Calico Solar

June 6, 2011

Craig Hoffman
Project Manager
California Energy Commission
1516 Ninth Street, MS-15
Sacramento, CA 95814

Patrick C. Jackson
600 Darwood Avenue
San Dimas, CA 91773

Re: Calico Solar Project Amendment (CSPA) (08-AFC-13C)
Patrick C. Jackson Data Request Set 1 (Nos. 1-13)

Dear Messrs. Hoffman and Jackson:

This letter is in response to Patrick C. Jackson Data Request Set 1 (Nos. 1-13) dated May 16, 2011. Pursuant to Section 1716(f) of the Energy Commission's Regulations, Calico Solar informs you that it will be unable to provide certain information requested within 30 days of the date the request was made and that it objects to providing certain information requested, as set forth below.

1. Hydrology, hydraulic and sediment transport/scour studies for the Modified Project AND adjacent private properties affected by the studies. Calico Solar will be unable to provide these studies on June 15, 2011 for the reasons set forth in Calico Solar's May 5, 2011 letter to the Commission regarding Staff's Data Request Set 1 (No. 1-37). The schedule for submitting these studies for the Modified Project was set forth in Calico Solar's Schedule for Additional Submissions docketed May 25, 2011.

These studies will not cover areas outside of the Modified Project site and Calico Solar objects to any data requests calling for such studies. The Modified Project shall not increase erosion of the desert soils or divert storm water from its current path at the site boundaries and post development sediment transport through the project site shall be equal to or less than pre-development runoff as required in the Commission's condition of certification SOIL&WATER-8. Post-construction storm water flows emanating from the project site must not exceed predevelopment levels as indicated in the Supplement Staff Assessment (SSA), July 2010, Soil and Water Resources - Appendix C, Requirements for Waste Discharge, at C.7-109.

2. Revised grading and drainage plans for the Modified Project showing the perimeter access roads required by the Approved Project. Calico Solar will be unable to provide revised grading and drainage plans on June 15, 2011 for the reasons set forth in Calico Solar's May 5, 2011 letter. The schedule for submitting these plans for the Modified Project was set forth in Calico Solar's Schedule for Additional Submissions docketed May 25, 2011.

3. Revised grading and drainage plans for the Modified Project AND adjacent private properties affected by the revised grading and drainage plans. Calico Solar will be unable to provide revised grading and drainage plans on June 15, 2011 for the reasons set forth in Calico Solar's May 5, 2011 letter. The schedule for submitting these plans for the Modified Project was set forth in Calico Solar's Schedule for Additional Submissions docketed May 25, 2011.

Calico Solar objects to the request to provide revised grading and drainage plans for areas outside of the Modified Project. As stated in Response to Data Request #1 above, the Modified Project will not affect off-site storm water flow, drainage sediment transport or erosion. Thus, no areas outside of the Modified Project will be affected by the revised grading and drainage.

4. Letters of authorization from the adjacent property owners modifying drainage onto or off their properties. Calico Solar objects to this data request. As stated in Response to Data Requests #1 and 3 above, the Modified Project will not modify drainage onto or off adjacent properties and thus Calico Solar will not seek any letters of authorizations for drainage modification.

5. Revised Drainage, Erosion and Sediment Control Plan (DESCP) for the Modified Project AND adjacent private properties affected by the revised DESCP. Calico Solar will be unable to provide the revised DESCP on June 15, 2011 for the reasons set forth in Calico Solar's May 5, 2011 letter. The schedule for submitting the revised DESCP for the Modified Project was set forth in Calico Solar's Schedule for Additional Submissions docketed May 25, 2011.

Calico Solar objects to the request to provide a revised DESCP for the areas outside of the Modified Project. As stated in Response to Data Request #1 and 3 above, the Modified Project will not affect off-site storm water flow, drainage, sediment transport or erosion. Thus, no areas outside of the Modified Project will be affected by the revised DESCP.

6. Identify the "Public Access Routes" Calico Solar proposes to use to access the portion of the Project north of the BNSF railroad tracks in the event that Calico Solar is unable to obtain BNSF's approval for a railroad crossing. As set forth in its Petition to Amend, Calico Solar does not propose to access the northern portion of the Modified Project, except by crossing the BNSF railroad. Calico Solar has a complaint pending before the California Public Utilities Commission (PUC) requesting that the PUC order BNSF to give Calico Solar temporary and permanent crossings. Calico Solar expects a favorable decision from the PUC this year. Pending a decision from the PUC or settlement with BNSF, Calico Solar and its consultants have on occasion accessed the northern portion of the site using BLM open routes (AF 121, AF 122, AF 42, AF 133, AF 052) from Newberry Springs.

7. Necessary environmental impact studies to show the "Public Access Routes" comply with CEQA. Calico Solar objects to this data request. As stated in Response to Data Request #6, Calico Solar does not propose to use "Public Access Routes" to access the northern portion of the Modified Project. Additionally, the minimal use of public access routes prior to obtaining a right to cross the BNSF railroad does not require any discretionary approval. Therefore, no CEQA studies are needed.

8. Soil studies showing the level and distribution of *Coccidioides* in the Project area. Calico Solar will be unable to provide these studies on June 15, 2011. Calico has identified Tetra Tech as the consultant to complete these studies. Calico expects these studies to be completed by August 1, 2011.

10. A summary of all employees, contractors and sub-contractors who have visited the Project and have Valley Fever symptoms. Calico Solar has been in ongoing communication with employees, contractors and sub-contractors who have performed work on the site and is unaware of any who have contracted Valley Fever. Calico Solar notes that the version of WORKER SAFETY-7, which was included in the SA/DEIS and referenced in this data request, was not adopted by the Commission in its December 1, 2010 Decision certifying the Approved Project.

11. Detailed analysis of the impact soil disturbance will have dispersing *Coccidioides*. Calico Solar will be unable to provide this analysis on June 15, 2011. Calico Solar has identified Tetra Tech as the consultant to complete this analysis and is working on sampling protocol. Calico expects this analysis to be completed by August 1, 2011.

In his Data Request Set 1, Mr. Jackson states that in September 2010, he became very ill and in January 2011 he was diagnosed as having contracted Valley Fever. Mr. Jackson also states that he has reason to believe that he contracted Valley Fever when he visited his property located near the Project during Calico Solar's soil disturbing activities and geotechnical excavations. If Mr. Jackson would provide Calico Solar with information about his diagnosis, Calico Solar believes that it would be able to conduct a more complete analysis of the impact soil disturbance at the project site may have on dispersing *Coccidioides*. In particular, it would be helpful if Mr. Jackson provided more detailed information on his symptoms, his diagnosis and his course of treatment, as well as the dates on which he believes that he contracted Valley Fever.

12a. Detailed analysis of how WORKER SAFETY-9 will minimize the potential exposure risk to the public (including owners of adjacent properties) from contracting Valley Fever. The language from the SSA quoted by Mr. Jackson states that extensive wetting of the soil prior to and during construction activities should be employed to minimize the public's potential exposure to *coccidioidomycosis*. In connection with its soil sampling and related analysis of the impact of soil disturbance on dispersing *Coccidioides*, Calico Solar will complete further analysis regarding the potential exposure risk to the public of contracting Valley Fever as a result of the proposed project activities. Calico Solar will be unable to provide this analysis on June 15, 2011. Calico Solar has identified Tetra Tech as the consultant to complete this analysis. Calico expects this analysis to be completed by August 1, 2011.

12b. Describe how and when adjacent property owners will be provided dust masks and trained to use the masks. Calico Solar objects to this data request. Calico Solar does not intend to provide dust masks to adjacent property owners. Neither the conditions of certification for the Approved Project nor the conditions of certification for the Modified Project require Calico Solar to provide dust masks to adjacent property owners. WORKER SAFETY-9 requires that *site workers* use dust masks whenever visible dust is present.

12c. Detailed analysis of the impact of wetting of the soil prior to and during construction has on *Coccidioides*. Calico Solar will be unable to provide this analysis on June 15, 2011. Calico expects this analysis to rely in part on the analysis described in Response to Data Request #8, 11 and 12a above. Calico has identified Tetra Tech as the consultant to complete this analysis. Calico Solar expects this analysis to be completed by August 1, 2011.

12d. Detailed analysis of how Project grading and drainage will affect the dispersal of *Coccidioides* arthroconidia. Calico Solar will be unable to provide this analysis on June 15, 2011. Calico expects this analysis to rely in part on the analysis described in Response to Data Request #8, 11, 12a and 12c above. Calico has identified Tetra Tech as the consultant to complete this analysis. Calico Solar expects this analysis to be completed by August 1, 2011.

12e. Detailed analysis of the dispersal of *Coccidioides* arthroconidia when water used for dust control evaporates. Calico Solar will be unable to provide this analysis on June 15, 2011. Calico expects this analysis to rely in part on the analysis described in Response to Data Request #8, 11, 12a, 12c and 12d above. Calico has identified Tetra Tech as the consultant to complete this analysis. Calico Solar expects this analysis to be completed by August 1, 2011.

12f. Detailed analysis describing the impact water from Well#3 will have on the health and safety of workers, owners of adjacent properties and the public. Calico Solar will be unable to provide this analysis on June 15, 2011. Calico expects this analysis to rely in part on the analysis described in Response to Data Request #8, 11, 12a, 12c, 12d and 12e above. Calico has identified Tetra Tech as the consultant to complete this analysis. Calico Solar expects this analysis to be completed by August 1, 2011.

13. A soil study showing the level of arsenic in the Project soils. Calico Solar will be unable to provide this soil study on June 15, 2011. Calico has identified Tetra Tech as the consultant to complete this study. Calico Solar expects this analysis to be completed by August 1, 2011.

Sincerely,

Daniel J. O'Shea
On behalf of Calico Solar, LLC

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

FOR THE CALICO SOLAR PROJECT AMENDMENT

Docket No. 08-AFC-13C
PROOF OF SERVICE
(Revised 5/25/2011)

APPLICANT
Calico Solar, LLC
Daniel J. O'Shea
Managing Director
2600 10th Street, Suite 635
Berkeley, CA 94710
dano@kroadpower.com

CONSULTANT
URS Corporation
Angela Leiba
AFC Project Manager
4225 Executive Square, #1600
La Jolla, CA 92037
angela_leiba@URSCorp.com

APPLICANT'S COUNSEL
Allan J. Thompson
Attorney at Law
21 C Orinda Way #314
Orinda, CA 94563
allanori@comcast.net

Bingham McCutchen, LLP
Ella Foley Gannon, Partner
Three Embarcadero Center
San Francisco, CA 94111
e-mail service preferred
ella.gannon@bingham.com

INTERVENORS
Society for the Conservation of Bighorn Sheep
Bob Burke, Gary Thomas
1980 East Main St., #50
Barstow, CA 92311
e-mail service preferred
cameracoordinator@sheepsociety.com

*indicates change

Basin and Range Watch
Laura Cunningham,
Kevin Emmerich
P.O. Box 70
Beatty, NV 89003
e-mail service preferred
atomictoadranch@netzero.net

California Unions for Reliable Energy (CURE)
c/o: Tanya A. Gulesserian,
Marc D. Joseph
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Ste. 1000
South San Francisco, CA 94080
e-mail service preferred
tgulesserian@adamsbroadwell.com

Patrick C. Jackson
600 Darwood Avenue
San Dimas, CA 91773
e-mail service preferred
ochsjack@earthlink.net

Sierra Club
Gloria D. Smith,
Travis Ritchie
85 Second Street, Second floor
San Francisco, CA 94105
e-mail service preferred
gloria.smith@sierraclub.org
travis.ritchie@sierraclub.org

Newberry Community Service District
c/o Wayne W. Weierbach
P.O. Box 206
Newberry Springs, CA 92365
e-mail service preferred
newberryCSD@gmail.com

Defenders of Wildlife
Kim Delfino, California Program Director
1303 J Street, Suite 270
Sacramento, California 95814
e-mail service preferred
kdelfino@defenders.org

Defenders of Wildlife
Jeff Aardahl, California Representative
46600 Old State Highway, Unit 13
Gualala, California 95445
e-mail service preferred
jaardahl@defenders.org

BNSF Railroad
Cynthia Lea Burch,
Helen B. Kim,
Anne Alexander
Katten Muchin Rosenman LLP
2029 Century Park East, Suite 2700
Los Angeles, CA 90067-3012
cynthia.burch@kattenlaw.com
helen.kim@kattenlaw.com
anne.alexander@kattenlaw.com

***County of San Bernardino**
Jean-Rene Basle, County Counsel
Bart W. Brizzee, Principal Assistant County Counsel
385 N. Arrowhead Avenue, 4th Fl.
San Bernardino, CA 92415-0140
bbrizzee@cc.sbcounty.gov

INTERESTED AGENCIES/ENTITIES/PERSONS

California ISO
e-recipient@caiso.com

BLM – Nevada State Office
Jim Stobaugh
P.O. Box 12000
Reno, NV 89520
jim_stobaugh@blm.gov

Bureau of Land Management
Rich Rotte, Project Manager
Barstow Field Office
2601 Barstow Road
Barstow, CA 92311
richard_rotte@blm.gov

California Department of
Fish & Game
Becky Jones
36431 41st Street East
Palmdale, CA 93552
dfgpalm@adelphia.net

County of San Bernardino
Ruth E. Stringer,
County Counsel
385 N. Arrowhead Avenue, 4th Floor
San Bernardino, CA 92415

BNSF Railroad
Steven A. Lamb
Katten Muchin Rosenman LLP
2029 Century Park East, Suite 2700
Los Angeles, CA 90067-3012
steven.lamb@kattenlaw.com

ENERGY COMMISSION

KAREN DOUGLAS
Commissioner and Presiding Member
kldougla@energy.state.ca.us

Galen Lemei
Adviser to Commissioner Douglas
glemei@energy.state.ca.us

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

Eileen Allen
Adviser to Chairman Weisenmiller
eallen@energy.state.ca.us

Kourtney Vaccaro
Hearing Officer
kvaccaro@energy.state.ca.us

Kerry Willis
Staff Counsel
e-mail service preferred
kwillis@energy.state.ca.us

Stephen Adams
Co-Staff Counsel
e-mail service preferred
sadams@energy.state.ca.us

Craig Hoffman
Project Manager
e-mail service preferred
choffman@energy.state.ca.us

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

*indicates change

DECLARATION OF SERVICE

I, Marsha Curtis, declare that on June 6, 2011, I served by U.S. mail and filed copies of the attached

2011-06-06 Calico Solar Response to Patrick Jackson Data Request Set 1 (Nos. 1-13)

dated June 6, 2011. 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/calicosolar/compliance/index.html]**.

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:

__X__ sent electronically to all email addresses on the Proof of Service list;

____ by personal delivery;

__X_ 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:

__X_ delivering an original paper copy and sending one electronic copy by e-mail 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-13C
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.

Marsha Curtis