

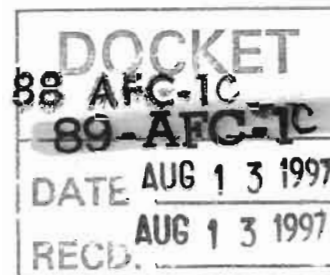
## CALIFORNIA ENERGY COMMISSION

516 NINTH STREET  
SACRAMENTO, CA 95814-5512

August 13, 1997

Mr. Daniel Patterson  
Spirit of the Sage Council  
2266 Bolinas Street  
San Diego, CA 92107

Dear Mr. Patterson:

**YOUR JULY 23, 1997 LETTER REGARDING WATER SUPPLY TO HARPER LAKE MARSH AND DESERT TORTOISE HABITAT COMPENSATION**

Thank you for your letter. At the time the SEGS VIII project was certified by the Energy Commission, the electricity it generated was not needed. The project developer at that time, Luz, agreed to enhance the northern marsh as an environmental benefit. This benefit made certification of the project possible under the Energy Commission's requirements at that time. Marsh enhancement was to be accomplished by sending the project's cooling tower blowdown water, possibly mixed with well water, to the northern marsh.

Because of water quality difficulties, the SEGS VIII project was not able to provide cooling tower water to the north marsh as required. As a result, the SEGS IX project was required to provide up to 75 acre-feet-per-year of well water to the Harper Lake north marsh.

The Energy Commission's conditions of certification for the SEGS VIII and SEGS IX projects that require water to be provided to the north marsh have been the subject of a petition to amend for some time. The petition was submitted by Harper Lake Company, the current owner's representative. Because of difficulties with water rights and access over private property to the marsh(es), consideration of various proposals to provide water to the central or southern marsh instead of the north marsh have been delayed.

Energy Commission staff continue to work toward having Harper Lake Company provide up to 75 acre-feet-per-year of well water to one of the Harper Lake marshes. Our preference would be to maintain the quality of the central or southern marsh, and not to provide water to the northern marsh which is dry. We are aware of the public benefits that the marshes provide, and the Bureau of Land Management's commitment to public access for wildlife viewing.