Genesis / NextEra Ford Dry Lake Solar Energy Project
Application for Certification
09-AFC-8
INFORMATIONAL HEARING
&
SCOPING MEETING
BLM Rights-of-Way Application
CACA 048880
December 10-11, 2009
Mike Monasmith, CEC Project Manager
Allison Shaffer, BLM Project Manager
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)
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

INPUT TO

CEC STAFF
NextEra Solar

EVENTS

PRE-FILING

PETITION ACCEPTED

Start of Discovery
DATA REQUESTS & IIR

ANALYSIS
Preliminary-SA/EIS & Final-SA/EIS

HEARINGS

PROPOSED DECISION

FINAL DECISION

APPROXIMATE SCHEDULE

Discussions on scope of the petition
Day 0

Expected Decision
November 2010
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
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
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.
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/
Summary of BLM ROW Processing and Administration

- **BLM:**
  - Regulations: 43 CFR 2800
  - Right-of-Way Toolkit Information:
    - General ROW
    - Solar ROW
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)

Notice of Intent

Public Scoping Period

Alternative Formulation

Notice of Availability (NOA) for Draft PA / Draft EIS

NOA Initiates a 90-day Public Review & Comment Period

NOA for Proposed PA / Final EIS

NOA Initiates a 30-day Protest Period on Proposed PA

Approved PA and Record of Decision

Notice to Proceed / Monitor Project
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:**  

- **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
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.
<table>
<thead>
<tr>
<th>DATE</th>
<th>MILESTONE / EVENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-Nov-2009</td>
<td>Commission determined AFC is complete</td>
</tr>
<tr>
<td>15-Nov-2009</td>
<td>Staff filed Issues Identification Report</td>
</tr>
<tr>
<td>13-Nov-2009</td>
<td>Staff filed Data Requests Set 1A</td>
</tr>
<tr>
<td>23-Nov-2009</td>
<td>Data Request Workshops (11/23, 11/24, 12/4)</td>
</tr>
<tr>
<td>10-Dec-2009</td>
<td>Informational Hearing/Scoping Meeting and Site Visit</td>
</tr>
<tr>
<td>11-Dec-2009</td>
<td>Scoping Meeting</td>
</tr>
<tr>
<td>14-Dec-2009</td>
<td>Applicant Files Data Responses Set 1A</td>
</tr>
<tr>
<td>18-Dec-2009</td>
<td>Data Response &amp; Issues Resolution Workshop</td>
</tr>
<tr>
<td>4-Jan-2010</td>
<td>Applicant Files Data Responses Set 1B</td>
</tr>
<tr>
<td>7-Jan-2010</td>
<td>Data Response &amp; Issues Resolution Workshop</td>
</tr>
<tr>
<td>18-Feb-2010</td>
<td>Staff files Staff Assessment (SA)/DEIS</td>
</tr>
<tr>
<td>17-Mar-2010</td>
<td>SA/Draft EIS Workshop</td>
</tr>
<tr>
<td>20-May-2010</td>
<td>Close BLM Comment Period on Draft EIS</td>
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<tr>
<td>TBD</td>
<td>Committee conducts Evidentiary Hearing</td>
</tr>
<tr>
<td>TBD</td>
<td>Presiding Member’s Proposed Decision (PMPD)</td>
</tr>
<tr>
<td>TBD</td>
<td>Committee Hearing on the PMPD</td>
</tr>
<tr>
<td>TBD</td>
<td>BLM Files Record of Decision (ROD)</td>
</tr>
<tr>
<td>TBD</td>
<td>Committee files revised PMPD / Commission Decision</td>
</tr>
</tbody>
</table>
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
<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commission’s determination that AFC is complete</td>
<td>11/4/09</td>
</tr>
<tr>
<td>Staff files Data Requests</td>
<td>11/13/09</td>
</tr>
<tr>
<td>Staff files Issues Identification Report</td>
<td>11/18/09</td>
</tr>
<tr>
<td>Data Request Workshop</td>
<td>11/23-11/24/09 and 12/4/09</td>
</tr>
<tr>
<td>Informational Hearing and Site Visit</td>
<td>12/10/09</td>
</tr>
<tr>
<td>Applicant provides Data Responses</td>
<td>12/14/09</td>
</tr>
<tr>
<td>Data Response and Issue Resolution workshop</td>
<td>12/18/09</td>
</tr>
<tr>
<td>Technical staff receive final comments and conditions from appropriate agencies</td>
<td>1/4/10-1/10/10</td>
</tr>
<tr>
<td>Administrative Staff Assessment/Draft EIS (SA/DEIS)</td>
<td>1/25/10</td>
</tr>
<tr>
<td>Local, state and federal agency draft determinations; AQMD files PDOC</td>
<td>2/12/10</td>
</tr>
<tr>
<td>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</td>
<td>2/19/10</td>
</tr>
<tr>
<td>Staff Assessment (SA) published</td>
<td>3/3/10</td>
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<tr>
<td>Staff Assessment Workshop</td>
<td>3/17/10</td>
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<tr>
<td>BA determined adequate by USFWS</td>
<td>3/19/10</td>
</tr>
<tr>
<td>Local, state and federal agency final determinations</td>
<td>4/9/10</td>
</tr>
<tr>
<td>AQMD files FDOC</td>
<td>4/30/10</td>
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<tr>
<td>Staff Assessment Addendum (SAA) prepared</td>
<td>TBD</td>
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<tr>
<td>Prehearing Conference*</td>
<td>TBD</td>
</tr>
<tr>
<td>Evidentiary hearings*</td>
<td>TBD</td>
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<tr>
<td>Close BLM comment period</td>
<td>5/20/10</td>
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<tr>
<td>Response to comments, prepare Staff Assessment Addendum(SAA)/FEIS</td>
<td>7/1/10</td>
</tr>
<tr>
<td>Administrative SAA/FEIS circulated for agency staff review</td>
<td>7/9/10</td>
</tr>
<tr>
<td>USFWS issues Biological Opinion</td>
<td>7/15/10</td>
</tr>
<tr>
<td>SAA/FEIS distributed; NOA of SA/FEIS in Federal Register</td>
<td>7/30/10</td>
</tr>
<tr>
<td>BLM Plan Amendment Protest Period; Expedited Governor’s review period both end</td>
<td>8/30/10</td>
</tr>
<tr>
<td>Presiding Members Proposed Decision (PMPD)*</td>
<td>TBD</td>
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<tr>
<td>Committee Hearing on PMPD*</td>
<td>TBD</td>
</tr>
<tr>
<td>Addendum/Revised PMPD*</td>
<td>TBD</td>
</tr>
<tr>
<td>BLM Record of Decision/Right of Way (ROD/ROW) issued; Energy Commission Decision*</td>
<td>TBD</td>
</tr>
</tbody>
</table>
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.
APPLICATION FOR CERTIFICATION FOR THE
GENESIS SOLAR ENERGY PROJECT

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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