

Memorandum

Date: May 4, 2010
Telephone: (916) 654-4781
File: 09-AFC-5

To: Commissioner Anthony Eggert, Presiding Member
Commissioner James Boyd, Associate Member
Paul Kramer, Hearing Officer

DOCKET	
09-AFC-9	
DATE	<u>MAY 04 2010</u>
REC'D	<u>MAY 04 2010</u>

From: California Energy Commission - Craig Hoffman
1516 Ninth Street Siting Project Manager
Sacramento, CA 95814-5512

Subject: **Abengoa Mojave Solar (09-AFC-5)**
Project Status Report # 5

Pursuant to the Committee Scheduling Conference on April 15, 2010, the following is staff's Status Report #5 for the proposed Abengoa Mojave Solar (AMS) project.

Submittal of Information

The applicant has been working to provide staff outstanding information necessary to prepare the Supplemental Staff Assessment. Some of the information has been provided later than originally anticipated at the April 15th Committee Scheduling Conference

The applicant and staff continue to work together to verify all information is complete and provided in a timely manner.

Outstanding Information

Air Quality staff has not received a Final Determination of Compliance yet. The applicant is working with the Mojave Desert Air Quality Management District (MDAQMD). We anticipate the FDOC being provided to staff later this week or early next week.

The MDAQMD and the applicant are working on two items to finalize the FDOC. This includes modeling for the new Federal 1-hour NO2 standard and additional explanation on how the Heat Transfer Fluid control efficiencies were calculated.

Biological Resources staff is coordinating with state and federal agencies to make sure that the Biological Assessment, Draft Western Burrowing Owl Monitoring and Mitigation Plan and the Desert Tortoise Clearance and Relocation Plan is complete and can be incorporated into the Supplemental Staff Assessment.

Staff is currently working on a Golden Eagle analysis for the supplemental staff assessment. The applicant completed the first survey for Golden Eagles on April 24, 2010. The applicant provided survey results on May 4, 2010. The applicant anticipates the second Golden Eagle survey on or about May 24, 2010, and a final report is expected approximately June 16, 2010.

The applicant also provided an expected timeframe for the Endangered Species Act / Biological Opinion. The following is an anticipated schedule:

May 13 - Comments expected from the USFWS.

May 19 – Expected date to submit the Final BA, including any revisions USFWS requested, to DOE

May 26 – DOE submits a written request to USFWS to initiate formal consultation, and attaches the Final BA to that request

June 1 – USFWS initiates formal consultation

October 14 – 135 days for drafting Biological Opinion ends, Biological Opinion issued to DOE

Complete Information

Staff responsible for Cultural Resources, Hazardous Materials, Land Use, Noise and Vibration, Public Health, Soils and Water Resources, Traffic and Transportation, Transmission System Engineering, Visual Resources, Waste Management and Worker Safety all have their information and are revising their sections as appropriate.

Project Schedule

Biological staff prepared a memo dated February 5th that was provided to the applicant identifying time sensitive materials and critical path due dates. The submittal of the Draft Western Burrowing Owl Monitoring and Mitigation Plan on April 19th and the Golden Eagle surveys information provided on May 4th will require review and time to coordinate with the agencies.

Biological Resources staff is working with USFWS (Ashleigh Blackford) and California Department of Fish and Game (CDFG) (Eric Weiss) staff regarding biological plan development, permit requirements, timing and compliance. The staff from USFWS and CDFG will need to approve protocol and direction prior to Energy Commission staff finishing the technical section.

The Supplemental Staff Assessment sections are due to the Siting Project Manager on May 5th to make a May 12th publication date. It is anticipated that Air Quality and

Biological Resources will not make this time frame. Biological Resources will not be provided to the Siting Project Manager until May 18th at an earliest.

Staff anticipates publishing the Supplemental Staff Assessment in two parts. Supplemental Staff Assessment Part A will be published on May 12th and include the majority of the technical sections. Supplemental Staff Assessment Part B will be published on May 21st and include biological resources, air quality and any other sections that do not make the May 12th publication date.

Staff hopes this publication flexibility will keep the project on schedule.

cc: Proof of Service List
Docket 09-AFC-5



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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APPLICATION FOR CERTIFICATION
FOR THE **ABENGOA MOJAVE
SOLAR POWER PLANT**

Docket No. 09-AFC-5
PROOF OF SERVICE
(Revised 3/4/2010)

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DECLARATION OF SERVICE

I, April Albright, declare that on May 4, 2010, I served and filed copies of the attached Energy Commission Staff's Status Report #5. 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: [<http://www.energy.ca.gov/sitingcases/abengoa/index.html>].

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:

- sent electronically to all email addresses on the Proof of Service list;
- by personally delivery;
- by delivery 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

Attn: Docket No. 09-AFC-5
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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.

Original signed by: _____
April Albright