

## DOCKETED

<b>Docket Number:</b>	02-AFC-02C
<b>Project Title:</b>	Black Rock 1, 2, and 3 Geothermal Power Project Major Amendment
<b>TN #:</b>	203480
<b>Document Title:</b>	Order Approving a Petition to Extend the Deadline for Commencement of Construction
<b>Description:</b>	N/A
<b>Filer:</b>	Dale Rundquist
<b>Organization:</b>	California Energy Commission
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**CALIFORNIA ENERGY COMMISSION**

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**STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION**

<b>In the Matter of:</b>	)	<b>Docket No. 02-AFC-2C</b>
	)	
<b>BLACK ROCK 1, 2, AND 3 GEOTHERMAL POWER PROJECT</b>	)	<b>Order No. 14-1210-5</b>
	)	
<b>CE Obsidian Energy, LLC</b>	)	<b>ORDER APPROVING a Petition to Extend the Deadline for Commencement of Construction</b>
	)	

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The proposed Black Rock 1, 2, and 3 Geothermal Power Plant (Black Rock 1, 2 and 3), owned by CE Obsidian Energy, LLC, (CE Obsidian) is a 159-megawatt geothermal power plant near Calipatria, and is located approximately 1000 feet from the Salton Sea in Imperial County, California. Black Rock 1, 2 and 3 was certified by the California Energy Commission (Energy Commission) on December 17, 2003. Two previous Petitions to Extend Deadline for Commencement of Construction for 3 years each, from December 18, 2008 to December 18, 2011, and from December 18, 2011 to December 18, 2014, were approved by the Energy Commission on December 19, 2007, and December 14, 2011 respectively. A petition to amend the Energy Commission Decision was approved by the Energy Commission on February 2, 2011 significantly revising the Salton Sea Unit 6 Geothermal project and changing the name to Black Rock 1, 2 and 3 Geothermal Power Project.

On June 11, 2014, CE Obsidian filed a Petition to Extend the Deadline to Commence Construction for Black Rock 1, 2, and 3 from December 18, 2014 to December 18, 2019.

This matter was heard at the regularly scheduled Business Meeting held on December 10, 2014 at which time staff and petitioner addressed the Energy Commission.

**STAFF RECOMMENDATION**

Energy Commission technical staff reviewed the petition for potential environmental effects and consistency with applicable laws, ordinances, regulations and standards (LORS). Based on this review of the existing environmental setting, the previous environmental analysis, and the project as currently proposed, staff concludes that there are no substantial changes to the project or to the circumstances under which the project is being undertaken, and no new information that was not previously known,

justifying a supplemental or subsequent environmental analysis. In order to assure that when the project proceeds to construction, the project matches the project setting and analysis, staff proposes a new condition of certification, **Extension-1**.

Energy Commission staff concludes that the petition complies with the requirements of Title 20, Section 1769(a) of the California Code of Regulations and recommends approval of CE Obsidian's petition to extend the deadline for commencement of construction for the Black Rock 1, 2, & 3 Project.

## **ENERGY COMMISSION FINDINGS**

Based on staff's analysis, the Energy Commission finds that the proposed changes will not result in any significant impact to public health and safety, or the environment. The Energy Commission finds that the required findings, mandated by Title 20, California Code of Regulations, section 1720.3, can be made. The Energy Commission also finds:

- The proposed extension will not change the findings in the Energy Commission's Final Decision pursuant to Title 20, section 1755;
- There would be no new or additional unmitigated, significant environmental impacts associated with the proposed extension;
- The project will remain in compliance with all applicable laws, ordinances, regulations, and standards; and
- The extension proposed in the petition would allow the project owner additional time to reevaluate the facility's configuration, operational profile and permit requirements.

## **CONDITION OF CERTIFICATION**

**EXTENSION-1 No later than 180 days prior to start of construction, but no more than 250 days prior to the start of construction, the project owner shall provide to the CPM the following:**

1. **Confirmation that the project description has not changed or, if the project owner intends to modify the project, a description of all changes being proposed, including an evaluation of how the changes comply with laws, ordinances, regulations and standards (LORS) and whether any of the changes would result in a significant, adverse environmental impact;**
2. **A review of the existing environmental setting, including all applicable LORS, and a discussion of any changes that have occurred since project certification;**
3. **Any changed or updated information that would otherwise need to be contained in an application for a Lake and Streambed Alteration Agreement for any future proposed changes to the project description that would impact waters of the state under the jurisdiction of California Department of**

Fish and Wildlife (CDFW). Also identify any additional impacts and any new or changed best management practices.

4. Updates, if any, to the mitigation measures included in the Flat-tailed Horned Lizard Rangeland Management Strategy (current version dated 2003) prepared by the Flat-tailed Horned Lizard Interagency Coordinating Committee to revise Condition of Certification BIO-13 (Construction Mitigation Management to Avoid Harassment or Harm), which references the 1997 version of this document.
5. The results of recent Burrowing Owl surveys using revised survey guidelines and changes to conditions of certification based on CDFW's 2012 Staff Report on Burrowing Owl Mitigation, including proposed changes to Conditions of Certification BIO-13, BIO-14 (Pre-Construction Monitoring To Avoid Harassment Or Harm), and BIO-25. These changes shall reflect the revised guidelines including artificial burrows placement, installation and maintenance of artificial burrows, in addition to discouraging temporary or permanent exclusion and closure of burrows as an avoidance and minimization measure especially during the breeding season.
6. The results of an updated literature search, in accordance with section (g)(2)(B) of Appendix B of the Siting Regulations, to ascertain whether new cultural resources have been found in the project area of analysis subsequent to the last literature search and the field surveys of 2009 and 2010, and whether there have been other changes in the status of the historical significance of other known cultural resources.
7. The results of an updated Sacred Lands File search and a Native American contact list from the Native American Heritage Commission, and if new Sacred Lands are identified notification of Native Americans on the NAHC list about the changes in the project, in accordance with section (g)(2)(D) of Appendix B of the Siting Regulations.

Verification: The project owner shall submit the above to the CPM for review and approval no later than 180 days prior to start of construction, but no more than 250 days prior to the start of construction.

## **CONCLUSION AND ORDER**

The California Energy Commission hereby adopts Staff's recommendations and approves the extension of the deadline to commence construction for the Black Rock 1, 2, & 3 Project from December 18, 2014 to December 18, 2019.

**IT IS SO ORDERED.**

### CERTIFICATION

*The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the California Energy Commission held on December 10, 2014.*

*AYE: Douglas, McAllister, Hochschild, Scott*

*NAY: None*

*ABSENT: Weisenmiller:*

*ABSTAIN: None*

Original Signed by Harriet Kallemeyn  
*Harriet Kallemeyn,*  
*Secretariat*