

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5112**DOCKET****09-AFC-5**DATE MAY 12 2010REC'D MAY 17 2010

May 12, 2010

TO: AGENCY DISTRIBUTION LIST**AGENCY PARTICIPATION IN THE REVIEW OF THE ABENGOA MOJAVE SOLAR PROJECT (09-AFC-05) SUPPLEMENTAL STAFF ASSESSMENT PART A**

This notice is to inform you of the availability of the Supplemental Staff Assessment (SSA) Part A for the Abengoa Mojave Solar project (09-AFC-05).

On August 10, 2009, Mojave Solar LLC filed an Application for Certification (AFC) to construct and operate the Abengoa Mojave Solar (AMS) project, proposed as a solar electric generating facility on approximately 1,765 acres. The project would have a combined nominal electrical output of 250 megawatts (MW) from twin, independently-operable solar fields, each feeding a 125-MW power island. The twin solar fields would be 884 acres and 800 acres, respectively, and joined at a transmission line interconnection substation to form one full-output transmission interconnection.

The proposed project site is located approximately nine miles northwest of the town of Hinkley in unincorporated San Bernardino County, approximately halfway between the city of Barstow and Kramer Junction (Highway 395 / Highway 58 junction). The project site is comprised of private property that was historically used as the Lockhart Ranch complex.

Energy Commission Licensing Authority

The Energy Commission is responsible for reviewing and ultimately approving or denying all applications for construction and operation of thermal electric power plants, 50 MW and greater, proposed for construction in California. The Energy Commission's facility certification process carefully examines public health and safety, environmental impacts and engineering aspects of proposed power plants, and all related facilities such as electric transmission lines and natural gas and water pipelines. The Energy Commission is the lead agency under the California Environmental Quality Act (CEQA), but produces several environmental and decision documents rather than an Environmental Impact Report.

Energy Commission Staff Documents and Hearings

Energy Commission staff published a Staff Assessment (SA) for the AMS project on March 15, 2010. This document included staff's analysis, conclusions, and recommendations for the project. Staff publically noticed the SA for a 30-day comment period that lasted from Tuesday March 16, 2010 to Thursday, April 15, 2010.

During this comment period, public workshops were held on Tuesday, April 6, 2010 in Sacramento at the Energy Commission and on Wednesday, April 7, 2010 at the Barstow City Hall to discuss staff's findings, proposed mitigation, and proposed compliance-

monitoring requirements. Based on the workshops and written comments, staff has prepared a Supplemental Staff Assessment.

The Supplemental Staff Assessment (SSA) has been prepared based upon discussions at the SA workshops and written comments provided by the applicant, agencies and public. This SSA is a limited document representing revisions and additions to various technical sections that were commented upon. This document does not include each technical section. For a complete project description and all the technical sections please see the original SA document with the complete engineering, environmental, public health and safety analysis of the AMS project. The SSA only includes sections that were revised or had public comments.

The AMS SSA is being published in two parts. SSA Part A contains the Energy Commission staff's final environmental and engineering evaluation of the project in the following technical sections: Hazardous Materials, Noise and Vibration, Public Health, Traffic and Transportation, Visual Resources, Waste Management and Worker Safety and will serve as staff's testimony during evidentiary hearings. SSA Part B will be published on May 21, 2010 and will contain the Energy Commission staff's final environmental and engineering evaluation of the project in the following technical sections: Air Quality, Biological Resources, Cultural Resources, Land Use, Soils and Water Resources and Transmission System Engineering and will serve as staff's testimony during evidentiary hearings.

Staff's testimony that will be provided at the Energy Commission's Evidentiary Hearings on the AMS project will encompass the technical sections not modified in the SA and revisions to sections included in the SSA Part A and the SSA Part B.

Summary of the California Energy Commission Staff's Preliminary Conclusions

Based upon the information provided to date and the analysis completed to date for each technical section, staff has concluded that with implementation of staff's recommended mitigation measures described in the conditions of certification, all potential environmental impacts will be mitigated to a less than significant level. The project analysis complies with the requirements of the California Environmental Quality Act (CEQA). For a detailed review of potentially significant impacts and the related mitigation measures, please refer to each chapter of the SA and SSA Part A.

Staff also concludes that with implementation of staff's recommended mitigation measures described in the conditions of certification in the SA and SSA Part A, the project would comply with all applicable laws, ordinances, regulations, and standards (LORS).

Agency Participation

The California Energy Commission encourages public agency participation in the review of the AMS Application for Certification and the SSA Part A. We request that you review the enclosed SSA Part A for the areas which your agency would normally be responsible except for the Energy Commission's permitting authority. Written comments on the SSA Part A, which your agency would like to have entered into the record before the

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Energy Commission's Evidentiary Hearing, should be provided to Craig Hoffman, Energy Commission Project Manager, no later than 5:00 p.m., June 11, 2010 at the address on this letterhead or by email to choffman@energy.state.ca.us.

The SSA is **not** the Energy Commission's final decision on the proposed AMS project. The Energy Commission's Committee assigned to the project will conduct one or more hearings to consider and weigh the testimony or comments or recommendations of all interested parties, including Energy Commission staff, the applicant, intervenors, public, and other local, state and federal agencies. The Committee will then issue the Presiding Member's Proposed Decision (PMPD) for consideration by the full Energy Commission. The public, intervenors, local, state and federal agencies are encouraged to participate in these hearings. The Energy Commission will issue notices at least 10 days prior to these hearings. If you are not currently receiving these notices and want to be placed on the mailing list, please sign up on the List Server (electronic interest list) for this project from the website or contact April Albright, Project Assistant, at (916) 653-1640 or by e-mail at aalbright@energy.state.ca.us.

Persons wanting information on how to participate in the Energy Commission's review of the project should contact Jennifer Jennings, the Energy Commission's Public Adviser, at (916) 654-4489 or toll free in California at (800) 822-6228, or by email at: publicadviser@energy.state.ca.us.

Technical or project schedule questions should be directed to Craig Hoffman, Siting Project Manager, at (916) 654-4781 or by email at choffman@energy.state.ca.us. The SA, SSA Part A and other relevant documents are available on the Energy Commission's Internet web site at: www.energy.ca.gov/sitingcases/abengoa. News media inquiries should be directed to the media office at (916) 654-4989 or via email at mediaoffice@energy.state.ca.us.

Sincerely,

Date: 5/12/10

Original signed by:
Roger Johnson
Siting Office Manager

Enclosure



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 **ABENGOA MOJAVE**
SOLAR POWER PLANT

Docket No. 09-AFC-5
PROOF OF SERVICE
(Revised 3/4/2010)

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DECLARATION OF SERVICE

I, April Albright, declare that on May 17, 2010, I served and filed copies of the attached Request for Agency Participation in the Review of the Supplemental Staff Assessment Part A. 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: [\[http://www.energy.ca.gov/sitingcases/abengoa/index.html\]](http://www.energy.ca.gov/sitingcases/abengoa/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:

- sent electronically to all email addresses on the Proof of Service list;
- by personally delivery;
- by delivery 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. 09-AFC-5
1516 Ninth Street, MS-4
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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.

Original signed by: _____
April Albright