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DOCKET

09-AFC-10

DATE OCT 27 2010

RECD. OCT 27 2010

October 27, 2010

California Energy Commission
Dockets Unit
1516 Ninth Street
Sacramento, CA 95814-5512

**Subject: RICE SOLAR ENERGY, LLC'S REBUTTAL TESTIMONY
RICE SOLAR ENERGY PROJECT
DOCKET NO. (09-AFC-10)**

Enclosed for filing with the California Energy Commission is the original of
RICE SOLAR ENERGY, LLC'S REBUTTAL TESTIMONY for the Rice Solar Energy
Project (09-AFC-10).

Sincerely,

A handwritten signature in blue ink that reads "Marie Mills". The signature is fluid and cursive, with the first name "Marie" and last name "Mills" clearly distinguishable.

Marie Mills

Rice Solar Energy LLC's Rebuttal Testimony

(Land Use & Visual Resources)

Rice Solar Energy Project (09-AFC-10)

October 27, 2010

STATE OF CALIFORNIA
Energy Resources
Conservation and Development Commission

In the Matter of:

Application For Certification for the
RICE SOLAR ENERGY PROJECT

DOCKET NO. 09-AFC-10

**DECLARATION OF
BOB ANDERS**

I, Bob Anders, declare as follows:

1. I am presently employed by Worley Parsons, as a Senior Engineer and Project Manager.
2. A copy of my professional qualifications and experience was included with my Opening Testimony and is incorporated by reference in this Declaration.
3. I prepared the attached rebuttal testimony relating to Land Use for the Rice Solar Energy Project (California Energy Commission Docket Number 09-AFC-10).
4. It is my professional opinion that the attached prepared rebuttal testimony is valid and accurate with respect to issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared rebuttal testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed on October 27, 2010.



Bob Anders

STATE OF CALIFORNIA
Energy Resources
Conservation and Development Commission

In the Matter of:

Application For Certification for the
RICE SOLAR ENERGY PROJECT

DOCKET NO. 09-AFC-10

**DECLARATION OF
DEBBIE BUILDER**

I, Debbie Builder, declare as follows:

1. I am presently employed by Worley Parsons, as a Senior Development Manager.
2. A copy of my professional qualifications and experience was included with my Opening Testimony and is incorporated by reference in this Declaration.
3. I prepared the attached rebuttal testimony relating to Land Use for the Rice Solar Energy Project (California Energy Commission Docket Number 09-AFC-10).
4. It is my professional opinion that the attached prepared rebuttal testimony is valid and accurate with respect to issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared rebuttal testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed on October 27, 2010.



Debbie Builder

**RICE SOLAR ENERGY PROJECT
LAND USE
REBUTTAL TESTIMONY**

I. Name(s): Bob Anders and Debbie Builder

II. Purpose:

Our Rebuttal Testimony addresses Staff's contentions relating to the consistency with Land Use laws, ordinances, regulations and standards for the Rice Solar Energy Project (RSEP) (09-AFC-10).

III. Qualifications:

Bob Anders: I am presently employed at WorleyParsons, and have been for the past 2 years and am presently a Senior Civil Engineer/Project Manager with that organization. I have an Engineering Degree in Civil Engineering and I have over 25 years of experience in the field of Civil Engineering. I prepared or assisted in the preparation of the Land Use section of the AFC as well as the post-filing information, data responses, and supplemental filings. A detailed description of my qualifications is contained in the attached resume.

Debbie Builder: I am presently employed at WorleyParsons and have been for the past 2 years and am presently a Senior Development Manager with that organization. I have a Master of Science Degree in Environmental Studies and I have over 10 years of experience in the field of Land Use. I prepared or assisted in the preparation of the Land Use Assessment for the Rice Solar Energy Project. A detailed description of my qualifications is contained in the attached resume.

IV. Rebuttal Testimony

Staff contends that the RSEP would not be consistent with the following General Plan Policies:

- Riverside County General Plan Land Use Element policies: **LU 6.1, LU 13.1, LU 13.3, LU 20.1, LU 20.2, LU 20.4, LU 31.1.**
- Riverside County General Plan Multipurpose Open Space Element policy **OS 21.1.**

Staff further concludes that if the RSEP is inconsistent with these individual policies, it is also inconsistent with laws, ordinances, regulations, and standards (LORS), even with implementation of proposed conditions of certification, and ultimately concludes that the RSEP therefore needs a Finding of Override in the area of Land Use.

For the following reasons, we believe Staff is incorrect.

LU 6.1 Require land uses to develop in accordance with the General Plan and Area Plans to ensure compatibility and minimize impacts. (AI 1, 3)

The intent of these policies is to provide guidance regarding compatibility, including reducing negative impacts on adjacent uses and the sensitive siting and design of uses.

- **AI 1** – Prepare a County Development Code that is consistent and compatible with the County of Riverside General Plan and Land Use Map
- **AI 3** – Develop a Project Review Checklist to ensure that all development projects are reviewed for their impacts on resources on-site and on immediate surroundings.

Rice Solar Energy, LLC (RSE) initiated discussions early in the project siting process with the Riverside County Planning Department to evaluate project compatibility with the Riverside County General Plan and Development Ordinance. On March 5, 2009, RSE met with Riverside County Planning Director Ron Goldman to discuss siting the proposed project at the former Rice Army Air Field in eastern Riverside County. During that meeting, RSE presented an overview of SolarReserve's technology and the CEC licensing process and discussed the probable site layout (including tower height) at the proposed location. Questions regarding Riverside General Plan and Development Code consistency were also discussed and Mr. Goldman indicated that a formal consistency determination could be rendered upon RSE's request. Mr. Goldman also indicated that the County of Riverside supports and encourages the development of renewable energy resources and that the proposed location was ideal due to its remote location and formally disturbed use.

Subsequent to the March 5, 2009 meeting with Mr. Goldman, RSE submitted a request to Riverside County in July 2009 for a land use conformance determination with respect to the proposed project. **Exhibit 13** is the consistency letter from Mr. Goldman, Planning Director for Riverside County, in response to RSE's request. The Riverside County Planning Department determined that it could find the proposed project "consistent with the OS-RUR designation policies, as well as the General Plan Principals and Vision Statement which expressly encourage the development of renewable resources in Open Space designations". Mr. Goldman's letter further stated that the proposed project is substantially the same in character and intensity as public utility uses and that the County could therefore find the proposed project consistent with **Ordinance No. 348** subsequent to the approval of a height variance.

The County of Riverside undertook further analysis of the Rice Solar Energy Project after Rice Solar Energy submitted a Plot Plan to the County on July 15, 2010. As a result of that submittal, County departments and agencies were briefed on the project and the Planning Department held a staff educational workshop with Rice Solar Energy. All County departments and agencies reviewed the plans, Application for Certification and related studies and documents. Further, the appropriate departments and agencies analyzed the proposed project for compliance with applicable Riverside County LORS.

In a letter submitted to the California Energy Commission on August 31, 2010 (**Exhibit 51**), the County submitted a second Riverside County General Plan and Zoning Land Use Conformity Analysis for the project, appending their supporting attachments. The conformity analysis of August 31, 2010 (**Exhibit 51, Attachment A**) indicated with respect to the heliostat field, receiver and power block findings, that **Ordinance 348, Section 18.35** would allow the proposed project to process a zone change to allow structure height to deviate from zoning development standards. The conformity analysis further found that the heliostat field, power block and related components are similar in character and intensity to those uses listed in the **W-2-10 Zone** and would be allowed with an approved Conditional Use Permit. Finally, the conformity analysis concluded that the proposed distribution line is an allowed use provided a Conditional Use Permit has been granted.

The Riverside County General Plan expresses the broad direction of Consensus Planning Principles, Vision, and General Plan Principles in the form of policies. Policies are statements that guide the course of action the County must take to achieve the goals outlined in the Planning Principles, Vision and General Plan Principles. The Riverside County General Plan notes that “policies are guides for decision makers, not decisions themselves”. Policies contained within the Riverside County General Plan are carried out by implementation measures noted in parentheses immediately following the stated policy. Implementation measures associated with **Land Use Policy 6.1** include preparation of a development code compatible with the County’s General Plan and implementation of a project review to ensure projects are reviewed for impacts.

For the proposed project, Riverside County has opined in no less than three separate instances that the proposed project is in conformance with the General Plan Principles and Vision and County Development Code. Any deviation from conformance would have resulted in a determination that a General Plan Amendment would be required. The Riverside County General Plan defines consistency as “free from significant variation or contradiction”. The State of California General Plan Guidelines (2003) indicate that “as a general rule, an action program or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” However, any given project need not be in perfect conformity with each and every policy of the general plan if those policies are not relevant, or the County retains some discretion to interpret and determine compatibility. Further, courts have held that “[The] nature of the policy and the nature of the inconsistency are critical factors to consider.” A project is clearly inconsistent when it conflicts with one or more specific, fundamental, and mandatory policies of the general plan (Families Unafraid to Uphold Rural El Dorado County v. El Dorado County Board of Supervisors (1998) 62 Cal.App.4th 1332). For the proposed project, the County determined that they could find the proposed project consistent with the OS-RUR designation policies, as well as the General Plan Principals and Vision Statement which expressly encourage the development of renewable resources in Open Space designations.

The County carried out a diligent project review (an implementation measure of **Land Use Policy 6.1**) with its relevant departments and agencies in order to discuss potential impacts on resources on-site and on immediate surroundings, in addition to reviewing

project compliance with LORS. Riverside County determined that the proposed project would be consistent with the General Plan and Development Code provided a Conditional Use Permit were obtained. The Conditional Use Permit process enables the County to consider, on an individual basis, specific land uses that might otherwise have undesirable effects upon an area and to approve such uses when conditions can be placed on them that would avoid those effects. The County has included proposed conditions in **Exhibit 51, Attachment B**, that they have determined would mitigate any undesirable effects upon the area.

LU 13.1 Preserve and protect outstanding scenic vistas and visual features for the enjoyment of the traveling public. (AI 32, 79)

The intent of these policies is to conserve significant scenic resources along designated scenic highways for future generations and to manage development along scenic highways and corridors so as not to detract from the area's scenic quality.

See Visual Resources Rebuttal Testimony which demonstrates that the RSEP will not interfere with implementation of this policy.

LU 13.3 Ensure that the design and appearance of new landscaping, structures, equipment, signs, or grading within Designated and Eligible State and County scenic highway corridors are compatible with the surrounding scenic setting or environment. AI 3, 32, 39

See Visual Resources Rebuttal Testimony which demonstrates that the RSEP will not interfere with implementation of this policy.

LU 20.1 Require that structures be designed to maintain the environmental character in which they are located.

An extreme interpretation of this Policy would preclude development anywhere within the County and must be read in context with other policies. Policies that encourage renewable energy development in areas where they cause the least impacts would lead to placement of the RSEP in an area with very few sensitive receptors. So while it is impossible to disguise all structures so that they are designed to maintain the environmental character in which they are located in all instances, conflicts with this policy alone does not mandate a noncompliance with LORS. As discussed above, the RSEP was found to be consistent with the General Plan and Zoning by the County on several occasions. The Committee should defer to Riverside County's interpretation of its own LORS.

LU 20.2 Require that development be designed to blend with undeveloped natural contours of the site and avoid an unvaried, unnatural, or manufactured appearance.

See response to **LU 20.1** above.

LU 20.4 Ensure that development does not adversely impact the open space and rural character of the surrounding area.

The Riverside County General Plan contains five broad Foundation Component land uses: Agriculture, Rural, Rural Community, Open Space and Community Development. Each of these is subdivided into more detailed land use designations at the area plan level. The RSEP is designated within an area covered by the Open Space Foundation Component. The Open Space Foundation Component identifies those areas appropriate for the preservation of open space for habitat, recreation, scenic value, mineral resource extraction, and natural resource preservation. This category also identifies remote, large-parceled areas that allow for limited development.

The Rural, Agricultural, Rural Community and Open Space General Plan Foundation Component designated lands account for 92% of the entire unincorporated County area with the remaining 8% devoted to urbanized uses, roadways, and Indian lands. Approximately 82% of the area in western Riverside County is designated for Agricultural, Rural, Rural Community, or Open Space uses, while these uses make up over 92% of the land in the eastern half of the County. In fact, Open Space makes up 90% of the land designation in the eastern half of the County with the further refined Open Space Rural designation making up approximately 73% of the 90% designated in this portion of the County.

The proposed project is located in the eastern half of the County and represents approximately 0.20% of the Open Space Rural designation. This designation allows for limited development and the County has reviewed the project for consistency with this designation and recommended conditions be placed on the project to ensure impacts to open space and the rural character of the area are not adverse.

LU 31.1 Preserve the character of the Eastern Riverside County Desert Areas through application of those land use designations reflected on **Figure LU-6, Eastern Riverside County Desert Areas Land Use Plan.**

Figure LU-6 indicates the following:

Land Use	Acres	Dwelling Units	Population
Rural Residential	5	1	2
Open Space Rural	1,302,361	32,559	96,700
Open Space- Conservation Habitat	468,171	0	0
Open Space- Water	2,084	0	0
Indian Lands	2,741	N/A	N/A
Total	1,775,362	32,560	96,702

The Riverside County General Land use designations are organized in a two-tiered hierarchy which include General Plan Foundation Components and Area Plan land use designations. The General Plan Foundation Components describe the overall nature and intent of each of the five General Plan land uses: Agriculture, Rural, Rural Community, Open Space, and Community Development. Foundation Components are general in nature and do not determine the specific land use on individual properties. Instead, parcel-specific land uses are located on the individual area plan land use maps. Because much of eastern Riverside County is characterized by expansive undeveloped lands, the area is not contained within an Area Plan. Rather, the lands located in the eastern portion of the County not located within an Area plan are guided by the Eastern Riverside County Desert Areas (Non-Area Plan). LU-6 indicates that land use designations in eastern Riverside County are designated with either the Open Space or Rural Foundation Component (with exception of Indian Lands) and further refined into the six parcel-specific land uses as identified above.

The RSEP is located on land that is designated Open Space Rural. The General Plan indicates that the Open Space General Plan Foundation Component is intended to ensure open spaces remain an integral part of the County's future by identifying open space areas for the preservation of habitat, water and other natural resources, protection from natural hazards, provision of recreational areas, and the protection of scenic resources. Applied to remote, privately owned open space areas with limited access and a lack of public services, the Open Space Rural land use designation in the Eastern Riverside County Desert Area accounts for approximately 73% of designated land. The RSEP site represents approximately 0.20% of the entire Open Space Rural land use designation in this area of Riverside County. The General Plan policies relating to Open Space Rural designated land provide that development must maintain scenic resources and views, must blend with the undeveloped natural contours of the site and must not adversely impact the open space and rural character or detract from efforts to protect endangered species. Utility uses are allowed in the OS-RUR designation if the facility is compatible in scale and design with surrounding land uses and does not generate excessive noise, traffic, light, fumes, or odors that might have a negative impact on adjacent neighborhoods and the location of the use will not jeopardize the public health, safety and welfare. **(LU 6.2).** *Riverside County reviewed the project and prepared a conformity analysis with the County's General Plan and Development Code. The analysis determined that the RSEP is in conformance and would not require a General Plan Amendment. As such, the RSEP would not introduce a new land use designation to the character of the Eastern Riverside County Desert Area.*

OS 21.1 Identify and conserve the skylines, view corridors, and outstanding scenic vistas within Riverside County (AI, 79)

See Visual Resources Rebuttal Testimony which demonstrates that the RSEP will not interfere with implementation of this policy.

STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Application For Certification for the
RICE SOLAR ENERGY PROJECT

DOCKET NO. 09-AFC-10

**DECLARATION OF
TOM PRIESTLEY**

I, Tom Priestley, declare as follows:

1. I am presently employed by CH2MHill, as an Environmental Planner, specializing in visual assessment.
2. A copy of my professional qualifications and experience was included with my Opening Testimony and is incorporated by reference in this Declaration.
3. I prepared the attached rebuttal testimony relating to Visual Resources for the Rice Solar Energy Project (California Energy Commission Docket Number 09-AFC-10).
4. It is my professional opinion that the attached prepared rebuttal testimony is valid and accurate with respect to issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared rebuttal testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed on October 27, 2010.

- original signed

Tom Priestley

**RICE SOLAR ENERGY PROJECT
VISUAL RESOURCES
REBUTTAL TESTIMONY**

I. Name(s): Tom Priestley

II. Purpose:

My Rebuttal Testimony addresses the subject of Visual Resources associated with the construction and operation of the Rice Solar Energy Project (09-AFC-10).

III. Qualifications:

Tom Priestley: I am presently employed at CH2M HILL and am presently an Environmental Planner with that organization. I have a Ph.D. in Environmental Planning and I have over 30 years of experience in environmental planning, specializing in visual assessment. I prepared or assisted in the preparation of the Visual Resources section of the AFC as well as the post-filing information, data responses, and supplemental filings. A detailed description of my qualifications is contained in the resume submitted with my Opening Testimony.

IV. Rebuttal Testimony:

I have reviewed the Visual Resources chapter of the Rice Solar Energy Project (RSEP) Staff Assessment and Draft Environmental Impact Statement (SA/DEIS) and agree with its conclusions regarding one of the four CEQA significance criteria related to visual resources, but disagree with the conclusions it reaches regarding the other three.

CEQA significance criterion B asks “Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?” SR-62, which travels through the project area and passes by the project site, has been identified in County plans as eligible for State Scenic Highway status, but has never been adopted by the State of California as a Scenic Highway. As a consequence, SR-62 does not qualify as one of the State Scenic Highways to which this criterion pertains. In spite of SR-62’s lack of status as a State Scenic Highway, the Visual Resources analysis evaluates the project’s potential visual effects on SR-62, and based on that analysis, concludes that “The project would therefore not substantially damage scenic resources or adversely affect the eligible State Scenic Highway to a significant degree.” Although SR-62 is not State Scenic Highway and impacts on it should not be evaluated in light of this criterion, I am in agreement with the SA/DEIS conclusion that the project would not substantially damage scenic resources seen from SR-62.

I disagree with the SA/DEIS conclusions regarding visual significance criteria A, C, and D, as discussed below.

A. Would the project have a substantial adverse effect on a scenic vista?

The SA/DEIS correctly states that no designated scenic vista locations were identified in the project viewshed. However, it incorrectly goes on to assert that because one of the purposes of the California Desert Conservation Area (CDCA) plan is “to recognize and conserve the natural beauty and scenic recreational qualities of the California Desert” that the “project viewshed as a whole is considered to be highly scenic”. This suggestion that all views in the project area are the equivalent of scenic vistas is not in fact supported by a close review of the CDCA plan which, rather than being a visual resources protection plan, is a land use management plan which includes provisions for a range of activities, including activities such as mining, which have the potential to bring about high levels of visual change. The SA/DEIS goes on to assert that views seen by motorists on SR-62 and visitors to the Turtle Mountain and Rice Valley Wilderness Areas are scenic vistas, but provides no evidence to support this contention.

In the RSEP area, SR-62 is a utilitarian two-lane highway across relatively flat terrain where there are no elevated vista points, and where no pull-offs have been provided to encourage travelers to stop and take in views across the landscape. Although the assertion is made that the RSEP would have a significant impact on views from SR-62, this assertion is at variance with the SA/DEIS conclusion of the analysis related to CEQA significance criterion B that the project would not substantially damage scenic resources seen from SR-62. No real justification is provided in the SA/DEIS for the concerns asserted for impacts on scenic vistas from the Turtle Mountain and Rice Valley Wilderness Areas. The notion of a scenic vista implies a place where a panoramic or other special view of the landscape can be seen, and in order for it to be seen, it must be reasonably accessible to viewers. The Turtle Mountain and Rice Valley Wilderness Areas are accessible only by foot, have limited trail systems, and as documented in the SA/DEIS, attract very small numbers of visitors. The SA/DEIS analysis presents two simulations of views toward the project from the Turtle Mountain Wilderness Area from locations that are not readily accessible and which it is doubtful that any members of the public would ever visit.

It is telling that, rather than being based on photographs taken by a person who had actually been able to reach these locations, the photosimulations had to be based on digital terrain models derived through use of data from Google Earth. No identification has been made of any areas in either the Turtle Mountain or Rice Valley Wilderness Areas that are visited by substantial numbers of people and from which there are important scenic vistas in which the project would be visible, and no simulations have been provided to document how the project would affect these views. In light of the fact that there are no established scenic vista points in the project area, and that no evidence has been submitted that documents substantial project impacts on important views, the conclusion that the RSEP would have significant impacts in terms of this criterion must be rejected.

C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

I disagree with the assertion of the SA/DEIS that the RSEP would degrade the existing visual character and quality of views from SR-62 and the Turtle Mountain and Rice Valley Wilderness Areas.

In terms of impacts on views from SR-62, although the RSEP would create visible changes that would cause a degree of alteration to the character of some views toward the site from SR-62 and would produce small to moderate levels of change to existing levels of visual quality, these changes would not constitute a substantial degradation of the existing visual character and quality of the site and its surroundings. The addition of the RSEP would change the visual character of the site by adding a solar generation installation and new generator tie-line and interconnection substation to a desert landscape that was formerly the site of a military airfield and now has an open, partially developed appearance. The overall level of change that the project would create in this previously disturbed landscape would not be substantial; the overall change to the visual quality of the views seen from the KOPs located along SR-62 would be low to moderate. An important consideration is that the level of viewer sensitivity at each of these KOPs is low to moderate. In this context, in particular, the changes in visual character and quality would not be substantial and would result in a level of impact that would be less than significant. This conclusion is consistent with the conclusion that the SA/DEIS reached in regard to CEQA significance criterion B that the project would not substantially damage scenic resources seen from SR-62.

Credible evidence has not been provided that the project would substantially degrade important views seen by substantial numbers of visitors to the Turtle Mountain and Rice Valley Wilderness Areas. No views toward the project seen by substantial numbers of visitors within the Rice Valley Wilderness Area have been identified and no simulations of views from within this wilderness area have been provided. Similarly, no identification has been made of viewpoints within the Turtle Mountain Wilderness Area from which substantial numbers of viewers would be looking toward the project site. The two simulations of views from within the Turtle Mountain Wilderness area that were developed based on Google Earth digital model data cannot be accepted as evidence of impacts on the Turtle Mountain Wilderness Area because they do not represent views from readily accessible areas that would be likely to be seen by the small numbers of visitors to this wilderness area.

D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

I am in agreement with the conclusions of the SA/DEIS that the impacts of the project's nighttime lighting on any visitors who might be camping in the nearby area and on travelers on SR-62 would be less than significant.

I disagree with the SA/DEIS conclusion that daytime "glare" associated with the heliostats and "direct glare" associated with the solar receiver at the top of the solar

tower would represent a significant impact. First, it is important to note that the term glare has a very specific meaning in that it refers to situations in which there is such a high degree of contrast between a light source and surrounding lighting that it causes difficulty in seeing or discomfort. The term glare is probably not applicable to the light effects of the solar receiver, which is designed to absorb rather than reflect light, and thus will tend to appear to be glowing rather than being a source of intense reflected light. The heliostats will, of course, be designed to direct the reflected light at the solar receiver at the top of the solar tower, and are thus not likely to reflect glare-inducing light toward ground level viewers. As a consequence, as the SA/DEIS notes on page 6.12-21, "...none of the mirrors can be expected to direct total solar energy towards motorists during normal operation." The concerns about reflected light from the heliostats and glow from the solar receiver being visible to and having an adverse effect on viewers looking down on the project from elevated viewpoints in the Turtle Mountain Wilderness Area are overstated insofar as these viewpoints are more distant from the project site, the light effects would be greatly attenuated by distance, and more importantly, the numbers of visitors to this wilderness area who might be in areas with views toward the project would be very small.

Condition of Certification – VIS-1

My assessment is that Condition of Certification **VIS-1** should be changed to eliminate the requirement that the solar tower be color treated to blend in with the sky. This proposed modification is outlined in our Opening Testimony. Experience with color treatment of large structures suggests that this measure is likely to be counterproductive. The neutral gray color of untreated concrete tends to blend in very well with both sky and land backdrops, and to perform particularly well when conditions are hazy. Tinting the structure with a color presumed to be the color of the sky is likely to be of limited effectiveness in blending the structure with the sky, and will have the effect of increasing the structure's contrast in views in which it is seen up against a landscape backdrop. Tinting the concrete with a color presumed to be an earth tone will have the opposite effect, possibly increasing the visual absorption by land backdrops, but contributing to a high degree of contrast when seen against the sky. These effects can be seen in Figures SII10-1 and SII 10-2, which present simulations of the solar tower seen from two viewpoints along SR-62 that illustrate its appearance as natural concrete and concrete treated with a sky tone and an earth tone. Review of these simulations make it clear that overall, the ability of the natural tower to relate to and be absorbed by its landscape context is better than that of either the sky or earth tone tinted tower.



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 *RICE SOLAR ENERGY POWER
PLANT PROJECT***

Docket No. 09-AFC-10

PROOF OF SERVICE
(Revised 8/5/2010)

APPLICANT

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INTERVENORS

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DECLARATION OF SERVICE

I, Marie Mills, declare that on October 27, 2010, I served and filed copies of the attached, **RICE SOLAR ENERGY, LLC'S REBUTTAL TESTIMONY, dated October 27, 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: **[<http://www.energy.ca.gov/sitingcases/ricesolar>]**.

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. **09-AFC-10**

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

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.



Marie Mills