

# Memorandum

Date: September 24, 2009  
Telephone: (916) 654-4679

To: Commissioner Jeffrey Byron, Presiding Member  
Commissioner James D. Boyd, Associate Member

From: California Energy Commission – John Kessler, Project Manager  
1516 Ninth Street  
Sacramento, CA 95814-5512

<b>DOCKET</b>	
<b>07-AFC-5</b>	
DATE	<u>09/24/09</u>
RECD.	<u>09/24/09</u>

Subject: **STATUS REPORT #13 and NOTICE OF COMPLETION OF ADMINISTRATIVE DRAFT OF THE FSA/DEIS - IVANPAH SOLAR ELECTRIC GENERATING SYSTEM (07-AFC-5)**

## SUMMARY

U.S. Bureau of Land Management (BLM) and Energy Commission staff (hereafter jointly referred to as staff) have completed the Administrative Draft of the Final Staff Assessment/Draft Environmental Impact Statement (FSA/DEIS). The Administrative Draft FSA/DEIS will now support the circulation of a draft Notice of Availability (NOA) for review by BLM, that once approved, would allow the NOA and FSA/DEIS to be published initiating the required 90-day comment period.

While completion of the Administrative Draft FSA/DEIS has been ongoing over the past several weeks, numerous already-completed sections and a draft NOA have been concurrently under review by BLM. Among the most significant challenges facing staff in preparing the FSA/DEIS are that analyses and permit requirements were not received from two agencies: 1) California Department of Fish and Game specifying Incidental Take Permit requirements in order for the project to be fully mitigated under the California Endangered Species Act; and 2) Lahontan Regional Water Quality Control Board specifying Waste Discharge Requirements associated with stormwater and proposed dredge and fill activities within waters of the state.

Despite there being significant outstanding information from these agencies, staff proceeded with preparation of the Administrative Draft of the FSA/DEIS by completing its own analysis. As a result, staff has developed desert tortoise mitigation measures to satisfy permit conditions in accordance with the "fully mitigated" requirements under the California Endangered Species Act and to lessen impacts below significant levels in accordance with the California Environmental Quality Act. Staff considers the mitigation approach described in the Administrative Draft to be adequate to satisfy state and federal requirements for mitigating impacts to desert tortoise.

PROOF OF SERVICE (REVISED 7/20/09) FILED WITH  
ORIGINAL MAILED FROM SACRAMENTO ON 9/24/09

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## **NEXT STEPS**

To clarify BLM's process going forward for review and approval of the NOA and Administrative Draft of the FSA/DEIS, and staff's publication of the FSA/DEIS, staff offers the following:

1. The BLM California State Office is finalizing an NOA briefing packet to be sent to the Washington DC office for Director and Assistant Secretary (Dir/ASLM) review
2. BLM expects the NOA package will require several weeks for the Dir/ASLM review once received.
3. Simultaneously, the Regional Solicitor's Office will continue to review the Administrative Draft FSA/DEIS in Sacramento.
4. After approval of the NOA package by the Dir/ASLM, the NOA would be ready to go to the Federal Register.
5. On a parallel track to the NOA, once the Administrative Draft FSA/DEIS review and edits are completed, the document would be printed and made ready for distribution.
6. In order to publish in the Federal Register, EPA has to receive 5 hard copies and CDs of the DEIS/FSA by noon on Friday in order to publish the NOA in the Federal Register on the following Friday.
7. EPA NOA's are only printed on Fridays in the Federal Register and the EPA NOA is the one that starts the 90-day comment period for the FSA/DEIS.
8. BLM will send its own NOA to the Federal Register to be published concurrently with the EPA Notice.
9. Energy Commission staff's distribution of the FSA/DEIS will be coordinated with BLM's schedule for publication in the Federal Register of BLM's and EPA's notices.

Staff estimates this remaining process to require a minimum of 3 weeks, but will do all that we can to expedite these remaining steps at the completion of which we will publish the FSA/DEIS.

Docket (07-AFC-5)  
Webworks  
POS



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
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APPLICATION FOR CERTIFICATION  
FOR THE *IVANPAH SOLAR ELECTRIC  
GENERATING SYSTEM*

DOCKET No. 07-AFC-5  
PROOF OF SERVICE  
(Revised 7/20/09)

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**DECLARATION OF SERVICE**

I, Maria Santourdian, declare that on September 24, 2009, I served and filed copies of the attached Ivanpah Solar Electric Generating System (07-AFC-5) Status Report #13 and Notice of Completion of Administrative Draft of the FSA/DEIS, dated September 24, 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/ivanpah](http://www.energy.ca.gov/sitingcases/ivanpah)].

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:**

  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 Sacramento, California 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**

       depositing in the mail an original and 12 paper copies, as follows:

**CALIFORNIA ENERGY COMMISSION**

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

Original Signature in Dockets  
**Maria Santourdjian**