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California Native Plant Society  
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 Sacramento CA, 95816

STATE OF CALIFORNIA  
 State Energy Resources  
 Conservation and Development Commission

In the Matter of: )  
 The Application for Certification )  
 for the Ivanpah Solar Electric )  
 Generating System )

DOCKET NO. 07-AFC-5

INTERVENOR CALIFORNIA NATIVE PLANT SOCIETY

**Additional Comments of California Native Plant Society regarding the Presiding Members'  
 Proposed Decision**

**Docket 07-AFC-5**

September 2, 2010

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**I. Create consistency among fast-tracked project assessments by requiring consistency among Conditions of Certification when appropriate.**

Because the Ivanpah Solar Electric Generating System (ISEGS) project has been the first to navigate through the California Energy Commission's certification process for fast-tracked desert energy projects, it lacks some of the Conditions of Certification (CoC) requirements that are now consistently being applied among subsequent projects. This is particularly relevant regarding CoC requirements for special-status plants.

In order to establish more effective ISEGS CoC measures for special-status plants, and in a manner that is more consistent with other fast-tracked projects, CNPS provides the following comments to the Committee considering the ISEGS PMPD:

**la. New localities of *Muilla coronata* should be analyzed to determine degree of local/regional significance and treated accordingly.**

Since a final version of the CoC for Special-Status Plant Impact Avoidance and Minimization (BIO-18) remains unresolved (at the issuance of the PMPD and after the August 24 PMPD Evidentiary Hearing / Committee Conference), and since similar plant impact-related CoC measures have been developed for other desert solar projects, there is still opportunity to apply plant CoC measures consistently among projects.

The record concerning impacts to special-status plants was re-opened by the submission of Applicant's Exhibit #91. Parties received the information presented in Exhibit #91 for the first time only after the close of the August 24, 2010 Evidentiary Hearing / Committee Conference regarding the PMPD. Exhibit #91 represents new information to be considered when assessing project impacts to special-status plants occurring on site.

It is very possible that these newly reported localities of *Muilla coronata* represent a significant southeastern range extension for this plant as they seem to occur farther to the southeast than any vouchered specimens to date.

In order to adequately assess potential project impacts based on these new findings, and in order to apply CoC requirements for special-status plants more consistently across fast-tracked projects, population information should be analyzed for *M. coronata*, as described in CoC's for other fast-tracked projects, to assess potential local / regional significance of these localities (e.g., potential southeastern range extension for this plant). Until the degree of significance is determined, it is still possible to treat them according to ISEGS CoC BIO-18 requirements, as the *Androstephium brevifolium* localities would have been treated. If they are found to be significant, as per the methods described for other project conditions of certification (see Condition BIO-19 for both the Genesis

Solar Energy Project (GSEP, 09-AFC-8), and the Imperial Valley Solar Project (IVS, 08-AFC-5), and Condition BIO-12 for the Calico project (08-AFC-13)) then the requirements described in the projects listed should be applied in the case of *M. coronata* at the ISEGS site. If implemented, these requirements can be satisfied by applying the impact minimization measures that would have been applied to the *A. brevifolium* localities.

If after analysis, it is determined that these localities do not represent a locally or regionally significant range extension, then the applicant would no longer be required to administer requirements to them, though they could always do so if they so desired.

CNPS believes that a requirement to analyze the local/regional significance of newly-reported on-site localities of *Muilla coronata* (previously identified as *A. brevifolium* occurrences) should be integrated into BIO-18 as similar requirements to assess local/regional significance of plants have been conditioned for other projects (see GSEP BIO-19, Section C.3, IVS BIO-19, Section C, Calico BIO-12, Section C).

However, should the Committee be unwilling to consider changes to the language of ISEGS Conditions at this point in the certification process, we feel the next most appropriate manner in which to integrate an analysis of local/regional significance for *M. coronata* into project activities would be to provide relevant information within the Special-Status Plant Protection and Monitoring Plan (Plan), required in BIO-18 section 5. This information should detail how the applicant shall analyze potential significance, and if appropriate, how they shall avoid, minimize, and/or mitigate impacts accordingly. Again, these things could be accomplished in the Plan by employing appropriate language from the CoCs of projects listed above, and then applying the already-existing requirements of ISEGS BIO-18 as they would have applied to *A. brevifolium* localities, to the newly-identified *M. coronata* localities, at least until such time as these localities are determined to be not-significant range extensions.

**1b. Summer/Fall surveys should be done only under appropriate conditions.**

Because impacts of projects on summer/fall blooming plant populations have yet to be assessed and analyzed on any solar project application to date, the CEC has required some degree of additional botanical surveys for summer/fall blooming plant taxa to be performed on several fast-tracked solar projects (e.g., ISEGS (BIO-18 Section 3), GSEP (BIO-19 Section B), IVS (BIO-19 Section B), Calico (BIO-12 Section B)).

CNPS maintains that summer/fall plant surveys, and an assessment of potential project impacts to summer/fall plants should occur before project certification. Should this not occur, an understanding of potential project impacts to desert

botanical resources would improve if at least certain requirements for summer/fall flowering plant surveys were applied more consistently throughout AFC assessments.

Currently, ISEGS BIO-18 Section 3 states that the applicant shall conduct pre-construction surveys "for special-status plant identification including both spring and summer blooming periods" in areas where construction is not meant to occur.

As outlined in Condition of Certification BIO-19 for both the GSEP and IVS, and in BIO-12 for the Calico Project, applicants are required to perform summer/fall surveys for special-status plants only at times following rain events that would trigger target plant taxa to germinate. This language should be applied to the ISEGS project as well to clarify *when* summer/fall surveys are to be implemented. Conditioning or otherwise allowing summer/fall surveys to be performed in dry years would be a meaningless requirement, a waste of applicant's funds, and a missed opportunity for obtaining better botanical information for this area.

CNPS believes that a rain-dependent requirement should be integrated into BIO-18 as it has been for other projects requiring summer/fall plant surveys. However, should the Committee be unwilling to consider changes to Conditions, we feel the next most appropriate manner in which to integrate this information into the project activities would be to provide information within the Special-Status Plant Protection and Monitoring Plan, required in BIO-18 section 5, that details how the applicant shall perform summer/fall surveys most effectively.

California Energy Resources Conservation  
and Development Commission

In the Matter of:

APPLICATION FOR CERTIFICATION FOR  
THE IVANPAH SOLAR ELECTRIC  
GENERATING SYSTEM

DOCKET NO. 07-AFC-5

**DECLARATION OF SERVICE**

I, Greg Suba, declare that on September 2, 2010, I served and filed copies of the attached Additional Comments of the California Native Plant Society regarding the Presiding Members' Proposed Decision, dated September 2, 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](http://www.energy.ca.gov/sitingcases/ivanpah)]. The document has been sent to 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 or by depositing in the United States mail at 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:

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.

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

*Greg Suba*

Greg Suba



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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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