DOCKET
09-RENEW EO-1
DATE MAR 23 2009
RECD. MAR 23 2009

March 14, 2009

RE: Comments on Renewable Energy Executive Order, Scoping Workshop, March 12, 2009

Submitted via email to: docket@energy.state.ca.us
(Hardcopy submitted via USPS)

Attn: Docket #09-Renew EO-01

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I would like to commend the CEC and the other agencies who participated in the March 12th Renewable Energy Executive Order Scoping Workshop. I found the workshop comprehensive and informative. I was impressed by the spirit of cooperation expressed by the agencies.

Because of our concern for the preservation of our sensitive biological resources and in our effort to protect the quality of life for residents of the community of Carrisa Plains, Carrisa Alliance for Responsible Energy (CARE) is closely monitoring the permitting process of the three solar power plants proposed in our neighborhood: Topaz Solar Farm (TSF), Carrizo Energy Solar Farm (CESF) and the California Valley Solar Ranch (CVSR). The CESF has proceeded the furthest in the process and is substantially behind schedule. Our observations indicate the delays to the schedule are largely caused by the applicant's choice in siting the project and their lack of provision of complete and accurate information and/or mitigation. In agreement with statements made at the workshop by Deputy Director Terry O'Brien, we see the need to provide more guidance to applicants in the siting of projects and to establish guidelines for standards to be met in their applications and mitigations.

Siting of projects to avoid critical habitats and migration corridors is of the utmost importance. All three projects on the plain are sited on federally endangered species habitat and in or near a migration corridor considered critical to the recovery of at least one fully protected species. These corridors need to be mapped and specifically designated as areas to be avoided. Priority should be given to corridor mapping of all CREZs with projects already in the permitting process. Currently, the CESF faces substantial delays awaiting the mapping of

this corridor. The urgency to complete this task for all CREZs facing immediate development needs to be recognized and given priority.

The CESF has faced delays due to their interpretation of the significance of the endangered species habitat on their project site. In fact, much time has been wasted while they argued the non-existence of endangered species on their project site. By designating and rating areas of endangered species habitat within the CREZs, giving priority to those that face development in the near future, much time and resources can be saved long-term. Additionally, fixed mitigation ratios need to be established and published for these CREZ endangered species habitats. From comments made by both TSF and CVSR representatives at the workshop, it is clear they intend to debate the suggested mitigation ratios. By firmly establishing these in advance, applicants will be able to submit complete applications that include adequate mitigation and therefore avoid wasting resources and time in mitigation debates with state and local agencies.

Along the same concept, designated USFWS mitigation ratios should also be clearly stated for federally protected species. From information received, the USFWS has agreed to perform a Section 7 consultation for the CESF with the understanding that CESF agrees to meet their established full mitigation ratio. This seems like an excellent compromise as I assume all applicants would prefer to avoid a lengthy Section 10 review. Perhaps this compromise should be made a formal standard.

Additionally, a study is needed to determine the effect shade from solar panels has on its environment. The TSF and CVSR believe their projects will not affect the habitat they are sited on which supports the Federally Endangered San Joaquin Kit Fox. DFG states in a letter to TSF that they believe otherwise and one of the reasons given is because of the effect shade will have on plant life. It seems this impact could easily be determined for the few different climate zones that CREZs consist of. Again, the predetermination these guidelines will reduce the waste of time and resources for all parties.

There are several other issues other than habitat that need guidelines established. For instance, the selection of the site for CESF has resulted in significant impacts on nearby residents. TSF will likely face similar issues because it is also adjacent to residential home sites, in some cases surrounding them on two or three sides. The challenges these plants will face in mitigating these impacts could be avoided if the siting of solar power plants adjacent to or near residential sites was discouraged.

Also, the San Luis Obispo County Planning Department has stated in a letter to the CEC, if the Area Plan including the Carrizo Plain had been updated recently, it would have most likely designated the plain as a scenic corridor and would have discouraged industrial development on the plain. Given the unanticipated

explosion of potential massive development due to our renewable energy goals, state and local agencies should be given the opportunity to review and potentially establish additional scenic resources which are clearly mapped and designated as areas to be avoided. This would potentially eliminate lengthy discussions on and mitigation of visual resources.

Another visual resource issue that would benefit from pre-established guidelines is landscaping. Perimeter landscaping plans have been requested for all three solar projects proposed for Carrisa Plains however all three applicants to have declined to provide these plans. A determination should be made as to whether or not solar PV and solar thermal projects should be exempt from providing perimeter landscape. This should be established for both areas of reasonably high scenic qualities and areas
void of scenic resources.

Water resources are another issue that has potential to cause significant permitting delays. Specific criteria should be required to ensure projects do not have significant impacts to local water supplies. In water sensitive areas, criteria should include ten day well tests at the project pump rate while monitoring its impact to the water basin, current water basin studies and complete evaluations of existing wells if they are the intended water supply. Actual test results and current data must be required rather than, for instance, the hearsay testimony and out dated reports which can be found in the CESF hydrology report.

Additionally, requirements should be established to ensure applicants provide complete information and mitigation for the following:

> Clear guidelines and mitigation ratios for loss of agricultural lands need to be established.
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> Heavy haul plans should be designed on roads constructed to accommodate truck traffic in a practical manner.
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> Heavy haul plans should not result in lengthy significant impacts to local traffic.
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> Acceptable and unacceptable noise impacts need to be published.

In observing the permitting process of our three local projects, I have been very impressed by the quality of work and review performed by the CEC, DFG, USFWS and our local governing agencies. They have done the utmost to ensure these projects adhere to all LORS and meet SEQA and other environmental guidelines. I commend all the agencies willingness and availability to jointly meet with applicants in issue resolution meetings. However, I have so far been unimpressed by our three applicant's willingness to cooperate with and accept

guidance from agencies. They have seemingly ignored the requirements and information given by agencies and continue to waste time and resources arguing issues. They have even had the audacity to attack the credibility of agencies staff. Perhaps this is due to not understanding specifically what is required of them. If the guidelines are per-established and published, applicants can design projects to meet them rather than designing first and then hope to manipulate environmental standards to facilitate their project design.

And, finally, when you look at the enormity of the projects proposed, one asks the question, do we need all of them to meet our renewable energy needs? And, since mitigation land requirements seem to be a stumbling block for many projects, perhaps we should realistically look at our energy needs and determine how much of them are needed. If all are not needed, perhaps we could reduce land use such as reducing the number of projects to be built; or we could have each project simply be smaller. Or, if all the proposed energy is required, the use of the most efficient technology could be mandated and thereby reduce land use. Any of these would reduce project impacts and therefore their mitigation ratios.

One thing is certain: **We should not reduce important mitigation ratios to accommodate any project.**

We must trust in the agencies that establish the mitigation ratios and believe they are scientifically determined and necessary for the preservation of sensitive species. In our efforts to reduce climate change and save the environment, any positive results realized from the development of renewable energy may be voided if we simultaneously lower the environmental bar to accommodate power plants.

Thank you for your consideration of these comments.