

CALIFORNIA ENERGY COMMISSION
SITE VISIT AND INFORMATIONAL HEARING

**Rio Mesa Solar Electric
Generating Facility**

**Application for Certification
Docket No. 11-AFC-4**

DOCKET

11-AFC-4

DATE FEB 01 2012

RECD. FEB 02 2012

Pierre Martinez, AICP – Project Manager
February 1, 2012



Joint State (Energy Commission) and Federal (Bureau of Land Management) Review

- Project is proposed partially on Federal Lands and partially on Non-Federal Lands
- Energy Commission - Certified regulatory program that incorporates all requirements of the California Environmental Quality Act (CEQA) Environmental document referred to as a Staff Assessment (SA).
- BLM – National Environmental Policy Act (NEPA) Document referred to as an Environmental Impact Statement (EIS).



Overview of Energy Commission's Licensing Process

- **Data Adequacy**
 - Minimum requirements to accept application
- **Staff Discovery and Analysis**
 - Issues Identification
 - Data requests
 - Public Workshops
 - Preliminary Staff Assessment (PSA) and Public Comment
 - Staff Assessment (SA)
- **Committee Evidentiary Hearing and Decision**
 - Evidentiary Hearings on FSA and Other Information
 - Presiding Member's Proposed Decision (PMPD) and Public Comments
 - PMPD Hearing and Commission Decision



Discovery and Analysis Process

- **Determine if the Project Proposal (AFC) Complies with Laws, Ordinances, Regulations, Standards (LORS)**
- **Conduct Engineering and Environmental Analysis**
 - Staff Analyzes Project for Impacts in 20 Technical Areas
 - Identify Issues and File Data Requests / Applicant Files Data Responses / Conduct Public Workshops
 - Identify Environmental Impacts and Mitigation Measures
 - Evaluate Project Alternatives
 - Recommend Conditions of Certification.
- **Facilitate Public and Agency Participation**
- **Staff Products: Preliminary Staff Assessment (PSA) and Final Staff Assessment (SA)**
- **Make Recommendations to the Committee**

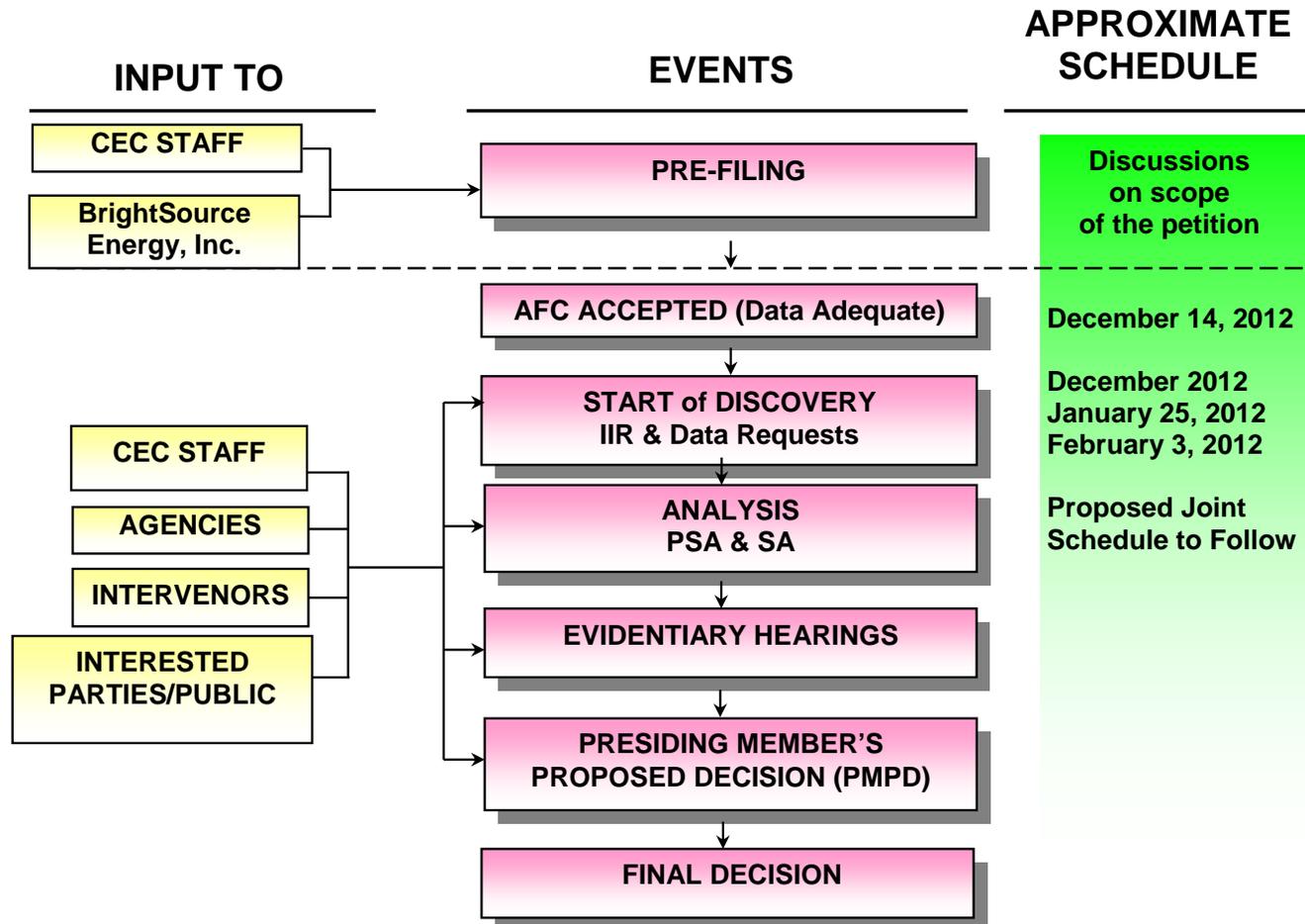


Evidentiary Hearing and Decision Process

- **Committee Conducts Hearings on All Information**
- **Committee Issues Presiding Member's Proposed Decision (PMPD). The PMPD Contains:**
 - Findings Related to Environmental Impacts, Public Health, and Engineering
 - Findings Related to the Project's Compliance with LORS
 - Recommendations on Conditions of Certification
 - Recommendation on Whether or not to Approve the Project
- **Full Commission Issues a Final Decision**
- **Energy Commission Monitors Compliance with all Conditions of Certification for the Life of the Project, Including Closure and Decommissioning**



Flow Chart of Licensing Process



Bureau of Land Management Role

- **BLM Responsible for Administering Public Lands Under the Federal Land Policy and Management Act (FLPMA)**
- **FLPMA provides a Framework for the BLM to Manage Lands in Perpetuity for the Benefit of Present and Future Generations**
- **The Project Requires Approval of a Right of Way (ROW) Grant for use of Federal Land**
- **A ROW Grant Authorizes Rights and Privileges for a Specific Use of the Land for a Set Period of Time and Subject to Certain Terms and Conditions**
- **NEPA Compliance Required for Federal Agencies Reviewing Projects Under their Jurisdiction**
- **BLM is Federal Lead Agency for Preparing the EIS**



Bureau of Land Management Role Continued

- **NEPA Steps**
 - EIS is Initiated with Publication of a Notice of Intent (NOI)
 - Public Scoping Period
 - Preparation of DEIS/Draft Land Use Plan Amendment
 - Notice of Availability (NOA) 90-Day Comment Period
 - Preparation of FEIS/Proposed Land Use Plan Amendment
 - Notice of Availability (NOA) 30-Day Comment Period
 - Record of Decision (ROD)



Staff's Issues Identification Report

- **Purpose**
 - Inform all Stakeholders of Potentially Significant Issues Identified
 - Allow for Early Focus on Issues and Areas of Concern
 - The Issues Identification Report is Not Limiting.
- **Criteria**
 - Significant Impacts that may be Difficult to Mitigate
 - Non-Compliance with LORS
 - Conflicts Between the Parties
 - Areas Where Resolution can Delay the 12-month Siting Process



Level I Issue Areas Identified by Staff

- **Air Quality – Prevention of Significant Deterioration (PSD) permit**
 - Confirm Green House Gas (GHG) Emissions
- **Land Use – Riverside Co. Regs. on New Solar Energy Systems**
 - Need for Staff to Analyze Project Compliance with Local Regulations
- **Paleontological Resources – Potential for Significant Finds.**
- **Traffic & Transportation – Potential Glint & Glare Impacts and Obstruction Hazard**
- **Transmission System Engineering – Phase II Interconnection Study**
- **Water Resources – Confirmation of Water Supply and Potential Impacts to Colorado River**
- **Worker Safety & Fire Protection – Confirmation of Impacts to Fire and Emergency Services**



Most Challenging Issues Identified by Staff

- **Alternatives**
- **Biological Resources**
- **Cultural Resources**
- **Visual Resources**



Alternatives

- **Alternatives analyzed under NEPA are more rigorous compared to CEQA. Staff will need the same level of information to conduct the Alternatives analysis that will meet NEPA requirements since a joint document is being prepared.**
- **Project Subject to Clean Water Act (CWA – Need for US Army Corps of Engineers 404 Permit) and the Least Environmentally Damaging Practicable Alternative (LEDPA). The LEDPA and NEPA Preferred Alternative must be the same.**



Biological Resources

- **Renewable Energy Action Team (REAT) Agencies' Request for Additional Bird/Bat Survey Data**
- **Potential Collision Impacts Associated with Project Structures and Potential Impacts and Risks Posed by Project Technology.**
- **Availability of Compensatory Mitigation for Impacts to Desert Washes**
- **General Potential Impacts to State/Federal Listed Species and Multi-agency Mitigation Development**



Cultural Resources

- **Need to Determine Significance of 450+ Archaeological Sites**
- **Clarification/Justification for the Area of Potential Effects (APE). BLM would like to see an Augmented APE**
- **Bradshaw Trail**
- **Native American Consultation**



Visual Resources

- **Three 750-foot-tall “Power Towers”**
- **Potential Glint and Glare Impacts**
- **Mitigation of Potential Significant Impacts**



Bureau of Land Management Issues

- **Bradshaw Trail**
- **Donated Lands**
- **Cultural Resources Impacts**
- **BLM Designated Utility Corridor Impacts**
- **Substation Tie-In**
- **Biological Resources Impacts**
- **Wildlife Habitat Management Area**
- **Project Footprint Overlaps and Abuts Federal Unsurveyed Land**
- **Project Encumbered by Three Transmission Line Rights-of-Way**



Staff's Proposed Schedule

- **Meeting this Schedule will Depend On:**
 - **Applicant's Timely Response to Staff's Data Requests**
 - **Determinations by Other Local, State, and Federal Agencies**
 - **Resolution of Outstanding Issues**
 - **Other Factors Not Yet Known**



Staff's Proposed Schedule

STAFF'S PROPOSED SCHEDULE – Rio Mesa SEGF - (11-AFC-4)

	ACTIVITY	Staff's Proposed Schedule
1	AFC filed	10-14-11
2	AFC Data Adequacy determination at Commission Business Meeting	12-14-11
3	Workshop on Biological Resources – Bird/Bat Survey Protocol	1-6-12
4	Staff files Issues ID Report	1-25-12
5	Perfected POD (BLM)	March 2012
6	NOI (30-day scoping period) (BLM)	April 2012
7	Staff Files First Round of Data Requests	February 3, 2012
8	Staff Files Subsequent Rounds of Data Requests and Applicant Submits Data Responses. Series of Energy Commission Workshops to Discuss/Address Data and Issues	March – December 2012
9	Applicant Conducts and Submits Requested Bird/Bat Survey Information (Information to be submitted throughout the year)	February 2012 – February 2013
10	REAT Agencies Review and Evaluate Survey Information	February 2012 – February 2013
11	Energy Commission and BLM Incorporate Information into Environmental Document (Not Completed Until Biological Assessment Completed)	1 st and 2 nd Quarter of 2013
12	Applicant Conducts and Submits Additional Cultural Resource Evaluations. Energy Commission and BLM Conduct Native American Consultations.	February – December 2012
13	Energy Commission and BLM Conduct Review and Evaluation of New Cultural Information.	1 st and 2 nd Quarter of 2013
14	PSA/DEIS	Second Quarter 2013
15	PSA/DEIS Workshop	3 rd Quarter 2013
16	90-Day Comment Period ends (Based on BLM/NEPA Requirement)	3 rd Quarter 2013
17	FSA/FEIS NOA published (approx. 45-days)	4 th Quarter 2013
18	30-day protest period (BLM)	4 th Quarter 2013
19	FSA Workshop (if necessary)	4 th Quarter 2013
20	Prehearing Conference	TBD
21	Evidentiary Hearings	TBD
22	Committee files Presiding Member's Proposed Decision (PMPD)	TBD
23	Hearing on the PMPD	TBD
24	Commission issues final Decision	TBD
25	BLM ROD/ROW grant issued	TBD



Energy Commission Contacts

- **Committee**
 - Commissioner, Carla Peterman, *Presiding Member*
 - Commissioner, Karen Douglas, *Associate Member*
- **Hearing Officer**
 - Kourtney Vaccaro, Commission's Hearing Officer
 - (916) 654-4328, e-mail: kvaccaro@energy.ca.gov
- **Commission Staff**
 - Pierre Martinez, Project Manager
 - (916) 651-3765 e-mail: pmartine@energy.ca.gov
- **Public Adviser's Office**
 - Jennifer Jennings
 - (916) 653-5898 or (800) 822-6228
 - e-mail: PublicAdviser@energy.ca.gov
- **BLM Staff**
 - Cedric Perry, Project Manager
 - (951) 697-5388 e-mail: cperry@blm.gov



Additional Information/ Questions/Comments

Additional Information

- www.energy.ca.gov/sitingcases/riomesa/index.html
- www.blm.gov

Questions/Comments

- Public Questions and/or Comments
- Closing Comments from Commissioners

