

**Memorandum**

Date: April 18, 2008  
 Telephone: (916) 651-8891

To: Chairman Jackalyn Pfannenstiel, Presiding Member  
 Commissioner Jeffrey D. Byron, Associate Member

From: California Energy Commission – Mary Dyas *MDK for MD*  
 1516 Ninth Street Energy Facilities Siting Project Manager  
 Sacramento, CA 95814-5512

<b>DOCKET</b>	
07-AFC-8	
<b>DATE</b>	APR 18 2008
<b>RECD.</b>	APR 18 2008

Subject: **CARRIZO ENERGY SOLAR FARM PROJECT (07-AFC-8) - STATUS REPORT #1**

Pursuant to the Committee Scheduling Order dated February 4, 2008, the following is staff's Status Report #1 for the proposed Carrizo Energy Solar Farm (CESF).

**Milestones to Date**

Staff has been coordinating a number of activities to facilitate the discovery and analysis phase of the Application for Certification (AFC) process as follows:

- January 23, 2008 – Staff published the Issues Identification Report. One issue was identified in the technical area of biological resources. The primary biological resources issue was the project's potential impact on the Carrizo Plain population of the endangered San Joaquin Kit Fox and related federal jurisdiction issues.
- January 28, 2008 – Staff provided the applicant with Data Requests (1-78), requesting additional information for the following technical areas: air quality, alternatives, biological resources, cultural resources, land use, noise and vibration, soils and water resources, transmission system engineering, visual resources, and waste management.
- February 27, 2008 – Applicant filed the first round of Data Responses in response to Data Requests (1-78).
- March 12, 2008 – Staff conducted a Data Response and Issues Resolution Workshop to discuss the applicant's responses to staff's first set of Data Requests. Agency representatives from San Luis Obispo County and the California Department of Fish and Game were in attendance. The meeting focused on the areas identified in staff's Data Requests, the applicant's responses, and public comments with special attention focused on alternatives, biological resources, noise, soils and water resources, traffic and transportation, and visual resources.

**PROOF OF SERVICE (REVISED 2/5/08) FILED WITH  
 ORIGINAL MAILED FROM SACRAMENTO ON 4/18/08**

- April 12, 2008 – Staff conducted an Information Workshop on a Saturday in Santa Margarita at the request of the San Luis Obispo County Board of Supervisors. This workshop was organized as an information forum for the citizens in San Luis Obispo County, and an opportunity to update the public on staff's progress in their review of the proposed project. The workshop was well attended and Supervisor Patterson expressed his appreciation to the Energy Commission for holding the workshop on a Saturday.
- Staff intends to provide the applicant with a second round of Data Requests (79-93) the week of April 21, 2008, requesting additional information for the following technical areas: biological resources, socioeconomics, soils and water resources, traffic and transportation, and visual resources. Staff anticipates the applicant's data responses by the week of May 19, 2008.

### **Other Activities**

- The applicant intends to provide supplemental AFC information noting changes in the orientation of the reflector arrays and the addition of on-site manufacturing in the laydown area as a result of public concerns with traffic and transportation. A small backup generator (with fuel unspecified) will also be added and there will possibly be design changes in the air-cooled condensers. The applicant plans to file this supplement in early June. Following staff's review of the supplement, staff anticipates filing a third set of data requests.
- The applicant has assumed presence of kit fox on the project site, and anticipates that the U.S. Fish and Wildlife Service (USFWS) will issue a Biological Opinion to the U.S. Army Corps of Engineers (USACE) through the federal Endangered Species Act Section 7 process. The Section 7 process may be triggered by the project's need for a Clean Water Act Section 404 permit for impacts to the drainage channel in the construction laydown area, which the applicant believes to be in the USACE's Other Waters of the U.S. classification and subject to USACE jurisdiction. If this federal permit is required, then the USACE must consult the USFWS regarding endangered species issues which would result in a federal Section 7 Biological Opinion.

If this drainage is not subject to USACE jurisdiction, the applicant will be forced to consult directly with USFWS through the Section 10 process, which requires preparation of a Habitat Conservation Plan (HCP) and will take at least two to four years, and potentially longer, to complete. The applicant has stated that such a schedule delay caused by the time needed to complete the Section 10 process would make the project infeasible. At this time, staff has not heard from the USACE as to when they will make this determination.

While staff is awaiting the USACE's jurisdictional determination on the project site and whether to regulate the area under the Clean Water Act, staff, the Department of Fish and Game and the applicant are working to address the need for additional biological surveys in the proposed project area. A letter to the applicant outlining the needed biological surveys was filed on April 4, 2008.

- Due to a proposed OptiSolar photovoltaic project in the Carrizo Plains area which could potentially occupy approximately 5 - 8 square miles adjacent to the CESF project site, staff will be reviewing OptiSolar's application if it is filed with the county. Staff would then work with San Luis Obispo County to better address cumulative impacts in the areas of biological resources, noise, soils and water resources, traffic and transportation, and visual resources. This application is expected to be filed with San Luis Obispo County in late April or early May 2008.

**Project Management Staff Transition**

I have accepted a Compliance Project Manager position in the Siting and Compliance Office, which will be effective May 5, 2008. John Kessler will be the Energy Commission's new CESF Project Manager. You may reach John at 916-654-4679, or through email at [jkessler@energy.state.ca.us](mailto:jkessler@energy.state.ca.us).

**Schedule**

At this time, due to the timing of data responses and the filing of an AFC Supplement describing expected project changes, staff will need to adjust the schedule issued by the Committee in their order dated February 4, 2008. Staff's proposed schedule changes are attached. We anticipate publishing the Preliminary Staff Assessment in late September 2008, which represents a three to four month slip in the Committee's original schedule.

cc: Docket (07-AFC-8)  
Proof of Service List

Attachment

**STAFF'S DRAFT PROPOSED SCHEDULE  
 CARRIZO ENERGY SOLAR FARM  
 (07-AFC-8)**

<b>DATE</b>	<b>MILESTONE / EVENT</b>
11/25/2007	Applicant filed Application for Certification (AFC)
12/19/2007	Commission determines AFC is complete
1/23/2008	Staff filed Issues Identification Report
1/28/2008	Staff filed Data Requests (1-78)
1/29/2008	Information Hearing, Site Visit
2/27/2008	Applicant provided Data Responses (1-78)
3/12/2008	Data Response and Issue Resolution Workshop
4/12/2008	Saturday Information Workshop in Santa Margarita
4/17/2008	Local, state and federal agency draft determinations
Late April**	Staff files 2nd round of Data Requests
Late May**	Applicant files Data Responses to Round 2
Early June**	Applicant files AFC Supplement
Mid June**	Staff files 3rd round Data Requests
6/16/2008	Local, state and federal agency final determinations
Mid July**	Applicant files Data Responses to Round 3
Late Sept**	Staff files Preliminary Staff Assessment (PSA)
Mid Oct**	Preliminary Staff Assessment Workshop
Early Dec**	Staff files Final Staff Assessment (FSA)
TBD*	Committee conducts Evidentiary Hearing*
TBD*	Presiding Member's Proposed Decision (PMPD)*
TBD*	Committee Hearing on the PMPD*
TBD*	Committee files revised PMPD*
TBD*	Commission Decision*

\* Date to be determined

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE  
STATE OF CALIFORNIA

**APPLICATION FOR CERTIFICATION**  
*For the CARRIZO ENERGY*  
**SOLAR FARM PROJECT**

Docket No. 07-AFC-8

**PROOF OF SERVICE**  
(Revised 2/5/2008)

**INSTRUCTIONS:** All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION  
Attn: Docket No. 07-AFC-8  
1516 Ninth Street, MS-14  
Sacramento, CA 95814-5512  
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**INTERVENORS**

\* California Unions for Reliable Energy (CURE)

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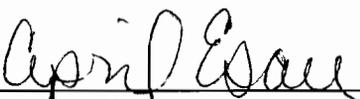
**DECLARATION OF SERVICE**

I, April Esau, declare that on April 18, 2008, I deposited copies of the attached Carrizo Energy Solar Farm Project (07-AFC-8) – Status Report #1 in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

**OR**

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

  
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**April Esau**