

Memorandum

Date: July 12, 2010
 Telephone: (916) 654-4894

To: Vice Chair James D. Boyd, Presiding Member
 Commissioner Robert B. Weisenmiller, Associate Member
 Hearing Officer Kenneth Celli

From: California Energy Commission – Terry O'Brien, Deputy Director
 1516 Ninth Street
 Sacramento, CA 95814-5512

DOCKET
09-AFC-8

DATE	<u>07/12/10</u>
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RECD.	<u>07/13/10</u>
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Subject: STAFF COMMENTS REGARDING A POSSIBLE ENERGY COMMISSION FINDING OF OVERRIDING CONSIDERATIONS FOR THE GENESIS SOLAR ENERGY PROJECT (09-AFC-8)

The Energy Commission staff believes that the cumulative impacts associated with land use and visual resources for the Genesis Solar Energy Project (GSEP) will be significant. There is no feasible mitigation that would reduce the impacts to a level that is less than significant given the scale of the projects that were cumulatively considered.

Notwithstanding the unmitigable impacts, consideration needs to be given to the fact that the project is a solar power plant that will help California meet its renewable portfolio standard (RPS) of 33 percent in 2020 and AB 32 greenhouse gas emission reduction goals. As such, it will provide critical environmental benefits by helping the state reduce its greenhouse gas emissions, and these positive attributes must be weighed against the project's adverse impacts. It is because of these benefits and the concerns regarding the adverse impacts that global warming will have upon the state and our environment, including desert ecosystems, that staff believes it would be appropriate for the Commission to approve the project based on a finding of overriding considerations, consistent with CEQA Guideline Section 15093 and section 1755 of the Commission's siting regulations, if the Commission adopts staff's proposed mitigation measures contained in the conditions of certification.

Staff's position on the GSEP should not be read as a blanket endorsement of all solar projects, nor as an indication that we will consistently conclude that it is appropriate for the Commission to adopt overriding considerations for unmitigable significant environmental impacts. Our determinations will be made on a case-by-case basis. As with all electricity infrastructure projects, site selection is a critical factor in determining impacts and staff's position on whether a Commission override is appropriate or warranted.

The fact that the GSEP site is adjacent to, and in the vicinity of, extensive existing and planned development, (e.g., a state prison, Interstate 10, and existing electricity

infrastructure, including major transmission lines and other solar power projects), is a significant factor in reaching the conclusion that an override is appropriate in this case.

Energy Commission staff may not support an override for a project in a more remote location. As indicated in its November 19, 2008 Renewable Energy Transmission Initiative comments on the proposed competitive renewable energy zones, staff believes renewable energy development should occur in areas proximate to “existing transmission infrastructure and load centers” and recognizes that it is important to “protect the unique visual resources of the desert and to preserve the special qualities of remoteness and isolation that are inherent in the appeal of desert landscapes.”

One final observation is that, in the future, after several of the new solar power plants have been constructed and have been operational for an appropriate period of time, staff and others will have more information about their collective impacts to evaluate and compare the characteristics of the various solar thermal technologies. Based upon this information, staff will be better informed to determine whether some technologies are preferable from an environmental perspective and will factor that evaluation into our alternatives analysis. Important issues to analyze will include water use, land use (amount of land needed per megawatt of generating capacity), visual impacts, and ground disturbance.

In support of staff’s position for consideration by the Committee, staff requests that notice is taken of the following documents:

- 1) Climate Action Team Report to Governor Schwarzenegger and the Legislature. CalEPA, March 2006.
- 2) AB 32 Scoping Plan. CARB, December 2008.
- 3) Integration of Renewable Resources. CAISO, Nov. 2007.
- 4) 2007 Integrated Energy Policy Report. CEC, Nov. 2007.
- 5) 2009 Integrated Energy Policy Report. CEC. Nov. 2009.
- 6) Draft Final Opinion on Greenhouse Gas Regulatory Strategies: Joint Agency Proposed Final Opinion. CPUC/CEC 2008.
- 7) Framework for Evaluating Greenhouse Gas Implications of Natural Gas-Fired Power Plants in California. CEC (MRW and Associates). May 2009.

DECLARATION OF TERRY O'BRIEN

I, Terry O'Brien declare as follows:

1. I am presently Deputy Director of the Siting, Transmission and Environmental Protection Division at the California Energy Commission.
2. I am personally familiar with the GENESIS SOLAR ENERGY PROJECT currently under review by the Energy Commission staff. I have reviewed relevant sections of the Revised Staff Assessment and have discussed the case with technical staff, siting management and legal staff. In addition to the GENESIS project, I reviewed the filings and staff's analysis regarding all the solar power projects currently filed with the Energy Commission.
3. I prepared the attached testimony regarding Land Use and Visual Resources and the appropriateness of recommending a finding of overriding considerations. The testimony is based on my independent analysis and review of the relevant documents submitted in the case.
4. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness, could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: _____ Signed: _____

At: Sacramento, California



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
(Revised 6/7/10)**

APPLICANT

Ryan O'Keefe, Vice President
Genesis Solar LLC
700 Universe Boulevard
Juno Beach, Florida 33408
E-mail service preferred
Ryan.okeefe@nexteraenergy.com

Scott Busa/Project Director
Meg Russel/Project Manager
Duane McCloud/Lead Engineer
NextEra Energy
700 Universe Boulevard
Juno Beach, FL 33408
Scott.Busa@nexteraenergy.com
Meg.Russell@nexteraenergy.com
Duane.mccloud@nexteraenergy.com
E-mail service preferred
Matt Handel/Vice President
Matt.Handel@nexteraenergy.com
Email service preferred
Kenny Stein,
Environmental Services Manager
Kenneth.Stein@nexteraenergy.com

Mike Pappalardo
Permitting Manager
3368 Videra Drive
Eugene, OR 97405
mike.pappalardo@nexteraenergy.com

Kerry Hattevik/Director
West Region Regulatory Affairs
829 Arlington Boulevard
El Cerrito, CA 94530
Kerry.Hattevik@nexteraenergy.com

APPLICANT'S CONSULTANTS

Tricia Bernhardt/Project Manager
Tetra Tech, EC
143 Union Boulevard, Ste 1010
Lakewood, CO 80228
Tricia.bernhardt@tteci.com

James Kimura, Project Engineer
Worley Parsons
2330 East Bidwell Street, Ste.150
Folsom, CA 95630
James.Kimura@WorleyParsons.com

COUNSEL FOR APPLICANT

Scott Galati
Galati & Blek, LLP
455 Capitol Mall, Ste. 350
Sacramento, CA 95814
sgalati@gb-llp.com

INTERESTED AGENCIES

California-ISO
e-recipient@caiso.com

Allison Shaffer, Project Manager
Bureau of Land Management
Palm Springs South Coast
Field Office
1201 Bird Center Drive
Palm Springs, CA 92262
Allison_Shaffer@blm.gov

INTERVENORS

California Unions for Reliable
Energy (CURE)
c/o: Tanya A. Gulesserian,
Rachael E. Koss,
Marc D. Joseph
Adams Broadwell Joesph
& Cardoza
601 Gateway Boulevard,
Ste 1000
South San Francisco, CA 94080
tgulesserian@adamsbroadwell.com
rkoss@adamsbroadwell.com

Tom Budlong
3216 Mandeville Cyn Rd.
Los Angeles, CA 90049-1016
tombudlong@roadrunner.com

*Mr. Larry Silver
California Environmental
Law Project
Counsel to Mr. Budlong
E-mail preferred
larrysilver@celproject.net

Californians for Renewable
Energy, Inc. (CARE)
Michael E. Boyd, President
5439 Soquel Drive
Soquel, CA 95073-2659
michaelboyd@sbcglobal.net

*Lisa T. Belenky, Senior Attorney
Center for Biological Diversity
351 California St., Suite 600
San Francisco, CA 94104
lbelenky@biologicaldiversity.org

*Ileene Anderson
Public Lands Desert Director
Center for Biological Diversity
PMB 447, 8033 Sunset Boulevard
Los Angeles, CA 90046
ianderson@biologicaldiversity.org

OTHER

Alfredo Figueroa
424 North Carlton
Blythe, CA 92225
lacunadeaztlan@aol.com

ENERGY COMMISSION

JAMES D. BOYD
Commissioner and Presiding
Member
jboyd@energy.state.ca.us

ROBERT WEISENMILLER
Commissioner and Associate Member
rweisenm@energy.state.ca.us

Kenneth Celli
Hearing Officer
kcelli@energy.state.ca.us

Caryn Holmes
Staff Counsel
cholmes@energy.state.ca.us

Jennifer Jennings
Public Adviser's Office
publicadviser@energy.state.ca.us

Mike Monasmith
Siting Project Manager
mmonasmi@energy.state.ca.us

Robin Mayer
Staff Counsel
rmayer@energy.state.ca.us

DECLARATION OF SERVICE

I, Maria Santourdjian declare that on July 13, 2010, I served and filed copies of the attached Staff Comments Regarding Override Recommendations for Genesis Solar Energy Project (09-AFC-8). 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;

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:

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, 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.

Originally Signed by _____
Maria Santourdjian