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THOMAS R. ADAMS  
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GLORIA D. SMITH

September 28, 2010

<b>DOCKET</b>	
<b>09-AFC-8</b>	
DATE	SEP 28 2010
RECD.	SEP 28 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 the following: California Unions for Reliable Energy's Letter to Commissioners re: September 23, 2010 Letter from Colorado River Board of California. Please docket the original, conform the copy and return the copy in the envelope provided.

Thank you for your assistance.

Sincerely,

/s/

Rachael E. Koss

REK:vs  
Enclosure

# ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

## ATTORNEYS AT LAW

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GLORIA D. SMITH

September 28, 2010

### Via Email and U.S. Mail

James D. Boyd, Presiding Member  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814  
jboyd@energy.state.ca.us

Robert Weisenmiller, Commissioner  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814  
rweisenm@energy.state.ca.us

Kenneth Celli, Hearing Officer  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814  
kcelli@energy.state.ca.us

Re: Colorado River Board of California Letter Regarding Genesis Solar Energy Project (09-AFC-8)

Dear Commissioner Boyd, Commissioner Weisenmiller and Hearing Officer Celli:

In the PMPD workshop, the Committee posed the question, "where is the evidence that groundwater pumping is definitely Colorado River water?" We believe that there was ample evidence in the record. Now, any remaining dispute has been eliminated.

Today, a letter from the Colorado River Board of California ("Colorado River Board") was docketed with the Energy Commission which confirms this critical point. Established in 1937 by California statute to protect California's rights and interests in the Colorado River, the Colorado River Board is the authoritative State agency for the Colorado River.<sup>1</sup> Attached is the Colorado River Board's letter. This letter says, definitively, that groundwater pumping is pumping Colorado River water, and that the Project Applicant must obtain a legal entitlement to Colorado River water pursuant to Federal law before it may pump groundwater.

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<sup>1</sup> Cal. Water Code §§12500 et seq.

James D. Boyd  
Robert Weisenmiller  
Kenneth Celli  
September 28, 2010  
Page 2

First, the Colorado River Board confirmed, yet again, that “*the CVGB groundwater underneath the project site is hydraulically connected with the Colorado River.*”<sup>2</sup> The Colorado River Board, the United States Geological Survey, the Metropolitan Water District, the Bureau of Land Management and Energy Commission Staff all agree that the Chuckwalla Valley Groundwater Basin is hydraulically connected to the Colorado River.

Second, the Colorado River Board confirmed that “consumptive use” of the Colorado River mainstream includes water *drawn* from the River mainstream by underground pumping.<sup>3</sup> Thus, “any amount” of the 10,644 acre-feet of water extracted from the Chuckwalla Valley Groundwater Basin for Project construction (4,104 acre-feet) and operation (6,540 acre-feet under a dry-cooled scenario) “that will be replaced by the Colorado River, in total or in part, is considered a use of Colorado River water.”<sup>4</sup> In other words, regardless of whether the water drawn is used directly by the Project or is induced into the groundwater basin to fill the void left by the Project’s groundwater pumping, the Project’s groundwater pumping would be considered a “consumptive use” of Colorado River mainstream water pursuant to the United States Supreme Court consolidated decree *Arizona v. California* (2006) 547 U.S. 150.

Finally, the Colorado River Board confirmed that to obtain “a *legally authorized* and reliable water supply” for the Project, the Applicant should acquire “water through an existing [Boulder Canyon Project Act] Section 5 contract holder, the Metropolitan Water District of Southern California.”<sup>5</sup> Further, “[a]lthough other options may be available, it is the Board’s assessment that they could not be implemented in a timely manner and address the requirement that water consumptively used from the Colorado River must be through a BCPA Section 5 contractual entitlement.”<sup>6</sup> The legal requirement that the Applicant obtain an entitlement is distinct from any offset scheme.

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<sup>2</sup> Letter from Gerald R. Zimmerman, Acting Executive Director of the Colorado River Board of California to the State Clearinghouse, September 23, 2010, p. 1 (emphasis added).

<sup>3</sup> *Id.*, pp. 1-2.

<sup>4</sup> *Id.*, p. 1.

<sup>5</sup> *Id.*, p. 2 (emphasis added).

<sup>6</sup> *Id.*

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Robert Weisenmiller  
Kenneth Celli  
September 28, 2010  
Page 3

Thus, to comply with federal law, the Commission must require the Applicant to obtain an entitlement before pumping any groundwater at the Project site.

Thank you for your attention to this matter.

Sincerely,



Rachael E. Koss

REK:vs  
Attachments  
cc: Docket  
POS List

## PROOF OF SERVICE

I, Valerie Stevenson, declare that on September 28, 2010 I served and filed copies of the attached **California Unions for Reliable Energy’s Letter to Commissioners re: September 23, 2010 Letter from Colorado River Board of California.** The original documents, filed with the Docket Unit, are accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at [www.energy.ca.gov/sitingcases/genesis](http://www.energy.ca.gov/sitingcases/genesis). These 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 electronically to all email addresses on the Proof of Service list and by either depositing in the U.S. Mail at South San Francisco, CA with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses NOT marked “email preferred,” via personal service or via overnight mail as indicated.

I declare under penalty of perjury that the foregoing is true and correct. Executed at South San Francisco, CA on September 28, 2010.

/s/ \_\_\_\_\_  
Valerie Stevenson

<p>CALIFORNIA ENERGY COMMISSION Attn: Docket No. 09-AFC-8 1516 Ninth Street MS 4 Sacramento, CA 95814-5512 <a href="mailto:docket@energy.state.ca.us">docket@energy.state.ca.us</a></p>	<p>Ryan O’Keefe, Vice President <a href="mailto:Ryan.okeefe@nexteraenergy.com">Ryan.okeefe@nexteraenergy.com</a> <b>EMAIL ONLY</b></p>	<p>Scott Busa/Project Director Meg Russell/Project Mgr Duane McCloud/Lead Engr NextEra Energy 700 Universe Boulevard Juno Beach, FL 33408 <a href="mailto:Scott.busa@nexteraenergy.com">Scott.busa@nexteraenergy.com</a> <a href="mailto:Meg.Russell@nexteraenergy.com">Meg.Russell@nexteraenergy.com</a> <a href="mailto:Daune.mccloud@nexteraenergy.com">Daune.mccloud@nexteraenergy.com</a></p> <p>Matt Handel/Vice Pres. <a href="mailto:Matt.Handel@nexteraenergy.com">Matt.Handel@nexteraenergy.com</a> <b>VIA EMAIL ONLY</b></p> <p>Kenny Stein, Environmental Srvs Mgr <a href="mailto:Kenneth.Stein@nexteraenergy.com">Kenneth.Stein@nexteraenergy.com</a> <b>VIA EMAIL ONLY</b></p>
<p>Mike Pappalardo Permitting Manager 3368 Videra Drive Eugene, OR 97405 <a href="mailto:Mike.pappalardo@nexteraenergy.com">Mike.pappalardo@nexteraenergy.com</a></p>	<p>James Kimura, Project Engineer Worley Parsons 2330 East Bidwell St., #150 Folsom, CA 95630 <a href="mailto:James.Kimura@WorleyParsons.com">James.Kimura@WorleyParsons.com</a></p>	<p>Tricia Bernhardt/Project Manager Tetra Tech, EC 143 Union Blvd, Suite 1010 Lakewood, CO 80228 <a href="mailto:Tricia.bernhardt@tteci.com">Tricia.bernhardt@tteci.com</a></p>
<p>Kerry Hattevik, Director West Region Regulatory Affairs 829 Arlington Boulevard El Cerrito, CA 94530 <a href="mailto:Kerry.hattevik@nexteraenergy.com">Kerry.hattevik@nexteraenergy.com</a></p>	<p>Scott Galati/Marie Mills Galati &amp; Blek, LLP 455 Capitol Mall, Suite 350 Sacramento, CA 95814 <a href="mailto:sgalati@gb-llp.com">sgalati@gb-llp.com</a> mmills@gb-llp.com</p>	<p>California ISO <a href="mailto:e-recipient@caiso.com">e-recipient@caiso.com</a> <b>VIA EMAIL ONLY</b></p>

<p>Allison Shaffer/Project Mgr. Bureau of Land Management Palm Springs South Coast Field Office 1201 Bird Center Drive Palm Springs, CA 92262 Allison <a href="mailto:Shaffer@blm.gov">Shaffer@blm.gov</a></p>	<p>James D. Boyd Commissioner/Presiding Member California Energy Commission 1516 Ninth Street Sacramento, CA 95814 <a href="mailto:jboyd@energy.state.ca.us">jboyd@energy.state.ca.us</a></p>	<p>Robert Weisenmiller Commissioner/Associate Member California Energy Commission 1516 Ninth Street Sacramento, CA 95814 <a href="mailto:rweisenm@energy.state.ca.us">rweisenm@energy.state.ca.us</a></p>
<p>Kenneth Celli, Hearing Officer California Energy Commission 1516 Ninth Street Sacramento, CA 95814 <a href="mailto:kcelli@energy.state.ca.us">kcelli@energy.state.ca.us</a></p>	<p>Mike Monasmith Siting Project Manager California Energy Commission 1516 Ninth Street Sacramento, CA 95814 <a href="mailto:mmonasmi@energy.state.ca.us">mmonasmi@energy.state.ca.us</a></p>	<p>Caryn Holmes, Staff Counsel California Energy Commission 1516 Ninth Street Sacramento, CA 95814 <a href="mailto:cholmes@energy.state.ca.us">cholmes@energy.state.ca.us</a></p>
<p>Jared Babula, Staff Counsel California Energy Commission 1516 Ninth Street Sacramento, CA 95814 <a href="mailto:jbabula@energy.state.ca.us">jbabula@energy.state.ca.us</a></p>	<p>Jennifer Jennings <b>VIA EMAIL</b> <a href="mailto:publicadviser@energy.state.ca.us">publicadviser@energy.state.ca.us</a></p>	<p>Tanya A. Gulesserian Marc D. Joseph Rachael E. Koss Adams Broadwell Joseph &amp; Cardozo 601 Gateway Boulevard, Suite 1000 South San Francisco, CA 94080 <a href="mailto:tgulesserian@adamsbroadwell.com">tgulesserian@adamsbroadwell.com</a> <a href="mailto:rkoss@adamsbroadwell.com">rkoss@adamsbroadwell.com</a></p>
<p>Michael E. Boyd, President Californians for Renewable Energy, Inc. (CARE) 5439 Soquel Drive Soquel, CA 95073-2659 <a href="mailto:michaelboyd@sbcglobal.net">michaelboyd@sbcglobal.net</a></p>	<p>Alfredo Figueroa 424 North Carlton Blythe, CA 92225 <a href="mailto:lacunadeaztlan@aol.com">lacunadeaztlan@aol.com</a></p>	<p>Tom Budlong 3216 Mandeville Cyn Rd. Los Angeles, CA 90049-1016 <a href="mailto:tombudlong@roadrunner.com">tombudlong@roadrunner.com</a></p>
<p>Larry Silver <b>VIA EMAIL ONLY</b> <a href="mailto:larrysilver@celproject.net">larrysilver@celproject.net</a></p>	<p>Lisa T. Belenky, Sr. Attorney Center for Biological Diversity 351 California St. #600 San Francisco, CA 94104 <a href="mailto:lbelenky@biologicaldiversity.org">lbelenky@biologicaldiversity.org</a></p>	<p>Ileene Anderson Public Lands Desert Director Center for Biological Diversity PMB 447, 8033 sunset Blvd. Los Angeles, CA <a href="mailto:ianderson@biologicaldiversity.org">ianderson@biologicaldiversity.org</a></p>
<p>Robin Mayer Staff Counsel California Energy Commission 1516 Ninth Street Sacramento, CA 95814-5512 <a href="mailto:rmayer@energy.state.ca.us">rmayer@energy.state.ca.us</a></p>		

# ATTACHMENT 1

**COLORADO RIVER BOARD OF CALIFORNIA**

770 FAIRMONT AVENUE, SUITE 100  
 GLENDALE, CA 91203-1068  
 (818) 500-1625  
 (818) 543-4685 FAX



September 23, 2010

State Clearinghouse  
 1400 Tenth Street  
 P.O. Box 3044  
 Sacramento, CA 95812-3044

<b>DOCKET</b>
<b>09-AFC-8</b>

DATE	<u>09/23/10</u>
RECD.	<u>09/28/10</u>

Regarding SCH# 2010 084 007: Notice of Completion & Environmental Document Transmittal for a Plan Amendment/Final EIS for the Genesis Solar Energy Project, August 2010, Bureau of Land Management, Riverside County, California

To Whom It May Concern:

The Colorado River Board of California (Board) has received and reviewed a copy of Notice of Completion & Environmental Document Transmittal for Plan Amendment/Final EIS for the Genesis Solar Energy Project, August 2010, Bureau of Land Management, Riverside County, California.

The Board's earlier comments on the draft EIS for the Genesis Solar Energy Project regarding the Colorado River water use due to the groundwater pumping at this project site have been incorporated in this Final EIS report. The earlier comments contained in the July 2, 2010 comment letter were addressed directly to the California Energy Commission. A copy of the Board's comment letter is also attached here for reference.

In this Final EIS report, the estimated groundwater extraction from the Chuckwalla Valley Groundwater Basin (CVGB) is about 4,104 acre-feet during the 36 months construction period. The total consumption during the operational 30-year period is estimated to be 49,320 acre-feet (1,644 acre-feet per year) for the wet cooling and 6,540 acre-feet (218 acre-feet per year) for the dry cooling alternative. According to the U.S. Geological Survey Water Investigation Reports (i.e., WRI 94-4005 and WRI 00-4085), the Genesis Solar Energy Project site is currently located within the "Accounting Surface" area, i.e. the CVGB groundwater underneath the project site is hydraulically connected with the Colorado River. Although "a fraction of this water could be drawn indirectly from the induced flows from the Colorado River" as stated in the Table ES-2 of the report, any amount of groundwater withdrawn from the CVGB aquifer that will be replaced by the Colorado River, in total or in part, is considered a use of Colorado River water.

According to the Consolidated Decree of the Supreme Court of the United States in the case of *Arizona v. California, et al.* entered March 27, 2006, (547 U.S. 150, 2006), the consumptive use of water means "diversion from the stream less such return flow thereto as is available for consumptive use in the United States or in satisfaction of the Mexican treaty obligation" and consumptive use "includes all consumptive uses of water of the mainstream, including water drawn from the

mainstream by underground pumping." Also, pursuant to the 1928 Boulder Canyon Project Act (BCPA) and the Consolidated Decree, no water shall be diverted and/or delivered from storage or used by any water user without a valid contract between the Secretary of the Interior and the water user for such use, i.e., through a BCPA Section 5 contract.

As a result of previous discussions with other solar power/energy projects, the Board has identified a preferred option for obtaining a legally authorized and reliable water supply for these projects. That option involves obtaining water through an existing BCPA Section 5 contract holder, The Metropolitan Water District of Southern California. Although other options may be available, it is the Board's assessment that they could not be implemented in a timely manner and address the requirement that water consumptively used from the Colorado River must be through a BCPA Section 5 contractual entitlement.

Attached for your reference is a copy of three Lower Colorado River Basin states letter addressed to the Director of the U.S. Bureau of Land Management (BLM), Mr. Robert Abbey, regarding the siting and development of solar power/energy projects on public lands administered by the BLM and the long-term impacts to the water supplies. The letter requests that BLM include provisions in future right-of-way grants or leases that require use of best management practices and water use efficient technologies.

If you have any questions or require further information, please feel free to contact me at (818) 500-1625.

Sincerely,



 Gerald R. Zimmerman  
Acting Executive Director

Attachments

cc: Ms. Lorri Gray-Lee, Regional Director, U.S. Bureau of Reclamation  
Ms. Sandra McGinnis, Palm Springs-South Coast Field Office, Bureau of Land Management  
Ms. Eileen Allen, California Energy Commission  
Mr. Mike Monasmith, California Energy Commission  
Mr. William J. Hasencamp, The Metropolitan Water District of Southern California  
ESA Energy, 225 Bush Street, Suite 1700, San Francisco, California

## COLORADO RIVER BOARD OF CALIFORNIA

770 FAIRMONT AVENUE, SUITE 100  
GLENDALE, CA 91203-1068  
(818) 500-1625  
(818) 543-4685 FAX



July 2, 2010

Mr. Mike Monasmith  
Project Manager  
Siting, Transmission and Environmental  
Protection Division  
California Energy Commission  
1516 Ninth Street, MS 15  
Sacramento, CA 95814-5512

Dear Mr. Monasmith:

The Colorado River Board of California (Board), created in 1937, is the State agency charged with safeguarding and protecting the rights and interests of the State, its agencies and citizens, in the water and power resources of the seven-state Colorado River System.

The Board has reviewed the Staff Assessment and Environmental Impact Statement, Application for Certification for the Genesis Solar Energy Project in Riverside County, California. The applicant for the Genesis Solar Energy Project, Genesis Solar LLC, is seeking a right-of-way grant for approximately 4,640 acres of federal lands that are administered by the Bureau of Land Management (BLM). The Genesis Solar Energy Project proposes to use a wet cooling tower for power plant cooling. The total water consumption during the operational 30-year period and power purchase agreement with a California utility for the Genesis Solar Energy Project is estimated to be 1,644 acre-feet per year. In addition, the water use during the construction phase is estimated to be 2,440 acre-feet over the construction period. The water supply for the project will be pumped from on-site groundwater wells and stored on-site.

According to the Consolidated Decree of the Supreme Court of the United States in the case of *Arizona v. California, et al.* entered March 27, 2006, (547 U.S. 150, 2006), the consumptive use of water means "diversion from the stream less such return flow thereto as is available for consumptive use in the United States or in satisfaction of the Mexican treaty obligation" and consumptive use "includes all consumptive uses of water of the mainstream, including water drawn from the mainstream by underground pumping." Also, pursuant to the 1928 Boulder Canyon Project Act (BCPA) and the Consolidated Decree, no water shall be delivered from storage or used by any water user without a valid contract between the Secretary of the Interior and the water user for such use, i.e., through a BCPA Section 5 contract.

Within California, BCPA Section 5 contracts have previously been entered into between users of Colorado River mainstream water and the Secretary of the Interior for water from the Colorado River that exceeds California's basic entitlement to use Colorado River water as set forth in the Consolidated Decree. Thus, no additional Colorado River water is available for use by new project proponents along the Colorado River, except through the contract of an existing BCPA Section 5

California Energy Commission

July 2, 2010

Page 2

contract holder, either by direct service or through an exchange of non-Colorado River water for Colorado River water.

The BLM lands proposed for the Genesis Solar Energy Project are currently located within the "Accounting Surface" area designated by U.S. Geological Survey Water Investigation Reports (i.e., WRI 94-4005 and WRI 00-4085). These reports indicate that the aquifer underlying lands located within the "Accounting Surface" is considered to be hydraulically connected to the Colorado River and groundwater withdrawn from wells located within the "Accounting Surface" would be replaced by Colorado River water, in part or in total. This means that if it is determined that these wells are, in fact, pumping Colorado River water, a contract with the Secretary of the Interior would be required before such a diversion and use is deemed to be a legally authorized use of this water supply.

As a result of discussions associated with two other solar power projects, including the Blythe and the Palen Solar Power Projects; and the Board has identified a preferred option for obtaining a legally authorized and reliable water supply for these projects. That option involves obtaining water through an existing BCPA Section 5 contract holder, The Metropolitan Water District of Southern California. Although other options may be available, it is the Board's assessment that they could not be implemented in a timely manner and address the requirement that water consumptively used from the Colorado River must be through a BCPA Section 5 contractual entitlement.

If you have any questions or require further information, please feel free to contact me at (818) 500-1625.

Sincerely,



*for*  
Gerald R. Zimmerman  
Acting Executive Director

cc: Ms. Lorri Gray-Lee, Regional Director, U.S. Bureau of Reclamation  
Ms. Holly Roberts, Associate Field Manager, Palm Springs-South Coast Field Office, BLM  
Ms. Eileen Allen, California Energy Commission  
Mr. William J. Hasencamp, The Metropolitan Water District of Southern California

ARIZONA DEPARTMENT OF WATER RESOURCES  
COLORADO RIVER BOARD OF CALIFORNIA  
SOUTHERN NEVADA WATER AUTHORITY

August 12, 2010

Mr. Robert Abbey, Director  
Bureau of Land Management  
U.S. Department of the Interior  
1849 C Street NW, Room 5665  
Washington, DC 20240

*Re: Water Efficient Solar Power*

Dear Mr. Abbey:

We are writing on behalf of the Arizona Department of Water Resources, the Colorado River Board of California, and the Southern Nevada Water Authority to communicate our joint concerns regarding current planning for concentrated solar power (CSP) projects throughout the southwestern United States, particularly in Arizona, California and Nevada.

Let us make clear at the outset that all of our agencies fully support the development of additional solar power projects in the southwestern United States and believe that solar power projects are a critical element in our nation's future sustainable electrical power portfolio. However, our concern is that in pursuing the realization of additional CSP projects that state, local and federal agencies do not overlook the energy-water nexus and the corollary adverse impacts that these projects can have on precious and finite water resources if there is not proper planning.

As you are well aware, there are currently numerous and disparate processes ongoing to permit large scale solar power projects in the southwestern United States. These processes include hundreds of individual right-of-way applications from project proponents on tens of thousands of acres managed by the Bureau of Land Management (BLM); the drafting of a Programmatic Environmental Impact Statement intended to establish "solar zones" in Nevada; a BLM "fast track" process in Arizona; and two bills currently pending before Congress, the *American Solar Energy Pilot Leasing Act of 2010* and the *Wind and Solar Leasing Act of 2010*.

With these multiple processes moving forward simultaneously, we believe that it is imperative that BLM apply a uniform standard regarding the efficient use of water for solar power projects. To that end we believe that any right-of-way grant or lease issued by BLM for CSP projects in the southwestern United States should include a provision that requires that the best available water efficient technologies be utilized for solar power projects, including specifically that any CSP project utilize dry cooling technology.

Mr. Robert Abbey

Page 2

August 12, 2010

We thank you for your time and attention in this matter. If you have any questions regarding this correspondence, please do not hesitate to contact us directly.

Sincerely,

Arizona Department of Water Resources



Herbert R. Guenther, Director  
(602) 771-8426  
[hrguenther@azwater.gov](mailto:hrguenther@azwater.gov)

Colorado River Board of California



Gerald R. Zimmerman, Executive Director  
(818) 500-1625, ext. 308  
[grzimmerman@crb.ca.gov](mailto:grzimmerman@crb.ca.gov)

Southern Nevada Water Authority



Patricia Mulroy, General Manager  
(702) 258-3100  
[pat.mulroy@lvvwd.com](mailto:pat.mulroy@lvvwd.com)

cc: The Honorable Shelley Berkley, United States Congress  
The Honorable Barbara Boxer, United States Senate  
The Honorable John Ensign, United States Senate  
The Honorable Dianne Feinstein, United States Senate  
The Honorable Dean Heller, United States Congress  
The Honorable Jon Kyl, United States Senate  
The Honorable Harry Reid, United States Senate  
The Honorable Dina Titus, United States Congress

**Notice of Completion & Environmental Document Transmittal**

Appendix C

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # **2010084007**

**Project Title:** Genesis Solar Energy Project

**Lead Agency:** Bureau of Land Management **Contact Person:** Sandra McGinnis  
**Mailing Address:** 1201 Bird Center Drive **Phone:** 760.833.7100  
**City:** Palm Springs **Zip:** 92264 **County:** Riverside

**Project Location:**  
**County:** Riverside **City/Nearest Community:** Desert Center, CA  
**Cross Streets:** n/a **Zip Code:**  
**Assessor's Parcel No.:** **Section:** multiple **Twp.:** 6 S **Range:** 19E **Base:** SBBM  
**Within 2 Miles:** **State Hwy #:** Interstate 10 **Waterways:**  
**Airports:** **Railways:** **Schools:**

**Document Type:**  
 CEQA:  NOP  Draft EIR  Joint Document  
 Early Cons  Supplement/Subsequent EIR  Final Document  
 Neg Dec (Prior SCH No.)  Draft EIS  Other FEIS/Plan Amendment  
 Mit Neg Dec  Other

RECEIVED  
 AUG 23 2010  
 STATE CLEARING HOUSE

**Local Action Type:**  
 General Plan Update  Specific Plan  Annexation  
 General Plan Amendment  Master Plan  Redevelopment  
 General Plan Element  Planned Unit Development  Use Permit  Coastal Permit  
 Community Plan  Site Plan  Land Division (Subdivision, etc.)  Other

**Development Type:**  
 Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_  Water Facilities: Type \_\_\_\_\_ MGD  
 Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees  Transportation: Type \_\_\_\_\_  
 Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees  Mining: Mineral \_\_\_\_\_  
 Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees  Power: Type Solar Parabolic Trough MW 250 nominal  
 Educational \_\_\_\_\_  Waste Treatment: Type \_\_\_\_\_ MGD  
 Recreational \_\_\_\_\_  Hazardous Waste: Type \_\_\_\_\_  
**Total Acres (approx.)** 1,890  Other:

**Project Issues Discussed in Document:**  
 Aesthetic/Visual  Fiscal  Recreation/Parks  Vegetation  
 Agricultural Land  Flood Plain/Flooding  Schools/Universities  Water Quality  
 Air Quality  Forest Land/Fire Hazard  Septic Systems  Water Supply/Groundwater  
 Archeological/Historical  Geologic/Seismic  Sewer Capacity  Wetland/Riparian  
 Biological Resources  Minerals  Soil Erosion/Compaction/Grading  Wildlife  
 Coastal Zone  Noise  Solid Waste  Growth Inducing  
 Drainage/Absorption  Population/Housing Balance  Toxic/Hazardous  Land Use  
 Economic/Jobs  Public Services/Facilities  Traffic/Circulation  Cumulative Effects  
 Other

**Present Land Use/Zoning/General Plan Designation:**  
 Proposed Action to have supporting Plan Amendment Recommendations  
 Project Description: (please use a separate page if necessary)

Genesis Solar, LLC, has proposed the development of two independent solar electric facilities with a output of 125 MW each. The proposal would be designed to utilize solar parabolic trough technology. Genesis Solar is seeking a right-of-way grant of approximately 4,640 acres of BLM land.

State Clearinghouse Contact: (916) 445-0613  
 State Review Began: 08-23-2010  
 SCH COMPLIANCE 09-27-2010  
 Final/FEIS Review per Lead

Please note State Clearinghouse Number (SCH#) on all Comments  
 SCH#: **2010084007**  
 Please forward late comments directly to the Lead Agency  
 AQMD/APCD 33  
 (Resources: 08 / 28)

**Project Sent to the following State Agencies**

<input checked="" type="checkbox"/> Resources	State/Consumer Svcs
<input type="checkbox"/> Boating & Waterways	General Services
<input type="checkbox"/> Coastal Comm	Cal EPA
<input checked="" type="checkbox"/> Colorado Rvr Bd	ARB - Airport Projects
<input checked="" type="checkbox"/> Conservation	ARB - Transportation Projects
<input checked="" type="checkbox"/> Fish & Game # 10	ARB - Major Industrial Projects
<input type="checkbox"/> Delta Protection Comm	SWRCB: Div. Financial Assist.
<input type="checkbox"/> Cal Fire	SWRCB: Wtr Quality
<input checked="" type="checkbox"/> Historic Preservation	SWRCB: Wtr Rights
<input checked="" type="checkbox"/> Parks & Rec	Reg. WQCB # 7
<input type="checkbox"/> Central Valley Flood Prot.	<input checked="" type="checkbox"/> Toxic Sub Ctrl-CTC
<input type="checkbox"/> Bay Cons & Dev Comm.	Yth/Adlt Corrections
<input type="checkbox"/> DWR	Corrections
<input type="checkbox"/> Cal EMA	
<input type="checkbox"/> Resources, Recycling and Recovery	
<input type="checkbox"/> Bus Transp Hous	Independent Comm
<input checked="" type="checkbox"/> Aeronautics	<input checked="" type="checkbox"/> Energy Commission
<input checked="" type="checkbox"/> CHP	<input checked="" type="checkbox"/> NAHC
<input checked="" type="checkbox"/> Caltrans # 8	<input checked="" type="checkbox"/> Public Utilities Comm
<input type="checkbox"/> Trans Planning	<input checked="" type="checkbox"/> State Lands Comm
<input type="checkbox"/> Housing & Com Dev	Tahoe Rgl Plan Agency
<input type="checkbox"/> Food & Agriculture	
<input type="checkbox"/> Health Services	Conservancy

Comments attached



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](http://WWW.ENERGY.CA.GOV)

**APPLICATION FOR CERTIFICATION FOR THE  
GENESIS SOLAR ENERGY PROJECT**

**Docket No. 09-AFC-8**

**PROOF OF SERVICE  
(Revised 8/5/10)**

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**DECLARATION OF SERVICE**

I, Maria Santourdjian, declare that on September 28, 2010, I served and filed copies of the attached CACRB Letter Regarding Genesis Solar Energy Project, dated September 23, 2010. 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](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](mailto: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**