In Reply Refer To:
2800
CACA-48668
CACA-48497
CACA-48669
(CA-610)

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DesertXpress Enterprises, LLC
6750 Via Austi Parkway, Suite 250
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Alicia Torre, Manager Project Development
Bright Source Energy
1999 Harrison Street, Suite 500
Oakland, CA 94612

Wayne Hoffman
OptiSolar, Inc.
31302 Huntwood Ave.
Hayward, CA 94554

Dear Sirs and Madam:

The Bureau of Land Management (BLM) California Desert District is currently in the process of preparing Draft Environmental Impact Statements (EISs) that will analyze impacts associated with right-of-way (ROW) applications filed by your three companies. In the Ivanpah Valley, your ROW applications overlap on public land. The DesertXpress Segment 4B Alternative route crosses through portions of power blocks one and two for the Ivanpah Solar Electric Generating System (ISEGS) project. Maps depicting both projects are enclosed. The proposed DesertXpress route may also cross a portion of the project area for a solar energy generating project proposed (Stateline) by Optisolar, Inc.

At this time, none of the three projects have published a notice of availability for a Draft EIS, however, the administrative draft EIS’s for the DesertXpress and ISEGS projects discuss the other project as reasonably foreseeable. BLM encourages your companies to consult together to determine if there is a mutually agreeable solution so that both projects could co-exist. Possible
solutions could include route adjustments for the rail line or modifications to the solar project footprint. The filing of an application on BLM-administered public land does not confer any preference rights for the use of those lands. All land use decisions would be the result of a reasoned analysis of alternatives considered pursuant to the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations, including public involvement. The result of your companies not being able to reach a resolution of the conflict in advance of BLM’s environmental analysis and publication of a draft EIS could adversely affect one or both of your projects’ implementation schedules. Clearly, such an unresolved conflict will complicate BLM’s ability to seek meaningful public involvement in the NEPA process on both projects.

In addition to the ISEGS application in the Ivanpah Valley, BLM has a pending ROW application for a photovoltaic solar energy generation project from OptiSolar, Inc. The OptiSolar application is immediately adjacent to the eastern boundary of a portion of the ISEGS project. The DesertXpress Segment 4B Alternative currently bisects the proposed OptiSolar development. To date BLM has not accepted a complete Plan of Development to formally initiate NEPA proceedings for the OptiSolar project, so it is earlier in the process than ISEGS. But DesertXpress should recognize that once this solar application moves forward, a similar interaction between DesertXpress and Optisolar will need to be resolved. As a result, this letter is also being sent to OptiSolar.

BLM strongly encourages DesertXpress to meet both Brightsource and OptiSolar to discuss possible solutions to these potentially conflicting land use applications and then report the results of your discussions, and any resulting amendments to your right-of-way applications, to BLM. If you desire, BLM would be willing to participate in discussions between your companies on this matter. DesertXpress should review their proposed route and initiate discussions to resolve other interactions with any renewable energy projects, including transmission lines, that overlap the proposed rail route.

Please contact Tom Hurshman, BLM ISEGS Project Manager, at 970-240-5345 or Richard Rotte, DesertXpress Project Manager at 760-252-6026 if you have any questions.

Sincerely,

[Signature]

Steven J. Borchard
District Manager

Enclosures - 2 maps

cc: see attached
cc: David Valenstein
Environmental Program Manager
Office of Railroad Development
USDOT Federal Railroad Administration
1200 New Jersey Avenue S
Washington, D.C.  20590

Che McFarlin
Project Manager
California Energy Commission
1515 9th Street
Sacramento, California 95814
APPLICATION FOR CERTIFICATION
FOR THE IVANPAH SOLAR ELECTRIC
GENERATING SYSTEM

DOCKET No. 07-AFC-5

PROOF OF SERVICE
(Revised 2/10/08)

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DECLARATION OF SERVICE

I, Hilarie Anderson, declare that on February 10, 2009, I served and filed copies of the attached BLM Letter RE: Potential Conflict Between Desert Xpress, Ivanpah and Optisolar. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [www.energy.ca.gov/sitingcases/ivanpah]. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission’s Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

☐ sent electronically to all email addresses on the Proof of Service list;

☐ by personal delivery or by depositing in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses NOT marked “email preferred.”

AND

FOR FILING WITH THE ENERGY COMMISSION:

☐ sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

☐ depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-5
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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

Original Signature in Dockets
Hilarie Anderson