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March 1, 2010

<b>DOCKET</b>	
<b>09-AFC-8</b>	
DATE	MAR 01 2010
RECD.	MAR 02 2010

California Energy Commission  
Attn Docket No. 09-AFC-8  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

Re: Genesis Solar Energy Project; 09-AFC-8

Dear Docket Clerk:

Enclosed are an original and one copy of **CALIFORNIA UNIONS FOR RELIABLE ENERGY STATUS REPORT NUMBER 2**. Please docket the original, conform the copy and return the copy in the envelope provided.

Thank you for your assistance.

Sincerely,  
*/s/*

Bonnie A. Heeley  
Administrative Assistant

:bh  
Enc.

**STATE OF CALIFORNIA**

**Energy Resources Conservation  
and Development Commission**

In the Matter of:

The Application for Certification for the  
GENESIS SOLAR ENERGY PROJECT

Docket No. 09-AFC-8

**CALIFORNIA UNIONS FOR RELIABLE ENERGY  
STATUS REPORT NUMBER 2**

March 1, 2010

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Attorneys for the CALIFORNIA  
UNIONS FOR RELIABLE ENERGY

California Unions for Reliable Energy (“CURE”) submits this second status report pursuant to the Committee’s December 22, 2009 Scheduling Order for the Genesis Solar Energy Project (“Project”). The Committee granted CURE’s petition to intervene on December 15, 2009. Since that time, CURE has participated in all data request workshops, including the most recent workshops regarding water and biological resources on February 10, 2010 and February 18, 2010, respectively. CURE also participated in the February 16, 2010 status conference.

CURE continues to evaluate the Application for Certification, Staff’s data requests, the Applicant’s responses to data requests, and recent submittals by the Applicant, such as the Alternative Proposal to Desert Tortoise Mitigation: A Habitat Based Approach, submitted on February 25, 2010. CURE anticipates that further data requests will be needed to clarify the proposed Project, potentially significant impacts and mitigation measures, and compliance with the Warren-Alquist Act, including LORS.

CURE has concerns regarding potentially significant impacts to several resources areas, including biological and water resources, among others. For example, CURE is concerned that the Applicant has not established the proper baseline to evaluate significant impacts to numerous plant and wildlife species. The Applicant claims to have surveyed for sensitive species and communities within the 4,620-acre survey area and 153 miles of buffer transects within a two-week period. However, the Applicant failed to provide sufficient information regarding survey efforts to evaluate whether the baseline was properly established. In fact, the

Applicant's data shows an overlap of survey tasks including mammal trapping, burrowing owl Phase 3 surveys, and multi-taxa transect surveys. Without a proper baseline, it is impossible to determine the extent of impacts to biological resources or whether mitigation will fully mitigate significant impacts.

CURE is also concerned that the Project will result in significant impacts to groundwater resources. Genesis is one of the few projects pending that proposes to use groundwater for power plant cooling. Genesis' proposed water use raises several issues with respect to the Project's direct, indirect and cumulative impacts on groundwater resources in this arid region. However, the Applicant's data responses contain significant gaps in the water data and uncertainties in the impact modeling. The Applicant's data responses also provide no comprehensive evaluation of the relationship between the Eastern Chuckwalla Basin and the neighboring Palo Verde Mesa Groundwater Basin. These issues are significant since the I-10 corridor is targeted for significant cumulative power plant development.

Given the Project's unresolved issues, CURE is concerned that Staff's proposed schedule would result in evidentiary hearings being scheduled prior to the completion of Staff's assessment of the Project. This siting proceeding is the only opportunity for the government and interested parties to study the environmental impacts under the California Environmental Quality Act and this opportunity cannot be short circuited.

However, the schedule includes a Staff Assessment Addendum (SAA) document to be prepared after the Staff Assessment for circulation concurrent with the Bureau of Land Management's Final Environmental Impact Statement (FEIS). The schedule estimates the SAA/FEIS to be released months after the evidentiary hearings would begin. If the final Staff Analysis has changed substantially from the original analysis, additional hearings may be required leading to a duplication of effort by all parties.

In sum, the Project has potentially significant impacts to various resources. It is prudent that the impacts be properly analyzed and adequately mitigated prior to evidentiary hearings.

Dated: March 1, 2010

Respectfully submitted,

/s/

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UNIONS FOR RELIABLE ENERGY

## Declaration of Service

I, Bonnie Heeley, declare that on March 1, 2010 I served and filed copies of the attached California Unions for Reliable Energy Status Report Number 2 dated March 1, 2010. The original document, filed with the Docket Office, 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](http://www.energy.ca.gov/sitingcases/genesis_solar).

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 Office via email and U.S. mail.

I declare under penalty of perjury that the foregoing is true and correct. Executed at South San Francisco, CA on March 1, 2010.

\_\_\_\_\_/s/\_\_\_\_\_  
Bonnie Heeley

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