

STATE OF CALIFORNIA

Energy Resources Conservation  
and Development Commission

In the Matter of: )  
 )  
Application for Certification for the Ivanpah Solar )  
Electric Generating System )  
 )  
 )  
 )

Docket No. 07-AFC-5

DOCKET	
07-AFC-5	
DATE	SEP 05 2008
RECD.	SEP 05 2008

APPLICANT'S STATUS REPORT #4

The following discussion summarizes the status of the Ivanpah Solar Electric Generating System (ISEGS) Application for Certification [07-AFC-5] proceeding since the issuance of Applicant's Status Report No. 3 on July 11, 2008.

**Project Schedule**

The Ivanpah SEGS project was filed with the CEC on August 31, 2007, and deemed Data Adequate on October 31, 2007. The first important milestone for the project will be the release of the joint state-federal environmental document, the Preliminary Staff Assessment / Draft Environmental Impact Statement (the "PSA/Draft EIS").

Based on our recent discussions with the CEC Staff and the BLM, we understand that the CEC has yet to release the internal working draft PSA/Draft EIS to the BLM for BLM's review. BLM will then, in turn, enter into its own internal review process. The BLM internal review would be followed by internal CEC-BLM negotiations and working sessions before the public release of the PSA/Draft EIS. We understand that many sections of the PSA/Draft EIS are complete. Other sections should be complete; for example, we responded in June 2008 to the most recent Data Response on Air Quality. Despite the fact that many sections are or should be complete, the CEC Staff has not shared these completed sections with the BLM.

If the CEC Staff does not complete its preparation of the working draft of the PSA/Draft EIS and share that document with BLM in a timely manner, there may be a delay of many months in the release of the joint PSA/Draft EIS for public review. The Committee should act immediately to ensure that the PSA/Draft EIS is promptly completed and published in accordance with statutory requirements and the *Memorandum of Understanding Between the U.S. Department of Interior, Bureau of*

*Land Management, California Desert District and the California Energy Commission Staff Concerning Joint Environmental Review for Solar Thermal Power Plant Projects (MOU).* Applicant notes that the BLM and CEC combined processing plan contained in this MOU calls for issuance of PSA/Draft EIS between days 140 and 160 after the AFC is deemed data adequate. Particularly in instances such as this case, where almost one year has elapsed since the Application was deemed data adequate and the PSA has not been issued, it is critical that the Committee actively monitor the Staff's progress in completing the necessary documents and the Committee promptly act to help the Staff resolve any issues regarding priorities and resources that may be barriers to timely completion of assignments.

#### **Status of Project Since Last Status Report**

- At the request of BLM, Applicant was asked to prepare a detailed site drainage, grading and erosion control plan (referred to as the Site Civil Plan) which is not usually available to CEC Staff until after a final decision. Applicant met with BLM and CEC Staff and BLM's environmental consultant (Earth Tech) to review progress of the Site Civil Plan. During this and additional discussions with the BLM, Applicant understands that the BLM is satisfied with the work done to date and that completion of the Draft Environmental Impact Statement (DEIS) is not contingent upon completion of the Site Civil Plan. Applicant anticipates submittal of the Site Civil Plan to the BLM and CEC in September 2008.
- Reports on Spring 2008 wildlife surveys and additional cultural resources surveys were submitted to the CEC and BLM in August 2008. The Spring 2008 botanical survey report is under preparation and will be submitted to the agencies the week of September 8, 2008.
- Applicant has been diligently working with the CEC, BLM, U.S. Fish and Wildlife Service and the California Department of Fish and Game on biological mitigation for the Ivanpah SEGS project. The results of these meetings and conference calls are being summarized and incorporated into the revised Biological Assessment (BA). The revised BA will be submitted to the agencies the week of September 8, 2008.
- Applicant has been working with the U.S. Army Corps of Engineers (Corps) on the Site Wetlands Delineation. The Corps has reviewed the draft Site Wetlands Delineation report and made an initial finding that the ephemeral washes on the Ivanpah SEGS site are non-jurisdictional under the Federal Clean Water Act. Applicant has incorporated Corps comments on the draft report and prepared review forms that must accompany the report for a final concurrence review by the U.S. Environmental Protection Agency. The final Site Wetlands Delineation Report will be submitted to the Corps the week of September 8, 2008.
- During the July Data Response Workshop Applicant was asked by CEC and BLM Staff to increase the cultural resources Area of Potential Effect (APE) for the Ivanpah SEGS and to perform cultural resources surveys within this extended

APE. The extended APE includes more than a dozen sites in the mountains and hills within 3 to 5 miles of the Ivanpah SEGS project boundary. Although the Committee overseeing this proceeding issued an order extending the deadline for data requests to June 2, 2008, Applicant voluntarily agreed to undertake these additional surveys. Field surveys are currently underway and include pedestrian surveys and, due to the very rugged and remote topography in the mountainous areas included in the extended APE, also include helicopter surveys. Applicant will provide results of these surveys under cover of confidentiality as soon as they are available.

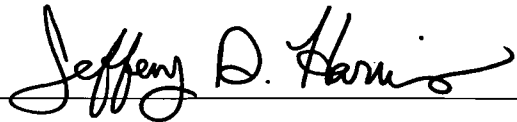
- The Applicant has received the second SIS and will provide it the week of September 8<sup>th</sup> under confidentiality restrictions to comply with the FERC and CAISO requirements regarding Critical Energy Infrastructure Information. Applicant understands that the third and final SIS will be issued in September.

Significant progress is being made toward the resolution of all other outstanding issues. The Applicant urges the CEC to enforce the timeline in the MOU because further delays directly affect Applicant's ability to finance, construct and perform its Power Purchase Agreement obligations on time.

September 5, 2008

Respectfully submitted,

ELLISON, SCHNEIDER & HARRIS L.L.P.

By  \_\_\_\_\_

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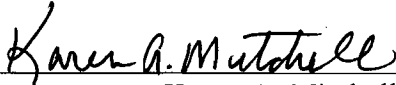
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**PROOF OF SERVICE**

I, Karen A. Mitchell, declare that on September 5, 2008 I served copies of the attached *Applicant's Status Report #4* by email addressed to all parties on the attached service list.

I declare under the penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Karen A. Mitchell

**SERVICE LIST**  
**07-AFC-5**

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