

**STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION**

In the Matter of: ) Docket No. 08-AFC-13  
)  
Application for Certification for the ) October 14, 2010  
Calico Solar Project (formerly known as )  
SES Solar 1), SES Solar Three, LLC and )  
SES Solar Six, LLC )

**Motion to Reopen the Record for Purpose of Receiving  
Bureau of Land Management (BLM)  
Memorandum on Use of Donated Lands**

Energy Commission staff received a copy today of a memorandum dated October 7, 2010 from BLM's Deputy State Director for Resources to the BLM State Director setting forth both the Deputy State Director's recommendation that lands previously donated to BLM be approved for use by the Calico Solar Project and the State Director's approval of such use. A copy of the document is attached to this motion.

Staff believes it is appropriate for the Committee to open the record in this proceeding for the specific purpose of accepting the BLM document into evidence. The Committee received testimony in this case as to BLM's policies relating to use of donated lands and the fact that BLM donated lands were part of the proposed Calico Solar Project right-of-way. A determination as to whether lands previously donated to BLM could be included in the right-of-way authorization for the project was within BLM's discretion, and that determination had not been made at the time the Committee closed the public hearing in this proceeding on September 21, 2010. For that reason, staff now moves to reopen the record for the specific purpose of accepting the BLM memo.

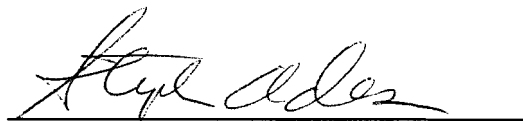
This motion is being filed in advance of the date that the Committee has requested comments from the parties on the Presiding Member's Proposed Decision to give other

<b>DOCKET</b>	
<b>08-AFC-13</b>	
DATE	<u>OCT 14 2010</u>
RECD.	<u>OCT 14 2010</u>

parties an opportunity to comment on or object to this motion. If the motion is granted, staff will request the attached document be admitted into evidence as staff Exhibit No. 318.

Date: October 14, 2010

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Stephen Adams", is written over a horizontal line.

STEPHEN ADAMS

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# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
California State Office  
2800 Cottage Way, Suite W1834  
Sacramento, CA 95825  
www.ca.blm.gov

In Reply Refer To:  
2000 (CA930)P

## Memorandum

To: State Director *[Signature]* 10/7/10  
From: Deputy State Director, Resources *[Signature]* 10/7/10  
Subject: Calico Solar Project and Donated Lands

At your request I have completed a final policy consistency review related to the Calico solar project and the inclusion of donated lands within the right-of-way authorization for the project. I have summarized below the key factors of my review below supporting my recommendation that in this case you concur with proceeding with authorization of solar use of the donated lands within the Calico project site.

## Summary Factors

**Policy Summary:** The current policy indicates that donated and acquired lands should be viewed as avoidance/exclusion areas for surface disturbing activities and that if proposals proceed for considering these lands for surface disturbing authorization such proposal be closely coordinated with our office.

**Calico Summary:** This project would include approximately 80 acres of donated lands in the northwest corner of Section 17. The donated and acquired lands in the township and ranges surrounding the project local are generally in checkerboard ownerships with other public and private lands. The donated lands in the northwest corner of Section 17 were conveyed to the United States subject to prior easements granted for construction, maintenance and operation one 500Kv power line and two 230Kv power lines. The northwest corner of Section 17 is also within a north-south running utility corridor designated in the California Desert Conservation Plan.

At our request the applicant identified in the underlying environmental documents the inventory data for biological, botanical and cultural resources specific to the donated land section. In this instance the inventory indicates the donated land contain no resources that are distinct or unique to the donated land and otherwise common to the other public lands in the project boundaries. The applicant has also maintained a dialogue with TWC related to their request to include the donated lands within the authorization area. The applicant has offered to replace the donated lands in their compensation package at a 1:1 ratio and to offset the cost of cleanup of the donated lands the donor expended prior to conveyance to the United States.

Recommendation

The conservation values of the 80 acres of donated land are in the long term marginalized by the fact that they are encumbered by powerline easements, located in a designated utility corridor and would be surrounded on two sides by the solar project. As such it is my recommendation that accepting the applicant offer to compensate by replacing the donated lands in an area that is being managed for conservation purposes such as a Desert Wildlife Management area and to ensure that the replacement lands have equally protective status is consistent with our policy of ensuring we preserve the conservation values of the donated lands.

I concur \_\_\_\_\_

*[Handwritten signature]* 10/9/10

I do not concur \_\_\_\_\_



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – WWW.ENERGY.CA.GOV

**APPLICATION FOR CERTIFICATION**

**For the CALICO SOLAR (Formerly SES Solar One)**

**Docket No. 08-AFC-13**

**PROOF OF SERVICE**  
*(Revised 8/9/10)*

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**DECLARATION OF SERVICE**

I, Scott McDonald, declare that on October 14, 2010, I served and filed copies of the attached MOTION TO REOPEN THE RECORD FOR PURPOSE OF RECEIVING BUREAU OF LAND MANAGEMENT MEMORANDUM ON USE OF DONATED LANDS, dated October 14, 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/solarone](http://www.energy.ca.gov/sitingcases/solarone)].

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**);

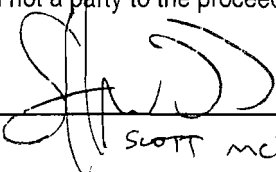
**OR**

- depositing in the mail an original and 12 paper copies, as follows:

**CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 08-AFC-13  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

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.

  
\_\_\_\_\_  
SCOTT McDONALD