

LAND USE SERVICES DEPARTMENT

ADVANCE PLANNING DIVISION

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COUNTY OF SAN BERNARDINO
PUBLIC AND SUPPORT
SERVICES GROUP

DENA M. SMITH
Director

February 11, 2010

Sent by e-mail to jkessler@energy.state.ca.us and US Mail

John Kessler, Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5504

Subject: San Bernardino County Comments on the Ivanpah Solar Electric Generation System (07-AFC-5), Final Staff Assessment and Draft Environmental Impact Statement

Dear Mr. Kessler:

Thank you for providing the County of San Bernardino a copy of the Final Staff Assessment and Draft Environmental Impact Statement for the proposed Ivanpah Solar Electric Generation System (ISEGS). Many of the topics are inter-related and our comments are as well.

Cumulative Scenario

This 4,073 acre project proposes 12,000 acres to be set aside, at a 3:1 ratio, as mitigation for impacts to the desert tortoise. The set-aside of this 12,000 acres should be specifically identified as to location, and at that scale, requires its own CEQA and NEPA analysis.

In San Bernardino County, 12,000 acres represents a full 12% of the 140,000 acres of potential desert tortoise habitat held in private unincorporated lands under County jurisdiction. This limits future development by setting aside 12% of the possible desert tortoise habitat on private lands. That represents a significant loss of developable land and economic potential, just on a project basis. Considered on a cumulative scale, looking at Table 5: Regional Renewable Energy Projects, fully one million acres may be occupied with renewable energy projects. At a 3:1 ratio, these would require another 3 million acres, for a total of 4 million acres for just these few projects and their mitigation lands. As a reference, there are 3 million acres of San Bernardino County private unincorporated lands in the West Mojave Plan area. The cumulative analysis does not add up the mitigation lands for the foreseeable projects.

Biological Resources

While some effort is made in the Traffic and Transportation section to discuss the intensity of the light reflected from the power tower receivers and provide mitigation to protect human health and safety, Mitigation Measure Bio-11(7) makes a lesser attempt:

"Minimize Lighting Impacts. Facility lighting shall be designed, installed, and maintained to prevent side casting of light towards wildlife habitat. To minimize risk of avian collisions with the heliostat towers, only flashing or strobe lights shall be installed on these towers."

This measure appears inadequate as no follow-up monitoring is required to verify if this actually works. This is not consistent with the conservation concept of adaptive management.

Board of Supervisors

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Hazardous Materials Management

County Fire respectfully disagrees with CEC Staff's conclusion that hazardous materials impacts would pose no significant threat. It appears that not all State requirements were thoroughly researched and reviewed prior to resultant conclusions. Although the document references the Federal Spill Prevention Containment and Countermeasures Plan, there is no reference to the State Above-Ground Petroleum Storage Act. Conclusions regarding air modeling need further study, particularly with regard to aqueous ammonia and sulfuric acid. Further, there is not enough information to determine if a Risk Management Plan is required for the aqueous ammonia as per the California Health and Safety Code. Appendix A is lacking supporting documentation for several of the chemicals that are referenced in the EIS. Further study on these and other issues are necessary before conclusions can be drawn.

Additionally, the DEIS is lacking any references at all regarding the proper management of routinely generated hazardous wastes, either from a Federal or a State perspective. This needs to be addressed before conclusions can be drawn.

Socioeconomics and Environmental Justice

While perhaps not an issue that can be fully addressed under CEQA and NEPA requirements, the issue of cost of services from local governments would be an issue the County would pursue for projects under its jurisdiction. While the CEC may have permitting authority for this project, it does not provide local services such as emergency services or road maintenance. These are provided by the County. Local citizens and other businesses should not bear the brunt of subsidizing these costs for a for-profit operation such as this. The CEC has not fully analyzed the costs of these services to San Bernardino and Clark Counties. The County of San Bernardino will prepare its own fiscal impact analysis for this project's anticipated demand upon County services. As the CEC is well aware, the current state of the economy does not provide opportunity for local governments to provide services without recompense.

The proposed conservation of 12,000 acres of land for the desert tortoise is another economic impact to the County. Where there is no development allowed, there are no jobs and only minimal property tax or payment in-lieu of taxes (PILT). Also, while the traditional mitigation ratio approach requires vast acreages to be set aside as conservation lands, we do not see how that provides a viable habitat conservation strategy, and the resulting competition for mitigation areas could drive up land costs without increasing the effectiveness of mitigation.

It is not clear what economic loss might occur due to the impact to visual resources that may result in reduced revenues from tourism and the filming industry.

The future property tax revenue would be essentially limited to the power plant itself, as the heliostat arrays are exempt from property tax. Because the County's PILT is capped, the County will not receive the full amount it is entitled to and would otherwise receive if the land was held in private ownership. Again, the economic lost potential of the site and the mitigation lands is a socioeconomic impact not fully addressed in the DEIS.

While the project creates both construction jobs and permanent jobs, the DEIS lacks meaningful details regarding how nearly all the 90 permanent jobs will likely go to Nevada residents, which would further significantly reduce the economic benefits compared to a project

located closer to San Bernardino County's more urban areas. To quote: *"According to AFC section 5.10 (Socioeconomics), it is anticipated that most of the operational workforce will be drawn from the City of Las Vegas within Clark County, Nevada, as well as parts of surrounding rural areas in San Bernardino County, California."*

Traffic and Transportation

The Interstate 15 corridor is one of the highest traffic interstates in the U.S., as it is the only linkage between the 9 million people in the Los Angeles area and the entertainment center of Las Vegas. County emergency services providers respond to almost 1,000 accidents each year on that corridor, but there are little to no private lands or developments from which to fund our Fire Department and Hazardous Materials Response team. In fact, the County General Fund subsidizes the fire services for the desert region by over 8 million dollars a year. This subsidy is solely done for the desert region and no other portions of the County.

Another traffic safety concern would be the possibility that drivers distracted by the view of the power towers could swerve or slow down and thus cause more accidents. The DEIS mentions some mitigation measures and monitoring for the power tower luminance. The County, Caltrans and SANBAG, the County's transportation commission, should be included in the receipt and review of these monitoring reports. Ideally, the CEC would require a traffic safety and emergency services committee comprised of California and Nevada agencies, and Bright Source would be required to reimburse the agencies for their costs.

The DEIS makes an effort to predict traffic impacts but is lacking any mitigation for cumulative impacts, which are noted as significant. A typical EIR would include a detailed traffic study prepared by a traffic engineer, analyzing all trips generated, including those from employees, suppliers and tourist stops from the freeway. If this was done, perhaps mitigation measures such as offsetting work hours, on/off-ramp and street improvements could be provided. The County and SANBAG should have the opportunity to review such a traffic study and have input on required mitigation.

Worker Safety and Fire Protection

The County Fire Department respectfully disagrees with CEC Staff's conclusion that the proposed project will not have impacts on local fire protection services. Review by the County Fire Department indicates that the fire risks at the proposed facility would pose significant added demands on local fire protection services. Service areas for existing stations are currently far in excess of reasonable demands and are frequently stretched far beyond their capacity. The County Fire Department further disagrees with Staff's conclusion that response times and staffing are adequate for this project. Under perfect conditions, the closest station is barely inside the "golden hour" for successful trauma response and recovery. Routine responses to average weekend traffic incidents can completely deplete staff and resources. Also, inclusion of references to mutual aid with Nevada jurisdictions fails to recognize that mutual aid is voluntary and not compulsory. Further study on these items is necessary. In addition, it would be appropriate for Staff to further investigate Emergency Medical Service impacts that will arise from over 1,000 employees, particularly since Advance Life Support Services (ALS) is just within an hour travel time under perfect conditions regardless of the precautions and conditions taken on-site.

Financial impacts to fire protection services need further study. Although financial issues may not be a direct environmental impact, if the fire service does not have the financial support for staffing, equipment and facilities to respond to fire, hazmat and other emergencies at the project, then incidents on-site could predictably result in both on-site and even off-site environmental degradation.

Geology, Paleontology and Minerals

The Ivanpah Fault and Stateline Fault are mentioned but do not seem to be analyzed in sufficient detail as we do not find full discussion of whether (and how) they may be hydrogeological features that may influence groundwater recharge and drawdown models. Further, these faults may be a seismic source as some recent literature suggests, a reference to which we forwarded to your office in our October 15, 2009 letter to Chris Dennis. The seismic safety of the power plant and towers directly relates to worker safety at the facility.

Recreation

Mitigation Measure REC-1 proposes to mitigate the loss of recreation by establishing a viewing platform to see the ISEGS facility. While we concur with the viewing facility recommendation, the proponent should also pursue a permit from Caltrans for a freeway sign for the viewing facility exit. Again, the loss of recreational opportunities on another 12,000 acres of desert land is not addressed.

Significant Unavoidable Adverse Impacts

Impacts to Biological Resources are considered significant and unavoidable. We struggle with accepting that they are unavoidable, as another site in a more disturbed area might result in a different finding.

Global Comments

The County should always be included where the applicant is required to submit materials and documentation.

The County is interested in securing a steady source of renewable energy for its constituents, but that must be balanced with a full analysis and adequate mitigation for project impacts. Our concerns regarding the rush of renewable energy projects include a need to gain a full understanding of the cumulative picture. We do not believe the DEIS provides this.

The County will further review the cost impacts to County services due to this project and we intend to come up with our own estimate of funding needed to offset the projected impacts. The California Energy Commission and the BLM should adopt policies to require developers of renewable energy projects under the agencies' jurisdiction to negotiate a formal mitigation agreement with the local jurisdiction in which the project resides.

Thank you for considering our comments. If you have any questions or require any further information, please contact me at (909) 387-4147.

Sincerely,

A handwritten signature in black ink, reading "Carrie Hyke". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Carrie Hyke, AICP, Principal Planner
Environmental and Mining Team
Advance Planning Division

cc: Brad Mitzelfelt, First District Supervisor
Gerry Newcombe, Deputy Administrative Officer
Bart Brizzee, Deputy County Counsel
Peter Brierty, Fire Marshal
Dena Smith, Director, Land Use Services
James M. Squire, Deputy Director, Advance Planning
Wes Reeder, County Geologist
Jack Hamby, Acting District Manager, BLM California Desert District
Tom Hurshman, Project Manager, BLM Washington Field Office
Jack Caswell, California Energy Commission
Paul Marshall, California Energy Commission
Chris Dennis, California Energy Commission