

DOCKETED
09-AFC-8C

TN # 66390

JUL 30 2012

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of:

APPLICATION FOR CERTIFICATION
FOR THE GENESIS SOLAR ENERGY
PROJECT

DOCKET NO. 09-AFC-8

**COMMENTS ON STAFF ANALYSIS OF PROPOSED MODIFICATIONS TO GENESIS
SOLAR ENERGY PROJECT (09-AFC-8C) DATED JUNE 29, 2012 BY
INTERVENOR CENTER FOR BIOLOGICAL DIVERSITY**

July 30, 2012

Lisa T. Belenky, Senior Attorney
Center for Biological Diversity
351 California St., Suite 600
San Francisco, CA 94104
Phone: 415-436-9682 x 307
Direct: 415-632-5307
Cell: 415-385-5694
Fax: 415-436-9683
lbelenky@biologicaldiversity.org

Ileene Anderson
Public Lands Desert Director
Center for Biological Diversity
PMB 447
8033 Sunset Boulevard
Los Angeles, CA 90046
(323) 654-5943
ianderson@biologicaldiversity.org

**COMMENTS ON STAFF ANALYSIS OF PROPOSED MODIFICATIONS TO GENESIS
SOLAR ENERGY PROJECT (09-AFC-8C) DATED JUNE 29, 2012 BY
INTERVENOR CENTER FOR BIOLOGICAL DIVERSITY**

In our review of the CEC staff's analysis of the proposed modification to the Genesis Solar Energy Project (09-AFC-8), we generally support efforts to reduce the impacts to the environment by modifying the transmission and gas pipeline to a more direct route. However several issues have not been adequately addressed with regards to the proposed modifications and their impacts, as addressed below:

1) We fully support the requirement for an American Badger and Desert Kit Fox Mitigation and Monitoring Plan. We also support the measures proposed to be included in the Plan. However, the data presented does not show any effort to *avoid* the impact to these species from the proposed modifications through the re-siting effort. In addition, the proposed measures fall short in requiring monitoring of the effects of the "hazing" activities on these species. The previous data collected from the radio-tracking collared desert kit foxes on the Genesis project site allowed for identification of movement and subsequent mortality of these particular foxes. These types of data are critical in evaluating the ultimate success of "passive relocation". Therefore, the Mitigation and Monitoring Plan needs to include acquiring permits to radio-collar impacted kit fox and badger and requiring monitoring of these species to identify the outcomes of the "passive relocations". Particularly in the case of desert kit foxes, which have already sustained high mortality in the project area, monitoring is requisite.

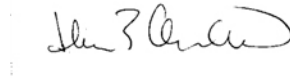
2) The staff analysis of the impacts to the Mojave fringe-toed lizard is unclear regarding the comparison between the original permitted impact to the Mojave fringe-toed lizard and the proposed modifications. Clearly Mojave fringe-toed lizards will be affected by the proposed modifications (Staff Analysis at Biological Resources page 2 and 3), but it is unclear how much habitat or how many lizards will be affected. These clarification need to incorporated, so that the decision-makers can evaluate if, in fact, these new impacts are a reduction or increase in impacts compared to the permitted project on this rare species and its habitat.

3) The staff assessment fails to include an evaluation of impacts associated with greenhouse gas emissions from the proposed increased use of diesel generators on the project site. The goal of renewable energy projects is to help transition off of fossil-fuel based energy sources and reduce green house gas emissions. Relying upon diesel generators, even during “commissioning activities” over 31 weeks creates additional green house gas production not envisioned in the permitted project. Therefore an assessment of the output of green house gases from this project modification is in order.

Please feel free to contact me with any questions.

Dated: July 30, 2012

Respectfully submitted,



Ileene Anderson
Public Lands Desert Director
Center for Biological Diversity
PMB 447
8033 Sunset Boulevard
Los Angeles, CA 90046
(323) 654-5943
ianderson@biologicaldiversity.org



**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
GENESIS SOLAR ENERGY PROJECT**

Docket No. 09-AFC-8

**PROOF OF SERVICE
(Revised 8/5/10)**

APPLICANT

Ryan O'Keefe, Vice President
Genesis Solar LLC
700 Universe Boulevard
Juno Beach, Florida 33408
e-mail service preferred
Ryan.okeefe@nexteraenergy.com

Scott Busa/Project Director
Meg Russel/Project Manager
Duane McCloud/Lead Engineer
NextEra Energy
700 Universe Boulevard
Juno Beach, FL 33408
Scott.Busa@nexteraenergy.com
Meg.Russell@nexteraenergy.com
Duane.mccloud@nexteraenergy.com
e-mail service preferred
Matt Handel/Vice President
Matt.Handel@nexteraenergy.com
e-mail service preferred
Kenny Stein,
Environmental Services Manager
Kenneth.Stein@nexteraenergy.com

Mike Pappalardo
Permitting Manager
3368 Videra Drive
Eugene, OR 97405
mike.pappalardo@nexteraenergy.com

Kerry Hattevik/Director
West Region Regulatory Affairs
829 Arlington Boulevard
El Cerrito, CA 94530
Kerry.Hattevik@nexteraenergy.com

APPLICANT'S CONSULTANTS

Tricia Bernhardt/Project Manager
Tetra Tech, EC
143 Union Boulevard, Ste 1010
Lakewood, CO 80228
Tricia.bernhardt@tteci.com

James Kimura, Project Engineer
Worley Parsons
2330 East Bidwell Street, Ste.150
Folsom, CA 95630
James.Kimura@WorleyParsons.com

COUNSEL FOR APPLICANT

Scott Galati, Esq.
*Marie Mills
Galati/Blek, LLP
455 Capitol Mall, Suite 350
Sacramento, CA 95814
sgalati@gb-llp.com
mmills@gb-llp.com

INTERESTED AGENCIES

California-ISO
e-recipient@caiso.com
Allison Shaffer, Project Manager
Bureau of Land Management
Palm Springs South Coast
Field Office
1201 Bird Center Drive
Palm Springs, CA 92262
Allison_Shaffer@blm.gov

INTERVENORS

California Unions for Reliable
Energy (CURE)
c/o: Tanya A. Gulesserian,
Rachael E. Koss,
Marc D. Joseph
Adams Broadwell Joesph
& Cardoza
601 Gateway Boulevard,
Ste 1000
South San Francisco, CA 94080
tgulesserian@adamsbroadwell.com
rkoss@adamsbroadwell.com

Tom Budlong
3216 Mandeville Cyn Rd.
Los Angeles, CA 90049-1016
tombudlong@roadrunner.com

Mr. Larry Silver
California Environmental
Law Project
Counsel to Mr. Budlong
e-mail preferred
larrysilver@celproject.net

Californians for Renewable
Energy, Inc. (CARE)
Michael E. Boyd, President
5439 Soquel Drive
Soquel, CA 95073-2659
michaelboyd@sbcglobal.net

Lisa T. Belenky, Senior Attorney
Center for Biological Diversity
351 California St., Suite 600
San Francisco, CA 94104
lbelenky@biologicaldiversity.org

Ileene Anderson
Public Lands Desert Director
Center for Biological Diversity
PMB 447, 8033 Sunset Boulevard
Los Angeles, CA 90046
ianderson@biologicaldiversity.org

OTHER

Alfredo Figueroa
424 North Carlton
Blythe, CA 92225
lacunadeaztlan@aol.com

ENERGY COMMISSION

JAMES D. BOYD
Commissioner and Presiding
Member
jboyd@energy.state.ca.us

ROBERT WEISENMILLER
Commissioner and Associate Member
rweisenm@energy.state.ca.us

Kenneth Celli
Hearing Officer
kcelli@energy.state.ca.us

Mike Monasmith
Siting Project Manager
mmonasmi@energy.state.ca.us

Caryn Holmes
Staff Counsel
cholmes@energy.state.ca.us

Robin Mayer
Co-Staff Counsel
rmayer@energy.state.ca.us

*Jared Babula
Co-Staff Counsel
jbabula@energy.state.ca.us

Jennifer Jennings
Public Adviser's Office
e-mail service preferred
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Heene Anders declare that on 7/30, 2010, I served and filed copies of the attached comments, dated 7/30, 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: [\[http://www.energy.ca.gov/sitingcases/genesis_solar\]](http://www.energy.ca.gov/sitingcases/genesis_solar).

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-8
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.

