
Inland Empire Energy Center

(01-AFC-17)

Request for Approval Additional 1.97-Acre Laydown Area

Submitted by
Inland Empire Energy Center, LLC

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With Technical Assistance by



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Executive Summary

On December 17, 2003, the California Energy Commission (CEC or Commission) certified the Inland Empire Energy Center (IEEC) project. The project is located near the town of Romoland in unincorporated Riverside County. The Inland Empire Energy Center, LLC (Project Owner) requests Commission approval to add a 1.97-acre parcel to the project for temporary use as construction laydown area. The Project Owner is seeking to add this 1.97-acre laydown area to the approved construction area for temporary use because it will provide greater flexibility to optimize construction operations and provide a slightly more spacious laydown area, thereby improving efficiency and enhancing safety.

The new parcel faces San Jacinto Road on the east and Russell Road in its northeast corner. The Assessor's Parcel Number is 331-180-007. The parcel measures 651 feet east-west, by 132 feet north-south and is contiguous with the existing IEEC site on the north, south, and west. The outer perimeter or fenceline of the 45.8-acre project site will thus not expand outward as a result of this addition. Instead, a previously unavailable parcel located within the overall site boundary will now be included within the site. The 1.97-acre parcel is currently a vacant lot that has been intermittently used for agriculture in the past, but that is zoned for industrial uses.

The Project Owner is seeking construction-phase temporary use of this additional laydown area, because it was unavailable during the application process. The Project Owner has come to agreement with the land owner to acquire the use of this parcel to make a more flexible, more efficient and safer laydown area.

An environmental analysis for the modifications identified shows there will be no significant adverse environmental impacts associated with this proposal and that the project will comply with all applicable LORS. Further, consistent with the Commission's decisions on similar requests, the addition of 1.97 acres of laydown area is a categorical exemption pursuant to CEQA Guidelines, Section 15304, Minor Alterations to Land (14 CCR 15304).

1.0 Introduction

1.1 Overview of Request

On December 17, 2003, the California Energy Commission (CEC or Commission) certified the Inland Empire Energy Center (IEEC) project. The project is located near the town of Romoland in unincorporated Riverside County (Figure 1-1). The Inland Empire Energy Center, LLC (Project Owner) requests Commission approval to add an additional 1.97-acre parcel to the project for temporary use as construction laydown area (Figure 1-2).

The new IEEC generation facility is sited within a 45.8-acre parcel of land. This larger parcel encompasses approximately 28 fenced acres that will include the IEEC power block, a switchyard, a water treatment facility, storage tank areas, a parking area, control and administration building and stormwater detention basins. An additional 11 acres will be used for landscaping and access roads, such that the area of permanent disturbance will be nearly 39 acres (38.6 acres). Two construction laydown and worker parking areas were approved by the Commission within the larger parcel. These total 22 acres and are located both to the north and the south of the energy center facilities, respectively. This document requests Commission approval to add an additional 1.97 acres for temporary use to the northern construction laydown area.

The northern laydown area consists of 9 acres and is irregularly shaped because a privately-held 1.97-acre parcel extending into it was unavailable for lease or purchase at the time the Application was in preparation. The Project Owner has come to agreement with the landowner to acquire temporary use of this parcel. Because the 1.97-acre parcel is an inset within the larger northern laydown area, the newly defined project construction area will not extend beyond outer boundaries of the 45.8 acre site.

The Project Owner is seeking to add this additional 1.97-acre laydown area to the approved construction area for temporary use because it will provide greater flexibility to optimize construction operations and provide a slightly more spacious laydown area, thereby improving efficiency and enhancing safety. A description of the proposed construction laydown area is presented in detail in Section 2.0.

This Amendment contains all of the information that is required pursuant to CEC's Siting Regulations (California Code of Regulations [CCR] Title 20, Section 1769, Post Certification Amendments and Changes). The information necessary to fulfill the requirements of Section 1769 is contained in Sections 1.0 through 7.0 as summarized in Table 1-1 below.

1.2 Summary of Environmental Impacts

Section 1769(a)(1)(E) of the CEC Siting Regulations requires that an analysis be conducted to address any potential impacts the proposed revisions may have on the environment and proposed measures to mitigate significant adverse impacts. Section 1769(a)(1)(F) requires a discussion of the impact of proposed revisions on the facility's ability to comply with applicable

TABLE 1-1.
Informational Requirements for Post-Certification Amendments and Changes

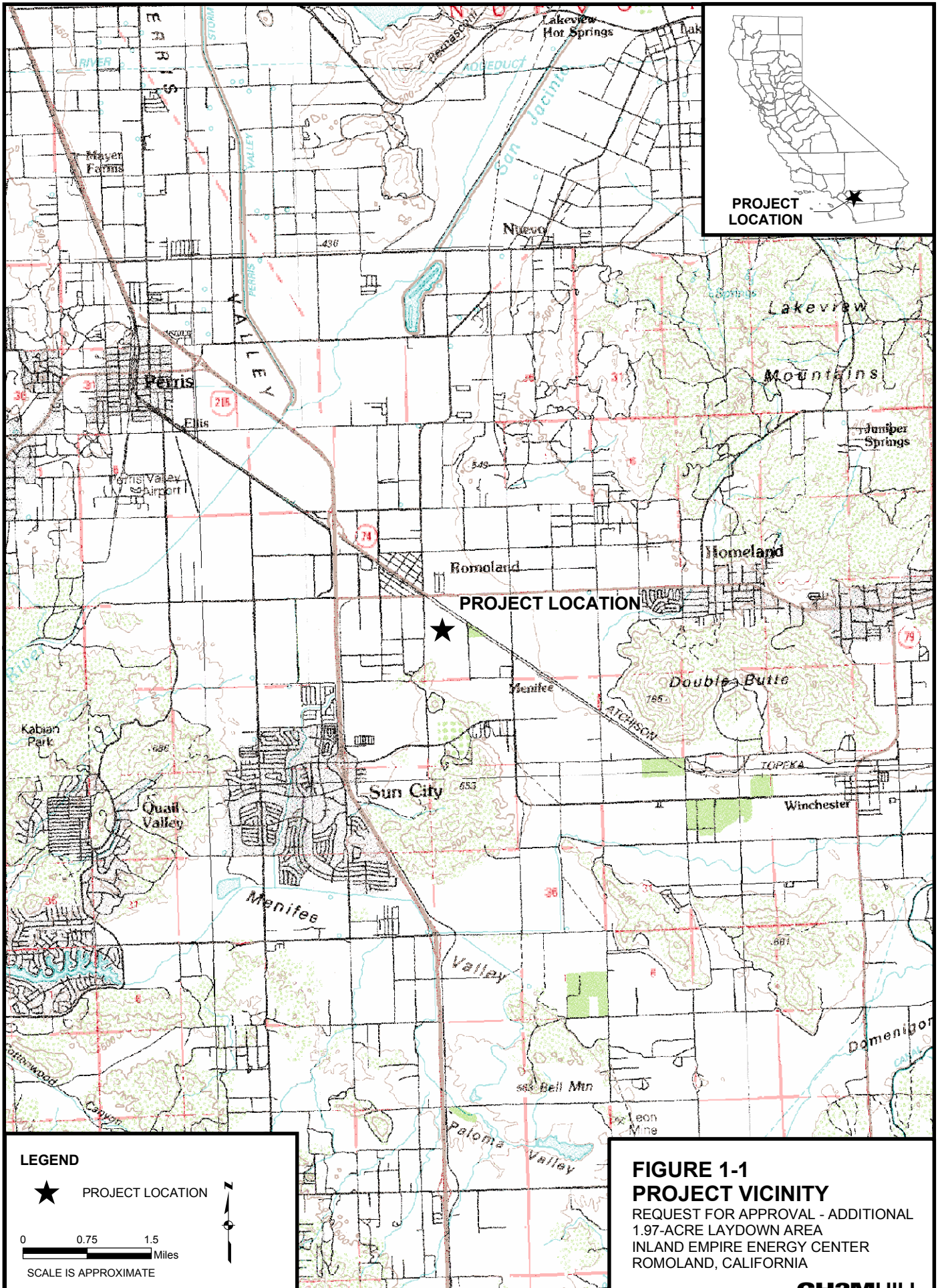
Section 1769 Requirement	Section of Petition Fulfilling Requirement
(A) A complete description of the proposed modifications, including new language for any conditions that will be affected	Section 2.0—Description of Proposal, 3.2—Biological Resources, 4.0—Proposed Modifications to the Conditions of Certification
(B) A discussion of the necessity for the proposed modifications	Section 2.2—Necessity of Proposed Laydown Area
(C) If the modification is based on information that was known by the petitioner during the certification proceeding, an explanation why the issue was not raised at that time	Section 2.2—Necessity of Proposed Laydown Area
(D) If the modification is based on new information that changes or undermines the assumptions, rationale, findings, or other bases of the final decision, an explanation of why the change should be permitted	Section 1.3—Consistency of Proposal with License
(E) An analysis of the impacts the modification may have on the environment and proposed measures to mitigate any significant adverse impacts	Sections 3.1 to 3.15—Environmental Analysis of Proposal
(F) A discussion of the impact of the modification on the facility's ability to comply with applicable laws, ordinances, regulations, and standards	Sections 3.0 to 3.16—Environmental Analysis of Proposal
(G) A discussion of how the modification affects the public	Section 5.0—Potential Effects on the Public
(H) A list of property owners potentially affected by the modification	Section 6.0—List of Property Owners
(I) A discussion of the potential effect on nearby property owners, the public and the parties in the application proceedings	Section 7.0—Potential Effects on Property Owners

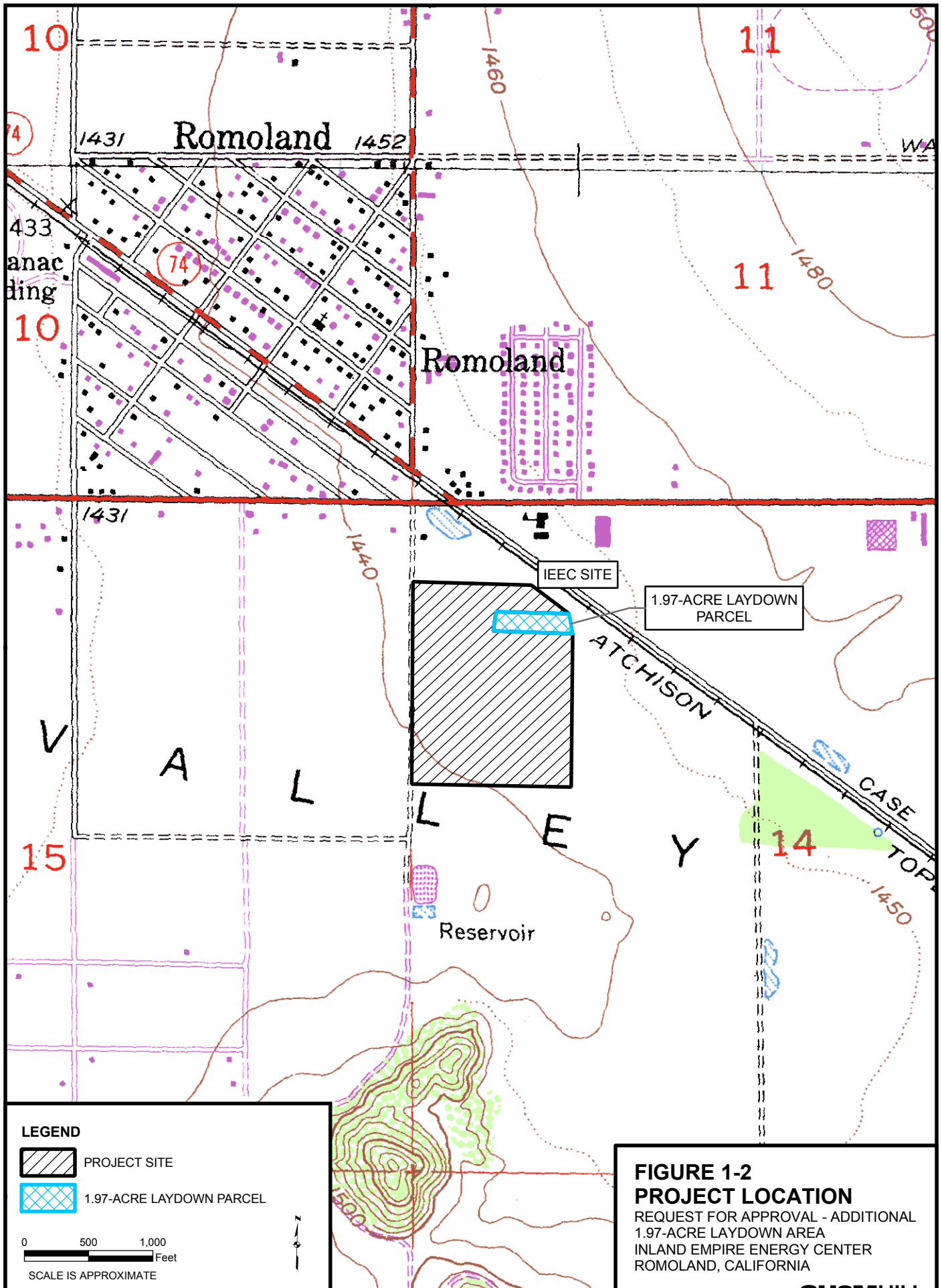
laws, ordinances, regulations, and standards (LORS). Section 3.0 of this Amendment includes a discussion of the potential environmental impacts of the proposed laydown area on the environment, as well as a discussion of the proposed revisions' consistency with LORS. Section 3 concludes that with the proposed mitigation measures, there will be no significant adverse environmental impacts associated with this proposal and that the project will comply with applicable LORS. Further, consistent with the Commission's decisions on similar requests, the addition of 1.97 acres of laydown area is a categorical exemption pursuant to CEQA Guidelines, Section 15304, Minor Alterations to Land (14 CCR 15304).

1.3 Consistency of Proposal with License

Section 1769(a)(1)(D) of the CEC Siting Regulations requires a discussion of the consistency with LORS and whether the modification being sought is based on new information that changes or undermines the assumptions, rationale, findings, or other basis of the final decision. If the project is no longer consistent with the license, an explanation of why the modification should be permitted must be provided.

The changes proposed herein are consistent with the Certification and relevant LORS. These proposed changes do not undermine any basis for the CEC's certification decision.





2.0 Description of Proposal

Consistent with the California Energy Commission Siting Regulations Section 1769(a)(1)(A) and (B), this section includes a complete description of the proposed project modification as well as the necessity for the laydown area.

2.1 Additional Construction Laydown area

The Commission Decision for IEEC includes, among other project features, two main laydown areas that total approximately 22 acres in size. These are located to the north and south of the energy center facilities, respectively. The northern laydown area of approximately 9 acres is located immediately north of the project site. This area is roughly rectangular, except for a 1.97-acre area that extends into the northern laydown area from the east. At the time of certification, this parcel was unavailable for lease. The Project Owner has come to agreement with the landowner to acquire the use of this parcel. Accordingly, the Project Owner proposes to add this 1.97-acre parcel to the temporary-use construction laydown area for the project. The new parcel faces San Jacinto Road on the east and Russell Road in its northeast corner. The Assessor's Parcel Number is 331-180-007. The parcel measures 651 feet east-west, by 132 feet north-south and is contiguous with the existing IEEC site on the north, south, and west. The outer perimeter or fenceline of the 45.8-acre site will thus not expand outward as a result of this addition. Instead, a previously unavailable parcel located within the overall site boundary will now be included within the site.

The entire northern laydown area (the original 9-acre parcel and the 1.97-acre parcel) is currently a vacant lot that has been intermittently used for agriculture in the past, but that is zoned for industrial uses.

2.2 Necessity of Proposed Laydown area

Sections 1769(a)(1)(B) and (C) of the CEC Siting Regulations require a discussion of the necessity for the proposed revisions to the IEEC project and whether the revisions are based on information known by the petitioner during the certification proceeding.

The need for the additional construction laydown area was identified during detailed construction planning and scheduling of the approved project. The Commission's certification process contemplates that most of the detailed design and scheduling work is completed post-certification. The Project Owner is seeking construction-phase temporary use of this additional laydown area, because it lies within the larger northern laydown area and was unavailable during the application process. The Project Owner made several attempts to obtain the use of the parcel during the application process. Recently, the Project Owner has learned that it will be able to obtain temporary use of this parcel to make a more flexible, more efficient and safer laydown area.

3.0 Environmental Analysis of the Proposal

Section 3 examines whether project enhancements set forth in this proposal may result in additional environmental impacts. An environmental analysis for the modifications identified is below. Section 3 concludes that, with the proposed mitigation measures, there will be no significant adverse environmental impacts associated with this proposal and that the project will comply with all applicable LORS. Further, consistent with the Commission's decisions on similar requests, the addition of 1.97 acres of laydown area is a categorical exemption pursuant to CEQA Guidelines, Section 15304, Minor Alterations to Land (14 CCR 15304).

3.1 Air Quality

The use of the additional laydown area will not result significant changes in the production of criteria and non-criteria air pollutants in the form of fugitive dust and tailpipe emissions from construction equipment. Though the overall size of the laydown area will increase, a number of measures will be employed to control and minimize dust over the entire laydown area and these measures will also apply to the new 1.97-acre addition. Fugitive dust emissions will be minimized by employing dust suppression measures as detailed in the Construction Conditions of Certification (AQ-SC1 through AQ-SC6). Tail-pipe emissions will be minimized by limiting the amount of engine idling, maintaining construction equipment within manufacturer's specifications, and limiting the number of construction machines used in preparing the laydown area. The construction equipment will use ultra-low-sulfur diesel fuel. The installation, operation and removal of the construction laydown area will not result in a cumulative increase in air emissions sufficient to create a significant air quality impact.

It may be possible, in fact, to achieve a small reduction in construction emissions because of the greater flexibility that the availability of this area will allow. Without this area, there would be slightly more use of construction vehicles necessary to drive around this previously unavailable area.

3.2 Biological Resources

Biological resources were evaluated as part of the application process for the IEEC, including vegetation communities, wetlands, wildlife, and wildlife habitats within the entire 45.8 acre site. Because the 45.8 acre site encompasses and surrounds the 1.97-acre parcel, these surveys of the IEEC site and laydown areas included visual surveys of the 1.97-acre parcel. Therefore, the previously surveyed areas included the parcel of land containing the proposed construction laydown area. In its Decision approving the IEEC Project, the Commission concluded that, with specified mitigation measures, impacts to "sensitive species that may occur in the power plant and construction laydown areas will be less than significant" (Commission Decision, p. 213).

Project biologists conducted a new search of the California Natural Diversity Database (CNDDDB) in January of 2005 to determine whether or not there are records of special-status species in the project area that were not either listed as special-status species or known from the

project area in 2001, when the studies for the Application were originally conducted. The 2005 CNDDDB search results do not warrant the assessment of any special-status species not already included in the 2001 AFC or suggest the need for additional impact analysis of species included in the 2001 AFC.

In addition, supplementary reconnaissance-level field surveys of the project site and surroundings were conducted by project biologists Debra Crowe on October 5, 2004 and John Cleckler on January 14, 2005 to evaluate current biological resources conditions. Table 1 is a list of species observed in the project area during these reconnaissance surveys.

TABLE 3-1
Wildlife Species Observed During Biological Reconnaissance of the IEEC Project Area

Common Name	Scientific Name	Location	Sign
Reptiles			
Western fence lizard	<i>Sceloporus occidentalis</i>	Open ruderal field north of proposed transmission line	Carcass observed
Birds			
Turkey vulture	<i>Cathartes aura</i>	Flying over general vicinity	Observed
Red-tailed hawk	<i>Buteo jamaicensis</i>	Flying over general vicinity	Observed
Killdeer	<i>Charadrius vociferus</i>	Adjacent ruderal fields and along roads and open fields in the general vicinity	Observed
Rock dove	<i>Columba livia</i>	Throughout general vicinity	Observed
Mourning dove	<i>Zenaida macroura</i>	New laydown area	Observed
American crow	<i>Corvus brachyrhynchos</i>	Flying over general vicinity	Observed
Horned lark	<i>Eremophila alpestris</i>	Adjacent agricultural fields	Observed
Western meadowlark	<i>Sturnella neglecta</i>	Adjacent agricultural fields	Observed
Mammals			
California ground squirrel	<i>Spermophilus beecheyi</i>	Margins of new laydown area and in general vicinity along rail road berms and other locations within open areas	Observed
Desert cottontail	<i>Sylvilagus audubonii</i>	Along McLaughlin Road	Observed
Domestic dog	<i>Canis familiaris</i>	Throughout	Tracks

Potential burrowing owl habitat was identified in the ruderal fields, roadsides, and crop margins within the project area, although no appropriate-sized mammal burrows or associated owl sign (feathers, pellets, prey items) were observed during past or recent surveys. Burrowing owl avoidance measures were developed in case burrowing owls move into the area and are found during pre-construction surveys or project construction.

The new laydown area has been subjected to past and ongoing disturbance and can be characterized as ruderal fields, referred to as "urban/exotic/residential vegetation community with a strong non-native component" in the 2001 AFC. Currently, this area is vacant, and consists of open areas with non-native grasses and other ground cover. Although degraded, the

fields are open habitat that provides some foraging opportunities for raptors that may prey on small mammals, birds, and reptiles.

No jurisdictional wetlands or waters are present within the new construction parking and laydown area. California Department of Fish and Game indicated during the licensing proceeding that it would not require a Streambed Alteration Agreement (SAA) for any of the drainage or depression features in the project area.

Use of the additional laydown area will result in temporary impacts to approximately 1.97 acres. The area is currently disturbed and is dominated by non-native ruderal vegetation. Although the quality of the land as wildlife habitat is marginal, it could be used seasonally by foraging birds, small mammals, and reptiles. These properties will require temporary gravel placement to support materials and equipment and will likely be reclaimed for storage following project completion.

Use of the proposed 1.97-acre parcel, as with all of the construction laydown area, will be subject to the biological protection measures established and approved for the overall IEEC project. These measures are included in the project's Biological Resources Mitigation Implementation and Monitoring Plan. A biological monitor will be onsite during all phases of work to ensure compliance with these measures.

Only one Condition of Certification would require a modification resulting from the approval of this request. Condition BIO-11 specifies the acreages of temporary and permanent disturbance used for calculating the Stephens' kangaroo rat mitigation fee, as required under the Riverside County Multiple-Species Habitat Conservation Plan. For this reason, the Condition should be modified so that it stipulates payment of the fee with acreage to be assessed at the time of payment (change suggested below in redline-strikeout format). This same change was also recommended as part of IEEC certification Amendment No. 1.

BIO-11 Prior to site or related facilities mobilization, the IEEC shall comply with the provisions of Riverside County Ordinance No. 663, which requires the payment of fees for permanent and temporary loss of historical Stephens' kangaroo rat habitat within the Stephens' kangaroo rat HCP fee assessment area. The project owner shall purchase habitat credits for temporary impacts to ~~36.13 acres~~ and permanent impacts to ~~38.60 acres~~. Fees shall be based on the most current fees assessed by Riverside County. Monies shall be paid directly to the Riverside County Habitat Conservation Agency and based on temporary and permanent impact acreages calculated at the time of payment.

3.3 Cultural Resources

Cultural resources inventories for the 2001 IEEC Application included the 1.97-acre parcel considered in this Request for Approval. Because no cultural resources are located on the parcel, its use as a construction laydown area would not cause significant adverse impacts to cultural resources. The Cultural Resources Conditions of Certification will ensure that there are no significant adverse impacts to previously undiscovered cultural resources if these should be discovered below the ground surface during construction activities.

3.4 Geology and Paleontology

Use of the 1.97-acre temporary construction laydown area will not result in any significant impacts to geological or paleontological resources. Paleontological resources were not found at or near the project site during the literature search and survey for the Application, which included the 1.97-acre parcel. Use of the construction laydown area would not involve significant excavation, so would be unlikely to disturb significant fossils or geological resources. Conditions of Certification PAL-1 through PAL-7 ensure that any potentially adverse impacts to paleontological resources discovered during construction would be minimized or avoided.

3.5 Hazardous Materials Management

The chemical inventory for the IEEC project is set forth in Appendix C of the Hazardous Materials section of the Commission Decision. The types and quantities of the chemicals in Appendix C to the Commission Decision would not change with the addition of the 1.97-acre laydown parcel, nor would their usage change.

3.6 Land Use

The 1.97-acre construction laydown parcel is designated by the Riverside County Comprehensive General Plan as Industrial, and zoned by the County Zoning Ordinance as M-H (Manufacturing, Heavy). The site is within Area 3 of the County's Menifee North Specific Plan which has a land use designation of Industrial, and a zoning designation of Industrial, which reflects the County's M-H zone. Temporary uses, such as the use for construction laydown, are permitted uses in this zone.

3.7 Noise

The proposed 1.97-acre temporary addition within the northern laydown area will not extend the outside boundaries or fence line of the project site. Therefore, this addition will not increase construction noise. The potential impacts of noise related to construction on occupied residences have been previously evaluated as part of the licensing of the IEEC project and noise mitigation measures are currently in place to ensure that no significant impacts occur.

Furthermore, any impact resulting from this modification will be less than significant given the short construction period of the proposed construction laydown area, the limitation constraining construction activities to daytime hours, and Conditions of Certification NOISE-4 and NOISE-8.

3.8 Public Health

Use of the proposed 1.97-acre construction laydown area would not result in higher diesel emissions during construction and would have no significant effects on public health.

3.9 Socioeconomics

Use of the 1.97-acre construction area would have no effect on socioeconomics. There would be no increase in the number of construction workers, in construction traffic, or project capital costs or expenditures as a result of the addition of this new construction laydown area.

3.10 Soil and Water Resources

The addition of the proposed construction laydown area would result in only temporary impacts to soil and water resources. Specific construction activities that would temporarily affect soil resources on the proposed construction laydown area include the following:

- Grading of the area for improved drainage
- Spreading of gravel or other granular material over the property

The silt fencing around the laydown area would be removed to permit grading of the site. Disking the site would be completed to break up any areas of compaction.

Use of the 1.97-acre construction laydown area would result in a minor and negligible increase in the quantity of water used on site for dust control during construction. This would not cause a significant effect on soil and water resources.

3.11 Traffic and Transportation

Use of the proposed 1.97-acre construction laydown area would have no effect on traffic and transportation. There would be no increase in the size of the construction workforce and no change to the construction-phase vehicle access to the site. Use of the laydown area will require the transport of small amounts of additional materials to the site, but this will have a temporary and negligible effect on the number of deliveries and overall potential impact on traffic. Therefore, the proposed laydown area would not result in impacts to traffic and transportation significantly different than those analyzed by the Commission during licensing.

3.12 Visual Resources

The proposed 1.97-acre addition within the northern laydown area will be subject to the same visual screening requirements for the entire northern laydown area per the requirements of IEEC Condition of Certification VIS-1. Consequently, with the implementation of the temporary visual mitigation measures (i.e., fencing/screening) required by the Commission Decision, use of the new laydown area will not result in significant visual resources impacts.

3.13 Waste Management

Use of the 1.97-acre construction laydown area will not result in any significant differences in waste management, compared with those analyzed by the Commission for the IEEC project.

3.14 Worker Safety and Health

The use of this new construction laydown area would not pose any new or unusual conditions that would be an impediment to safe construction, and because it will provide for more efficient use of space during construction, it will enhance safety. As with the originally-certified project, it will operate under all appropriate health and safety plans, as required under the Conditions of Certification.

3.15 Laws, Ordinances, Regulations, Standards

The Commission Decision certifying the IEEC project found that the IEEC project is in compliance with applicable LORS. A review of the LORS since the Commission Decision certifying the project has determined that no changes have occurred such that this project would not comply with existing LORS.

4.0 Proposed Modifications to the Conditions of Certification

Consistent with the requirements of CEC Siting Regulations Section 1769(a)(1)(A), potential modifications to the project's Conditions of Certification (COC) were evaluated. Only one modification to a COC will be required because of the addition of the 1.97-acre laydown parcel. This is the removal, in condition BIO-11, of specified acreages for temporary and permanent impacts, on which the Stephens' kangaroo rat Multiple Species Habitat Conservation Plan fee is based (as also suggested in IEEC Amendment No. 1). See Section 3.2 (Biological Resources) for a markup of COC BIO-11 with the suggested changes. The stipulated acreages should be removed from the COC because the temporary disturbance acreage changes with the addition of this laydown area. Making the Condition more generic (final acreages to be determined at the time of fee payment) will make the Condition more flexible and would remove the necessity of changing the condition in case additional laydown areas are needed in the future. All other COCs that applied to the previously approved laydown areas will also apply to the proposed construction laydown area.

5.0 Potential Effects on the Public

This section discusses the proposed project modifications effects on the public, per CEC Siting Regulations (Title 20, CCR, Section 1769[a][1][G]).

The changes proposed are short-term and temporary in nature, will have no significant impacts on the environment, and will be in compliance with all applicable LORS and Conditions of Certification. Accordingly, there will be no adverse impacts on the public associated with this proposal.

6.0 List of Property Owners

This section lists the property owners affected by the proposed modifications in accordance with the CEC Siting Regulations (Title 20, CCR, Section 1769[a][1][H]). In this case, there is only one affected property owner, listed below. This is the property located directly across San Jacinto Road and to the east of the 1.97-acre parcel and the IEEC. The affects on this property owner would be minor to negligible, however. This property is zoned industrial and used for storage and agriculture. The only difference between the project as certified and the project with the addition of the new 1.97-acre laydown area would be that a larger proportion of the area on the west side of San Jacinto Road would be used temporarily during construction of the IEEC. Owners of any other surrounding properties would not experience the project differently with the addition of the 1.97-acre laydown parcel than with the project as certified.

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7.0 Potential Effects on Property Owners

Consistent with the CEC Siting Regulation Section 1769(a)(1)(I), this section addresses potential effects on nearby property owners, the public, and parties in the application proceeding.

Due to the short-term and temporary nature of the changes proposed and implementation of the construction-related mitigation measures incorporated into the Conditions of Certification, the 1.97-acre laydown area will not create any significant impacts to nearby property owners and the public.