

Memorandum

Date: March 16, 2010
 Telephone: (916) 654-4679

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

From: **California Energy Commission** – Terry O'Brien, Deputy Director
 1516 Ninth Street
 Sacramento, CA 95814-5512

DOCKET	
07-AFC-5	
DATE	<u>03/16/10</u>
RECD.	<u>03/17/10</u>

Subject: STAFF'S COMMENTS REGARDING A POSSIBLE ENERGY COMMISSION FINDING OF OVERRIDING CONSIDERATIONS - IVANPAH SOLAR ELECTRIC GENERATING SYSTEM (07-AFC-5)

The Energy Commission staff believes that the direct impacts associated with visual resources and the cumulative impacts associated with land use, traffic and transportation, and visual resources of the Ivanpah Solar Electric Generating System (ISEGS) project will be significant. There is no feasible mitigation that would reduce the impacts to a level that is less than significant given the scale of the project and its location.

Notwithstanding the unmitigable impacts, consideration needs to be given to the fact that the project is a solar power plant that will help California meet its renewable portfolio standard (RPS) of 33 percent in 2020 and AB 32 greenhouse gas emission reduction goals. As such, it will provide critical environmental benefits by helping the state reduce its greenhouse gas emissions, and these positive attributes must be weighed against the project's adverse impacts. It is because of these benefits and the concerns regarding the adverse impacts that global warming will have upon the state and our environment, including desert ecosystems, that staff believes it would be appropriate for the Commission to approve the project based on a finding of overriding considerations, consistent with CEQA Guideline Section 15093 and section 1755 of the Commission's siting regulations, if the Commission adopts staff's proposed mitigation measures/conditions of certification.

Staff's position on the ISEGS project should not be read as a blanket endorsement of all solar projects nor as an indication that we will consistently conclude that it is appropriate for the Commission to adopt overriding considerations for unmitigable significant environmental impacts. Our determinations will be made on a case-by-case basis. As with all electricity infrastructure projects, site selection is a critical factor in determining impacts and staff's position on whether a Commission override is appropriate or warranted. The fact that the ISEGS project's site is adjacent to, and in the vicinity of, extensive development, (e.g., a golf course, Interstate 15, casinos, and existing electricity infrastructure, including major transmission lines and another power plant), is

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a significant factor in reaching the conclusion that an override is appropriate in this case. The staff may not support an override for a project in a more remote location. As indicated in its November 19, 2008 Renewable Energy Transmission Initiative comments on the proposed competitive renewable energy zones, staff believes renewable energy development should occur in areas proximate to “existing transmission infrastructure and load centers” and recognizes that it is important to “protect the unique visual resources of the desert and to preserve the special qualities of remoteness and isolation that are inherent in the appeal of desert landscapes.”

One final observation is that, in the future, after several of the new solar power plants have been constructed and have been operational for an appropriate period of time, staff and others will have more information about their collective impacts to evaluate and compare the characteristics of the various solar thermal technologies. Based upon this information, staff will be better informed to determine whether some technologies are preferable from an environmental perspective and will factor that evaluation into our alternatives analysis. Important issues to analyze will include water use, land use (amount of land needed per megawatt of generating capacity), visual impacts, and ground disturbance.

In support of staff’s position for consideration by the Committee, staff requests that notice is taken of the following documents:

- 1) Climate Action Team Report to Governor Schwarzenegger and the Legislature. CalEPA, March 2006.
- 2) AB 32 Scoping Plan. CARB, December 2008.
- 3) Integration of Renewable Resources. CAISO, Nov. 2007.
- 4) 2007 Integrated Energy Policy Report. CEC, Nov. 2007.
- 5) 2009 Integrated Energy Policy Report. CEC. Nov. 2009.
- 6) Draft Final Opinion on Greenhouse Gas Regulatory Strategies: Joint Agency Proposed Final Opinion. CPUC/CEC 2008.
- 7) Framework for Evaluating Greenhouse Gas Implications of Natural Gas-Fired Power Plants in California. CEC (MRW and Associates). May 2009.

Docket (07-AFC-5)
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**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 3/11/10)

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DECLARATION OF SERVICE

I, Maria Santourdjian, declare that on March 17, 2010, I served and filed copies of the attached, Staff's Comments Regarding a Possible Energy Commission Finding of Overriding Considerations, dated March 16, 2010. 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].

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:

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery;
- by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

- 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, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Originally Signed by _____
Maria Santourdjian