



<i>Energy Facilities Siting and Environmental Protection Division</i>	FILE: 07-AFC-5	DOCKET
	Project Title: Ivanpah SEGS	07-AFC-5
<input checked="" type="checkbox"/> Telephone: Call with BrightSource (applicant); and subsequent comments on this document	<input type="checkbox"/> Meeting Location:	DATE <u>SEP 22 2008</u> RECD. <u>OCT 22 2008</u>
NAME: Che McFarlin	Date 9/22/08	Time 1:00 PM
WITH: CEC Staff: Dick Ratliff, Rick York, Mike McGuirt, Misa Ward, Susan Saunders. Sally Murray, BLM Staff. Applicant's Team: Steve De Young, Jeff Harris, Alicia Torre, John Carrier		
SUBJECT: Outstanding Informational Needs for PSA		
<p>The purpose of this teleconference call was to clarify the remaining informational needs to facilitate completion of the Preliminary Staff Assessment (PSA) as identified in the California Energy Commission (CEC) staff's Status Report #4. The technical areas with outstanding informational needs were listed as: Biological Resources, Cultural Resources, Project Description, and Transmission Systems Engineering.</p> <p><u>Biological Resources</u> <u>Data Request #17</u> Provide status and progress updates on the anticipated schedule (including estimated dates) for submitting the Biological Assessment (BA) and consulting with CDFG regarding rare plant and desert tortoise impacts.</p> <p><u>Status of DR #17</u> The applicant submitted the revised BA to the CEC on September 15, 2008. BLM is currently in receipt of the revised BA and it's expected to be completed by and filed with the United States Fish and Wildlife Service (USFWS) shortly.</p> <p>The Rare Plant Survey has been completed and will be submitted as soon as possible.</p> <p><u>Subsequent Discussion:</u> The 2008 Rare Plant Survey was submitted to the CEC on September 24, 2008. The 2008 Tortoise survey as submitted to the CEC on August 22, 2008. The BA is now under BLM's control (although applicant has offered to make changes to the document as directed by BLM). Consultation has been ongoing with CDFG since July 2007. The Applicant has submitted a copy of the wetland delineation report to them. CDFG, CEC, CNPS, BLM, USFWS and Applicant participated in a conference call regarding tortoise relocation/translocation.</p> <p><u>What is needed for PSA?</u> Applicant believes that it has responded to this data request and nothing else is required for the PSA.</p> <p>CEC staff has consulted with BLM, DFG, and USFWS found that the current BA is currently inadequate and is hindering completion of the biological impact analysis and appropriate mitigation. CEC and BLM staff are working to resolve the current deficiencies. CEC staff will seek assistance from the applicant in addressing the resource agencies informational needs.</p>		



Data Request #18

Clarify the status and anticipated schedule (including estimated dates) of United States Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWCQB), and California Department of Fish and Game (CDFG) permitting for (and verification of) project activity affecting jurisdictional waters. This response may be prepared in conjunction with the responses to related Soils and Water Resources data requests.

Status of DR #18

A Wetlands Delineation has been filed with the USACE, CEC and BLM.

The conditions that will likely be required for a 401 water quality certification need to be determined through consultation with the Lahontan Regional Water Quality Control Board.

The conditions that will likely be required for a 1600 series Streambed Alteration Permit need to be determined through consultation with the California Department of Fish and Game.

During the call it was identified that there are also permit requirements discussed in Data Request #17 and #19, which should be satisfied.

Subsequent Discussion:

CEC staff intends to include the likely Section 404 permit conditions in the PSA. Whether or not the permit is required will not be resolved until the ACOE issues its jurisdictional determination.

Applicant recalls that the telephone discussion centered on what additional information the CEC staff would like to have, not necessarily what was required by this data request. The CEC Staff said that they would like updates as to the status and schedules for discussions with these various agencies so that they will be able to better understand potential permit conditions. However, the applicant believes that that information goes beyond what is being requested by the data request. The data request only asks the applicant to provide the status and schedule for permitting activities. The applicant has not been asked to identify the permit conditions that these agencies will likely require.

Applicant believes that since the USACE's initial determination was that the washes that go through the plant are not "jurisdictional" it is likely that jurisdiction will fall to the state agencies. Since a section 404 permit is unlikely to be needed, the most likely permit conditions for a 404 permit are none.

What is needed for PSA?

CEC staff is working with the resource agencies to determine the agencies concerns and develop the likely permit conditions. CEC staff will seek assistance from the applicant in addressing the resource agencies informational needs.

Data Request #19

For jurisdictional waters, please provide expected impact acreages as well as mitigation ratios and acreages for the Clean Water Act section 401 and 404 permits and CDFG Streambed Alteration Agreement, as appropriate.



Status of DR #19

The final acreage calculations will not be available until the 90% Drainage, Erosion, and Sedimentation Control Plan is completed.

Subsequent Discussion:

There are rough acreage calculations in the Wetland Report. In the AFC, the applicant assumed that everything within the plant sites will be impacted. Staff will assume that that all jurisdictional waters are impacted for purposes of the PSA.

What is needed for PSA?

Per the comment under DR #20, the CEC staff "will continue to coordinate discussions between USACE, USFWS, CDFG, and BLM to resolve the habitat compensation ratios and acreages." CEC staff will seek assistance from the applicant in addressing the resource agencies informational needs.

Data Request #20

Provide copies of the draft and final USFWS approved BA, including required habitat compensation ratios and acreages, to Energy Commission and BLM staff.

Status of DR #20

BLM is currently in receipt of the revised BA and it's expected to be completed and filed with the United States Fish and Wildlife Service (USFWS) shortly.

CEC Staff expects a translocation plan to be part of the BA in order to more fully address the potential impact to the endangered desert tortoise. Staff has been in contact with and will continue to coordinate discussions between USACE, USFWS, CDFG, and BLM to resolve the habitat compensation ratios and acreages.

Subsequent Discussion: CEC staff has consulted with BLM, DFG, and USFWS found that the current BA is currently inadequate and is hindering completion of the biological impact analysis and appropriate mitigation.

What is needed for PSA?

CEC and BLM staff are working to resolve the current deficiencies. CEC staff will seek assistance from the applicant in addressing the resource agencies informational needs.

Data Request #24

Please provide a detailed description and analyze the associated biological resource impacts related to site runoff from rainfall and mirror washing. Down slope of the project, address the biological resource impacts and ground disturbance anticipated outside the 3,400-acre project site.

Status of DR #24

The applicant asserts that this has been addressed in other data responses. However, for ease of use, applicant will provide a separate impact analysis of the potential down slope biological impacts and will reference other data responses showing that stormwater flows onsite and offsite are about the same.



Subsequent Discussion:

None.

What is needed for PSA?

For ease of use, a separate data response will be prepared that references relevant data previously submitted and addresses potential down slope biological impacts.

Data Request #29

Please provide a detailed raven control plan that discusses, but is not limited to the following elements:

- a. coordination process with CDFG and USFWS
- b. area to be covered by the plan
- c. use of perch-deterrent devices and locations of installation
- d. circumstances when nest removal would be necessary
- e. remedial actions that would be employed if evidence of raven predation of juvenile desert tortoise is detected and the circumstances that would trigger the implementation of remedial actions
- f. facility/project owner staff expected to implement the raven control plan and their qualifications.

Status of DR #29

The applicant submitted a Draft Raven Management Plan to the CEC on September 15, 2008. BLM is currently working with the USFWS on best management practices for Ravens.

Subsequent Discussion:

CEC staff has consulted with BLM, DFG, and USFWS found that the current Draft Raven Management Plan is currently inadequate.

What is needed for PSA?

CEC and BLM staff are working to resolve the current deficiencies. CEC staff will seek assistance from the applicant in addressing the resource agencies informational needs.

Data Request #30

Please describe the likely components of a closure plan (e.g., decommissioning methods, timing of any proposed habitat restoration, restoration performance criteria), and discuss each relative to biological resources and specifically to desert tortoise and its habitat.

Status of DR #30

Staff has found that the information submitted to date is sufficient for the PSA and that the closure plan will need to be finalized prior to the Final Staff Assessment (FSA). The applicant is actively working on revising the closure plan.



Subsequent Discussion:

CH2M HILL will continue to work on a closure and revegetation plan.

What is needed for PSA?

The closure and reveg plan is not required by the CEC staff for the PSA.

Data Request #31

Describe the potential funding (e.g., a performance bond) and/or legal mechanisms for decommissioning and restoration of the project site that could be used:

- a. at the end of operations; and
- b. in the event of bankruptcy or the untimely project closure for financial reasons.

Status of DR #31

Staff has found that the information submitted to date is sufficient for the PSA and that the method of funding will need to be determined prior to the FSA.

Subsequent Discussion:

None.

What is needed for PSA?

Not needed for the PSA.

Data Request #124

The following requests are based on BLM review of the Draft Biological Assessment for the Ivanpah Solar Electric Generating System Project (October 2007); hereinafter referred to as the ISEGS draft BA.

Status of DR #124

The applicant submitted the revised BA to the CEC on September 15, 2008. BLM is currently in receipt of the revised BA and it's expected to be completed and filed with the United States Fish and Wildlife Service (USFWS) shortly.

Subsequent Discussion:

CEC staff has consulted with BLM, DFG, and USFWS found that the current BA is currently inadequate and is hindering completion of the biological impact analysis and appropriate mitigation.

What is needed for PSA?

Applicant has provided a draft BA to BLM and is supporting BLM in making changes/edits to the document prior to its submission to USFWS. CEC and BLM staff are working to resolve the current deficiencies. CEC staff will seek assistance from the applicant in addressing the resource agencies informational needs.



Cultural Resources

Data Request #33

Please provide the date of the eligibility determination and the name and qualifications (where available) of the evaluator for each of the listed resources.

Status of DR #33

This information was previously provided and is sufficient for the PSA.

Subsequent Discussion:

None.

What is needed for PSA?

An answer has been provided and is acceptable to staff.

Data Request #37

Please provide a discussion by a qualified architectural historian of the proposed project's impact on resource CA-SBR-10315, addressing integrity in transmission lines under criterion A and the extent of replacement or modification to resource CA-SBR-10315 required for the proposed project's electrical connection.

Status of DR #37

The applicant has and will continue to provide cultural resource survey information and analysis for the whole of the proposed action which includes its interconnection to the transmission grid. However, the applicant states that it can only provide such information up to the point of the first interconnection to the transmission grid at the proposed Ivanpah substation because the future upgrade of the existing 115kV line to a 230kV line to accommodate the full load of this and other proposed projects is not a part of the proposed action. The applicant maintains, therefore, that Southern California Edison (SCE) is responsible for conducting surveys or providing analysis of any potential impacts that may result from that separate action, which is being permitted by BLM and the PUC.

The applicant has not provided survey information for the transmission line to be reconducted because it is not the applicant's project and because there is no current public information on this subject. It is applicant's understanding that surveys have been initiated by SCE. Given this lack of information, Staff will pursue acquisition of any survey and environmental impact analysis through the CPUC, BLM and SCE in order to more fully inform its analysis.

This data request is expanded upon by Data Requests #126-127. Please refer to the status of those data requests provided below.

Subsequent Discussion:

Staff has stated that based upon findings of the System Impact Study (SIS) for the first phase (100 MW) of the proposed project, staff has good reason to believe that the existing transmission system is not capable of carrying the full load (400 MW) of the entire action. Therefore, the transmission line upgrades identified in the SIS are a reasonably foreseeable result of the proposed project. Any transmission line upgrades beyond the first point of



interconnection would be permitted through the California Public Utilities Commission (CPUC) and BLM as a manager of the federal lands through which this existing transmission corridor runs. Therefore, staff will need to consider the effects of that reasonably foreseeable action as an indirect impact of the proposed project.

Applicant notes that:

- 1) Per the Siting Guidelines [§1702(n)], the analysis is only required to the first point of interconnection
- 2) BLM has accepted that the SCE project will be a separate ROW grant application
- 3) SCE's upgrade of the existing 115-kV line will continue whether or not the Ivanpah project is licensed because it is intended to meet future needs, not just development of the Ivanpah SEGS project.

What is needed for PSA?

No further information from the Applicant should be required for the PSA.

CEC staff is working with BLM to obtain the required information.

Data Request #41

Please provide discussions, on the basis of extant literature and Native American contacts, of known traditional use areas such as rock art sites, shrines, or gathering places in the viewshed of the project that may be subject to the project's visual intrusion, and of the potential presence or absence of other such areas in that viewshed.

Status of DR #41

The applicant has recently completed this viewshed survey and is currently compiling the documentation and analysis. A summary report of applicant's findings was submitted to the CEC under a request for confidentiality. It was also submitted confidentially to BLM by the applicant.

Subsequent Discussion:

CEC staff informed the applicant that the summary report failed to analyze the potential archeological site identified after completion of the initial cultural resource surveys.

What is needed for PSA?

The summary report is helpful but inadequate for preparation of the PSA in that it fails to analyze the potential archeological site. The full documentation and analysis need to be reviewed by staff before the PSA is published.

Data Request #126

Please have a qualified architectural historian assess whether the Boulder Dam-San Bernardino 115-kV line (CA-SBR-10315H) and linear archaeological feature CA-SBR-12574H are resources that share a historical association as contributors to a potential BLM R.O.W. Grant No. R 01730 Historic District, and whether other such elements may also exist in the project area, including:



- a. If the above resources share a historical association, a formal CRHR evaluation of the historic district;
- b. A historical context for the historic district

Status of DR #126

The applicant submitted cultural resource information on September 19, 2008, to address data requests #126-129. This information will be revised to include the remnant telegraph line and address the concept of a potential historic district.

Subsequent Discussion:

Revised report was filed on October 2, 2008 (Data Response, Set 2F).

What is needed for PSA?

Nothing additional should be needed.

Data Request #127

Please have a qualified architectural historian formally reassess the CRHR status of CA-SBR-10315H as both an element of the above historic district and as a individual historical resource, including:

- a. The historical significance of the Boulder Dam-San Bernardino 115-kV transmission line;
- b. A historical context for the Boulder Dam-San Bernardino 115-kV transmission line;
- c. An assessment of all seven aspects of the line's integrity—location, design, materials, workmanship, setting, feeling, and association.

Status of DR #127

Please see the status of data request #126.

Data Request #128

Please have a qualified architectural historian assess impact of the proposed project's interconnection on the Boulder Dam-San Bernardino 115-kV line, and, on the potential BLM R.O.W. Grant No. R 01730 historic district, including:

- a. A precise physical description of the proposed project's interconnection to the transmission line;
- b. An assessment of the significance of the interconnection's impact on the Boulder Dam-San Bernardino 115-kV line relative to the portion of the that line extant in the project area;
- c. A justification of the above recommendation;



d. Mitigation measures proposed to reduce any substantial adverse impact.

Status of DR #128

Please see the status of data request #126.

Data Request #129

Please provide the qualifications of the architectural historian addressing these data requests, indicating that he/she meets the Secretary of the Interior's Professional Standards for an Architectural Historian.

Status of DR #129

The architectural historian qualifications have been and will continue to be provided when new staff is involved with preparing the necessary cultural resource studies.

Subsequent Discussion:

Revised report was filed on October 2, 2008 (Data Response, Set 2F). It included the historian's qualifications.

What is needed for PSA?

Nothing additional should be needed.

Project Description

Data Request #130

Provide an amended project description that addresses only those lands used for the footprint of the project.

Status of DR #130

The applicant submitted the revised Biological Assessment on September 15, 2008. This document includes a complete description of the proposed action. Staff is currently reviewing this document to determine if it addresses the project's entire footprint.

Data Request #131

Adjust all acreage calculations and legal land descriptions for the area required for the project.

Status of DR #131

The applicant submitted the revised Biological Assessment on September 15, 2008. This document includes a complete description of the proposed action. Staff is currently reviewing this document along with the previously provided information to determine if the acreage calculations and legal land description is sufficient.

Subsequent Discussion:

BLM has developed a table showing the land description.

What is needed for PSA?

BLM and CEC staff are reviewing the information with the ACOE, CDFG, and USFWS to determine if the current information is sufficient. CEC staff will seek assistance from the



applicant in addressing the resource agencies informational needs.

Transmission Systems Engineering

Data Request #92

Resubmit Figure TSE-2 with the ratings of the breakers; disconnect switches and other equipments of the proposed SCE 230kV switchyard.

Status of DR #92

The most recent version of Figure submitted to the CEC is sufficient for the PSA.

Data Request #93

Please submit a complete SIS report prepared by Southern California Edison (SCE) and/or California ISO for interconnection of the 400 MW ISEGS based on 2010 summer peak and off peak system conditions (scheduled on-line date of the ISEGS).

- a. The study should include a power flow, short circuit and transient stability analyses with a mitigation plan for any identified reliability criteria violations. In the report, list all major assumptions in the base cases including major path flows, major generations including queue generation and loads in the area systems.
- b. Identify the reliability and planning criteria utilized to determine the reliability criteria violations.

Status of DR #93

The SIS for the first phase of the proposed project (100 MW) was submitted several months ago (on January 14, 2008).

SIS studies are currently underway for the remaining two phases 100 MW and 200 MW. The completion dates for the remaining phases is unclear. Therefore staff intends to complete the PSA without this information with the understanding that all phases of the SIS must be completed prior to the FSA in order to fully inform the analysis of any additional upgrades and/or reconductoring that may be required to safely and reliably bring the proposed power on line.

Subsequent Discussion:

The SIS for the second phase was submitted under a request for confidentiality on September 18, 2008.

What is needed for PSA?

Phase 3 SIS is not needed for the PSA.

cc: Terry O'Brien, Eric Knight	Signed: Che E. McFarlin
	Name: