development from 6,500 to 4,690, and reducing the generation capacity from 750 MW under the proposed project to 632 MW (84% of the proposed generation capacity). Rather than the 30,000 SunCatchers included in the proposed project, there would be approximately 25,000 of them installed.

## **SETTING AND EXISTING CONDITIONS**

The setting for this alternative would be approximately 4,690 acres or 84% of the lands affected by the proposed project. Lands affected by this alternative would be located entirely with the proposed project site, so the description of the existing conditions for the proposed project also apply to this alternative.

## **ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The Drainage Avoidance #1 Alternative, if constructed with the same peak workforce as the proposed project, would result in the same levels of construction traffic and parking demand as the proposed project. However these conditions would occur for a shorter period of time given that the alternative would be approximately 84% of the size of the proposed project.

## **CEQA LEVEL OF SIGNIFICANCE**

Like the proposed project, with implementation of recommended conditions of certification, impacts would remain less than significant.

### **C.11.7 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

---

The Drainage Avoidance #2 Alternative would eliminate both the eastern and western-most portions of the proposed project, where the largest drainage complexes are located. This alternative is shown in **Alternatives Figure 1C**. It would reduce the overall size of the project area by over 50% (from 6,500 acres to 3,153 acres). It would also reduce the generation capacity from 750 MW to 423 MW (retaining only about 32% of the proposed number of SunCatchers). In this alternative, permanent structures would be allowed within all drainages inside the revised, smaller project boundaries.

## **SETTING AND EXISTING CONDITIONS**

The setting for this alternative would be approximately 3,153 acres or less than 50% of the lands affected by the proposed project. Lands affected by this alternative would be located entirely with the proposed project site, so the description of the existing conditions for the proposed project also apply to this alternative.

## **ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The Drainage Avoidance #2 Alternative, if constructed with the same peak workforce as the proposed project, would result in the same levels of construction traffic and parking demand as the proposed project. However these conditions would occur for a much shorter period of time given that the alternative would be approximately 50% of the size of the proposed project.

## **CEQA LEVEL OF SIGNIFICANCE**

Like the proposed project, with implementation of recommended conditions of certification, impacts of the Drainage Avoidance #2 Alternative would remain less than significant.

### **C.11.8 NO PROJECT/NO ACTION ALTERNATIVES**

---

There are three No Project/No Action Alternatives evaluated in this section, as follows:

#### **NO PROJECT/NO ACTION ALTERNATIVE #1:**

##### **No Action on the IVS Project application and on CDCA land use plan amendment**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, the transportation and traffic related impacts of the IVS Project would not occur at the proposed site. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project requiring a land use plan amendment. In addition, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations

## **NO PROJECT/NO ACTION ALTERNATIVE #2:**

### **No Action on the IVS Project and amend the CDCA land use plan to make the area available for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would amend the CDCA Land Use Plan of 1980, as amended, to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site would be developed with the same or a different solar technology. As a result, the increases in traffic from the construction and operation of the solar project would likely be similar to the transportation and traffic related impacts from the proposed project. As such, this No Project/No Action Alternative could result in impacts to traffic and transportation similar to the impacts under the proposed project.

## **NO PROJECT/NO ACTION ALTERNATIVE #3:**

### **No Action on the IVS Project application and amend the CDCA land use plan to make the area unavailable for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and the BLM would amend the CDCA Plan to make the proposed site unavailable for future solar development. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because the CDCA Plan would be amended to make the area unavailable for future solar development, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site and no increase in traffic. As a result, this No Project/No Action Alternative would not result in the impacts to traffic and transportation under the proposed project. However, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

## **C.11.9 CUMULATIVE IMPACTS AND MITIGATION**

---

In addition to the proposed IVS Project, the following have been identified as planned developments in the vicinity of the proposed IVS Project site: Miller Burson Development Draft EIR, Las Aldeas Specific Plan Draft EIR, Lotus Ranch Traffic Impact Analysis, Desert Village #6, Courtyard Villas, Colace Brothers Industrial Park, and Desert Springs Resort Traffic Impact Study. The cumulative impacts from the aforementioned related projects were reviewed and compared to the impacts with the proposed IVS Project. Traffic volumes at the study intersections, where the related projects are expected to add a substantial amount of trips, are not anticipated to be significantly affected with the standard operations of the proposed IVS Project.

Based on the magnitude of the IVS Project operations trip generation and the location of the planned developments, staff believes that there would not be significant cumulative impacts associated with the standard operations of the proposed IVS Project.

Construction schedules for the projects defined in Section B.3.4 are not yet defined so potential overlap in construction activities cannot be determined. However, the large renewable projects are widely scattered across the California desert, and few are located in Imperial County, so cumulatively considerable impacts from construction are unlikely.

### C.11.10 COMPLIANCE WITH LORS

The proposed IVS Project is intending to comply with all federal, state, and local LORS. Development and operation of the IVS Project as planned would not conflict with the LORS as described in this section. **Traffic and Transportation Table 8** summarizes the IVS Project's conformance with all applicable LORS.

**Traffic and Transportation Table 8**  
**IVS Project Compliance with Adopted Traffic and Transportation LORS**

Applicable LORS	Description
<b>Federal</b>	
Code of Federal Regulations Part 77, Federal Aviation Administration Regulations	Implements standards for determining obstructions in navigable airspace. Sets forth requirements for notice to the FAA of certain proposed construction or alteration. Also, provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace. <u>Consistent:</u> The IVS Project is not located within 20,000 feet of an airport.
Code of Federal Regulations Title 49, Sections 171-177, Sections 350-399 and Appendices A-G	Includes procedures and regulations pertaining to interstate and intrastate transport (includes hazardous materials program procedures) and provides safety measures for motor carriers and motor vehicles who operate on public highways. <u>Consistent:</u> Enforcement is conducted by state and local law enforcement agencies, and through state agency licensing and ministerial permitting (e.g., California Department of Motor Vehicles licensing, Caltrans permits), and/or local agency permitting (e.g., County of Imperial). <b>HAZ-3</b> requires the owner to develop and implement a Safety Management Plan related to hazardous materials.
<b>State</b>	
California Vehicle Code Division 2, Chapter 2.5, Division 6, Chapter 7, Division 13, Chapter 5, Division 14.1, Chapter 1 and 2, Division 14.8, Division 15	Includes regulations pertaining to licensing, size, weight and load of vehicles operated on highways, safe operation of vehicles, and the transportation of hazardous materials. <u>Consistent:</u> Enforcement is provided by state and local law enforcement agencies, and through ministerial state agency licensing and permitting, and/or local agency permitting.

Applicable LORS	Description
California Streets and Highways Code Division 1 and 2, Chapter 3 and Chapter 5.5	Includes regulations for the care and protection of State and County highways, and provisions for the issuance of written permits.  <u>Consistent:</u> Enforcement is provided by state and local law enforcement, and through ministerial state agency licensing and permitting, and/or local agency permitting.
<b>Local</b>	
County of Imperial General Plan Circulation and Scenic Highways Element	Requires that developments contribute positively to the County's transportation network and that negative impacts are reduced. For example, requirements include new developments provide local roads to serve the needs of the development, future construction does not interfere with present and potential highway and right-of-way needs, and freight loading/unloading does not occur on public roadways. In addition, construction of private streets in developments is allowed.  <u>Consistent:</u> The IVS Project is consistent because it includes paved access to County roadways, provides off-street parking for new development, ensures LOS C conditions or better on the applicable local roads, and provides on-site freight loading/unloading. In addition, the IVS Project is consistent as it provides internal (private) roadways for on-site access.

### C.11.11 NOTEWORTHY PUBLIC BENEFITS

The proposed would result in traffic and transportation impacts related to project construction. These impacts are not found to be significant, but they are considered to be adverse and not desirable conditions.

While the development of the proposed project is intended to address the requirements of federal and state mandates to develop renewable energy, it would not yield any noteworthy public benefits related to traffic and transportation.

### C.11.12 RESPONSE TO PUBLIC AND AGENCY COMMENTS

The following responds to the substantial technical comments received from the public (including Intervenor) and agencies on the **Traffic and Transportation** section in the SA/DEIS. Specific Final Environmental Impact Statement (FIES)-related comments will be responded to by the BLM in the FEIS for this project.

#### **California Department of Transportation (Caltrans 2010)**

Visual aspects of the project, specifically glint and glare, must be documented not to have any potential impact to motorist driving on Interstate 8.

**Response:** The potential exists for the solar panels to reflect concentrated sunlight towards the adjacent roadways. This is most likely to occur when the mirrored panels

transition from stop position to tracking position in the morning and the reverse in the late afternoon. The potential exists for motorists to be distracted by the potentially hazardous brightness and the “bright spots” which occur at the lower edges of the panels and appear to “follow” the observer. A condition of certification from the **VISUAL** section of this document will provide a visual screen to mitigate this potential hazard.

### **C.11.13 PROPOSED CONDITIONS OF CERTIFICATION**

---

**TRANS-1** The IVS Project owner shall, in coordination with Imperial County, develop and implement a construction traffic control plan prior to earth moving activities. The plan should include scheduled delivery of heavy equipment and building material deliveries, coordination with the County of Imperial to mitigate any potential adverse traffic impacts from other proposed construction projects that may occur during the construction phase of IVS Project, and adequate access for emergency vehicles to the IVS Project site.

Specifically, the overall traffic control plan shall include the following:

- Schedule delivery of heavy equipment and building material deliveries, as well as the movement of hazardous materials to the site, including the adjacent lay-down area;
- Coordinate with the Imperial County to mitigate any potential adverse traffic impacts from other proposed construction projects that may occur during the construction phase of the project; and
- Ensure there is adequate access for emergency vehicles at the project site.

The construction traffic control plan shall also include the following for activities of substantial stature:

- Signing, lighting, and traffic control device placement; and
- Temporary travel lane closures and potential need for flaggers.

**Verification:** At least 60 days prior to start of site mobilization, the project owner shall provide to the County of Imperial for review and comment and the Compliance Project Manager (CPM) for review and approval a copy of the construction traffic control plan.

**TRANS-2** Prior to construction, the project owner shall receive the signed agreement from the San Diego Metropolitan Transit System (MTS) regarding the authority to construct the proposed railroad crossing. After the physical improvements are completed to the railroad crossing, the project owner shall receive written approval from the MTS as to the adequacy of the improvements.

**Verification:** At least 60 days prior to the start of site mobilization, the project owner shall provide the CPM a copy of the executed agreement with MTS regarding the proposed railroad crossing. No more than 3 months after completion of the railroad crossing improvements, the project owner shall provide the CPM with a copy of written approval from MTS regarding the adequacy of the grade crossing improvements.

**TRANS-3** Prior to construction, the project owner shall document the existing condition of the primary roadways that will be used by the construction workers and heavy vehicle deliveries (up to 3 miles of the site). Subsequent to construction, the project owner shall document the condition of these same roadways and either directly reconstruct or reimburse the County of Imperial for needed repairs.

**Verification:** At least 3 months prior to the start of site mobilization, the project owner shall submit a review of existing roadway pavement conditions to Imperial County for review and comment and the CPM for review and approval. This review will include photographs and the analysis of pavement and sub-surface conditions. The CPM will need to approve the summary of existing pavement conditions prior to the commencement of construction.

No later than 2 months after the end of construction activities, the applicant shall submit an analysis of the roadway pavement conditions to Imperial County for review and comment and the CPM for review and approval..

After the repairs are completed, the applicant shall submit a letter to Imperial County and the CPM indicating such repairs are finished and ready for inspection.

**TRANS-4** The project owner shall prepare and implement a SunCatcher Mirror Positioning Plan that would avoid the potential for human health and safety and significant visual distractions from solar radiation exposure.

**Verification:** At least 90 days before the commercial operation of the IVS Project, the project owner shall submit the SunCatcher Mirror Positioning Plan (MPP) to the CPM for review and approval. The project owner shall also submit the plan to California Department of Transportation (Caltrans), California Highway Patrol (CHP), the Federal Aviation Administration (FAA), and Imperial County for review and comment and forward any comments received to BLM's Authorized Officer and the CPM. The Mirror Positioning Plan shall accomplish the following:

1. Identify the mirror movements and positions (including reasonably possible malfunctions) that could result in possible exposure of observers at various locations including those in aircraft, motorists, pedestrians, and hikers to reflected solar radiation from the mirrors.
2. Describe within the MPP how programmed SunCatcher operation would avoid the potential for human health and safety hazards attributable to solar radiation at locations of observers where momentary solar radiation exposure might be greater than the Maximum Permissible Exposure of 10 kW/m<sup>2</sup> for a period of 0.25 second or less or where excessive brightness might be hazardous to motorists.
3. Prepare a monitoring plan that would a) obtain field measurements in response to legitimate complaints; b) verify that the Mirror Positioning Plan would avoid the potential for health and safety hazards, including temporary or permanent blindness, at locations of possible observers; c) provide requirements and procedures to document, investigate, and resolve legitimate complaints regarding glare or excessive brightness.

4. The monitoring plan shall be coordinated with the FAA, Caltrans, CHP, and Imperial County and be updated on an annual basis for the first five years and at 2-year intervals after that.

#### **C.11.14 CONCLUSIONS**

---

1. The IVS Project as proposed would comply with all applicable LORS related to traffic and transportation. It would result in less than significant impacts to the traffic and transportation system.
2. The IVS Project as proposed would cause no significant direct or cumulative traffic and transportation impacts, and therefore, no environmental justice issues.
3. Staff is proposing Condition of Certification **TRANS-1** which would require a construction traffic control plan to be developed and implemented prior to earth moving activities
4. Staff is proposing Condition of Certification **TRANS-2** which would require the applicant to provide the executed license agreement and subsequent approval of the physical improvements associated with the proposed railroad crossing.
5. Staff is proposing Condition of Certification **TRANS-3**, which would require mitigation plans for the roads that would be used for construction if they are damaged by project-related construction.
6. Because of the IVS Project's distance from the nearest airport, no direct impact on the Emory Ranch Airport, Naval Air Facility El Centro or the Imperial County Airport would occur. However, there is a potential for malfunctions in the mirror control, which could lead to glare problems for motorists and/or pilots. Therefore, Staff is proposing Condition of Certification **TRANS-4** to address this issue.

#### **C.11.15 REFERENCES**

---

California Code – Vehicle Code. 2008.

California Code – Streets and Highways Code. 2008.

California Energy Commission – Victorville 2 Hybrid Power Project, Application For Certification (07-AFC-1) San Bernardino County. March 19, 2008.

Caltrans (California Department of Transportation) – *2007 Traffic Volumes*. 2008.

Code of Federal Regulations – *Title 14 Aeronautics and Space, Federal Aviation Administration*. 2008.

Code of Federal Regulations – *Title 49 Environment, Subtitle B – Other Regulations Relating to Transportation*. 2008.

County of Imperial – Circulation and Scenic Highways Element of the General Plan. 1993.

County of Imperial Public Works Department – Comment Letter regarding Pre-Application Meeting for the proposed Sterling Energy Systems Facility. July 21, 2008.



Linscott Law & Greenspan Engineers – *Traffic Impact Analysis Lotus Ranch*. May 12, 2006.

Metropolitan Transit System, San Diego – *License to place permanent improvements in MTS/SD&AE Right-of-Way*. January 7, 2010. MTS Doc #S200-10-424, ADM 160.1. CEC Doc 08-AFC-5

SANDAG – *Metropolitan Transportation Plan, June 2007 Fact Sheet regarding San Diego & Arizona Eastern Railway*.

Stantec – *Desert Springs Resort Traffic Impact Study*. August 31, 2007.

URS Corporation – *Application for Certification SES Solar Two, LLC*. June 2008.

URS Corporation – *Responses to CURE Data Requests 1-143*, May 2009

## **C.12 - TRANSMISSION LINE SAFETY AND NUISANCE**

Testimony of Obed Odoemelam, Ph.D.

### **C.12.1 SUMMARY OF CONCLUSIONS**

---

The applicant, Stirling Energy Systems Solar Two, LLC, proposes to transmit the power from Phase I of the proposed Imperial Valley Solar (IVS) Project to the San Diego Gas and Electric transmission grid through a new, 10.3-mile double-circuit 230-kV transmission line constructed to run parallel to the existing Southwest Powerlink transmission line and connecting the project to the existing San Diego Gas and Electric Imperial Valley Substation to the southeast. Phase II would require San Diego Gas and Electric to build a new 500-kV line from the connected Imperial Valley Substation and running parallel to the existing 500-kV line. This Phase II-related line would be under the jurisdiction of the California Public Utilities Commission and the Bureau of Land Management. Therefore, this staff analysis is for the Phase I-related 230-kV line. Since the Phases I and II lines would be located in the San Diego Gas and Electric service area, each would be constructed, operated, and maintained according to San Diego Gas and Electric's guidelines for line safety and field management which conform to applicable laws, ordinances, regulations and standards. Each line would traverse undisturbed desert land with no nearby residents, thereby eliminating the potential for residential electric and magnetic field exposures. With the four proposed conditions of certification, any safety and nuisance impacts from the Phase I line the applicant proposes would be less than significant.

### **C.12.2 INTRODUCTION**

---

The purpose of this Supplemental Staff Assessment is to assess the proposed IVS Project transmission line's design and operational plan to determine whether its related field and nonfield impacts would constitute a significant environmental hazard in the areas around the proposed route. The IVS Project would be built in two phases each with its related power lines. This staff analysis is for the Phase I power line to be built by the applicant while the Phase II line would be built by San Diego Gas and Electric (SDG&E) under the jurisdiction of the California Public Utilities Commission (CPUC) and the Bureau of Land Management (BLM). All related health and safety laws, ordinances, regulations, and standards (LORS) are currently aimed at minimizing such hazards. Staff's analysis focuses on the following issues taking into account both the physical presence of the line and the physical interactions of its electric and magnetic fields:

- aviation safety;
- interference with radio-frequency communication;
- audible noise;
- fire hazards;
- hazardous shocks;
- nuisance shocks; and
- electric and magnetic field (EMF) exposure.

Section C.12.3 shows the federal, state, and local laws and policies that apply to the control of the field and nonfield impacts of electric power lines. Staff's analysis examines the project's compliance with these requirements.

### **C.12.3 METHODOLOGY AND THRESHOLDS FOR DETERMINING ENVIRONMENTAL CONSEQUENCES**

The potential magnitude of the line impacts of concern in this staff analysis depends on compliance with the listed design-related LORS and industry practices. These LORS and practices have been established to maintain impacts below levels of potential significance. Thus, if staff determines that the project would comply with applicable LORS, we would conclude that any transmission line-related safety and nuisance impacts would be less than significant. The nature of these individual impacts is discussed below together with the potential for compliance with the LORS that apply.

#### **Laws, Ordinances, Regulations, and Standards**

**TRANSMISSION LINE SAFETY AND NUISANCE (TLSN) TABLE 1  
Laws, Ordinances, Regulations, and Standards (LORS)**

<b>Applicable LORS</b>	<b>Description</b>
<b>Aviation Safety</b>	
<b>Federal</b>	
Title 14, Part 77 of the Code of Federal Regulations (CFR), "Objects Affecting the Navigable Air Space"	Describes the criteria used to determine the need for a Federal Aviation Administration (FAA) "Notice of Proposed Construction or Alteration" in cases of potential obstruction hazards.
FAA Advisory Circular No. 70/7460-1G, "Proposed Construction and/or Alteration of Objects that May Affect the Navigation Space"	Addresses the need to file the "Notice of Proposed Construction or Alteration" form (Form 7640) with the FAA in cases of potential for an obstruction hazard.
FAA Advisory Circular 70/460-1G, "Obstruction Marking and Lighting"	Describes the FAA standards for marking and lighting objects that may pose a navigation hazard as established using the criteria in Title 14, Part 77 of the CFR.
<b>Interference with Radio Frequency Communication</b>	
<b>Federal</b>	
Title 47, CFR, section 15.2524, Federal Communications Commission (FCC)	Prohibits operation of devices that can interfere with radio-frequency communication.
<b>State</b>	
California Public Utilities Commission (CPUC) General Order 52 (GO-52 )	Governs the construction and operation of power and communications lines to prevent or mitigate interference.

Applicable LORS	Description
<b>Audible Noise</b>	
<b>Local</b>	
Imperial County General Plan, Noise Element	References the county's Ordinance Code for noise limits.
Imperial County Noise Ordinance	Establishes performance standards for planned residential or other noise-sensitive land uses.
<b>Hazardous and Nuisance Shocks</b>	
<b>State</b>	
CPUC GO-95, "Rules for Overhead Electric Line Construction"	Governs clearance requirements to prevent hazardous shocks, grounding techniques to minimize nuisance shocks, and maintenance and inspection requirements.
Title 8, California Code of Regulations (CCR) section 2700 et seq. "High Voltage Safety Orders"	Specifies requirements and minimum standards for safely installing, operating, working around, and maintaining electrical installations and equipment.
National Electrical Safety Code	Specifies grounding procedures to limit nuisance shocks. Also specifies minimum conductor ground clearances.
<b>Industry Standards</b>	
Institute of Electrical and Electronics Engineers (IEEE) 1119, "IEEE Guide for Fence Safety Clearances in Electric-Supply Stations"	Specifies the guidelines for grounding-related practices within the right-of-way and substations.
<b>Electric and Magnetic Fields</b>	
<b>State</b>	
GO-131-D, CPUC "Rules for Planning and Construction of Electric Generation Line and Substation Facilities in California"	Specifies application and noticing requirements for new line construction including EMF reduction.
CPUC Decision 93-11-013	Specifies CPUC requirements for reducing power frequency electric and magnetic fields.
<b>Industry Standards</b>	
American National Standards Institute (ANSI/IEEE) 644-1944 Standard Procedures for Measurement of Power Frequency Electric and Magnetic Fields from AC Power Lines	Specifies standard procedures for measuring electric and magnetic fields from an operating electric line.
<b>Fire Hazards</b>	
<b>State</b>	
14 CCR sections 1250-1258, "Fire Prevention Standards for Electric Utilities"	Provides specific exemptions from electric pole and tower firebreak and conductor clearance standards and specifies when and where standards apply.

## **C.12.4 PROPOSED PROJECT**

---

### **C.12.4.1 SETTING AND EXISTING CONDITIONS**

As discussed by the applicant, the total area required for the two phases of the proposed IVS Project would be 6,500 acres 6,140 of which would be federal land currently managed by the Bureau of Land Management (BLM) with 360 acres identified as privately owned. The community of Ocotillo is located approximately 4 miles to the west. As more fully discussed by the applicant, each phase of the proposed facility would consist of a solar field and related electric power generating equipment from which the generated power would be transmitted to San Diego Gas and Electric's (SDG&E's) power grid via a new on-site 230-kilovolt (kV) substation. The Phase I tie-in line the applicant is proposing would be an overhead 10.3-mile, double-circuit, 230-kV line extending from the project's on-site substation to SDG&E's Imperial Valley Substation to the southeast (SES 2008a pp.3-3 through 3-12). Since the Phase II-related 500-kV line would be a SDG&E line, it would be designed, built, and routed according to SDG&E guidelines in keeping with existing LORS.

The proposed project site is in an uninhabited open desert land traversed from the northwest to the southeast by the existing 230-kV SDG&E's Miguel Transmission Line. The route of the proposed 230-kV project line would extend over uninhabited desert land with the nearest residence approximately 2,500 feet northwest of the northwestern corner of the property line (SES 2008a pp. 3-3 through 3-7, and 5.16-2), meaning that there would not be the type of residential field exposure that has been of health concern in recent years.

### **C.12.4.2 PROJECT DESCRIPTION**

The proposed Phase I, 230-kV tie-in line would consist of the following individual segments:

- A new, double-circuit 230-kV overhead transmission line extending 10.3 miles from the on-site project switchyard to SDG&E's Imperial Valley Substation; and
- The project's on-site 230-kV switchyard from which the conductors would extend to the SDG&E Imperial Valley Substation.

The on-site segment (of approximately 2.74 miles) would be located within a 100-foot right-of-way as it extends from the on-site substation east and south to a point where the SDG&E Southwest Powerlink transmission line's right-of-way crosses the project's southern boundary line. The off-site segment (of approximately 7.56 miles) would be routed within a 100-foot right-of-way running parallel to the existing SDG&E 500-kV Southwest Powerlink transmission line until the third tower from the SDG&E Imperial Valley Substation where the line would cross under the 500-kV line. The proposed routing scheme was chosen to minimize the length of the required line and locate the line within existing line corridors to the extent possible. SDG&E's intended 500-kV transmission line would be part of its Sunrise Powerlink Project from the Imperial Valley Substation and would be routed parallel to the existing 500-kV line corridor as more fully discussed by the applicant. This second 500-kV line (which would be under CPUC and BLM jurisdiction), would provide the capacity needed for the power from Phase II and

other area power projects. As a SDG&E line, this second 500-kV line would be designed, built and operated (as would the project's Phase I-related 230-kV line ) according to SDG&E guidelines that comply with existing health and safety LORS (SES 2008a pp. 3-26 through 3-33).

For Phase I, the proposed project's on-site substation would be built to a capacity of 300 megawatts (MW) while the Phase II expansion would have a capacity of 760 MW. The conductors for the Phase I line the applicant is proposing would be aluminum steel-reinforced cables supported on steel towers or steel poles as typical of similar SDG&E lines. The applicant provided the details of the proposed support structures as related to line safety, maintainability, and field reduction efficiency. Between 85 and 100 of these support structures would be required and would be spaced between 650 feet and 850 feet apart (SES 2008a, page 3-28, and Figures 3-6, 3-8 and 3-9).

### **C.12.4.3 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

#### **Direct Impacts and Mitigation Methods**

##### **Aviation Safety**

Any potential hazard to area aircraft would relate to the potential for collision in the navigable airspace. The requirements listed on **TLSN Table 1** establish the standards for assessing the potential for obstruction hazards within the navigable space and establish the criteria for determining when to notify the FAA about such hazards. As noted by the applicant (SES 2008a, p. 3-19), these regulations require FAA notification in cases of structures over 200 feet from the ground. Notification is also required if the structure is to be below 200 feet in height but would be located within the restricted airspace in the approaches to public or military airports. For airports with runways longer than 3,200 feet, the restricted space is defined by the FAA as an area extending 20,000 feet from the runway. For airports with runways of 3,200 feet or less, the restricted airspace would be an area that extends 10,000 feet from this runway. For heliports, the restricted space is an area that extends 5,000 feet.

The closest airfield is the Naval Air facility, El Centro approximately 7 miles northeast of the project site and therefore too far away for the proposed line to pose an aviation hazard to utilizing aircraft. Also, the maximum height of between 70 and 100 feet for the proposed line support structures (SES 2008a p. 5.914, and Figure 3-39) would be much less than the 200 feet that triggers the concern over aviation hazard according to FAA requirements. Therefore, staff does not recommend any related condition of certification.

##### **Interference with Radio-Frequency Communication**

Transmission line-related radio-frequency interference is one of the indirect effects of line operation and is produced by the physical interactions of line electric fields. Such interference is due to the radio noise produced by the action of the electric fields on the surface of the energized conductor. The process involved is known as *corona discharge*, but is referred to as *spark gap electric discharge* when it occurs within gaps between the conductor and insulators or metal fittings. When generated, such noise

manifests itself as perceivable interference with radio or television signal reception or interference with other forms of radio communication. Since the level of interference depends on factors such as line voltage, distance from the line to the receiving device, orientation of the antenna, signal level, line configuration and weather conditions, maximum interference levels are not specified as design criteria for modern transmission lines. The level of any such interference usually depends on the magnitude of the electric fields involved and the distance from the line. The potential for such impacts is therefore minimized by reducing the line electric fields and locating the line away from inhabited areas.

The proposed project line would be built and maintained in keeping with standard SDG&E practices that minimize surface irregularities and discontinuities. Moreover, the potential for such corona-related interference is usually of concern for lines of 345 kV and above, and not for 230-kV lines such as the proposed line. The line's proposed low-corona designs are used for all SDG&E lines of similar voltage rating to reduce surface-field strengths and the related potential for corona effects. Since the proposed line would traverse an uninhabited open space, staff does not expect any corona-related radio-frequency interference or related complaints and does not recommend any related condition of certification.

### **Audible Noise**

The noise-reducing designs related to electric field intensity are not specifically mandated by federal or state regulations in terms of specific noise limits. As with radio noise, such noise is limited instead through design, construction, or maintenance practices established from industry research and experience as effective without significant impacts on line safety, efficiency, maintainability, and reliability. Audible noise usually results from the action of the electric field at the surface of the line conductor and could be perceived as a characteristic crackling, frying, or hissing sound or hum, especially in wet weather. Since the noise level depends on the strength of the line electric field, the potential for perception can be assessed from estimates of the field strengths expected during operation. Such noise is usually generated during rainfall, but mainly from overhead lines of 345 kV or higher. It is, therefore, not generally expected at significant levels from lines of less than 345 kV as proposed for the IVS Project. Research by the Electric Power Research Institute (EPRI 1982) has validated this by showing the fair-weather audible noise from modern transmission lines to be generally indistinguishable from background noise at the edge of a right-of-way of 100 feet or more. Since the low-corona designs are also aimed at minimizing field strengths, staff does not expect the proposed line operation to add significantly to current background noise levels in the project area. For an assessment of the noise from the proposed line and related facilities, please refer to staff's analysis in the **Noise and Vibration** section.

### **Fire Hazards**

The fire hazards addressed through the related LORS in **TLSN Table 1** are those that could be caused by sparks from conductors of overhead lines, or that could result from direct contact between the line and nearby trees and other combustible objects.

Standard fire prevention and suppression measures for similar SDG&E lines would be implemented for the proposed project lines (SES 2008a, p. 3-29). The applicant's

intention to ensure compliance with the clearance-related aspects of GO-95 would be an important part of this mitigation approach. Condition of Certification **TLSN-3** is recommended to ensure compliance with important aspects of the fire prevention measures.

### **Hazardous Shocks**

Hazardous shocks are those that could result from direct or indirect contact between an individual and the energized line, whether overhead or underground. Such shocks are capable of serious physiological harm or death and remain a driving force in the design and operation of transmission and other high-voltage lines.

No design-specific federal regulations have been established to prevent hazardous shocks from overhead power lines. Safety is assured within the industry from compliance with the requirements specifying the minimum national safe operating clearances applicable in areas where the line might be accessible to the public.

The applicant's stated intention to implement the GO-95-related measures against direct contact with the energized line (SES 2008a, p. 3-29) would serve to minimize the risk of hazardous shocks. Staff's recommended Condition of Certification **TLSN-1** would be adequate to ensure implementation of the necessary mitigation measures.

### **Nuisance Shocks**

Nuisance shocks are caused by current flow at levels generally incapable of causing significant physiological harm. They result mostly from direct contact with metal objects electrically charged by fields from the energized line. Such electric charges are induced in different ways by the line's electric and magnetic fields.

There are no design-specific federal or state regulations to limit nuisance shocks in the transmission line environment. For modern overhead high-voltage lines, such shocks are effectively minimized through grounding procedures specified in the National Electrical Safety Code (NESC) and the joint guidelines of the American National Standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE). For the proposed project line, the project owner will be responsible in all cases for ensuring compliance with these grounding-related practices within the right-of-way.

The potential for nuisance shocks around the proposed line would be minimized through standard industry grounding practices (SES 2008a, p. 3-31). Staff recommends Condition of Certification **TLSN-4** to ensure such grounding for the IVS Project.

### **Electric and Magnetic Field Exposure**

The possibility of deleterious health effects from EMF exposure has increased public concern in recent years about living near high-voltage lines. Both electric and magnetic fields occur together whenever electricity flows, and exposure to them together is generally referred to as *EMF exposure*. The available evidence as evaluated by the CPUC, other regulatory agencies, and staff has not established that such fields pose a significant health hazard to exposed humans. There are no health-based federal regulations or industry codes specifying environmental limits on the strengths of fields from power lines. Most regulatory agencies believe, as staff does, that health-based



limits are inappropriate at this time. They also believe that the present knowledge of the issue does not justify any retrofit of existing lines.

Staff considers it important, as does the CPUC, to note that while such a hazard has not been established from the available evidence, the same evidence does not serve as proof of a definite lack of a hazard. Staff therefore considers it appropriate, in light of present uncertainty, to recommend feasible reduction of such fields without affecting safety, efficiency, reliability, and maintainability.

While there is considerable uncertainty about EMF health effects, the following facts have been established from the available information and have been used to establish existing policies:

- Any exposure-related health risk to the exposed individual will likely be small.
- The most biologically significant types of exposures have not been established.
- Most health concerns are about the magnetic field.
- There are measures that can be employed for field reduction, but they can affect line safety, reliability, efficiency, and maintainability, depending on the type and extent of such measures.

### **State's Approach to Regulating Field Exposures**

In California, the CPUC (which regulates the installation and operation of many high-voltage lines owned and operated by investor-owned utilities) has determined that only no-cost or low-cost measures are presently justified in any effort to reduce power line fields beyond levels existing before the present health concern arose. The CPUC has further determined that such reduction should be made only in connection with new or modified lines. It requires each utility within its jurisdiction to establish EMF-reducing measures and incorporate such measures into the designs for all new or upgraded power lines and related facilities within their respective service areas. The CPUC further established specific limits on the resources to be used in each case for field reduction. Such limitations were intended by the CPUC to apply to the cost of any redesign to reduce field strength or relocation to reduce exposure. Publicly owned utilities, which are not within the jurisdiction of the CPUC, voluntarily comply with these CPUC requirements. This CPUC policy resulted from assessments made to implement CPUC Decision 93-11-013.

In keeping with this CPUC policy, staff requires a showing that each proposed overhead line would be designed according to the EMF-reducing design guidelines applicable to the utility service area involved. These field-reducing measures can impact line operation if applied without appropriate regard for environmental and other local factors bearing on safety, reliability, efficiency, and maintainability. Therefore, it is up to each applicant to ensure that such measures are applied in ways that prevent significant impacts on line operation and safety. The extent of such applications would be reflected by ground-level field strengths as measured during operation. When estimated or measured for lines of similar voltage and current-carrying capacity, such field strength values can be used by staff and other regulatory agencies to assess the effectiveness of the applied reduction measures. These field strengths can be estimated for any given design using established procedures. Estimates are specified for a height of one meter

above the ground, in units of kilovolts per meter (kV/m), for the electric field, and milligauss (mG) for the companion magnetic field. Their magnitude depends on line voltage (in the case of electric fields), the geometry of the support structures, degree of cancellation from nearby conductors, distance between conductors, and, in the case of magnetic fields, amount of current in the line.

Since the CPUC currently requires that most new lines in California be designed according to the EMF-reducing guidelines of the electric utility in the service area involved, their fields are required under this CPUC policy to be similar to fields from similar lines in that service area. Designing the proposed project line according to existing SDG&E field strength-reducing guidelines would constitute compliance with the CPUC requirements for line field management.

The CPUC has recently revisited the EMF management issue to assess the need for policy changes to reflect the available information on possible health impacts. The findings did not point to a need for significant changes to existing field management policies. Since there are no residences in the immediate vicinity of the proposed project line, there would not be the long-term residential EMF exposures mostly responsible for the health concern of recent years. The only project-related EMF exposures of potential significance would be the short-term exposures of plant workers, regulatory inspectors, maintenance personnel, visitors, or individuals in the vicinity of the line. These types of exposures are short term and well understood as not significantly related to the health concern.

### **Industry's and Applicant's Approach to Reducing Field Exposures**

The present focus is on the magnetic field because unlike electric fields, it can penetrate the soil, buildings, and other materials to produce the types of human exposures at the root of the health concern of recent years. The industry seeks to reduce exposure, not by setting specific exposure limits, but through design guidelines that minimize exposure in each given case. As one focuses on the strong magnetic fields from the more visible high-voltage power lines, staff considers it important, for perspective, to note that an individual in a home could be exposed to much stronger fields while using some common household appliances than from high-voltage lines (National Institute of Environmental Health Services and the U.S. Department of Energy, 1998). The difference between these types of field exposures is that the higher-level, appliance-related exposures are short term, while the exposures from power lines are lower level, but long term. Scientists have not established which of these types of exposures would be more biologically meaningful in the individual. Staff notes such exposure differences only to show that high-level magnetic field exposures regularly occur in areas other than around high-voltage power lines.

As with similar SDG&E lines, specific field strength-reducing measures would be incorporated into the proposed line's design to ensure the field strength minimization currently required by the CPUC in light of the concern over EMF exposure and health.

The field reduction measures to be applied include the following:

1. increasing the distance between the conductors and the ground to an optimal level;
2. reducing the spacing between the conductors to an optimal level;

3. minimizing the current in the line; and
4. arranging current flow to maximize the cancellation effects from interacting of conductor fields.

Since the routes of the proposed project lines would have no nearby residences, the long-term residential field exposures at the root of the health concern of recent years would not be a significant concern for either line. The field strengths of most significance in this regard would be as encountered at the edge of the line's 100-foot right-of-way. These field intensities would depend on the effectiveness of the applied field-reducing measures. The applicant (SES 2008a, p. 3-33 and Appendix I) calculated the maximum electric and magnetic field intensities expected along the proposed route of the Phase I line. The maximum electric field strength was calculated as 0.6 kV/m at the edge of the 100-foot right-of-way at a point of maximum interaction by fields from the proposed 230-kV line and the existing 500-kV Southwest Powerlink line. The maximum magnetic field intensity of approximately 60 mG at the edge of this right-of-way is similar to that of similar SDG&E lines (as required under current CPUC regulations) but is much less than the 200 mG currently specified by the few states with regulatory limits. The requirements in Condition of Certification **TLSN-2** for field strength measurements are intended to validate the applicant's assumed reduction efficiency.

### **Closure and Decommissioning Impacts and Mitigation**

If the proposed IVS Project were to be closed, decommissioned and all related structures are removed as described in the **Project Description** section, the minimal area aviation risk and electric shocks and fire hazards from the physical presence of this tie-in line would be eliminated. Decommissioning and removal would also eliminate the line's field impacts assessed in this analysis in terms of nuisance shocks, radio-frequency impacts, audible noise, and electric and magnetic field exposure. Since the line would be designed and operated according existing SDG&E guidelines, these impacts would be as expected for SDG&E lines of the same voltage and current-carrying capacity and therefore, at levels reflecting compliance with existing health and safety LORS.

## **C.12.5 300 MEGAWATT ALTERNATIVE**

---

The 300 MW alternative would essentially be the Phase I of the proposed 750 MW project (see Alternatives Figure 1), and would consist of 12,000 SunCatchers with a net generating capacity of approximately 300 MW occupying approximately 2,600 acres of land. This alternative would transmit power to the grid through the SDG&E Imperial Valley Substation and would require infrastructure similar to that for the proposed 750 MW project, including a water supply pipeline, transmission line, road access, operations facilities, substation, and hydrogen system (SES 2008a). Infrastructure associated with this alternative would require approximately 40 acres. This alternative would retain 40% of the SunCatchers and would affect 40% of the land for the proposed 750 MW project.

### **C.12.5.1 SETTING AND EXISTING CONDITIONS**

The setting for this alternative would be approximately 2,600 acres or 40% of the lands affected by the proposed project. Lands affected by this alternative would be located on the western portion of the proposed project site, and would all be under the jurisdiction of the BLM. Please see the discussion existing conditions within affected BLM lands under Section C.8.4.1

### **C.12.5.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Since the line for the proposed 750 MW project and the 300 MW alternative would be designed and operated according to the applicable SDG&E guidelines, any differences in the magnitude of the field and nonfield impacts of concern in this analysis would be in direct proportion to the differences in generating capacities. These differences would manifest themselves regarding radio frequency communication, audible noise, hazardous and nuisance shocks, electric and magnetic field levels, fire hazards and aviation safety.

### **C.12.5.3 CEQA LEVEL SIGNIFICANCE**

Since staff finds these impacts to be less than significant for the proposed 750 project, staff also expects them to be less than significant for the smaller 300 MW alternative.

## **C.12.6 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

---

The first of two alternatives identified as necessary to reduce impacts on the waters of the U.S. would prohibit permanent impacts within the 10 primary drainage areas within the proposed project boundaries. This alternative is illustrated in **Alternatives Figure 1B**. This alternative would have the same outer project boundaries as the proposed project, but would prohibit installation of permanent structures within drainage areas, thereby reducing the available acreage for development to 4,690 acres, and reducing the number of SunCatchers from 30,000 under the proposed project to 25,290.

### **C.12.6.1 SETTING AND EXISTING CONDITIONS**

The Drainage Avoidance #1 alternative would be located within the same footprint as the proposed project, so the setting is the same as that described in Section C.12.4.1.

### **C.12.6.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Staff's analysis focuses on the transmission line required to serve the generation facility, and addresses the following issues taking into account both the physical presence of the line and the physical interactions of its electric and magnetic fields:

- aviation safety;
- interference with radio-frequency communication;
- audible noise;

- fire hazards;
- hazardous shocks;
- nuisance shocks; and
- electric and magnetic field (EMF) exposure.

The transmission line for the Drainage Avoidance #1 alternative would follow the same route as that for the proposed project, within an existing designated transmission corridor. The line would (a) be constructed, operated, and maintained according to SDG&E's guidelines for line safety and field management which conform to applicable laws, ordinances, regulations and standards and (b) would traverse undisturbed desert land with no nearby residents, thereby eliminating the potential for residential electric and magnetic field exposures.

### **C.12.6.3 CEQA LEVEL OF SIGNIFICANCE**

With the four conditions of certification recommended for the proposed project, any safety and nuisance impacts from the proposed line would be less than significant.

## **C.12.7 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

---

The Drainage Avoidance #2 alternative would eliminate both the eastern and westernmost portions of the proposed project, where the largest drainage complexes are located. This alternative is shown in **Alternatives Figure 1C**. It would reduce the overall size of the project site by 3,347 acres (from 6,500 acres to 3,153 acres) thus reduce the number of SunCatchers from 30,000 under the proposed project to 16,915. In this alternative, permanent structures would be allowed within all drainage areas inside the revised project boundaries.

### **C.12.7.1 SETTING AND EXISTING CONDITIONS**

The Drainage Avoidance #2 alternative would cover a smaller area than the proposed project, but would still be located within the same footprint. The setting is the same as that described in Section C.12.4.1.

### **C.12.7.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

As described in Section C.12.6.2, this alternative would require new transmission lines within an existing designated corridor. Given the construction and maintenance requirements of SDG&E and the lack of nearby residences, no impacts on residences or other facilities were identified.

### **C.12.7.3 CEQA LEVEL OF SIGNIFICANCE**

With the four conditions of certification recommended for the proposed project, any safety and nuisance impacts from the proposed line would be less than significant.

## **C.12.8 NO ACTION ALTERNATIVE**

---

There are three No Project/No Action Alternatives evaluated in this section, as follows:

### **NO PROJECT/NO ACTION ALTERNATIVE #1:**

#### **No Action on IVS Project application and on CDCA land use plan amendment**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site, including the associated transmission line. As a result, the transmission line-related safety and nuisance impacts caused by the IVS Project transmission line would not occur at the proposed site. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project requiring a land use plan amendment. In addition, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

### **C.12.8.1 SETTING AND EXISTING CONDITIONS**

The setting for the No Project/No Action Alternative would include lands that would contain the proposed project site and associated linear facilities. Subsection C.8.4.1 (above) describes in detail the lands that would be affected.

### **C.12.8.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

In the No Project / No Action Alternative, the proposed action would not be undertaken. The BLM land on which the project is proposed would continue to be managed within BLM's framework of a program of multiple use and sustained yield, and the maintenance of environmental quality [43 U.S.C. 1781 (b)] in conformance with applicable statutes, regulations, policy and land use plan. For example, there are seven large solar projects proposed on BLM land within the area served by the BLM El Centro Field Office, and there are currently 70 applications for solar projects covering 611,692 acres pending with BLM in the California Desert District.

Under the No Project/No Action alternative, the transmission line safety and nuisance impacts of the IVS Project would not occur at the proposed site. This would help reduce the total human exposure to area field and non-field impacts from electric power lines in general.

### **C.12.8.3 CEQA LEVEL OF SIGNIFICANCE**

Under the No Project/No Action alternative, the transmission line safety and nuisance impacts from the proposed project line would not occur thereby contributing to the general effort to reduce these impacts on humans. However, given the potentially low levels of these line impacts, such contribution to exposure reduction would be less than significant.

#### **NO PROJECT/NO ACTION ALTERNATIVE #2:**

##### **No Action on IVS Project and amend the CDCA land use plan to make the area available for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would amend the CDCA Land Use Plan of 1980, as amended, to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site would be developed with the same or a different solar technology. The new solar project would need to interconnect with the California grid and would require a transmission line. It is expected that the transmission line-related safety and nuisance impacts caused by the construction and operation of a different solar technology transmission line would be similar to the related impacts from the proposed project. As such, this No Project/No Action Alternative could result in impacts to transmission line safety and nuisance similar to the impacts under the proposed project.

#### **NO PROJECT/NO ACTION ALTERNATIVE #3:**

##### **No Action on IVS Project application and amend the CDCA land use plan to make the area unavailable for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and the BLM would amend the CDCA Plan to make the proposed site unavailable for future solar development. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because the CDCA Plan would be amended to make the area unavailable for future solar development, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site and no new transmission line. As a result, this No Project/No Action Alternative would not result in the transmission line-related safety and nuisance impacts under the proposed project. However, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

## C.12.9 CUMULATIVE IMPACTS

---

A project may result in a significant adverse cumulative impact where its effects are cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (California Code Regulation, Title 14, section 15130). NEPA states that cumulative effects can result from individually minor but collectively significant actions taking place over a period of time" (40 CFR §1508.7).

When field intensities are measured or calculated for a specific location, they reflect the interactive, and therefore, cumulative effects of fields from all contributing conductors. This interaction could be additive or subtractive depending on prevailing conditions. Since the proposed project's transmission line would be designed, built, and operated according to applicable field-reducing SDG&E guidelines (as currently required by the CPUC for effective field management), any contribution to cumulative area exposures should be at levels expected for SDG&E lines of similar voltage and current-carrying capacity. It is this similarity in intensity that constitutes compliance with current CPUC requirements on EMF management. The actual field strengths and contribution levels for the proposed line design would be assessed from the results of the field strength measurements specified in Condition of Certification **TLSN-2**.

## C.12.10 COMPLIANCE WITH LORS

---

As previously noted, current CPUC policy on safe EMF management requires that any high-voltage line within a given area be designed to incorporate the field strength-reducing guidelines of the main area utility lines to be interconnected. The utility in this case is SDG&E. Since the proposed project 230-kV line and related switchyards would be designed according to the respective requirements of the LORS listed in **TLSN Table 1**, and operated and maintained according to current SDG&E guidelines on line safety and field strength management, staff considers the proposed design and operational plan to be in compliance with the health and safety requirements of concern in this analysis. The actual contribution to the area's field exposure levels would be assessed from results of the field strength measurements required in Condition of Certification **TLSN-2**.

## C.12.11 NOTEWORTHY PUBLIC BENEFITS

---

Since the proposed IVS Project tie-in line would pose specific, although insignificant risks of the field and nonfield effects of concern in this analysis, its building and operation would not yield any public benefits regarding the effort to minimize any human risks from these impacts.

## C.12.12 RESPONSE TO COMMENTS

---

Staff did not identify any public or agency comments on the **Transmission Line Safety and Nuisance** section of the SA/DEIS.



## **C.12.13 PROPOSED CONDITIONS OF CERTIFICATION/MITIGATION MEASURES**

---

**TLSN-1** The project owner shall construct the proposed transmission line according to the requirements of California Public Utility Commission's GO-95, GO-52, GO-131-D, Title 8, and Group 2. High Voltage Electrical Safety Orders, sections 2700 through 2974 of the California Code of Regulations, and Sand Diego Gas and Electric's EMF reduction guidelines.

**Verification:** At least 30 days before starting the transmission line or related structures and facilities, the project owner shall submit to the Compliance Project Manager (CPM) a letter signed by a California registered electrical engineer affirming that the lines will be constructed according to the requirements stated in the condition.

**TLSN-2** The project owner shall use a qualified individual to measure the strengths of the electric and magnetic fields from the line at the points of maximum intensity along the route for which the applicant provided specific estimates. The measurements shall be made before and after energization according to the American National Standard Institute/Institute of Electrical and Electronic Engineers (ANSI/IEEE) standard procedures. These measurements shall be completed no later than 6 months after the start of operations.

**Verification:** The project owner shall file copies of the pre-and post-energization measurements with the CPM within 60 days after completion of the measurements.

**TLSN-3** The project owner shall ensure that the rights-of-way of the proposed transmission line are kept free of combustible material, as required under the provisions of section 4292 of the Public Resources Code and section 1250 of Title 14 of the California Code of Regulations.

**Verification:** During the first 5 years of plant operation, the project owner shall provide a summary of inspection results and any fire prevention activities carried out along the right-of-way and provide such summaries in the Annual Compliance Report.

**TLSN-4** The project owner shall ensure that all permanent metallic objects within the right-of-way of the project-related lines are grounded according to industry standards regardless of ownership.

**Verification:** At least 30 days before the lines are energized, the project owner shall transmit to the CPM a letter confirming compliance with this condition.

## **C.12.14 CONCLUSIONS**

---

Since staff does not expect the proposed 230-kV transmission line to pose an aviation hazard according to current FAA criteria, we do not consider it necessary to recommend location changes on the basis of a potential hazard to area aviation.

The potential for nuisance shocks would be minimized through grounding and other field-reducing measures that would be implemented in keeping with current SDG&E

guidelines (reflecting standard industry practices). These field-reducing measures would maintain the generated fields within levels not associated with radio-frequency interference or audible noise.

The potential for hazardous shocks would be minimized through compliance with the height and clearance requirements of CPUC's General Order 95. Compliance with Title 14, California Code of Regulations, section 1250, would minimize fire hazards while the use of low-corona line design, together with appropriate corona-minimizing construction practices, would minimize the potential for corona noise and its related interference with radio-frequency communication in the area around the route.

Since electric or magnetic field health effects have neither been established nor ruled out for the proposed IVS Project and similar transmission lines, the public health significance of any related field exposures cannot be characterized with certainty. The only conclusion to be reached with certainty is that the proposed line's design and operational plan would be adequate to ensure that the generated electric and magnetic fields are managed to an extent the CPUC considers appropriate in light of the available health effects information. The long-term, mostly residential magnetic exposure of health concern in recent years would be insignificant for the proposed line given the absence of residences along the proposed route. On-site worker or public exposure would be short term and at levels expected for SDG&E lines of similar design and current-carrying capacity. Such exposure is well understood and has not been established as posing a significant human health hazard.

Since the proposed project line would be operated to minimize the health, safety, and nuisance impacts of concern to staff and would be routed through an area with no nearby residences, staff considers the proposed design, maintenance, and construction plan as complying with the applicable LORS. With implementation of the four recommended conditions of certification, any such impacts would be less than significant.

## **C.12.15 REFERENCES**

---

SES2008a (Stirling Energy Systems Two, LLC) – Application for certification of the Stirling Energy Systems (SES) Solar Two project, Volumes I and II (tn: 46819). Submitted to the California Energy Commission on June 30, 2008.

EPRI (Electric Power Research Institute) 1982 – Transmission Line Reference Book: 345 kV and Above.

National Institute of Environmental Health Services 1998 – *An Assessment of the Health Effects from Exposure to Power-Line Frequency Electric and Magnetic Fields*. A Working Group Report, August 1998.

## C.13 - VISUAL RESOURCES

Testimony of William Kanemoto, James Jewell, and Alan Lindsley

### C.13.1 SUMMARY OF CONCLUSIONS

---

Energy Commission staff (hereafter referred to as staff) have analyzed visual resource-related information pertaining to the proposed Imperial Valley Solar (formerly Stirling Energy Systems Solar Two) Project and conclude that the proposed project would substantially degrade the existing visual character and quality of the site and its surroundings, including motorists on Interstate 8, recreational destinations within the Yuha Desert Area of Critical Environmental Concern and portions of the Juan Bautista Anza National Historic Trail, resulting in significant impacts. Because effective, feasible mitigation measures could not be identified by staff, these impacts are considered to be unavoidable.

Impacts of the 300 Megawatt Alternative would remain significant under the California Environmental Quality Act to Interstate 8 and Yuha Desert Critical Environmental Concern viewers, and unavoidable. However, the degree and extent of those impacts would be substantially less than those of the proposed project.

Impacts of the Drainage Avoidance #1 Alternative would be substantially similar to the Proposed Project Alternative, and thus significant under the California Environmental Quality Act and unavoidable.

Impacts of the Drainage Avoidance #2 Alternative would be less extensive than those of the Proposed Project Alternative, but would remain significant under the California Environmental Quality Act and unavoidable.

The anticipated visual impacts of the Imperial Valley Solar Project and the three alternatives analyzed in this section, in combination with past and foreseeable future local projects in the West Mesa/Yuha Desert region of southwestern Imperial County, and past and foreseeable future region-wide projects in the southern California desert are considered cumulatively considerable, potentially significant under the California Environmental Quality Act, and unavoidable.

On the basis of new information developed subsequent to publication of the Staff Assessment, staff believes that bright intrusive glare of the project under normal operation is a potential hazard to motorists and pilots near the facility. However, with a revised, staff-recommended Condition of Certification **VIS-6**, potential glare/reflection impacts could be reduced to less-than-significant levels. With a revised, staff-recommended Condition of Certification **VIS-2**, potential nighttime light pollution impacts could be kept to less-than-significant levels.

### C.13.2 INTRODUCTION

---

The following analysis evaluates potential visual impacts of the Imperial Valley Solar (IVS) Project; its consistency with applicable Laws, Ordinances, Regulations and Standards (LORS); and conformance with applicable guidelines of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA).

In order to provide a consistent framework for the analysis, a standard visual assessment methodology developed by California Energy Commission staff and applied to numerous siting cases in the past was employed in this study. A description of this methodology is provided in **Appendix VR-1**. The analysis was also based upon a visual resource inventory of the area conducted by the BLM and is consistent with that inventory.

As noted above, the project is evaluated for conformance with applicable LORS. Adopted expressions of local public policy pertaining to visual resources are also given great weight in determining levels of viewer concern. In accordance with staff's procedure, conditions of certification are proposed as needed to reduce potentially significant impacts under CEQA to less than significant levels, and to ensure LORS conformance, if feasible.

### **C.13.3 METHODOLOGY AND THRESHOLDS FOR DETERMINING ENVIRONMENTAL CONSEQUENCES**

---

#### **Federal**

Significance under NEPA is defined in terms of a) context and b) intensity. Context means that the significance of an action must be analyzed in several contexts, such as society, the affected region, affected interests, and locale. Intensity refers to the severity of impact, and includes a variety of factors to be considered (40 CFR 1508.27).

Some of the intensity factors potentially relevant to visual impacts include 'unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands . . . , degree of controversy, degree of uncertainty about possible effects, degree to which an action may establish a precedent for future actions, and potential for cumulatively significant impacts.

#### **State**

The CEQA *Guidelines* define a "significant effect" on the environment to mean a "substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including . . . objects of historic or aesthetic significance." (Cal. Code Regs., tit.14, § 15382.) Appendix G of the *Guidelines*, under Aesthetics, lists the following four questions to be addressed regarding whether the potential impacts of a project are significant:

1. Would the project have a substantial adverse effect on a scenic vista?
2. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
3. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?
4. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

In addition, staff evaluates potential impacts in relation to standard criteria described in detail in Appendix VR-1. Staff evaluates both the existing visible physical environmental setting, and the anticipated visual change introduced by the proposed project to the view, from representative, fixed vantage points (called “Key Observation Points” (KOPs). KOPs are selected to be representative of the most characteristic and most critical viewing groups and locations from which the project would be seen. The likelihood of a visual impact exceeding Criterion C. of the CEQA Guidelines, above, is determined in this study by two fundamental factors: the susceptibility of the setting to impact as a result of its existing characteristics (reflected in its current level of visual quality, the potential visibility of the project, and the sensitivity to scenic values of its viewers); and the degree of visual change anticipated as a result of the project. These two factors are summarized respectively as *visual sensitivity* (of the setting and viewers), and *visual change* (due to the project) in the discussions below. Briefly, KOPs with high sensitivity (due to outstanding scenic quality, high levels of viewer concern, etc.), that experience high levels of visual change from a project, are more likely to experience adverse impacts.

The National Environmental Policy Act (NEPA) requires that the federal government use ‘all practicable means to ensure all Americans safe, healthful, productive, and *aesthetically* (emphasis added) and culturally pleasing surroundings (42 U.S. Code 4331[b][2]).’ In this study, staff utilized an in-depth visual resource inventory conducted for BLM as a part of the environmental baseline for this analysis, as described in greater detail in Section C.13.4.1, below (USDOI, 2008). In staff’s professional opinion, the assessment framework and impact thresholds utilized in this study are substantially consistent with those typically applied by BLM under its own procedures. Staff thus considers that the conclusions of this analysis are substantially equivalent to those that would be reached by applying BLM-specific methods of visual assessment.

## **Local**

Staff also reviews federal, state, and local LORS and their policies or guidelines for aesthetics or preservation and protection of sensitive visual resources that may be applicable to the project site and surrounding area. These LORS include local government land use planning documents (e.g., General Plan, zoning ordinance).

Please refer to **Appendix VR-1** for a complete description of staff’s visual resources evaluation criteria.

## **C.13.4 PROPOSED PROJECT**

---

### **C.13.4.1 SETTING AND EXISTING CONDITIONS**

#### **Regional Landscape**

The proposed IVS Project site comprises approximately 6,500 acres (roughly 10 square miles) in the southwest portion of Imperial County, roughly 14 miles west of the town of El Centro. The project site is located in the western portion of the Salton Trough, a low-lying sedimentary basin once comprising a lakebed as recently as 300 years ago, which currently includes the Salton Sea, a man-made lake located approximately 23 miles to

the northeast. As such, the landscape is characteristically relatively level, though becoming more highly dissected and topographically varied as one progresses farther southward into the Yuha Desert. The Salton Trough occupies the western edge of the vast Basin and Range physiographic province (Fenneman, 1946). The Salton Trough landscape is bounded to the west by the Jacumba and Coyote Mountains, each comprising BLM Wilderness Areas (WAs); and mountains of Anza-Borrego Desert State Park and the Fish Creek Mountains WA to the northwest. The Coyote Mountains rise a short distance to the west of the site to a height of 2,400 feet at Carrizo Mountain. Mount Signal in Mexico is prominently visible to the south of the Yuha Desert.

The Salton Trough marks the western limit of the Colorado Desert, a section of the larger Sonoran Desert that extends across the southwestern U.S. and northern Mexico. Native vegetation cover of the region consists of Sonoran creosote bush scrub, a low-growing desert land-cover type characteristic throughout the Sonoran Desert and typical of the Colorado Desert as a whole, characterized by sparse, low-growing green and tan colored scrub, often interspersed with the distinctive vertical forms of Ocotillo cacti. Throughout the region, large expanses of nearly vegetation-free desert pavement are also a characteristic element. Desert pavement consists of large areas of naturally-exposed small rock and gravel, darkly colored by weathering and exposure, forming a distinctive visual surface image typical of the region. The site is located less than two miles west of green, highly irrigated level farmlands of the Imperial Valley, which extend northward to the Salton Sea and south to the US-Mexico border, comprising a distinct landscape unit contrasting markedly with the project site's desert landscape.

The site also lies at the northern boundary of the Yuha Desert, a distinctive section of the Colorado Desert identified by the BLM as an Area of Critical Environmental Concern (ACEC) for its unique biological, historic, and archaeological characteristics. The boundary of the designated BLM ACEC lies immediately south of nearby US interstate 8 (I-8).

### **Project Site**

**VISUAL RESOURCES Figure 1**, Views of the Project Site, depicts views of the IVS Project site and vicinity. The project site comprises approximately 6,140 acres of public land administered by the BLM, and approximately 360 acres of private land within Imperial County jurisdiction. The site is bounded to the north by Plaster City, a large US Gypsum Corporation wallboard manufacturing plant, the Evan Hewes (Imperial) Highway (County Road S80) and, to the north of the highway, the Plaster City Open OHV Area. To the south, it is bounded by US I-8 and, south of the freeway, the BLM Yuha Desert ACEC. Two private parcels of land, one owned by a recreational vehicle club and one by a private landowner, are surrounded by the proposed project and are not a part of the project.

The site occupies a band of relatively level, arid lowlands between the level irrigated farmlands of Imperial Valley two miles to the east, and the prominently visible Jacumba and Coyote Mountains that begin rising as little as two to three miles to the west. The site also comprises a portion of the Upper Yuha Desert, which is described further below. In broad terms the site represents a transitional area between the relatively featureless and highly disturbed West Mesa to the north, and the topographically varied, scenically rich Yuha Desert ACEC to the south.

The site is largely undeveloped public desert land. The site is currently managed by BLM as Multiple-Use Class (MUC) L (Limited Use) with limited OHV use (vehicular travel restricted to designated trails) and minimal evident surface disturbance. In contrast, the site adjoins the BLM-designated Plaster City Open OHV Area, located north of Evan Hewes Highway, a popular OHV recreation and camping area that experiences intensive OHV use, including OHV racing events and off-trail driving by high numbers of visitors. Though distinctly less disturbed than the Open Area, however, existing man-made visual intrusions within or adjoining the project site include the Plaster City wallboard factory, the Southwest Powerlink transmission line, and Highways I-8 and S80. These features, though very evident, remain visually subordinate to the vast open expanse of the site and surroundings. The Juan Bautista de Anza National Historic Trail, managed jointly by the BLM and National Park Service (NPS) bisects the western portion of both proposed phases of the project site. However, the portion of the trail located within the project site is not marked or open for travel, as it is within the Yuha Desert ACEC. Within the ACEC, travelers may follow the designated trail. North of the ACEC, travel on the historic trail is re-directed around the project site by BLM, where it re-connects with the designated historic alignment, paralleling an existing rail line in the Open Area north of Plaster City.

A number of small rural communities lie within the project viewshed, including the town of Ocotillo over 4 miles to the west; Coyote Wells, approximately 4 miles to the southwest; Seeley, approximately 7 miles to the east; and the Imperial Lakes residential development located approximately 1.5 miles northeast of the project on Evan Hewes Highway. Centinela State Prison is located approximately 2.5 miles northeast of the project site.

### **Project Visual Setting: Viewshed, Landscape Units, and KOPs**

#### **Project Viewshed**

As illustrated in AFC Figure 5.13-1, which presents a computer-generated GIS viewshed map, the project would be visible to most of the area within a 5-mile radius, with the exception of some areas to the west and southwest. A feature of this desert landscape is the potential for large projects to be seen over great distances where even slightly elevated viewpoints exist, due to the large open areas of level topography and absence of intervening landscape features.

#### **Landscape Units and KOPs: Visual Quality, Viewer Concern, and Viewer Exposure**

**VISUAL RESOURCES Figure 2**, Existing Landscape Setting and Key Observation Points (KOPs), subdivides the project viewshed into broad landscape character units. It also depicts Key Observation Points (KOPs) used as the basis for this analysis. KOPs are used in the Energy Commission visual analysis method as the basis for evaluating potential project impacts, and represent the key sensitive viewer groups and viewing locations likely to be affected by the project. **VISUAL RESOURCES Figure 3**, Visual Setting Character Photos, depicts various typical image types and features within the project viewshed.

The landscape units represent contiguous areas with broadly consistent visual character, and are rated for their visual quality. In the CEC assessment approach, KOPs are then rated according to the visual quality of their setting, and an assessment of their level of viewer concern and viewer exposure. Those three primary attributes are summarized in a KOP's *overall visual sensitivity* rating, which reflects an assessment of the overall susceptibility to visual impact of the viewer group/receptors it represents. These sensitivity ratings serve as the environmental baseline against which potential project impacts, measured in terms of level of *visual change*, are evaluated. Because viewer concern and exposure may vary among different receptors within a landscape unit, overall sensitivity of particular KOPs within a unit may also vary.

The baseline mapping of landscape units in this assessment is derived from an in-depth visual resource inventory conducted by BLM, the Yuha Desert/West Mesa VRM Inventory (USDOI, 2008)(Map No. 1 – California Desert District – El Centro). In that inventory the landscape units were delineated, assessed and rated following the BLM's Visual Resource Management (VRM) system, as documented in that study. Landscape units are referred to in that study as Scenic Quality Rating Units (SQRUs), and identified by number. Following the VRM methodology, the inventory mapping and evaluation reflect an assessment of the landscape's *scenic quality*, *viewer sensitivity*, and *distance zone* of observers. These categories are generally analogous to the three primary components of overall visual sensitivity - visual quality, viewer concern, and viewer exposure - in the Energy Commission staff method. In the Yuha Desert study, inventory results were then assigned as Interim Visual Resource Management (IVRM) Classes. In this analysis, the Yuha Desert inventory and its IVRM Classes are referenced solely with respect to their in-depth field mapping of landscape units (visual character units), and to the scenic quality ratings that underlie them. The BLM inventory is thus regarded solely as descriptive of the existing environmental condition of the setting. No particular management prescriptions are assumed or implied by this analysis in relation to IVRM categories assigned in the Yuha Desert study. In **VISUAL RESOURCES Figure 2**, as well as the discussion below, landscape units are given descriptive names for context, followed by the identifying Scenic Quality Rating Unit (SQRU) number of the original BLM inventory in parentheses.

KOPs used in this study include those used in the project AFC, which were selected for the AFC in consultation with Energy Commission staff. Additional KOPs were added by staff for this analysis. For simplicity the numbering of viewpoints in the AFC has been retained in this analysis. (All figures referred to in the text may be found at the end of this section).

In the following discussion, distance zone terminology does not refer to the BLM VRM usage, but rather is used, in the context of the Energy Commission method, as follows: 'foreground' is used generically to refer to viewing distances under ½-mile; 'middle-ground' to distances between ½ and 5 miles; 'near middle-ground' refers to that portion of middle-ground under roughly one mile; and 'background' to distances over 5 miles.

Because KOP photos represent the existing views of project simulations, the reader is referred below to these 'before project' photos in the discussion that follows. The figure numbers referring to each KOP below thus appear out of sequence, but may be found along with all other figures, at the end of this section. In each case, the designation "a"



after the figure number indicates the 'before' (existing) view of a KOP in the simulation pairs.

### ***Plaster City Open Area/West Mesa (SQRU 9) - KOP 1***

KOP 1 represents potential viewers of the project in the Plaster City Open OHV Area immediately north of the project site. **VISUAL RESOURCES Figure 7a** depicts the existing view from KOP 1. This is a BLM-designated and administered off-road recreational vehicle area that is a heavily-used destination for off-road racing and driving, as well as amateur rocket launching. It comprises the southern portion of West Mesa, a large, flat mesa within the western Salton Trough south of Superstition Mountain that includes portions of the Superstition Mountain Open OHV Area, the West Mesa ACEC, the US Naval Air Facility El Centro Desert Bombing and Training Ranges, and the Plaster City OHV Open Area. The landscape unit is relatively featureless, characterized by large expanses of flat topography, dissected by intermittent seasonal washes. Land cover is low-growing, nondescript Sonoran creosote bush scrub that is naturally very sparse in this area, but is generally visually dominated to an even greater degree by lighter-colored exposed sand and soil due to pervasive surface disturbance by intensive OHV use. The prevailing very light to white soil color forms contrasting patterns of disturbance where concentrated OHV activity has disturbed the scrub vegetation, reducing the scenic intactness of the landscape in many of the most-used portions of the Open Area. Extensive areas of OHV disturbance, an existing rail line, the U.S. Gypsum Plaster City plant, and the existing 500 kV Southwest Powerlink transmission line represent various visual disturbances that detract from the scenic integrity of the landscape within foreground and near-middle-ground distance of the project site and Evan Hewes (Imperial) Highway.

**Visual Quality:** Visual quality of this landscape unit varies between moderate and moderately low, depending upon the degree of existing visual impairment in the viewer's foreground. As described, numerous visually compromising elements characterize the area, including the US Gypsum plant, transmission lines, a rail line, and extensive ground disturbance from open, off-road OHV use.

**Viewer Concern:** Viewer concern is considered moderately high; although the focus of many Open Area recreationists may be more upon racing and driving than scenery, numbers of visitors can be very high, and an elevated level of concern with scenic values is presumed by staff within the CDCA in general. The BLM El Centro Field Office estimated 32,457 users of the Open Area in 2007 (Applicant Data Response 43)(SES 2008f).

**Viewer Exposure:** Viewer exposure is moderately high. Views are inherently unobstructed within this open, level landscape, and may occur at foreground distance; viewer numbers, though low much of the year, may be very high during peak use periods.

Overall visual sensitivity was considered to be moderately high.

### ***Upper Yuha Desert (SQRU 1) – KOPs 2, 3, 4, 5***

The entire project site, and KOPs 2, 3, 4 and 5 are all located within the Upper Yuha Desert unit (SQRU 1). This unit is visually distinguished from the topographically similar West Mesa immediately to the north, in part due to the much lower degree of disturbance in contrast to the Open OHV Area to the north. As described above, this area south of the Evan Hewes Highway, including the project site, is a limited use area in which vehicular travel is restricted by BLM to designated trails. As a result surface disturbance, though present, is far less than within the Open Area to the north, and the image of intact scrub vegetation predominates. [239, 249, etc.) SQRU 1 is also distinguished from the adjoining Yuha Desert ACEC to the south by the intrusion of existing man-made disturbances including the Evan Hewes Highway, the Southwest Powerlink transmission line, a rail line, and Plaster City. In addition, the physiography of the Yuha Desert in SQRU 2 south of I-8 becomes increasingly varied and vivid, in contrast to the generally flat expanses of SQRU 1.

Visual Quality: While man-made intrusions and ground disturbance remain visually subordinate within the relatively intact natural landscape, landforms and vegetation of this unit lack exceptional vividness. Visual quality is enhanced by mountains in the background distance. It is also frequently impaired by haze and air pollution that obscure or filter distant views throughout much of the year. Visual quality of this landscape unit was characterized by BLM staff as scenic class C, and by CEC staff as moderate.

#### **Nearest Residence East of Project (1.5 miles) – KOP 2**

KOP 2 is a view from the nearest residence to the project, looking southwest into the project site from the Evan Hewes Highway at a distance of roughly 1.5 miles. **VISUAL RESOURCES Figure 8a** depicts the existing view from KOP 2.

It is thus also representative of viewers on that roadway as well. Other nearby residences include the Imperial Lakes development, but those homes are screened from views of the project site by dense landscape screening at the development boundary. Views of level open desert characterized by light tan colored soils and sparse scrub vegetation occupy the visual foreground and middle-ground. Ridges of the distant Coyote and Jacumba Mountains can be seen on the horizon at background distances of 20 miles or more. From this particular location, looking southwest into the project site, the US Gypsum plant and Southwest Powerlink transmission line are distant (three miles or more) and visually very subordinate.

As discussed above, visual quality of this unit is considered moderate.

Viewer Concern: Viewer concern of this KOP is considered moderately high – residences are generally considered to have high sensitivity, but the number of residences at this distance to the project is very low. Viewer concern of S80 motorists is considered moderate; viewer types range from workers, with low concern for scenery, to OHV recreationists with varying levels of concern for scenic values.

Viewer Exposure: Viewer exposure at this distance is moderate; views are open and unobstructed, but viewing distance diminishes visibility of the project. Viewer numbers, though low much of the time, can be high during OHV events and peak use periods.

Overall visual sensitivity is considered to be moderately high.

#### Nearest Residence to Proposed Transmission Line – KOP 3

KOP 3 is a view from the nearest residence to the proposed project transmission line, adjoining the Westside Main Canal at the western edge of the Imperial Valley agricultural area, and was selected to evaluate potential impacts of the project transmission line. **VISUAL RESOURCES Figure 9a** depicts the existing view from KOP 3. The project transmission line would parallel the existing Southwest Powerlink transmission line. The view from this portion of SQRU 1 is substantially similar to that from KOP 2. As at KOP 2, views of level, relatively featureless open desert characterized by light tan colored soils and sparse scrub vegetation occupy the visual foreground and middle-ground. Ridges of the distant Coyote and Jacumba Mountains can be seen on the horizon at background distances of 20 miles or more. The existing Southwest Powerlink transmission line is visible at a distance of as little as one mile, detracting from the intactness of the landscape setting, but remaining visually subordinate at this distance.

Viewer Concern: Viewer concern is moderate. The number of residential viewers represented in this view is very low, and their focus on scenic values in this agriculture-oriented context is considered moderately low.

Viewer Exposure: Views within this landscape type are oriented inward; that is, the canal levees bounding the area, along with occasional vegetation, tend to filter or block views outward toward the desert, directing attention toward fields and residences within the farmland landscape. Viewer exposure to the project transmission line is thus low.

Overall visual sensitivity of this KOP is thus considered to be moderately low.

#### View from Town of Ocotillo (5 miles) – KOP 4

KOP 4 is a view from the town of Ocotillo, roughly 5 miles west of the project site on I-8, and is representative of I-8 motorists at background distances from the project. **VISUAL RESOURCES Figure 10a** depicts the existing view from KOP 4. Viewing conditions of this panorama over the Yuha Desert landscape unit are quite different than from KOPs 2 and 3. A broad overview of the West Mesa and Yuha Desert area is visible in the distance due to the elevated position above the valley floor. The level, featureless character of the setting landscape and the relative absence of vivid features are evident in this view eastward.

Viewer Concern: Viewer concern is considered moderately high, due to an elevated level of concern with scenic values presumed within the CDCA in general, and a relatively high proportion of motorists on I-8 concerned with those scenic values.

Viewer Exposure: Viewer exposure is moderate. Views are open, unobstructed, and heightened by the panorama provided by the elevated viewing position; overall viewer

numbers on I-8 are high; but viewing distance diminishes visibility of the project from this KOP, which is representative of background distance views.

Overall visual sensitivity of this KOP is thus considered to be moderately high.

#### View from Southeast Corner of Site, at Dunaway Road – KOP 5

KOP 5 is a view from the southeast corner of the site west of Dunaway Road, and is representative of foreground views from I-8, and indeed from Evan Hewes Highway as well. **VISUAL RESOURCES Figure 11a** depicts the existing view from KOP 5. The view is quite similar to that from KOPs 1 and 2, also facing westward. The visual foreground and middle-ground consists of relatively intact desert floor, characterized by light tan soils and sparse, nondescript tan to greenish scrub, grass and other low-growing vegetation. Hills and ridges of the Jacumba and Coyote Mountains, including Carrizo Mountain to the northwest, are vivid features, strongly enhancing an otherwise fairly featureless landscape and elevating visual quality for westward travelers. Some low rolling topography characteristics of washes in the Yuha Desert are visible in this view. Transmission towers of the existing Southwest Powerlink transmission line are visible in this portion of the site, ranging from visually subordinate to dominant according to distance.

Viewer Concern: As from KOP 4, viewer concern is considered moderately high, due to an elevated level of concern with scenic values presumed within the CDCA in general, and a relatively high proportion of motorists on I-8 concerned with those scenic values.

Viewer Exposure: Viewer exposure is extremely high; views are predominantly open and unobstructed over a vast area, and the project is viewed at immediate foreground distance with terrain level or oriented toward the viewer.

Overall visual sensitivity of this KOP is thus considered to be moderately high.

#### ***Yuha Desert/Yuha Basin (SQRUs 2 and 3)– KOPs 6, 7, 8***

No KOPs were addressed in the AFC within other adjoining landscape units such as the Jacumba Wilderness, Coyote Mountain Wilderness, Painted Gorge, or Yuha Basin. The first three areas mentioned are located largely at background distance and would thus appear similar in character to KOP 4; relatively high viewer concern and open, unobstructed viewer exposure would be greatly moderated by distance, which would inherently reduce the dominance of the project to visually subordinate levels.

Portions of the Yuha Basin landscape unit (SQRU 3), however, are much closer, with some portions a little over a mile from the site. This unit includes a designated travel route (Route 274) identified by BLM and the National Park Service (NPS) as a portion of the historic Juan Bautista de Anza Trail, and many of the most-visited destinations within the Yuha Desert ACEC, including the Yuha Geoglyphs, Yuha Shell Beds, Yuha Well, distinctive and scenic topography of the Yuha Basin and Buttes, and several designated campgrounds (USDOI, 2004). Because this portion of the ACEC is among the most popular destinations in the El Centro BLM Field Office area, is more scenic than any other portion of the Yuha Desert, and lies at points within near-middle-ground distance of the project site, additional KOPs were identified within this landscape unit for analysis. The principal sensitive viewpoint in the ACEC in relation to the project is Route

274, and the geoglyphs and campgrounds that are located along it. The route lies essentially at or near the boundary between SQRUs 2 and 3, with its overall visual quality determined predominantly by scenic attributes associated with SQRU 3. The view from Route 274 and other designated routes in the vicinity are characterized by great visual variety and interest, with a diversity of distinctive land forms including the Mud Hills, Yuha Buttes, highly dissected washes, and distinctive expanses of desert pavement, often virtually devoid of vegetation.

No simulations were prepared from this unit. However, the level of visibility of the project and site from this area is quite evident in field reconnaissance and photo-documentation and a setting and impact analysis was prepared based upon field reconnaissance.

KOP 6 is a view from the eastern segment of Route 274 near Dunaway Campground at a distance of ½-mile from the project site. **VISUAL RESOURCES Figure 12a** depicts the existing view from KOP 6.

KOP 7 is a view from Overlook Campground on Route 274 at a distance of roughly one mile. **VISUAL RESOURCES Figure 12b** depicts the existing view from KOP 7.

KOP 8 is a view from the vicinity of the Yuha Geoglyphs, also on Route 274 at a distance of roughly 3 miles. **VISUAL RESOURCES Figure 12c** depicts the existing view from KOP 8.

Visual Quality. Visual quality of these KOPs is thus considered to be moderately high, consistent with the BLM inventory rating of Scenic Class B given to SQRU 3.

Viewer Concern. Viewer concern is similarly considered to be high, due to the historic and scenic significance of both the route and surroundings, reflected in part in the area's ACEC status.

Viewer Exposure. Viewer exposure along Route 274 varies with topography and distance, but the project site is prominently visible from much of Route 274 and its associated attractions, at distances of as little as 1/2-mile, and is thus high.

Overall visual sensitivity of these KOPs is thus considered to be high.

### **Project Visual Description**

#### **Power Plant**

**VISUAL RESOURCES Figure 4** depicts the layout of the two proposed project phases. **VISUAL RESOURCES Figure 5** depicts architectural elevations of the SES Solar 2 power block, based upon the original AFC plan (SES 2008a). **VISUAL RESOURCES Figure 6** depicts elevations of the proposed mirror units.

The proposed project includes approximately 30,000, 38-foot solar dish Stirling systems (i.e., SunCatchers) and associated equipment and infrastructure within a fenced boundary, occupying approximately 6,500 acres (roughly 10 square miles) of undeveloped land. Associated proposed facilities include:

- an onsite, 24.27-acre Main Services Complex located generally in the center of the site for administration and maintenance activities, which would include buildings, parking and access roads;
- an onsite, 6-acre 750-MW Substation located generally in the center of the site, near the Main Services Complex.

### **Construction Staging Area**

A 100-acre lay-down site is proposed east of the project site on Dunaway Road and north of I-8. (SES 2008a).

### **Site Grading**

Site grading would potentially represent a substantial visual component of the proposed project during construction, affecting nearly the entire site. Surface disturbance of the proposed site, as in most desert landscapes of the region, can often result in high contrast between the disturbed area and surroundings, due to high contrast between the disturbed soil color and albedo, and the color and albedo of the existing undisturbed, vegetated surface. Furthermore, effectiveness of revegetation in this arid environment is difficult, of limited effectiveness, and capable of recovery only over a very long-term time frame.

### **Plant Night Lighting**

According to the AFC, night lighting of the Main Services Complex would consist of 400-watt high-pressure sodium lights, with illumination falling to 0.0 foot-candles on the ground a short distance from the facility (AFC Figure 3-20, -21)(SES 2008a).

Parking and roadway lighting would consist of full cut-off luminaires to minimize night sky light pollution. Preliminary photometric studies provided in the AFC depict illumination from these fixtures falling to 0.0 foot-candles a short distance from each roadway intersection (AFC, Figure 3-23, SES 2008a).

### **Linear Facilities**

Linear facilities associated with the proposed project would include:

- an off-site 12-mile, 6-inch water pipeline approximately 30 inches underground in the existing Evan Hewes Highway right-of-way (ROW), which would provide reclaimed water from the Seeley Waste Water Treatment Facility (SWWTF) located approximately 13 miles east of the proposed project site;
- a 10.3-mile 730-MW/230-kV transmission line intended to connect to the existing San Diego Gas & Electric (SDG&E) Imperial Valley Substation located southeast of the project site would parallel the existing Southwest Powerlink transmission line ROW; and
- approximately 27 miles of unpaved arterial roads, approximately 14 miles of unpaved perimeter roads, and approximately 234 miles of unpaved access roads (SES 2008a).

## **VISUAL IMPACT ASSESSMENT**

### **Staff Discussion of AFC Analysis**

Despite various differences in methodology and specific conclusions, staff is in general agreement with the overall conclusions of the AFC visual analysis. That is, the AFC concluded that potential project visual impacts from KOPs 1, 2, 4, and 5 are potentially significant under CEQA. However, the AFC did not address potential project impacts to visitors within the adjacent BLM Yuha Desert ACEC, particularly the Juan Bautista de Anza National Historic Trail. These impacts are addressed by staff under KOPs 6, 7, and 8, below.

### **Direct Project Impacts**

#### ***Project Operation Impacts***

##### **Impacts of Structures on Key Observation Points**

##### ***Plaster City Open Area/West Mesa (SQRU 9) - KOP 1***

As described in Section C.13.4.1, above, overall visual sensitivity within this landscape unit is generally considered to be moderately high. Existing scenic quality of this landscape unit ranges from moderate to moderately low. However, viewer concern is considered moderately high due both to high numbers of recreational visitors in the area, and to the location of the setting within the CDCA in general. Viewer exposure is high due to proximity – many viewers would see the project at foreground distance from high-use parts of the Open Area; high due to high numbers of viewers, reaching several thousand during peak weekends; and high due to the generally unobstructed view conditions inherent in the level, open landscape.

***KOP 1 – View from Plaster City Open OHV Area, Looking South (roughly 1.9 miles from site). VISUAL RESOURCES Figures 7A and 7B.***

##### **Staff Comments on Applicant's Simulation**

**Figures 7A and 7B** depict a view of the site from a middle-ground distance of roughly 1.9 miles, according to AFC Figure 5.13-3. Staff considers this to be a reasonably representative viewpoint. The range of actual view conditions of visitors in the Open Area would extend from immediate foreground distance to background distance. It should be noted, however, that a substantial number of OHV Open Area users, including large groups attending organized races, could view the project from closer distances including, occasionally, foreground (0.5 mile or under) distance. At these nearer distances the project would appear much more prominent, dominating the view from foreground locations. From such viewpoints near the project site, views of the Plaster City facility and highway would also be more prominent, compromising the intactness of the landscape.

Project visual contrast within the Open Area would thus range from very strong to moderate, as a function of distance from the site boundaries. As represented in the simulation from KOP 1, at a distance of 1.5 miles, project contrast would be moderate. Color and texture contrast of the vast rows of SunCatchers with the existing landscape at this distance would be strong, lending a distinctly man-made, industrial character.

Form and line contrast, however, would be relatively weak, matching the broad horizontal lines of the level terrain. From some viewpoints, the taller buildings of the Main Services Complex (up to 77 feet tall) could be visible in the middle of the site, exhibiting some vertical form and line contrast and attracting attention. However, these features would generally be dwarfed by the vast scale and dominance of the SunCatcher fields.

The project would exert strong horizontal scale and spatial dominance, occupying a vast expanse of the landscape. However, in overall visual scale, dominance would be moderate outside of the foreground zone. As depicted in the simulation, the overall proportion of the view occupied by the project would be small compared to the foreground terrain, background mountains, and sky, due to the level terrain and oblique viewing angle.

The project would not physically block scenic views of Signal Mountain or the Jacumba Mountains in the distance from viewpoints beyond immediate foreground distance within the OHV Open Area. The project would, however, block such views for viewers directly adjacent to the project on Evan Hewes Highway.

Overall visual change to viewers in the OHV Open Area is thus considered moderate. From most of the OHV Open Area beyond foreground distance of the project, the project would attract attention but would not dominate the existing landscape.

Impact Significance - In the context of moderately high overall visual sensitivity, the moderate level of visual change experienced by the majority of OHV Open Area viewers – those outside of foreground distance from the project – could be regarded as potentially substantial. However, considering the disturbed character of the OHV Open Area terrain and the activity-focused nature of much of the OHV recreation that takes place there, staff considers the moderate levels of visual change experienced outside of the foreground distance zone an adverse but less than significant impact under CEQA.

However, for those viewers within foreground distance of the project, including motorists on some adjacent segments of Evan Hewes Highway, project contrast would be strong, and scenic views of mountains to the south could be blocked. In the context of moderate overall visual sensitivity this could represent a substantial adverse impact. This impact to foreground viewers, particularly motorists on adjacent foreground segments of highway, will be discussed separately under KOP 5, below.

Mitigation – No mitigation measures are considered necessary outside of foreground distance within the Open Area. Measures to address sensitive foreground views are discussed under KOP 5, below.

#### *Upper Yuha Desert (SQRU 1) – KOPs 2, 3, 4, 5*

*KOP 2 – View from Nearby Residence on Evan Hewes Highway, Looking Southwest (roughly 1.5 miles). **VISUAL RESOURCES Figures 8A and 8B.***

KOP 2 represents the view of the nearest residence to the project site, located approximately 1.5 miles to the east on Evan Hewes Highway. As such it is also representative of views from the highway at middle-ground distance.



Project visual contrast from this KOP would be similar to that described under KOP 1, above, which is at a similar distance. As represented in the simulation from KOP 2, project contrast at this distance would be moderate. Color and texture contrast with the existing landscape at this distance would be strong, lending a conspicuous, distinctly man-made character to the view. Form and line contrast, however, would be relatively weak, blending with the broad horizontal lines of the level terrain, and occupying a relatively small proportion of the view due to the level terrain relationship to the viewer and resulting oblique viewing angle.

Similarly, at this distance the project would exert strong horizontal scale and spatial dominance, occupying a vast extent of the landscape. However, in overall visual scale, dominance would be moderate outside of the foreground zone, and lower as distance from the project increased. As depicted in the simulation, the overall proportion of the view occupied by the project would be small compared to the foreground terrain, background mountains, and sky.

The project would not block scenic views within this middle-ground distance zone.

Overall visual change from KOP 2 and similar middle-ground viewpoints is thus considered moderate. At this distance and under these level terrain relationships the project would attract attention but would not dominate the existing landscape.

Impact Significance - In the context of moderately high overall visual sensitivity, the moderate level of visual change experienced by these residents and motorists on Evan Hewes Highway at distances of over one mile would be somewhat adverse, but less than significant.

Mitigation – No mitigation measures are considered necessary at distances of over roughly one mile on or along Evan Hewes Highway.

As mentioned previously, impacts to foreground viewers, particularly motorists on adjacent foreground segments of highway, will be discussed separately under KOP 5, below.

*KOP 3 – View from Residence to Proposed Project Transmission Line, Looking West (roughly one mile). **VISUAL RESOURCES Figures 9A and 9B.***

KOP 3 represents views of the proposed project transmission line from the nearest residence, located at the western edge of the Imperial Valley agricultural area east of the Yuha Desert. The photograph actually appears to have been taken west of the irrigation canal marking the westernmost boundary of the irrigated farmlands in which the residence is located. Consequently, visual exposure to the transmission lines is actually greater than would typically be the case within the agricultural area. On roads and in fields of the irrigated area, views toward the transmission corridor tend to be filtered by the canal levees and occasional vegetation.

As illustrated in the simulation, at this distance the existing Southwest Powerlink transmission lines and towers are evident, though visually subordinate within the view. The line and tower intrude into the skyline of the Jacumba Mountain ridge in the background distance, compromising existing visual quality. The proposed project

transmission line would parallel the existing line and add incrementally to its visual presence. In combination, vertical form contrast of the two lines would increase to a moderately high level, as would intrusion into the background mountain skyline. The contrast of the combined transmission lines could attract attention and begin to dominate the characteristic landscape.

Impact Significance - In the context of moderately low overall visual sensitivity from this and similar locations due to low visual exposure and low viewer numbers, the moderately high level of anticipated visual change of the combined powerlines is considered less than significant.

Mitigation – No mitigation measures are considered necessary from KOP 3 or similar viewpoints along the canal.

*KOP 4 – View from Town of Ocotillo, Looking West (approximately 4-1/2 miles).*  
**VISUAL RESOURCES Figures 10A and 10B.**

KOP 4 is taken from the town of Ocotillo, roughly 4.5 miles west of the project site on I-8, and is representative of I-8 motorists at background distances from the project. A broad overview of the West Mesa and Yuha Desert area is visible from this elevated position above the valley floor. However, as depicted in the simulated view, visibility and prominence of the project at background distances such as this is limited. Project contrast would be due primarily to color and texture contrast; at this distance the mirror reflections would often resemble the surface of a lake. The overall line and form contrast is very weak due to the oblique viewing angle and low overall visual magnitude within the field of view. Project contrast would be seen, but would not attract attention.

Impact Significance - Overall visual sensitivity from I-8 is considered moderately high. However the low level of overall visual change would represent a less than significant impact at this distance.

Mitigation – No mitigation measures are considered necessary from KOP 4 or similar viewpoints within the background distance zone.

*KOP 5 – View from I-8 Near Dunaway Road, Looking Northwest (roughly 1/2 mile).*  
**VISUAL RESOURCES Figures 11A and 11B.**

**Staff Comments on Applicant's Simulation**

KOP 5 represents foreground views, particularly westward views, of the project by motorists on I-8. The precise distance from viewpoint to project is not described; however, it appears to be roughly ½ mile or near the outer limit of the foreground distance zone. In order to fully understand the visual effect of the project, however, it is important to recall that for roughly 5.6 miles of project frontage on I-8, the project would be viewed from much closer distances, and would thus appear much more prominently, with the nearest rows of 38-foot-tall SunCatchers often within a few feet of the edge of the highway.

## Staff Analysis

The view from I-8 facing westward is highly scenic, consisting of relatively intact expanses of the Yuha Desert floor, with low rolling terrain of washes evident in portions of the project frontage, and striking views of the Jacumba and Coyote Mountains at the horizon. The existing Southwest Powerlink transmission line ranges from visually subordinate to dominant within the view according to distance, intruding into the view and compromising visual quality, especially at foreground distance. Nevertheless, as described in Section C.13.4.1 above, overall visual sensitivity from this viewpoint is moderately high.

As depicted in the simulated view, in near-middle-ground and foreground views from adjacent roadways, the project would be strongly dominant and exhibit a high level of visual contrast and overall visual change. This would include roughly 6.5 miles of Highway I-8, and roughly 6 miles of Evan Hewes Highway. The 38-foot-tall mirror arrays would present strong color, form and line contrast, and exhibit strong spatial dominance, extending for miles. Furthermore, the addition of project power lines along the highway would combine with the existing Powerlink line to dominate the foreground view of motorists, particularly for the roughly one mile where the new line would parallel the highway foreground before turning southward to parallel the existing transmission corridor. In combination with the existing transmission line, the project line would increase contrast and dominance of the transmission corridor as viewed from the highway in its vicinity. For a roughly 0.85-mile portion of highway frontage not included within the project, portions of the project, including the Main Services Complex, could be visible at times, but would often be obscured by high, irregular terrain of washes and low rises in the immediate highway foreground in this area, which have the effect of blocking all views beyond. These segments are limited in length, however. Overall the project would strongly demand attention, could not be overlooked, and would strongly dominate the landscape over more than 6 miles of highway frontage within foreground distance of the project features.

Views of mountains to the north and northwest, including the Coyote Mountains, Superstition Mountains, and Carrizo Mountain, would be largely obstructed to westbound motorists in the vicinity of the project.

Impact Significance - In the context of moderately high overall visual sensitivity from Highway I-8, this high level of overall visual change would represent a substantial impact. Other foreground views of the project, from Evan Hewes Highway and the Plaster City OHV Open Area are also considered to have moderately high sensitivity, and would experience similar effects, including strong visual dominance and visual change by the project; and obstruction of views of the mountains. Thus, all views within the foreground distance zone and indeed the near-middle-ground distance zone to at least one mile would experience strong project dominance and visual change, and a substantial visual impact.

## Mitigation Measures

In order to reduce the contrast of proposed project security fencing and other non-mirror project features as seen from Highway I-8, Condition of Certification **VIS-1** is recommended. This measure would include:

- Coloring of security fencing with vinyl or other non-reflective coating; or with slats or similar semi-opaque, non-reflective material, to blend to the greatest feasible extent with the background soil.
- Surface color treatment of all non-mirror surfaces with non-reflective colors that minimize visual intrusion and contrast by blending with the existing tan and brown color of the surrounding landscape, do not create glare, and are consistent with local policies and ordinances.

In order to reduce the visual impact of the segment of new proposed transmission line paralleling I-8, Condition of Certification **VIS-3** is recommended. This measure would include:

- If feasible, re-alignment of the segment of the project transmission line paralleling I-8 to be set back from the roadway at least ½ mile

With this measure, the prominence and exposure of the proposed new transmission line to motorists would be substantially reduced.

In order to reduce the prominence of the project from Highway I-8, Condition of Certification **VIS-4** is recommended. This measure would include:

- Additional setback of the nearest SunCatcher units from the roadway to reduce their visual dominance and potential glare effects.

With these measures, visual contrast and dominance of the mirror units could be considerably reduced.

With these recommended conditions of certification, project impacts from the foreground of I-8 would be greatly reduced, but project contrast, dominance, and overall visual change would remain strong, and impacts, substantial.

### **Staff Discussion of Landscape Screening Measures**

In the AFC, the applicant has suggested possible landscape screening measures as a potential mitigation measure to address project visual impacts.

Staff has not recommended landscape screening measures, for the following reasons:

- a) the amount of water that would be needed in this desert landscape to make such screening viable would be very substantial, and it is unclear that the resulting screening would represent a visual mitigation commensurate with its high social, monetary, and environmental cost.
- b) any such screening would be nearly as out-of-character with the existing native landscape of the Yuha Desert as the project itself. Although many people may indeed prefer tree rows or other tall vegetation to the view of mechanical devices, the degree of visual change from the native landscape that would result from miles of non-native vegetation (no suitably tall, locally native species exist) would be nearly as high as the proposed project.

### ***Yuha Desert/Yuha Basin (SQRUs 2 and 3) – KOPs 6, 7, 8***

As discussed in Section C.13.4.1 above, KOPs 6, 7, and 8 were added to the analysis to portray the range of anticipated effects the project would have on sensitive recreational destinations within the Yuha Desert ACEC within the middle-ground distance zone, including extensive portions of the Juan Bautista de Anza National Historic Trail (Route 274). Simulations could not be prepared for these viewpoints due to fast-track time constraints, however, the anticipated level of project contrast and dominance from each of these viewpoints is very clear, particularly because the Plaster City facility, which appears in each view, is an ideal scale and location reference point, and also because the extent of the project site is very clear from each viewpoint.

KOP 6 is a view from the eastern segment of Route 274 (Juan Bautista de Anza National Historic Trail) near Dunaway Campground at a distance of ½-mile from the project site, or within foreground distance. **(VISUAL RESOURCES Figure 12)**. From this viewpoint, the project would exhibit high contrast and dominance, becoming the most prominent feature within the view over a vast area. From this location, viewers would need to turn their heads in order to take in the entire project site. The project would not block views of mountains in the background, including the Superstition Mountains to the north. However, the project's pronounced contrast in color, texture, and at times, brightness; and its strong spatial dominance would represent a high level of visual change. The project would demand attention, could not be overlooked, and would be dominant in the landscape.

KOP 7 is a view from Overlook Campground on Route 274 (recreational Juan Bautista de Anza National Historic Trail) at a distance of roughly one mile, or middle-ground distance. **(VISUAL RESOURCES Figure 13)**. Similar to KOP 4, the project would exhibit strong color and texture contrast and strong spatial dominance, becoming the most dominant feature in views to the north. The project would demand attention, could not be overlooked, and would be dominant in the landscape.

Impact Significance - In the context of high overall viewer sensitivity in foreground and middle-ground viewpoints within the Yuha ACEC, impacts from KOPs 6, 7, and other portions of the Anza Trail (Route 274) at these distances would be significant.

KOP 8 is a view from the vicinity of the Yuha Geoglyphs, also on Route 274 at a distance of roughly 3 miles, approaching background distance. **(VISUAL RESOURCES Figure 14)**. At this distance, the project would be very evident but would exhibit a moderate degree of contrast. Color and texture contrast could be moderately high, but form and line contrast would be weak due to the level, oblique angle of view and the small portion of the field of view occupied by the project. Similarly, visual dominance of the project would be moderate in scale at this distance.

Impact Significance - In the context of high viewer sensitivity, impacts of the project at this distance would be adverse, but less than significant.

From other principal destinations within the Yuha Desert ACEC, such as Yuha Well, fossil shell beds, and portions of the Anza Trail south of the Yuha Geoglyphs, the project would not be visible due to intervening terrain of washes and low hills. Likewise the project would not be visible from Highway 98 and its surroundings.

## Mitigation Measures

Staff identified no feasible mitigation measures to eliminate or substantially reduce project visual impacts on these recreational sites, including the greater part of the recreational Anza Trail in the Yuha Desert ACEC (Route 274). In the Staff Assessment, staff had proposed Condition of Certification **VIS-5** to provide measures to off-set impacts to the quality and historic integrity of the trail experience of visitors caused by these visual impacts. However, subsequent to publication of the Staff Assessment, staff concluded that because the types of measures proposed in Condition **VIS-5** could do nothing to mitigate the project's visual effects, seeking only to enhance other non-scenic recreational experiences, these secondary impacts to the cultural/historic values of the Anza Trail as a result of visual intrusion would be most appropriately addressed in the Cultural Resources section of this SSA. Therefore, Condition **VIS-5** has been removed from the SSA. Staff continues to believe that measures similar to those in condition **VIS-5** would be appropriate to address impacts to the historic resource of the Anza Trail.

### ***Staff Discussion of Applicant-Prepared Anza Trail Visual Impact Analysis (Anza VIA)***

Subsequent to publication of the SA, at the request of the NPS, the applicant produced an additional visual analysis of impacts to the Anza Trail, including simulations from two viewpoints on Route 274 of the BLM recreational Anza Trail, a viewpoint near Staff Assessment KOP 6, and one from the vicinity of the Anza Monument a short distance from Staff Assessment KOP 8. In addition, a third viewpoint is simulated, from approximately 1 mile north of the project site in the Plaster City Open Area, roughly one mile closer to the project site than Staff Assessment KOP 1. Very briefly, despite minor differences in details of approach, the conclusions of the Staff Assessment and Anza VIA are substantially in agreement. The Anza VIA concludes that impacts from all three viewpoints represent significant visual impacts. Staff concluded that typical impacts within the Open Area would be less-than-significant overall due partly to the highly compromised visual condition of the Open Area. Staff also concluded that impacts from Route 274 at Staff Assessment KOP 8 would be less-than-significant due to limited visual exposure and moderate contrast and dominance due to distance and oblique view angle. Staff does not, however, dispute that visual impacts to the recreational Anza Trail and trail corridor in general would be significant from most locations, as reflected in the conclusions for Staff Assessment KOPs 6 and 7, and refers the reader to the Anza VIA (SES 2010I).

### ***Glare Impacts***

From each of the viewpoints discussed above, diffuse reflected light from the SunCatcher mirrors could potentially represent a substantial component of the project's overall appearance, visual contrast/change, and impact. The contribution of potential glare under most typical conditions was considered in the evaluation of overall project visual change in the impact analysis above. Under most conditions diffuse reflection would be seen by viewers and appear similar to the reflection of the sky on a lake surface, or at certain times, more intense shimmering glare from brighter diffuse reflection of the sun.

Staff accepts the Applicant's assertion that the SunCatcher mirror reflections would not produce retinal damage. However staff, on the basis of available information including review of the project AFC and a Glint and Glare Study produced by the applicant that included third-party field photometric measurements of the pilot SunCatcher test site in Maricopa, Arizona, believes that from 5% to 6% of the visible spectrum is not redirected to the PCU by the mirrors, and has the potential to make the mirrors appear as very bright objects through diffuse reflection when the mirrors are tracking in normal operational mode. Staff concluded that the bright intrusive glare is a very real hazard to motorists and pilots near the facility. The most prevalent condition that occurs is 'Flash Blindness' or the after-image in the visual field caused by saturation of the rods and cones of the retina.

Based on calculations by staff and others, however, staff concluded that a minimum safe setback distance to minimize potential hazards from flash blindness from the SunCatchers is approximately 223 feet. In order to provide additional margin of error, staff recommends that the minimum setback to public roadways of any SunCatcher be maintained at 360 feet as previously stipulated by the applicant. In addition, based upon the new photometric data obtained subsequent to publication of the Staff Assessment, staff has replaced the previous Condition of Certification **VIS-6**, Reflective Glare Mitigation, with a new Condition **VIS-6**. In addition to the recommended minimum setback of 360 feet, the condition calls for:

- Modification of the SunCatchers to include a perforated metal diffusion shield behind the PCU to mitigate the 5% of the visible light spectrum that is observed in the operational images. If the PCU is approximately, 5'x7', then 2' on either side of the PCU should give a significant reduction in the halo effect of concern.
- Modification of the "offset tracking" procedure to require a 25° offset to minimize the presence of intrusive brightness.
- Modification of the "Morning Stow to Tracking Transitions" timing to occur 30 minutes before sunrise and end in a 25° offset tracking position, ready to move into tracking position.
- Modification of the "Night Stow" timing so it occurs 30 minutes after sunset to avoid any intrusive light effects.
- Development by the project owner of an Emergency Glare Response Plan to quickly redirect a malfunctioning mirror to a safe orientation.
- Monitoring of the site during all hours of operation on a weekly basis for five years using video surveillance trucks to identify and document intrusive light conditions needing correction.

For a more detailed discussion of these conclusions and recommendations, the reader is referred to Appendix **VR-1**, which is included in this SSA.

Nighttime light pollution as a result of the project is a concern. A large area around the project site is now largely dark at night, with the exception of the Plaster City facility which, however, is an isolated instance. The pristine, unlit night sky is an important part of the camping experience for many visitors to remote areas such as the campsites on the Anza Trail, some of which are located near the project site as described above.

Unmitigated night lighting of the project could represent a substantial impact to the experience of campers at these sites.

According to the AFC, night lighting of the Main Services Complex would consist of 400-watt high-pressure sodium lights, with illumination falling to 0.0 foot-candles on the ground a short distance from the facility (AFC Figure 3-20, -21)(SES 2008a). Parking and roadway lighting would consist of full cut-off luminaires to minimize night sky light pollution. Preliminary photometric studies provided in the AFC depict illumination from these fixtures falling to 0.0 foot-candles a short distance from each roadway intersection (AFC, Figure 3-23)(SES 2008a).

However, there is concern that night roadway lighting from tall light standards could be reflected into the SunCatchers in stow position at night, reflecting bright illumination skyward and causing night light pollution.

To avoid this effect and ensure acceptable levels of night lighting performance, including potential impacts from construction lighting, staff has revised Condition of Certification **VIS-2**, Temporary and Permanent Exterior Lighting. .

### ***Project Construction Impacts***

In addition to the proposed project site, a 100-acre lay-down site located east of the project site on Dunaway Road and north of I-8 is proposed.

The lay-down site would be of substantial scale, and would be visually very prominent within the foreground of Dunaway Road. Form, line and texture contrast of stored equipment, materials, and disturbed soil would be strong. While the number of viewers on this road is relatively low at most times, during the OHV Open Area's periods of peak use, recreational viewer numbers would be high. The site would also adjoin and be prominently visible from I-8 at the northeastern quadrant of the Dunaway Road interchange. The sensitivity of both foreground recreational viewers on Dunaway Road and motorists on I-8 is considered moderately high. The strong contrast of the 100-acre site would thus be substantial for the period of construction, estimated to last 40 months; and could remain substantial for a long period of time after completion of construction without adequate post-construction mitigation of the disturbed vegetation and soil surface. Staff thus recommends Condition of Certification **VIS-7** (Construction Measures) to reduce temporary impacts of the lay-down site during the roughly 3 years of anticipated construction, and mitigate long-term impacts of ground disturbance at the lay-down site through increased set-back of the site from I-8, and re-grading and revegetation with locally native species following project construction.

Potential impacts of project grading and construction would be considerable and comparable to those of the project itself. Grading would result in strong color contrast from soil surface disturbance. Project construction would include a highly industrial scene of assembly and installation of the SunCatcher units. These impacts are considered substantial and unavoidable.

### ***Indirect Impacts***

By substantially lowering the prevailing visual quality of its local viewshed, the Yuha Desert/western Salton Trough, the project could have the indirect effect of encouraging



additional subsequent development of similar character in the area. Because the relatively intact existing landscape would appear highly compromised after introduction of the IVS Project, the incremental additional impact of other future projects could appear to be less significant than if they were occurring in the current, intact landscape without the project.

### **Closure and Decommissioning Impacts and Mitigation**

Permanent closures would require the applicant to submit to the Energy Commission a contingency plan or a decommissioning plan. A decommissioning plan would be implemented to ensure compliance with applicable LORS, removal of equipment and shutdown procedures, site restoration, potential decommissioning alternatives, and the costs and source of funds associated with decommissioning activities.

The removal of the existing facility would leave a very prominent visual impact over the entire site due to color contrast created between graded or disturbed soil areas and undisturbed areas in the region of the project site. This color contrast is due particularly to the dark color element contributed by normal scrub vegetation cover, and the typical dark desert pavement surface that characterizes large portions of the site and vicinity. After decommissioning, the site would resemble the most disturbed portions of the OHV Open Area to the north. At present, despite some evidence of surface disturbance from past OHV use on the site, the site does not resemble the OHV Open Area but retains a predominantly natural character. However, unlike the Open Area, the disturbed area would be highly visible to motorists traveling on I-8. Revegetation of areas in this desert region are difficult but have been implemented by the BLM El Centro Field Office with success over time. Thus, visual recovery from land disturbance after closure and decommissioning could take place, although only over a long period of time, with implementation of an active and comprehensive revegetation program for the site.

### **C.13.4.3 CEQA LEVEL OF SIGNIFICANCE**

Appendix G of the CEQA Guidelines four significance criteria for evaluating aesthetic impacts, as follows.

#### **A. Would the project have a substantial adverse effect on a scenic vista?**

No specific designated scenic vista locations were identified in the project viewshed. However, as described above, a number of recreational destinations with high levels of viewer concern for scenic values would be strongly affected by the project, including portions of the Anza historic trail, and two designated campgrounds within the Yuha Desert ACEC. These impacts are discussed under Item C., below. In addition, views of the Coyote, Fish Creek, and Superstition Mountains to the north and northwest of Highway I-8 would be largely blocked by SunCatchers for westbound motorists wherever the project boundary abuts I-8. Since views of background mountains are the most scenic element of views from I-8 in the project area, and the project would obstruct roughly one-half of such existing views, this blockage of scenic vistas is considered a significant visual impact.

**B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?**

The project is adjacent to Highway I-8, which is not listed as an eligible State Scenic Highway. No notable scenic features or resources are present on-site. The project would not directly damage any specific scenic resources located within the project site. Potential effects on scenic resources within the project viewshed in general are discussed under Item C, below.

**C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?**

As described in the analysis above, the project would substantially degrade the existing visual character and quality of the site and its surroundings. Under the proposed project an area of roughly 10 square miles, including over 5.6 miles of frontage on Highway I-8, would experience a dramatic visual transformation from a predominantly natural desert landscape to one of a highly industrial character. The character and quality of views from recreational destinations within the Yuha Desert ACEC would be strongly affected. In the context of moderately high-to-high level of viewer sensitivity of these affected viewpoints, project impacts are considered significant.

**D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

Glare is a major issue of concern for the IVS Project, primarily for aesthetic reasons, but conceivably also for highway navigation and safety reasons due to the proximity of Highway I-8.

Potentially affected receptors would include motorists on I-8 and Evan Hewes Highway; and OHV motorists, hikers, climbers and other visitors in the Plaster City OHV Open Area and associated open trails under the Western Colorado Routes of Travel Designation Plan Amendment (WECO)(USDOI, 2003).

Staff conducted an independent review of potential glare impacts based on limited available project data. The results of this review are summarized in the discussion of Glare Impacts, above. With recommended Condition of Certification **VIS-6**, impacts could be reduced to less-than-significant levels.

According the AFC, night lighting of the Main Services Complex, parking, and roadway lighting would consist of full cut-off luminaires to minimize night sky light pollution. Preliminary photometric studies provided in the AFC depict illumination from these fixtures falling to 0.0 foot-candles a short distance from each roadway intersection.

However, to ensure these levels of performance, to address potential impacts from construction lighting, and to further minimize potential night lighting impacts to campers in the Yuha Desert ACEC and Anza Trail, staff recommends Condition of Certification **VIS-2**. This measure would require that all exterior lighting is designed such that lamps and reflectors are not visible from beyond the project site; lighting does not cause excessive reflected glare; direct lighting does not illuminate the nighttime sky, except for

required FAA aircraft safety lighting; and illumination of the project and its immediate vicinity is minimized.

## **C.13.5 300 MEGAWATT ALTERNATIVE**

---

The 300 MW Alternative would provide the same total number of SunCatchers and associated facilities as the 300 MW phase of the proposed 750 MW project (see Alternatives Figure 1), and would consist of 12,000 SunCatchers with a net generating capacity of approximately 300 MW occupying approximately 2,600 acres of land. This alternative would transmit power to the grid through the SDG&E Imperial Valley Substation and would require infrastructure similar to the proposed 750 MW project, including a water supply pipeline, transmission line, road access, operations facilities, substation, and hydrogen system (SES 2008a). Infrastructure associated with this alternative would require approximately 40 acres. This alternative would retain 40% of the SunCatchers and would affect 40% of the land of the proposed 750 MW project.

### **C.13.5.1 SETTING AND EXISTING CONDITIONS**

The setting for this alternative would be approximately 2,600 acres (roughly 4 square miles) or 40% of the lands affected by the proposed project. Lands affected by this alternative would be located on the western portion of the proposed project site, and would all be under the jurisdiction of the BLM. This setting is as described for the site as a whole under the description of the proposed project, which differs only in extent, but not in visual character or quality.

### **C.13.5.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

#### **Direct Project Impacts**

#### ***Project Operation Impacts***

#### **Impacts of Structures on Key Observation Points**

#### ***Plaster City Open Area/West Mesa (SQRU 9) - KOP 1***

As described in Section C.13.4.1, above, overall visual sensitivity within this landscape unit is generally considered to be moderately high. Existing scenic quality of this landscape unit ranges from moderate to moderately low. Viewer concern is considered moderately high due both to high numbers of recreational visitors in the area, and to the location of the setting within the CDCA in general. Unlike under the proposed project, however, viewer exposure would be moderate to low under the 300 MW alternative. The area of foreground and near-middle-ground-distance exposure to visitors in the OHV Open Area would be far less than under the proposed project, roughly two miles of the Evan Hewes Highway compared to roughly six.

**KOP 1** – View from Plaster City OHV Open Area , Looking South (roughly 1.5 miles from site). **VISUAL RESOURCES Figures 6A and 6B.**

In contrast to the view of the proposed project portrayed in **VISUAL RESOURCES Figures 6A and 6B**, visibility of the project from the Plaster City OHV Open Area would be far less. Principal racing and gathering areas of the OHV Open Area would be over a mile farther from the nearest project features. At this distance, project contrast would range from moderate to weak depending upon the viewer's location within the OHV Open Area. Strong project contrast would still be experienced adjacent to the portions of the 300 MW alternative abutting Evan Hewes Highway. However, the area of this foreground and near-middle-ground-distance exposure would be far less than under the proposed project, roughly two miles compared to roughly six. Overall visual change for visitors of the open Area would at most be moderate.

Impact Significance - In the context of moderate overall viewer sensitivity, this would represent an adverse but less than significant impact.

*Upper Yuha Desert (SQRU 1) – KOPs 2, 3, 4, 5*

*KOP 2 – View from Nearby Residence on Evan Hewes Highway, Looking Southwest (roughly 1.5 miles).* KOP 2 discussed under the proposed project would not be applicable to the 300 MW alternative, due to the great distance to the project under this Alternative (over 4.5 miles). At virtually background distance, project contrast and impact would be minor. Under the 300 MW alternative, the nearest residences would be in Ocotillo, to the west. Similarly, at this distance (roughly 4 miles), project contrast and impact would be minor.

KOP 2 was also representative of viewers on Evan Hewes Highway. Such views would be somewhat similar to that portrayed in **VISUAL RESOURCES Figures 7A and 7B** for a larger proportion of that highway, roughly from the vicinity of Plaster City eastward.

Impact Significance – As discussed above under KOP 1, strong project contrast would still be experienced by motorists adjacent to the portions of the 300 MW alternative abutting Evan Hewes Highway, and impacts in that segment would be substantial, with rows of SunCatchers prominent in the immediate visual foreground, strongly dominating the viewers' visual experience. However, the area of this foreground and near-middle-ground-distance exposure would be far less than under the proposed project, approximately two miles compared to roughly six. At distances of roughly 1-1/2 mile or more, as depicted in **VISUAL RESOURCES Figure 7B**, contrast and dominance would be reduced by distance to moderate levels, and impacts to motorists would be adverse but less than significant.

*KOP 3 – View from Residence to Proposed Project Transmission Line,*

*Looking West (roughly – miles).* **VISUAL RESOURCES Figures 8A and 8B.**

KOP 3 represents views of the proposed project transmission line from the nearest residence, located at the western edge of the Imperial Valley agricultural area east of the Yuha Desert. The view under the 300 MW alternative would be the same as that described under the proposed project. As under the proposed project, this impact is considered adverse, but less than significant.

**KOP 4 – View from Town of Ocotillo, Looking West (roughly 5 miles). VISUAL RESOURCES Figures 9A and 9B.**

KOP 4 is taken from the town of Ocotillo, roughly 5 miles west of the project site on I-8, and is representative of I-8 motorists at background distances from the project. Similar to conditions under the proposed project, the project viewed at this background distance would exhibit weak overall contrast, dominance and visual change. The overall change however would be less than half that of the proposed project. As under the proposed project, the low level of overall visual change would represent a less than significant impact at this distance.

**KOP 5 – View from I-8 Near Dunaway Road, Looking Northwest. VISUAL RESOURCES Figures 10A and 10B.**

**Staff Comments on Applicant's Simulation**

KOP 5 represents foreground views, particularly westward views, of the project by motorists on I-8. The precise distance from viewpoint to project is not known; however, it appears to be roughly ½ mile or near the outer limit of the foreground distance zone. In order to fully understand the visual effect of the project, it is important to recall that for the entire project frontage on I-8, the project would be viewed from much closer distances, and would thus appear much more prominently, with the nearest rows of 38-foot-tall SunCatchers within a few feet of the edge of the highway.

The actual location of KOP 5, near Dunaway Road, makes that viewpoint not relevant to the 300 MW alternative since it is located at a distance of over 5 miles from the nearest project boundary. . However, the general condition represented in that view, that is, views of the project at foreground distance from the highway, is equally relevant to the 300 MW alternative. Similar viewpoints on I-8 at foreground distance under the 300 MW alternative would look much the same. As under the proposed project, a considerable distance of I-8 frontage would be characterized by SunCatchers in the immediate visual foreground of the highway. That frontage would be 3-1/4 miles rather than 5.6 miles under the proposed project. Thus, very strong project contrast viewed by motorists with moderately high sensitivity would represent a substantial adverse impact. That impact, however, would be comparatively less than under the proposed project because of its lesser extent and duration.

Impacts of the proposed project transmission line would be similar under the 300 MW alternative as under the proposed project, except that it would not be viewed in combination with the SunCatcher fields of Phase 2. The new transmission line would be highly prominent in the foreground of I-8 for nearly a mile, exhibiting high contrast and dominance. In the context of moderately high sensitivity of I-8 motorists, this would represent a substantial adverse impact.

To address potential impacts of the project transmission line along the highway, staff recommends Condition of Certification **VIS-3**.

***Yuha Desert/Yuha Basin (SQRUs 2 and 3) – KOPs 6, 7, 8***

KOP 6 represents the eastern segment of Route 274 near Dunaway Campground, located near Dunaway Road south of Highway I-8. Under the 300 Megawatt Alternative,

Phase 2 of the project would not be built. As a result, views of the project from Dunaway Campground would be seen at distances of four miles or more, approaching the background distance zone. At this distance, the project would be evident but would exhibit a moderately low degree of contrast. Color and texture contrast could be moderate, but form and line contrast would be weak due to the level, oblique angle of view and the small portion of the field of view occupied by the project. Similarly, visual dominance of the project would be low in scale at this distance.

Impact Significance - In the context of high viewer sensitivity, impacts of the project at this distance would be less than significant.

KOP 7 is taken from Overlook Campground on Route 274 at a distance of roughly one mile from the project, or middle-ground distance. However, under the 300 MW Alternative, roughly half of the overall visual field (to the north and west) occupied by the proposed project would be affected. The 300 MW Alternative would still exhibit strong color and texture contrast and strong spatial dominance, becoming the most dominant feature in views to the northwest. The project would demand attention, could not be overlooked, and would be dominant in the landscape. However, the overall contrast and dominance of the 300 MW Alternative would be substantially less than under the proposed project.

Impact Significance - In the context of high overall viewer sensitivity in foreground and middle-ground viewpoints within the Yuha ACEC, impacts from KOP 7 and other portions of the Anza Trail (Route 274) in proximity to the 300 Megawatt Alternative footprint would remain substantial.

KOP 8 is taken from the vicinity of the Yuha Geoglyphs, also on Route 274 at a distance of roughly 3 miles, approaching background distance. Because viewer exposure to the project from this viewpoint is primarily to the western, Phase I portions of the project, impacts under the 300 MW Alternative would be very similar to those under the proposed project. At this distance, the project would be very evident but would exhibit a moderate degree of contrast. Color and texture contrast could be moderately high, but form and line contrast would be weak due to the level, oblique angle of view and the small portion of the field of view occupied by the project. Similarly, visual dominance of the project would be moderate in scale at this distance.

Impact Significance - In the context of high viewer sensitivity, impacts of the project at this distance would be adverse, but less than significant.

From other principal destinations within the Yuha Desert ACEC, such as Yuha Well, fossil shell beds, and portions of the Anza Trail south of the Yuha Geoglyphs, the 300 Megawatt Alternative would not be visible due to intervening terrain of washes and low hills. Likewise the project would not be visible from Highway 98 and its surroundings.

### **Glare Impacts**

As discussed under the proposed project alternative, above, staff concluded that in the absence of available photometric data, the project would have the potential to be a source of intrusive and distracting diffuse reflected light under certain conditions, particularly when an entire row of units could be visible in a near-vertical position to

approaching motorists at hours near sunrise and sunset. This potential impact would also apply under the 300 Megawatt Alternative, and require similar mitigation. Potential distracting nuisance glare, and strobe or 'flicker' effect of bright reflection on passing motorists would be comparatively less than under the proposed project alternative due to the reduced overall highway frontage, and therefore shorter duration of exposure, but would still represent several miles of potential exposure under certain conditions. Though less than under the proposed project, these effects would remain substantial.

In order to reduce glare impacts from diffuse mirror reflection as seen from Highway I-8, Condition of Certification **VIS-6** is recommended.

According to the AFC, night lighting of the Main Services Complex, parking, and roadway lighting would consist of full cut-off luminaires to minimize night sky light pollution. Preliminary photometric studies provided in the AFC depict illumination from these fixtures falling to 0.0 foot-candles a short distance from each roadway intersection.

However, to ensure these levels of performance, to address potential impacts from construction lighting, and to further minimize potential night lighting impacts to campers in the Yuha Desert ACEC and Anza Trail, staff recommends Condition of Certification **VIS-2**. This measure would require that all exterior lighting is designed such that lamps and reflectors are not visible from beyond the project site; lighting does not cause excessive reflected glare; direct lighting does not illuminate the nighttime sky, except for required FAA aircraft safety lighting; and illumination of the project and its immediate vicinity is minimized.

### ***Project Construction Impacts***

Presumably the area needed for project laydown under the 300 MW alternative would be proportionately less than under the proposed project, both in extent, and in duration. However, if it were located in the same general location and adjoined the highway at Dunaway Road, it would still potentially have strong contrast and represent a substantial impact to viewers on I-8. If the lower overall area needed allowed greater setback from I-8, however, potential impacts to viewers on I-8 during construction could be reduced considerably, to less than significant levels. Potential long-term impacts would be similar to those described under the proposed project; ground disturbance could leave a long-term visual impact. To address that impact, and to establish sufficient setback from the highway, staff recommends Condition of Certification **VIS-7**.

As under the proposed project, potential impacts of project grading and construction would be considerable and comparable to those of the project itself. Grading would result in strong color contrast from soil surface disturbance. Project construction would include a highly industrial scene of assembly and installation of the SunCatcher units. These impacts are considered substantial and unavoidable.

### **C.13.5.3 CEQA LEVEL OF SIGNIFICANCE**

Appendix G of the CEQA Guidelines has four significance criteria for evaluating aesthetic impacts, as follows:

**A. Would the project have a substantial adverse effect on a scenic vista?**

No specific designated scenic vista locations were identified in the project viewshed. However, recreational destinations with high levels of viewer concern for scenic values within the Yuha Desert ACEC would be affected under the 300 MW alternative. However the degree and extent of impact would be far less than under the proposed project. Foreground distance views from Dunaway Campground and eastern portions of Route 274 would not be substantially affected; impacts from Overlook Campground and some western portions of Route 274 would be much less due to the much smaller extent of the overall 300 MW alternative site. As under the proposed project, scenic views of mountains to the north and northwest from I-8 would be blocked along segments of project frontage. However, the overall affected distance of this impact would be far less, 3.25 miles of I-8 compared to 5.6 miles under the proposed project.

**B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?**

The project is adjacent to Highway I-8, which is not listed as an eligible State Scenic Highway. No notable scenic features or resources are present on-site. The project would not directly damage any specific scenic resources located within the project site. Potential effects on scenic resources within the project viewshed in general are discussed under Item C, below.

**C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?**

As described in the main analysis of the 300 MW alternative above, the project would substantially degrade the existing visual character and quality of the site and its surroundings. An area of roughly 4 square miles, including over 3.1 miles of frontage on Highway I-8, would experience a dramatic visual transformation from a predominantly natural desert landscape to one of a highly industrial character. The character and quality of views from recreational destinations within the Yuha Desert ACEC would be strongly affected. Given the moderately high-to-high level of viewer sensitivity of these affected viewpoints, project impacts are considered significant. However as noted impacts would be substantially less than under the proposed project.

**D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

Glare is a major issue of concern for the IVS Project, not only for aesthetic reasons, but potentially for highway navigation and safety reasons due to the proximity of Highway I-8.

Potentially affected receptors would include aircraft, motorists on I-8; and OHV motorists, hikers, and other visitors in the Plaster City OHV Open Area and associated open trails under the WECO.

Staff conducted an independent review of potential glare impacts based on limited available project data. The results of this review are summarized in the discussion of



Glare Impacts, above. Briefly, distracting nuisance glare to motorists would be substantially less than under the proposed project due to reduced highway frontage and, thus, reduced exposure. Nevertheless, these impacts would remain significant. With recommended Condition of Certification **VIS-6**, these and other potential glare impacts could be reduced to less-than-significant levels.

### **C.13.6 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

---

The first of two alternatives developed to reduce impacts to the waters of the U.S. would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries. This alternative is illustrated in **Alternatives Figure 1B**. This alternative would have the same outer project boundaries as the proposed project, but it would include prohibition of installing permanent structures within drainages, thereby reducing the available acreage for development to 4,690 acres, and reducing the number of SunCatchers from 750 MW under the proposed project to 632 MW (84% of the proposed generation capacity).

#### **C.13.6.1 SETTING AND EXISTING CONDITIONS**

The regional setting of the Drainage Avoidance #1 alternative is the same as that of the proposed project. Like the proposed project, this alternative's site is bounded to the north by Plaster City, a large US Gypsum Corporation wallboard manufacturing plant, the Evan Hewes Highway and, to the north of the highway, the Plaster City OHV Open Area. To the south, it is bounded by US I-8 and, south of the freeway, the BLM Yuha Desert ACEC.

The alternative site is largely undeveloped public desert land. A number of small rural communities lie within the project viewshed, including the town of Ocotillo over 4 miles to the west; Coyote Wells, approximately 4 miles to the southwest;; and the Imperial Lakes residential development located approximately 1.5 miles northeast of the project on Evan Hewes Highway. Other nearby land uses includes Centinela State Prison, approximately 2.5 miles northeast of the project site.

#### **C.13.6.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The Drainage Avoidance #1 alternative would be located within the same outer project boundaries as the proposed project, but it would be less densely developed because of avoidance of permanent structures in the major drainages. However, these differences would not be readily apparent to most viewers, and would make very little difference in terms of overall effect on all viewer groups within the viewshed. Like the proposed IVS Project, the Drainage Avoidance #1 alternative would substantially degrade the existing visual character and quality of the site and its surroundings, including motorists on Highway I-8, recreational destinations within the Yuha Desert ACEC, and portions of the Juan Bautista de Anza National Historic Trail, resulting in significant impacts. Overall, the level of impact would be similar to the proposed project alternative.

### **C.13.6.3 CEQA LEVEL OF SIGNIFICANCE**

As under the proposed project, no effective, feasible mitigation measures could be identified to mitigate the principal visual effects of the project, so the impacts of the Drainage Avoidance #1 are considered to be significant and unavoidable, and the same Conditions of Certification would be recommended.

### **C.13.7 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

---

The Drainage Avoidance #2 alternative would eliminate both the eastern and westernmost portions of the proposed project, where the largest drainage complexes are located. This alternative is shown in **Alternatives Figure 1C**. It would reduce the overall size of the project site by 3,315 acres (from 6,500 acres to 3,235 acres). It would also reduce the generation capacity from 750 MW to 423 MW (eliminating 44% of the proposed generating capacity). In this alternative, permanent structures would be allowed within all drainages inside the revised, smaller project boundaries.

#### **C.13.7.1 SETTING AND EXISTING CONDITIONS**

The regional setting of the Drainage Avoidance #2 alternative is the same as that of the proposed project. Like the proposed project, this alternative's site is bounded to the north by Plaster City, a large US Gypsum Corporation wallboard manufacturing plant, the Evan Hewes Highway and, to the north of the highway, the Plaster City OHV Open Area. To the south, it is bounded by US I-8 and, south of the freeway, the BLM Yuha Desert ACEC. However, this alternative is smaller than the original project boundaries, and development would be concentrated within the middle area, eliminating any development on the eastern and western ends of the proposed project area.

#### **C.13.7.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The Drainage Avoidance #2 alternative would be smaller in area than the proposed project, and it would result in similar impacts as the proposed project, but somewhat more concentrated. Impacts of this alternative would remain significant to I-8 and Yuha Desert ACEC viewers, and unavoidable. However, like the 300 MW alternative, the degree and extent of those impacts would be substantially less than those of the proposed project.

#### **C.13.7.3 CEQA LEVEL OF SIGNIFICANCE**

As under the 300 MW alternative, the overall area and therefore impacts of the Drainage Avoidance #2 alternative would be substantially less than the proposed project and Drainage Avoidance #1 alternative. However, exposure to sensitive viewer groups would remain extensive, impacts of the Drainage Avoidance #1 would remain significant and unavoidable, and the same Conditions of Certification would be recommended.

### **C.13.8 NO ACTION ALTERNATIVE**

---

There are three No Project/No Action Alternatives evaluated in this section, as follows:

## **NO PROJECT/NO ACTION ALTERNATIVES**

---

### **NO PROJECT/NO ACTION ALTERNATIVE #1:**

#### **No Action on the IVS Project application and on CDCA land use plan amendment**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, the views of the site are not expected to change noticeably from existing conditions under this alternative and, therefore, this No Project/No Action Alternative would not result in adverse visual, light, and glare impacts at this location. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project requiring a land use plan amendment. In addition, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations

### **NO PROJECT/NO ACTION ALTERNATIVE #2:**

#### **No Action on the IVS Project and amend the CDCA land use plan to make the area available for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would amend the CDCA Land Use Plan of 1980, as amended, to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site will be developed with another solar technology. As a result, it is possible that views of the site could change substantially based on the required buildings and structures on the site for the different solar technologies. Different solar technologies would create different visual effects based on the technology components. It is expected that the views of the site could change substantially with a different solar technology, similar to the changes in views under the proposed project. Therefore, this No Project/No Action Alternative could result in adverse visual, light, and glare impacts similar to the impacts under the proposed project.

## NO PROJECT/NO ACTION ALTERNATIVE #3:

### **No Action on the IVS Project application and amend the CDCA land use plan to make the area unavailable for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and the BLM would amend the CDCA Plan to make the proposed site unavailable for future solar development. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because the CDCA Plan would be amended so no solar projects can be approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, the views of the site are not expected to change noticeably from existing conditions under this alternative and, therefore, this No Project/No Action Alternative would not result in adverse visual, light, and glare impacts. However, in the absence of this project, other renewable energy projects may be constructed to meet

## **C.13.9 CUMULATIVE IMPACTS**

---

**Section B.3, Cumulative Scenario**, provides detailed information on the potential cumulative solar and other development projects in the project area. Together, these projects comprise the cumulative scenario which forms the basis of the cumulative impact analysis for the proposed project. In summary, these projects are:

- Renewable energy projects on BLM, State, and private lands, as shown on **Cumulative Figures 1 and 2** and in **Cumulative Tables 1A and 1B**. Although not all of those projects are expected to complete the environmental review processes, or be funded and constructed, the list is indicative of the large number of renewable projects currently proposed in California.
- Foreseeable future projects in the immediate Plaster City area, as shown on **Cumulative Impacts Figure 3, Plaster City Existing and Future/Foreseeable Projects, and Cumulative Tables 2 and 3**. Table 2 presents existing projects in this area and Table 3 presents future foreseeable projects in the Plaster City Area. Both tables indicate project name and project type, its location and its status.

These projects are defined within a geographic area that has been identified by the CEC and BLM as covering an area large enough to provide a reasonable basis for evaluating cumulative impacts for all resource elements or environmental parameters. Most of these projects have, are, or will be required to undergo their own independent environmental review under CEQA and/or NEPA. Even if the cumulative projects described in Section B.3 have not yet completed the required environmental processes, they were considered in the cumulative impacts analyses in this SA/Draft EIS.

## **Geographic Scope of Analysis**

Cumulative impacts could occur if implementation of the IVS Project would combine with those of other local or regional projects. The IVS Project is potentially associated with two types of cumulative impact:

1. cumulative impacts within the immediate project viewshed, essentially comprising foreseeable future projects in southwestern Imperial County within a distance of five miles or less of the proposed project;
2. cumulative impacts of foreseeable future projects within the southern California Colorado (Sonoran) Desert, or other broad basin of the project's *affected landscape type*, most notably including proposed solar and other renewable energy projects. The widest applicable basin of cumulative effect at this scale would include all of the southern California desert, or the Sonoran and Mojave Desert landscapes extending into neighboring states. The region-wide focus is justified because the affected landscape type, the southern California Desert, has been specifically identified as a resource of concern in the California Desert Conservation Area Plan of 1980, the California Desert Protection Act of 1994, and the proposed 2010 California Desert Protection Act. In each case, the scenic value of the desert landscape is cited as one primary reason for its conservation.

## **Local Projects (Project Viewshed)**

### **Effects of Past and Present Projects**

For this analysis, the following projects or developments are considered most relevant to effects on visual resources: the U.S. Gypsum Plaster City Plant, and existing recreational activities and related land disturbances in the Plaster City Open OHV Area.

Visual resources in the geographic area have been impacted by past and currently approved projects as follows: both of the named projects are within the immediate viewshed of the proposed SES 2 project, and would interact visually with it. The U.S. Gypsum Plant is the most visually prominent existing feature of the viewshed and detracts from its scenic intactness, presenting a prominent man-made, industrial feature into views within a radius of a few miles, encompassing the project site. The Plaster City Open Area would interact visually with the project in two ways: by providing a recreational viewer group into the visual foreground and middle ground that would be exposed to views of the proposed project; and by the general visual disturbance of the terrain within the OHV Open Area due to periodic heavy OHV use that accounts for its moderate to moderately low visual quality. Both these project would interact with the proposed project by contributing to the overall disturbed character of their local cumulative viewshed.

### **Effects of Reasonably Foreseeable Future Projects**

Visual resources are also expected to be affected by the following reasonably foreseeable future projects as follows:

The GreenPath 230 kV Upgrade Project (Project B, Cumulative Figure 3); the Sunrise PowerLink Project (Project L, Cumulative Figure 3); the Ocotillo Express Wind Facility (Project M, Cumulative Figure 3); the West-wide Energy Corridor (Project P, Cumulative

Figure 3). Each of these would be situated within the immediate local viewshed of the proposed IVS Project.

### **Contribution of the IVS Project to Cumulative Impacts**

**Construction.** The construction of the IVS Project is expected to result in short term adverse impacts related to construction activities. It is expected that some of the cumulative projects described above which are not yet built may be under construction the same time as the IVS Project. As a result, there may be substantial short-term impacts during construction of those cumulative projects related to visual resources.

The IVS Project could contribute substantially to these possible short-term cumulative impacts related to visual resources because the vast area of ground disturbance resulting from its construction would greatly increase the overall degree, extent, and intensity of visual construction effects occurring in the viewshed at the same time, likely becoming the single greatest contributor to the overall effect.

**Operation.** The operation of the IVS Project is expected to result in long-term adverse impacts during operation of the project related to visual resources. It is expected that some of the cumulative projects described above may be operational at the same time as the IVS Project. As a result, there may be substantial long-term impacts during operation of those cumulative projects as they relate to visual resources.

The IVS Project could contribute substantially to these possible-long term operational cumulative impacts related to visual resources due to its vast extent, and the high level of change to visual character and quality that it would contribute to the viewshed. It could essentially form a part of a very large corridor of wind and solar development reaching from the Imperial Valley substation to the border of Imperial County to the west.

**Decommissioning.** The decommissioning of the IVS Project is expected to result in adverse impacts related to visual resources similar to construction impacts. It is unlikely that the construction or decommissioning of any of the cumulative projects would occur concurrently with the decommissioning of this project, because the decommissioning is not expected to occur for approximately 40 years. The period of decommissioning impacts, however, is longer than 40 years because the period of full visual recovery of the highly disturbed landscape would not be expected to be complete for several more decades. It is not known when decommissioning of other cumulative projects, particularly adjacent wind projects would take place. However, due to the potentially very long period of decommissioning impacts, some overlap and therefore some cumulative impact, would be anticipated. As a result, there may be cumulative impacts related to visual resources as a result of decommissioning of the IVS Project in combination with effects of decommissioning of nearby cumulative projects.

### **Regional Solar/Renewable Development Projects**

The following analysis addresses potential cumulative impacts of foreseeable future development within the southern California Desert, but focuses specifically on cumulative effects of solar and other renewable energy projects. This approach is justified because although other forms of foreseeable future development within the

desert are not irrelevant to a regional visual analysis, all other categories of foreseeable development combined are dwarfed by orders of magnitude in their overall potential scale, extent, and effect. All other categories of foreseeable permissible development within the southern California Desert combined do not remotely approach the scale and potential impact of foreseeable renewable proposals, although they have the potential to add incrementally to the effects focused upon below.

### **Effects of Past and Present Projects**

Many types of development have occurred in the past within the California desert. The three most land-extensive categories include towns, dedicated OHV recreation areas, preserves such as parks and wilderness areas, and military bases. Of these, the latter two account for comparable portions of a large proportion of the overall desert area, as indicated in Cumulative Impacts Figure 1.

The IVS Project is among the first of a large number of existing renewable project applications in the southern California desert. As such, past and present projects have had a negligible region-wide cumulative visual impact.

### **IVS Project and Foreseeable Future Projects**

The analysis of cumulative impacts is not necessarily restricted to the immediate viewshed of a project, and the need for cumulative analysis over a broad geographic area may often be determined by the affected resource itself. In this case the affected resource is the unique and highly valued landscape type of which the project site forms a small part – the landscape of the southern California and Sonoran Desert. The Sonoran Desert and California Desert Conservation Area (CDCA) within which the IVS Project is located are a unique and highly valued scenic resource of national importance, as reflected by the presence of three national parks and numerous Wilderness Areas within the CDCA boundaries. Cumulative Impacts Table 1 identifies 72 solar projects and 61 wind project applications with a total overall area of over one million acres within the CDCA, which is indicative of the interest in public lands for renewable energy generation at a regional level. This figure does not include renewable projects within the Nevada and Arizona portions of the Sonoran and Mojave Deserts. Of the 61 wind applications in the California Desert District, only five of the applications are for wind development; the remaining proposals are for site testing and monitoring. BLM's experience is that a small percentage of applications for site testing have resulted in wind development proposals. In regards to the solar applications filed with BLM in California, only approximately 10% of the proponents have prepared acceptable detailed Plans of Development required by BLM to begin a NEPA analysis.

Although it is not likely that all of the future solar and wind development projects proposed in the region would be constructed, it is reasonable to assume that some of them will. With this very high number of renewable energy applications currently filed with BLM, the potential for profound widespread cumulative impacts to scenic resources within the southern California desert is clear. These cumulative impacts could include a substantial decline in the overall number and extent of scenically intact, undisturbed desert landscapes, and a substantially more urbanized character in the overall southern California desert landscape. In particular, the number of current renewable applications before the BLM and Energy Commission that could potentially be prominently visible

from the desert region's major highways appears high as a proportion of the total. In addition, the proportion of the length of those highways that could be affected also appears to be high. Many of these potentially affected highways are listed as eligible to become State Scenic Highways. Because these highways are the location from which the vast majority of viewers experience the California desert, this potential effect is of concern to staff. Viewed in the cumulative context of the Southern California desert region as a whole, potential visual impacts of renewable energy projects are thus considered to be cumulatively considerable and potentially significant under CEQA. To this, other forms of foreseeable future development within the desert, though far smaller in overall scale, could add incrementally to the cumulative effects just described.

### **Cumulative Impact Conclusion**

The anticipated visual impacts of the IVS Project in combination with past and foreseeable future local projects in the West Mesa/Yuha Desert region, and past and foreseeable future region-wide projects in the southern California desert are thus considered cumulatively considerable, and potentially significant under CEQA.



## C.13.10 COMPLIANCE WITH LORS

**VISUAL RESOURCES Table 3**

**Project Compliance with Laws, Ordinances, Regulations, and Standards (LORS)**

LORS		Consistency with Staff-Recommended Conditions of Certification (Project)
<b>FEDERAL</b>		
National Environmental Policy Act (NEPA)		Consistent. Staff determined that the visual analysis conducted with the Energy commission visual assessment methodology fulfills the requirements of both CEQA and NEPA for purposes of this FSA/DEIS.
Federal Land Policy and Management Act of 1976 (FLPMA)	<p>Section 102 (a) of the Federal Land Policy and Management Act of 1976 (FLPMA) states that “. . . . the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values .... “</p> <p>Section 103 (c) identifies “scenic values” as one of the resources for which public land should be managed.</p> <p>Section 201 (a) states that “The Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values (including ... scenic values) ....”</p> <p>Section 505 (a) requires that “Each right-of-way shall contain terms and conditions which will... minimize damage to the scenic and esthetic values....”</p>	Refer to CDCA discussion, below.

LORS		Consistency with Staff-Recommended Conditions of Certification (Project)
California Desert Conservation Area Plan (CDCA Plan)	<p>The CDCA Plan represents the Resource Management Plan (RMP) for the area required under FLPMA. The CDCA Plan did not contain VRM mapping as in most RMPs. VR Inventory mapping was prepared prior to this project by BLM.</p> <p>The IVS Project site is classified in the CDCA Plan as Multiple-Use Class (MUC) L (Limited Use). Multiple-Use Class L, the most restrictive under the plan, “protects sensitive, natural, scenic, ecological, and cultural resource values. Public lands designated as Class L are managed to provide for generally lower-intensity, carefully controlled multiple use of resources, while ensuring that sensitive values are not significantly diminished.</p> <p>Under the CDCA Plan Electrical Power Generation Facilities, including Wind/Solar facilities, may be allowed within MUC Class L if NEPA requirements are met.</p>	<p>Consistent. Solar electrical generation plants are specifically allowed for under the MUC Class L Guidelines if NEPA requirements are met.</p> <p>Disclosure of potential visual project effects under NEPA has been conducted through the analysis in this study.</p>
National Historic Preservation Act (NHPA)	<p>Under regulations of the NHPA, visual impacts to a listed or eligible National Register property that may diminish the integrity of the property’s “. . . setting . . . (or) feeling . . . .” in a way that affects the property’s eligibility for listing, may result in a potentially significant adverse effect. “Examples of adverse effects . . . include . . . : Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property’s significant historic features . . . .” (36 CFR Part 800.5)</p>	<p>Designated and eligible pre-historic and historic sites were identified by Energy Commission staff within the viewshed of the IVS Project, and may potentially be affected by visual effects of the project.</p> <p>These potential impacts are partially addressed under Condition of Certification <b>VIS-5</b>.</p> <p>These potential impacts are further addressed in the <b>Cultural Resources</b> section of this SA/DEIS.</p>
<b>STATE</b>		
State Scenic Highway Program (CA. Streets and Highways Code, Section 260 et seq.)	The State Scenic Highway Program promotes protection of designated State scenic highways through certification and adoption of local scenic corridor protection programs that conform with requirements of the State program.	Consistent. Highway I-8 within the project viewshed is not an eligible or designated State scenic highway.

LORS		Consistency with Staff-Recommended Conditions of Certification (Project)
<b>LOCAL</b>		
<p>Imperial County General Plan (1993) Applicable Conservation Element Goals, Objectives, Programs</p>	<p><b>Conservation and Open Space Element (1993)</b> <b>Preservation of Visual Resources</b> Goal 7: The aesthetic character of the region shall be protected and enhanced to provide a pleasing environment for residential, commercial, recreational, and tourist activity. Objective 7.1 Encourage the preservation and enhancement of the natural beauty of the desert and mountain landscape.</p> <p><b>Preservation of Open Space</b> Goal 10: Open space shall be maintained to protect the aesthetic character of the region, protect natural resources, provide recreational opportunities, and minimize hazards to human activity. Objective 10.9 Conserve desert lands, within the county's jurisdiction for wildlife protection, recreation, and aesthetic purposes.</p> <p><b>Circulation-Scenic Highways Element (2006)</b> <b>Scenic Highways</b> Objective 4.3 Protect areas of outstanding scenic beauty along any scenic highways and protect the aesthetics of those areas. Objective 4.5 Develop standards for aesthetically valuable sites. Design review may be required so that structures, facilities, and activities are properly merged with the surrounding environment.</p> <p><b>IV. IMPLEMENTATION PROGRAMS AND POLICIES</b> <b>5. Open Space Conservation Programs</b> Encourage the use of unobtrusive materials, structures, and color in power line transmission corridors. Vegetative screening is encouraged wherever possible.</p>	<p>While the Goals and Objectives call for development of programs to institute preservation and enhancement of visual resources and open space, policies and implementation programs have not yet been developed.</p> <p>No specific policies have yet been developed to implement these goals and objectives. The project would not conform with this goal, but there is no specific policy non-conformance.</p> <p>The majority of the project site does not lie within county jurisdiction. Those portions that do would not conform with this objective. However, no policies have been developed for implementation of this objective so there is no specific policy non-conformance.</p> <p>There are no designated state or county scenic highways within the project viewshed.</p> <p>No implementation programs or policies have been developed to date.</p> <p>Consistent with recommended conditions. Condition of Certification <b>VIS-1</b> calls for unobtrusive, non-reflective paint treatment of all non-mirror structural surfaces of the project to minimize visual contrast. Vegetative screening has not been recommended in this staff assessment.</p>

<b>LORS</b>		<b>Consistency with Staff-Recommended Conditions of Certification (Project)</b>
Imperial County Code – Title 9, Land Use Ordinance. 90301.02 (K)	All exterior lighting shall be shielded and directed away from adjacent properties and away from or shielded from public roads.	Consistent with recommended conditions. Condition of Certification <b>VIS-2</b> requires shielding of lighting to prevent all direct off-site illumination, and to otherwise minimize night lighting.
Imperial County Code – Title 9, Land Use Ordinance. 90301.03 (A,B,C,D,E,F)	Require that industrial uses provide design features such as landscaping, setbacks, and landscape boundaries as buffers from different zoned parcels	Consistent with recommended conditions. Setbacks of both transmission lines and mirror units have been recommended under Conditions of Certification <b>VIS-3, -4, and -7</b> . to reduce visual impacts of the project.

### **C.13.11 NOTEWORTHY PUBLIC BENEFITS**

No noteworthy public benefits in the area of visual resources were identified.

### **C.13.12 RESPONSE TO COMMENTS**

#### **Response to Public Comments**

#### **Greg P. Smestad, Ph.D.:**

Commentor cites several visual studies in the record, including the SA/DEIS, Anza Trail Visual Impact Analysis (VIA), and Applicant Glint and Glare Study, suggesting that the KOP numbering system be made consistent among the documents.

#### **Staff Response:**

These referenced documents have already been completed and docketed. The reports were produced by different parties and thus their viewpoint numbering systems differ. However, for the sake of consistency, staff did adopt the KOP numbering system employed by the applicant in the AFC, where KOP locations coincided.

Commentor recommends that the Anza Monument and Overlook site be studied as a visual resource key viewpoint.

#### **Staff Response:**

The Anza Monument and Overlook was studied in the applicant's Anza Trail VIA. That study concluded that project impacts at the overlook would be significant. On the basis of staff's own analysis, staff does not disagree with that conclusion.

**Gail Sevens, District Superintendent, California Department of Parks and Recreation:**

Commentor states concern with potential aesthetic impacts of the proposed project on desert lands surrounding the southern portion of Anza-Borrego Desert State Park (ABDSP).

**Staff Response:**

The proposed project would be visible at a distance of 7.6 miles or more to the Carrizo Impact Area of the ABDSP. However, this area is identified in the park's official mapping as closed to public entry. Staff concluded that impacts of views of the project from KOP 4 at a background distance of roughly 5 miles would be less-than-significant; this viewpoint is representative of views to the project in the background distance zone (in this instance, 5 miles or greater). Thus, impacts of views beyond a radius of 5 miles from the project are considered by staff to be less-than-significant due to attenuation of project contrast and dominance by distance.

The only other portions of ABDSP from which the project could be visible are areas directly west of the project site and north of Highway I-8 in the area surrounding the Volcanic Hills that are not screened by the Coyote Mountains to the north, and the Jacumba Mountains to the south, at distances of 10 miles or more. Again, based in part on the simulation of KOP 4 near Ocotillo, staff concluded that views in the background distance zone of approximately 5 miles or greater would be less-than-significant due to attenuation by distance. Because views from ABDSP would be far less conspicuous than from Ocotillo, staff assumed that effects on viewers within ABDSP would be substantially less than at Ocotillo and therefore also less-than-significant. Although the project could be visible from viewpoints in these locations, at this distance it would occupy a very small portion of the field of view and be very inconspicuous, a level of change acceptable for even high-sensitivity settings under both the BLM and CEC assessment methodologies.

**George J. Turnbull, Acting Regional Director, Pacific West Region, National Parks Service**

Commentor states concern about potential impacts to the night skies of the project area, due to roadway and other forms of project lighting. In particular, commentor is concerned with potential of SunCatchers to reflect night lighting skyward.

**Staff Response:**

Partly in response to concerns of the commentor, Condition of Certification **VIS-2** has been modified by staff to include applicable measures and standards for mitigation of night sky lighting of the Illuminating Engineering Society. In addition, Condition **VIS-2** has been modified to require roadway lighting such that light cannot fall on SunCatcher mirror during stow positions, in order to avoid skyward reflection of lighting.

Commentor states concern with potential glare impacts, as well as with secondary visual impacts of mitigation measures such as tall fencing or earth berms.

Since publication of the SA, additional data have been provided by the applicant on specific reflective glare characteristics of the proposed project. In light of these data, fencing and earth berms have been dropped as requirements of **VIS-6**. Condition **VIS-6** has been re-written to reflect this new information and analysis.

Commentor cites **VIS-5** of the SA, calling for a beneficial assessment from the applicant to the Park Service and BLM as an off-set to visual impacts of the project on the Anza National Historic Trail (NHT).

Since publication of the SA, staff has concluded that Condition of Certification **VIS-5** could not mitigate significant, specifically visual impacts of the project to the Anza NHT. Rather, Condition **VIS-5** seeks only to enhance other, non-scenic recreational experiences related to the historic value of the Anza NHT. Staff thus concluded that mitigation of secondary impacts to the cultural/historic values of the Anza Trail as a result of visual intrusion would be most appropriately addressed by measures in the Cultural Resources section of this SSA. While impacts to the historic experience and integrity of the trail could be mitigated, visual effects to Route 274, the recreational Anza Trail, and related campsites could not. Consequently, Condition **VIS-5** has been removed from the SSA.

The National Park Service recommends that the alignment of both the existing and planned Anza Recreational Trail on-site and in the project vicinity be re-evaluated and re-routed to an alternate alignment to more distant and/or shielded terrain. Staff concurs that such a measure could address impacts to the experience of Anza Trail visitors. However, the measure would not mitigate visual impacts to Route 274 or its associated campsites. Re-routing would thus address historic/cultural impacts caused by the project's visual effects, but would not mitigate the visual effects themselves, which would remain significant. These historic/cultural impacts are thus addressed in the Cultural Resources section of this SSA.

#### **Jacob Armstrong, Chief of Planning Division, Caltrans District 11**

Visual aspects of the project, specifically glint and glare, must be documented not to have any potential impact to motorist driving on I-8.

A glint and glare study produced by the applicant, and staff analysis of newly obtained field data on reflective characteristics of SunCatchers resulted in development of measures that staff believes would mitigate potential impacts to motorists on I-8. These measures are presented in Condition of Certification **VIS-6**, and in Appendix **VR-1**.

#### **Carmen Lucas, Kwaaymii Laguna Band of Indians**

Commentor states concern with possible impacts to intangible view sheds used to preserve sacred traditional legends.

Staff is not aware of specific locations of concern to the Kwaaymii Laguna or other native American groups in the area, but recognizes the potential for such visual impacts to occur, and to be potentially significant depending upon the specific locations in question. It is staff's opinion that viewpoints beyond a distance of 3 to 5 miles from the

project are likely to be attenuated to a relatively inconspicuous level. Viewpoints nearer than that could be strongly affected. Because visual impacts of the project cannot be mitigated, cultural impacts caused by project visual effects will be addressed in the Cultural Resources section of the Supplemental Staff Assessment (SSA) that is to be filed subsequent to the main document.

### **Elizabeth Stuart, Anza Trail Coalition of Arizona**

Commentor states that 'The Yuha Desert is one of the few remaining pristine sites along the entire 1,200-mile Anza NHT that allows the visitor to connect the landscape with the culture and heritage of the expedition and to relive the experience of the expedition.' Commentor also states that the project would need to be moved at least ten miles from the trail corridor to mitigate its visual impacts to the trail experience. Commentor states that mitigation should include rerouting of the trail, as well as other measures not directly related to visual impacts.

Comments are noted. Staff notes that in staff's opinion, visual intrusion of the project would decline to less-than-significant levels at distances of between three to five miles, in part due to the level terrain relationships of the region, which make the project visible at very oblique viewing angles. Thus, at distance, the project's visibility declines and visual intrusion would become inconspicuous. However, as identified in the SA, visual intrusion and impact at distances under roughly three miles would remain significant.

Regarding re-routing of trail, please refer to response to comments of the National Park Service, above.

### **Stephan Volker, Backcountry Against Dumps et al**

Commentor states that the glare mitigation plan of **VIS-6** and unstated monetary amount in **VIS-5** constitute deferred mitigation.

**VIS-6** has been substantially re-written in light of new data obtained subsequent to publication of the SA. Condition **VIS-5** has been removed from the SSA, as discussed above.

Commentor states that the visual assessment in the SA is deficient because the specific nature and magnitude of the aesthetic and visual impacts are undisclosed and unknown; mitigation measures could have significant impacts, but these are undisclosed; it remains unclear whether transmission line will be relocated or not. These statements are specified in the following:

1) Analysis is incomplete because it omits information about impacts on the Jacumba Wilderness, Coyote Mountain Wilderness, Painted Gorge, and Yuha Basin.

The locations described are discussed in the SA in the following statement: 'No KOPs were addressed in the AFC within other adjoining landscape units such as the Jacumba Wilderness, Coyote Mountain Wilderness, Painted Gorge, or Yuha Basin. The first three areas mentioned are located largely at background distance and would thus appear similar in character to KOP 4; relatively high viewer concern and open, unobstructed

viewer exposure would be greatly moderated by distance, which would inherently reduce the dominance of the project to visually subordinate levels (SA p. 13-10).’ What is implicit in that statement but should have been explicitly stated is that such visually subordinate levels of visual change as seen from each of these areas would be less-than-significant under the CEC methodology employed in this study. Staff felt confident in arriving at this conclusion based on the finding of less-than-significant effects of the project at distances of 5 miles (KOP 4), considerably closer than any of the areas listed above. In addition, much of the Yuha Basin is outside the project viewshed due to lower elevation terrain, as indicated in GIS viewshed mapping of AFC Figure 5.13-2, and in observations of local BLM field office staff.

2) Commentor states that ‘staff assumed that the project would have the same impacts as the Plaster City facility. ‘

The report nowhere states this assumption, which is incorrect. The report states that ‘the Plaster City facility, which appears in each view, is an ideal scale and location reference point.’ What was meant by that statement is simply that the facility, which is conspicuous in views from the Yuha Desert ACEC and Route 274, allows a viewer in those locations to immediately locate the proposed project site, and easily become oriented as to the location and extent of the project. Doing so would require reference to a map of the site layout in the field. Further, the visible scale of the facility in the view allows a casual viewer to quickly understand the scale of the proposed project. For most lay viewers in these locations, it is immediately clear that the project, as mapped in site plans, etc., would occupy most of the horizontal field of view from the Route 274 locations represented by KOPs 6, 7 and 8.

3) Commentor suggests that the absence of simulations makes it impossible for members of the public to suggest methods of avoiding or mitigating these impacts. Elsewhere, commentor states that due to absence of simulations, the public has no idea of the actual visual impacts of the project on the JUBA (Anza) NHT.

While staff agrees that simulations are a desirable tool of analysis and communication, CEQA or NEPA do not require visual simulations, and indeed, over the long history of visual analysis under the two laws, innumerable studies have been conducted without the benefit of visual simulations. Furthermore, in cases such as this where the visual relationships of viewers in various portions of the viewshed are essentially similar, then one visualization may be used to infer essentially similar impacts to other, similar viewpoints. In the case of the KOPs on Route 274 in the Yuha Basin ACEC, the viewing relationships and conditions are essentially similar to other viewpoints simulated for the AFC from other KOPs at similar distances. The topography of the Yuha Desert and adjoining West Mesa is characterized by its flatness. Route 274 lies within that portion of the Yuha Desert with nearly level terrain relationships with the project site. Thus, appearance of the project would differ in various parts of the valley floor primarily as a function of distance. The simulations of the AFC depict a range of distances, ranging from immediate foreground distance (KOP 5) to 5 miles (KOP 4). Views from other viewpoints on the valley floor would be essentially similar. For example, KOP 1 (AFC Figure 5.13-22; SA Figure 7b) depicting the project at a distance of roughly 1.5 miles, would be similar to the appearance of the project from KOP 7 on the Anza NHT. It is therefore not true that the public has no way of evaluating impacts to the Anza NHT.



Simulations of KOPs 1 through 5 provide a comprehensive range of representative impacts of the project to viewpoints at various distances, to background distance.

Although publication of the SA could have been delayed in order to require production of simulations from KOPs 6, 7 and 8, this was not done because, in staff's professional opinion, the additional information gained from that exercise would have been minimal and would not have altered staff's impact conclusions. Staff notes that impacts from KOPs 6 and 7, representing the majority of Route 274 (BLM recreational NHT), were found by staff to be significant.

Subsequent to publication of the SA, at the request of the NPS, the applicant produced simulations and analyses from the Anza Monument and two other viewpoints, concluding that impacts would be significant. Staff does not dispute those conclusions, and refers the reader to that study and those simulations (SES 2010I).

4) Commentor expresses concern over secondary visual effects of 20-foot fencing or earth berms.

These conditions have been dropped, and Condition of Certification **VIS-6** replaced.

5) Commentor observes an inconsistency in the language of **VIS-3** in the text and condition itself.

That inadvertent inconsistency has been corrected in the SSA.

Staff notes that with or without implementation of Condition of Certification **VIS-3**, impacts in this portion of the I-8 frontage would remain significant and unavoidable.

## **C.13.13 PROPOSED CONDITIONS OF CERTIFICATION/APPROVAL**

---

### **SURFACE TREATMENT OF PROJECT STRUCTURES AND BUILDINGS**

**VIS-1** The project owner shall treat all non-mirror surfaces of all project structures and buildings visible to the public such that a) their colors minimize visual intrusion and contrast by blending with the existing tan and brown color of the surrounding landscape; b) their colors and finishes do not create excessive glare; and c) their colors and finishes are consistent with local policies and ordinances. The transmission line conductors shall be non-specular and non-reflective, and the insulators shall be non-reflective and non-refractive. This measure shall include coloring of security fencing with vinyl or other non-reflective coating; or with slats or similar semi-opaque, non-reflective material, to blend to the greatest feasible extent with the background soil.

The project owner shall submit for CPM and BLM Authorized Officer review and approval, a specific Surface Treatment Plan that will satisfy these requirements. The treatment plan shall include:

- A. A description of the overall rationale for the proposed surface treatment, including the selection of the proposed color(s) and finishes;

- B. A list of each major project structure, building, tank, pipe, and wall; the transmission line towers and/or poles; and fencing, specifying the color(s) and finish proposed for each. Colors must be identified by vendor, name, and number; or according to a universal designation system;
- C. One set of color brochures or color chips showing each proposed color and finish;
- D. A specific schedule for completion of the treatment; and
- E. A procedure to ensure proper treatment maintenance for the life of the project.

The project owner shall not specify to the vendors the treatment of any buildings or structures treated during manufacture, or perform the final treatment on any buildings or structures treated in the field, until the project owner receives notification of approval of the treatment plan by BLM's Authorized Officer and the CPM. Subsequent modifications to the treatment plan are prohibited without BLM's Authorized Officer and CPM approval.

**Verification:** At least 90 days prior to specifying to the vendor the colors and finishes of the first structures or buildings that are surface treated during manufacture, the project owner shall submit the proposed treatment plan to BLM's Authorized Officer (AO) and the CPM for review and approval and simultaneously to Imperial County for review and comment. The CPM and BLM AO shall make a field determination of an appropriate color from the BLM Environmental Color Chart and provide guidance to the proponent to maximize effectiveness of mitigation. If BLM's Authorized Officer and the CPM determine that the plan requires revision, the project owner shall provide to BLM's Authorized Officer and the CPM a plan with the specified revision(s) for review and approval by BLM's Authorized Officer and the CPM before any treatment is applied. Any modifications to the treatment plan must be submitted to BLM's Authorized Officer and the CPM for review and approval.

Prior to the start of commercial operation, the project owner shall notify BLM's Authorized Officer and the CPM that surface treatment of all listed structures and buildings has been completed and they are ready for inspection and shall submit to each one set of electronic color photographs from the same key observation points identified in (d) above. The project owner shall provide a status report regarding surface treatment maintenance in the Annual Compliance Report. The report shall specify a) the condition of the surfaces of all structures and buildings at the end of the reporting year; b) maintenance activities that occurred during the reporting year; and c) the schedule of maintenance activities for the next year.

## **TEMPORARY AND PERMANENT EXTERIOR LIGHTING**

**VIS-2** To the extent feasible and consistent with safety and security considerations, the project owner shall design and install all temporary and permanent exterior lighting so that:

- a) lighting does not cause excessive reflected glare;

- b) lighting does not illuminate the nighttime sky;
- c) mounting heights and locations of all lighting fixtures will not allow light to fall on the mirror surfaces of the SunCatchers in the stowed position,
- d) illumination of the project and its immediate vicinity is minimized as to times of use and extent, and;
- e) lighting on the exhaust stacks shall be the minimum needed to satisfy safety and security concerns.

Permanent night lighting shall comply with all applicable standards, practices, and regulations including, and specifically, the following Illuminating Engineering Society documents:

- 1. RP-33-99 Lighting for Exterior Environments
- 2. DG-13-99 Outdoor Lighting
- 3. TM-10-00 Addressing Obtrusive Light (Urban Sky Glow and Light Trespass) in Conjunction with Roadway Lighting
- 4. TM-15-07 Luminaire Classification System for Outdoor Luminaires

**Verification:** At least 90 days prior to ordering any exterior lighting, the project owner shall contact the CPM to show compliance with all of the above requirements. This shall include, but not be limited to, final lighting plans, fixture and control schedules, fixture and control cut sheets and specifications, a photometric plan showing vertical and horizontal footcandles at all property lines to a height of 20 feet, and the proposed time clock schedule.

Prior to construction and prior to commercial operation, the project owner shall notify the CPM that the installation of the temporary and permanent lighting has been completed and is ready for inspection. If after inspection the CPM notifies the project owner that modifications to the lighting are needed, within 30 days after receiving the notification the project owner shall implement the modifications and notify the CPM when the modifications are completed and ready for inspection.

Within 48 hours of receiving a lighting complaint, the project owner shall provide the CPM with a complaint resolution form as specified in the Compliance General Conditions, including a proposal to resolve the complaint, and a schedule for implementation of the proposed resolution. The project owner shall notify the CPM within 48 hours after completing the resolution of the complaint. A copy of the complaint resolution form report shall be submitted to the CPM within 30 days and included in the Annual Report.

## **RE-ALIGNMENT OF PROPOSED TRANSMISSION INTERCONNECTION**

**VIS-3** To reduce the prominence of the proposed new segment of transmission line paralleling Highway I-8, the applicant shall, if feasible, set back the transmission line at least 1/2 mile from Highway I-8 within the project site. This measure applies only to that portion of the proposed transmission line paralleling Highway I-8 within the project site boundaries.

**Verification:** At least 90 days prior to start of construction, the project owner shall present to BLM's Authorized Officer and the CPM a revised plan depicting how the

proposed transmission line will be set from the highway. If BLM's Authorized Officer and the CPM determine that the plan requires revision, the project owner shall provide to BLM's Authorized Officer and the CPM a revised plan for review and approval by BLM's Authorized Officer and the CPM.

The project owner shall not begin construction until receiving BLM Authorized Officer and CPM approval of the revised plan.

## **SETBACK OF SUNCATCHERS FROM HIGHWAY I-8**

**VIS-4** To reduce the visual dominance and glare effects of the SunCatchers to motorists on Highway I-8, the applicant shall employ a combination of measures as necessary, including set-backs of the nearest SunCatcher units to a distance of 360 feet from the adjoining roadway or as necessary to avoid excessive glare and reduce visual height and dominance of SunCatchers, slatted fencing as described under Condition of Certification VIS-6, and set-backs of SunCatcher units from project fencing.

**Verification:** At least 90 days prior to start of construction, the project owner shall present to BLM's Authorized Officer and the CPM a revised plan depicting how the proposed SunCatchers will be set back from the highway. If BLM's Authorized Officer and the CPM determine that the plan requires revision, the project owner shall provide to BLM's Authorized Officer and the CPM a revised plan for review and approval by BLM's Authorized Officer and the CPM.

The project owner shall not begin construction until receiving BLM Authorized Officer and CPM approval of the revised plan.

## **REFLECTIVE GLARE MITIGATION**

### **VIS-6**

1. The project owner shall insure the minimum distance from any SunCatcher reflector assembly to the property line shall be no less than 360 feet to the nearest public roadway to reduce the possibility of flash blindness.
2. The project owner shall add a perforated metal diffusion shield to all SunCatchers behind the PCU to mitigate the 5% of the visible light spectrum that is observed in the operational images. If the PCU is approximately, 5'x7', then 2' on either side of the PCU should give a significant reduction in the halo effect.
3. The project owner shall modify the "offset tracking" procedure to require a 25° offset to minimize the presence of intrusive brightness.
4. The project owner shall modify the "Morning Stow to Tracking Transitions" timing to occur 30 minutes before sunrise and end in a 25° offset tracking position, ready to move into tracking position.
5. The project owner shall modify the "Night Stow" timing so it occurs 30 minutes after sunset to avoid any intrusive light effects.

6. The project owner shall develop an Emergency Glare Response Plan to quickly redirect a malfunctioning mirror to a safe orientation.
7. The project owner shall monitor the site during all hours of operation on a weekly basis for five years using video surveillance trucks to identify and document intrusive light conditions needing correction

**Verification:** Within 90 days before commercial operation of any part of the generation system, the project owner will submit an Emergency Response Plan, a visual monitoring plan and a confirmation of the intrusive light reduction of the modifications of the SunCatcher units

If BLM's Authorized Officer and the CPM determine that the plan requires revision, the project owner shall provide to BLM's Authorized Officer and the CPM a revised plan for review and approval by BLM's Authorized Officer and the CPM. The project owner shall not begin commercial operation until receiving BLM Authorized Officer and CPM approval of the revised plan.

Within 48 hours of receiving a glare complaint, the project owner shall provide the BLM Authorized Officer and CPM with a complaint resolution form report as specified in the Compliance General Conditions including a proposal to resolve the complaint, and a schedule for implementation. The project owner shall notify the BLM Authorized Officer and CPM within 48 hours after completing implementation of the proposal. A copy of the complaint resolution form report shall be submitted to the BLM Authorized Officer and CPM within 30 days

## **SET-BACK AND RE-VEGETATION OF STAGING AREA**

**VIS-7** In order to minimize the visual prominence of the proposed staging area to motorists on I-8, the project owner shall provide a revised site plan for staging that includes a set-back of at least ¼-mile or more from the highway, and a description of measures to identify and address biological and cultural issues potentially connected to the plan. In addition, the project owner shall provide a re-vegetation plan describing how the staging site will be restored following construction. The plan shall call for beginning of restoration of the site within the shortest feasible time following completion of construction.

**Verification:** At least 90 days prior to start of construction, the project owner shall present to BLM's Authorized Officer and the CPM a revised staging area site plan including a set-back from I-8 of at least ¼-mile. If BLM's Authorized Officer and the CPM determine that the plan requires revision, the project owner shall provide to BLM's Authorized Officer and the CPM a revised plan for review and approval by BLM's Authorized Officer and the CPM. The project owner shall not begin construction until receiving BLM Authorized Officer and CPM approval of the revised plan.

At least 60 days prior to start of operation, the project owner shall present to BLM's Authorized Officer and the CPM a revegetation plan for the staging area. If BLM's Authorized Officer and the CPM determine that the plan requires revision, the project owner shall provide to BLM's Authorized Officer and the CPM a revised plan for review

and approval by BLM's Authorized Officer and the CPM. The project owner shall not begin operation until receiving BLM Authorized Officer and CPM approval of the revised plan.

## **C.13.14 CONCLUSIONS**

---

The proposed project and development alternatives would all substantially degrade the existing visual character and quality of the site and its surroundings. Under the proposed project an area of roughly 10 square miles, including over 6.5 miles of frontage on Highway I-8, would experience a dramatic visual transformation from a predominantly natural desert landscape to one of a highly industrial character, strongly affecting motorists on Highway I-8. The character and quality of views from some recreational destinations within the Yuha Desert ACEC, including portions of the Anza National Historic Trail, would be strongly affected. Given the moderately high-to-high level of viewer sensitivity of these affected viewpoints, project impacts are considered significant. Because effective, feasible mitigation measures capable of reducing all impacts to less-than-significant levels under CEQA could not be identified by staff, these impacts are considered to be unavoidable. However, because they would substantially reduce or compensate for many of these impacts, staff recommends adoption of all Conditions of Certification if the project is approved.

Impacts of the 300 Megawatt Alternative would remain significant to I-8 and Yuha Desert ACEC viewers, and unavoidable. However, the degree and extent of those impacts would be substantially less than those of the proposed project.

Impacts of the Drainage Avoidance #1 Alternative would be substantially similar to the Proposed Project Alternative, and thus significant and unavoidable. Differences in the visual effects of the two alternatives would be minor and little noticed by the majority of the public.

Similar to impacts of the 300 Megawatt Alternative, impacts of the Drainage Avoidance #2 Alternative would be substantially less extensive than those of the Proposed Project Alternative, but would remain significant and unavoidable.

The anticipated visual impacts of the IVS Project and all development alternatives, in combination with past and foreseeable future local projects in the West Mesa/Yuha Desert region, and past and foreseeable future region-wide projects in the southern California desert are considered cumulatively considerable and potentially significant under CEQA.

On the basis of substantial new information developed subsequent to publication of the Staff Assessment, staff believes that bright intrusive glare of the project under normal operation is a potential hazard to motorists and pilots near the facility. However, with newly revised, staff-recommended Condition of Certification **VIS-6**, potential glare/reflection impacts could be reduced to less-than-significant levels.

With the revised, staff-recommended Condition of Certification VIS-2, potential night time light pollution impacts could be kept to less-than-significant levels.

With staff-recommended Condition of Certification **VIS-7**, construction impacts could be mitigated to less-than-significant levels.

### **C.13.15 REFERENCES**

---

Fennemen, Nevin. 1931 – Physiography of the Western United States.

Imperial County, 1993 – General Plan.

NPS 2004 – BLM Opens New Public Trail in the Yuha Desert, *Noticias de Anza*, No. 24, April 2004

SES (Stirling Energy Systems Solar Two, LLC) 2008a (tn: 46819) – Application for Certification for the Stirling Energy Systems (SES) Solar Two Project, Volumes 1 and 2. Submitted to the California Energy Commission, June 30, 2008

SES 2008f – Applicant's Response to BLM and Energy Commission Data Request Set 1, Part 1 (1-52) (tn: 49322), December 8, 2008.

SES 2010I - SES Solar Two (08-AFC-5) Corridor Conflict Analysis (SES Solar Two – Anza Trail Visual Impact Analysis, January 22, 2010.

USDOI 2004 – Exploring the Yuha Desert. [http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pdfs/elcentro\\_pdfs.Par.0f9ac3ce.File.pdf/yuha\\_blm.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pdfs/elcentro_pdfs.Par.0f9ac3ce.File.pdf/yuha_blm.pdf)

USDOI 2003 – Western Colorado Routes of Travel Designation Plan Amendment.

USDOI; Michael Clayton Associates 2008 – Yuha Desert/West Mesa VRM Inventory.

# **APPENDIX VR-1**

## **DAYTIME INTRUSIVE BRIGHTNESS ANALYSIS FOR THE IMPERIAL VALLEY SOLAR PROJECT**

**James Jewell, LC, IES, & Alan Lindsley, AIA, IESNA, LEED**

### **INTRODUCTION**

---

California is being asked to approve and accept a significant number of solar energy electricity generating plants. The addition of the new industrial complexes of power plants, switchyards, and transmission lines will make significant visual impacts on the desert landscape. The capture and redirection of insolation has the potential for important visual impacts independent of the appearance of the facilities. These impacts may be actinic or visual. The different styles of facilities can be broken into four types: linear troughs, Stirling engine, photovoltaic flat panels and focused power tower systems.

### **PROJECT DESCRIPTION**

---

The proposed Imperial Valley Solar (IVS) Project site is approximately 6,500 acres and is located in the southwest region of Imperial County. The site consists of an estimated 6,140 acres of public land administered by the Bureau of Land Management (BLM), and approximately 360 acres of private land under the jurisdiction of Imperial County. The northern boundary of the proposed project site is adjacent to Imperial County Route S80 and Plaster City, and the southern boundary is adjacent to Interstate Highway 8 (I-8). The Cady Mountain Wilderness Study Area (WSA) is located north of the Solar One site. The Pisgah Crater, within the BLM-designated Pisgah Area of Critical Environmental Concern (ACEC), is located south and east of the Project (south of I-40 by several miles). Several underground and above ground utilities traverse the area.

### **STIRLING ENGINE CHARACTERISTICS**

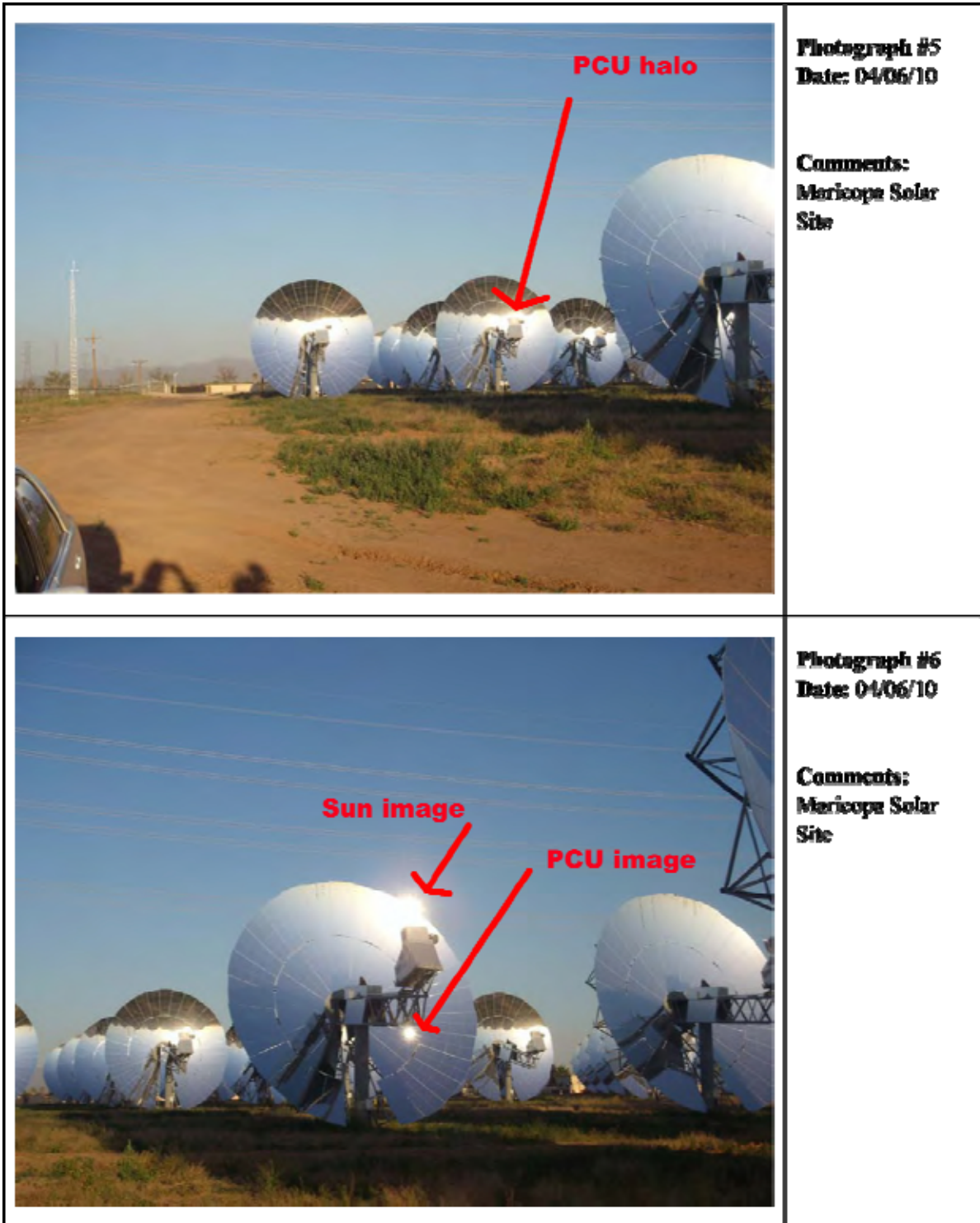
---

Each SunCatcher device consists of a power conversion unit (PCU) and a mirrored-surface dish assembly operating as a solar concentrator that automatically tracks the sun. The dish assembly ( $\pm 40$  feet high) collects and focuses solar energy onto the PCU to generate electricity. Each PCU consists of a solar receiver heat exchanger and a closed-cycle, high-efficiency Solar Stirling Engine specifically designed to convert solar power to rotary power via a thermal conversion process. The collection system will combine the output from multiple groups of SunCatchers and connect each 1.5MW group to a generator step-up unit (GSU) transformer. Power is then transferred to the independent grid.

The SunCatcher is a parabolic dish that tilts in elevation and rotates in azimuth to track the sun. The SunCatcher mirrors focus the reflected sunlight on a single point 22 feet



from the dish surface. The PCU is located at that focal point and absorbs the radiated solar energy to power the Stirling engine. As a result of the impact of this solar energy, the face of the PCU can be observed from some viewpoints as a very bright object. (Photographs #5 & #6, Excerpted Photographs from Lighting Sciences Field Measurement Survey)



## ANALYSIS & CONCLUSIONS

---

Total solar energy is the complete spectrum of sunlight including ultra violet energy (UV), the visible spectrum, and infrared energy (IR). It is this total solar irradiation that has the potential to create a human safety impact by causing erythema damage such as sunburn and retinal damage. Total solar energy is evaluated in units of power such as kilowatts per square meter ( $\text{kW/m}^2$ ).

Glare is defined as difficulty seeing in the presence of bright light such as reflected sunlight. Glare is caused by a substantial ratio of luminance (brightness) between a field of view and the glare source. Luminance or brightness perceived by observers is evaluated in units of candelas per square meter ( $\text{cd/m}^2$ ) and its impact in lumens per square meter ( $\text{lm/m}^2$ ).

There are currently no regulations specific to light reflected from solar plants, however potential safety effects of solar radiation have been analyzed within the context of principles and procedures developed for beam safety in the Solar 1 experimental plant at Daggett, California, as conducted by the Sandia National Laboratories (Sandia Report SAND83-8035 by T. D. Brumleve), which identified the following maximum permissible exposure (MPE) limits for reflected sunlight:

- MPE for momentary exposure (for a period less than 0.25 second or less) is  $10 \text{ kW/m}^2$
- MPE for continuous exposure (for a period greater than 0.25 second) is  $1 \text{ kW/m}^2$  (LIA 2009)

The potential impact of the redirected sunlight on observers such as motorists on Interstate 8 or in aircraft are a matter of great concern.

Staff, on the basis of available information including review of the project AFC, Power Engineers study, and Lighting Sciences study, believes that from 5% to 6% of the visible spectrum is not redirected to the PCU and has the potential to make the mirrors appear as very bright objects through diffuse reflection when the mirrors are tracking “on target” (Photograph #5).

When a cloud passes overhead the SunCatcher enters an “offset tracking mode” which is 10 degrees off the sun while still tracking the sun’s position. This action prevents the PCU from being damaged by the sudden imposition of heat when sunlight returns. In the “offset tracking mode” the reflected sunlight returns to the level of sunlight as at approximately 50 feet from vertex of the parabolic dish.

Staff, on the basis of available information including review of the project AFC, Power Engineers study, and Lighting Sciences study, believes that 95% of the visible spectrum of incident light is redirected as specular and diffuse reflection when the mirrors are not more than 10 degrees of tracking “on target” (Photograph #6). In this case, two virtual images are visible to the observer; the sun and the PCU image thus doubling the intrusive light images.

The Applicant submitted a supplementary Imperial Valley Solar Glint and Glare Study on 29 April which included a study by Power Engineers “Imperial Valley Solar Project

Glint and Glare Study” and a “Report on SunCatcher Luminances” prepared by Lighting Sciences.

The Power Engineers, Inc. report dated 26 Apr 10 itemizes three specific questions regarding the use of a 20’ screen fence or berm to mitigate the intrusive brightnesses, what are the effects of a motorist driving by the “flashes of light” and the ultimate brightness in candelas per merter<sup>2</sup> of the surface reflections.

We agree in their assessment the 20’ screen fence or berm will not be effective in controlling the intrusive brightness. We do believe the “flashes of light” will be a distraction to drivers (see mitigation #2). The luminances are described in the following information.

The following statements have been excerpted from the Lighting Sciences, Inc. report dated 20 April 2010:

“The luminance of the Sun at a high solar altitude can have a luminance of approximately 1.6 billion cd/m<sup>2</sup>.”

“The most luminous spot on the reflector was generally a diffuse reflection of the brightly lit focal point on the power conversion unit (PCU). It could be seen as a glow in the area where the line of sight placed the PCU in front of the parabolic reflector.”

“Near the beginning of the measurement session I noticed that the SunCatcher just to the North of the one I had been measuring had a greater luminance in the brightest area of the dish. I made separate measurements of the bright spot on this dish. I can only speculate that the bright spot in this dish had a higher luminance due to the difference in viewing angle...”

“I did make an estimate of the luminance of the focal point of the reflector on the PCU. This luminance was above the maximum measurable value of my instrument. However I was able to move the light acceptance cone of the Spotmeter so that only half of the focal point was being measured before saturation occurred. Therefore I can estimate that the luminance of the focal point on the PCU was approximately twice my maximum measurable value or roughly 1.4 million cd/m<sup>2</sup>.”

Alan Lindsley believes John Farrell is talking about the reflection of the PCU, not the reflection of the Sun. The reflection of the Sun would be 1,600,000,000 cd/m<sup>2</sup> or approximately 1000 times brighter. It also appears the measuring device he was using did not have the capacity to accurately measure the brightness of the intrusive light reflections. This information would suggest the apparent brightness would be roughly equivalent to a standard carbon arc lamp used in a theatrical followspot ( $1.5 \times 10^8$  cd/m<sup>2</sup>).

In conclusion, we believe the bright intrusive glare is a very real hazard to motorists and pilots near the facility. The most prevalent condition that occurs is Flash Blindness or the after image in the visual field caused by saturation of the rods and cones of the retina.

In private email correspondence with Clifford Ho at Sandia Laboratories, he indicates:

“The value I present below for a safe distance to minimize the potential for flash blindness from direct specular reflections off the dish collectors was for an RMS slope error of 6 mrad. Actual slope errors of the dish collectors are on the order of 1 mrad (per Chuck Andraka, Sandia Laboratories). Using a 1 mrad RMS slope error yields a minimum safe distance of 68 m (223 ft).

Another issue that has not been addressed in the report (SunCatcher Glint Conversions and Hazard Assessment, Brad Stone and Mary O'Reilly, 8 Jun 10) is that of simultaneous reflections from multiple dish collectors. Depending on how the reflections are viewed, the retinal irradiance may be increased, or the subtended angle may be increased (or both). This may increase the distance at which flash blindness could occur.”

Thus, according to the calculations by Dr. Ho (of field data provided by the Lighting Sciences study of SunCatchers at the Maricopa Arizona test facility), a minimum safe setback distance to minimize potential hazards from flash blindness from the SunCatchers is approximately 223 feet.

## MITIGATIONS

---

Applicant shall give special consideration to any residences, roads, railways or airfields adjacent to the project where the mirrors may present exposure to intrusive brightnesses. The Power Engineers, Inc. report dated 26 Apr 10 details a number of operating conditions that can occur:

- Tracking Position (normal)
- Off-axis Positions
  - Night Stow
  - Wind Stow
  - Offset Tracking (cloud cover)
  - Malfunction

Of these conditions, the tracking position and the offset tracking are the most serious. Mitigations of the three predominant conditions for the SunCatchers are:

1. The minimum distance from the SunCatcher reflector assembly to an observer shall be 360 feet to the nearest observation point to reduce the possibility of flash blindness.
2. The “normal tracking” position will require the addition of a perforated metal diffusion shield mounted behind the PCU to mitigate the 5% of the visible light spectrum that is observed in the operational images. If the PCU is approximately, 5’x7’, then 2’ on either side of the PCU should give a significant reduction in the halo effect.
3. The “offset tracking” procedure shall be modified to require a 25° offset to minimize the presence of intrusive brightness.

Additionally, the Power Engineer’s report suggest a number of mitigations which make sense to incorporate:

1. The “offset tracking” procedure shall be modified to require a 25° offset to minimize the presence of intrusive brightness.

2. The “Morning Stow to Tracking Transitions” should occur 30 minutes before sunrise and end in the 25° offset tracking position, ready to move into tracking position.
3. The “Night Stow” should occur 30 minutes after sunset to avoid any intrusive light effects.
4. Develop an Emergency Glare Response Plan to quickly redirect a malfunctioning mirror to a safe orientation.
5. The Applicant shall monitor the site for all hours of operation on a weekly basis for five years using video surveillance trucks to identify and document intrusive light conditions needing correction.

The introduction of these types of solar facilities will add visual distractions and daytime intrusive light to the visual terrain where none have existed previously. Though not a hazard, if mitigated, these would represent a visually dominant feature, potentially interfering with existing scenic views. However, with all recommended mitigation measures listed above, staff believes that, based on the available information described previously, it is not anticipated that reflected intrusive light perceived by off-site viewers of the Imperial Solar project would result in unacceptable risk of flash blindness to motorists on I-8 and other off-site viewers at distances of 360 feet or more.

Ongoing study of the effects of these renewable energy projects and the impacts on local visual resources should be developed into new best practices standards for use by future applicants.

## REFERENCES

---

Mark S. Rea, Ph.D., FIES, Editor-in-Chief; *The IESNA Lighting Handbook, Ninth Edition*. New York, NY: Illuminating Engineering Society of North America, 2000.

The Standard Practice Subcommittee of the IESNA Roadway Lighting Committee. “ANSI/ IESNA RP-8-00.” American National Standard Practice for Roadway Lighting. ANSI Approval Date 6/27/00.

Clifford K. Ho, Cheryl M. Ghanbari, and Richard B. Diver; *Hazard Analyses Of Glint and Glare From Concentrating Solar Power Plants*. SolarPACES 2009 Berlin, Germany.

Brumleve, T.D. (1977). *Eye Hazard and Glint Evaluation for the 5-MWt Solar Thermal Test Facility*, SAND76-8022, Sandia National Laboratories, Livermore, CA.

Brumleve, T.D. (1984). *10 MWe Solar Thermal Central Receiver Pilot Plant: Beam Safety Tests and Analyses*, SAND83-8035, Sandia National Laboratories, Livermore, CA

Clifford Ho, email correspondence; 21 Jun 2010 13:59:52 -0700

Power Engineers Report (26 Apr 10). *Tessera Solar Imperial Valley Solar Project Glint and Glare Study*

**VISUAL RESOURCES - FIGURE 1**  
Imperial Valley Solar - Views of the Project Site

Site, Looking Northwest Toward Plaster City, Carrizo Mountain



Site, Looking North Toward Plaster City, Superstition Mountains

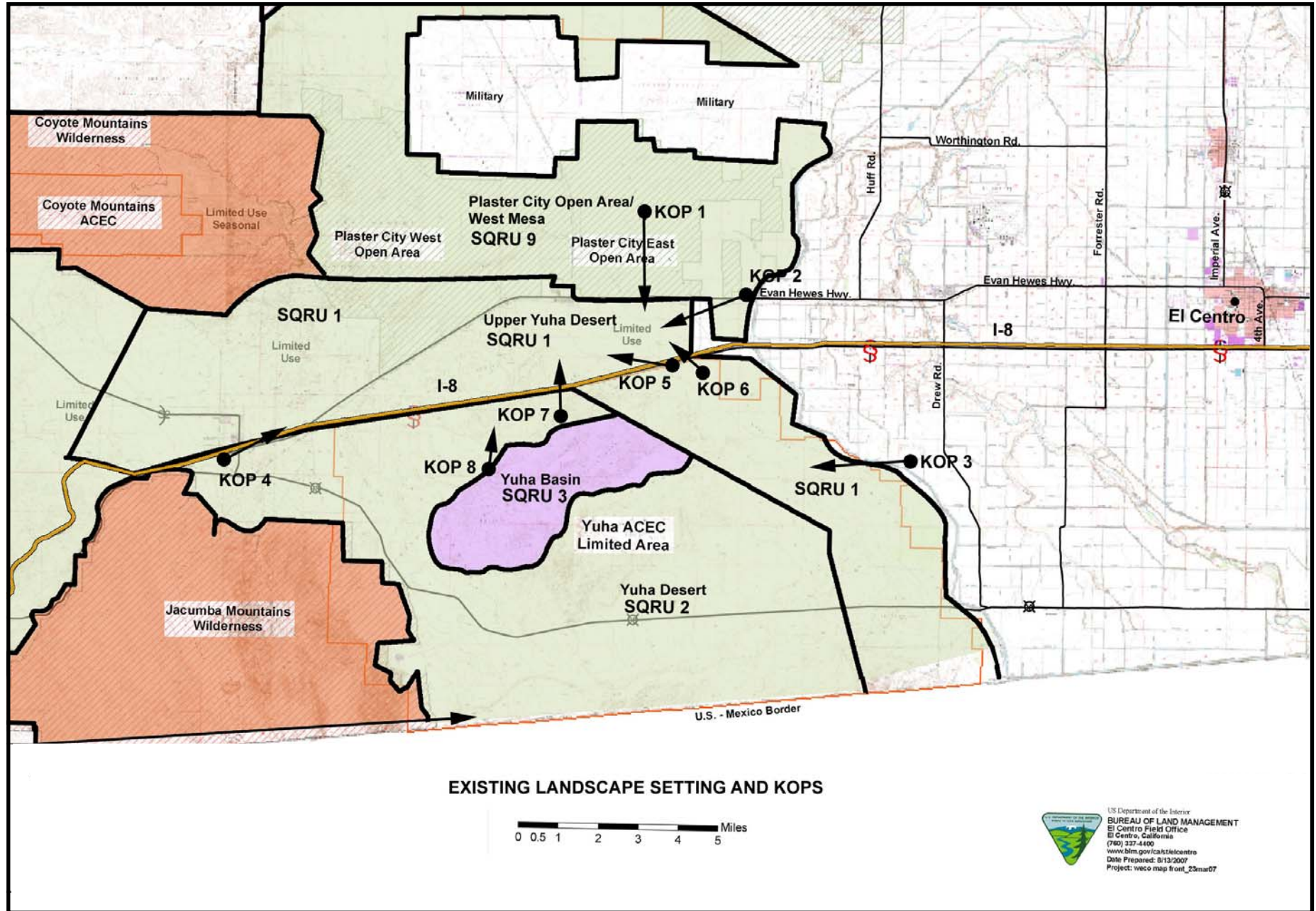


Site, Looking Southwest Toward Existing Transmission Lines





**VISUAL RESOURCES - FIGURE 2**  
Imperial Valley Solar - Existing Landscape Setting and KOPS



**VISUAL RESOURCES - FIGURE 3**  
Imperial Valley Solar - Character Setting Photos

Plaster City from Middleground Distance



Creosote Scrub Vegetation



Plaster City



Desert Pavement



Plaster City Open Area



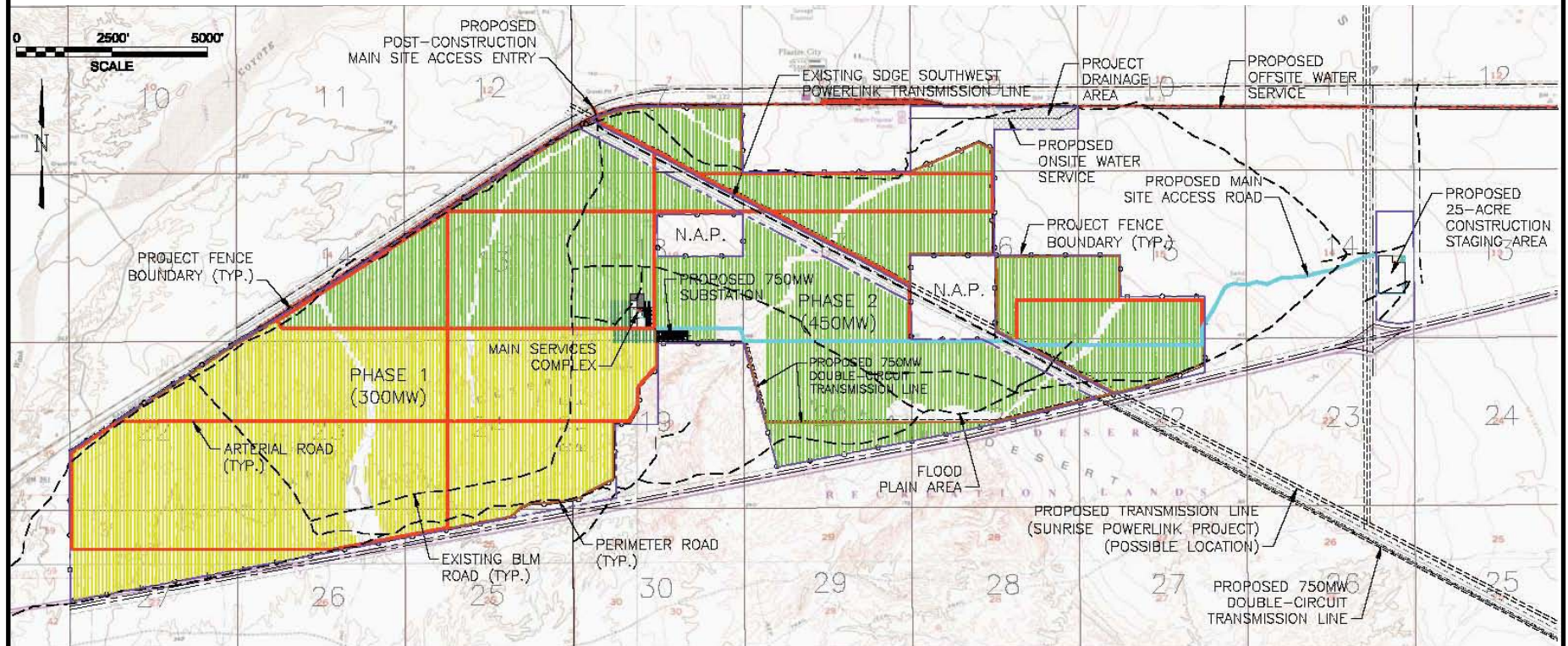
Southwest Powerlink



VISUAL RESOURCES



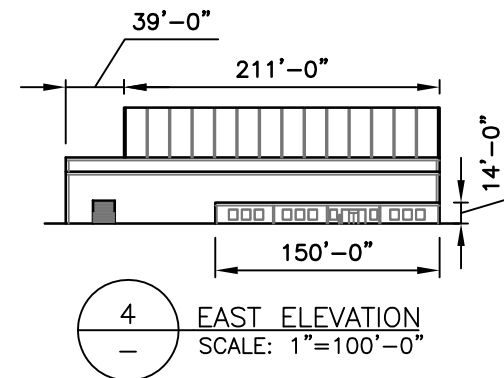
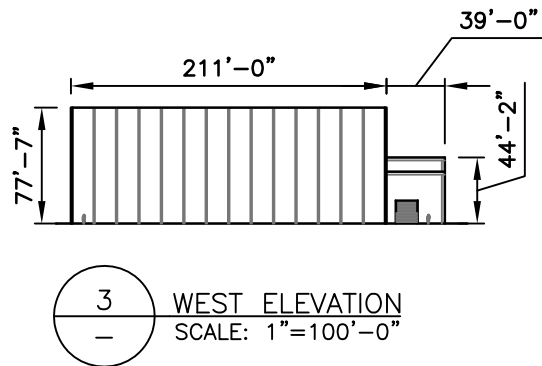
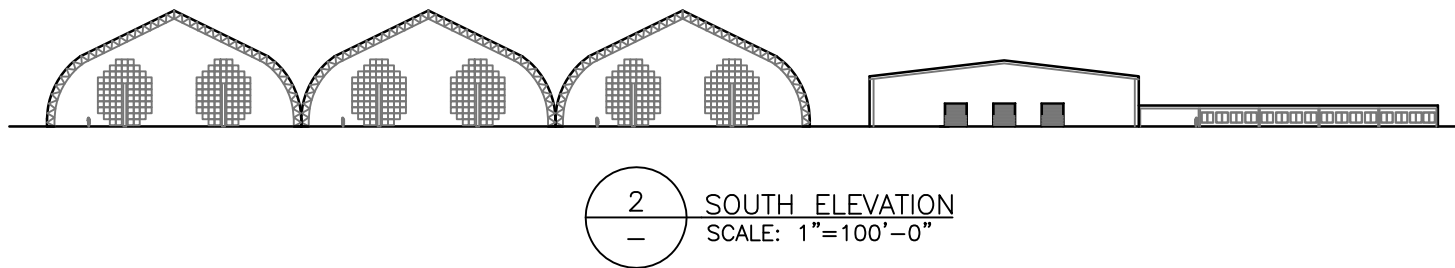
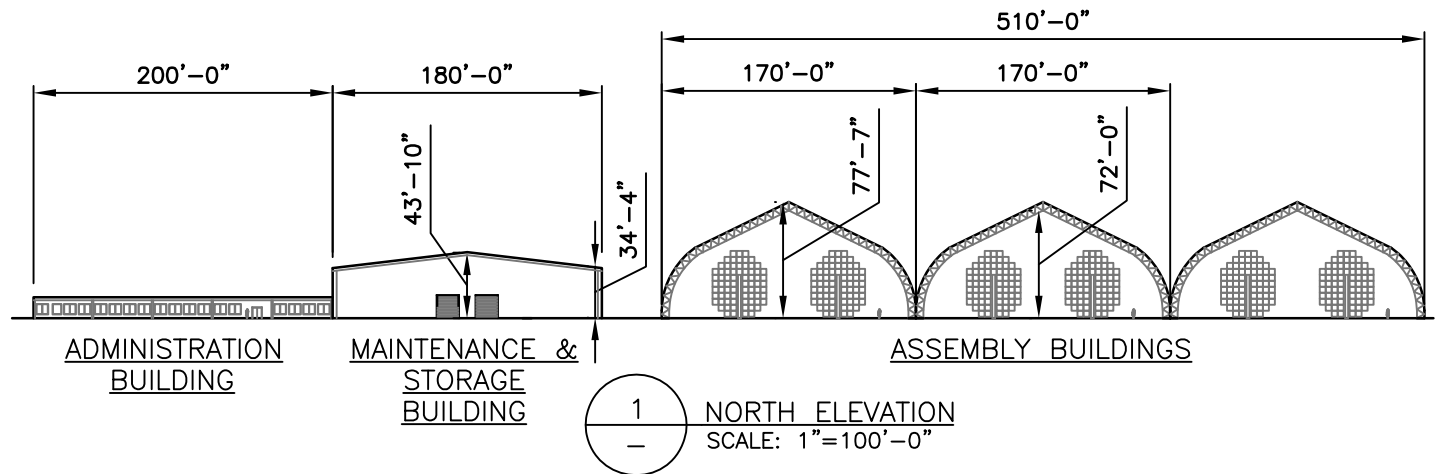
**VISUAL RESOURCES - FIGURE 4**  
Imperial Valley Solar - Project Layout



- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li><span style="color: blue;">---</span> PROJECT BOUNDARY</li> <li><span style="color: red;">---</span> SITE ACCESS ROAD</li> <li><span style="color: orange;">---</span> 30' MAIN ARTERIAL</li> <li><span style="color: brown;">---</span> 12' PERIMETER ROAD</li> <li><span style="color: black;">---</span> PROPOSED FENCE</li> <li><span style="color: black;">---</span> EXIST. BLM DESIGNATED OPEN ROUTES (APPROXIMATE LOCATIONS SHOWN FOR PLANNING PURPOSES ONLY)</li> <li>N.A.P. NOT A PART (OWNED BY OTHERS)</li> </ul> | <p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li><span style="color: yellow;">■</span> PHASE 1 SUNCATCHERS</li> <li><span style="color: green;">■</span> PHASE 2 SUNCATCHERS</li> <li><span style="color: green;">■</span> PHASE 2 SUNCATCHERS (FINAL BUILDOUT)</li> </ul> |
|--|---|

VISUAL RESOURCES

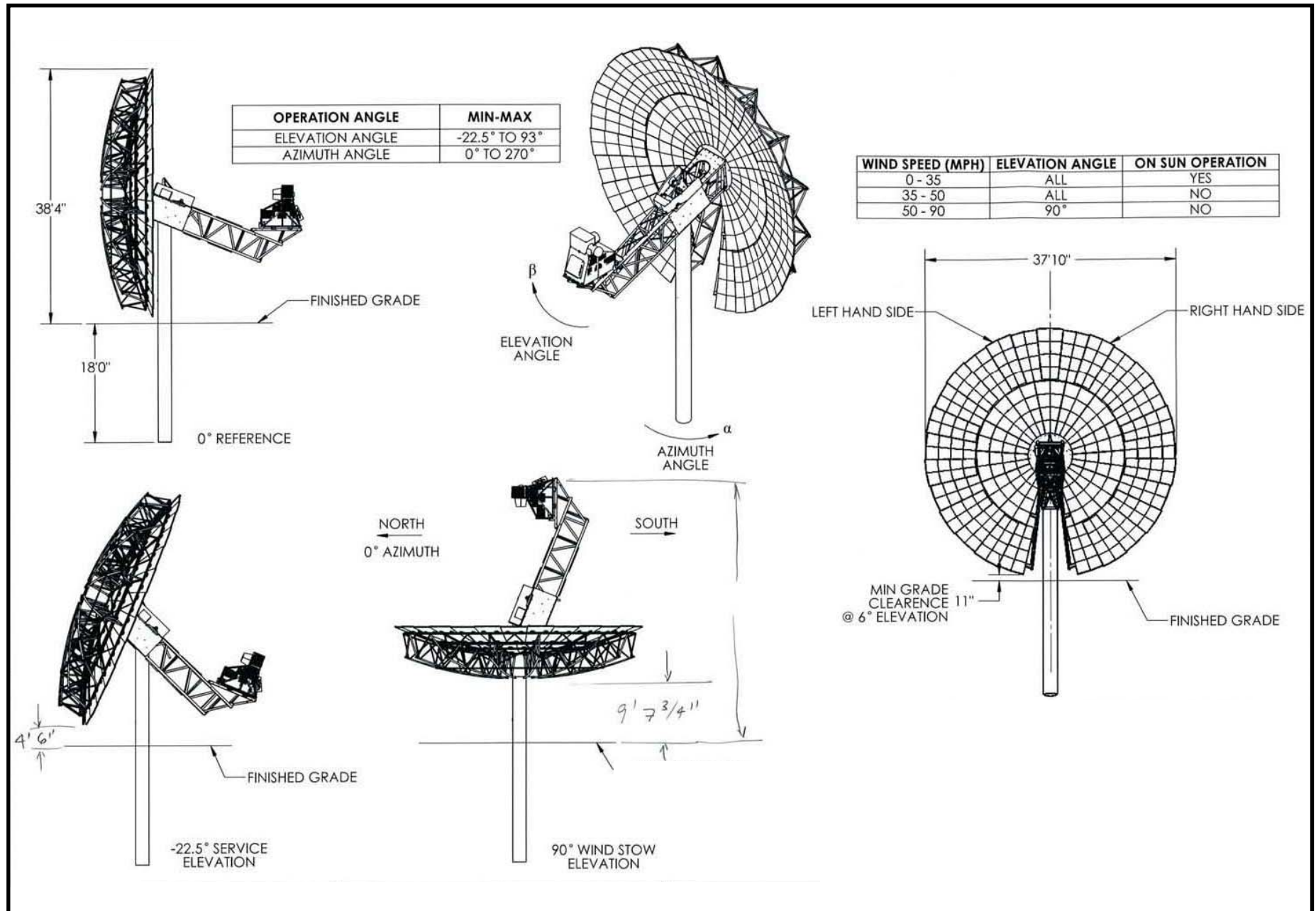
**VISUAL RESOURCES - FIGURE 5**  
Imperial Valley Solar - Architectural Elevations Of Power Block



VISUAL RESOURCES

**VISUAL RESOURCES - FIGURE 6**  
Imperial Valley Solar - Architectural Elevations of SunCatchers

VISUAL RESOURCES





**VISUAL RESOURCES - FIGURE 7a**

Imperial Valley Solar - KOP #1 - Existing View - View from Plaster City Open OHV Area



VISUAL RESOURCES

**VISUAL RESOURCES - FIGURE 7b**

Imperial Valley Solar - KOP #1 - Simulated View - View from Plaster City Open OHV Area



VISUAL RESOURCES



**VISUAL RESOURCES - FIGURE 8a**

Imperial Valley Solar - KOP #2 - Existing View - View from Nearby Residence on Evan Hewes Highway



VISUAL RESOURCES

**VISUAL RESOURCES - FIGURE 8b**

Imperial Valley Solar - KOP #2 - Simulated View - View from Nearby Residence on Evan Hewes Highway



VISUAL RESOURCES



**VISUAL RESOURCES - FIGURE 9a**

Imperial Valley Solar - KOP #3 - Existing View - View from Residence to Proposed Transmission Line



VISUAL RESOURCES



**VISUAL RESOURCES - FIGURE 9b**

Imperial Valley Solar - KOP #3 - Simulated View - View from Residence to Proposed Transmission Line



VISUAL RESOURCES

**VISUAL RESOURCES - FIGURE 10a**

Imperial Valley Solar - KOP #4 - Existing View - View from Town of Ocotillo



VISUAL RESOURCES

**VISUAL RESOURCES - FIGURE 10b**

Imperial Valley Solar - KOP #4 - Simulated View - View from Town of Ocotillo



VISUAL RESOURCES



**VISUAL RESOURCES - FIGURE 11a**

Imperial Valley Solar - KOP #5 - Existing View - View from I-8 Near Dunaway Road



VISUAL RESOURCES

**VISUAL RESOURCES - FIGURE 11b**

Imperial Valley Solar - KOP #5 - Simulated View -View from I-8 Near Dunaway Road



VISUAL RESOURCES



## **VISUAL RESOURCES - FIGURE 12**

Imperial Valley Solar - KOP 6, View from Route 274 (De Anza National Historic Trail) near Dunaway Campground



VISUAL RESOURCES

**CALIFORNIA ENERGY COMMISSION - SITING, TRANSMISSION AND ENVIRONMENTAL PROTECTION DIVISION**

SOURCE: WK and Associates

**VISUAL RESOURCES - FIGURE 13**

Imperial Valley Solar - KOP 7, View from Overlook Campground Route 274 (De Anza National Historic Trail)



VISUAL RESOURCES

CALIFORNIA ENERGY COMMISSION - SITING, TRANSMISSION AND ENVIRONMENTAL PROTECTION DIVISION

SOURCE: WK and Associates



## **VISUAL RESOURCES - FIGURE 14**

Imperial Valley Solar - KOP 8, View from Vicinity of the Yuha Geoglyphs (De Anza National Historic Trail)



VISUAL RESOURCES



## C.14 - WASTE MANAGEMENT

Testimony of Suzanne Phinney, D.Env.

### C.14.1 SUMMARY OF CONCLUSIONS

---

Management of the waste generated during construction, operation and closure/decommissioning of the Imperial Valley Solar (formerly named Stirling Energy Systems Solar Two) Project would not generate a significant adverse impact under the California Environmental Quality Act (CEQA) guidelines. There is sufficient landfill capacity, and the project would be consistent with the applicable waste management laws, ordinances, regulations, and standards if the measures proposed in the Application for Certification and staff's proposed conditions of certification are implemented. Similar to the proposed project, staff considers project compliance with CEQA guidelines (Appendix G: Environmental Checklist Section XVI- Utilities and Service Systems); applicable waste management laws, ordinances, regulations, and standards; and staff's conditions of certification to be sufficient to ensure that no significant adverse impacts would occur as a result of waste management associated with the 300 MW alternative, Drainage Avoidance #1 alternative and Drainage Avoidance #2 alternative.

### C.14.2 INTRODUCTION

---

This section presents an analysis of issues associated with wastes generated from the proposed construction, operation, and closure/decommissioning of the Imperial Valley Solar (IVS) Project. The technical scope of this analysis encompasses solid and liquid wastes existing on site and wastes that would likely be generated during facility construction, operation and closure/decommissioning. Management and discharge of wastewater is addressed in the **SOIL AND WATER RESOURCES** section of this document. Additional information related to waste management may also be covered in the **WORKER SAFETY** and **HAZARDOUS MATERIALS MANAGEMENT** sections of this document.

The Bureau of Land Management (BLM) and California Energy Commission staff's (hereafter jointly referred to as staff) objectives in conducting this waste management analysis are to ensure that:

- the management of project wastes would be in compliance with all applicable laws, ordinances, regulations, and standards (LORS). Compliance with LORS ensures that wastes generated during the construction, operation and closure/decommissioning of the proposed project would be managed in an environmentally safe manner.
- the disposal of project wastes would not adversely impact existing waste disposal facilities.
- the site is managed in such a way that project wastes and waste constituents would not pose a risk to humans or the environment.

### C.14.3 METHODOLOGY AND THRESHOLDS FOR DETERMINING ENVIRONMENTAL CONSEQUENCES

In accordance with CEQA guidelines (Appendix G: Environmental Checklist Section XVI- Utilities and Service Systems), staff evaluated project wastes in terms of landfill capacity and LORS compliance. The federal, state, and local environmental LORS listed in **Waste Management Table 1** have been established to ensure the safe and proper management of both solid and hazardous wastes in order to protect human health and the environment.

**WASTE MANAGEMENT Table 1**  
**Laws, Ordinances, Regulations, and Standards (LORS)**

Applicable Law	Description
<b>Federal</b>	
<p>Title 42, United States Code (U.S.C.), §6901, et seq.</p> <p>Solid Waste Disposal Act of 1965 (as amended and revised by the Resource Conservation and Recovery Act of 1976, et al.)</p>	<p>The Solid Waste Disposal Act, as amended and revised by the Resource Conservation and Recovery Act (RCRA) et al., establishes requirements for the management of solid wastes (including hazardous wastes), landfills, underground storage tanks, and certain medical wastes. The statute also addresses program administration, implementation and delegation to states, enforcement provisions, and responsibilities, as well as research, training, and grant funding provisions.</p> <p>RCRA Subtitle C establishes provisions for the generation, storage, treatment, and disposal of hazardous waste, including requirements addressing:</p> <ul style="list-style-type: none"> <li>• Generator record keeping practices that identify quantities of hazardous wastes generated and their disposition;</li> <li>• Waste labeling practices and use of appropriate containers;</li> <li>• Use of a manifest when transporting wastes;</li> <li>• Submission of periodic reports to the United States Environmental Protection Agency (U.S. EPA) or other authorized agency; and</li> <li>• Corrective action to remediate releases of hazardous waste and contamination associated with RCRA-regulated facilities.</li> </ul> <p>RCRA Subtitle D establishes provisions for the design and operation of solid waste landfills.</p> <p>RCRA is administered at the federal level by U.S. EPA and its 10 regional offices. The Pacific Southwest regional office (Region 9) implements U.S. EPA programs in California, Nevada, Arizona, and Hawaii.</p>

Applicable Law	Description
<p>Title 42, U.S.C., §9601, et seq.</p> <p>Comprehensive Environmental Response, Compensation and Liability Act</p>	<p>The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), also known as <i>Superfund</i>, establishes authority and funding mechanisms for cleanup of uncontrolled or abandoned hazardous waste sites, as well as cleanup of accidents, spills, or emergency releases of pollutants and contaminants into the environment. Among other things, the statute addresses:</p> <ul style="list-style-type: none"> <li>• Reporting requirements for releases of hazardous substances;</li> <li>• Requirements for remedial action at closed or abandoned hazardous waste sites, and brownfields;</li> <li>• Liability of persons responsible for releases of hazardous substances or waste; and</li> <li>• Requirements for property owners/potential buyers to conduct “all appropriate inquiries” into previous ownership and uses of the property to 1) determine if hazardous substances have been or may have been released at the site, and 2) establish that the owner/buyer did not cause or contribute to the release. A Phase I Environmental Site Assessment is commonly used to satisfy CERCLA “all appropriate inquiries” requirements.</li> </ul>
<p>Title 40, Code of Federal Regulations (CFR), Subchapter I – Solid Wastes</p>	<p>These regulations were established by U.S. EPA to implement the provisions of the Solid Waste Disposal Act and RCRA (described above). Among other things, the regulations establish the criteria for classification of solid waste disposal facilities (landfills), hazardous waste characteristic criteria and regulatory thresholds, hazardous waste generator requirements, and requirements for management of used oil and universal wastes.</p> <ul style="list-style-type: none"> <li>• Part 257 addresses the criteria for classification of solid waste disposal facilities and practices.</li> <li>• Part 258 addresses the criteria for municipal solid waste landfills.</li> <li>• Parts 260 through 279 address management of hazardous wastes, used oil, and universal wastes (i.e., batteries, mercury-containing equipment, and lamps).</li> </ul> <p>U.S. EPA implements the regulations at the federal level. However, California is an RCRA-authorized state, so most of the solid and hazardous waste regulations are implemented by state agencies and authorized local agencies in lieu of U.S. EPA.</p>

Applicable Law	Description
<p>Title 49, CFR, Parts 172 and 173.</p> <p>Hazardous Materials Regulations</p>	<p>These regulations address the United States Department of Transportation (DOT) established standards for transport of hazardous materials and hazardous wastes. The standards include requirements for labeling, packaging, and shipping of hazardous materials and hazardous wastes, as well as training requirements for personnel completing shipping papers and manifests. Section 172.205 specifically addresses use and preparation of hazardous waste manifests in accordance with Title 40, CFR, section 262.20.</p>
<p>Federal CWA, 33 USC § 1251 <i>et seq.</i></p>	<p>The Clean Water Act controls discharge of wastewater to the surface waters of the U.S.</p>
<b>State</b>	
<p>California Health and Safety Code (HSC), Chapter 6.5, §25100, <i>et seq.</i></p> <p>Hazardous Waste Control Act of 1972, as amended</p>	<p>This California law creates the framework under which hazardous wastes must be managed in California. The law provides for the development of a state hazardous waste program that administers and implements the provisions of the federal RCRA program. It also provides for the designation of California-only hazardous wastes and development of standards (regulations) that are equal to or, in some cases, more stringent than federal requirements.</p> <p>The California Environmental Protection Agency (Cal/EPA), Department of Toxic Substances Control (DTSC) administers and implements the provisions of the law at the state level. Certified Unified Program Agencies (CUPAs) implement some elements of the law at the local level.</p>

Applicable Law	Description
<p>Title 22, California Code of Regulations (CCR), Division 4.5.</p> <p>Environmental Health Standards for the Management of Hazardous Waste</p>	<p>These regulations establish requirements for the management and disposal of hazardous waste in accordance with the provisions of the California Hazardous Waste Control Act and federal RCRA. As with the federal requirements, waste generators must determine if their wastes are hazardous according to specified characteristics or lists of wastes. Hazardous waste generators must obtain identification numbers; prepare manifests before transporting the waste off site; and use only permitted treatment, storage, and disposal facilities. Generator standards also include requirements for record keeping, reporting, packaging, and labeling. Additionally, while not a federal requirement, California requires that hazardous waste be transported by registered hazardous waste transporters.</p> <p>The standards addressed by Title 22, CCR include:</p> <ul style="list-style-type: none"> <li>• Identification and Listing of Hazardous Waste (Chapter 11, §66261.1, et seq.).</li> <li>• Standards Applicable to Generator of Hazardous Waste (Chapter 12, §66262.10, et seq.).</li> <li>• Standards Applicable to Transporters of Hazardous Waste (Chapter 13, §66263.10, et seq.).</li> <li>• Standards for Universal Waste Management (Chapter 23, §66273.1, et seq.).</li> <li>• Standards for the Management of Used Oil (Chapter 29, §66279.1, et seq.).</li> <li>• Requirements for Units and Facilities Deemed to Have a Permit by Rule (Chapter 45, §67450.1, et seq.).</li> </ul> <p>The Title 22 regulations are established and enforced at the state level by DTSC. Some generator and waste treatment standards are also enforced at the local level by CUPAs.</p>

Applicable Law	Description
<p>HSC, Chapter 6.11 §§25404 – 25404.9</p> <p>Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program)</p>	<p>The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the six environmental and emergency response programs listed below.</p> <ul style="list-style-type: none"> <li>• Aboveground Petroleum Storage Act requirements for Spill Prevention, Control, and Countermeasure (SPCC) Plans.</li> <li>• Hazardous Materials Release and Response Plans and Inventories (Business Plans).</li> <li>• California Accidental Release Prevention (CalARP) Program.</li> <li>• Hazardous Materials Management Plan / Hazardous Materials Inventory Statements.</li> <li>• Hazardous Waste Generator / Tiered Permitting Program.</li> <li>• Underground Storage Tank Program.</li> </ul> <p>The state agencies responsible for these programs set the standards for their programs while local governments implement the standards. The local agencies implementing the Unified Program are known as CUPAs. The DTSC's Calxico Field Office is the CUPA for the IVS project.</p> <p>Note: The Waste Management analysis only considers application of the Hazardous Waste Generator/Tiered Permitting element of the Unified Program.</p>
<p>Title 27, CCR, Division 1, Sub-division 4, Chapter 1, §15100, et seq.</p> <p>Unified Hazardous Waste and Hazardous Materials Management Regulatory Program</p>	<p>While these regulations primarily address certification and implementation of the program by the local CUPAs, the regulations do contain specific reporting requirements for businesses.</p> <ul style="list-style-type: none"> <li>• Article 9 – Unified Program Standardized Forms and Formats (§§ 15400–15410).</li> <li>• Article 10 – Business Reporting to CUPAs (§§15600–15620).</li> </ul>
<p>Public Resources Code, Division 30, §40000, et seq.</p> <p>California Integrated Waste Management Act of 1989</p>	<p>The California Integrated Waste Management Act (CIWMA) establishes mandates and standards for management of solid waste in California. The law addresses solid waste landfill diversion requirements; establishes the preferred waste management hierarchy (source reduction first, then recycling and reuse, and treatment and disposal last); sets standards for design and construction of municipal landfills; and addresses programs for county waste management plans and local implementation of solid waste requirements.</p>

Applicable Law	Description
<p>Title 14, CCR, Division 7, §17200, et seq.</p> <p>California Integrated Waste Management Board</p>	<p>These regulations implement the provisions of the California Integrated Waste Management Act and set forth minimum standards for solid waste handling and disposal. The regulations include standards for solid waste management, as well as enforcement and program administration provisions.</p> <ul style="list-style-type: none"> <li>• Chapter 3 – Minimum Standards for Solid Waste Handling and Disposal.</li> <li>• Chapter 3.5 – Standards for Handling and Disposal of Asbestos Containing Waste.</li> <li>• Chapter 7 – Special Waste Standards.</li> <li>• Chapter 8 – Used Oil Recycling Program.</li> <li>• Chapter 8.2 – Electronic Waste Recovery and Recycling.</li> </ul>
<p>HSC, Division 20, Chapter 6.5, Article 11.9, §25244.12, et seq.</p> <p>Hazardous Waste Source Reduction and Management Review Act of 1989</p>	<p>This law was enacted to expand the state’s hazardous waste source reduction activities. Among other things, it establishes hazardous waste source reduction review, planning, and reporting requirements for businesses that routinely generate more than 12,000 kilograms (approximately 26,400 pounds) of hazardous waste in a designated reporting year. The review and planning elements are required to be done on a four-year cycle, with a summary progress report due to DTSC every fourth year.</p>
<p>Title 22, CCR, §67100.1 et seq.</p> <p>Hazardous Waste Source Reduction and Management Review</p>	<p>These regulations further clarify and implement the provisions of the Hazardous Waste Source Reduction and Management Review Act of 1989 (noted above). The regulations establish the specific review elements and reporting requirements to be completed by generators subject to the act.</p>
<p>Title 23, CCR Division 3, Chapters 16 and 18</p>	<p>These regulations relate to hazardous material storage and petroleum UST cleanup, as well as hazardous waste generator permitting, handling, and storage. The DTSC Imperial County CUPA is responsible for local enforcement.</p>
<b>Local</b>	
<p>County of Imperial General Plan</p>	<p>The General Plan ensures all new development complies with applicable provisions of the County Integrated Solid Waste Management Plan.</p>
<p>Imperial County, Countywide Integrated Waste Management Plan</p>	<p>This document sets forth the county’s goals, policies, and programs for reducing dependence on landfilling solid wastes and increasing source reduction, recycling, and reuse of products and waste, in compliance with the CIWMA. The plan also addresses the siting and development of recycling and disposal facilities and programs within the county.</p>
<p>Imperial County Municipal Code Chapter 8.20</p> <p>Imperial County Uniform Fire Code</p>	<p>The Uniform Fire Code adopts the California Fire Code, 2001 Edition, together with the county amendments. It also sets forth provisions for violations/penalties, miscellaneous fees, and storage restrictions/prohibitions.</p>

## **C.14.4 PROPOSED PROJECT**

---

### **C.14.4.1 SETTING AND EXISTING CONDITIONS**

#### **Proposed Project**

The proposed IVS site is approximately 6,500 acres and is located in the southwest region of Imperial County. The site consists of an estimated 6,140 acres of public land administered by the Bureau of Land Management (BLM), and approximately 360 acres of private land under the jurisdiction of Imperial County. The site is located four miles east of Ocotillo and 14 miles west of El Centro, on the eastern flank of the Coyote Mountains in the Yuha Desert. The alluvial plain drains to the northeast, and supports Sonoran creosote bush scrub. Site boundaries would be the Union Pacific Railroad to the north (which runs just south of Evan Hewes Highway); Interstate 8 to the south; the easterly section line of Township 16 South, Range 11 East, Section 14 to the east; and the westerly section line of Township 16 South, Range 10 East, Section 22 to the west. Plaster City (U.S. Gypsum Company facilities) and Imperial County Route S80 are adjacent to the site's northern border.

The proposed project would utilize SunCatchers—a 38-foot tall Stirling dish technology developed by the applicant—which track the sun and focus solar energy onto Power Conversion Units. The applicant has proposed minor modifications (SES 2010g) to the proposed project description including:

- Transmission Line Alignment Modifications
- Waterline Alignment Modifications
- Alternative Water Supply
- Hydrogen Storage Modifications

The alternative water supply would come from the trucking of water from the Dan Boyer Well in Ocotillo. The proposed modifications do not significantly impact the construction or change the operating requirements of the proposed project.

The project would be developed in two phases. The 300-MW Phase I would begin construction in 2010 on the southwest side of the site. The 450-MW Phase II is contingent upon the development of the Sunrise Powerlink (or equivalent) transmission line. There would be two laydown areas. One is a 100-acre laydown site located east of the project site on Dunaway Road and north of Highway 8. The second laydown site is 11.04 acres located within the project site boundaries just south of the Main Services Complex (see description below). In addition to the proposed IVS site and construction areas, there are other features and facilities associated with the proposed project (the majority of which are located on the proposed project site or construction laydown area), including:

- Approximately 30,000, SunCatchers and associated equipment and infrastructure within a fenced boundary. A total of 12,000 SunCatcher dishes would be installed during Phase I, and 18,000 dishes would be installed during Phase II;



- Trucking of water from the Dan Boyer Well in Ocotillo for approximately six months to three years until reclaimed water from the Seeley Waste Water Treatment Facility (SWWTF) is available
- A 6-inch, underground water pipeline to connect to the SWWTF, approximately 13 miles east of the proposed project site. The pipeline would follow the existing Evan Hewes Highway right-of-way (ROW). Upgrades to the SWWTF, including adoption of an Environmental Impact Report, would be necessary;
- A hydrogen generation, storage and distribution system;
- An onsite, 24.27-acre Main Services Complex located generally in the center of the site for administration and maintenance activities. The complex would include buildings, parking and access roads;
- An onsite, 6-acre 750-MW Substation located generally in the center of the site, near the Main Services Complex;
- A 10.3-mile 730-MW/230-kV transmission line intended to connect to the existing San Diego Gas & Electric (SDG&E) Imperial Valley Substation located southeast of the project site. The proposed transmission line would mostly parallel the existing Southwest Powerlink transmission line in the existing ROW; and
- Approximately 27 miles of unpaved arterial roads, approximately 14 miles of unpaved perimeter roads, and approximately 234 miles of unpaved access roads. (SES 2008a, Sections 1, 3, and 5.6)

Refer to **SECTION B.1** for a more detailed description of the proposed project and accompanying figures identifying project features and facilities.

#### **C.14.4.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

This waste management analysis addresses: a) existing project site conditions and the potential for contamination associated with prior activities on or near the IVS Project site, and b) the impacts from the generation and management of wastes during project construction, operation and closure/decommissioning.

##### **Existing Project Site Conditions and Potential for Contamination**

For any site in California proposed for the construction of a power plant, the applicant must provide documentation about the nature of any potential or existing releases of hazardous substances or contamination at the site. If potential or existing releases or contamination at the site are identified, CEQA significance of the release or contamination would be determined by site-specific factors, including, but not limited to: the amount and concentration of contaminants or contamination; the proposed use of the area where the contaminants/contamination is found; and any potential pathways for workers, the public, or sensitive species or environmental areas to be exposed to the contaminants. Any unmitigated contamination or releases of hazardous substances that pose a risk to human health or environmental receptors would be considered significant under CEQA by Energy Commission staff.

As a first step in documenting existing site conditions, the Energy Commission's power plant site certification regulations require that a Phase I Environmental Site Assessment (ESA) be prepared<sup>1</sup> and submitted as part of an AFC. The Phase I ESA is conducted to identify any conditions indicative of releases and threatened releases of hazardous substances at the site and to identify any areas known to be contaminated (or a source of contamination) on or near the site.

In general, the Phase I ESA uses a qualified environmental professional to conduct inquiries into past uses and ownership of the property, research hazardous substance releases and hazardous waste disposal at the site and within a certain distance of the site, and visually inspect the property, making observations about the potential for contamination and possible areas of concern. After conducting all necessary file reviews, interviews, and site observations, the environmental professional then provides findings about the environmental conditions at the site. In addition, since the Phase I ESA does not include sampling or testing, the environmental professional may also give an opinion about the potential need for any additional investigation. Additional investigation may be needed, for example, if there were major gaps in the information available about the site, an ongoing release is suspected, or to confirm an existing environmental condition.

If additional investigation is needed to identify the extent of possible contamination, a Phase II ESA may be required. The Phase II ESA usually includes sampling and testing of potentially contaminated media to verify the level of contamination and the potential for remediation at the site.

In conducting its assessment of a proposed project, staff will review the project's Phase I ESA and work with the appropriate oversight agencies as necessary to determine if additional site characterization work is needed and if any mitigation is necessary at the site to ensure protection of human health and the environment from any hazardous substance releases or contamination identified.

A Phase I ESA, dated March 4, 2008, was prepared by URS in accordance with the American Society for Testing and Materials Standard Practice E 1527-05 for ESAs. The Phase I ESA addressed conditions on Township 16, Range 11 East and is included as Appendix T of the project's AFC. The ESA did not identify any Recognized Environmental Conditions (RECs) in connection with historic or current site operations. A REC is the presence or likely presence of any hazardous substances or petroleum products on a property under the conditions that indicated an existing release, past release, or a material threat of a release of any hazardous substance or petroleum products into structures on the property or in the ground, groundwater, or surface water of the property.

---

<sup>1</sup> Title 20, California Code of Regulations, section 1704(c) and Appendix B, section (g)(12)(A). Note that the Phase I ESA must be prepared according to American Society for Testing and Materials protocol or an equivalent method agreed upon by the applicant and the Energy Commission staff.

### **Impacts from Generation and Management of Wastes during Construction, Operation and Project Closure/Decommissioning**

As mentioned previously, staff considers project waste management to result in no significant adverse impacts (as defined per CEQA guidelines in Checklist Section XVI) if there is available landfill capacity and the project complies with LORS. Staff thus reviewed the applicant's proposed solid and hazardous waste management methods during project construction, operation, and closure/decommissioning, and determined whether the methods proposed are consistent with the LORS identified for waste disposal and recycling. Staff also reviewed the capacity available at off-site treatment and disposal sites and determined whether or not the proposed power plant's waste would impact the available capacity.

The handling and management of waste generated by IVS would follow the hierarchical approach of source reduction, recycling, treatment, and disposal as specified in California Public Resources Code Sections 40051 and 40196. The first priority of the project owner is to use materials that reduce the waste that is generated. The next level of waste management would involve reusing or recycling wastes. For wastes that cannot be recycled, treatment will be used, if possible, to make the waste nonhazardous. Finally, waste that cannot be reused, recycled or treated would be transported off site to a permitted treatment, storage, or disposal facility.

The project's General Compliance Conditions of Certification, including Compliance Monitoring and Closure Plan (Compliance Plan) have been established as required by Public Resources Code section 25532. The plan provides a means for assuring that the facility is constructed, operated and closed in compliance with public health and safety, environmental and other applicable regulations, guidelines, and conditions adopted or established by the California Energy Commission. This Compliance Plan will include Conditions of Certification identified in the following sections.

## **C15.4.3 DIRECT/INDIRECT IMPACTS AND MITIGATION**

### **Existing Site Conditions**

The 6,500 acre site consists of approximately 6,140 acres of BLM land, and 360 acres of private land owned by Homer Oatman and Michael and Daniel Burke. Although a 500-kV transmission line and associated service roads traverse the site, electrical transformers and other equipment containing potential polychlorinated biphenyls (PCBs) were neither reported nor observed during the February 15, 2008 site reconnaissance conducted by URS as part of the Phase I ESA. Apart from the transmission line, photographs, maps, and other historic records indicate the site has been historically undeveloped and vacant. Off-road vehicle races were held at the property until 1999, and the site is currently only used for off-road vehicle recreation. Oil waste from vehicle oil changes or other wastes are therefore likely to have been disposed on site. However no specific citations are known to have been issued and no evidence of unauthorized dumping of hazardous wastes was observed during the site visit. In addition, the site is not listed on the Environmental Data Resources (EDR) Radius Map Report (SES 2008a, Appendix T).

While RECs were not identified onsite, the adjacent U.S. Gypsum (USG) property was identified as having the potential to create a REC to the site. Features of concern include USG's waste disposal ponds, storage tanks, and hazardous waste generation. The Phase I ESA recommends further research of the operation of the USG facility to evaluate potential impacts to soil or groundwater beneath a portion of the site (SES 2008a, App T). The applicant, however, does not intend to utilize onsite groundwater, and plans to procure water from the SWWTF and Dan Boyer Water Company (SES 2009q, p. 1-5; SES 2010m). Excavation for project facilities would not encounter groundwater. As such, staff will not require investigation and remediation of soil and groundwater contamination prior to commencement of construction.

The water pipeline would follow the Evan Hewes Highway ROW, and the 10.3-mile transmission interconnection would parallel the Southwest Powerlink line within the designated ROW, until approximately the last half mile. As such, staff will not require a Phase I ESA for linear connections. (Water supplied by the Dan Boyer well in Ocotillo would be trucked to the site.)

In the event that contamination is identified during any phase of construction, staff proposes Condition of Certification **WASTE-1**, which would require that an experienced and qualified Professional Engineer or Professional Geologist be available for consultation in the event contaminated soil is encountered. If contaminated soil is identified, **WASTE-2** would require that the Professional Engineer or Professional Geologist inspect the site, determine what is required to characterize the nature and extent of contamination, and provide a report to the Energy Commission Compliance Project Manager (CPM) and DTSC with findings and recommended actions.

## **Proposed Project**

### **Proposed Project - Construction Impacts and Mitigation**

Site preparation and construction of Phases I and II of the proposed IVS Project and its associated facilities would last approximately 40 months and generate both non-hazardous and hazardous wastes in solid and liquid forms. Before construction can begin, the project owner will be required to develop and implement a Construction Waste Management Plan per proposed Condition of Certification **WASTE-3** to ensure that the waste will be recycled when possible and properly landfilled when necessary.

### ***Non-Hazardous Wastes***

Construction activities (including construction of the substation and portable SunCatcher assembly buildings) would generate an estimated 80 cubic yards per week of non-hazardous solid wastes, consisting of scrap wood, steel, glass, plastic, and paper. Additional waste would be generated during construction of the water pipeline and upgrades to the waste water treatment facility, and during construction of the distributed hydrogen system (SES 2009q, p. 2.14-1 and 2.14-2). For all construction waste, recyclable materials would be separated and removed as needed to recycling facilities. Non-recyclable materials (insulation, other plastics, food waste, roofing materials, vinyl flooring and base, carpeting, packing materials, etc.) would be disposed at a Class III landfill; the Applicant expects emptying of a 40-cubic yard container of non-recyclable waste on a weekly basis during construction of the buildings, and once a month

thereafter (SES 2008a p. 5.14-6 to 5.14-7). Construction of the substation would generate an estimated 1,050 cubic yards of waste (SES 2008f, Response to data request #49). The SunCatcher assembly buildings would be removed from the site after construction. Decommissioning and removal of the buildings would generate approximately 80 cubic yards of waste consisting of surplus packing materials, lumber, cardboard, lighting, gaskets, and wiring (SES 2008f, Response to data request #48). Concrete pads under the buildings would be removed and most likely recycled.

Non-hazardous liquid wastes would be generated during construction, and would include storm water runoff and sanitary waste. Storm water runoff would be managed in accordance with appropriate LORS. Sanitary wastes would be pumped to tanker trucks by licensed contractors for transport to a sanitary water treatment plant. Please see the **SOIL AND WATER RESOURCES** section of this document for more information on the management of project wastewater.

### ***Hazardous Wastes***

During construction, anticipated hazardous wastes include waste paint, spent construction solvents, waste cleaners, waste oil, oily rags, waste batteries, and spent welding materials. Estimated amounts are two cubic yards of empty containers (per week), 400 gallons of oils, solvents, and adhesives (every 90 days), and 40 batteries (per year). Empty hazardous material containers would be returned to the vendor or disposed at a hazardous waste facility; solvents, used oils, paint, oily rags, and adhesives would be recycled or disposed at a hazardous waste facility; and spent batteries would be disposed at a recycling facility (SES 2008a, pages 5.14-6 to 5.14-8).

The generation of hazardous waste requires a unique hazardous waste generator identification number. The hazardous waste generator number is determined based on site location and therefore, both the construction contractor and the IVS project owner/operator could be considered the generator of hazardous wastes at the site. The IVS project owner would be required to obtain a unique hazardous waste generator identification number for the site prior to starting construction, pursuant to proposed Condition of Certification **WASTE-4**. This would ensure compliance with California Code of Regulation Title 22, Division 4.5.

Hazardous waste would be collected in hazardous waste accumulation containers and stored in a laydown area, warehouse/shop area, or storage tank on equipment skids for less than 90 days. The accumulated wastes would then be properly manifested, transported, and disposed of at a permitted hazardous waste management facility by licensed hazardous waste collection and disposal companies. Staff reviewed the disposal methods and concluded that all wastes would be disposed of in accordance with all applicable LORS. Should any construction waste management-related enforcement action be taken or initiated by a regulatory agency, the project owner would be required by the proposed Condition of Certification **WASTE-5** to notify the CPM whenever the owner becomes aware of this action.

Staff has reviewed the proposed waste management methods described in AFC section 5.14.2.1, and in the responses to data requests, and concludes that project construction wastes would be managed in accordance with all applicable LORS.

In the event that construction excavation, grading, or trenching activities for the proposed project encounter potentially contaminated soils, specific waste handling, disposal, or other precautions may be necessary pursuant to hazardous waste management LORS. Staff finds that proposed Conditions of Certification **WASTE-1** and **WASTE-2** would be adequate to address any soil contamination contingency that may be encountered during construction of the project and would further support compliance with LORS.

### **Proposed Project - Construction and Demolition (C&D) Waste Diversion and Mitigation**

The Integrated Waste Management Act of 1989 [Assembly Bill (AB) 939, Sher, Chapter 1095, Statutes of 1989] set landfill waste diversion goals of 50 percent (by 2000) for local jurisdictions. To meet this goal, many jurisdictions require applicants for construction and demolition projects to submit a reuse/recycling plan for at least 50 percent of C&D materials prior to the issuance of a building or demolition permit. While the IVS project is not responsible to a local jurisdiction (the Imperial Valley Resource Management Agency does not have a County Demolition Waste Diversion Program), staff will require the applicant to meet the 50 percent waste diversion rate. Adoption of Condition of Certification **WASTE-6** will ensure the applicant meets the waste diversion goals of the C&D program. Staff believes that compliance with proposed Condition of Certification **WASTE-6** would also help ensure that project wastes are managed properly and further reduce potential impacts to local landfills from project wastes.

### **Proposed Project - Operation Impacts and Mitigation**

The proposed IVS Project would generate both non-hazardous and hazardous wastes in solid and liquid forms under normal operating conditions. Table 5.14-3 of the project Application for Certification (AFC) summarizes the anticipated operation waste streams, estimated waste volumes and generation frequency, and proposed management methods. This information is presented below in **Waste Management Table 2**. Before operations can begin, the project owner would be required to develop and implement an Operations Waste Management Plan as required in the proposed Condition of Certification **WASTE-7**. This would ensure that an accurate record is maintained of the project's waste storage, generation, and disposal, and compliance with waste regulations is maintained during operation.

**Waste Management Table 2**  
**Summary of Operation Waste Streams and Management Methods**

<b>Waste Stream and Classification</b>	<b>Origin and Composition</b>	<b>Estimated Amount</b>	<b>Estimated Frequency of Generation</b>	<b>On-site Treatment</b>
Office and packaging materials from supplies deliveries – non-hazardous	Paper, wood, plastic, cardboard	10 cubic yards per week	Intermittent	Segregation into composition type, store for less than 30 days
Sanitary wastewater solids – non-hazardous	Rest rooms and sanitary waste	5,000 gallons per month	Intermittent	Septic system
Spent batteries – hazardous, recyclable	Lead acid, alkaline, gel cell, nickel cadmium	30 units per week	Intermittent	Store for less than 30 days
PCU oil and motor oil – hazardous, recyclable	PCU overhaul	18 gallons per month	Intermittent	Two 100 U.S.-gallon tanks for filtering and re-use in PCU
PCU coolant – ethylene glycol – hazardous	PCU overhaul	18 gallons per month	Intermittent	Store for less than 90 days
PCU hydrogen gas – non-hazardous, recyclable	Refill k-bottles in place	5,000 k-bottles per month	2 times per year per SunCatcher	Refill k-bottles on-site
Oily absorbent and spent oil filters – hazardous, recyclable	PCU and hydraulic equipment overhauls	One 55-gallon drum per month	Intermittent	Store for less than 90 days
Oily rags – non-hazardous	PCU and hydraulic equipment overhauls	One 55-gallon drum per month	Intermittent	Store for less than 90 days
Used hydraulic fluid, oils and grease – hazardous, recyclable	PCU and hydraulic equipment overhauls	Less than 11 gallons per month	Intermittent	Store for less than 90 days
De-mineralized water treatment wastewater salt cake – non-hazardous or designated waste	Zero discharge system; naturally occurring salt compounds	90,200 pounds per year	Intermittent	Evaporative pond containment

### ***Non-Hazardous Solid Wastes***

Non-hazardous solid wastes generated during project operations would consist of glass, paper, wood, plastic, cardboard, deactivated equipment and parts, defective or broken

electrical materials, empty non-hazardous containers, and other miscellaneous solid wastes. The project would generate approximately 10 cubic yards of non-hazardous solid waste per week. Such wastes would be recycled to the greatest extent possible, and the remainder would be removed on a regular basis for disposal in a Class III landfill. Non-hazardous oily rags (one 55-gallon drum per month) would be laundered at an authorized recycle facility. Sanitary wastewater solids would be treated with an onsite septic system, and sludge would be delivered to an off-site disposal facility.

### ***Non-Hazardous Liquid Wastes***

Non-hazardous liquid wastes would be generated during facility operation and are discussed in the **SOIL AND WATER RESOURCES** section of this document.

### ***Hazardous Wastes***

The project owner/operator would be considered the generator of hazardous wastes at the site during facility operations. Therefore, the project owner's unique hazardous waste generator identification number, obtained prior to construction in accordance with proposed Condition of Certification **WASTE-4**, would be retained and used for hazardous waste generated during facility operation.

Hazardous wastes that may be generated during routine project operation include motor oil and coolant from the power conversion unit (PCU), batteries, oily absorbent and spent oil filters, and used hydraulic fluid (SES 2008a, p. 5.14-9). In addition, spills and unauthorized releases of hazardous materials or hazardous wastes may generate contaminated soils or cleanup materials that may also require management and disposal as hazardous waste. Proper hazardous material handling and good housekeeping practices would help keep spill wastes to a minimum. However, to ensure proper cleanup and management of any contaminated soils or waste materials generated from hazardous materials spills, staff proposes Condition of Certification **WASTE-8**, requiring the project owner/operator to document, clean up, and properly manage and dispose of wastes from any hazardous materials spills or releases in accordance with all applicable federal, state, and local requirements. More information on project hazardous materials management spill reporting, containment, and spill control and countermeasures plan provisions for the project are provided in the **HAZARDOUS MATERIALS MANAGEMENT** section of this document.

The amount of hazardous wastes generated during the operation of IVS project would be minor, with source reduction and recycling of wastes implemented whenever possible. The hazardous wastes would be accumulated on site, transported off site by licensed hazardous waste haulers, and recycled or disposed of at authorized disposal facilities in accordance with established standards applicable to generators of hazardous waste (Title 22, CCR, §66262.10 et seq.). Should any operations waste management-related enforcement action be taken or initiated by a regulatory agency, the project owner would be required by proposed Condition of Certification **WASTE-5** to notify the CPM when advised of any such action.



## **Proposed Project - Closure and Decommissioning Impacts and Mitigation**

### **Project Closure**

Project closure can be temporary or permanent. Temporary closure is defined as a shutdown for a period exceeding the time required for normal maintenance, including closure for overhaul or replacement of the major components, such as major transformers, switchgear, etc. Causes for temporary closure include inclement weather and/or natural hazards (e.g., winds in excess of 35 mph, or cloudy conditions limiting solar insolation values to below the minimum solar insolation required for positive power generation, etc.), or damage to the Project from earthquake, fire, storm, or other natural acts. Permanent closure is defined as a cessation in operations with no intent to restart operations owing to project age, damage to the project that is beyond repair, adverse economic conditions, or other significant reasons.

### **Temporary Closure**

In the unforeseen event that the project is temporarily closed, a contingency plan for the temporary cessation of operations would be implemented. The contingency plan would be followed to ensure conformance with applicable LORS and to protect public health, safety, and the environment. The plan, depending on the expected duration of the shutdown, may include the draining of chemicals from storage tanks and other equipment and the safe shutdown of equipment. Wastes would be disposed of according to applicable LORS.

### **Permanent Closure**

The planned life of the Solar Two project is 40 years; however, if the project is still economically viable, it could be operated longer. It is also possible that the project could become economically noncompetitive before 40 years have passed, forcing early decommissioning. Whenever the project is permanently closed, the closure procedure would follow a plan that would be developed as described below.

The removal of the project from service, or decommissioning, may range from “mothballing” to the removal of equipment and appurtenant facilities, depending on conditions at the time. Because the conditions that would affect the decommissioning decision are largely unknown at this time, these conditions would be presented to the Energy Commission, the BLM, and other applicable agencies.

To ensure that public health, safety, and the environment are protected during decommissioning, a decommissioning plan would be submitted to the Energy Commission for approval before decommissioning. The plan would discuss the following:

- Proposed decommissioning activities for the project and appurtenant facilities constructed as part of the project,
- Conformance of the proposed decommissioning activities with applicable LORS and local/regional plans,
- Activities necessary to restore the project site if the plan requires removal of equipment and appurtenant facilities,

- Decommissioning alternatives other than complete restoration to the original condition, and
- Associated costs of the proposed decommissioning and the source of funds to pay for the decommissioning.

In general, the decommissioning plan for the project would attempt to maximize the recycling of project components. Imperial Valley Solar would attempt to sell unused chemicals back to the suppliers or other purchasers or users. Equipment containing chemicals would be drained and shut down to ensure public health and safety and to protect the environment. Nonhazardous wastes would be collected and disposed of in appropriate landfills or waste collection facilities. Hazardous wastes would be disposed of according to applicable LORS. The site would be secured 24 hours per day during the decommissioning activities, and Imperial Valley Solar would provide periodic update reports to the Energy Commission, the BLM, and other appropriate parties.

Premature closure or unexpected cessation of project operations would be outlined in the Project Closure Plan. The plan would outline steps to secure hazardous and non-hazardous materials and wastes. Such steps would be consistent with Best Management Practices and according to applicable LORS. The plan would include monitoring of vessels and receptacles of hazardous material and wastes, safe cessation of processes using hazardous materials or hazardous wastes, and inspection of secondary containment structures.

Planned permanent closure effects would be incorporated into the Project Closure Plan and evaluated at the end of the project's economic operation. The Project Closure Plan would document non-hazardous and hazardous waste management practices including the inventory, management, and disposal of hazardous materials and wastes and the permanent closure of permitted hazardous materials and waste storage units.

The closure and decommissioning of the IVS Project would produce both hazardous and non-hazardous solid and liquid waste. Required elements of a facility's closure would be outlined in a facility closure plan as specified in Conditions of Certification **COMPLIANCE-11**, **-12**, and **-13** (see Section E.1). **COMPLIANCE -11** includes provisions for site restoration and rehabilitation. To ensure adequate review of a planned project closure, the IVS project owner shall submit a proposed facility closure plan to the Energy Commission and BLM for review and approval at least 12 months (or other period of time agreed to by the CPM) prior to commencement of closure activities. The facility closure plan will document non-hazardous and hazardous waste management practices including: the inventory, management, and disposal of hazardous materials and wastes, and permanent disposal of permitted hazardous materials and waste storage units.

Staff expects that there will be adequate landfill capacity available to dispose of both non-hazardous and hazardous waste from the closure or decommissioning of the proposed project. Conditions of Certification **WASTE-3** through **-8** would continue to apply to IVS during closure or decommissioning of the project.

## **Proposed Project - Impact on Existing Waste Disposal Facilities**

### ***Non-Hazardous Solid Wastes***

Construction and operation of the proposed project would respectively generate 80 cubic yards and 10 cubic yards per week of nonhazardous solid waste (wood, paper/cardboard, glass, plastic, insulation, and concrete), respectively. The waste would be stored onsite for less than 30 days, and then recycled or disposed of in a Class III landfill.

Table 5.14-1 of the project AFC identifies four waste disposal facilities in Imperial County that could potentially take the non-hazardous construction, operation and closure/decommissioning wastes generated by the IVS Project. The remaining combined capacity of the three landfill facilities that are currently operating is over 3.78 million cubic yards. The Mesquite Regional Landfill, scheduled to be fully operational in 2011/2012, will have a capacity of 600 million tons (Mesquite Regional Landfill 2010). The non-hazardous solid waste generated from project construction is estimated to be 13,900 cubic yards (80 cubic yards per week for 40 months), and the total amount from lifetime operations is estimated to be 20,800 cubic yards (10 cubic yards per week for 40 years). These quantities include both recyclable and non-recyclable wastes. Additional non-recyclable sanitary sludge (the non-liquid portion of 5,000 gallons of wastewater per month during operation) and saltcake (90,200 pounds per year of operation) would also be disposed off-site. The total non-recyclable solid waste would contribute less than 1 percent of the available landfill capacity. Staff finds that disposal of the solid wastes generated by the IVS Project can occur without impacting the capacity or remaining life of any of these facilities.

### ***Hazardous Wastes***

AFC Table 5.14-1 lists landfills and recycling facilities that could be used to manage project wastes. Two hazardous waste (Class I) disposal facilities are currently accepting waste and could be used to manage IVS wastes: the Clean Harbors Buttonwillow Landfill in Kern County and the Chemical Waste Management Kettleman Hills Landfill in Kings County. The Kettleman Hills facility also accepts Class II and Class III wastes. In total, there is a combined excess of 16 million cubic yards of remaining hazardous waste disposal capacity at these landfills, with at least 30 years remaining in their operating lifetimes (EEC2006a, Section 8.14.3.5.2). In addition, the Kettleman Hills facility is in the process of permitting an additional 4.6 to 4.9 million cubic yards of disposal capacity (Waste Management 2009), and the Buttonwillow facility has 40 years to reach its capacity at its current disposal rate (CEC2008aa).

Hazardous wastes generated during construction, operation and closure/decommissioning would be recycled to the extent possible and practical. Those wastes that cannot be recycled would be transported off site to a permitted treatment, storage, or disposal facility. From waste streams presented in AFC Tables 5.14-2 and 5.14-3 (SES2008a), staff calculated that approximately 375 cubic yards of recyclable and non-recyclable hazardous waste would be generated over the 40 week construction period. Approximately 50 cubic yards of hazardous non-recyclable waste would be generated over the 40-year operating lifetime. Thus the quantity of hazardous wastes from the IVS

Project requiring off-site disposal would not impact the remaining capacity of either Class 1 waste facility.

#### **C.14.4.4 CEQA LEVEL OF SIGNIFICANCE**

Absent any unusual circumstances, staff considers project compliance with LORS and staff's conditions of certification to be sufficient to ensure that no significant adverse impacts (per guidelines in CEQA Appendix G: Environmental Checklist Section XVI-Utilities and Service Systems) would occur as a result of project waste management.

#### **C.14.5 300 MW ALTERNATIVE**

---

The 300 MW alternative would essentially be Phase 1 of the proposed 750 MW project. This alternative is shown in **Alternatives Figure 1**. The 300 MW alternative would retain 40 percent of the SunCatchers and would affect 40 percent of the land of the proposed 750 MW project. The linear routes would remain the same, although the 750-MW substation would be reduced to 300-MW capacity.

##### **C.14.5.1 SETTING AND EXISTING CONDITIONS**

The general setting and existing conditions would remain as described in C.14.4.1 although the land requirements would be proportionately reduced to reflect the smaller project size. Locations of laydown areas may also vary.

##### **C.14.5.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The 300 MW alternative would generate similar types of hazardous and non-hazardous wastes from construction, demolition of manufacturing buildings, operation and closure/decommissioning of the project. However, the quantities of waste would be reduced by 60%. The amount of non-hazardous and hazardous solid wastes generated under a 300 MW alternative that would require landfill/treatment over the life of the project would be approximately 8,320 and 20 cubic yards, respectively. Similar to the proposed project, wastes requiring off-site disposal would not impact the remaining capacity of off-site disposal facilities. The location of the 300 MW alternative further away from the USG facility in Plaster City would reduce the potential for any RECs from operation of the facility. Similar to the proposed project, staff will not require investigation and remediation of soil and groundwater contamination. Disposal methods would remain the same as for the proposed project and the same Conditions of Certification (**WASTE-1** through **-8** and **COMPLIANCE-11** through **-13**) would apply.

##### **C.14.5.3 CEQA LEVEL OF SIGNIFICANCE**

Similar to the proposed project, staff considers project compliance with LORS and staff's conditions of certification to be sufficient to ensure that no significant adverse impacts would occur as a result of waste management associated with the 300 MW alternative.

## **C.14.6 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

---

The first of two alternatives developed to reduce impacts to the waters of the U.S. would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries. This alternative is illustrated in **Alternatives Figure 1B**. This alternative would have the same outer project boundaries as the proposed project, but it would include prohibition of installing permanent structures within drainages, thereby reducing the available acreage for development to 4,690 acres, and reducing the number of SunCatchers from 30,000 under the proposed project to 25,290.

### **C.14.6.1 SETTING AND EXISTING CONDITIONS**

The setting of the Drainage Avoidance #1 alternative is the same as that for the proposed project, as described in Section C.14.4.1. This alternative has the same boundaries as the proposed project.

### **C.14.6.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The Drainage Avoidance #1 alternative would generate similar types of hazardous and non-hazardous wastes from construction, demolition and operation of the project. However, the quantities of waste would be reduced due to the reduced use of the site required by avoiding the primary drainages and the reduced number of SunCatchers. The amount of non-hazardous and hazardous solid wastes generated under this alternative that would require landfill/treatment would be reduced in comparison to the proposed project. Similar to the proposed project, wastes requiring off-site disposal would not impact the remaining capacity of off-site disposal facilities. The boundaries of this alternative are the same as those of the proposed project, so there would exist similar potential for operations at the USG facility in Plaster City to create RECs. Similar to the proposed project, staff will not require investigation and remediation of soil and groundwater contamination. Disposal methods would remain the same as for the proposed project and the same Conditions of Certification (**WASTE-1** through **-8** and **COMPLIANCE-11** through **-13**) would apply to this alternative.

### **C.14.6.3 CEQA LEVEL OF SIGNIFICANCE**

Similar to the proposed project, staff considers project compliance with LORS and staff's conditions of certification to be sufficient to ensure that no significant adverse impacts would occur as a result of waste management associated with the Drainage Avoidance #1 alternative.

## **C.14.7 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

---

The Drainage Avoidance #2 alternative would eliminate both the eastern and westernmost portions of the proposed project, where the largest drainage complexes are located. This alternative is shown in **Alternatives Figure 1C**. It would reduce the overall size of the project site by 3,347 acres (from 6,500 acres to 3,153 acres). It would also reduce the number of SunCatchers from 30,000 under the proposed project to 16,915. In this alternative, permanent structures would be allowed within all drainages inside the revised project boundaries.

### **C.14.7.1 SETTING AND EXISTING CONDITIONS**

The setting of the Drainage Avoidance #2 alternative is the same as that for the proposed project, as described in Section C.14.4.1. This alternative is located entirely within the boundaries of the proposed project.

### **C.14.7.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The Drainage Avoidance #2 alternative would generate similar types of hazardous and non-hazardous wastes from construction, demolition and operation of the project. However, the quantities of waste would be substantially reduced due to the reduced use of the site required by avoiding the major drainages at the east and west ends of the property. The amount of non-hazardous and hazardous solid wastes generated under this alternative that would require landfill/treatment would be substantially reduced in comparison to the proposed project. Similar to the proposed project, wastes requiring off-site disposal would not impact the remaining capacity of off-site disposal facilities. The boundaries of this alternative are smaller than those of the proposed project, but still in close proximity to Plaster City operations, so there would exist similar potential for operations at the USG facility in Plaster City to create RECs. Similar to the proposed project, staff will not require investigation and remediation of soil and groundwater contamination. Disposal methods would remain the same as for the proposed project and the same Conditions of Certification (**WASTE-1** through **-8** and **COMPLIANCE-11** through **-13**) would apply to this alternative.

### **C.14.7.3 CEQA LEVEL OF SIGNIFICANCE**

Similar to the proposed project, staff considers project compliance with LORS and staff's conditions of certification to be sufficient to ensure that no significant adverse impacts would occur as a result of waste management associated with the Drainage Avoidance #2 alternative.

## **C.14.8 NO PROJECT/NO ACTION ALTERNATIVES**

---

### **C.14.8.1 NO PROJECT/NO ACTION ALTERNATIVE #1:**

#### **No Action on the IVS project application and on CDCA land use plan amendment**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, no new wastes would be generated. This No Project/No Action Alternative would not result in impacts to waste management at this location. However, the land on which the project is proposed would become available to

other uses that are consistent with BLM's land use plan, including another solar project requiring a land use plan amendment. In addition, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations

#### **C.14.8.3 NO PROJECT/NO ACTION ALTERNATIVE #2:**

##### **No Action on the IVS project and amend the CDCA land use plan to make the area available for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would amend the CDCA Land Use Plan of 1980, as amended, to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site will be developed with another solar technology. Different solar technologies would create different amounts and types of wastes based on the technology components and requirements; however, it is expected that the construction of all solar technologies at the site would generate waste. As such, impacts to waste management from the solar project would likely be similar to impacts to waste management from the proposed project. Therefore, this No Project/No Action Alternative could result in waste management impacts similar to the impacts under the proposed project.

#### **C.14.8.4 NO PROJECT/NO ACTION ALTERNATIVE #3:**

##### **No Action on the IVS project application and amend the CDCA land use plan to make the area unavailable for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and the BLM would amend the CDCA Plan to make the proposed site unavailable for future solar development. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because the CDCA Plan would be amended so no solar projects can be approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, no wastes would be generated from the construction or operation of the proposed project under this alternative. Therefore, this No Project/No Action Alternative would not result in impacts to waste management. However, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

#### **C.14.9 CUMULATIVE IMPACTS**

---

A project may result in a significant adverse cumulative impact where its effects are cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future

projects (California Code Regulation, Title 14, section 15130). NEPA states that cumulative effects can result from individually minor but collectively significant actions taking place over a period of time” (40 CFR §1508.7).

There is the potential for substantial future development in the Imperial Valley area and throughout the southern California desert region. Analysis of cumulative impacts is based on data provided in the following maps and tables (see **Section G.4, Cumulative Scenario**):

- Cumulative Impacts Figure 1, Regional Renewable Applications;
- Cumulative Impacts Figure 2, Imperial County Renewable Applications on BLM Land;
- Cumulative Impacts Figure 3, Plaster City - Existing and Future/Foreseeable Projects;
- Cumulative Impacts Table 1A, Renewable Energy Projects in the California Desert District
- Cumulative Impacts Table 1B, Energy Projects on State and Private Lands
- Cumulative Impacts Table 2, Existing Projects in the Plaster City Area; and
- Cumulative Impacts Table 3, Future Foreseeable Projects in the Plaster City Area.

Existing projects/future foreseeable projects figures and tables include both energy and non-energy projects.

The analysis in this section first defines the geographic area over which cumulative impacts related to waste management could occur. The cumulative impact analysis itself describes the potential for cumulative impacts to occur as a result of implementation of the IVS project along with the listed local and regional projects.

### **C15.9.1 GEOGRAPHIC EXTENT**

Cumulative impacts can occur within the Imperial Valley if implementation of the IVS Project could combine with those of other local or regional projects. Cumulative impacts could also occur as a result of development of some of the many proposed solar and wind development projects that have been or are expected to be under consideration by the BLM and the Energy Commission in the near future. Many of these projects are located within the California Desert Conservation Area, as well as on BLM land in Nevada and Arizona.

The geographic extent for the analysis of the cumulative impacts associated with the IVS Project includes Imperial County. This geographic scope is appropriate because waste disposal facilities in Imperial County are the ones most likely to be used for disposal of waste generated by the IVS Project considering regulatory acceptability and transport costs.



## **C15.9.2 CUMULATIVE IMPACT ANALYSIS**

### **Local Projects**

The IVS Project would generate non-hazardous solid waste that would add to the total waste generated in Imperial County. Non-hazardous solid waste generated by all of the past, present, and reasonably foreseeable projects presented in **Cumulative Impacts Table 2** and **Cumulative Impacts Table 3** would also be disposed of within Imperial County. However, project wastes would be generated in modest quantities, waste recycling would be employed wherever practical, and sufficient capacity is available at several treatment and disposal facilities to handle the volumes of wastes that would be generated by the project. Most of the reasonably foreseeable projects identified in **Cumulative Impacts Table 3** would generate smaller volumes of non-hazardous waste than the IVS Project. The total amount of available solid waste landfill capacity in Imperial County expected once the Mesquite Regional Landfill reaches its full operating capacity exceeds 600 million tons. The Mesquite Landfill alone has an operating life of 100 years (Mesquite Regional Landfill 2010). Therefore, even if all 16 of these reasonably foreseeable projects were constructed, staff concludes that the non-hazardous waste generated by the IVS Project would not result in significant adverse cumulative waste management impacts under CEQA.

As stated above, the non-recyclable component of the 355 cubic yards of total hazardous construction waste and the less than 50 cubic yards of non-recyclable lifetime operations waste from the IVS Project would be far less than staff's threshold of significance and would not impact the capacity or remaining life of the Class I waste facilities. The very small quantities of project hazardous waste and the similarly small quantities of hazardous waste that would potentially be generated by the reasonably foreseeable projects would not result in significant adverse cumulative waste management impacts under CEQA.

### **Regional Projects**

Implementation of the multiple solar and wind projects proposed to be developed in the Mojave Desert, and other planned non-energy projects, would result in an increase in generation of hazardous and non-hazardous solid and liquid waste and would add to the total quantity of waste generated in Imperial County. However, project wastes would be generated in modest quantities, waste recycling would be employed wherever practical, and sufficient capacity is available at several treatment and disposal facilities to handle the volumes of wastes that would be generated by the project. Therefore, impacts of the IVS Project, when combined with impacts of the future solar and wind development projects currently proposed within southeastern California, southern Nevada, and western Arizona, would not result in significant adverse and unavoidable cumulative impacts, under CEQA, with regard to waste management.

### **Cumulative Impact Conclusion**

Impacts of the IVS Project would combine with impacts of past, present, and reasonably foreseeable projects to result in a contribution to local and regional cumulative impacts related to waste management.

The amount of non-hazardous and hazardous wastes generated during construction, operation and closure/decommissioning of the IVS Project would add to the total quantity of hazardous and non-hazardous waste generated in Imperial County. However, project wastes would be generated in modest quantities, waste recycling would be employed wherever practical, and sufficient capacity is available at several treatment and disposal facilities to handle the volumes of wastes that would be generated by the project. Therefore, staff concludes that the waste generated by the IVS Project would not result in significant adverse cumulative waste management impacts, under CEQA, either locally or regionally.

#### **C.14.10 COMPLIANCE WITH LORS**

Energy Commission staff concludes that the proposed IVS Project would comply with all applicable LORS regulating the management of hazardous and non-hazardous wastes during both facility construction, operation and closure/decommissioning. The applicant is required to recycle and/or dispose hazardous and non-hazardous wastes at facilities licensed or otherwise approved to accept the wastes. Because hazardous wastes would be produced during both project construction, operation and closure/decommissioning, the IVS project owner would be required to obtain a hazardous waste generator identification number from U.S. EPA. The IVS Project would also be required to properly store, package, and label all hazardous waste; use only approved transporters; prepare hazardous waste manifests; keep detailed records; and appropriately train employees, in accordance with state and federal hazardous waste management requirements.

#### **C.14.11 NOTEWORTHY PUBLIC BENEFITS**

Staff has not identified any noteworthy public benefits associated with Waste Management.

#### **C.14.12 RESPONSE TO COMMENTS**

<b>Applicant (SES 2010j):</b> For hazardous waste storage during project operation, change the language from temporarily store hazardous waste onsite to accumulate waste onsite prior to removal.	Staff modified language as requested.
<b>Applicant (SES 2010j):</b> For construction and demolition materials, revise the submittal timeline for the reuse/recycling plan from 60 days to 30 days.	Staff modified the timeline to 30 days.
<b>Public (PEER 2010):</b> No information on application of LORS to post-closure “restoration” is included in this section. Provide full discussion of compliance of closure protocols with applicable LORS.	Staff has included discussion of closure and restoration and compliance with LORS

#### **C.14.13 PROPOSED CONDITIONS OF CERTIFICATION/MITIGATION MEASURES**

**WASTE-1** The IVS project owner (project owner) shall provide the resume of an experienced and qualified professional engineer or professional geologist,

who shall be available for during site characterization (if needed), demolition, excavation, and grading activities, to the CPM for review and approval. The resume shall show experience in remedial investigation and feasibility studies.

The professional engineer or professional geologist shall be given authority by the project owner to oversee any earth moving activities that have the potential to disturb contaminated soil and impact public health, safety and the environment.

**Verification:** At least 30 days prior to the start of site mobilization, the project owner shall submit the resume to the CPM for review and approval.

**WASTE-2** If potentially contaminated soil is identified during site characterization, demolition, excavation or grading at either the proposed site or linear facilities, as evidenced by discoloration, odor, detection by handheld instruments, or other signs, the professional engineer or professional geologist shall inspect the site, determine the need for sampling to confirm the nature and extent of contamination, and provide a written report to the project owner, representatives of Department of Toxic Substances Control or Regional Water Quality Control Board, and the CPM stating the recommended course of action.

Depending on the nature and extent of contamination, the professional engineer or professional geologist shall have the authority to temporarily suspend construction activity at that location for the protection of workers or the public. If in the opinion of the professional engineer or professional geologist, significant remediation may be required, the project owner shall contact the CPM and representatives of the Department of Toxic Substances Control or Regional Water Quality Control Board, for guidance and possible oversight.

**Verification:** The project owner shall submit any reports filed by the professional engineer or professional geologist to the CPM within five days of their receipt. The project owner shall notify the CPM within 24 hours of any orders issued to halt construction.

**WASTE-3** The project owner shall prepare a Construction Waste Management Plan for all wastes generated during construction of the facility and shall submit the plan to the CPM and AO for review and approval prior to the start of construction. The plan shall contain, at a minimum, the following:

- A description of all construction waste streams, including projections of frequency, amounts generated, and hazard classifications; and
- Management methods to be used for each waste stream, including temporary on-site storage, housekeeping and best management practices to be employed, treatment methods and companies providing treatment services, waste testing methods to assure correct classification, methods of transportation, disposal requirements and sites, and recycling and waste minimization/source reduction plans.

**Verification:** The project owner shall submit the Construction Waste Management Plan to the CPM for approval no less than 30 days prior to the initiation of construction activities at the site.

**WASTE-4** The project owner shall obtain a hazardous waste generator identification number from the United States Environmental Protection Agency (USEPA) prior to generating any hazardous waste during project construction and operations.

**Verification:** The project owner shall keep a copy of the identification number on file at the project site and provide documentation of the hazardous waste generation and notification and receipt of the number to the CPM in the next scheduled Monthly Compliance Report after receipt of the number. Submittal of the notification and issued number documentation to the CPM is only needed once unless there is a change in ownership, operation, waste generation, or waste characteristics that requires a new notification to USEPA. Documentation of any new or revised hazardous waste generation notifications or changes in identification number shall be provided to the CPM in the next scheduled compliance report.

**WASTE-5** Upon notification of any impending waste management-related enforcement action related to project site activities by any local, state, or federal authority, the project owner shall notify the CPM of any such action taken or proposed against the project itself, or against any waste hauler or disposal facility or treatment operator with which the owner contracts for the project, and describe the owner's response to the impending action or if a violation has been found, how the violation will be corrected.

**Verification:** The project owner shall notify the CPM in writing within 10 days of receiving written notice from authorities of an impending enforcement action. The CPM shall notify the project owner of any changes that will be required in the way project-related wastes are managed as a result of a finalized action against the project.

**WASTE-6** The project owner shall provide a reuse/recycling plan for at least 50 percent of construction and demolition materials prior to any building or demolition, including closure/decommissioning. The project owner shall ensure compliance and shall provide proof of compliance documentation to the CPM, including a recycling and reuse summary report, receipts, and records of measurement. Project mobilization and construction shall not proceed until the CPM issues an approval document.

**Verification:** At least 30 days prior to the start of any construction or demolition activities, the project owner shall submit a reuse recycling plan to the CPM for review and approval. The project owner shall ensure that project activities are consistent with the approved reuse/recycling plan and provide adequate documentation of the types and volumes of wastes generated, how the wastes were managed, and volumes of wastes diverted. Project mobilization and construction shall not proceed until the CPM issues an approval document. Not later than 60 days after completion of project construction, the project owner shall submit documentation of compliance with the diversion program requirements to the CPM. The required documentation shall include a recycling and reuse summary report along with all necessary receipts and records of measurement from entities receiving project wastes.

- WASTE-7** The project owner shall prepare an Operation Waste Management Plan for all wastes generated during operation of the IVS facility and shall submit the plan to the CPM for review and approval. The plan shall contain, at a minimum, the following:
- A detailed description of all operation and maintenance waste streams, including projections of amounts to be generated, frequency of generation, and waste hazard classifications;
  - Management methods to be used for each waste stream, including temporary on-site storage, housekeeping and best management practices to be employed, treatment methods and companies providing treatment services, waste testing methods to assure correct classification, methods of transportation, disposal requirements and sites, and recycling and waste minimization/source reduction plans;
  - Information and summary records of conversations with the local Certified Unified Program Agency and the Department of Toxic Substances Control regarding any waste management requirements necessary for project activities. Copies of all required waste management permits, notices, and/or authorizations shall be included in the plan and updated as necessary;
  - A detailed description of how facility wastes will be managed, and any contingency plans to be employed, in the event of an unplanned closure or planned temporary facility closure; and
  - A detailed description of how facility wastes will be managed and disposed of upon closure of the facility.

**Verification:** The project owner shall submit the Operation Waste Management Plan to the CPM for approval no less than 30 days prior to the start of project operation. The project owner shall submit any required revisions to the CPM within 20 days of notification from the CPM that revisions are necessary.

The project owner shall also document in each Annual Compliance Report the actual volume of wastes generated and the waste management methods used during the year; provide a comparison of the actual waste generation and management methods used to those proposed in the original Operation Waste Management Plan; and update the Operation Waste Management Plan as necessary to address current waste generation and management practices.

- WASTE-8** The project owner shall ensure that all spills or releases of hazardous substances, hazardous materials, or hazardous waste are documented and cleaned up and that wastes generated from the release/spill are properly managed and disposed of, in accordance with all applicable federal, state, and local requirements.

**Verification:** The project owner shall document management of all unauthorized releases and spills of hazardous substances, hazardous materials, or hazardous wastes that occur on the project property or related linear facilities. The documentation shall include, at a minimum, the following information: location of release; date and time of

release; reason for release; volume released; how release was managed and material cleaned up; amount of contaminated soil and/or cleanup wastes generated; if the release was reported; to whom the release was reported; release corrective action and cleanup requirements placed by regulating agencies; level of cleanup achieved and actions taken to prevent a similar release or spill; and disposition of any hazardous wastes and/or contaminated soils and materials that may have been generated by the release. A copy of the unauthorized release/spill documentation shall be provided to the CPM within 30 days of the date the release was discovered.

## **C.14.14 CONCLUSIONS**

---

Consistent with the three main objectives for staff's waste management analysis (as noted in the Introduction section of this analysis), staff provides the following conclusions:

After review of the applicant's proposed waste management procedures, staff concludes that project wastes would be managed in compliance with all applicable waste management LORS. Staff notes that construction, demolition, and operation wastes would be characterized and managed as either hazardous or non-hazardous waste. All non-hazardous wastes would be recycled to the extent feasible, and nonrecyclable wastes would be collected by a licensed hauler and disposed of at a permitted solid waste disposal facility. Hazardous wastes would be accumulated onsite in accordance with accumulation time, and then properly manifested, transported to, and disposed of at a permitted hazardous waste management facility by licensed hazardous waste collection and disposal companies.

However, to help ensure and facilitate ongoing project compliance with LORS, staff proposes Conditions of Certification **WASTE-1** through **-8**. These conditions would require the project owner to do all of the following:

- Ensure the project site is investigated and any contamination identified is remediated as necessary, with appropriate professional and regulatory agency oversight (**WASTE-1** and **-2**).
- Prepare Construction Waste Management and Operation Waste Management Plans detailing the types and volumes of wastes to be generated and how wastes will be managed, recycled, and/or disposed of after generation (**WASTE-3** and **-7**).
- Obtain a hazardous waste generator identification number (**WASTE-4**).
- Ensure that all spills or releases of hazardous substances are reported and cleaned-up in accordance with all applicable federal, state, and local requirements (**WASTE-8**).
- Comply with waste recycling and diversion requirements (**WASTE-6**).
- Report any waste management-related LORS enforcement actions and how violations will be corrected (**WASTE-5**).

The existing available capacity for the Class III landfills that may be used to manage nonhazardous project wastes exceeds 3.73 million cubic yards, with another 600 million cubic yards of capacity expected in the future with full operation of the Mesquite

Regional Landfill. The total amount of non-hazardous wastes generated from construction, demolition and operation of the IVS project would contribute much less than 1 percent of the projected landfill capacity. Therefore, disposal of project generated non-hazardous wastes would not impact Class III landfill capacity.

In addition, the two Class I disposal facilities that could be used for hazardous wastes generated by the construction and operation of IVS have a combined remaining capacity in excess of 16 million cubic yards, with another 4.6 to 4.9 million cubic yards of proposed capacity. The total amount of hazardous wastes (405 cubic yards) generated by the IVS project would not impact remaining permitted capacity at Class I landfills.

Staff concludes that management of the waste generated during construction, operation and closure/decommissioning of the IVS project would not result in any significant adverse impacts under CEQA, and would comply with applicable LORS, if the waste management practices and mitigation measures proposed in the IVS project AFC and staff's proposed conditions of certification are implemented. Similar to the proposed project, staff considers project compliance with applicable waste management laws, ordinances, regulations, and standards and staff's conditions of certification to be sufficient to ensure that no significant adverse impacts under CEQA would occur as a result of waste management associated with the 300 MW alternative, Drainage Avoidance #1 alternative and Drainage Avoidance #2 alternative.

## **C.14.15 REFERENCES**

---

CCR 2008 – California Environmental Quality Act (CEQA) Guidelines. Title 14, California Code of Regulations, section 15000 and the following (Cal. Code Regs., tit. 14, §15000 et seq.).

California Integrated Waste Management Board (CIWMB) 2008. Jurisdictions with Construction & Demolition (C&D) Ordinances. <http://www.ciwmb.ca.gov/LGCentral/Summaries/13/JurisCnD.htm>, Accessed March 18, 2009

EEC 2006a – Eastshore Energy Center, LLC/ G. Trewitt (tn: 37923) Application for Certification for the Eastshore Energy Center. 09/15/2006 Rec'd 09/22/2006

Mesquite Regional Landfill – 2010. <http://mrlf.org/index.php?pid=5> Accessed January 28, 2010

PEER/ 2010 (tn: 56389) – Public comments from PEER on Imperial Valley Solar SA/DEIS. Submitted to the California Energy Commission, April 20, 2010.

SES (Stirling Energy Systems Solar Two, LLC) 2008a (tn: 46819) – Application for Certification for the Stirling Energy Systems (SES) Solar Two Project, Volumes 1 and 2. Submitted to the California Energy Commission, June 30, 2008.

SES 2008f – Applicant's Response to BLM and Energy Commission Data Request Set 1, Part 1 (1-52) (tn: 49322), December 8, 2008.

SES 2009q – Supplement to the Application for Certification for the SES Solar Two Project (tn: 51973). Submitted to the California Energy Commission, June 12, 2009.

SES 2010g - Imperial Valley Solar (formerly Solar Two) (08-AFC-5) Supplement to the Application for Certification, May 5, 2010

SES 2010j - Imperial Valley Solar (formerly Solar Two) (08-AFC-5) Applicant's Comments on the SA/DEIS,, March 12, 2010

SES 2010m - Imperial Valley Solar (formerly Solar Two) (08-AFC-5) Additional Information Related to the Seeley Wastewater Reclamation Facility Improvements, (tn: ), February 26, 2010

Waste Management 2009 – Kettleman Hills Facility Project Update. [http://www.kettlemanhillsfacts.com/project\\_update.html](http://www.kettlemanhillsfacts.com/project_update.html), Accessed March 18, 2009.



## C.15 - WORKER SAFETY AND FIRE PROTECTION

Testimony of Rick Tyler and Alvin Greenberg Ph.D

### C.15.1 SUMMARY OF CONCLUSIONS

---

Energy Commission Staff (hereafter referred to as staff) conclude that if the applicant for the proposed Imperial Valley Solar Project provides project construction safety and health and project operations and maintenance safety and health programs, as required by conditions of certification **WORKER SAFETY -1, -2, -3, -4, -5, and -6**, the project would incorporate sufficient measures to both ensure adequate levels of industrial safety and comply with applicable laws, ordinances, regulations, and standards (LORS). These proposed conditions of certification ensure that these programs, proposed by the applicant, will be reviewed by the appropriate agencies before they are implemented. The conditions also require verification that the proposed plans adequately ensure worker safety and fire protection and comply with applicable LORS.

With adoption of Staff's proposed Conditions of Certification the proposed project would not cause significant impacts on local fire protection services. Staff has proposed **WORKER SAFETY -7** with some placeholder values inserted while the Imperial County Fire Department evaluates impacts on local fire protection services.

### C.15.2 INTRODUCTION

---

Worker safety and fire protection are regulated through federal, state, and local LORS. Industrial workers at the facility both operate equipment and handle hazardous materials daily, and could face hazards resulting in accidents and serious injury. Protection measures are employed to eliminate or reduce these hazards or minimize their risk through special training, protective equipment, and procedural controls.

The purpose of this **WORKER SAFETY AND FIRE PROTECTION** section of this Supplemental Staff Assessment is to assess the worker safety and fire protection measures proposed by the Imperial Valley Solar (IVS) Project applicant and determine whether the applicant has proposed adequate measures to:

- Comply with applicable safety LORS;
- Protect workers during the construction and operation of the facility;
- Protect against fire; and
- Provide adequate emergency response procedures.

## **C.15.3 METHODOLOGY AND THRESHOLDS FOR DETERMINING ENVIRONMENTAL CONSEQUENCES**

---

### **C.15.3.1 LAWS, ORDINANCES, REGULATION, AND STANDARDS**

**Worker Safety and Fire Protection Table 1  
Laws, Ordinances, Regulations, and Standards**

<b>Applicable Law</b>	<b>Description</b>
<b>Federal</b>	
29 U.S. Code sections 651 et seq (Occupational Safety and Health Act of 1970)	This Act mandates safety requirements in the workplace, with the purpose of “[assuring] so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources” (29 USC § 651).
29 CFR sections 1910.1 to 1910.1500 (Occupational Safety and Health Administration Safety and Health Regulations)	These sections define the procedures for promulgating regulations and conducting inspections to implement and enforce safety and health procedures to protect workers, particularly in the industrial sector.
29 CFR sections 1952.170 to 1952.175	These sections provide federal approval of California’s plan for enforcement of its own safety and health requirements, in lieu of most of the federal requirements found in 29 CFR §1910.1 to 1910.1500.
<b>State</b>	
2007 Edition of California Fire Code and all applicable NFPA standards (24 CCR Part 9)	NFPA standards are incorporated into the California State Fire Code. The fire code contains general provisions for fire safety, including road and building access, water supplies, fire protection and life safety systems, fire-resistive construction, storage of combustible materials, exits and emergency escapes, and fire alarm systems.
Title 24, California Code of Regulations (24 CCR § 3, et seq.)	The California Building Code is comprised of 11 parts containing building design and construction requirements as they relate to fire, life, and structural safety. It incorporates current editions of the International Building Code, including the electrical, mechanical, energy, and fire codes applicable to the project.

<b>Applicable Law</b>	<b>Description</b>
8 CCR all applicable sections (Cal/OSHA regulations)	Requires that all employers follow these regulations as they pertain to the work involved. This includes regulations pertaining to safety matters during the construction, commissioning, and operation of power plants, as well as safety around electrical components, fire safety, and hazardous materials usage, storage, and handling.
24 CCR section 3, et seq.	Incorporates the current edition of the International Building Code.
Health and Safety Code sections 25500 to 25541	Requires a Hazardous Materials Business plan detailing emergency response plans for hazardous materials emergencies at a facility.
<b>Local (or locally enforced)</b>	
County of Imperial Codified Ordinances Section 820.0100	The County Imperial has adopted the 2007 California Fire Code in Section 820.0100 of the County Codified Ordinance does not have additional LORS that apply to Hazardous Materials Handling, but administers the State of California programs as the CUPA.

## **C.15.4 PROPOSED PROJECT**

---

### **C.15.4.1 SETTING**

Fire support services to the Imperial Valley Solar facility will be provided by the Imperial County Fire Department. The Imperial County Fire Department will also respond to hazardous materials incidents at the Imperial Valley Solar facility. The response time and firefighting capabilities are acceptable in the remote location of this facility.

### **C.15.4.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

#### **Method and Threshold for Determining Significance**

Two issues are assessed in **WORKER SAFETY AND FIRE PROTECTION**:

1. The potential for impacts on the safety of workers during demolition, construction, operations, and closure and decommissioning activities; and
2. Fire prevention/protection, emergency medical response, and hazardous materials spill response during demolition, construction, operations, and closure and decommissioning activities.

Worker safety is essentially a LORS compliance matter and if all LORS are followed, workers will be adequately protected. Thus, the standard for staff's review and determination of significant impacts on worker health is whether the applicant has demonstrated adequate knowledge of and commitment to implementation of all pertinent and relevant Cal-OSHA standards.

Staff reviews and evaluates the on-site fire-fighting systems proposed by the applicant, as well as the time needed for off-site local fire departments to respond to a fire, medical, or hazardous material emergency at the IVS Project site. If on-site systems do not follow established codes and industry standards, staff recommends additional measures. Staff reviews local fire department capabilities and response times. If staff determines that the presence of the power plant would cause a significant impact on a local fire department, Staff will recommend that the applicant mitigate this impact.

## **DIRECT/INDIRECT IMPACTS AND MITIGATION**

### **Proposed Project Worker Safety**

Industrial environments are potentially dangerous during both construction and operation. Workers at the proposed project will be exposed to loud noises, moving equipment, trenches, and confined space entry and egress. Workers may sustain falls, trips, burns, lacerations, and other injuries. They may be exposed to falling equipment or structures, chemical spills, hazardous waste, fires, explosions, and electrical sparks or electrocution. It is important that IVS Project has well-defined policies and procedures, training, and hazard recognition and control to minimize these hazards and protect workers. If the facility complies with all LORS, workers will be adequately protected from health and safety hazards.

A Safety and Health Program will be prepared by the applicant to minimize worker hazards during construction and operation of the project. "Safety and Health Program," for staff, refers to measures that will be taken to ensure compliance with the applicable LORS during the construction and operation of the project.

### **Construction Safety and Health Program**

The IVS Project includes the construction and operation of a Stirling cycle solar power plant. The project will present construction risks and operational risks to workers typical of those existing at other power plants. In addition the facility will pose risks associated with use of hydrogen as a working fluid. The risk to workers is minimized through onsite generation (which reduces storage of hydrogen) and through rigorous safety management practices required by applicable LORS.

Construction safety orders are published at Title 8 of the California Code of Regulations, section 1502 et seq. These requirements are promulgated by Cal/OSHA and apply to the construction phase of the project. The construction safety and health program will include the following:

- Construction injury and illness prevention program (8 CCR § 1509);
- Construction fire prevention plan (8 CCR § 1920);
- Personal protective equipment program (8 CCR §§ 1514 - 1522); and
- Emergency action program and plan.

Additional programs under General Industry Safety Orders (8 CCR §§ 3200 to 6184), Electrical Safety Orders (8 CCR §§2299 to 2974) and Unfired Pressure Vessel Safety Orders (8 CCR §§ 450 to 544) will include:

- Electrical safety program;
- Motor vehicle and heavy equipment safety program;
- Forklift operation program;
- Excavation/trenching program;
- Fall protection program;
- Scaffolding/ladder safety program;
- Articulating boom platforms program;
- Crane and material handling program;
- Housekeeping and material handling and storage program;
- Respiratory protection program;
- Employee exposure monitoring program;
- Hand and portable power tool safety program;
- Hearing conservation program;
- Back injury prevention program;
- Hazard communication program;
- Heat and cold stress monitoring and control program;
- Pressure vessel and pipeline safety program;
- Hazardous waste program;
- Hot work safety program;
- Permit-required confined space entry program; and
- Demolition procedure (if applicable).

The AFC includes adequate outlines for each of the above programs (SES 2008a). Prior to the project's start of construction, detailed programs and plans will be provided pursuant to Condition of Certification **WORKER SAFETY-1**.

## **Operations and Maintenance Safety and Health Program**

Prior to the start-up of IVS Project, an operations and maintenance safety and health program will be prepared. This program will include the following programs and plans:

- Injury and illness prevention program (8 CCR § 3203);
- Fire prevention program (8 CCR § 3221);
- Personal protective equipment program (8 CCR §§ 3401 to 3411); and
- Emergency action plan (8 CCR § 3220).

In addition, the requirements under General Industry Safety Orders (8 CCR §§ 3200 to 6184), Electrical Safety Orders (8 CCR §§ 2299 to 2974) and Unfired Pressure Vessel Safety Orders (8 CCR §§ 450 to 544) will apply to this project. Written safety programs for the Imperial Valley Solar Project, which the applicant will develop, will ensure compliance with those requirements.

The AFC includes adequate outlines for an injury and illness prevention program, an emergency action plan, a fire prevention program, and a personal protective equipment program (SES 2008a). Prior to operation of IVS Project, all detailed programs and plans will be provided pursuant to Condition of Certification **WORKER SAFETY-2**.

## **Safety and Health Program Elements**

As mentioned above, the applicant provided the proposed outlines for both a Construction Safety and Health Program and an Operations Safety and Health Program. The measures in these plans are derived from applicable sections of state and federal law. The major items required in both Safety and Health Programs are as follows:

### ***Injury and Illness Prevention Program (IIPP)***

The IIPP will include the following components (BSE2007a, section 5.16.4.4):

- Identify persons with the authority and responsibility for implementing the program;
- Establish the safety and health policy of the plan;
- Define work rules and safe work practices for construction activities;
- Establish a system for ensuring that employees comply with safe and healthy work practices;
- Establish a system to facilitate employer-employee communication;
- Develop procedures for identifying and evaluating workplace hazards and establish necessary program(s);
- Establish methods for correcting unhealthy/unsafe conditions in a timely manner;

- Determine and establish training and instruction requirements and programs;
- Specify safety procedures; and
- Provide training and instruction.

### ***Fire Prevention Plan***

The California Code of Regulations requires an operations fire prevention plan (8 CCR § 3221). The AFC outlines a proposed fire prevention plan that is acceptable to staff (SOLAR 2007a, section 6.18.3.1). The plan will include the following:

- Determine general program requirements;
- Determine fire hazard inventory, including ignition sources and mitigation;
- Develop good housekeeping practices and proper materials storage;
- Establish employee alarms and/or communication system(s);
- Provide portable fire extinguishers at appropriate site locations;
- Locate fixed firefighting equipment in suitable areas;
- Specify fire control requirements and procedures;
- Establish proper flammable and combustible liquid storage facilities;
- Identify the location and use of flammable and combustible liquids;
- Provide proper dispensing and determine disposal requirements for flammable liquids;
- Establish and determine training and instruction requirements and programs; and
- Identify contacts for information on plan contents.

Staff proposes that the applicant submit a final fire prevention plan to the California Energy Commission compliance project manager (CPM) for review and approval and to the EFD for review and comment to satisfy proposed conditions of certification

**WORKER SAFETY-1** and **WORKER SAFETY-2**.

### ***Personal Protective Equipment Program***

California regulations require personal protective equipment (PPE) and first aid supplies whenever hazards in the environment, or from chemicals or mechanical irritants, could cause injury or impair bodily function through absorption, inhalation, or physical contact (8 CCR sections 3380 to 3400). The IVS Project operational environment will require PPE.

All safety equipment must meet National Institute of Safety and Health (NIOSH) or American National Standards Institute (ANSI) standards and will carry markings, numbers, or certificates of approval. Respirators must meet NIOSH and Cal/OSHA standards. Each employee must be provided with the following information about protective clothing and equipment:

- Proper use, maintenance, and storage;
- When protective clothing and equipment are used;
- Benefits and limitations; and
- When and how protective clothing and equipment are replaced.

The PPE program ensures that employers comply with applicable requirements for PPE and provides employees with the information and training necessary to protect them from potential hazards in the workplace, and will be required as per proposed Conditions of Certification **WORKER SAFETY-1 and -2**.

### ***Emergency Action Plan***

California regulations require an emergency action plan (8 CCR § 3220). The AFC contains a satisfactory outline for an emergency action plan (SES 2008a).

The outline lists the following features:

- Establishes emergency procedures for the protection of personnel, equipment, the environment, and materials;
- Identifies fire and emergency reporting procedures;
- Determines response actions for accidents involving personnel and/or property;
- Develops response and reporting requirements for bomb threats;
- Specifies site assembly and emergency evacuation route procedures;
- Defines natural disaster responses (for example, earthquakes, high winds, and flooding);
- Establishes reporting and notification procedures for emergencies (including on-site, off-site, local authorities, and/or state jurisdictions);
- Determines alarm and communication systems needed for specific operations;
- Includes a spill response, prevention, and countermeasure (SPCC) plan;
- Identifies emergency personnel (response team) responsibilities and notification roster;
- Specifies emergency response equipment and strategic locations; and



- Establishes and determines training and instruction requirements and programs.

An emergency action plan is required by applicable LORS and Staff's proposed Conditions of Certification **WORKER SAFETY-1** and **-2**

### ***Written Safety Program***

In addition to the specific plans listed above, additional LORS called "safe work practices" apply to the project. Both the construction and operations safety programs will address safe work practices in a variety of programs. The components of these programs include, but are not limited to, the programs found under the heading "Construction Safety and Health Program" in this staff assessment.

In addition, the project owner would be required to provide personnel protective equipment and exposure monitoring for workers involved in activities where contaminated soil and/or contaminated groundwater exist, per staff's proposed Conditions of Certification **WORKER SAFETY-1** and **-2**.

These proposed conditions of certification ensure that workers are properly protected from any hazardous wastes at the site.

### **Safety Training Programs**

Employees will be trained in the safe work practices described in the above-referenced safety programs.

### **Additional Safety Issues**

This solar power plant will present a unique work environment that includes a solar field located in the high desert. The area under the solar arrays must be kept free from weeds and thus herbicides will be applied as necessary. Exposure to workers via inhalation and ingestion of dusts containing herbicides poses a health risk. Finally, workers will regularly inspect the solar array for broken or non-functioning mirrors by driving up and down dirt paths between the rows of mirrors and even under the mirrors. Cleaning and servicing the mirrors will also be conducted on a routine schedule. All these activities will take place year-round and especially during the summer months of peak solar power generation, when outside ambient temperatures routinely reach 115°F and above.

The applicant has indicated that workers will be adequately trained and protected, but has not included precautions against exposure to herbicides. Therefore, to ensure that workers are indeed protected, staff has proposed additional requirements found in Conditions of Certification **WORKER SAFETY-6**. This requirement consists of the following provisions:

- The development and implementation of Best Management Practices (BMP) for the storage and application of herbicides used to control weeds beneath and around the solar array.

A BMP requiring proper herbicide storage and application, as recommended in Condition of Certification **WORKER SAFETY-6**, will mitigate potential risks to workers

from exposure to herbicides and reduce the chance that herbicides will contaminate either surface water or groundwater. Staff suggests that a BMP follow either the guidelines established by the U.S. EPA (EPA 1993), or more recent guidelines established by the State of California or U.S. EPA.

### **Additional Mitigation Measures**

Protecting construction workers from injury and disease is one of the greatest challenges today in occupational safety and health. The following facts are reported by NIOSH:

- More than seven million persons work in the construction industry, representing 6 percent of the labor force. Approximately 1.5 million of these workers are self-employed;
- Of approximately 600,000 construction companies, 90 percent employ fewer than 20 workers. Few have formal safety and health programs;
- From 1980-1993, an average of 1,079 construction workers were killed on the job each year, with more fatal injuries than any other industry;
- Falls caused 3,859 construction worker fatalities, or 25.6 percent of the total, between 1980 and 1993;
- 15 percent of workers' compensation costs are spent on construction-related injuries;
- Ensuring safety and health in construction is a complex task involving short-term work sites, changing hazards, and multiple operations and crews working in close proximity to one another;
- In 1990, Congress directed NIOSH to conduct research and training to reduce diseases and injury among construction workers in the United States. Under this mandate, NIOSH funds both intramural and extramural research projects.

The hazards associated with the construction industry are well documented. These hazards increase in complexity in the multi-employer worksites typical of large, complex industrial projects like gas-fired power plants. In order to reduce and/or eliminate these hazards, it has become standard industry practice to hire a construction safety supervisor to ensure a safe and healthful environment for all workers. This has been evident in the audits of power plants recently conducted by the staff. The Federal Occupational Safety and Health Administration (OSHA) has also entered into strategic alliances with several professional and trade organizations to promote and recognize safety professionals trained as construction safety supervisors, construction health and safety officers, and other professional designations. The goal of these partnerships is to encourage construction subcontractors to improve their safety and health performance; to assist them in striving to eliminate the four major construction hazards (falls, electrical, caught in/between, and struck-by hazards) that account for the majority of fatalities and injuries in this industry and have been the focus of targeted OSHA inspections; to prevent serious accidents in the construction industry through implementation of enhanced safety and health programs and increased employee training; and to recognize subcontractors that have exemplary safety and health programs.

There are no OSHA or Cal-OSHA requirements that an employer hire or provide for a construction safety officer. OSHA and Cal-OSHA regulations do, however, require that safety be provided by an employer and the term “Competent Person” appears in many OSHA and Cal-OSHA standards, documents, and directives. A “Competent Person” is defined by OSHA as an individual who, by way of training and/or experience, is knowledgeable of standards, is capable of identifying workplace hazards relating to the specific operations, is designated by the employer, and has authority to take appropriate action. Therefore, in order to meet the intent of the OSHA standard to provide for a safe workplace during power plant construction, staff proposes Condition of Certification **WORKER SAFETY-3**, which would require the applicant/project owner to designate and provide for a project site construction safety supervisor.

As discussed above, the hazards associated with the construction industry are well documented. These hazards increase in complexity in the multi-employer worksites typical of large, complex industrial projects like power plants.

Accidents, fires, and a worker death have occurred at Energy Commission-certified power plants in the recent past because of both the failure to recognize and control safety hazards and the inability to adequately monitor compliance with occupational safety and health regulations. Safety problems have been documented by Energy Commission staff in safety audits, conducted in 2005, at several power plants under construction. The findings of the audit include, but are not limited to, safety oversights like:

- Lack of posted confined-space warning placards/signs;
- Confusing and/or inadequate electrical and machinery lockout/tagout permitting and procedures;
- Confusing and/or inappropriate procedures for handing over lockout/tagout and confined space permits from the construction team to the commissioning team, and then to operations;
- Dangerous placement of hydraulic elevated platforms under one another;
- Inappropriate placement of fire extinguishers near hotwork;
- Dangerous placement of numerous power cords in standing water on the site, increasing the risk of electrocution;
- Inappropriate and unsecure placement of above-ground natural gas pipelines inside the facility, but too close to the perimeter fence; and
- Lack of adequate employee or contractor written training programs that address the proper procedures to follow in the event of the discovery of suspicious packages or objects either onsite or offsite.

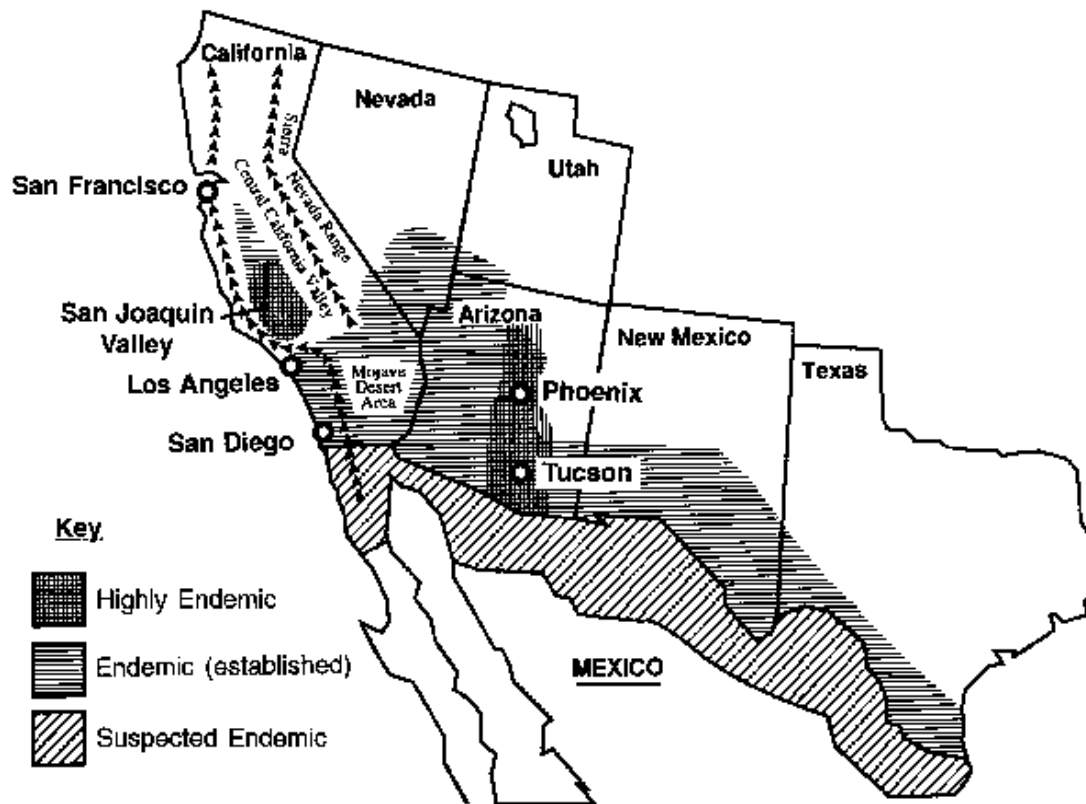
In order to reduce and/or eliminate these hazards, it is necessary for the Energy Commission to require a professional Safety Monitor on-site to track compliance with Cal-OSHA regulations and periodically audit safety compliance during construction, commissioning, and the hand-over to the operations staff. These requirements are outlined in Condition of Certification **WORKER SAFETY-4**. A Safety Monitor, hired by the project owner but reporting to the Chief Building Official (CBO) and the Compliance

Project Manager (CPM), will serve as an extra set of eyes to ensure that safety procedures and practices are fully implemented during construction at all power plants certified by the Energy Commission. During audits conducted by staff, most site safety professionals welcomed the audit team and actively engaged them in questions about the team's findings and recommendations. These safety professionals recognized that safety requires continuous vigilance and that the presence of an independent audit team provides a "fresh perspective" of the site.

### **Valley Fever (Coccidioidomycosis)**

Coccidioidomycosis or "Valley Fever" (VF) is primarily encountered in southwestern states, particularly in Arizona and California. It is caused by inhaling the spores of the fungus *Coccidioides immitis*, which are released from the soil during soil disturbance (e.g., during construction activities) or wind erosion. The disease usually affects the lungs and can have potentially severe consequences, especially in at-risk individuals such as the elderly, pregnant women, and people with compromised immune systems. Trenching, excavation, and construction workers are often the most exposed population. Treatment usually includes rest and antifungal medications. No effective vaccine currently exists for Valley Fever. VF is endemic to the San Joaquin Valley in California, which presumably gave this disease its common name. In California, the highest VF rates are recorded in Kern, Kings, and Tulare Counties, followed by Fresno and San Luis Obispo Counties. Also, LA County, San Diego County, San Bernardino County, and Riverside County have reported VF cases although much fewer.

# **Worker Safety and Fire Protection Figure 1** **The geographic distribution of coccidioidomycosis\***



\*Source: CDC 2006, Figure 2

A 2004 CDC report found that the number of reported cases of coccidioidomycosis in the US increased by 32 percent during 2003-2004, with the majority of these cases occurring in California and Arizona. The report attributed these increases to changes in land use, demographics, and climate in endemic areas, although certain cases might be attributable to increased physician awareness and testing (CDC 2006). According to the CDC Morbidity and Mortality Weekly Report of February 2009, incidences of valley fever have increased steadily in Arizona and California in the past decade. Cases of coccidioidomycosis averaged about 2.5 per 100,000 population annually from 1995 to 2000 and increased to 8.0 per 100,000 population between 2000 and 2006 (incident rates tripled). In 2007 there was a slight drop in cases, but the rate was still the highest it has been since 1995. The report identified Kern County as having the highest incidence rates (150.0 cases per 100,000 population), and non-Hispanic blacks having the highest hospitalization rates (7.5 per 100,000 population). In addition, between the years 2000 and 2006, the number of valley fever related hospitalizations climbed from 1.8 to 4.3 per 100,000 population (611 cases in 2000 to 1,587 cases in 2006) and then decreased to 1,368 cases in 2007 (3.6 per 100,000 population). Overall in California, during 2000-2007, a total of 752 (8.7 percent) of the 8,657 persons hospitalized for coccidioidomycosis died (CDC 2009).

A 2007 study published in the Emerging Infectious Diseases journal of the Center for Disease Control and Prevention (CDC), found the frequency of hospitalization for

coccidioidomycosis in the entire state of California to be 3.7 per 100,000 residents per year for the period between 1997 and 2002 (see Table 3 below). There were 417 deaths from VF in California in those years, resulting in a mortality rate of 2.1 per 1 million California residents annually.

**Worker Safety and Fire Protection Table 3:  
Hospitalizations for coccidioidomycosis, California, 1997–2002\***

Category	Total hospitalizations	Total person-yrs ( $\times 10^6$ )	Frequency of hospitalization**	Frequency of hospitalization for coccidioidal meningitis**
Total	7,457	203.0	3.67	0.657
Year				
1997	1,269	32.5	3.90	0.706
1998	1,144	32.9	3.50	0.706
1999	1,167	33.4	3.5	0.61
2000	1,100	34.0	3.23	0.62
2001	1,291	34.7	3.7	0.58
2002	1,486	35.3	4.2	0.71
Highest incidence counties				
Kern	1,700	3.97	42.8	
Tulare	479	2.21	21.7	
Kings	133	0.77	17.4	
SLO	170	1.48	11.5	

\*Source: Flaherman 2007 \*\*Per 100,000 residents per year

Although the IVS Project will be located in far western Imperial Valley, data obtained for nearby San Diego County has about 120 cases per year (population roughly 3 million). In comparison, an average of over 1,000 cases have been reported annually in Kern County during the last five years and cases of VF in nearby Riverside County have remained steady in the past several years, fluctuating only slightly between 48 and 55 cases per year.

A 1996 paper that tried to explain the sudden increase in Coccidioidomycosis cases that began in the early 1990's found that the San Joaquin Valley in California has the largest population of *C. immitis*, which is found to be distributed unevenly in the soil and seems to be concentrated around animal burrows and ancient Indian burial sites. It is usually found 4 to 12 inches below the surface of the soil. The paper also reported that incidences of coccidioidomycosis vary with the seasons; with highest rates in late summer and early fall when the soil is dry and the crops are harvested. Dust storms are frequently followed by outbreaks of coccidioidomycosis (Kirkland 1996). A modeling attempt to establish the relationship between fluctuations in VF incident rates and weather conditions in Kern County found that there is only a weak connection between weather and VF cases (weather patterns correlate with up to 4 percent of outbreaks). The study concluded that the factors that cause fluctuations in VF cases are not weather-related but rather biological and anthropogenic (i.e. human activities, primarily construction on previously undisturbed soil) (Talamantes 2007).

During correspondence with Dr. Michael MacLean of the Kings County Health Department, he noted that according to his experience and of those who study VF, it is

very hard to find the fungus in soil that was previously farmed and irrigated, which greatly reduces the risk of infection resulting from disturbance of farmed lands. This does not apply to previously undisturbed lands where excavation, grading, and construction may correlate with increases in VF cases. Dr. MacLean feels that with the current state of knowledge, we can only speculate on the causes and trends influencing VF cases and he does not feel that construction activities are necessarily the cause of VF outbreaks (KCEHS 2009).

Valley Fever is spread through the air. If soil containing the fungus is disturbed by construction, natural disasters, or wind, the fungal spores get into the air where people can breathe in the spores. The disease is not spread from person to person. Occupational or recreational exposure to dust is an important consideration. Agricultural workers, construction workers, or others (such as archeologists) who dig in the soil in the disease-endemic area of the Central Valley are at the highest risk for the disease (CDC 2006; CDHS 2010). The risk for disseminated coccidioidomycosis is much higher among some ethnic groups, particularly African-Americans and Filipinos. In these ethnic groups, the risk for disseminated coccidioidomycosis is tenfold that of the general population (CDC 2006).

Given the available scientific and medical literature on Valley Fever, it is difficult for staff to assess the potential for VF to impact workers during construction and operation of the proposed BSPP with a reasonable degree of certainty. To minimize potential exposure of workers and also the public to coccidioidomycosis during soil excavation and grading, extensive wetting of the soil prior to and during construction activities should be employed and dust masks should be worn at certain times during these activities. The dust (PM10) control measures found in the Air Quality section of this Revised SA should be strictly adhered to in order to adequately reduce the risk of contracting VF to less than significant. Staff proposes Condition of Certification **WORKER SAFETY-8** which would require that the dust control measures found in proposed Conditions **AQ-SC3** and **AQ-SC4** be supplemented with additional requirements including implementing methods equivalent to the requirements of Rule 402 of the Kern County Air Pollution Control District (as amended Nov. 3, 2004).

### **Proposed Project Fire Hazards**

During construction and operation of the proposed IVS Project there is the potential for small fires, major structural fires, major hydrogen fires and wild fires. Electrical sparks, combustion of fuel oil, natural gas, hydraulic fluid, mineral oil, insulating fluid at the project power plant switchyard or flammable liquids, explosions, and overheated equipment, may cause fires. Major structural fires in areas without automatic fire detection and suppression systems are unlikely at power plants. Fires and explosions of flammable gasses or liquids are rare. Compliance with all LORS will be adequate to ensure protection from all fire hazards associated with the project. Wild fires fueled by off-site vegetation could have potential effects on workers and project facilities are not expected to be caused by the project. If wild fires are external to the IVS Project boundaries, they would not be the responsibility of the project owner to suppress. However, the applicant plans to remove all vegetation in the vicinity of the solar power towers, substation and administration areas, and to cut and maintain vegetation in the solar field. The access road along the perimeter fence lines will also serve as a fire break.

Staff reviewed the information provided in the AFC to determine if available fire protection services and equipment would adequately protect workers, and to further determine the project's impact on fire protection services in the area. The project will rely on both onsite fire protection systems and local fire protection services. The onsite fire protection system provides the first line of defense for small fires. In the event of a major fire, fire support services, including trained firefighters and equipment for a sustained response, would be provided by the Imperial County Fire Department.

## **Construction**

During construction, portable fire extinguishers will be located and maintained throughout the site; safety procedures and training will also be implemented (SES 2008a).

## **Operation**

The information in the AFC indicates that the project intends to meet the fire protection and suppression requirements of the California Fire Code, all applicable recommended NFPA standards (including Standard 850, which addresses fire protection at electric generating plants), and all Cal-OSHA requirements. Fire suppression elements in the proposed plant will include both fixed and portable fire extinguishing systems.

The fire protection system would be designed to protect personnel and limit property loss and plant downtime in the event of a fire. The primary source of fire protection water would be stored in the 175,000 gallon demineralized water storage. A diesel fire water pump will increase the water pressure to the level required to serve all fire fighting systems. The applicant has proposed a number of protective measures that would help reduce the potential for harm to plant personnel and damage to facilities. These include removal of all vegetation in the vicinity of the solar engines, substation and administration areas. The access road along the perimeter fence lines would also serve as a fire break.

In addition to the fixed fire protection system, smoke detectors, flame detectors, high-temperature detectors, appropriate class of service portable extinguishers, and fire hydrants must be located throughout the facility at code-approved intervals. These systems are standard requirements of the fire code, NFPA and staff has determined that they will ensure adequate fire protection.

The applicant would be required by conditions of certification **WORKER SAFETY-1 and-2** to provide a final fire protection and prevention program to both staff and the Imperial County Fire Department prior to the construction and operation of the project in order to confirm the adequacy of the proposed fire protection measures.

In the original AFC the applicant proposed use of individual small storage bottles ("K" bottles containing 196 standard cubic feet (scf) of hydrogen at full pressure) on each sterling engine. This resulted in total on-site storage of about 6,300,000 scf of hydrogen. However, the proposed use of individual K bottles on each engine raised concerns regarding potential impacts associated with transportation of bottles to and from the site. It should also be noted that the use of individual bottles significantly reduces the risk of escalation in the event of a fire at one engine as each engine is isolated from storage on



other engines. It also did not result in any large quantity of hydrogen storage at any one location.

In a Supplement to the AFC filed on June 12, 2009 the applicant proposed use of onsite hydrogen generation and distributed storage. This design proposed in a total on-site storage of about 300,000 scf of hydrogen. This seemed at odds with project needs and was substantially less on-site storage capacity than proposed in the original filing or for the current system.

The design of the hydrogen storage and handling systems at the proposed facility has changed significantly over time. In the May 5, 2010 Supplement to the AFC, the applicant proposed modifications to the on-site generation and distributed hydrogen storage and handling systems at the proposed facility. The current proposal would result in the construction and operation of a on-site hydrogen generator utilizing electrolysis, a intermediate pressure storage tank with a capacity of 33,000 scf, 87 high pressure storage tank systems each having a capacity of 29,333 scf, 87 low pressure dump tanks having capacities of 9,900 scf, and 2610 high pressure surge tanks with capacities of 489 scf. The total combined storage capacity at the proposed facility would now be just over 5,000,000 scf of hydrogen. The El Ciento Fire Department has determined that the size and complexity of the hydrogen systems at the proposed facility will place a significant demand on local fire protection and emergency services for routine consultations, inspections and in the event of a major hydrogen incident. Staff concurs with the Fire Department's determination. The Imperial County Fire Department is currently developing specific proposals to mitigate these impacts but has requested that, in the interim, staff use the funding for mitigation proposed by the San Bernardino County Fire Department for the Calico Facility, which is nearly identical to the proposed facility. Staff recommends Condition of Certification **Worker Safety- 7** as a place holder for the potential mitigation funding to be requested by the Imperial County Fire Department.

### **Emergency Medical Services Response**

A statewide survey was conducted by staff to determine the frequency of incidents requiring emergency medical services (EMS) and off-site fire-fighters for natural gas-fired power plants in California. The purpose of this analysis was to determine what impact, if any, power plants might have on local emergency services. Staff concludes that incidents at power plants requiring fire or EMS responses are infrequent and represent an insignificant impact on local fire departments. However, staff has determined that the potential for both work-related and non-work related heart attacks exists at power plants. In fact, staff's research on the frequency of EMS response to power plants shows that many of the responses for cardiac emergencies involved non-work related incidences, including visitors. The need for prompt response within a few minutes is well documented in the medical literature. Staff believes that the quickest medical intervention can only be achieved with the use of an on-site defibrillator often called an Automatic External Defibrillator or AED; the response from an off-site provider would take longer regardless of the provider location. This fact is also well documented and serves as the basis for many private and public locations including airports, factories, and government buildings, all of which maintain on-site cardiac defibrillation devices. Therefore, staff concludes that with the availability of modern cost-effective

AED devices, it is proper in a power plant environment to maintain these devices on-site in order to treat cardiac arrhythmias resulting from industrial accidents or other non-work related causes. Therefore, an additional condition of certification, **WORKER SAFETY-5**, is proposed so that a portable AED will be located on site, and workers trained in its use.

### **Facility Closure and Decommissioning**

Upon final facility closure, no workers will remain at the site, except for those necessary to maintain security over any remaining hazardous materials until they are removed from the site. During decommissioning, worker safety would be ensured by the same CAL-OSHA and other regulations requiring safety plans and training for as were needed for construction and operations. A decommissioning Illness and Injury Prevention Plan would be included as part of the decommissioning plan.

Facility fire protection systems will remain functional while hazardous materials remain on site, and as long as feasible into the decommissioning process.

## **C.15.4.3 CEQA LEVEL OF SIGNIFICANCE**

### **Cumulative impacts and mitigation**

Staff reviewed the potential for impact associated with construction and operation of the Proposed IVS Project could have on the fire and emergency service capabilities of the Imperial County Fire Department. Staff concludes that the proposed project would result in significant impacts on local fire and emergency response services both directly and in conjunction with existing demands for these services.

### **Noteworthy public benefits**

Staff has not identified any noteworthy public benefits associated with the proposed project's potential use of fire and emergency service capabilities of the Imperial County Fire Department.

## **C.15.5 300 MW ALTERNATIVE**

---

The 300 MW alternative would essentially be Phase 1 of the proposed 750 MW project. This alternative is shown in Alternatives Figure 1.

### **C.15.5.1 SETTING AND EXISTING CONDITIONS**

The setting for this alternative would be the same as for the Phase 1 of proposed project. All land would all be under the jurisdiction of the BLM and the fire support services to the Drainage Avoidance #2 alternative would be provided by the Imperial County Fire Department. Please see the discussion existing conditions within affected BLM lands under Section C.15.4.1

### **C.15.5.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The types of construction and operational impacts of the 300 MW alternative would be the same as those of the proposed project, as described in Section C.15.4.2. The proposed project impacts are found to be less than significant with the incorporation of conditions of certification, and impacts of this alternative would be even smaller due to the smaller extent of construction disturbance and the smaller number of SunCatchers of the alternative. Construction and operation risk to workers and impacts on local fire protection services would be reduced due to the use of hydrogen and use of herbicides as a result of the reduction in the number of SunCatchers.

### **C.15.5.3 CEQA LEVEL OF SIGNIFICANCE**

Like the proposed project, the construction and operation of the 300 MW alternative would be in compliance with all applicable LORS for both long-term and short-term project impacts in the area of worker safety and fire protection with the adoption of the proposed conditions of certification. The mitigation that would be proposed for the 300 MW alternative would be the similar to mitigation for the proposed project (staff recommended conditions **WORKER SAFETY-1** to **WORKER SAFETY-7**).

## **C.15.6 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

---

The first of two alternatives developed to reduce impacts to the waters of the U.S. would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries. This alternative is illustrated in **Alternatives Figure 1B**. This alternative would have the same outer project boundaries as the proposed project, but it would include prohibition of installing permanent structures within drainages, thereby reducing the available acreage for development from 6,500 to 4,690, and reducing the generation capacity from 750 MW under the proposed project to 632 MW (84 percent of the proposed generation capacity). Rather than the 30,000 SunCatchers included in the proposed project, there would be approximately 25,000 of them installed.

### **C.15.6.1 SETTING AND EXISTING CONDITIONS**

The setting for this alternative would be the same as for the proposed project, including all the area within the proposed project boundaries. While the alternative boundaries would be the same as for the proposed project, development within the boundaries would be less dense due to avoidance of primary drainages. All land would all be under the jurisdiction of the BLM and the fire support services to the Drainage Avoidance #1 alternative would be provided by the ECDF. Please see the discussion existing conditions within affected BLM lands under Section C.15.4.1

### **C.15.6.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The types of construction and operational impacts of the Drainage Avoidance #1 alternative would be the same as those of the proposed project, as described in Section C.15.4.2. The proposed project impacts are found to be less than significant with the incorporation of conditions of certification, and impacts of this alternative would be even

smaller due to the smaller extent of construction disturbance and the smaller number of SunCatchers of the alternative. Construction and operation risk to workers due to the use of hydrogen and use of herbicides will be reduced because of the reduced number of SunCatchers.

### **C.15.6.3 CEQA LEVEL OF SIGNIFICANCE**

Like the proposed project, the construction and operation of the Drainage Avoidance #1 alternative would be in compliance with all applicable LORS for both long-term and short-term project impacts in the area of worker safety and fire protection with the adoption of the proposed conditions of certification. The mitigation that would be proposed for the Drainage Avoidance #1 Alternative would be similar to mitigation for the proposed project (staff recommended conditions **WORKER SAFETY-1** to **WORKER SAFETY-7**).

## **C.15.7 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

---

The Drainage Avoidance #2 alternative would eliminate both the eastern and westernmost portions of the proposed project, where the largest drainage complexes are located. This alternative is shown in **Alternatives Figure 1C**. It would reduce the overall size of the project area by over 50 percent (from 6,500 acres to 3,153 acres). It would also reduce the generation capacity from 750 MW to 423 MW (retaining only about 32 percent of the proposed number of SunCatchers). In this alternative, permanent structures would be allowed within all drainages inside the revised, smaller project boundaries.

### **C.15.7.1 SETTING AND EXISTING CONDITIONS**

The setting for this alternative would be the same as for the proposed project, including all the area within the proposed project boundaries. While the alternative boundaries would be the same as for the proposed project, development within the boundaries would be less dense due to avoidance of primary drainages. All land would all be under the jurisdiction of the BLM and the fire support services to the Drainage Avoidance #2 alternative would be provided by the ECDF. Please see the discussion existing conditions within affected BLM lands under Section C.15.4.1

### **C.15.7.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The types of construction and operational impacts of the Drainage Avoidance #2 alternative would be the same as those of the proposed project, as described in Section C.15.4.2. The proposed project impacts are found to be less than significant with the incorporation of conditions of certification, and impacts of this alternative would be even smaller due to the smaller extent of construction disturbance and the smaller number of SunCatchers of the alternative. Construction and operation risk to workers due to the use of hydrogen and use of herbicides will be reduced because of the reduced number of SunCatchers.

### **C.15.7.3 CEQA LEVEL OF SIGNIFICANCE**

Like the proposed project, the construction and operation of the Drainage Avoidance #1 alternative would be in compliance with all applicable LORS for both long-term and short-term project impacts in the area of worker safety and fire protection with the adoption of the proposed conditions of certification. The mitigation that would be

proposed for the Drainage Avoidance #1 Alternative would be the similar to mitigation for the proposed project (staff recommended conditions **WORKER SAFETY-1** to **WORKER SAFETY-7**).

### **C.15.8 NO PROJECT/NO ACTION ALTERNATIVE**

---

As Staff concludes that the proposed project would not have significant impacts on local fire protection services, it would not cause a significant impact on the public. Thus staff concludes that the No Project/No Action alternative would not avoid or lessen a significant impact compared to the proposed project.

Staff concludes that if the applicant for the proposed IVS Project provides project construction safety and health and project operations and maintenance safety and health programs, as required by proposed **WORKER SAFETY** conditions of certification; IVS Project would incorporate sufficient measures to ensure adequate levels of industrial safety and comply with applicable LORS. As worker safety is a LORS-conformity requirement, the No Project/No Action alternative consideration is not applicable to the worker safety topic.

### **C.15.9 RESPONSE TO COMMENTS**

---

Staff did not identify any public or agency comments on the **Worker Safety and Fire Protection** section of the SA/DEIS.

### **C.15.10 PROPOSED CONDITIONS OF CERTIFICATION**

---

**WORKER SAFETY-1** The project owner shall submit to the Compliance Project Manager (CPM) a copy of the Project Construction Safety and Health Program containing the following:

- A Construction Personal Protective Equipment Program;
- A Construction Exposure Monitoring Program;
- A Construction Injury and Illness Prevention Program;
- A Construction Emergency Action Plan; and
- A Construction Fire Prevention Plan.

The Personal Protective Equipment Program, the Exposure Monitoring Program, and the Injury and Illness Prevention Program shall be submitted to BLM's authorized officer and the CPM for review and approval concerning compliance of the program with all applicable Safety Orders. The Construction Emergency Action Plan and the Fire Prevention Plan shall be submitted to the Imperial County Fire Department for review and comment prior to submittal to the BLM's authorized officer and CPM for approval.

**Verification:** At least thirty (30) days prior to the start of construction, the project owner shall submit to CPM for review and approval a copy of the Project Construction Safety and Health Program. The project owner shall provide a copy of a letter to the

CPM from the Imperial County Fire Department stating the Fire Department's comments on the Construction Fire Prevention Plan and Emergency Action Plan.

**WORKER SAFETY-2** The project owner shall submit to the CPM a copy of the Project Operations and Maintenance Safety and Health Program containing the following:

- An Operation Injury and Illness Prevention Plan;
- An Emergency Action Plan;
- Hazardous Materials Management Program;
- Fire Prevention Program (8 CCR § 3221); and;
- Personal Protective Equipment Program (8 CCR §§ 3401-3411).

The Operation Injury and Illness Prevention Plan, Emergency Action Plan, and Personal Protective Equipment Program shall be submitted to BLM's authorized officer and the CPM for review and approval concerning compliance of the program with all applicable Safety Orders. The Operation Fire Prevention Plan and the Emergency Action Plan shall also be submitted to the Imperial County Fire Department for review and comment.

**Verification:** At least thirty (30) days prior to the start of first-fire or commissioning, the project owner shall submit to CPM for approval a copy of the Project Operations and Maintenance Safety and Health Program. The project owner shall provide a copy of a letter to BLM's authorized officer and the CPM from the Imperial County Fire Department stating the Fire Department's comments on the Operations Fire Prevention Plan and Emergency Action Plan.

**WORKER SAFETY-3** The project owner shall provide a site Construction Safety Supervisor (CSS) who, by way of training and/or experience, is knowledgeable of power plant construction activities and relevant laws, ordinances, regulations, and standards, is capable of identifying workplace hazards relating to the construction activities, and has authority to take appropriate action to assure compliance and mitigate hazards. The CSS shall:

- Have overall authority for coordination and implementation of all occupational safety and health practices, policies, and programs;
- Assure that the safety program for the project complies with Cal/OSHA and federal regulations related to power plant projects;
- Assure that all construction and commissioning workers and supervisors receive adequate safety training;
- Complete accident and safety-related incident investigations, emergency response reports for injuries, and inform the CPM of safety-related incidents; and
- Assure that all the plans identified in Worker Safety 1 and 2 are implemented.

**Verification:** At least thirty (30) days prior to the start of site mobilization, the project owner shall submit to the CPM the name and contact information for the Construction Safety Supervisor (CSS). The contact information of any replacement (CSS) shall be submitted to the CPM within one business day.

The CSS shall submit in the Annual Compliance Report documentation of monthly safety inspection reports to include:

- Record of all employees trained for that month (all records shall be kept on site for the duration of the project);
- Summary report of safety management actions and safety-related incidents that occurred during the month;
- Report of any continuing or unresolved situations and incidents that may pose danger to life or health; and
- Report of accidents and injuries that occurred during the month.

**WORKER SAFETY-4** The project owner shall make payments to the Chief Building Official (CBO) for the services of a Safety Monitor based upon a reasonable fee schedule to be negotiated between the project owner and the CBO. Those services shall be in addition to other work performed by the CBO. The Safety Monitor shall be selected by and report directly to the CBO, and will be responsible for verifying that the Construction Safety Supervisor, as required in Worker Safety 3, implements all appropriate Cal/OSHA and Commission safety requirements. The Safety Monitor shall conduct on-site (including linear facilities) safety inspections at intervals necessary to fulfill those responsibilities.

**Verification:** At least thirty (30) days prior to the start of construction, the project owner shall provide proof of its agreement to fund the Safety Monitor services to BLM's authorized officer and the CPM for review and approval.

**WORKER SAFETY-5** The project owner shall ensure that a portable automatic external defibrillator (AED) is located on site during construction and operations and shall implement a program to ensure that workers are properly trained in its use and that the equipment is properly maintained and functioning at all times. During construction and commissioning, the following persons shall be trained in its use and shall be on-site whenever the workers that they supervise are on-site: the Construction Project Manager or delegate, the Construction Safety Supervisor or delegate, and all shift foremen. During operations, all power plant employees shall be trained in its use. The training program shall be submitted to the CPM for review and approval.

**Verification:** At least thirty (30) days prior to the start of site mobilization the project owner shall submit to the CPM proof that a portable AED exists on site and a copy of the training and maintenance program for review and approval.



**WORKER SAFETY-6** The project owner shall prepare and implement a Best Management Practices (BMPs) for the storage and application of herbicides used to control weeds beneath and around the solar array. These plans shall be submitted to the CPM for review and approval.

**Verification:** At least thirty (30) days prior to the start of site mobilization, the project owner shall submit to the CPM for review and approval a copy of the Best Management Practices (BMPs) for the storage and application of herbicides.

**WORKER SAFETY—7** The project owner shall either:

(1) Reach an agreement, either individually or in conjunction with a power generation industry association or group that negotiates on behalf of its members, with the Imperial County Fire Department regarding funding of capital and operating costs to build and operate new fire protection/response infrastructure and provide appropriate equipment as mitigation of project-related impacts on fire protection services within the jurisdiction.

**or**

(2) Shall fund its share of the capital costs in the amount of \$1.4M and provide an annual payment of \$667,000 to the Imperial County Fire Department for the support of new fire department staff and operations and maintenance commencing with the start of construction and continuing annually thereafter on the anniversary until the final date of power plant decommissioning.

**Verification:** At least thirty (30) days prior to the start of site mobilization, the project owner shall provide to the CPM:

Documentation that the initial amount of \$1.4M and the first annual payment of \$667,000 has been made to the Imperial County Fire Department, and thereafter that documentation of each annual payment during construction in the January Monthly Compliance Report and during operation in the Annual Compliance Report for all subsequent years.

**WORKER SAFETY—8** The project owner shall develop and implement an enhanced Dust Control Plan that includes the requirements described in **AQ-SC3** and additionally requires:

- i. site worker use of dust masks (NIOSH N-95 or better) whenever visible dust is present;
- ii. implementation of methods consistent with Rule 402 of the Kern County Air Pollution Control District (as amended Nov. 3, 2004); and
- iii. implementation of enhanced dust control methods (increased frequency of watering, use of dust suppression chemicals, etc. consistent with **AQ-SC4**) immediately whenever visible dust comes from or onto the site or when PM10 measurements exceed 50 µg/m<sup>3</sup>.

**Verification:** At least sixty (60) days prior to the commencement of site mobilization, the enhanced Dust control Plan shall be provided to the CPM for review and approval.

## C.15.11 CONCLUSIONS

---

Staff concludes that if the applicant for the proposed Imperial Valley Solar Project provides project construction safety and health and project operations and maintenance safety and health programs, as required by conditions of certification **WORKER SAFETY -1**, and **-2**; and fulfills the requirements of conditions of certification **WORKER SAFETY-3** through **-7**, Imperial Valley Solar Project would incorporate sufficient measures to ensure adequate levels of industrial safety and comply with applicable LORS. Staff also concludes that (with staff's recommended mitigation) the proposed project would not have significant impacts on local fire protection and emergency response services.

Staff further concludes that none of the project alternatives would materially or significantly change potential impacts from the project with regard to worker safety or fire protection. None of the alternatives would be preferred to the proposed project or reduce any otherwise significant impacts on worker safety or fire protection.

## C.15.12 REFERENCES

---

California Department of Health Services (CDHS) "Coccidioidomycosis (Valley Fever)" information page, 2010.

<http://www.cdph.ca.gov/HealthInfo/discond/Pages/Coccidioidomycosis.aspx>

Center for Disease Control (CDC) 2006 - "Summary of Notifiable Diseases --- United States, 2004" MMWR Weekly, June 16.

<[http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5353a1.htm?s\\_cid=mm5353a1\\_x](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5353a1.htm?s_cid=mm5353a1_x)>

Center for Disease Control (CDC) 2009, "Increase in Coccidioidomycosis --- California, 2000—2007." Morbidity and Mortality Weekly Report, 58(05);105-109. February 13. <<http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5805a1.htm>>

California Fire Code 2007 Title 24 Part 9 – Published by the International Code Council, Whittier, CA 90601-2256

Flaherman, Valerie et al. "Estimating Severe Coccidioidomycosis in California." Center for Disease Control (CDC). *Emerging Infectious Diseases (EID) Journal*, Vol. 13, July 2007. < <http://www.cdc.gov/eid/content/13/7/pdfs/1087.pdf> >

International Fire Code 2006 – Published by the International Code Council, Whittier, CA 90601-2256

Kings County Environmental Health Services (KCEHS), information received by e-mail from Epidemiologist Michael Mac Lean, June 8, 2009.

Kirkland, Theo N. and Fierer, Joshua. "Coccidioidomycosis: A Reemerging Infectious Disease" CDC's EID Journal, July-Sep 1996.

<http://www.cdc.gov/ncidod/EID/vol2no3/kirkland.htm>

SES 2008a – Solar Energy Solutions. Application for Certification, Volumes I and II, for the Stirling Energy Systems. (tn: 46819), Submitted to CEC/Docket Unit on 6/30/2008.

Talamantes et al. "Statistical Modeling of Valley Fever Data in Kern County, California." *International Journal of Biometeorology*. 51:307-313. 2007.

USOSHA (United States Occupational Safety and Health Administration) 1993 – *Process Safety Management / Process Safety Management Guidelines For Compliance*. U.S. Department of Labor, Washington, DC.

## **D. ENGINEERING ANALYSIS**

## **D.1 - FACILITY DESIGN**

Testimony of Shahab Khoshmashrab

### **D.1.1 SUMMARY OF CONCLUSIONS**

---

The California Energy Commission staff concludes that the design, construction, and eventual closure of the project and its linear facilities would likely comply with applicable engineering laws, ordinances, regulations and standards. The proposed conditions of certification, below, would ensure compliance with these laws, ordinances, regulations and standards.

### **D.1.2 INTRODUCTION**

---

Facility design encompasses the civil, structural, mechanical, and electrical engineering design of the Imperial Valley Solar (formerly Stirling Energy Systems Solar Two Solar Two) Project and is not intended as a California Environmental Quality (CEQA) or National Environmental Policy Act (NEPA) analysis. The purpose of this analysis is solely to:

- Verify that the laws, ordinances, regulations and standards (LORS) that apply to the engineering design and construction of the project have been identified;
- Verify that both the project and its ancillary facilities are sufficiently described, including proposed design criteria and analysis methods, in order to provide reasonable assurance that the project will be designed and constructed in accordance with all applicable engineering LORS, in a manner that also ensures the public health and safety;
- Determine whether special design features should be considered during final design to address conditions unique to the site which could influence public health and safety; and
- Describe the design review and construction inspection process and establish the conditions of certification used to monitor and ensure compliance with the engineering LORS, in addition to any special design requirements.

Subjects discussed in this analysis include:

- Identification of the engineering LORS that apply to facility design;
- Evaluation of the applicant's proposed design criteria, including identification of criteria essential to public health and safety;
- Proposed modifications and additions to the application for certification (AFC) necessary for compliance with applicable engineering LORS; and
- Conditions of certification proposed by staff to ensure that the project will be designed and constructed to ensure public health and safety and comply with all applicable engineering LORS.

### D.1.3 LAWS, ORDINANCES, REGULATIONS AND STANDARDS

---

Lists of LORS applicable to each engineering discipline (civil, structural, mechanical, and electrical) are described in the AFC (SES Solar Two 2008a, Appendices F, K, M, O, P, Q, R). Key LORS are listed in **Facility Design Table 1**, below:

**Facility Design Table 1**  
**Key Engineering Laws, Ordinances, Regulations and Standards (LORS)**

Applicable LORS	Description
<b>Federal</b>	Title 29 Code of Federal Regulations (CFR), Part 1910, Occupational Safety and Health standards
<b>State</b>	2007 California Building Standards Code (CBSC) (also known as Title 24, California Code of Regulations)
<b>Local</b>	Imperial County regulations and ordinances
<b>General</b>	American National Standards Institute (ANSI) American Society of Mechanical Engineers (ASME) American Welding Society (AWS) American Society for Testing and Materials (ASTM)

### D.1.4 PROPOSED PROJECT

---

#### D.1.4.1 SETTING AND EXISTING CONDITIONS

The Imperial Valley Solar (IVS) Project would be built on an approximately 6,500-acre site located in Imperial County, California. For more information on the site and its related project description, please see the **Project Description** section of this document. Additional engineering design details are contained in the AFC, Appendices F, K, M, O, P, Q, R (SES Solar Two 2008a).

#### D.1.4.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION

The purpose of this analysis is to ensure that the project would be built to applicable engineering codes and ensure public health and life safety. This analysis further verifies that applicable engineering LORS have been identified and that the project and its ancillary facilities have been described in adequate detail. It also evaluates the applicant's proposed design criteria, describes the design review and construction inspection process, and establishes conditions of certification that would monitor and ensure compliance with engineering LORS and any other special design requirements. These conditions allow both the California Energy Commission (Energy Commission) compliance project manager (CPM) and the applicant to adopt a compliance monitoring scheme that will verify compliance with these LORS.

## SITE PREPARATION AND DEVELOPMENT

Staff has evaluated the proposed design criteria for grading, flood protection, erosion control, site drainage, and site access, in addition to the criteria for designing and constructing linear support facilities such as natural gas and electric transmission interconnections. The applicant proposes the use of accepted industry standards (see SES Solar Two 2008a, Appendices F, K, M, O, P, Q, R, for a representative list of applicable industry standards), design practices, and construction methods in preparing and developing the site. Staff concludes that this project, including its linear facilities, would most likely comply with all applicable site preparation LORS, and proposes conditions of certification (see below and the **Geology and Paleontology** section of this document) to ensure that compliance.

## MAJOR STRUCTURES, SYSTEMS, AND EQUIPMENT

Major structures, systems, and equipment are structures and their associated components or equipment that are necessary for power production, costly or time consuming to repair or replace, are used for the storage, containment, or handling of hazardous or toxic materials, or could become potential health and safety hazards if not constructed according to applicable engineering LORS. Major structures and equipment are identified in the proposed Condition of Certification **GEN-2**, below. Typically, **Facility Design Table 2** in Condition of Certification **GEN-2** lists the major structures and equipment identified in the AFC and other project related information available before project licensing; this list is based on the preliminary design of the project. The master drawing and master specifications lists described in Condition of Certification **GEN-2**, however, include the project-related documents based on the project's detailed design and may include additional documents for structures and equipment not identified in **Facility Design Table 2**. (Detailed project design typically occurs after project licensing and is not available at this time.)

The IVS Project shall be designed and constructed to the 2007 California Building Standards Code (CBSC), also known as Title 24, California Code of Regulations, which encompasses the California Building Code (CBC), California Building Standards Administrative Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Fire Code, California Code for Building Conservation, California Reference Standards Code, and other applicable codes and standards in effect when the design and construction of the project actually begin. If the initial designs are submitted to the chief building official (CBO) for review and approval after the update to the 2007 CBSC takes effect, the 2007 CBSC provisions shall be replaced with the updated provisions.

Certain structures in a power plant may be required, under the CBC, to undergo dynamic lateral force (structural) analysis; others may be designed using the simpler static analysis procedure. In order to ensure that structures are analyzed according to their appropriate lateral force procedure, staff has included condition of certification **STRUC-1**, below, which, in part, requires the project CBO's review and approval of the owner's proposed lateral force procedures before construction begins.

## PROJECT QUALITY PROCEDURES

The project's AFC (SES Solar Two 2008a, Appendices F, K, M, O, P, Q, R) describes a quality program intended to inspire confidence that its systems and components will be designed, fabricated, stored, transported, installed, and tested in accordance with all appropriate power plant technical codes and standards. Compliance with design requirements will be verified through specific inspections and audits. Implementation of this quality assurance/quality control (QA/QC) program will ensure that the IVS Project is actually designed, procured, fabricated, and installed as described in this analysis.

## COMPLIANCE MONITORING

Under Section 104.2 of the CBC, the CBO is authorized and directed to enforce all provisions of the CBC. The Energy Commission itself serves as the building official, and has the responsibility to enforce the code, for all of the energy facilities it certifies. In addition, the Energy Commission has the power to interpret the CBC and adopt and enforce both rules and supplemental regulations that clarify application of the CBC's provisions.

The Energy Commission's design review and construction inspection process conforms to CBC requirements and ensures that all facility design conditions of certification are met. As provided by Section 104.2.2 of the CBC, the Energy Commission appoints experts to perform design review and construction inspections and act as delegate CBOs on behalf of the Energy Commission. These delegates typically include the local building official and/or independent consultants hired to provide technical expertise that is not provided by the local official alone. The applicant, through permit fees provided by the CBC, pays the cost of these reviews and inspections. While building permits in addition to Energy Commission certification are not required for this project, the applicant pays in lieu of CBC permit fees to cover the costs of these reviews and inspections.

Engineering and compliance staff will invite Imperial County or a third-party engineering consultant to act as CBO for this project. When an entity has been assigned CBO duties, Energy Commission staff will complete a memorandum of understanding (MOU) with that entity to outline both its roles and responsibilities and those of its subcontractors and delegates.

Staff has developed proposed conditions of certification to ensure public health and safety and compliance with engineering design LORS. Some of these conditions address the roles, responsibilities, and qualifications of the engineers who will design and build the proposed project (conditions of certification **GEN-1** through **GEN-8**). These engineers must be registered in California and sign and stamp every submittal of design plans, calculations, and specifications submitted to the CBO. These conditions require that every element of the project's construction (subject to CBO review and approval) be approved by the CBO before it is performed. They also require that qualified special inspectors perform or oversee special inspections required by all applicable LORS.

While the Energy Commission and delegate CBO have the authority to allow some flexibility in scheduling construction activities, these conditions are written so that no



element of construction (of permanent facilities subject to CBO review and approval) which could be difficult to reverse or correct can proceed without prior CBO approval. Elements of construction that are not difficult to reverse may proceed without approval of the plans. The applicant bears the responsibility to fully modify construction elements in order to comply with all design changes resulting from the CBO's subsequent plan review and approval process.

#### **D.1.4.3 CEQA LEVEL OF SIGNIFICANCE**

As described in the Introduction above, the Facility Design section addresses LORS consistency and provides the agencies a vehicle for verifying compliance with these LORS during construction and operation of power generating facilities. This section is not intended to address environmental impacts under either CEQA or NEPA.

#### **D.1.5 300 MW ALTERNATIVE**

---

The Facility Design section is not intended to address environmental impacts under either CEQA or NEPA.

#### **D.1.6 DRAINAGE AVOIDANCE ALTERNATIVE #1**

---

The Facility Design section is not intended to address environmental impacts under either CEQA or NEPA.

#### **D.1.7 DRAINAGE AVOIDANCE ALTERNATIVE #2**

---

The Facility Design section is not intended to address environmental impacts under either CEQA or NEPA.

#### **D.1.8 NO PROJECT / NO ACTION ALTERNATIVE**

---

The Facility Design section is not intended to address environmental impacts under either CEQA or NEPA.

#### **D.1.9 CUMULATIVE IMPACT ANALYSIS**

---

The Facility Design section is not intended to address environmental impacts under either CEQA or NEPA.

#### **D.1.10 COMPLIANCE WITH LORS**

---

A detailed discussion of the proposed project's compliance with LORS applicable to facility design is provided above in subsection D.1.4.2.

#### **D.1.11 NOTEWORTHY PUBLIC BENEFITS**

---

Staff has not identified any noteworthy public benefits associated with this Facility Design section.

## **D.1.12 PROPOSED CONDITIONS OF CERTIFICATION/MITIGATION MEASURES**

---

**GEN-1** The project owner shall design, construct, and inspect the project in accordance with the 2007 California Building Standards Code (CBSC), also known as Title 24, California Code of Regulations, which encompasses the California Building Code (CBC), California Building Standards Administrative Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Fire Code, California Code for Building Conservation, California Reference Standards Code, and all other applicable engineering LORS in effect at the time initial design plans are submitted to the CBO for review and approval (the CBSC in effect is the edition that has been adopted by the California Building Standards Commission and published at least 180 days previously). The project owner shall ensure that all the provisions of the above applicable codes are enforced during the construction, addition, alteration, moving, demolition, repair, or maintenance of the completed facility. All transmission facilities (lines, switchyards, switching stations and substations) are covered in the conditions of certification in the **Transmission System Engineering** section of this document.

In the event that the initial engineering designs are submitted to the CBO when the successor to the 2007 CBSC is in effect, the 2007 CBSC provisions shall be replaced with the applicable successor provisions. Where, in any specific case, different sections of the code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

The project owner shall ensure that all contracts with contractors, subcontractors, and suppliers clearly specify that all work performed and materials supplied comply with the codes listed above.

**Verification:** Within 30 days following receipt of the certificate of occupancy, the project owner shall submit to the CPM a statement of verification, signed by the responsible design engineer, attesting that all designs, construction, installation, and inspection requirements of the applicable LORS and the Energy Commission's decision have been met in the area of facility design. The project owner shall provide the CPM a copy of the certificate of occupancy within 30 days of receipt from the CBO.

Once the certificate of occupancy has been issued, the project owner shall inform the CPM at least 30 days prior to any construction, addition, alteration, moving, demolition, repair, or maintenance to be performed on any portion(s) of the completed facility that requires CBO approval for compliance with the above codes. The CPM will then determine if the CBO needs to approve the work.

**GEN-2** Before submitting the initial engineering designs for CBO review, the project owner shall furnish the CPM and the CBO with a schedule of facility design submittals, and master drawing and master specifications lists. The schedule shall contain a list of proposed submittal packages of designs, calculations,

and specifications for major structures and equipment. To facilitate audits by Energy Commission staff, the project owner shall provide specific packages to the CPM upon request.

**Verification:** At least 60 days (or a project owner- and CBO-approved alternative time frame) prior to the start of rough grading, the project owner shall submit to the CBO and to the CPM the schedule, the master drawing and master specifications lists of documents to be submitted to the CBO for review and approval. These documents shall be the pertinent design documents for the major structures and equipment listed in **Facility Design Table 2**, below. Major structures and equipment shall be added to or deleted from the table only with CPM approval. The project owner shall provide schedule updates in the monthly compliance report.

**Facility Design Table 2**  
**Major Structures and Equipment List**

Equipment/System	Quantity (Plant)
Solar Dish Stirling Unit (CT) Foundation and Connections (Pedestal FDN)	1 Lot
Administration Building Structure, Foundation and Connections	1
Maintenance Building Structure, Foundation and Connections	1
Assembly Building Structure, Foundation and Connections	3
Fuel Storage Tanks Structure, Foundation and Connections	2
Water Treatment Area Structure, Foundation and Connections	1
Potable Water Tank Structure, Foundation and Connections	1
Fire Protection/Mirror Washing Water Tank Structure, Foundation and Connections	1
Raw Water Tank Structure, Foundation and Connections	1
Waste Water Treatment Facility Structure, Foundation and Connections	1
Septic Tank Structure, Foundation and Connections	1
Diesel Standby Generator Foundation and Connections	1
Electric Fire Pump Foundation and Connections	1
Service Transformer Foundation and Connections	1
Hydrogen Tanks	1 Lot
Chemical Storage Area	1 Lot
Drainage Systems (including sanitary drain and waste)	1 Lot
High Pressure and Large Diameter Piping and Pipe Racks	1 Lot
HVAC Systems	1 Lot
Temperature Control and Ventilation Systems (including water and sewer connections)	1 Lot
Building Energy Conservation Systems	1 Lot
Substation, Switchboards, Transformers, Buses and Towers	1 Lot
Electrical Cables/Duct Banks	1 Lot
Prefabricated Assemblies	1 Lot

**GEN-3** The project owner shall make payments to the CBO for design review, plan checks, and construction inspections, based upon a reasonable fee schedule to be negotiated between the project owner and the CBO. These fees may be consistent with the fees listed in the 2007 CBC, adjusted for inflation and other appropriate adjustments; may be based on the value of the facilities reviewed; may be based on hourly rates; or may be otherwise agreed upon by the project owner and the CBO.

**Verification:** The project owner shall make the required payments to the CBO in accordance with the agreement between the project owner and the CBO. The project owner shall send a copy of the CBO's receipt of payment to the CPM in the next monthly compliance report indicating that applicable fees have been paid.

**GEN-4** Prior to the start of rough grading, the project owner shall assign a California-registered architect, or a structural or civil engineer, as the resident engineer (RE) in charge of the project. All transmission facilities (lines, switchyards, switching stations, and substations) are addressed in the conditions of certification in the **Transmission System Engineering** section of this document.

The RE may delegate responsibility for portions of the project to other registered engineers. Registered mechanical and electrical engineers may be delegated responsibility for mechanical and electrical portions of the project, respectively. A project may be divided into parts, provided that each part is clearly defined as a distinct unit. Separate assignments of general responsibility may be made for each designated part.

The RE shall:

1. Monitor progress of construction work requiring CBO design review and inspection to ensure compliance with LORS;
2. Ensure that construction of all facilities subject to CBO design review and inspection conforms in every material respect to applicable LORS, these conditions of certification, approved plans, and specifications;
3. Prepare documents to initiate changes in approved drawings and specifications when either directed by the project owner or as required by the conditions of the project;
4. Be responsible for providing project inspectors and testing agencies with complete and up-to-date sets of stamped drawings, plans, specifications, and any other required documents;
5. Be responsible for the timely submittal of construction progress reports to the CBO from the project inspectors, the contractor, and other engineers who have been delegated responsibility for portions of the project; and
6. Be responsible for notifying the CBO of corrective action or the disposition of items noted on laboratory reports or other tests when they do not conform to approved plans and specifications.

The resident engineer (or his delegate) must be located at the project site, or be available at the project site within a reasonable period of time, during any hours in which construction takes place.

The RE shall have the authority to halt construction and to require changes or remedial work if the work does not meet requirements.

If the RE or the delegated engineers are reassigned or replaced, the project owner shall submit the name, qualifications and registration number of the

newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer.

**Verification:** At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of rough grading, the project owner shall submit to the CBO for review and approval, the resume and registration number of the RE and any other delegated engineers assigned to the project. The project owner shall notify the CPM of the CBO's approvals of the RE and other delegated engineer(s) within five days of the approval.

If the RE or the delegated engineer(s) is subsequently reassigned or replaced, the project owner has five days to submit the resume and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer within five days of the approval.

**GEN-5** Prior to the start of rough grading, the project owner shall assign at least one of each of the following California registered engineers to the project: a civil engineer; a soils, geotechnical, or civil engineer experienced and knowledgeable in the practice of soils engineering; and an engineering geologist. Prior to the start of construction, the project owner shall assign at least one of each of the following California registered engineers to the project: a design engineer who is either a structural engineer or a civil engineer fully competent and proficient in the design of power plant structures and equipment supports; a mechanical engineer; and an electrical engineer. (California Business and Professions Code section 6704 et seq., and sections 6730, 6731 and 6736 require state registration to practice as a civil engineer or structural engineer in California). All transmission facilities (lines, switchyards, switching stations, and substations) are handled in the conditions of certification in the **Transmission System Engineering** section of this document.

The tasks performed by the civil, mechanical, electrical, or design engineers may be divided between two or more engineers, as long as each engineer is responsible for a particular segment of the project (for example, proposed earthwork, civil structures, power plant structures, equipment support). No segment of the project shall have more than one responsible engineer. The transmission line may be the responsibility of a separate California registered electrical engineer.

The project owner shall submit, to the CBO for review and approval, the names, qualifications, and registration numbers of all responsible engineers assigned to the project.

If any one of the designated responsible engineers is subsequently reassigned or replaced, the project owner shall submit the name, qualifications and registration number of the newly assigned responsible engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer.

A. The civil engineer shall:

1. Review the foundation investigations, geotechnical, or soils reports prepared by the soils engineer, the geotechnical engineer, or by a civil engineer experienced and knowledgeable in the practice of soils engineering;
  2. Design (or be responsible for the design of), stamp, and sign all plans, calculations, and specifications for proposed site work, civil works, and related facilities requiring design review and inspection by the CBO. At a minimum, these include: grading, site preparation, excavation, compaction, construction of secondary containment, foundations, erosion and sedimentation control structures, drainage facilities, underground utilities, culverts, site access roads and sanitary sewer systems; and
  3. Provide consultation to the RE during the construction phase of the project and recommend changes in the design of the civil works facilities and changes to the construction procedures.
- B. The soils engineer, geotechnical engineer, or civil engineer experienced and knowledgeable in the practice of soils engineering, shall:
1. Review all the engineering geology reports;
  2. Prepare the foundation investigations, geotechnical, or soils reports containing field exploration reports, laboratory tests, and engineering analysis detailing the nature and extent of the soils that could be susceptible to liquefaction, rapid settlement or collapse when saturated under load;
  3. Be present, as required, during site grading and earthwork to provide consultation and monitor compliance with requirements set forth in the 2007 CBC (depending on the site conditions, this may be the responsibility of either the soils engineer, the engineering geologist, or both); and
  4. Recommend field changes to the civil engineer and RE.

This engineer shall be authorized to halt earthwork and to require changes if site conditions are unsafe or do not conform to the predicted conditions used as the basis for design of earthwork or foundations.

C. The engineering geologist shall:

1. Review all the engineering geology reports and prepare a final soils grading report; and
2. Be present, as required, during site grading and earthwork to provide consultation and monitor compliance with the requirements set forth in the 2007 CBC (depending on the site conditions, this may be the responsibility of either the soils engineer, the engineering geologist, or both).

D. The design engineer shall:

1. Be directly responsible for the design of the proposed structures and equipment supports;
  2. Provide consultation to the RE during design and construction of the project;
  3. Monitor construction progress to ensure compliance with engineering LORS;
  4. Evaluate and recommend necessary changes in design; and
  5. Prepare and sign all major building plans, specifications, and calculations.
- E. The mechanical engineer shall be responsible for, and sign and stamp a statement with, each mechanical submittal to the CBO, stating that the proposed final design plans, specifications, and calculations conform to all of the mechanical engineering design requirements set forth in the Energy Commission's decision.
- F. The electrical engineer shall:
1. Be responsible for the electrical design of the project; and
  2. Sign and stamp electrical design drawings, plans, specifications, and calculations.

**Verification:** At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of rough grading, the project owner shall submit to the CBO for review and approval, resumes and registration numbers of the responsible civil engineer, soils (geotechnical) engineer and engineering geologist assigned to the project.

At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of construction, the project owner shall submit to the CBO for review and approval, resumes and registration numbers of the responsible design engineer, mechanical engineer, and electrical engineer assigned to the project.

The project owner shall notify the CPM of the CBO's approvals of the responsible engineers within five days of the approval.

If the designated responsible engineer is subsequently reassigned or replaced, the project owner has five days in which to submit the resume and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer within five days of the approval.

**GEN-6** Prior to the start of an activity requiring special inspection, including prefabricated assemblies, the project owner shall assign to the project, qualified and certified special inspector(s) who shall be responsible for the special inspections required by the 2007 CBC. All transmission facilities (lines, switchyards, switching stations, and substations) are handled in

conditions of certification in the **Transmission System Engineering** section of this document.

A certified weld inspector, certified by the American Welding Society (AWS), and/or American Society of Mechanical Engineers (ASME) as applicable, shall inspect welding performed on-site requiring special inspection (including structural, piping, tanks and pressure vessels).

The special inspector shall:

1. Be a qualified person who shall demonstrate competence, to the satisfaction of the CBO, for inspection of the particular type of construction requiring special or continuous inspection;
2. Inspect the work assigned for conformance with the approved design drawings and specifications;
3. Furnish inspection reports to the CBO and RE. All discrepancies shall be brought to the immediate attention of the RE for correction, then, if uncorrected, to the CBO and the CPM for corrective action; and
4. Submit a final signed report to the RE, CBO, and CPM, stating whether the work requiring special inspection was, to the best of the inspector's knowledge, in conformance with the approved plans, specifications, and other provisions of the applicable edition of the CBC.

**Verification:** At least 15 days (or project owner- and CBO-approved alternative time frame) prior to the start of an activity requiring special inspection, the project owner shall submit to the CBO for review and approval, with a copy to the CPM, the name(s) and qualifications of the certified weld inspector(s), or other certified special inspector(s) assigned to the project to perform one or more of the duties set forth above. The project owner shall also submit to the CPM a copy of the CBO's approval of the qualifications of all special inspectors in the next monthly compliance report.

If the special inspector is subsequently reassigned or replaced, the project owner has five days in which to submit the name and qualifications of the newly assigned special inspector to the CBO for approval. The project owner shall notify the CPM of the CBO's approval of the newly assigned inspector within five days of the approval.

**GEN-7** If any discrepancy in design and/or construction is discovered in any engineering work that has undergone CBO design review and approval, the project owner shall document the discrepancy and recommend required corrective actions. The discrepancy documentation shall be submitted to the CBO for review and approval. The discrepancy documentation shall reference this condition of certification and, if appropriate, applicable sections of the CBC and/or other LORS.

**Verification:** The project owner shall transmit a copy of the CBO's approval of any corrective action taken to resolve a discrepancy to the CPM in the next monthly compliance report. If any corrective action is disapproved, the project owner shall advise the CPM, within five days, of the reason for disapproval and the revised corrective action to obtain CBO's approval.



**GEN-8** The project owner shall obtain the CBO's final approval of all completed work that has undergone CBO design review and approval. The project owner shall request the CBO to inspect the completed structure and review the submitted documents. The project owner shall notify the CPM after obtaining the CBO's final approval. The project owner shall retain one set of approved engineering plans, specifications, and calculations (including all approved changes) at the project site or at another accessible location during the operating life of the project. Electronic copies of the approved plans, specifications, calculations, and marked-up as-builts shall be provided to the CBO for retention by the CPM.

**Verification:** Within 15 days of the completion of any work, the project owner shall submit to the CBO, with a copy to the CPM, in the next monthly compliance report, (a) a written notice that the completed work is ready for final inspection, and (b) a signed statement that the work conforms to the final approved plans. After storing the final approved engineering plans, specifications, and calculations described above, the project owner shall submit to the CPM a letter stating both that the above documents have been stored and the storage location of those documents.

Within 90 days of the completion of construction, the project owner shall provide to the CBO three sets of electronic copies of the above documents at the project owner's expense. These are to be provided in the form of "read only" (Adobe .pdf 6.0) files, with restricted (password-protected) printing privileges, on archive quality compact discs.

**CIVIL-1** The project owner shall submit to the CBO for review and approval the following:

1. Design of the proposed drainage structures and the grading plan;
2. An erosion and sedimentation control plan;
3. Related calculations and specifications, signed and stamped by the responsible civil engineer; and
4. Soils, geotechnical, or foundation investigations reports required by the 2007 CBC.

**Verification:** At least 15 days (or project owner- and CBO-approved alternative time frame) prior to the start of site grading the project owner shall submit the documents described above to the CBO for design review and approval. In the next monthly compliance report following the CBO's approval, the project owner shall submit a written statement certifying that the documents have been approved by the CBO.

**CIVIL-2** The resident engineer shall, if appropriate, stop all earthwork and construction in the affected areas when the responsible soils engineer, geotechnical engineer, or the civil engineer experienced and knowledgeable in the practice of soils engineering identifies unforeseen adverse soil or geologic conditions. The project owner shall submit modified plans, specifications, and calculations to the CBO based on these new conditions. The project owner shall obtain approval from the CBO before resuming earthwork and construction in the affected area.

**Verification:** The project owner shall notify the CPM within 24 hours, when earthwork and construction is stopped as a result of unforeseen adverse geologic/soil conditions. Within 24 hours of the CBO's approval to resume earthwork and construction in the affected areas, the project owner shall provide to the CPM a copy of the CBO's approval.

**CIVIL-3** The project owner shall perform inspections in accordance with the 2007 CBC. All plant site-grading operations, for which a grading permit is required, shall be subject to inspection by the CBO.

If, in the course of inspection, it is discovered that the work is not being performed in accordance with the approved plans, the discrepancies shall be reported immediately to the resident engineer, the CBO, and the CPM. The project owner shall prepare a written report, with copies to the CBO and the CPM, detailing all discrepancies, non-compliance items, and the proposed corrective action.

**Verification:** Within five days of the discovery of any discrepancies, the resident engineer shall transmit to the CBO and the CPM a non-conformance report (NCR), and the proposed corrective action for review and approval. Within five days of resolution of the NCR, the project owner shall submit the details of the corrective action to the CBO and the CPM. A list of NCRs, for the reporting month, shall also be included in the following monthly compliance report.

**CIVIL-4** After completion of finished grading and erosion and sedimentation control and drainage work, the project owner shall obtain the CBO's approval of the final grading plans (including final changes) for the erosion and sedimentation control work. The civil engineer shall state that the work within his/her area of responsibility was done in accordance with the final approved plans.

**Verification:** Within 30 days (or project owner- and CBO-approved alternative time frame) of the completion of the erosion and sediment control mitigation and drainage work, the project owner shall submit to the CBO, for review and approval, the final grading plans (including final changes) and the responsible civil engineer's signed statement that the installation of the facilities and all erosion control measures were completed in accordance with the final approved combined grading plans, and that the facilities are adequate for their intended purposes, along with a copy of the transmittal letter to the CPM. The project owner shall submit a copy of the CBO's approval to the CPM in the next monthly compliance report.

**STRUC-1** Prior to the start of any increment of construction of any major structure or component listed in **Facility Design Table 2** of condition of certification **GEN-2**, above, the project owner shall submit to the CBO for design review and approval the proposed lateral force procedures for project structures and the applicable designs, plans and drawings for project structures. Proposed lateral force procedures, designs, plans and drawings shall be those for the following items (from **Table 2**, above):

1. Major project structures;
2. Major foundations, equipment supports, and anchorage; and

### 3. Large field-fabricated tanks.

Construction of any structure or component shall not begin until the CBO has approved the lateral force procedures to be employed in designing that structure or component.

The project owner shall:

1. Obtain approval from the CBO of lateral force procedures proposed for project structures;
2. Obtain approval from the CBO for the final design plans, specifications, calculations, soils reports, and applicable quality control procedures. If there are conflicting requirements, the more stringent shall govern (for example, highest loads, or lowest allowable stresses shall govern). All plans, calculations, and specifications for foundations that support structures shall be filed concurrently with the structure plans, calculations, and specifications;
3. Submit to the CBO the required number of copies of the structural plans, specifications, calculations, and other required documents of the designated major structures prior to the start of on-site fabrication and installation of each structure, equipment support, or foundation;
4. Ensure that the final plans, calculations, and specifications clearly reflect the inclusion of approved criteria, assumptions, and methods used to develop the design. The final designs, plans, calculations, and specifications shall be signed and stamped by the responsible design engineer; and
5. Submit to the CBO the responsible design engineer's signed statement that the final design plans conform to applicable LORS.

**Verification:** At least 60 days (or project owner- and CBO-approved alternative time frame) prior to the start of any increment of construction of any structure or component listed in **Facility Design Table 2** of condition of certification **GEN-2**, above, the project owner shall submit to the CBO the above final design plans, specifications and calculations, with a copy of the transmittal letter to the CPM.

The project owner shall submit to the CPM, in the next monthly compliance report, a copy of a statement from the CBO that the proposed structural plans, specifications, and calculations have been approved and comply with the requirements set forth in applicable engineering LORS.

**STRUC-2** The project owner shall submit to the CBO the required number of sets of the following documents related to work that has undergone CBO design review and approval:

1. Concrete cylinder strength test reports (including date of testing, date sample taken, design concrete strength, tested cylinder strength, age of test, type and size of sample, location and quantity of concrete placement from which sample was taken, and mix design designation and parameters);

2. Concrete pour sign-off sheets;
3. Bolt torque inspection reports (including location of test, date, bolt size, and recorded torques);
4. Field weld inspection reports (including type of weld, location of weld, inspection of non-destructive testing (NDT) procedure and results, welder qualifications, certifications, qualified procedure description or number (ref: AWS); and
5. Reports covering other structural activities requiring special inspections shall be in accordance with the 2007 CBC.

**Verification:** If a discrepancy is discovered in any of the above data, the project owner shall, within five days, prepare and submit an NCR describing the nature of the discrepancies and the proposed corrective action to the CBO, with a copy of the transmittal letter to the CPM. The NCR shall reference the condition(s) of certification and the applicable CBC chapter and section. Within five days of resolution of the NCR, the project owner shall submit a copy of the corrective action to the CBO and the CPM.

The project owner shall transmit a copy of the CBO's approval or disapproval of the corrective action to the CPM within 15 days. If disapproved, the project owner shall advise the CPM, within five days, the reason for disapproval, and the revised corrective action to obtain CBO's approval.

**STRUC-3** The project owner shall submit to the CBO design changes to the final plans required by the 2007 CBC, including the revised drawings, specifications, calculations, and a complete description of, and supporting rationale for, the proposed changes, and shall give to the CBO prior notice of the intended filing.

**Verification:** On a schedule suitable to the CBO, the project owner shall notify the CBO of the intended filing of design changes, and shall submit the required number of sets of revised drawings and the required number of copies of the other above-mentioned documents to the CBO, with a copy of the transmittal letter to the CPM. The project owner shall notify the CPM, via the monthly compliance report, when the CBO has approved the revised plans.

**STRUC-4** Tanks and vessels containing quantities of toxic or hazardous materials exceeding amounts specified in the 2007 CBC shall, at a minimum, be designed to comply with the requirements of that chapter.

**Verification:** At least 30 days (or project owner- and CBO-approved alternate time frame) prior to the start of installation of the tanks or vessels containing the above specified quantities of toxic or hazardous materials, the project owner shall submit to the CBO for design review and approval final design plans, specifications, and calculations, including a copy of the signed and stamped engineer's certification.

The project owner shall send copies of the CBO approvals of plan checks to the CPM in the following monthly compliance report. The project owner shall also transmit a copy of the CBO's inspection approvals to the CPM in the monthly compliance report following completion of any inspection.

**MECH-1** The project owner shall submit, for CBO design review and approval, the proposed final design, specifications and calculations for each plant major piping and plumbing system listed in **Facility Design Table 2**, condition of certification **GEN-2**, above. Physical layout drawings and drawings not related to code compliance and life safety need not be submitted. The submittal shall also include the applicable QA/QC procedures. Upon completion of construction of any such major piping or plumbing system, the project owner shall request the CBO's inspection approval of that construction.

The responsible mechanical engineer shall stamp and sign all plans, drawings, and calculations for the major piping and plumbing systems, subject to CBO design review and approval, and submit a signed statement to the CBO when the proposed piping and plumbing systems have been designed, fabricated, and installed in accordance with all of the applicable laws, ordinances, regulations and industry standards, which may include, but are not limited to:

- American National Standards Institute (ANSI) B31.1 (Power Piping Code);
- ANSI B31.2 (Fuel Gas Piping Code);
- ANSI B31.3 (Chemical Plant and Petroleum Refinery Piping Code);
- ANSI B31.8 (Gas Transmission and Distribution Piping Code);
- Title 24, California Code of Regulations, Part 5 (California Plumbing Code);
- Title 24, California Code of Regulations, Part 6 (California Energy Code, for building energy conservation systems and temperature control and ventilation systems);
- Title 24, California Code of Regulations, Part 2 (California Building Code); and
- Imperial County codes.

The CBO may deputize inspectors to carry out the functions of the code enforcement agency.

**Verification:** At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of any increment of major piping or plumbing construction listed in **Facility Design Table 2**, condition of certification **GEN-2**, above, the project owner shall submit to the CBO for design review and approval the final plans, specifications, and calculations, including a copy of the signed and stamped statement from the responsible mechanical engineer certifying compliance with applicable LORS, and shall send the CPM a copy of the transmittal letter in the next monthly compliance report.

The project owner shall transmit to the CPM, in the monthly compliance report following completion of any inspection, a copy of the transmittal letter conveying the CBO's inspection approvals.

**MECH-2** For all pressure vessels installed in the plant, the project owner shall submit to the CBO and California Occupational Safety and Health Administration

(Cal-OSHA), prior to operation, the code certification papers and other documents required by applicable LORS. Upon completion of the installation of any pressure vessel, the project owner shall request the appropriate CBO and/or Cal-OSHA inspection of that installation.

The project owner shall:

1. Ensure that all boilers and fired and unfired pressure vessels are designed, fabricated, and installed in accordance with the appropriate section of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, or other applicable code. Vendor certification, with identification of applicable code, shall be submitted for prefabricated vessels and tanks; and
2. Have the responsible design engineer submit a statement to the CBO that the proposed final design plans, specifications, and calculations conform to all of the requirements set forth in the appropriate ASME Boiler and Pressure Vessel Code or other applicable codes.

**Verification:** At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of on-site fabrication or installation of any pressure vessel, the project owner shall submit to the CBO for design review and approval, the above listed documents, including a copy of the signed and stamped engineer's certification, with a copy of the transmittal letter to the CPM.

The project owner shall transmit to the CPM, in the monthly compliance report following completion of any inspection, a copy of the transmittal letter conveying the CBO's and/or Cal-OSHA inspection approvals.

**MECH-3** The project owner shall submit to the CBO for design review and approval the design plans, specifications, calculations, and quality control procedures for any heating, ventilating, air conditioning (HVAC) or refrigeration system. Packaged HVAC systems, where used, shall be identified with the appropriate manufacturer's data sheets.

The project owner shall design and install all HVAC and refrigeration systems within buildings and related structures in accordance with the CBC and other applicable codes. Upon completion of any increment of construction, the project owner shall request the CBO's inspection and approval of that construction. The final plans, specifications and calculations shall include approved criteria, assumptions, and methods used to develop the design. In addition, the responsible mechanical engineer shall sign and stamp all plans, drawings and calculations and submit a signed statement to the CBO that the proposed final design plans, specifications and calculations conform with the applicable LORS.

**Verification:** At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of construction of any HVAC or refrigeration system, the project owner shall submit to the CBO the required HVAC and refrigeration calculations, plans, and specifications, including a copy of the signed and stamped statement from the

responsible mechanical engineer certifying compliance with the CBC and other applicable codes, with a copy of the transmittal letter to the CPM.

**ELEC-1** Prior to the start of any increment of electrical construction for all electrical equipment and systems 480 Volts or higher (see a representative list, below), with the exception of underground duct work and any physical layout drawings and drawings not related to code compliance and life safety, the project owner shall submit, for CBO design review and approval, the proposed final design, specifications, and calculations. Upon approval, the above listed plans, together with design changes and design change notices, shall remain on the site or at another accessible location for the operating life of the project. The project owner shall request that the CBO inspect the installation to ensure compliance with the requirements of applicable LORS. All transmission facilities (lines, switchyards, switching stations, and substations) are handled in conditions of certification in the **Transmission System Engineering** section of this document.

A. Final plant design plans shall include:

1. one-line diagrams for the 13.8 kV, 4.16 kV and 480 V systems; and
2. system grounding drawings.

B. Final plant calculations must establish:

1. short-circuit ratings of plant equipment;
2. ampacity of feeder cables;
3. voltage drop in feeder cables;
4. system grounding requirements;
5. coordination study calculations for fuses, circuit breakers and protective relay settings for the 13.8 kV, 4.16 kV and 480 V systems;
6. system grounding requirements; and
7. lighting energy calculations.

C. The following activities shall be reported to the CPM in the monthly compliance report:

1. Receipt or delay of major electrical equipment;
2. Testing or energization of major electrical equipment; and
3. A signed statement by the registered electrical engineer certifying that the proposed final design plans and specifications conform to requirements set forth in the Energy Commission decision.

**Verification:** At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of each increment of electrical construction, the project owner shall submit to the CBO for design review and approval the above listed documents. The project owner shall include in this submittal a copy of the signed and stamped statement from the responsible electrical engineer attesting compliance with the

applicable LORS, and shall send the CPM a copy of the transmittal letter in the next monthly compliance report.

### **D.1.13 CONCLUSIONS**

---

1. The laws, ordinances, regulations and standards (LORS) identified in the AFC and supporting documents directly apply to the project.
2. Staff has evaluated the proposed engineering LORS, design criteria, and design methods in the record, and concludes that the design, construction, and eventual closure of the project will likely comply with applicable engineering LORS.
3. The proposed conditions of certification will ensure that the project is designed and constructed in accordance with applicable engineering LORS. This will be accomplished through design review, plan checking, and field inspections that will be performed by the CBO or other Energy Commission delegate. Staff will audit the CBO to ensure satisfactory performance.
4. Though future conditions that could affect decommissioning are largely unknown at this time, it can reasonably be concluded that if, the project owner submits a decommissioning plan as required in the **General Conditions** portion of this document prior to decommissioning, decommissioning procedures will comply with all applicable engineering LORS.

Energy Commission staff recommends that:

1. The proposed conditions of certification be adopted to ensure that the project is designed and constructed in a manner that protects the public health and safety and complies with all applicable engineering LORS;
2. The project be designed and built to the 2007 CBSC (or successor standards, if in effect when initial project engineering designs are submitted for review); and
3. The CBO reviews the final designs, checks plans, and performs field inspections during construction. Energy Commission staff shall audit and monitor the CBO to ensure satisfactory performance.

### **D.1.14 REFERENCES**

SES Solar Two 2008a – Application for Certification for the Stirling Energy Systems (SES) Solar Two Project, Volumes 1 and 2 (tn: 46819). Submitted to the California Energy Commission on June 30, 2008.



## D.2 - GEOLOGIC STABILITY

Testimony of Dal Hunter, Ph.D., C.E.G.

### D.2.1 SUMMARY OF CONCLUSIONS

---

**(NOTE: The GEOLOGIC STABILITY issue area has been addressed as part of Section C.4 GEOLOGY, SOILS, AND PALEONTOLOGICAL RESOURCES. The summary below is from that environmental analysis. Please refer to that section for the full analysis.)**

The proposed Imperial Valley Solar (formerly the Stirling Energy Systems Solar Two) Project site is located in an active geological area of the south-central Colorado Desert Geomorphic Province in south-central Imperial County in south-eastern California. Because of its geological setting, the site could be subject to intense levels of earthquake-related ground shaking. The effects of strong ground shaking would need to be mitigated through structural designs required by the California Building Code (CBC 2007) and the project geotechnical report. The CBC (2007) requires that structures be designed to resist seismic stresses from ground acceleration and, to a lesser extent, liquefaction potential. A geotechnical investigation has been performed and presents standard engineering design recommendations for mitigation of seismic shaking and site soil conditions.

There are no known viable geological or mineralogical resources at the proposed project site. Locally, paleontological resources have been documented within Quaternary alluvium, colluvium, lakebed sediments, and in sedimentary units of the Palm Springs Formation, all of which underlie the site in the near surface. Potential impacts to paleontological resources would be mitigated through worker training and monitoring by qualified paleontologists, as required by Conditions of Certification, **PAL-1** through **PAL-7**. Minor changes to the alignments of both the proposed transmission line and the water supply line have been made during the review process. These changes do not alter the analysis of geology or paleontology.

Based on its independent research and review, California Energy Commission staff concludes that the potential is low for significant adverse impacts to the proposed project from geological hazards during its design life and to potential geological, mineralogical, and paleontological resources from the construction, operation, and closure of the proposed project. It is staff's opinion that the Imperial Valley Solar Project will be designed and constructed in accordance with all applicable laws, ordinances, regulations, and standards and in a manner that both protects environmental quality and assures public safety.

## **D.3 - POWER PLANT EFFICIENCY**

Testimony of Shahab Khoshmashrab

### **D.3.1 SUMMARY OF CONCLUSIONS**

---

The Imperial Valley Solar (formerly the Stirling Energy Systems Solar Two) Project, if constructed and operated as proposed, would use solar energy to generate all of its capacity. The project would decrease reliance on fossil fuel, and would increase reliance on renewable energy resources. It would not create significant adverse effects on energy supplies or resources, would not require additional sources of energy supply, and would not consume energy in a wasteful or inefficient manner. No energy standards apply to this project. Staff therefore concludes that this project would present no significant adverse impacts on energy resources.

Imperial Valley Solar, if constructed and operated as proposed, would occupy approximately 8 acres per megawatt of power output, a figure about double that of some other solar power technologies. Employing a less land-intensive solar technology, such as the linear parabolic trough would reduce the resultant adverse environmental impacts. Staff believes the project represents one of the least land use—efficient solar technologies currently available. Staff recognizes that the modular technology of the SunCatcher system allows the project to avoid environmental resource areas within the project boundaries, reducing the density of the SunCatcher units and likewise the land use efficiency. Nonetheless, larger project footprint per megawatt precludes other use of the land.

### **D.3.2 INTRODUCTION**

---

The Imperial Valley Solar (IVS) Project, if constructed and operated as proposed, would generate 750 megawatts (nominal net output) of electricity. The IVS Project would be a solar thermal power plant to be built on an approximately 6,500-acre site in Imperial County, California. The project would use a Stirling engine-based solar thermal technology to produce electrical power using 30,000 Stirling Energy Systems SunCatcher units. The IVS Project would use solar energy to generate all of its capacity; no fossil fuel (natural gas) would be used for power production.

### **D.3.3 METHODOLOGY AND THRESHOLDS FOR DETERMINING ENVIRONMENTAL CONSEQUENCES**

---

#### **Fossil Fuel Use Efficiency**

One of the responsibilities of the California Energy Commission (Energy Commission) is to make findings on whether the energy use by a power plant, including the proposed IVS Project, would result in significant adverse impacts on the environment, as defined in the California Environmental Quality Act (CEQA). If the Energy Commission finds that the IVS Project's energy consumption creates a significant adverse impact, it must further determine if feasible mitigation measures could eliminate or minimize that impact. In this analysis, staff addresses the inefficient and unnecessary consumption of energy.

In order to develop the Energy Commission's findings, this analysis will:

- examine whether the facility would likely present any adverse impacts upon energy resources;
- examine whether these adverse impacts are significant; and if so,
- examine whether feasible mitigation measures or alternatives could eliminate those adverse impacts or reduce them to a level of insignificance.

### **Solar Land Use Efficiency**

Solar thermal power plants typically consume much less fossil fuel (usually in the form of natural gas) than other types of thermal power plants; and some, such as IVS, do not consume any natural gas. Therefore, common measures of power plant efficiency such as those described above are less meaningful. So far as Energy Commission staff can determine, methods for determining the efficiency of a solar power plant have yet to be standardized; research has uncovered no meaningful attempt to quantify efficiency. The solar power industry appears to have begun discussing the issue, but a consensus is forthcoming (CEC 2008j). In the absence of accepted standards, staff proposes the following approach.

Solar thermal power plants convert the sun's energy into electricity in three basic steps:

- Mirrors and/or collectors capture the sun's rays.
- This solar energy is converted into heat.
- This heat is converted into electricity, typically in a heat engine such as a steam turbine generator or a Stirling Engine-powered generator.

The effectiveness of each of these steps depends on the specific technology employed; the product of these three steps determines the power plant's overall solar efficiency. The greater the project's solar efficiency, the less land the plant must occupy to produce a given power output.

The most significant environmental impacts caused by solar power plants result from occupying large expanses of land. The extent of these impacts is likely in direct proportion to the number of acres affected. For this reason, staff will evaluate the land use efficiency of proposed solar power plant projects. This efficiency will be expressed in terms of power produced, or MW per acre, and in terms of energy produced, or MW-hours per acre-year. Specifically:

- Power-based solar land use efficiency is calculated by dividing the maximum net power output in MW by the total number of acres impacted by the power plant, including roads and electrical switchyards and substations.
- Energy-based solar land use efficiency is calculated by dividing the annual net electrical energy production in MW-hours per year by the total number of acres impacted by the power plant. Since different solar technologies consume differing quantities of natural gas for morning warm-up, cloudy weather output leveling and heat transfer fluid freeze protection (and some consume no gas at all), this effect is be accounted for. Specifically, gas consumption is backed out by reducing the plant's net energy output by the amount of energy that could have been produced by

consuming the project's annual gas consumption in a modern combined cycle power plant. (See **Efficiency Appendix A**, immediately following.) This reduced energy output is then be divided by acres impacted. However, this does not apply to the IVS Project, because it would not use any natural gas.

## **D.3.4 PROPOSED PROJECT**

---

### **D.3.4.1 SETTING AND EXISTING CONDITIONS**

The applicant proposes to build and operate the IVS Project, a solar thermal power plant producing a total of 750 MW (nominal net output) and employing Stirling Energy Systems SunCatcher technology. The project would occupy approximately 6,500 acres of land and would consist of 30,000 SunCatchers (SES Solar Two, LLC 2008a, AFC §§ 1.1, 1.3, 2.2, 3.1, 3.3.1).

Each SunCatcher is composed of a pedestal, a mirrored dish that tracks the sun, and a power conversion unit (PCU) consisting of a solar receiver, a closed-cycle Stirling engine, and a generator that capture the solar energy and convert it to electricity. Each SunCatcher is capable of generating 25 kW of power. Power would be routed from the SunCatchers to electrical transformers, then to a switchyard located near the center of the project (SES Solar Two, LLC 2008a, AFC §§ 3.1.1, 3.4.3, 3.4.4.1, 3.4.4.2).

The project would not use fossil fuel to generate electricity.

### **D.3.4.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

#### **Project Energy Requirements and Energy Use Efficiency**

The IVS Project would consume no natural gas or other fossil fuel for power generation.

Each of the 30,000 Stirling engines is filled with hydrogen gas, which acts as a working fluid that allows the engine to operate. During operation, hydrogen leaks from the engines and must be continuously replenished from pressure bottles located at each SunCatcher, or by means of a centralized hydrogen system connected to each SunCatcher.

Hydrogen is typically produced from natural gas. The applicant initially explained that approximately 24,400 therms of natural gas per year will be consumed to supply the necessary replenishment hydrogen, to be procured from suppliers of industrial gases (SES Solar Two, LLC 2008g, Data Response 26). The applicant subsequently changed its plans for supplying hydrogen to the project (SES 2009h, Data Responses 24-26). Hydrogen would be created on-site by electrolysis of water using electricity from the grid, consuming approximately 37 MWh of electrical energy annually. Compared to a typical power plant of equal capacity, this rate is insignificant. Energy Commission staff, however, will include this consumption in calculating the plant's efficiency, below.

There are currently no legal or industry standards for measuring the efficiency of solar thermal power plants (CEC 2008j). Stirling Energy Systems claims that the SunCatcher exhibits a conversion efficiency of 31.25% (SES Solar Two, LLC 2008a, AFC § 1.3).

Because the project would consume no natural gas, staff considers the project's fuel consumption to have no impact on energy supplies and energy efficiency.

### **Adverse Effects on Energy Supplies and Resources**

The applicant would produce hydrogen gas onsite through electrolysis of water (SES Solar Two, LLC 2009h, Data Responses 24-26). Staff deems it unlikely that this could cause any measurable impact on energy supplies.

### **Additional Energy Supply Requirements**

Since the project would not use fossil fuel, there is no likelihood that additional energy supplies would be required.

### **Compliance with Energy Standards**

No standards apply to the efficiency of the IVS Project or other non-cogeneration projects.

### **Alternatives to Reduce Wasteful, Inefficient, and Unnecessary Energy Consumption**

Staff typically evaluates the project alternatives to determine if alternatives exist that could reduce the project's fuel use. The evaluation of alternatives to the project (that could reduce wasteful, inefficient, or unnecessary energy consumption) requires the examination of the project's energy consumption.

### **Efficiency of Alternatives to the Project**

Please see the project alternatives discussed below.

### **Alternative Generating Technologies**

Alternative generating technologies for the IVS Project are considered in the AFC (SES Solar Two, LLC 2008a, AFC §§ 4.4.1, 4.4.2, 4.4.3). For purposes of this analysis, natural gas, oil, coal, nuclear, geothermal, biomass, hydroelectric, wind and solar photovoltaic technologies are all considered. Because this project would consume no fossil fuel for power production, staff believes that the IVS Project would not constitute an adverse impact on fossil fuel energy resources compared to feasible alternatives.

The solar insolation falling on the earth's surface can be regarded as an energy resource. Since this energy is inexhaustible, its consumption does not present the concerns inherent in fossil fuel consumption. What is of concern, however, is the extent of land area required to capture this solar energy and convert it to electricity. Setting aside hundreds or thousands of acres of land for solar power generation removes it from alternative uses.

As discussed above, Energy Commission staff is unaware of any accepted standard for evaluating the efficiency of a solar power plant such as the IVS Project. Accordingly, staff proposes to tabulate the land use efficiency of the project (described above) and compare it to similar measures for other solar power plant projects that have passed through, or are passing through, the Energy Commission's siting process.

Energy Commission staff proposes to compare the land use of a solar power plant project to that of other solar projects in the Energy Commission's siting process. It has not been determined how great a difference in land use would constitute a significant difference; staff proposes to compare several solar projects currently in the process.

As this is written, there are currently several solar power plant projects that have progressed significantly through the Energy Commission siting process. These projects' power and energy output, and the extent of the land occupied by them, are summarized in **Efficiency Table 1**, below. The solar land use efficiency for a typical natural gas-fired combined cycle power plant is shown only for comparison.

While the Energy Commission customarily requires full mitigation for such impacts, such mitigation is generally regarded as less effective in protecting resources than avoiding the impact entirely. A solar power project that occupies twice as much land as another project holds the potential to produce twice the environmental impacts.

The IVS Project would produce power at the rate of 750 MW net, and would generate energy at the rate of 1,620,000 MW-hours net per year, while occupying 6,500 acres (SES Solar Two, LLC 2008a, AFC §§ 1.1, 1.3, 2.2, 3.1, 3.11.1). Staff calculates power-based land use efficiency thus:

**Power-based efficiency:**  $750 \text{ MW} \div 6,500 \text{ acres} = 0.12 \text{ MW/acre}$  or **8.7 acres/MW**

Staff calculates energy-based land use efficiency thus:

**Energy-based efficiency:** First, back out the electrical energy consumed in hydrogen replenishment:

$$1,620,000 \text{ MWh/year} - 37 \text{ MWh/year} = 1,619,963 \text{ MWh/year}$$

$$1,619,963 \text{ MWh/year} \div 6,500 \text{ acres} = \mathbf{249 \text{ MWh/acre-year}}$$

As seen in **Efficiency Table 1**, the IVS Project, employing the Stirling Energy Systems SunCatcher technology, is roughly one-half as efficient in use of land as the Beacon Solar project, which employs linear parabolic trough technology. The IVS Project is roughly as efficient in use of land as the Ivanpah Solar Electric Generating System project, which employs BrightSource power tower technology.

### ***Alternatives to Reduce Solar Land Use Impacts***

Building and operating a natural gas-fired combined cycle power plant would yield much greater land use efficiency than any solar power plant; see **Efficiency Table 1**.

However, this would not achieve the basic project objective, to generate electricity from the renewable energy of the sun.

**Efficiency Table 1  
Solar Land Use Efficiency**

Project	Generating Capacity (MW net)	Annual Energy Production (MWh net)	Annual Fuel Consumption (MMBtu LHV)	Footprint (Acres)	Land Use Efficiency (Power-Based) (MW/acre)	Land Use Efficiency (Energy – Based) (MWh/acre-year)	
						Total	Solar Only <sup>1</sup>
<b>IVS (08-AFC-5)</b>	<b>750</b>	<b>1,620,000</b>	<b>0</b>	<b>6,500</b>	<b>0.12</b>	<b>249</b>	<b>249</b>
Beacon Solar (08-AFC-2)	250	600,000	36,000	1,240	0.20	484	480
Ivanpah SEGS (07-AFC-5)	400	960,000	432,432	3,744	0.11	256	238
Avenal Energy (08-AFC-1) <sup>2</sup>	600	3,023,388	24,792,786	25	24.0	120,936	N/A
Abengoa Solar (09-AFC-5)	250	630,000	94,280	1420	0.18	444	434
Blythe Solar (09-AFC-6)	1000	2,100,000	207,839	5,950	0.17	353	348
Palen Solar (09-AFC-7)	500	1,000,000	103,919	2970	0.17	337	332
Genesis Solar (09-AFC-8)	250	600,000	60,000	1,800	0.14	333	329
Ridgecrest Solar (09-AFC-9)	250	500,000	51,960	1,440	0.17	347	342
San Joaquin Solar Hybrid (08-AFC-12)	106	774,000	5,899,500	640	0.17	1209	415

1 - Net energy output is reduced by natural gas-fired combined cycle proxy energy output; see **Efficiency Appendix A**.

2 - Example natural gas-fired combined cycle plant.

Building a solar power plant employing a different technology, such as the linear parabolic trough technology of the Beacon Solar Energy Project, would almost double the solar land use efficiency of the IVS Project. This would likely reduce the environmental impacts brought about by the project. Staff believes the IVS Project represents one of the least land use-efficient solar technologies currently available.

### **Alternative Heat Rejection System**

The Stirling engine that is the heart of the SunCatcher technology is cooled by an automotive-style cooling system. Waste engine heat is conducted via an enclosed cooling loop to a radiator that dumps the waste heat to the atmosphere. This is a dry cooling system; its only water consumption is that required to make up any unintended leakage from the system. Thus, staff believes the cooling technology selected for this project is the optimum possible.

#### **D.3.4.3 CEQA LEVEL OF SIGNIFICANCE**

CEQA guidelines state that the environmental analysis "...shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy" (Title 14 CCR §15126.4[a][1]). Appendix F of the guidelines further suggests consideration of such factors as the project's energy requirements and energy use efficiency; its effects on local and regional energy supplies and energy resources; its requirements for additional energy supply capacity; its compliance with existing energy standards; and any alternatives that could reduce the wasteful, inefficient, and unnecessary consumption of energy (Title 14, CCR §15000 et seq., Appendix F).

The inefficient and unnecessary consumption of energy, in the form of non-renewable fuels such as natural gas and oil, constitutes an adverse environmental impact. An adverse impact can be considered significant if it results in:

- adverse effects on local and regional energy supplies and energy resources;
- a requirement for additional energy supply capacity;
- noncompliance with existing energy standards; or
- the wasteful, inefficient, and unnecessary consumption of fuel or energy.

The discussions under **Fossil Fuel Use Efficiency** and **Solar Land Use Efficiency** in Subsection D.3.3 also describe the CEQA level of significance as related to power plant efficiency.

#### **D.3.5 300 MW ALTERNATIVE**

---

The 300 MW alternative would essentially be Phase 1 of the proposed 750 MW project. This alternative is shown in Alternatives Figure 1.



### **D.3.5.1 SETTING AND EXISTING CONDITIONS**

The 300 MW alternative would consist of approximately 40% as many SunCatchers (12,000 machines) producing 40% as much power (300 MW) and occupying 40% as much land as the proposed project.

### **D.3.5.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Fossil fuel use efficiency of the 300 MW alternative would be unchanged, that is, no impact. Land use efficiency of this alternative would remain the same, as both power output and occupied land are reduced proportionately.

### **D.3.5.3 CEQA LEVEL OF SIGNIFICANCE**

The CEQA Level of Significance of the 300 MW alternative would be unchanged from the proposed project.

## **D.3.6 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

---

The first of two alternatives developed to reduce impacts to the waters of the U.S. would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries. This alternative is illustrated in **Alternatives Figure 1B**. This alternative would have the same outer project boundaries as the proposed project, but it would include prohibition of installing permanent structures within drainages, thereby reducing the available acreage for development from 6,500 to 4,690, and reducing the generation capacity from 750 MW under the proposed project to 632 MW (84% of the proposed generation capacity). Rather than the 30,000 SunCatchers included in the proposed project, there would be approximately 25,290 installed.

### **D.3.6.1 SETTING AND EXISTING CONDITIONS**

The proposed IVS Project would produce a total of 750 MW (nominal net output) and employing Stirling Energy Systems SunCatcher technology. The project would occupy approximately 6,500 acres of land and would consist of 30,000 SunCatchers (SES Solar Two, LLC 2008a, AFC §§ 1.1, 1.3, 2.2, 3.1, 3.3.1). As described above, the Drainage Avoidance #1 alternative would occupy the same total land area, but would be less densely developed.

### **D.3.6.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Fossil fuel use efficiency of the Drainage Avoidance #1 alternative would be unchanged, that is, no impact. Since the Drainage Avoidance #1 alternative plant would produce 632 MW while occupying 4,690 acres, it would occupy 7.4 acres per MW of power output (compared with 8.7 acres per MW of power output for the proposed project). Thus, this alternative would offer a slightly more efficient use of the land as compared to the proposed project. No Conditions of Certification or mitigation measures are proposed.

### **D.3.6.3 CEQA LEVEL OF SIGNIFICANCE**

The CEQA Level of Significance of the Drainage Avoidance #1 alternative would be unchanged from the proposed project.

### **D.3.7 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

---

The Drainage Avoidance #2 alternative would eliminate both the eastern and western-most portions of the proposed project, where the largest drainage complexes are located. This alternative is shown in **Alternatives Figure 1C**. It would reduce the overall size of the project area by over 50% (from 6,500 acres to 3,153 acres). It would also reduce the generation capacity from 750 MW to 423 MW. In this alternative, permanent structures would be allowed within all drainages inside the revised, smaller project boundaries.

#### **D.3.7.1 SETTING AND EXISTING CONDITIONS**

The proposed IVS Project would produce a total of 750 MW (nominal net output) and employing Stirling Energy Systems SunCatcher technology. The project would occupy approximately 6,500 acres of land and would consist of 30,000 SunCatchers (SES Solar Two, LLC 2008a, AFC §§ 1.1, 1.3, 2.2, 3.1, 3.3.1). As described above, the Drainage Avoidance #2 alternative would occupy a smaller land area (3,153 acres), with a greater development density to that of the proposed project.

#### **D.3.7.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Fossil fuel use efficiency of the Drainage Avoidance #2 alternative would be unchanged, that is, no impact. Since the Drainage Avoidance #2 alternative plant would produce 423 MW while occupying 3,153 acres, it would occupy 7.5 acres per MW of power output (compared with 8.7 acres per MW of power output for the proposed project). Thus, this alternative would offer a slightly more efficient use of the land as compared to the proposed project.

#### **D.3.7.3 CEQA LEVEL OF SIGNIFICANCE**

The CEQA Level of Significance of the Drainage Avoidance #1 alternative would be unchanged from the proposed project.

### **D.3.8 NO PROJECT / NO ACTION ALTERNATIVE**

---

#### **D.3.8.1 NO PROJECT/NO ACTION ALTERNATIVE #1:**

##### **No Action on the IVS Project application and on CDCA land use plan amendment**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site and no ground disturbance. The decreased reliance on fossil fuel and increased reliance on renewable energy resources that would occur with the proposed project would not occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project requiring a land use plan amendment. In addition, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations

### **D.3.8.2 NO PROJECT/NO ACTION ALTERNATIVE #2:**

#### **No Action on the IVS Project and amend the CDCA land use plan to make the area available for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would amend the CDCA Land Use Plan of 1980, as amended, to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site will be developed with another solar technology. Construction and operation requirements for solar technologies vary; however, they would all decrease reliance on fossil fuel, and would increase reliance on renewable energy resources as with the proposed project.

### **C.3.8.3 NO PROJECT/NO ACTION ALTERNATIVE #3:**

#### **No Action on the IVS Project application and amend the CDCA land use plan to make the area unavailable for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and the BLM would amend the CDCA Plan to make the proposed site unavailable for future solar development. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because the CDCA Plan would be amended so no solar projects can be approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no construction of a solar facility. Therefore, there would be no decreased reliance on fossil fuel and increased reliance on renewable energy resources as with the proposed project. However, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

## **D.3.9 CUMULATIVE IMPACT ANALYSIS**

---

**Section B.3, Cumulative Scenario**, provides detailed information on the potential cumulative solar and other development projects in the project area. Together, these

projects comprise the cumulative scenario which forms the basis of the cumulative impact analysis for the proposed project. In summary, these projects are:

- Renewable energy projects on BLM, State, and private lands, as shown on **Cumulative Figures 1 and 2** and in **Cumulative Tables 1A and 1B**. Although not all of those projects are expected to complete the environmental review processes, or be funded and constructed, the list is indicative of the large number of renewable projects currently proposed in California.
- Foreseeable future projects in the immediate Plaster City area, as shown on **Cumulative Impacts Figure 3, Plaster City Existing and Future/Foreseeable Projects, and Cumulative Tables 2 and 3**. Table 2 presents existing projects in this area and Table 3 presents future foreseeable projects in the Plaster City Area. Both tables indicate project name and project type, its location and its status.

These projects are defined within a geographic area that has been identified by the Energy Commission and BLM as covering an area large enough to provide a reasonable basis for evaluating cumulative impacts for all resource elements or environmental parameters. Most of these projects have, are, or will be required to undergo their own independent environmental review under CEQA and/or NEPA. Even if the cumulative projects described in Section B.3 have not yet completed the required environmental processes, they were considered in the cumulative impacts analyses in this SSA.

### **Geographic Scope of Analysis**

The geographic area considered for cumulative impacts on Power Plant Efficiency is within the southern California desert.

### **Effects of Past and Present Projects**

Power Plant Efficiency in the geographic area has not been impacted by past or present projects.

### **Effects of Reasonably Foreseeable Future Projects**

Power Plant Efficiency would not be expected to be affected by the reasonably foreseeable future projects listed in Section B.3 (see below).

### **Contribution of the IVS Project to Cumulative Impacts**

**Construction.** It is expected that some of the cumulative projects described above which are not yet built may be under construction the same time as the IVS Project. However, there would be no impacts during construction of those cumulative projects related to Power Plant Efficiency.

**Operation.** Power Plant Efficiency would be affected only if another energy project would use the SES Solar Two Project site to capture the energy of the sun for power production. Because this would not be possible if the IVS Project is constructed (none of the reasonably foreseeable projects could possibly be located on the S IVS Project site), the IVS Project would not be expected to contribute to any long term operational cumulative impacts related to Power Plant Efficiency.

**Decommissioning.** The decommissioning of the IVS Project is not expected to result in adverse impacts related to Power Plant Efficiency.

### **D.3.10 COMPLIANCE WITH LORS**

---

No federal, state, or local/county laws, ordinances, regulations, and standards (LORS) apply to the efficiency of this project.

### **D.3.11 NOTEWORTHY PUBLIC BENEFITS**

---

The IVS Project would employ an advanced solar thermal technology. Solar energy is renewable and unlimited. The project would have no impact on energy resources (natural gas). Consequently, the project would help in reducing California's dependence on fossil fuel-fired power plants.

### **D.3.12 PROPOSED CONDITIONS OF CERTIFICATION/MITIGATION MEASURES**

---

No conditions of certification are proposed.

### **D.3.13 CONCLUSIONS**

---

#### **Fossil Fuel Energy Use**

The IVS Project, if constructed and operated as proposed, would use solar energy to generate all of its capacity, consuming no natural gas for power production. The project would decrease reliance on fossil fuel, and would increase reliance on renewable energy resources. It would not create significant adverse effects on energy supplies or resources, would not require additional sources of energy supply, and would not consume energy in a wasteful or inefficient manner. No energy standards apply to this project. Staff therefore concludes that this project would present no significant adverse impacts on energy resources.

No cumulative impacts on energy resources are likely. Facility closure would not likely present significant impacts on electric system efficiency.

#### **Land Use**

The IVS Project, if constructed and operated as proposed, would occupy approximately 8 acres per MW of power output, a figure about double that of some other solar power technologies. Employing a less land-intensive solar technology would reduce the resultant adverse environmental impacts. Staff believes the IVS Project represents one of the least land use-efficient solar projects currently going through the Energy Commission's licensing process. However, some of the IVS Project facilities (i.e., SunCatcher units) are planned to avoid environmentally sensitive land within the project footprint. Although this minimizes some environmental impacts, it reduces the density of the layout of the facilities and thus the land use efficiency.

### **D.3.14 REFERENCES**

---

CEC 2008j – Report of Conversation between Steve Baker and Golam Kibrya – CEC staff. February 22, 2008.

SES Solar Two, LLC 2008a – Application for Certification for the Stirling Energy Systems (SES) Solar Two Project, Volumes 1 and 2. Submitted to the California Energy Commission on June 30, 2008.

SES Solar Two, LLC 2008g – Applicant's Response to Energy Commission Data Request Set 1, 1 through 74, June 20, 2008.

SES Solar Two, LLC 2009h – Responses to CEC and BLM Data Requests ...24-26..., March 19, 2009.

## EFFICIENCY APPENDIX A

### Solar Power Plant Efficiency Calculation

#### Gas-Fired Proxy

In calculating the efficiency of a solar power plant, it is desired to subtract the effect of natural gas burned for morning startup, cloudy weather augmentation and Therminol freeze protection. As a proxy, we will use an average efficiency based on several recent baseload combined cycle power plant projects in the Energy Commission siting process. Baseload combined cycles were chosen because their intended dispatch most nearly mirrors the intended dispatch of solar plants, that is, operate at full load in a position high on the dispatch authority's loading order.

The most recent such projects are:

##### Colusa Generating Station (06-AFC-9)

Nominal 660 MW 2-on-1 Combined Cycle with GE Frame 7FA CGTs

Air cooled condenser, evaporative inlet air cooling

Efficiency with duct burners on: 666.3 MW @ 52.5% LHV

Efficiency with duct burners off: 519.4 MW @ 55.3% LHV

Efficiency (average of these two): **53.9% LHV**

##### San Gabriel Generating Station (07-AFC-2)

Nominal 696 MW 2-on-1 Combined Cycle with Siemens 5000F CGTs

Air cooled condenser, evaporative inlet air cooling

Efficiency with duct burners on: 695.8 MW @ 52.1% LHV

Efficiency with duct burners off: 556.9 MW @ 55.1% LHV

Efficiency (average of these two): **53.6% LHV**

##### KRCD Community Power Plant (07-AFC-7)

Nominal 565 MW 2-on-1 Combined Cycle with GE or Siemens F-class CGTs

Evaporative cooling, evaporative or fogging inlet air cooling

Efficiency with GE CGTs: 497 MW @ 54.6% LHV

Efficiency with Siemens CGTs: 565 MW @ 56.1% LHV

Efficiency (average of these two): **55.4% LHV**

Avenal Energy (08-AFC-1)

Nominal 600 MW 2-on-1 Combined Cycle with GE Frame 7FA CGTs

Air cooled condenser, inlet air chillers

Efficiency with duct burners on: 600.0 MW @ 50.5% LHV

Efficiency with duct burners off: 506.5 MW @ 53.4% LHV

Efficiency (average of these two): **52.0% LHV**

Average of these four power plants: **53.7% LHV**



## **D.4 - POWER PLANT RELIABILITY**

Testimony of Shahab Khoshmashrab

### **D.4.1 SUMMARY OF CONCLUSIONS**

---

An expert familiar with the machines claims that the SunCatcher exhibits a Mean Time Between Failures (MTBF) of only 40 hours. It is believed by this expert that a MTBF of 2,000 to 10,000 hours must be proven before a technology is ready for incorporation into a utility grid (Butler 2007, Public 2009a; Conklin 2009).

Recently, Imperial Valley Solar, LLC (applicant) provided a report to the energy commission, claiming an overall availability factor of 95.1 percent for the 1.5 Megawatt (MW) Maricopa Plant (a pilot plant using the Stirling Energy Systems SunCatcher units) during the period of March 16 to June 5, 2010 (SES 2010h). (The availability factor of a power plant is the percentage of time it is available to generate power; both planned and unplanned outages subtract from this availability.) The proposed Imperial Valley Solar (formerly the Stirling Energy Systems Solar Two) Project would be essentially a multiplication of the 60-unit Maricopa Plant with similar configuration. The Maricopa Plant has generated 833,738 kWh, representing a capacity factor of 26.7 percent. This represents several hundred hours of plant operation. The applicant states that it has used lessons learned from the Maricopa Plant to incorporate engineering and maintenance improvements in order to ensure a reliable operation. This indicates that the technology has begun to go through a design refinement to address the concerns that apparently resulted in the low MTBF reported previously in 2007.

The applicant's data above demonstrates an encouraging first-step effort toward achieving a reliable technology. However, this data demonstrates an availability factor based on a limited number of operational hours. Had this technology represented an operational experience equivalent to that of a well-proven, commercial-scaled technology with thousands of hours of operational experience, such as the natural gas turbine technology, staff would have been confident in determining the availability factor. Therefore, at this time, staff cannot determine what the actual availability factor for the long term operation of the Imperial Valley Solar Project would be, but it believes that with more operational experience we will have a better idea of the long-term availability factor of this technology.

### **D.4.2 INTRODUCTION**

---

In this analysis, California Energy Commission (Energy Commission) staff addresses the reliability issues of the Imperial Valley Solar (IVS) Project to determine if the power plant is likely to be built in accordance with typical industry norms for reliable power generation. Staff uses this norm as a benchmark because it ensures that the resulting project would not be likely to degrade the overall reliability of the electric system it serves (see the "Setting" subsection, below).

The scope of this power plant reliability analysis covers:

- equipment availability;
- plant maintainability;
- fuel and water availability; and
- power plant reliability in relation to natural hazards.

Staff examined the project design criteria to determine if the project is likely to be built in accordance with typical industry norms for reliable power generation. While the applicant has predicted an availability factor for the IVS Project (see below), staff commonly uses typical industry norms as the benchmark, rather than the applicant's projection, to evaluate the project's reliability.

### **D.4.3      METHODOLOGY AND THRESHOLDS FOR DETERMINING ENVIRONMENTAL CONSEQUENCES**

---

#### **METHOD FOR DETERMINING RELIABILITY**

The Energy Commission must make findings as to how a project is designed, sited, and operated in order to ensure its safe and reliable operation (Title 20, CCR §1752[c]). Staff takes the approach that a project is acceptable if it does not degrade the reliability of the utility system to which it is connected. This is likely the case if a project is at least as reliable as other power plants on that system.

The availability factor of a power plant is the percentage of time it is available to generate power; both planned and unplanned outages subtract from this availability. Measures of power plant reliability are based upon both the plant's actual ability to generate power when it is considered to be available and upon starting failures and unplanned (or forced) outages. For practical purposes, reliability can be considered a combination of these two industry measures, making a reliable power plant one that is available when called upon to operate. Power plant systems must be able to operate for extended periods without shutting down for maintenance or repairs. Achieving this reliability requires adequate levels of equipment availability, plant maintainability with scheduled maintenance outages, fuel and water availability, and resistance to natural hazards. Staff examines these factors for the project and compares them to industry norms. If the factors compare favorably for the project, staff may then conclude that the project would be as reliable as other power plants on the electric system and would not degrade system reliability.

### **D.4.4      PROPOSED PROJECT**

---

#### **D.4.4.1      SETTING AND EXISTING CONDITIONS**

In the restructured competitive electric power industry, the responsibility for maintaining system reliability falls largely to the state's control area operators, such as the California Independent System Operator (California ISO), that purchase, dispatch, and sell electric power throughout the state. Determining how the California ISO and other control area

operators would ensure system reliability has been an ongoing effort. Protocols have been developed and put in place that allow sufficient reliability to be maintained under the competitive market system. “Must-run” power purchase agreements and “participating generator” agreements are two mechanisms that have been employed to ensure an adequate supply of reliable power.

The California ISO’s mechanisms to ensure adequate power plant reliability apparently were devised under the assumption that the individual power plants that compete to sell power into the system will each exhibit a level of reliability similar to that of power plants of past decades. Accordingly, staff has recommended that power plant owners continue to build and operate their projects to the level of reliability to which all in the industry are accustomed.

As part of its plan to provide needed reliability, the applicant proposes to operate the 750-megawatt (MW) (nominal power output) IVS Project, a solar thermal power plant facility employing advanced solar power technology. This project, using renewable solar energy, is intended to provide dependable power to the grid, generally during the hours of peak power consumption by San Diego Gas and Electric Company (SDG&E), the interconnecting utility. This project would help serve the need for renewable energy in California, as all its generated electricity would be produced by a reliable source of energy that is available during hot summer afternoons, when power is needed most.

#### **D.4.4.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

##### **EQUIPMENT AVAILABILITY**

Equipment availability would be ensured by adoption of appropriate quality assurance/quality control (QA/QC) programs during the design, procurement, construction, and operation of the plant and by providing for adequate maintenance and repair of the equipment and systems discussed below.

##### **Quality Control Program**

The applicant describes a QA/QC program (SES Solar Two, LLC 2008a, AFC § 3.11.4) that is typical of the power industry. Equipment would be purchased from qualified suppliers based on technical and commercial evaluations. Suppliers’ personnel, production capability, past performance, QA programs, and quality history would be evaluated. The project owner would perform receipt inspections, test components, and administer independent testing contracts. Staff expects that implementation of this program would result in typical reliability of design and construction. To ensure this implementation, staff has proposed appropriate conditions of certification in the section of this document entitled **Facility Design**.

##### **PLANT MAINTAINABILITY**

##### **Equipment Redundancy**

The project, as proposed in the AFC, would be able to operate only when the sun is shining. Maintenance or repairs could be done when the plant is shut down at night. This would help to enhance the project’s reliability. Also, the project would incorporate

redundant pieces of those components that are most likely to require service or repair. In this case, this redundancy is inherent in the incorporation of 30,000 individual SunCatcher units. This would allow service or repair to be done either at night when the plant is shut down, or during the day, when the plant is in operation.

In addition to the inherent redundancy of many independent units, the applicant plans to provide an appropriate redundancy of function for the remainder of project, including electrical transformers (SES Solar Two, LLC 2008a, AFC §§ 1.3, 3.1, 3.1.2, 3.4.3, 3.4.5.2, 3.11.2; Tables 3-1, 3-2). Major plant systems are designed with adequate redundancy to ensure their continued operation if equipment fails. Staff believes that this project's proposed equipment redundancy could be sufficient for its reliable operation.

### **Maintenance Program**

Equipment manufacturers provide maintenance recommendations for their products, and the applicant would base the project's maintenance program on those recommendations (SES Solar Two, LLC 2008a, AFC § 3.11.1). Because the plant would operate only during the sunlight hours, planned maintenance outages could be performed during other hours, when the plant would not need to be in operation.

The applicant predicts that each machine will leak its entire inventory of hydrogen once a year, thus requiring constant replenishment of hydrogen. For this reason, the applicant proposes a hydrogen electrolyzer and piping system that uses electricity from the grid to convert water into hydrogen and oxygen, then compresses the hydrogen and pipes it to each of the 30,000 SunCatchers (SES 2009h).

In the AFC, the applicant indicated that it expects the proposed project to achieve an availability factor of 99 percent. The project is anticipated to operate at an annual capacity factor of approximately 25 percent (SES Solar Two, LLC 2008a, AFC §§ 1.3, 3.1, 3.9.14, 3.11.1).

An expert familiar with the machines claims that the SunCatcher exhibits a Mean Time Between Failures (MTBF) of only 40 hours (Butler 2007). This means each machine, if operating continuously on long summer days, would need to be shut down and repaired approximately every three to five days, depending on expected average 8 to 12 hours operation in winter and summer, respectively. Shutting down and repairing several thousand SunCatchers each day would likely result in enormous maintenance demands and the project would likely face challenges in achieving the predicted 99 percent availability factor. It is believed by one expert that a MTBF of 2,000 to 10,000 hours must be proven before a technology is ready for incorporation into a utility grid (Butler 2007, Public 2009a; Conklin 2009).

The applicant recently submitted to the Energy Commission a confidential report that shows the performance data for the Maricopa Plant, a 1.5 MW power plant employing 60 SunCatcher units similar to those proposed for the IVS Project. In this report, the applicant reports an overall availability factor of 95.1 percent for the Maricopa Plant during the period of March 16, 2010 to June 5, 2010 (SES 2010h). The Maricopa Plant has generated 833,738 kWh, representing a capacity factor of 26.7 percent. This

represents several hundred hours of plant operation. The applicant states that it has used lessons learned from the Maricopa Plant to incorporate engineering and maintenance improvements in order to ensure a reliable operation. So this means that the technology has begun to go through a design refinement to address the concerns that apparently resulted in the low MTBF reported previously in 2007.

The above data provided by the applicant demonstrates an encouraging first-step effort toward achieving a reliable technology. However, this data demonstrates an availability factor based on a limited number of operational hours. Had this technology represented an operational experience equivalent to that of a well-proven, commercial-scaled technology with thousands of hours of operational experience, such as the natural gas turbine technology, staff would have been confident in determining the availability factor. Therefore, at this time, staff cannot determine what the actual availability factor for the long term operation of the IVS Project would be, but it believes that with more operational experience and with continuously demonstrating a reliable and stable power plant technology, in the future one can be more decisive in determining the long-term availability factor of this technology.

## **FUEL AND WATER AVAILABILITY**

The long-term availability of fuel and of water for cooling or process use is necessary to ensure the reliability of any power plant. The need for reliable sources of fuel and water is obvious; lacking long-term availability of either source, the service life of the plant could be curtailed, threatening both the power supply and the economic viability of the plant.

### **Fuel Availability**

The IVS Project would consume no natural gas or other fossil fuel. Therefore, there is no likelihood that availability of natural gas would cause concern.

### **Water Supply Reliability**

The applicant proposes to utilize operational and potable water from a local water supplier, Dan Boyer Water Company.

The IVS Project proposes using water from the Seeley Waste Water Treatment Facility (SWWTF) for mirror washing, for potable and fire protection water, and in an electrolysis process to produce hydrogen gas to replenish the hydrogen that leaks from the Stirling engines if the proposed upgrades to SWWTF are approved (SES Solar Two, LLC 2008a, AFC §§ 1.3, 1.4, 3.1.2, 3.5.6, 3.5.10, 3.7; Table 3-2; SES 2010g). The applicant has proposed the temporary use of the Dan Boyer well in Ocotillo until the SWWTF expansion is approved and completed. (Since the Stirling engines are air-cooled, no water would be required for power plant cooling.) Water from SWWTF would be conducted to the site via a new 11.8-mile-long 6-inch diameter pipeline, treated onsite and stored in tanks holding raw water, demineralized water and potable water.

The **Soil and Water Resources** staff expects the Dan Boyer well to reliably supply water, and also expects the SWWTF to reliably supply water if the proposed expansion is permitted and constructed. Conditions of Certification **SOIL&WATER-9** would ensure

viability of water supply. For further discussion of water supply, see the **Soil and Water Resources** section of this document.

## **POWER PLANT RELIABILITY IN RELATION TO NATURAL HAZARDS**

Natural forces can threaten the reliable operation of a power plant. Tsunamis (tidal waves) and seiches (waves in inland bodies of water) are not likely to present hazards for this project, but seismic shaking (earthquakes), flooding and high winds could present credible threats to the project's reliable operation (SES Solar Two, LLC 2008a, AFC § 3.10.1).

### **Seismic Shaking**

The site lies within a seismically active area; a known fault traverses the northeast corner of the site (SES Solar Two, LLC 2008a, AFC § 3.3.1; Appendix M, § 3.1.4); see the "Faulting and Seismicity" portion of the **Geology and Paleontology** section of this document. The project will be designed and constructed to the latest applicable LORS (SES Solar Two, LLC 2008a, AFC § 3.10.1.1). Compliance with current seismic design LORS represents an upgrading of performance during seismic shaking compared to older facilities since these LORS have been continually upgraded. Because it would be built to the latest seismic design LORS, this project would likely perform at least as well as, and perhaps better than, existing plants in the electric power system. Staff has proposed conditions of certification to ensure this; see the section of this document entitled **Facility Design**. In light of the general historical performance of California power plants and the electrical system in seismic events, staff has no special concerns with the power plant's functional reliability during earthquakes.

### **Flooding**

Portions of the site lie within the 100-year flood plain (SES Solar Two, LLC 2008a, AFC §§ 3.10.1.4). Project features would be designed and built to provide adequate levels of flood resistance. Staff believes there are no special concerns with power plant functional reliability due to flooding. For further discussion, see **Soil and Water Resources** and **Geology and Paleontology**.

### **High Winds**

High winds are common in the region of the site; project features would be built to withstand winds over 90 miles per hour. Design would be in accordance with applicable LORS, including the 2007 California Building Code (SES Solar Two, LLC 2008a, AFC § 3.10.1.2). Staff believes there are no special concerns with power plant functional reliability due to wind.

## **COMPARISON WITH EXISTING FACILITIES**

The North American Electric Reliability Corporation (NERC) maintains industry statistics for availability factors (as well as other related reliability data). The NERC regularly polls North American utility companies on their project reliability through its Generating Availability Data System and periodically summarizes and publishes those statistics on the Internet at <<http://www.nerc.com>>. Energy Commission staff typically compares the applicant's claims for reliability to the statistical reliability of similar power plants. Because solar technology is relatively new and the technologies employed so varied, no

NERC statistics are available for solar power plants. Staff's typical comparison with other existing commercial-scaled facilities thus cannot be accomplished. For further discussions related to this topic, please see the above analysis in **Maintenance Program**.

#### **D.4.4.3 CEQA LEVEL OF SIGNIFICANCE**

This does not apply to power plant reliability.

#### **D.4.5 300 MW ALTERNATIVE**

---

The 300 MW alternative would essentially be Phase 1 of the proposed 750 MW project. This alternative is shown in Alternatives Figure 1.

#### **D.4.5 SETTING AND EXISTING CONDITIONS**

The 300 MW alternative would consist of approximately 40 percent as many SunCatchers (12,000 machines) producing 40 percent as much power (300 MW) and occupying 40 percent as much land as the proposed project.

##### **D.4.5.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The availability factor of the 300 MW alternative would be unchanged from the proposed project because the same generating technology would be employed. The impact of this alternative on the power system reliability would be less than 50 percent of the proposed project, because this alternative would be a 300 MW project, compared to the 750 MW proposed project.

##### **D.4.5.3 CEQA LEVEL OF SIGNIFICANCE**

The CEQA level of significance would be unchanged.

#### **D.4.6 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

---

The first of two alternatives developed to reduce impacts to the waters of the U.S. would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries. This alternative is illustrated in **Alternatives Figure 1B**. This alternative would have the same outer project boundaries as the proposed project, but it would include prohibition of installing permanent structures within drainages, thereby reducing the available acreage for development to 4,690 acres, and reducing the number of SunCatchers from 30,000 under the proposed project to 25,290.

##### **D.4.6.1 SETTING AND EXISTING CONDITIONS**

The existing conditions for power plant reliability are described in Section D.4.4.1, and apply to this alternative. Similar to the proposed project, this alternative would use the same technology but at a somewhat smaller scale.

#### **D.4.6.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Section D.4.4.2 defines potential concerns about equipment availability, plant maintenance, and natural hazards that could affect reliability for the proposed project. The availability factor of this alternative would be unchanged from the proposed project because the same generating technology would be employed. The impact of this alternative on the power system reliability would be slightly less than the proposed project, because the full generating capacity of this alternative would be approximately 84 percent of that of the proposed project (25,290 engines versus 30,000 engines).

#### **D.4.6.3 CEQA LEVEL OF SIGNIFICANCE**

The CEQA level of significance would be unchanged.

### **D.4.7 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

---

The Drainage Avoidance #2 alternative would eliminate both the eastern and westernmost portions of the proposed project, where the largest drainage complexes are located. This alternative is shown in **Alternatives Figure 1C**. It would reduce the overall size of the project site by 3,347 acres (from 6,500 acres to 3,153 acres). It would also reduce the number of SunCatchers from 30,000 under the proposed project to 16,915. In this alternative, permanent structures would be allowed within all drainages inside the revised project boundaries.

#### **D.4.7.1 SETTING AND EXISTING CONDITIONS**

The existing conditions for power plant reliability are described in Section D.4.4.1, and apply to this alternative. Similar to the proposed project, this alternative would use the same technology but at a smaller scale.

#### **D.4.7.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

Section D.4.4.2 defines potential concerns about equipment availability, plant maintenance, and natural hazards that could affect reliability for the proposed project. The availability factor of this alternative would be unchanged from the proposed project because the same generating technology would be employed. The impact of this alternative on the power system reliability would be about half of the proposed project, because the full generating capacity of this alternative would be approximately 56 percent of that of the proposed project (16,915 engines versus 30,000 engines).

#### **D.4.7.3 CEQA LEVEL OF SIGNIFICANCE**

The CEQA level of significance would be unchanged.



## **D.4.8 NO PROJECT / NO ACTION ALTERNATIVE**

---

### **D.4.8.1 NO PROJECT/NO ACTION ALTERNATIVE #1:**

#### **No Action on the IVS Project application and on CDCA land use plan amendment**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site and no ground disturbance. As a result, the power generation benefits of the proposed project would not occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project requiring a land use plan amendment. In addition, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates.

### **D.4.8.2 NO PROJECT/NO ACTION ALTERNATIVE #2:**

#### **No Action the IVS Project and amend the CDCA land use plan to make the area available for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would amend the CDCA Land Use Plan of 1980, as amended, to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site will be developed with another solar technology. It is expected that the solar technology would be built in accordance with typical industry norms for reliable power generation.

### **D.4.8.3 NO PROJECT/NO ACTION ALTERNATIVE #3:**

#### **No Action on the IVS Project application and amend the CDCA land use plan to make the area unavailable for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and the BLM would amend the CDCA Plan to make the proposed site unavailable for future solar development. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because the CDCA Plan would be amended so no solar projects can be approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no construction of a solar facility. Therefore, no benefits resulting

from additional power generation would occur with this alternative. However, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates.

#### **D.4.9 CUMULATIVE IMPACT ANALYSIS**

---

##### **Geographic Extent**

Any reliability impacts caused by the project would act upon the SDG&E power system.

##### **Existing Cumulative Conditions**

The SDG&E system is projected to serve a peak load, in the year 2013 (when the IVS Project is expected to be on-line) of nearly 5,000 MW (CEC 2007). SDG&E currently acquires power from numerous sources, chiefly fossil fuel-fired and nuclear.

##### **Future Foreseeable Projects**

The power to serve the SDG&E system demand would be acquired from numerous sources, some of which would be solar power plants. The IVS Project would contribute up to 750 MW of the total of 5,000 MW, or 15 percent, on hot summer days. This comprises a substantial portion of the total.

##### **Overall Conclusion**

The impact of the IVS Project on the reliability of the SDG&E power system could be similar to those of the other power plants currently serving SDG&E's load.

#### **D.4.10 COMPLIANCE WITH LORS**

---

No federal, state, or local/county laws, ordinances, regulations, or standards (LORS) apply to the reliability of this project.

#### **D.4.11 NOTEWORTHY PUBLIC BENEFITS**

---

This project, if successful, would help serve the need for renewable energy in California, as all of the electricity generated would be produced by a reliable source of energy that is available during the hot summer afternoons, when power is needed most.

#### **D.4.12 RESPONSE TO COMMENTS**

---

Staff did not identify any public or agency comments on the **Reliability** section of the SA/DEIS.

#### **D.4.13 PROPOSED CONDITIONS OF CERTIFICATION/MITIGATION MEASURES**

---

No conditions of certification are proposed.

#### **D.4.14 CONCLUSIONS**

---

An expert familiar with the machines claims that the SunCatcher exhibits a Mean Time Between Failures (MTBF) of only 40 hours. It is believed by this expert that a MTBF of 2,000 to 10,000 hours must be proven before a technology is ready for incorporation into a utility grid (Butler 2007, Public 2009a; Conklin 2009).

Recently, Imperial Valley Solar, LLC (applicant) provided a report to the energy commission, claiming an overall availability factor of 95.1 percent for the 1.5 Megawatt (MW) Maricopa Plant (a pilot plant using the Stirling Energy Systems SunCatcher units) during the period of March 16 to June 5, 2010 (SES 2010h). (The availability factor of a power plant is the percentage of time it is available to generate power; both planned and unplanned outages subtract from this availability.) The proposed Imperial Valley Solar (formerly the Stirling Energy Systems Solar Two) Project would be essentially a multiplication of the 60-unit Maricopa Plant with similar configuration. The Maricopa Plant has generated 833,738 kWh, representing a capacity factor of 26.7 percent. This represents several hundred hours of plant operation. The applicant states that it has used lessons learned from the Maricopa Plant to incorporate engineering and maintenance improvements in order to ensure a reliable operation. This indicates that the technology has begun to go through a design refinement to address the concerns that apparently resulted in the low MTBF reported previously in 2007.

The applicant's data above demonstrates an encouraging first-step effort toward achieving a reliable technology. However, this data demonstrates an availability factor based on a limited number of operational hours. Had this technology represented an operational experience equivalent to that of a well-proven, commercial-scaled technology with thousands of hours of operational experience, such as the natural gas turbine technology, staff would have been confident in determining the availability factor. Therefore, at this time, staff cannot determine what the actual availability factor for the long term operation of the Imperial Valley Solar Project would be, but it believes that with more operational experience and with continuously demonstrating a reliable and stable power plant technology, in the future one can be more decisive in determining the long-term availability factor of this technology.

#### **D.4.15 REFERENCES**

---

Butler 2007 – Phase I Direct Expert Testimony of Dr. Barry Butler on Behalf of Conservation Groups, Before the Public Utilities Commission of the State of California, Dated 5/31/2007.

CEC 2007 – *California Energy Demand 2008-2018 Staff Revised Forecast*, CEC-200-2007-015-SF2, November 2007; p. 122, Table 22.

Conklin 2009 – Letter to Christopher Meyer, CEC staff, from Diane Conklin, Mussey Grade Road Alliance, Citing Dr. Butler's testimony, January 2, 2009.

Public 2009a – Public Scoping Comments Summary, p.3-23, Dated February 04, 2009, citing Dr. Butler's testimony.

SES 2008a – Application for Certification for the Stirling Energy Systems (SES) SES Solar Two Project, Volumes 1 and 2. Submitted to the California Energy Commission, June 30, 2008.

SES 2009h – Applicant's Responses to BLM and Energy Commission Data Requests 1-3, 5-10, 24-26, 31-33, 36-38, 44, and 111-127, March 19, 2009.

SES 2010g – Applicant's Comments on the SA-DEIS, p. 97, Dated March 12, 2010.

SES 2010h – Applicant's CONFIDENTIAL Submittal of the Maricopa Solar Engineer's Report, Dated June 11, 2010.

## **D.5 - TRANSMISSION SYSTEM ENGINEERING**

Testimony of Sudath Arachchige and Mark Hesters

### **D.5.1 SUMMARY OF CONCLUSIONS**

---

The proposed Imperial Valley Solar (formerly Stirling Energy Systems Solar Two) Project (Phase 1 and Phase 2) outlet lines and termination are acceptable and would comply with all applicable laws, ordinances, regulations, and standards. The analysis of project transmission lines and equipment, both from the power plant up to the point of interconnection with the existing transmission network as well as upgrades beyond the interconnection that are attributable to the project have been evaluated by Energy Commission staff and are included in the environmental sections of this Supplemental Staff Assessment.

Staff concludes:

- Mitigation of thermal overloads caused by the Phase 1 under N-1 contingency analysis would require installing a 500/230kV, 1120 megavolt ampere (MVA) transformer bank at the existing Imperial Valley Substation. The transformer installation would occur within the fence line of the existing Imperial Valley Substation and would not trigger California Environmental Quality Act (CEQA) analysis.
- Mitigation of base case thermal overloads caused by Phase 2 would require installing a third 230/69 kV, 224MVA transformer bank at the existing Sycamore Substation. The transformer installation would occur within the fence line of the existing Sycamore substation and would not trigger CEQA analysis.
- The proposed Imperial Valley Solar (IVS) Project should be designed and constructed with adequate reactive power resources to compensate the consumption of Var by the generator step-up transformers, distribution feeders and generator tie-lines.

### **D.5.2 INTRODUCTION**

---

This transmission system engineering (TSE) analysis examines whether this project's proposed interconnection conforms to all laws, ordinances, regulations, and standards (LORS) required for safe and reliable electric power transmission. Additionally, under CEQA, the Energy Commission must conduct an environmental review of the "whole of the action," which may include facilities not licensed by the Energy Commission (Title 14, California Code of Regulations Section 15378). The Energy Commission must, therefore, identify the system impacts and necessary new or modified transmission facilities downstream of the proposed interconnection that are required for interconnection and that, when included with the other project features, represent the whole of the action.

Commission staff relies on the responsible interconnecting authority for analysis of impacts on the transmission grid, as well as for the identification and approval of new or modified facilities required downstream from a proposed interconnection for mitigation

purposes. The proposed IVS Project would connect to SDG&E's existing 230-kV transmission network and would require both analysis by SDG&E and the approval of the California Independent System Operator (California ISO).

### **D.5.2.1 SDG&E'S ROLE**

SDG&E is responsible for ensuring electric system reliability in its service territory for proposed transmission modifications. For the proposed IVS Project, SDG&E performed a System Impact Study (SIS) used to determine whether or not the proposed transmission modifications needed for the proposed SES Solar Two project conform to reliability standards. Because the project would be connected to the California ISO controlled transmission grid, the California ISO's role is to review and approve the SIS and its conclusions.

### **D.5.2.2 CALIFORNIA ISO'S ROLE**

The California ISO is responsible for ensuring electric system reliability for all participating transmission owners and for developing the standards to achieve system reliability. The power generated by the proposed IVS Project will be dispatched to the California ISO grid via SDG&E's existing Imperial Valley 500/230-kV Substation. Therefore, the California ISO will review the studies of the SDG&E system to ensure adequacy of the proposed transmission interconnection. The California ISO determines the reliability impacts of proposed transmission modifications on the SDG&E transmission system in accordance with all applicable reliability criteria. According to the California ISO tariffs, the California ISO will determine the need for transmission additions or upgrades downstream from the interconnection point to insure reliability of the transmission grid.

The California ISO reviewed the SIS prepared by SDG&E for the proposed IVS Project and issued a preliminary approval to SDG&E. On completion of the SDG&E Facility Study, the California ISO will review the study results and provide its conclusions and recommendations. The California ISO may provide written and verbal testimony on its findings at the Energy Commission hearings.

## **D.5.3 METHODOLOGY AND THRESHOLDS FOR DETERMINING ENVIRONMENTAL CONSEQUENCES**

---

### **LAWS, ORDINANCES, REGULATIONS, AND STANDARDS**

The LORS that apply to the transmission facilities associated with the proposed IVS Project are:

- California Public Utilities Commission (CPUC) General Order 95 (GO-95), Rules for Overhead Electric Line Construction, sets forth uniform requirements for the construction of overhead lines. Compliance with this Order ensures adequate service and the safety of the public and the people who build, maintain, and operate overhead electric lines.
- CPUC General Order 128 (GO-128), Rules for Construction of Underground Electric Supply and Communications Systems, sets forth uniform requirements and

minimum standards for underground supply systems to ensure adequate service and the safety of the public and the people who build, maintain, and operate underground electric lines.

- The National Electric Safety Code, 1999, provides electrical, mechanical, civil, and structural requirements for overhead electric line construction and operation.
- The combined North American Electric Reliability Corporation/Western Electricity Coordinating Council (NERC/WECC) planning standards provide system performance standards for assessing the reliability of the interconnected transmission system. These standards require continuity of service and the preservation of interconnected operation as the first and second priorities, respectively. Some aspects of NERC/WECC standards are either more stringent or more specific than the either agency's standards alone. These standards are designed to ensure that transmission systems can withstand both forced and maintenance outage system contingencies while operating reliably within equipment and electric system thermal, voltage, and stability limits. These standards include reliability criteria for system adequacy and security, system modeling data requirements, system protection and control, and system restoration. Analysis of the WECC system is based to a large degree on Section I.A of WECC standards, NERC and WECC Planning Standards with Table I and WECC Disturbance-Performance Table, and on Section I.D, NERC and WECC Standards for Voltage Support and Reactive Power. These standards require that power flows and stability simulations verify defined performance levels. Performance levels are defined by specifying allowable variations in thermal loading, voltage and frequency, and loss of load that may occur during various disturbances. Performance levels range from no substantial adverse effects inside and outside a system area during a minor disturbance (such as the loss of load from a single transmission element) to a catastrophic loss level designed to prevent system cascading and the subsequent blackout of islanded areas and millions of consumers during a major transmission disturbance (such as the loss of multiple 500-kV lines along a common right-of-way, and/or of multiple large generators). While the controlled loss of generation or system separation is permitted under certain specific circumstances, a major uncontrolled loss is not permitted (WECC, 2002).
- NERC's reliability standards for North America's electric transmission system spell out the national policies, standards, principles, and guidelines that ensure the adequacy and security of the nation's transmission system. These reliability standards provide for system performance levels under both normal and contingency conditions. While these standards are similar to the combined NERC/WECC standards, certain aspects of the combined standards are either more stringent or more specific than the NERC performance standards alone. NERC's reliability standards apply to both interconnected system operations and to individual service areas (NERC, 2006).
- California ISO planning standards provide the standards and guidelines that ensure the adequacy, security, and reliability of the state's member grid facilities. These standards incorporate the combined NERC/WECC and NERC standards. These standards are also similar to the NERC/WECC or NERC standards for transmission system contingency performance. However, the California ISO standards provide additional requirements not included in the WECC/NERC or NERC standards. The

California ISO standards apply to all participating transmission owners interconnecting to the California ISO-controlled grid. They also apply to non-member facilities that impact the California ISO grid through their interconnections with adjacent control grids (California ISO, 2002a).

- California ISO/Federal Energy Regulatory Commission (FERC) electricity tariffs contain guidelines for building all transmission additions/upgrades within the California ISO-controlled grid. (California ISO, 2003a).

## **D.5.4 PROPOSED PROJECT**

---

### **D.5.4.1 SETTING AND EXISTING CONDITIONS**

The applicant proposes to interconnect the proposed 750 megawatt (MW) IVS Project to SDG&E's existing Imperial Valley 500/230 kV Substation which is located southwest of El Centro, California. The proposed project would be developed in two phases, one 300 MW phase (IVS Project Phase 1), and one 450 MW phase (IVS Project Phase 2), with planned operational dates of summer of 2010, and spring 2011 respectively, for a total 750MW facility.

The proposed IVS Project is a solar concentrating thermal power plant, based on the proprietary SunCatcher technology of Stirling Energy System, Inc. Each SunCatcher consists of a 25-kilowatt (kW) solar power generating system. The system is designed to track the sun automatically and to focus solar energy onto a power conversion unit (PCU), which generates electricity. Each SunCatcher consists of a 38-foot high by 40-foot wide solar concentrator in a dish structure that supports an array of curved glass mirror facets. These mirrors collect and concentrate solar energy onto the solar receiver of the PCU. Both phases of the project will consist of a total of approximately 30,000 SunCatchers. Each SunCatcher will produce 575 volts alternating current. The project will be electrically designed to 575V, 1.5 MW, three phase, 60Hz solar groups. Each complete solar group will consist of 60 SunCatchers, which correlates to a 1.5 MW power block with a corresponding GSU transformer. The 1750 KVA GSU transformer will step up the 575 volt (V) collector feeder voltage to 34.5 kV. The 1.5 MW solar groups will be connected by underground electrical cables to create the 3, 6 and 9 MW solar groups. Five 9 MW groups and one 3 MW group will be coupled through underground 4/0 aluminum electrical cables and ascend through a pole riser to create an overhead 48MW distribution collector line. Five 9 MW groups and one 6 MW group will be coupled through underground 4/0 aluminum electrical cables and ascend through a pole riser to create an overhead 51MW distribution collector line. The overhead collector groups will deliver the solar electric generated power to a new 750MW substation constructed on the site as part of the project. (SES Solar Two, 2007c, Section 3.4, pages 3-6 to 3-17 and Figure 3-11 to 3-18)

### **D.5.4.2 SWITCHYARD AND INTERCONNECTION FACILITIES**

The applicant will build a 34.5 kV to 230 kV 750 MW substation on the project site. The substation will consist of five segments of 34.5 kV open air bus with each bus segment consist of five 1200A , 35 kV collection feeder circuit breakers. The 48 MW or 51 MW overhead collection lines will be connected to the five 34.5 kV bus segments via circuit



breakers. Additional 35 kV circuit breakers will connect to power factor correction capacitor banks in the substation yard. For Phase 1 of the project, the first interconnection substation will initially consist of two power transformers rated at 120/160/200 MVA each to convert the generation collection voltage from 34.5 kV to the transmission tie voltage of 230kV. The substation will also contain five 120/160/200 MVA, 34.5 kV to 230kV step up transformers. Each power transformer will serve 3 of the 15 overhead collection lines. The high side of each step up transformer will be connected to the 230kV bus segments via 2000A, 230kV circuit breakers. One common bus for each phase will be formed by connecting the 230 kV bus segments through 2000A disconnect switches.

An approximately, 10.3 mile long 230kV double circuit will be used to interconnect the 750 MW IVS Project substation to the Imperial Valley Substation. The double circuit of the overhead 230kV transmission line will be constructed with one 1590 kcmil per phase, aluminum conductor steel-reinforced (ACSR) conductor per line; each thermally rated to carry full project output in emergency conditions. Each circuit of the overhead line begins at a dead-end structure in the IVS Project substation, continues south and east across the project site, and moves southeast adjacent to the SDG&E 500kV Southwest power link transmission line to the Imperial Valley Substation. The transmission lines will start within the project site boundary but a 7.56 mile long segment from the project site to the Imperial Valley Substation will be outside the project site boundary. Construction of that line will include dead-end structures in the substation and 85 to 100 230 kV lattice steel towers and/ or tubular steel poles and new 1590 kcmil ACSR conductors for each phase of the circuit.

Additionally, the Imperial Valley Substation should be modified to include 230kV bay position to terminate the new 230 kV double circuit. This work includes installation of one or more 230kV breakers and associated switches, metering equipments, protection system and may also include reconfiguration of existing facilities. (SES Solar Two, 2007c, Section 3.6 pages 3.25 to 3.30, and Figures 3-5, 3-6, and 3-7)

#### **D.5.4.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

For the interconnection of this proposed project to the grid, the interconnecting utility (SDG&E) and the control area operator (California ISO) are responsible for ensuring grid reliability. These two entities will assess the potential impacts of the proposed IVS Project on the transmission system and any mitigation measures needed to ensure system conformance with the applicable utility reliability criteria, NERC planning standards, WECC reliability criteria, and California ISO reliability criteria. System impact and facilities studies are used to determine the impacts of the proposed IVS Project on the transmission grid. Staff relies on these studies and any review conducted by the California ISO to determine the potential effects of the proposed IVS Project on the transmission grid and to identify any necessary downstream facilities or indirect project impacts required to bring the transmission network into compliance with applicable reliability standards. System impact and facilities studies analyze the grid with and without the proposed IVS Project, under conditions specified in the planning standards and reliability criteria. The standards and criteria define the assumptions used in the study and establish the thresholds through which grid reliability is determined. The

studies analyze the potential impact of the proposed IVS Project for the anticipated first year of operation, and are based on a forecast of loads, generation, and transmission. Load forecasts are developed by the interconnected utility. Generation and transmission forecasts are established by an interconnection queue. The studies focus on thermal overloads, voltage deviations, system stability (excessive oscillations in generators and transmission system, voltage collapse, loss of loads, or cascading outages), and short circuit current. If the studies show that the interconnection of the project causes the grid to be out of compliance with the reliability standards, then the study will identify mitigation measures or ways in which the grid could be brought into compliance with the reliability standards.

When a project connects to the California ISO-controlled grid, both the studies and mitigation measures must be reviewed and approved by the California ISO. If either the California ISO or interconnecting utility determines that the only feasible mitigation includes transmission modifications or additions requiring CEQA review, the Energy Commission must analyze those modifications or additions according to CEQA requirements.

#### **D.5.4.3 SCOPE OF SYSTEM IMPACT STUDIES**

The System Impact Studies (SIS) were performed by SDG&E at the request of IVS to identify the potential impacts of the proposed IVS Project on SDG&E's 69/115/230kV transmission system. The SIS included power flow, sensitivity, and short circuit studies, and transient and post-transient analyses (IVS Project, Phase 1-2006a, Phase 2-2008b SIS). The SIS modeled the proposed project for a net output of 300 MW for Phase 1 and Phase 2 for 450 MW. The base cases included all California ISO approved major SDG&E transmission projects, the transmission system for the Imperial Valley Irrigation District, **Comisión Federal de Electricidad (CFE)**, and major path flow limits of Southern California Import Transmission, East-Of-River, West-of-River and 500kV Southwest Power link and 230kV phase shifting transformer at Imperial Valley at the interconnection between SDG&E and IID. The SIS considered light load conditions with generation patterns and Path 44 imports maximized to identify the extent of potential congestion and fully stress the SDG&E system in the area where the project phases of the proposed IVS Project would be interconnecting. The study assumptions are described in further detail in the SIS. The power flow studies were conducted with and without IVS Project (Phase 1) connected to SDG&E's grid at the existing Imperial Valley Substation, using 2009 heavy summer and 2008/2009 light spring base cases. Additional power flow studies were conducted with and without IVS Project (Phase 2) connected to SDG&E's grid at the existing Imperial Valley Substation, using 2011 heavy summer and 2011/2012 light winter base cases. The power flow study assessed the potential impacts of the proposed IVS Project on thermal loading of the transmission lines and equipment. Transient and post-transient studies were conducted for Phases 1 and 2 of the proposed IVS Project using the 2009 and 2011 heavy summer base case to determine whether the project would create instability in the system following certain selected outages. Short circuit studies were conducted to determine if Phases 1 and 2 of the proposed IVS Project would overstress existing substation facilities.

## **Power Flow Study Results and Mitigation Measures (Phase 1 and 2)**

### **Phase 1 (300 MW) Study Results**

The power flow analysis determined there would be no N-0 thermal or voltage violations of the SDG&E and adjacent systems as a result of Phase 1 of the proposed IVS Project. However, the study identified the following N-1 thermal constraints which would occur as a result of Phase 1 of the project.

Overload: The Imperial Valley Substation 500/230kV transformer bank 80 was overloaded under the 2009 heavy summer N-1 contingency analysis.

Mitigation: The recommended mitigation for this project effect is to install an additional 1120/1194 MVA, 500/230kV transformer bank at Imperial Valley Substation.

Overload: Miguel 500/230kV transformer banks 80 and 81 were overloaded under the 2009 heavy summer N-1 contingency analysis as a result of Phase 1 of the proposed SES Solar Two project.

Mitigation: Install Special Protection System (SPS) to prevent overloading of the Miguel 500/230kV transformer banks. This upgrade is required to relieve post-contingency overloads on the existing Miguel 500/230kV transformer banks. This includes installation of protection and control equipment at the Miguel, Imperial Valley and IVS Project substations, and establishment of redundant communication paths between all three substations.

### **Phase 2 (450 MW) Study Results**

Overload: Sycamore Canyon 230/69 kV transformer banks 70 and 71 were overloaded above continuous ratings for N-0, heavy summer 2011 contingency analysis as a result of the Phase 2 of the proposed IVS Project. However, if a higher queue generation project does not occur, these transformers might not overload.

Mitigation: Recommended mitigation is to install a third 230/69kV, 224 MVA transformer bank at the Sycamore Substation.

Overload: The Sycamore-Chicarita 138kV transmission line was overloaded above continuous ratings for N-1, heavy summer 2011 contingency analysis as a result of Phase 2 of the proposed SES Solar Two project. This line might not be overload if a generation project ahead of SES Solar Two (phase 2) does not occur.

Mitigation: Reconductoring the Sycamore Canyon-Chicarita 138 kV transmission line to a continuous rating of 250MVA from bus to bus. Alternatively, operating procedures may include curtailing the output of the project during planned or extended forced outages in order to operate reliably.

Overload: At the Imperial Valley Substation, 500/230kV transformer bank 81 was overloaded under the 2011/2012 light winter N-1 contingency analysis as a result of Phase 2 of the proposed SES Solar Two project.

Mitigation: The recommended mitigation is to install an additional 1120/1194 MVA, 500/230kV transformer bank at Imperial Valley Substation.

### **Transient Study Results**

The Transient Study was conducted for the critical single and double contingencies affecting the area on page 19 and Appendix J in the IVS Project (Phases 1 and 2) SIS. The three-phase faults with normal clearing are studied for single contingencies; single-line-to-ground faults with delayed clearing are studied for double contingencies. All outage cases were evaluated with the assumption that existing Special Protection Schemes (SPS) or Remedial Action Schemes (RAS) would operate as designed where required. The Transient Studies concluded that the WECC transmission system remained stable for all contingency simulations and no criteria violations were found as a result of Phases 1 and 2 of the proposed IVS Project.

### **Post-Transient Study Results**

The NERC/WECC planning standards require that the system maintain post-transient voltage stability when either critical path transfers or area loads increase by 5% for Category B contingencies, and 2.5% for Category C contingencies. Post-transient studies conducted for similar or larger generators in the area concluded that voltage remains stable under both N-1 and N-2 contingencies. All outage cases were evaluated with the assumption that existing SPS or RAS would operate as designed where required. The studies determined that the system remained stable under both single and double contingency outage conditions and the addition of Phases 1 and 2 of the proposed SES Solar Two project for the primary point of interconnection.

### **Short-Circuit Duty Study Results**

Short circuit studies were performed to determine the degree to which the addition of the power generated by the IVS Project increases fault duties at SDG&E substations, and other 69kV, 115 kV, 230 kV, and 230 kV busses in the study area. The busses at which faults were simulated, the maximum three-phase and single-line-to-ground fault currents at these busses both with and without the project, and information on the breaker duties at each location are summarized in the Short Circuit Study results tables in the SIS (IVS Project, Phase 1 – Table 9.1 and Phase 2 - Appendix G,SIS). The results of the three-phase-to-ground and single-phase-to-ground short-circuit duty studies identified that there are no overstressed breakers as a result of Phases 1 and 2 of the proposed IVS Project.

### **Reactive Power Deficiency Analysis Results**

A case in each study period was analyzed for post-transient reactive power sufficiency using the Voltage Analysis Tool (VSAT). VSAT performs post-transient governor power flow analysis, and recognizes the WECC base load flag. The cases analyzed in VSAT are summarized Table 13.1 in the SIS for Phases 1 and 2. The power flow cases reached convergence for all contingencies, thereby meeting the reactive power criteria. The proposed IVS Project would be the net consumer of reactive power at its full 750 MW output level. It is recommended that the IVS Project include sufficient reactive power resources to compensate for the VAR consumption of the generator step-up transformers and generator tie line.

## **Compliance with LORS**

The findings of the studies conducted for the proposed IVS Project and summarized above indicate that Phases 1 and 2 of the project would comply with the NERC/WECC planning standards and California ISO reliability criteria. The project will be designed and constructed to include the 230 kV substation on the project site and a new 10.3 mile long, 230kV double circuit transmission facility from the project site to the Imperial Valley Substation. Staff concludes that, assuming the proposed conditions of certification are met, the project would meet the requirements and standards of all applicable LORS for TSE.

### **D.5.5 ALTERNATIVE 1 (300 MW ALTERNATIVE)**

---

The 300 MW Alternative would essentially be Phase 1 of the proposed 750 MW project. It would include only the 300 MW phase and would not include any future phases of 450 MW or any other phases to provide a total of 750 MW. This alternative is shown in Alternatives Figure 1.

#### **D.5.5.1 SETTING AND EXISTING CONDITIONS**

Like the proposed project, this alternative would include numerous groups of 60 SunCatchers, connected by underground electrical cables. When aggregated at the project substation, the power generated would interconnect to SDG&E's existing Imperial Valley 500/230 kV substation which is located southwest of El Centro, California. There would be fewer SunCatcher groups in this alternative, but the system of aggregation and method of power transmission would be the same as for the proposed project.

#### **D.5.5.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

This alternative would require fewer SunCatcher groups to generate 300 MW (phase one) of the project. Therefore, it would require fewer distribution and substation facilities to be built within the project site. Additionally, this alternative would not cause any reconductoring of the SDG&E transmission system.

#### **D.5.5.3 CEQA LEVEL OF SIGNIFICANCE**

This alternative would require fewer distribution and transmission facilities to be built in the project site. Therefore, installation of fewer transformers, fewer collector distribution feeders and other electrical components would contribute lesser environmental impacts and trigger lesser CEQA analysis.

### **D.5.6 DRAINAGE AVOIDANCE #1 ALTERNATIVE**

---

The first of two alternatives developed to reduce impacts to the waters of the U.S. would prohibit permanent impacts within the 10 primary drainages within the proposed project boundaries. This alternative is illustrated in **Alternatives Figure 1B**. This alternative would have the same outer project boundaries as the proposed project, but it would include prohibition of installing permanent structures within drainages, thereby reducing

the available acreage for development from 6,500 acres to 4,690 acres, and reducing the number of SunCatchers from 30,000 under the proposed project to 25,290.

#### **D.5.6.1 SETTING AND EXISTING CONDITIONS**

Like the proposed project, this alternative would include numerous groups of 60 SunCatchers, connected by underground electrical cables. When aggregated at the project substation, the power generated would interconnect to SDG&E's existing Imperial Valley 500/230 kV substation which is located southwest of El Centro, California. There would be fewer SunCatcher groups in this alternative, but the system of aggregation and the method of power transmission would be the same as for the proposed project.

#### **D.5.6.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The System Impact Studies completed for the proposed project would also apply generally to this smaller alternative. However, the smaller generation capacity of this alternative may reduce the amount of distribution and substation facilities, thereby reducing the environmental impacts caused by the proposed project in Section D.5.1, Summary of Conclusions.

#### **D.5.6.3 CEQA LEVEL OF SIGNIFICANCE**

Like the proposed project, the transmission system required for the Drainage Avoidance #1 alternative requires new components. While System Impact Studies have not been completed for the smaller generation capacity of this alternative, it is likely that this alternative would require fewer distribution and transmission facilities to be built in the project site. Therefore, installation of fewer transformers, fewer collector distribution feeders and other electrical components would contribute lesser environmental impacts and would trigger lesser CEQA analysis.

### **D.5.7 DRAINAGE AVOIDANCE #2 ALTERNATIVE**

---

The Drainage Avoidance #2 alternative would eliminate both the eastern and westernmost portions of the proposed project, where the largest drainage complexes are located. This alternative is shown in **Alternatives Figure 1C**. It would reduce the overall size of the project site by 3,347 acres (from 6,500 acres to 3,153 acres) It would also reduce the number of SunCatchers from 30,000 under the proposed project to 16,915. In this alternative, permanent structures would be allowed within all drainages inside the revised project boundaries.

#### **D.5.7.1 SETTING AND EXISTING CONDITIONS**

Like the proposed project, this alternative would include numerous groups of 60 SunCatchers, connected by underground electrical cables. When aggregated at the project substation, the power generated would interconnect to SDG&E's existing Imperial Valley 500/230 kV substation which is located southwest of El Centro, California. There would be fewer SunCatcher groups in this alternative, but the system

of aggregation and the method of power transmission would be the same as for the proposed project.

### **D.5.7.2 ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION**

The System Impact Studies completed for the proposed project would also apply generally to this smaller alternative. However, the smaller generation capacity of this alternative may reduce the amount of distribution and substation facilities, thereby reducing the environmental impacts caused by the proposed project in Section D.5.1, Summary of Conclusions.

### **D.5.7.3 CEQA LEVEL OF SIGNIFICANCE**

Like the proposed project, the transmission system required for the Drainage Avoidance #2 alternative requires new components. While System Impact Studies have not been completed for the smaller generation capacity of this alternative, it is likely that this alternative would require fewer distribution and transmission facilities to be built in the project site. Therefore, installation of fewer transformers, fewer collector distribution feeders and fewer other electrical components would contribute lesser environmental impacts and would trigger lesser CEQA analysis.

## **D.5.8 NO PROJECT / NO ACTION ALTERNATIVE**

---

There are three No Project/No Action Alternatives evaluated in this section, as follows:

### **NO PROJECT/NO ACTION ALTERNATIVE #1:**

#### **No Action on IVS Project application and on CDCA land use plan amendment**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the project site and BLM would continue to manage the site consistent with the existing land use designation in the CDCA Land Use Plan of 1980, as amended.

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site and no ground disturbance. Because the project would not be built the proposed interconnection would not be required and no impacts to safe and reliable electric power transmission would occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project requiring a land use plan amendment. In addition, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

## **NO PROJECT/NO ACTION ALTERNATIVE #2:**

### **No Action on IVS Project and amend the CDCA land use plan to make the area available for future solar development**

Under this alternative, the proposed IVS Project would not be approved by the Energy Commission and BLM and BLM would amend the CDCA Land Use Plan of 1980, as amended, to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site will be developed with another solar technology. The different solar technology would require a transmission line and laws, ordinances, regulations, and standards required for safe and reliable electric power transmission would be similar to those under the proposed project.

## **D.5.9 CUMULATIVE IMPACT ANALYSIS**

---

Staff has reviewed the lists of existing and foreseeable projects as presented in the Cumulative Scenario section of this SSA. Staff's review considers whether the interconnection of IVS to SDG&E's transmission system along with other existing and foreseeable generation projects would conform to all LORS required for safe and reliable electric power transmission. The analysis described above under the heading Proposed Project – Scope of System Impact Studies is conducted in coordination with, and the approval of, California ISO to consider existing and proposed generator interconnections to the transmission grid and their potential safety and reliability impacts under a number of conservative contingency conditions.

The cumulative marginal impacts to the safe and reliable operation of the transmission system due to the IVS Project, as identified in the SIS, would be mitigated with the Energy Commission's and BLM's incorporation of the mitigation measures and CoC's set forth in this section. Staff also believes that there would be some positive impacts because the IVS Project would supplement local solar generation and import of power to the SDG&E system, meet the increasing load demand in the San Diego County, Imperial Valley and provide additional reactive power and voltage support in the local network, and may reduce system losses in the SDG&E system.

## **D.5.10 NOTEWORTHY PUBLIC BENEFITS**

---

Renewable energy facilities, such as the IVS Project, are needed to meet California's mandated renewable energy goals. The IVS Project would provide some of the renewable energy needed to meet these goals.

## **D.5.11 PROJECT CLOSURE AND DECOMMISSIONING**

---

Project Closure and Decommissioning is discussed above in Section C.1.4.4.



## **D.5.12      RESPONSE TO PUBLIC AND AGENCY COMMENTS**

---

The following responds to the substantial technical comments received from the public (including Intervenor) and agencies on the SA/DEIS transmission system engineering section. Specific Final Environmental Impact Statement (FEIS)-related comments will be responded to by the BLM in the FEIS for this project.

### **Imperial Irrigation District (IID 2010)**

The Imperial Irrigation District (IID) commented on the impacts of potential modifications to the IID distribution network that would be required to provide service to the IVS Project. Modification to existing circuits could trigger the need for further NEPA or CEQA analysis that has not been included in the staff analysis.

**Response:** While staff is aware that modifications to the IID distribution network may be required for the proposed IVS Project without specific descriptions of the upgrades and facilities needed from IID it is not possible for provide any further analysis. When these facilities are defined they will require permitting before construction.

## **D.5.13      PROPOSED CONDITIONS OF CERTIFICATION**

---

The following conditions of certification/mitigation measures are incorporated in the proposed IVS Project to address potential project impacts related to the transmission system.

**TSE-1**      The project owner shall furnish to the Compliance Project Manager (CPM) and to the Chief Building Official (CBO) a schedule of transmission facility design submittals, a Master Drawing List, a Master Specifications List, and a Major Equipment and Structure List. The schedule shall contain a description and list of proposed submittal packages for design, calculations, and specifications for major structures and equipment. To facilitate audits by Energy Commission staff, the project owner shall provide designated packages to the CPM when requested

**Verification:**      At least 60 days prior to the start of construction (or a lesser number of days mutually agreed to by the project owner and the CBO), the project owner shall submit the schedule, a Master Drawing List, and a Master Specifications List to the CBO and to the CPM. The schedule shall contain a description and list of proposed submittal packages for design, calculations, and specifications for major structures and equipment (see a list of major equipment in Table 1: Major Equipment List below). Additions and deletions shall be made to the table only with CPM and CBO approval. The project owner shall provide schedule updates in the Monthly Compliance Report.

**TRANSMISSION SYSTEM ENGINEERING Table 1**  
**Major Equipment List**

Breakers
Step-Up Transformer
Switchyard
Busses
Surge Arrestors
Disconnects
Take Off Facilities
Electrical Control Building
Switchyard Control Building
Transmission Pole/Tower
Grounding System

**TSE-2** Prior to the start of construction, the project owner shall assign an electrical engineer and at least one of each of the following to the project: A) a civil engineer; B) a geotechnical engineer or a civil engineer experienced and knowledgeable in the practice of soils engineering; C) a design engineer who is either a structural engineer or a civil engineer fully competent and proficient in the design of power plant structures and equipment supports; or D) a mechanical engineer. (Business and Professions Code Sections 6704 et seq. require state registration to practice as a civil engineer or structural engineer in California).

The tasks performed by the civil, mechanical, electrical, or design engineers may be divided between two or more engineers, as long as each engineer is responsible for a particular segment of the project (e.g., proposed earthwork, civil structures, power plant structures, equipment support). No segment of the project shall have more than one responsible engineer. The transmission line may be the responsibility of a separate California-registered electrical engineer. The civil, geotechnical or civil, and design engineer assigned in conformance with Facility Design condition GEN-5, may be responsible for design and review of the TSE facilities.

The project owner shall submit to the CBO for review and approval, the names, qualifications, and registration numbers of all engineers assigned to the project. If any one of the designated engineers is subsequently reassigned or replaced, the project owner shall submit the name, qualifications, and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer. This engineer shall be authorized to halt earthwork and to require changes if site conditions are unsafe or do not conform with predicted conditions used as a basis for design of earthwork or foundations.

The electrical engineer shall:

1. Be responsible for the electrical design of the power plant switchyard, outlet and termination facilities; and
2. Sign and stamp electrical design drawings, plans, specifications, and calculations.

**Verification:** At least 30 days prior to the start of rough grading (or a lesser number of days mutually agreed to by the project owner and the CBO), the project owner shall submit to the CBO for review and approval, the names, qualifications, and registration numbers of all the responsible engineers assigned to the project. The project owner shall notify the CPM of the CBO's approvals of the engineers within five days of the approval.

If the designated responsible engineer is subsequently reassigned or replaced, the project owner shall have five days in which to submit the name, qualifications, and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer within five days of that approval.

**TSE-3** If any discrepancy in design and/or construction is discovered in any engineering work that has previously undergone CBO design review and approval, the project owner shall document the discrepancy and recommend corrective action (California Building Code, 1998, Chapter 1, Section 108.4, Approval Required; Chapter 17, Section 1701.3, Duties and Responsibilities of the Special Inspector; Appendix Chapter 33, Section 3317.7, Notification of Noncompliance). The discrepancy documentation shall become a controlled document and shall be submitted to the CBO for review and approval and shall reference this condition of certification.

**Verification:** The project owner shall submit a copy of the CBO's approval or disapproval of any corrective action taken to resolve a discrepancy to the CPM within 15 days of receipt. If disapproved, the project owner shall advise the CPM, within five days, the reason for disapproval, and the revised corrective action required obtaining the CBO's approval.

**TSE-4** For the power plant switchyard, outlet line, and termination, the project owner shall not begin any increment of construction until plans for that increment have been approved by the CBO. These plans, together with design changes and design change notices, shall remain on the site for one year after completion of construction. The project owner shall request that the CBO inspect the installation to ensure compliance with the requirements of applicable LORS. The following activities shall be reported in the Monthly Compliance Report:

1. Receipt or delay of major electrical equipment;
2. Testing or energization of major electrical equipment; and
3. The number of electrical drawings approved, submitted for approval, and still to be submitted.

**Verification:** At least 30 days prior to the start of each increment of construction (or a lesser number of days mutually agreed to by the project owner and the CBO), the project owner shall submit to the CBO for review and approval the final design plans, specifications, and calculations for equipment and systems of the power plant switchyard, outlet line, and termination, including a copy of the signed and stamped statement from the responsible electrical engineer attesting to compliance with the applicable LORS, and shall include a copy of the transmittal letter in the next Monthly Compliance Report.

**TSE-5** The project owner shall ensure that the design, construction, and operation of the proposed transmission facilities conform to all applicable LORS, including the requirements listed below. The project owner shall submit the required number of copies of the design drawings and calculations as determined by the CBO.

1. The IVS Project shall be interconnected to the SDG&E grid via a segment of 230kV, 1590 kcmil-ACSR, approximately 10.3 mile long double circuit extending from the new substation on the project site to the Imperial Valley Substation.

The IVS Project substation on the project site shall use 34.5kV, 1200A, 25 breakers and five, three phase, 120/160/200 MVA, 34.5kV/230 kV transformers.

2. The power plant outlet line shall meet or exceed the electrical, mechanical, civil, and structural requirements of CPUC General Order 95 and General Order 98 or National Electric Safety Code (NESC), Title 8 of the California Code and Regulations (Title 8), Articles 35, 36, and 37 of the "High Voltage Electric Safety Orders", California ISO standards, National Electric Code (NEC), and related industry standards.
3. Breakers and busses in the power plant switchyard and other switchyards, where applicable, shall be sized to comply with a short-circuit analysis.
4. Outlet line crossings and line parallels with transmission and distribution facilities shall be coordinated with the transmission line owner and comply with that owner's standards.
5. The project conductors shall be sized to accommodate the full output from the project.
6. Termination facilities shall comply with applicable SCE interconnection standards.
7. The project owner shall provide to the CPM:
  - a. The final Detailed Facility Study (DFS) including a description of facility upgrades, operational mitigation measures, and/or Special Protection System (SPS) sequencing and timing if applicable,

- b. Executed project owner and California ISO Facility Interconnection Agreement.

**Verification:** At least 60 days prior to the start of construction of transmission facilities (or a lesser number of days mutually agreed to by the project owner and CBO), the project owner shall submit to the CBO for approval:

1. Design drawings, specifications, and calculations conforming with CPUC General Order 95 and General Order 98 or NESC; Title 8, California Code of Regulations, Articles 35, 36, and 37 of the "High Voltage Electric Safety Orders"; NEC; applicable interconnection standards, and related industry standards for the poles/towers, foundations, anchor bolts, conductors, grounding systems, and major switchyard equipment.
2. For each element of the transmission facilities identified above, the submittal package to the CBO shall contain the design criteria, a discussion of the calculation method(s), a sample calculation based on worst-case conditions,<sup>1</sup> and a statement signed and sealed by the registered engineer in responsible charge, or other acceptable alternative verification, that the transmission element(s) will conform with CPUC General Order 95 or NESC; Title 8, California Code of Regulations, Articles 35, 36 and 37 of the "High Voltage Electric Safety Orders"; NEC; applicable interconnection standards, and related industry standards.
3. Electrical one-line diagrams signed and sealed by the registered professional electrical engineer in responsible charge, a route map, and an engineering description of equipment and the configurations covered by requirements TSE-5 1) through 5) above.
4. The final Detailed Facility Study, including a description of facility upgrades, operational mitigation measures, and/or SPS sequencing and timing if applicable, shall be provided concurrently to the CPM.

**TSE-6** The project owner shall provide the following Notice to the California Independent System Operator (California ISO) prior to synchronizing the facility with the California transmission system:

1. At least one week prior to synchronizing the facility with the grid for testing, provide the California ISO a letter stating the proposed date of synchronization; and
2. At least one business day prior to synchronizing the facility with the grid for testing, provide telephone notification to the California ISO Outage Coordination Department.

**Verification:** The project owner shall provide copies of the California ISO letter to the CPM when it is sent to the California ISO one week prior to initial synchronization with the grid. A report of the conversation with the California ISO shall be provided electronically to the CPM one day before synchronizing the facility with the California transmission system for the first time.

---

<sup>1</sup> Worst-case conditions for the foundations would include for instance, a dead-end or angle pole.

**TSE-7** The project owner shall be responsible for the inspection of the transmission facilities during and after project construction, and any subsequent CPM and CBO approved changes thereto, to ensure conformance with CPUC GO-95 or NESC; Title 8, CCR, Articles 35, 36 and 37 of the “High Voltage Electric Safety Orders”; applicable interconnection standards; NEC; and related industry standards. In case of non-conformance, the project owner shall inform the CPM and CBO in writing, within 10 days of discovering such non-conformance and describe the corrective actions to be taken.

**Verification:** Within 60 days after first synchronization of the project, the project owner shall transmit to the CPM and CBO:

1. As-built engineering description(s) and one-line drawings of the electrical portion of the facilities signed and sealed by the registered electrical engineer in responsible charge. A statement attesting to conformance with CPUC GO-95 or NESC; Title 8, California Code of Regulations, Articles 35, 36 and 37 of the “High Voltage Electric Safety Orders”; applicable interconnection standards; NEC; and related industry standards, and these conditions shall be provided concurrently with the submittal of the as-built plans.
2. An as-built engineering description of the mechanical, structural, and civil portions of the transmission facilities signed and sealed by the registered engineer in responsible charge or acceptable alternative verification. As-built drawings of the electrical, mechanical, structural, and civil portions of the transmission facilities shall be maintained at the power plant and made available, if requested, for CPM audit as set forth in the “Compliance Monitoring Plan.”
3. A summary of inspections of the completed transmission facilities, and identification of any nonconforming work and corrective actions taken, signed and sealed by the registered engineer in charge.

## **D.5.14 CONCLUSIONS**

---

The outlet lines and termination of Phases 1 and 2 of the proposed IVS Project are acceptable and would comply with all applicable LORS. The analysis of project transmission lines and equipment, both from the power plant up to the point of interconnection with the existing transmission network as well as upgrades beyond that interconnection that are attributable to the project have been evaluated by staff and are included in the environmental sections of this SSA.

Staff’s analysis with respect to Transmission System Engineering concludes that the IVS Project needs to meet the following mitigation measures:

- Mitigation of thermal overloads caused by Phase 1 of the proposed IVS Project under N-1 contingency analysis would require installing a 500/230kV, 1120MVA transformer bank at existing Imperial Valley Substation.
- Mitigation of base case thermal overloads caused by Phase 2 of the proposed IVS Project, would require installing a third 230/69 kV, 224MVA transformer bank at the existing Sycamore Substation.

- The proposed IVS Project should be designed and constructed with adequate reactive power resources to compensate the consumption of Var by the generator step-up transformers, distribution feeders and generator tie-lines.

## **RECOMMENDATIONS**

If the BLM and Energy Commission approve the proposed IVS Project, staff recommends that the applicant be required to satisfy the conditions of certification/mitigation measures set forth in this section to ensure both system reliability and conformance with LORS.

### **D.5.15 REFERENCES**

---

California ISO (California Independent System Operator) 1998a – Cal-ISO Tariff Scheduling Protocol. Posted April 1998, Amendments 1,4,5,6, and 7 incorporated.

California ISO (California Independent System Operator) 1998b – Cal-ISO Dispatch Protocol. Posted April 1998.

California ISO (California Independent System Operator) 2002a – Cal-ISO Grid Planning Standards. February 2002.

Imperial Irrigation District (IID) 2010 – Comments on the Imperial Valley Solar Project (formerly SES Solar Two) SA/DEIS (08-AFC-5) (tn: 52709), June 16, 2010.

SES Solar Two phase 1 (SES Solar Two) 2006a – Stirling Energy System, Inc, (System Impact Study) submitted to the California Energy Commission.

SES Solar Two phase 2 (SES Solar Two expansion) 2007b – Stirling Energy System, Inc, (System Impact Study) submitted to the California Energy Commission.

SES Solar Two phase 1 and 2 (SES Solar 2). 2007c – SES Solar Two, LLC, Application for Certification. Submitted to the California Energy Commission.

NERC/WECC (North American Reliability Council/Western Electricity Coordinating Council) 2002 – NERC/WECC Planning Standards. August 2002.

## **D.5.16      DEFINITION OF TERMS**

---

AAC – All aluminum conductor

ACSR – Aluminum conductor steel-reinforced

ACSS – Aluminum conductor steel-supported

Ampacity – Current-carrying capacity, expressed in amperes, of a conductor at specified ambient conditions, at which damage to the conductor is nonexistent or deemed acceptable based on economic, safety, and reliability considerations.

Ampere – The unit of current flowing in a conductor.

Bundled – Two wires, 18 inches apart.

Bus – Conductors that serve as a common connection for two or more circuits.

Conductor – The part of the transmission line (the wire) that carries the current.

Congestion management – A scheduling protocol, which provides that dispatched generation and transmission loading (imports) will not violate criteria.

Emergency overload – See “Single Contingency.” This is also called an N-1.

Kcmil– Thousand circular mil. A unit of the conductor’s cross sectional area. When divided by 1,273, the area in square inches is obtained

Kilovolt (kV) – A unit of potential difference, or voltage, between two conductors of a circuit, or between a conductor and the ground.

Megavars – Mega-volt-Ampere-Reactive. One million Volt-Ampere-Reactive. Reactive power is generally associated with the reactive nature of motor loads that must be fed by generation units in the system.

Megavolt ampere (MVA) – A unit of apparent power. It equals the product of the line voltage in kilovolts, current in amperes, and the square root of 3, divided by 1,000.

Megawatt (MW) – A unit of power equivalent to 1,341 horsepower.

Normal operation/normal overload – The condition arrived at when all customers receive the power they are entitled to, without interruption and at steady voltage, and with no element of the transmission system loaded beyond its continuous rating.

Outlet – Transmission facilities (circuit, transformer, circuit breaker, etc.) linking generation facilities to the main grid.

Power flow analysis – A forward-looking computer simulation of essentially all generation and transmission system facilities that identifies overloaded circuits, transformers, and other equipment and system voltage levels.



Reactive power – Generally associated with the reactive nature of motor loads that must be fed by generation units in the system. An adequate supply of reactive power is required to maintain voltage levels in the system.

Remedial action scheme (RAS) – An automatic control provision, which, for instance, will trip a selected generating unit upon a circuit overload.

Single contingency – Also known as “emergency” or “N-1 condition,” the occurrence when one major transmission element (circuit, transformer, circuit breaker, etc.) or one generator is out of service.

Solid dielectric cable – Copper or aluminum conductors that are insulated by solid polyethylene type insulation and covered by a metallic shield and outer polyethylene jacket.

Switchyard – An integral part of a power plant and used as an outlet for one or more electric generators.

TSE – Transmission system engineering.

Underbuild – A transmission or distribution configuration where a transmission or distribution circuit is attached to a transmission tower or pole below (under) the principle transmission line conductors.

Undercrossing – A transmission configuration where a transmission line crosses below the conductors of another transmission line, generally at 90 degrees.

## **E. GENERAL CONDITIONS**

# **E - GENERAL CONDITIONS INCLUDING COMPLIANCE MONITORING AND CLOSURE PLAN**

**Prepared by: Mary Dyas**

## **E.1 INTRODUCTION**

---

The project's General Compliance Conditions of Certification, including Compliance Monitoring and Closure Plan (Compliance Plan) have been established as required by Public Resources Code section 25532. The plan provides a means for assuring that the facility is constructed, operated, and closed in compliance with public health and safety, environmental, and other applicable regulations, guidelines, and conditions adopted or established by the California Energy Commission and specified in the written decision on the Application for Certification or otherwise required by law. The Public Resources Code section 25806(d), states that renewable energy projects are exempt from paying an annual compliance fee.

The Compliance Plan is composed of elements that:

- set forth the duties and responsibilities of the Compliance Project Manager (CPM), the project owner, delegate agencies, and others;
- set forth the requirements for handling confidential records and maintaining the compliance record;
- state procedures for settling disputes and making post-certification changes;
- state the requirements for periodic compliance reports and other administrative procedures that are necessary to verify the compliance status for all Energy Commission approved conditions of certification;
- establish requirements for facility closure plans; and
- specify conditions of certification for each technical area containing the measures required to mitigate any and all potential adverse project impacts associated with construction, operation and closure below a level of significance. Each specific condition of certification also includes a verification provision that describes the method of assuring that the condition has been satisfied.

In addition to meeting the Energy Commission's Conditions of Certification, the project owner will be required to comply with all terms and conditions required by the Bureau of Land Management (BLM), as will be described in the BLM's Record of Decision and Right-of-Way Grant documents for this project.

## **E.2 DEFINITIONS**

---

The following terms and definitions are used to establish when Conditions of Certification are implemented.

## **PRE-CONSTRUCTION SITE MOBILIZATION**

Site mobilization is limited preconstruction activities at the site to allow for the installation of fencing, construction trailers, construction trailer utilities, and construction trailer parking at the site. Limited ground disturbance, grading, and trenching associated with the above mentioned pre-construction activities is considered part of site mobilization. Walking, driving or parking a passenger vehicle, pickup truck and/or light vehicles is allowable during site mobilization.

## **CONSTRUCTION**

Onsite work to install permanent equipment or structures for any facility.

### **Ground Disturbance**

Construction-related ground disturbance refers to activities that result in the removal of top soil or vegetation at the site beyond site mobilization needs, and for access roads and linear facilities.

### **Grading, Boring, and Trenching**

Construction-related grading, boring, and trenching refers to activities that result in subsurface soil work at the site and for access roads and linear facilities, e.g., alteration of the topographical features such as leveling, removal of hills or high spots, moving of soil from one area to another, and removal of soil.

Notwithstanding the definitions of ground disturbance, grading, boring, and trenching above, construction does **not** include the following:

1. the installation of environmental monitoring equipment;
2. a soil or geological investigation;
3. a topographical survey;
4. any other study or investigation to determine the environmental acceptability or feasibility of the use of the site for any particular facility; and
5. any work to provide access to the site for any of the purposes specified in "Construction" 1, 2, 3, or 4 above.

## **START OF COMMERCIAL OPERATION**

For compliance monitoring purposes, "commercial operation" begins after the completion of start-up and commissioning, when the power plant has reached reliable steady-state production of electricity at the rated capacity. At the start of commercial operation, plant control is usually transferred from the construction manager to the plant operations manager.

## **E.3 COMPLIANCE PROJECT MANAGER RESPONSIBILITIES**

---

The Compliance Project Manager (CPM) shall oversee the compliance monitoring and is responsible for:

1. ensuring that the design, construction, operation, and closure of the project facilities are in compliance with the terms and conditions of the Energy Commission Decision;
2. resolving complaints;
3. processing post-certification changes to the conditions of certification, project description (petition to amend), and ownership or operational control (petition for change of ownership) (See instructions for filing petitions);
4. documenting and tracking compliance filings; and
5. ensuring that compliance files are maintained and accessible.

The CPM is the contact person for the Energy Commission and will consult with appropriate responsible agencies, Energy Commission, and staff when handling disputes, complaints, and amendments.

All project compliance submittals are submitted to the CPM for processing. Where a submittal required by a condition of certification requires CPM approval, the approval will involve all appropriate Energy Commission staff and management. All submittals must include searchable electronic versions (pdf or MS Word files).

## **E.4 CHIEF BUILDING OFFICIAL RESPONSIBILITIES**

---

The Chief Building Official (CBO) shall serve as the Energy Commission's delegate to assure the project is designed and constructed in accordance with the Energy Commission's Decision including Conditions of Certification, California Building Standards Code, local building codes and applicable laws, ordinances, regulations and standards to ensure health and safety. The CBO is typically made-up of a team of specialists covering civil, structural, mechanical and electrical disciplines whose duties include the following:

1. Performing design review and plan checks of all drawings, specifications and procedures;
2. Conducting construction inspection;
3. Functioning as the Energy Commission's delegate including reporting noncompliance issues or violations to the CPM for action and taking any action allowed under the California Code of Regulations, including issuing a Stop Work Order, to ensure compliance;
4. Exercising access as needed to all project owner construction records, construction and inspection procedures, test equipment and test results; and
5. Providing weekly reports on the status of construction to the CPM.

## **PRE-CONSTRUCTION AND PRE-OPERATION COMPLIANCE MEETING**

The CPM usually schedules pre-construction and pre-operation compliance meetings prior to the projected start-dates of construction, plant operation, or both. The purpose of these meetings is to assemble both the Energy Commission's and project owner's technical staff to review the status of all pre-construction or pre-operation requirements contained in the Energy Commission's conditions of certification. This is to confirm that

all applicable conditions of certification have been met, or if they have not been met, to ensure that the proper action is taken. In addition, these meetings ensure, to the extent possible, that Energy Commission conditions will not delay the construction and operation of the plant due to oversight and to preclude any last minute, unforeseen issues from arising. Pre-construction meetings held during the certification process must be publicly noticed unless they are confined to administrative issues and processes.

## **ENERGY COMMISSION RECORD**

The Energy Commission shall maintain the following documents and information as a public record, in either the Energy Commission's Compliance file or Dockets file, for the life of the project (or other period as required):

- All documents demonstrating compliance with any legal requirements relating to the construction and operation of the facility;
- All monthly and annual compliance reports filed by the project owner;
- All complaints of noncompliance filed with the Energy Commission; and
- All petitions/requests for project or condition of certification changes and the resulting Energy Commission action.

## **E.5 PROJECT OWNER RESPONSIBILITIES**

---

The project owner is responsible for ensuring that the compliance conditions of certification and all other conditions of certification that appear in the Commission Decision are satisfied. The compliance conditions regarding post-certification changes specify measures that the project owner must take when requesting changes in the project design, conditions of certification, or ownership. Failure to comply with any of the conditions of certification or the compliance conditions may result in reopening of the case and revocation of Energy Commission certification; an administrative fine; or other action as appropriate. A summary of the Compliance Conditions of Certification is included as **Compliance Table 1** at the conclusion of this section.

## **E.6 COMPLIANCE MITIGATION MEASURES/CONDITIONS OF CERTIFICATION**

---

### **UNRESTRICTED ACCESS (COMPLIANCE-1)**

The CPM, responsible Energy Commission staff, and delegated agencies or consultants shall be guaranteed and granted unrestricted access to the power plant site, related facilities, project-related staff, and the records maintained on-site for the purpose of conducting audits, surveys, inspections, or general site visits. Although the CPM will normally schedule site visits on dates and times agreeable to the project owner, the CPM reserves the right to make unannounced visits at any time.

### **COMPLIANCE RECORD (COMPLIANCE-2)**

The project owner shall maintain project files on-site or at an alternative site approved by the CPM for the life of the project, unless a lesser period of time is specified by the

conditions of certification. The files shall contain copies of all “as-built” drawings, documents submitted as verification for conditions, and other project-related documents.

Energy Commission staff and delegate agencies shall, upon request to the project owner, be given unrestricted access to the files maintained pursuant to this condition.

### **COMPLIANCE VERIFICATION SUBMITTALS (COMPLIANCE-3)**

Each condition of certification is followed by a means of verification. The verification describes the Energy Commission’s procedure(s) to ensure post-certification compliance with adopted conditions. The verification procedures, unlike the conditions, may be modified as necessary by the CPM.

Verification of compliance with the conditions of certification can be accomplished by the following:

1. monthly and/or annual compliance reports, filed by the project owner or authorized agent, reporting on work done and providing pertinent documentation, as required by the specific conditions of certification;
2. appropriate letters from delegate agencies verifying compliance;
3. energy Commission staff audits of project records; and/or
4. energy Commission staff inspections of work, or other evidence that the requirements are satisfied.

Verification lead times associated with start of construction may require the project owner to file submittals during the certification process, particularly if construction is planned to commence shortly after certification.

A cover letter from the project owner or authorized agent is required for all compliance submittals and correspondence pertaining to compliance matters. **The cover letter subject line shall identify the project by AFC number, the appropriate condition(s) of certification by condition number(s), and a brief description of the subject of the submittal.** The project owner shall also identify those submittals **not** required by a condition of certification with a statement such as: “This submittal is for information only and is not required by a specific condition of certification.” When submitting supplementary or corrected information, the project owner shall reference the date of the previous submittal and CEC submittal number.

The project owner is responsible for the delivery and content of all verification submittals to the CPM, whether such condition was satisfied by work performed by the project owner or an agent of the project owner.

All hardcopy submittals shall be addressed as follows:

**Mary Dyas  
Compliance Project Manager  
08-AFC-5C  
California Energy Commission  
1516 Ninth Street (MS-2000)  
Sacramento, CA 95814**

Those submittals shall be accompanied by a searchable electronic copy, on a CD or by e-mail, as agreed upon by the CPM.

If the project owner desires Energy Commission staff action by a specific date, that request shall be made in the submittal cover letter and shall include a detailed explanation of the effects on the project if that date is not met.

## **PRE-CONSTRUCTION MATRIX AND TASKS PRIOR TO START OF CONSTRUCTION (COMPLIANCE-4)**

Prior to commencing construction, a compliance matrix addressing only those conditions that must be fulfilled before the start of construction shall be submitted by the project owner to the CPM. This matrix will be included with the project owner's first compliance submittal or prior to the first pre-construction meeting, whichever comes first. It will be submitted in the same format as the compliance matrix described below.

Construction shall not commence until the pre-construction matrix is submitted, all pre-construction conditions have been complied with, and the CPM has issued a letter to the project owner authorizing construction. Various lead times for submittal of compliance verification documents to the CPM for conditions of certification are established to allow sufficient staff time to review and comment and, if necessary, allow the project owner to revise the submittal in a timely manner. This will ensure that project construction may proceed according to schedule.

Failure to submit compliance documents within the specified lead-time may result in delays in authorization to commence various stages of project development.

If the project owner anticipates commencing project construction as soon as the project is certified, it may be necessary for the project owner to file compliance submittals prior to project certification. Compliance submittals should be completed in advance where the necessary lead time for a required compliance event extends beyond the date anticipated for start of construction. The project owner must understand that the submittal of compliance documents prior to project certification is at the owner's own risk. Any approval by Energy Commission staff is subject to change, based upon the Commission Decision.

## **Compliance Reporting**

There are two different compliance reports that the project owner must submit to assist the CPM in tracking activities and monitoring compliance with the terms and conditions of the Energy Commission Decision. During construction, the project owner or



authorized agent will submit Monthly Compliance Reports. During operation, an Annual Compliance Report must be submitted. These reports, and the requirement for an accompanying compliance matrix, are described below. The majority of the conditions of certification require that compliance submittals be submitted to the CPM in the monthly or annual compliance reports.

## **COMPLIANCE MATRIX (COMPLIANCE-5)**

A compliance matrix shall be submitted by the project owner to the CPM along with each monthly and annual compliance report. The compliance matrix is intended to provide the CPM with the current status of all conditions of certification in a spreadsheet format. The compliance matrix must identify:

1. the technical area;
2. the condition number;
3. a brief description of the verification action or submittal required by the condition;
4. the date the submittal is required (e.g., 60 days prior to construction, after final inspection, etc.);
5. the expected or actual submittal date;
6. the date a submittal or action was approved by the Chief Building Official (CBO), CPM, or delegate agency, if applicable;
7. the compliance status of each condition, e.g., “not started,” “in progress” or “completed” (include the date); and
8. if the condition was amended, the date of the amendment.

Satisfied conditions shall be placed at the end of the matrix.

## **MONTHLY COMPLIANCE REPORT (COMPLIANCE-6)**

The first Monthly Compliance Report is due one month following the Energy Commission business meeting date upon which the project was approved, unless otherwise agreed to by the CPM. The first Monthly Compliance Report shall include the AFC number and an initial list of dates for each of the events identified on the **Key Events List**. **The Key Events List form is found at the end of these General Conditions.**

During pre-construction and construction of the project, the project owner or authorized agent shall submit an original and an electronic searchable version of the Monthly Compliance Report within 10 working days after the end of each reporting month. Monthly Compliance Reports shall be clearly identified for the month being reported. The reports shall contain, at a minimum:

1. a summary of the current project construction status, a revised/updated schedule if there are significant delays, and an explanation of any significant changes to the schedule;
2. documents required by specific conditions to be submitted along with the Monthly Compliance Report. Each of these items must be identified in the transmittal letter,

as well as the conditions they satisfy and submitted as attachments to the Monthly Compliance Report;

3. an initial, and thereafter updated, compliance matrix showing the status of all conditions of certification;
4. a list of conditions that have been satisfied during the reporting period, and a description or reference to the actions that satisfied the condition;
5. a list of any submittal deadlines that were missed, accompanied by an explanation and an estimate of when the information will be provided;
6. a cumulative listing of any approved changes to conditions of certification;
7. a listing of any filings submitted to, or permits issued by, other governmental agencies during the month;
8. a projection of project compliance activities scheduled during the next two months. The project owner shall notify the CPM as soon as any changes are made to the project construction schedule that would affect compliance with conditions of certification;
9. a listing of the month's additions to the on-site compliance file; and
10. a listing of complaints, notices of violation, official warnings, and citations received during the month, a description of the resolution of the resolved actions, and the status of any unresolved actions.

All sections, exhibits, or addendums shall be separated by tabbed dividers or as acceptable by the CPM.

## **ANNUAL COMPLIANCE REPORT (COMPLIANCE-7)**

After construction is complete, the project owner shall submit Annual Compliance Reports instead of Monthly Compliance Reports. The reports are for each year of commercial operation and are due to the CPM each year at a date agreed to by the CPM. Annual Compliance Reports shall be submitted over the life of the project, unless otherwise specified by the CPM. Each Annual Compliance Report shall include the AFC number, identify the reporting period, and shall contain the following:

1. an updated compliance matrix showing the status of all conditions of certification (fully satisfied conditions do not need to be included in the matrix after they have been reported as completed);
2. a summary of the current project operating status and an explanation of any significant changes to facility operations during the year;
3. documents required by specific conditions to be submitted along with the Annual Compliance Report. Each of these items must be identified in the transmittal letter with the condition it satisfies, and submitted as attachments to the Annual Compliance Report;
4. a cumulative listing of all post-certification changes approved by the Energy Commission or cleared by the CPM;
5. an explanation for any submittal deadlines that were missed, accompanied by an estimate of when the information will be provided;

6. a listing of filings submitted to, or permits issued by, other governmental agencies during the year;
7. a projection of project compliance activities scheduled during the next year;
8. a listing of the year's additions to the on-site compliance file;
9. an evaluation of the on-site contingency plan for unplanned facility closure, including any suggestions necessary for bringing the plan up to date (see Compliance Conditions for Facility Closure addressed later in this section); and
10. a listing of complaints, notices of violation, official warnings, and citations received during the year, a description of the resolution of any resolved matters, and the status of any unresolved matters.

### **CONFIDENTIAL INFORMATION (COMPLIANCE-8)**

Any information that the project owner deems confidential shall be submitted to the Energy Commission's Executive Director with an application for confidentiality pursuant to Title 20, California Code of Regulations, section 2505(a). Any information that is determined to be confidential shall be kept confidential as provided for in Title 20, California Code of Regulations, section 2501, et. seq.

### **REPORTING OF COMPLAINTS, NOTICES, AND CITATIONS (COMPLIANCE-9)**

Prior to the start of construction, the project owner must send a letter to property owners living within one mile of the project notifying them of a telephone number to contact project representatives with questions, complaints, or concerns. If the telephone is not staffed 24 hours per day, it shall include automatic answering with a date and time stamp recording. All recorded complaints shall be responded to within 24 hours. The telephone number shall be posted at the project site and made easily visible to passersby during construction and operation. The telephone number shall be provided to the CPM who will post it on the Energy Commission's web page at [http://www.energy.ca.gov/sitingcases/power\\_plants\\_contacts.html](http://www.energy.ca.gov/sitingcases/power_plants_contacts.html).

Any changes to the telephone number shall be submitted immediately to the CPM, who will update the web page.

In addition to the monthly and annual compliance reporting requirements described above, the project owner shall report and provide copies to the CPM of all complaint forms, including noise and lighting complaints, notices of violation, notices of fines, official warnings, and citations within 10 days of receipt. Complaints shall be logged and numbered. Noise complaints shall be recorded on the form provided in the **NOISE** conditions of certification. All other complaints shall be recorded on the complaint form (Attachment A).

## **E.7 FACILITY CLOSURE**

---

At some point in the future, the project will cease operation and close down. At that time, it will be necessary to ensure that the closure occurs in such a way that public health and safety and the environment are protected from adverse impacts. Although

the project setting for this project does not appear, at this time, to present any special or unusual closure problems, it is impossible to foresee what the situation will be in 30 years or more when the project ceases operation. Therefore, provisions must be made that provide the flexibility to deal with the specific situation and project setting that exist at the time of closure. Laws, Ordinances, Regulations, and Standards (LORS) pertaining to facility closure are identified in the sections dealing with each technical area. Facility closure will be consistent with LORS in effect at the time of closure.

There are at least three circumstances in which a facility closure can take place: planned closure, unplanned temporary closure, and unplanned permanent closure.

## **CLOSURE DEFINITIONS**

### **Planned Closure**

A planned closure occurs when the facility is closed in an anticipated, orderly manner, at the end of its useful economic or mechanical life, or due to gradual obsolescence.

### **Unplanned Temporary Closure**

An unplanned temporary closure occurs when the facility is closed suddenly and/or unexpectedly, on a short-term basis, due to unforeseen circumstances such as a natural disaster or an emergency.

### **Unplanned Permanent Closure**

An unplanned permanent closure occurs if the project owner closes the facility suddenly and/or unexpectedly, on a permanent basis. This includes unplanned closure where the owner implements the on-site contingency plan. It can also include unplanned closure where the project owner fails to implement the contingency plan, and the project is essentially abandoned.

## **CLOSURE DEFINITIONS**

### **Planned Closure**

A planned closure occurs when the facility is closed in an anticipated, orderly manner, at the end of its useful economic or mechanical life, or due to gradual obsolescence.

### **Unplanned Temporary Closure**

An unplanned temporary closure occurs when the facility is closed suddenly and/or unexpectedly, on a short-term basis, due to unforeseen circumstances such as a natural disaster or an emergency. Short-term is defined as cessation of construction activities or operations of a power plant for a period less than 6-months long. Cessation of construction or operations for a period longer than 6 months is considered a permanent closure.

### **Unplanned Permanent Closure**

An unplanned permanent closure occurs if the project owner closes the facility suddenly and/or unexpectedly, on a permanent basis. This includes unplanned closure where the owner implements the on-site contingency plan. It can also include unplanned closure

where the project owner fails to implement the contingency plan, and the project is essentially abandoned.

## **E.8 COMPLIANCE CONDITIONS FOR FACILITY CLOSURE**

---

### **PLANNED CLOSURE (COMPLIANCE-10)**

In order to ensure that a planned facility closure does not create adverse impacts, a closure process that provides for careful consideration of available options and applicable laws, ordinances, regulations, standards, and local/regional plans in existence at the time of closure will be undertaken. To ensure adequate review of a planned project closure, the project owner shall submit a proposed facility closure plan to the Energy Commission for review and approval at least 12 months (or other period of time agreed to by the CPM) prior to the commencement of closure activities. The project owner shall file 120 copies (or other number of copies agreed upon by the CPM) of a proposed facility closure plan with the Energy Commission.

The plan shall:

1. identify and discuss any impacts and mitigation to address significant adverse impacts associated with proposed closure activities and to address facilities, equipment, or other project related remnants that will remain at the site;
2. identify a schedule of activities for closure of the power plant site, transmission line corridor, and all other appurtenant facilities constructed as part of the project;
3. identify any facilities or equipment intended to remain on site after closure, the reason, and any future use; and
4. address conformance of the plan with all applicable laws, ordinances, regulations, standards, and local/regional plans in existence at the time of facility closure, and applicable conditions of certification.

Prior to submittal of the proposed facility closure plan, a meeting shall be held between the project owner and the Energy Commission CPM for the purpose of discussing the specific contents of the plan.

In the event that there are significant issues associated with the proposed facility closure plan's approval, or if the desires of local officials or interested parties are inconsistent with the plan, the CPM shall hold one or more workshops and/or the Energy Commission may hold public hearings as part of its approval procedure.

As necessary, prior to or during the closure plan process, the project owner shall take appropriate steps to eliminate any immediate threats to public health and safety and the environment, but shall not commence any other closure activities until the Energy Commission approves the facility closure plan.

## **UNPLANNED TEMPORARY CLOSURE/ON-SITE CONTINGENCY PLAN (COMPLIANCE-11)**

In order to ensure that public health and safety and the environment are protected in the event of an unplanned temporary facility closure, it is essential to have an on-site contingency plan in place. The on-site contingency plan will help to ensure that all necessary steps to mitigate public health and safety impacts and environmental impacts are taken in a timely manner.

The project owner shall submit an on-site contingency plan for CPM review and approval. The plan shall be submitted no less than 60 days (or other time agreed to by the CPM) prior to commencement of commercial operation. The approved plan must be in place prior to commercial operation of the facility and shall be kept at the site at all times.

The project owner, in consultation with the CPM, will update the on-site contingency plan as necessary. The CPM may require revisions to the on-site contingency plan over the life of the project. In the annual compliance reports submitted to the Energy Commission, the project owner will review the on-site contingency plan, and recommend changes to bring the plan up to date. Any changes to the plan must be approved by the CPM.

The on-site contingency plan shall provide for taking immediate steps to secure the facility from trespassing or encroachment. In addition, for closures of more than 90 days, unless other arrangements are agreed to by the CPM, the plan shall provide for removal of hazardous materials and hazardous wastes, draining of all chemicals from storage tanks and other equipment, and the safe shutdown of all equipment. (Also see specific conditions of certification for the technical areas of **Hazardous Materials Management** and **Waste Management**)

In addition, consistent with requirements under unplanned permanent closure addressed below, the nature and extent of insurance coverage, and major equipment warranties must also be included in the on-site contingency plan. In addition, the status of the insurance coverage and major equipment warranties must be updated in the annual compliance reports.

In the event of an unplanned temporary closure, the project owner shall notify the CPM, as well as other responsible agencies, by telephone, fax, or e-mail, within 24 hours and shall take all necessary steps to implement the on-site contingency plan. The project owner shall keep the CPM informed of the circumstances and expected duration of the closure.

If the CPM determines that an unplanned temporary closure is likely to be permanent, or for a duration of more than 12 months, a closure plan consistent with the requirements for a planned closure shall be developed and submitted to the CPM within 90 days of the CPM's determination (or other period of time agreed to by the CPM).

## **UNPLANNED PERMANENT CLOSURE/ON-SITE CONTINGENCY PLAN (COMPLIANCE-12)**

The on-site contingency plan required for unplanned temporary closure shall also cover unplanned permanent facility closure. All of the requirements specified for unplanned temporary closure shall also apply to unplanned permanent closure.

In addition, the on-site contingency plan shall address how the project owner will ensure that all required closure steps will be successfully undertaken in the event of abandonment.

In the event of an unplanned permanent closure, the project owner shall notify the CPM, as well as other responsible agencies, by telephone, fax, or e-mail within 24 hours and shall take all necessary steps to implement the on-site contingency plan. The project owner shall keep the CPM informed of the status of all closure activities.

A closure plan, consistent with the requirements for a planned closure, shall be developed and submitted to the CPM within 90 days of the permanent closure or another period of time agreed to by the CPM.

## **POST CERTIFICATION CHANGES TO BLM'S ROW GRANT AND/OR THE ENERGY COMMISSION DECISION: AMENDMENTS, OWNERSHIP CHANGES, STAFF APPROVED PROJECT MODIFICATIONS AND VERIFICATION CHANGES (COMPLIANCE-13)**

The project owner must petition the Energy Commission pursuant to Title 20, California Code of Regulations, section 1769, in order to modify the project (including linear facilities) design, operation or performance requirements, and to transfer ownership or operational control of the facility. **It is the responsibility of the project owner to contact the CPM to determine if a proposed project change should be considered a project modification pursuant to section 1769.** Implementation of a project modification without first securing Energy Commission, or Energy Commission staff approval, may result in enforcement action that could result in civil penalties in accordance with section 25534 of the Public Resources Code.

A petition is required for **amendments** and for **staff approved project modifications** as specified below. Both shall be filed as a "Petition to Amend." Staff will determine if the change is significant or insignificant. For verification changes, a letter from the project owner is sufficient. In all cases, the petition or letter requesting a change should be submitted to the CPM, who will file it with the Energy Commission's Dockets Unit in accordance with Title 20, California Code of Regulations, section 1209.

The criteria that determine which type of approval and the process that applies are explained below. They reflect the provisions of Section 1769 at the time this condition was drafted. If the Commission's rules regarding amendments are amended, the rules in effect at the time an amendment is requested shall apply.

## **AMENDMENT**

The project owner shall petition the Energy Commission, pursuant to Title 20, California Code of Regulations, Section 1769(a), when proposing modifications to the project (including linear facilities) design, operation, or performance requirements. If a proposed modification results in deletion or change of a condition of certification, or makes changes that would cause the project not to comply with any applicable laws, ordinances, regulations, or standards the petition will be processed as a formal amendment to the final decision, which requires public notice and review of the Energy Commission staff analysis and approval by the full Commission. The petition shall be in the form of a legal brief and fulfill the requirements of Section 1769(a). Upon request, the CPM will provide a sample petition to use as a template.

## **CHANGE OF OWNERSHIP**

Change of ownership or operational control also requires that the project owner file a petition pursuant to section 1769 (b). This process requires public notice and approval by the full Commission. The petition shall be in the form of a legal brief and fulfill the requirements of Section 1769(b). Upon request, the CPM will provide a sample petition to use as a template.

## **STAFF APPROVED PROJECT MODIFICATION**

Modifications that do not result in deletions or changes to conditions of certification, that are compliant with laws, ordinances, regulations and standards and will not have significant environmental impacts may be authorized by the CPM as a staff approved project modification pursuant to section 1769(a) (2). Once staff files an intention to approve the proposed project modifications, any person may file an objection to staff's determination within 14 days of service on the grounds that the modification does not meet the criteria of section 1769 (a)(2). If a person objects to staff's determination, the petition must be processed as a formal amendment to the decision and must be approved by the full commission at a noticed business meeting or hearing.

## **VERIFICATION CHANGE**

A verification may be modified by the CPM without requesting an amendment to the decision if the change does not conflict with the conditions of certification and provides an effective alternate means of verification.

## **E.9 CBO DELEGATION AND AGENCY COOPERATION**

---

In performing construction and operation monitoring of the project, Energy Commission staff acts as, and has the authority of, the Chief Building Official (CBO). Energy Commission staff may delegate CBO responsibility to either an independent third party contractor or the local building official. Energy Commission staff retains CBO authority when selecting a delegate CBO, including enforcing and interpreting state and local codes, and use of discretion, as necessary, in implementing the various codes and standards.



Energy Commission staff may also seek the cooperation of state, regional, and local agencies that have an interest in environmental protection when conducting project monitoring.

## **E.10 ENFORCEMENT**

---

The Energy Commission's legal authority to enforce the terms and conditions of its Decision is specified in Public Resources Code sections 25534 and 25900. The Energy Commission may amend or revoke the certification for any facility, and may impose a civil penalty for any significant failure to comply with the terms or conditions of the Energy Commission Decision. The specific action and amount of any fines the Energy Commission may impose would take into account the specific circumstances of the incident(s). This would include such factors as the previous compliance history, whether the cause of the incident involves willful disregard of LORS, oversight, unforeseeable events, and other factors the Energy Commission may consider.

### **ENERGY COMMISSION NONCOMPLIANCE COMPLAINT PROCEDURES**

Any person or agency may file a complaint alleging noncompliance with the conditions of certification. Such a complaint will be subject to review by the Energy Commission pursuant to Title 20, California Code of Regulations, section 1237, but in many instances the noncompliance can be resolved by using the informal dispute resolution process. Both the informal and formal complaint procedure, as described in current State law and regulations, are described below. They shall be followed unless superseded by future law or regulations.

#### **Informal Dispute Resolution Process**

The following procedure is designed to informally resolve disputes concerning the interpretation of compliance with the requirements of this compliance plan. The project owner, the Energy Commission, or any other party, including members of the public, may initiate an informal dispute resolution process. Disputes may pertain to actions or decisions made by any party, including the Energy Commission's delegate agents.

This process may precede the more formal complaint and investigation procedure specified in Title 20, California Code of Regulations, section 1237, but is not intended to be a substitute for, or prerequisite to it. This informal procedure may not be used to change the terms and conditions of certification as approved by the Energy Commission, although the agreed upon resolution may result in a project owner, or in some cases the Energy Commission staff, proposing an amendment.

The process encourages all parties involved in a dispute to discuss the matter and to reach an agreement resolving the dispute. If a dispute cannot be resolved, then the matter must be brought before the full Energy Commission for consideration via the complaint and investigation procedure.

### **Request for Informal Investigation**

Any individual, group, or agency may request the Energy Commission to conduct an informal investigation of alleged noncompliance with the Energy Commission's terms and conditions of certification. All requests for informal investigations shall be made to the designated CPM.

Upon receipt of a request for an informal investigation, the CPM shall promptly notify the project owner of the allegation by telephone and letter. All known and relevant information of the alleged noncompliance shall be provided to the project owner and to the Energy Commission staff. The CPM will evaluate the request and the information to determine if further investigation is necessary. If the CPM finds that further investigation is necessary, the project owner will be asked to promptly investigate the matter. Within seven working days of the CPM's request, provide a written report to the CPM of the results of the investigation, including corrective measures proposed or undertaken. Depending on the urgency of the noncompliance matter, the CPM may conduct a site visit and/or request the project owner to also provide an initial verbal report, within 48 hours.

### **Request for Informal Meeting**

In the event that either the party requesting an investigation or the Energy Commission staff is not satisfied with the project owner's report, investigation of the event, or corrective measures proposed or undertaken, either party may submit a written request to the CPM for a meeting with the project owner. Such request shall be made within 14 days of the project owner's filing of its written report. Upon receipt of such a request, the CPM shall:

1. immediately schedule a meeting with the requesting party and the project owner, to be held at a mutually convenient time and place;
2. secure the attendance of appropriate Energy Commission staff and staff of any other agencies with expertise in the subject area of concern, as necessary;
3. conduct such meeting in an informal and objective manner so as to encourage the voluntary settlement of the dispute in a fair and equitable manner;
4. After the conclusion of such a meeting, promptly prepare and distribute copies to all in attendance and to the project file, a summary memorandum that fairly and accurately identifies the positions of all parties and any understandings reached. If an agreement has not been reached, the CPM shall inform the complainant of the formal complaint process and requirements provided under Title 20, California Code of Regulations, section 1230, et. seq.

### **Formal Dispute Resolution Procedure-Complaints and Investigations**

Any person may file a complaint with the Energy Commission's Dockets Unit alleging noncompliance with a Commission decision adopted pursuant to Public Resources Code section 25500. Requirements for complaint filings and a description of how complaints are processed are in Title 20, California Code of Regulations, section 1237.

## KEY EVENTS LIST

PROJECT:

DOCKET #:

COMPLIANCE PROJECT MANAGER:

BLM AUTHORIZED OFFICER:

EVENT DESCRIPTION	DATE
Certification Date	
Obtain Site Control	
Online Date	
<b>POWER PLANT SITE ACTIVITIES</b>	
Start Site Mobilization	
Start Ground Disturbance	
Start Grading	
Start Construction	
Begin Pouring Major Foundation Concrete	
Begin Installation of Major Equipment	
Completion of Installation of Major Equipment	
First Combustion of Gas Turbine	
Obtain Building Occupation Permit	
Start Commercial Operation	
Complete All Construction	
<b>TRANSMISSION LINE ACTIVITIES</b>	
Start T/L Construction	
Synchronization with Grid and Interconnection	
Complete T/L Construction	
<b>FUEL SUPPLY LINE ACTIVITIES</b>	
Start Gas Pipeline Construction and Interconnection	
Complete Gas Pipeline Construction	
<b>WATER SUPPLY LINE ACTIVITIES</b>	
Start Water Supply Line Construction	
Complete Water Supply Line Construction	

**COMPLIANCE TABLE 1**  
**SUMMARY of COMPLIANCE CONDITIONS OF CERTIFICATION**

<b>CONDITION NUMBER</b>	<b>SUBJECT</b>	<b>DESCRIPTION</b>
<b>COMPLIANCE-1</b>	<b>Unrestricted Access</b>	The project owner shall grant Energy Commission staff and delegate agencies or consultants unrestricted access to the power plant site.
<b>COMPLIANCE-2</b>	<b>Compliance Record</b>	The project owner shall maintain project files on-site. Energy Commission staff and delegate agencies shall be given unrestricted access to the files.
<b>COMPLIANCE-3</b>	<b>Compliance Verification Submittals</b>	The project owner is responsible for the delivery and content of all verification submittals to the CPM, whether such condition was satisfied by work performed or the project owner or his agent.
<b>COMPLIANCE-4</b>	<b>Pre- construction Matrix and Tasks Prior to Start of Construction</b>	<ul style="list-style-type: none"> <li>Construction shall not commence until the all of the following activities/submittals have been completed: <ul style="list-style-type: none"> <li>property owners living within one mile of the project have been notified of a telephone number to contact for questions, complaints or concerns,</li> <li>a pre-construction matrix has been submitted identifying only those conditions that must be fulfilled before the start of construction,</li> <li>all pre-construction conditions have been complied with,</li> <li>the CPM has issued a letter to the project owner authorizing construction.</li> </ul> </li> </ul>
<b>COMPLIANCE-5</b>	<b>Compliance Matrix</b>	A compliance matrix shall be submitted by the project owner to the CPM along with each monthly and annual compliance report
<b>COMPLIANCE-6</b>	<b>Monthly Compliance Report including a Key Events List</b>	During construction, the project owner shall submit Monthly Compliance Reports (MCRs) which include specific information. The first MCR is due the month following the Energy Commission business meeting date on which the project was approved and shall include an initial list of dates for each of the events identified on the Key Events List.

## COMPLIANCE TABLE 1

### SUMMARY of COMPLIANCE CONDITIONS OF CERTIFICATION

CONDITION NUMBER	SUBJECT	DESCRIPTION
<b>COMPLIANCE-7</b>	<b>Annual Compliance Reports</b>	After construction ends and throughout the life of the project, the project owner shall submit Annual Compliance Reports instead of Monthly Compliance Reports.
<b>COMPLIANCE-8</b>	<b>Confidential Information</b>	Any information the project owner deems confidential shall be submitted to the Energy Commission's Executive Director with a request for confidentiality.
<b>COMPLIANCE-9</b>	<b>Reporting of Complaints, Notices, and Citations</b>	Prior to the start of construction, the project owner must send a letter to property owners living within one mile of the project notifying them of a telephone number to contact project representatives with questions, complaints, or concerns
<b>COMPLIANCE-10</b>	<b>Planned Facility Closure</b>	The project owner shall submit a closure plan to the CPM at least 12 months prior to commencement of a planned closure.
<b>COMPLIANCE-11</b>	<b>Unplanned Temporary Facility Closure</b>	To ensure that public health and safety and the environment are protected in the event of an unplanned temporary closure, the project owner shall submit an on-site contingency plan no less than 60 days prior to commencement of commercial operation.
<b>COMPLIANCE-12</b>	<b>Unplanned Permanent Facility Closure</b>	To ensure that public health and safety and the environment are protected in the event of an unplanned permanent closure, the project owner shall submit an on-site contingency plan no less than 60 days prior to commencement of commercial operation.
<b>COMPLIANCE-13</b>	<b>Post-certification changes to the Decision</b>	The project owner must petition the Energy Commission to delete or change a condition of certification, modify the project design or operational requirements and/or transfer ownership of operational control of the facility.

**ATTACHMENT 1**  
**COMPLAINT REPORT / RESOLUTION FORM**

Complaint Log Number: \_\_\_\_\_ Docket Number: \_\_\_\_\_

Project Name: \_\_\_\_\_

**COMPLAINANT INFORMATION**

<p>Name: _____ Phone Number: _____</p>  <p>Address: _____</p>
---

**COMPLAINT**

<p>DATE COMPLAINT RECEIVED: _____ TIME COMPLAINT RECEIVED: _____</p> <p>COMPLAINT RECEIVED BY: _____ <input type="checkbox"/> TELEPHONE <input type="checkbox"/> IN WRITING ( )</p> <p>DATE OF FIRST OCCURRENCE: _____</p> <p>DESCRIPTION OF COMPLAINT (INCLUDING DATES, FREQUENCY, AND DURATION): _____</p>  <p>FINDINGS OF INVESTIGATION BY PLANT PERSONNEL: _____</p>  <p>DOES COMPLAINT RELATE TO VIOLATION OF A CEC REQUIREMENT?</p> <p>DATE COMPLAINANT CONTACTED TO DISCUSS FINDINGS: _____</p> <p>DESCRIPTION OF CORECTIVE MEASURES TAKEN OR OTHER COMPLAINT RESOLUTION: _____</p>  <p>DOES COMPLAINANT AGREE WITH PROPOSED RESOLUTION?</p> <p>IF NOT, EXPLAIN: _____</p>
---

**ATTACHMENT 1  
COMPLAINT REPORT / RESOLUTION FORM**

**CORRECTIVE ACTION**

IF CORRECTIVE ACTION NECESSARY, DATE COMPLETED:\_\_\_\_\_

DATE FIRST LETTER SENT TO COMPLAINANT (COPY ATTACHED):\_\_\_\_\_

DATE FINAL LETTER SENT TO COMPLAINANT (COPY ATTACHED):\_\_\_\_\_

OTHER RELEVANT INFORMATION:\_\_\_\_\_

*"This information is certified to be correct."*

PLANT MANAGER SIGNATURE:\_\_\_\_\_ DATE:

(ATTACH ADDITIONAL PAGES AND ALL SUPPORTING DOCUMENTATION, AS REQUIRED)

## **F. LIST OF PREPARERS**



# IMPERIAL VALLEY SOLAR PROJECT

## 08-AFC-5

### LIST OF PREPARERS

Executive Summary .....	Christopher Meyer
Introduction .....	Christopher Meyer
Proposed Project.....	Christopher Meyer
Alternatives .....	Susan Lee and Emily Capello
Cumulative Scenario .....	Susan Lee and Emily Capello
Air Quality.....	William Walters
Biological Resources.....	Rick York and Joy Nishida
Geology & Paleontology.....	Steven J. Deverel and Dal Hunter
Hazardous Materials Management.....	Rick Tyler and Alvin Greenberg
Public Health and Safety .....	Alvin Greenberg
Hydrology, Water Use, and Water Quality.....	Phil Lowe and John Fio
Land Use, Recreation, and Wilderness .....	Negar Vahidi and Susanne Huerta
Noise and Vibration .....	Erin Bright
Socioeconomics and Environmental Justice .....	Amanda Stennick
Traffic and Transportation .....	Steven Brown
Transmission Line Safety and Nuisance .....	Obed Odoemelum
Visual Resources .....	William Kanemoto and James Jewell
Waste Management .....	Suzanne Phinney
Worker Safety and Fire Protection .....	Rick Tyler and Alvin Greenberg
Facility Design.....	Shahab Khoshmashrab
Geologic Stability.....	Dal Hunter
Power Plant Efficiency.....	Shahab Khoshmashrab
Power Plant Reliability.....	Shahab Khoshmashrab
Transmission System Engineering.....	Sudath A. Edirisuriya and Mark Hesters
General Conditions.....	Mary Dyas
Project Assistant .....	Maria Santourdjian

**G. WITNESS  
QUALIFICATIONS AND  
DECLARATIONS**

## DECLARATION OF Sudath E. Arachchige

I, **Sudath E. Arachchige** declare as follows:

1. I am presently employed by the California Energy Commission in the **Strategic Transmission Planning Office** of the Siting, Transmission and Environmental Protection Division as a **Associate Electrical Engineer**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I helped prepare the staff testimony on **Transmission System Engineering**, for the **Stirling Solar Energy Two Project** based on my independent analysis of the Application for Certification and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_

At: Sacramento, California

**Sudath Arachchige**  
**1916 Ackleton Way**  
**Roseville CA 95661-USA**

**Phone 916-786-6468**

**EDUCATION:**

Bachelor of Science in Electrical Engineering at California State University Fullerton

**ATTAINMENTS:**

Member of the Professional Engineers in California Government

Vice President Electrical Engineering Society-California State University Fullerton.

**EXPERIENCE:**

**November-2001 to Present:** - Associate Electrical Engineer, System Assessment and Facilities Siting Division, California Energy Commission.

Conduct and perform planning studies and contingency analysis including power flow, short-circuit, stability, and post-transient analysis to maintain reliable operation of the power system. Investigates and analyzes Grid Planning problems and provides appropriate information to Grid Planning Engineers. Develops automated computer programs and other advance analysis methods for comprehensive evaluation of the operational performance of the transmission system.

Understanding of regulatory and reliability guidelines, WECC and NERC planning and operation criteria, CPUC and FERC requirements. Review technical analyses for WECC/ISO/PTO transmission systems and proposed system additions; provide support and analyses associated with Reliability Must-Run (RMR) contracts and the Local Area Reliability Services (LARS) process; review new generation interconnection studies; provide congestion analyses; and provide support for regulatory filings.

**June-1998 to November-2001:** - Project Electrical Engineer, Design Electrical Engineering Section, Department of Transportation, California.

Electrical Engineering knowledge and skills in the design, construction and maintenance of California state work projects involving all the public work areas; contract administration, construction management, plan checking, field engineering and provide liaison with consultants, developers, and contractors. Plan review in facility constructions, highway lighting, sign lighting, rest area lighting, preparation of project reports, cooperative agreements, review plans for compliance of construction and design guide lines for national electrical code, standards and ordinance. Review process included breaker relay coordination, detail wiring diagrams, layout details, service coordination, load, conductor sizes, derated ampacity, voltage drop calculations, harmonic and flicker determination.

**June-1993 to May-1998:-** Substation Electrical Engineer, City of Anaheim, California.

Performed protective relay system application, design and setting determination in Transmission & Distribution Substation. Understanding of principles of selective coordination system protection and controls for Electric Utility Equipment. Understanding of Power theory and Analysis of symmetrical components. Ability to review engineering plans, specifications, estimates and computation for Electrical Utility Projects. Practices of Electrical Engineering design, to include application of Electro-mechanical and solid state relays in Electrical Power Systems. Software skills in RNPDC (Fuse Coordination Program), Capacitor bank allocation program, and Load Flow Program. Design projects using CAD, Excel spread sheets including cost estimates, wiring diagrams, material specifications and field coordination.

Performed underground service design 12kV and 4kV duct banks; pole riser; getaway upgrade; voltage drop calculation, ampacity calculation and wiring diagrams. Design and maintenance of substations in City Electrical Utility System. Upgrade Station Light and power transformers; upgrade capacitor banks; replacement of 12kV-4kV power circuits; Breakers at Metal Clad Switchgear. Design one-line diagrams; three line diagrams; grounding circuits; schematics; coordination of relay settings; conduit and material list preparation. Calculation of derated ampacity; inrush current, short circuit current and fault current.

# DECLARATION OF Erin Bright

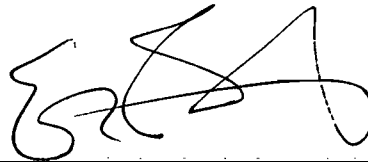
I, **Erin Bright**, declare as follows:

1. I am presently employed by the California Energy Commission in the **Engineering Office** of the Siting Transmission and Environmental Protection Division as a **Mechanical Engineer**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I prepared the staff testimony on **Noise and Vibration** for the **Stirling Energy Systems Solar Two Project** based on my independent analysis of the Application, supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issues addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: June 22, 2010

Signed: \_\_\_\_\_



At: Sacramento, California

**Erin Bright**  
Mechanical Engineer

**Experience Summary**

One year of experience in the electric power generation field, including analysis of noise pollution, construction/licensing of electric generating power plants, and engineering and policy analysis of thermal power plant regulatory issues. One year of experience in the alternative energy field, including analysis of alternative fuel production and use.

**Education**

- University of California, Davis--Bachelor of Science, Mechanical Engineering and Materials Science
- University of California, Davis Extension Program--Renewable Energy Systems

**Professional Experience**

**2007 to Present--** Mechanical Engineer, Energy Facilities Siting Division - California Energy Commission

Performed analysis of generating capacity, reliability, efficiency, noise, and the mechanical, civil/structural and geotechnical engineering aspects of power plant siting cases.

**2006 to 2007--**Energy Analyst, Fuels & Transportation Division - California Energy Commission

Performed analysis of use potential and environmental effects of emerging non-petroleum fuels, including compressed natural gas, biomass, hydrogen and electricity, in heavy and light duty transportation vehicles. Contributor to Energy Commission's alternative fuels plan.

**DECLARATION OF**  
**Steven Brown. PE**

I, **Steven Brown** declare as follows:

1. I am presently employed by the California Energy Commission in the Siting, Transmission and Environmental Protection Division as a **Contract Planner**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I prepared the staff testimony on Traffic and Transportation for the SES Solar Two Project based on my independent analysis of the Application for Certification and supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 9, 2010 Signed: \_\_\_\_\_

At: Sacramento, California



**STEVEN J. BROWN, P.E.**  
**Principal**

**EXPERIENCE RECORD**

**Transportation Planning**

- North Natomas Community Plan, Sacramento, CA
- Southeast Area Transportation Plan, Sacramento, CA
- East Elk Grove Community Plan, Sacramento County, CA
- Clackamas County Neo-Traditional Community Plan, Portland, OR
- Sutter Bay Master Plan, Sutter County, CA

**Environmental Impact Reports (Transportation)**

- El Dorado River Management Plan, El Dorado County, CA
- Material Recovery Facilities, Sacramento, CA
- Granite Park Master Plan, Sacramento, CA
- Oyster Point, South San Francisco, CA
- Lent Ranch, Sacramento, CA

**Traffic Impact Analysis**

- Pendland Parkway Circulation Plan, Anchorage, AK
- Sierra Ski Ranch Expansion, El Dorado County, CA
- Woodlake Hills Subdivision, Spokane, WA
- Benicia Library Expansion, Benicia, CA
- Cub Foods Discount Supermarket, Chico, CA

**Community Involvement/Facilitation**

- Midtown NPTP Advisory Committee, Sacramento, CA
- Stockton Boulevard Improvement Committee, Sacramento, CA
- Reno Parking Committee, Reno, NV
- Street Standards Committee, Sacramento, CA
- City/County Bicycle Advisory Committee, Sacramento, CA

**Freeway/Interchange Studies**

- East Folsom Interchange Studies, Folsom, CA
- North Natomas Freeway-related Improvements, Sacramento, CA
- Applegate Road/Highway 99 Project Study Report, Merced, CA
- Sutter Bay Boulevard/Highway 99 Project Study Report, Sutter County, CA
- Madison Avenue/Interstate 80 Project Study Report, Sacramento, CA

**Parking Facilities**

- Downtown Reno Parking Master Plan, Reno, NV
- Alta Bates/Herrick Hospital Parking Studies, Berkeley, CA
- North Beach Parking Garage, San Francisco, CA
- Capitol Towers, Sacramento, CA
- Serramonte Shopping Center, Redwood City, CA

## **Transportation Systems Management**

- John Muir Hospital, Walnut Creek, CA
- Landmark Plaza, Larkspur, CA
- Coral Business Center, Sacramento, CA
- Gateway Business Park, South San Francisco, CA
- North of Del Paso Residential Area, Sacramento, CA

## **Bicycle/Transit/Pedestrian**

- King's County Bicycle Master Plan, Kings County, CA
- Staff to City/County Bicycle Advisory Committee, Sacramento, CA
- Freeport Boulevard Bicycle Lanes, Sacramento, CA
- North Natomas Transit & Shuttle Systems, Sacramento, CA
- Small Electric Vehicle System, Sutter County, CA

## **EDUCATION**

University of California at Berkeley, B.S. in Civil Engineering, 1985 (Honors)  
University of California at Berkeley, M.S. in Transportation, 1987 (Fellow)  
Golden Gate University, Masters in Business Administration, 1998

## **LICENSE**

Licensed Professional Traffic Engineer, State of California (TR1510)

## **PREVIOUS POSITIONS**

City of Sacramento, Supervising Engineer (3/95-3/97)  
Kittelson & Associates, Office Manager (7/92-3/95)  
Fehr & Peers Associates, Associate (6/87-7/92)

## **LECTURES**

Livable Communities, UC Davis Extension Program, 1997  
Transportation Aspects of CEQA, Sacramento State University, 1997  
Traffic Calming, Sacramento State University, 1997  
Neo-traditional Design, UC Davis Extension Program, 1995  
Sustainable Communities, Clackamas County, 1994

## **PUBLICATIONS**

Calming the Community (Traffic Calming in Downtown Sacramento), co-authored with Steve Fitzsimons, ITE National and District 6 Conf., 1997.

Traffic-Generation Characteristics of Distribution Centers, co-authored with Alan Telford, ITE District 6 Conference, 1990.

The Single-Signal Interchange, co-authored with Gerard Walters, ITE National Conference, 1988.

**DECLARATION OF**  
**Christopher B. Dennis, P.G.**

I, **Christopher B. Dennis**, declare as follows:

1. I am presently employed by the California Energy Commission for the in the Environmental Office of the Siting, Transmission and Environmental Protection Division as an Engineering Geologist.
2. My professional qualifications and experience are attached hereto and incorporated by reference herein.
3. I helped prepare the Staff Testimony on **Soil and Water Resources** for the Imperial Valley Solar Project based on my independent analysis of the Application for Certification and supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: July 2, 2010

Signed: \_\_\_\_\_

*C.B.D.*

At: Sacramento, California

## **CHRISTOPHER B. DENNIS, P.G., J.D.**

### **EXPERIENCE SUMMARY**

Mr. Dennis is a licensed Professional Geologist with the State of California. His professional experience includes over 17 years of innovative technical and management experience. He has worked with a wide variety of CEQA and environmental management issues including soil, water, and waste compliance, investigation, and remediation. He has recently worked with siting and compliance of natural gas-fired and solar power plants. He has been a portfolio manager for several major oil companies and the East Bay Municipal Utility District's trench spoils program. He actively managed Unocal CERT, ExxonMobil, and ChevronTexaco pipeline, service station, bulk fueling, and terminal sites. He is knowledgeable of California's regulatory structure and laws, and is proficient in CEQA analysis, risk assessment, site assessment, remediation, environmental due diligence, and database/GIS development and management.

### **EDUCATION/REGISTRATION/CERTIFICATIONS**

Pepperdine Law School, Certificate in Dispute Resolution, 1997

Whittier College of Law, J.D., 1996

California State University, Fullerton, B.S. Geology, 1989

Licensed Professional Geologist, State of California #7184

OSHA-SARA 40-Hour Hazardous Waste Activity Training 29 CFR 1910.120

### **PROFESSIONAL HISTORY**

2007 to Current California Energy Commission, Engineering Geologist

2004 to 2007 Science Applications International Corporation, Senior Geologist

2004 to 2004 Bay Consulting Services, LLC, Principal

2001 to 2004 Cambria Environmental Technology, Inc., Senior Geologist

2000 to 2001 Alisto Engineering, Inc, Senior Geologist

1998 to 2000 TRC, Inc., Senior Geologist

1993 to 1995 GeoResearch, Inc., Project Manager

1990 to 1993 AeroVironment, Inc., Staff Geologist

1989 to 1990 Applied Geosciences, Inc., Technician

2007 to Current California Energy Commission, Sacramento, CA

Siting, Transmission, and Environmental Protection Division. Focusing on siting and compliance for simple-cycle, combined cycle, solar, and hybrid power plants. Developed a broad knowledge of CEQA impact analysis and mitigation involving water resources, water quality, soil resources, and waste management. Developed preliminary and final staff assessments involving issues of basin water management, overdraft, water quality, water conservation, water transfers, flood potential, and wind and water soil erosion. Deeply involved in issues surrounding the recently proposed large-scale solar power projects including project grading designs, flood management, water use, biological resource impacts, interagency cooperation, and laws, ordinances, regulations, and standards compliance. Also participating in the Quarterly Fuels and Energy Reporting (QFER) program and Environmental Policy Report. Oversaw the development of a QFER database for the collection and management of water use and wastewater discharge by all power plants 20 MW and greater in California.

2004 to 2007 Science Applications International Corporation, Sacramento, CA

Chevron, Northern California (various sites). Managed several former pipeline right-of-way and pump stations sites within the Central California region. Developed and implemented new written field quality assurance/quality control procedures for the entire portfolio of sites. Developed and implemented an analytical laboratory evaluation plan. Managed the groundwater monitoring and sampling program for the portfolio. Initiated low-flow sampling and the use of pre-packed filter screens in boreholes to reduce turbidity in groundwater samples and attain low risk-assessment level detection limits. Initiated a crude oil remediation study for the portfolio that is proving to be a pivotal tool for closure of the pipeline sites. Submitted the first soil vapor survey workplan to the RWQCB for the portfolio and was given approval of that workplan without comment. Worked with a GIS team to incorporate all pertinent site data into a web-based GIS and geo-reference the GIS as appropriate. This portfolio required a significant amount of for-end planning and coordination. Developed and managed all sites budgets and billing.

2004 to 2004 Bay Consulting Services, LLC, Rocklin, CA

Chevron, Northern California (various sites). Completed several closure requests with Tier I/II risk analysis. Started and operated this experimental company for two months.

2001 to 2004 Cambria Environmental Technology, San Ramon and Rocklin, CA

Chevron, Northern California (various sites). Responsible for a large portfolio (40 - 60+ active sites) of ChevronTexaco service station, bulk fueling, and terminal sites in Northern California, some of which were located in the sensitive Lake Tahoe area. Started Cambria's Rocklin office and grew that office to a staff of over 12 in less than a year through initiative and hard work. Helped develop and received State Underground Storage Tank (UST) Fund pre-approved for ~100 low-risk ChevronTexaco sites as part of a management transfer initiative. Through good regulatory communication, solid analysis, and hard work, closed over 30 sites in two years (half of one portfolio). Site closures were risk-based using both natural attenuation and active remediation approaches. Worked with Caltrans on a freeway (CA I-80) expansion project that required excavation and dewatering beneath a former Chevron site. Through a series of constructive meetings, built into the Caltrans request for bid, specifications for handling petroleum impacted excavated soils and water. The expansion project has proceeded as expected and planned. Liaison for the client and regulators. Developed and managed all sites budgets and billing.

East Bay Municipal Utility District, Northern California (various sites). Brought to Cambria a three-year, \$275K/yr maximum EBMUD contract. The contract focused on pre-trenching activity soil sampling/analysis for potential contaminant identification and on trench spoils sampling/analyses for soil disposal. Developed a small group of professionals to manage this portfolio. As part of this project, managed several EPA SW-846 statistical soil analysis projects at District landfill sites with volumes up to ~180,000 cubic yards of landfilled soil. Created and surveyed statistical grids on the landfills and characterized the soil for removal to Class III or Class II landfills. Conducted site investigations and quarterly groundwater monitoring projects. Liaison for the client and regulators. Developed and managed all sites budgets and billing.

2000 - 2001 Alisto Engineering, Lafayette, CA

Caltrans, Northern California (various sites). Conducted statistical analyses of the soil from the shoulders of several Caltrans highways in Southern California. Performed the statistical

analyses to determine lead hazard levels for use soil management planning in proposed construction corridors. The statistical analyses were performed on sample populations ranging from approximately 80 to 300. Liaison for the client and regulators. Developed and managed all sites budgets and billing.

Industrial Facilities, Northern California (various sites). Conducted site investigations at several industrial sites in Northern California. Developed storm water pollution prevention plans (SWPPPs) for development projects in downtown San Jose and a Caltrans project along CA I-680. Liaison for the client and regulators. Developed and managed all sites budgets and billing.

1998 - 2000 TRC, Concord, CA

ExxonMobil, Northern California (various sites). Responsible for a mid-size portfolio (15 - 20+ active sites) of ExxonMobil service station and bulk fueling sites in Northern California. Through good regulatory communication, solid analysis, and hard work, closed over 30 sites. Site closures were risk-based using both natural attenuation and active remediation approaches. For one bulk plant on the sensitive Napa River, secured a public recession of a RWQCB cleanup and abatement order and site closure for Mobil after two years of negotiations, technical presentations, and meetings. Conducted high vacuum, dual-phase extraction at several ExxonMobil sites. Liaison for the client and regulators. Developed and managed all sites budgets and billing.

Quick Stop Markets, Northern California (various sites). Developed and managed a small portfolio of Quick Stop Market sites in Northern California. Saved the client thousands of dollars in lease fees by closing a site through solid regulatory negotiation and communication, and aggressive site assessment and remediation. The site was located a few blocks upgradient from Lake Merritt in Oakland. Conducted high vacuum, dual-phase extraction at several Quick Stop sites. Liaison for the client and regulators. Developed and managed all sites budgets and billing.

Miscellaneous Sites, Northern California. Team member of the Level 3 Communications environmental impact report (EIR) submittals, preparing geologic hazard evaluations. Conducted site investigations at several industrial sites in Northern California. Liaison for the client and regulators. Developed and managed all sites budgets and billing.

1993 - 1995 Project Manager, GeoResearch, Long Beach, CA

Unocal CERT, Southern California (various sites). Project manager of a portfolio of active Unocal CERT sites. Frequently utilized mobile laboratories to assist in the placement of soil borings, vapor extraction, and groundwater wells. Conducted risk assessments, site assessments, tanks pulls, station demolitions, aquifer and vapor extraction tests, and remediation system designs and installations.

1990 - 1993 Staff Geologist, AeroVironment, Monrovia, CA

Project manager and project geologist for industrial sites and government projects. Team leader for documenting homestead well locations and archaeological and biological concerns at over 400 former homestead sites at Edwards AFB using GPS technology. Conducted groundwater sampling according to AFCEE protocols, and soil-vapor and geophysical surveys at Vandenberg AFB. Member of the design team of a mobile soil-vapor laboratory. Lead designer of an insitu soil-vapor sample collection system. Managed two teams for monitoring landfill vapor emissions and subsurface migration at active county operated landfills, and wrote the standard operating procedures, conducted field training, and prepared quarterly AQMD reports.

**DECLARATION OF**  
**Steven J. Deverel, PhD, PG**

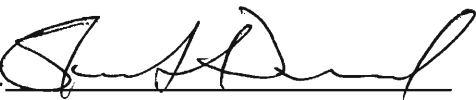
I, Steven J. Deverel, declare as follows:

1. I am presently a consultant to the California Energy Commission for the Siting Office of the Energy Facilities Siting Division as a Hydrogeologic Consultant through Aspen Environmental Group.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I helped prepare the staff testimony on **Soil and Water Resources** for the Imperial Valley Solar project based on my independent analysis of the Application for Certification and the supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: June 22, 2010

Signed: \_\_\_\_\_



At: Davis, California



## **STEVEN JOHN DEVEREL, PhD, PG**

### **QUALIFICATIONS**

Steven J. Deverel has over 28 years of hydrologic problem-solving experience in California. Dr. Deverel analyzes groundwater systems, quantifies chemical and physical processes in soils, and evaluates groundwater- and surface-water quality. He is a recognized expert on hydrologic and water quality issues in the Sacramento-San Joaquin Delta and San Joaquin Valley, California. Dr. Deverel is a registered professional geologist by the State of California and a professional hydrologist certified by the American Institute of Hydrology.

### **PROFESSIONAL EXPERIENCE**

*February, 1996 – present*

Consulting Hydrologist in Private Practice and  
Principal Hydrologist and cofounder, HydroFocus Inc. since January, 1998, *Davis, CA*

Recent project activities include:

- Evaluate drainage alternatives in the western San Joaquin Valley, California. Specific tasks included soil salinity modeling to predict effects of alternatives, groundwater-flow and geochemical modeling for estimating future groundwater quality and hydraulic effects of alternatives.
- Subsidence mitigation strategy evaluation – Sacramento-San Joaquin Delta, California. Field data collection and modeling to evaluate different wetland management strategies for stopping and reversing the effects of subsidence.
- Evaluate processes affecting water quality – Sacramento-San Joaquin Delta. Field data collection and modeling to estimate organic carbon and salt loads for different wetland and agricultural water management practices.
- Evaluate subsurface flow and canal leakage, Nevada Irrigation District, Grass Valley California. Used water isotopes and modeling to determine effects, rates and nature of leakage.
- Assess pesticide transport in groundwater at EPA Superfund Site – Davis, California. Serves as technical advisor to community group overseeing site activities.
- Identify causes and subsidence rate calculation – Sacramento-San Joaquin Delta, California. Includes modeling of subsidence and estimating current and future rates.
- Evaluate groundwater supply, flow and quality in relation to land and water management practices in various locations – Examples include grape growing in Sonoma County, gravel mining in Sacramento and Butte counties, golf courses in Marin County, residential development in San Mateo County, agriculture and water transfers in Yuba County, wetlands in San Luis Obispo and Santa Barbara counties.
- Quantitatively evaluate processes affecting groundwater and spring water chemistry and effects of changing groundwater management in Southern Nevada.
- Serves on standing CALFED Science Panel



*1994 to 1996*

Senior Hydrologist, Hydrologic Consultants, Inc.

*Davis, CA*

Consulting assignments included the following:

- Evaluated sea water intrusion, nitrate contamination and flow of groundwater and nitrate movement in unsaturated zone – Salinas Valley, California.
- Analyzed water supply and quality issues– Santa Ynez Valley, California.
- Developed water resources element of city General Plan – City of Lompoc.
- Advised California Department of Water Resources on issues relating to subsidence in organic soils – Sacramento-San Joaquin Delta.
- Quantified geochemical processes and groundwater flow for gold mining operations – northern Nevada.

*1991 to 1994*

Supervisory Hydrologist, U.S. Geological Survey,

*Sacramento, CA*

Assistant District Chief: Guided hydrologic research, investigations and data collection programs throughout California:

- Supervised and planned research of land- and water-management effects on subsidence and carbon fluxes – Sacramento-San Joaquin Delta.
- Facilitated interactions among diverse projects and personnel.
- Developed and maintained projects investigating processes affecting land and water resources.
- Communicated research results to the resource management community and other audiences using published reports and oral presentations.
- Established long range research and data collection activities.
- Responsible for over 100 employees and an annual budget of over \$11 million.

*1984 to 1991*

Research Chemist, U.S. Geological Survey

*Sacramento, CA*

Project leader: Directed studies of processes affecting constituent mobility and transport. Evaluated transport processes in aqueous and gaseous phases. Conducted regional, subregional and local scale studies. Guided an interdisciplinary team that integrated multi-scaled data:

- Defined water and solute movement to agricultural drainage systems.
- Identified processes affecting trace element mobility in soil and water.
- Evaluated and implement statistical methods.
- Directed hydrologic study of water quality, carbon fluxes and subsidence in organic soils – Sacramento-San Joaquin Delta:
- Identified processes affecting subsidence.
- Related carbon fluxes from organic soils to subsidence and global carbon balance.
- Developed water and land management strategies for reducing subsidence.
- Determined water management effects on drainage water quality.

1980 to 1984

Research Associate, University of California

*Davis, CA*

- Developed computer code to simulate solute transport and chemical reactions in soils and shallow groundwater.
- Designed and implemented water movement and chemical experiments for the laboratory and field – Sacramento-San Joaquin Delta.
- Completed Ph.D. dissertation on geochemical and hydraulic processes affecting soil and groundwater salinity – Sacramento-San Joaquin Delta.
- Co-authored book chapter on simulating reclamation of salt affected soils.

### **ACADEMIC BACKGROUND**

Ph.D., June, 1983, Soil and Water Science, Department of Land, Air and Water Resources, University of California at Davis

MS, September, 1980, Soil-Plant-Water Relations, Department of Vegetable Crops, University of California at Davis

BS, December 1979, Agricultural Science and Management, University of California at Davis

BA, June, 1974, Zoology, University of California at Berkeley

Instructor, " Ground-water Solute Transport Concepts", USGS Denver Training Center, 1988 –1994

Lecturer, Department of Land, Air and Water Resources and Associate in the Experiment Station, University of California at Davis, 1988-1992, Taught undergraduate course "Chemistry of the Hydrosphere"

PhD dissertation and oral-exam committee member for University of California, Davis Hydrologic Sciences graduate students., 2001 – present

### **PROFESSIONAL AFFILIATIONS**

American Geophysical Union

American Institute of Hydrology – registered professional hydrologist

California Groundwater Resources Association

International Association of Hydrogeologists

## DECLARATION OF Mary Dyas

I, **Mary Dyas**, declare as follows:

1. I am presently employed by The California Energy Commission in the **Compliance Unit** as a **Compliance Project Manager**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I prepared the staff testimony on **General Conditions**, for the **Imperial Valley Solar Project Revised Staff Assessment**, based on my independent analysis of the Application for Certification and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issues addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 6/23/2010

Signed: 

At: Sacramento

**MARY DYAS**  
**CALIFORNIA ENERGY COMMISSION – COMPLIANCE PROJECT MANAGER**

**PROFESSIONAL EXPERIENCE**

---

*Planner II/III – Energy Facilities Compliance Project Manager* *05/01/2008 to Present*  
*Siting Unit / Siting and Compliance Office, California Energy Commission, Sacramento, California*

---

Compliance Project Manager—Provide oversight of energy facility construction and operation activities to ensure compliance with conditions of certification. Function as team leader for all compliance monitoring activities, processing of post-certification amendments, complaints, and facility closures.

Currently acting as working team leader on projects filed with the Energy Commission including renewable energy projects (SES Solar One and Solar Two), transmission line projects (Blythe Transmission Line), and natural gas-fired energy projects (Russell City Energy Center) in the licensing, construction and operational phases of each project.

*Planner I/II – Energy Facilities Siting Project Manager* *01/18/2006 to 04/30/2008*  
*Siting Unit / Siting and Compliance Office, California Energy Commission, Sacramento, California*

---

Siting Project Manager – Provide day-to-day management of complex and controversial energy facility siting projects and renewable solar projects, including the Carrizo Energy Solar Farm Project, Bullard Energy Center, El Centro Unit 3 Repower Project and Chevron Replacement Project. Planning, organizing and directing the work of an interdisciplinary environmental and engineering staff team engaged in the review of complex or controversial energy facility siting Applications for Certification.

*Energy Analyst / Associate Energy Specialist – LNG Research* *09/27/2002 to 01/17/2006*  
*Natural Gas Office / Transportation Division, California Energy Commission, Sacramento, California*

---

Coordinating and assisting with the facilitation of monthly Interagency LNG Working Group meetings involving cooperative federal, state, and local agencies; assisting with report writing conducting LNG facility assessments; Organizing/facilitating public workshops and preparing status reports on LNG facility development for use by Commissioners and Governor's Office, as well as reviewing and analyzing LNG-related legislative bills in California; Creating and maintaining the Commission LNG webpage, researching and preparing numerous LNG fact sheets for public education, and gathering information on new technology, tracking new LNG projects, and LNG market information.

*Office Technician / Energy Analyst - Assistant Siting Project Manager* *06/27/2000 to 09/27/2002*  
*Siting Unit / Siting and Compliance Office, California Energy Commission, Sacramento, CA*

---

Assisting energy facility project managers with organization of and conducting workshops and public meetings between staff and power plant developers, other governmental agencies, private organizations, and the public. Also assisting with the reviewing, evaluating and editing of project correspondence, reports, and testimony as well as assisting project secretaries, and Office Managers as needed. Also performed all the same duties in relation to the Emergency Power Plant Permitting 21-day, 4-month, 6-month and 12-month projects.

*Office Technician / Energy Analyst - Assistant Siting Project Manager* *06/27/2000 to 09/27/2002*  
*Siting Unit / Siting and Compliance Office, California Energy Commission, Sacramento, CA*

---

Managing the Siting Peak Workload Contract, including the preparation of hundreds of work authorizations, invoices, and general coordination of work between technical staff and contractor and preparing associated budget information for office managers and executive office.

**EDUCATION**

---

*Bachelor of Science degree in Biological Sciences* *California State University, Sacramento ~ 1995*

# DECLARATION OF

John L. Fio

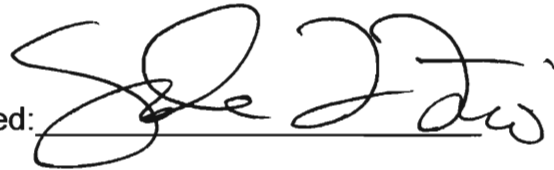
I, John L. Fio, declare as follows:

1. I am presently a consultant to the California Energy Commission for the Siting Office of the Energy Facilities Siting Division as a Hydrogeologic Consultant through Aspen Environmental Group.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I helped prepare the staff testimony on **Soil and Water Resources** for the Imperial Valley Solar project based on my independent analysis of the Application for Certification and the supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: June 22, 2010

Signed: \_\_\_\_\_



At: Davis, California

# JOHN L. FIO

## **QUALIFICATIONS**

John L. Fio has almost 25 years of problem-solving experience. Mr. Fio analyzes groundwater systems, quantifies chemical transport in the subsurface, and evaluates groundwater surface-water interactions. He is a recognized expert on hydrologic and water quality issues. Mr. Fio develops and employs numerical models for site, water district, and basin-wide investigations; calculates extraction effects on groundwater levels, stream flow, and lake levels; establishes water quality monitoring programs; designs water management plans; evaluates groundwater quality effects of wastewater and recycled water disposal to land; develops and implements Geographic Information System (GIS) databases; and determines water sources using chemical and age-dating techniques.

## **PROFESSIONAL EXPERIENCE**

*January, 1998 – present*

Principal Hydrologist, HydroFocus, Inc.

*Davis, CA*

California Energy Commission (2008-2009): As part of several proposed power plant permitting reviews (CPV Sentinel, Beacon, and Carrizo), project applicants developed groundwater-flow models to simulate groundwater level changes in response to pumping from extraction wells. Mr. Fio reviewed model construction, assumptions, parameters, calibration, sensitivities, results, and validity. When appropriate, he also employed the models to complete analyses to identify model uncertainty and help develop mitigation and project Conditions of Certification. His written reports are integrated as part of Staff's Preliminary and Final Assessments. Additionally, John provided hydrogeologic assessments to interpret model results and describe basin conditions.

Grasslands Bypass EIR/EIS (1999 and 2008): The Grasslands Drainage Area includes 97,400 acres of farmland approximately located between the California Aqueduct on the west and San Joaquin River on the east. In 1999 and again in 2008, Mr. Fio utilized groundwater-flow and geochemical models to simulate changes in salt and selenium distributions in soil under different water- and land-management alternatives as part of NEPA/CEQA compliance documentation.

San Luis Drainage Feature Evaluation (2005-2007): Completed groundwater hydraulic and soil and water quality assessments for drainage-water management alternatives. As a principal of HydroFocus, Inc., he was part of the URS team that received a commendation from the U.S. Bureau of Reclamation for outstanding performance in the successful completion and certification of the NEPA/CEQA Environmental Impact Report and Environmental Impact Statement.

Alexander Valley Resort AB-610 Water Supply Assessment (2008): John Fio completed the SB-610 water supply assessment as required by CEQA for the City of Cloverdale, California who is both the public water supplier and the lead agency for the project. Because the City of Cloverdale did not have an adopted Urban Water Management Plan, other data sources, reports, and soil moisture budget modeling were required to determine the total available water supplies during normal, single dry, and multiple dry years for a 20-year projection. The analysis determined whether supplies met the estimated water demand associated with the proposed project and future residential and non-residential water uses.

Additional relevant data and modeling analyses include:

- Groundwater-flow, solute-transport, water-quality impacts from wastewater disposal to land: sanitary districts and municipalities located in San Joaquin and Contra Costa Counties.
- Quantitative hydrogeochemical assessment of contaminant transport near Menlo Park, California. Development of groundwater-flow and solute-transport models to quantify hydrocarbon transport beneath industrial facility near San Francisco Bay.
- Groundwater recharge and subsurface storage, Merced County, California. Developed and implemented groundwater-flow model to assess groundwater recharge and pumping projects.

- Depletion of subsurface flow to the North Platte River, Wyoming and Nebraska. Data analysis and modeling of stream aquifer interactions in support of interstate water rights conflict.

*1995 to 1997*

Senior Project Hydrologist, Hydrologic Consultants, Inc.      *Sacramento, CA*

Project experience in the evaluation of groundwater flow, water quality, and solute transport.

Consulting assignments included the following:

- Developed relationships to describe geologic controls and load-flow relationships for Santa Ynez River drainage system. The relationships were part of a network of interacting reservoir operations, surface-water, and groundwater-flow and transport models.
- Evaluation of groundwater-flow paths beneath South San Francisco Bay. The groundwater-flow system was quantified using a groundwater-flow model to assess system response to pumping centers located east and west of the Bay.
- Coordination with the California Regional Water Quality Control Board on the remediation of a VOC plume in Mountain View, California.
- Assess the response of groundwater levels, streamflow, and spring discharge to groundwater pumping in the Mammoth Basin, California.
- Quantifying stream flow depletions owing to increased consumption and groundwater pumping.

*1990 to 1995*

Research Grade Hydraulic Engineer, U.S. Geological Survey      *Sacramento, CA*

- Geohydrologic and groundwater quality investigations in the western San Joaquin Valley.
- Directed development of regional GIS database for the South San Francisco and Peninsula Area, California.
- Supervised data collection and development of databases, data analyses, and report writing.
- Constructed groundwater flow models for parts of the western San Joaquin Valley and South San Francisco Bay areas, California.

*1987 to 1990*

Civil Engineer, U.S. Geological Survey      *Sacramento, CA*

- Developed groundwater-flow model of tile drainage system. Assessed flow paths and salt transport in shallow flow-system. Quantified regional groundwater-flow paths intercepted by on-farm drainage systems.
- Integrated particle-tracking models with groundwater-flow model results to assess advective transport of salts and selenium.

*1985 to 1987*

Hydrologist, U.S. Geological Survey      *Sacramento, CA*

- Designed/conducted sorption experiments; incorporated results into a solute transport model.
- Assessed the distribution of salts and selenium in unsaturated and saturated soil profiles.
- Developed analytical method to estimate organic selenium concentrations in soil extracts.

## **ACADEMIC BACKGROUND**

Master of Science, 1987, Civil Engineering, University of California at Davis

Bachelor of Science, 1984, Soil and Water Science, University of California at Davis

## **PROFESSIONAL AFFILIATIONS**

American Society of Civil Engineers

Association of Groundwater Scientists and Engineers

California Groundwater Resources Association

Citation for Outstanding Performance, University of California, Davis (1981).

**DECLARATION OF**  
**Alvin J. Greenberg, Ph.D.**

I, **Alvin J. Greenberg, Ph.D.** declare as follows:

1. I am presently a consultant to the California Energy Commission, Energy Facilities Siting and Environmental Protection Division.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I helped prepare the staff testimony on the **Public Health** section for the **Sterling Energy Systems Solar-2 Application** based on my independent analysis of the amendment petition, supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

At: Sacramento, California



## **Risk Science Associates**

121 Paul Dr., Suite A, San Rafael, Ca. 94903-2047

415-479-7560 fax 415-479-7563

e-mail [agreenberg@risksci.com](mailto:agreenberg@risksci.com)

### **Name & Title:**

**Alvin J. Greenberg, Ph.D., FAIC, REA, QEP  
Principal Toxicologist**

Dr. Greenberg has had over two decades of complete technical and administrative responsibility as a team leader for hazardous waste site characterization, preparation of human and ecological risk assessments, air quality assessments, interaction with regulatory agencies in obtaining permits, hazardous materials handling and risk management prevention, infrastructure vulnerability assessments, conducting lead surveys and studies, with particular expertise in the assessment of dioxins, lead, diesel exhaust, petroleum hydrocarbons, mercury, and the intrusion of subsurface contaminants into indoor air. Dr. Greenberg's expertise in risk assessment has led to his appointment as a member of several state and federal advisory committees, including the California EPA Advisory Committee on Stochastic Risk Assessment Methods, the US EPA Workgroup on Cumulative Risk Assessment, the Cal/EPA Peer Review Committee of the Health Risks of Using Ethanol in Reformulated Gasoline, the California Air Resources Board Advisory Committee on Diesel Emissions, the Cal/EPA Department of Toxic Substances Control Program Review Committee, and the DTSC Integrated Site Mitigation Committee. Dr. Greenberg is the former Chair of the Bay Area Air Quality Management District Hearing Board, a former member of the State of California Occupational Health and Safety Standards Board (appointed by the Governor), and former Assistant Deputy Chief for Health, California OSHA. And, since the events of 9/11, Dr. Greenberg has been the lead person for developing vulnerability assessments, power plant security programs, and conducting safety and security audits of power plants for the California Energy Commission. In addition to providing security expertise to the State of California, Dr. Greenberg is Team Leader and main consultant to the State of Hawaii on the updating of their Energy Emergency Preparedness Plan.

**Years Experience:** 25

### **Education:**

B.S. 1969 Chemistry, University of Illinois Urbana

Ph.D. 1976 Pharmaceutical/Medicinal Chemistry, University of California,  
San Francisco

Postdoctoral Fellowship 1976-1979 Pharmacology/Toxicology, University of  
California, San Francisco

Postgraduate Training 1980 Inhalation Toxicology, Lovelace Inhalation  
Toxicology Research Institute, Albuquerque, NM

### **Professional Registrations:**

Board Certified as a Qualified Environmental Professional (QEP)  
California Registered Environmental Assessor - I (REA)  
Fellow of the American Institute of Chemists (FAIC)

### **Professional Affiliations:**

Society for Risk Analysis  
Air and Waste Management Association  
American Chemical Society  
American Association for the Advancement of Science  
National Fire Protection Association

### **Technical Boards and Committee Memberships - Present:**

Squaw Valley Technical Review Committee  
(appointed 1986)

### **Technical Boards and Committee Memberships - Past:**

July 1996 – March 2002

Member, Bay Area Air Quality Management District Hearing Board  
(Chairman 1999-2002)

September 2000 – February 2001

Member, State Water Resources Control Board Noncompliant Underground  
Tanks Advisory Group

January 1999 – June 2001

Member, California Air Resources Board Advisory Committee on Diesel  
Emissions

January 1994 - September 1999

Vice-Chairman, State Water Resources Control Board Bay Protection and Toxic  
Cleanup Program Advisory Committee

September 1998

Member, US EPA Workgroup on Cumulative Risk Assessment

April 1997 - September 1997

Member, Cal/EPA Private Site Manager Advisory Committee

January 1986 - July 1996

Member, Bay Area Air Quality Management District Advisory Council  
(Chairman 1995-96)

January 1988 - June 1995

Member: California Department of Toxic Substance Control Site Mitigation  
Program Advisory Group

January 1989 - February 1995

Member: Department of Toxics Substances Control Review Committee, Cal-EPA

October 1991 - February 1992

Chair: Pollution Prevention and Waste Management Planning Task Force of the  
Department of Toxics Substances Control Review Committee, Cal-EPA

September 1990 - February 1991

Member: California Integrated Waste Management Board Sludge Advisory  
Committee

September 1987 - September 1988

ABAG Advisory Committee on Regional Hazardous Waste Management Plan

March 1987 - September 1987

California Department of Health Services Advisory Committee on County and  
Regional Hazardous Waste Management Plans

January 1984 - October 1987

Member, San Francisco Hazardous Materials Advisory Committee

March 1984 - March 1987

Member, Lawrence Hall of Science Toxic Substances and Hazardous Materials  
Education Project Advisory Board

Jan. 1, 1986 - June 1, 1986

Member, Solid Waste Advisory Committee, Governor's Task Force on Hazardous  
Waste

Jan. 1, 1983 - June 30, 1985

Member, Contra Costa County Hazardous Waste Task Force

Sept. 1, 1982 - Feb. 1, 1983

Member, Scientific Panel to Address Public Health Concerns of Delta Water  
Supplies, California Department of Water Resources

### **Present Position**

January 1983- present

Owner and principal with Risk Sciences Associates, a Marin County, California,  
environmental consulting company specializing in multi-media human health and  
ecological risk assessment, air pathway analyses, hazardous materials management-  
infrastructure security, environmental site assessments, and litigation support for toxic  
substance exposure cases.

### **Previous Positions**

Jan. 2, 1983 - June 12, 1984

Member, State of California Occupational Safety and Health Standards Board  
(Cal/OSHA), appointed by the Governor

Aug. 1, 1979 - Jan. 2, 1983

Assistant Deputy Chief for Health, California Occupational Safety and Health  
Administration

Feb. 1, 1979 - Aug. 1, 1979

Administrative Assistant to Chairperson of Finance Committee, Board of  
Supervisors, San Francisco

Jan. 1, 1976 - Feb. 1, 1979

Research Pharmacologist and Postdoctoral Fellow, Department of Pharmacology and Toxicology, School of Medicine, University of California, San Francisco

Jan. 1, 1975 - Dec. 31, 1975

Acting Assistant Professor, Department of Pharmaceutical Chemistry, University of California, San Francisco

## **Experience**

### **General**

Dr. Greenberg has been a consultant in Human and Ecological Risk Assessment, Occupational Health, Toxicology, Hazardous Materials Management and Security, Hazardous Waste Site Characterization and Toxic Substances Control Policy for over 25 years. He has broad experience in the identification, evaluation and control of health and environmental hazards due to exposure to toxic substances. His experience includes Community Relations Support and Risk Communication through experience at high-profile sites and presentations at professional society meetings.

He has considerable experience in the review and evaluation of exposure via the air pathway - particularly to emissions from power plants and diesel exhaust - and a thorough knowledge of the regulatory requirements through his experience at Cal/OSHA, the BAAQMD Hearing Board, as a consultant to the California Energy Commission, and in preparing such assessments for local government and industry. He has assessed exposures to diesel exhaust during construction and operations of stationary and mobile sources and has testified at evidentiary hearings numerous times on this subject.

He served for over five years as the Vice-chair of the California State Water Resources Control Board Advisory Committee convened to address toxic substances in sediments in bays, rivers, and estuaries. He has also conducted numerous ecological risk assessments and characterizations, including those for marine and terrestrial habitats.

Since the events of 9/11, Dr. Greenberg has taken the lead for the California Energy Commission in developing a power plant vulnerability assessment methodology and model power plant security plan. He also assisted the CEC in the preparation of a "background" report on the risks and hazards of siting LNG terminals in California and consulted for the City of Vallejo on a proposed LNG terminal and storage facility at the former Mare Island Naval Shipyard. In August 2004, a team of experts led by Dr. Greenberg was awarded an 18-month contract by the State of Hawaii to update and improve the state's Energy Emergency Preparedness Plan and make recommendations for increased security of critical energy infrastructure on this isolated group of islands.

Dr. Greenberg has extensive experience in data collection and preparation of human and ecological risk assessments on numerous military bases and industrial sites with Cal/EPA DTSC and RWQCB oversight. He has also been retained to provide technical services to the Cal/EPA Department of Toxic Substances Control (preparation of human health risk assessments) and the

Office of Environmental Health Hazard Assessment (review and evaluation of air toxics health risk assessments and preparation of profiles describing the acute and chronic toxicity of toxic air contaminants). He has also conducted several surveys of sites containing significant lead contamination from various sources including lead-based paint, evaluated potential occupational exposure to lead dust and fumes in industrial settings, prepared numerous human health risk assessments of lead exposure, and prepared safety and health plans for remedial investigation of lead oxide contaminated soil at DOD facilities.

Dr. Greenberg is also a recognized expert on the requirements of California's Proposition 65 and has served as an expert on Prop. 65 litigation.

### **Mercury Contamination**

Dr. Greenberg has prepared and/or reviewed several human health and ecological risk assessments regarding mercury contamination in soils, sediments, and indoor surfaces. Dr. Greenberg served on the State Water Resources Control Board Bay Protection and Toxic Cleanup Program Advisory Committee from 1994 until the end of the program in 1999.

#### **Examples**

Review and evaluation of a human health risk assessment of ingestion of sport fish caught from San Diego Bay and which contain tissue levels of mercury and PCBs (November 2004 – present)

Screening Human Health Risk Assessment, Calculation of Soil Clean-up Levels, and Aquatic Ecological Screening Evaluation, Galilee Harbor, Sausalito, Ca. (May 1998)

Health Risk Assessment for Residual Mercury at the Deer Creek Facility, 3475 Deer Creek Road, Palo Alto, California. (July 1997)

Human Health Risk Assessment Due to Emissions from a Medical Waste Incinerator, prepared for Kauai Veterans Memorial Hospital, Kauai, Hawai'i (1994)

### **Air Pathway Analysis**

Dr. Greenberg has prepared numerous Air Pathway Analyses and human health risk assessments, evaluating exposure at numerous locations in California, Hawai'i, Oregon, Minnesota, Michigan, and New York. He is experienced in working with Region IX EPA, the State of California DTSC, and the Hawai'i Department of Health Clean Air Branch in the application of both site-specific and non site-specific health risk assessment criteria.

#### **Examples**

Human Health Risk Assessment for the Open Burn/Open Detonation Operation at McCormick Selph, Inc., Hollister, Ca. (June 2003)

Air Quality and Human Health Risk Assessment for the Royal Oaks Industrial Complex, Monrovia, Ca. (January 2003)

Human Health Risk Assessment and Indoor Vapor Intrusion Assessment for the former Pt. St. George Fisheries Site, Santa Rosa, Ca. (October 2002)

Human Health Risk Assessment for the former Sargent Industries Site, Huntington Park, Ca. (July 2001)

Ballard Canyon Air Pathway Analysis and Human Health Risk Assessment, Santa Barbara County, Ca. (September 2000)

Health Risk Assessment Due to Diesel Train Engine Emissions, Oakland, Ca. (June 1999)

The Avila Beach Health Study Phase 1: Reconnaissance Sampling Findings, Conclusions, and Recommendations. (July 1997) Volume 1: Baseline Human Health Risk Assessment. (May 1998)

The Avila Beach Health Study Phase 1, Volume 2: Environmental Monitoring. (May 1998)

Health Risk Assessment and Air Pathway Analysis for the Ballard Canyon Landfill, Santa Barbara County, Ca. (March 1999)

Human Health Risk Assessment, Teledyne Ryan Aeronautical, McCormick Selph Ordnance. Hollister, California. (December 1996)

Initial Phase Human Health Risk Assessment, Teledyne Inc., San Diego, Ca. (October 1996)

Human Health Risk Assessment for Current and Proposed Expanded Class II and Class III Operations at the Altamont Sanitary Landfill, Alameda County, Ca. (March, 1993)

Focused Ecological Risk Characterization, Hawaiian Electric Company, Keahole Generating Station Expansion, Hawai'i (June 1993)

Human Health Risk Assessment for the Proposed Palima Point Space Launch Complex, prepared for the Hawai'i Office of Space Industry (April 1993)

Ecological Risk Assessment for the Proposed Palima Point Space Launch Complex, prepared for the Hawai'i Office of Space Industry (March 1993)

Human Health Risk Assessment Due to Emissions from a Medical Waste Incinerator, prepared for Kauai Veterans Memorial Hospital, Kauai, Hawai'i (1994)

Cancer Risk Assessment for the H-Power Generating Station, Campbell Industrial Park, Oahu, Hawai'i (1988)

### **Infrastructure Security**

For the past three years, Dr. Greenberg has been trained by and is working with the Israeli company SB Security, LTD, the most experienced and tested security planning and service company in the world. Since the events of 9/11, Dr. Greenberg has been the lead person for developing vulnerability assessments and power plant security programs for the California Energy Commission (CEC). In taking the lead for this state agency, Dr. Greenberg has

interfaced with the California Terrorism Information Center (CATIC) and provided analysis, recommendations, and testimony at CEC evidentiary hearings regarding the security of power plants within the state. These analyses include the preparation of vulnerability assessments and off-site consequence analyses addressing the use, storage, and transportation of hazardous materials, recommendations for security to reduce the threat from terrorist activities, perimeter security, site access by personnel and vendors, personnel background checks, management responsibilities for facility security, and employee training in security methods. Dr. Greenberg is the lead person in developing a model power plant security plan, vulnerability assessment matrix, and a security training manual for the CEC. The model security plan will be used by all power plants in California as guidance in developing and implementing security measures to reduce the vulnerability of California's energy infrastructure to terrorist attack. He has testified at several evidentiary hearings for the CEC on power plant security issues. He has also led an audit team conducting safety and security audits at power plants throughout California that are under the jurisdiction of the CEC. In addition to providing security expertise to the State of California, Dr. Greenberg is Team Leader and main consultant to the State of Hawaii on the updating of their Energy Emergency Preparedness Plan.

#### **Sites with RWQCB and/or DTSC Oversight**

Dr. Greenberg has specific experience in assessing human health and ecological risks at contaminated sites at the land/water interface, including petroleum contaminants, metals, mercury, and VOCs at several locations in California including Oxnard, Richmond, Avila Beach, Mare Island Naval Shipyard, San Diego, Hollister, San Francisco, Hayward, Richmond, the Port of San Francisco, and numerous other locations. He has used Cal/EPA methods, US EPA methods, and ASTM Risk Based Corrective Action (RBCA) and Cal/Tox methodologies. He is extremely knowledgeable about SWRCB and SF Bay RWQCB regulations on underground storage tank sites and with ecological issues presented by contaminated sediments including sediment analysis, toxicity testing, tissue analysis, and sediment quality objectives. Dr. Greenberg served on the State Water Resources Control Board Bay Protection and Toxic Cleanup Program Advisory Committee from 1994 until the end of the program in 1999.

Dr. Greenberg experience on many of these contaminated sites has been as a consultant to local governments, state agencies, and citizen groups. He assisted the City and County of San Francisco in developing local ordinance requiring soil testing (Article 20, Maher ordinance) and hazardous materials use reporting (Article 21, Walker ordinance). He served as the City of San Rafael's consultant to provide independent review and evaluation of the site characterization and remedial action plan prepared for a former coal gasification site. He was a consultant to a citizen group in northern California regarding exposure and risks due to accidental releases from a petroleum refinery and assisted in the assessment of risks due to crude petroleum contamination of a southern California beach. He has prepared a number of risk assessments addressing crude petroleum, diesel and gasoline contamination, including coordinating site investigations, environmental monitoring, and health risk assessment for the County of San Luis Obispo regarding Avila Beach subsurface petroleum contamination. That high-profile project lasted for over one year and Dr. Greenberg managed a team of experts with a budget of \$750,000. Another high-profile project included the preparation of an extensive comprehensive human and ecological risk assessment for the Hawaii Office of Space Industry on rocket launch impacts and transportation/storage of rocket fuels at the southern end of the Big Island of Hawaii. Dr. Greenberg's risk assessments were part of the EIS for the project. Dr. Greenberg also worked on

another high-profile project conducting Air Pathway Analysis of off-site and on-site impacts from landfill gas constituents, including indoor and outdoor air measurements, air dispersion modeling, flux chamber investigations, and health risk assessment for the County of Santa Barbara.

Dr. Greenberg has conducted RI/FS work, prepared health risk assessments, evaluated hazardous waste sites and hazardous materials use at numerous locations in California, Hawaii, Oregon, Minnesota, Michigan, and New York. He has considerable experience in the development of clean-up standards and the development of quantitative risk assessments for site RI/FS work at CERCLA sites, as well as site closures, involving toxic substances and petroleum hydrocarbon wastes. He is experienced in working with both Region IX EPA and the State of California DTSC in negotiating clean-up standards based on the application of both site-specific and non site-specific health and ecological based clean-up criteria. He has significant experience in the development of site chemicals of concern list, quantitative data quality levels, site remedial design, the site closure process, the design and execution of data quality programs and verification of data quality prior to its use in the decision making process on large NPL sites.

### **Examples**

The Avila Beach Health Study Phase 1: Reconnaissance Sampling Findings, Conclusions, and Recommendations. (July 1997) Volume 1: Baseline Human Health Risk Assessment. (May 1998)

The Avila Beach Health Study Phase 1, Volume 2: Environmental Monitoring. (May 1998)

Health Risk Assessment and Air Pathway Analysis for the Ballard Canyon Landfill, Santa Barbara County, Ca. (March 1999)

Screening Human Health Risk Assessment, Calculation of Soil Clean-up Levels, and Aquatic Ecological Screening Evaluation, Galilee Harbor, Sausalito, Ca. (May 1998)

Health Risk Assessment Due to Diesel Train Engine Emissions, Oakland, Ca. (June 1999)

Health Risk Assessment for Residual Mercury at the Deer Creek Facility, 3475 Deer Creek Road, Palo Alto, California. (July 1997)

Phase 2 Human Health Risk Assessment, Teledyne Inc., San Diego, Ca. (February 1997)

Human Health Risk Assessment, Teledyne Ryan Aeronautical, McCormick Selph Ordnance. Hollister, California. (December 1996)

Initial Phase Human Health Risk Assessment, Teledyne Inc., San Diego, Ca. (October 1996)

Human Health Risk Assessment, Ecological Screening Evaluation, and Development of Proposed Remediation Goals for the Flair Custom Cleaners Site, Chico, California (January 1996)



Human Health Risk Assessment for the X-3 Extrudate Project at Criterion Catalyst, Pittsburg, Ca. (November 1994)

Screening Health Risk Assessment and Development of Proposed Soil Remediation Levels at Hercules Plant #3, Culver City, Ca. (July 1993)

Ecological Screening Evaluation for the Altamont Landfill, Alameda County, Ca. (June, 1993)

Focused Ecological Risk Characterization, Hawaiian Electric Company, Keahole Generating Station Expansion, Hawaii (June 1993)

Human Health Risk Assessment for the Proposed Palima Point Space Launch Complex, prepared for the Hawaii Office of Space Industry (April 1993)

Ecological Risk Assessment for the Proposed Palima Point Space Launch Complex, prepared for the Hawaii Office of Space Industry (March 1993)

Human Health Risk Assessment for Current and Proposed Expanded Class II and Class III Operations at the Altamont Sanitary Landfill, Alameda County, Ca. (March, 1993)

Screening Health Risk Assessment for the Proposed Expansion of the West Marin Sanitary Landfill, Point Reyes Station, Ca. (March, 1993)

Health Risk Assessment for the Proposed Expansion of the Forward, Inc. Landfill, Stockton, Ca. (September 14, 1992)

Health Risk Assessment for the Rincon Point Park Project, San Francisco, Ca. Prepared for Baseline Environmental Consulting and the San Francisco Redevelopment Agency. (August 10, 1992)

Health Risk Assessment for the South Beach Park Project, San Francisco, Ca. Prepared for Baseline Environmental Consulting and the San Francisco Redevelopment Agency. (August 10, 1992)

Screening Health Risk Assessment and Development of Proposed Soil and Groundwater Remediation Levels, Kaiser Sand and Gravel, Mountain View, Ca. Prepared for Baseline Environmental Consulting (January 30, 1992)

Development of Proposed Soil Remediation Levels for the Marine Corps Air-Ground Combat Center, 29 Palms, California (May 30, 1991)

Preliminary Health Risk Assessment for the City of Pittsburg Redevelopment Agency, Pittsburg, California (May 29, 1991)

### **Military Bases**

Dr. Greenberg has experience in conducting assessments at DOD facilities, including RI/FS work, preparation of health risk assessments, evaluation of hazardous waste sites and hazardous materials use at the following Navy sites in California: San Diego Naval Base; Marine Corps Air-Ground Combat Center, 29 Palms; Mare Island Naval Shipyard, Vallejo; Treasure Island Naval Station, San Francisco, Hunters Point Naval Shipyard, San Francisco, and the Marine Corps Logistics Base, Barstow. He worked with the U.S. Navy and the U.S. EPA in the implementation of Data Quality Objectives (DQO's) at MCLB, Barstow.

### **Examples**

Review and Evaluation of the Remedial Investigation Report and Human Health Risk Assessment for the U. S. Naval Station at Treasure Island, Ca. (June 1999)

Screening Health Risk Assessment for the Proposed San Francisco Police Department's Helicopter Landing Pad at Hunters Point Shipyard, San Francisco, Ca. (September 1997)

Development of Proposed Soil Remediation Levels for the Marine Corps Air-Ground Combat Center, 29 Palms, California (May 30, 1991)

Health Risk Assessment for the Chrome Plating Facility, Mare Island Naval Shipyard, Vallejo, California (October 24, 1988)

Background Levels and Health Risk Assessment of Trace Metals present at the Naval Petroleum Reserve No.1, 27R Waste Disposal Trench Area, Lost Hills, California (August 12, 1988)

RCRA Facility Investigation (RFI) Work Plan of Lead Oxide Contaminated Areas, Mare Island Naval Shipyard, Vallejo, California. Prepared in conjunction with Kaman Sciences Corp. (August 14, 1989)

Hazardous Waste and Solid Waste Audit and Management Plan, Mare Island Naval Shipyard, Vallejo, California. Prepared in conjunction with Kaman Sciences Corp. (July 3, 1989)

Water Quality Solid Waste Assessment Test (SWAT) Proposal RCRA Landfill, Mare Island Naval Shipyard, Vallejo, California. Prepared in conjunction with Kaman Sciences Corp. (October 31, 1988)

Waste Disposal Facilities, Waste Haulers, Waste Recycling Facilities Report, Mare Island Naval Shipyard, Vallejo, California. Prepared in conjunction with Kaman Sciences Corp. (September 22, 1988)

Sampling and Analysis Plan, Health and Safety Plan, Site Characterization of Lead Oxide Contaminated Areas, Mare Island Naval Shipyard, Vallejo, California. Prepared in conjunction with Kaman Sciences Corp. (September 2, 1988)

Air Quality Solid Waste Assessment Test (SWAT) Proposal, Mare Island Naval Shipyard, Vallejo, California. Prepared in conjunction with Kaman Sciences Corp. (August 25, 1988)

### **Occupational Safety and Health/Health and Safety Plans/Indoor Air Quality**

Dr. Greenberg has significant experience in occupational safety and health, having directed the development, adoption, and implementation of over 50 different Cal/OSHA regulations, including airborne contaminants (>450 substances), lead, asbestos, and worker-right-to-know (MSDSs). He has conducted numerous occupational health surveys and has extensive experience in the sampling and analysis of indoor air quality at residences, workplaces, and school classrooms.

### **Examples**

Preliminary Report on Indoor Air Quality in Elementary School Portable Classrooms, Marin County, Ca. (December 1999)

Health Risk Assessment Due to Diesel Train Engine Emissions, Oakland, Ca. (June 1999)

Air Pathway Analysis for the Ballard Canyon Landfill,. Submitted to the County of Santa Barbara, (March 1999)

Review and Evaluation of the Health Risk Assessment for Outdoor and Indoor Exposures at the Former Golden Eagle Refinery Site, Carson, Ca. (May 1998)

The Avila Beach Health Study Phase 1: Reconnaissance Sampling Findings, Conclusions, and Recommendations. (July 1997) Volume 1: Baseline Human Health Risk Assessment. (May 1998)

The Avila Beach Health Study Phase 1, Volume 2: Environmental Monitoring. (May 1998)

Phase 2 Human Health Risk Assessment, Teledyne Inc., San Diego, Ca. (February 1997)

Determination of Occupational Lead Exposure at a Tire Shop in Placerville, Ca. (April 1993)

Development of an Environmental Code of Regulations for Hazardous Waste Treatment Facilities on La Posta Indian Tribal lands, San Diego County, Ca. (August 1992)

Sampling and Analysis Plan, Health and Safety Plan, Site Characterization of Lead Oxide Contaminated Areas, Mare Island Naval Shipyard, Vallejo, California. Prepared in conjunction with Kaman Sciences Corp. (September 2, 1988)

### **Hazardous Materials Assessments, Waste Management Assessments, Worker Safety and Fire Protection Assessments, and Public Health Impacts Assessments**

Dr. Greenberg also has significant experience as a consultant and expert witness for the California Energy Commission providing analysis, recommendations, and testimony in the areas of hazardous materials management, process safety management, waste management, worker safety and fire protection, and public health impacts for proposed power plant/cogeneration facilities. These analyses include the evaluation and/or preparation of the following:

- Off-site consequence analyses of the handling, use, storage, and transportation of hazardous materials,
- Risk Management Plans (required by the Cal-ARP) and Business Plans (required by H&S Code section 25503.5),

- Safety Management Plans (required by 8 CCR section 5189),
- Natural gas pipeline safety,
- Solid and hazardous waste management plans,
- Phase I and II Environmental Site Assessments,
- Construction and Operations Worker Safety and Health Programs,
- Fire Prevention Programs,
- Human health risk assessment from stack emissions and from diesel engines, and
- Mitigation measures to address PM exposure, including diesel particulates

## Examples

- San Francisco Energy Reliability Project, San Francisco, Ca. 2004-present. Hazardous materials management, worker safety/fire protection, waste management, public health
- Inland Empire Energy Center, Romoland, Ca. 2002-3. hazardous materials, worker safety/fire protection, waste management, public health
- Malburg Generating Station Project, City of Vernon, Ca. 2002-3. hazardous materials, worker safety/fire protection, waste management, public health
- Blythe II, Blythe, Ca. 2002-3. hazardous materials, worker safety/fire protection,
- Palomar Energy Center, Escondido, Ca. 2002-3. hazardous materials, worker safety/fire protection, waste management, public health
- Cosumnes Power Project, Rancho Seco, Ca. 2002-3. hazardous materials, worker safety/fire protection, waste management, public health
- Tesla Power Project, Tesla, Ca. 2002-3. hazardous materials, worker safety/fire protection, waste management, public health
- San Joaquin Valley Energy Center, San Joaquin, Ca. 2002-3. hazardous materials, worker safety/fire protection, waste management
- Morro Bay Power Plant, Morro Bay, Ca., 2001-2: hazardous materials, worker safety/fire protection, waste management
- Potrero Power Plant Unit 7, San Francisco, Ca., 2001-2: hazardous materials, worker safety/fire protection
- El Segundo Power Redevelopment Project, El Segundo, Ca., 2001-2: hazardous materials, worker safety/fire protection, waste management
- Rio Linda Power Project, Rio Linda, Ca., 2001-2: hazardous materials, worker safety/fire protection, waste management, public health
- Pastoria II Energy Facility Expansion, Grapevine, Ca., 2001: hazardous materials, worker safety/fire protection
- East Altamont Energy Center, Byron, Ca., 2001-2: hazardous materials, worker safety/fire protection
- Magnolia Power Project, Burbank, Ca., 2001-2: hazardous materials, worker safety/fire protection, waste management, public health
- Russell City Energy Center, Hayward, Ca., 2001-2: hazardous materials, worker safety/fire protection, waste management
- Woodbridge Power Plant, Modesto, Ca., 2001: hazardous materials, worker safety/fire protection, waste management
- Colusa Power Plant Project, Colusa County, Ca., 2001-2: hazardous materials, worker safety/fire protection, waste management, public health

- Valero Refinery Cogeneration Project, Benicia, Ca., 2001: hazardous materials, worker safety/fire protection
- Ocotillo Energy Project, Palm Springs, Ca., 2001: hazardous materials, worker safety/fire protection
- Gilroy Energy Center Phase II Project, Gilroy, Ca., 2001-2: hazardous materials, worker safety/fire protection
- Los Esteros Critical Energy Facility, San Jose, Ca., 2001-2: hazardous materials, worker safety/fire protection, waste management, public health
- Roseville Energy Facility, Roseville, Ca., 2001-2: hazardous materials, worker safety/fire protection, waste management, public health
- Spartan Power, San Jose, Ca., 2001-2: hazardous materials, worker safety/fire protection, waste management, public health
- Inland Empire Energy Center, Romoland, Ca., 2001-2: hazardous materials, worker safety/fire protection, waste management, public health
- South Star Cogeneration Project, Taft, Ca., 2001-2: hazardous materials, worker safety/fire protection, waste management, public health
- Tesla Power Plant, Eastern Alameda County, Ca., 2001-2: hazardous materials, worker safety/fire protection, waste management, public health
- Tracy Peaker Project, Tracy, Ca., 2001-2: hazardous materials, worker safety/fire protection, waste management, public health
- Henrietta Peaker Project, Kings County, Ca., 2001: hazardous materials, worker safety/fire protection, waste management, public health
- Central Valley Energy Center, San Joaquin, Ca., 2001-2: hazardous materials, worker safety/fire protection, waste management, public health
- Cosumnes Power Plant, Rancho Seco, Ca., 2001-2: hazardous materials, worker safety/fire protection, waste management, public health
- Los Banos Voltage Support Facility, Western Merced County, Ca., 2001-2: waste management, public health
- Palomar Energy Project, Escondido, Ca., 2001-2: hazardous materials, worker safety/fire protection, waste management, public health
- Metcalf Energy Center, San Jose, Ca., 2000-1: hazardous materials
- Blythe Power Plant, Blythe, Ca., 2000-1: hazardous materials
- San Francisco Energy Co. Cogeneration Project, San Francisco, Ca., 1994-5: hazardous materials
- Campbell Soup Cogeneration Project, Sacramento, Ca., 1994: hazardous materials
- Proctor and Gamble Cogeneration Project, Sacramento, Ca., 1993-4: hazardous materials
- San Diego Gas and Electric South Bay Project, Chula Vista, Ca., 1993: hazardous materials
- SEPCO Project, Rio Linda, Ca., 1993: hazardous materials
- Shell Martinez Manufacturing Complex Cogeneration Project, Martinez, Ca., 1993: hazardous materials and review and evaluation of EIR

## DECLARATION OF Mark Hesters

I, **Mark Hesters** declare as follows:

1. I am presently employed by the California Energy Commission in the **Strategic Transmission Planning Office** of the Siting, Transmission and Environmental Protection Division as a **Senior Electrical Engineer**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I helped prepare the staff testimony on **Transmission System Engineering**, for the **Imperial Valley Solar Project** based on my independent analysis of the Application for Certification and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 6/25/10

Signed: 

At: Sacramento, California

Mark Hesters  
Associate Electrical Engineer

Mark Hesters has fourteen years of experience in electric power regulation. He worked in the Engineering Office of the California Energy Commission's Energy Facilities Siting & Environmental Protection Division since 1998 providing analysis of California transmission systems and testimony on transmission systems in several Commission power plant certification processes. Prior to that Mark worked in the CEC's Electricity Analysis Office providing lead analysis on Southern California Edison resource issues and modeling support for all areas of California. He holds a B.S. degree from the University of California at Davis in Environmental Policy Analysis and Planning.

**DECLARATION OF**  
**Testimony of Susanne Huerta**

I, **Susanne Huerta**, declare as follows:

1. I am presently employed by Aspen Environmental Group, a contractor to the California Energy Commission, Siting, Transmission and Environmental Protection Division, as an **Associate Planner /Land Use Technical Specialist**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I prepared the staff testimony on **Land Use** for the **Imperial Valley Solar Project (a.k.a. SES Solar Two Project)** based on my independent analysis of the Application for Certification and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: June 22, 2010

Signed: 

At: Agoura Hills, California





---

**SUSANNE R. HUERTA**  
Environmental Planner

**ACADEMIC BACKGROUND**

Master of Urban Planning, New York University, 2007  
B.A., Geography, University of California, Los Angeles, 2004

**PROFESSIONAL EXPERIENCE**

Ms. Huerta is an Environmental Planner with five years of experience in environmental consulting, city planning, economic development and GIS analysis. She is currently conducting the technical analysis for agricultural and land use analyses for numerous solar and wind energy generating facilities. While attending graduate school, Ms. Huerta interned for a city planning consultant firm in New Jersey. Her city planning background includes experience in the preparation of master plans, the evaluation of site plans and subdivisions, and conducting land use surveys. At Aspen Environmental Group, Ms. Huerta conducts research and prepares environmental analyses in accordance with CEQA, NEPA, and various other environmental laws and regulations. Ms. Huerta's project-specific efforts are provided below.

**Aspen Environmental Group**

**2007 to present**

- **Topaz Solar Farm Project Environmental Impact Report (EIR), San Luis Obispo County, CA, Project Assistant/Technical Specialist (2009-Present).** Ms. Huerta is currently preparing the Project Description and the technical analysis for the agriculture section for this 550 MW solar photovoltaic power plant on the Carrizo Plain of eastern San Luis Obispo County. The project includes solar arrays that would cover approximately 4,200 acres, as well as an electric substation and switching station.
- **California Valley Solar Ranch Project EIR, San Luis Obispo County, CA, Technical Specialist (2009-Present).** Ms. Huerta is currently preparing the technical analysis for the agricultural resources for this 250 MW solar photovoltaic power plant on the Carrizo Plain of eastern San Luis Obispo County. The project includes solar arrays that would cover nearly 2,000 acres, as well as an electric substation, a 2.5-mile transmission line, and expansion of a surface aggregate mine.
- **Pacific Wind Project EIR, Kern County, CA, Technical Specialist (2009-Present).** Ms. Huerta is currently preparing the technical analysis for land use and public services. The project is proposed to be located on approximately 8,300 acres of land with up to 250 wind turbines to produce up to 250 MW of wind energy.
- **Alcoa Dike Project Supplemental Environmental Assessment EA/EIR, US Army Corps of Engineers, Technical Specialist (2009-Present).** Ms. Huerta is preparing the land use and visual analysis for the Supplemental EA/EIR Addendum under the NEPA/CEQA for the United States Army Corps of Engineers. A Supplemental EA/EIR Addendum is being performed to address design changes to the approved Alcoa Dike located in the Prado Basin, Riverside County.
- **Auxiliary Dike Project Supplemental Environmental Assessment (EA)/EIR, US Army Corps of Engineers, Technical Specialist (2009).** Ms. Huerta prepared the land use and visual analysis for the Supplemental EA/EIR Addendum under the NEPA/CEQA for the United States Army Corps of Engineers. A Supplemental EA/EIR Addendum is being performed to address design changes to the approved Auxiliary Dike located in the Prado Basin, Riverside County.

- **Baldwin Hills Community Standards District (CSD), City of Culver City, Technical Specialist (2009).** Technical Specialist for the review of a County of Los Angeles environmental document and preparation of an oil and gas drilling ordinance for the City of Culver City in Los Angeles County. Ms. Huerta reviewed the technical comments on the Baldwin Hills Community Standards District EIR prepared by the County of Los Angeles for the Inglewood Oil Field. The technical review included the evaluation of the County's proposed CSD (drilling ordinance), which the County revised based on public comments. The City used the review comments as part of their formal comments submitted on the County's EIR and CSD.
- **California River Parkways Trailhead Project Initial Study/Mitigated Negative Declaration (IS/MND), Ventura County Watershed Protection District, Technical Specialist, (2009).** The project would provide a new point of entry to the Ventura County-maintained Ojai Valley Trail and the Ventura River Trail, building on an existing trails network, and would include a new parking lot and crosswalk. Ms. Huerta performed the analyses for land use, agricultural and mineral resources, public services, and recreation resources.
- **TANC Transmission Project, Transmission Agency of Northern California, Staff Professional (2009).** Public scoping for 600 miles of proposed 230-kV and 500-kV transmission lines and associated infrastructure extending from eastern Lassen County south through the Sacramento Valley, and branching west to the Bay Area and east to Tuolumne County: Ms. Huerta assisted in the acquisition and processing of 6,600 scoping comments and information requests; responded via phone, email, and postal mail to public and agency inquiries throughout the twice extended, five-month scoping period; quantitatively evaluated scoping data; and authored sections of the scoping report.
- **Alta-Oak Creek Mojave Project EIR, Kern County, CA, Technical Specialist (2008-2009).** Ms. Huerta is prepared the technical analysis for land use, public services, population, and housing resources. The project is proposed to be located on approximately 11,000 acres of land with up to 350 wind turbines to produce up to 800 MW of wind energy. This would be the first project of the Alta Wind Energy Center which is designed to produce 1,500 MW of wind power in the Tehachapi Wind Resource Area of Kern County.
- **Santa Maria River Levee Repair Project, US Army Corps of Engineers, Technical Specialist (2008).** An Environmental Assessment (EA) is being performed for the corrective action to repair the design deficiency of the Santa Maria River Levee in order to avoid the potentially catastrophic consequences of a levee breach that would affect the population of the city of Santa Maria. Ms. Huerta has prepared technical analysis of potential land use and socioeconomic impacts for the EA under NEPA.
- **River Supply Conduit (RSC) Upper Reach Project EIR, Los Angeles and Burbank, CA, Technical Reviewer (2008).** Under Aspen's environmental services contract with the City of Los Angeles Department of Water and Power (LADWP), Ms. Huerta assisted in preparation of the potential impacts to recreational resources for this EIR. The RSC is a major transmission pipeline in the LADWP water distribution system. The existing RSC pipeline's purpose is to transport large amounts of water from the Los Angeles Reservoir Complex and local ground water wells to reservoirs and distribution facilities located in the central areas within of the City of Los Angeles. The LADWP proposed a new larger RSC pipeline to replace and realign the Upper and Lower Reaches of the existing RSC pipeline.
- **Tehachapi Renewable Transmission Project (TRTP) EIR/EIS, Kern, Los Angeles, and San Bernardino Counties, CA, Technical Specialist (2007-Present).** In preparation of a joint EIR/EIS for the CPUC and USDA Forest Service (Angeles National Forest), Ms. Huerta conducted research and analysis for impacts related to public services and utilities, and prepared the Cumulative Impact Scenario. In addition, she prepared the EIR/EIS Summary; and assisted in preparation of the Project

Description, Alternative Screening Report, Scoping Report, and the public comment period of the Draft EIR/EIS.

### ***California Energy Commission (CEC)***

In response to California's power shortage, Aspen has assisted the CEC in evaluating the environmental and engineering aspects of new power plant applications throughout the State under three separate contracts. Ms. Huerta has served as a Staff Professional for Land Use Staff Assessments since 2008. Her specific projects are listed below.

- **Peak Workload Support for the Energy Facility Siting Program and the Energy Planning Program (Contract #700-05-002; 4/11/06 through 3/30/09)**
  - **Carrizo Energy Solar Farm, San Luis Obispo County, CA.** Staff Professional for the Land Use Staff Assessment for Carrizo Energy, LLC's Application for Certification (AFC) to build the Carrizo Energy Solar Farm (CESF), which will consist of approximately 195 Compact Linear Fresnel Reflector (CLFR) solar concentrating lines, and associated steam drums, steam turbine generators (STGs), air-cooled condensers (ACCs), and infrastructure, producing up to a nominal 177 megawatts (MW) net. The CESF is located in an unincorporated area of eastern San Luis Obispo County, west of Simmler and northwest of California Valley, California. The CESF includes the solar farm site, a minimal offsite transmission system connection, and construction laydown area. The CESF site will encompass approximately 640 acres of fenced area in an area zoned for agricultural uses as specified in the San Luis Obispo County General Land Use Plan. Issues of concern include the impacts of the power plant on adjacent land uses and compliance with applicable local LORS.
  - **Willow Pass Generating Station, Pittsburg, CA.** Staff Professional for the Land Use Staff Assessment for a new, approximately 550-megawatt (MW) dry-cooled, natural gas-fired electric power facility proposed by Mirant. Development of Willow Pass would entail the construction of two generating units and ancillary systems including, adjacent electric and gas transmission lines, and water and wastewater pipelines.
  - **Stirling Energy Systems Solar One, San Bernardino County, CA.** Staff Professional for the Land Use Staff Assessment/BLM EIS for a nominal 850-megawatt (MW) Stirling engine project, with construction planned to begin late 2010. The primary equipment for the generating facility would include the approximately 30,000, 25-kilowatt solar dish Stirling systems (referred to as SunCatchers), their associated equipment and systems, and their support infrastructure. Major issues of concern include the conversion of approximately 8,230 acres of open space to industrial uses, compliance with BLM's CDCA Plan, etc.
  - **Stirling Energy Systems Solar Two, Imperial County, CA.** Staff Professional for the Land Use Staff Assessment/BLM EIS for a nominal 750-megawatt (MW) Stirling engine project, with construction planned to begin either late 2009 or early 2010. The primary equipment for the generating facility would include the approximately 30,000, 25-kilowatt solar dish Stirling systems (referred to as SunCatchers), their associated equipment and systems, and their support infrastructure. Major issues of concern include conversion of 6,500 acres of public recreation land used for OHV use and camping, and compliance with the BLM's CDCA plan.
  - **City of Palmdale Hybrid Power Plant Project, Palmdale, CA.** Staff Professional for the Land Use Staff Assessment for the Palmdale Hybrid Power Project (PHPP) proposed by the City of Palmdale. The PHPP consists of a hybrid of natural gas-fired combined-cycle generating equipment integrated with solar thermal generating equipment to be developed on an approximately 377-acre site in the northern portions of the City of Palmdale (City).
  - **Abengoa Mojave Solar One Project, San Bernardino County, CA.** Staff Professional for the Land Use Staff Assessment of a nominal 250 megawatt (MW) solar electric generating facility to be located near Harper Dry Lake in an unincorporated area of San Bernardino County. Issues of concern include the impacts associated with the conversion of 1,765 acres of open space lands.

## **PREVIOUS EXPERIENCE**

### **Burgis Associates, Inc.**

**May 2006 to May 2007**

Ms. Huerta worked as a consultant for city planning departments and private developers throughout northern New Jersey. Her primary projects were to draft a master plan reexamination report and an open space and recreation element of a master plan. Within these projects she evaluated existing socioeconomic conditions and land uses, and conducted an inventory of recreational facilities and open space. She also used ArcGIS to illustrate zoning recommendations and update land use and zoning maps. Other routine projects included the evaluation of site plan, subdivision and variance applications for compliance with local, State and federal regulations.

### **Brooklyn Economic Development Corporation**

**September to December 2005**

Ms. Huerta conducted research and field surveys for community revitalization projects. She also participated in collaborative meetings with other community organizations.

## **ADDITIONAL TRAINING AND COURSES**

- Successful CEQA Compliance (February 2009)
- CEQA Basics Workshop Series (November 2008)
- Advanced courses in ArcGIS
- Graduate courses in Environmental Impact Assessment and Environmental Policy

## **PROFESSIONAL AFFILIATIONS**

- American Planning Association

**DECLARATION OF**  
Testimony of Dal Hunter, Ph.D., C.E.G.

I, **Dal Hunter, Ph.D., C.E.G.**, declare as follows:

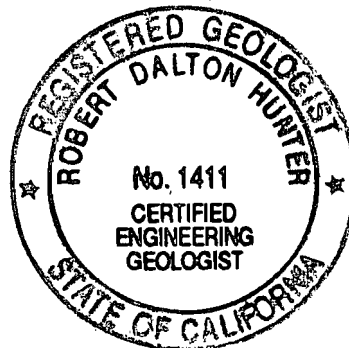
1. I am presently employed as a subcontractor to Aspen Environmental Group, a contractor to the California Energy Commission, Systems Assessment and Facilities Siting Division, as an Engineering Geologist.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I helped prepare the staff testimony on **GEOLOGY AND PALEONTOLOGY** for the **Stirling Energy Systems Solar Two Project** based on my independent analysis of the Application for Certification and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 10, 2010

Signed: \_\_\_\_\_

At: Black Eagle Consulting, Inc.  
Reno, Nevada



Exp 3-31-11

# **Robert D. Hunter, Ph.D., C.E.G.**

## **Engineering Geologist**

### **Vice President**

#### **Education**

- Ph.D. – Geology – 1989 – University of Nevada, Reno
- M.S. – Geology – 1976 – University of California - Riverside
- B.S. – Earth Science – 1972 – California State University, Fullerton

#### **Registrations**

- Professional Geological Engineer – Nevada
- Registered Geologist – California
- Certified Engineering Geologist – California

#### **Experience**

1997 to Present: Black Eagle Consulting, Inc.; Vice President. Dr. Hunter is in charge of all phases of geochemical, geological, and geotechnical projects and is responsible for conducting, coordinating, and supervising geotechnical investigations for public and private sector clients. He is very familiar with design specifications and state and federal requirements.

Dr. Hunter has also provided geological, geotechnical, and paleontological review and written and oral testimony for California Energy Commission (CEC) power plant projects including:

- El Segundo Power Redevelopment Project (Coastal, including testimony and compliance monitoring)
- Magnolia Power Project (including compliance monitoring)
- Ocotillo Energy Project (Wind Turbines)
- Vernon-Malburg Generating Station
- Inland Empire Energy Center (including testimony and compliance monitoring)
- Palomar Energy Project
- Henrietta Peaker Project
- East Altamont Energy Center
- Avenal Energy Center
- Teayawa Energy Center monitoring
- Walnut Energy Center (including compliance monitoring)
- Riverside Energy Resource Center
- Salton Sea Unit 6 (Geothermal Turbines)
- National Modoc Power Plant
- Pastoria Energy Center
- Sun Valley Energy Project
- El Centro Unit 3 Repower Project
- AES Highgrove Project
- South Bay Replacement Project
- Vernon Power Plant



- Humboldt Bay Repowering Project
- Victorville Power Project
- Carlsbad Energy Center
- San Gabriel Generating Station
- Orange Grove
- Chula Vista Energy Upgrade
- Carrizo (Solar)
- Kings River
- Canyon Power Plant
- Otay Mesa Generating Project (compliance monitoring)
- Mountainview Power Plant Project (compliance monitoring)
- Consumes Power Plant (compliance monitoring)
- Sunrise Power Project (compliance monitoring )
- Niland Power Project (compliance monitoring)
- Panoche Power Plant (compliance monitoring)

Attended Expert Witness Training Sponsored by CEC.

1978 to 1997: SEA, Incorporated; Geotechnical Manager, Engineering Geologist. Dr. Hunter was in charge of all phases of geotechnical projects for SEA, including project coordination and supervision, field exploration, geotechnical analysis, slope stability analysis, soil mechanics, engineering geochemistry, mineral and aggregate evaluations, and report preparation. Numerous investigations were undertaken on military, commercial, industrial, airport, residential, and roadway projects. He worked on many geothermal power plants, providing expertise in foundations design, slope stability, seismic assessment, geothermal hazard evaluation, expansive clay, and settlement problems. Project types included high-rise structures, airports, warehouses, shopping centers, apartments, subdivisions, storage tanks, roadways, mineral and aggregate evaluations, slope stability analyses, and fault studies.

1977 to 1978: Fugro (Ertec) Incorporated Consulting Engineers and Geologists; Staff Engineering Geologist; Long Beach, California.

### **Affiliations**

- Association of Engineering Geologists

### **Publications**

- Hunter, 1988, *Lime Induced Heave in Sulfate Bearing Clay Soils*, Journal of Geotechnical Engineering, ASCE, Vol. 14, No. 2, pp. 150-167.
- Hunter, 1989, *Applications of Stable Isotope Geochemistry in Engineering Geology*: Proceedings of the 25<sup>th</sup> Annual Symposium on Engineering Geology and Geotechnical Engineering.
- Hunter, 1993, *Evaluation of Potential Settlement Problems Related to Salt Dissolution in Foundation Soils*: Proceedings of the 29<sup>th</sup> Annual Symposium on Engineering Geology and Geotechnical Engineering.

## DECLARATION OF JAMES EARL JEWELL

I, James Earl Jewell, declare as follows:

1. I am currently under contract with the Aspen Environmental Group to provide environmental technical assistance to the California Energy Commission. I am serving as an Illuminating Engineer to provide Peak Workload Support for the Siting, Transmission, and Environmental Protection Division.
2. A copy of my professional qualifications and experience is attached hereto and incorporated herein.
3. I assisted in the preparation of the final staff testimony on Visual Resources for the Imperial Valley Solar Project based on my independent analysis of the Application for Certification and supplements thereto, data from reliable sources and documents, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is accurate and valid with respect to the issues addressed therein.
5. I am familiar personally with the facts and conclusions applicable to matters of intrusive light and glare and relative brightnesses, and if called as a witness, could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 7 July, 2010 Signed: Original signed by J. Jewell

At: San Francisco, California



JAMES EARL JEWELL, LC, ATF, IES, CIES (Hon), SAH

EDUCATION:

BA, College of the Pacific  
MFA, School of Drama, Yale University

EMPLOYMENT:

1957-67, Engineering Division, Holzmüller Corporation  
1967-69, Theatre Consulting Service, Bolt, Beranek & Newman  
1969-87, Lighting Services Administrator, Pacific Gas & Electric Company  
1987- present, Consultant in Lighting  
Since 1993 in association with Alan Lindsley, AIA, IES

PROFESSIONAL ACTIVITIES:

Illuminating Engineering Society  
President – 1984-85  
Vice President – 1983-84  
Director – 1979-86  
Office Lighting Committee – 1976 - present, Chairman, 1978-80  
Roadway Lighting Committee – 1974 – present, Chairman, 1990-92  
Regional Energy Committee Chairman – 1974-76, 1978-84  
Energy Advisory Committee – 1973-75  
Technical Missions – China – 1984, 1987, 1988

European Lighting Congress: Strasbourg, 1969; Florence, 1977; Granada, 1981;  
Lausanne, 1985; Budapest, 1989; Edinburgh, 1993; Berlin, 2001

Pacific Basin Lighting Congress: Chairman, Shanghai, 1989; Bangkok, 1993;  
Nagoya, 1997; Organizing Committee, Delhi, 2002; Cairns, 2005; Bangkok,

2009

Edison Electric Institute: Street Lighting Committee – 1971-87, Chairman 1979-81

International Commission on Illumination:

Board of Administration – 1983-87, 1987-91  
Division Four (Lighting for Transport)  
Technical Committee 4.34 -- 1980-95  
Technical Committee 4.25 -- 1992-99

Professional Light Designers Convention: London, 2007; Berlin, 2009

EXPERT WITNESS – Admitted as an expert witness in the Superior Courts of Amador,  
Contra Costa, and San Francisco Counties.

## AWARDS AND HONOURS:

IES Regional Technical Award – 1985  
IES Distinguished Service Award – 1986  
College of Fellows of the American Theatre --1988  
Honourary Member, China IES – 1989  
CIE Distinguished Service Award – 1991  
IES Louis B. Marks Award – 1993

## CERTIFICATION:

LC – Granted in 1990 by the National Council on the Qualification of Lighting Professionals

## RELEVANT WORK EXPERIENCE:

With PG&E appeared before CEC Committee and Staff on lighting issues with respect to the siting and licensing of Geysers steam power plants.

On behalf of PG&E and the IES appeared before the Simonson Committee to consult on the development of the lighting portions of Title 24.

On behalf of PG&E and the IES appeared before the CEC on numerous occasions to support the development of fluorescent lamp promotional programs and to assist in developing rigorous lighting ballast standards for California and on other lighting energy management issues.

While at PG&E supported and oversaw funding for projects on daylight following and electronic ballasts. Projects supported by both the DOE and CEC.

In practice as a lighting consultant worked with private clients and jurisdictions on matters concerned with light trespass and “intrusive” lighting.

JEJewell  
19 February 2010

## DECLARATION OF William D. Kanemoto

I, William Kanemoto, declare as follows:

1. I am presently under contract with Aspen Environmental Group, a contractor to the California Energy Commission, Systems Assessment and Facilities Siting Division. I am serving as a Visual Resource Specialist to provide Peak Workload Support for the Energy Facility Siting Program and for the Energy Planning Program.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I prepared staff testimony on Visual Resources for the **SES Solar 2 Project** based on my independent analysis of the Application for Certification and supplements hereto, data from documents and sources deemed to be reliable, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issues addressed therein.
5. I am personally familiar with the facts and conclusions applicable to the vapor plume simulations and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 10, 2010

Signed



At: Oakland, California

## **William Kanemoto**

Visual Resource/Aesthetics Analyst

### **Academic Background:**

M. Landscape Architecture, University of Michigan, Ann Arbor, 1982  
B.A. Liberal Arts (Honors), University of California, Santa Cruz, 1973

### **Professional Experience:**

Principal

William Kanemoto & Associates, Oakland, California, 1993 - Present

William Kanemoto is Principal of William Kanemoto & Associates, an environmental consulting practice specializing in visual analysis and computer visualization in the context of environmental review. In this capacity he has served as principal investigator for visual analysis and simulation on a wide range of major infrastructure and development projects, including the High Desert Power Project AFC, Port of Oakland Expansion EIS, Route 4 East/Pittsburg BART EIS, FMC Substation and Transmission Line PEA, and numerous other infrastructure and transportation projects. Mr. Kanemoto received recognition from the California Association of Environmental Professionals for visual analysis, computer simulation, animation, and video production for the Stanford Sand Hill Road Projects EIR, prepared by EIP Associates and judged 'Best State-Wide EIR of 1997'.

Associate Director

Environmental Simulation Laboratory,  
Institute of Urban and Regional Development,  
Center for Environmental Design Research  
University of California, Berkeley, 1994 - 2000

Instructed graduate students in the College of Environmental Design, U.C. Berkeley, served as consultant on various major planning projects in the San Francisco Bay Area, and conducted design collaborations with counterparts at Keio University and ARK CyberUniversity in Tokyo, Japan via the Internet.

Principal Investigator/Project Manager

Dames & Moore, San Francisco/Oakland, California, 1988-1992

Served as principal investigator of numerous visual analyses of major infrastructure projects throughout the U.S., in Europe, and in Asia. Gained extensive familiarity with the application of a wide range of professionally accepted visual assessment techniques in the context of CEQA, NEPA, and related regulatory requirements of the CPUC, CEC, FERC, DOT, U.S. Forest Service, BLM, and other agencies.

Project Manager

LSA Associates, Pt. Richmond, California, 1987-1988

Project manager and planner on environmental impact reports for various residential and commercial development projects in northern California.

Environmental Planner

Holton Associates, Berkeley, California, 1984-1987

Preparation of various resource and regulatory studies including EIRs, FERC Exhibit E, Section 404 alternative analyses, riparian restoration studies, and cumulative impact methodology studies for EPRI and Sierra County, CA.

## DECLARATION OF SHAHAB KHOSHMAHRAB

I, **SHAHAB KHOSHMAHRAB**, declare as follows:

1. I am presently employed by the California Energy Commission in the **ENGINEERING OFFICE** of the Facilities Siting Division as a **MECHANICAL ENGINEER**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I participated in the preparation of the staff testimony on **Facility Design** for the **SES Solar Two** project based on my independent analysis of the Application for Certification and supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issues addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

At: Sacramento, California

**Shahab Khoshmashrab**  
Mechanical Engineer

**Experience Summary**

Nine years experience in the Mechanical, Civil, Structural, and Manufacturing Engineering fields involving engineering and manufacturing of various mechanical components and building structures. This experience includes QA/QC, construction/licensing of electric generating power plants, analysis of noise pollution, and engineering and policy analysis of thermal power plant regulatory issues.

**Education**

- California State University, Sacramento-- Bachelor of Science, Mechanical Engineering
- Registered Professional Engineer (Mechanical), California

**Professional Experience**

**2001-2004**--Mechanical Engineer, Systems Assessment and Facilities Siting-- California Energy Commission

Performed analysis of generating capacity, reliability, efficiency, noise and vibration, and the mechanical, civil/structural and geotechnical engineering aspects of power plant siting cases.

**1998-2001**--Structural Engineer -- Rankin & Rankin

Engineered concrete foundations, structural steel and sheet metal of various building structures including energy related structures such as fuel islands. Performed energy analysis/calculations of such structures and produced structural engineering detail drawings.

**1995-1998**--Manufacturing Engineer -- Carpenter Advanced Technologies

Managed manufacturing projects of various mechanical components used in high tech medical and engineering equipment. Directed fabrication and inspection of first articles. Wrote and implemented QA/QC procedures and occupational safety procedures. Conducted developmental research of the most advanced manufacturing machines and processes including writing of formal reports. Developed project cost analysis. Developed/improved manufacturing processes.

## DECLARATION OF

Susan V. Lee

I, Susan V. Lee, declare as follows:

1. I am presently employed by Aspen Environmental Group, consultant to the California Energy Commission's Facilities Siting Office of the Systems Assessments and Facilities Siting Division as a Senior Associate/Vice President.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I prepared the staff testimony on Alternatives for the Imperial Valley Solar Project based on my independent analysis of the Application for Certification and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: June 22, 2010

Signed: 

At: San Francisco, California



---

## SUSAN V. LEE

Vice President, San Francisco Operations

### ACADEMIC BACKGROUND

M.S., Applied Earth Science, Stanford University, 1984

B.A., Geology, Oberlin College, 1977

### PROFESSIONAL EXPERIENCE

Ms. Lee has over 25 years of technical and managerial experience in environmental assessment, and she currently manages Aspen's San Francisco Office. Her expertise is in management of environmental assessment for infrastructure and energy projects (renewable energy projects, electric transmission lines, pipelines, and gas-fired power plants) under both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Ms. Lee has managed preparation of several major controversial transmission line and pipeline siting EIR/EISs, including the Sunrise Powerlink, Path 15, Jefferson-Martin, Tri-Valley, and Devers-Palo Verde No. 2. Prior to employment at Aspen, Ms. Lee worked for 10 years with the Federal government [the U.S. Minerals Management Service (MMS) and the U.S. Geological Survey (USGS)].

Ms. Lee has worked for Aspen Environmental Group since 1993. She has contributed to both technical and project management aspects of Aspen's environmental projects, including the following:

- **California Energy Commission.** Ms. Lee has supported CEC staff since the fall of 2000. To date, she has prepared analyses for 14 power plants throughout the State, and she has also contributed to several special project reports. She has participated in numerous public workshops and hearings around the state, and completed the CEC's Expert Witness Training. Her major efforts for the CEC include the following:
  - Ms. Lee is managing the Alternatives and Cumulative impact analyses for several solar thermal projects on public lands, coordinating NEPA issues with BLM staff and CEQA issues with the Energy Commission's Project Manager. Projects include the Ivanpah Solar Electric Generating Station, Stirling (SES) Solar Two, SES Solar One (Calico), Solar Millennium Blythe and Palen projects, and the NextEra Genesis project.
  - Ms. Lee has prepared staff assessment **Alternatives Analyses** (consistent with CEQA and the CEC's procedures) for the CEC's staff reports considering proposed new or re-powered gas-fired power plants at South Bay (San Diego), Blythe (BEP II), Morro Bay, El Segundo, Avenal, San Joaquin Valley, Potrero Unit 7 (San Francisco), Tracy, East Altamont, Henrietta, and the San Francisco Electric Reliability Project. She also prepared the alternatives analysis for the CEC's Blythe Transmission Modifications Project. In addition to preparing staff assessment sections documenting comparative impacts of alternatives, this work includes making presentations at PSA Workshops and testifying at Evidentiary Hearings.
  - Ms. Lee managed preparation of the CEC's first comprehensive dry cooling analysis for a coastal power plant using once-through cooling, the **Morro Bay Power Plant Modernization Project**. She managed a team of authors who developed a preliminary cooling design, and provided impact analysis.
  - Ms. Lee managed a three-year transmission corridor modeling project, **Planning Alternative Corridors for Transmission (PACT)**, in conjunction with the CEC PIER Environmental Program. The model uses Geographic Information Systems and decision modeling to assist in comparing potential alternative transmission corridors. Aspen's work included overall contract management, as well as development and management of a Project Steering Committee and six Technical Advisory Groups.
  - Ms. Lee prepared a detailed Background Report and made a presentation at an Energy Commission workshop on "**Comparative Alternatives to Transmission**" as part of the Integrated Energy Policy Report (IEPR) 2004 Update process. This project evaluated non-wires alternatives to transmission lines; ongoing



work is related to development of a methodology for consideration of these alternatives as part of the transmission planning process.

- Ms. Lee served as the CEC's **Project Manager** for the Small Power Plant Exemption (SPPE) environmental review process for the Woodland Generation Station 2, an 80-megawatt power plant proposed by the Modesto Irrigation District.
- Ms. Lee managed preparation of **Power Plant Cooling Options Reports** for the Potrero Unit 7 Project, Morro Bay, SMUD Cosumnes, and El Segundo power plants. These analyses include conceptual design of dry cooling systems, hybrid cooling systems, and water supply options including use of reclaimed water in both once through and hybrid cooling systems.
- Ms. Lee has provided management and technical support to Aspen's preparation of several reports for the CEC: the Environmental Performance Report, the Coastal Power Plant Study, and the Alternative Generation Technology study.
- **California Valley Solar Ranch EIR.** Under contract to San Luis Obispo County, Ms. Lee is managing preparation of an EIR to evaluate development of a 250 MW solar photovoltaic power facility on nearly 4,000 acres in the Carrizo Plain.
- **SDG&E Sunrise Powerlink Transmission Project EIR/EIS.** Under a \$14 million contract to the CPUC, and under a Memorandum of Understanding with the Bureau of Land Management (BLM), Ms. Lee managed preparation of an EIR/EIS for a highly controversial 150-mile transmission line from Imperial County to coastal San Diego County.
- **SCE Devers-Palo Verde No. 2 Transmission Line Project EIR/EIS.** Under contract to the CPUC, Ms. Lee managed preparation of an EIR/EIS to evaluate the impacts of a constructing a 230-mile 500 kV transmission line between the Palo Verde generating hub in Arizona and SCE's Devers Substation.
- **Long-Term Procurement Planning and Barriers to Renewable Power Implementation.** For the CPUC, Ms. Lee and a team of environmental and economic specialists developed environmental and economic data and developed timelines of permitting and barriers to implementing the proposed 33 percent Renewable Portfolio Standard, including ranking and screening of available energy resources.
- **Jefferson-Martin 230 kV Transmission Line Project.** Ms. Lee managed preparation of an EIR for PG&E's proposed 27-mile transmission line through scenic San Mateo County in the Highway 280 corridor, urban Colma and Daly City, and across San Bruno Mountain for the California Public Utilities Commission (CPUC).
- **PG&E Northeast San Jose Transmission Reinforcement Project:** Ms. Lee served as the Project Manager for this CPUC contract to evaluate PG&E's proposed transmission improvements in Santa Clara and Alameda Counties.
- **PG&E Tri-Valley 2002 Capacity Increase Project.** Ms. Lee managed preparation of the Draft and Final EIRs for this controversial and complex project during 2000 and 2001, which was certified by the CPUC in May 2001. The Draft EIR (over 800 pages) evaluated proposed transmission lines and substations in the Tri-Valley area (Cities of Pleasanton, Dublin, Livermore, and San Ramon) of Alameda and Contra Costa Counties, and responded to a high level of local concern regarding electric and magnetic fields (EMFs).

## DECLARATION OF Testimony of Philip Lowe

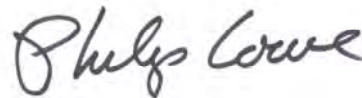
I, **Philip Lowe**, declare as follows:

1. I am presently employed by Aspen Environmental Group, a contractor to the California Energy Commission, Siting, Transmission and Environmental Protection Division, as a **Water Resources Professional**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I prepared the staff testimony on **Hydrology, Water Use, and Water Quality** for the **SES Solar Two Project** based on my independent analysis of the Application for Certification and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 10, 2010

Signed:



At: Mesa, Arizona



---

**PHILIP O. LOWE, P.E.**  
**Senior Associate, Water and Earth Resources**

**ACADEMIC BACKGROUND**

M.S. Watershed Management, University of Arizona, 1975  
B.S. Wildlife Management, University of Arizona, 1973

**REGISTRATIONS/CERTIFICATIONS**

1988 Professional Engineer (Civil)/Arizona/21699  
1996 Professional Engineer (Civil)/California/55258

**PROFESSIONAL EXPERIENCE**

Mr. Lowe is a senior engineer and project manager with 28 years experience in the hydrologic analysis of watersheds, water resources analysis, floodplain analysis, analysis and design of hydraulic structures, and channel erosion and sedimentation analysis. In addition to his engineering experience, Mr. Lowe is educated in wildlife ecology and watershed management. His responsibilities and experience include environmental permitting and environmental impact analysis under CEQA and NEPA and for the California Energy Commission. Typical projects managed by Mr. Lowe are in the following areas:

- Hydrologic analysis of watersheds
- Surface water hydraulic analysis
- Channel erosion and sedimentation analysis
- Design of flood control and erosion control structures
- Plan formulation and feasibility including benefit/cost analysis
- Environmental impact analysis
- U.S. Army Corps of Engineers 404 Permitting
- Habitat restoration and enhancement.

Relevant project experience includes:

- **Staff Assessment for Cosumnes Power Plant, California Energy Commission.** Mr. Lowe prepared the surface water and soils analysis in the Soil and Water Resources sections of the Final Staff Assessment for the Cosumnes Power Plant in Sacramento County.
- **Staff Assessment for Tracy Peaker Power Plant, California Energy Commission.** Mr. Lowe prepared the Soil and Water Resources section of the Final Staff Assessment for the proposed Tracy Peaker Power Plant near Tracy, California.
- **SONGS/Diablo Canyon Steam Generator Replacement Project Environmental Impact Report (EIR).** Mr. Lowe is currently responsible for the water resources analysis in preparation of an EIR for replacement of the steam generators at Southern California Edison's San Onofre Nuclear Generating Station near San Clemente in San Diego County, as well as for a similar EIR for the Diablo Canyon nuclear power plant near San Luis Obispo.
- **Vermont Yankee Nuclear Power Plant, Vermont Department of Public Service, Water Resources Specialist (2008).** Mr. Lowe prepared the water resources section of an environmental impact evaluation of surface water impacts for the Vermont Yankee Nuclear Power Plant. The evaluation

included assessment of Connecticut River flood elevations, probable maximum flood, and the potential impacts of global warming.

- **Hydrology Specialist, Sunrise Powerlink Transmission Line EIR.** Mr. Lowe prepared the water resources section of an EIR/EIS for the Sunrise Powerlink transmission line. This power transmission project would extend from the Imperial Valley to San Diego in California. Portions of the project and project alternatives would pass through the Cleveland National Forest and the Anza-Borrego State Park.
- **Tehachapi Renewable Transmission Project (TRTP).** Mr. Lowe was responsible for baseline conditions analysis and quality control for water resources impact analysis for the TRTP power line Environmental Impact Report. TRTP includes a series of new and upgraded high-voltage electric transmission lines and substations to deliver electricity from new wind farms in eastern Kern County, California, to the Los Angeles Basin
- **Devers/Palo Verde Transmission Line EIR, California Public Utilities Commission, Water Resources Specialist (2005 – 2006).** Mr. Lowe prepared the water resources section of an EIR/EIS for the Devers/Palo Verde transmission line project extending from the Palo Verde Nuclear Power Plant in Arizona to San Bernardino, California. One route alternative evaluated passed through the San Bernardino National Forest near Palm Springs, California.
- **Miguel Mission Transmission Line EIR.** Mr. Lowe prepared the hydrology and water resources section of this EIR being prepared on behalf of the California Public Utilities Commission evaluating a proposed 35-mile transmission line in San Mateo County. Work included preparation of an initial study prior to preparation of the EIR document.
- **Jefferson-Martin Transmission Line EIR.** Mr. Lowe prepared the hydrology and water resources section of this EIR being prepared on behalf of the California Public Utilities Commission evaluating a proposed 27-mile transmission line in San Mateo County.
- **Kinder Morgan Concord to Sacramento Pipeline EIR.** Mr. Lowe prepared the hydrology and water resources section of an EIR evaluating a proposed 70-mile petroleum products pipeline for the California State Lands Commission. Analysis includes consideration of potential for pipeline accidents to contaminate surface and groundwater in Contra Costa, Solano, and Yolo Counties.
- **Hydrology Specialist, Devers/Palo Verde Transmission Line EIR.** Mr. Lowe prepared the water resources section of an EIR/EIS for the Devers/Palo Verde transmission line project extending from the Palo Verde Nuclear Power Plant in Arizona to San Bernardino, California. One route alternative evaluated passed through the San Bernardino National Forest near Palm Springs, California.
- **Wood Canyon Ecosystem Restoration, Corps, Los Angeles District.** Mr. Lowe is currently responsible for a Detailed Project Report for riparian restoration of Wood Canyon Creek in Orange County, CA. The project involves hydrogeomorphic evaluation of stream functional capacity, and design of restoration features to increase functional capacity.
- **Hydrologic Analysis for the Pacific Pipeline EIS/SEIR, Kern and Los Angeles Counties.** As a subconsultant to Aspen and on behalf of the CPUC, Mr. Lowe was responsible for preparation of the hydrologic analysis section in support of an EIR/EIS under CEQA and NEPA for a 58-mile oil pipeline route originating in Kern County and terminating in Santa Clarita. The pipeline crosses 62 watercourses, including 24 that drain directly into water supply reservoirs. Mr. Lowe evaluated baseline conditions and potential groundwater, water quality, stream hydrology, hydraulic, and sediment transport impacts for each crossing of the proposed and alternate routes.
- **Matilija Dam Removal, U.S. Army Corps of Engineers Los Angeles District.** Mr. Lowe prepared the hydrology and water resources environmental impact analysis for the U.S. Army Corps of Engineers Environmental Impact Statement to evaluate effects of removal of the Matilija Dam on Matilija Creek in Ventura County, California.

- **Yellowstone Pipeline Environmental Impact Statement Hydrologic Analysis.** Mr. Lowe was responsible for preparation of the hydrologic and hydraulic analysis in support of the Yellowstone Pipeline Environmental Impact Statement under NEPA for the Lolo National Forest in Montana. The 10-inch pipeline carries gasoline, diesel, and jet fuel between Missoula, Montana, and Cataldo, Idaho. Six alternative routes totaling approximately 300 miles in length are being investigated in detail. Mr. Lowe was responsible for evaluating potential hydrologic, hydraulic, sediment, groundwater, and water quality impacts along each alternative and at each stream crossing. Secondary impacts such as oil spills, rupture, or exposure of pipe through erosion or other impacts related to the stream are also evaluated. He assessed the severity of potential impacts, developing mitigation measures and prepared a report consistent with the format and guidelines required by NEPA.
- **San Vicente Reservoir Pipeline EIR Hydrologic Analysis.** Mr. Lowe was a task leader responsible for the hydrologic and hydraulic analysis in support of an environmental impact report for a 28-mile pipeline to carry tertiary treated wastewater from the North City Wastewater Treatment Plant to San Vicente Reservoir in San Diego County, CA. Two alternative routes were investigated. Mr. Lowe evaluated potential hydrologic, hydraulic, sediment, groundwater, and water quality impacts along each alternative and at each stream crossing. Secondary impacts related to rupture or exposure of pipe through erosion or other impacts stream were also evaluated. Mr. Lowe also assessed the severity of potential impacts, developed mitigation measures and prepared a report consistent with the format and guidelines required by the California Environmental Quality Act (CEQA).
- **Crude Oil Pipeline Investigations and Hydraulic and Hydrologic Analyses of Oil Spill Sites for Counties in the States of Missouri, Kansas, and Texas.** Mr. Lowe was project manager for an evaluation of oil spills from a network of hundreds of four- to eighteen-inch crude oil pipelines across the midwestern United States. Due to deterioration of the network, oil spills occurred over a three-state area, potentially impacting thousands of square miles of surface waters. Mr. Lowe performed a hydrologic analysis by regional equation method, determined probable limits of the waters of the U.S., and evaluated the extent or potential environmental impacts associated with the oil spills. Approximately 130 oil spill sites spread over several counties in the states of Missouri, Kansas, and Texas were investigated.
- **San Antonio Creek Reconnaissance Study, Upland, CA.** Mr. Lowe was Project Manager of a reconnaissance study of San Antonio Creek for the U.S. Army Corps of Engineers. The study included a detailed hydraulic capacity analysis, floodplain analysis, general inventory of and valuation of floodplain structures, determination of potential without-project flood control and water supply benefits and development of potential flood control and water supply solutions along an 11-mile, urbanized reach to the San Antonio Creek flood control channel in western San Bernardino County, CA.
- **Environmental Constraints Analysis for a Residential Development in Apple Valley, CA.** Mr. Lowe was responsible for preparation of an environmental constraints analysis for a proposed 1,100-acre development project in the Apple Valley area of San Bernardino County, CA. The constraints analysis was prepared as an Environmental Impact Report for developing acceptable land use criteria and mitigation measures for preliminary planning of the project. The analysis included an overall analysis of a surrounding 35,000-acre area for regional planning purposes. Environmental issues included endangered species (desert tortoise), flooding, earthquake faulting, traffic, land use, wildlife, vegetation, aesthetics, water supply, wastewater treatment, air quality, cultural resources, and paleontological resources.
- **Los Angeles Unified School District (LAUSD) Program Environmental Impact Report for New School Construction.** Mr. Lowe prepared the water resources section for a program EIR for a new school construction program for the Los Angeles Unified School District. The purpose of the Program EIR was to establish a consistent process for CEQA review of future LAUSD projects proposed in the New School Construction program. The purpose of the program was to provide 200,000 new classroom seats in order to accommodate anticipated enrollment growth.

- **San Juan Creek River Management Plan, City of San Juan Capistrano.** Mr. Lowe was project manager for reconnaissance-level development of a comprehensive plan for erosion control, flood reduction, riparian vegetation, and wetland restoration and comprehensive management of San Juan Creek in Orange County. Long-term aggregate mining, agricultural use, urban runoff, channelization and piece-meal bank protection have caused significant degradation of the channel system, impacting water quality, beach sand supplies, and the functions and values of the ecosystem. The river management plan includes the removal of large drop structures and levee impoundments to facilitate movement of fish, re-establishment of a riffle-pool sequence with frequent, gentle low drops protected by riprap, re-establishment of riparian and wetland vegetation between riffles, and construction of gabion, riprap or articulated revetment bank protection to protect existing infrastructure.
- **Pacific Heights Environmental Impact Report for, Los Angeles County, CA.** Mr. Lowe was responsible for the preparation of an environmental impact report under CEQA for a 50-unit residential development on a 110-acre, designated significant ecological area in the community of Hacienda Heights, CA. EIR issue areas included biology, drainage, geology and soils, visual resources, traffic and access, land use and public services.
- **San Antonio Creek Hydraulic and Sediment Analysis, Vandenberg Air Force Base.** Severe accumulation of fine sediments in San Antonio Creek on Vandenberg Air Force Base resulted in loss of roadway access across the creek near the point where it enters the Pacific Ocean. Mr. Lowe was project manager responsible for a hydrologic, hydraulic and sediment transport analysis to determine sources and rate of sediment accumulation, and development of long-term crossing solutions.
- **Littlerock Reservoir Sediment Transport Analysis. Angeles National Forest, California.** Mr. Lowe performed a sediment transport analysis for the Littlerock Reservoir in the Angeles National Forest near Palmdale, California for the purpose of evaluating environmental impacts associated with reservoir dredging. The analysis consisted of an assessment of hydrologic conditions, field survey of river and reservoir topography and sediment conditions, hydraulic analysis using HEC-RAS, and sediment transport analysis using the HEC-RAS sediment transport package. Mr. Lowe developed sediment dredging alternatives and evaluated potential upstream impacts from the alternatives using sediment transport analysis.
- **Goldsborough Dam/Goldsborough Creek Restoration Study, U.S. Army Corps of Engineers, Mason County, Washington.** Mr. Lowe prepared a hydraulic and sediment transport analysis to evaluate the effects of removal of Goldsborough Dam for the purpose of restoring Goldsborough Creek in Washington State.
- **Los Angeles River Alternatives Study (LARAS).** Mr. Lowe was project manager for the LARAS study initiated by Los Angeles County to investigate alternatives to the US Army Corps of Engineers Los Angeles County Drainage Area feasibility plan for flood protection along the lower Los Angeles River in Los Angeles, CA. The LARAS Study conducted by Mr. Lowe involved engineering and environmental feasibility investigations of channel widening, use of existing sand and gravel mines as detention basins, re-operation of Whittier Narrows, Santa Fe and other reservoirs, raising Whittier Narrows Dam, watershed management solutions, detention in groundwater spreading basins, habitat restoration, water supply, and recreation.

## DECLARATION OF Christopher Meyer

I, **Christopher Meyer**, declare as follows:

1. I am presently employed by Aspen Environmental Group, a contractor to the California Energy Commission, Siting, Transmission and Environmental Protection Division, as a **Project Manager**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I prepared the staff testimony on **Executive Summary, Introduction, and Project Description** for the **Imperial Valley Solar Project** based on my independent analysis of the Application for Certification and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.
6. Notwithstanding paragraphs 4 and 5 above, I reserve the right to revise my testimony as necessary to address the Least Environmentally Damaging Practicable Alternative selected by the U.S. Army Corps of Engineers.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: July 1, 2010

Signed: \_\_\_\_\_



At: Sacramento, California



---

## **CHRISTOPHER J. MEYER**

**Senior Associate**

Energy and Infrastructure/Cultural Resources

### **ACADEMIC BACKGROUND**

Energy and Infrastructure/Cultural Resources

B.A., Biological Anthropology/Archaeology, California State University, Hayward, 1993

### **PROFESSIONAL EXPERIENCE**

Mr. Meyer has over thirteen years with Aspen in support of CEQA/NEPA projects including EIR/EIS, IS/MND, and EA. His background combines strong experience in environmental inspection, compliance management, and project management on large-scale construction projects with a solid background in archaeological field investigations. With over 17 years experience as an archaeologist, Mr. Meyer is familiar with the cultural settings of California and Oregon and the regulatory requirements for cultural resource management under CEQA/NEPA. He has worked closely with construction contractors, agency representatives, and Native American tribal governments to ensure projects are built on time, within budget, and in compliance with all environmental requirements. In addition to field experience, he has worked as a project manager, produced reports, document, and permit applications, and has reviewed mitigation measures for federal, State, and local government agencies as well as corporations.

#### **Aspen Environmental Group**

**1997 to present**

- **California Energy Commission (CEC), Technical Assistance in Application for Certification Review, Siting Project Manager.** In response to California's power shortage, Aspen is assisting the CEC in evaluating the environmental and engineering aspects of new power plant applications throughout the State. As part of this effort, Mr. Meyer serves as a Project Manager and supervises technical staff members, preparing the CEC's CEQA-equivalent Preliminary Staff Assessments and Final Staff Assessments in response to applications for the construction of new power plants across the State. Responsibilities include: review of applications for new power plants; identifying potential issues with proposed power plants; preparation of conditions of certification for proposed power plants; review and editing of CEC technical staff's analysis, scheduling and coordinating public workshops; tracking status of permitting process; coordinating with affected agencies to resolve potential concerns; detailed reporting; conflict resolution; and preparing briefings for the CEC Siting Committee.
- **El Casco System Project, Riverside, CA.** Mr. Meyer is assisting in the preparation of the cultural resources section of this EIR being prepared for the CPUC to evaluate SCE's application for a Permit to Construct (PTC) the El Casco System Project. The Proposed Project would be located in a rapidly growing area of northern Riverside County, which includes the Cities of Beaumont, Banning, and Calimesa. A 115-kV subtransmission line begins at Banning Substation and extends westward toward the proposed El Casco Substation site within the existing Banning to Maraschino 115-kV subtransmission line and Maraschino-El Casco 115-kV subtransmission line ROWs. Major issues of concern include impacts to existing and residential land uses, which have led to the development of a partial underground alternative and a route alternative different than the project route proposed by SCE (the Applicant). The 1,200-page Draft EIR was released for a 45-day public review and



comment on December 12, 2007, and evaluates project alternatives at the same level of detail as the Proposed Project analysis.

- **California Energy Commission (CEC), Technical Assistance in Application for Certification Review, Compliance Project Manager.** In response to California's power shortage, Aspen is assisting the CEC in evaluating the environmental and engineering aspects of new power plant applications throughout the State. As part of this effort, Mr. Meyer served as a Compliance Project Manager and supervised technical staff members, preparing the CEC's Conditions of Certification for construction of power plants across the State as well as managing on-going operational issues with power plants currently under license with the CEC. Responsibilities included: preparation of amendments to conditions of certification for existing power plants; review of applications for new power plants; drafting of Memoranda of Understanding with Chief Building Officials; coordinating with affected agencies to resolve concerns with potential impacts to cultural resources or threatened or endangered species; maintaining contractor construction milestones, detailed reporting; development of mitigation measures; conflict resolution; and inspection for compliance with the Conditions of Certification.
- **SDG&E Miguel-Mission 230 kV #2 Project Construction Monitoring and Supplemental Environmental Review Program, Lead Environmental Monitor.** Under contract to the California Public Utilities Commission (CPUC), Mr. Meyer served as Lead Environmental Monitor and supervised one environmental monitor in the field, monitoring the implementation of the CPUC environmental impact report's conditions of approval for construction of the overhead 230 kV electric transmission line and substations upgrades. The project included installing a new 230 kV circuit on existing towers along the 35-mile right-of-way, as well as relocating 69 kV and 138 kV circuits on approximately 80 steel pole structures. In addition, the Miguel Substation and Mission Substation was modified to accommodate the new 230 kV transmission circuit. Responsibilities included: supervision, guidance and development of environmental monitors in field monitoring as well as the compliance review of pre-construction plans and mitigation compliance documentation, review of variance requests and temporary extra work space (TEWS) requests; recommendations for CPUC issuance of Notices to Proceed with construction and variance approvals; approval of TEWS requests; and coordination with SDG&E, construction managers and subcontractors, and landowners, local municipalities, affected and interested agencies and the public.
- **SCE Viejo Systems Project Construction Monitoring and Supplemental Environmental Review Program, Lead Environmental Monitor.** Under contract to the California Public Utilities Commission (CPUC), Mr. Meyer served as Lead Environmental Monitor and supervises one environmental monitor in the field, monitoring the implementation of the CPUC negative declaration's conditions of approval for construction of the overhead 66 kV and 220 kV electric transmission lines and substation upgrades and construction. This Southern California Edison (SCE) project involves the installation of a 220/66/12 kV substation and 3.1-mile 66 kV transmission line in southern Orange County, California. The transmission line will traverse residential and recreational areas in the City of Mission Viejo and the substation is located in a business park adjacent to a wilderness area in the City of Lake Forest. Responsibilities include: supervision, guidance and development of environmental monitors in field monitoring as well as the compliance review of pre-construction plans and mitigation compliance documentation, review of variance requests and temporary extra work space (TEWS) requests; recommendations for CPUC issuance of Notices to Proceed with construction and variance approvals; approval of TEWS requests; and coordination with SDG&E, construction managers and subcontractors, and landowners, local municipalities, affected and interested agencies and the public.
- **U.S. Army Corps of Engineers Prado Dam and Reach 9 Project Construction Monitoring Program, Lead Environmental Monitor.** Under contract to the U.S. Army Corps of Engineers (Corps), Mr. Meyer serves as Lead Environmental Monitor and supervises two environmental monitors in the field, monitoring the implementation of the Corps environmental regulations during expansion of the Prado Dam and associated downstream modifications in Riverside County. Respon-

sibilities include: supervision, guidance and development of environmental monitoring in the field as well as the compliance review of pre-construction plans, such as the Storm Water Pollution Prevention Plan, and mitigation compliance documentation, variance requests; recommendations for Corps issuance of Notices to Proceed with construction and variance approvals; and coordination with construction managers and subcontractors, and landowners, local municipalities, affected and interested agencies and the public.

- **PG&E Tri-Valley 2002 Capacity Increase Project Construction Monitoring and Supplemental Environmental Review Program, Lead Environmental Monitor.** Under contract to the California Public Utilities Commission (CPUC), Mr. Meyer serves as Lead Environmental Monitor and supervises two environmental monitors in the field, monitoring the implementation of the CPUC environmental impact report's conditions of approval for construction of this combination overhead and underground 230 kV electric transmission lines and substations. Construction involves underground installation of the double-circuit 230 kV transmission line conduit and construction of a substation and several transition stations as three separate phases. Responsibilities include: supervision, guidance and development of environmental monitors in field monitoring as well as the compliance review of pre-construction plans and mitigation compliance documentation, variance requests and temporary extra work space (TEWS) requests; recommendations for CPUC issuance of Notices to Proceed with construction and variance approvals; approval of TEWS requests; and coordination with PG&E, construction managers and subcontractors, and landowners, local municipalities, affected and interested agencies and the public.
- **PG&E Atlantic Del Mar Project, Lead Environmental Monitor.** Under Aspen's environmental services contract with CPUC, Mr. Meyer serves as Lead Environmental Monitor and supervises one environmental monitor in the field for the mitigation monitoring, compliance, and reporting program for PG&E's Atlantic Del Mar Project in the Cities of Rocklin and Roseville. This approximate four-mile transmission line involves both underground and overhead construction. The project right-of-way will traverse potential habitats for listed vernal species and areas containing historic resources.
- **PG&E Jefferson-Martin 230 kV Transmission Line Project, Lead Environmental Monitor.** Under contract to CPUC, Mr. Meyer served as Lead Environmental Monitor and supervised two environmental monitors in the field, monitoring the implementation of the CPUC compliance, and reporting program for the PG&E Jefferson-Martin Project. This project involved the installation of a 27-mile 230 kV transmission line through scenic San Mateo County in the Highway 280 corridor, urban Colma and Daly City, and across San Bruno Mountain. Responsibilities included: supervision, guidance and development of environmental monitors in field monitoring as well as the compliance review of pre-construction plans and mitigation compliance documentation, variance requests and temporary extra work space (TEWS) requests; recommendations for CPUC issuance of Notices to Proceed with construction and variance approvals; approval of TEWS requests; and coordination with PG&E, construction managers and subcontractors, and landowners, local municipalities, affected and interested agencies and the public.
- **U.S. Army Corps of Engineers Murrieta Creek Flood Control, Environmental Restoration, and Recreation Project Construction Monitoring Program, Lead Environmental Monitor.** Under contract to the U.S. Army Corps of Engineers (Corps), Mr. Meyer served as Lead Environmental Monitor in the field, monitoring the implementation of the Corps environmental regulations during Phase 1 of the project. Responsibilities included: pre-construction special status species surveys, protection of sensitive species habitat, guidance and development of environmental monitoring in the field as well as the compliance review of pre-construction plans, such as the Storm Water Pollution Prevention Plan, and mitigation compliance documentation, variance requests; and coordination with construction managers and subcontractors, and landowners, local municipalities, affected and interested agencies and the public. Mr. Meyer also assisted with sensitive wildlife surveys and the trapping and relocation of southwestern pond turtles from the project area.

- **Horsethief Creek Road Repairs Project, IS/MND and Biological Assessment, California Department of Water Resources (2005-2007), Archaeologist.** Under contract to the Department of Water Resources (DWR), Mr. Meyer conducted archaeological field reconnaissance and prepared information for the cultural resource section of the Initial Study for construction of an all weather road at Horsethief Creek located near Lake Silverwood in San Bernardino County. The proposed project is intended to provide an all-weather access to DWR facilities while avoiding impacts to federally endangered arroyo toads.
- **Littlerock Dam and Reservoir Restoration Project EIR/EIS-BE/BA, Palmdale Water District/ U.S. Forest Service (2004-2007), Archaeologist.** Mr. Meyer is assisting with cultural resource management tasks for the sediment removal activities associated with the Littlerock Dam and Reservoir in the Angeles National Forest.
- **Creel Census Surveys, California Department of Water Resources (2004-2005), Fisheries Monitor.** In an effort to obtain information on species composition and angler usage on DWR waterways, Mr. Meyer performed creel census surveys at three locations in southern California. These included Castaic Lake, Pyramid, Lake and Piru Creek. Piru Creek is located in the Angeles National Forest and contains habitat for the endangered arroyo toad. Creel surveys are supporting analysis currently underway to restore natural flows on Middle Piru Creek to benefit populations of arroyo toad in the National Forest.
- **Ventura County Watershed Protection Division Los Padres National Forest Rain Gage Survey, Cultural Resources Lead.** Under contract to Ventura County, Mr. Meyer served as the Lead Archaeologist on literature search and field surveys for Ventura County's application for a renewal of their Forest Service Use Permit. Mr. Meyer conducted literature searches in both the Forest Service's archaeological records and at the California State University Fullerton Information Center. In addition, he conducted pedestrian surveys at the various rain gage locations and provided written reports on the findings.
- **Department of Water Resources Santa Ana Pipeline Project Construction Monitoring Program, Lead Environmental Monitor.** Under contract to the Department of Water Resources (DWR), Mr. Meyer served as Lead Environmental Monitor in the field, monitoring the implementation of the DWR environmental regulations during repairs of sections of the 10-foot in diameter pipeline in San Bernardino and Riverside Counties. Responsibilities included: guidance and development of environmental monitoring in the field as well as the compliance review of pre-construction plans, such as the Storm Water Pollution Prevention Plan, and mitigation compliance documentation, and coordination with construction managers and subcontractors, and landowners, local municipalities, affected and interested agencies and the public.
- **California Energy Commission Emergency Siting Team, Power Plant Development, Compliance Project Manager.** Under contract to the California Energy Commission (CEC), Mr. Meyer served as a Compliance Project Manager and supervised technical staff members, preparing the CEC's Conditions of Certification for construction of emergency power plants across the State. Responsibilities included: review of applications for new emergency power plants; drafting of Memoranda of Understanding with Chief Building Officials; coordinating with affected agencies to resolve concerns with potential impacts to cultural resources or threatened or endangered species; maintaining contractor construction milestones, detailed reporting; development of mitigation measures; conflict resolution; and inspection for compliance with the Conditions of Certification.
- **California Energy Commission Coastal Power Plant Study, Archaeologist.** This research study undertaken by the California Energy Commission (CEC) examined the engineering and environmental issues associated with 24 coastal power plants. The purpose of the study was to identify, describe, and analyze issues with the potential to substantially delay or complicate the certification process for future applications to the Energy Commission for expansion or modernization of existing

coastal power plants. For this study, Mr. Meyer was responsible for performing site surveys and reviewing documentation for cultural resources for all 24 Coastal Power Plants.

- **CEC Hydroelectric Power Plant Inventory Study, Natural Resources Analyst.** Mr. Meyer assisted in the collection of power and environmental data on over 200 hydroelectric power plants located in California. Physical power data included electrical output, system upgrades, water storage capacity and peaking availability. Environmental information included developing a data base addressing sensitive species issues, fish screens and ladders, monitoring parameters and a map of known hydroelectric facilities and barriers to anadromous fish passage.
- **Mulholland Pumping Station and Lower Hollywood Reservoir Outlet Chlorination Station Project, Los Angeles, CA.** Under Aspen's on-going environmental services contract with the City of Los Angeles Department of Water and Power (LADWP), Mr. Meyer served as archaeologist for preparation of CEQA documentation for this project and conducted field surveys, literature searches, and prepared the cultural resources sections for the Initial Study. LADWP proposed to replace the existing historic pumping/chlorination station building as well as the existing lavatory and unoccupied Water Quality Laboratory buildings with a new single structure pumping/chlorination station within the LADWP's Hollywood Reservoir Complex located in the Hollywood Hills section of the City Los Angeles. These improvements were required due to the age and deterioration of the facility and the potential risk of seismic damage to existing structures. An Initial Study was prepared in support of a City of Los Angeles General Exemption.
- **Devers-Palo Verde 500 kV Transmission Line Project EIS/EIR, southern California/western Arizona.** For this EIR/EIS prepared by U.S. Bureau of Land Management and CPUC, Mr. Meyer assisted in the review and development of construction mitigation measures for SCE's proposed 250-mile transmission line project from the Palo Verde Nuclear power plant in Arizona to the northern Palm Springs area in California. Major issues of concern include EMF and visual impacts on property values, impacts on the area's vast recreational resources and tribal lands, and the development and evaluation of several route alternatives, including the Devers-Valley No. 2 Route Alternative, which eventually was approved by the CPUC.
- **Antelope-Pardee 500 kV Transmission Line Project EIS/EIR, Los Angeles County, CA.** For this EIR/EIS prepared by USFS, Angeles National Forest and CPUC, Mr. Meyer assisted in the review and development of construction mitigation measures for SCE's proposed 25-mile transmission line project from the Antelope Substation in the City of Lancaster, through the ANF, and terminating at SCE's Pardee Substation in Santa Clarita. Major issues of concern included impacts to biological, recreational, and cultural resources within Forest lands, EMF and visual impacts on property values, impacts on residences in the urbanized southern regions of the route, and the development and evaluation of several route alternatives.
- **Antelope Transmission Project, Segments 2 & 3 EIR, Los Angeles and Kern Counties, CA.** For this EIR being prepared by the CPUC, Mr. Meyer assisted in the review and development of construction mitigation measures. The proposed Project includes both Segment 2 and Segment 3 of the Antelope Transmission Project, and involves construction of new transmission line infrastructure from the Tehachapi Wind Resource Area in southern Kern County, California, to SCE's existing Vincent Substation in Los Angeles County, California. The Tehachapi Wind Resource Area is one of the State's greatest potential sources for the generation of wind energy. A variety of wind energy projects are currently in development for this region. Major issues of concern include EMF and visual impacts on property values, impacts on residences and agricultural resources, and the development and evaluation of several substation and route alternatives.
- **Tehachapi Renewable Transmission Project (TRTP) EIR/EIS, Kern, Los Angeles, and San Bernardino Counties, CA.** For this EIR/EIS prepared by USFS, Angeles National Forest, and CPUC, Mr. Meyer assisted in the review and development of construction mitigation measures for SCE's proposal to construct, use, and maintain a series of new and upgraded high-voltage electric

transmission lines and substations to deliver electricity generated from new wind energy projects in eastern Kern County. Approximately 46 miles of the project would be located in a 200- to 400-foot right-of-way on National Forest System land (managed by the Angeles National Forest) and approximately three miles would require expanded right-of-way within the Angeles National Forest. The proposed transmission system upgrades of TRTP are separated into eight distinct segments: Segments 4 through 11. Segments 1 (Antelope-Pardee) and Segments 2 and 3 (Antelope Transmission Project) were evaluated in separated CEQA and NEPA documents as described above.

- **Looking Glass Networks, CPUC, Mitigation Review and Development.** Mr. Meyer's duties included assisting in the review and development of mitigation measures for installation of a proposed fiber optic interconnects located across California. Technical areas addressed included biology, soil and water, air quality, and cultural resources.
- **PG&E Northeast San Jose Transmission Reinforcement Project Construction Monitoring and Supplemental Environmental Review Program, Lead Environmental Monitor.** Under contract to the California Public Utilities Commission (CPUC), Mr. Meyer served as Lead Environmental Monitor and supervised two environmental monitors in the field, monitoring the implementation of the CPUC environmental impact report's conditions of approval for construction of this combination overhead and underground 230 kV electric transmission lines and substations in the Cities of San Jose, Milpitas, and Fremont. Construction of the dual 230 kV circuit involved underground construction, single-pole tower installation, and construction of the Los Esteros Substation. Given the proximity of the project to the Bay, sensitive biological resources were present, including the burrowing owl and wetland mitigation sites. Responsibilities included: supervision, guidance and development of environmental monitors in field monitoring as well as the compliance review of pre-construction plans and mitigation compliance documentation, variance requests and temporary extra work space (TEWS) requests; recommendations for CPUC issuance of Notices to Proceed with construction and variance approvals; approval of TEWS requests; and coordination with PG&E, construction managers and subcontractors, and landowners, local municipalities, affected and interested agencies and the public.
- **Lead Environmental Monitor, Level 3 Fiber Optics Network Construction Monitoring and Supplemental Environmental Review Program, Lead Environmental Monitor.** Under contract to the California Public Utilities Commission (CPUC), Mr. Meyer served as Lead Environmental Monitor and supervised up to five environmental monitors in the field, monitoring the implementation of the CPUC's broad conditions of approval for construction of this 2,000-mile fiber optics network across the State. Responsibilities included: supervision, guidance and development of environmental monitors in field monitoring as well as the compliance review of pre-construction plans and mitigation compliance documentation, variance requests and temporary extra work space (TEWS) requests; recommendations for CPUC issuance of Notices to Proceed with construction and variance approvals; approval of TEWS requests; preparation of weekly reports for all monitoring activity; and extensive coordination with Level 3, construction managers and subcontractors, railroad managers and other landowners, local municipalities, affected and interested agencies and the public.
- **Kinder Morgan Santa Fe Pacific Pipeline (SFPP) Carson-Norwalk Pipeline MMCRP, Environmental Monitor.** Mr. Meyer monitored the pipeline company's inspection team for compliance with CPUC conditions of approval during construction of 13 miles of petroleum products pipeline and four stations. Monitored for hazardous materials management, storm water pollution prevention, and biological and cultural resources. Maintained daily written documentation of compliance activities.
- **Spine Flower Survey, U.S. Army Corps of Engineers, GPS Field Technician.** Mr. Meyer conducted a survey for the slender-horned spine flower in the Santa Ana River Wash, below the Seven Oaks Dam in San Bernardino County, to assess species impact from changes in hydrology once the Seven Oaks Dam is operational. The pedestrian survey was conducted over several months and consisted of multiple consecutive transects, covering approximately 5,300 acres. Several populations of

spine flower were located and mapped. The survey and mapping required extensive use of GPS equipment for the mapping of transects surveyed and the location of spine flower populations.

- **Pacific Pipeline Project EIR/EIS for the U.S. Forest Service, Angeles National Forest, and California Public Utilities Commission, Environmental Monitor.** Served as an Environmental Monitor and supervised mitigation monitoring for all sensitive resources for a construction segment along a 132-mile crude oil pipeline within southern California. Coordinated construction activities with the applicant's inspection team, archaeological specialists and Native American monitors through areas with sensitive cultural, biological, and visual resources. Monitored for hazardous materials management, storm water pollution prevention, and biological and cultural resources. Maintained daily written documentation of compliance activities.

## Essex Environmental

1995 to 1997

- **TransCanada, Environmental Training Program, Associate.** Assisted in the development of an environmental training program for a major natural gas company with 8,700 miles of pipeline and associated energy facilities on three continents. Developed training exercises related to environmental compliance topics, including clearing and grading, trenching and backfilling, cultural resources, and hydrostatic testing. Interactive training strategies included small group exercises, demonstrations, quizzes, and scenarios.
- **Pacific Gas and Electric Company, Los Esteros 115/21 kV Project, Associate.** Assisted in the research, development and production of the Proponent's Environmental Assessment (PEA) as part of a California Public Utilities Commission filing for a Permit To Construct. The Los Esteros Project includes construction of a substation and two 115/21 kilovolt power lines. Authored the project description, transportation section, utilities section, and socioeconomics section and coordinated and edited contributions prepared by PG&E and subcontractors.
- **Sierra Pacific Power Co., Alturas 345 kV Electric Transmission Project, Associate.** Assisted in the development of the environmental management program implementation plan for a 164-mile electric transmission line. Wrote the Storm Water Pollution Protection Plan (SWPPP) for the California and Nevada segments.
- **El Paso Energy Corporation, Trans Colorado Phase I, Environmental Inspector.** Inspected for environmental compliance on a Federal Energy Regulatory Commission (FERC)-regulated 22-mile natural gas pipeline in northern New Mexico and southern Colorado. Inspected for hazardous materials management, erosion control, fire prevention, topsoil handling, stream crossings, and biological and cultural resources. Inspected site-specific installation of temporary and permanent erosion control measures. Coordinated with construction and agency personnel on a daily basis and completed daily field logs and prepared reports as requested. Assisted with the presentation of an eight-hour kickoff environmental training program for agency personnel and construction management. Conducted environmental training classes for construction personnel.
- **Central Coast Water Authority, Mission Hills and Santa Ynez Extensions and Coastal Branch, Phase II, Environmental Monitor.** Monitored and inspected for environmental compliance during construction of 145 miles of water pipeline in Santa Barbara and San Luis Obispo Counties. Coordinated construction activities with the construction contractor, Native American monitors, landowners, and construction inspectors through areas with sensitive cultural, biological, and visual resources. Conducted field surveys immediately ahead of construction to identify potential problem areas and confirm proper flagging of sensitive resources. Captured and relocated wildlife from construction areas. Oversaw construction of sensitive stream crossings and conducted water quality testing in compliance with California Department of Fish and Game permit requirements. Inspected site-specific installation of temporary and permanent erosion control measures. Provided field assessment and documentation of a contractor compensation program. Designed to protect oak trees and min-

imize ground disturbance in sensitive habitats. Maintained daily written documentation of compliance activities. Provided on-site environmental training for construction crews.

- **Pacific Gas and Electric Company Regulatory Process and Environmental Review Training, Associate.** Assisted as an Associate in the development of a Regulatory Process and Environmental Review training session and course handbook. Conducted research on federal, State, and local agency regulatory and permitting requirement for utility construction projects. Provided technical overview for sections on cultural resource management and historic preservation law.

## **Pacific Gas Transmission Company**

**1993 to 1995**

- **Pacific Gas Transmission Company Coyote Springs and Medford Extensions, Cultural Resources Coordinator.** Coordinated development and implementation of the cultural resources management program for construction of 100 miles of natural gas pipeline in Oregon. Worked with federal, State, and local agencies to determine appropriate treatment and mitigation for affected archaeological sites. Assisted in the development of project implementation plans and environmental assessments, including the development and submittal of the project's Historic Properties Treatment Plan. Managed report preparation and field work by the archaeology subcontractor.
- **Pacific Gas Transmission Company, Medford Extensions, Environmental Inspector.** Monitored for compliance with project environmental requirements during construction of 89 miles of natural gas pipeline. Inspected for cultural and paleontological resources, erosion control, safety regulations, sensitive wildlife species, stream and wetland crossings, timber harvesting, dust control, fire protection, hazardous materials management, and post-construction restoration. Worked with local Native American tribal governments and monitors (Klamath and Siletz tribes) to ensure proper monitoring of culturally sensitive areas and treatment of unanticipated cultural discoveries. Responsible for all inspection responsibilities (craft, environmental, and cultural) during a two-month boring operation under a sensitive Native American site.

## **INFOTEC Research, Inc.**

**1989 to 1990**

- **Pacific Gas Transmission Company Pipeline Expansion Project, Archaeologist.** Performed archaeological field work for segments of the PGT-PG&E Pipeline Expansion Project in Jefferson County, Oregon. Conducted Phase I surveys and Phase II testing of significant archaeological sites according to federal and State archaeological mitigation guidelines and evaluated eligibility for the National Register of Historic Places.

## **TRAINING & CERTIFICATIONS**

- 2007 CEQA Training – Writing Legally Defensible Documents
- 2006 International Erosion Control Association Training
- 2001 Desert Tortoise Council Surveying, Monitoring and Handling Workshop
- 2001 Expert Witness Training
- 2001 Horizontal Directional Drilling Training
- 1999 Railroad Right-of-Way Safety Training (UPRR, BNSFRR)
- 1996 International Erosion Control Association Training
- 1995 Cultural Resources Presenter at FERC training for Pacific Gas Transmission projects in Oregon
- 1995 General Services Administration course on Section 106 of Historic Preservation Law
- 1994 U.S. Navy Maritime Academy Course on Global Positioning System (GPS)
- 1989 California State University, Northridge on San Clemente Islands  
Conducted field work in paleoindian archaeology (Chumash and Gabrielino Indians).
- 1988 California State University, Hayward  
Conducted historic archaeology field work on the Ardenwood Historic Farm.

**HONORS AND AWARDS**

- 2001 Outstanding Performance Award from the State of California Energy Commission.

**PROFESSIONAL ASSOCIATIONS**

- Society of California Archaeologists (SCA)
- Association of Environmental Professionals (AEP)



# DECLARATION OF Joy Nishida

I, **Joy Nishida** declare as follows:

1. I am presently employed by the California Energy Commission in the **Biological Resources Unit** of the Siting, Transmission and Environmental Protection Division as a **Planner II**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I helped prepare the staff testimony on **Biological Resources** for the Imperial Valley Solar project based on my independent analysis of the Application for Certification and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 6/21/10

Signed: \_\_\_\_\_



At: Sacramento, California

**JOY NISHIDA**  
Biologist

**Experience Summary**

Twenty-seven years experience in the biological field, including botanical consulting, curatorial management of vertebrate and herbarium collections, college-level instruction, and conducting biological resources impact analyses for inclusion in environmental documents.

**Education**

- California State Polytechnic University, Pomona—Master of Science, Biological Sciences
- California Polytechnic State University, San Luis Obispo—Bachelor of Science, Environmental & Systematic Biology and Natural Resources Management (Forestry Concentration)
- Certified Arborist — International Society of Arboriculture  
No. WE-8078A, expires 12/31/10

**Professional Experience**

**July 2008 to Present**—Planner II: Siting, Transmission & Environmental Protection Division – California Energy Commission, Sacramento

As a staff biologist, primary duties include conducting impact analyses to biological resources for power plant siting projects. Other duties include evaluating compliance with accepted Conditions of Certification related to biological resource technical areas for power plant facilities and coordinating with biological resource protection and management agencies, environmental organizations, universities, and special interest groups to assure their biological input into Commission programs.

**January 2008 to July 2008**—Environmental Scientist: Regional Programs Unit, Division of Financial Assistance – State Water Resources Control Board, Sacramento

Using scientific judgment, provided technical and administrative review of environmental documents for projects receiving financial assistance from the State Water Board. Reviewed and commented on environmental documents for wastewater treatment and water reclamation facilities, watershed protection, nonpoint source pollution control, and other local assistance projects to assure compliance with the California Environmental Quality Act and other Division's environmental review process. Participated in applicant meetings, prepared Agenda and Resolution language for various projects seeking local funding assistance from the State Water Board, developed environmental review summaries of projects to be funded, initiated consultation with federal authorities, developed mitigation measures, and resolved environmental concerns related to proposed projects. Coordinated interagency review of environmental documents subject to crosscutting federal regulations, and organized and maintained the Environmental Services filing system, library, and database.

**April 2005 to January 2008**—Botanist, Wetland Ecologist, and Certified Arborist - Jones & Stokes, Sacramento

Organized and conducted general plant surveys and directed plant surveys for special-status plant species, vegetation mapping, arborist surveys, and wetland delineations extensively throughout California. Wrote wetland delineation reports, arborist reports, and biological resource sections for the following environmental documents: Environmental Impact Reports, Environmental Impact Statements, Natural Environment Studies, Initial Studies, and Biological Analyses for listed species. Dealt with the legal requirements regarding the protection of biological resources and developed mitigation to prevent significant impacts. Coordinated the efforts of sub-consultants, clients, and coworkers in the development of environmental documents.

**1990-2005**—Botanical Consultant – Nishida Botanical Consulting

Worked as an independent contractor to consulting firms, educational facilities, and federal agencies. Duties included organizing and conducting floral inventories, directed searches for special-status plant species, vegetation mapping, monitoring revegetation sites, assisting in wetland delineations, and analyzing impacts on botanical resources.

**1990-1996**—Instructional Support Technician– California State University, Northridge

As a collections manager for the Department of Biology Herbarium and Vertebrate Collections, responsibilities included the acquisition, preparation, curation, and reorganization of the teaching and research collections. Implemented a database for the vertebrate collections. Recruited and supervised volunteers to assist in the collections. Also supervised graduate students. Other duties included instructional assistance with Botany and Vertebrate classes in the lab and in the field.

**1987-1989**—Biological Sciences Department Part-time Lecturer– California State Polytechnic University, Pomona

Taught and prepared majors and non-majors freshman level Biology labs.

# DECLARATION OF

Dr.Obed Odoemelum

I, **Obed Odoemelum** declare as follows:

1. I am presently employed by the California Energy Commission in the Facilities Siting, Transmission, and Environmental Protection Division as a Staff Toxicologist.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I helped prepare the staff testimony on **Transmission Line safety and Nuisance** for SES Solar Two or Imperial Valley Solar Project based on my independent analysis of the Application for Certification and supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 6/25/2010 Signed: Odoemelum

At: Sacramento, California

## **RESUME**

**DR. OBED ODOEMELAM**

### **EDUCATION:**

1979-1981      University of California, Davis, California. Ph.D., Ecotoxicology

1976-1978      University of Wisconsin, Eau Claire, Wisconsin.      M.S., Biology.

1972-1976      University of Wisconsin, Eau Claire, Wisconsin.      B.S., Biology

### **EXPERIENCE:**

1989

The Present:    California Energy Commission. Staff Toxicologist.

Responsible for the technical oversight of staffs from all Divisions in the Commission as well as outside consultants or University researchers who manage or conduct multi-disciplinary research in support of Commission programs. Research is in the following program areas: Energy conservation-related indoor pollution, power plant-related outdoor pollution, power plant-related waste management, alternative fuels-related health effects, waste water treatment, and the health effects of electromagnetic fields. Serve as scientific adviser to Commissioners and Commission staff on issues related to energy conservation. Serve on statewide advisory panels on issues related to multiple chemical sensitivity, ventilation standards, electromagnetic field regulation, health risk assessment, and outdoor pollution control technology. Testify as an expert witness at Commission hearings and before the California legislature on health issues related to energy development and conservation. Review research proposals and findings for policy implications, interact with federal and state agencies and industry on the establishment of exposure limits for environmental pollutants, and prepare reports for publication.

1985-1989      California Energy Commission.

Responsible for assessing the potential impacts of criteria and noncriteria pollutants and hazardous wastes associated with the construction, operation and decommissioning of specific power plant projects. Testified before the Commission in the power plant certification process, and interacted with federal and state agencies on the establishment of environmental limits for air and water pollutants.

1983-1985      California Department of Food and Agriculture.

Environmental Health Specialist.

Evaluated pesticide registration data regarding the health and environmental effects of agricultural chemicals. Prepared reports for public information in connection with the eradication of specific agricultural pests in California.

**DECLARATION OF**  
**Suzanne L. Phinney, D.Env.**

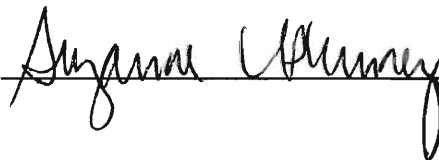
I, Suzanne L. Phinney, declare as follows:

1. I am presently employed by Aspen Environmental Group, consultant to the California Energy Commission's Facilities Siting Office of the Systems Assessments and Facilities Siting Division as a Senior Associate.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I helped prepare the staff testimony on Waste Management for the Imperial Valley Solar Project based on my independent analysis of the Application for Certification and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: June 22, 2010

Signed: \_\_\_\_\_



At: Sacramento, California



---

## SUZANNE L. PHINNEY

Senior Associate, Energy and Infrastructure

### ACADEMIC BACKGROUND

Doctorate, Environmental Science & Engineering (D.Env.), University of California, Los Angeles, 1981  
M.S., Marine Biology, Dalhousie University, Halifax, Nova Scotia, Canada, 1975  
B.A., Biological Sciences, University of California, Berkeley, 1973

### PROFESSIONAL EXPERIENCE

Dr. Phinney has 30 years of experience in the environmental and energy field, providing technical and policy support in energy analysis, environmental assessment, environmental remediation, air and water quality assessments, risk assessment, regulatory compliance, permitting, and project/program management. Her particular emphasis is energy and infrastructure with projects addressing climate change, alternative energy generation technologies, liquefied natural gas, petroleum infrastructure, advanced transportation vehicles and fuels, land use and energy, and power plant siting. Prior to employment at Aspen, Dr. Phinney worked for 16 years with Aerojet, where she oversaw all environmental and safety issues.

#### Aspen Environmental Group

2001 to present

Dr. Phinney manages energy and infrastructure projects for Aspen and provides environmental support on major projects. She has provided energy and environmental expertise to the following clients:

**California Energy Commission (CEC).** Dr. Phinney has supported CEC staff since 2001. She has prepared analyses for several power plants throughout the State, and has authored or contributed to over a dozen special studies. She is currently Deputy Program Manager for planning studies conducted by the Aspen team. Her major efforts for the CEC include the following.

- **Power Plant Siting, CEC, Project Management/Technical Support (2001 – Present).** Dr. Phinney prepared the alternatives analysis for the following power plants under review by the Energy Commission:
  - **Palomar Energy Project** – 500 MW combined-cycle natural gas facility in Escondido, San Diego County
  - **Russell City Energy Center** – 600 MW combined-cycle natural gas facility in Hayward, Alameda County
  - **Eastshore Energy Center** - 115.5 MW simple-cycle natural gas facility in Hayward, Alameda County
  - **Carrizo Energy Solar Farm** – 177 MW solar thermal (Compact Linear Fresnel Reflector) plant in the Carrizo Plain, San Luis Obispo County
  - **CPV Sentinel Energy Project** – 850 MW natural gas plant in the Coachella Valley, Riverside County
  - **Marsh Landing Generating Station**- 930 MW natural gas plant within the existing Contra Costa Power Plant in Antioch, Contra Costa County
  - **Orange Grove Project** – 96 MW natural-gas peaking facility near Pala, San Diego County
  - **Willow Pass Generating Station** – 550 MW natural gas plant within the existing Pittsburg Power Plant in Pittsburg, Contra Costa County

- **Almond 2 Peaking Power Plant Project** – 174 MW natural-gas peaking facility near Ceres, Stanislaus County
- **Abengoa Mojave Solar Project** – 250 MW solar thermal (parabolic trough) plant near Harper Dry Lake, San Bernardino County
- **Ridgecrest Solar Power Project** – 250 MW solar thermal (parabolic trough) plant on 3,920 acres of BLM land near Ridgecrest, Kern County

Dr. Phinney prepared the waste management assessments of power plant licensing applications:

- **Eastshore Energy Center** – 115.5 MW natural gas simple-cycle plant in Hayward, Alameda County
- **Carrizo Energy Solar Farm** – 177 MW solar thermal (Compact Linear Fresnel Reflector) plant in the Carrizo Plain, San Luis Obispo County
- **Palmdale Hybrid Power Project** – 570 MW natural gas-solar thermal (parabolic trough) hybrid plant in Palmdale, Los Angeles County
- **SES Solar Two Siting Case** – 750 MW solar thermal (Stirling dish) plant on 6,500 acres of mostly BLM land in Imperial County
- **Hanford Energy Park Peaker Plant** – 120 MW simple-cycle, natural gas facility in Hanford, Kings County
- **Ridgecrest Solar Power Project** – 250 MW solar thermal (parabolic trough) plant on 3,920 acres of BLM land near Ridgecrest, Kern County
- **Blythe Solar Power Project** – 1,000 MW solar thermal (parabolic trough) plant on 9,400 acres of BLM land near Blythe, Riverside County
- **Palen Solar Power Project** – 500 MW solar thermal (parabolic trough) plant on 5,200 acres of BLM land in the Chuckwalla Valley, Riverside County

Dr. Phinney also coordinated the study of cooling water alternatives for the Tesla and Tracy natural gas, combined-cycle power plants.

- **Environmental Performance Report, CEC, Project Manager/Technical Support (2001, 2003, 2005).** Dr. Phinney was Project Manager for Aspen's technical contributions, graphics and production efforts for the 2001 Environmental Performance Report (EPR) which detailed the current and historical air, water and biological impacts from in-state generation facilities. She provided support to the water resources discussion in the 2003 EPR and managed the analysis of out-of-state generation facilities for the 2005 EPR.
- **Advanced Electric Generation Technologies, CEC, Project Manager (2001 - 2002).** Dr. Phinney served as Project Manager for a report defining the technical development, developmental capacity, commercial status, costs and deployment constraints of selected alternative electric generation technologies. Technologies included geothermal, fuel cell, solar thermal, solar photovoltaic, wind and hydro. The focus was on development and application of the technology in California. Two page fact sheets on each technology and a matrix comparing all technologies was developed. Finally, an updated discussion of renewable technologies was developed for insertion into the alternatives section of Staff Assessments for power plant applications.
- **Liquefied Natural Gas Support, CEC, Technical Author (2002 – 2007).** Dr. Phinney has been instrumental in the preparation of numerous safety and policy reports on liquefied natural gas (LNG). She authored the Commission document: *International and National Efforts to Address the Safety and Security of Importing Liquefied Natural Gas: A Compendium*. This report reviewed national and international LNG regulations, standards and guidelines, reviewed risk assessment techniques, and identified, compiled and reviewed LNG safety/risk studies. Dr. Phinney helped organize LNG Access Workshops held in June 2005 and prepared a 40 page summary of presentations made at the workshops. She developed over 30 fact sheets on LNG subject areas for distribution to the public. Dr. Phinney compiled state and local comments on a proposed LNG terminal at the Port of Long Beach;



these were presented in the *Safety Advisory Report on the Proposed Sound Energy Solutions Natural Gas Terminal at the Port of Long Beach, California*, which was delivered to the Federal Energy Regulatory Commission within the mandated 30-day period imposed by the 2005 federal Energy Bill. She provided technical review for the report *The Outlook for Global Trade in Liquefied Natural Gas Projections to the year 2020*.

- **Natural Gas Market Assessment Support, CEC, Technical Author/Editorial Support (2005 – 2007).** Dr. Phinney contributed to natural gas supply and demand analyses for the Commission document, *Natural Gas Assessment Update*. She provided technical and editorial support to the 2005 and 2007 Integrated Energy Policy Report (IEPR) documents, *Preliminary (and subsequently the Revised report) Reference Case in Support of the 2005 Natural Gas Market Assessment* and *2007 Natural Gas Market Assessment*. She edited the Commission document *Natural Gas Quality: Power Turbine Performance During Heat Content Surges*.
- **Petroleum Infrastructure Environmental Performance Report, CEC, Project Manager (2005).** Dr. Phinney served as Project Manager for the 2005 IEPR document *Petroleum Infrastructure Environmental Performance Report*. In addition to managing preparation of the report and workshop presentations, she prepared responses to comments and provided policy recommendations.
- **Hydropower and Global Climate Change, CEC, Technical Author (2005).** Dr. Phinney coauthored the document *Potential Changes in Hydropower Production from Global Climate Change in California and the Western United States*. This report investigated the effects of climate change on hydropower production in the West and compared impacts and policy actions in California, the Pacific Northwest, and the Southwest.
- **Advanced Energy Pathways, CEC, Project Manager (2006 – 2008).** Dr. Phinney provided project management support for a 3-year study evaluating the effects of advanced transportation technologies and fuels (out to 2050) on California's natural gas and electricity systems. This report involved the development of baseline and alternative energy demand and supply scenarios, in-depth technical analysis of advanced transportation technologies and fuels, and the development of an energy-rich model.
- **Land Use and Energy, CEC, Project Manager/Technical Author (2006 – 2008).** Dr. Phinney authored a CEC report on the linkages between land use and energy, which ultimately became one of the two chapters presented in the 2006 IEPR Update. The report highlighted how energy can be better integrated in land use planning, and how efforts such as smart growth can help the state meet its energy and greenhouse gas emission reduction goals. She organized a full-day workshop involving over a dozen speakers representing state agencies, local governments, research entities, environmental groups, utilities, and non-profits. Dr. Phinney was one of the authors of the 2007 land use and energy follow-up report which further defined the role of land use in meeting California's energy and climate change goals. She helped synthesize the report into a chapter for the 2007 IEPR. Dr. Phinney helped edit the Land Use Subgroup of the Climate Action Team report prepared for submission to the California Air Resources Board AB 32 Scoping Plan.
- **AB 1632 Nuclear Power Plant Assessment, CEC, Technical Author (2007 – 2008).** Dr. Phinney was a key member of a team evaluating nuclear power issues in the state in response to AB 1632 legislation. She managed and prepared report sections regarding the impacts to local communities and the environmental issues and costs associated with alternatives, including renewables, to the state's two nuclear facilities. These sections were incorporated in the report *An Assessment of California's Nuclear Power Plants*.
- **Environmental Screening Tool for Out-of-State Renewable Energy Facilities, CEC, Project Manager (2009).** Dr. Phinney prepared an environmental screening tool/analysis allowing CEC to determine quickly whether out-of-state renewable facilities requesting RPS certification met California laws, ordinances, regulations and standards.

- **Energy Aware Facility Planning and Siting Guide, CEC, Project Manager (2009-2010).** Dr. Phinney is updating a 1997 version of the Energy Aware Guide to help local governments plan for and permit electricity generation facilities and transmission lines that will be needed in the upcoming years. The Guide informs planners, decision makers and the public about what, how, and why electricity infrastructure may be developed.

**California Public Utilities Commission.** Dr. Phinney has managed several environmental assessments for the CPUC and has been heavily involved in editorial support of many other CPUC documents prepared by Aspen.

- **Looking Glass Network Initial Study/Mitigated Negative Declaration, CPUC, Project Manager (2002 – 2003).** Dr. Phinney served as Project Manager for the preparation of Initial Study/Mitigated Negative Declarations (IS/MND) for this telecommunication project that involved construction in the San Francisco Bay Area and the Los Angeles Basin to allow fiber optic connections in numerous locations.
- **Williams Communications Sentry Marysville Project IS/MND, CPUC, Project Manager (2002 – 2003).** Dr. Phinney served as Project Manager for the installation of fiber optic connection to a Beale Air Force Base in Yuba County.
- **Kirby Hills II Natural Gas Storage Facility IS/MND, CPUC, Project Manager (2007).** Dr. Phinney managed an IS/MND for expansions at a natural gas storage facility in Solano County.
- **Multiple EIR Documents, CPUC, Technical Editor (2004 - 2008).** Dr. Phinney provided editorial and QA/QC review for the Diablo Canyon Steam Generator Replacement EIR, the Miguel Mission 230 kV Transmission Line EIR and the Sunrise Powerlink EIR/EIS.

**California Institute of Technology/University of California.** Dr. Phinney provided project management support to the following project.

- **Combined Array for Research in Millimeter-wave Astronomy EIS/EIR, U.S. Forest Service and the University of California (2001 – 2002).** Dr. Phinney was the Project Manager for this EIS/EIR for a radio telescope antenna array to be placed at a high altitude site in the Inyo National Forest. The evaluation of alternatives was especially contentious, and Aspen's field analyses of several potential sites were pivotal in the ultimate selection of one of these alternative sites.

**Western Area Power Administration.** Dr. Phinney provided editorial and QA/QC support to the following projects.

- **North Area ROW Maintenance Project Environmental Assessment, Western, Technical Editor/QA/QC (2006-2008).** Dr. Phinney provided technical editing and QA/QC support for all documents relating to the development of 800 miles of transmission lines in Northern California.
- **Sacramento Area Voltage Support Supplemental EIS/EA, Technical Editor/QA/QC (2006 – 2008).** Dr. Phinney provided technical editing and QA/QC support for all environmental documentation and permitting for new construction and reconstruction of transmission lines in the greater Sacramento area.

**Vermont Yankee Nuclear Power Plant Report, Vermont Department of Public Service, Project Manager (December 2008 to January 2009).** Dr. Phinney was the Project Manager and provided technical support for the environmental analysis of the continued operation of the Vermont Yankee Nuclear Power Station in Vernon, Vermont. The report assessed the environmental impacts to land, water and air resources (including climate change), soil and seismicity, on-site and off-site storage and disposal of high-level and low-level nuclear waste.

## **GenCorp**

**1999 to 2000**

- As Vice President, Environmental and Regulatory Affairs, Dr. Phinney held primary responsibility for coordinating the company's aerospace and automotive environmental activities with various federal, State, and local regulatory agencies. Her specific responsibilities included: working with external groups and entities to develop responsible environmental legislation, regulations, and standards and the implementation of sound public policy; developing stakeholder base and strategy to ensure that company objectives were achieved; facilitating company and regulatory agency discussions to achieve more comprehensive and quicker remediation of sites; and spearheading a stakeholder group to develop and fund scientific studies on selected chemicals of concern.

## **Aerojet General Corporation**

**1984 to 1999**

As Vice President, Environmental Health and Safety, Dr. Phinney ensured that programs were in place to meet all regulatory requirements and company initiatives. Her responsibilities included: providing strategic direction and management of all superfund-related investigation and remediation activities; developing environmental management plans; communicating environmental requirements, concerns, and successes to both internal and external audiences, including the board of directors, investment banking, and the analyst community; and participating as a member of the leadership council in defining company-wide business objectives and targets.

- Dr. Phinney created the first corporate EHS department, defining and staffing key functional areas. She managed a \$20,000,000 annual budget and oversaw a staff of up to 30 professionals. Select accomplishments include: the development of remediation technologies that resulted in the cleanup of over 50 billion gallons of contaminated groundwater; development of the world's first groundwater treatment facility for perchlorate; significant reductions in emissions and hazardous waste generation; representation on numerous legislative and regulatory task forces and leadership positions on external business and community EHS committees and councils; and extensive public outreach efforts.

## **PREVIOUS EXPERIENCE, 1976 TO 1984**

**Jacobs Engineering Group.** Dr. Phinney conducted toxicological, ecological, and air and water quality assessments.

**Department of Environmental Science and Engineering at the University of California, Los Angeles.** Dr. Phinney analyzed legal, economic, public health, and administrative barriers to waste water reuse. She also conducted an analysis of ecological and institutional factors in coastal siting of power plants.

**Southwest Los Angeles Junior College.** Dr. Phinney taught lecture and laboratory courses in general science.

## **TRAINING**

- Certificate, Executive Program, University of California, Davis, 1989
- Expert Witness Training, California Energy Commission, 2001

## **HONORS AND AWARDS**

- Who's Who of American Women, 18th Edition
- YWCA Outstanding Woman of the Year (Sciences) Award, 1992
- Woman of Achievement Award, Downtown Capitol Business and Professional Women, 1993
- Individual Award for Outstanding Contribution in Air Quality, 1995
- Sacramento Safety Center Incorporated, Eagle Award for Safety, 1998
- Regional Award for Outstanding Contribution in Air Quality, 2003

## ACTIVITIES AND ASSOCIATIONS

- Editorial Board, The Environmental Professional, 1987-1989
- City of Sacramento Toxic Substances Commission, 1986-1988
- Sacramento Environmental Commission, 1988-1991
- Board of Directors, League of Women Voters of Sacramento, 1989-1999; President 1996-1997; Co-President 1997-1998; 2003-2005; Energy Study Committee 2005; Moderator/Facilitator of Debates and Forums (e.g., climate change, the SACOG's MTP, and flood control)
- Toxics Consultant, League of Women Voters of Sacramento, 1988-1989
- Member, Advisory Committee on AB 3777 (Risk Management Prevention Programs)
- Board of Directors, American Lung Association of Sacramento-Emigrant Trails, 1992-2000; President 1998-1999;
- Board of Directors, Sacramento Metropolitan Chamber of Commerce, 1992-1997; Vice President, Public Policy, 1996-1997
- Board of Directors, Air and Waste Management Association, 1991-1994
- Steering Committee Chair, Cleaner Air Partnership, 1993-1996, 2000-2001; Executive Committee 1993 to present
- Co-chair, TCE Issues Group, 1994-2000
- Sacramento Water Forum, 1995-2000
- Rate Advisory Committee, Sacramento Municipal Utility District, 1999-2001

## SELECTED PUBLICATIONS/PRESENTATIONS

- Phinney, S.L., Panel Moderator, Climate Change Initiatives for California, AEP Annual Conference, Shell Beach, California, 2007.
- Phinney, S.L., Panel Moderator, Is there a Need for LNG in California, AEP Annual Conference, Shell beach, California, 2007.
- Phinney, S.L., "LNG Safety Analysis in California – Federal, State and Local Processes" Presented at California Foundation on the Environment and the Economy, 2005.
- Phinney, S.L., "Energy Basics" Presented at League of Women Voters of California Annual Convention, 2005.
- Phinney, S.L., Presentation to U.S. Department of Justice, Office of the U.S. Attorney, on Women and Equality, 2004.
- Phinney, S.L., "Trends in Industrial Waste Generation and Management" Presented at National Ground Water Association Conference, Las Vegas, Nevada, 1996.
- Phinney, S.L., "Effective Management of an RI/FS to Reduce Financial Exposure," Manufacturers Alliance Environmental Management Council, Washington, D.C., 1995.
- Phinney, S.L., "Knowing Your Compliance Challenge," 7th Annual California Statewide Community Awareness and Emergency Response (CAER) Conference, Sacramento, California, 1995.
- Phinney, S.L., "Industry's Role in Broadening the Use of Alternative Fuels in America," Clean Cities Ceremony, Sacramento, California, 1994.
- Phinney, S.L., "Aerospace Industry Perspective on Defense Conversion," AAAS Annual Meeting, San Francisco, California, 1994.
- Phinney, S.L., "Aerojet's Waste Reduction Successes," Business for the Environment Conference, Sacramento, California, 1993.
- Phinney, S.L., "Company Worker Trip Reduction Programs Under the Clean Air Act Amendments." MAPI Hazardous Materials Management Council, Washington, D.C., 1993.
- Phinney, S.L., Testimony Before House Government Operations Subcommittee, 1993.
- Phinney, S.L., Moderator, The Clean Air Act, A Public Forum, Sacramento, California, 1993.

- Phinney, S.L., Plenary Session Chairperson and Speaker, "Business and the Environment: Must You Sacrifice One for the Other?" National Association of Environmental Professionals Conference, Seattle, Washington, 1992.
- Phinney, S.L., "Facing the Challenge: The New California EPA." HazMat Northern California Conference, San Jose, California, 1992.
- Phinney, S.L., "Understanding the Client Perspective." Environmental Business Conference, Pasadena, California, 1991.
- Phinney, S.L., Panelist – Women of Science: Secrets of Success. Workshop, AAAS Annual Meeting, Washington, D.C., 1991.
- Phinney, S.L., Keynote Address, ADPA International Symposium on Compatibility and Processing, San Diego, California, 1991.
- Phinney, S.L., Keynote Address, Women in Science and Technology Conference, Jackson, Mississippi, 1991.
- Phinney, S.L., Guest Speaker, Sacramento County Bar Association, Environmental Law Section, Sacramento, California, 1991.
- Phinney, S.L., "Managing CERCLA Compliance from the Corporate Perspective." Hazardous Materials Management Conference/West, Long Beach, California, 1988.
- Phinney, S.L., and C.A. Fegan, "Identifying a Feasible, Effective Treatment Method for an Unusual Chemical of Concern." Proceedings, American Defense Preparedness Association 16th Environmental Symposium, New Orleans, Louisiana, 1988.
- Phinney, S.L., "A Proactive Superfund Cleanup by Industry." Proceedings of the 4th Annual Hazardous Materials Management Conference/West, Long Beach, California, 1988.
- Thompson, C.H., S.L. Phinney and F.R. McLaren, "Aerojet: A Regional Site Program – Problem Definition." Proceedings of the Hazardous Waste and Environmental Emergencies Conference, Cincinnati, Ohio, 1985.
- Kahane S.W., S.L. Phinney and A. Wright, "The Tightening Environmental Regulatory Climate for Hazardous Waste Management – Current Mandates and Future Directions for Industrial Compliance." Proceedings of the 1984 AIChE Summer National Meeting, Philadelphia, Pennsylvania, 1984.
- Bachrach, A., D.M. Morycz, S.L. Phinney and S.W. Kahane, "Regulation and Offshore Oil and Gas Facilities." In: Emerging Energy/Environmental Trends and the Engineer. Eds. R.D. Nuefeld and R.W. Goodwins, 1983.
- Lindberg, R.G., S.L. Phinney, J. Daniels and J. Hastings (eds.), "Environmental Assessment of the U.S. Department of Energy's Solar Thermal Technology Program." Prepared for the U.S. Department of Energy, June 1982.
- Kahane, S.W., S.L. Phinney, J.A. Hill and R.C. Sklarew, "Key Considerations in Assessing the Air Impacts of Projected Outer Continental Shelf Oil and Gas Development," presented at the 74th Annual Air Pollution Control Association Meeting, Philadelphia, Pennsylvania, 1981
- Phinney, S.L., "The U.S. Environmental Protection Agency's Pesticide Registration Program: A Case Study – Chloramben." Doctoral Dissertation, Environmental Science and Engineering Program, University of California, Los Angeles, California, 1981.
- Phinney, S.L., (contributing author) et al. "Institutional Barriers to Wastewater Reuse in Southern California." Environmental Science and Engineering Report Prepared for the Office of Water Research and Technology, U.S. Department of the Interior, 1979.
- Phinney, S.L., "Area-Restricted Feeding in American Plaice." Masters Thesis. Dalhousie University, Halifax, Nova Scotia, Canada, 1975.

## DECLARATION OF Amanda Stennick

I, **Amanda Stennick** declare as follows:

1. I am presently employed by the California Energy Commission in the Environmental Office of the Siting, Transmission, and Environmental Protection Division as a Planner III.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I prepared the staff testimony **Socioeconomics and Environmental Justice** sections for the **Imperial Valley Solar Project** based on my independent analysis of the Application for Certification and supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 7/07/10 Signed: Amanda Stennick  
At: Sacramento, California

## **AMANDA STENNICK - ENVIRONMENTAL PLANNER**

### **Education**

B.A., Urban and Economic Geography, University of California, Davis, 1986

Ms. Stennick is an environmental planner with more than 22 years experience in land use, socioeconomic, and public policy analysis for power plants and energy infrastructure, and industrial and residential development projects in California. Ms. Stennick has extensive professional planning experience in both the public and private sectors; her expertise includes NEPA and CEQA document preparation, land use analysis and regulatory requirements for Williamson Act cancellations, assessment of land use alternatives, socioeconomic and public policy analysis, and environmental justice analysis. A partial list of projects where she has written assessments or managed the preparation of environmental documents is provided below.

### **Land Use Assessment for Energy Projects**

Ivanpah Solar Project (FSA/EIS)

Blythe Transmission Line (FSA/EIS)

Analysis of service district boundaries (LAFCO/San Diego County) Orange Grove Energy Project

Land use and Williamson Act analysis for Panoche Energy Center, Starwood Power Project, Pastoria Energy Facility, Hydrogen Energy California

Land use and California Coastal Act consistency analysis for Humboldt Bay Repowering City of Pittsburg Trans Bay Cable Project  
LNG facility, Port of Long Beach, CA.

### **Environmental Justice Analysis**

2001, 2003, and 2005 Environmental Performance Report for CEC

San Francisco Energy Cogeneration Project, Morro Bay Power Plant Project, El Segundo Power Redevelopment Project

### **Infrastructure Projects**

Project Manager for EIR/EA for the Mammoth County Water District. Analyzed impacts resulting from lake water transfers and maintenance of in-stream flows in the Mammoth Lakes Basin; prepared land use, socioeconomics, recreation, and public services and utilities sections of EIR/EA.

Project Manager for Effluent Treatment Plant EIR for Simpson Paper Company (Humboldt County). Prepared land use, socioeconomics, recreation, public services and utilities, cumulative impacts sections, and mitigation monitoring.

Project Manager for Folsom/SAFCA Reoperation. Determined parameters of project description with respect to water modeling, project geographic boundaries, and agency jurisdictional boundaries; ensured compliance with federal, state, and local plans and policies.

Project Manager. Yolo County Powerline Ordinance. Developed land use policies and mitigation measures for placement of powerlines and substations in Yolo County.

Project Manager and principal author for Energy Component of the Public Services and Facilities Element of the Sacramento County General Plan.

### **Redevelopment and Residential Projects**

Project Manager: EIR for a Planned Development, General Plan Amendment, and rezone request for a 504-acre Business and Industrial Park expansion for the Port of Sacramento. Prepared work scope and budget for Public Improvements Plan and Specific Plan for an 80-acre Mixed Use/Water Related development, including a Mitigation Monitoring Plan and Statement of Overriding Considerations for the City of West Sacramento. With CDFG, developed regional approach to mitigation for project-impacted endangered species.

Project Manager : EIR for the Wildhorse Residential/Recreational Planned Development, (Davis, CA). Prepared land use, project alternatives, cumulative impacts sections; determined project alternatives based on traffic models and allowable housing densities.

### **Professional and Continuing Education**

California Environmental Quality Act (UC Davis, 1988)  
Subdivision Map Act (UC Davis, 1989)  
Fiscal Impact Analysis (UC Davis, 1991)  
APA Conference (San Francisco, 1994)  
Environmental Justice Conference (UC Berkeley, 1994)  
California Environmental Quality Act (California Energy Commission, 1998)  
Roundtable on Environmental Justice US/Mexico Border 1999  
Local Agency Formation Commission - LAFCO (UC Davis, 2000) 2000  
Geographic Information System – GIS (UC Davis, 2005)  
Mapping Your Community: GIS and Community Analysis (Sacramento, CA, 2006)  
Conservation Strategies, Easements, and the Williamson Act (Valley Springs, CA, 2008)  
Tribal Energy in California; Law Seminars International (Cabazon, CA, 2009)



## DECLARATION OF Rick Tyler

I, **Rick Tyler** declare as follows:

1. I am presently employed by the California Energy Commission in the Engineering Office of the Siting, Transmission, and Environmental Protection Division as a Senior Mechanical Engineer.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I prepared the staff testimony **Hazardous Materials Management** and **Worker Safety Fire Protection** sections for the Imperial Valley Solar Project based on my independent analysis of the Application for Certification and supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony and errata is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and errata and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 7/2/10 Signed:   
At: Sacramento, California

**RESUME**  
**RICK A. TYLER**  
Senior Mechanical Engineer  
CALIFORNIA ENERGY COMMISSION

**EXPERIENCE**

Oct. 2001- Oct 2004  
(Part Time)

**Corporate President, Chairman, and CEO** Professional Engineers in California Government (PECG) 2002, **Section Director** 2003-2004, 2008-2009  
PECG Board of Directors

**As President / CEO** of the Professional Engineers in California Government, I served as the Chairman of the Board and Chief Executive Officer of this 13,000 member organization representing engineers employed by the State of California. In this capacity I was 1) the primary interface between the Corporate Board and the consultant organization that conducted most of the day to day business of the organization 2) the Chairman responsible for conducting quarterly board meetings and 3) responsible for ensuring that the member stake holders received good value for their investment. During my tenure on the corporate board we obtained the best contract negotiated in more than 20 years. This was achieved during a period of extreme economic constraints for, our employer, the State of California. I believe that this achievement was the direct result of my focus on the organization's primary mission and my success in keeping the organization on task.

**As Section Director** I represented the interests of the stakeholders in one of the 17 local sections represented on the PECG Board. This experience gave me a keen understanding of corporate board dynamics and how interactions between individual directors having conflicting priorities affects board function.

My experiences on the PECG Board of Directors provided me with a clear understanding of corporate board structure, function, and leadership as well as extensive knowledge of labor relations functions. It also provided me with a first hand understanding of the need for a clear vision and strong corporate governance which I provided during my tenure.

June 2000-  
Present (Full Time)

California Energy Commission – **Senior Mechanical Engineer (energy facility permitting)** Systems Assessment and Facilities Siting Division

Responsible for planning, organizing and directing the work of the Facility Safety Unit within the Systems Assessment and Facilities Siting Division's, Engineering Office. This unit evaluates the adequacy of proposed and ongoing safety management practices associated with hazardous material handling, worker safety and fire protection at very large conventional and alternative/renewable energy power facilities certified by the California Energy Commission. Responsible for quality and timeliness of all work conducted by employees and contractors performing work for this unit, including engineering analysis, products such as expert witness testimonies, compliance verifications, and conducting accident evaluations and investigations.

Jan. 1998-  
June 2000  
(Full Time)

California Energy Commission - **Associate Mechanical Engineer (energy facility siting)** Energy Facility Siting and Environmental Protection Division

Responsible for review of Applications for Certification (applications for permits) for large power plants including the review of handling practices associated with the use of hazardous and acutely hazardous materials, loss prevention, safety management practices, design of engineered equipment and safety systems associated with equipment involving hazardous materials use, evaluation of the potential for impacts associated with accidental releases and preparation and presentation of expert witness testimony and conditions of certification. Review of compliance submittals regarding conditions of certifications for hazardous materials handling, including Risk Management Plans Process Safety Management.

April 1985-  
Jan. 1998  
(Full Time)

California Energy Commission - **Health and Safety Program Specialist (energy facility siting)** ; Energy Facility Siting and Environmental Protection Division.

Responsible for review of Public Health Risk Assessments, air quality, noise, industrial safety, and hazardous materials handling of Environmental Impact Reports on large power generating and waste to energy facilities, evaluation of health effects data related to toxic substances, development of recommendations regarding safe levels of exposure, effectiveness of measures to control criteria and non-criteria pollutants, emission factors, multimedia exposure models. Preparation of testimony providing Staff's position regarding public health, noise, industrial safety, hazardous materials handling, and air quality issues associated with proposed power plants. Advise Commissioners, Management, other Staff and the public regarding issues related to health risk assessment of hazardous materials handling. Present expert witness testimony at regulatory hearings.

Nov. 1977-  
April 1985  
(Full Time)

California Air Resources Board – **Mechanical Engineer (regulatory compliance)** last four years at Associate level

Responsible for testing to determine pollution emission levels at major industrial facilities; including planning, supervision of field personnel, report preparation and case development for litigation; evaluate, select and acceptance-test instruments prior to purchase; design of instrumentation systems and oversight of their repair and maintenance; conduct inspections of industrial facilities to determine compliance with applicable pollution control regulations; improved quality assurance measures; selected and programmed a computer system to automate data collection and reduction; developed regulatory procedures and the instrument system necessary to certify and audit independent testing companies; prepared regulatory proposals and other presentations to classes at professional symposia and directly to the Air Resources Board at public hearings. As a representative, of the State I coordinated efforts with federal, local, and industrial representatives.

#### EDUCATION

**B.S., Mechanical Engineering**, California State University, Sacramento.

#### KNOWLEDGE OF

Knowledge of; corporate governance, Roberts Rules of Order, corporate

organization, structure and bylaws, business plan development, management supervision, organizational failure, contract management, process safety management, CEQA, statistics, instrumentation, technical writing, toxicology, risk assessment, loss prevention, environmental chemistry, hazardous materials management, technical management of chemical process safety, noise measurement, regulations and framework of toxic substances control and workplace safety, and presentation expert witness testimony.

#### PUBLICATIONS, PROFESSIONAL PRESENTATIONS, AND ACCOMPLISHMENTS

Authored staff reports published by the California Air Resource Board and presented papers regarding continuous emission monitoring at symposiums

Authored a paper entitled "A Comprehensive Approach to Health Risk Assessment", presented at the New York Conference on Solid Waste Management and Materials Policy.

Authored a paper entitled "Risk Assessment A Tool For Decision Makers" at the Association of Environmental Professionals AEP Conference on Public Policy and Environmental Challenges.

Conducted a seminar at University of California, Los Angeles for the Doctoral programs in Environmental Science and Public Health on the subject of "Health Risk Assessment".

Authored a paper entitled "Uncertainty Analysis -An Essential Component of Health Risk Assessment and Risk Management" presented at the EPA/ORNL expert workshop on Risk Assessment for Municipal Waste Combustion: Deposition, Uncertainty, and Research Needs.

Presented a talk on off-site consequence analysis for extremely hazardous materials releases. Presented at the workshop for administering agencies conducted by the City of Los Angeles Fire Department.

Evaluated, provided analysis and testimony regarding public health and hazardous materials management issues associated with the permitting of more than 20 major power plants throughout California.

Developed Departmental policy, prepared policy documents, regulations, staff instruction, and other guidance documents and reference materials for use in evaluation of public health and hazardous materials management aspects of proposed power plants.

Project Manager, overseeing contract work totaling more than \$500,000.

**DECLARATION OF  
Testimony of Negar Vahidi**

I, **Negar Vahidi**, declare as follows:

1. I am presently employed by Aspen Environmental Group, a contractor to the California Energy Commission, Siting, Transmission and Environmental Protection Division, as a **Senior Project Manager/Senior Land Use Technical Specialist**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I prepared the staff testimony on **Land Use** for the **Imperial Valley Solar Project (a.k.a. SES Solar Two Project)** based on my independent analysis of the Application for Certification and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: June 22, 2010

Signed: \_\_\_\_\_



At: Agoura Hills, California



## **NEGAR VAHIDI**

**Senior Associate**

**Land Use, Policy Analysis, and Socioeconomics**

### **ACADEMIC BACKGROUND**

Master of Public Administration, University of Southern California, 1993

B.A. (with Highest Honors), Political Science, University of California, Irvine, 1991

### **PROFESSIONAL EXPERIENCE**

Ms. Vahidi is an environmental planner with over 15 years of experience managing and preparing a variety of federal and State of California environmental, planning, and analytical documents for large-scale infrastructure and development projects. Ms. Vahidi brings the experience of being both a public and private sector planner, specializing in the integration and completion of NEPA and CEQA documentation, joint documentation, land use, socioeconomic, and public policy analysis, environmental justice analysis, and public and community involvement programs. Her diversity and experience in preparing NEPA, CEQA, and NEPA/CEQA joint documentation can be shown through a sample of her projects.

#### **Aspen Environmental Group**

**1992 to 1998 and 2001 to present**

Ms. Vahidi has participated in CEQA and NEPA analyses of major utility development projects, providing public policy and land use expertise as well as managing Public Participation Programs. She has conducted land use analyses for major environmental assessments, including identification of ownership and land use types and identification of sensitive land uses and sensitive receptors. She has also gathered and analyzed information on State, federal and local laws, policies and regulations relevant to land uses and public policy. Her specific projects are described below.

- **TANC Transmission Project (TTP), several Northern California Counties.** Ms. Vahidi is currently serving as the Deputy Project Manager in charge of preparation of the EIR/EIS and guiding the CEQA/NEPA analysis. The Transmission Agency of Northern California (TANC) and Western Area Power Administration (Western), an agency of the U.S. Department of Energy (DOE), are the CEQA lead agency and NEPA lead agency, respectively. The TTP generally would consist of approximately 600 miles of new and upgraded 500 kilovolt (kV) and 230 kV transmission lines, substations, and related facilities generally extending from northeastern California near Ravendale in Lassen County to the California Central Valley through Sacramento and Contra Costa Counties and westward into the San Francisco Bay Area. Ms. Vahidi worked with TANC and Western to initiate the scoping process, including preparation of the NOP, preparing for scoping meetings, frameworking the EIR/EIS document, etc. She also led the preparation of the project scoping report.
- **Littlerock Reservoir Sediment Removal Project EIS/EIR, Palmdale, CA.** Ms. Vahidi is the Project Manager for this joint EIS/EIR evaluating the impacts of sediment removal alternatives for the Littlerock Reservoir and Dam on USFS Angeles National Forest (NEPA Lead Agency) lands in Los Angeles County. The Palmdale Water District (District) [CEQA Lead Agency] proposes to remove approximately 540,000 cubic yards of sediment from the reservoir (behind the dam) and haul it to off-site commercial gravel pits located 6 miles north of the dam site in the community of Littlerock. The project involves impacts to the arroyo toad, extensive coordination with USFWS for a Section 7 consultation, incorporation of new Forest Service Plan updates and requirements into the

analysis, preparation of the Forest Service required BE/BA, and analysis of compliance with federal air quality conformity requirements. Under Ms. Vahidi's direction, Aspen developed six different project alternatives for sediment removal, involving detailed hydraulics analysis and preparation of a hydraulics technical report. The most feasible of these alternatives (grade control structure) was chosen by the PWD as their proposed project to be evaluated in the EIS/EIR. In addition, the PWD is currently considering an additional alternative (use of a slurry line for sediment removal) presented by Aspen. Aspen is currently working on the Administrative Draft EIR/EIS and assisting the PWD with portions of their Proposition 50 grant application to the DWR.

- **El Casco System Project, Riverside, CA.** Ms. Vahidi is serving as the Project Manager for this EIR being prepared for the CPUC to evaluate SCE's application for a Permit to Construct (PTC) the El Casco System Project. The Proposed Project would be located in a rapidly growing area of northern Riverside County, which includes the Cities of Beaumont, Banning, and Calimesa. A 115 kV subtransmission line begins at Banning Substation and extends westward toward the proposed El Casco Substation site within the existing Banning to Maraschino 115 kV subtransmission line and Maraschino–El Casco 115 kV subtransmission line ROWs. Major issues of concern include impacts to existing and residential land uses, which have led to the development of a partial underground alternative and a route alternative different than the project route proposed by SCE (the Applicant). The 1,200-page Draft EIR was released for a 45-day public review and comment on December 12, 2007, and evaluates project alternatives at the same level of detail as the Proposed Project analysis.
- **Sacramento Area Voltage Support Supplemental Environmental Impact Statement (SEIS), Western Area Power Administration.** Ms. Vahidi served as the task leader for several social science sections for the SEIS for a double-circuit 230 kV circuit between Western's O'Banion/Sutter Power Plant and Elverta Substation/Natomas Substation. New transmission lines and transmission upgrades are needed to mitigate transmission line overload, reduce the frequency of automatic generation and load curtailment during the summer peak load periods, and help maintain reliability of the interconnected system operation. Ms. Vahidi directed the preparation of the land use, aesthetics, socioeconomics, and environmental justice sections of the SEIS.
- **Sunset Substation and Transmission and Distribution Project CEQA Documentation, Banning, CA.** The City of Banning proposes to construct the Sunset Substation and supporting 33-kilovolt (kV) transmission line that would interconnect with the City's existing distribution system. The purpose of this new substation and transmission is to relieve the existing overloads that are occurring within the City's electric system and to accommodate projected growth in the City. Ms. Vahidi served as the Environmental Project Manager for the initial stages of CEQA documentation prepared for the City's Utility Department.
- **San Onofre Nuclear Generating Station (SONGS) Steam Generator Replacement Project, San Clemente, CA.** Ms. Vahidi served as the Technical Senior in charge of developing the methodology and guiding the analysis for the Land Use and Recreation Section of this EIR. This project EIR addressed the environmental effects of SCE's proposed replacement of Steam Generator Units 2 & 3 at the SONGS Nuclear Power Plant located entirely within the boundaries of the U.S. Marine Corps Base Camp (MCBCP) Pendleton. Issues of concern included potential conflicts resulting from the transport of the large units through sensitive recreation areas such as beaches, and the San Onofre State Park.
- **Diablo Canyon Power Plant (DCPP) Steam Generator Replacement Project, San Luis Obispo County, CA.** Ms. Vahidi served as the Technical Senior in charge of developing the methodology and guiding the analysis for the Land Use and Recreation Section of this EIR. The EIR addressed impacts associated with the replacement of the eight original steam generators (OSGs) at DCPP Units 1 and 2 due to degradation from stress and corrosion cracking, and other maintenance difficulties. The Proposed Project would be located at the DCPP facility, which occupies 760 acres within PG&E's 12,000-acre owner-controlled land on the California coast in central San Luis Obispo County. Land

use issues of concern include impacts to agricultural lands, recreational resources, and potential Coastal Act inconsistencies.

- **Cabrillo Port Liquefied Natural Gas (LNG) Deepwater Port, Ventura County, CA.** Under contract to the City of Oxnard, Aspen was tasked to review the Draft EIS/EIR for this the proposed construction and operation of an offshore floating storage and regasification unit (FSRU) that would be moored in Federal waters offshore of Ventura County. As proposed, liquefied natural gas (LNG) from the Pacific basin would be delivered by an LNG Carrier to and offloaded onto, the FSRU; re-gasified; and delivered onshore via two new 21.1-mile (33.8-kilometer), 24-inch (0.6-meter) diameter natural gas pipelines laid on the ocean floor. These pipelines would come onshore at Ormond Beach near Oxnard, California to connect through proposed new onshore pipelines to the existing Southern California Gas Company intrastate pipeline system to distribute natural gas throughout the Southern California region. Ms. Vahidi reviewed the document for technical adequacy and assisted the City in preparing written comments for the following sections of the EIS/EIR: Aesthetics, Land Use, Recreation, Socioeconomics, and Environmental Justice.
- **Long Beach LNG Import Project, Long Beach, CA.** Under contract to the City of Long Beach, Aspen was tasked to review the Draft EIS/EIR for the proposed construction and operation of this onshore LNG facility to be located at the Port of Long Beach. Ms. Vahidi reviewed the document for technical adequacy and assisted the City in preparing written comments for the following sections of the EIS/EIR: Aesthetics, Land Use, Recreation, Socioeconomics, Environmental Justice, and Port Master Plan Amendment.
- **Post-Suspension Activities of the Nine Federal Undeveloped Units and Lease OCS-P 0409, Off-shore Southern California.** Aspen assisted the U.S. Department of the Interior, Minerals Management Service (MMS) to prepare an Environmental Information Document (EID) evaluating the potential environmental effects associated with six separate suspensions for undeveloped oil and gas leases Pacific Outer Continental Shelf (OCS) located offshore Southern California. These undeveloped leases lie between 3 and 12 miles offshore Santa Barbara, Ventura and southern San Luis Obispo Counties and are grouped into nine units, with one individual lease that is not unitized. As the Senior Aspen social scientist, Ms. Vahidi guided the analysis of community characteristics and tourism resources, recreation, visual resources, social and economic environment, and military operations.
- **Otay River Watershed Management Plan (ORWMP) and Special Area Management Plan (SAMP) in San Diego County, CA.** Ms. Vahidi served as a Technical Senior for social science and land use issues. The ORWMP focused on developing strategies to protect and enhance beneficial uses within this watershed and thereby comply with the San Diego Region's NPDES permit, and the SAMP intended to achieve a balance between reasonable economic development and aquatic resource preservation, enhancement, and restoration in this 145-square-mile (93,000 acres) area through the issuance of Corps and CDFG programmatic permits.

### ***California Energy Commission (CEC)***

In response to California's power shortage, Aspen has assisted the CEC in evaluating the environmental and engineering aspects of new power plant applications throughout the State under three separate contracts. Ms. Vahidi has served as Technical Senior for land use (since 2001), and a specialist for socio-economics and environmental justice, and alternatives analyses and special studies. Her specific projects are listed below.

- **Technical Assistance in Application for Certification Review (Contract # 700-99-014; 3/6/2000 through 12/31/2003)**
  - **Woodland Generation Station No. 2, Modesto, CA.** As the land use Technical Specialist, prepared the Land Use and Recreation, and Agricultural Resources Staff Assessments of this 80-megawatt nominal, natural gas-fired power generating facility and associated linear facilities (i.e., gas and water pipeline and



transmission line. The Staff Assessment evaluated potential impacts on nearby residential, recreational, and agricultural land uses, including important farmlands being traversed by linear facilities.

- **Valero Cogeneration Project, Benicia, CA.** Prepared the Socioeconomics Staff Assessment for a proposed cogeneration facility at the Valero Refinery in Benicia. Issues addressed included impacts on public services and other project-related population impacts such as school impact fees.
- **Rio Linda/Elverta Power Project, Sacramento, CA.** Prepared the Socioeconomics Staff Assessment for a 560-megawatt natural gas power plant in the northern Sacramento County. Issues of importance included environmental justice and impacts on property values.
- **Magnolia Power Project, Burbank, CA.** As the Socioeconomics technical specialist, prepared the Staff Assessment for this nominal 250-megawatt natural gas combined-cycle fired electrical generating facility to be located at the site of the existing City of Burbank power plant. Environmental justice issues and potential impacts on local economy and employment were evaluated
- **Potrero Power Plant Project, San Francisco, CA.** Prepared the land use portion of the Alternatives Staff Assessment for this proposed nominal 540 MW natural gas-fired, combined cycle power generating facility. Analysis included review of several alternative sites for development of the power plant and the comparative merits of those alternatives with the proposed site located on the San Francisco Bay.
- **Los Esteros Critical Energy Facility, San Jose, CA.** Technical Senior for the Land Use Staff Assessment of this 180-megawatt natural-gas-fired simple cycle peaking facility. Issues included potential impacts resulting from loss of agricultural land, and impacts associated with the project's non-compliance with local General Plan land use and zoning designations.
- **East Altamont Energy Center, Alameda County, CA.** Technical Specialist for the Land Use Assessment for a 1,100-megawatt nominal, natural gas-fired power plant and associated linear facilities. Provided expert witness testimony on Land Use Staff Assessment. Major issues addressed in the Staff Assessment included loss of Prime Farmlands, recommendation of land preservation mitigation, and the project's non-compliance with local General Plan land use and zoning designations.
- **Tracy Peaker Project, Tracy, CA.** Technical Senior for the Land Use Staff Assessment of this 169-megawatt simple-cycle peaking facility in an unincorporated area of San Joaquin County. Provided expert witness testimony on Land Use Staff Assessment. Issues included potential impacts resulting from loss of agricultural land under Williamson Act Contract, and evaluation of cumulative development in the fast-growing surrounding area.
- **Avenal Energy Project, Kings County, CA.** Socioeconomics Technical Specialist for this 600-megawatt combined cycle electrical generating facility, and associated linear facilities.
- **Tesla Power Project, Alameda County, CA.** Land Use Technical Senior and Alternatives Technical Specialist in charge of preparation of two Staff Assessments for this project. The project will be a nominal 1,120-MW electrical generating power plant with commercial operation planned for third quarter of 2004. The Tesla Power Project will consist of a natural gas-fired combined cycle power generator, with 0.8 miles of double-circuit 230-kilovolt transmission line connected to the Tesla PG&E substation, 24-inch 2.8-mile natural gas pipeline, and 1.7-mile water line constructed along Midway Road.
- **Sacramento Municipal Utility District Consumes Power Plant Project, Sacramento, CA.** Socioeconomics and Alternatives Technical Specialist in charge of preparation of two Staff Assessments for this nominal 1,000-megawatt (MW) combined-cycle natural gas facility. Provided expert witness testimony on Socioeconomics Staff Assessment. The project would include the construction and operation of a natural gas power plant at the Rancho Seco Nuclear Plant, 25 miles southeast of the City of Sacramento, in Sacramento County. The project would be located on a 30-acre portion of an overall 2,480-acre site owned by SMUD.
- **Inland Empire Energy Center, Riverside County, CA.** Technical Specialist for the Land Use Assessment for a 670-megawatt natural gas-fired, combined-cycle electric generating facility and associated linear facilities including, a new 18-inch, 4.7-mile pipeline for the disposal of non-reclaimable wastewater, and a new 20-inch natural gas pipeline. Provided expert witness testimony on Land Use Staff Assessment. The project would be located on approximately 46-acres near Romoland, within Riverside County. Major issues addressed in the Staff Assessment included potential loss of agricultural lands, impacts to planned school uses, and the project's potential non-compliance with local General Plan land use and zoning designations.

- **Senior Technical Lead, Land Use Resources.** The California Energy Commission (CEC) requested that the Aspen Team provide Technical Seniors for the Land Use Resources area in order to help coordinate and review Land Use Resource Assessments. As a Technical Senior, Negar Vahidi was responsible for the technical review of Land Use sections for various power plants assigned to them.
- **Legislative Bill Review.** As a Land Use Technical Senior for the CEC, Ms. Vahidi conducted legislative bill review related to energy facilities siting. She conducted portions of the CEC Systems Assessment & Facilities Siting Division analysis of Senate Bill 1550 which was intended to give the Superintendent of Public Instruction/CDE approval authority over siting of power plants within one mile of existing or proposed K-12 school sites by requiring the CDE (in coordination with the State Architect, and the commission) to develop appropriate siting guidelines.
- **Engineering & Environmental Technical Assistance to Support the Energy Facility Planning and Licensing Program Contract (Contract # 700-02-004; 6/30/03 through 3/30/06)**
  - **Environmental Performance Report (EPR).** Ms. Vahidi managed the preparation of the Socioeconomics chapter of the EPR for the California Energy Commission, which eventually became part of the State of California's Integrated Energy Policy Report (IEPR). The Socioeconomics chapter addressed: the importance of reliable and affordable electricity supply power plant construction and operation impacts, including labor force, taxation, etc.; and trends in the energy section, including renewable power sources such as wind and solar. She also conducted the analysis of a new portion of the Land Resources Chapter, which addressed the siting and land use issues associated with renewable power. This new portion of the land use analysis compared the land use and siting constraints associated with renewable power infrastructure such as wind and solar versus other forms of power infrastructure, such as gas pipelines, transmission lines, LNG facilities, and power plants.
  - **Coastal Plant Study.** Ms. Vahidi served as the Social Sciences Task Manager for this special study being conducted as part of Aspen's contract with the California Energy Commission. The study included identification and evaluation of potential issues associated with the possible modernization, re-tooling, or expansion of California's 25 coastal power plants including: northern California power plants such as Humboldt, Potrero, Hunter's Point, Pittsburg, and Oakland; central coast power plants such as Contra Costa, Diablo Canyon Nuclear, Morro Bay, Moss Landing, Elwood, Mandalay, and Ormond Power Plants; and southern California power plants such as the Alamitos, Long Beach, Los Angeles Harbor, Haynes, Redondo Beach, Scattergood, El Segundo, Huntington Beach, Encina, Silver Gate, South Bay, and San Onofre Nuclear. As Task Manager her responsibilities included, identification of potential political, social, community, and physical land use impacts that may arise from the potential increased output of energy from plants in highly sensitive coastal communities. The intent of the study is to identify red flag items for the Energy Commission in order to streamline future licensing processes. Her task as the Social Science Task Manager also included a thorough review of applicable Local Coastal Plans, and Coastal Commission regulations associated with Coastal Development Permits and Consistency Determinations.
  - **Natural Gas Market Outlook Report (NGMOR).** Ms. Vahidi assisted the CEC's Natural Gas Unit as a technical editor in their preparation and publication of the NGMOR. She managed Aspen's efforts, including format and graphics, to edit technical sections prepared by Natural Gas Unit Staff under a condensed time frame. The Preliminary NGMOR was released for public review in June 2003.
- **Peak Workload Support for the Energy Facility Siting Program and the Energy Planning Program (Contract #700-05-002; 4/11/06 through 3/30/09)**
  - **Chula Vista Energy Upgrade Project, Chula Vista, CA.** Senior Technical Specialist for the Land Use Staff Assessment for MMC Energy, Inc.'s Application for Certification (AFC) to construct and operate replacements and upgrades of equipment at the Chula Vista Power Plant, located on a 3.8-acre parcel in the City of Chula Vista's Main Street Industrial Corridor and within the City's Light Industrial zoning district. Issues of concern include the impacts of the power plant on adjacent residential and open space land uses, and compliance with applicable local LORS. Provided expert witness testimony on Land Use Staff Assessment.
  - **Ivanpah Solar Electric Generating System Project, San Bernardino County, CA.** Senior Technical Specialist for the Socioeconomics Staff Assessment/BLM EIS for a 400-megawatt solar thermal electric power generating system. The project's technology would include heliostat mirror fields focusing solar energy on power tower receivers producing steam for running turbine generators. Related facilities would

include administrative buildings, transmission lines, a substation, gas lines, water lines, steam lines, and well water pumps. The proposed project would be developed entirely in the Mojave Desert region of San Bernardino County, California. The document was prepared in compliance with both NEPA and CEQA requirements.

- **Sentinel Energy Project, Riverside County, CA.** Senior Technical Specialist for the Land Use Staff Assessment for CPV Sentinel's Application for Certification (AFC) to construct and operate an 850-megawatt (MW) peaking electrical generating facility near SCE's Devers Substation. The proposed project site consists of 37 acres of land situated approximately eight miles northwest of the center of the City of Palm Springs with portions of the construction laydown area and natural gas pipeline within the Palm Springs city limits. Land use issues of concern include the project's compliance with local LORS.
- **Carrizo Energy Solar Farm, San Luis Obispo County, CA.** Senior Technical Specialist for the Land Use Staff Assessment for Carrizo Energy, LLC's Application for Certification (AFC) to build the Carrizo Energy Solar Farm (CESF), which will consist of approximately 195 Compact Linear Fresnel Reflector (CLFR) solar concentrating lines, and associated steam drums, steam turbine generators (STGs), air-cooled condensers (ACCs), and infrastructure, producing up to a nominal 177 megawatts (MW) net. The CESF is located in an unincorporated area of eastern San Luis Obispo County, west of Simmler and northwest of California Valley, California. The CESF includes the solar farm site, a minimal offsite transmission system connection, and construction laydown area. The CESF site will encompass approximately 640 acres of fenced area in an area zoned for agricultural uses as specified in the San Luis Obispo County General Land Use Plan. Issues of concern include the impacts of the power plant on adjacent land uses and compliance with applicable local LORS.
- **Carlsbad Energy Center Project, Carlsbad, CA.** Senior Technical Specialist for the Land Use and Alternatives Staff Assessments for Carlsbad Energy Center, LLC's Application for Certification (AFC) to build the Carlsbad Energy Center Project (CECP), which will consist of a 558 MW gross combined-cycle generating facility configured using two units with one natural-gas-fired combustion turbine and one steam turbine per or unit. Issues of concern include major incompatibilities with local LORS, and cumulative impacts from widening of I-5.
- **Marsh Landing Generating Station, Contra Costa County, CA.** Senior Technical Specialist for the Land Use Staff Assessment for the Mirant Marsh Landing, LLC AFC for a 930 MW natural gas-fired power plant, which would be sited adjacent to the existing Contra Costa Power Plant in unincorporated Contra Costa County, near the City of Antioch.
- **Canyon Power Plant, Anaheim, CA.** Senior Technical Specialist for the Socioeconomics Staff Assessments for a nominal 200 megawatt (MW) simple-cycle plant, using four natural gas-fired combustion turbines and associated infrastructure proposed by Southern California Public Power Authority (SCPPA). This project is a peaking power plant project located within the City of Anaheim, California.
- **Willow Pass Generating Station, Pittsburg, CA.** Senior Technical Specialist for the Land Use Staff Assessment for a new, approximately 550-megawatt (MW) dry-cooled, natural gas-fired electric power facility proposed by Mirant. Development of Willow Pass would entail the construction of two generating units and ancillary systems including, adjacent electric and gas transmission lines, and water and wastewater pipelines.
- **Marsh Landing Generating Station, Contra Costa County, CA.** Senior Technical Specialist for the Land Use Staff Assessment for a new, 930-megawatt (MW) gas-fired electric generating facility proposed by Mirant. Delta. The proposed 27-acre Project site would be located at the existing Contra Costa Power Plant.
- **Stirling Energy Systems Solar One, San Bernardino County, CA.** Senior Technical Specialist for the Land Use Staff Assessment/BLM EIS for a nominal 850-megawatt (MW) Stirling engine project, with construction planned to begin late 2010. The primary equipment for the generating facility would include the approximately 30,000, 25-kilowatt solar dish Stirling systems (referred to as SunCatchers), their associated equipment and systems, and their support infrastructure. Major issues of concern include the conversion of approximately 8,230 acres of open space to industrial uses, compliance with BLM's CDCA Plan, etc.
- **Stirling Energy Systems Solar Two, Imperial County, CA.** Senior Technical Specialist for the Land Use Staff Assessment/BLM EIS for a nominal 750-megawatt (MW) Stirling engine project, with construction

planned to begin either late 2009 or early 2010. The primary equipment for the generating facility would include the approximately 30,000, 25-kilowatt solar dish Stirling systems (referred to as SunCatchers), their associated equipment and systems, and their support infrastructure. Major issues of concern include conversion of 6,500 acres of public recreation land used for OHV use and camping, and compliance with the BLM's CDCA plan..

- **GWF Tracy Combined Cycle Power Plant, San Joaquin County, CA.** Senior Technical Specialist for the Land Use Staff Assessment for GWF's proposal to modify the existing TPP (see description above), a nominal 169-megawatt (MW) simple-cycle power plant, by converting the facility into a combined-cycle power plant with a nominal 145 MW, net, of additional generating capacity.
- **City of Palmdale Hybrid Power Plant Project, Palmdale, CA.** Senior Technical Specialist for the Land Use Staff Assessment for the Palmdale Hybrid Power Project (PHPP) proposed by the City of Palmdale. The PHPP consists of a hybrid of natural gas-fired combined-cycle generating equipment integrated with solar thermal generating equipment to be developed on an approximately 377-acre site in the northern portions of the City of Palmdale (City).
- **Lodi Energy Center, Lodi, CA.** Senior Technical Specialist for the Socioeconomics Staff Assessment for a combined-cycle nominal 225-megawatt (MW) power generating facility.
- **Abengoa Mojave Solar One Project, San Bernardino County, CA.** Senior Technical Specialist for the Land Use Staff Assessment of a nominal 250 megawatt (MW) solar electric generating facility to be located near Harper Dry Lake in an unincorporated area of San Bernardino County. Issues of concern include the impacts associated with the conversion of 1,765 acres of open space lands.
- **Genesis Solar Energy Project, Riverside County, CA.** Senior Technical Specialist for the Land Use Staff Assessment/BLM EIS for two independent solar electric generating facilities with a nominal net electrical output of 125 megawatts (MW) each, for a total net electrical output of 250 MW. Electrical power would be produced using steam turbine generators fed from solar steam generators. The project is located approximately 25 miles west of the city of Blythe. Major issues of concern include conversion of 4,460 acres of BLM lands to an industrial use.
- **Contra Costa Generating Station, Contra Costa County, CA.** Senior Technical Specialist for the Land Use Staff Assessment for a natural gas-fired, combined-cycle electrical generating facility rated at a nominal generating capacity of 624 megawatts (MW). The project would be located in the City of Oakley.
- **Topaz Solar Project EIR, San Luis Obispo County, CA.** (Applicant: First Solar). Aspen is managing preparation of an EIR for this 500 MW solar photovoltaic project in the Carrizo Plain area. A major issue of concern is the conversion of approximately 6,000 acres of open space (60 percent of which are under land preservation contracts) to an industrial use. Ms. Vahidi is the Senior in charge of developing the methodology, approach, and thresholds of significance for analysis of impacts related to agricultural land conversion using the CA Department of Conservation LESA Model. One major issue of concern related to agricultural resources is impacts to lands under Williamson Act contracts. She will be guiding the analysis.
- **California Valley Solar Ranch EIR, San Luis Obispo County, CA.** (Applicant: SunPower). Aspen is managing preparation of an EIR for this 250 MW solar photovoltaic project in the Carrizo Plain area. A major issue of concern is the conversion of approximately 4,000 acres of open space to an industrial use. Ms. Vahidi is the Senior in charge of developing the methodology, approach, and thresholds of significance for analysis of impacts related to agricultural land conversion using the CA Department of Conservation LESA Model. She will be guiding the analysis.
- **Santa Ana Valley Pipeline Repairs Project, San Bernardino and Riverside Counties, CA.** Under Aspen's on-going environmental services contract with the DWR, Ms. Vahidi served as the project manager for CEQA documentation and permitting efforts related to the repair of 12 sites along the pipeline portion of the East Branch of the California Aqueduct. The repair of the 12 sites was crucial because, eight of the Priority 1 sites included areas of the pipeline that were under high stress and subject to rupture. Issues of concern included, potential impacts to special status species, sensitive receptors, and traffic. As the DWR's CEQA consultant, Ms. Vahidi determined that the proposed SAPL Repairs Project would qualify for a CEQA Categorical Exemption, and recommended the preparation

of a Technical Memorandum to justify this exemption. The Technical Memorandum and supporting documentation, including a Biological Constraints Report, and analyses of proposed project potential construction-related air quality, noise, and traffic impacts, were prepared and presented to DWR as one packet to support both a Class 1 and Class 2 CEQA Exemption. Subsequent to preparation of this packet, DWR filed a Notice of Exemption on June 13, 2003 for their repair activities.

- **Piru Creek Erosion Repairs and Bridge Seismic Retrofit Project, Northern Los Angeles County, CA.** Under Aspen's on-going environmental services contract with the DWR, Ms. Vahidi served as the project manager for CEQA documentation for this project. An IS/MND was prepared to evaluate the impacts of the project, which proposed to maintain four access routes to DWR's facilities along the West Branch of the California Aqueduct downstream of the Pyramid Dam. Repair and improvement activities would occur on Osito Canyon (an intermittent tributary to Piru Creek) at Osito Adit, adjacent to Old Highway 99 at North Adit (or access tunnel), alongside an eroded section of Old Highway 99 along Piru Creek, and at Pyramid Dam Bridge. Repair activities would serve to improve conditions of access routes, as well as strengthening and reinforcing them against seismic or flood events. Project-related construction could result in potentially significant impacts to biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and transportation and traffic.
- **Pyramid Lake Repairs and Improvements Project, northern Los Angeles County.** Under Aspen's on-going environmental services contract with the DWR, Ms. Vahidi served as the project manager for CEQA documentation, ADA (Americans with Disabilities Act) compliance, and permitting efforts for this project. DWR and the Department of Boating and Waterways (DBW) are planning repairs and improvements at various recreational sites at Pyramid Lake, which is located on the border between Los Padres National Forest and Angeles National Forest; recreation is managed by Angeles National Forest. The lake is also part of Federal Energy Regulatory Commission Project 2426. Aspen worked with DWR and DBW to determine ADA compliance components at each site. CEQA documentation in support of a Class 1 and 2 Categorical Exemption was prepared to evaluate the potential impacts of the repairs and improvements, and provide CEQA clearance for filing of required permit applications, including but not necessarily limited to 404, 401, and 1602 permits. In addition to the CEQA documentation and preparation of permit applications, Aspen coordinated DWR and DBW's efforts with the USFS, and the permitting agencies (i.e., CDFG, RWQCB, and USACE). Through coordination with the USAC, Aspen prepared the NEPA EA for Corps 404 permit process, and reviewed and coordinated revisions to the 1602 with CDFG.
- **Mulholland Pumping Station and Lower Hollywood Reservoir Outlet Chlorination Station Project, Los Angeles, CA.** Under Aspen's on-going environmental services contract with the City of Los Angeles Department of Water and Power (LADWP), Ms. Vahidi served as the Project Manager for preparation of CEQA documentation for this project. LADWP proposed to replace the existing historic pumping/chlorination station building as well as the existing lavatory and unoccupied Water Quality Laboratory buildings with a new single structure pumping/chlorination station within the LADWP's Hollywood Reservoir Complex located in the Hollywood Hills section of the City Los Angeles. These improvements were required due to the age and deterioration of the facility and the potential risk of seismic damage to existing structures. An Initial Study was prepared in support of a City of Los Angeles General Exemption.
- **River Supply Conduit (RSC) Upper Reach Project EIR, Los Angeles and Burbank, CA.** Under Aspen's on-going environmental services contract with the City of Los Angeles Department of Water and Power (LADWP), Ms. Vahidi served as the Task Leader for land use issues and is in charge of development and analysis of project alternatives for the CEQA document for this project. The RSC is a major transmission pipeline in the LADWP water distribution system. The existing RSC pipeline's purpose is to transport large amounts of water from the Los Angeles Reservoir Complex and local ground water wells to reservoirs and distribution facilities located in the central areas within of the City of Los Angeles. The LADWP proposed a new larger RSC pipeline to replace and realign the

Upper and Lower Reaches of the existing RSC pipeline, which would involve the construction of approximately 69,600 linear feet (about 13.2 miles) of 42-, 48-, 60-, 66-, 72-, 84-, and 96-inch diameter welded steel underground pipeline.

- **Valley Generating Station Site Survey & Documentation Report, Los Angeles, CA.** Ms. Vahidi managed the preparation of a comprehensive report (over 150 pages) documenting all of the structures and facilities located at the Valley Generating Station (VGS). The report includes exhibits that illustrate locations of each structure at the VGS, a detailed appendix of color photos of each structure, and a written description of each structure. The report also provides a general discussion of the history and background of the VGS and its development to provide a context for the structures on site.
- **Taylor Yard Water Recycling Project (TYWRP), Los Angeles and Glendale, CA.** Under Aspen's on-going environmental services contract with the City of Los Angeles Department of Water and Power (LADWP), Ms. Vahidi served as the Project Manager for preparation of CEQA documentation for this project. LADWP proposed to construct the TYWRP in order to provide recycled water produced by the Los Angeles–Glendale Water Reclamation Plant (LAGWRP) to the Taylor Yard. An important part of the City of Los Angeles' expanding emphasis on water conservation is the concept that water is a resource that can be used more than once. Because all uses of water do not require the same quality of supply, the City has been developing programs to use recycled water for suitable landscaping and industrial uses. The project is located in the southernmost part of the City of Glendale and northeastern part of the City of Los Angeles. The IS/MND was adopted in the Summer of 2007.
- **Devers–Palo Verde 500 kV Transmission Line Project EIS/EIR, southern California/western Arizona.** For this EIR/EIS prepared by U.S. Bureau of Land Management and CPUC, Ms. Vahidi served as the Deputy Project Manager and Social Sciences Issue Area Coordinator for SCE's proposed 250-mile transmission line project from the Palo Verde Nuclear power plant in Arizona to the northern Palm Springs area in California. Major issues of concern include EMF and visual impacts on property values, impacts on the area's vast recreational resources and tribal lands, and the development and evaluation of several route alternatives, including the Devers-Valley No. 2 Route Alternative, which eventually was approved by the CPUC.
- **Antelope-Pardee 500 kV Transmission Line Project EIR/EIS, Los Angeles County, CA.** For this EIR/EIS prepared by USFS, Angeles National Forest and CPUC, Ms. Vahidi is served as the Deputy Project Manager and Social Sciences Issue Area Coordinator for SCE's proposed 25-mile transmission line project from the Antelope Substation in the City of Lancaster, through the ANF, and terminating at SCE's Pardee Substation in Santa Clarita. Major issues of concern included impacts to biological, recreational, and cultural resources within Forest lands, EMF and visual impacts on property values, impacts on residences in the urbanized southern regions of the route, and the development and evaluation of several route alternatives.
- **Antelope Transmission Project, Segments 2 & 3 EIR, Los Angeles and Kern Counties, CA.** For this EIR being prepared by the CPUC, Ms. Vahidi served as the Deputy Project Manager and Social Sciences Issue Area Coordinator. The proposed Project includes both Segment 2 and Segment 3 of the Antelope Transmission Project, and involves construction of new transmission line infrastructure from the Tehachapi Wind Resource Area in southern Kern County, California, to SCE's existing Vincent Substation in Los Angeles County, California. The Tehachapi Wind Resource Area is one of the State's greatest potential sources for the generation of wind energy. A variety of wind energy projects are currently in development for this region. Major issues of concern include EMF and visual impacts on property values, impacts on residences and agricultural resources, and the development and evaluation of several substation and route alternatives.
- **Tehachapi Renewable Transmission Project (TRTP) EIR/EIS, Kern, Los Angeles, and San Bernardino Counties, CA.** For this EIR/EIS prepared by USFS, Angeles National Forest and CPUC,

Ms. Vahidi is served as the Deputy Project Manager in the early stages (i.e., during Scoping) of the project for SCE's proposal to construct, use, and maintain a series of new and upgraded high-voltage electric transmission lines and substations to deliver electricity generated from new wind energy projects in eastern Kern County. Approximately 46 miles of the project would be located in a 200- to 400-foot right-of-way on National Forest System land (managed by the Angeles National Forest) and approximately three miles would require expanded right-of-way within the Angeles National Forest. The proposed transmission system upgrades of TRTP are separated into eight distinct segments: Segments 4 through 11. Segments 1 (Antelope-Pardee) and Segments 2 and 3 (Antelope Transmission Project) were evaluated in separate CEQA and NEPA documents as described above.

- **Jefferson-Martin 230 kV Transmission Line Project EIR, San Francisco Bay Area, CA.** Ms. Vahidi served as the Issue Area Coordinator for the Social Science issues of the EIR, and was responsible for preparation of the socioeconomics, recreation, and public utilities sections of the EIR prepared on behalf of the California Public Utilities Commission (CPUC) to evaluate a proposed 27-mile transmission line in San Mateo County. Major issues of concern included EMF and visual impacts on property values, impacts on the area's recreational resources, and evaluation of several route alternatives.
- **Miguel-Mission 230 kV #2 Project EIR, San Diego, CA.** Ms. Vahidi conducted the land use, recreation, socioeconomics, and environmental justice analyses for this EIR for a proposed 230 kV circuit within an existing transmission line ROW between Miguel and Mission substations in San Diego County. The proposed project included installing a new 230 kV circuit on existing towers along the 35-mile ROW, as well as relocate 69 kV and 138 kV circuits on approximately 80 steel pole structures. In addition, the Miguel Substation and Mission Substation would be modified to accommodate the new 230 kV transmission circuit.
- **Viejo System Project, Orange County, CA.** Ms. Vahidi served as the Deputy Project Manager for the project's CEQA documentation, including and Initial Study, prepared on behalf of the CPUC to evaluate Southern California Edison's (SCE) Application for a Permit to Construct the Viejo System Project, which was in SCE's forecasted demand of electricity and goal of providing reliable electric service in southern Orange County. The Viejo System Project would serve Lake Forest, Mission Viejo, and the surrounding areas. Components of the project included, construction of the new 220/66/12 kilovolt (kV) Viejo Substation, installation of a new 66 kV subtransmission line within an existing SCE right-of-way, replacement of 19 double-circuit tubular steel poles with 13 H-frames structures, and minor modification to other transmission lines. Major issues of concern include visual impacts of transmission towers, EMF effects, and project impacts on property values.
- **MARS EIR/EIS, Monterey, CA.** Ms. Vahidi served as the technical specialist in charge of preparing the Environmental Justice analysis for this EIR/EIS, which would evaluate the effects associated with the installation and operation of the proposed Monterey Accelerated Research System (MARS) Cabled Observatory Project (Project) proposed by Monterey Bay Aquarium Research Institute (MBARI)[NEPA Lead Agency]. The goal of the Project was to install and operate, in State and Federal waters, an advanced cabled observatory in Monterey Bay that would provide a continuous monitoring presence in the Monterey Bay National Marine Sanctuary (MBNMS) as well as serve as the test bed for a state-of-the-art regional ocean observatory, currently one component of the National Science Foundation (NSF) Ocean Observatories Initiative (OOI). The Project would provide real-time communication and continuous power to suites of scientific instruments enabling monitoring of biologically sensitive benthic sites and allowing scientific experiments to be performed. The environmental justice analysis evaluated the potential for any disproportionate project impacts to both land-based populations and fisheries workers. The CEQA Lead Agency was CSLC.
- **Kinder Morgan Concord-Sacramento Pipeline EIR.** Ms. Vahidi prepared the environmental justice and utilities and service systems sections of an EIR evaluating a proposed 70-mile petroleum products pipeline for the California State Lands Commission. Analysis included consideration of potential impacts of pipeline accidents in Contra Costa, Solano, and Yolo Counties.

- **Shore Marine Terminal Lease Consideration Project EIR, Contra Costa County, CA.** Served as Aspen's Project Manager (under contract to Chambers Group, Inc.) in charge of conducting the preparation of the Land Use, Recreation, Air Quality, and Noise sections of this EIR evaluating Shore Terminal, LLC's application to the California State Lands Commission (CLSC) to exercise the first of two 10-year lease renewal options, with no change in current operations. Shore Terminals operations comprise the marine terminal and on-land storage facilities in an industrial part of the city of Martinez. The marine terminal is on public land leased from the CSLC with the upland storage facilities located on private land.
- **Looking Glass Networks Fiber Optic Cable Project IS/MND, northern and southern California.** As part of Aspen's ongoing contract with the CPUC for review of Telecommunications projects, this document encompassed the evaluation of project impacts and network upgrades in the San Francisco Bay Area and the Los Angeles Basin Area. Ms. Vahidi served as the Deputy Project Manager and Study Area Manager for the Los Angeles Basin for this comprehensive CEQA document reviewing the potential impacts of hundreds of miles of newly proposed fiber optic lines throughout northern and southern California, including Los Angeles and Orange Counties. Issues of concern focused on potential construction impacts of linear alignments in highly urbanized rights-of-way, and resultant land use, traffic and utilities conflicts.
- **U.S. Army Corps of Engineers, Los Angeles District.** Ms. Vahidi is responsible for managing Delivery Orders and conducting the analyses of the social science issue areas for 16 projects throughout southern California and Arizona as part of two environmental services contracts. Delivery orders have included:
  - **Northeast Phoenix Drainage Area Alternatives Analysis Report, Phoenix and Scottsdale, AZ.** As the project manager guided the preparation of an alternatives analysis report that evaluated the potential environmental impacts associated with channel and detention basin alternatives to control flooding problems resulting from fast rate of development in the northeast Phoenix area.
  - **Imperial Beach Shore Protection EIS/EIR, Imperial Beach, CA.** Responsible for preparing the affected environment and environmental consequences sections for the land use, recreation, aesthetics, and socioeconomics issue areas. This EIS will analyze the impacts of shore protection measures along a 4.7-mile stretch of beach in southwest San Diego County.
  - **U.S. Food and Drug Administration Laboratory EIS/EIR, Irvine, CA.** Prepared the land use and recreation; socioeconomics, public services, and utilities; and visual resources/aesthetics analyses for this proposed "mega-laboratory" on the University of California Irvine Campus. Also developed the cumulative projects scenario for analyses of cumulative impacts. As the Public Participation Coordinator for the EIS/EIR review process, prepared the NOP, set up the scoping meeting and public hearing, prepared meeting handouts, and developed the project mailing list.
  - **San Antonio Dam EIS, Los Angeles and San Bernardino Counties, CA.** Responsible for preparing the cultural resources, land use and recreation, and aesthetics sections for the analysis of impacts resulting from the re-operation of San Antonio Dam to increase flood protection.
  - **Rio Salado Environmental Restoration EIS, Phoenix and Tempe, AZ.** Conducted the land use and recreation, and aesthetics analyses for this environmental restoration project in the Salt River and Indian Bend Wash located in the Cities of Phoenix and Tempe. Incidental to the primary objective of the Proposed Action (environmental restoration) is the creation of passive recreational opportunities associated with the restored habitat areas, such as trails for walking and biking, and areas for observing wildlife and learning about the natural history of the river.
  - **Airspace Restrictions EA, Ft. Irwin, CA.** Conducted the land use, recreation, aesthetics, and socioeconomics analyses of impacts for the conversion of unrestricted airspace to restricted airspace above Ft. Irwin in the Mojave Desert.
  - **National Guard Armory Building EA, Los Angeles, CA.** Conducted the land use, aesthetics, and socioeconomics analyses and prepared the cumulative impacts and policy consistency sections.



- **Supplemental EA for the Seven Oaks Dam Woolly Star Land Exchange, San Bernardino County, CA.** Prepared the land use and recreation analyses and policy consistency section.
- **Lower Santa Ana River Operations and Maintenance EA, Orange County, CA.** Responsible for conducting the land use, recreation, aesthetics, socioeconomics, and cultural resources analyses.
- **EA for Area Lighting, Fencing, and Roadways at the International Border, San Diego, CA.** Conducted the land use, aesthetics, and socioeconomics analyses and prepared the policy consistency section.
- **Border Patrol Checkpoint Station EA, San Clemente, CA.** Analyzed the aesthetic impacts of the installation of a concrete center divider and a Pre-inspected Automated Lane adjacent to and parallel to Interstate 5.
- **Upper Newport Bay Environmental Restoration Project, Newport Beach, CA.** Prepared physical setting, socioeconomics, land and water uses, and cultural resources sections for the Baseline Conditions Report and the Environmental Planning Report.
- **Whitewater/Thousand Palms Flood Control Project, Thousand Palms, CA.** Prepared the land use and recreation, aesthetics, and socioeconomics affected environment sections for the project's Baseline Conditions Report that was incorporated into the project EIS.
- **San Antonio Creek Bridges Project, Vandenberg Air Force Base, CA.** Prepared the physical setting, land use, socioeconomics, utilities, and aesthetics sections for analyses of bridge alternative impacts for missile transport on Vandenberg Air Force Base.
- **Ft. Irwin Expansion Mitigation Plan, Mojave Desert, CA.** Responsible for developing Ft. Irwin's Public Access Policy based on mitigation measures from the Army's Land Acquisition EIS for the National Training Center. Policy includes provisions for access by research and scientific uses.
- **Los Angeles Unified School District (LAUSD), Los Angeles County, CA.** Ms. Vahidi is Program Manager for Aspen's Environmental Master Services Agreement with the LAUSD (nation's second largest school district) to prepare CEQA documents (EIRs, IS/MNDs, Categorical Exemptions) in review of the LAUSD's four-phased new school construction program intended to meet existing and projected overcrowded conditions (200,000 seat shortfall) within the LAUSD (i.e., City of Los Angeles and all or parts of 28 surrounding jurisdictions cover 700 square miles of land). As the Program Manager, she is responsible for client interface and providing CEQA expertise to the LAUSD on day-to-day basis, QA/QC activities for all Aspen documents submitted, budget tracking and allocation, staff assignments, and the general day-to-day management of this contract. Thus far, Aspen has been awarded 48 CEQA document assignments for new school projects, school expansions and additions. In addition to her duties as the contract manager, Ms. Vahidi has managed the preparation of several CEQA documents under this contract, including:
  - **East Valley Middle School No. 2 EIR.** This middle school was proposed to be located at the previous Van Nuys Drive-In site. The EIR focused on impacts associated with air quality, hazards and hazardous materials, noise, land use and planning, and traffic and transportation. Major issues of concern included traffic and noise generated by school operation activities. The EIR included LAUSD design standards and measures employed to minimize environmental impacts.
  - **Canoga Park New Elementary School IS/MND.** This elementary school would be developed on a parcel of land owned by the non-profit organization, New Economics For Women (NEW). This "Turn-Key" project consisted of a Charter Elementary School to be developed by NEW and sold to the LAUSD for operation. It was later decided that NEW would lease the school back and run it as a charter school. Issues of concern included, pedestrian safety, traffic, air quality, noise, and land use.
  - **Mt. Washington Elementary School Multi-Purpose Room Addition Project IS/MND.** This project proposed the development of a multi-purpose room facility, including a library, auditorium, and theater, to the existing Mt. Washington Elementary School campus located in Los Angeles. The surrounding residential community had concerns regarding the proposed project's impacts on aesthetics, traffic, air quality, and noise. Of particular concern, were impacts generated due to the after-hours use of the multi-purpose room facility by civic and community groups.

- **New School Construction Program EIR.** Serves as a Study Area Manager (Valley Districts), and Issue Area Coordinator (IAC) (i.e., technical lead and reviewer) for social science issues, including land use, socioeconomics, public services, population and housing, and utilities and service systems. As the IAC, she has formulated the scope of work and methodology for analysis of issues and mitigation options. In addition to her managerial duties, Ms. Vahidi is preparing the Land Use section of the EIR, and directing the preparation of the Project's Scoping Report.
- **Belmont Senior High School 20-Classroom Modular Building Addition Project.** Under Aspen's ongoing master services agreement with the LAUSD, served as the project manager for CEQA documentation and permitting efforts related to the addition of modular classrooms to the existing Belmont Senior High School campus. Issues of concern included, potential impacts to sensitive receptors adjacent to the school from construction-related air quality, noise, and traffic, and operation-related noise generated by the new classrooms. As the LAUSD's CEQA consultant, Ms. Vahidi directed the preparation of technical documentation in support of a Class 32 In-Fill CEQA Categorical Exemption. This technical documentation included analyses of potential project-related air quality, noise, and traffic impacts, which were then submitted to LAUSD as one packet. Subsequent to preparation of this packet, LAUSD filed a CEQA Notice of Exemption for the classroom addition project.
- **Narbonne High School Stadium Lighting Project MND Addendum.** Served as the project manager for this project proposed to add a new stadium, lighting, and associated sport facilities needed to address existing needs at Narbonne High School. Issues of concern include lighting impacts to the surrounding neighborhood, and available parking stock.
- **SCE Calnev Power Line and Substation Project IS/MND.** Aspen was contracted to thoroughly review and analyze Southern California Edison Company's Application for a Permit to Construct and Proponent's Environmental Assessment (PEA) for the Calnev Power Line and Substation Project in the City of Colton. Ms. Vahidi served as the Deputy Project Manager for preparation of the IS/MND. Tasks include: a site visit, and evaluation of the project's compliance with the Commission's General Order 131D, Rule 17.1, and associated information submittal requirements; and preparation of a letter report identifying data deficiencies of the Application and PEA. Upon formal CPUC acceptance of the Application and PEA, Aspen prepared a CEQA Initial Study Checklist by identifying baseline data, project characteristics, and determining impact significance for each issue area. Each issue area's impact determination was supported by a paragraph or more of analysis describing the rationale for the impact identified, or for the lack of a significant impact. Upon completion of the Initial Study, the Mandatory Findings of Significance were prepared and Aspen determine that a Mitigated Negative Declaration should be prepared per CEQA Guidelines.
- **SCE Six Flags Substation and Power Line Project IS/MND.** Ms. Vahidi served as Deputy Project Manager for preparation of the IS/MND. Reviewed and provided comments on the permit application by SCE to construct a substation and power line to provide electrical service to Six Flags Amusement Park in Valencia, CA. Subsequent to the application completeness review, she prepared the project's Initial Study Checklist and Mitigated Negative Declaration for the California Public Utilities Commission (CPUC). Identified possible deficiencies and provided recommendations.
- **Industrywide Survey for the South Coast Air Quality Management District.** Ms. Vahidi coordinated Aspen's work for an Air Toxics Survey of harmful emissions by auto body and paint shops, performed in compliance with AB2588. She was responsible for development of an industrywide emission inventory for these facilities; she also performed information management, facility verifications, survey mail-outs, emissions calculations, analysis of calculated results, and preparation of the final report.
- **Technical Support to NEPA Lawsuit, Angeles National Forest, CA.** Ms. Vahidi prepared a detailed project chronology and a list of all applicable federal, State, and local laws and regulations in support of the USDA Office of General Counsel and National Forest's response to the City of Los Angeles' 1996 lawsuit on the adequacy of the Pacific Pipeline EIS.
- **Yellowstone Pipeline EIS, Lolo National Forest, Montana.** Environmental Justice and Public Services Issue Area Specialist. Responsible for conducting the analysis of project impacts on minority and

low-income populations to comply with Presidential Executive Order 12898 on Environmental Justice using Census data to determine population density, minority population percentages and unemployment rates to determine the potential for disproportionate project impacts on affected communities. Also responsible for conducting analysis of project impacts such as population immigration and pipeline accidents on public services in western Montana. During the EIS scoping process, she served as the project public participation coordinator and was responsible for preparation of the project newsletter, setup of the first round of scoping meetings, and determination of project information centers.

- **Santa Fe Pacific Pipeline Project EIR.** Ms. Vahidi was responsible for development and screening of alternatives for a 13-mile petroleum products pipeline from Carson to Norwalk, CA. Prepared analyses of project impacts on socioeconomics, public services, utilities, and aesthetics.
- **Pacific Pipeline Project Mitigation Monitoring, Compliance, and Reporting Program (MMCRP).** Ms. Vahidi served as the expert technical reviewer for the socioeconomics and environmental justice issues. As the MMCRP Agency Liaison, was responsible for developing protocol for efficient interagency communication procedures in coordination of mitigation activities with the CPUC, USFS, Responsible Agencies, and the project proponent. Also responsible for the development and management of the MMCRP Community Outreach and Public Access Program.
- **Pacific Pipeline Project EIR.** For the California Public Utilities Commission's (CPUC) EIR on the originally proposed route of this proposed pipeline (from Santa Barbara County to Los Angeles), Ms. Vahidi developed and coordinated a public participation program to comply with CEQA's mandate for information disclosure and public involvement in decision-making. The Final EIR was certified in September 1993.
- **Pacific Pipeline Project EIS and Subsequent EIR.** Ms. Vahidi prepared the socioeconomics and public services analysis, the Environmental Justice analysis in compliance with Presidential Executive Order 12898, as well as portions of the Land Use and Public Recreation analyses, including a comprehensive comparative analysis of project alternatives on this EIS/Subsequent EIR for the U.S. Forest Service (Angeles National Forest) and the CPUC. Ms. Vahidi managed the subsequent GIS mapping of socioeconomic data relative to pipeline corridor alternatives and other industrial facilities. She also prepared the cumulative projects list (covering a five county area for the Proposed Project and its alternatives) used for the cumulative scenario analyses of the various issue areas in the EIS/SEIR. As the Public Participation Program Coordinator for the project, she developed, implemented, and managed the public involvement efforts for the NEPA and CEQA environmental review processes. This included: setup and logistics for 20 separate scoping meetings, informational workshops, and public hearings along the project route; preparation of all meeting handouts; preparation of project newsletters and public notices; placement of project documents on Internet; and maintenance of the a project telephone information hotline. She also reviewed over 2,000 public comments (written and verbal) received on the Draft EIS/SEIR, for subsequent distribution to the project team.
- **Alturas Transmission Line Project EIR/EIS.** Ms. Vahidi conducted the analysis of potential impacts on minority populations and low-income populations in compliance with Presidential Executive Order 12898 on Environmental Justice using Census data to determine population density, minority population percentages and unemployment rates, and the potential impacts of the transmission line on affected communities. She also prepared the cumulative projects list and map used for analyses of cumulative impacts. She managed development of meeting handouts; scheduling and logistics for four scoping meetings; developed and maintained project mailing list; reviewed public scoping comments and prepared the Scoping Report; coordinated four sets of informational workshops and public hearings for the Draft EIR/EIS; supervised the distribution of comments on the Draft EIR/EIS to the project team; and coordinated the distribution of the Draft and Final EIR/EIS to affected public agencies, organizations, and citizens.

**EIP Associates****1998 to 2001**

- **Program EIR for the Divestiture of PG&E's Hydroelectric Generation Assets.** For the CPUC's EIR evaluating the Pacific Gas & Electric Company's (PG&E) proposal to divest their hydroelectric facilities in California, served as the land use technical analyst for two watershed areas, and the Task Manager for the Socioeconomics and Transportation sections of the EIR covering five watershed areas. PG&E owns and operates the largest private hydroelectric power system in the nation. Situated in the Sierra Nevada, Southern Cascade, and Coastal mountain ranges of California, this system is strung along 16 different river basins and annually generates approximately five percent of the power consumed each year in California. The proposed sale of assets also includes approximately 140,000 acres of land proposed for sale with the hydroelectric system. The EIR analyzes the range of operational changes that could occur under new ownership, including complex integrated models that analyze power generation and water management. The land use section of the EIR examines the implications of the change in ownership of lands and the potential for impacts due to development or potential changes in use. Contributed significantly to the extensive GIS analysis, which was conducted to determine the development suitability and potential intensity of development that might occur on the lands if sold. These results served as one of the primary bases for analysis of impacts associated with the sale of the hydroelectric assets.
- **Section 108 Loan Guarantee EA/FONSI for the Waterfront Development Project.** Served as the Manager and Principal Preparer for this EA/FONSI for the City of Huntington Beach Economic Development Department. Prepared NEPA documentation evaluating the impacts resulting from the use of HUD Section 108 Loan guarantee funds for the Waterfront Resort Expansion Project in accordance with The HUD NEPA Guidelines and Format 1 (Environmental Assessments at the Community Level). Tasks included: (1) Evaluation of activities that would be categorically excluded from NEPA based on an assessment of the NEPA Implementing Guidelines for HUD Projects; (2) Evaluation of proposed actions compliance with all applicable federal statutes, regulations, and policies; and (3) Preparation of an Environmental Assessment/Mitigated Finding of No Significant Impact (EA/FONSI) for proposed actions that are not categorically excluded. Proposed actions to be evaluated consisted mainly of infrastructure improvement projects, rehabilitation and/or development of affordable housing, provision of relocation assistance, facilitation of development and/or redevelopment plans, property acquisition, provision of open space, etc.
- **MTA Mid Cities/Westside Transit Corridor Study EIS/EIR.** Served as the EIS/EIR Deputy Project Manager (DPM) for this 3-phase (including prepared the Major Investment Study (MIS), the Environmental Impact Statement (EIS), and an evaluation of the urban design implications of transit interventions on selected routes) study intended to address current and long range traffic congestion in the central and westside areas of the Los Angeles, Basin. Three east/west corridors and a range of transit alternatives ranging including Rapid Bus, light rail, and heavy rail are being evaluated. In addition to her duties as DPM for this comprehensive joint EIS/EIR, Ms. Vahidi prepared the Environmental Justice Analysis (per Executive Order 12898), the Section 4(f) Parklands discussion, and the land use and socioeconomics sections of the EIS/EIR.
- **Wes Thompson Ranch Development Project EIR.** Served as the EIR Project Manager for this hillside residential development in the City of Santa Clarita. Issues of concern included seismic and air quality impacts associated with the excavation of 2 million cubic yards of soil, the project's non-compliance with the City's hillside ordinance for innovative design, and traffic generated by project-related population growth in the area. Four different site configuration alternatives were developed as part of the EIR analysis. Other issues of concern included sensitive biological resources, the potential for hydrological impacts due to disturbance of the hillside, and cultural resources.
- **City of Santa Monica Environmental Assessments.** As one of the City's qualified CEQA consultants managed several environmental assessment documents for housing, commercial, institutional, and mixed-use developments in compliance with CEQA, including:

- **Berkeley Manor Condominium EIR and Technical Reports.** This one-issue EIR originally was a CEQA Categorical Exemption per direction of the City. During preparation of the Categorical Exemption documentation, it was determined that project-generated traffic would have potentially significant impacts. As a result, a traffic technical report was prepared as the background document for and EIR. In addition, shade and shadow impacts were evaluated in a technical report to ensure that shading impacts from the proposed structure on surrounding uses would not be significant. A simple Excel model was developed for calculation of shade and shadow angles.
- **Seaview Court Condominiums IS/MND.** This comprehensive Initial Study/Mitigated Negative Declaration included six technical reports including traffic, cultural resources, parking survey, shade and shadow analysis, and a geotechnical assessment to evaluate the level of severity of this development in the waterfront area of Santa Monica. Major issues of concern were; parking and project-generated traffic on adjacent narrow residential streets; visual obstruction and shading impacts of the proposed structure; liquefaction and seismic impacts to adjacent properties as result of the project's excavation for a subterranean parking garage; and the potential impacts of the project to impact the integrity of a historic district and the historic Seaview Walkway to the beachfront.
- **Four-Story Hotel IS/MND.** A comprehensive Initial Study/Mitigated Negative Declaration was prepared for this four-story hotel adjacent to St. John's Hospital in Santa Monica. Major issues of concern included project-generated traffic on surrounding multi-family residential uses and emergency access to the hospital.
- **Santa Monica College Parking Structure B Replacement EIR.** This focused EIR addressed issues related to traffic and neighborhood land use impacts associated with the addition of a 3-story parking structure in the center of the SMC campus. Major issues of concern included the potential for project-generated traffic to cause congestion at the school's main entrance on Pico Boulevard, and the potential for overflow traffic to impact the Sunset Community of single-family homes adjacent to the school.
- **North Main Street Mixed-Use Development Project EIR.** This EIR included evaluation of impacts resulting from the development of a mixed-use development in Santa Monica's "Commercial Corridor" on Main Street, with ground-floor residences and boutique commercial uses. Major issues of concern included traffic and parking impacts to Main Street and surrounding residential land uses, shade and shadow impacts, and neighborhood impacts.
- **Specific Plans and Redevelopment Projects.** As the senior technical lead for land use, prepared the project description, alternatives screening and development, cumulative scenario, and land use analysis for:
  - **Cabrillo Plaza Specific Plan EIR in Santa Barbara.** This project consisted of a mixed-use commercial development on Santa Barbara's waterfront on Cabrillo Boulevard. On-site uses included an aquarium, specialty retail, restaurants, and office space.
  - **Culver City Redevelopment Plan and Merger EIR.** This programmatic EIR evaluated the impacts of the City's redevelopment of its redevelopment zones. A major land use survey and calculation of acreage of redevelopment lands was conducted as part of the EIR.
  - **Dana Point Headlands Specific Plan EIR.** This EIR evaluated the development of coastal bluff in the City with hotel, single- and multi-family residential, and commercial uses. Major issues of concern included ground disturbance as a result of excavation, impacts to terrestrial and wildlife biology, recreation impacts to beachgoers, and project-generated population inducement.
  - **Blocks 104/105 Redevelopment Project EIR in Huntington Beach (Project Manager).** This EIR evaluated the development of a supermarket, retail shops, and office space in the City's Waterfront Redevelopment Zone. Issues of concern evaluated included traffic, land use, and impacts to on-site historic structures.

## HONORS AND AWARDS

- 2006 American Planning Association, Los Angeles Section Environmental Award for the Los Angeles Unified School District New School Construction Program, Program EIR
- 2004 Association of Environmental Professionals Statewide Best EIR Award for the Jefferson-Martin 230 kV Transmission Project EIR.
- 2001 Outstanding Performance Award from the State of California Energy Commission.

- 1992-93 recipient of the USC Merit (“Ides of March”) Scholarship from the Southern California Association of Public Administrators (SCAPA).
- University of California, Irvine, School of Social Sciences. Graduated with Highest Honors in Political Science.

**PROFESSIONAL ASSOCIATIONS**

- American Planning Association (APA), Los Angeles Section Executive Board Member
- Association of Environmental Professionals (AEP)

**DECLARATION OF**  
**Testimony of William Walters, P.E.**

I, **William Walters**, declare as follows:

1. I am presently employed by Aspen Environmental Group, a contractor to the California Energy Commission's Siting, Transmission and Environmental Protection Division, as a senior associate in engineering and physical sciences.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I helped prepare the staff testimony on **Air Quality and Greenhouse Gases** for the **Imperial Solar Project Supplemental Staff Assessment** based on my independent analysis of the Application for Certification and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.
6. Notwithstanding paragraphs 4 and 5 above, I reserve the right to revise my testimony as necessary to address project changes found in the Applicant's May 7, 2010 Supplement to the Application for Certification, the Least Environmentally Damaging Practicable Alternative selected by the U.S. Army Corps of Engineers, and the comments filed during the public comment period for the project.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: May 20, 2010

Signed: 

At: Agoura Hills, California

**WILLIAM WALTERS, P.E.**  
**Air Quality Specialist**

**ACADEMIC BACKGROUND**

B.S., Chemical Engineering, 1985, Cornell University

**PROFESSIONAL EXPERIENCE**

Mr. Walters has over 20 years of technical and project management experience in environmental compliance work, including environmental impact reports, RCRA/CERCLA site assessment and closure, site inspection, source monitoring, emissions inventories, source permitting, and energy and pollution control research.

**Aspen Environmental Group**

**2000 to present**

Responsible as lead technical and/or project manager of environmental projects. Specific responsibilities and projects include the following:

- **Engineering and Environmental Technical Assistance to Conduct Application for Certification Review for the California Energy Commission:**
  - Preparation and project management of the air quality section of the Staff Assessment and/or Initial Study and the visual plume assessment for the following California Energy Commission (CEC) licensing projects: Hanford Energy Park; United Golden Gate, Phase I; Huntington Beach Modernization Project (including Expert Witness Testimony); Woodland Generating Station 2; Ocotillo Energy Project, Phase I; Magnolia Power Project; Colusa Power Project; Inland Empire Energy Center; Rio Linda/Elverta Power Plant Project; Roseville Energy Center; Henrietta Peaker Project; Tracy Peaking Power Plant Project (including Expert Witness Testimony); Avenal Energy Project; San Joaquin Valley Energy Center (including expert witness testimony); Salton Sea Unit 6 Project (including expert witness testimony); Modesto Irrigation District Electric Generation Station (including expert witness testimony); Walnut Energy Center (including expert witness testimony); Riverside Energy Resource Center (including expert witness testimony); Pastoria Energy Facility Expansion; Panoche Energy Center (in progress); Starwood Power Plant (in progress); Bullard Energy Center (in progress).
  - Preparation and project management of the visual plume assessment for the following California Energy Commission (Energy Commission) licensing projects: Metcalf Energy Center Power Project (including Expert Witness Testimony); Contra Costa Power Plant Project (including Expert Witness Testimony); Mountainview Power Project; Potrero Power Plant Project; El Segundo Modernization Project; Morro Bay Power Plant Project; Valero Cogeneration Project; East Altamont Energy Center (including expert witness testimony); Russell City Energy Center; SMUD Cosumnes Power Plant Project (including expert witness testimony); Pico Power Project; Blythe Energy Project Phase II; City of Vernon Malburg Generating Station; San Francisco Electric Reliability Project; Los Esteros Critical Energy Facility Phase II; Roseville Energy Park; City of Vernon Power Plant (in progress); South Bay Replacement Project; Walnut Creek Energy Park; Sun Valley Energy Project; Highgrove Power Plant (in progress); Colusa Generating Station; and Russell City Energy Center (in progress).
  - Assistance in the aircraft safety review of thermal plume turbulence for the Riverside Energy Resources Center; Russell City Energy Center Amendment (in progress); Eastshore Energy Power Plant; and the Blythe Energy Power Plant and Blythe Energy Project Phase II (including expert witness testimony) siting cases. Assistance in the aircraft safety review of thermal and visual plumes of the operating Blythe Energy Power Plant.



- Preparation of a white paper on methods for the determination of vertical plume velocity determination for aircraft safety analyses.
- Preparation and instruction of a visual water vapor plume modeling methodology class for the CEC.
- Preparation and project management of the public health section of the Initial Study for the Woodland Generating Station 2 Energy Commission licensing project.
- Preparation of project amendment or project compliance assessments, for air quality or visual plume impacts, for several licensed power plants, including: Metcalf Energy Center; Pastoria Power Plant; Elk Hills Power Plant; Henrietta Peaker Project; Tracy Peaker Project; Magnolia Power Project; Delta Energy Center; SMUD Cosumnes Power Plant; Walnut Energy Center; San Joaquin Valley Energy Center; City of Vernon Malburg Generating Station; Otay Mesa Power Plant; Los Esteros Critical Energy Facility; Pico Power Project; Riverside Energy Resource Center; Blythe Energy Project Phase II; Inland Empire Energy Center; and Salton Sea Unit 6 Project.
- Preparation of the air quality section of the staff paper “A Preliminary Environmental Profile of California’s Imported Electricity” for the Energy Commission and presentation of the findings before the Commission.
- Preparation of the staff paper “Emission Offsets Availability Issues” and preparation and presentation of the Emission Offsets Constraints Workshop Summary paper for the Energy Commission.
- Completion of an audit of power plant cost factors for integration into the Energy Commission Cost of Generation Model.
- For the **Los Angeles Department of Water and Power (LADWP)**:
  - Preparation of the Air Quality Inventory for the LADWP River Supply Pipeline Project EIR.
  - Project management and preparation of the Air Quality Section for the LADWP Valley Generating Station Stack Removal IS/MND support project.
- For the **Department of Water Resources (DWR)**:
  - Preparation of the Air Quality sections for two separate DWR Santa Ana Valley Pipeline Repairs Project CEQA Categorical Exemption Memorandums.
  - Preparation of the emission estimates used in the Air Quality Sections for the DWR Tehachapi Second Afterbay Project Initial Study and EIR.
- For the **U.S. Army Corps of Engineers (Corps)**:
  - Preparation of the Air Quality Section and General Conformity Analysis for the Matilija Dam Ecosystem Restoration Project EIS/R for the Corps.
  - Preparation of emission inventory and General Conformity Analysis of the Murrieta Creek Flood Control Project and the Joint Red Flag exercise to be conducted in the Nevada Test and Training Range.
  - Emission inventory for the construction activities forecast for the San Jose/Old San Jose Creeks Ecosystem Restoration project for the Corps.
- For **Los Angeles Unified School District (LAUSD)**:
  - Preparation of the Air Quality Section of the LAUSD New School Construction Program EIR and provided traffic trip and VMT calculation support for the Traffic and Transportation Section.
  - Management and preparation of the Draft Air Quality Sections for the Reseda Senior High School Portable Addition IS/MND and Wonderland Elementary Addition IS/MND projects for LAUSD.
- Other Projects:
  - Preparation of the draft staff paper “Natural Gas Quality: Power Turbine Performance During Heat Content Surge”, and presentation of the preliminary findings at the California Air Resources Board Compressed Natural Gas Workshop and a SoCalGas Technical Advisory Committee meeting.

- Preparation of the Air Quality section of the PG&E Hydrodivestiture Draft EIR/EIS for the California Public Utilities Commission (CPUC).
- Preparation of the Air Quality Section of the Environmental Information Document in support of the Coastal Consistency Determinations for the suspension of operation requests for undeveloped units and leases off the Central California Coast.
- Preparation of comments on the Air Quality, Alternatives, Marine Traffic, Public Safety, and Noise section of the Cabrillo Port Liquefied Natural Gas Deepwater Port Draft EIS/EIR for the City of Oxnard.

**Camp Dresser & McKee, Inc.**

**1998 to 2000**

Mr. Walters was responsible as lead technical and/or project manager of environmental projects. Specific responsibilities and projects include the following:

- Preparation of emission inventories and dispersion modeling for criteria and air toxic pollutants for the Los Angeles International Airport Master Plan (LAXMP) EIS/EIR.
- Project Manager/Technical lead for the completion of air permit applications and air compliance audits for two Desa International fireplace accessory manufacturing facilities located in Santa Ana, California.
- Project manager/technical lead for the completion of Risk Management Plans (RMPs) for four J.R. Simplot food processing facilities in Oregon, Idaho, and Washington and the Consolidated Reprographics facility located in Irvine, California.

**Planning Consultants Research**

**1997 to 1998**

Mr. Walters was responsible as lead technical and/or project manager of environmental projects. Specific responsibilities and projects include the following:

- Project Manager for a stationary source emission audit of the entire Los Angeles International Airport complex for Los Angeles World Airports (LAWA) in support of the LAXMP.
- Review of the Emission Dispersion Modeling System (EDMS) and preparation of a report with findings to the Federal Aviation Administration for LAWA in support of the LAXMP.
- Project manager for the ambient air monitoring and deposition monitoring studies performed for LAWA in support of the LAXMP, including the selection of the monitoring sites and specialty sub-contractor, and review of all monitoring data.

**Aspen Environmental Group/Clean Air Solutions**

**1995 to 1996**

Mr. Walters was responsible as lead technical and/or project manager of environmental projects. Specific responsibilities and projects include the following:

- Manager of the Portland, Oregon, office of Clean Air Solutions from March 1995 to December 1995, with responsibilities including Project Management, Business Development, and Administration.
- Control technology assessment, engineering support and Notice of Intent to construct preparation for J.R. Simplot's Hermiston, Oregon, food processing facility. Review and revision of an Air Contaminant Discharge Permit application, Title V permit application, and PSD modeling analysis for J.R. Simplot's Hermiston facility.

- Air quality compliance report including an air emission inventory, regulation and permit compliance determination, and recommendations for compliance for Lumber Tech, Inc.'s Lebanon, Oregon, wood products facility.

**Fluor Daniel, Inc.**

**1990 to 1995 and 1996 to 1997**

Mr. Walters was responsible as lead technical or project manager for major environmental projects for both government and private clients. His projects included:

- Prepared several air permit applications for the ARCO Los Angeles Refinery Polypropylene Plant Project; Phase I environmental assessments for properties located in Southern California; and a site investigation and RCRA closure plan for a hazardous waste storage site in Vernon, California.
- Project manager of the Anaconda Smelter site for the U.S. Environmental Protection Agency's (EPA) Alternative Remedial Contract System (ARCS) project during the conclusion of technical activities and project closeout. Prepared a cost recovery report for the project.
- Performed environmental analysis for the Bonneville Power Authority, including air pollution BACT analysis, wastewater analysis, and evaluation of secondary environmental effects of electric power producing technologies.

**Jacobs Engineering Group**

**1988 to 1990**

Mr. Walters was responsible for a wide range of air pollution regulatory and testing projects, including the following:

- Project manager of air toxic emission inventory reports prepared for U.S. Borax's boron mining and refining facility and the Naval Aviation Depot (N. Island Naval Base, San Diego, California).
- Prepared air permit applications and regulatory correspondence for several facilities including the U.S. Department of Energy's Feed Material Production Center uranium processing facility in Fernald, Ohio; Evaluation of a sludge dewatering process at Unocal's Wilmington, California, Refinery; and United Airlines blade repair facility at the San Francisco Airport.
- Characterized and quantified air emissions for offshore oil and gas development activities associated with Federal oil and gas Lease Sale 95, offshore southern California, for the U.S. Minerals Management Service.

**CERTIFICATIONS**

- Chemical Engineer, California License 5973
- CARB, Fundamentals of Enforcement Seminar
- EPA Methods 1-8, 17; Training Seminar

**AWARDS**

- California Energy Commission Outstanding Performance Award 2001

**DECLARATION OF**  
**Richard York**

I, **Richard York**, declare as follows:

1. I am presently employed by the California Energy Commission in the **Environmental Protection Office** of the **Energy Facilities Siting Division** as a **Planner III**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I helped prepare the staff testimony on **Biological Resources** for the Imperial Valley Solar Power Plant project based on my independent analysis of the application and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: June 24, 2010

Signed: Richard York

At: Sacramento, California

# **RICHARD YORK**

## **WORK EXPERIENCE SUMMARY**

Experienced in biological resource assessment including endangered species surveys, field survey protocols, endangered species mitigation and monitoring, coordination with state and federal agencies, and wetland delineation. Educational background emphasized biological resources, plant identification and taxonomy, general ecology, and herbarium specimen curatorship.

## **WORK EXPERIENCE**

**1989 – to date**      **PLANNER II, California Energy Commission.** I provide independent biological resource assessments of proposed energy facilities and review implementation of biological resource conditions of certification required by the Warren-Alquist Act and the California Environmental Quality Act. Once energy facilities are constructed and operating, I am responsible for making sure each facility operates in compliance with associated biological resources conditions of certification. These conditions of certification involve endangered species protection, habitat restoration and monitoring, off-site habitat compensation, and wildlife surveys.

I am also involved with various preserves in the San Joaquin Valley (Semitropic Ridge and Lokern) that were established with Energy Commission mitigation funds. Also, I edited the endangered species and sensitive biological resource policy paper for the California Energy Commission's Energy Facilities Siting and Environmental Protection Division.

**1986 - 1989**      **BOTANIST, The Nature Conservancy.** Collected, mapped and computerized rare plant location and ecological information for the California Natural Diversity Data Base while under contract to the California Department of Fish and Game. Required statewide coordination with many other botanists, some field work, and management of contracts.

**1980 - 1986**      **BOTANIST, California Native Plant Society.** Compiled and co-edited the 3rd edition of the California Native Plant Society's statewide *Inventory of Rare and Endangered Vascular Plants of California*. Work involved field surveys, attendance at public meetings and statewide board meetings, coordination and supervision of volunteers, data base management and quality control, endangered species regulatory review and comment, coordination with state and federal agencies, and writing special plant status reports.

- Richard York -

**1975 - 1980**

**BOTANIST/RANGE TECHNICIAN** (Bureau Land Mgmt., Wyoming)

**HERBARIUM ASSISTANT** (Humboldt State University)

**RESEARCH ASSISTANT** (California Native Plant Society)

**PARK AIDE** (California Department of Parks and Recreation)

**PRIVATE BOTANICAL CONSULTANT** (Six Rivers Nat. Forest)

## ***EDUCATION***

- B. S. **BOTANY**, 1979, Humboldt State University, Arcata, California
- B. A. **PSYCHOLOGY**, 1979, Humboldt State University, Arcata, California

## ***AWARDS***

- 1992 RARE PLANT CONSERVATION AWARD – Calif. Native Plant Society

## ***PROFESSIONAL AFFILIATIONS***

- California Native Plant Society
- California Botanical Society
- The Nature Conservancy
- Interagency Botanists



**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  
IMPERIAL VALLEY SOLAR PROJECT  
(formerly known as SES Solar Two Project)  
IMPERIAL VALLEY SOLAR, LLC***

**Docket No. 08-AFC-5  
PROOF OF SERVICE  
(Revised 5/10/10)**

**APPLICANT**

Richard Knox  
Project Manager  
SES Solar Two, LLC  
4800 N Scottsdale Road.,  
Suite 5500  
Scottsdale, AZ 85251  
[richard.knox@tesseractosolar.com](mailto:richard.knox@tesseractosolar.com)

**CONSULTANT**

Angela Leiba, Sr. Project  
Manager URS Corporation  
1615 Murray Canyon Rd.,  
Suite 1000  
San Diego, CA 92108  
[Angela\\_Leiba@urscorp.com](mailto:Angela_Leiba@urscorp.com)

**APPLICANT'S COUNSEL**

Allan J. Thompson  
Attorney at Law  
21 C Orinda Way #314  
Orinda, CA 94563  
[allanori@comcast.net](mailto:allanori@comcast.net)

Ella Foley Gannon, Partner  
Bingham McCutchen, LLP  
Three Embarcadero Center  
San Francisco, CA 94111  
[ella.gannon@bingham.com](mailto:ella.gannon@bingham.com)

**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)  
  
Daniel Steward, Project Lead  
BLM – El Centro Office  
1661 S. 4<sup>th</sup> Street  
El Centro, CA 92243  
[daniel\\_steward@ca.blm.gov](mailto: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](mailto:jim_stobaugh@blm.gov)

**INTERVENORS**

California Unions for Reliable  
Energy (CURE)  
c/o Tanya A. Gulesserian  
Loulana Miles, Marc D. Joseph  
Adams Broadwell Joseph &  
Cardozo  
601 Gateway Blvd., Ste. 1000  
South San Francisco, CA 94080  
[tgulesserian@adamsbroadwell.com](mailto:tgulesserian@adamsbroadwell.com)  
[lmiles@adamsbroadwell.com](mailto:lmiles@adamsbroadwell.com)

Tom Budlong  
3216 Mandeville Canyon Road  
Los Angeles, CA 90049-1016  
[TomBudlong@RoadRunner.com](mailto:TomBudlong@RoadRunner.com)

Hossein Alimamaghani  
4716 White Oak Place  
Encino, CA 91316  
[almamaghani@aol.com](mailto:almamaghani@aol.com)

\*California Native Plant Society  
Tom Beltran  
P.O. Box 501671  
San Diego, CA 92150  
[cnpsdd@nyms.net](mailto:cnpsdd@nyms.net)

California Native Plant Society  
Greg Suba & Tara Hansen  
2707 K Street, Suite 1  
Sacramento, CA 5816-5113  
[gsuba@cnps.org](mailto:gsuba@cnps.org)

**ENERGY COMMISSION**

JEFFREY D. BYRON  
Commissioner and Presiding  
Member  
[jbyron@energy.state.ca.us](mailto:jbyron@energy.state.ca.us)

ANTHONY EGGERT  
Commissioner and Associate  
Member  
[aeggert@energy.state.ca.us](mailto:aeggert@energy.state.ca.us)

Raoul Renaud  
Hearing Officer  
[rrenaud@energy.state.ca.us](mailto:rrenaud@energy.state.ca.us)

Kristy Chew,  
Adviser to Commissioner Byron  
e-mail service preferred  
[kchew@energy.state.ca.us](mailto:kchew@energy.state.ca.us)

Caryn Holmes, Staff Counsel  
Christine Hammond,  
Co-Staff Counsel  
[cholmes@energy.state.ca.us](mailto:cholmes@energy.state.ca.us)  
[chammond@energy.state.ca.us](mailto:chammond@energy.state.ca.us)

Christopher Meyer  
Project Manager  
[cmeyer@energy.state.ca.us](mailto:cmeyer@energy.state.ca.us)

Jennifer Jennings  
Public Adviser  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

### DECLARATION OF SERVICE

I, Sabrina Savala, declare that on July 07, 2010, I served and filed copies of the attached, Imperial Valley Solar Project (08-AFC-5) Supplemental Staff Assessment. The original documents, filed with the Docket Unit, are 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;
- ☒ by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date 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](mailto:docket@energy.state.ca.us)

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Originally Signed by  
Sabrina Savala