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California Energy Commission
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Sacramento, CA 95814-5512

DOCKET	
09-RENEW EO-1	
DATE	<u>April 03 2009</u>
RECD.	<u>April 03 2009</u>

Re: *Docket No. 09-Renew EO-01*

Dear Commission Members:

I am a desert resident and local land use attorney. I attended the March 17 RETI scoping meeting in Palm Springs. I offer the following thoughts on my own behalf based on several decades of experience on various sides of the table in working development projects in sensitive desert environments through the regulatory process.

Generally, there are three factors that interplay in any human process: time, quality and cost. Any two of those factors can be controlled to the detriment of the third. A high quality outcome in a short amount of time will likely be costly. Cheap and fast will typically yield poor quality. Acceptable quality at a controlled cost will likely take an extended period of time.

It is not clear how the RETI process intends to balance those competing factors. There are ambitious and laudable timeliness and lots of talk about streamlining and fast tracking. The resource agencies at the center of much of the decision making are chronically under funded. If the desired speed is to be achieved with the typically constrained resources, quality will most likely suffer.

But low quality is not an option. The good folks that packed the auditorium in Palm Springs, from local governments, the environmental community and the resource agencies, have spent decades honing their skills at protecting fragile desert environments. They will not acquiesce in compromises that fail to protect core values.

In the Coachella Valley, we have spent decades grappling with large development projects that were not initially well planned for their intended desert environments. Lots of time and money were wasted in trying to ram ill-suited projects through the regulatory process. Many of those projects were eventually exhausted by the process and met unhappy ends.

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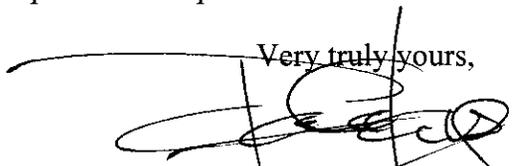
Last year, with the adoption of the Coachella Valley Multispecies Habitat Conservation Plan (CVMSHCP), we achieved an important turning point. We now have a comprehensive plan that provides a clear framework for evaluating and approving projects. It was backed by the Sierra Club, the Building Industry Association, the resources agencies and the local land use jurisdictions. It will largely eliminate the regulatory trauma going forward.

The critical factor in achieving consensus among the various parties, who often had radically divergent agendas, was reliable information. Once the information gaps were narrowed to the extent practical, the parties felt sufficiently informed to make the tough compromises that were necessary, secure that their core objectives would be achieved.

To me it appears that the contemplated alternative energy development in the desert is CVMSHCP writ to another order of magnitude. I anticipate that the same dynamics will ultimately determine the result: we will need a multi-stakeholder compromise founded on the best available information.

To move forward expeditiously, priority should be given to marshaling sufficient resources to develop the best information practically available and to getting a core group of leading stakeholders to the table as soon as possible. There needs to be a commitment to achieve a negotiated resolution that meets all parties' core objectives. No responsible constituency can be left behind. Broad compromise based on solid information, coupled with a commitment to proceed with all deliberate speed, is our best chance to avoid the long delays that have characterized desert development in the past.

Very truly yours,



Robert W. Hargreaves
of BEST BEST & KRIEGER LLP

RWH:dm