

LAND USE SERVICES DEPARTMENT



COUNTY OF SAN BERNARDINO

ADVANCE PLANNING

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DENA M. SMITH
Director

June 4, 2010

Sent by U.S. Mail and e-mail

Mr. Christopher Meyer, Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

DOCKET
08-AFC-13

DATE	JUN 04 2010
RECD.	JUN 04 2010

Subject: March 2010 Staff Assessment / Draft Environmental Impact Statement for Calico Solar Application for Certification (08-AFC-13)

Dear Mr. Meyer:

Thank you for providing the March 2010 Staff Assessment/Draft Environmental Impact Statement (SA/DEIS) for the Calico Solar project for our review. The proposed project would utilize Stirling engine technology (aka "SunCatchers") to generate approximately 850 megawatts (MW) of electricity on a project site encompassing 8,230 acres north of Interstate 40 in unincorporated San Bernardino County, near the Pisgah area. The project is proposed on public land managed by the U.S. Bureau of Land Management, and the California Energy Commission (CEC) has permitting jurisdiction and is the lead agency for the California Environmental Quality Act (CEQA) pursuant to the Warren-Alquist Act, also known as the Warren-Alquist State Energy Resources Conservation and Development Act, Division 15, Section 25213, Public Resources Code. The County appreciates the opportunity to comment on the Staff Assessment, which functions as the CEQA document for the project, and the Draft EIS.

The County has three key issues that should be addressed for each of the large scale renewable energy projects within our boundaries: endangered species mitigation, mitigation for infrastructure impacts, and addressing the impacts to County services operations costs and lost recreation and tourism revenue.

Regarding mitigation for threatened/endangered species, the County supports project development in a manner that optimizes future economic opportunity by minimizing land set-asides and instead focusing on funding conservation, habitat restoration and species recovery efforts. The Staff Assessment is consistent with our approach by firstly, requiring avoidance of impacts via several mitigation measures, including rehabilitation in BIO-29 and invasive plant removal in BIO-11. Mitigation measure BIO-17 discusses compensatory mitigation and sensibly allows financial security for the procurement of land suitable for desert tortoise, as well as funding for the enhancement and long-term management of these lands. The County strongly supports the option to provide adequate mitigation fees in lieu of providing mitigation land, especially when the replacement involves multiples (e.g. 3 to 1) of the project acreage. We believe that this is a realistic and adequate mitigation strategy for the loss of habitat instead of simply requiring mitigation land to be provided. Further, this is only one of many renewable energy projects being planned for construction within San Bernardino County, presumably all of which will require biological mitigation. The cumulative impacts of requiring mitigation lands are not addressed in terms of economic impacts to the host jurisdiction.

With regard to addressing economic impacts to the County including infrastructure cost impacts and ongoing operations and maintenance costs, the County is developing a fiscal impact analysis to determine project-specific cost impacts that will be sought from project proponents. That analysis is ongoing at this time.

GREGORY C. DEVEREAUX
County Administrative Officer

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In considering the analysis of Worker Safety and Fire Protection in Section C.15 of the SA/DEIS, the County Fire Department supports CEC staff on the determinations and conclusions provided in the Summary and Conclusions Section C.15.1, but does not support the adequacy of the mitigation measures proposed to reduce those impacts to a level less than significant. The County Fire Department agrees with the CEC staff determination that “the project will have a significant impact on the local fire protection services” and that “the added emergency response needs will pose significant added demands on local fire protection services”. The Fire Department further supports CEC staff conclusions with regard to Cumulative Impacts in Section C.15.4.3 wherein “Staff concludes that the Calico Solar Project would have a cumulative significant impact on local services.” However, the County Fire Department does not support the adequacy of the mitigation measures as outlined in Condition of Certification Worker Safety – 6. With regard to adequately mitigating the impacts to fire and emergency response capacity, including but not limited to staffing, operations, equipment and facilities, we believe that additional mitigation is required and should be fully analyzed in the SA/DEIS.

The County supports the creation of 393 construction jobs and the 180 full-time new permanent jobs created by the Project. The SA/DEIS Section C.10.10 discusses the estimated economic benefits from the Project: \$220 million in annual property taxes, \$159 million in construction wages, and an additional \$25.9 million in indirect and induced effects related to supplies, services and household spending. Annual direct spending is estimated at \$17.5 million for the 30-year life of the Project (SA/DEIS page C.10-19).

In terms of aesthetic impacts, the County is in agreement with the required mitigation regarding setbacks and revegetation during restoration after operations cease. The SunCatchers are approximately 40 feet in height and the 500-foot setback requirement for Interstate 40, and the 250-foot setback for the staging areas are far in excess of the County standard setback. With these considerations, the Project is not inconsistent with the County General Plan and Development Code, although it is still a significant visual impact as stated on page C.13-39 of the SA/DEIS.

Regarding geologic and seismic considerations, we note that the Lavic Lake fault partially underlies this site (Sections 12 and 15). The fault experienced surface ground rupture during the 1999 Hector Mine earthquake and was subsequently evaluated by the California Geological Survey and has been included within an Alquist-Priolo Earthquake Fault Zone. However, we do not see an adequate discussion of onsite faulting in the SA/DEIS. Structural and safety requirements may be needed and should be analyzed further.

With regard to water usage, the County policy is to require a groundwater assessment report if a project anticipates using 10 acre feet per year (AFY) or more of groundwater. The project appears to fall into that category for both construction phases and for operations. The principal use of project water will be for washing the 34,000 Sun Catcher mirrors. Approximately 20 AFY are estimated to be required for this. Higher volumes will be required during project construction. The total for the first 12 months of construction is estimated at 238 acre feet and the total for the full construction period of 40 months is estimated to be 556 acre feet.

As a result of the lack of a reliable, good quality water source in the immediate vicinity of the site, the applicant (Calico Solar, LLC) proposes to purchase offsite groundwater from the BNSF railroad. The groundwater would be pumped from a currently idle well located 64 miles to the east in Cadiz Valley. The groundwater would be pumped to a railroad tanker car and sent via rail to the project site. The document indicates that there will be a 30 to 35 year water purchase agreement between BNSF and Calico Solar. Not only would this activity be subject to the San Bernardino County Desert Groundwater Management Ordinance, BNSF is not a licensed water purveyor and does not have a water district authority nor a district boundary. Several approvals would be necessary including an updated well permit and water purveyor permit from County Environmental Health Division, and possibly approval

from the County Local Agency Formation Commission (LAFCO) to create a district boundary. All of this requires analysis to comply with CEQA. The export of large volumes of water via rail could require a County Conditional Use Permit. Calico Solar should be required to comply with all of the County requirements prior to utilizing a proposed water source. The SA/DEIS does not fully analyze the availability of water from the BNSF well. It also is not clear how the CEC will regulate the BNSF well usage.

Although the SA/DEIS acknowledges the San Bernardino County Desert Groundwater Management Ordinance, Mitigation Measure Soil & Water No. 8 does not require approval from the County but only review and comment, similar to the CEC conditioning for Bright Source.

Soil & Water - 8

At least two (2) months prior to construction, a Groundwater Level Monitoring and Reporting Plan shall be submitted to the County of San Bernardino for review and comment before completion of Condition of Certification SOIL& WATER-3, and a copy of the County's comments and the plan shall be submitted to both BLM's Authorized Officer and the CPM for review and approval.

Thank you for considering our comments. If you have any questions or require any information, please contact me at (909) 387-4371 with any questions.

Sincerely,



Carrie Hyke, AICP, Principal Planner
Environmental and Mining Team
Advance Planning Division

cc: Brad Mitzelfelt, Supervisor, First District
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