



July 30, 2009

DOCKET

08-AFC-13

DATE JUL 30 2009

RECD JUL 31 2009

Mr. Christopher Meyer
Project Manager
Attn: Docket No. 08-AFC-13
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

RE: SES Solar One
Applicant's Responses to Public Comments during the June 22nd Information
Hearing/Site Visit and Scoping Meeting

Dear Mr. Meyer,

Tessera Solar hereby submits the Applicant's responses to Public Comments during the June 22nd Information Hearing/Site Visit and Scoping Meeting. I certify under penalty of perjury that the foregoing is true, correct, and complete to the best of my knowledge.

Sincerely,

Felicia Bellows
Vice President of Development

SES Solar One
Applicant's Responses to Comments from June 22nd Public Meeting
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No.	Speaker	Page/ Line Location	Comment	Subject	Response
14	Sall	pg 67 / line 6	First off, our feeling is the utility scale project should first be sited on disturbed land, public or private, instead of pristine land.	Alternatives	Alternatives to the proposed Project site were discussed in Section 4.0 of the Application for Certification and will be continued to be discussed during the discovery phase of the Project as well as addressed in the PSA/DEIS.
8	Aardahl	pg 63 / line 21	Specifically, with the Desert Tortoise, what I would like to recommend is that the age and sex of all Desert Tortoises encountered on the project site as a result of, shall we say, a sampling process, be disclosed, and that a determination of their ecological or biological significance be made rather than just simply a statement about, in this case, 43 Desert Tortoises were observed during the sampling process, along with 30 active tortoise burrows. I think the data needs to be much more detailed and disclosed to the public.	Biological Resources	Data forms with details of the tortoise sighting were provided as an appendix to the biology report (Appendix Y to the AFC document). Detailed information regarding age and sex were not recorded consistently as this information is not required for presence/absence surveys. Tortoise in burrows could not be aged or sexed. The majority of the tortoise detected were adults and subadults.
9	Aardahl	pg 64 / line 7	We would also like to see an analysis of the relationship of the Desert Tortoise population in the affected area of the project in relationship to more important Desert Tortoise populations in recovery units for the species, since it's a listed species, both federal and state. And those areas I would like to see addressed in relationship to this particular site are the Ord-Rodman, Superior-Cronese, and possibly the Pitue-Fenner recovery units.	Biological Resources	The West Mojave Plan (WMP)/EIS/EIR conducted a detailed analysis of the Desert Tortoise. The Project site is not designated Critical Habitat for tortoise and is not included as an area planned for conservation by the WMP. The Ord-Rodman conservation area is the planned conservation area closest to the project, located south of Interstate 40 and west of the project site.
10	Aardahl	pg 64 / line 16	And I would like to have the document disclose and analyze the adequacy of the surveys for the desert tortoise in terms of its ability to detect hatchlings and juvenile individuals occupying the site.	Biological Resources	The survey protocol is biased toward detecting larger individuals because newly hatched tortoise are difficult to detect.
11	Aardahl	pg 64 / line 21	With respect to Bighorn Sheep, my recommendation is fairly straightforward and simple. The analysis should disclose any seasonal use of the proposed project site by birds of prey as a foraging area where those birds may be coming out of the Cady Mountains from nesting locations.	Biological Resources	Raptor use of the site was typical for an open desert landscape. It is not expected that the site is used disproportionately compared to the surrounding landscape. Raptor nest sites were mostly absent from the site, but are likely to occur in the adjacent mountains.

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12	Marschke	pg 65 / line 16	We were very concerned with the scope of the project as it's stated now, and that particularly the northeast corner is definitely within Bighorn Sheep habitat. Sheep habitat is very important. There is a lot of I think historical knowledge that people think Bighorn Sheep live in the mountains and that's in general part true, but they survive based on the desert washes and vegetation that grows down there. And this project would impact large amounts of habitat that's very close to a known Bighorn Sheep population. And I think, furthermore, the science that I saw in the preliminary study is inadequate with regards to the Bighorn sheep, and it's very nebulous at best.	Biological Resources	The most current information regarding the local big horn sheep (BHS) population was provided by the group that manages the watering sites for the sheep in the Cady Mountains. This information is summarized in the AFC and biology report. A portion of the site includes habitat known to be used by BHS. Seasonal use of portions of the site by BHS at least during "good" years is expected. No BHS were detected during the two spring seasons of biological survey effort.
16	Sall	pg 67 / line 21	The current Solar One site is adjacent to the new National Monument Proposal that Senator Feinstein will be introducing. It's also adjacent to the ACEC, and there are several endangered species, plant and animal, that would be affected by this project. There is a rare penstemon that we found on the project site in a higher density than anticipated, as well as a possible new lizard to science that is the side-blotched lizard that is found only in the lava beds in the sand adjacent to the lava flow area.	Biological Resources	The adjacent ACEC was established specifically to conserve habitat for rare plants and Mojave fringed-toed lizard. Much of the lava beds are included in the ACEC. The taxonomy of <i>Uta stansburiana</i> , a widespread and variable species, has been disputed for years. Traditionally three subspecies of <i>Uta</i> are said to occur in California, but many experts do not recognize any subspecies, pending further studies that may provide more clarification about this species (or species). <i>Uta stansburiana</i> is not listed as a species of concern by any resource agency. <i>U. s. elegans</i> - Western Side-blotched Lizard <i>U. s. stansburiana</i> - Northern Side-blotched Lizard <i>U. s. nevadensis</i> - Nevada Side-blotched Lizard
18	Sall	pg 68 / line 20	Will vegetation be mowed or trimmed? There was a little discussion about this on the tour, but can I get an official answer as to what the plan is for vegetation on the site?	Biological Resources	Response may be found on page 68, line 24 of the June 22nd Info Hearing/Site Visit and Scoping meeting transcript, docketed on July 13th.
15	Sall	pg 67 / line 14	We are concerned with the cumulative effects of these large industrial-scaled project. The desert is very slow to recover as many of you know, and once this land is blighted or there is significant surface disturbance, it permanently disrupts the microbotic relationship of cryptobiotic soils.	Cumulative	Cumulative impacts are discussed in Section 5.18 of the Application for Certification and will be continued to be discussed during the discovery phase of the Project as well as addressed in the PSA/DEIS. Additionally, the Project is sited in one of the study areas for the BLM's Programmatic EIS for Solar Development and both have been and will continue to be an integral part of developing the PEIS.
19	Sall	pg 69 / line 6	Can I ask how the selection was made to begin construction on what you are calling Phase I, the kind of northeastern section of the site, versus the area that you are calling Phase II, which is closer to the highway and slightly more disturbed land.	General	Response may be found on page 69, line 12 of the June 22nd Info Hearing/Site Visit and Scoping meeting transcript, docketed on July 13th.

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20	Sall	pg 70 / line 1	If there is still transmission access and the substation is located on what you are calling the Phase II, which was slighting more impact or maybe significantly, depending on location, more impact, why did you choose to develop the more northeastern section first? If this is a new technology and new scale, why are you picking the most pristine habitat to begin your construction on, phase I?	General	(Responded by Camille Champion during the meeting) But again, this is a preliminary construction plan that we have right now. As we go through the permitting phase and work through the agencies, if there is any need for us to change how we construct, we will definitely do that, working with the agencies. So again, we have preliminary. We are required to at least give some idea of how we plan to construct the project, but obviously, we are prepared to make any changes where necessary based on what the agencies tell us. (Additional Response) While the northern portion of the site (Phase I) may have the most pristine habitat, the southern portion of the site (Phase II) has a higher density of other environmental resources and would not necessarily be "less impacted" than the Phase I area.
23	Ramos	pg 72 / line 7 and pg 73 / line 16	Who is this company? Where do you come from? Who is the parent company? Houston Electric? General Electric? Bubbleberry? Who is it?...And who are you, by the way? What is your parents, Edison, General Electric...Vickers?	General	Response may be found on page 73, line 18 of the June 22nd Info Hearing/Site Visit and Scoping meeting transcript, docketed on July 13th.
25	Ramos	pg 74 / line 10	What is their (NTR) capability? Do you have vast machine shops or what? What do you have? I'm sure your financially capable. But say, do you have milling machines? Do you have vast machine shop foundries or what? How are you going to make these things? Are you going to farm them out to different people or are you going to make them yourselves?	General	Response may be found on page 74, line 18 of the June 22nd Info Hearing/Site Visit and Scoping meeting transcript, docketed on July 13th.
26	Jackson	pg 75 / line 22	A year ago, somebody put a gate across the Burlington-Northern crossing. For a year I have been writing letters, trying to find out what Stirling's involvement in the gate was and have been misled up to this point in time. Now, right now, I have learned that the phase II of this Project is optional. Yet we have a gate blocks access to public lands and for people to access their property. That to me is not right. If Stirling is not going to develop Phase 2, they should at least allow the public the right to access public lands.	General	The private crossing at BNSF Railroad is owned and operated by BNSF Railroad. SES/Tessera solar has all intentions of a full build out of the project which includes Phase 1 and Phase 2.
5	Silliman	pg 60 / line 7	What I am concerned about is the degree to which communication between the applicant and certain groups must or must not be made public. Specifically, must communication between the applicant and resource agencies such as California Fish and Game, Fish and Wildlife also be made public?	Process	Response may be found on page 60, line 15 of the June 22nd Info Hearing/Site Visit and Scoping meeting transcript, docketed on July 13th.
6	Silliman	pg 61 / line 2	How about Fish and Game or Fish and Wildlife?	Process	Response may be found on page 61, line 4 of the June 22nd Info Hearing/Site Visit and Scoping meeting transcript, docketed on July 13th.

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17	Sall	pg 68 / line 6	And with regards to the recovery and the scale of this project, there is concern about the BLM Right-of-Way process being used for a permanent disturbance...what is the anticipated action plan for the project site once the 20-year period is reached? Will that site be reused for another renewable energy site, or what is the anticipated plan at this point?	Process	Response may be found on page 68, line 15 of the June 22nd Info Hearing/Site Visit and Scoping meeting transcript, docketed on July 13th.
13	Sall	pg 67 / line 3	The project site does contain a couple of Catellus sections that were part of the Catellus land purchases	Site	If additional lands are required for the project due to the elimination of Catellus parcels, Tessera Solar will work with the agencies and private land owners to discuss acquisition of other parcels to allow for full project build-out.
21	Sall	pg 70 / line 23	What is the capacity of the largest SunCatcher site you currently have operating for commercial use?	Technology	Response may be found on page 70, line 25 of the June 22nd Info Hearing/Site Visit and Scoping meeting transcript, docketed on July 13th.
22	Sall	pg 71 / line 2	The what is the largest test site megawatt production?	Technology	(responded to by Felicia Bellows during the meeting) We have 10 units running today, each one 25 kilowatts (Note: The transcript says megawatts, which is incorrect. Each unit produces 25 kilowatts of electricity.)
24	Ramos	pg 72 / line 10 and pg 72 / line 15 and pg 73 / line 3	Are all these machines going to be built out of locally USA manufactured? Or are they going to come from foreign countries?...Where is the other 10% made?...Is this 10% money wise or 10% of the unit?	Technology	Response may be found on page 72, line 13 and line 17, and on page 73, line 13 of the June 22nd Info Hearing/Site Visit and Scoping meeting transcript, docketed on July 13th.
4	Orawczyk	pg 58 / line 13	And that is how will the aquifer be recharged...So, yeah, my concern there is what is the sustainability of the project over the 20-year period, possibly 40 years? If they draw 36.2 acre feed of water, I'm real concerned as to how long that can actually last if its potable water.	Water Resources	Minor development has occurred in the groundwater basin in terms of groundwater well development. Should the Project use groundwater as the water supply, the volume of water available for site use (and over the life of the proposed project) will be evaluated based on the results of aquifer testing that will be completed following installation of a test well onsite. In the Applicant's responses to CEC Data Adequacy Requests, an estimation of aquifer drawdown was performed using existing data on wells within the Project area. Please see the response to Data Adequacy Request 53.



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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**APPLICATION FOR CERTIFICATION
For the SES SOLAR ONE PROJECT**

Docket No. 08-AFC-13

PROOF OF SERVICE

(Revised 7/20/09)

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DECLARATION OF SERVICE

I, Corinne Lytle declare that on July 30, 2009, I served and filed copies of the attached Applicant's Response to Public Meeting Comments, dated July 30, 2009. 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: [www.energy.ca.gov/sitingcases/solarone].

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 Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

X sent electronically to all email addresses on the Proof of Service list;

X by personal delivery or by depositing in the United States mail at _____ with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses NOT marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

X sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

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CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-13

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

Original Signed By

Corinne Lytle