In the Matter of:

Application for Certification for the Ivanpah Solar Electric Generation System

Docket No. 07-AFC-5

APPLICANT'S STATUS REPORT #3

Applicant and the Staff of both BLM and the CEC continue to have a very productive working relationship in the licensing proceeding of the Ivanpah Solar Electric Generating System (Ivanpah SEGS) Application for Certification [07-AFC-5]. The following discussion summarizes the status of the proceeding since the issuance of Applicant’s Status Report No. 2 on May 16, 2008:

- Applicant continues work on the detailed site drainage, grading and erosion control plan (referred to as the Site Civil Plan) and anticipates submittal of the plan to the BLM and CEC in September 2008. This Site Civil Plan will be of a level of detail that potential EPC contractors can use as a basis for providing detailed bids on the civil design and construction of the Ivanpah SEGS project.

- A report on the additional Spring 2008 botanical surveys will be provided once the data is validated and a report can be prepared (July 2008). Tortoise surveys for the additional areas not covered in 2007 surveys were completed in June 2008. A report of the additional tortoise surveys will be provided in July 2008.

- On May 8, 2008 BLM and CEC Staff issued Data Request Set 2 consisting of Data Requests 117 through 151. On June 10, 2008 Applicant submitted Data Response Set 2A that provided responses to the majority of Staff’s Set 2 Data Requests. On June 23, 2008 and July 2, 2008 Applicant and Staff participated in a Data Response and Issue Resolution Workshop in a venue near the Ivanpah SEGS site. During the workshops, resolution was reached on many outstanding data requests, and Applicant gained a better understanding of Staff’s needs on other data requests. Applicant is diligently working on responses to all outstanding Data Requests and hopes to file responses to most of the remaining data requests in July 2008.
• One of Staff’s Set 2 Data Requests provided detailed comments on Applicant’s Draft Biological Assessment (BA). Applicant has completed most of the Staff recommended changes to the BA and will finalize the revised BA after a meeting at the Ivanpah SEGS site to include representatives of the U.S. Fish and Wildlife Service, the California Department of Fish and Game, CEC and BLM Staff and Applicant. This site meeting is scheduled for late July 2008. Applicant looks forward to the initiation of the Section 7 Consultation with the USFWS under the process described in the Memorandum of Understanding between the BLM and USFWS on expedited endangered species consultation.

• On February 11, 2008, Applicant submitted a Wetlands Delineation of the Ivanpah SEGS Site to the U.S. Army Corps of Engineers (USACE). Applicant understands that the USACE has reached an informal decision that the Ivanpah SEGS site is non-jurisdictional under the provisions of the Federal Clean Water Act. Applicant is also working with the USACE to complete documentation required for the U.S. Environmental Protection Agency (USEPA) review of the Corps decision on the jurisdictional determination. Applicant expects the USEPA review to be initiated in late July or early August 2008.

• The Applicant is targeting July 2009 for the commencement of construction in order to bring this important, first solar thermal project on-line in a timely manner in support of California’s RPS goals. Given the lead time needed to prepare required plans and mobilize for construction, the Applicant believes that it will need a decision in early 2009 to support a July 2009 commencement of construction. Moving from discovery towards a draft environmental document is the next logical step in the orderly progression of this Application. The Applicant thanks the Staffs for their hard work to date and reiterates the Applicant’s commitment to work closely with all interested parties to expedite the schedule for this proceeding.

The Applicant looks forward to timely completion of this proceeding.

July 11, 2008

Respectfully submitted,

ELLISON, SCHNEIDER & HARRIS L.L.P.

By

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Energy Resources Conservation and Development Commission

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PROOF OF SERVICE

I, Ron O’Connor, declare that on July 11, 2008 I deposited copies of the attached Applicant’s Status Report #3 in the United States mail in Sacramento, California, with first-class postage thereon fully prepaid and addressed to all parties on the attached service list.

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

Ron O’Connor