



IMPERIAL COUNTY

PLANNING & DEVELOPMENT SERVICES

PLANNING / BUILDING INSPECTION / ECONOMIC DEVELOPMENT / PLANNING COMMISSION / A.L.U.C.

JURG HEUBERGER AICP, CEP, CBO
PLANNING & DEVELOPMENT SERVICES DIRECTOR

May 27, 2010

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Christopher Meyer, Project Manager
Energy Facilities Siting and
Compliance Office
Attn: Docket No. 08-AFC-5
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5112

DOCKET 08-AFC-5

DATE MAY 27 2010

RECD. JUN 01 2010

SUBJECT: Response to "Imperial Valley Solar Project (IVSP)" (formerly SES Solar Two Project)/Application for Certification (08-AFC-5)

Dear Mr. Meyer:

The County Planning & Development Services staff has reviewed the proposed project and the environmental document that the CEC and the BLM are preparing for the above project, i.e. Supplemental Staff Assessment (SSA)/Draft Environmental Impact Statement (DEIS). The County has previously submitted comments on the 10-square miles, approximately 6,500 acres (360 acres of private lands), with approximately 275 miles of roads. The deadline for comments on the Imperial Valley Solar Project (IVSP) project is **May 27, 2010** and these additional comments are hereby provided:

- 1) Throughout the DEIS there are numerous areas where an analysis or a study is not complete and that information is forthcoming. This makes it very difficult to perform a complete analysis of the DEIS. It is our understanding that the CEC will be releasing a subsequent DEIS and provide additional review time for respondents. We look forward to a more complete document to review.
- 2) The County of Imperial agrees with the DEIS regarding the Project's impacts to visual resources along Interstate 8. From the Imperial County line to the edge of the agricultural lands approximately 25 miles of open space desert visual resource. With the exception of the small community of Ocotillo/Nomirage and the United States Gypsum Plant, the desert visual resource is unbroken. This project proposed to build 30,000 38' by 40' steel and glass dish style structures over a 10+ square mile area, predominantly along both sides of the Interstate 8 corridor. These impacts will be significant. The DEIS identifies mitigation such as setbacks from Interstate 8, but do not fully eliminate the impact. There should be more consideration with project reduction and/or more screening methods. The reduced project alternative limits the project less than half of the total structures, greatly decreasing the visual impacts and reduce the project footprint from 6,500 acres to 2,600 acres.

- 3) The County has concerns with the change in surface water absorption due to the development of 275 miles of roads that will cover an estimated 667 acres ((5,280' long x 20' wide (fire lanes) X 275 miles)/ 1 acre foot). The County could not find precise dimensions of the Suncatchers (dishes), in terms of footprint in the active and "wind stow" positions. How much land will be covered by the dishes, support buildings and equipment? What is the amount of area, overall, that the project would cover that would directly impact the surface water absorption? Assuming absorption is reduced what is the impact to the existing washes and drains?
- 4) It is the County's understanding, based on the CEC hearing on May 25, 2010, that IVSP proposes to use water from the Westwind's water well in Ocotillo for a temporary water source during the construction phase, with permanent water from the Seeley County Water District. If a water supply is proposed from the Ocotillo "Westwind's" water well, proof of compliance with the February 23, 2005 Imperial County Planning Commission's approved conditions of well registration will be necessary along with an executed contract for water prior to use of the water well by IVSP. The conditions limit the well water extraction to 40 acre feet a year, it is strongly recommended that the CEC take into account the on-site water needs for the Westwind's parcel and historical residential users in its permitting of the IVSP to use this off-site water source. Also, it needs to be noted that the project description does not denote Westwind as a water supply source.
- 5) In the event that an on-site water well is needed prior to construction or at any point during the operation of the facility, the County will be the CEQA "lead agency" for any required Conditional Use Permit for on-site water wells as well as CEQA "responsible agency" for other related environmental reviews, e.g. encroachment permits for local County road improvements, encroachment permits, needed for the approval of the IVSP proposal.
- 6) The project identifies a single 175,000 gallon water tank along with portable fire extinguishers for fire protection. The County was not able to find within the DEIS the fire protection/emergency response plan, emergency fire access plan, the water lines, and hydrogen storage facility.
- 7) It is the County's understanding that the 30,000 dishes will utilize a closed-cycle heating/expansion system using Hydrogen gas as the fuel source. It is expected that there will be a significant amount of Hydrogen gas (195 cubic feet per dish, or 5,850,000 cubic feet at build-out), and that each dish will need to replace it's Hydrogen gas twice a year. The Hydrogen gas, which is highly explosive, will be produced, transported, stored, and handled during maintenance and replacement all on-site.

The project description states that there will be a two day supply of Hydrogen gas on-site at any given time. Based on 30,000 dishes that need to have their Hydrogen gas replaced twice a year and assuming that every day of the year the facility staff is replacing Hydrogen gas, a two day supply would be able to cover 164 dishes, at 195 cubic feet per dish the storage tank(s) would need to be able to hold 31,980 cubic feet of Hydrogen gas. The County did not find an analysis of an on-site "worst case" blast scenario and/or a proposed fire protection/emergency response plan to protect IVSP employees and all surrounding sensitive parties and wildlife.

- 8) The County Land Use Ordinance (LORS) identifies the land as Government Special Public (G/S Zone) and Open Space Preservation (S-2 Zone). In a previous letter to the CEC (August 2008), the County questioned the proponent's statement in their "*Executive Summary*", that "...According to Imperial County LORS, solar energy conversion is an **allowable use** for the Project Site..." (emphasis added). The proponents were to provide the authority for the above statement and we are awaiting the response.

Neither the County G/S Zone nor the S-2 Zone specifically identify a Suncatcher type solar thermal project as an allowed or conditionally allowed use. For projects or uses that are not listed in a given land use zone, the applicant has two options, go through a "change of zone" process or a "similarity of use" process. During the past couple of years, the County has held two similarity of use processes on solar projects.

The first similarity of use process was to allow a solar photovoltaic project in the S-2 Zone, and the other was to allow a Suncatcher type solar thermal test project on a G/S Zone. Both were found to be similar in use to their respective land use zones. However, the IVSP project has not been specifically considered as similar in either land use zone. In the case of the S-2 Zone, the solar project was photovoltaic flat panels not 40 foot high solar thermal dishes, while in this case of the G/S zone the project was a solar thermal dish project, but located on a college campus and only a relatively small 60 dish 1.5MW, test project. The similarity of uses did not cover the development of a 6,500 acre 30,000 Suncatcher type solar thermal project.

The County Land Use Ordinance would require that project to go through a "similarity of use" process to determine whether the Suncatcher type solar thermal project is consistent with similar uses in the given zones. Alternatively, the project proponent could request that the CEC exercise its authority to override local government laws, ordinances, regulations and standards (LORS). Pursuant to State Law, the "LORS Override" can be done only if the CEC finds that the facility is required by the public convenience, a necessity and that there are not any prudent and feasible alternatives

- 9) The IVSP, CEC and BLM staff have been previously informed that the solar project will also need to be reviewed by the Imperial County Airport Land Use Commission for a determination of consistency with the Airport Land Use Compatibility Plan. The visual impacts to the military's low level training routes within the area will need to be analyzed and assessed by the Commission and affected military base officials.
- 10) The project states that the applicant expects the construction period to be 44 months, but does not specify if that is for the entire project or just Phase I.
- 11) There has been a discussion of merging of private lands and ownership issues in the past. If there are to be any mergers deemed necessary, the CEC and BLM indicated that this would be handled "after" the CEC and AFC approval is complete. When this occurs, the County can assist in the Lot Merger process for any parcels that need to be merged when IVSP has completed the CEC and BLM approval process for the SSA/FEIS;

- 12) The granting of easements on private lands to and from currently land-locked private parcels within the IVSP project needs to be addressed and it's the County position that all parcels requiring access have both "legal and physical access" prior to IVSP final approval by the CEC and BLM;
- 13) As previously indicated to the CEC, BLM and IVSP staff, a CUP approval will be required from the Imperial County Planning Commission for the drilling and operation of a water well(s) on-site to supply the project site. Any water from the New River to the site will also require biological studies to determine impacts to biological and wildlife habitat.

Please provide the County with responses to the above concerns and other Imperial County Departments may also have project-related comments as well.

We look forward to working with the BLM and the CEC staff in the continued processing of the Imperial Valley Solar Project.

If you have questions on the above, please contact me at (760) 482-4236, extension 4278, or via e-mail at jimminnick@co.imperial.ca.us.

Sincerely,

JURG HEUBERGER, AICP, Director
Planning & Development Services Department

By: 
Jim Minnick
Planning Division Manager

CC: Jurg Heuberger, Planning & Development Services Director
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IV Solar Project (Stirling Energy Solar Two Energy) File
Files: 10.100, 10.105, 10.124, 10.130, 10.133, 10.134, 10.142