STATE OF CALIFORNIA

Energy Resources Conservation
And Development Commission

DOCKET	
08-AFC-9	
DATE	July 11 2011
RECD.	July 11 2011

In the Matter of:

Application for Certification
For the Palmdale Hybrid Power Project

Docket No. 08-AFC-9

Energy Commission Staff's Comments on the Presiding Member's Proposed Decision

The Committee assigned to the Palmdale Hybrid Power Project (PHPP) Application for Certification published the Presiding Member's Proposed Decision on June 16, 2011 and ordered parties to submit any comments by July 11, 2011. Staff respectfully submits the following comments.

PROJECT DESCRIPTION

Page 1-2, second full paragraph. Given the lengthy construction schedule, it is unlikely the project would be able to meet an operation date of 2013. For purposes of clarity, staff recommends the following change.

"~~If approved, commercial operation of the project is planned for the summer of 2013.~~The solar thermal input will provide approximately 10 percent of the peak power generated by the project during the daily periods of highest energy demand. The City of Palmdale proposes to initiate construction after the city has secured a developer for the project and secured a power purchase agreement."

TRANSMISSION SYSTEM ENGINEERING

Page 5.4-4. Alternatives Appendix A – Figure 1 "Diagram of a Typical Transmission Riser Structure – Palmdale Hybrid Power Plant" should be replaced with Project Description – Figure 1 "Palmdale Hybrid Power Plant – Typical Duct Bank Construction Underground Cable Transmission Line." The discussion preceding the figure refers to the Duct Bank Underground Cable Line; however, because both figures were labeled figure 1 there was apparently some confusion and the PMPD included a diagram of a typical transmission riser structure instead. To avoid any unnecessary confusion, staff recommends replacing the figure with the correct Figure 1, attached at the end of this document.

GREENHOUSE GAS EMISSIONS

Page 6.1-6, first full paragraph.

In ~~Sentinel~~ Avenal, the Energy Commission used a three-part test to aid in its analysis of a proposed gas-fired plant's ability to advance the goals and policies described above."

AIR QUALITY

Page 6.2-2, Air Quality Table 1. Revise as follows.

Air Quality Table 1
Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards	Federal Standards	
			Primary	Secondary
Ozone(O_3)	1-hour	0.09 ppm (180 µg/m^3)	None	Same as primary
	8-hour	0.07 ppm (137 µg/m^3)	0.~~08~~ 075 ppm (~~157~~ 147 µg/m^3)	
Particulate Matter (PM10)	Ann.Geo. Mean	20 µg/m^3	---	Same as primary
	24-hour ~~Ann.Arit.~~	50 µg/m^3	150 µg/m^3	
Fine Particulate Matter (PM2.5)	24-hour	No separate standard	35 µg/m^3	Same as primary
	Ann.Arit. Mean	12 µg/m3	15 µg/m^3	
Carbon Monoxide (CO)	1-hour	20 ppm (23 mg/m^3)	35 ppm (40 mg/m^3)	---
	8-hour	9 ppm (10 mg/m^3)	9 ppm (10 mg/m^3)	
Nitrogen Dioxide (NO_2)	1-hour	~~0.25~~ 0.18 ppm (~~470~~ 339 µg/m^3)	~~---~~100 ppb (188 µg/m^3) [a]	Same as primary
	Ann.Arit. Mean	~~---~~0.030 ppm (57 µg/m^3)	0.053 ppm (100 µg/m^3)	
Lead (Pb)	30-day	1.5 µg/m^3	---	Same as primary
	Cal. Quarter	---	1.5 µg/m^3	
Sulfur Dioxide (SO_2)	~~Ann.Arit. Mean~~24-hour	~~---~~0.04 ppm (105 µg/m^3)	~~0.03 ppm (80 µg/m^3)~~0.147 ppm (~~365 µg/m^3~~) ~~---~~	---
	3-hour	---	---	0.5 ppm (1300 µg/m^3)
	1-hour	0.25 ppm (655 µg/m^3)	~~---~~ 0.075 ppb (196 µg/m^3)	---
Sulfates	24-hour	25 µg/m^3	No federal standard	
H_2S	1-hour	0.03 ppm (42 µg/m^3)	No federal standard	

Source: (Ex. 300, pp. 4.1-9 – 4.1-10.)

[a] Based upon a 3-year average of the 98th percentile of daily maximum 1-hour values

Page 6.2-3, first paragraph.

"The PHPP is located in the Mojave Desert Air Basin (MDAB) and is under the jurisdiction of the Antelope Valley Air Quality Management District (AVAQMD or District). This area is designated as non-attainment for both the state ozone (1-hour and 8-hour) and the federal ozone (~~1-hour and~~ 8-hour) and the state 24-hour and annual PM10 standards. It is classified as attainment or unclassified for the state's CO, NO_2, SO_2, PM2.5, SO_4 and Lead (Pb) standards and attainment or unclassified for the federal PM2.5, CO, NO_2 and SO_2 standards. **Air Quality Table 2** summarizes the area's attainment status for various applicable state and federal standards. (Ex. 300, p. 4.1-8.)"

Page 6.2-3, Air Quality Table 2.

Air Quality Table 2
Project Area Attainment Status

Pollutant	Averaging Time	*California Status*	Federal Status
Ozone (O3)	8 Hour	*Non-attainment*	Moderate Non-attainment
	1 Hour	*Extreme Non-attainment*	N/A
Carbon Monoxide (CO)	8 Hour	*Attainment*	Unclassified/Attainment
Nitrogen Dioxide (~~NOx~~NO_2)	Annual	*Attainment*	*Attainment*
	1 Hour	*Attainment*	*Attainment* [a]
Sulfur Dioxide (SO2)	Annual	*N/A*	Unclassified
	24 Hour	*Attainment*	Unclassified
	1 Hour	*Attainment*	N/A
PM10	Annual	*Non-attainment*	N/A
	24 Hour	*Non-attainment*	Unclassified
PM2.5	Annual	*Unclassified/Attainment*	Unclassified/Attainment
	24 Hour	*N/A*	Attainment

Notes:
[a]Nitrogen dioxide attainment status for the federal 1-hour NO_2 standard is scheduled to be determined by January 2012.
N/A= no standard applies or not applicable
Source: Ex. 300, p. 4.1-10.

Page 6.2-4, first paragraph.

" The project will have a nominal electrical output of 570 MW. ~~and commercial operation is planned for early 2013."~~

Page 6.2-8, first paragraph.

Maximum emissions associated with commissioning activities are shown in **Air Quality Table 4**. NO_2 impacts were found to be below the CAAQS prior to adding in the ambient background."

Page 6.2-12, second paragraph.

The discussion references provisions that are no longer present in the most recent version of **AQ-SC19**.

"The applicant proposes to pave some local roadways to generate emission reduction credits to mitigate the project's PM10 and PM10 precursor (SOx) emission impacts. ~~Pursuant to Condition of Certification **AQ-SC19**, the roads to be paved shall be identified at least a year prior to start of construction of the facility and the actual paving completed at least thirty (30) days before the start of construction of the facility. This is designed to ensure that emission reduction credits have been provided prior to starting construction of the project, and that road paving activities will not coincide with the construction of the facility.~~"

Page 6.2-43 to 44.

Modify **AQ-SC14** and **AQ-SC15** in accordance with the following versions presented in Energy Commission Staff's Prehearing Conference Statement. (Ex. 306.)

AQ-SC14 Expansion tank roof appurtenances shall not exhibit emissions exceeding 10,000-ppmv as methane measured with an instrument calibrated with methane and conducted in accordance with ~~U.S.~~EPA Method 21 or equivalent. All accessible valves, connectors, and PRV's (including rupture disks) shall be inspected quarterly using an AVAQMD approved leak detection device calibrated for methane.

Verification: The project owner shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.

AQ-SC15 Each expansion tank shall be maintained leak-free. A "leak" is defined as the dripping of liquid volatile organic compounds at a rate of three or more drops per minute, or vapor volatile organic compounds in excess of 10,000-ppm as equivalent methane as determined by EPA Test Method 21 or equivalent. All accessible valves, connectors, and PRV's (including rupture disks) shall be inspected quarterly using an AVAQMD approved leak detection device calibrated for methane.

Verification: The project owner shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.

Page 6.2-45.

AQ-SC19 should be replaced with the following version, which is the most recent iteration proposed by staff, originally presented in staff's Prehearing Conference Statement (Exh. 306) and slightly modified in our Reply Brief (wherein we recommended removal of the option for obtaining these offsets through an interpollutant trade based on concerns expressed by CBD).

AQ-SC19 The project owner shall provide 137 tons per year of PM10 ERCs (128 tons per year for PM10 emissions and 9 tons per year for PM10-precursor SOx emissions) that are banked consistent with the Rules and Regulations of the AVAQMD. ~~Once the District has adopted one or more rules to bank PM offsets from road paving,~~ Should the project owner pursue road paving as the method to obtain the necessary PM10 ERCs, the project owner shall pave, with asphalt concrete that meets the current county road standards, unpaved local roads to provide emission reductions of 137 tons per year of PM10, prior to start of construction of the project. The project owner shall submit a road paving plan that includes a list and pictures of candidate roads to be paved, their actual daily average traffic count including classifications of vehicles (ADT), and daily vehicle miles travel (DVMT), their actual road dust silt content, and calculations showing the appropriate amount of emissions reductions due to paving of each road segment. Calculations of PM10 emission reduction credits shall be performed in accordance with Sections 13.2.1 and 13.2.2 of the U.S. EPA's AP-42 "Compilation of Air Pollutant Emission Factors, Volume 1: Stationary Point and Area Sources", Fifth Edition.

Verification: At least ~~one year~~30 days prior to start of construction, the project owner shall submit documentation showing that the project has obtained 137 tons of banked PM10 ERCs. If the project owner chooses to use road paving to obtain the necessary ERCs, the project owner shall submit to the CPM for review and approval, the road paving plan 30 days prior to submittal of the plan to the AVAQMD. ~~plans and other documents to demonstrate compliance with this condition.~~ Construction shall not begin until the CPM has approved all ~~ERCS~~ERCs. This approval shall be done in consultation with the District. ~~Documents shall include a list and pictures of candidate roads to be paved, their actual daily average traffic count including classifications of vehicles (ADT), and daily vehicle miles travel (DVMT), their actual road dust silt content, and calculations showing the appropriate amount of emissions reductions due to paving of each road segment.~~ All paving of roads done for PM-10 offset purposes shall be completed at least 15 days prior to start construction of the project.

Page 6.2-51.

Modify AQT-16 in accordance with the following most recent version presented in Energy Commission Staff's Prehearing Conference Statement. (Ex. 306.)

AQT-16 Continuous monitoring systems shall meet the following acceptability testing requirements from 40 CFR 60 Appendix B (or otherwise District approved): a. For NOx, ~~Performance Specification 2~~.40 CFR 75.

…

Verification: ~~At least 60 days prior to construction of the turbine stacks, the project owner shall provide the District and CPM, for approval, a detailed drawing and a plan on how the measurements and recordings, required by this condition, will be performed by the chosen monitoring system.~~ The owner/operator shall install, calibrate, maintain, and operate these monitoring systems according to a District-approved monitoring plan and AVAQMD Rule 218, and they shall be installed prior to initial equipment startup after initial steam blows are completed. Sixty (60) days prior to installation, the operator shall submit a monitoring plan for District review and approval and the CPM for review.

HAZARDOUS MATERIALS MANAGEMENT

Page 6.5-11.

Modify HAZ-9 in accordance with the following most recent version presented in Energy Commission Staff's Prehearing Conference Statement. (Ex. 306.)

HAZ-9 The project owner shall prepare a site-specific Security Plan for the operational phase and shall submit it to 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 as below (as per NERC 2002).

The Operation Security Plan shall include the following:

1. Permanent full perimeter fence or wall, at least eight feet high around the Power Block and Solar Field and meet the requirements specified in Condition of Certification **BIO-11**.
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. A statement(s) (refer to sample, attachment “C”) signed by the owners or authorized representative of Therminol, hydrogen, 93% sulfuric acid, and aqueous ammonia transport vendors certifying that they have prepared and implemented security plans in conformity with 49 CFR 172.802, and that they have conducted employee background investigations in accordance with 49 CFR Part 1572, subparts A and B;

9. Closed Circuit TV (CCTV) monitoring system able to pan, tilt, and zoom (PTZ), recordable, and viewable in the power plant control room and security station (if separate from the control room) providing a view of the main entrance gate, the entrance to the control room, and the ammonia storage tank but angled and physically restricted so as to not view or record any activity at Air Force Plant 42; and

10. Additional measures to ensure adequate perimeter security consisting of either:

a. Security guard(s) 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:

1) The northern and ~~eastern~~<u>western</u> sections of the perimeter fence around the solar array shall be viewable by the CCTV system; or

2) have perimeter breach detectors <u>or</u> on-site motion detectors for all fence lines. The project owner shall fully implement the security plans and obtain CPM approval of any substantive modifications to the security plans. The CPM may authorize modifications to these measures, or may require additional measures, such as protective barriers for critical power pant 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 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.

WASTE MANAGEMENT

Page 6.6-14.

Modify **WASTE-2** in accordance with the following most recent version presented in Energy Commission Staff's Prehearing Conference Statement. (Ex. 306.)

WASTE-2 In areas where the land has been or is currently being farmed, and where excavation or significant ground disturbance will occur for the construction of the project transmission line, soil samples shall be collected and tested for herbicides, pesticides, and fumigants to determine the presence and extent of any material levels of contamination.

The sampling and testing plan shall be prepared in consultation with the appropriate Los Angeles County agency, conducted by an appropriate California licensed professional, and sent to a California Certified laboratory for testing. Sampling and analysis shall be consistent with the DTSC's 'Interim Guidance for Sampling Agricultural Properties ~~Fields for School Sites~~(Third Revision)' or equivalent. A report documenting the areas proposed for sampling, and the process used for sampling and testing shall be submitted to the Energy Commission for review and approval at least 90 days before transmission line construction occurs in the affected areas. Results of the laboratory testing and recommended resolutions for handling and excavation of material found to exceed regulatory requirements shall be submitted to the Energy Commission 60 days prior to transmission line construction occurs in the affected areas. Should sampling indicate additional remediation or mitigation is required, Conditions of Certification **WASTE-3** and **-4** would apply.

Excavated materials containing elevated levels of pesticide or herbicide require special handling and disposal according to procedures established by the regulatory agencies. Effective dust suppression procedures shall be used in construction areas to reduce airborne emissions of these contaminants and reduce the risk of exposure to workers and the public. Regulatory agencies for the State of California and Los Angeles County shall be contacted by Applicant or its contractor to plan handling, treatment, and/or disposal options.

Verification: The project owner shall identify the current/previous land use for the project transmission tower locations and associated laydown and staging areas for construction of the transmission line. The project owner shall submit a report documenting the areas proposed for sampling, and the process used for sampling and testing to the CPM for approval at least 90 days before transmission line construction occurs in the affected areas. Results of the laboratory testing and recommended mitigation or remediation plan for handling and excavation of material found to exceed regulatory requirements shall be submitted to the CPM for review and approval 60 days prior to transmission line construction.

BIOLOGICAL RESOURCES

Page 7.1-4.

Staff recommends the following edits to the paragraph to reflect a more accurate description of the species specific habitat use and their association with different vegetation. The deletion of text is recommended in this paragraph to avoid confusion regarding the potential for arroyo toad to occur in the project area. Recommended changes are described below:

"In addition**,** the broad diversity of vegetation communities and topographical features in the project area support a variety of reptiles. ~~, many unique to particular vegetation types.~~ The Applicant identified several common species in the project area including western fence lizard, side-blotched lizard, gopher snake, desert iguana, desert night lizard, long-nosed leopard lizard, and Mojave rattlesnake. The Applicant also observed amphibians such as western toad and tree frogs at Little Rock Creek where the transmission line spans the wash near Mount Emma Road. ~~The evidence also includes a few amphibians that are expected to occur in the project area such as the arroyo toad, a federally endangered species and California Species of Special Concern, which occurs in Little Rock Creek approximately 2.6 miles south of the transmission line crossing of Little Rock Creek at Mt. Emma Road.~~ (Ex. 300, pp. 4.2-19 -- 4.2-20.)"

Page 7.1-10.

Staff recommends additions to this paragraph to clarify that the salvage of Joshua trees alone would not be considered adequate mitigation for this community type. Recommended changes are highlighted below.

"The Applicant proposed measures to avoid impacts to special-status habitat and restore temporarily disturbed areas. Where avoidance is not feasible, the Applicant proposed to salvage Joshua trees and cacti for inclusion in landscaping and buffer areas. However the salvage and transplantation of Joshua trees would not be considered a mitigation strategy for this species. To mitigate project impacts on native vegetation Conditions of Certification **BIO-1** through **BIO-8** require the project owner to designate a qualified biologist to oversee construction and monitor sensitive resource areas, provide worker training, develop a Biological Resources Mitigation Implementation and Monitoring Plan, and implement best management practices, including avoidance and minimization measures. The permanent loss of sensitive vegetation, including Joshua tree woodland, would be offset through the acquisition of mitigation lands for the Mohave ground squirrel identified in staff's proposed Condition of Certification BIO-20. (Ex. 300, pp. 4.2-37 - 4.2-38.)"

Page 7.1-13.

Additional surveys not recorded in the record were conducted for this species by staff in the spring and summer of 2011. The recommended additions identified below clarify that this species is expected to have a low potential to occur on the project site.

"The Applicant's surveys conducted in 2009 did not identify arroyo toads in the project area and the potential for this species to occur is low based on supplemental surveys conducted by staff in 2011. However, this species may persist in variable stream systems if they have access to suitable pools. Considering the federal status of this species, we find that pre-construction clearance surveys and monitoring are warranted. To avoid and/or minimize the possible incidental take of arroyo toads along the transmission line corridor at Little Rock Creek, avoidance and minimization measures regarding the arroyo toad have been incorporated in Condition of Certification **BIO-12**. We find that implementation of Conditions of Certification **BIO-1** through **BIO-9** and **BIO-12** will help prevent take of arroyo toads and reduce impacts to less-than-significant levels. (Ex. 300, pp. 4.2-44 and 4.2-45.)"

Page 7.1-15.

Staff has provided the recommended edits below to clarify that the CDFG biologist observed the Swainson's hawk on the power plant site.

"Swainson's Hawk. In 2009, Applicant conducted protocol surveys for the Swainson's hawk (state-listed Threatened) within a one-mile radius of the power plant site and 0.5-mile radius of linear facilities. Swainson's hawks were not observed during these surveys or at historic nest sites visited during the surveys. However, the CDFG considers a nest site to be active if it was used at least once during the past 5 years. In addition, the evidence includes information on observations of Swainson's hawks

nesting within 14 miles of the PHPP site, a nest site approximately ten miles east of the PHPP site and five miles east of the transmission line corridor. An adult Swainson's hawk was observed by the CDFG at the PHPP power plant site and one juvenile bird waswere observed perching in a tree along transmission line Segment 1 in September 2009. (Ex. 300, pp. 4.2-51 and 4.2-52.)"

Page 7.1-20.

Staff noted a small grammatical error in the FSA and recommends the following change to clarify the statement below.

"Pallid San Diego Pocket Mouse and Southern Grasshopper Mouse. The Pallid San Diego pocket mouse and southern grasshopper mouse have the potential to occur in the project area, including the project site and associated linear facilities. If present, these species are likely distributed across the site in low densities but removal of vegetation would harm any of these species present onsite. The Applicant proposed biological monitoring, the salvaging of individuals uncovered during construction, and restoration of disturbed areas following construction. These measures were incorporated in Conditions of Certification **BIO-1** through **BIO-9**. In addition, Condition of Certification **BIO-20** requires the acquisition of lands to mitigate for impacts to Mohave ground squirrel and this would be sufficient to mitigate for the loss of mouse habitat since the mouse species are likely **to** co-occur in some of the acquired Mohave ground squirrel habitat. (Ex. 300, p. 4.2-64 and 4.2-65.)"

Page 7.1-22.

Staff recommends the following edits to clarify the locations of State jurisdictional waters on the project site and transmission line.

d. Impacts to Waters of State

"Construction at the power plant site would not result in permanent impacts to state or federal jurisdictional waters because such jurisdictional features are not present on the site. While state jurisdictional waters occur on the transmission line route the towers have been sited to avoid these features. ~~to nor along transmission line footings.~~ Vehicle passage and maintenance of the access roads will result in temporary impacts to 0.08 acres of state jurisdictional waters but long-term impacts will be avoided. (Ex. 300 p. 4.2-67.)"

Page 7.1-34,

FINDINGS OF FACT No. 3. Staff recommends the following edits to clarify that land acquisition is not required to mitigate impacts that may occur to the arroyo toad.

3. The habitat mitigation strategy of 2:1 ratio for the power plant site and 3:1 ratio for the linear facilities, requiring the acquisition and maintenance of at least 665 acres, is adequate to compensate for the permanent loss of habitat for Swainson's hawk, desert tortoise, ~~arroyo toad,~~and Mohave ground squirrel caused by construction and operation of the project.

Page 7.1-59. Modify BIO-13 in accordance with the following most recent version presented in Energy Commission Staff's Prehearing Conference Statement. (Ex. 306.)

DESERT TORTOISE CLEARANCE SURVEYS AND EXCLUSION FENCING

BIO-13 The project owner shall undertake appropriate measures to manage construction at the plant site and linear facilities in a manner to avoid impacts to desert tortoise. Methods for clearance surveys, fence installation, and other procedures shall be consistent with those described in the *Guidelines for Handling Desert Tortoise During Construction Projects* (Desert Tortoise Council 1999) or more current guidance provided by CDFG and USFWS. These measures include, but are not limited to, the following:

1. Fence Installation. Prior to ground disturbance, the entire plant site shall be fenced with permanent desert tortoise-exclusion fence. To avoid impacts to desert tortoise during fence construction, the proposed fence alignment shall be flagged and the alignment surveyed within 24 hours prior to fence construction. Surveys shall be conducted by the Designated Biologist using techniques approved by the USFWS and CDFG. Biological Monitors may assist the Designated Biologist under his or her supervision. These surveys shall provide 100% coverage of all areas to be disturbed during fence construction and an additional transect along both sides of the proposed fence line. This fence line transect shall cover an area approximately 90 feet wide centered on the fence alignment. Transects shall be no greater than 30 feet apart. All desert tortoise burrows, and burrows constructed by other species that might be used by desert tortoises, shall be examined to assess occupancy of each burrow by desert tortoises and handled in accordance with USFWS-approved protocol.

    a. Timing, Supervision of Fence Installation. The exclusion fencing shall be installed prior to the onset of site clearing and grubbing. The fence installation shall be supervised by the Designated Biologist and monitored by the Biological Monitors to ensure the safety of any tortoise present.

    b. Fence Material and Installation. The permanent tortoise exclusionary fencing shall be constructed in compliance with current USFWS guidelines. ~~consist of galvanized hard wire cloth 1 by 2 inch mesh sunk 12 inches into the ground, and 24 inches above ground (USFWS 2008b, Appendix D).~~

c. Security Gates. Security gates shall be designed with minimal ground clearance to deter ingress by tortoises, including gates that would exclude public access to the PHPP site.

d. Tower Fencing. If tortoises are discovered during clearance surveys of the linear routes, the tower locations shall be temporarily fenced with tortoise exclusion fencing to prevent desert tortoise entry during construction. Temporary fencing must follow current USFWS guidelines for permanent fencing and supporting stakes shall be sufficiently spaced to maintain fence integrity.

e. Fence Inspections. Following installation of the desert tortoise exclusion fencing for both the permanent site fencing and temporary fencing in the utility corridors, the fencing shall be regularly inspected. Permanent fencing shall be inspected monthly and during/following all major rainfall events. Any damage to the fencing shall be temporarily repaired immediately to keep tortoises out of the site, and permanently repaired within two days of observing damage. Inspections of permanent site fencing shall occur for the life of the project. Temporary fencing must be inspected weekly and, where drainages intersect the fencing, during and immediately following major rainfall events. All temporary fencing shall be repaired immediately upon discovery and, if the fence may have permitted tortoise entry while damaged, the Designated Biologist shall inspect the utility corridor or tower site for tortoise.

2. Desert Tortoise Clearance Surveys. Following construction of the tortoise exclusionary fencing around the Plant Site, all fenced areas shall be cleared of tortoises by the Designated Biologist, who may be assisted by Biological Monitors. A minimum of two clearance surveys, with negative results, must be completed, and these must coincide with heightened desert tortoise activity from late March through May and during October. To facilitate seeing the ground from different angles, the second clearance survey shall be walked at 90 degrees to the orientation of the first clearance survey.

3. Relocation for Desert Tortoise. If desert tortoises are detected on the PHPP plant site during clearance or other activities, the owner shall halt ground disturbing activities within 500 feet of the tortoise, prepare a Desert Tortoise Translocation Plan, and coordinate with the USFWS, CDFG, and CPM regarding the disposition of the animals. If located during clearance surveys within the transmission line project-project route, the tortoise would be allowed to continue unimpeded out of harm's way. ~~impact area~~ Only in the event that a tortoise required relocation to prevent injury the Designated Biologist shall move the tortoise the shortest possible distance, keeping it out of harm's way but still within its home range. Desert tortoise encountered during construction of any of the utility

corridors shall be similarly treated in accordance with the techniques described in the *Guidelines for Handling Desert Tortoise during Construction Projects* (Desert Tortoise Council 1999) or more current guidance on the USFWS website. Any person handling tortoise must be ~~trained and~~ approved by the USFWS and CDFG and be on site during ground disturbance or construction. If a desert tortoise is discovered on the PHPP power plant site the project owner shall prepare a Desert Tortoise Translocation Plan. The Translocation Plan shall follow the most current USFWS guidelines for the translocation of desert tortoise and shall be submitted to the USFWS, CDFG, and CPM for approval. Desert tortoise shall not be moved pending the approval of the Plan. Prior to initiating further ground disturbance at the project site the project owner shall conduct additional clearance surveys of the power plant site. ~~A site where tortoises will be moved must be pre-approved, and acquired prior to ground disturbing activities. The health of any tortoise to be translocated must be assessed prior to moving; a quarantine site located for any ill tortoise must be designated. The host population of tortoise surveyed prior to any translocated tortoise being moved, and a study to determine the efficacy of the translocation and impact to host population be conducted for a minimum of 5 years.~~

4. Burrow Inspection. All potential desert tortoise burrows within the fenced area shall be searched for presence. In some cases, a fiber optic scope may be needed to determine presence or absence within a deep burrow. To prevent reentry by a tortoise or other wildlife, all burrows shall be collapsed once absence has been determined. ~~Tortoises excavated from burrows shall be translocated to unoccupied natural or artificial burrows immediately following excavation in an area approved by the Designated Biologist if environmental conditions warrant immediate relocation.~~

5. Burrow Excavation. Burrows inhabited by tortoises shall be excavated by the Designated Biologist or other USFWS/CDFG/CPM approved handler, using hand tools, and then collapsed or blocked to prevent re-occupation. If excavated during May through July, the Designated Biologist shall search for desert tortoise nests/eggs. All desert tortoise handling and removal, and burrow excavations, including nests, shall be conducted by the Designated Biologist or other USFWS/CDFG/CPM approved handler (See Paragraph 3 above) in accordance with the USFWS-approved protocol (Desert Tortoise Council 1999) or more current guidance on the USFWS website.

6. Monitoring During Clearing. Following construction of the desert tortoise exclusion fencing and clearance surveys ~~desert tortoise clearance removal from the plant site and translocation to a new site~~, heavy equipment shall be allowed to enter the project site to perform earth work such as clearing, grubbing, leveling, and trenching. A Biological Monitor shall be onsite during initial clearing and grading activities. Should a

tortoise be discovered, the measures outlined in Paragraph 3 shall be followed~~. it shall be translocated as described above in accordance with the Desert Tortoise Translocation Plan.~~

7. Reporting. The Designated Biologist shall record the following information for any desert tortoises observed or handled: a) the locations (narrative and maps) and dates of observation; b) general condition and health, including injuries, state of healing and whether desert tortoise voided their bladders; c) location moved from and location moved to (using GPS technology); d) gender, carapace length, and diagnostic markings (i.e., identification numbers or marked lateral scutes); e) ambient temperature when handled and released; and f) digital photograph of each handled desert tortoise as described in the paragraph below. Desert tortoise moved from within project areas shall be marked for future identification as described in *Guidelines for Handling Desert Tortoise during Construction Projects* (Desert Tortoise Council 1999) or more current guidance on the USFWS website. Digital photographs of the carapace, plastron, and fourth costal scute shall be taken. Scutes shall not be notched for identification. Any desert tortoises observed within the project area or adjacent habitat shall be reported to the USFWS, CDFG, and CPM by written and electronic correspondence within 24 hours.

Verification: ~~No less than 60 days prior to start of any site mobilization or disturbance activities, the applicant shall submit to Energy Commission Staff, USFWS and CDFG a draft Desert Tortoise Translocation Plan. At least 60 days prior to start of any project-related ground disturbance activities, the project owner shall provide the CPM with the final version of a Translocation Plan that has been approved by Energy Commission staff in consultation with USFWS and CDFG. The CPM will determine the plan's acceptability within 15 days of receipt of the final plan. All modifications to the approved Desert Tortoise Translocation Plan must be made only after approval by the Energy Commission staff in consultation with USFWS and CDFG. The project owner shall notify the CPM no fewer than 5 working days before implementing any CPM-approved modifications to the Translocation Plan.~~

~~Within 30 days after initiation of translocation activities, the Designated Biologist shall provide to the CPM for review and approval, a written report identifying which items of the Translocation Plan have been completed, and a summary of all modifications to measures made during implementation.~~

Within 30 days of completion of desert tortoise clearance surveys the Designated Biologist shall submit a report to the CPM, USFWS, and CDFG describing how each of the mitigation measures described above has been satisfied. The report shall include the desert tortoise survey results, capture and release locations of any relocated desert tortoises, and any other information needed to demonstrate compliance with the measures described above.

If a desert tortoise is located on the power plant site the project owner shall submit to Energy Commission Staff, USFWS and CDFG a draft Desert Tortoise Translocation

Plan. The CPM will review the Plan and provide comments within 30 days receipt of the draft plan. All modifications to the Desert Tortoise Translocation Plan must be made only after approval by the Energy Commission staff in consultation with USFWS and CDFG. The project owner shall notify the CPM no fewer than 5 working days before implementing any CPM-approved modifications to the Translocation Plan.

Within 30 days after initiation of translocation activities, the Designated Biologist shall provide to the CPM for review and approval, a written report identifying which items of the Translocation Plan have been completed, and a summary of all modifications to measures made during implementation.

Page 7.1-69, bullet at the bottom of the page. One minor change from the Joint Stipulation of Energy Commission Staff and Applicant Regarding Changes to the Final Staff Assessment (Ex. 307) was inadvertently left out of the PMPD. BIO-17 should be modified as follows.

- A minimum of 610 acres of <u>suitable foraging</u> habitat including a minimum of 366.3 acres of Joshua tree woodland are present.

Page 7.1-79.

Modify BIO-18 in accordance with the following most recent version presented in Energy Commission Staff's Prehearing Conference Statement. (Ex. 306.)

BURROWING OWL IMPACT AVOIDANCE, MINIMIZATION, AND COMPENSATION MEASURES

BIO-18 The project owner shall implement the following measures to avoid and offset impacts to burrowing owls:

1. <u>Pre-Construction Surveys</u>. Concurrent with desert tortoise clearance surveys the Designated Biologist shall conduct pre-construction surveys for burrowing owls within the project site and along all linear facilities in accordance with CDFG guidelines (CBOC 1993). Pre-construction surveys for burrowing owls shall occur no more than 30 days prior to initiation of ground disturbance or site mobilization activities. The survey area shall include the Project Disturbance Area and surrounding 500 foot survey buffer where access is legally available.

2. <u>Implement Avoidance Measures.</u> If an active burrowing owl burrow is detected within 500 feet from the Project Disturbance Area the following avoidance and minimization measures shall be implemented:

    a. <u>Establish Non-Disturbance Buffer.</u> 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 1st through January 31st). Signs shall be posted in English and Spanish at the fence line indicating no entry or disturbance is permitted within the fenced buffer.

b. Monitoring: If construction activities would occur within 500 feet of the occupied burrow during the nesting season (February 1 – August 31st) 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.

3. Passive Relocation of Burrowing Owls. If pre-construction surveys indicate the presence of burrowing owls within the Project Disturbance Area (the Project Disturbance Area means all lands disturbed in the construction and operation of the PHPP Project), the Project owner shall prepare and implement a Burrowing Owl Relocation and Mitigation Plan, in addition to the avoidance measures described above. The final Burrowing Owl Relocation and Mitigation Plan shall be approved by the CPM, in consultation with USFWS and CDFG, and shall:

   a. Identify and describe suitable relocation sites on the project site or 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;

   b. Provide guidelines for creation or enhancement of at least two natural or artificial burrows per relocated owl, including a discussion of timing of burrow improvements, specific location of burrow installation, and burrow design. Design of the artificial burrows shall be consistent with CDFG guidelines (CDFG 1995) and shall be approved by the CPM in consultation with CDFG and USFWS;

   c. Passive relocation sites shall be in areas of suitable habitat for burrowing owl nesting, and be characterized by minimal human disturbance and access. Relative cover of non-native plants within the proposed relocation sites shall not exceed the relative cover of non-native plants in the adjacent habitats;

   d. Provide detailed methods and guidance for passive relocation of burrowing owls occurring within the Project Disturbance Area; and

4. Acquire Compensatory Mitigation Lands for Burrowing Owls. The following measures for compensatory mitigation shall apply only if burrowing owls are detected within the Project Disturbance Area. The Project owner shall acquire, in fee or in easement, 19.5 acres of land for each burrowing owl that is displaced by construction of the Project. This compensation acreage of 19.5 acres per single bird or pair of nesting

owls assumes that there is no evidence that the compensation lands are occupied by burrowing owls. If burrowing owls are observed to occupy the compensation lands, then only 9.75 acres per single bird or pair is required, per CDFG (1995) guidelines. If the compensation lands are contiguous to currently occupied habitat, then the replacement ratio will be 13.0 acres per pair or single bird. The Project owner shall provide funding for the enhancement and long-term management of these compensation lands. The acquisition and management of the compensation lands may be delegated by written agreement to CDFG or to a third party, such as a non-governmental organization dedicated to habitat conservation, subject to approval by the CPM, in consultation with CDFG and USFWS prior to land acquisition or management activities. Additional funds shall be based on the adjusted market value of compensation lands at the time of construction to acquire and manage habitat. 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. of Condition of Certification **BIO-20**.

a. Criteria for Burrowing Owl Mitigation Lands. The terms and conditions of this acquisition or easement shall be as described in Paragraph 1 of **BIO-20** [Mohave ground squirrel Compensatory Mitigation], with the additional criteria to include: 1) the mitigation land must provide suitable habitat for burrowing owls, and 2) the acquisition lands must either currently support burrowing owls or be within dispersal distance <u>from areas occupied by burrowing owls</u> ~~from an active burrowing owl nesting territory~~ (generally approximately 5 miles). The burrowing owl mitigation lands may be included with the Mohave ground squirrel mitigation lands ONLY if these two burrowing owl criteria are met. If the burrowing owl mitigation land is separate from the acquisition required for Mohave ground squirrel compensation lands, the Project owner shall fulfill the requirements described below in this condition.

b. Security. If burrowing owl mitigation land is separate from the acreage required for Mohave ground squirrel compensation lands the Project owner or an approved third party shall complete acquisition of the proposed compensation lands prior to initiating ground-disturbing Project activities. Alternatively, financial assurance can be provided by the Project owner to the CPM with copies of the document(s) to CDFG and the USFWS, to guarantee that an adequate level of funding is available to implement the mitigation measure described in this condition. These funds shall be used solely for implementation of the measures associated with the Project. Financial assurance can be provided to the CPM in the form of an irrevocable letter of credit, a pledged savings account or another form of security (“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 CDFG and the USFWS to ensure funding.

The estimated costs of enhancement and endowment (see subsection, Mohave ground squirrel, for a discussion of the assumptions used in calculating the Security, which are based on an estimate of $15,169 per acre to fund acquisition, enhancement, and long-term management). The final amount due will be determined by the PAR analysis conducted pursuant to **BIO-17**.

Verification: If pre-construction surveys detect burrowing owls within 500 feet of proposed construction activities, the Designated Biologist shall provide to the CPM, CDFG and USFWS documentation indicating that non-disturbance buffer fencing has been installed at least 10 days prior to the start of any construction-related ground disturbance activities. The Project owner shall report monthly to the CPM, CDFG, and USFWS for the duration of construction on the implementation of burrowing owl avoidance and minimization measures.

Within 30 days after completion of construction the Project owner shall provide to the CPM, CDFG and USFWS a written construction termination report identifying how mitigation measures described in the plan have been completed.

If pre-construction surveys detect burrowing owls within the Project Disturbance Area, the Project owner shall notify the CPM, CDFG and USFWS no less than 10 days of completing the surveys that a relocation of owls is necessary. The Project owner shall do all of the following if relocation of one or more burrowing owls is required:

a. Within 30 days of completion of the burrowing owl pre-construction surveys, submit to the CPM, CDFG and USFWS a Burrowing Owl Relocation and Mitigation Plan.

b. No less than 90 days prior to acquisition of the burrowing owl compensation lands, the Project owner, or an approved third party, shall submit a formal acquisition proposal to the CPM, CDFG, and USFWS describing the parcel intended for purchase. At the same time the Project owner shall submit a PAR or PAR-like analysis for the parcels for review and approval by the CPM, CDFG and USFWS.

c. Within 90 days of the land or easement 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 and USFWS, for the compensation lands and associated fund

d. No later than 30 days prior to the start of construction-related ground disturbing activities, the Project owner shall provide written verification of Security in accordance with this condition of certification.

e. No later than 18 months after the start of construction-related ground disturbance activities, the Project owner shall provide written verification to the CPM, CDFG and USFWS that the compensation lands or conservation easements have been acquired and recorded in favor of the approved recipient.

f. On January 31st of each year following construction for a period of five years, the Designated Biologist shall provide a report to the CPM, USFWS, and CDFG that describes the results of monitoring and management of the burrowing owl relocation area. The annual report shall provide an assessment of the status of the relocation area with respect to burrow function and weed infestation, and shall include recommendations for actions the following year for maintaining the burrows as functional burrowing owl nesting sites and minimizing the occurrence of weeds.

SOIL AND WATER RESOURCES
Page 7.2-25.

Please add the following two conditions proposed in Staff's Rebuttal testimony to address potential impacts from the roadway construction. Minor changes have been included to correct inaccuracies and improve comprehension.

SOIL&WATER-10: Construction General Permit

The project owner shall fulfill the requirements contained in State Water Resources Control Board's *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWG, NPDES No. CAS000002* ("Construction General Permit") and all subsequent revisions and amendments. The project owner shall develop and implement a construction Storm Water Pollution Prevention Plan (SWPPP) for the construction of the paved roadways.

Verification: No later than thirty (30) days prior to construction of city/county roadway pavement work, the project owner shall submit to the CPM documentation from the ~~Lahontan Regional Water Quality~~ State Water Resources Control Board showing approval to perform work under the Construction General Permit (or documentation that this permit is not required). If an approved construction SWPPP is required, a copy of it shall be kept accessible onsite at all times.

SOIL&WATER-11: Compliance with Local Requirements

The project owner shall comply with the City of Palmdale Municipal Code and the Los Angeles County Code of Ordinances, as applicable, regarding roadway construction.

Verification: The project owner shall ensure compliance with applicable local requirements regarding roadway construction.

1. Pre-Construction: The project owner shall submit a construction packet in accordance with City of Palmdale and Los Angeles County, as applicable, containing the documentation, plans, and fees normally required for roadway

construction. No later than thirty (30) days prior to roadway construction, the project owner shall submit to the CPM documentation from City of Palmdale and/or Los Angeles County showing approval to start construction.

2. Post-Construction: No later than sixty (60) days after roadway construction is complete, the project owner shall provide to the CPM documentation from City of Palmdale and/or Los Angeles County that roadway construction has been properly completed. The project owner shall also provide documentation showing the City of Palmdale and/or Los Angeles County will take ownership of the paved roadways and operate and maintain them in accordance with the intent of the mitigation program

GEOLOGICAL AND PALEONTOLOGICAL RESOURCES
Page 7.4-1.

Second to last sentence in the first paragraph.
"The analysis in the record also examines geological and paleontological resources which could be affected by the project including whether minerals, fossilized remains, or trace remnants of prehistoric plants or animals are present."

Page 7.4-4, first full paragraph.

"The evidence includes analysis of project risks due to faulting and seismicity, noting that the project site is located within ~~Seismic Zone 4~~an active seismic area."

Page 7.4-10, Findings of Fact #2.

2. The project is located in ~~Seismic Zone 4~~a seismically active area.

TRAFFIC AND TRANSPORTATION
Page 8.2-25.

Staff inadvertently left off a provision in **TRANS-4** requiring the installation of obstruction lighting. The provision is discussed in the body of staff's analysis and in the PMPD (p. 8.2-20), but is not reflected in any condition of certification. Staff recommends this provision be added to Trans-4 as follows.

Proposed new bullet e) for **TRANS-4**:

e) Install one, non-blinking red aviation obstruction light on each of the project's two, 145-foot tall HRSG stacks, both ends of the 48-foot tall cooling tower, and at each corner of the power block area.

Page 8.2-27.

Modify TRANS-8 in accordance with the following most recent version presented in Energy Commission Staff's Prehearing Conference Statement. (Ex. 306)

TRANS-8 Prior to the start of construction, the project owner shall provide a plan to the CPM and the Air Force Plant 42 Commander identifying all reasonable measures the project owner will take to minimize the creation of glint and glare on Air Force Plant 42 airfield traffic including, but not limited to, the following:

1. Ensure the mirrors are (1) brought out of stowage before sunrise and are aligned to catch the first rays of the morning sun; and (2) returned to stow position after sunset. Ensure mirrors are continuously monitored for malfunctions and remain properly aligned with the sun. Acquire appropriate equipment and establish procedures ~~to cover inoperative or malfunctioning mirrors immediately after malfunctions are discovered to prevent the escape of errant reflections.~~ for a timely repositioning of inoperative or malfunctioning mirrors to minimize the probability of glint or glare exposure. Procedures shall address the mirror trajectory path to a stowage position, or in the event that stowage is not possible, an alternate trajectory to a neutral positioning with respect to glare. Mirror repositioning due to a mirror alignment malfunction shall be accomplished as soon as practical to minimize glint or glare exposure.

2. Minimize reflections from bellows shields by using a non-reflective or diffuse material or coating (for example, paint) for the shields.

3. Ensure PHPP operator establishes and maintains a communication link with Air Force Plant 42 control tower to ensure that ~~when necessary~~ mirrors are positioned so as not to interfere with critical flight operations.

4. Establish procedures to avoid glare when intentionally moving individual collectors off-axis to "dump" power incident on the heat collection elements during periods of high insulation.

~~If the plant operator needs to dump power and rotate several modules off-axis, the operator shall start with the modules at the north-most and west-most parts of the collector field, which is furthest from the Air Force Plant 42 to the southeast. For each module that is rotated off-axis, the operator shall consider the nearest flight pattern; if it is to the east, then the module shall be rotated to the west, and vice-versa. This rotating shall be done in a manner that minimizes the impact of glare on aircraft (for example, rotating modules furthest from the airport in a direction that is away from flight patterns).~~ The plant operator shall develop and implement a plan to address events in which mirror modules need to be rotated off-axis, such as an event in which it is necessary to dump power. The mirrors' rotational trajectory and final positioning shall ensure the safe movement and positioning of the mirror modules with respect to operational flight patterns to minimize the occurrence and impact of glint or glare events.

In addition, this plan shall include specific provisions for tracking and compiling data involving any and all mirror malfunctions. This data shall include the (1) date, time and location of offending mirror or mirrors; (2) specific adjustments made to correct each mirror or mirrors; (3) date and time specific adjustments were evaluated for effectiveness; and (4) effectiveness of each adjustment. That information shall be included in the monthly compliance reports during construction and in the semi-annual compliance reports during operation. This information will be used to ensure that the offending mirrors are quickly adjusted, thereby having a minimum impact on flight operations. In addition, this information will provide data for the plant operator to use in monitoring mirror operations and preventing malfunctions.

Verification: Within 30 days prior to the start of construction, the project owner shall submit the required plan to the Air Force Plant 42 Commander for comment and to the CPM for review and approval. The project owner shall also notify the CPM when the required modifications have been made and are available for inspection.

In addition, the project owner shall include in the monthly compliance reports all data concerning malfunctions of any mirrors during construction and initial start-up operation of the plant and in the semi-annual compliance reports during regular operation.

SOCIOECONOMICS
Page 8.3-4, second paragraph.

"Applicant has proposed to pave roads in the vicinity of the PHPP to generate PM10 emission reduction credits (ERCs) to mitigate impacts to air quality and satisfy state and federal air quality requirements. The Applicant ~~has~~originally identified ten existing unpaved road segments, totaling approximately 22 miles. Four or five road segments will need to be paved in order to obtain the quantity of offsets needed for air quality purposes. ~~The Applicant has not specified which of the ten existing unpaved road segments would be selected. Condition of Certification **AQ-SC19** requires that an Antelope Valley Air Quality Management District (AVAQMD) rule be in place before the project could use PM10 emission reduction credits generated from road paving. (Ex. 301, p. 25.)~~ Due to concerns expressed by the intervenors, Applicant has revised the list of proposed roads for paving as identified in Rebuttal Table-1 and limited the paving proposal to road numbers 2, 4, 6, 7, and 8. (Ex. 146.)"

VISUAL RESOURCES
Page 8.5-10, first paragraph.

"Visual Resources Figure 4A depicts the view from KOP 2, ~~which is located 12 miles southeast of the project on the north side of Pearlblossom Highway (State Route 138). This view represents the view motorists would see when using the highway.~~ which is located about 2.25 miles northeast of the PHPP on the west side of 30th Street. The view represents the view south-bound motorists would see when using this street."

Page 8.5-19,

the first sentence under the heading **Alternate Route 4 – Partial Underground Transmission Line**.

“Alternative Route 4 would consist of 6.75 miles of underground transmission line that would parallel East Avenue M to the west from the PHPP to the intersection with Sierra Highway.”

Page 8.5-25, Findings of Fact #3.

3. The power plant site does not use or have frontage on a segment of road designated as a State Scenic Highway. However, the transmission line will cross ~~Pearlblossom~~ Pearblossom Highway, which is a designated Scenic Highway by the city of Palmdale.

Dated: July 11, 2011

Respectfully submitted,

/s/ Lisa M. Decarlo

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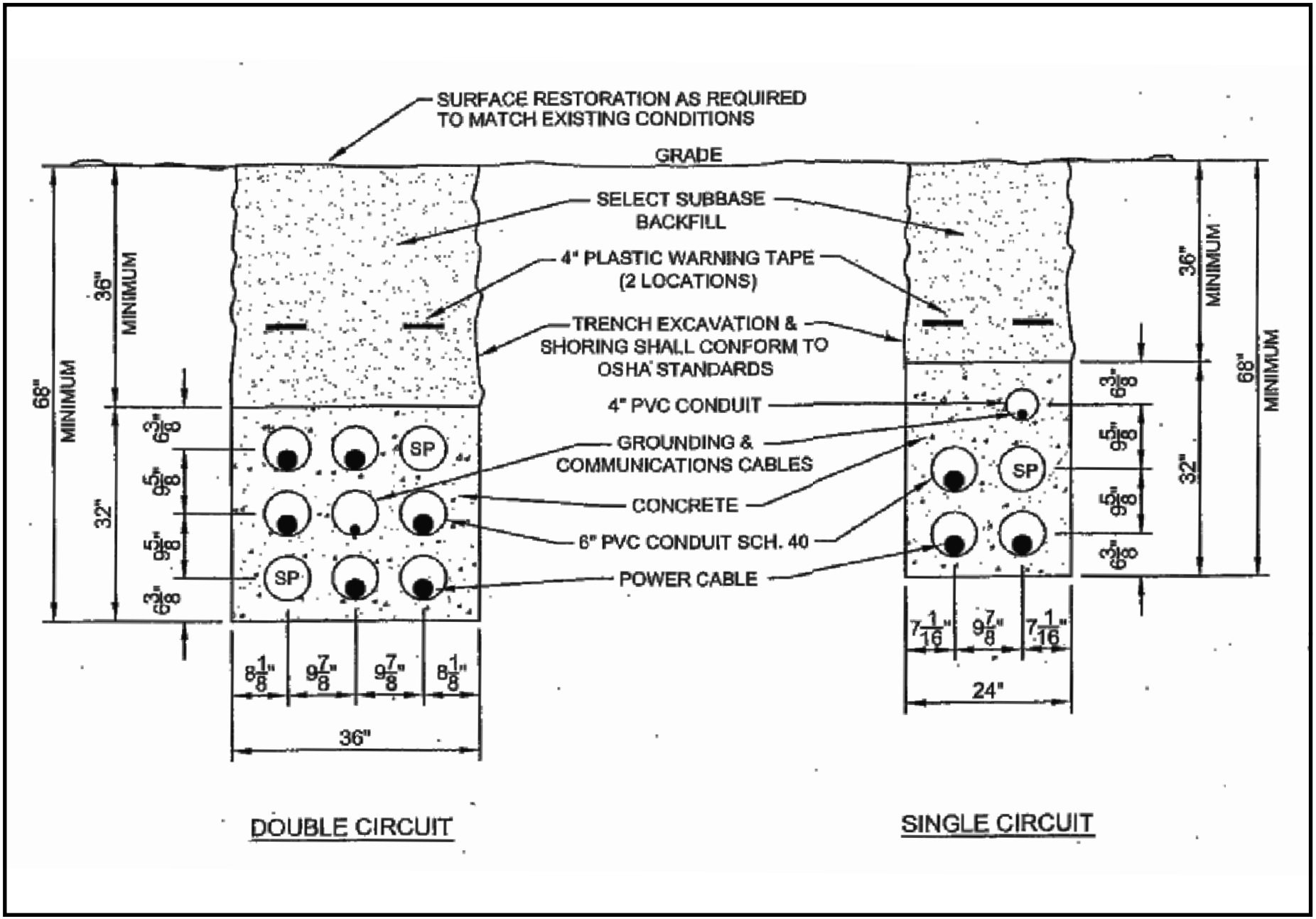
PROJECT DESCRIPTION - FIGURE 1

Palmdale Hybrid Power Project - Typical Duct Bank Construction Underground Cable Transmission Line



TRANSMISSION SYSTEM ENGINEERING

CALIFORNIA ENERGY COMMISSION - SITING, TRANSMISSION AND ENVIRONMENTAL PROTECTION DIVISION

SOURCE: C.C.I., Fig 1

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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1516 NINTH STREET, SACRAMENTO, CA 95814
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APPLICATION FOR CERTIFICATION
For the *PALMDALE HYBRID*
POWER PROJECT

Docket No. 08-AFC-9

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(Revised 6/15/2011)

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DECLARATION OF SERVICE

I, Rhea Moyer, declare that on, July 11, 2011, I served and filed copies of the attached ENERGY COMMISSION STAFF'S COMMENTS ON THE PRESIDING MEMBER'S PROPOSED DECISION dated July 11, 2011. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [http://www.energy.ca.gov/sitingcases/palmdale/index.html].

The document has 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:

_X_ sent electronically to all email addresses on the Proof of Service list, and

____ by personal delivery; or

____ 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:

_X_ delivering an original paper copy and sending one electronic copy by e-mail 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-9
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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

/s/ Rhea Moyer

Rhea Moyer