

BUREAU OF LAND MANAGEMENT and CALIFORNIA ENERGY COMMISSION

Genesis / NextEra Ford Dry Lake Solar Energy Project Application for Certification 09-AFC-8

DOCKET
09-AFC-8

DATE 12/10/09

RECD. 12/14/09

INFORMATIONAL HEARING & SCOPING MEETING BLM Rights-of-Way Application CACCA 048880

December 10-11, 2009

Mike Monasmith, CEC Project Manager
Allison Shaffer, BLM Project Manager



PROOF OF SERVICE (REVISED 11/30/09) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 12/14/09
MS

BLM's Role

- **BLM Permitting Authority**

- ❖ Administration of public lands under Federal Land Policy and Management Act of 1976 (FLPMA)
- ❖ Review of the Land Use Plan and processing of an EIS-Level Land Use Plan Amendment (PA/EIS)
- ❖ California Desert Conservation Plan (1980, as Amended)
- ❖ Issuance of right-of-way grants for use of federal land
- ❖ Lead federal agency for National Environmental Policy Act (NEPA), National Historic Preservation Act, and other federal law compliance



Energy Commission's Role

- **Energy Commission permitting authority**
 - ❖ Thermal power plants 50 megawatts or greater
 - ❖ Related facilities
 - transmission lines
 - substations
 - water supply systems
 - natural gas pipelines
 - waste disposal facilities
 - access roads
 - ❖ Lead state agency for California Environmental Quality Act (CEQA)



Local, State and Federal Coordination

- ❖ BLM and Energy Commission Staff work closely with local, state and other federal agencies, for example:
 - Local: City or Township, if any
 - Regional: Riverside County
 - State: Department of Fish and Game, Regional Water Quality Control Board, Office of Historic Preservation, Native American Heritage Commission
 - Federal: Environmental Protection Agency, Fish and Wildlife Service, and National Park Service

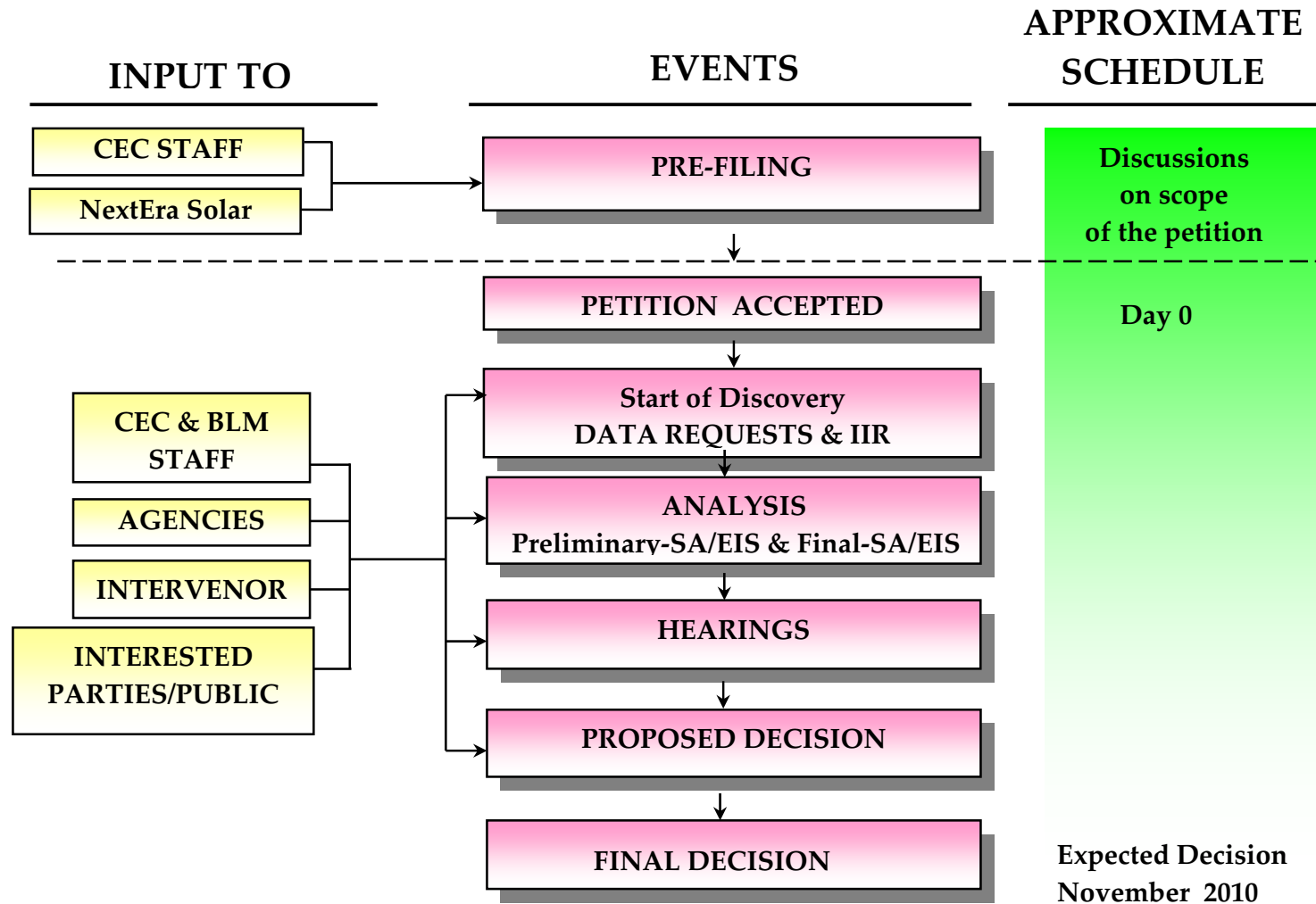


Overview of Licensing Process

1. Data Adequacy
 - Minimum requirements to accept application
2. Staff Discovery and Analyses
 - Data requests
 - Issues Identification
 - Public Workshops
 - Preliminary and Final Staff Assessments
3. Committee Evidentiary Hearing and Decision
 - Evidentiary Hearings on FSA and other information
 - Presiding Member's Proposed Decision (PMPD)
 - PMPD hearing and Commission decision



California Energy Commission Process



Discovery and Analysis Process

- ❖ Determine if proposal complies with Laws, Ordinances, Regulations, Standards (LORS)
- ❖ Conduct engineering and environmental analysis
 - ❖ identify issues
 - ❖ evaluate alternatives
 - ❖ identify mitigation measures
 - ❖ recommend conditions of certification
- ❖ Facilitate public and agency participation
- ❖ Staff products: Preliminary Staff Assessment (PSA) and Final Staff Assessment (FSA)
- ❖ Make recommendations to the Committee



Evidentiary Hearing & Decision Process

- ❖ Committee conducts hearings on all information
 - Issues Presiding Member's Proposed Decision (PMPD)
 - PMPD contains findings relating to:
 - Environmental impacts, public health, engineering
 - Project's compliance with LORS
 - Recommends conditions of certification
 - Recommends whether or not to approve the project
- ❖ Full Commission makes decision
- ❖ Energy Commission monitors compliance with all conditions of certification, for the life of the project and closure



Department of the Interior

Secretarial Orders

Secretarial Order 3283 – Enhancing Renewable Energy Development on Public Lands (January 16, 2009)

- **Purpose.** This Order facilitates the Department's efforts to achieve the goal Congress established in Section 211 of the Energy Policy Act of 2005 to approve non-hydropower renewable energy projects on the public lands with a generation capacity of at least 10,000 megawatts of electricity by 2015.
- **Policy.** The Department supports the permitting of environmentally responsible wind, solar, biomass, and geothermal operations and required electrical transmission facilities on the public lands.

Secretarial Order 3285 – Renewable Energy Development by DOI (March 11, 2009)

- **Purpose:** This Order establishes the development of renewable energy as a priority for DOI and establishes a Departmental Task Force for Energy and Climate Change.
- **Policy:** Encourage the production, development, and delivery of renewable energy is one of DOI'S highest priorities.





BLM Solar Energy Development Policy



- ❖ WO IM No. 2007-097 (April 4, 2007)
- ❖ Policy: facilitate environmentally responsible commercial development of solar energy projects on public lands.
- ❖ ROW applications for solar energy projects are a high priority and will be processed in a timely manner.
- ❖ If approved, authorize under Title V of FLPMA.
- ❖ Rent established by appraisal.
- ❖ Information on solar energy technology is available at: <http://www1.eere.energy.gov/solar/> or <http://www.nrel.gov/solar/>



■ Ref. Handout WO- IM No. 2007- 097



Summary of BLM ROW Processing and Administration

- BLM:
 - Regulations: 43 CFR 2800
 - Right-of-Way Toolkit Information:
 - ❖ General ROW
http://www.blm.gov/wo/st/en/prog/energy/cost_recovery_regulations.html
 - ❖ Solar ROW
http://www.blm.gov/wo/st/en/prog/energy/solar_energy.html

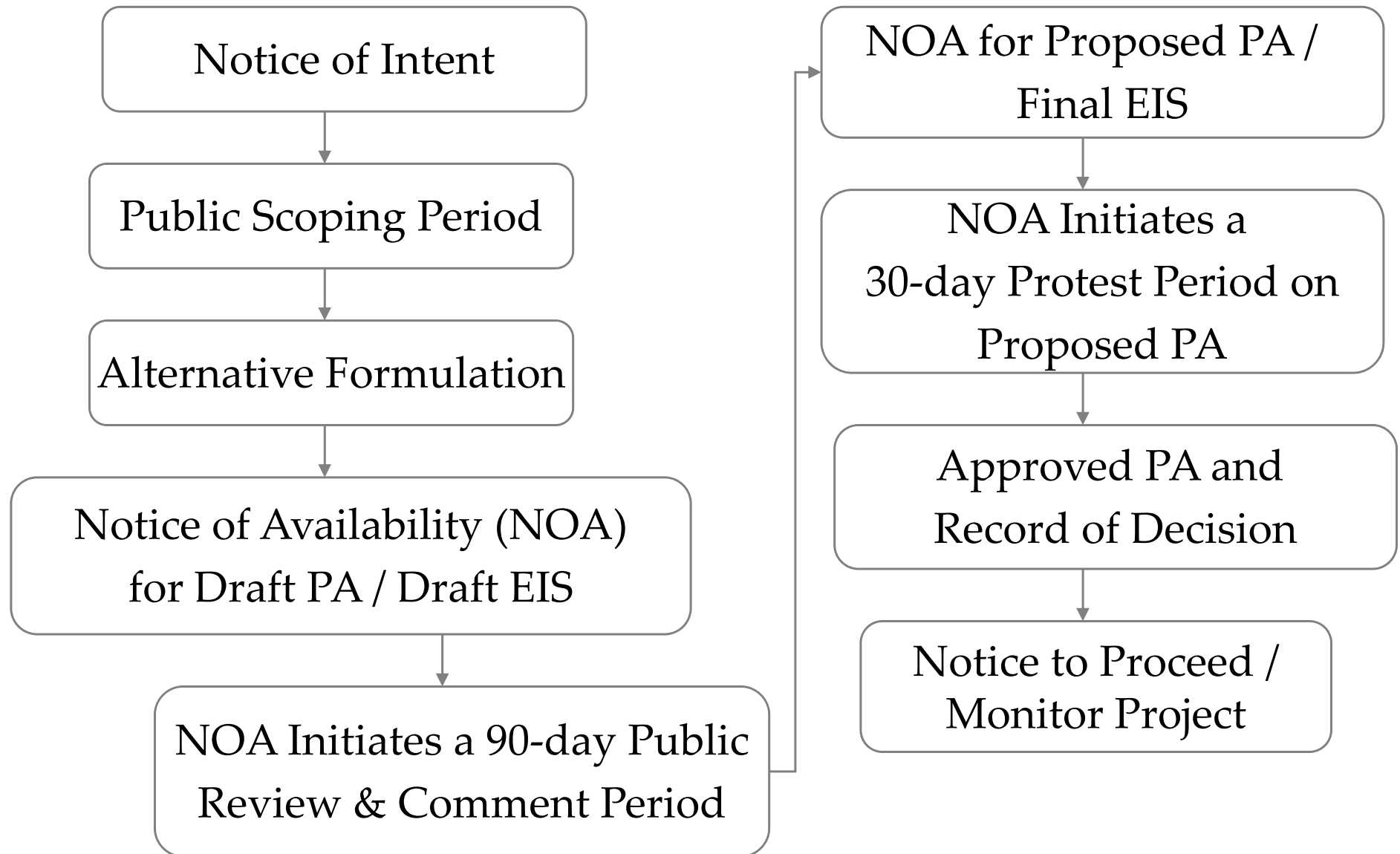


BLM Authorized Officer's Role

- ❖ Initial Response to Proposal
- ❖ Pre-application Screening
- ❖ Accept Application or Reject Proposal
- ❖ Process Application / Land Use Plan Amendment (PA)
 - ❖ - Conduct Formal Scoping
(November 23 – December 23, 2009)
 - ❖ - Prepare BLM Planning / NEPA Document (PA/EIS)
- ❖ Approve LUP Amendment / Decision on Application
- ❖ Authorize the Use and Establish Monitoring
- ❖ Administer through Termination



BLM LUP Amendment / NEPA Process (PA / EIS)



Energy Commission Contacts and Web Site

❖ Genesis Committee

- Julia Levin, Commissioner, Presiding Member
- James D. Boyd, Vice Chair, Associate Member
- Ken Celli, Hearing Officer, e-mail: kcelli@energy.state.ca.us

❖ California Energy Commission Staff

- Mike Monasmith, Project Manager
 - (916) 654-4894 or e-mail: mike.monasmith@energy.state.ca.us
 - Web page: www.energy.ca.gov/sitingcases/genesis_solar
- Public Adviser's Office
 - (916) 654-4489 or (800) 822-6228
 - e-mail: PublicAdviser@energy.state.ca.us



BLM Contacts and Comment Web Site

- ❖ Allison Shaffer, Project Manager
Phone: (760) 833-7100
email: allison_shaffer@blm.gov
- ❖ BLM Web Page:
<http://www.blm.gov/ca/st/en/fo/palmsprings.html>
- ❖ Scoping comments to:
NextEra Ford Dry Lake Solar Scoping Comments
c/o Allison Shaffer, Project Manager
Bureau of Land Management
1201 Bird Center Drive
Palm Springs, CA 92262

Or email comments to:

CAPSSolarNextEraFPL@blm.gov



Public Participation Information

- Open Public Process
 - ❖ Joint Workshops/Hearings noticed at least 15 days in advance
 - ❖ Mailing lists
 - ❖ List Server: www.energy.ca.gov/listservers

- Documents are available for public review at:
 - ❖ Public Libraries in San Bernardino County, Eureka, Sacramento, San Francisco, Fresno, Los Angeles and San Diego
 - ❖ Energy Commission Library in Sacramento
 - ❖ Energy Commission Web site:
www.energy.ca.gov/sitingcases/genesis_solar
 - ❖ Dockets Unit at the Energy Commission
1516 9th Street, MS - 4
Sacramento, CA 95814-5512



Public Participation Opportunities

- ❖ Submit written comments or statements
- ❖ Become a Formal Cooperating Agency with BLM
- ❖ Provide oral comments at public meetings
- ❖ Participate in workshops
- ❖ Become a formal intervenor (via CEC Public Adviser's Office)
- ❖ Provide written comments on Scoping, the PSA/DEIS, FSA/FEIS and PMPD



STAFF ISSUES IDENTIFICATION REPORT

■ Purpose

- ❖ Inform Participants of Potential Issues
- ❖ Early Focus
- ❖ Not Limiting

■ Criteria

- ❖ Significant impacts may result from the project which may be difficult to mitigate
- ❖ The project as proposed may not comply with applicable laws, ordinances, regulations or standards (LORS)
- ❖ Conflicts may arise between the parties about the appropriate findings or conditions



Potential Issue Areas

- ❖ Biological Resources
- ❖ Cultural Resources
- ❖ Soil and Water Resources
- ❖ Multiple Resource Use Limitations
- ❖ Cumulative Effects and Alternatives



Biological Resources

Potential Issues

- ❖ Federal and State Protected Species
- ❖ Multi-agency Mitigation Development
- ❖ Implementation of Mitigation for Potential Significant Impacts
- ❖ Cumulative Impacts



Cultural Resources

Potential Issues

- ❖ High Frequency of Cultural Resources (number and density)
- ❖ Potential for Unanticipated Discoveries
- ❖ Mitigation of Potential Significant Impacts
- ❖ Cumulative Impacts



Soil and Water Resources

Potential Issues

- ❖ Vegetation removal and grading surface to near level condition
- ❖ Relocation of natural drainages and disruption on natural surface flows
- ❖ Pumping effects on groundwater basin levels
- ❖ Cumulative Impacts



Multiple Resource Use Limitations Potential Issues

- ❖ Exclusive use of public land could eliminate other BLM authorized land uses
- ❖ Elimination of traditional access/OHV routes
- ❖ Visual resource impacts at observation points
- ❖ Cumulative Impacts



Cumulative Effects and Alternatives Issues

- ❖ NEPA and CEQA requirements for analysis of the environmental impacts of the proposed project and other proposed projects in the desert would include a cumulative effects review of all proposed projects.
- ❖ Alternatives to a proposed project including no action.



PROPOSED SCHEDULE

DATE	MILESTONE / EVENT
4-Nov-2009	Commission determined AFC is complete
15-Nov-2009	Staff filed Issues Identification Report
13-Nov-2009	Staff filed Data Requests Set 1A
23-Nov-2009	Data Request Workshops (11/23, 11/24, 12/4)
10-Dec-2009	Informational Hearing/Scoping Meeting and Site Visit
11-Dec-2009	Scoping Meeting
14-Dec-2009	Applicant Files Data Responses Set 1A
18-Dec-2009	Data Response & Issues Resolution Workshop
4-Jan-2010	Applicant Files Data Responses Set 1B
7-Jan-2010	Data Response & Issues Resolution Workshop
18-Feb-2010	Staff files Staff Assessment (SA)/DEIS
17-Mar-2010	SA/Draft EIS Workshop
20-May-2010	Close BLM Comment Period on Draft EIS
TBD	Committee conducts Evidentiary Hearing
TBD	Presiding Member's Proposed Decision (PMPD)
TBD	Committee Hearing on the PMPD
TBD	BLM Files Record of Decision (ROD)
TBD	Committee files revised PMPD / Commission Decision



Staff's Proposed Schedule

- Meeting this schedule will depend on:
 - ❖ Applicant's timely response to staff's data requests
 - ❖ Determinations by other local, state, and federal agencies
 - ❖ Timely preparation of required documents
 - ❖ Number and complexity of comments received during the NEPA comment or protest periods
 - ❖ Other factors, such as intervenor requests, and others not yet known



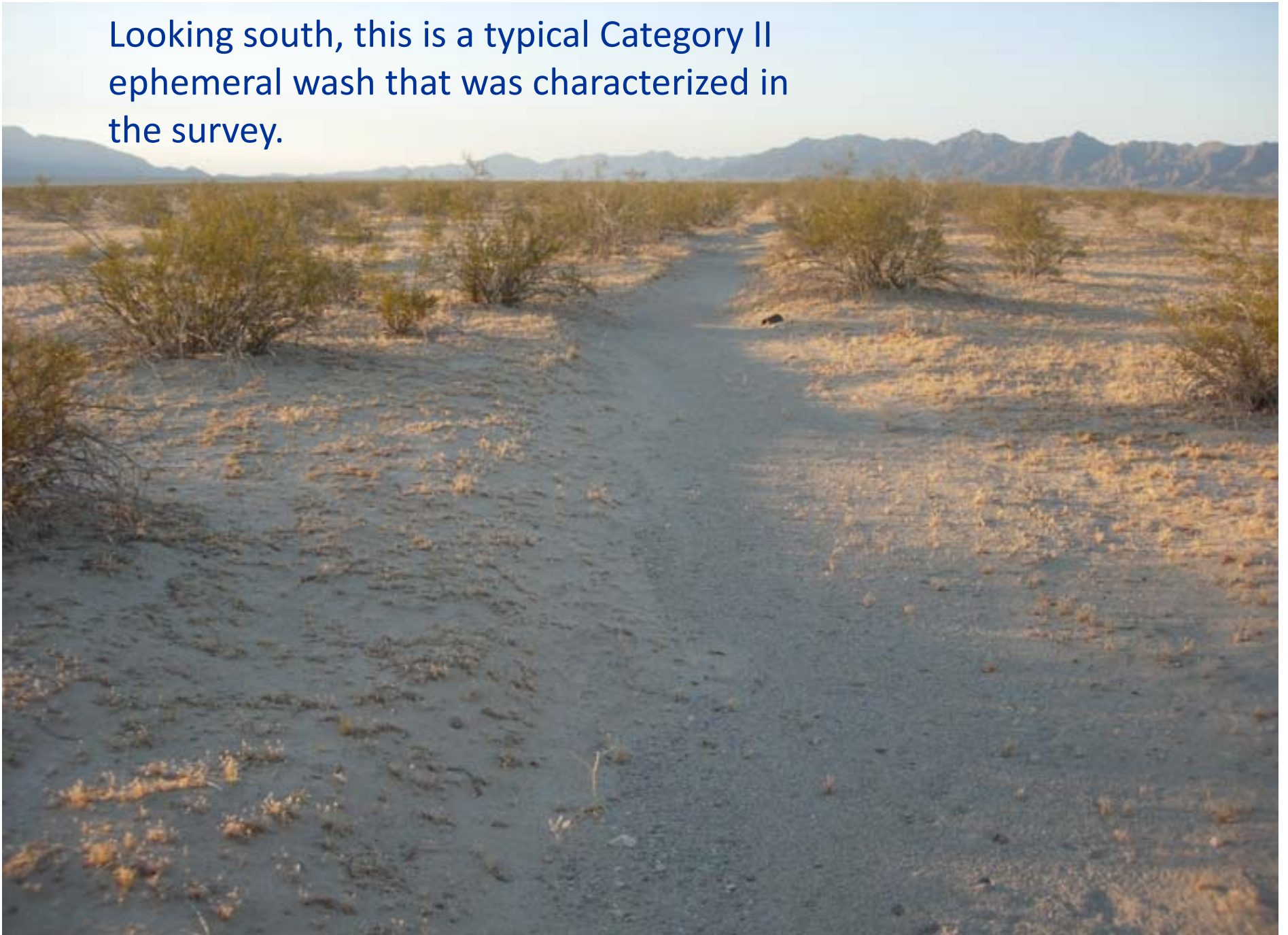
ACTIVITY	DATE
Commission's determination that AFC is complete	11/4/09
Staff files Data Requests	11/13/09
Staff files Issues Identification Report	11/18/09
Data Request Workshop	11/23-11/24/09 and 12/4/09
Informational Hearing and Site Visit	12/10/09
Applicant provides Data Responses	12/14/09
Data Response and Issue Resolution workshop	12/18/09
Technical staff receive final comments and conditions from appropriate agencies	1/4/10-1/10/10
Administrative Staff Assessment/Draft EIS (SA/DEIS)	1/25/10
Local, state and federal agency draft determinations; AQMD files PDOC	2/12/10
Notice of Availability of SA/DEIS in Federal Register; SA/DEIS filed and 90-day comment period begins; BLM submits Biological Assessment (BA) to USFWS	2/19/10
Staff Assessment (SA) published	3/3/10
Staff Assessment Workshop	3/17/10
BA determined adequate by USFWS	3/19/10
Local, state and federal agency final determinations AQMD files FDOC	4/9/10
Staff Assessment Addendum (SAA) prepared	4/30/10
Prehearing Conference*	TBD
Evidentiary hearings*	TBD
Close BLM comment period	5/20/10
Response to comments, prepare Staff Assessment Addendum(SAA)/FEIS	7/1/10
Administrative SAA/FEIS circulated for agency staff review	7/9/10
USFWS issues Biological Opinion	7/15/10
SAA/FEIS distributed; NOA of SA/FEIS in Federal Register	7/30/10
BLM Plan Amendment Protest Period; Expedited Governor's review period both end	8/30/10
Presiding Members Proposed Decision (PMPD)*	TBD
Committee Hearing on PMPD*	TBD
Addendum/Revised PMPD*	TBD
BLM Record of Decision/Right of Way (ROD/ROW) issued; Energy Commission Decision*	TBD





Looking north, a majority of the Project site shows some evidence of weakly expressed braided ephemeral surface water flow.

Looking south, this is a typical Category II ephemeral wash that was characterized in the survey.





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
GENESIS SOLAR ENERGY PROJECT**

Docket No. 09-AFC-8

**PROOF OF SERVICE
(Est. 11/30/09)**

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DECLARATION OF SERVICE

I, Maria Santourdjian, declare that on December 14, 2009, I served and filed copies of the attached Joint CEC-BLM 12/10/09 Hearing and Scoping Presentation for Genesis Solar Energy Project, dated December 10, 2009. 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/genesis_solar].

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 or by depositing in the United States mail at Sacramento, California, with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above 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-8
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.

Original Signature in Dockets
Maria Santourdjian