

To: Commissioner Jeffrey D. Byron, Presiding Member
Commissioner Anthony Eggert, Associate Member

From: Richard Knox, Project Manager

Subject: Imperial Valley Solar, LLC (08-AFC-5) Applicant Status Report #10

DOCKET 08-AFC-5
DATE _____
RECD. <u>MAY 13 2010</u>

Dear Commissioners Byron and Eggert:

Pursuant to the Committee Scheduling Order dated December 3, 2009, the Applicant hereby submits its Status Report #10 for the Proposed Imperial Valley Solar Project (the "Project").

Schedule

We continue to work closely with the agencies in an effort to reach a permitting decision on the Imperial Valley Solar Project in late August, 2010. We fully understand the intense workload of the agencies as they grapple with all the proposed ARRA projects and appreciate their efforts.

Cultural Resources

Completion of the Programmatic Agreement (PA) is the current focus of the cultural resource work. We have provided our comments on the draft document and understand that the CEC staff, BLM, and other agencies are working cooperatively to complete this document with a coordinated and comprehensive presentation of the mitigation required for the project. We have been told by the BLM that they will be signing the PA by August 2, 2010. The Class III Cultural Report has been reviewed and its contents field verified. We anticipate BLM acceptance of this report in short order. On May 4th and next week May 18th the BLM hosted meetings to discuss the PA, Section 106 consultation progress, and next steps.

Army Corp of Engineers

We are continuing to provide information to the U.S. Army Corps of Engineers for their determination of the Least Environmentally Damaging Practicable Alternative (LEDPA). We have discussed potential avoidance of some of the site's aquatic resources with the Corps and the EPA. Today, the EPA filed a response to the Corps' Public Notice for the Project's application for Section 404 permit. In the comment letter, the EPA stated that the project as originally proposed could result in unacceptable impacts to "aquatic resources of national importance." In this letter, the EPA noted, however, that the Applicant was exploring methods to reduce impacts to aquatic resources and expressed a commitment to work with the Applicant and the Corps to identify a permissible LEDPA. Again, we do not have a date when the Corps will make its final determination and release the LEDPA for incorporation into the CEC and BLM permitting processes.

Water Supply

As you know, procedural concerns with the environmental analysis of upgrades to the Seeley Waste Water Treatment Facility (SWWTF) have delayed permitting of our preferred source of water. We have submitted additional information on the potential environmental impacts of that facility upgrade.

Until that permitting and construction of the SWWTF upgrade is completed, we are proposing to purchase water from the Dan Boyer Water Company – a permitted construction water source located 3.5 miles from the project site. We have submitted additional background information on the well and potential impacts associated with transport of the water to the project site. As will be explained in a separate response to the Committee, we did submit that information a day later than we had identified in our April status report. We apologize for the delay and any inconvenience that has caused. We would like to note that the supplemental report consisted of a concise analysis of the environmental impacts associated with the use of water from the Dan Boyer Water Company and several appendices providing background information on both the SWWTF upgrades and the Dan Boyer Water Company supply.

Biological Resources

We have completed all of the additional botanical surveys, have docketed the results of the first round and submitted the results of the second round to the BLM. They will be performing their review and determine when they will be released. Similarly we filed our draft flat-tailed horned lizard translocation plan to the BLM. Again, they will review the document and decide when it will be released. One item of concern are comments received related to the Peninsular Big Horn Sheep. It appears the BLM and United States Fish and Wildlife Service are conducting additional studies/evaluations on the March 2009 siting.

If you have any questions, please contact me at (602) 957-1818.

Respectively,

Sincerely



Richard Knox, Project Manager



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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**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)

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DECLARATION OF SERVICE

I, Jennifer Draper , declare that on May 13, 2010, I served and filed copies of the attached, Applicant's Status Report #10. 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)

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

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

OR

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

CALIFORNIA ENERGY COMMISSION

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

Original signed by

Jennifer Draper