FINAL ENVIRONMENTAL IMPACT STATEMENT/PLAN AMENDMENT

Rice Solar Energy Project
Riverside County, California

Lead Agency
U.S. Department of Energy
Western Area Power Administration
Lakewood, CO
Loan Guarantee Program
Washington, DC

Cooperating Agency
U.S. Department of the Interior
Bureau of Land Management
Palm Springs – South Coast Field Office
Palm Springs, CA

DOE/EIS-0439
June 2011

COVER SHEET

Lead Federal Agency: U.S. Department of Energy (Western Area Power Administration; Loan Guarantee Program)

Cooperating Agency: U.S. Department of Interior; Bureau of Land Management

Title: Final Environmental Impact Statement for the Rice Solar Energy Project, Riverside County, California (DOE/EIS-0439)

For additional information on this Final Environmental Impact Statement contact:

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For general information on the U.S. Department of Energy National Environmental Policy Act process, please contact:

Ms. Carol M. Borgstrom, Director
Office of (NEPA) Policy and Compliance (GC-54)
U.S. Department of Energy
Washington, D.C. 20585
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Abstract: In response to a request from Rice Solar Energy LLC (RSE), Western Area Power Administration (Western) proposes to provide transmission interconnection services for the Rice Solar Energy Project (RSEP), a proposed 150-megawatt (MW) solar electric power plant located on previously disturbed private land. Because the proposed Project's new generator tie-line, electric substation, and access road would be located on public lands, RSE is also seeking United States Bureau of Land Management (BLM) approval of an amendment to the *California Desert Conservation Area Plan* (CDCA Plan) to designate a new corridor for a 161-kV transmission line, which would facilitate the development of solar energy on private lands. The BLM would authorize a right-of-way (ROW) grant to lease approximately 12 acres of land needed for the transmission facilities. Finally, RSE has filed an application with the Department Of Energy (DOE) Loan Guarantee Program (LGP) seeking a loan guarantee for the proposed Project. The proposed RSEP will help meet the explicit policy goals of the State of California to produce 33 percent of the state's electricity by renewable sources by 2020, and the Federal goals of producing 10 percent of the nation's electricity from renewable sources by 2012 and 25 percent by 2025. The alternatives analysis included alternative power generation technologies and alternative sites. The Preferred Alternative is in an undeveloped area of the Sonoran Desert in eastern Riverside County, California, near State Route 62, approximately 40 miles northwest of Blythe, California, and 15 miles west of Vidal Junction, California. The California Energy Commission (CEC) has jurisdiction over siting thermal power plants of 50 megawatts or larger and their related support facilities. Through its licensing process, the CEC issued a license for construction and operation of the RSEP on December 15, 2010.

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BACKGROUND

On October 11, 2010, Western Area Power Administration (Western) in conjunction with the California Energy Commission (CEC), the United States Bureau of Land Management (BLM) and the United States Department of Energy Loan Guarantee Program (LGP) issued a Staff Assessment/Draft Environmental Impact Statement (SA/DEIS) for the proposed Rice Solar Energy Project (RSEP or Project). Western is deciding whether or not to allow the Project to interconnect with Western's existing transmission grid. The CEC has jurisdiction over siting thermal power plants of 50 megawatts or larger and their related support facilities in California. The BLM is deciding whether or not to grant a right-of-way for the Project's generator tie-line and substation. The LGP is deciding whether or not to commit funds to the Project.

Following the issuance of the SA/DEIS, the CEC issued a license for construction and operation of the RSEP. The CEC license contains hundreds of Conditions of Certification which the Project Owner, Rice Solar Energy LLC, must satisfy during the pre-construction, construction, commissioning, operation and maintenance phases, as well as during decommissioning of the Project. Some of the proposed Conditions of Certification in the SA/DEIS were slightly modified as a result of public workshops between the publication of the SA/DEIS and the issuance of the license on December 15, 2010. The complete CEC decision, as well as CEC Conditions of Certification, may be found at: http://www.energy.ca.gov/2010publications/CEC-800-2010-019/CEC-800-2010-019-CMF.PDF.

This document addresses changes to the SA/DEIS resulting from public comments received on the SA/DEIS. Because public and agency comments did not substantially modify any of the alternatives or the environmental analysis in the SA/DEIS, and since the changes to the proposed Project that have occurred since the Draft EIS decrease potential impacts of the proposed Project, the full text of the SA/DEIS has not been reprinted or included here. Rather, the materials in this document, combined with the SA/DEIS, serve as the Final EIS and California Desert Conservation Area (CDCA) Plan Amendment (FEIS/PA). Federal regulations allow for an abbreviated final EIS when few changes result from the comments received during the public comment period. The relevant sections of these regulations (40 CFR 1500.4(m) and 1503.4(c)) encourage reducing paperwork and state that if changes in response to public comments are minor and confined to factual corrections or explanations where comments do not warrant fuller agency response, those changes may be written on errata sheets instead of rewriting, printing, and distributing the entire, revised EIS. This FEIS/PA document contains the following parts:

- Cover Sheet – Includes the responsible agency, points of contact, and abstract.
- Background – Describes the elements of the abbreviated FEIS/PA.
- Summary of Changes - Describes the elements of the project that have changed since the publication of the SA/DEIS.
- Comment and Response – Responses to comments by Western (acting on behalf of DOE, including the LGP) and BLM are incorporated into each letter or comment received, and shows corrections and revisions to the SA/DEIS for the RSEP as appropriate.
- Public Hearing Summary - A brief overview of the public hearing held on the DEIS.

- Appendices-
    - **Appendix A: EIS distribution:** The officials, agencies, tribes, and organizations listed in the consultation and coordination section of the SA/DEIS have received a printed, CD or electronic copy of this document. All individuals who commented on the SA/DEIS and those who requested the FEIS/PA were also provided a copy of this document. The document is also available online at: http://www.wapa.gov/transmission/RiceSolar.htm. To obtain a printed or electronic copy of the FEIS/PA or find the location of agencies or libraries that have copies, contact the Western Area Power Administration office as noted on the cover sheet.
    - **Appendix B: Tribal consultation summary:** As tribal consultation is an ongoing process, the tribal consultation steps taken to date are outlined here.
    - **Appendix C: Additional key observation points**: As a result of tribal consultation, Western evaluated three additional key observation points. A brief description and photos from these points are included.
    - **Appendix D: Additional resources**: Additional resources that were consulted and noted in the process of writing the FEIS are documented.

How to Use this Document: This document is meant to be used in conjunction with the SA/DEIS for the RSEP. The two documents, together, make up the FEIS/PA for the Proposed Actions.

SUMMARY OF PROJECT CHANGES

This section notes project changes from the SA/DEIS.

Since the publication of the SA/DEIS, several things have changed. These changes include:

- Modifications to CEC Conditions of Certification. As noted in the Background section of this document, these Conditions can be found within the CEC Commission Decision on the RSEP. The document is located on the CEC website at: http://www.energy.ca.gov/2010publications/CEC-800-2010-019/CEC-800-2010-019-CMF.PDF. The conditions in the CEC Commission Decision document update and in some cases replace those in the DEIS.
- RSE has eliminated the detention basin.
- Western has determined that fiber-optic communication cable is no longer needed on the Parker-Blythe #2 transmission line, thus any potential impacts related to installing fiber optic on that line have been removed. Western has chosen to use microwave technology instead.
- Western has chosen a preferred alternative. Western's preferred alternative is to approve the interconnection request to interconnect the RSEP to Western's power grid.
- Additional tribal consultation meetings and communications with Tribes have occurred. These are outlined in Appendix B of this document.
- Additional key observation points have been added and are included in Appendix D.

COMMENTS AND RESPONSES

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
1111 Jackson Street, Suite 520
Oakland, California 94607

IN REPLY REFER TO:
ER# 10/916

Filed Electronically

19 January 2011

Ms. Liana Reilly
Western NEPA Document Manager
Western Area Power Administration
P.O. Box 281213
Lakewood, CO 80228–8213

Subject: Review of the Draft Environmental Impact Statement (DEIS) for WAPA, Rice Solar Energy Project, Proposed 150 megawatt Solar Energy Generating Facility, a 161-kV/230-kV Electrical Transmission Tie-Line and a 161-kV/230-kV Electrical Interconnection Switchyard, Riverside County, CA

Dear Ms. Reilly:

Department of the Interior has received and reviewed subject document and has following comments to offer.

Bureau of Reclamation has reviewed October 2010 Staff Assessment and Draft Environmental Impact Statement for Rice Solar Energy Project (Docket Number 09-AFC-10) and has following comments on document:

DOI Comment Item 1:

Page 3-10, Transmission System Interconnection and Upgrades: Paragraph two states that upgrades to Western's Parker-Blythe #2 transmission line may be needed. Parker-Blythe #2 transmission line connects to two groups of Reclamation facilities: Parker Dam and Yuma Project. Potential impacts to these facilities should be considered in analysis and project design. Replacement or modification of Reclamation facilities may be required. Please contact Mr. Don Bryce of Reclamation's Power Management Office at 702-293-8102 for more details on relationship of Reclamation facilities to this proposed project.

Response to DOI Comment 1:

The project will no longer require installation of a fiber-optic line on the existing Parker-Blythe #2 transmission line to serve as a communication link for the project since Western has chosen to use microwave technology. At this point, upgrades to Western's system are not anticipated. Western would consult with Reclamation if facilities at Parker Dam or any other Bureau of Reclamation facilities were affected.

DOI Comment Item 2:

Pages 6.1-1, 6.1-52, 6.7-18, 6.9-41, 6.10-52, and 6.11-17 erroneously refer to Bureau of Reclamation when reference should be Bureau of Land Management. We recommend you search document to determine if this error occurs in any other locations.

Response to DOI Comment 2:

References to Bureau of Reclamation have been corrected.

DOI Comment Item 3:

If you have questions please contact Ms. Faye Streier, National Environmental Policy Act Coordinator, Environmental Compliance Group, at fstreier@usbr.gov or 702-293-8132. We appreciate your consideration of our comments.

The United States Fish and Wildlife Service has reviewed October 2010 Staff Assessment and Draft Environmental Impact Statement for Rice Solar Energy Project (Docket Number 09-AFC-10) and has following comments on document:

As you may know, Carlsbad Fish and Wildlife Service Office (CFWO) has been coordinating with Rice Solar Reserve, Western Area Power Administration, Bureau of Land Management (BLM), California Energy Commission, and California Department of Fish and Game since 2009 on development of project and associated environmental documentation. This letter includes general comments while more specific comments are provided in Attachment.

CFWO appreciates efforts to minimize impacts to Federal trust species at proposed project site. However, we would like to encourage a much more comprehensive evaluation of other technologies or energy strategies. Purpose and need statement in draft environmental document is so narrowly focused that other alternatives that offer less environmentally damaging solutions (*i.e.*, energy conservation, energy efficiencies, distributed energy, etc.) were not comprehensively analyzed. Alternatives for utility scale projects that eliminate or reduce environmental impacts and encompass broader combinations of technologies and solutions should receive further consideration relative to extent, magnitude, and cumulative output (Mega Watts) of renewable energy projects being proposed throughout region. This will aid in eliminating or minimizing cumulative impacts to desert ecosystems and sensitive trust resources.

Response to DOI Comment 3

Alternative methods of generating or conserving energy are addressed in the SA/DEIS Alternatives section on pages 4-37 through 4-51. The conclusion is that California's energy needs cannot be met by conservation alone, and that large-scale solar energy projects support the renewable energy required to meet the California Renewable Portfolio Standard requirements. Conservation and efficiency programs are within the sole jurisdiction of the CPUC and the California Legislature.

Absent specific legislation, Western has no authority to participate in construction of a power generation project. Western provides transmission service and processes Interconnection requests under its Open Access Transmission Tariff (OATT). Western's statutory authorization is limited to marketing and delivering power and transmission. Thus, Western is unable to require particular types of energy development.

DOI Comment 4

Proposed project will likely have adverse effects on desert tortoise (*Gopherus agassizii*), a species listed as threatened under Federal and State Endangered Species Acts, through direct loss of habitat, increased habitat fragmentation and loss of function and connectivity, and take of individuals. Project-specific surveys for desert tortoises documented few individuals on proposed project site; however, several individuals and signs were observed within zone of influence and along generator tie-line, which will pass between two designated wilderness areas. Proposed project site represents a privately-owned in-holding within a Wildlife Habitat Management Area designated by BLM under their Northern and Eastern Colorado Desert Coordinated Resource Management Plan. This designation was established for conservation of Mojave fringe-toed lizard (*Uma scoparia*) and to provide wildlife connectivity between Chemehuevi Desert Wildlife Management Area-Turtle Mountains Wilderness area to north and Palen-McCoy and Rice Valley wilderness areas to south. Draft SA/EIS acknowledges that two specific siphon crossings of Colorado River Aqueduct would be impeded by construction and operation of proposed project but concludes that wildlife will ultimately adapt to utilizing crossings further to east and west. Nonetheless, proposed project would unavoidably reduce level of wildlife connectivity across aqueduct in this area. As a result, if proposed project is approved, this loss of connectivity should be mitigated by securing alternative siphon crossings through acquisition of private lands or through agreement with

Metropolitan Water District, to allow continued passage of wildlife, including desert tortoise and desert bighorn sheep (*Ovis canadensis nelsoni*), across aqueduct.

Response to DOI Comment 4:

The Project as proposed could impede wildlife crossings and cause wildlife to use the existing two siphon crossings to the aqueduct. However, as noted on pages 6.2-218 and 6.2-219 of the SA/DEIS, the Project owner would be required by the California Energy Commission to alter the original plan and move the layout and location of the construction logistics and laydown area to maintain a 100-foot wide buffer between the project fence line and SR-62. Also noted on pages 6.2-218 and 6.2-219, the Project owner would be required to move back the gate for the main access road to the permanent circular fence enclosing the solar field. These measures would reduce the Project's impact to wildlife movement.

DOI Comment Item 5:

We are concerned about potential adverse impacts power tower technology being proposed may have on wildlife, particularly golden eagles (*Aquila chrysaetos*), other raptors, migratory and resident birds, and bats. Document states that construction and operation of proposed project, generator tie-line, and interconnector substation sites have potential to eliminate foraging habitat within range of known nesting territories of golden eagles and other raptors and would create flight collision, electrocution, and/or incineration hazards. Lehman *et al.* (2007, 2010) indicated that eagle and other raptors still face non-mitigated electrocution hazards with power lines in the United States, and Stahlecker (1978) noted that newly constructed transmission lines served to concentrate wintering golden eagle, rough-legged hawk (*Buteo lagopus*), and prairie falcons (*Falco mexicanus*) in an area earlier devoid of raptor groupings, incidentally increasing potential exposure to mortality hazards.

A study conducted by McCrary *et al*. (1986) at 10-MW Solar One facility in San Bernardino County documented 70 bird fatalities over the course of a 40-week period, and estimated that about 10 to 30 percent of bird carcasses went undocumented because scavengers removed them before researchers detected them. They estimated that more than 75 percent of mortalities resulted from collisions with heliostat mirrors and 19 percent of mortalities were attributed to incineration while flying through standby points. Project proposes a tower over 600 feet tall, which likely would serve as an attractant for raptors that prefer to perch on tall objects for roosting and hunting, comparable to what Stahlecker (1978) found with a newly constructed transmission line, thereby increasing likelihood of adverse impacts to these species. In addition, because proposed project is orders of magnitude larger than Solar One facility, requires over 10 miles of new transmission and access roads, golden eagle nesting territories were documented on three sides of the proposed project, and area serves as non-breeding (migratory and wintering) habitat for multiple raptors including golden eagles, significant impacts to raptors and other avian species are likely to occur. We are currently reviewing draft Avian and Bat Protection Plan and will continue to work directly with Rice Solar Reserve and their consultant to identify appropriate avoidance and minimization measures to reduce impacts to less than significant, if possible.

Response to DOI Comment 5:

There could be impacts to wildlife and birds as noted on pages 6.2-3, 6.2-5, 6.2-45 through 6.2-50. To decrease impacts to wildlife and birds, there are several mitigation measures outlined in the SA/DEIS. These include (but are not limited to) requirements that the applicant schedule construction to avoid impacts to nesting birds on the site following pre-construction surveys. Also, the generation tie-line and all electrical components of the Project will be designed, installed and maintained in accordance with guidelines and practices as recommended in the Avian Power Line Interaction Committee's publications to reduce the likelihood of large bird electrocutions and collisions. Compensation for habitat loss has also been established. Furthermore, the Avian and Bat Protection Plan is expected to monitor the death and injury of birds and to develop and implement adaptive management measures if the impacts are substantial.

The Avian and Bat Protection Plan will be in place prior to construction. The Avian and Bat Protection Plan must meet specific standards and include monitoring and adaptive management to minimize potential impacts.

DOI Comment Item 6:

While we greatly appreciate efforts to closely coordinate on this project, we remain concerned about remote location of proposed project site, which requires an extensive generator tie-line adjacent to wilderness areas, and potential significant impacts to sensitive trust resources, as discussed above. To alleviate these concerns, we recommend that environmental documents re-evaluate North of Desert Center alternative site. We recommend this as environmentally-preferred alternative in final EIS due to its disturbed nature from past land uses and proximity to existing transmission. We recognize that use of power tower technology at alternative Desert Center site is likely to have conflicts with migratory birds, raptors, and bats as well; however, impacts to wildlife at this location would be less than at Rice site due to higher level of pre-existing habitat degradation in the Desert Center area, and consequently lower numbers of desert tortoises and other sensitive species. Due to inherent vulnerabilities of birds and bats to power tower technology, as discussed above and in Draft SA/EIS, we also recommend reconsideration of this technology at either site; alternative solar thermal technologies should be evaluated as a mitigation measure to reduce potential conflicts with sensitive biological resources.

Response to DOI Comment Item 6:

Western does not have jurisdiction or decision-making authority for many aspects of the Project. Western's decision is whether to grant the interconnection to its electrical grid on the Parker-Blythe #2 transmission line. Western has no discretion or approval authority over the technology used for the generation facility.

The Rice Army Airfield site, the reduced acreage alternative and the no action alternative are the only alternatives that meet Western's purpose and need. As disclosed in the DEIS, the Rice Army Airfield site and the reduced acreage site would have similar environmental impacts. The CEC and

the applicant decided that the North of Desert Center Alternative was a reasonable alternative to evaluate under the California Environmental Quality Act (CEQA), thus, the potential impacts of that alternative were discussed throughout the SA/DEIS.

Additionally, absent specific legislation, Western has no authority to participate in construction of a power generation project. Western provides transmission service and processes Interconnection requests under its Open Access Transmission Tariff (OATT). Western's statutory authorization is limited to marketing and delivering power.

We recognize value of and appreciate the efforts by all parties to closely coordinate on this project and look forward to continuing to work toward an environmentally-preferred alternative. If you have any questions regarding these comments, please do not hesitate to contact Jody Fraser of the CFWO at jody_fraser@fws.gov or (760) 431-9440 extension 354.

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer

Rice Solar Energy Draft SA/EIS
(FWS-ERIV-10B0279-11I0216; ER10/916)
Carlsbad FWO Review, January 5, 2011

Responses to USFWS Comments:

The following comments were received from USFWS as an attachment to the Department of Interior comment letter. Responses to each individual comment have been added directly below the comment in **bold**, to facilitate easy reference by the reader.

EIS Section	Page/Line	Comment/Suggested Revision
General	Project Description	Please clarify project description relative to telecommunications component. Specifically, identify the scope of this component, identify species that will be impacted, extent of those impacts, and how impacts will be minimized and mitigated. Absent project description and impact analysis for portion of project along Parker-Blythe #2 transmission line, USFWS cannot complete its analysis necessary for biological opinion. **Response: As noted on page 3 of this document, the telecommunications line is no longer part of the Project description.**
General		The USFWS provided comments on draft desert tortoise translocation plan and raven management plan to applicant and its consultant in October 2010. Revised documents have not yet been received by our agency. Comments on the draft Avian and Bat Protection Plan will be coordinated directly with project consultant. **Response: The revised desert tortoise translocation plan and raven management plan were provided to the USFWS as Attachments to Western's Biological Assessment (BA) for the RSEP. The BA was submitted by Western and was accepted by the USFWS on January 18, 2011.**
Ex Sum	1-12; 6.2-5	Golden eagle: It should be noted that pre-project survey results documented at least three golden eagle territories with inactive nests in "good condition" within 6 to 10 miles of project site -- these were observed to north, southeast, and southwest of project site. **Response: The SA/DEIS confirms that there is known nesting habitat for eagles in the mountains near the site (see page 6.2-31, 6.2-46). Although there is suitable golden eagle foraging habitat on the Project site, no suitable nesting habitat was found on the solar generator site or generator tie-line alignment (see pages 6.2-5, 6.2-31, 6.2-46 through 6.2-47of the SA/DEIS). Realizing that**

		the Project could impact eagles, several mitigation measures have been agreed upon, including the implementation of Golden Eagle Pre-construction Surveys, which requires that the project owner conduct an inventory annually during construction to determine whether or not golden eagles have established territories in the project area. This mitigation measure establishes minimum requirements for the inventory and the development of a plan to monitor golden eagle activity, detect adverse effects on golden eagles from construction, if these are occurring, and minimize impacts by adaptive management. (see pages 6.2-156 through 6.2-229 of the DEIS for detailed information on biology mitigation measures).
Intro	-	Statement of Plan Amendment: Recommend providing a more comprehensive description of project to include solar facility itself; generation tie line would not be necessary but for solar energy project on private lands that are surrounded by BLM lands. **Response: The Project Description portion of the SA/DEIS, section 3, describes all components of the solar facility. It is acknowledged that there would be no need for a generation tie-line if there were not a solar facility. Since the solar facility is on private land not managed by BLM, the need for the Plan Amendment is solely due to the generation tie-line and substation, per the CDCA Plan, 1980, as amended.**
Intro	2-14	BLM and Western Process: The document states that BLM/Western decision goes into full force and effect at time ROD is issued; however, it also states that decision can be appealed through the IBLA and that a final decision cannot be made until any protest is resolved. Does this mean that the Notice to Proceed will not be issued until after the IBLA protest period (and therefore, no on-the-ground impacts will be realized until after protest period)? **Response: A Notice to Proceed (NTP) can be issued following issuance of a ROW Grant. The NTP can be issued during the 30-day IBLA appeal period. Once the NTP is issued, construction can begin. To halt the project, the party appealing the decision must submit a "request for stay" to IBLA.** **Protests are different than IBLA appeals. Protests on plan amendment decisions must be filed within 30 days of publication of the FEIS/PA. Protests will be resolved prior to the ROD being signed. Protests do not go to the IBLA but to the Director of BLM and are a BLM administrative remedy.**
Intro	2-16	USFWS: Please clarify that consultation was not initiated in August 2010; BA submitted by Western was subsequently retracted by Western. As of December 10, 2010, a request for initiation of consultation had not been received by the FWS. **Response: Western submitted its BA initially in August of 2010. The USFWS subsequently requested that Western withdraw the BA in the interests of**

		incorporating the final Conditions of Certification from the Staff Assessment/Draft EIS into the document. Western formally withdrew the BA on August 24, 2010 to comply with the USFWS request. Western re-submitted the revised BA which the USFWS accepted on January 18, 2011.
Project Desc	3-2	Table 1: Please include acreage expected to be impacted by long-term disturbance for new distribution line. Table says these impacts are "negligible", but if they are to result in impacts to desert tortoise or other sensitive species, minimization, mitigation, and compensation measures may be required. **Response: The new 12-kV distribution line extension is no longer part of the project description.**
		Table 1: Earlier in document, it states that 163.64 ac of long-term impacts and 218.18 ac of temporary impacts are expected from construction of generation tie line; another estimate of 263 ac is also given; and Table 1 attributes 103 ac of long-term impacts to transmission line towers, pull sites, and substation. Please make these impacts consistent throughout the document. **Response: The impact acreages are subject to change until the project owner files their final plans with the CEC. For purposes of the impact assessment, the most current numbers provided were utilized. The most current numbers are in the CEC Commission Decision, Biological Resources, page 8.**
	3-5	#7: Is risk associated with overheating receivers a function of temperature? If so, what is temperature threshold that when reached solar input would need to be reduced? **Response: As noted on page 3-5 of the Project Description section of the SA/DEIS, some heliostats would be off-positioned when the salt reaches approximately 1,050°F.**
	3-7	How will groundwater monitoring be conducted to ensure no negative impacts to aquifer and that 180 afy is not exceeded? **Response: As noted on page 6.9-48, the proposed project's use of groundwater for construction activities may not exceed an average rate of 420 acre-feet per year of construction and that the use of groundwater for all operations activities may not exceed 150 acre-feet per year. The project owner will be required to prepare a semi-annual summary report of the amount of water used for construction purposes beginning six (6) months after the start of construction.** **As noted on pages 6.9-48 through 6.9-51, the project owner must submit a Groundwater Level and Quality Monitoring and Reporting Plan to the CEC for review and approval. This plan will provide a description of the**

		methodology for monitoring background and site groundwater levels and quality. The owner is required to begin monitoring before construction to establish pre-construction base-line groundwater level conditions in the upper and lower aquifer. The monitoring will ensure that the project's water use is consistent with predicted drawdown in the lower aquifer, establish pre-construction and project-related groundwater quality parameters and groundwater elevation levels that can be quantitatively compared against observed and simulated levels near the project pumping well. These procedures will avoid, minimize, or mitigate any potential impacts to the Rice Valley groundwater basin storage.
	3-10	Fencing: Desert tortoise fencing should be installed according to most current USFWS/CDFG protocols and in coordination with these agencies. **Response: Pages 6.2-194 through 6.2-198 state clear expectations for tortoise fencing. The applicant will abide by the USFWS 2009 Desert Tortoise Field Manual, "or more current guidance provided by CDFG and USFWS," (Page 6.2-195).**
	3-11	Transmission/Interconnect: Clarify impacts associated with 1.1-mi 12-kV line that parallels SR-62 from 175 east of project. **Response: The new distribution line is no longer part of the project description as noted on page 3 of this document.**
	3-11	Telecommunications: Ensure that any overhead ground wires or fiber optics lines that "float" above the transmission lines meets specifications identified in APLIC guidelines to minimize impacts to raptors and other birds. **Response: The generation tie-line would follow specifications identified in APLIC guidance. The fiber optic communications line on Western's Parker-Blythe #2 230-kV transmission line is no longer part of the project description.**
	3-13	Waste mgmt: Detention basin should be contained within fenced portion of project to exclude use by wildlife; measures should be incorporated to minimize conflicts with wildlife. **Response: The detention basin is no longer part of the project as noted on page 3 of this document.**
Alts		We recommend that purpose and need be broad enough to allow flexibility in project alternatives. As presented, very few of alternatives presented would meet stated purpose and need, thereby eliminating other feasible options for meeting national and regional renewable energy goals. **Response: Absent specific legislation, Western has no authority to participate**

		in construction of a power generation project. Western provides transmission service and processes Interconnection requests under its Open Access Transmission Tariff (OATT). Western's statutory authorization is limited to marketing and delivering power and transmission. BLM's Purpose and Need is limited to whether to approve, approve with modifications, or disapprove a ROW application filed by the applicant for the portion of generation tie-line located on public lands. The Code of Federal Regulations, Title 40 – Protection of the Environment, Part 1502.13 – Purpose and Need of an EIS, states "The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action."
	4-1; 4-32 thru 4-35	Alternative technologies such as parabolic trough or linear Fresnel would likely result in fewer impacts to biological resources, as power tower technology has been documented to have significant impacts on birds and bats. **Response: Western does not have jurisdiction or decision-making authority for many aspects of the Project. Western's decision is whether to grant the interconnection to its electrical grid on the Parker-Blythe #2 transmission line. Western has no discretion or approval authority over the technology used for the generation facility.** **Alternative technologies were explored in chapter 4 of the SA/DEIS. These included parabolic trough and linear Fresnel technologies (see pages 4-29 through 4-37).**
	4-12	We are concerned about remote location of site, long generator tie-line, and potential impacts to birds and bats from power tower technology. Recommend alternative site and technology. Please refer to cover letter. **Response: Please see the response to the comments raised in your cover letter- specifically responses to comments 3, 5 and 6.**
Biol Resources	6.2-14	Project is proposed in an in-holding surrounded by Chemehuevi WHMA, designated under NECO for Mojave fringe-toed lizard and wildlife connectivity. Alternative project site at Desert Center is not in a WHMA and appears to be much more biologically degraded than proposed site at Rice. Thus, Desert Center site appears to be a much better site for energy development. **Response: No part of the project is located in the Chemehuevi WHMA. The potential biological impacts of the Project were examined in Chapter 6, section 2 of the SA/DEIS. As acknowledged on page 4-1, the Desert Center site would, "avoid impacts to wildlife movement..." Western's Purpose and Need is to respond to an interconnection request. The Rice Army Airfield site, the reduced acreage alternative and the no action alternative are the only alternatives that meet Western's purpose and need. The CEC and the applicant decided that the North of Desert Center Alternative was a reasonable alternative to evaluate under CEQA, thus, the potential impacts of that**

		alternative was discussed throughout the SA/DEIS. **No effects to the Mojave fringe-toed lizard are expected since the species requires Aeolian sand dune habitats and the Project would not affect such habitats. Although effects to wildlife connectivity are expected to be minimal, mitigation measures have been put into place to ensure that wildlife connectivity is maintained. As seen on pages 6.2-118 and 6.2-119, the effects of connectivity loss will be minimized by the placement of a 100-foot buffer between SR 62 and the project construction areas so that wildlife crossing the highway can easily move beyond the highway and pass around the site.**
	6.2-22	What setbacks are being proposed in avoidance of smoke tree woodlands? **Response: Specific setbacks to areas that contain smoke tree woodland are not proposed. The project area contains only two, relatively small areas of smoke tree woodland. These are located in shallow washes immediately south of the wash crossings of State Route 62 that lie to the east and west of the project site and will be avoided by most construction and operation activities. As noted on page 6.2-22, "Project construction would not directly affect smoke tree woodland."**
	6.2-91	Post-construction monitoring of transmission gen-tie line and associated access road should be conducted and management actions should be performed to ensure non-native, invasive plant species do not spread into adjacent wildlands. **Response: As noted on pages 6.2-172, "upon completion of construction, all temporarily disturbed areas, including the logistics/lay down areas, all generator tie-line tower sites, pull sites, and similar areas shall be restored to pre-project grade and revegetated to minimize soil erosion and vulnerability to weed invasion."** **Page 6.2-173 outlines Monitoring Requirement and Success Criteria. These criteria include, that, "post-seeding and planting monitoring will be yearly and shall continue for a period of no less than two years or until the defined success criteria are achieved."**
	6.2-107	Special status bat species may also be subject to mortality through collisions with project infrastructure or excessive thermal conditions around the power tower. **Response: As noted on pages 6.2-32 through 6.2-33 and page 6.2-50 of the SA/DEIS, there is a moderate to low potential for bats to forage on the Project site. Potential impacts to bats via collision and excessive thermal conditions are discussed on pages 6.2-121 through 6.1-123. Pages 6.2-224 through 6.2-229 outline requirements to protect birds and bats. Mitigation measures to protect the bats will also be in the Avian and Bat Protection Plan.**

	6.2-114	None of conditions of certification include long-term monitoring requirements immediately adjacent to project site to evaluate indirect/ edge effects of the project. We recommend a component such as this be included and designed in a manner that will allow scientific comparisons across region on other projects. **Response: Several conditions of certification include long-term monitoring requirements immediately adjacent to the project site. These include, BIO-12 which begins on page 6.2-177 of the SA/DEIS. BIO-12 requires designation of Environmentally Sensitive Areas within the project area and within 250 feet of project disturbance for all California Native Plant Society List 1 and List 2 species present. BIO-16,which begins on page 6.2-199, discusses Desert Tortoise Compensatory Mitigation which could include long-term monitoring, maintenance and management of the edge effects of the Project. BIO-17, beginning on page 6.2-209, includes raven management activities in the project vicinity, which includes edge effects of the project. BIO-19, which begins on page 6.2-212, notes that burrowing owls would likely be relocated on adjacent lands to the Project and would be monitored and managed thus prompting the monitoring and management of the edge effects of the Project.** **If the project owner elects to use land immediately surrounding the project site as mitigation land, the areas surrounding the project will be placed into a perpetual conservation easement with a conservation endowment. As noted in the conditions above, this would include monitoring and management along the edges of the Project.**
	6.2-119 and BIO-24	We are concerned that, as proposed, uncovered evaporation ponds will have significant impacts on wildlife, which are identified in document. We agree with CEC staffs that ponds should be covered to reduce potential for these conflicts and that monitoring and management plan include a robust adaptive management program that addresses any and all contingencies over life of project. **Response: On pages 6.2-224 through 6.2-226, which outline the requirements for the evaporation ponds, there is a requirement to net evaporation ponds to reduce risks to birds and the chance of attracting predators. The applicant is also required to implement design modifications and follow-up monitoring and management.**
	6.2-124	Insufficient information is provided to evaluate potential effects to wildlife and plants from plant closure and decommissioning; therefore, USFWS will not analyze this component under the ensuing biological opinion for project. **As noted on page 9-10 of the SA/DEIS, when the project will cease operation and close down, "…it will be necessary to ensure that the closure occurs in such a way that public health and safety and the environment are protected from adverse impacts…." As noted on page 9-11 of the SA/DEIS, the project owner**

		would need to submit a Facility Closure Plan to the CEC at least 12 months before commencing closure activities.
	6.2-126-128	The document states that North of Desert Center Alternative would occur on 2,643 acres of "largely fallow agricultural land"; however, description of existing conditions states that fallow ag covers 3,750 to 4,250 acres with Sonoran creosote bush scrub on 1,100 to 1,600 acres. Please clarify size of project site and which vegetation characteristics pertain to areas that will be directly impacted. Based on proximity of this site to existing transmission and apparently disturbed nature of site, this location is preferable to that which is currently proposed. **Response: From the SA/DEIS Alternatives section, page 4-13, the size of the project site, if located at North of Desert Center, would be as follows:** **"The heliostat field, power block, parking areas, administration building, water treatment system, evaporation ponds, and 230-kV switchyard would all be contained within the 1,504-acre fenced project footprint." The description on this page also states, "The North of Desert Center Alternative would be a 150-MW solar thermal facility located on approximately 2,643 acres of land." The area of 2,643 acres for the North of Desert Center site was selected to compare to the RSEP site area of 2,560 acres, to maintain a similar buffer of undeveloped land around the project for ecological and security purposes. The area of permanent disturbance would be as defined above within the 1,504-acre fenced project footprint.** **In reference to SA/DEIS Alternatives Figure 3, located at the end of the Alternatives section (following page 4-57), the conceptual location of the project footprint within the North of Desert Center Alternative site indicates the project footprint would primarily fall within the fallowed agricultural land where habitat is most degraded. The vegetation within the project footprint as denoted by the yellow circle is about 70-percent fallow agricultural land and about 30 percent creosote bush scrub. The desert dry wash woodland described in the SA/DEIS is outside of the circular project footprint.** **Western's Purpose and Need is to respond to an interconnection request. The Rice Army Airfield site and the reduced acreage alternative and the no action alternative are the only alternatives that meet Western's purpose and need. The CEC and the applicant decided that the North of Desert Center Alternative was a reasonable alternative to evaluate under CEQA thus, the potential impacts of that alternative were discussed throughout the SA/DEIS.**
	6.2-136 to end of section	Cumulative Impacts: The geographic extent of the cumulative impacts analysis varies for each of the resources. For example, for desert tortoise, document states that cumulative impacts analysis pertains to range of Mojave population; however, existing cumulative condition section focuses on NECO planning area. Foreseeable

		renewable projects section addresses renewable energy projects in California desert, but does not consider other land uses nor is it specific to individual resources. We recommend that this section be revised to better articulate geographic scope of analysis as it relates to resources being addressed. **Response: The geographic scope of each cumulative analysis is based on the topography surrounding the RSEP and the natural boundaries of the resource affected. Where data is not available to quantify effects from other existing and foreseeable projects along with the RSEP, the SA/DEIS considers RSEP's incremental effects on the resources within a geographic area where some level of data may be available, the relative area of RSEP by itself compared cumulatively with other projects, and the ability for RSEP to mitigate its own increment of impacts.** **For evaluating cumulative effects to special status species and habitat, the SA/DEIS examines two geographic areas consisting of the more immediate Rice Valley area, and the broader Northern and Eastern Colorado Desert Coordinated Management Plan (NECO) area. The NECO planning area is located in the southeastern California Desert Conservation Area (CDCA). It occurs primarily in the Sonoran Desert region but includes a smaller portion of the southern Mojave Desert region. The NECO planning area comprises 5,547,665 acres of private, federal, and State land. The majority of the planning area land (3,823,194 acres, or 69 percent) is public land managed by BLM.** **With regard to the concern that the foreseeable projects section addresses only renewable energy projects in California desert, but does not consider other land uses nor is it specific to individual resources, please see pages 5-11 through 5-16 of the SA/DEIS Cumulative Impacts section. Table 3 - Future Foreseeable Projects in the Rice Valley area and Eastern Riverside County, on pages 5-11 through 5-16, includes residential subdivisions, commercial projects, a gas station, water pumping facilities, and a racetrack in addition to renewable energy facilities.**
	6.2-143	USGS desert tortoise habitat model does not depict habitat quality per se; it is a predictor of desert tortoise occurrence based on various environmental variables and documented desert tortoise data points. Please revise this language to reflect predictability rather than quality. **Response: The Biological Resources Section, "Desert Tortoise" subsection, paragraph 1, page 6.2-143, is amended to read as follows: "The current USGS Desert Tortoise Habitat Model (Nussear et al. 2009) maps the desert tortoise habitat potential of the project area and most of Rice Valley with scores of 0.3-0.7 on a scale of 0 to 1 (0 being the lowest habitat potential and 1 being the highest habitat potential)."**

		The Biological Resources Section, "Desert Tortoise" subsection, paragraph 2 page 6.2-144, is amended to read as follows: "Based on staff's field observations and historic land uses, desert tortoise habitat potential on **the RSEP site is somewhat degraded."**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

January 19, 2011

Liana Reilly, NEPA Document Manager
Western Area Power Administration
PO Box 281213
Lakewood, CO 80228–8213

Subject: Draft Environmental Impact Statement (DEIS) for the Rice Solar Energy Project Riverside County, California. (CEQ# 20100416)

Dear Ms. Reilly:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Rice Solar Energy Project (RSEP). Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) Regulations (40 CFR Parts 1500-1508), and our review authority under Section 309 of the Clean Air Act.

EPA supports increasing the development of renewable energy resources, as recommended in the National Energy Policy Act of 2005, in an expeditious and well planned manner. Using renewable energy resources such as solar power can help the nation meet its energy requirements while reducing greenhouse gas emissions. EPA supports the siting of the RSEP on disturbed land and encourages the use of existing roadways when routing transmission lines as much as possible.

Based on our review, we have rated the DEIS as Environmental Concerns - Insufficient Information (EC-2) (see enclosed "*Summary of Rating Definitions*"). We have concerns regarding impacts to ephemeral washes and recommend project configuration to avoid and minimize direct and indirect impacts to these resources. Our recommendations for avoidance are enclosed. We request additional information as to the applicability of Section 404 of the Clean Water Act to ephemeral drainages. We also emphasize the importance of meaningful tribal consultation for the project and recommend additional information on tribal consultation be included in the FEIS.

EPA appreciates the opportunity to provide input on this DEIS. When the FEIS is released, please send one hard copy and three electronic copies to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact James Munson, the lead reviewer for this project. James can be reached at (415) 972-3800 or munson.james@epa.gov.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office

Enclosures: EPA Summary of Rating Definitions
EPA Detailed Comments

cc: Ms. Allison Shaffer, Bureau of Land Management, Palm Springs South Coast Field Office
Jeanne Jussila, Aqua Caliente Band of Cahuilla Indians
Bill Anderson, Augustine Band of Cahuilla Indians
Gilbert Parra, Chemehuevi Indian Tribe
David Harper, Colorado River Indian Tribes
Stephen Gill, Las Vegas Tribe of Paiute Indians
Sandra Stoneburner, Los Coyotes Band of Cahuilla and Cupeno
Reginald Agunwah, Ramona Band of Cahuilla
Daniel Daggett, Salt River Pima-Maricopa Indian
Jacquelyn Gonzales, San Manuel Band of Serrano Mission Indians
Steven Estrada, Santa Rosa Band of Cahuilla Indians
Marshall Cheung, Twenty-Nine Palms Band of Mission Indians

EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) FOR THE RICE SOLAR ENERGY PROJECT (RSEP), RIVERSIDE COUNTY, CALIFORNIA, JANUARY 19, 2010

Impacts to Water Resources

Geographic Extent of Waters of the United States

According to the DEIS and the Jurisdictional Determination that the United States Army Corps of Engineers (Corps) received May 27, 2010, the Corps has determined that approximately 82.8 acres of streambeds on the solar generator and generator tie-line alignment are not within federal jurisdiction; however, the streambeds on the Parker-Blythe #2 transmission line have not been delineated and no determination regarding Corps jurisdiction over those waters has been made (Table 5, page 6.2-57). Therefore, the statement made on page 2-16 that the Corps "rendered a final opinion on July 27, 2010 concluding that the project does not affect waters of the United States (WUS), and thus does not require such a permit" is premature. The majority of the Parker-Blythe #2 transmission line alignment crosses creosote bush scrub, sand dunes and numerous washes, some of which may support desert riparian or microphyll wash woodland (page 6.2-2). A fiber optic overhead ground wire would be installed along the length of the Parker-Blythe #2 transmission line resulting in ground disturbance and affecting plant and wildlife species on the site. Should the Parker-Blythe #2 transmission line project area support WUS, activities associated with installation and maintenance of the fiber optic overhead ground wire may result in a discharge of dredged or fill material into waters and require a 404 permit from the Corps. In the absence of a formal jurisdictional determination verified by the Corps, it is difficult to discern the extent of impacts to waters.

> *Recommendation:* A jurisdictional determination of the extent of any WUS potentially affected by the proposed project that fall within the alignment of the Parker-Blythe #2 transmission line should be conducted prior to issuance of the FEIS.

RESPONSE TO EPA COMMENT 1:

The project will no longer require installation of a fiber-optic line on the existing Parker-Blythe #2 transmission line to serve as a communication link for the project. Western has chosen to use microwave technology for this purpose instead. For this reason, it will not be necessary to conduct an additional jurisdictional determination for wetlands and waters of the United States for this feature.

Compliance with Clean Water Act Section 404

If the additional jurisdictional determinations identify WUS that will be affected by the proposed project, Clean Water Act (CWA) compliance will be required. If a permit is required, EPA will review the project for compliance with the Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials (40 CFR 230) (Guidelines), promulgated pursuant to Section 404(b)(1) of the CWA. The burden to demonstrate compliance with the Guidelines rests with the permit applicant. Information available within the DEIS would not be sufficient to determine compliance with the requirements of the Guidelines.

The Corps can only permit the Least Environmentally Damaging Practicable Alternative (LEDPA). Due to an incomplete determination of the geographical extent of waters on the project site, it is not possible to determine the LEDPA; however, as currently proposed, it appears the proposed alternative would not have the least amount of impacts to aquatic resources or represent the LEDPA if a 404 permit is required. Based on the information in the DEIS, it appears that the Reduced Acreage and North of Desert Center alternatives may be practicable and less environmentally damaging to WUS when compared to the proposed project alternative.

Recommendation: If the additional jurisdictional determinations determine that a 404 permit is required, the FEIS should provide sufficient information to identify the LEDPA and describe how the project would comply with the 404(b)(1) Guidelines. The location of desert dry wash woodlands and other sensitive habitat and species should be considered during development of the LEDPA.

The alternatives analysis should encompass a reasonable range of Project sizes and configurations that could be less environmentally damaging, while meeting the purpose and need of the Project. Sufficient detail should be provided to allow for meaningful comparisons and to justify dismissal of alternatives.

The FEIS should quantify the direct, indirect/secondary, and temporary impacts to waters (we suggest providing this information in a table format), and discuss steps that would be taken to avoid, minimize, and mitigate impacts for the project alternatives. Additionally, compensatory mitigation measures for potential impacts to waters should be included in the FEIS, as appropriate, consistent with the Compensatory Mitigation for the Loss of Aquatic Resources, Final Rule, 33CFR 325 and 332, April 10, 2008.

RESPONSE TO EPA COMMENT 2:

Since the project will no longer require installation of a fiber-optic line on the existing Parker-Blythe #2 transmission line, additional jurisdictional determinations are not expected. As noted on page 2-16 of the SA/DEIS, "The USACE rendered a final opinion on July 27, 2010, concluding that the project does not affect waters of the US , and thus not require… a permit."

The SA/DEIS did look at two different sized projects-the proposed Project and the reduced acreage alternative.

Impacts to Ephemeral Washes and Flood Zones

Regardless of federal jurisdiction, WAPA should select the project alternative with the least amount of aquatic and biological impacts, including impacts to ephemeral water segments located within the project area. The DEIS estimates 82.8 acres of desert dry washes will be impacted by the Project, not including impacts along the Parker-Blythe #2 transmission line. The project would eliminate or degrade native vegetation and wildlife habitat on the site and cause temporary or long-term effects to contiguous habitat north of the solar generator site and the generator tie-line and Parker-Blythe #2 transmission line alignments (page 6.2-1). Clearing, grading and compaction of the solar farm site in preparation for Project construction, in addition to access roads and transmission line development, could directly (via temporary or permanent fill) and indirectly affect drainages and ephemeral washes within the proposed Project area. Further, road crossings for maintenance access within drainages may result in the reduction of the physical extent of waters, adverse modification of stream hydrology and sediment transport, and adverse effects to habitat connectivity and wildlife movement.

Natural washes perform a diversity of hydrologic and biogeochemical functions that directly affect the integrity and functional condition of higher-order waters downstream. Healthy ephemeral waters with characteristic plant communities control rates of sediment deposition and dissipate the energy associated with flood flows. Ephemeral washes also provide habitat for breeding, shelter, foraging, and movement of wildlife. Many plant populations are dependent on these aquatic ecosystems and adapted to their unique conditions. The potential damage that could result from disturbance of washes includes alterations to the hydrological functions that natural channels provide in arid ecosystems, adequate capacity for flood control, energy dissipation, and sediment movement, as well as impacts to valuable habitat for desert species. Flood hazard risk is also of concern since project areas are located in Federal Emergency Management Agency (FEMA) Zone D, which is classified as an area with a possible but undetermined flood hazard (page 3-12).

Recommendation: Include information on the functions and locations of ephemeral washes in the project area because of the important hydrologic and biogeochemical role these washes play in direct relationship to higher-order waters downstream.

We recommend configuring the project to avoid and minimize direct and indirect impacts to desert washes (such as erosion, migration of channels, and local scour) by:

- avoiding placement of heliostat support structures in washes or desert dry wash woodlands;
- utilizing existing natural drainage channels on site and more natural features, such as earthen berms or channels, rather than concrete-lined channels;
- commiting to the use of natural washes, in their present location and natural form and including adequate natural buffers, for flood control to the maximum extent practicable;
- reconfiguring the project layout, roads, and drainage channels to avoid ephemeral washes, including desert dry wash woodlands within the Project footprint; and minimize the number of road crossings over washes and design necessary crossings to provide adequate flow-through during storm events.
- ensuring fencing does not impede drainage. Fencing should meet appropriate hydrologic, wildlife protection and movement, and security performance standards.

RESPONSE TO EPA COMMENT 3:

Western recognizes the importance of aquatic and biological resources and stresses the importance of mitigation measures to protect resources noted in the response to EPA Comments one and two, the project will not involve impacts to waters of the United States or ephemeral washes along the generation tie-line.

As noted on page 6.9-12 of the SA/DEIS, because the Colorado River Aqueduct, a railroad, and State Route 62 are immediately up-gradient of the Project site, drainage is controlled almost entirely by the large-scale berms constructed for the aqueduct that funnel all storm water runoff into two channels that cross over aqueduct siphons, under railroad trestles and across the highway. This storm-water runoff was formerly intercepted south of the highway by large berms constructed by the United States Army to channel this drainage to the east and west around the Rice Army Airfield, which is now the Rice project site. The easternmost of these berms has breached and allows some of this runoff to flow across the project site.

In addition, the CEC condition detailed on pages 6.2-219 through 6.2-224, requires the project owner to replace the total acreage of washes on the project site that will be affected by compensatory mitigation at a one-to-one ratio under agreement with the California Department of Fish and Game. The mitigation lands will be placed into perpetual conservation easement with an endowment to pay for the management of these lands for conservation purposes.

The comment recommends providing information on the functions and locations of the ephemeral washes in the project area. The Preliminary Jurisdictional Waters Report completed for the Project maps and evaluates all of the ephemeral washes on the project site and along the generator tie-line.

The comment recommends avoiding and minimizing direct and indirect impacts to washes. The Project owner has tried to avoid impacts to washes. For example, on-site drainage will be allowed to run through the existing natural channels across and off the Project site.

As noted throughout the document, the Project's construction methods will avoid disturbing washes and vegetation to the extent feasible. The Project site will not be graded level or cleared of all vegetation. Instead, the Project owner will cut vegetation as necessary for construction and manage the on-site vegetation such that regrowth will not interfere with the functioning of the heliostats. Project personnel will use access roads between the rows of heliostats that will be unsurfaced tracks that will cross the ephemeral washes but will not impede or otherwise alter them. The Project will avoid concrete drainage channels and use existing wash channels for drainage to the extent practicable. Also, the Project's fencing will be designed so it does not impede drainage.

Disposal Discharges

Evaporation ponds will be used for disposal of condensate or other process water. The FEIS should identify chemical characteristics of the pond water and how seepage into groundwater will be prevented. Identify the storm design containment capacity of ponds, explain how overflow in larger storm events will be managed, and discuss potential environmental impacts (drainage channels affected, water quality, biological resources) in the event of overflow.

RESPONSE TO EPA COMMENT 4:

Waste Discharge Requirements are discussed on pages 6.9-60 through 6.9-78 of the SA/DEIS. Groundwater sampling and analysis for detection monitoring is outlined on pages 6.9-88 through 6.9-91 while waste collection sampling requirements are outlined on pages 6.91-6.92.

The evaporation ponds have been designed in accordance with the California Code of Regulations (CCR), Title 27, Division 2 requirements for Solid Waste. The Report of Waste Discharge (RWD) has been prepared and submitted to the CEC and Colorado River Basin Regional Water Quality Control Board for approval of the design, operation and maintenance program, monitoring program (surface water and groundwater) and closure plans.

The RWD contains a description of the liner system which has been designed in accordance with the CCR requirements to prevent seepage into the groundwater. From the surface downwards, the liner system consists of: a primary 60-mil high density polyethylene (HDPE) liner, leak detection and removal system (LDRS) comprising a geonet, collection sump and monitoring well, secondary HDPE liner and base layer.

The RWD contains a description of the storm water management on and offsite. The evaporation ponds are protected from upstream flows due to their location (elevated road acts to protect the ponds) are designed with berms to prevent runoff entering the ponds, and have been designed with enough capacity to cater for the 100-year, 24-hour storm event. The ponds are designed and will be operated with a minimum two-feet freeboard which will provide additional capacity for overflow prevention. There will be monthly inspections of the water level, freeboard, and apparent leakage to determine if a wastewater release to surface water bodies may have occurred or would be likely to occur. In the rare event of the pond overtopping, the contingency plan (contained within the RWD) would be implemented, which includes removing excess wastewater from the impacted pond, and disposal of the water into another pond or removal off site, representative samples taken to determine quality of wastewater and assessment of the surrounding subsoil and groundwater to determine the impact. The results of the assessment will be used to guide the implementation of the Corrective Action Plan.

Consultation with Tribal Governments

Tribes have expressed concerns regarding large-scale solar projects and it is especially important that effective tribal consultation occur for the project, consistent with Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments (November 6, 2000). Page 2-17 of the DEIS states that WAPA as lead federal agency, "has sought tribal comments and has invited them to consult on the project on a government-to-government basis", (page 2-17). During a phone conversation with WAPA's Liana Reilly, NEPA Document Manager, on January 4, 2011, concerning tribal consultations, it appears that much more consultation had taken place than was reflected in the DEIS.

> *Recommendation:* The FEIS should describe the process and outcome of government-to-government consultation between the WAPA and each of the tribal governments within the RSEP project area, issues that were raised (if any), and how those issues were addressed in relation to the proposed action and selection of a preferred alternative. If tribal concerns remain, WAPA should commit to renewed efforts and consider alternative communication approaches for consulting with tribal governments.

RESPONSE TO EPA COMMENT 5:

Western has been working with the tribes for over a year. The efforts that Western has made to address tribal concerns is summarized in the Summary of Project Changes on page 3 and is further detailed in Appendix B of this document.

Cumulative Impacts

As we identified in our scoping comments, a major concern regarding multiple large-scale solar projects in the desert southwest is the cumulative impacts, particularly potential impacts to water supplies, endangered species, and habitat. Page 1-14 states: "the RSEP would contribute to the cumulatively significant loss of regional resources, including the federally threatened desert tortoise and other special status species". However little description was provided of what the cumulative impacts may be from the RSEP in combination with other solar projects in the valley and/or other reasonably foreseeable projects.

> *Recommendation:* EPA recommends that WAPA provide additional information regarding the nature and likely severity of cumulative impacts associated with this and other large-scale renewable energy projects on various sensitive desert resources, including water supplies, special status species, and habitat.

RESPONSE TO EPA COMMENT 6:

Cumulative impacts are noted in chapter 5 of the SA/DEIS. As noted on page 5-4, the geographic scope of each cumulative analysis was based on, "the potential area within which impacts of the Rice Solar Energy Project could combine with those of other projects." The approach to the

cumulative impact analysis evaluated the effects of the Project in combination with past and present projects as well as with foreseeable future projects. The information for cumulative impacts for each resource is noted in each resource section. For instance, information for the cumulative impacts to air quality can be found on pages 6.1-46 through 6.1-48 of the SA/DEIS.

For evaluating cumulative effects to water supplies, please refer to the SA/DEIS Soil and Water Resources section, page 6.9-24 that characterizes the groundwater basin in the Rice Valley as follows: "Staff was unable to identify any wells within the Rice Valley that were being used for beneficial purposes. As a result, the limited data available for characterization of the aquifer system in Rice Valley indicate the drawdown predicted would not have a significant impact on other groundwater users in the basin. Although the lack of any other current groundwater users in the basin indicates there is no potential for significant impacts due to lower groundwater levels… [the applicant would be required] to monitor groundwater levels and evaluate whether there is any significant change in levels due to project pumping as predicted by the model and whether there would be affects to future users."

In addition, the SA/DEIS estimates RSEP's effect on the groundwater basin balance, again as only influenced by RSEP since there are no other current pumpers in the basin. Please refer to Soil & Water Resources Table 10 on page 6.9-30 that concludes, based on a range of possible recharge rates, the groundwater basin will maintain a positive balance.

Cumulative effects to special status species can be found on pages 6.2-136 through 6.2-150. For evaluating cumulative effects to special status species and habitat, the SA/DEIS examines two geographic areas consisting of the more immediate Rice Valley area, and the broader Northern and Eastern Colorado Desert Coordinated Management Plan (NECO) area. The NECO planning area is located in the southeastern California Desert Conservation Area (CDCA). It occurs primarily in the Sonoran Desert region but includes a smaller portion of the southern Mojave Desert region. The NECO planning area comprises 5,547,665 acres of private, federal, and State land. The majority of the planning area land (3,823,194 acres, or 69 percent) is public land managed by BLM.

Climate Change

EPA commends WAPA for devoting a substantive section of the DEIS to greenhouse gases (GHG), including detailed estimates of emissions from construction and operation of the Project, (page 6.1 - 83). The DEIS, however, does not include a detailed discussion of the potential impacts of climate change on the Project. Considering the Project is planned to be in operation for 30 years, the EIS should include a description of how climate change may affect the Project, particularly increased flood risk since the project is located in a flood hazard area. Cumulative impacts of climate change on resources affected by the project should also be discussed, including groundwater resources and sensitive species.

Recommendations: Provide information detailing what impacts climate change may have on the Project and on resources affected by the project. Identify specific mitigation measures needed to 1) protect the Project from the effects of climate change, and 2) reduce adverse effects to air quality caused by Project construction activities.

RESPONSE TO EPA COMMENT 7:

The effects of climate change on the project are very difficult to estimate. There are no ready references to provide quantitative data as to how climate change might affect potential for flooding, groundwater resources and sensitive species. We do know climate change is occurring and that historic patterns of temperature and precipitation can gradually change from historic trends. This in turn would alter the environment and would also affect ground- and surface-water resources and flooding potential. In some areas, precipitation could be less than historical and would diminish groundwater recharge, and may also diminish flooding potential. In other areas, precipitation may be greater which may benefit water resources, but also increase flooding potential.

The proposed project would not be located within a 100-year floodplain. Page 6.9-12 of the SA/DEIS Soil and Water Resources Section, states that the proposed project is located in Federal Emergency Management Agency (FEMA) Zone D, which is classified as an area with a possible but undetermined flood hazard. The proposed project would not be located within a 100-year floodplain.

The primary risk of flooding to the RSEP site is from the outlet of the two channels that drain the 4,253 acre drainage area north of RSEP crossing the aqueduct, railroad and State Route 62 and discharging near the northern boundary of the RSEP site. The path of the western channel would not affect the RSEP based on its current alignment. The path of the eastern channel would be diverted from crossing the RSEP site by the proposed channel and elevated road system around the northern portion of the RSEP site (Please refer to SA/DEIS Soil and Water Resources Figure 1 located following page 6.9-94). If the channel capacity of the dike created by the elevated road were to be exceeded, it would allow a portion of the runoff to drain through the solar field. This may cause erosion and destabilize some of the heliostats, but is not expected to cause a significant environmental consequence. Following the storm, the dike and road system could be raised and the channel capacity enlarged to better manage flows for a similar or greater unforeseen event in the future. To help prevent flooding effects to the RSEP site, the SA/DEIS has identified a mitigation measure for maintaining the capacity and integrity of the storm water channels as noted on page 6.9-44.

The SA/DEIS already includes a mitigation measure to monitor and address potential changes in groundwater levels and water quality as provided on pages 6.9-28 through 6.9-51. This mitigation measure requires the applicant to prepare a Groundwater Level and Quality Monitoring and Reporting Plan. The primary objective for the monitoring is to ensure the project's water use is consistent with predicted drawdown in the lower aquifer. The objectives include establishing pre-construction and project related groundwater quality and groundwater elevation levels that can be quantitatively compared against observed and simulated levels near the project pumping well, and avoiding, minimizing, or mitigating impacts to the Rice Valley groundwater basin storage. This mitigation will include any effects induced by climate change.

Species of Concern

EPA commends the work undertaken by the WAPA to assess the risks to special status species from the Project. We understand that WAPA is consulting with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act.

Recommendations: In the FEIS, include the results of the Section 7 consultation with the USFWS. Where possible, we recommend that mitigation measures be identified for all affected species. The DEIS indicates that comprehensive mitigation plans for special status species are "being developed" or "would be developed". The Final EIS should include additional information on the proposed mitigation measures these plans would contain so that their effectiveness can be assessed and disclosed. A more thorough survey and discussion of baseline conditions of habitats and populations of the covered species would improve the impact discussion.

RESPONSE TO EPA COMMENT 8:

Western has initiated formal consultation regarding the project's potential effects on the endangered desert tortoise with the US Fish and Wildlife Service under Section 7 of the Endangered Species Act. The BA was accepted by the US FWS on January 18th, 2011. The FWS has 135 days to respond to the BA and issue a Biological Opinion (BO). Information on the BO will be included in Western's Record of Decision. At this point, mitigation measures that the applicant will be responsible for are listed in the SA/DEIS and the CEC Commission Decision.

Visual Impacts

The DEIS identifies significant and unavoidable adverse direct and cumulative visual impacts from several Key Observation Points. Steps should be taken to minimize the visual impacts and make the power tower less obtrusive to the extent possible. Careful attention should be given to how a power tower and heilostat array is set against the landscape. EPA encourages WAPA to explore possible mitigation measures such as color, angle, and positioning while obtaining input from local communities as well.

RESPONSE TO EPA COMMENT 9:

The CEC has jurisdiction over the solar project itself and has set out mitigation measures that minimize the visual impacts and make the power tower less obtrusive. The CEC has also required surface treatment of the heliostats. As noted on page 6.12-47 of the SA/DEIS, the project owners are required to treat all non-mirror surfaces of the outermost rows of heliostats to minimize visual intrusion and contrast by blending with their existing visual background. This requirement also calls for the use of non-reflective surfaces and colors that would blend with the existing visual background for major structures. Please note that local residents were informed about the project during the NEPA and CEC Site Certification processes and were invited to comment on the project.

Decommissioning/Follow-up Actions

The DEIS states that "Both temporary and permanent closures would require the project owner to submit a contingency plan or decommissioning plan to the BLM and Energy Commission for review and approval". The expected life span of this project is up to 30 years (Page 6.5-13).

> *Recommendations:* EPA recommends that the FEIS identify bonding or financial assurance strategies for decommissioning and reclamation. The projected 30-year lifespan should be used to ascertain the correct financial instruments that could be used for bond and or financial assurance calculations.
>
> The FEIS should take into consideration the increased cost (projected future rates) of decommissioning in thirty years and make provisions for extended or refurbished use.
>
> The FEIS should include a discussion of the plan for decommissioning to remove the installed power generation equipment and return the site to a condition as close to a pre-construction state as feasible.

RESPONSE TO EPA COMMENT 10: Page 9-6 of the SA/DEIS includes the requirement that the project owner post a surety bond adequate to cover the cost of decommissioning and restoration, "including the removal of the project features that have been constructed for that portion of the site and restoring native topography and vegetation." In addition, the condition on page 9-11 of the SA/DEIS requires the project owner to prepare and file for review and approval a Facility Closure Plan a minimum of one year prior commencing closure activities. The Facility Closure Plan would ensure that the closure occurs in such a way that public health and safety and the environment are protected from adverse impacts.

COMMENTS FROM QUECHAN INDIAN TRIBE

From: Bridget Nash <b.nash@quechantribe.com>
Sent: Thursday, January 27, 2011 12:19 PM
To: RiceSolar@wapa.gov; 'Mary Barger'; 'Stephen Tromly'; George_Kline@blm.gov; Christopher_Dalu@ca.blm.gov
Subject: Rice Solar project

Ms. Reilly –

QUECHAN INDIAN TRIBE COMMENT 1:

Thank you for notifying us of the DEIS for the Rice Solar Energy Project. Unfortunately, as noted on page 6.3-42, the Tribe has not been consulted regarding the proposed project. While we have been notified of the proposed project and I attended a teleconference in April 2010, to obtain more information about the proposed project, we have not received a copy of the cultural resources report nor had any further discussion regarding updates or information from WAPA, BLM or CEC. As such, the Cultural Committee is limited in their ability to discuss specific impacts to area of importance to the Tribe; however, given the deadline, we submit the following comments for consideration.

RESPONSE TO QUECHAN INDIAN TRIBE COMMENT 1:

Western initiated Government-to-Government consultation with the Tribes as noted in the tribal consultation summary in Appendix B of this document. Tribal consultation was initiated via a March 1, 2010 letter inviting the Tribes to a consultation meeting at the BLM Palm Springs Field Office as well as a visit to the project site on April 8, 2010. Western appreciates Ms. Nash's participation in that meeting. Western also appreciates the fact that the Quechan Tribe has been communicating with Western throughout the Project. Western has provided the Tribe–both the President and cultural committee–with the cultural resources reports that have been prepared for the project and invited the Tribe to further discussions about this project. The tribe met with Western on March 25, 2011 and requested a field visit that took place on April 20, 2011.

QUECHAN INDIAN TRIBE COMMENT 2:

The Quechan Tribe's Fort Yuma Reservation at its current site was established in 1884 as a permanent homeland for the Quechan People. The Quechan people and their ancestors have inhabited the area surrounding the confluence of the Colorado and Gila Rivers for centuries. The Quechan Tribe's traditional lands extend well beyond the boundaries of the present day Fort Yuma Indian Reservation. According to the Quechan tradition, the northern territory extended to the vicinity of Blythe, CA, the southern territory reached to Sonora, Mexico, the western territory extended to California's Cahuilla Mountains, and the eastern territory approached Gila Bend, AZ. The traditional lands also include a corridor on both sides of the Colorado River up to Avikwame in Nevada.

The cultural landscape of the Quechan consists of a myriad of natural and cultural features. Natural features include the Colorado desert and river, mountains, hills, rock outcrops, flora, and fauna. Cultural features include mythology locales, sacred places, settlement and battle site locations, trails, and other resource use areas, along with prehistoric and historic archaeological sites. The latter include rock

art (geoglyphs, petroglyphs, and intaglios), trails, trail markers, rock alignments, rock cairns, cleared circles (sleeping, teaching, prayer and dance circles), milling areas, pot drops, and other site features.

It is noted on pages 6.3-39 and 6.3-44 that the cultural resources located within the proposed project area include a trail system with associated petroglyphs, geoglyphs and ceramics. Page 6.3-48 details a proposed Prehistoric Trail Network Cultural Landscape that is similar to those proposed for the solar projects along I-10. We are concerned that this important landscape is being piecemealed and that the trails, of which several connect to the Xam Kwt'san trail along the Colorado, is going to be erased from the landscape. The DEIS notes how important the trails are in regards to the keruk ceremonies and spiritual travel but also states that some of the trails are ineligible. How is this possible? How can WAPA, the BLM and/or the CEC come to this decision without meeting with the affected Tribes to discuss their views?

RESPONSE TO QUECHAN INDIAN TRIBE COMMENT 2:

The prehistoric trails identified in the SA/DEIS as being within the Project's Area of Potential Effects are located in an area that is no longer part of the Project. The trails are located within the right of way of the Parker-Blythe #2 transmission line. As the fiber-optic communication cable is no longer going to be added to the line for the Project, the trails are outside of the Project area. Western invited tribes to conduct an ethnographic study for the Project site. To date, an ethnographic study has not been conducted. Western and BLM conducted field visits with several tribes, none of whom indicated that there are any tribal cultural properties, including tribal trails on the Project site. Therefore, Western concludes that the Project will have no effect on prehistoric trail systems.

QUECHAN INDIAN TRIBE COMMENT 3:

We have also not been part of, nor seen discussion of, a visual impact study. We find the discussion under Visual Resources contained within the document to be limited as there is no discussion of view shed impacts. We would like to see a visual impact study done, with the Tribes, including the Quechan, identifying KOP's to be used for this analysis. It is extremely important that the agencies work closely with the Tribes prior to approving this project as the cultural landscape in which the proposed project is situated is extremely fragile.

RESPONSE TO QUECHAN INDIAN TRIBE COMMENT 3:

The tribes were sent copies of the SA/DEIS. In the document the section titled "Visual Resources" (Section 6.12) is an analysis of the Project's effects on view sheds and sensitive viewers from Key Observation Points (KOPs). When Western met with the tribes in April 2010, they asked tribes for input regarding what should be looked at when evaluating the Project, and as noted in the summary of changes section of this document, Western added three additional KOPs to its consideration of visual resources. The additional KOPs can be found in Appendix C. Tribes were also asked to consult on TCPs and cultural landscapes but none of the tribes contacted provided additional information to be considered in the NEPA process.

QUECHAN INDIAN TRIBE COMMENT 4:

We are requesting that a copy of the cultural resources report for the proposed project, a copy of the cultural resources (eligible, ineligible, and isolated occurrences) be sent to the Historic Preservation Office for review immediately and that a meeting with the Tribes' Cultural Committee be arranged prior to moving on the FEIS.

RESPONSE TO QUECHAN INDIAN TRIBE COMMENT 4:

Western sent copies of all cultural resources reports prepared to date for the project to the Tribe, both the cultural committee or staff and the tribal council, on February 15, 2011, and re-sent reports to the Quechan on March 11, 2011. Western met with the Quechan on March 25, 2011, and conducted a field visit with a member of the Quechan cultural committee and BLM on April 20, 2011. Western invites the Tribe's comments on these reports and looks forward to continuing consultation with the Tribes.

If you have any questions or would like to arrange the requested meeting, please call me at (760) 572-2423. We look forward to hearing from you.

Bridget R. Nash-Chrabascz
Quechan Tribe Historic Preservation Officer
Quechan Indian Tribe
PO Box 1899
Yuma, AZ 85366
760-572-2423

Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

Maziar Movassaghi
Acting Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

January 10, 2011

Ms. Liana Reilly
National Environmental Policy Act (NEPA) Document Manager
Western Area Power Administration
P.O. Box 281213
Lakewood, Colorado 80228-8213

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT / STAFF ASSESSMENT FOR THE PROPOSED RICE SOLAR ENERGY PROJECT, DOCKET NO. 09-AFC-10, RIVERSIDE COUNTY

Dear Ms. Reilly:

The Department of Toxic Substances Control (DTSC) has received your submitted Staff Assessment/Draft Environmental Impact Statement (SA/DEIS) for the above-mentioned project. The following project description is stated in your document: "The proposed action evaluated within this Staff Assessment/Draft Environmental Impact Statement (SA/DEIS) is the construction and operation of the Rice Solar Energy Project (RSEP), a proposed solar-thermal generation facility. The RSEP power plant and a portion of the Generation Tie Line would be located on private land, and the remaining portion of the Tie Line would be located on public lands managed by the Bureau of Land Management (BLM) in unincorporated eastern Riverside County, California. The interconnection to the electric transmission system would be to Western Area Power Administration's (Western's) Parker-Blythe #2 Transmission Line. The SA/DEIS represents a joint environmental review document developed by the California Energy Commission (Energy Commission), BLM and Western to evaluate potential impacts associated with the proposed action. The proposed project is located partially on public lands managed by the BLM and would require a right-of-way grant and land use plan amendment to allow project use of those lands. The site is adjacent to State Route 62 (SR-62), which parallels a portion of the Arizona-California Railroad and the Colorado River Aqueduct, near the junction of SR-62 and Blythe-Midland Road, and near the sparse remains of abandoned town of Rice, California. The power plant would occupy 1,410 acres of the larger 2,560-acre parcel on private land located adjacent to, and immediately south of, SR-62, and would occupy about 99 acres of federal land managed by BLM associated with the generation tie line and new interconnection substation".

DTSC COMMENT 1:

Based on the review of the submitted document DTSC has the following comments:

- The SA/DEIS should evaluate whether conditions within the Project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:
    - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S. EPA).
    - EnviroStor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
    - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
    - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S. EPA.
    - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
    - GeoTracker: A list that is maintained by Regional Water Quality Control Boards.
    - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
    - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

RESPONSE TO DTSC COMMENT 1:

The SA/DEIS does contain an analysis of the Project's potential impact to human health and the environment. The analysis with regards to hazardous waste can be found in section 6.4 and in the analysis of waste management in section 6.13 of the SA/DEIS. The document also analyzed whether the construction and operation of Rice Solar would create significant impacts to public health and safety resulting from the use, handling, transportation, or storage of hazardous materials. A Phase I Environmental Site Assessment was done for the Project site. This assessment determined that there are no hazardous materials and wastes on the Project site. The resources referenced in the DTSC letter were some of the many that were utilized for the assessment.

DTSC COMMENT 2:

- The SA/DEIS should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.

RESPONSE TO DTSC COMMENT 2:

Under the conditions outlined on pages 6.13-28 of the SA/DEIS, the project owner will be required to have a professional engineer or geologist who will oversee earth moving activities that have the potential to disturb contaminated soil. If contaminated soil is identified, the engineer or geologist must inspect the site, determine what is required to characterize the nature and extent of contamination, and provide a report to the Compliance Project Manager (CPM), BLM Authorized Officer (AO), and DTSC with findings and recommended actions including remediation if necessary. If a Recognized Environmental Condition (REC) is present and needs to be remediated, an oversight agreement would be necessary.

DTSC COMMENT 3:

- Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in this document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the SA/DEIS.

RESPONSE TO DTSC COMMENT 3:

Based on results of the Phase I ESA, there are no RECs on the project site. In the event contamination is discovered during construction, as noted in the response to DTSC comment 2, page 6.13-28 outlines the requirement for the Project owner to have a professional engineer or geologist to determine the need for sampling, suspend construction and determine if significant remediation is required. The Project owner must also submit any reports filed by the professional engineer or professional geologist to the CPM within 5 days of their receipt.

DTSC COMMENT 4:

- If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

RESPONSE TO DTSC COMMENT 4:

The site does not have buildings onsite to be demolished. With regard to asphalt or concrete-paved surface areas that will be demolished, page 6.13-28 outlines the steps that the Project owner must take for the disturbance of any earth-moving activities that, "have the potential to disturb contaminated soil and impact public health, safety and the environment." As noted in responses to DTSC comments 2 and 3, the Project owner's engineer or geologist will determine the need for sampling, will provide a written report and will have the authority to temporarily suspend construction activity for the protection of the workers or the public.

DTSC COMMENT 5:

- Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.

RESPONSE TO DTSC COMMENT 5:

Please see response to DTSC Comment 4.

DTSC COMMENT 6:

- Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.

RESPONSE TO DTSC COMMENT 6:

As noted on pages 6.7-1 through 6.7-18, the potential public health risks associated with construction and operation of the Project are not expected to have adverse or long-term health effects on any members of the public. As summarized on page 6.7-18, "The agencies' analysis of potential health impacts uses a conservative health-protective methodology that accounts for impacts on the most sensitive individuals in a given population…The results therefore provide assurance that the projected emissions would not contribute…to morbidity or mortality in the area."

DTSC COMMENT 7:

- If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper

investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.

RESPONSE TO DTSC COMMENT 7:

The proposed site has not been previously used for agricultural, livestock, or related activities. As noted on page 6.13-9 of the SA/DEIS, "The site was historically used as a military airfield and training camp…and as a public, civilian airport facility."

DTSC COMMENT 8:

- Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the SA/DEIS.

RESPONSE TO DTSC COMMENT 8:

The findings of the Phase I Environmental Site Assessment (ESA) are summarized on page 6.13-9 of the SA/DEIS. In addition, page 6.13-28 of the SA/DEIS notes that the Project owner shall prepare a Construction Waste Management Plan for all wastes generated during construction of the facility and shall submit the plan to the CPM for review and approval prior to the start of construction. The same page notes that a professional engineer or geologist will be on site to inspect the site, determine the need for sampling to confirm the nature and extent of contamination and provide a written report to the Project owner, representatives of DTSC or Regional Water Quality Control Board and the CPM. The engineer or geologist will have the authority to temporarily suspend construction activity.

DTSC COMMENT 9:

- DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at rahmed@dtsc.ca.gov, or by phone at (714) 4840-5491.

RESPONSE TO DTSC COMMENT 9:

Thank you.

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

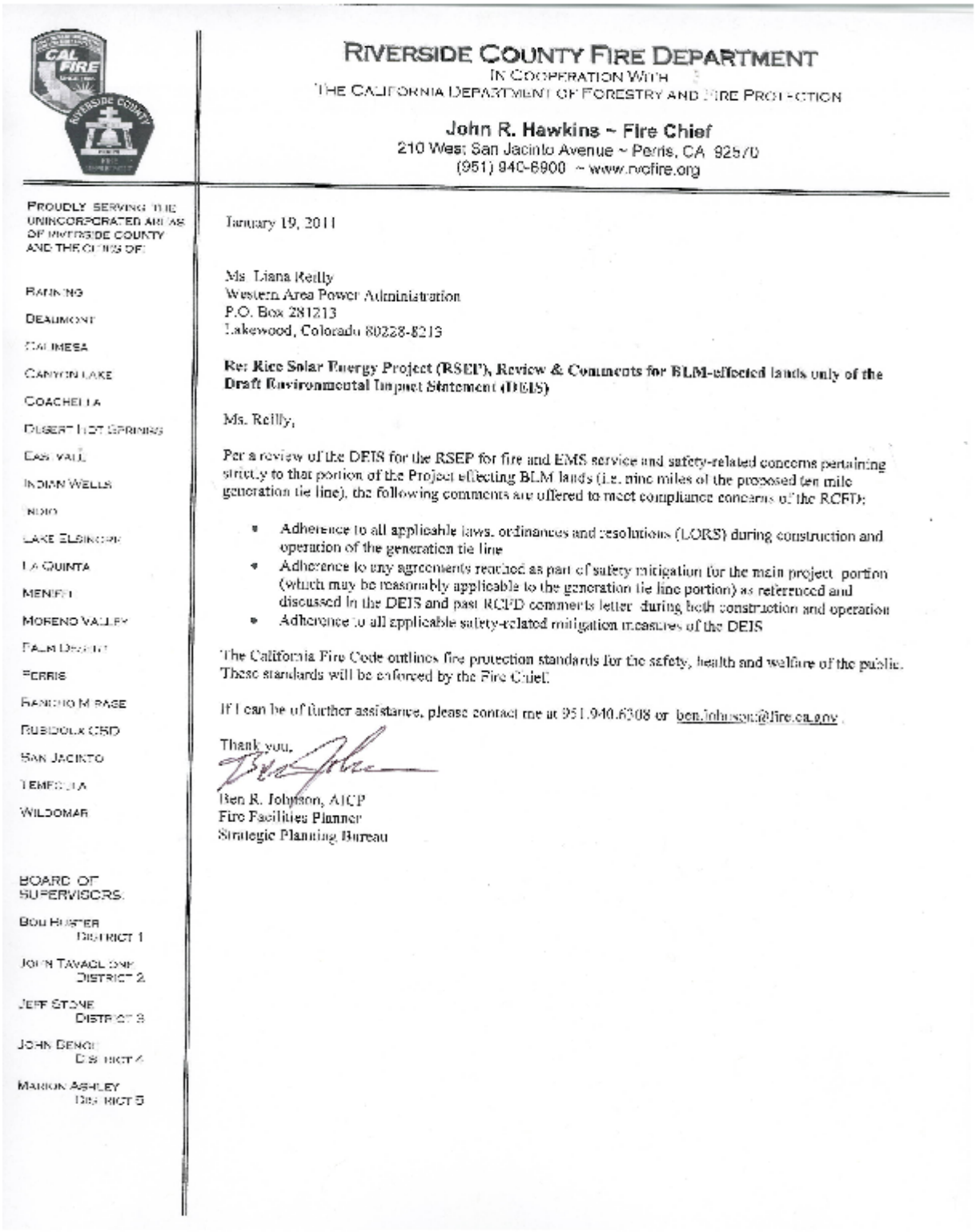
Sincerely,

Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
ADelacr1@dtsc.ca.gov

CEQA # 3108



RIVERSIDE COUNTY FIRE DEPARTMENT
IN COOPERATION WITH
THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

John R. Hawkins ~ Fire Chief
210 West San Jacinto Avenue ~ Perris, CA 92570
(951) 940-6900 ~ www.rvcfire.org

PROUDLY SERVING THE UNINCORPORATED AREAS OF RIVERSIDE COUNTY AND THE CITIES OF:

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EAST VALLE
INDIAN WELLS
INDIO
LAKE ELSINORE
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PERRIS
RANCHO MIRAGE
RUBIDOUX CSD
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BOARD OF SUPERVISORS:
BOB BUSTER DISTRICT 1
JOHN TAVAGLIONE DISTRICT 2
JEFF STONE DISTRICT 3
JOHN BENOIT DISTRICT 4
MARION ASHLEY DISTRICT 5

January 19, 2011

Ms. Liana Reilly
Western Area Power Administration
P.O. Box 281213
Lakewood, Colorado 80228-8213

Re: Rice Solar Energy Project (RSEP), Review & Comments for BLM-effected lands only of the Draft Environmental Impact Statement (DEIS)

Ms. Reilly,

Per a review of the DEIS for the RSEP for fire and EMS service and safety-related concerns pertaining strictly to that portion of the Project effecting BLM lands (i.e. nine miles of the proposed ten mile generation tie line), the following comments are offered to meet compliance concerns of the RCFD:

- Adherence to all applicable laws, ordinances and resolutions (LORS) during construction and operation of the generation tie line
- Adherence to any agreements reached as part of safety mitigation for the main project portion (which may be reasonably applicable to the generation tie line portion) as referenced and discussed in the DEIS and past RCFD comments letter during both construction and operation
- Adherence to all applicable safety-related mitigation measures of the DEIS

The California Fire Code outlines fire protection standards for the safety, health and welfare of the public. These standards will be enforced by the Fire Chief.

If I can be of further assistance, please contact me at 951.940.6308 or ben.johnson@fire.ca.gov.

Thank you,

Ben R. Johnson, AICP
Fire Facilities Planner
Strategic Planning Bureau

RESPONSE TO RCFD COMMENT LETTER:

Solar Reserve, LLC is bound to comply with all LORS and safety-related mitigation.

IMPERIAL IRRIGATION DISTRICT

ENVIRONMENTAL, REGULATORY AND EMERGENCY PLANNING • P.O. BOX 937 • IMPERIAL, CA 92251
TELEPHONE (760) 482-3600 • FAX (760) 482-3603

GS-EREP January 13, 2011

Ms. Liana Reilly
National Environmental Policy Act (NEPA) Document Manager
Western Area Power Administration
P.O. Box 281213
Lakewood, Colorado 80228-8213

SUBJECT: Rice Solar Energy Project Staff Assessment and Draft Environmental Impact Statement

Dear Ms. Reilly:

In regards to the Notice of Availability that appeared in the Federal Register (Volume 75, Number 204) on October 22, 2010 for the Draft Environmental Impact Statement (EIS No. 20100416) and Staff Assessment of the 150 megawatt Rice Solar Energy Project (RSEP), comprised of a solar energy generating facility, a 161-kV/230-kV electrical transmission tie-line and a 161-kV/230-kV electrical interconnection switchyard, on approximately 1,470 acres of private land in eastern Riverside County, California; the Imperial Irrigation District (IID) has the following comments:

1. The project's System Impact Study identified impacts on IID's transmission system. The appropriate process to follow is for RSEP representatives to contact Ms. Jamie Asbury, IID Interconnection & Transmission Contracts Developer, to file for an "Affected System Study" where IID will perform a power flow, short circuit and transient stability analysis of IID's transmission system depicting WECC's base case with IID's detail representation of our transmission system to confirm/assess the project's impacts and propose mitigations and/or corrective actions. Ms. Asbury can be reached at (760) 482-3379 or by e-mail jlasbury@iid.com.

Should you have any questions, please do not hesitate to contact me by phone at 760-482-3609 or by e-mail at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Sincerely,

Donald Vargas
Environmental Specialist

cc: Allison Shaffer - Project Manager, Palm Springs-South Coast Field Office, BLM
Mario Caseres, – Manager, Energy Dept. Operations & Infrastructure
James Ross, – Executive Program Manager, Water Dept.
Mike L. King, – Manager, Water Dept.
Jeff M. Gerber, – General Counsel
Juan Carlos Sandoval, – Asst. Mgr. Energy Dept. Transmission Planning, Engineering & Telecomm
Carlton L. King, – Asst. Mgr., Energy Dept. Customer Service Operations
Richard R. White, – Asst. Mgr., Energy Dept. Construction & Maintenance Operations
Tina Shields, – Asst. Mgr., Water Dept. Resources Planning & Management
David I. Brengas, – General Supt., Energy Dept. System Planning & Engineering
Michael S. Trump, – General Supt., Energy Dept. Customer Operations & Planning
Ismael Gomez, – Chief Engineer, Water Dept. Engineering Services
Bruce Wilcox, – Environ. Proj. Mgr., Water Dept. QSA Water Transfer
James P. Kelley, – Supervisor, Real Estate & Right-of-Way
Vicki Dee Bradshaw, – Asst. Supv., Environmental Management

RESPONSE TO IID COMMENT:

Western has performed a System Impact Study (SIS) for the addition of the Project to the transmission system. IID was consulted at the time the SIS was done. Western will continue to be responsive to both IID and the Project owner as they develop a solution to mitigate any overloads

indentified in the SIS. The applicant will need to comply with Mitigation Measure TSE-5 as found starting on page 7.4-17 of the SA/DEIS which specifies the applicant must prepare "A mitigation plan for potential overloads in the SCE and IID systems identified in the Western SIS as approved by Western through the process that involves all stakeholders (Western, California ISO, SCE, IID and MWD) and as agreed by the Project owner.

La Cuna de Aztlan Sacred Sites Protection Circle

Alfredo A. Figueroa
424 N. Carlton Ave
Blythe, Ca 92225

13

Phone: (760) 922-6422
E-mail: lacunadeaztlan@aol.com

January 18, 2011

Ms. Liana Reilly
National Environmental Policy Act (NEPA) Document Manager
Western Area Power Administration
PO Box 281213
Lakewood, Colorado 80228

RE: Solar in the Wrong Places: Rice Solar Plant

Dear Ms. Liana Reilly,

My name is Alfredo Acosta Figueroa, a native of the Colorado River, born in Blythe, California, and Elder/Historian of La Cuna de Aztlan Sacred Sites Protection Circle and a Chemehuevi Tribal Sacred Site Monitor. I hereby oppose the construction of the Rice Solar Plant.

For the past 55 years we have been studying "The Aztec Place of Origin," Aztlán/Chicomozstoc/Hue-Hue-Tlapallan, here in the surrounding Palo Verde/Parker Valleys. I am also the author of the book "*Ancient Footprints of the Colorado River,*" published in May 2002.

In 1975 we organized opposition against the Sun Desert Nuclear Power Plant proposed to be built at the base of the Sacred Mule Mountains ("Calli" in Nahuatl & "Hamoc-Avi" in Mojave) stopping the project in 1979. And in 1992, we organized the Colorado River Anti-Ward Valley Coordinating Committee and after 8-years stopped the proposed Ward Valley Nuclear Toxic Dump located in between the Sacred Turtle and Avi-Kawme (Spirit Mountain located 15 miles west of Laughlin, Nevada) Mountains. We opposed to these two projects because of the sacredness of the areas.

In 2000, we organized La Cuna de Aztlán Sacred Sites Protection Circle under the auspices of La Escuela de la Raza Unida; said Protection Circle is comprised of 15 individuals dedicated to physically protecting the Sacred Sites. As defenders of the sacred sites, on February 15, 2008 we were given a Memorandum of Understanding together with the Southern Low Desert Resource Conservation & Development Council to partnership for protection of cultural resources, that included the Blythe Giant Intaglios, other geoglyphs and several hundred Sacred Sites that are located along the Colorado River from Needles, Ca down to Yuma, Az.

Last month our Protection Circle filed suit in Federal Court against 6 approved solar power projects because they were all proposed to be built on sacred sites. For this reason, we are totally against the construction of the Rice Solar Plant because the solar plant will affect pristine desert land and is about 6-miles from the Arica Mountains which is the center of the base of the Tamoanchan Pyramid. The base of Tamoanchan is formed by the Wipple Mountains (North West Corner), Old Woman Mountain (North West corner), Eagle Mountain (South West corner) and a place in the Palo Verde Valley by Blythe, California.

RESPONSE TO LA CUNA COMMENT 1:

Western understands the potential impact of the Project on cultural resources and has consulted with tribes to gather information regarding the Project area. The Project is proposed to be constructed on previously disturbed land, the former WWII Rice Army Airfield and later, the Rice Municipal Airport, not on pristine desert land.

The Arica Mountain's "Nahualli" (Animal Part) is the "Horney Toad" which is one of the most sacred animal images for all the Colorado River Tribes. When seeing the Arica Mountains from the east, the image of the mountain resembles a Horney Toad facing south.

Sincerely,

Alfredo Acosta Figueroa

Alfredo Acosta Figueroa

RESPONSE TO LA CUNA COMMENT 2:

Thank you for your comment.

GENERAL PUBLIC WRITTEN COMMENTS

The following comments were received from the general public during the public comment period.

EMAIL COMMENT 1 FROM PAM MOLSICK

I was reading WAPA's 2009 Strategic Plan and I noticed that one of WAPA's primary goals is to effectively manage costs. I am wondering why WAPA wants to pursue the BrightSource Solar plant when it costs approximately $5-$6.5 /watt. It does not seem like good business sense to do so. One could install PV solar on a rooftop for less than that and electricity would already be delivered, not requiring large transmission lines. It appears that WAPA's tranmission lines are close to full capacity and reliability requirements will be tightening. If there were a project to drop I would recommend the Rice Solar plant. There are more cost effective sources of energy to tap. I understand that we need a diversity of energy resources but some technologies such as solar towers just don't make business sense. Why doesn't WAPA pursue more Energy Efficiency or cheaper means of generating electricity?

RESPONSE TO PAM MOLSICK COMMENT 1:

Western does not have jurisdiction or decision-making authority over the cost effectiveness of the Project. Western's decision is whether to grant the interconnection to its electrical grid on the Parker-Blythe #2 transmission line.

Also, the SA/DEIS and this FEIS/PA reflect analysis for the Rice Solar Project and does not examine all of the impacts of the BrightSource Project. BrightSource Energy is not pursuing an interconnection agreement with Western Area Power Administration for their Project.

EMAIL COMMENT 2 FROM PAM MOLSICK

It is my understanding that there is an EIR for this plant and it will, if not already has, endangered wildlife in the vicinity of this project. We enjoy taking vacations in the Mojave Desert (including Blythe and Ivanpah Valley) and have done so the last decade. We love watching the tortoises, bunnies, lizards and amazing birds out in the desert. I am glad my kids have seen them. My concern is seeing them in the future. I think if WAPA wants to develop industrial utility-sized solar it should be done on a brownfield, NOT undisturbed natural habitats containing desert plants and animals and native art.

RESPONSE TO PAM MOLSICK COMMENT 2:

Western's involvement in the RSEP pertains to a decision it must make, under the OATT, on whether to allow an electrical interconnection to Western's existing Parker-Davis #2 transmission line. Western is not developing the solar generation project. The developer of the Project is Solar Reserve, LLC.

The potential impacts on wildlife and cultural resources are examined in chapter six of the SA/DEIS (for CEQA the SA serves the purpose of the EIR). The solar facility itself would be situated on a brownfield site previously disturbed by the former WWII Rice Army Airfield and later, the Rice Municipal Airport.

EMAIL COMMENT FROM CHRISTINE AND ROBERT SOWERS

Please reject the solar plant plan for Rice Valley. The valley itself is a unique wilderness experience that is enjoyed by "desert rats" like our own family. We promote solar installations on roofs of buildings in metropolitan areas (and we certainly have enough in our state); we do not want to see an area such as Rice Valley degraded in so many ways by this construction. The adverse effect on vegetation and animal life (the desert tortoises!) is enough to nix this project. Thank you for your efforts!

RESPONSE TO CHRISTINE AND ROBERT SOWERS COMMENT:

Western's jurisdiction or decision-making authority for the Project is whether to grant the interconnection to its electrical grid on the Parker-Blythe #2 transmission line. Western has no discretion or approval authority over the generation facility.

The SA/DEIS and this FEIS/PA have examined the potential impacts that the Project may have. The Project owner will be required to mitigate the potentially adverse impacts the Project could cause to the desert tortoise and other habitat values.

The Project site is remote, but does not itself qualify as a wilderness. The site was formerly used as a military base and an airport, and is located adjacent to the Colorado Aqueduct, a railroad, and a major highway.

EMAIL COMMENTS FROM JOHN BEACH

I am a resident of Desert Center, located 40 miles southwest of SolarReserve's proposed Rice Solar Energy Project on Hwy 62 in Riverside County. I am in favor of the project, as are most residents of the area from Desert Center to Blythe. There are a number of reasons to believe that the project will be good for this area and for our national energy independence, and while some "out-of-area" environmentalists may object to the visual impact, I have not heard that complaint from anyone here or in Blythe.

Of particular interest is the technology - the project is an advanced molten salt system which stores energy in the form of heat, and that makes it possible to generate electric power long after sunset. Photovoltaic modules work only in daylight, and parabolic troughs without an auxiliary heat storage system are similarly limited.

The location is appropriate because it is disturbed land - an abandoned World War II army airfield. Except for the power tower site, the ground will not be scraped, and so vegetation and animal life can exist within the heliostat field.

The eastern desert of Riverside County is an economically depressed area and badly needs the jobs and money that this project will bring. During the 30-month construction period, Rice Solar will employ a workforce averaging 280, rising at peak to 440. There will be approx. 50 permanent positions once the plant is operational. Beyond the direct payroll, the multiplier effect will bring additional employment to the community.

Rice Solar should be approved - its merits far outweigh any other considerations.

RESPONSE TO COMMENTS FROM MR. BEACH:

Thank you for your comment.

FAX COMMENT FROM GEORGE HEPKER

Thank you for the opportunity of expressing thank you for your efforts on this project. I own 40 acres out Desert Center to Rice road at Palen Pass. Our country needs renewable energy, jobs and to reduce foreign debt! No more blood for oil wars.

RESPONSE TO COMMENTS FROM MR. HEPKER:

Thank you for your comment.

EMAIL COMMENT 1 FROM KEVIN KINGMA:

I made verbal comments at the recent Palm Springs public meeting on the Rice solar energy project (RSEP) EIS and would like to add the following written comments to the record.

I just returned from several days in the Turtle Mountain Wilderness where I had incredible views of the Rice Valley, from Danby Lake to the Big Maria Mountains. I can't recall a more sweeping view of desert playa, where no roads or structures were visible to the west. This view would be ruined by the RSEP. On the return drive Wednesday night back to Palm Springs I was also impressed by the dark sky view of the Rice Valley. This also would be impacted and there is no possible mitigation for these visual impacts.

Impacts to desert tortoise habitat would also not be mitigatible, as any mitigation efforts for desert tortoise are historically less than 50% successful.

RESPONSE TO KEVIN KINGMA COMMENT 1:

Impacts to visual resources are noted in section 6.12 of the SA/DEIS. As noted on pages 6.12-15 through 6.12-25 and pages 6.12-47 through 6.12-50, although the Project would be visible from various KOPs, the Project owner will try to minimize impacts to the visual landscape. This includes minimizing the color contrast of the Project features, install lighting so that it does not illuminate the nighttime sky and having minimum lighting on features (after ensuring that there is sufficient lighting for safety).

Field surveys for desert tortoise located one tortoise at the Project site and several along the generation tie-line route. As noted on pages 6.2-98 through 6.2-99, there are mitigation measures that would be utilized to minimize impacts to the desert tortoise. These include: the installation of tortoise exclusion fencing; clearance surveys; translocation monitoring; and habitat compensation. Pages 6.2-157 through 6.2-230 also describe mitigation measures that will be required to protect biological resources, including the desert tortoise.

EMAIL COMMENT 2 FROM KEVIN KINGMA:

The need for a 10 mile power line to tie in with an existing grid power line would have additional impacts on desert habitat.

RESPONSE TO KEVIN KINGMA COMMENT 2:

It is possible that the 10-mile-long generation tie-line would have impacts on desert habitat. Mitigation measures would be put into place to minimize and mitigate impacts that may take place with the construction, operation and maintenance for the generation tie-line. The temporary, construction disturbance to install all 81 transmission structures could affect a maximum of 18 acres. The permanent disturbance to desert habitat from the generation tie-line would be restricted to a six-foot-diameter foundation pier at each transmission structure, for a permanent disturbance of less than one-half acre combined and the generation tie-line access road would permanently

disturb 2.8 acres, for a total permanent disturbance of 3.3 acres. For the portion of the generation tie-line that is located on federal land, the owner will be required to replace any disturbed habitat, whether that disturbance is temporary or permanent, at a ratio of three acres of replacement habitat for every acre disturbed.

EMAIL COMMENT 3 FROM KEVIN KINGMA:

The RSEP has stated that 150 acre feet of water per year will be needed. How can this estimate be verified on a solar technology that has never been used on this scale (aside from the significantly smaller 10 Mwatt test project)? What happens if conditions in this location with the presence of sand dunes require significantly more water?

RESPONSE TO KEVIN KINGMA COMMENT 3:

Although the solar receiver tower technology proposed for the Project is relatively new, most of the water-consuming equipment consists of technologies that are well established and have been in operation for many years, such as the steam turbine-generator and air-cooled condenser. The performance and characteristics of these technologies are well known. Other water uses involve relatively simple and well-understood technologies such as truck-mounted water sprayers.

Rice Valley Dunes is located near the Project site and will be a source for wind-blown sand that will require periodic removal from the heliostats by water washing. This water washing has been factored into the projections of water use for the Project.

EMAIL COMMENT 4 FROM KEVIN KINGMA:

In order for the RSEP to have been considered it needed to prove that it was economically feasible and would reduce greenhouse gasses. The RSEP EIS does not do this because it does not take into account the cost of fossil fuels needed to build, maintain, and staff the project.

RESPONSE TO KEVIN KINGMA COMMENT 4:

A cost-benefit analysis is not required under NEPA to compare the proposed Project with alternatives as stated in 40 CFR 1502.23 as follows: "For purposes of complying with the Act, the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis..."

Page 6.1-88 of the SA/DEIS accounts for the fossil fuels needed to build, maintain,and staff the Project. The information following the heading Solar Project Energy Payback Time, states estimates for onsite construction and operation emissions, employee transportation emissions, and the final segment of offsite materials and consumables transportation. Additional direct transportation and indirect manufacturing GHG emissions associated with the construction and

operation of the Project are also considered in the determination of the Energy Payback Time. A document sponsored by Greenpeace estimates that the energy payback time for concentrating solar power plants, such as Rice Solar, to be on the order of 5 months (Greenpeace 2005, Page 9); and the Project life for Rice Solar is estimated to be 30 years (SR 2009a, p. 2-51). Therefore, the proposed Project's GHG emissions reduction potential from energy displacement would be substantial.

EMAIL COMMENT 5 FROM KEVIN KINGMA:

Finally, the 2009 WAPA mission statement lists the goal of environmental stewardship. The approval of RSEP does not meet this goal when there are unmitigatable impacts from the project. The statement that the need to reduce greenhouse gasses overrides these unmitigatible impacts is probably not a legal justification in the scope of the DOI and it certainly is false. Photovoltaic solar panels in urban areas are a reasonable alternative that does not have these impacts. It, along with improvements in energy use efficiency in urban areas has not received the economic incentives that projects like the RSEP has. And it begs the question of what unmitigable impact exactly would not be allowed by WAPA? The extinction of a species?

We can and should do better than this with our energy needs and our wilderness heritage.

RESPONSE TO KEVIN KINGMA COMMENT 5:

Western 's jurisdiction or decision-making authority for most of the Project is whether to grant the interconnection to its electrical grid on the Parker-Blythe #2 transmission line. Western has no discretion or approval authority over the generation facility.

Western's role as the lead federal agency under NEPA is to fully disclose the impacts of the Project and alternatives, and to identify relevant and reasonable mitigation measures that can be adopted in the Record of Decision. This requirement does not preclude an agency from approving a project for which an impact cannot be mitigated.

The Rice Project has mitigation measures that the Project owner will undertake, under supervision of the CEC.

Although Western, BLM, or LGP cannot dictate the energy production method chosen, alternate energy options are discussed in the SA/DEIS. Distributed Energy (photovoltaic solar panels in urban areas) is addressed on Pages 4-34 through 4-37. Energy conservation is explored on pages 4-49 and 4-50.

EMAIL COMMENTS FROM JUDITH ROSEN

I am writing as a concerned citizen, energy-user, and long-time hiker in the California desert. I am a second generation Californian and our ties to the desert began when my Great Aunt sought the "desert cure" for TB in a Palm Springs nearly 100 years ago. I base my observations on my training and job experience in biochemistry, nursing, public health and epidemiology. I am active in my hospital's Emergency Management program and I am a trained Wilderness First Responder.

Points:

EMAIL COMMENT 1 FROM JUDITH ROSEN:

Page 6.14-43 of EIS: Emergency Response Matrix labels risk of HazMat as being limited to the site itself. This does not take into account that Hazardous Waste will need to be transported via Interstate highway to other counties for disposal as Riverside County does not have the capacity, thus placing that disposal route and all communities along that route at risk.

RESPONSE TO JUDITH ROSEN COMMENT 1:

As noted on pages 6.13-28 to 6.13-29 of the SA/DEIS, management methods for waste streams will be included in a Construction Waste Management Plan (CWWP) that the Project owner will submit to CEC for review and approval prior to the start of construction. The CWWP will include management methods that will be used for all wastes generated during construction and include methods of transporting waste.

EMAIL COMMENT 2 FROM JUDITH ROSEN:

WORKER SAFETY & FIRE PROTECTION 6.14-10 "The applicant has indicated that workers will be adequately trained and protected, but has not included precautions against exposure to herbicides. The federal agency proposed a BMP requiring proper herbicide storage and application will mitigate potential risks to workers from exposure to herbicides and reduce the chance that herbicides will contaminate either surface water or groundwater."

In 1998, California's Department of Pesticide Regulation concluded that glyphosate ranks first among herbicides as the highest cause of pesticide-induced illnesses or injuries to people in California. Glyphosate itself is very low in toxicity to mammals, including humans, but most formulations contain a surfactant known as polyethoxylated tallow amine (POEA) that is very toxic. Common symptoms of glyphosate poisoning include eye soreness, headaches, diarrhea and other flu-like symptoms. It is my position that the herbicide BMP and inherent costs, addressing worker health and groundwater contamination, should be developed and incorporated into costs before approval.

RESPONSE TO JUDITH ROSEN COMMENT 2:

The SA/DEIS addresses glyphosphate in section 6.4: Hazardous Materials. Mitigation measures that would be taken to ensure worker health and safety are noted on pages 6.4-22 through 6.4-25. These include, but are not limited to, the creation and adherence to a Hazardous Materials Business Plan and an Operation Security Plan.

EMAIL COMMENT 3 FROM JUDITH ROSEN:

WORKER SAFETY & FIRE PROTECTION 6.14-12 The EIS notes considerable risk of Valley Fever, which is especially high for construction work in previously undisturbed land, especially for workers who are not native to endemic areas. In this setting and naïve population, Valley Fever can affect 5 – 10% of exposure construction workers.

The EIS states that to minimize potential exposure of workers, and also the public, to Coccidioidomycosis during soil excavation and grading, extensive wetting of the soil prior to and during construction activities should be employed and dust masks should be worn at certain times during these activities. These mitigating practices will slow construction, increase costs, and increase water usage. When we consider that the construction work during summer may have 115 degree heat, compliance with dust masks is unlikely. I suggest that the risk will be unmitigated.

RESPONSE TO JUDITH ROSEN COMMENT 3:

Dust control measures will be implemented to control dust onsite. These measures can be found on pages 6.1-52 through 6.1-55 and page 6.1-57 through 6.1-58. The specific fugitive dust control mitigation practices described will be put in place for the Project. In addition, the document evaluated Valley Fever or Coccidioidomycosis in the Worker Safety and Fire Protection section; Section 6.14. As noted on page 6.14-37, site workers will be required to wear dust masks whenever visible dust is present. Also noted on page 6.14-37, the implementation of enhanced dust control methods are required for the Project site. Finally, workers will be required to comply with the provisions of the Personal Protective Equipment Program established under the first mitigation measure in this section (found on page 6.14-32).

EMAIL COMMENT 4 FROM JUDITH ROSEN:

WORKER SAFETY & FIRE PROTECTION 6.14-20 Fire and Emergency Response. The Riverside County Fire Department (RCFD) determined that, due to the remote location of the RSEP and the other three solar power plants, the response time from the RCFD's existing facilities would be inadequate.

"In two letters from the RCFD (Riverside 2010b and 2010e), Captain Neuman of the RCFD has stated that the RSEP would have an impact on RCFD's ability to respond to fire, hazmat, and EMS emergencies at the RSEP. He also stated that the proposed RSEP, in addition to the three solar projects proposed for

the Interstate-10 corridor (Blythe, Genesis, and Palen), would have a cumulative adverse impact on the RCFD's ability to provide an acceptable level of service. " and " Although the initial response time for a fire would be approximately one hour and 45 minutes from Station # 49 and approximately two hours from Station # 43, both those stations would only be able to send out one engine each with three firefighters each (Riverside 2010e). "

"Furthermore, emergency response would be needed during construction when construction worker crew sizes are large, sometimes approaching several hundred workers. The fact that a fuel depot will be on-site also speaks to the need for emergency response capability."

The work of EMT's is mainly to stabilize patients for transport to higher levels of care. Their ability to treat is very limited. In medicine, we speak of the "golden hour"—in serious illness or injury, the first hour is the most critical for treatment. Local medical response is unlike to arrive in time for severe injuries and will leave the local citizens poorly served. Cost of insurance for air-lift for medical transport should be included to prevent loss of worker life and loss of service to local citizens.

RESPONSE TO JUDITH ROSEN COMMENT 4:

As noted on page 6.14-38 of the DEIS, the Project applicant has agreed to have onsite during construction activity: a) an EMT-P (Paramedic) who is certified by Riverside Emergency Medical Services (REMS), along with the appropriate equipment and supplies; b) a Basic Life Support Ambulance with a California-certified driver for use during medical emergency events; and c) an MOU with REMS for utilization of air medical services. During operations, the Project owner will have an EMT who is certified by REMS, with appropriate equipment and supplies, on duty when operations are active, and an MOU with REMS for utilization of air medical services.

EMAIL COMMENT 5 FROM JUDITH ROSEN:

WORKER SAFETY & FIRE PROTECTION 6.14-22 While staff summarized records readily available from the existing solar plans, ..." the available records did not include documentation of a major fire at the SEGS 8 facility in January of 1990 that required a large part of the regional resources from four different fire districts including the San Bernardino County, Edwards Air Force Base, California Department of Forestry and Fire Protection (CDF), and the Kern County Fire Departments. This fire is the largest incident that has occurred at a solar thermal plant in California and demonstrates the magnitude of fire department resources that can be required to respond to a fire at a large thermal solar facility." We should learn from the firestorms of San Diego and Orange County. This risk has not been adequately studied, and therefore is not adequately mitigated.

RESPONSE TO JUDITH ROSEN COMMENT 5:

The SEGS 8 facility uses a highly-combustible flammable heat transfer fluid and, therefore, may be more susceptible to fire risk than the RSEP, which uses liquid salt that circulates only between the

solar collector tower and the salt storage tanks and not in the heliostat field. The salt turns solid quickly when cooled and is not readily combustible. As noted on pages 6.14-35 through 6.14-38, the applicant has agreed to work with the Riverside County Fire Department to ensure that there is adequate fire protection for the site.

EMAIL COMMENT 6 FROM JUDITH ROSEN:

SUMMARY OF PROJECT RELATED IMPACTS - Executive Summary 1-14 "CULTURAL RESOURCES With respect to CEQA, staff concludes that the proposed Rice Solar Energy Project (RSEP) would have significant direct impacts to the features and artifact concentrations associated with the historic Rice Army Airfield (Rice AAF) and the western periphery of Camp Rice (CA-SBA-10526H), as well as potential direct impacts to 23 other eligible or assumed eligible archaeological sites..... Staff also recommends that the Energy Commission adopt Conditions of Certification CUL-2 through CUL-11, to mitigate RSEP's project-specific cultural resource impacts." During my last desert camping trip this January, I visited local petroglyph sites and was incredibly inspired. It is my position that until CUL-1 through CUL-11 are accepted by applicant and the full costs included in the proposal, the cost per megawatt cannot be determined, for comparison to other energy production models.

RESPONSE TO JUDITH ROSEN COMMENT 6:

The Project will have no effect on cultural resources other than the former Rice Army Airfield. The 23 archaeological sites noted are located along the Parker-Blythe #2 transmission line and because the Project no longer requires the installation of a fiber-optic communication link on this transmission line, the Project would no longer affect these sites.

The cultural mitigations noted on pages 6.3-75 through 6.3-6.3-90 are binding on the Project owner and will be put into place.

EMAIL COMMENT 7 FROM JUDITH ROSEN:

A portion of the proposed Raven Management Plan (Appendix B of CH2MHill 2010c) includes education of the construction workers to dispose properly of all trash and open waste and not litter. A prime tenant of Juran and Deming process control is that education cannot take the place of a system. A prime tenant of Adult Education Theory is that adult learners must want to learn about the subject in order for education to be effective. Although very well educated on the subject, most physicians and nurses only wash their hands between patients 60% of the time. A litter education campaign is unlikely to be effective in the prevention of ravens foraging for waste.

RESPONSE TO JUDITH ROSEN COMMENT 7:

The Raven Management Plan that will be put in place by the applicant, which includes more than education, is detailed on pages 6.2-209 through 6.2-210 and is expected to decrease the number of ravens.

EMAIL COMMENT 8 FROM JUDITH ROSEN:

Finally, I wish to address the statements in the "2009 Western Area Power Administration Strategic Plan", "Many of the best sites for these renewable generating sources—wind, solar and biomass—are located in parts of the West and Midwest that are not near load centers and many of the nearby transmission lines don't have enough available capacity to transport this energy. This means more transmission facilities must be built."

And

Theme 1 Energy Security through Products and Services - Provide cost-based power and transmission services for our firm electric service customers, thereby reducing their vulnerability to supply disruption and increasing their flexibility to meet consumers' needs for electricity.

First, I wish to comment on security. There is a significant element of insecurity in the production of power far from where it is to be used. The large scale solar power production relies on transmission across large distances, through rarely monitored remote, rough terrain. In an era of both foreign-based and domestic terrorism, an unsecured high power line across a sparsely populated area is a tempting target.

RESPONSE TO JUDITH ROSEN COMMENT 8:

RSEP security, including the Project site and the associated generation tie-line, is addressed on page 6.4-16 of the SA/DEIS Hazardous Materials section under the heading Intentional Destructive Acts. Page 6.4-16 notes that, "DOE has considered the potential environmental consequences of intentional destructive acts at the Project site. DOE concludes that the risk of damage to the proposed Project from intentional destructive acts would be considered very low, in line with or less than the risk to similar generation facilities in the U.S. Theft or opportunistic vandalism is more likely than sabotage or terrorist acts, which are considered to be a negligible risk." The SA/DEIS also notes that, "… to keep the Project infrastructure secure from threats from intentional destructive acts, the Project site would be physically secured and staffed. Furthermore, uncontrolled access would be prevented through the use of access controls."

EMAIL COMMENT 9 FROM JUDITH ROSEN:

Second, in a rush for sustainable power, the cumulative effects of multiple new large installations have not been adequately addressed. A huge amount of money is being thrown at companies, many of whom are new and lack a track record of compliance. While the high-voltage grid may handle one- or two- new

solar installations, what will be the effect of 10? Can these sites be decommissioned and returned to a natural state, if transmission (or venture capital) proves inadequate?

RESPONSE TO JUDITH ROSEN COMMENT 9:

The scope of the SA/DEIS Cumulative Impacts analysis is provided beginning on page 5-1, and the individual resource area assessments of Cumulative Impacts are included in each of the technical sections.

Prior to adding power sources to the transmission grid, there must be transmission capacity available on the grid. With regards to the proposed RSEP, the transmission system studies are outlined in the Transmission System Engineering section of the SA/DEIS. This section of the document, which begins on page 7.4-6, describes the rigorous Transmission System Impact Analysis process and particularly the results of the System Impact Study conducted by Western. It also identifies the mitigation measures that will be required of the developer for RSEP to be interconnected to Western.

At the end of the Project's service life, the Project would be decommissioned and would be subject to a process that is much like the original licensing process, except to remove facilities and to restore the site. The developer would be required to coordinate with the CEC for the entire Project and also with BLM and Western for the generation tie-line and interconnection substation. SA/DEIS Section 9 titled General Conditions Including Compliance Monitoring and Closure Plan specifies the requirements for facility closure beginning on page 9-10. The developer would be required to prepare a Facility Closure Plan to support evaluation of the environmental effects of decommissioning and to develop demolition and restoration plans and mitigation measures to either avoid or lessen adverse impacts to a level that is less than significant.

For the generation tie-line and substation site located on BLM lands, the developer would be responsible to establish a Surety Bond prior to initiating construction of these facilities to assure funds are available for decommissioning at the end of the Project's service life. This would be in accordance with the mitigation measure shown starting on page 9-6.

EMAIL COMMENT 10 FROM JUDITH ROSEN:

Finally, and most importantly, solar power is unique power source in that it is modular, scalable, and CAN be built IN THE MIDDLE of load centers, if built on roof-tops and in industrial parks. This approach answers the questions of a power grid lacking sufficient high-power long-distance transmission lines and efficiency of transmission. I believe it is a profound strategic error to place solar power funds mostly in large scale remote solar installations.

RESPONSE TO JUDITH ROSEN COMMENT 10:

Alternative methods of generating or conserving energy is addressed in the SA/DEIS Alternatives section on pages 4-37 through 4-51.

Western's jurisdiction or decision-making authority for the Project is whether to grant the interconnection to its electrical grid on the Parker-Blythe #2 transmission line. Western does not determine the proximity of the generation facility to load centers.

EMAIL COMMENT 1 FROM BILL HARPER:

Direct impacts on the people of eastern Riverside and beyond.

Impact on emergency services underestimated. This is a very remote part of Riverside county service area for first responders. Mutual aid agreements could pull resources from Needles or 29 Palms and Yucca Valley.

RESPONSE TO BILL HARPER COMMENT 1:

As noted on page 6.14-38 of the DEIS, the Project applicant has agreed to have onsite during construction activity: a) an EMT-P (Paramedic) who is certified by Riverside Emergency Medical Services (REMS), along with the appropriate equipment and supplies; b) a Basic Life Support Ambulance with a California-certified driver for use during medical emergency events; and c) an MOU with REMS for utilization of air medical services. During operations, when both worker numbers and worker activities will sharply reduce the risk of trauma and medical emergencies, the Project owner will have an EMT who is certified by REMS, with appropriate equipment and supplies, on duty when operations are active, and an MOU with REMS for utilization of air medical services.

EMAIL COMMENT 2 FROM BILL HARPER:

Danger to other travelers. 280 to 438 workers per day was the number presented at Palm Desert January 5 2011 meeting. Hundreds of vehicles per day enter and exiting Route 62 at the site, both ends of it and beyond, for 30 months.

Accident rates average 3.8 per million miles for rural two lane roads. Two workers per vehicle (optimistic as tradesmen have their own rigs and tools), 280 workers (minimum for construction), 150 miles per day (minimum), 2.5 years (construction period), 270 work days per year: I get 14 million miles which would be 52.4 accidents minimum.

RESPONSE TO BILL HARPER COMMENT 2:

Section 6.10 of the SA/DEIS, Traffic and Transportation notes that the Project will, "cause an increase in traffic (page 6.10-3). As described on SA/DEIS page 6.10-3, traffic impacts are characterized in a number of ways with the most pertinent to your comment being as follows: A project may have a significant effect on traffic and transportation if the project would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersection). As noted on page 6.10-1, the agencies concluded that "RSEP would not cause a significant adverse direct or indirect impact or contribute

significantly to cumulative transportation or traffic impacts associated with RSEP construction, operation, and decommissioning."

EMAIL COMMENT 3 FROM BILL HARPER:

RSEP EIS: In two letters from the RCFD (Riverside 2010b and 2010e), Captain Neuman of the RCFD has stated that the RSEP would have an impact on RCFD's ability to respond to fire, hazmat, and EMS emergencies at the RSEP.

"Although the initial response time for a fire would be approximately one hour and 45 minutes from Station # 49 and approximately two hours from Station # 43, both those stations would only be able to send out one engine each with three firefighters each (Riverside 2010e)."

RESPONSE TO BILL HARPER COMMENT 3:

As noted on pages 6.14-35 through 6.14-38, the applicant has agreed to work with the Riverside County Fire Department to ensure that there is adequate fire protection for the site.

EMAIL COMMENT 4 FROM BILL HARPER:

RSEP EIS: 6.14-22 "While staff summarized records readily available from the existing solar plans ..."

The available records did not include documentation of a major fire at the SEGS 8 facility in January of 1990 that required a large regional force four different fire districts including the San Bernardino County, California Department of Forestry and Fire Protection (CDF), and the Kern County Fire Departments, Edwards Air Force Base. This fire is the largest incident that has occurred at a solar thermal plant in California and demonstrates the amount of resources that can be required to respond to a fire at a large thermal solar facility."

RESPONSE TO BILL HARPER COMMENT 4:

As described on page 6.14-24 of the SA/DEIS, the SEGS 8 facility uses a highly-combustible flammable heat transfer fluid and, therefore, may be more susceptible to fire risk than the RSEP, which uses liquid salt that circulates only between the solar collector tower and the salt storage tanks and not in the heliostat field. The salt turns solid quickly when cooled and is not readily combustible.

Additionally, as noted on pages 6.14-35 through 6.14-38, the applicant has agreed to work with the Riverside County Fire Department to ensure that there is adequate fire protection for the site.

EMAIL COMMENT 5 FROM BILL HARPER:

County of Riverside would receive no revenue from taxable sales including gas, meals and motel rooms for workers staying or traveling though Parker, Needles or beyond.

RESPONSE TO BILL HARPER COMMENT 5:

The County of Riverside would receive taxable revenue from Project-related purchases made in Blythe and Desert Center.

EMAIL COMMENT 6 FROM BILL HARPER:

WORKER SAFETY & FIRE PROTECTION 6.14-12

The EIS notes considerable risk of Valley Fever, which is especially high for construction work in previously undisturbed land. In this setting, Valley Fever can affect 5 – 10% of exposure construction workers.

RESPONSE TO BILL HARPER COMMENT 6:

As Valley Fever is primarily caused by inhaling the spores of the Coccidiores immitis fungus when they are released from soil during soil disturbance or wind erosion (SA/DEIS, page 6.14-12), mitigation measures to control this would be put in place. Dust control measures will be implemented to control dust onsite. These measures can be found on pages 6.1-52 through 6.1-55 and page 6.1-57 through 6.1-58. The specific fugitive dust control mitigation practices described will be put in place for the Project. In addition, the document evaluated Valley Fever or Coccidioidomycosis in the Worker Safety and Fire Protection section; Section 6.14. As noted on page 6.14-37, site workers will be required to wear dust masks whenever visible dust is present. Also noted on page 6.14-37, the implementation of enhanced dust control methods are required for the Project site. Finally, workers will be required to comply with the provisions of the Personal Protective Equipment Program established under the first mitigation measure in this section (found on page 6.14-32).

EMAIL COMMENT 7 FROM BILL HARPER:

No training specified for herbicides or mammal control which is used heavily at existing solar plants.

RESPONSE TO BILL HARPER COMMENT 7:

As noted on pages 6.2-174 through 6.2-176, the Project owner is required to create a Weed Management Plan, which would be submitted to CEC. The plan must include measures that ensure the proper handling of herbicides. There is also a stipulation that all herbicide applicators must possess a qualified herbicide applicator license from the state.

EMAIL COMMENT 8 FROM BILL HARPER:

Vegetation control methods may be switched to complete elimination with herbicides and sealants as MOST other existing solar sites.

RESPONSE TO BILL HARPER COMMENT 8:

Impacts to vegetation are expected to be minimal with the use of mitigation measures noted on pages 6.2-157 through 6.2-193. The solar concentrator technology the Project uses does not require leveling of the site, and elimination of all vegetation, and the amount of vegetation expected to be disturbed by the generation tie-line and substation is expected to be minimal. Since the Project does not require the complete removal of vegetation, and the mitigation measures protect vegetation to the extent it does not interfere with the operation of the Project, it is unlikely that there would be complete elimination of vegetation on the site.

EMAIL COMMENT 9 FROM BILL HARPER:

Rodent control may be resorted to both to prevent burrowing and on gnawing upon cable stung across the ground.

RESPONSE TO BILL HARPER COMMENT 9:

In Section 3-3 of the SA/DEIS, the Project Description notes that the cables to the heliostats will be buried, thus a conduit will not be necessary. This avoids rodent damage to the surface of cables.

EMAIL COMMENT 10 FROM BILL HARPER:

Energy cost of transport of materials and workers not included.

RSEP EIS: Efficiency Appendix A; Solar Power Plan Efficiency Calculation-Gas-Fired Proxy

Solar Power Plant Efficiency Calculation does not take into consideration the fuel needed to transport building materials to this remote site, use of trucks and maintenance vehicles, and worker transport daily to a remote site over the lifetime of the project.

14 million miles of travel at the minimum for workers alone.

RESPONSE TO BILL HARPER COMMENT 10:

The calculation noted in Appendix A of the SA/DEIS is only meant to compare energy production at various energy generating facilities. Project workers have to travel to and from each facility site so that is not included in the comparison.

EMAIL COMMENT 11 FROM BILL HARPER:

No mention in the EIS of using the existing adjacent railroad for bringing in materials.

RESPONSE TO BILL HARPER COMMENT 11:

The Project owner does not currently plan to use the railroad for transport. Western is not able to require particular types of material transport.

EMAIL COMMENT 12 FROM BILL HARPER:

Impact on overloaded grid.

In WAPA'S 2009 Strategic Plan Overview (p. II) it was stated: "What was once a relatively stable and orderly industry has now become increasingly complex, fast-paced and fraught with uncertainty. Much of our nation's bulk electric power grid—including Western's transmission lines—is at capacity and is today being operated in ways for which it was not designed." Cost per watt.

RESPONSE TO BILL HARPER COMMENT 12:

Comment noted.

EMAIL COMMENT 13 FROM BILL HARPER:

The Rice plant will to cost 800 million dollars to produce at absolute maximum 150 megawatt according to spokesperson at the January 5 meeting.

Since that meeting I have seen an ad for rooftop solar installed for $5.50 per watt(advancepower.net). The same cost without the impact to the grid, Riverside County, the environment and desert travelers.

RESPONSE TO BILL HARPER COMMENT 13:

Alternative methods of generating or conserving energy is addressed in the SA/DEIS Alternatives section on pages 4-37 through 4-51.

Western's jurisdiction or decision-making authority for the Project is limited to whether to grant the interconnection to its electrical grid on the Parker-Blythe #2 transmission line. Western has no discretion or approval authority over the cost effectiveness of the generation facility.

EMAIL COMMENT 14 FROM BILL HARPER:

Harm to scenic values

Rice Valley Wilderness is a rare valley wilderness. A key component is its open view. Putting a power line down one side of its boundary seriously degrades its wilderness values. View and open space are a recognized component of a wilderness.

RESPONSE TO BILL HARPER COMMENT 14:

Impacts to visual resources are recognized and evaluated in section 6.12 of the SA/DEIS, and impacts are mitigated to the extent possible. As noted in the Summary of Project Changes section of this document, additional visual resource review was added and can be found in Appendix C.

EMAIL COMMENT 15 FROM BILL HARPER:

Rice Valley has no housing, factories or any other development than the railroad. Dark Sky View is a recognized national treasure. It one of the main feature desert aficionados are looking for. Lighting for cleaning and other purposes will degrade the night sky.

I have spent over 70 days in the last 12 years visiting Rice Valley and the mountains around it.

RESPONSE TO BILL HARPER COMMENT 15:

Degradation of the dark sky view is an impact that was disclosed and considered in the SA/DEIS in Section 6.5 (Land Use, Recreation, and Wilderness) and Section 6.12 (Visual Resources). To protect the night sky, mitigation measures noted on pages 6.12-48 through 6.12-50 will be implemented by the Project owner.

EMAIL COMMENT 16 FROM BILL HARPER:

In addition, RSEP would not be consistent with various Riverside County LORS including various Land Use Element policies and a Multipurpose Open Space Element policy associated with the Riverside County General Plan."

RESPONSE TO BILL HARPER COMMENT 16:

The Commission Decision of December 2010, concludes that, with implementation of the Conditions of Certification, the Project would be consistent with all LORS.

EMAIL COMMENT 17 FROM BILL HARPER:

Additional erosion.

The EIS does not address wind and dust caused by rodent borrows and especially along concrete pedestals. Wind whipping around the pedestals will lift dust from rodent burrows into the air.

RESPONSE TO BILL HARPER COMMENT 17:

Dust mitigation measures have been agreed to and would be implemented. These measures include, but are not limited to, those described on pages 6.1-52 through 6.1-55 and page 6.1-57 through 6.1-58.

EMAIL COMMENT 18 FROM BILL HARPER:

Encompassed desert surface can absorb water compared to compacted. Channels will become wider, deeper and contain more water during rain events.

RESPONSE TO BILL HARPER COMMENT 18:

Western realizes the importance of protecting water quality and soil resources. As noted on page 6.9-41 through 6.9-44, the Project owner will be required to create a drainage erosion and sedimentation control plan that will address drainage as well as soil, wind, and water erosion control.

EMAIL COMMENT 19 FROM BILL HARPER:

Impacts to tortoise.

BIOLOGICAL RESOURCES 6.2-58 Desert Tortoise Impact: Habitat loss and fragmentation; disruption of movement corridors; potential take of individuals during operation and construction; increased risk of predation from ravens and other predators; increased road kill hazard from construction and operations traffic.

Mitigation: Avoidance and minimization measures (BIO-1 through BIO-9); restoration/ compensation (BIO-10); clearance surveys and exclusion fencing (BIO-14); Translocation Plan (BIO-15); off-site habitat acquisition and conservation (BIO- 16); Raven Monitoring, Management, and Control Plan (BIO-17).

These mitigations are notoriously unsuccessful. The record at Ivanpah shows gross underestimation of population and now some the captured animals have developed respiratory problems. You cannot mitigate

a natural system that is successfully providing habitat adjacent to other habitat. There is no mitigation for fragmentation of habitat. No suitable habitat for relocation is specified.

RESPONSE TO BILL HARPER COMMENT 19

Various mitigation measures were examined by biologists from CEC, Western and BLM who have worked with the US Fish and Wildlife Service and the California Department of Fish and Game. These biologists believe that the measures included in the SA/DEIS and the BA will suitably mitigate any impacts to biological resources. If the commenter is aware of mitigation measures that he feels have a higher level of success, the agencies would consider those as well.

EMAIL COMMENT 20 FROM BILL HARPER

Summary

PROJECT RELATED IMPACTS

- Executive Summary 1 -6 states:

"The assessment of Land Use, Recreation and Wilderness reveals that the project would still have the following significant/substantial and immitigable impacts after implementing the proposed conditions of certification:

• Result in a loss of scenic character when considering both direct and cumulative impacts;

• Contribute substantially to cumulative land use and visual/scenic character impacts;"

further,

"The RSEP would eliminate or degrade native vegetation and wildlife habitat on the proposed solar generator and interconnector substation sites, and would cause temporary or long-term effects to contiguous habitat north of the solar generator site and along the generator tie-line and Parker-Blythe #2 transmission line alignments. These impacts would affect all plant and wildlife species on the site, including special status species."

further,

"Implementation of the RSEP would result in adverse effects to desert tortoise (federally and State listed as a threatened species). Construction of the proposed project would result in the permanent loss of approximately 1,770 acres of occupied desert tortoise habitat."

Habitat Fragmentation is a major determining factor in species decline. WAPA history with dams and salmon runs should be a source of guidance for the new generation of employees and their treatment of the Desert Tortoise.

RESPONSE TO BILL HARPER COMMENT 20:

As noted in the comment, all items noted are explored in the SA/DEIS. As noted in response to Bill Harper Comment 19, a team of qualified biologists was employed to investigate the biological resources present at the Project site as well as mitigation measures to protect biological resources.

EMAIL COMMENT 21 FROM BILL HARPER:

Plant may be sold to third party without obligation to follow procedures promised, mitigations etc.

RESPONSE TO BILL HARPER COMMENT 21:

The plant cannot be sold, constructed and/or operated without conveyance of all authorizations, including the CEC license, BLM right-of-way, and Western interconnection request. Any purchaser would be bound by the Conditions of Certification, BLM right-of-way requirements, and Western interconnection agreement. The Project would still be subject to the reporting and monitoring requirements of the CEC for the life of the Project, including decommissioning.

EMAIL COMMENT 22 FROM BILL HARPER:

In WAPA'S 2009 Strategic Plan Priorities Listed under Energy Infrastructure were:

Regulatory compliance.

Transmission reliability and adequacy.

Environmental stewardship.

Solar Power at the site of consumption accomplishes all this. RSEP does not.

Compared to Solar Power in former military Sites, rooftop and parking lots RSEP is asking too much for so little.

RESPONSE TO BILL HARPER COMMENT 22:

Thank you for your comment.

Thank you, Bill Harper

EMAIL COMMENTS FROM BOB ELLIS

Subject: **Rice S**olar Energy Plant EIR Comments*

Rice Solar Project Comments - I have commented previously on this project to the California Energy Commission on behalf of Desert Survivors. I also made some verbal comments at the BLM's hearing in Palm Springs for Desert Survivors. The following comments are my own.

EMAIL COMMENT 1 FROM BOB ELLIS:

Industrial Utility-sized Remote Solar Not Mandated - Congress and the Executive Office have promoted renewable energy development and have provided subsidies for this purpose. They have not mandated that this be done on public lands, they have not mandated that this be done by industrial utility based projects remote from energy users. They have not mandated that any environmental regulations be bypassed or overridden in order to increase renewable energy. NEPA is to be followed and impacts evaluated.

RESPONSE TO BOB ELLIS COMMENT 1:

The Project was permitted by the CEC in accordance with California regulations. This FEIS/PA along with the SA/DEIS fulfills the NEPA requirements for the Project.

EMAIL COMMENT 2 FROM BOB ELLIS:

Remote Location Too Costly - In the past two years people have become more aware of the impacts and limitations of remote utility scale solar power projects as well as the huge cost increase in the energy produced which will be passed on to the consumer.

Solar can only supplement the natural gas and coal-based energy system, not replace any carbon-based plant. Remote solar requires expensive new long distance power lines with increased volatility from up and down power production. Remote solar steals money and jobs away from urban solar development where both are truly needed. Utility control is not the best model for this process.

RESPONSE TO BOB ELLIS COMMENT 2:

Thank you for your comment, however it is out of scope for the SA/DEIS. Western does not have jurisdiction or decision-making authority for most of the Project. Western's decision is limited to whether to grant the interconnection to its electrical grid on the Parker-Blythe #2 transmission line. Western has no discretion or approval authority over the generation facility. Thus, consideration of alternatives to the Project owner's generation is unreasonable and infeasible.

EMAIL COMMENT 3 FROM BOB ELLIS:

Rice Technology Obsolete - The proposed Rice Solar Thermal Project will be using movable mirrors on pedestals focusing on a central power tower heating element which drives a molten salt solution electric generation process. This is categorized as a solar thermal project because the electric energy is derived from solar heat rather than directly from a photo voltaic panel.

Because of the radical drop in photo voltaic panels in the past two years, solar thermal projects as currently proposed are too expensive and for all practical purposes obsolete.

RESPONSE TO BOB ELLIS COMMENT 3:

As noted in response to your previous comment, Western's jurisdiction or decision-making authority for the Project is whether to grant the interconnection to its electrical grid on the Parker-Blythe #2 transmission line. Western has no discretion or approval authority over the cost effectiveness of the generation facility.

EMAIL COMMENT 4 FROM BOB ELLIS:

Costs Too Great for Some Storage - The Rice Project is attempting to counter-act this by adding an insulated tank to enable partial off-peak generation, but this feature costs at least 20 percent more than regular solar thermal and is unproved at this scale. So a technology that is at least twice as expensive as photo voltaic is asking twenty percent more than that to shift less than half its output. 100% more plus 20% more equals 120% more. At most 40% of capacity will be stored so you are paying more than twice as much for less than half the energy! What a deal! Please do not approve the continuance of this project. We are not that desperate.

RESPONSE TO BOB ELLIS COMMENT 4:

Thank you for your comment; however as noted in response to your previous comment, Western's jurisdiction or decision-making authority for the Project is whether to grant the interconnection to its electrical grid on the Parker-Blythe #2 transmission line. Western has no discretion or approval authority over the cost effectiveness of the generation facility.

EMAIL COMMENT 5 FROM BOB ELLIS:

New Jobs Remote from Workers - By placing the plant remotely any advantage from job creation is off set by the long commute required of the workers. A site near the urban area needing jobs would may some sense.

RESPONSE TO BOB ELLIS COMMENT 5:

As noted in Section 6.8 of the SA/DEIS, eastern Riverside and San Bernardino counties have high housing vacancy rates and a qualified construction workforce. It is expected that the Project would benefit them economically.

EMAIL COMMENT 6 FROM BOB ELLIS:

Impacts Too Great - The EIR indicates some un-mitigatible significant impacts, among them loss of visual resources, loss of scenic byway values, and cumulative impacts of multiple new renewable projects which would fracture the attractiveness of this area for recreation. Cultural and historic impacts are barely mitigated and the cumulative impacts on the natural habitat and biodiversity will also be significant.

RESPONSE TO BOB ELLIS COMMENT 6:

The SA/DEIS is a comprehensive analysis and disclosure of the Project's potential impacts as well as mitigation measures to be employed to decrease the potential impacts.

EMAIL COMMENT 7 FROM BOB ELLIS:

1976 - BLM FLPMA Act - California Desert Conservation Area - The BLM and its public partners have spent the past 35 years working to manage the California Desert for Conservation. The current administration has been willing to override all other values in its rush to destroy native habitat in the name of renewable energy. This is wrong. There are alternatives, the are other locations, today's solar technology is quickly obsolete, and the desert habitat destroyed for small temporary energy gain will not come back for many years, if ever.

RESPONSE TO BOB ELLIS COMMENT 7:

As stated in the Introduction of the CDCA Land Use Plan, 1980 as amended, "there are enormous basic conflicts in the California Desert Conservation Area (CDCA) between a natural environment that is both sensitive and complex, and the human social demands on that environment that are equally sensitive and complex."

Over time, as demands have increased, these conflicts have also increased until, today, all competing uses cannot be fully accommodated. Resolutions must be reached and tradeoffs must be developed. The public must assume its share of the responsibility for the public lands in the CDCA, and BLM must be accountable to the public for its management of those lands.

The 25-milion-acre CDCA contains over 12 million acres of public lands, an important factor in the use and protection of the CDCA. As a first step toward a mechanism for resolution of conflicts, Congress enacted the Federal Land Policy and Management Act of 1976 (FLPMA), which directed BLM to inventory CDCA resources and to prepare a comprehensive land-use management plan for

the area. The 12 million acres of public lands administered by BLM are half of the CDCA Preparation of a plan to resolve conflicts recognized by the public and Congress must also take into account the effect that BLM management on public lands could have on the rest of the lands in the CDCA.

Section 601 of FLPMA requires that BLM develop a plan to "…provide for the immediate and future protection and administration of the public lands in the California Desert within the framework of a program of multiple use and sustained yield and the maintenance of environmental quality." Section 103 of FLPMA defines the terms "multiple use" and "sustained yield" as follows.

The term "multiple use" means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific, and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

The term "sustained yield" means the achievement and maintenance in perpetuity of high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use.

So multiple use, sustained yield, and the overall maintenance of environmental quality are the context for the CDCA management and all other public-land management laws must be viewed within this context including the following: U.S. Mining Laws, Taylor Grazing Act of 1934, Wilderness Act of 1964, Historic Preservation Act of 1966, U.S. Mineral Leasing Laws, Mining and Minerals Policy Act of 1970, Endangered Species Act of 1973, Sikes Act of 1974, Public Rangeland Improvement Act of 1978, Executive Orders 11644 and 11989 (Off Road Vehicle Management, issued 1972 and 1977, respectively).

Congress has said the first step is the preparation of a comprehensive long-range plan for management, use, development, and protection of the public lands in the CDCA."

EMAIL COMMENT 8 FROM BOB ELLIS:

New 1872 Mining Rush - Much money is still being spent to recover from the effects of the 139 year old mining law. We are about to embark on a course with a potentially similar impact. Our kids will be pointing out destroyed habitat as "old solar sites" just as we see old mines and tank tracks.

Stop Now - Take it to the City Rooftops - Let the desert old-growth habitat continue.

RESPONSE TO BOB ELLIS COMMENT 8:

Thank you for your comment. As noted in response to your earlier comments, Western's jurisdiction or decision-making authority for the Project is whether to grant the interconnection to its electrical grid on the Parker-Blythe #2 transmission line.

WRITTEN COMMENTS FROM PROJECT OWNER

Note: The Project owner submitted extensive comments. As noted in CEQ Regulation 1503.4(b), "All substantive comments on the draft statement (or summaries thereof where the response has been exceptionally voluminous), should be attached to the final statement." The summary of the project owner's comments is included below.

RICE SOLAR ENERGY, LLC
An Affiliate of SOLARRESERVE

Ms. Liana Reilly
Western Area Power Administration
P.O. Box 281213
Lakewood, CO 80228-8213

January 20, 2011

Subject: ***Rice Solar Energy, LLC's Comments***
Staff Assessment/Draft Environmental Impact Statement
Rice Solar Energy Project

Dear Ms. Reilly,

Rice Solar Energy, LLC, (RSE) a wholly owned subsidiary of SolarReserve, LLC is pleased to provide these comments on the Staff Assessment/Draft Environmental Impact Statement (SA/DEIS) for its Rice Solar Energy Project (RSEP) solar thermal power plant located in Eastern Riverside County, California. The SA/DEIS was prepared by the California Energy Commission (Commission), Bureau of Land Management (BLM) and the Western Area Power Administration (Western) to satisfy the obligations under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

The SA/DEIS was one of the environmental documents relied on by the Commission in issuing its Final Decision granting a License for the RSEP on December 15, 2010. Other documents include agency comments, public comments, exhibits and written and oral testimony filed by RSE and Commission Staff. The Final Decision is the Commission's final environmental analysis including final mitigation measures (in the form of Conditions of Certification). Our comments have one objective – to make the final analysis and mitigation measures of the Final Environmental Impact Statement (FEIS) identical to those contained in the Commission Final Decision. In that way, RSE will have one complete set of requirements with which to comply which will simplify compliance by RSE and enforcement by the agencies to the extent feasible.

To that end, our comments are organized in such a manner as to easily identify where the Commission Decision differs from the analysis and mitigation proposed in the SA/DEIS. We urge Western and BLM to modify the SA/DEIS in accordance with the following:

PROJECT DESCRIPTION

The SA/DEIS recommended that the RSEP eliminate the use of a detention basin which was originally designed to capture storm water runoff at the southern edge of the heliostat field. RSE has eliminated the detention basin and the FEIS should reflect that project modification.

TRAFFIC AND TRANSPORTATION

Pages 6.10-55 through 6.10-57

After the SA/DEIS was published, RSE proposed minor modifications to certain Traffic and Transportation Conditions of Certification. The Commission agreed to those modifications and they are included here. Specifically, Conditions of Certification TRANS-6 and TRANS-7 contained on pages 6.10-55 through 6.10-57 of the SA/DEIS should be replaced with the following Conditions contained in the Final Decision

HELIOSTAT POSITIONING PLAN

TRANS-6 The project owner shall prepare and implement a Heliostat Position

ing Plan in coordination with the Avian Protection Plan specified in Condition of Certification **BIO-25** that would minimize potential for human health and safety hazards and bird injury or mortality from solar radiation exposure.

Verification: Within 90 days before RSEP commercial operation, the project owner shall submit a Heliostat Positioning Plan (HPP) to the CPM for review and approval. The project owner shall also submit the plan to potentially interested parties that may include CalTrans, CHP, FAA, and the Department of Defense (DOD) Southwest Renewable Energy Work Group for review and comment and forward any comments received to the CPM. The Heliostat Positioning Plan shall accomplish the following:

1. Identify the heliostat movements and positions (including reasonably possible malfunctions) that could result in potential exposure of observers at various locations including in aircraft, motorists, pedestrians and hikers in nearby wilderness areas to reflected solar radiation from heliostats;

2. Describe within the HPP how programmed heliostat operation would address potential human health and safety hazards at locations of observers, and would limit or avoid potential for harm to birds;

3. Prepare a monitoring plan that would: a) obtain field measurements in candela per meters squared and watts per meter squared to validate that the Heliostat Positioning Plan would avoid potential for human health and safety hazards consistent with the methodologies detailed in the 2010 Sandia Lab document presented by Clifford Ho, et al[1], including those referenced studies and materials within related to ocular damage, and b) provide requirements and procedures to document, investigate and resolve legitimate human health and safety hazard complaints prioritizing localized response (e.g., screening at location of complaint) regarding daytime intrusive light.

4. The monitoring plan should be made available to interested parties including CalTrans, CHP, FAA, and the Department of Defense (DOD) Southwest Renewable Energy Work Group and be updated on an annual basis for the first 5 years, and at 2-year intervals thereafter for the life of the project.

POWER TOWER LUMINANCE MONITORING PLAN

TRANS-7 The project owner shall prepare a Power Tower LMVR Plan to provide procedures to conduct measurements and to document complaints regarding distraction effects to aviation, vehicular and pedestrian traffic associated with the RSEP solar receiver tower.

Verification: No later than 60 days prior to RSEP commercial operation, the project owner shall provide a Power Tower LMVR Plan applicable to RSEP for review and approval by the CPM. The plan shall specify procedures to document and investigate complaints regarding intrusive light, and report these to the CPM within 10 days of receiving a complaint.

The project owner shall measure the intensity of the luminance of light in candelas per meter squared and watts per meter squared reflected from the solar receiver tower according to the following:

A. Within 90 days following commercial operation;

B. If a major design change is implemented that results in an increase of the reflective luminance of the RSEP solar receiver tower; and

C. After receiving a complaint regarding a distraction associated with the central solar receiver from a location where previous measurements were not taken.

[1] C.K. Ho, C.M. Ghanbari, and R.B. Diver, 2010, Methodology to Assess Potential Glare Hazards from Concentrating Solar Power Plants: Analytical Models and Experimental Validation, ES2010-90053, in proceedings of the ASME 2010 4th International Conference on Energy Sustainability, Phoenix, AZ, May 17-22, 2010.

The Power Tower LMVR Plan shall include provisions for the following:

1. Provide measurement data within 30 days to potentially interested parties that may include CalTrans, CHP, FAA, and the Department of Defense (DOD) Southwest Renewable Energy Work Group for review and comment, and to the CPM for review and approval.

2. Measurement of luminance at the locations where any distraction effects have been reported and at the locations nearest the solar receiver tower from the four sides of the power plant boundary, and the nearest public road, which may be substituted for one of the sides of the solar receiver tower during the time of day when values would be highest;

3. Measurement of luminance using an illuminance meter, photometer, or similar device and reporting of data in photometric units (candelas per meter squared and watts per meter squared); the measurements are intended to provide a relative and quantifiable measure of luminance that can be associated with any observed and reported distraction effect from the solar receiver tower.

4. Provisions for documenting reported distraction and if the solar receiver tower is identified as a safety concern; the project owner shall consider reasonable localized mitigation measures that are technically and financially feasible. The localized mitigation measures may include signage for or screening of the affected area or other reasonable measures.

5. Post-mitigation verification; Within 30 days following the implementation of mitigation measures designed to reduce localized impact of the solar receiver tower, the project owner shall repeat the luminance measurements to demonstrate the effectiveness of mitigation measures and provide the new measurement data for review and comment by interested parties that may include CalTrans, CHP, FAA, and the Department of Defense (DOD) Southwest Renewable Energy Work Group, and for review and approval by the CPM.

These modifications do not modify the analysis or conclusions that the Conditions of Certification will mitigate Traffic and Transportation impacts.

TRANSMISSION SYSTEM ENGINEERING

After the SA/DEIS was published, RSE had discussions with the agencies in a public workshop where it was agreed that the following minor modifications are appropriate:

1. All references to the "supplementary studies" and "supplementary SIS reports" are to be replaced with **"supplementary report**".

2. All references to Western's Parker-Davis transmission system that are designated as only "Parker" or are abbreviated with "P-D" are to be replaced by "**Parker-Davis**"

3. Due to the agreed-upon deletion of sub-part "i" of Condition of Certification TSE-5 f), all references to the sub-parts of TSE-5, subsection "f" need to be moved up one digit respectively. For example: TSE-5 f) ii, becomes TSE-5 f) i; TSE-5 f) iii, becomes TSE-5 f) ii; and so on.

Specific Changes:

Page 7.4-6, Last Paragraph

The May 14, 2010 SIS was prepared by Western to evaluate the system impacts of the proposed RSEP on the Western transmission system and other adjacent transmission systems in the DSW region and was supplemented by additional studies and information **(diagrams)** dated ~~July 16, 2010~~ 0 ~~and~~ August 9, 2010 conducted by ~~the~~ Utility System Efficiencies, Inc. (a consulting firm) with the Western base cases **in coordination with Western**. The Western SIS was prepared with and without the RSEP 150 ….

Page 7.4-7, First Full Paragraph

In the base cases generation added from the interconnection queue was balanced by reducing fossil fuel generation in Los Angeles area. The existing 520 MW Blythe generating plant (modeled with only 319 MW generation output in the heavy summer case and 509 MW in the heavy winter case) interconnection was shown switched over from the Western system to the California ISO grid at the Julian Hinds 230 kV substation. In each of the studies, it is expected that generation and critical seasonal power flows were maintained within their limits. **It is expected that** ~~T~~the base cases included funded & planned transmission…..

Page 7.4-10, First Paragraph *(delete entire paragraph)*

~~The additional studies provided by Utility System Efficiencies, Inc. dated July 16, 2010 and August 9, 2010 and contributing to these conclusions are pending review and approval by Western. If necessary, these conclusions will be updated following Western's review. Condition of Certification TSE-5, part f) i) would require that the project owner provide evidence that it has received Western's approval of the additional studies performed by Utility System Efficiencies, Inc. dated July 16, 2010 and August 9, 2010, or has updated them and received Western's approval of any subsequent studies that may be necessary.~~

Page 7.4-18, Condition of Certification, TSE-5, subsection f

(In subsection f, delete sub-part "i"; the remainder of condition is unchanged)

TSE-5 The project owner shall ensure ….

…….

f) The project owner shall provide to the CPM:

~~i) Evidence that the project owner has received Western's approval of the additional power flow studies performed by Utility System Efficiencies, Inc. dated July 16, 2010 and August 9, 2010, including any subsequent studies that may be necessary to satisfy Western;~~

……

These modifications do not alter any of the analysis or conclusions of the SA/DEIS.

VISUAL RESOURCES

Pages 6.12-47 through 6.12-50

For the reasons articulated in the attached Visual Resources Testimony filed in the Commission proceedings, RSE believes that the RSEP will not result in significant visual impacts. The Commission ultimately disagreed. However, the Commission did agree to modify the Conditions of Certification as follows. VIS-1 was modified slightly to ensure that the tower can be constructed of unpigmented concrete. VIS-3 was modified to eliminate construction screening and modify the setback from 250 to 100 feet.

VIS-1 The project owner shall treat all non-mirror surfaces of the outermost row or rows (as needed) of heliostats in the northern 180-degree circumference of the mirror field; and all other project structures and buildings visible to the public such that: a) their colors minimize visual intrusion and contrast by blending with their existing visual background: in the case of lower buildings and structures, bajadas and mountain slopes as seen from the highway; in the case of foreground generation tie line towers, the valley floor; in the case of the solar tower, **the pigment of natural cement substantially similar to the simulation shown in Exhibit 53 to this proceeding**;

VIS-3 To address potential impacts to motorists on SR 62 during and after the period of project construction, all construction laydown, administration, parking and other construction-related facilities shall be setback from SR-62 a minimum of ~~250~~ **100** feet, or greater where feasible. The soil surface and vegetation of the set-back area south of the highway shall remain undisturbed to the maximum extent feasible, except to accommodate the minimum practical number of access drive-ways, or to enhance existing native vegetation. ~~All construction-related areas shall be screened from the highway by 8'-tall opaque screening of tan or brown color to blend with the surrounding soil surface to the extent feasible.~~

….

Verification: At least 90 days prior to start of construction, the project owner shall present to BLM's Authorized Officer and the CPM a revised staging area site plan including a set-back from SR-62 of at least ~~250~~ **100** feet. If the CPM…

BIOLOGICAL RESOURCES

Pages 6.2-157 through 6.2-229

After the SA/DEIS was published minor modifications to the Conditions of Certification were developed at public workshops based on discussions with the all appropriate wildlife agencies. The Commission Final Decision incorporated all of the modifications. These modifications involved clarifying requirements and did not result in modification of the analysis or conclusions of the SA/DEIS. The Biological Conditions of Certification are attached and should be reflected in the FEIS.

CULTURAL RESOURCES

Pages 6.3-1 through 6.3-151

After the SA/DEIS was published, RSE participated in several public workshops and agreed to modifications to the Conditions of Certification. As a result of those public workshops, Commission Staff filed modifications to the Cultural Resources section of the SA/DEIS as Supplemental Testimony in the Commission Proceedings. Those modifications are attached and identify in redline strikeout form the specific modifications to the Cultural Resources section of the SA/DEIS. In addition to these modifications, we have attached a complete set of the Cultural Resources Conditions of Certification. RSE recommends the FEIS incorporate those modifications.

WORKER SAFETY AND FIRE PROTECTION

RSE disagreed with Commission Staff's analysis, methodology and conclusions regarding the RSEP's potential impacts to the Riverside County Fire Department. After extensive evidentiary hearings, the Commission ultimately disagreed with the analysis, conclusions and mitigation recommended in the SA/DEIS. Attached to these comments is the Worker Safety Portion of the Commission Final Decision which summarizes the evidence presented and its conclusions. RSE requests the FEIS acknowledge the potential impacts to Riverside County Fire Department and propose the same mitigation in the same manner as set forth in the Commission Final Decision. Specifically, the mitigation proposed by Conditions of Certification WORKER SAFETY-7, -9 and -10 should be replaced with those incorporated into the Commission Final Decision and Condition of Certification WORKER SAFETY-11 as follows:

WORKER SAFETY-7 The project owner shall fund its project-related share of cumulative impacts by paying the County of Riverside development impact fees as required by Condition of Certification **LAND-6**, property taxes, and a one-time payment of $570,000.

Verification: At least thirty (30) days prior to the start of site mobilization, the project owner shall provide to the CPM documentation that a letter of credit in the amount of $570,000 has been provided to the RCFD.

WORKER SAFETY-9 During any construction activities, the project owner shall provide on-site:

a) an Advanced Life Support Provider who is certified by Riverside Emergency Services (REMS) along with the appropriate equipment and supplies, either directly provided or provided through contract with a REMS-certified company; and

b) a Basic Life Support Ambulance with a California certified driver for use during medical emergency events; and

c) a Memorandum of Understanding (MOU) with REMS for utilization of air medical services

Verification: At least 30 days prior to the commencement of site mobilization, the project owner shall either provide a letter to the CPM from Riverside County stating this condition cannot lawfully be implemented in accordance with its ordinances or shall provide to the CPM for review and approval:

a) the name and contact information for the Advanced Life Support Provider. The contact information of any replacements shall be submitted to the CPM within one business day, and provide evidence in each Monthly Compliance Report during commercial operation; and

b) a letter to the CPM confirming that the Basic Life Support Ambulance is available and will be onsite during any construction activities and provide evidence in each January Monthly Compliance Report during construction; and

c) proof of its MOU with REMS for air medical service and provide evidence in each January Monthly Compliance Report during

WORKER SAFETY-10 Beginning with commercial operation, the project owner shall provide onsite:

a) an EMT who is certified by Riverside Emergency Medical Services (REMS) Agency along with the appropriate equipment and supplies; and

b) an MOU with REMS for air medical services to respond based on clinical justification and a request from an onsite EMT.

Verification: At least 30 days prior to the commencement of commercial operation, the project owner shall either provide a letter to the CPM from Riverside County stating this condition cannot be lawfully implemented in accordance with its ordinances or shall provide to the CPM for review and approval:

a. the name and contact information for the EMT(s) to be working on each shift. The contact information of any replacement EMT shall be submitted to the CPM within one business day, and provide evidence in each Monthly Compliance Report during commercial operation; and

b. annually thereafter in the Annual Compliance Report, proof of its MOU with REMS for air medical service***s*** to the CPM for review and approval.

WORKER SAFETY-11: The project owner shall provide the CPM with a schedule indicating when construction activities that create the potential for rescue incidents will be ongoing, the type of construction to be done, the names of the rescue team members to be onsite, and documentation showing that the rescue team members have the appropriate training.

Verification: At least 60 days prior to the commencement of any construction activities that create the potential for rescue incidents, the project owner shall provide to the Safety Monitor (provided for in **WORKER SAFETY-4**) for review and to the CPM for review and approval:

A. a schedule indicating when the construction activities will occur;

B. a description of the type of construction to be done;

C. the names of the rescue team members to be onsite; and

D. documentation showing that the rescue team members have the appropriate training.

CONCLUSION

RSE thanks Western and BLM for the opportunity to provide these comments for consideration in the FEIS. We believe none of the modifications to the Conditions of Certification or analysis are major and specifically request they be incorporated verbatim in the FEIS. If you have any questions, please do not hesitate to contact me at (310) 315-2212.

Sincerely,

/s/

_____

Jeffrey Benoit, Project Director

SolarReserve, LLC

RESPONSE TO SOLARRESERVE'S COMMENTS:

Comments noted. As noted in the Project Changes Summary section of this document, this FEIS/PA notes these Project description modifications.

PUBLIC HEARING ORAL COMMENTS

BILL HARPER PUBLIC HEARING COMMENT 1:

BILL HARPER: I'm always the one that gets up here. My name is Bill Harper. I am a member of Desert Survivors, but I discovered what you discovered now, white man – I discovered Rice Valley before I joined Desert Survivors, and I was struck by how clean and empty this valley was. And that's really my biggest beef with this.

RESPONSE TO BILL HARPER PUBLIC HEARING COMMENT 1:

Thank you for your comment.

BILL HARPER PUBLIC HEARING COMMENT 2:

It's also the whole Patton desert artifacts and stuff, it's one big open air museum you can take kids to anytime. It's not locked up. They don't have to be opened. And I've shown kids C-rations and the various unexploded shells -- exploded -- casings of all different sizes. We found blanks and clips that were dropped, never fired. And we also chased communication wires from a bunker to a machine gun placement or observation post. And there are other things out there I can't decide how old they are, whether they're Patton, within these big rocks, or somebody much older than that.

RESPONSE TO BILL HARPER PUBLIC HEARING COMMENT 2:

Thank you for your comment.

BILL HARPER PUBLIC HEARING COMMENT 3:

As for the regulations, you guys are beating your head against the wall for no reason at all. Solar voltaics are down to $2 a watt. A friend of mine just bought a 4-KW grid-tie system he's going to install himself for $11,000. That's including the boxes and wires. He's going to put that outside, not on his rooftop.

I've had solar for 22 years. I started without subsidies. I started at $5 a watt for used Carrizo panels from the Carrizo plant, because they couldn't run them either. The real panels started at 6; now we're down to $2 a watt. That's amazing. What else has gone down that much in the last 20 years?

Anyway, it looks like your 8 million for 150 megawatts comes out to somewhere between $5 and $6 a watt. So it looks like, you know, you could do it a lot easier in parking lots, on rooftops, a lot closer to where it needs to be.

RESPONSE TO BILL HARPER PUBLIC HEARING COMMENT 3:

Western's jurisdiction or decision-making authority for the Project is whether to grant the interconnection to its electrical grid on the Parker-Blythe #2 transmission line. Western has no discretion or approval authority over the cost effectiveness of the generation facility.

Alternative methods of generating or conserving energy are addressed in the SA/DEIS Alternatives section on pages 4-37 through 4-51.

BILL HARPER PUBLIC HEARING COMMENT 4:

Also, the empty valley is going to have this white hot thing in it. Those roads go very narrow. If you drop off the shoulder and you're driving those roads at 60 miles an hour, if you're pulling a boat – you have to make the sweeps you see right here, where the road turns right near the project. Those are really hard to negotiate now, you know, and I see a future of traffic accidents along there, people looking at the project and not paying attention to the road.

RESPONSE TO BILL HARPER PUBLIC HEARING COMMENT 4:

Safety and safe behavior are constantly encouraged and reinforced on all construction sites, including behavior both on and off site as noted in mitigation measures outlined on pages 6.10-52 through 6.10-53. Furthermore, mitigation measures to address potential effects of the Project to motorists on Highway 62 include a Power Tower Luminance Monitoring Plan, described on page 6.10-56 of the SA/DEIS. A Heliostat Positioning Plan is also required and is outlined on page 6.10-55 of the SA/DEIS. These plans would be coordinated with transportation and law enforcement officials.

BILL HARPER PUBLIC HEARING COMMENT 5:

It sounds like you're asking us to give up this clear, clean air because this is the only place you can put your technology. I mean, the same issues that make Rice Valley such a nice place are why you're coming there, I understand that. It seems – it seems like you're asking us to give up that very special place because it's very special, being away from everything. I think that's everything.

I have spent -- I can't even -- at least 60 days backpacking within site of that. I've personally taken on one of the wildernesses of the area, the Little Maria Mountains, just as the place I like to really go and eat and hang out. I was there two weeks this spring. I've been going there for 12 years. More springs than not, I spend a week there.

I've never seen the tortoises I saw there. I've always seen the burros. This year I saw 10 tortoises in 14 days. I've never seen that many. So your chances of encountering -- my point is your chances of encountering a tortoise on a given day, on a given year, is remote, but they're there. And tortoise

relocation doesn't work. And I'm also very concerned about migratory birds and the second sun in the sky and how -- what that could possibly do to their navigation.

Thank you all for coming, and that's it. Thank you.

RESPONSE TO BILL HARPER PUBLIC HEARING COMMENT 5:

As noted in the response to your written comment #20, the Project site is previously disturbed tortoise habitat that currently lacks active conservation or management for desert tortoise or other wildlife. The result of the Project's mitigation program will be a new desert tortoise preserve, owned and managed by a non-profit agency whose purpose is to actively manage the land to conserve the desert tortoise and other wildlife (page 6.2-199 through 6.2-209). The Project owner is required to place mitigation land in perpetual conservation easement and also to endow a fund for perpetual conservation management of this land. The owner is required to replace desert tortoise habitat at ratios of one acre replaced for each acre disturbed for the Project site and three acres replaced for each acre disturbed for the generation tie-line. The replacement habitat will be previously undisturbed acreage that is more valuable desert tortoise habitat than the Project site. The owner is also required to conduct intensive survey-sweeps to clear all tortoises from the Project site before construction and to relocate them to undisturbed areas within conservation lands (pages 6/2-198 through 6.2-199). Field surveys for desert tortoise located one tortoise at the Project site and several along the generation tie-line route. Potential impacts to birds are described in section 6.2. Pages 6.2-224 through 6.2-229 outline requirements to protect birds. Mitigation measures to protect the birds will also be in the Avian and Bat Protection Plan.

BOB ELLIS PUBLIC COMMENT 1

BOB ELLIS: My name is Bob Ellis, and I'll be speaking for a conservation group called Desert Survivors. We have members throughout California, and we like to go out in the desert and backpack and car camp and relieve ourselves of the urban stresses, which we're all getting a lot of.

And over the years, we've been to Rice Valley a lot of times, usually in small groups, you know, three or four, come in, car camp off the road, down that Rice Valley Road, and maybe backpack into the little Maria Mountains or backpack into the north, maybe spend a couple of nights and come back out. And all of that time, we're looking around and enjoying a big valley, with very little development, with very little to focus your eye in to a human impact.

Really, the current big thing in that valley is the Iron Mountain pumping plant that the water department put in, what, 30 years ago or so. And you guys would come in and put in another project. And maybe that's about the same size. It for sure sticks up in the air. But the trouble with yours is it's going to drag some more in. We've got applications for a number of other projects there.

And the BLM has come out with their new EIR, suggesting that people apply to the Iron Mountain so-called solar development zone, just north of Rice. And if you look at the map, just a little bit down the road there, in the southern part of the empty, dry lake is the Iron Mountain solar development. So you basically have taken out a lot of the scenic value of a great big valley, and one of the few that are left.

So we don't like it. We think it's a significant impact. We filed written comments and testified at the California Energy Commission hearing. And they did agree that -- with us that it was a significant impact to visitors who wanted that rural experience. So we would just like to underline that. We feel this is a significant impact.

It's not just us. People who drive that road for a Sunday afternoon drive, who just want a nice, big view, are not going to have quite so good a view anymore if yours comes in. And if yours leads to other solar projects, then there is a big hole in what's now a scenic area.

Some friends of mine run businesses in Joshua Tree, inns and other sort of environmental touristy kinds of businesses. They have spent the last 20 years working out nice Sunday drives, nice routes for people to coming out of Joshua Tree to enjoy the desert. This is one of those routes, go down 62 to Vidal Junction and then you drop down to Blythe along the river to see the intaglios.

It's really unfortunate. I'm sure we're in the minority here, but we just have to come out and say we're losing a lot and we don't like it and we would rather see solar in the cities, solar on rooftops. Thank you.

RESPONSE TO BOB ELLIS PUBLIC HEARING COMMENT 1:

Potential visual impacts of the Project are addressed in section 6.12 of the SA/DEIS. This section includes mitigation measures that will help decrease the visual impact of the Project.

INGRID CRICKMORE PUBLIC HEARING COMMENT 1

INGRID CRICKMORE: My name is a little harder. It's Ingrid Crickmore, I-n-g-r-i-d, C-r-i-c-k-m-o-r-e.

I also belong to Desert Survivors. I'm not representing them, though. I'm just speaking for myself. It's very upsetting to me, the whole solar boom in the desert, partly for the same reasons that Bob spoke of, that one will bring in more. And I feel that the desert has been considered sort of a dumping ground in the past for all kinds of what I consider boondoggles.

And I think that this, like what Bill Harper mentioned, that technology may have already moved beyond what this project and other project are proposing, in terms of cheapness and, you know, what you can -- the amount of energy you can get out of the amount of money and disturbance that you're putting in.

The idea that all of these projects are going to rush into the desert and wreck the desert and then, a few years down the line, it's going to turn out, oh well, we don't really need those places anymore,

because this is so much better to do it here in the city, on top of huge industrial rooftops that are right nearby, and gee, that was too bad that we scraped up half of the desert, which was one of the last large intact ecosystems in the world, but, you know, so be it.

RESPONSE TO INGRID CRICKMORE PUBLIC HEARING COMMENT 1

Western's jurisdiction or decision-making authority for the Project is whether to grant the interconnection to its electrical grid on the Parker-Blythe #2 transmission line. Western has no discretion or approval authority over the generation facility.

Alternative methods of generating or conserving energy is addressed in the SA/DEIS Alternatives section on pages 4-37 through 4-51.

INGRID CRICKMORE PUBLIC HEARING COMMENT 2

And it is very upsetting to me that this is just getting railroaded in, when even the people, very well-meaning -- I mean, I totally hear how excited you all are about your project and everything and how valuable it is. But, you know, it hasn't been tested. We don't know if the mirrors are all going to get pitted up after one year of being out next to some sand dunes.

You know, it's a desert. It has violent weather. It has the potential to totally destroy this expensive equipment. And then -- I mean, this has happened before on smaller scales in the desert, that a mine comes in, you know, digs up stuff, it wrecks a mountain and goes away.

RESPONSE TO INGRID CRICKMORE PUBLIC HEARING COMMENT 2

The Project components have been tested and are expected to function in the desert environment.

INGRID CRICKMORE PUBLIC HEARING COMMENT 3

But the scale of this is huge, all of these proposals. If they don't end up working out, we've lost a huge, amazing thing that you can't replace. You can't replace -- you know, talking about -- it seemed very ridiculous to me to say that you could build all of these -- this huge circular area there with all of these pads and stuff and that won't be destroying the plants that are there.

RESPONSE TO INGRID CRICKMORE PUBLIC HEARING COMMENT 3

The bulk of the Project will be constructed on previously disturbed land. Impacts to vegetation are expected to be minimal with the use of mitigation measures noted on pages 6.2-157 through 6.2-193. The solar concentrator technology the Project uses does not require leveling of the site and elimination of all vegetation, and the amount of vegetation expected to be disturbed by the generation tie-line and substation is expected to be minimal. The Project does not require the

complete removal of vegetation, and the mitigation measures will be put in place to protect the plants on site.

INGRID CRICKMORE PUBLIC HEARING COMMENT 4

Obviously, it's going to be -- it's a huge industrialized thing that's being put in there, and it's going to destroy that area and impact the view, and it's just going to -- after awhile, the desert is just going to be a cracked, broken thing, litter and waste fields lying around. And it just is very upsetting to me.

RESPONSE TO INGRID CRICKMORE PUBLIC HEARING COMMENT 4

Visual resources have been evaluated in Section 6.12 of the document. Furthermore waste management is addressed in section 6.13. Mitigation measures to minimize negative impacts to the dessert are included in these sections.

INGRID CRICKMORE PUBLIC HEARING COMMENT 5

The idea of putting in a new power line to go across -- what do you wall it? Not a power line -- this wire to go and connect, you know, scrape up, make a road. That picture there looks so clean, the picture over there of that new transmission line. It doesn't show a big road being scraped along. It doesn't show what that looks like from the nearby wilderness areas. And I just see a big potential for it to be making the desert a wasteland. That's all.

RESPONSE TO INGRID CRICKMORE PUBLIC HEARING COMMENT 5

As noted in response to your previous comment, visual resources were addressed in section 6.12 of the SA/DEIS, including mitigation measures to protect the resources. In addition, as noted in the summary of this document, additional visual simulations were done to see what the area looks like from additional mountain areas near the Project. The additional simulations can be found in Appendix C.

KEVIN KINGMA PUBLIC HEARING COMMENT 1

KEVIN KINGMA: Just a brief comment, because I'll send in written comments. My name is Kevin Kingma, K-i-n-g-m-a, from El Cerrito, California, visiting here. And the reason I visit here is to see the beautiful desert. But the one -- I'll just say this briefly. The one thing that shocks me is why there are so few photo voltaics in Palm Springs. This is the ideal place to have it.

So, you know, there may be some question of the cost-effectiveness. I'm not too sure of that myself, but it sounds like it's fairly cost-effective, and I would much prefer seeing photo voltaics on roofs here and on warehouses here, rather than scraping desert that hasn't -- that cannot be replaced and that ruins the view shed.

RESPONSE TO KEVIN KINGMA PUBLIC HEARING COMMENT 1

Western's jurisdiction or decision-making authority for the Project is whether to grant the interconnection to its electrical grid on the Parker-Blythe #2 transmission line. Western has no discretion or approval authority over the cost effectiveness of the generation facility.

KEVIN KINGMA PUBLIC HEARING COMMENT 2

I'm also concerned about -- I should mention the group I'm with. I'm just a concerned citizen, who likes to see his government spend money efficiently.

And I have noticed that a lot of this solar push is really more of a political kind of thing, so that would be my other concern. I do like the technology involved because it uses less water. That's a really significant point compared to some of the other solar projects, large solar projects in the desert.

But I am concerned that by design, having a large tower, that it -- by necessity, this technology has to be located in really isolated areas, isolated areas that I like to, and other people I know like to, go visit and enjoy. Thank you.

RESPONSE TO KEVIN KINGMA PUBLIC HEARING COMMENT 2

Thank you for your comment. Section 6.12 addresses potential visual impacts of the Project and specifies mitigation measures that will help to minimize the impacts.

BILL HARPER PUBLIC HEARING COMMENT 1a

BILL HARPER: I have another small point to make. It was the comment that the desert is the place for solar. Where I live, in Mendocino County, we have a solar grange, we have a solar brewery, we have solar wineries, solar tasting rooms. And it's way up north, almost to the Mason-Dixon line. So I just wanted to add that. Thank you.

RESPONSE TO BILL HARPER PUBLIC HEARING COMMENT 1a:

Thank you for your comment.

Public Hearing Summary

PUBLIC HEARING SUMMARY

A public hearing was conducted on the RSEP Draft EIS on January 5, 2011 from 5:00 to 8:00 p.m. at the University of California, Riverside Palm Desert Campus in Palm Desert, California. Representatives from Western, BLM, the CEC, and SolarReserve, LLC, were present. Nine members of the public and interested parties attended the hearing.

The first portion of the meeting was informal; representatives of SolarReserve presented general information about the Proposed Project and answered general questions from the audience. The official hearing portion of the meeting was conducted by Douglass Harness of Western's Office of General Counsel. A court reporter was present to record the hearing and public comments. Mr. Harness presented an opening statement that described the proposed project and the environmental review process. When Mr. Harness opened the hearing to receive public comments, oral comments were received from four individuals. No written comments were received at the meeting. The meeting was closed at 7:45 p.m.

Responses to the public hearing comments are included starting on page 86 of this FEIS/PA.

APPENDIX A

List of EIS Recipients

LIST OF AGENCIES, ORGANIZATIONS, AND PERSONS TO WHOM COPIES OF THE STATEMENT HAVE BEEN SENT

Federal Agencies

Department of Interior
Office of the Secretary

US Environmental Protection Agency
Region 9

US Fish and Wildlife Service
Carlsbad Office

Regional, State, and Local Government

California Energy Commission

Department of Toxic Substances Control

Imperial Irrigation District

Riverside County Fire Department

Native American Tribes and Related Bodies

Chemehuevi Reservation

Cocopah Indian Tribe

Colorado River Reservation

Fort Mojave Indian Tribe

Hopi Tribe

Hualapai Tribe

La Cuna de Aztlan Sacred Sites Protection Circle

Morongo Band of Mission Indians

Quechan Indian Tribe

Ramona Band of Cahuilla Mission Indians

Salt River Pima-Maricopa Indian Community

San Manuel Band of Mission Indians

Torres-Martinez Desert Cahuilla Indians

Twenty-Nine Palms Band of Mission Indians

Tohono O'odham Nation

Yavapai-Prescott Indian Tribe

Individuals

John Beach

Ingrid Crickmore

Bob Ellis

Bill Harper

George Hepker

Kevin Kingma

Pam Molsick

Judith Rosen

Christine Sowers

Robert Sowers

APPENDIX B

Tribal Consultation Summary

Western initiated consultation with tribes on March 1, 2010. On March 1, 2010, Western sent a letter to the tribes with initial information on the Project and requested their presence at a consultation meeting on April 7 or 8, 2010. Three tribes participated in the initial consultation meeting and one stayed and accompanied Western, BLM and the Project owner on a site visit. Western continued communicating with the tribes via phone calls, emails and letters and consultation is ongoing.

On February 25, 2011, Western sent the tribes the Class III Archeological Inventory for review and comment. The Quechan tribe is the only tribe that requested additional information after the February 25, 2011 letter. Western and BLM met with the cultural committee of the Quechan tribe on March 25, 2011. At this meeting, the Quechan requested that Western add three additional Key Observation Points (KOPs) to address visual concerns. Western ensured that the additional KOPs were added and conveyed them to the tribe in May 2011.

On April 20, 2011, Western and BLM went in the field with a member of the Quechan cultural committee. The tribal member concurred with Western and BLM that there are no tribal cultural properties in the Project site.

Western is currently working on a Memorandum of Agreement for the Project and will invite the tribes to be signatories to the document.

APPENDIX C

Additional Key Observation Points

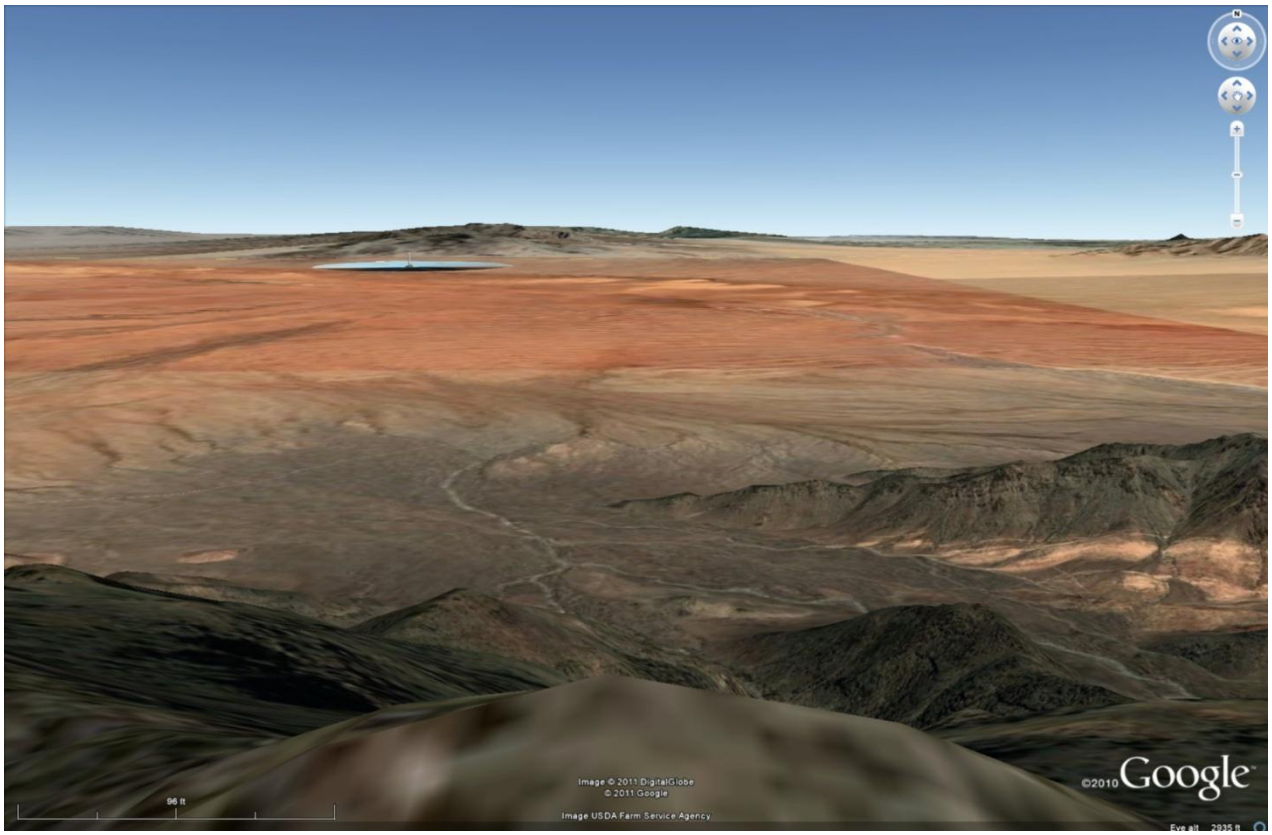
Per the Quechan tribe's request, Western compiled three additional visual simulations of the RSEP. The following simulations are from the following locations:

1. **Northernmost peak of the Big Marias Mountains. This site is 12.6 miles south of the Project.**

2. **Highest peak at the north end of the McCoy Mountains. This site is 19.3 miles south of the Project.**

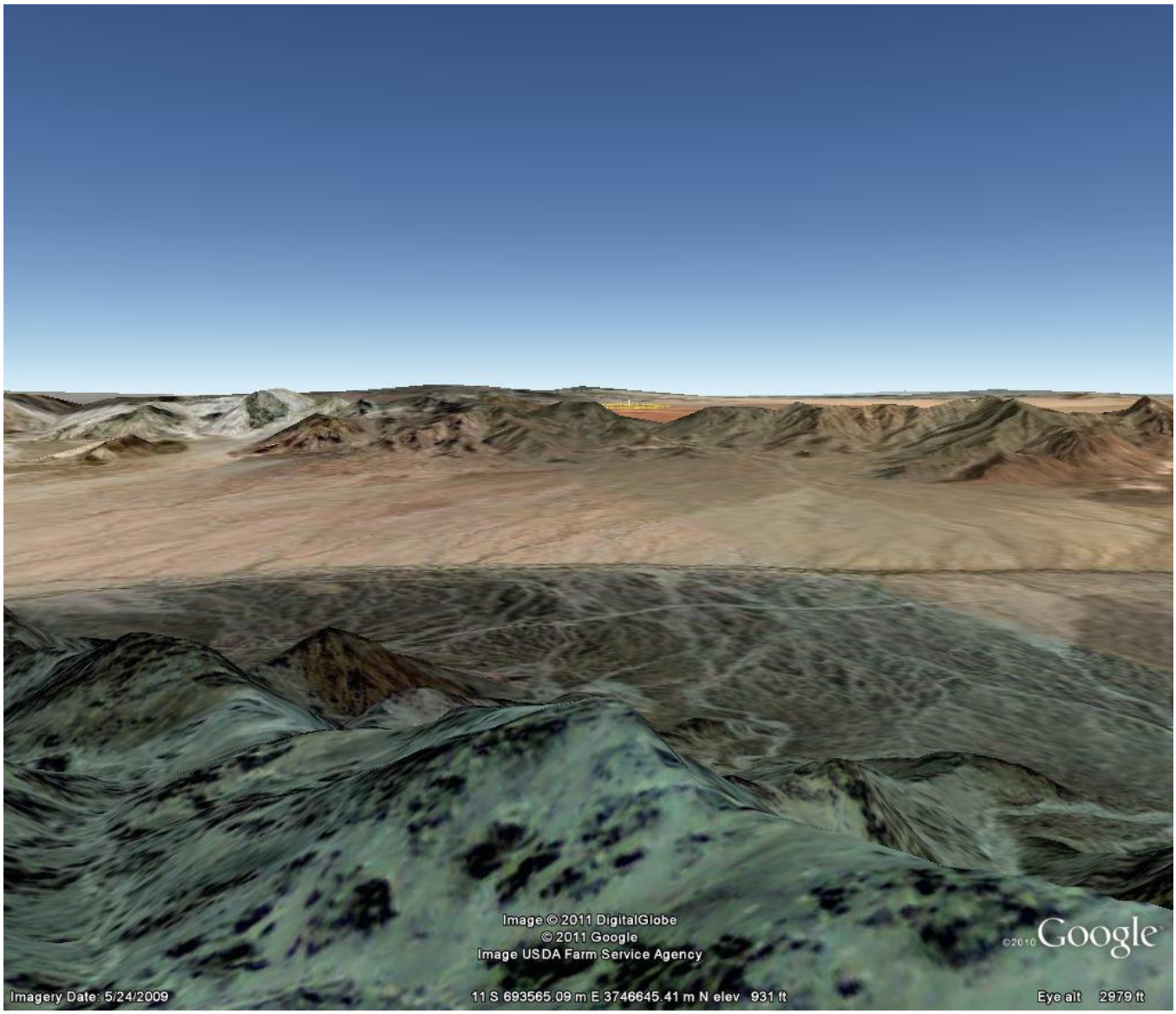
3. **Highest peak in the Mule Mountains. This site is 36.6 miles south of the Project.**

The actual simulation view points are from locations slightly above the precise mountaintops. Thus, the simulations are conservative as they are higher than the view that a hiker could see on foot thus more of the Project is visible in the simulations than would actually be visible by a visitor to any of these sites.



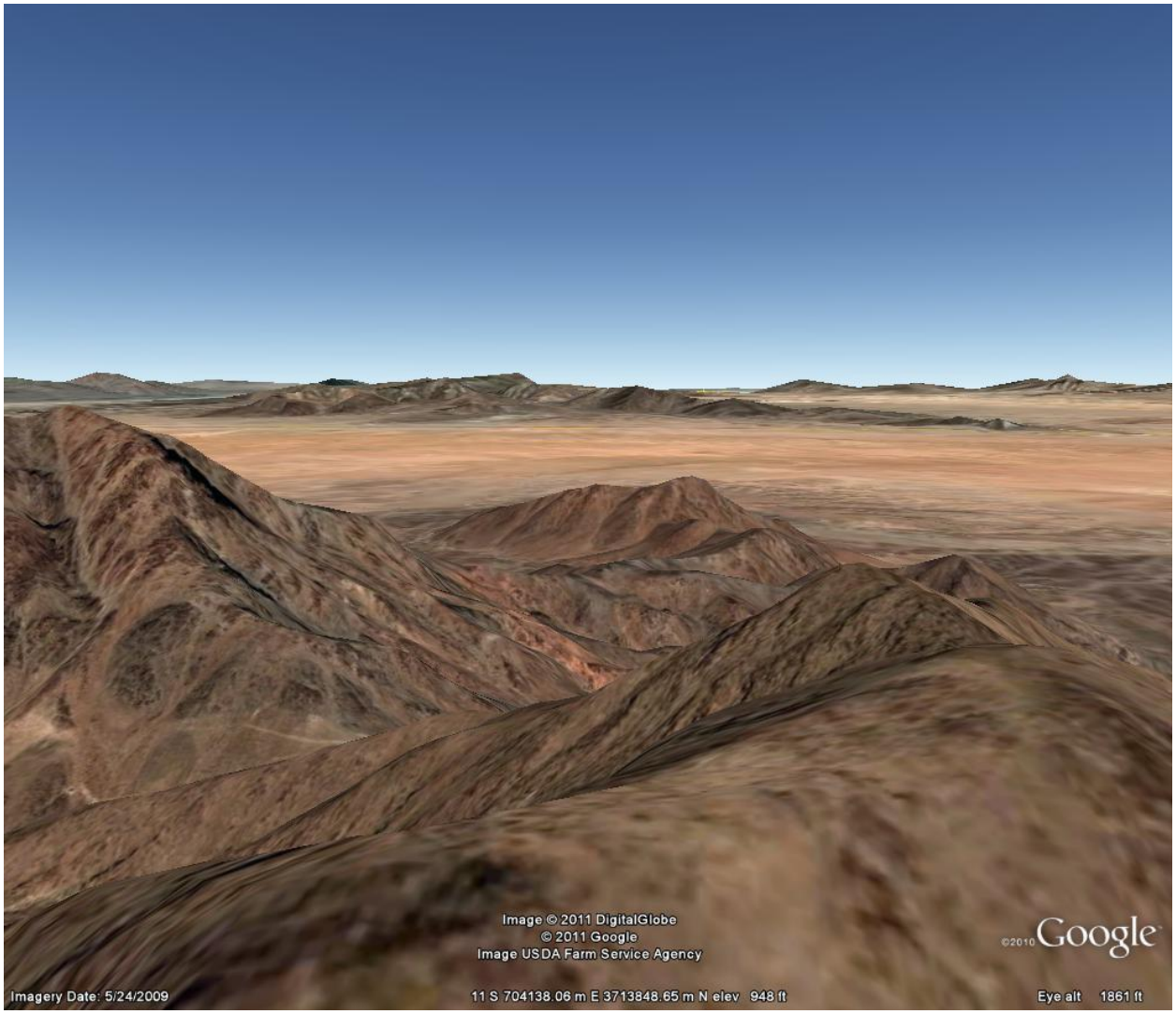
View north from northernmost peak, Big Marias Mountains

Distance: 12.6 miles - Viewpoint elevation: 2,935 feet - Mountain top elevation: 2,893 feet - Difference: 42 feet



View north from the highest peak, north end of the McCoy Mountains

Distance: 19.3 miles - Viewpoint elevation: 2,979 feet - Mountaintop elevation: 2,830 feet - Difference: 149 feet



View north from the highest peak, Mule Mountains

Distance: 36.6 miles - Viewpoint elevation: 1,890 feet - Mountaintop elevation: 1,784 feet - Difference: 106 feet

APPENDIX D

Additional References

These additional references were noted in this document:

California Energy Commission. Preliminary Jurisdictional Report, Applicant's Data Response. http://www.energy.ca.gov/sitingcases/ricesolar/documents/applicant/2010-03-08_Applicant_Data_Response_1_to168_TN-55813.pdf.

California Energy Commission. Energy Commission Decision on Rice Solar Energy Project. https://www.energy.ca.gov/2010publications/CEC-800-2010-019/CEC-800-2010-019-CMF.PDF.

National Renewable Energy Laboratory. Solar Electric Generating Station. http://www.nrel.gov/csp/solarpaces/project_detail.cfm/projectID=35.