



DEPARTMENT OF PARKS AND RECREATION

Tehachapi District
43779 15th Street West
Lancaster, CA 92534
(661) 942-0662 * Fax (661) 940-7327

Ruth Coleman, Director

October 21, 2010

Mr. Rod Jones
Project Manager
Systems Assessment & Facility Siting Division
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

DOCKET
08-AFC-8

DATE OCT 21 2010

RECD. OCT 25 2010

RE: Hydrogen Energy California Project – Preliminary Staff Assessment, Part 1

Dear Mr. Jones:

The Tehachapi District of the California Department of Parks and Recreation (State Parks) appreciates the opportunity to comment on the Hydrogen Energy California Project (HECA), Preliminary Staff Assessment, Part 1, Docket Number 08-AFC-8.

State Parks is a State Agency as defined by the California Environmental Quality Act (CEQA) § 21082.1, a Trustee Agency as used by CEQA, its Guidelines and as defined by CCR § 15386 for the resources affected by this proposed project. Our mission is to provide for the health, inspiration, and education of the people of California by helping preserve the state's extraordinary biodiversity, protecting its most valued natural and cultural resources, and creating opportunities for high quality outdoor recreation.

As the office responsible for the stewardship of Tule Elk State Natural Reserve (Reserve), we have an interest and concern about contemplated alterations of land use adjacent to the park. The long-term health of the Reserve is dependent on the health of the regional ecosystems because the biotic boundaries of the park extend beyond its jurisdictional boundaries.

Based on our review of the Preliminary Staff Assessment, Part 1, we have found that the proposed project will result in significant impacts to the Reserve. The protected public lands of the Reserve represent a tremendous public investment in the protection and preservation of both cultural and natural resources. We offer the following comments for your consideration.

AIR QUALITY

The Preliminary Staff Assessment, Part 1, states that the Reserve is located less than one mile from the Integrated Gasification Combined Cycle (IGCC) main complex. The Reserve is considered a sensitive land use receptor area per the San Joaquin Valley Air Pollution Control District and the Kern County Air Pollution Control District. The document acknowledges that the proposed project could further exacerbate violations of the PM10 and PM2.5 standards.

According to the air quality analysis even after very aggressive mitigation measures the construction-related pollutants of PM10 impacts are predicted to be potentially significant beyond the fence line and if constructed the proposed project would exceed air quality standards levels for NOx, VOC, CO, and SOx.

As a sensitive land use receptor area and an adjacent property owner we believe that these potential offensive air pollutants could significantly impact the park visitor's experience. In addition, to creating a potential health risk for individuals and groups that regularly visit the Reserve, including the elderly, school groups and families with young children. We are concerned that the proposed mitigation measures will not sufficiently reduce and/or eliminate these emissions of odorous substances within the Reserve.

Visibility Impacts

The Preliminary Staff Assessment, Part 1, states that the proposed project will exceed the Prevention of Significant Deterioration (PSD) emission thresholds for NO2 and CO as it pertains to the Air Quality Related Values (AQRV's). We are concerned that the proposed project will degrade and reduce the visibility within the Reserve.

Public Resource Code Section 5019.65 identifies State Natural Reserves as, "...areas embracing outstanding natural or scenic characteristics or areas containing outstanding cultural resources of statewide. The purpose of a State Reserve is to preserve its native ecological associations, unique faunal or floral characteristics, geologic features, and scenic qualities in a condition of undisturbed integrity. Resource manipulation shall be restricted to the minimum required to negate the deleterious influence of man.

Currently, State Parks has classified only 17 State Natural Reserve units out of 279 units.

As an adjacent property owner, we are concerned that these airborne pollutants will diminish the clarity and color of what the park visitors see negatively impacting the park visitor's experience. We request that a visibility analysis be completed including photo enhancements of the project's impacts to the visibility within the Reserve. Appropriate mitigations measures should be implemented to reduce and/or eliminate these manmade effects on the visibility within the Reserve.

HAZARDOUS MATERIALS

We agree that the proposed HECA project if approved would be a complex industrial facility, with the presence of numerous chemical processes including the gasification process and the sulfur recovery process, which would require the use of large amounts of hazardous materials.

As a sensitive land use receptor area that is located downwind from the proposed project. We are greatly concerned about the safety of our park visitor's, our employees and the natural habitat of the Reserve from an unintentional exposure associated with a potential accidental release of hazardous materials.

Per the proposed mitigations measures as stated in the Preliminary Staff Assessment, Part 1, the project proponent "is required to purchase the nearest residence located approximately 370 feet northwest of the proposed project site, to ensure that the residents have left and to prohibit anyone from residing there in the future, because staff believes that the resident's proximity to the facility would place any resident at a significant risk of harm if allowed to continue to reside at that location."

The Reserve is located approximately 1,700 feet away from the proposed project site; we are equally concern that the proximity of the proposed project could also result in a significant risk and harm to park visitors, our employees and the natural habitat of the Reserve. We ask that the Lead Agency and project proponent to work with State Parks to make sure that appropriate mitigation measures are implemented in preventing accidents and releases from moving off site and affecting the resources of the Reserve and neighboring communities.

NOISE AND VIBRATION

The Preliminary Staff Assessment, Part 1 states that the Reserve is in close proximity to the proposed project site. The Reserve is considered a noise sensitive land use area per the County of Kern's Noise Ordinance standards. The document acknowledges that the construction noise from the proposed project site will reach maximum sounds levels of 91dBA during daytime construction and 62dBA during nighttime construction.

The proposed stream blows which will last two to three minutes and will be performed several times daily over a two to three week period will reach a maximum sound level of 93dBA and the proposed pile driving will reach a maximum sound level of 64dBA.

The County's Noise Ordinance Standards requires proposed commercial and industrial uses or operations to be designed and/or provide effective mitigation measures to be incorporated into the project design so that they will not violate residential or other noise sensitive land uses to levels in excess of 65dBA during daytime hours and 45dBA during nighttime hours.

We are greatly concerned that the proposed project will be audible over long distances and will be audible to park visitors at several locations within the Reserve, including the main interpretative trail, scenic vista points and at the Tule Elk Visitor Center.

We disagree with the conclusion of the Preliminary Staff Assessment, Part 1. We believe that the impacts from the proposed project will have a significant adverse effect and will cause a substantial annoyance to park visitors visiting the Reserve.

In addition, we believe that the noise intrusions from the proposed project will significantly affect the wildlife resources of the Reserve. Studies have shown that loud noise resulting from construction activities, including the proposed stream blows and pile driving activities will cause hearing damage in wildlife and reduce wildlife populations. Animals are dependent on their hearing to escape from predators, find mates, and communicate with their young. If an animal's hearing is damaged, that animal may fail to reproduce or may be unable to escape predators and die prematurely.

Dozens of studies have shown that construction noise negatively affects wildlife populations, and those effects can extend up to 2 miles away. The proposed project would be located less than a mile from the Reserve. We believe that the noise impacts to biological species were not adequately addressed or analyzed in the Preliminary Staff Assessment, Part 1 and we recommend that they be adequately addressed and analyzed in the pending Preliminary Staff Assessment, Part 2.

We believe the potential impacts to biological resources from noise will be significant and that the evaluated noise levels will impact the behavior of special species occurring on or near the project site. We are concerned that wildlife populations could decline throughout the park because of the proposed noise.

We ask that the Lead Agency and project proponent to work with State Parks to make sure that appropriate mitigation measures are implemented to reduce and/or avoid potential noise impacts within the Reserve.

TRAFFIC AND TRANSPORTATION

Based on our review of the Preliminary Staff Assessment, Part 1 we are concerned that there will be an impact to park visitors who are trying access the Reserve resulting from the amount of traffic congestion that the proposed project will have on the regional transportation system. Stockdale Highway is main east-west highway that provides a connection from I-5 for park visitors trying to access the Reserve. Morris Road is the north-south connection that provides access to Station Road where the main entrance of the Reserve is located. Morris Road and Stockdale Highway is controlled by a stop sign, which we believe will be impacted by the estimated 3, 568 construction vehicles trying access the proposed project site creating long delays in allowing park visitors to access the Reserve.

We are concerned that the traffic congestion may prevent and discourage some park visitors from visiting the Reserve, which will result in a drop or decrease in visitation and revenue for the Reserve.

Additionally, we are concerned that some of the estimated construction traffic and some future employee traffic may try to use Station Road, via Morris Road to ~~SR43/~~Stockdale Highway to avoid traffic delays on ~~SR43/~~Stockdale Highway, which may impact the Reserve by increasing and creating noise impacts to the Reserve from vehicles travel along Station Road. We recommend that appropriate mitigations measures be implemented to minimize and/or eliminate traffic congestion on the regional transportation system.

CULTURAL RESOURCES

Given the proximity of the project site to the Reserve and our responsibility to provide high quality education opportunities, we request that State Parks be given copies of all reports, and that the County ask the repository entity to cooperate with State Parks in making information and artifacts available for educational programs.

Once again, we appreciate the opportunity to comment on the proposed project. As we have outlined in our comments, there are a number of significant issues related to Tule Elk State Natural Reserve. It is important that all land use decisions adjacent to Tule Elk State Natural Reserve be compatible with the preservation of the tremendous resources found there. For further discussion, please feel free to contact me or Russ Dingman, Staff Environmental Planner, at (661) 726-1672.

Sincerely,



Kathy Weatherman
District Superintendent

cc: Stephen Bylin, Tejon Sector Superintendent
Bill Moffat, Tejon Sector Supervising Ranger
Russ Dingman, Tehachapi District Environmental Planner