

INFORMATIONAL HEARING AND SITE VISIT and
BUREAU OF LAND MANAGEMENT SCOPING HEARING
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)
)
Application for Certification for) Docket No.
The Ivanpah Solar Electric) 07-AFC-5
Generating System)
_____)

PRIMM VALLEY GOLF CLUB
BANQUET ROOM
4 MILES SOUTHWEST OF PRIMM, NEVADA
YATES WELL ROAD, NORTHWEST OF INTERSTATE 15
EXIT I-15 AT YATES WELL ROAD
SAN BERNARDINO COUNTY, CALIFORNIA 92243

FRIDAY, JANUARY 25, 2008

2:05 p.m.

Reported by:
Peter Petty
Contract No. 170-07-001

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBERS PRESENT

Jeffrey Byron, Presiding Member

James D. Boyd, Associate Member

HEARING OFFICER AND ADVISORS

Paul Kramer, Hearing Officer

Gabriel Taylor, Advisor

Peter Ward, Advisor

STAFF AND CONSULTANTS PRESENT

Jack Caswell, Project Manager

Arlene Ichien, Senior Staff Counsel

Terry O'Brien

PUBLIC ADVISER

Nick Bartsch

BUREAU OF LAND MANAGEMENT

Tom Hurshman, Project Manager

Sterling White, Field Manager

Alan Stein

APPLICANT

Jeffery D. Harris, Attorney

Jedidiah J. Gibson, Attorney

Ellison, Schneider and Harris, LLP

Alicia Torre

Christo Nitoff

Steve DeYoung

Bright Source Energy

APPLICANT

Jose Barak
Tom Doyle
Bright Source Energy

John L. Carrier
Alicia Gasdick
CH2M HILL

Steve Hill
Sierra Research

Kristine D. Scott
Adam Eventov
TMG Communications, Inc.

INTERVENORS

Tanya A. Gulesserian Attorney
Adams, Broadwell, Joseph and Cardozo
representing California Unions for Reliable Energy

ALSO PRESENT

Eldon Heaston, Executive Director
Samuel Oktay
Mojave Desert Air Quality Management District

J. Peter Lounsbury, President
Mojave Desert Resource Conservation District

Larry Whalon
Mojave National Preserve
National Park Service

Daniel Kopulsky
California Department of Transportation

Thomas W. Harris, Jr., Attorney

John Stewart
California Association of 4-Wheel Drive Clubs

George Kerr
Society for the Conservation of Bighorn Sheep

ALSO PRESENT

Edward Waldheim, President
California Off Road Vehicle Association
American Motorcycle Association of Southern
California

Phillip Smith

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1 P R O C E E D I N G S

2 2:05 p.m.

3 PRESIDING MEMBER BYRON: Good afternoon,
4 everyone. I'd like to welcome you all to our
5 initial public site visit and hearing for the
6 Clearwater Solar Energy Generating Station. We
7 learned that Ivanpah means clear water in, what is
8 it, Paiute, I believe -- the Ivanpah Generating
9 Station.

10 I'd like to thank the applicant for
11 hosting us and feeding us so well this afternoon.
12 I'm sorry we were a little bit late; we got held
13 up at the airport.

14 I'm Commissioner Byron, the Presiding
15 Member of this Committee. And my Associate Member
16 is Commissioner Boyd, two seats to my left. And
17 to his left is his Advisor, Peter Ward; and to my
18 right is my Advisor, Gabriel Taylor. And between
19 us, keeping us separated, is our Hearing Officer
20 Paul Kramer.

21 I'd just like to say a couple of things
22 and then we'll turn it over to Paul and he'll
23 continue with the introductions.

24 First of all I'd like to apologize for
25 our not being able to make it here on January 4th.

1 I understand many of you were here and I'm very
2 sorry. We had some weather problems and some
3 illnesses and we just couldn't get out of
4 Sacramento, and in my case San Jose, to be here.

5 But we were glad that we could
6 reschedule here. I also understand there was an
7 informal workshop that took place on that day that
8 I got some feedback that was very helpful. And I
9 hope those of you who were here found it to be
10 that way, as well.

11 You know, for the Energy Commission I
12 believe this is the first solar energy generating
13 station application that we've seen for a long
14 time. So in honor of that I decided to wear a
15 green jacket today to call attention to, because
16 Commissioner Boyd and I sure see an awful lot of
17 natural-gas fired generating stations, and have
18 for the last number of years. So this is somewhat
19 unique for us.

20 And just for those of you that don't
21 know, the Energy Commission gets involved in
22 siting anything that is over 50 megawatts in size
23 and has a thermal component to it. So, wind tends
24 to not show up on our doorstep. But in this case,
25 this solar generator will be generating steam.

1 And we also anticipate that this may be
2 the first of many applications that we will see
3 over the next number of years in the State of
4 California for this kind of generation. So it's
5 very important that we conduct this in a thorough
6 and completely open and public way, just like we
7 do all of our projects, but that we get it right.
8 And it's a little more complex because of the
9 involvement of federal land in this case. And
10 we'll be talking about that a little bit more in a
11 second.

12 I'd encourage everyone, if you haven't
13 yet, please read the meeting notice for today's
14 meeting because it gives you, I think, a much
15 better sense of how we conduct our process and
16 what we're going to be doing today and over the
17 course of the next 12 months or so.

18 And as I said, the process is being
19 conducted with the Bureau of Land Management.
20 We'll talk about that a little bit more. The
21 purpose of the hearing today, this being a site
22 visit and an information hearing, is really for
23 the members of the community and us to learn more
24 about the project and obtain information. And to
25 get your comments and what your main concerns are

1 with regard to the applicant's proposed project.

2 We'll give the applicant an opportunity
3 to explain the project and answer some questions.
4 And then our staff, who works very independently
5 of us Commissioners, will explain our process and
6 what they'll be doing over the course of the next
7 year or so.

8 As I said, we do try and complete this
9 process in about a one-year period because it's an
10 obligation that we have to the State of California
11 and to the applicant.

12 As I indicated, I'm the Presiding Member
13 and Commissioner Boyd is my Associate Member. And
14 we will be making a recommendation when this is
15 all done to our full Commission who will be voting
16 on this project.

17 One of my fellow Commissioners uses a
18 baseball analogy when talking about siting cases,
19 and we're kind of at the top of the first inning
20 here. So it's a long process and we will be
21 welcoming and soliciting the input of everyone who
22 is here today.

23 I would just like to ask one question
24 before I solicit any comments from my fellow
25 Commissioner. How many members of the public do

1 we have here today? Would you mind just giving me
2 a show of hands.

3 Good. Thank you, and thank you for
4 being here today. And we'll look forward to your
5 input. But I also hope that this is educational
6 and worthwhile for you today.

7 Commissioner Boyd, anything?

8 ASSOCIATE MEMBER BOYD: It's a pleasure
9 to be here. As Commissioner Byron said, we're
10 sorry we didn't get here last time. Believe me I
11 would have rather been here than Sacramento where
12 we had pretty substantial storms; spent a lot of
13 time at an airport where the lights went out and
14 emergency generators kicked in, et cetera, et
15 cetera.

16 But it's a pleasure to finally get here.
17 This is a very interesting case for us for a lot
18 of the reasons Commissioner Byron indicated. It's
19 a lot different than the other ten cases that I'm
20 carrying at the present time.

21 As you'll hear in the process, we have
22 Committees of two for each and every siting case.
23 And so it's a very interesting process. I ask you
24 to listen closely to the process, because once we
25 open this hearing the relationship we have with

1 each and every one of you changes.

2 This gets very judicial. We don't own
3 black robes, but it's almost like that. We can't
4 talk -- everybody's an intervenor, we can't talk
5 to folks, even our own staff, quite frankly, from
6 this point forward without it being in a public
7 hearing or what-have-you. So I just caution you
8 to listen to the process and procedures.

9 And the decisions we make are predicated
10 on the record that is developed in this hearing,
11 and not anything we learn outside of the process.
12 So, it's a very good process, a very thorough
13 process, it's lengthy but it's been recognized
14 throughout the United States as perhaps the best
15 siting process there is, in terms of its
16 thoroughness and the adequacy with which it's
17 conducted and the fairness to the public.

18 So with that, I think we'll let the
19 Hearing Officer, who we let do all the heavy
20 lifting for these hearings, take over at this
21 point.

22 HEARING OFFICER KRAMER: Thank you,
23 Commissioner. Yes, our Hearing Officer Paul
24 Kramer. Paul, I was going to also ask if you
25 would discuss a little bit about what we're going

1 to try and accomplish in what timeframe today, as
2 well.

3 HEARING OFFICER KRAMER: Well,
4 timeframe, we'll take the time we need to. We'd
5 like to get out of here by 4:00, I think, but we
6 will see how things go.

7 And my normal remarks will explain the
8 process. I'll get to that in a couple minutes.

9 The next order of business would be for
10 the parties to identify themselves, starting with
11 the applicant, Mr. Harris.

12 MR. HARRIS: Thank you. My name's Jeff
13 Harris; I'm with the lawfirm of Ellison, Schneider
14 and Harris; I'm the attorney for the applicant.
15 And I think what I'll do is just ask everybody on
16 our team here and the next row to stand up and
17 introduce themselves, as well.

18 MS. TORRE: My name is Alicia Torre.
19 I'm the Project Development Manager for this
20 project with Bright Source Energy; I'm a
21 consultant to Bright Source Energy.

22 MR. NITOFF: I'm Christo Nitoff; I'm
23 with Bright Source Energy. I'm the Director of
24 Project Engineering.

25 MR. DeYOUNG: I'm Steve DeYoung,

1 Director of Environmental Health and Safety with
2 Bright Source, and the Environmental Manager for
3 the Ivanpah Clearwater project.

4 MR. CARRIER: And I'm John Carrier with
5 CH2M HILL. I'm the Project Manager for the
6 Environmental Consultant to Bright Source.

7 MS. GASDICK: Allie Gasdick; I'm with
8 CH2M HILL and also an Environmental consultant to
9 Bright Source.

10 MR. BARAK: I'm with Bright Source,
11 Director for the Power -- Development; in charge
12 of this project.

13 MR. DOYLE: I'm Tom Doyle with Bright
14 Source Energy and I'm responsible for our
15 development activity with Bright Source.

16 MR. GIBSON: I'm Jed Gibson; I am also
17 with Ellison, Schneider and Harris, doing legal
18 work for the applicant.

19 MR. HILL: Steve Hill; I'm with Sierra
20 Research. We're air quality specialists and we're
21 an environmental consultant for Bright Source.

22 MR. HARRIS: I'm Tom Harris; I'm just a
23 member of the public.

24 HEARING OFFICER KRAMER: Okay. And then
25 Energy Commission Staff, Mr. Caswell.

1 MR. CASWELL: Yes, I'm Jack Caswell,
2 Project Manager for the California Energy
3 Commission. To my right is Arlene Ichien, is the
4 Senior Legal Counsel for the Energy Commission.
5 And to her right is Terry O'Brien, Deputy Director
6 over the siting and environmental units and
7 engineering units.

8 Nick Bartsch is our Public Adviser and
9 will talk about his role in this a little bit
10 later.

11 HEARING OFFICER KRAMER: And then from
12 BLM, Mr. Hurshman.

13 MR. HURSHMAN: My name is Tom Hurshman;
14 I'm the right-of-way Project Manager for the
15 Bureau of Land Management.

16 This is Sterling White; he is the Field
17 Manager for the Needles Field Office, and these
18 federal lands are within the Needles field office
19 jurisdiction.

20 MR. WHITE: We also have with us today
21 from our District Office, Alan Stein, in the rear
22 of the room. And Rolla Queen.

23 HEARING OFFICER KRAMER: Okay, --

24 MR. HARRIS: Excuse me, we forgot to --
25 our folks that are here, too, introduce

1 yourselves, as well.

2 MS. SCOTT: I'm Kristine Scott; I'm with
3 TMG Communications. We do the outreach for the
4 Bright Source project.

5 MR. EVENTOV: I'm Adam Eventov, also
6 with TMG Communications.

7 HEARING OFFICER KRAMER: Thank you. We
8 have one intervenor in this proceeding so far, and
9 that's CURE.

10 MS. GULESSERIAN: Hi, I'm Tanya
11 Gulesserian with California Unions for Reliable
12 Energy.

13 HEARING OFFICER KRAMER: And do we have
14 anybody from any local agencies, the County or the
15 Air District here with us today?

16 MR. HEASTON: Eldon Heaston, Air
17 Pollution Control Officer with Mojave Desert AQMD.

18 MR. OKTAY: And I'm Sam Oktay, I'm the
19 program engineer for this project, Mojave Desert
20 AQMD.

21 HEARING OFFICER KRAMER: Anyone else?
22 Sir.

23 MR. LOUNSBURY: I'm Pete Lounsbury; I'm
24 with the Mojave Desert Resource Conservation
25 District -- Mojave Desert Resource Conservation

1 and Development Council.

2 HEARING OFFICER KRAMER: Thank you.

3 Anyone else?

4 MR. WHALON: Yeah, I'm Larry Whalon; I'm
5 the Deputy Superintendent Mojave Preserve
6 representing the National Park Service.

7 HEARING OFFICER KRAMER: Okay. And Mr.
8 Bartsch was introduced already. He's the Public
9 Adviser's representative.

10 I want to make it clear that we're not
11 here today to make any decisions. The purpose of
12 this meeting is to provide information about the
13 proposed solar power plant; describe the
14 Commission's licensing process, as well as the
15 process that the BLM is going through; and provide
16 information to the public about how they can
17 participate in those processes.

18 There are some documents available in
19 the back, I believe. Nick, do we have the issues
20 identification report back there?

21 MR. BARTSCH: We do not. We do have a
22 project description; we have a copy of our slide
23 presentation that we'll talk about process as well
24 as identify significant players in both the Energy
25 Commission and the Bureau of Land Management and

1 their contact information.

2 HEARING OFFICER KRAMER: Okay.

3 Commissioner Byron suggested that you might want
4 to read the notice for this hearing. I happen to
5 have four extra copies if somebody's interested in
6 looking at that. You can see me during the break
7 if you want, or just come up and grab one now.

8 And then also in the back I prepared a
9 one-page excerpt from the notice that has the
10 contact information for people such as Mr.
11 Bartsch, Mr. Caswell, myself and our public
12 information people at the Energy Commission.

13 As well as it has the address of the
14 website that we have on the Commission's -- the
15 webpage on the Commission's website where you can
16 get a lot of information about this project.

17 If you want to speak today we encourage
18 you to fill out one of the blue cards that Mr.
19 Bartsch has. He's holding them up. Which will
20 help us organize things, group people who want to
21 speak about the same topic and that sort of thing.

22 By way of background, the applicant in
23 this case is a consortium of four individual
24 corporations, Solar Partners 1, 2, 4 and 8.

25 On August 31st of last year they

1 submitted an application for certification, or
2 what we at the Energy Commission call an AFC, to
3 construct and operate the I-SEGS project which
4 would be a 400 megawatt solar power plant on BLM-
5 managed lands to the northwest of where we are
6 today.

7 I'll leave it to -- I'll let the staff
8 and the applicant give you further details in
9 their presentations in a few minutes.

10 As I think Commissioner Byron alluded
11 to, the Energy Commission has exclusive
12 jurisdiction to license this project. And we are
13 considering it under a 12-month review process.

14 In this case, in addition to the Energy
15 Commission permit, though, the project also needs
16 to obtain permission to use the federal lands.
17 And that would be obtained from the BLM. And they
18 are conducting their own permit process in
19 parallel with the Energy Commission's process.

20 Notice of today's events was mailed to
21 all the parties, adjoining landowners, and
22 interested government agencies and other
23 individuals. And just before today's meeting we
24 had a site visit to see the proposed location for
25 the project.

1 As the Commissioners indicated, this is
2 the first in a series of Commission and BLM events
3 that will extend over the next year or so. The
4 Committee will eventually issue a proposed
5 decision for consideration by the full Energy
6 Commission, which makes the final decision on the
7 application.

8 I'll leave it to the BLM representatives
9 to describe the details of their process.

10 There will be additional opportunities
11 for the public and the parties and governmental
12 agencies to discuss the issues about this project.
13 Those will occur in public workshops, held by the
14 Energy Commission Staff. Most likely in this
15 area, or depending on the degree of local
16 interest, perhaps in Sacramento.

17 The Committee's decision must, by law,
18 as Commissioner Boyd said, be based solely on the
19 evidence that's presented at the evidentiary
20 hearing.

21 And to insure that that happens and to
22 preserve the integrity and impartiality of the
23 process, the Commission's regulations and state
24 law prohibit private contacts between the parties
25 or public and the Committee Members and Advisors.

1 The name for this rule is the ex parte,
2 or I think I translated it from Latin to one-sided
3 rule. This means that all discussions with the
4 Committee regarding a substantive matter must
5 occur in the context of a public meeting like
6 today's event, or in the form of a written
7 communication.

8 The purpose of the rule is to provide
9 full disclosure to all of the participants of any
10 information that may be used as a basis for the
11 future decision on this process.

12 It is okay, though, to talk to us about
13 procedural matters, such as scheduling of hearings
14 and that sort of thing, but not about substance.

15 If you have access to the internet one
16 of the easiest ways to keep up with the events in
17 this case and see all the reports and documents is
18 to get your email address on the Commission's
19 interested persons email list for this project.

20 There's a place where you can give your
21 email address on the Commission's website, the
22 page for this project. And then you'll receive --
23 you won't receive the actual documents, as I
24 understand it, by email, but what you'll get is a
25 notice, for instance, that a particular report is

1 now up on the website and available for you to
2 download.

3 Some of those reports can be over 10
4 megabytes, so you can see why we probably don't
5 want to send you that as an email. It may choke
6 your ISP.

7 Again, the address for the project's
8 internet page will be on Mr. Caswell's slide show.
9 And it's also on that sheet of paper that I left
10 in the back with all the contact information. If
11 you run out of those, or you're not able to
12 scribble it down while it's up on the screen, just
13 see one of us and we'll make sure you get it.

14 One of the roles that we have at the
15 Commission is the Public Adviser's Office.
16 Because this is a public process in which we
17 encourage members of the public and interested
18 organizations to actively participate and express
19 their views, we've also provided the Public
20 Adviser to help you learn about how to do that and
21 give you some advice. Not about -- they won't
22 represent you, but they will make sure that you
23 understand how to participate in the process.

24 So, I will give Mr. Bartsch a couple
25 minutes to explain that more fully, and give you

1 his information so you know how to reach him.

2 MR. BARTSCH: Thank you, Mr. Kramer. My
3 name is Nick Bartsch; I'm in the Public Adviser's
4 Office at the California Energy Commission, which
5 is part of the Commission, but an independent
6 office, if you will, with the main responsibility
7 of helping stakeholders, interested parties,
8 general public to participate, to have meaningful
9 participation in the process.

10 The purpose of my very brief talk is,
11 one, to explain to you the ways that you can
12 participate. And secondly, to give you a very
13 brief summary of our outreach efforts within a
14 six-mile radius of this proposed project, which is
15 generally the area that we would consider for
16 potential impact.

17 First, ways to participate. There are
18 actually two ways of doing so, as an interested
19 party. You can participate by getting information
20 from us, or from the Energy Commission Staff.
21 But, preferably through us. We are the conduit
22 for you to get that information.

23 You can provide information verbally or
24 in public hearings, in which case you'll be
25 recorded and be part of the public record. But

1 also, you can submit through our docket -- and I
2 have the docket address on this blue sheet of
3 paper -- either by mailing or emailing your
4 comments to dockets. It will be docketed, and
5 again will become part of the public record.

6 This is really the first public
7 information session within about a one-year
8 process. So, there'll be many other opportunities
9 for you to participate and provide comments.

10 As a public member, these comments then
11 will become -- the Committee here of the
12 Commission may use your comments in the
13 decisionmaking process.

14 The other more formal way to participate
15 is as an intervenor. Now, the difference there is
16 as an intervenor if your petition is granted by
17 the Committee, then you would be able to provide
18 testimony under oath. And that input carries more
19 weight, if you will, because testimony under oath
20 can be used as a basis for decision in the
21 process.

22 I will be happy to explain the
23 differences, answer questions for you if you
24 decide to become an intervenor. It's important to
25 intervene, if you decide, early on because you

1 would have the benefit of the entire process.

2 But in any case, you need to submit your
3 petition to intervene at least 30 days prior to
4 the evidentiary hearing. Now you may petition
5 after that date, but then you would have to
6 provide a good reason for the Committee to grant
7 your petition.

8 My second purpose being up here is
9 giving you a brief summary of our outreach
10 efforts. It's always a challenge in a sparsely
11 populated area such as this to reach out to the
12 public and interested persons about this
13 particular hearing. But I think we have done,
14 under the circumstances, a pretty good effort,
15 primarily through the television and radio, public
16 service ads, in this general area from three tv
17 stations in Las Vegas and two radio stations that
18 cover this area.

19 We have also had public service
20 announcements in the Las Vegas newspapers that
21 have some circulation in this area.

22 We have notified elected and certain
23 appointed public officials in the County of San
24 Bernardino who have jurisdiction in this area. We
25 have also reached out to various environmental,

1 Native American folks and representatives, as well
2 as general public property owners in the area in
3 order to publicize this event.

4 Now, because this is a postponed
5 hearing, we have also re-notified everybody to
6 make sure, those who expressed interest in this
7 project, to make sure they knew about this
8 particular event.

9 If you want to participate, please -- or
10 you want to make a comment today to the Committee,
11 please fill out one of these blue cards; give them
12 back to me; and then you'll be called upon during
13 the public comment period.

14 Also, if you have any questions about
15 the project, please see me and I'll give you
16 information as to how to contact us
17 electronically, or email or phone.

18 Thank you very much.

19 HEARING OFFICER KRAMER: Thank you. Now
20 we're going to go to the presentations. And the
21 order of the presentations will be first the
22 applicant will briefly describe the project and
23 its plans for developing the site.

24 Then the Commission Staff will describe
25 the Commission's licensing process and their role

1 in that process.

2 And the BLM will describe its process
3 following the Commission Staff.

4 Then we will have any questions or
5 presentations from interested agencies, if there
6 are any.

7 And followed by a discussion of the
8 scheduling and other matters that are identified
9 in the staff's issues identification report, and
10 the applicant's responses.

11 And then finally we will take comments,
12 as well as questions, from members of the public.

13 So, let's begin with the applicant,
14 Alicia.

15 MS. TORRE: Thank you.

16 ASSOCIATE MEMBER BOYD: Yeah, Ms. Torre,
17 obviously we don't have a PA system; it's really
18 just for capturing it all for the record.

19 MS. TORRE: Okay, I'll try to make this
20 pretty quick. Please go on to the next.

21 First of all, you've heard the name
22 Bright Source Energy and you've also heard four
23 applicant names, so I wanted to explain that.
24 Bright Source Energy is the parent company of
25 Solar Partners 1, Solar Partners 2, Solar Partners

1 4, and Solar Partners 8, which are the individual
2 owners of the three proposed power facilities and
3 the shared facilities that we'll talk about.

4 Bright Source Energy has an experienced
5 management team that includes the designer and
6 developer and operator of more than 350 megawatts
7 of solar thermal energy plants which were built in
8 the mid '80s. And some of you may have seen these
9 at Kramer Junction. These are still in operation
10 and are owned by Florida Power and Light and
11 several other companies in combination.

12 The company is backed by premiere
13 venture capital firms including Vantage Point,
14 Morgan Stanley, J.P. Morgan, Chevron Technology
15 Ventures is also on the Board. We are
16 headquartered in Oakland, California.

17 California's population and energy
18 demand are steadily increasing; a great deal of
19 the energy infrastructure in the state is old and
20 polluting and unreliable. Out-of-state imports
21 are expensive. There's a continuing need for new
22 modern electric generating facilities to insure
23 our energy independence.

24 If you could go on, please, John. I
25 think we've all seen headlines about the need to

1 reduce carbon usage in the world in order to stop
2 the warming of the planet. And citizens of the
3 state and the governors have voted for legislation
4 that provide that California utilities need to
5 purchase more of their electricity from renewable
6 sources. And actually 33 percent by the year
7 2017.

8 Solar energy is just one of those
9 renewable energy sources, but one of the
10 attractive things about solar energy is that
11 production occurs when it's needed, right during
12 the middle of the day when you have a heavy air
13 conditioning load. So it fits very nicely with
14 the actual need for energy. Some other forms are
15 more intermittent.

16 The mission of the Ivanpah Solar
17 Electric Generating System is to provide clean,
18 reliable and cost effective energy for California;
19 reduce the carbon footprint on the world; provide
20 local reliability; reduce our dependence on
21 foreign oil.

22 The Ivanpah Solar Electric Generating
23 System is composed of three separately owned power
24 plants, owned by Solar Partners 1, Solar Partners
25 2, and Solar Partners 8. There will be different

1 utility purchasers for the electricity from those
2 three projects. But we are looking at them
3 together in this single environmental process
4 because they are all reasonably foreseeable. I
5 mean together they constitute one complex. And
6 the shared facilities are owned by Solar Partners
7 4, or will be owned by Solar Partners 4.

8 Some just sort of basic facts about the
9 project. We expect the first delivery of energy
10 to the market to be in 2010 or 2011. We have
11 chosen to use dry cooling technology to reduce our
12 water use in the desert because water is so
13 precious in the desert.

14 The technology, which I'll get into in a
15 minute, is referred to as distributed power
16 towers. We have in a single 100 megawatt plant,
17 we have three outlying towers with mirror arrays
18 around them. And another tower right at the
19 center of the power block. And I'll show some
20 pictures of that in a minute.

21 One last point I would make is that the
22 location of the plant is consistent with the BLM
23 resource management plan in effect which
24 identifies this area as an L or M, multiple use
25 area where renewable energy is an allowable

1 project.

2 I hadn't realized before about a year
3 ago how unique the Mojave Desert is because of the
4 300 to 330 cloudless days a year. That's really
5 essential for solar energy. Also we're at
6 elevation nearly 3000 feet at the site. And the
7 higher you are the more solar resource there is.

8 And, of course, near to electricity
9 consumers with transmission lines running right
10 through the site.

11 This is a map put out by the National
12 Renewable Energy Laboratory which shows you solar
13 energy resources in the southwest. As you'll see
14 this area in California is one of the red zones.

15 Here you have the project vicinity map.
16 You all got here, so you know where you are, right
17 close to the border with Nevada. And the red
18 sections there show where the project site is in
19 relationship to the freeway, to the California/
20 Nevada border.

21 And I would point out that this light
22 green area is the Mojave National Preserve which
23 we are north of and east of. You can't see the
24 rest of the preserve, but it stretches most of the
25 way to Interstate-40. So it's a huge part of the

1 desert. I only want to point that out because
2 sometimes people think that we're in the reserve;
3 we're not.

4 Here is a map, this is the base map here
5 is the Bureau of Land Management map for the
6 Mesquite map. And just to point out a few of the
7 infrastructure that already exists here.

8 You have Interstate-15 cutting across
9 the Ivanpah dry lake to the Primm, the casino area
10 on the border. Also out there, I didn't point
11 this out at the site, but there's a large power
12 plant known as the Big Horn Plant, that is in the
13 Primm area. If you saw something that looked like
14 a black box, that's the Big Horn Plant.

15 The white box is the golf course where
16 we are located today. And what you will see here
17 per the arrows are the transmission lines that
18 already criss-cross this entire area.

19 Let's go on. Here's the illustration of
20 Ivanpah SEGS. You're looking at it from the
21 southeast looking northwest with Ivanpah 1 in
22 front of you, the 100 megawatt facility. Ivanpah
23 2 behind; and the largest plant, Ivanpah 3, the
24 200 megawatt facility, in the rear.

25 This schematic is a brief look at how

1 the technology works. Starting on the left you
2 have a host of small mirrors reflecting the sun's
3 energy onto the solar tower receiver where cold
4 water has come in through pipes. That water is
5 heated up and taken to the central power plant
6 where it is expanded through a steam turbine. At
7 the end of that process it's lower pressure, lower
8 temperature. And it is taken from there to a
9 steam condenser where the steam is air cooled back
10 to water to go out again into the field. So you
11 have a circular process here.

12 Again, a small schematic showing the
13 same things. It also shows that the tower has a
14 calibration tower, the target that the mirrors are
15 first focused on before moving up to the receiver.

16 The flat mirrors are about ten feet wide
17 and six feet high. And because of the dual
18 positioning mechanism they're able to follow the
19 sun in two axes, which allows them to capture more
20 of the sun's energy than older technologies.

21 Continuing, this is a closeup of a 100
22 megawatt plant. Again, the distances here from
23 each tower to the central power block are about a
24 half a mile.

25 Other folks will be talking at great

1 length about the NEPA and CEQA joint federal/state
2 process, so I'm going to skip over that. But
3 simply to say that we are here at the beginning of
4 a year-long process and there is great opportunity
5 for the public to provide comment on a continuing
6 basis through this process.

7 Some of the benefits of the project to
8 the community are that during the period of
9 construction, which for the three plants is
10 envisioned to take place over four years, there
11 are more than 950 union jobs at the peak of
12 construction. Approximately 90 permanent full-
13 time jobs upon completion. Those are both
14 technical and some maintenance jobs, as well.

15 \$5.4 million is the annual payroll for
16 all three plants. In addition there is new
17 property tax revenue and local services and
18 supplies will be procured.

19 Most importantly, in my opinion, you
20 have better air quality with electricity
21 generation from a renewable resource. Actually
22 compared to the cleanest gas-fired combined cycle
23 plants today, electricity produced from this plant
24 reduces 85 percent of the major pollutants that
25 you would have in a more conventional facility.

1 Continuing, that's one of the points
2 covered there. Some of the things we've already
3 mentioned. Daytime solar production reduces the
4 need for less efficient peaking plant operation
5 because it exactly matches the need of our air
6 conditioning load in California.

7 And, again, the dry cooling technology
8 reduces the use of precious desert water to an
9 absolute minimum.

10 And we do have an 800 number if anybody
11 ever has any questions. Give us a call and we'll
12 get back to you.

13 PRESIDING MEMBER BYRON: Can I ask one
14 now instead of having to call the 800 number? Ms.
15 Torre, in the summary of the project it says in a
16 couple of places that the three plants will
17 receive separate licensing approvals.

18 And I was a little confused by that, and
19 I just wanted to make sure we're all clear here.
20 This is one application for certification for
21 three units, correct?

22 MS. TORRE: For three power plants,
23 actually for four -- there would be, you know,
24 four separate licenses because Solar Partners 4 is
25 the shared facilities. And the BLM preferred for

1 the shared facilities to be held under a separate
2 LLC rather than having to communicate with three
3 different companies about the shared facilities.

4 So that's why there is a fourth entity,
5 even though there are only three power plants.

6 HEARING OFFICER KRAMER: So then that's
7 speaking in terms of the BLM permits rather than
8 the Energy Commission?

9 MS. TORRE: You have before you a single
10 application by four entities. And we are seeking
11 separate licenses for the three plants.

12 As I said before, the plants will be
13 owned by different parties. The electricity from
14 the plants will be sold to California utilities,
15 but to different utilities.

16 It's important for those, you know,
17 utilities to know that their fortunes in
18 purchasing power from a plant are not tied up in
19 the business of another plant. And that is why we
20 are seeking the four separate licenses.

21 Am I answering this adequately, Jeff?
22 Did you --

23 PRESIDING MEMBER BYRON: I think the
24 important thing is, for the sake of the public, to
25 understand that we don't really care if you have

1 four, eight or 12 different owners. We're going
2 to evaluate this as one single power plant project
3 in its impact on the environment, air quality, et
4 cetera.

5 Unless I'm missing something I want to
6 make sure that that's how we understand this
7 evaluation.

8 MS. TORRE: Thank you for clarifying
9 that for me. It's all of these -- the three
10 plants are reasonably foreseeable and constitute
11 one complex. And we're looking at the complete
12 impact, as opposed to coming in with one plant and
13 then coming in two years later with another plant.
14 That would be unfair to the analysis.

15 HEARING OFFICER KRAMER: Although to get
16 electricity you have to deal with one of the solar
17 heaters and then the shared plant, which is a
18 generator, right?

19 In other words, four is the steam
20 turbine which produces the electricity.

21 MS. TORRE: Each plant has its own power
22 block and --

23 HEARING OFFICER KRAMER: Okay, it does.
24 Okay.

25 MS. TORRE: -- its own steam turbine.

1 That is not shared. But I think that you would
2 all prefer us to have, you know, one gas pipeline
3 to Kern River and not three; and to have the two
4 wells rather than six; and one administration/
5 maintenance building rather than three.

6 So there are certain facilities that are
7 shared between the three plants. And those would
8 be under the ownership of Solar Partners 4, LLC.

9 But the complete and total impact of the
10 whole facility is being looked at right now in
11 this process.

12 HEARING OFFICER KRAMER: Right, so I
13 think it's to be dealt with later, but there may
14 be some interesting issues about designing
15 conditions and parceling out the responsibility
16 for different behaviors among all these different
17 owners. That's something we'll leave -- at this
18 point I think we leave to the staff and the
19 applicant to try to work out and present in the
20 hearings.

21 PRESIDING MEMBER BYRON: Okay.

22 MS. TORRE: Thank you very much.

23 HEARING OFFICER KRAMER: Thank you.

24 Staff, Mr. Caswell.

25 MR. CASWELL: Again, I'm Jack Caswell,

1 Project Manager for the California Energy
2 Commission. And my partner in the meeting of the
3 technical groups, Tom Hurshman, with the Bureau of
4 Land Management. This is a joint agency, state
5 and federal review process.

6 We have an MOU with BLM to conduct this
7 review, agreeing --

8 PRESIDING MEMBER BYRON: Mr. Caswell, if
9 I may interrupt. You know, I love the Energy
10 Commission, we've got acronyms to beat the band.
11 BLM, Bureau of Land Management. MOU, memorandum
12 of understanding. I'm just going to ask you to
13 spell all those things out for the sake of the
14 public here.

15 MR. CASWELL: All right, I will do that.
16 We have a memorandum of understanding with the
17 Bureau of Land Management --

18 (Laughter.)

19 MR. CASWELL: -- and I am with the
20 California Energy Commission. And again, it is a
21 joint agency review process.

22 The Bureau of Land Management is the
23 landlord, they own the land that this license is
24 pursuing. The Energy Commission, our role here is
25 Energy Commission has permitting authority for

1 thermal power plants that are 50 megawatts or
2 greater.

3 All those related facilities, I won't
4 read every line to you, takes some time. Again,
5 this slide presentation is sitting on that table.
6 There are, I see, some additional copies. And so
7 all this information is available for you to
8 review. And you'll be able to contact me or Tom
9 or others in this process as indicated in slides
10 as we go forward.

11 Anyway, we deal with local, state and
12 federal coordination. That's our role here at the
13 Energy Commission. And these are the types of
14 agencies, local, townships if any, regional, of
15 course, San Bernardino County; state, here's a
16 list of agencies that we've contacted and gotten
17 involved with, as well as federal agencies. And
18 the Bureau of Land Management is making contact
19 with many of these, as well.

20 If you're not on a mailing list or
21 receiving information about this process, please
22 get ahold of me at a later date, and send me --
23 I'd like to get an email or, if you can, if you'd
24 give me a call when I get back if I don't have
25 time to talk to each and every one of you here.

1 And it's not likely I will.

2 Contact me and I can get you on a
3 mailing list if you're an agency that needs
4 notices and technical information, because we do
5 provide that.

6 Overview of our licensing process. Data
7 adequacy, that already occurred. What we did is
8 make sure that this license met a certain level of
9 information before we pursued going into this
10 discovery phase.

11 We made a recommendation to the
12 Commissioners on the data adequacy of this
13 document within 45 days. And the Commissioners
14 deemed the project adequate based on our
15 recommendation. And we moved forward into the
16 discovery phase. That is currently where we're
17 at.

18 We also have conducted -- as part of
19 this discovery phase we actually had a staff
20 workshop. And we held that on the 4th and were
21 able to actually conduct a longer staff workshop
22 than we anticipated because of the absence of the
23 Commissioners due to that weather issue.

24 And we discussed our data requests to
25 the applicant to further clarify issues. That

1 information is posted on the webpage, and it's
2 also been distributed and docketed.

3 I provided an issues identification
4 report early in the process to the Commissioners
5 identifying issues that may create or just have a
6 higher level of concern with the staff.

7 Again, we've done the public workshop
8 and we create preliminary and final staff
9 assessments. That's the two main documents that
10 the Energy Commission Staff produce.

11 Again, we are separate entities. We
12 produce documents as a recommendation to the
13 Committee prior to the evidentiary hearing process
14 starting.

15 That's phase three. Evidentiary
16 hearings. There's a prehearing conference usually
17 to discuss the issues as they have developed
18 throughout the process. We go to these hearings.
19 That FSA, that final staff assessment, is part of
20 that evidentiary hearing as one of the pieces of
21 information.

22 Comments at these hearings by agencies,
23 of course BLM and the applicant, and members of
24 the public, is all taken into consideration during
25 this hearing process. And the Committee produces

1 a Presiding Member's Proposed Decision, PMPD.

2 And that Presiding Member's Proposed
3 Decision has a hearing and there's discussion and
4 comments taken in on that decision. And then we
5 go on to a hearing and the Commission makes the
6 final decision. And that's kind of a quick
7 overview of the three main phases that are
8 conducted during this process.

9 Here's a table that shows that same
10 discussion only it's broke down in boxes. We're
11 in the discovery phase right now. We've done data
12 requests; we have some data responses that have
13 been returned to us. Those data responses are
14 incomplete. So we'll be waiting for further
15 clarification on the data requests.

16 And we'll move forward on to probably a
17 data response workshop. I can almost guarantee
18 you we will be conducting a data response
19 workshop. And we will be conducting that with the
20 Bureau of Land Management in Needles. We've been
21 discussing that with the Bureau. They can host
22 that and have facilities that can accommodate a
23 group of this size. And so that's the intent of
24 that. I won't go through this again. It's a
25 table of that process. And you can feel free to

1 contact me at anytime on this issue. On any of
2 these issues.

3 Again, a little more description of the
4 discovery and analysis phase. And the reason why
5 I'm going over this and have so many slides on
6 this is because I want everybody in the public, as
7 well as outside agencies, to understand this
8 process and be able to refer to this slide
9 presentation when you're asking questions about
10 where we are in the process. What you can do to
11 get involved and participate, as Nick Bartsch has
12 indicated.

13 And, again, it's just kind of a hash-
14 over of the other two slides, but broken down in a
15 little bit more detail and a little different
16 format.

17 The evidentiary hearing process. Again,
18 a little more detail about what's going on in that
19 evidentiary hearing process so that you can focus
20 in on questions should you choose to ask them.
21 And contact me or Nick Bartsch or Tom Hurshman
22 about the issues on this.

23 Tom, I'll let you talk about Bureau of
24 Land Management's role.

25 MR. HURSHMAN: Thanks, Jack. On behalf

1 of BLM I'd like to welcome you to this
2 informational hearing and scoping meeting. And I
3 think it's important to note that this meeting is
4 also serving as the Bureau of Land Management's
5 required meeting to conduct scoping under the
6 National Environmental Policy Act, NEPA.

7 Our primary objective, my primary
8 objective this afternoon is to provide the public
9 an opportunity to give us comments on the overall
10 scope of what you want to see addressed in this
11 environmental analysis that the CEC and BLM will
12 be doing jointly.

13 I am a national right-of-way Project
14 Manager for the BLM; and you'll notice on the
15 contact information later that I live in Colorado,
16 and you're probably saying what's a guy from
17 Colorado doing on this project.

18 Well, BLM has a cadre of project
19 managers like myself, and we are located in
20 various offices around the western states. We get
21 assigned to these projects, so we do a lot of
22 traveling to where the work is being done.

23 For the purpose of this project I am
24 working for Sterling White, since Sterling is
25 actually the BLM-authorized officer who will be

1 making the eventual decision on how we're going to
2 proceed with this project.

3 On a personal note it is a lot nicer to
4 come to the California desert to work in the
5 wintertime than it is southern Wyoming. And
6 that's where I've been spending a lot of time
7 lately, as well.

8 Right now BLM is -- we're at a real
9 interesting crossroads when it comes to making
10 decisions on how public lands are being managed.
11 And that's not just in the California desert
12 district, that's pretty much across the Bureau.

13 With the passage of the Energy Policy Act
14 in 2005 and some subsequent amendments to that,
15 they've given BLM the direction to encourage and
16 to promote development of energy resources from
17 public lands, both from conventional sources and
18 from renewable energy sources, while continuing to
19 adhere to our multiple use mandate of managing
20 public lands.

21 When you look at a map of the federal
22 lands in southern California, you see large blocks
23 of federal land that are basically restricted from
24 energy development. You've got designated
25 wilderness areas, you've got military

1 reservations, BLM areas of critical environmental
2 concern, national park units.

3 But that remaining public land that's
4 managed by BLM under multiple use, at this point
5 in time, is really getting pretty well blanketed
6 with renewable energy applications.

7 And the numbers vary because we are
8 trying to screen applications and go through
9 there, but there's probably in the neighborhood of
10 70 solar applications and 50 or so wind
11 applications in the California desert district
12 alone.

13 And a lot of those applications are
14 tiered and they're layered on top of each other
15 And as we're sorting, you know, we're just now in
16 the preliminary stages of trying to sort through
17 those applications and trying to clear some of
18 those which may not be bona fide, I guess, for
19 lack of a better term, applications. Uncompleted
20 applications.

21 Some of them, we feel, are probably
22 fairly speculative at this point in time, but we
23 have to take a look at each one of those
24 individually. And this Ivanpah project is really
25 the first project out of the chute for the BLM to

1 be processing at this point in time.

2 As Jack mentioned, the BLM and CEC have
3 entered into a memorandum of understanding for
4 processing, in this case, these thermal solar
5 energy projects. You know, our intent is to
6 minimize the duplication analysis and streamline
7 the processing of applications where we have this
8 joint jurisdiction going on between the agencies
9 at the federal and state level.

10 Under federal law BLM's responsible for
11 processing requests for rights-of-ways on public
12 land to authorize these power generation
13 facilities and the associated transmission lines
14 and other related facilities to those projects.

15 We have to comply with the requirements
16 of the National Environmental Policy Act, or NEPA,
17 which requires us to consider the environmental
18 impacts associated with construction and operation
19 of facilities.

20 Under California law, the CEC is
21 responsible for reviewing applications for
22 certification for these plants, and has the lead
23 role for environmental review under CEQA,
24 California Environmental Quality Act.

25 The MOU signed by both agencies spells

1 out our basic responsibilities and procedures that
2 we're going to follow in conducting this joint
3 review.

4 At this point we will, for the federal
5 process, be preparing a draft and final
6 environmental impact statement. And CEC will be
7 preparing its preliminary and final staff
8 assessments. And we're still working through how
9 we're going to meld those two requirements for the
10 staff assessment and the NEPA process.

11 And this slide here kind of explains
12 where we have to go through these steps. BLM
13 started our internal environmental review when
14 Bright Source filed right-of-way applications with
15 our agency this last year.

16 We've conducted internal resource
17 reviews and tried to identify those issues and
18 concerns, and we've carried those forward with the
19 Energy Commission in their notices.

20 We published a notice of intent to
21 prepare the EIS and filed that in the Federal
22 Register on November 6th of 2007. That notice is
23 our formal notification to the public, other
24 governmental agencies, and other interested
25 parties about Bright Source's applications.

1 Our purpose is to foster the early
2 identification and resolution of environmental
3 issues.

4 This notice of intent opened the
5 official federal public scoping period for the
6 project. And that scoping period will close on
7 January 31st.

8 Our next step will be to begin analyzing
9 Bright Source's proposal in detail. We'll be
10 reviewing the issues identified by you, the
11 public, and analyzing the responses to data
12 requests and questions that our agencies have
13 addressed to Bright Source about their project.

14 We'll use this information to create the
15 range of alternatives that will be addressed in
16 the preliminary staff assessment and draft EIS.
17 And will also be developing appropriate mitigation
18 to avoid or minimize potential impacts that are
19 going to result from this project.

20 When completed our analysis will be
21 published. As we say, it's a preliminary staff
22 assessment and draft environmental impact
23 statement. Because this draft will serve as an
24 amendment to the California desert conservation
25 plan, that will also be noticed in the Federal

1 Register, and presented to the public for a 90-day
2 public comment period.

3 The preliminary staff assessment and
4 draft EIS will be made available online, and it
5 will also be mailed to any interested party who
6 requests a copy. The draft will also be available
7 in most local libraries and at BLM offices, so
8 there should be ample opportunity to get a copy of
9 that to anybody that would like to see it.

10 During this 90-day public comment period
11 on the draft EIS we'll hold more public meetings;
12 we'll be accepting your comments to gather
13 feedback on our analysis and our findings. And I
14 want to emphasize that this will be just a draft
15 document.

16 We'll want you to tell us where we've
17 addressed your concerns adequately, and where you
18 believe we should be making further analysis or
19 corrections in the final.

20 We'll then go back to work; we'll be
21 amending and adding to that analysis and answering
22 all of the comments that are made on the draft.
23 All those comments will be incorporated into the
24 final document that is prepared. Again, we'll be
25 mailing that out to interested parties and anybody

1 who's indicated an interest in it.

2 The final EIS is not a decision document
3 for the BLM. The final EIS is being prepared to
4 disclose to the public the potential environmental
5 impacts of constructing and operating this Ivanpah
6 project.

7 When this entire process is complete the
8 BLM will publish its findings in a separate record
9 of decision for the project. The BLM ROD, record
10 of decision, will not be signed for at least 30
11 days after the final EIS. And given the process
12 that we're going through here with the State
13 Energy Commission and the role that the Commission
14 has to do, our timeframe between the final
15 analysis and that draft will probably be somewhat
16 longer than that 30 days to incorporate the
17 decisions that the Commission has to make.

18 As I say, the primary purpose of this
19 meeting today is to give you an opportunity to
20 comment on the scope of the environmental issues
21 that you'd like to see covered in our document.
22 So, as Jack explained, we'll take your comments in
23 several formats. We've got a court reporter here
24 obviously today for the oral testimony. Through
25 January 31st BLM will take your comments written,

1 via email. That contact information for doing
2 that is within the presentation.

3 So if anybody intends to make comments
4 electronically to us, please pick up a copy of
5 that information today.

6 With that, --

7 HEARING OFFICER KRAMER: Before he sits
8 down, a question or two?

9 MR. HURSHMAN: Sure.

10 PRESIDING MEMBER BYRON: Yes, if I may.
11 Mr. Hurshman, thank you, thank you for being here.
12 Mr. White, I wanted to say Mr. Sterling --

13 (Laughter.)

14 PRESIDING MEMBER BYRON: -- thank you,
15 as well, for being here. As I indicated earlier,
16 besides this individual project, because it's one
17 of the first or the first, I think, for us, it's
18 extremely important. And we're also fortunate to
19 have here today with us the Deputy Director of our
20 Siting Division, Terry O'Brien, is here as well.

21 I'd like to thank the staff, our staff,
22 as well as BLM, for the foresight of working
23 through this memorandum of understanding, and
24 trying to figure out how these two agencies could
25 meld their process.

1 So, having said that, let me ask you, if
2 we hadn't done that how might this process go.
3 Could you give me a brief description?

4 MR. HURSHMAN: Well, I think we face
5 some serious challenges trying to meld our two
6 systems, to begin with. And the first one is a
7 result of schedule issues. And where the Energy
8 Commission has a mandate to complete, you know,
9 their review process in a year's period of time,
10 is very difficult for the BLM to get our arms
11 around, I guess, for lack of a better term at this
12 point.

13 A typical NEPA EIS process, by the time
14 we get a pretty much a perfected application and
15 we start our notice of intent process, is, by
16 itself, you know, on the average I'd say maybe an
17 18-month process.

18 So I think -- you know, if we had
19 separate processes going, it certainly is going to
20 extend the timeframes all that much longer.

21 PRESIDING MEMBER BYRON: Well, and so
22 let me be more specific.

23 MR. HURSHMAN: Okay.

24 PRESIDING MEMBER BYRON: We usually
25 require our applicants to have site control, to

1 have the property, to control it.

2 MR. HURSHMAN: And site control from us
3 isn't going to be until we sign that ROD and issue
4 a right-of-way grant to the applicant.

5 PRESIDING MEMBER BYRON: So, shortening
6 this process means instead of taking them in
7 series, we basically are doing them parallel.

8 MR. HURSHMAN: We're doing concurrent as
9 opposed to in series.

10 PRESIDING MEMBER BYRON: Well, and of
11 course, I believe the ex parte rules apply with
12 the Commission as well then extending with our
13 staff to the BLM Staff, is that correct, Mr.
14 Kramer?

15 HEARING OFFICER KRAMER: Oh, no, if you
16 mean can our staff talk to the BLM Staff --

17 PRESIDING MEMBER BYRON: No, no, no, I
18 mean the Commissioners.

19 HEARING OFFICER KRAMER: Yes, in effect
20 they're just like our staff.

21 PRESIDING MEMBER BYRON: Right. But I
22 am very interested in making sure that this MOU
23 proceeds in an efficient and useful way for this
24 project and future projects. So I would encourage
25 either you or Mr. White to let me know if you have

1 any difficulties so that we can iron out those
2 problems.

3 MR. HURSHMAN: I appreciate that.

4 PRESIDING MEMBER BYRON: And, of course,
5 I'm talking about the process, not necessarily
6 this particular application.

7 MR. HURSHMAN: I appreciate that,
8 because BLM is very much interested in seeing that
9 this process works well together. And from our
10 perspective, the Ivanpah project is kind of being
11 the first model project that other projects will
12 likely be modeled after.

13 So we want this to happen in the most
14 effective and efficient way so that it satisfies
15 both the state's needs and the federal needs.

16 PRESIDING MEMBER BYRON: Good, thank
17 you.

18 ASSOCIATE MEMBER BOYD: Quick comment,
19 if you would. As a long-time government employee
20 I want to commend the staffs of the California
21 Energy Commission and the Bureau of Land
22 Management for entering into this memorandum of
23 understanding.

24 And the public probably presumes, you
25 know, agencies work very cooperatively on

1 everything. And as I say, long-time government
2 employee I know how difficult that is.

3 So this is almost a first, or this is a
4 very significant event, much more than a lot of
5 people, I think, would normally attribute to it.
6 And I just want to commend you all for taking the
7 time to do this.

8 Otherwise, yes, it would have been more
9 sequential than concurrent. It would have been a
10 long, much longer period of time, I trust, and
11 take a lot more educating and training of folks
12 separate and apart from the process taking place
13 here.

14 So I'm very encouraged to see this. We
15 government agencies act very tribal sometimes.
16 And it's good to finally get out and work
17 together. So I think this is great, and I just
18 want to take this one opportunity that I would be
19 presented to tell you. I think this is a very
20 good thing.

21 I've been involved in the resources area
22 for a long, long time, and I know this is
23 something very desperately needed, to have more
24 communication between the government agencies and
25 the federal agencies, and it's a good thing to

1 see.

2 HEARING OFFICER KRAMER: I have a
3 question. Do I understand correctly that you're
4 intending that the staff's final staff assessment
5 and your EIS would be one document serving both
6 those roles?

7 MR. HURSHMAN: Yes, that's the direction
8 we're at today. Yes, it is one document that
9 satisfies both the state's requirements and BLM's.

10 HEARING OFFICER KRAMER: Okay. But you
11 know then that the Committee takes all that and
12 the other evidence into account and then writes a
13 final decision for the Commission. So am I
14 correct that you would not need to wait for that
15 final decision in order to work on at least
16 getting your ROD ready to go?

17 MR. HURSHMAN: That's a very good
18 question. Certainly, as, you know, we will be
19 participating in your hearing processes at that
20 point in time. And BLM will probably be working
21 on the record of decision through there. It's
22 really a little undetermined as to whether or not
23 we would move forward.

24 But in my view I don't see BLM getting
25 too far ahead of where the Commission is, in case

1 there are changes in the decision process that you
2 would have after that final EIS, final staff
3 assessment has been published.

4 HEARING OFFICER KRAMER: And I think in
5 some ways the Commission feels the same way. So
6 it may be that we have to share our tentative
7 opinions with each other at some point.

8 PRESIDING MEMBER BYRON: Is there a
9 problem with that?

10 HEARING OFFICER KRAMER: No. That would
11 be during the hearings. But it's your expectation
12 that the formal ROD would follow the Commission's
13 formal decision?

14 MR. HURSHMAN: Or perhaps be concurrent,
15 even, at that point.

16 HEARING OFFICER KRAMER: Thank you.

17 PRESIDING MEMBER BYRON: Mr. White, Mr.
18 O'Brien, anything you want to add to this
19 discussion about this MOU at this point?

20 MR. O'BRIEN: I guess I would just say
21 that going back several years the Energy
22 Commission Staff has enjoyed a very good working
23 relationship with BLM on the PEIS that was
24 developed for the --

25 PRESIDING MEMBER BYRON: On the what?

1 On the what?

2 MR. O'BRIEN: The programmatic
3 environmental impact statement for the western
4 energy corridors in the 11 western states. And
5 along with the Forest Service and other federal
6 agencies. And we have built upon that
7 relationship.

8 I think this MOU flows from that prior
9 work. I have made it clear to the staff of the
10 division that we are working in lockstep with BLM,
11 and that we will work very closely and
12 cooperatively with them. And we look forward to
13 working with them on this first project.

14 PRESIDING MEMBER BYRON: Mr. White.

15 MR. WHITE: I have seen in the last few
16 months two staffs from two different offices come
17 together, meet, discuss and in that timeframe
18 barriers have been broken and the walls have been
19 brought down. And the two staffs are working
20 together. And I would like to see that continue.
21 And I believe that the cooperation and the
22 partnership that has been developed will continue
23 to do so, will allow that to happen.

24 PRESIDING MEMBER BYRON: Good, thank
25 you. Thank you for being here today.

1 HEARING OFFICER KRAMER: Mr. Caswell, do
2 you want to finish?

3 MR. CASWELL: I'll go on with the rest
4 of the slide presentation. Thanks, Tom. I think
5 Tom captured our process well.

6 This is a contact list here, and this is
7 for the Energy Commission only; and it's helpful,
8 again, the slide presentation's over on the table.
9 It's also on this website. If you'll notice that
10 the project, it's on the next slide and we'll go
11 to that, I have a BLM contact list again. We
12 folded that in there. Same thing, people you can
13 contact.

14 MR. HURSHMAN: I might mention one thing
15 in there. If you're making comments, it really
16 doesn't matter whether you're making them to Jack
17 at the Commission or to me. All the comments are
18 going to be treated the same.

19 If we receive something, we're going to
20 send it to Jack to be filed. And Jack is sending
21 me copies of things -- well, we pull it off the
22 web. So it doesn't really matter exactly where
23 your comments go from the public, we're going to
24 hear them all.

25 MR. CASWELL: We maintain the docket log

1 at the Energy Commission; that's that formal
2 filing of information. So, anyway, what I wanted
3 to talk about is the Energy Commission's webpage
4 for this Ivanpah project, which holds a lot of
5 significant information and documents that are
6 filed and exchanged between the applicant and the
7 Energy Commission, the things the BLM and the
8 Energy Commission are looking at. It's in red
9 right here; it's on that sheet if you'd like to
10 look at it.

11 This slide presentation is on the
12 document website, too. So you can download it if
13 there's not enough copies here. And you can
14 access it that way. I want to make sure that the
15 contact information, the webpages, the locations
16 of hard copies and CDs of the documents, the
17 application where we filed them with libraries.
18 And all this is clear to members of the public and
19 agencies so that they can access this information.
20 And, again, here's that list.

21 Public participation, Nick Bartsch went
22 through that. Again, on this slide show, if you
23 don't remember exactly what he said or how to do
24 it, here's a list. You can look at it and you can
25 ask questions by contacting Nick or myself or Tom,

1 and we'll clarify your public participation
2 opportunity.

3 Here's the Energy Commission page
4 website. That's the one I'm talking about. If
5 you go to that webpage, it's in red. When you
6 look on the left-hand column over here, it says
7 projects, proceedings. And then underneath that
8 you'll see documents and reports. That's that one
9 you want to click on when you want to get some
10 technical information on that left-hand column.
11 And that's what it's going to look like; that's
12 downloaded right off the webpage, that's what
13 it'll look like.

14 And if you've got any questions, again,
15 on the left-hand column is where documents,
16 reports, some details, project fact sheet, this
17 slide presentation we're looking at, information
18 that is significant that needs to be filed by
19 intervenors; that's on that, you can find that by
20 clicking on that documents and reports on the
21 left-hand column there.

22 This is the BLM webpage. I'll let Tom
23 talk about that.

24 MR. HURSHMAN: This is the webpage that
25 is on the California desert district website, at

1 the address that we had on there. There are --
2 what we have posted on this site is information
3 for the public about solar projects, wind projects
4 and geothermal projects.

5 And you just click on the right picture
6 there and it takes you to their link. And we
7 routinely post copies of the BLM documents, the
8 notices of intent, the draft EIS, the final EIS,
9 those things will all be posted on that site, as
10 well.

11 MR. CASWELL: Staff filed an issues
12 identification report based on our preliminary
13 review of this application for this project. We
14 filed that in December. I do not have a copy,
15 however that issues identification report is also
16 in that document in the report section on the
17 webpage.

18 The purpose of the issues identification
19 report is to inform participants of potential
20 issues, early focus on some of these issues. But
21 it's not limited -- we're not limiting ourself to
22 those issues identified in the issues
23 identification report because we're a little
24 further on down the line that we normally are at
25 an informational hearing and site visit in our

1 process, and we're finding other things. And
2 other things start to fall off the list of not as
3 high level of concern as we had in the beginning.

4 And we're in this discovery phase, so
5 this is a moving target. Things become more
6 important and they become more of an issue as we
7 move through this.

8 But at the point in time when we filed
9 that issues identification report there were
10 certain issues and they're on the following
11 slides. And the criteria for that, to meet that,
12 was the amendment petition, data requests,
13 information, any of the information that comes on
14 there because there are additional filings from
15 the original application. Because when they did
16 data adequacy there was additional filings.

17 Potential issues, and this is what we
18 did when we first filed the issues identification
19 report. Air quality, land use, soils and water,
20 visual, cumulative effects and alternatives.

21 They all still have the level of
22 importance to qualify for an issues identification
23 report. They haven't disappeared but we're a
24 little more savvy about what the issues are at
25 this point.

1 Air quality issues, I believe I've had
2 the Air District speak to me and say that they're
3 not so concerned about air quality issues at this
4 point, but our staff is based on information that
5 was filed in the application. And these are the
6 bulleted high points that are issues for our
7 technical staff on air quality. And I won't read
8 each one of them, but again there's the list.

9 Tom, do you have air quality issues you
10 want to talk about?

11 Land use. I know Tom will have plenty
12 to say on that because Tom represents the
13 landlords on this issue. And these again are the
14 potential issues related to the use of this land
15 by a private entity, and their need to get a land
16 use permit and a license to operate this power
17 plant.

18 I'll let Tom talk about that.

19 MR. HURSHMAN: And we have quite a few
20 issues sort of lumped under this heading of land
21 use. But really, the project as proposed, pretty
22 much excludes anything else that can take place on
23 that public land out there from a recreational
24 point of view, from a off-highway vehicle point of
25 view. We have a lot of recreation use that takes

1 place on the desert and on this tract of land.

2 Immediately downstream we have the
3 Ivanpah dry lake, which is a world renown wind
4 sailing location. The public heavily utilizes
5 that area and there are international type events
6 that take place out there for those wind-powered
7 craft. It's one of the few dry lake beds that's
8 actually closed, I believe, to OHV travel out
9 there. And that's what makes it so attractive for
10 these wind-powered craft folks. So we're
11 concerned about possible upstream effects on that.

12 But we have a lot of things incorporated
13 kind of into this land use primarily revolving
14 around recreation.

15 MR. CASWELL: Soil and water resources.
16 Again, there are potential issues here and we are
17 in that discovery phase to discuss those and get
18 clarification of those issues.

19 All these issues identified on this
20 slide are in data requests and are anticipated
21 data responses. We do not have data responses on
22 all these at this point. And even where we do
23 have some data responses, we're going to probably
24 be asking for a second level of data requests for
25 further clarification. And questions that spurred

1 new thoughts on our views of this process happens
2 here when they start to respond on these issues.

3 They may respond fully to what we ask,
4 but because of the response it's taken us to the
5 next level, and thought, we need to ask another
6 question.

7 So this is, again, a moving target. The
8 discovery phase becomes a moving target on all
9 these issues.

10 Tom, is there anything you need to say
11 about soil and water?

12 Here's that list again. It will be
13 helpful for you to focus on that if you'd like to
14 ask questions.

15 Visual resources. Potential issues.
16 This is a pretty significant sized project out
17 here with mirrors and towers and different things,
18 features that are somewhat different than when you
19 look out the window here, so we need to develop a
20 process, and we're still doing that right now with
21 -- I'll let BLM talk about that a little bit.

22 MR. HURSHMAN: Obviously when you put a
23 project of this scope in a piece of flat ground
24 right along a major interstate, near a golf
25 course, other developments, we have concerns over

1 the visual impacts of the project.

2 And we've already worked with Bright
3 Source a fair amount in terms of modifying the
4 visual analysis that they did complete. And I
5 think they're working on some additional
6 development of what this project would look like
7 from various key observation points that weren't
8 part of the original package.

9 MR. CASWELL: Could you explain VRM.

10 MR. HURSHMAN: VRM is a classification
11 system, visual resource management guidelines,
12 that the BLM has that we designate federal lands
13 having certain visual qualities out there.

14 And depending upon the visual quality of
15 that landscape, we may require specific
16 mitigation. We may not allow projects to take
17 place if the VRM classification is high enough.

18 And at this point we still have to
19 develop the VRM classification for those lands out
20 there as part of this process.

21 MR. CASWELL: Here's a tough one, and
22 it's cumulative effects and alternatives issues.
23 During the California Environmental Quality Act,
24 as well as the National Environmental Policy Act,
25 we look at this slightly different.

1 We're developing a style that will meet
2 both needs and meet both criteria. We're working
3 with both agencies right now to capture an outline
4 of what we're going to look at on these. And then
5 once we get an outline of what the qualifiers are
6 for cumulative and what qualifiers are for
7 alternatives, we'll use this outline to start to
8 identify those. And we're in the process of doing
9 that right now.

10 MR. HURSHMAN: Yeah, and it's kind of a
11 daunting task for us, being this is the first
12 major project that we've gotten. We're required,
13 under NEPA, to look at the impacts of what is
14 reasonably foreseeable development taking place.

15 And when we have whatever the number, 70
16 or so, other solar applications and 40 or 50 or so
17 wind applications, and trying to say, okay, well,
18 how many of these are actually going to take place
19 within a certain time period that we need to
20 reflect in this analysis.

21 And so we're working closely together,
22 as staffs, trying to develop a strategy for coming
23 up with that right now.

24 MR. CASWELL: A lot of what we're
25 developing right now is going to play forward to

1 other projects. So we're trying to take the time
2 to get it right, to work cooperatively, to make it
3 as solid process during this process as it can be
4 before we play forward in any other processes.

5 So I think it's working well and we'll
6 just move forward.

7 Staff presents a proposed schedule to
8 the Commissioners, the Committee here. We don't
9 call the schedule. The Committee makes the
10 schedule, they make the decision on the schedule.

11 It's a tough one; it's a tough thing for
12 us. I came up -- one of the things in the issues
13 identification report I had this really long list
14 of all these events and things, and we're already
15 off that track because of filing data requests and
16 the partial response on data responses.

17 And having reviewed the data responses,
18 it is indicated that they're going to come to us
19 in at least three parts. And how often can we
20 hold workshops and scramble two agencies in two
21 different parts of the state and call the public
22 and, you know, everybody in this room, together
23 for workshops. Because that's where we work from
24 this point forward, on workshops, for all these
25 data responses.

1 I'm suggesting that we do a data
2 response workshop once we have all the responses
3 to our requests. Or very close to that.

4 We're not dug in on a lot of this, but
5 it doesn't make sense to go, every time you get
6 five questions you hold a workshop. I don't see
7 how we can do that. I see it as an impossibility
8 with agencies and people and lives. We all have
9 lives. So it's going to be a little difficult to
10 do that.

11 So, anyway, this is the schedule I
12 proposed and talked with Tom. It's an aggressive
13 schedule. I don't know that we can keep that
14 schedule even at this time, based on their ability
15 to give us responses, how complicated those
16 responses. Remember, when we get to the March
17 25th data response workshop we'll hopefully have
18 all those data responses and we'll move forward.
19 But we may have a whole other set before we can
20 even go further, and then yet have another data
21 request workshop and another data response.

22 I don't know. These things have to play
23 themselves out in the process. And that's what
24 this process is all about, letting these things
25 play themselves out. And they tend to dictate the

1 schedule at some point anyway, because we have to
2 make the process meet the requirements of CEQA and
3 NEPA.

4 So, at this moment, and at this time
5 that's the best scenario I could come up with and
6 Tom could come up with.

7 MR. HURSHMAN: My own perspective on
8 NEPA analyses, whether it's an environmental
9 assessment or an environmental impact statement,
10 when we rush through our analysis and we put out a
11 draft that does not contain -- that doesn't answer
12 the public's questions, it's typically a mistake.
13 And it adds more time to the process.

14 As opposed to if we can prepare a
15 comprehensive draft document that answers the
16 questions and take the time to complete the
17 analysis then we won't have near the level of
18 public comments that we'll have to answer. And we
19 can actually accelerate the time schedule.

20 You know, if you put a draft out that
21 is, I guess, garbage-in/garbage-out sort of a --
22 and, you know, to resolve the problems now versus
23 having to react and spend the time later is kind
24 of my philosophy on that.

25 HEARING OFFICER KRAMER: Question for

1 you. The applicant, and, Mr. Harris, I'll let you
2 comment in a minute, but the applicant produced
3 their proposed schedule earlier this week.

4 And to the point of filing the
5 preliminary staff assessment, your two schedules
6 differ by about a month. You being about a month
7 later than what they proposed.

8 But then -- and my question is, what is
9 the need for so much time between the preliminary
10 and final staff assessments in your schedule?
11 Because you have the preliminary coming on April
12 14th, the final isn't until September 10th.

13 MR. HURSHMAN: That's probably due to
14 BLM and some of our requirements under NEPA.
15 Because of the fact that this is an amendment to
16 the California desert conservation management
17 plan, we have to allow a 90-day public comment
18 period.

19 Comments rarely come in on day ten of
20 the comment period. They usually all hit on day
21 91 or 90 of that period. And if there are
22 substantial comments we then have to answer all
23 those comments and incorporate those into a final
24 document.

25 BLM also has requirements to publish

1 notifications in the Federal Register of when we
2 release an environmental impact statement. That
3 is a very burdensome process at this point in time
4 because it requires the Department of the Interior
5 at the Assistant Secretary level to review and
6 approve those notices before they can be
7 published.

8 Those are timeframes that I and
9 Sterling, as people on the ground, have no control
10 over when they take place. That level may also
11 request additional briefings on the issues that
12 are involved with a project prior to their feeling
13 comfortable releasing that notice to be published.

14 So, all of those things extend the
15 timeframe, perhaps far longer than what we've even
16 identified. But we wanted to give some sort of at
17 least a realistic approach on a schedule to allow
18 some time for those things to take place.

19 HEARING OFFICER KRAMER: So this is kind
20 of a -- is this your best case that it will be
21 till September or --

22 MR. HURSHMAN: Yeah, I think that's the
23 best case at this point. That's assuming that I
24 don't run into any hurdles in that level of review
25 that takes place at our BLM Washington Office and

1 the Secretary's level.

2 HEARING OFFICER KRAMER: Okay. Does
3 that conclude your presentation?

4 MR. CASWELL: I just want to add that I
5 provided somewhat different schedule in the issues
6 identification report, but we've moved on. I
7 mean, you know, this is happening after weeks --
8 well, a month or better, you know, from that
9 filing. So this is an updated best scenario at
10 this time.

11 And, you know, I just hope you
12 understand that we're doing the best we can. And
13 I want the applicant to understand that we fully
14 intend to pay close attention to this project,
15 members of the public, we're doing our due
16 diligence on this process, considering your need
17 to comment and be involved.

18 And, you know, this takes in a lot of
19 things and I want you to understand. Both Tom and
20 I will be developing status reports for your
21 information to the Commissioners periodically
22 about where we're at in the process and why we're
23 at whatever we're at. Where things have been
24 resolved, or new issues have risen to a higher
25 level of significance that may delay the project

1 or could.

2 You know, it's an ongoing process; it's
3 a moving target. And a lot of times the way the
4 applicant responds, and the fullness of their
5 responses dictates a lot of that schedule delay,
6 or our ability to expedite.

7 You know, the process, it's just -- it's
8 a hard call this early in the -- we're way early
9 and we've got a lot of ground to cover and we're
10 all working very hard to do that.

11 MR. HURSHMAN: And in our questions back
12 to the applicant, we've asked them some pretty
13 tough things. I mean that's part of why it's
14 taking them -- you know, we haven't asked them
15 things they can just answer overnight. Some of it
16 relating to design of the project and layout of
17 the project in enough detail for us to be able to
18 do a satisfactory impact assessment. And they
19 just can't whip that up.

20 MR. CASWELL: With that, that's really
21 the end of the slide presentation. I have one
22 last thing and that's talking about meeting the
23 schedule, and we just talked about that.

24 So, thank you for your patience. And,
25 again, take advantage of this slide presentation

1 because it's a good resource for accessing
2 information and individuals and process.

3 Thank you.

4 HEARING OFFICER KRAMER: Mr. Harris, did
5 you want to comment about the schedule?

6 MR. HARRIS: Yes, thank you. Appreciate
7 the opportunity. A few introductory remarks and
8 if we want to talk about details, we can, but
9 you've seen the schedule and we'll answer any
10 questions.

11 Couple things. I do want to thank the
12 CEC Staff and the BLM Staff, to begin with, for
13 their good hard efforts on the MOU. Before we
14 filed the project with anybody we went and met
15 with these agencies to talk to them about how we
16 put these complex processes together.

17 And this is a tough complex issue.
18 You've got a very interesting integration of CEQA
19 and NEPA. And CEQA is, you know, the Energy
20 Commission's certified regulatory program, which I
21 refer to as CEQA on steroids. It's CEQA-plus.

22 And then you have the rigorous BLM
23 right-of-way process. But those processes
24 definitely can work together. They've worked
25 together in the past. CEQA and NEPA are intended

1 to work together. We can figure out a way to get
2 there.

3 One of the reasons I like working on
4 this project is because it's a complex question,
5 but it can happen, it definitely can happen.

6 Couple thoughts on the schedule we've
7 produced. We've produced a schedule that is a
8 one-year schedule. And I think people now are
9 clear on the fact that that's the legal framework,
10 at least, for half of this; we're dealing with
11 this, the Energy Commission process.

12 We have the BLM process, as well, in
13 tandem. But the Energy Commission process does
14 have a one-year statutory timeframe, so we use
15 that timeframe to produce our schedule.

16 The other thing that, you know, I think
17 we need to refer back to constantly is the MOU
18 between the parties. When they were negotiating
19 those we said, you know, how can we help. And
20 they said, you know, go away, Jeff, leave us
21 alone, let us work it out. Which we respected and
22 we did.

23 And part of that MOU process resulted in
24 a draft schedule that's attached as an attachment
25 to the MOU, itself.

1 I understand people think that's a very
2 aggressive schedule. We can talk about whether
3 it's a realistic schedule, given the complexities
4 of the project, but our opening bid, if you will,
5 and the schedule we filed, look really at those
6 two things. The one-year statutory framework and
7 that MOU schedule as a basis.

8 I think we've taken into account all the
9 things that have been talked about in the NEPA
10 process, including the 90 days for the plan.
11 That's reflected in our draft schedule we filed
12 last week.

13 And so that's why we put together the
14 schedule the way we did. I think it's realistic.
15 We also, though, have an interest in a single
16 process. The worst case scenario from our
17 perspective would be to have this blow up and
18 become two processes, which it could. You know,
19 NEPA and CEQA discourage that, but it can happen
20 that way. We don't want it to happen that way.
21 And our interest is in one single strong process.

22 The company's ethic is to do this right
23 in the long term. We're going to have this
24 project for the life of the project, be dealing
25 with these agencies for the life of the project.

1 And we need to develop credibility and a good
2 working relationship for this individual project.

3 And then the company will have other
4 projects that will be coming along. And we want
5 to be known as a good actor. We want to set the
6 bar high because that's where the company's ethic
7 is. And we also want to set the bar high because
8 people behind us will have to clear that same
9 bar. So it's not all altruistic. There's a
10 reason to do that.

11 So, we have an interest -- no one has a
12 greater interest, I think, than seeing a process
13 that will withstand litigation. Because there may
14 be somebody in the room or elsewhere who may want
15 to challenge that decision down the road. So we
16 want to make sure that it will withstand those
17 types of challenges.

18 We think that this can be done in a
19 single process. We are way early in the siting
20 process at this point. We don't think it's
21 reasonable to ask us to waive our one year at this
22 point, given where we are in the process. And
23 that's why we put together the schedule for your
24 consideration that does that.

25 And it's going to take a lot of hard

1 work. I've already seen the dedication of
2 resources from the agencies that is, I think,
3 stellar. I'm very impressed with that. And we're
4 very happy with the work we've gotten so far.

5 We will push you to try to make you go
6 faster than you're comfortable doing, but you
7 know, that's part of our role in this thing, as
8 well. But, again, we have an interest in a solid
9 decision, as well.

10 You have the schedule; it was filed and
11 served. I will not go through that in detail, but
12 I'd be happy to answer any questions you have on
13 what we've filed.

14 PRESIDING MEMBER BYRON: Mr. Harris,
15 thank you. I'm also very sensitive to that
16 phrase, "go away, Jeff". So, --

17 (Laughter.)

18 PRESIDING MEMBER BYRON: -- I hope that
19 we won't hear that very often during this
20 proceeding. I also understand that the Committee
21 will be issuing our first schedule. Can you give
22 me an idea, Mr. Kramer, when we plan to do that?

23 HEARING OFFICER KRAMER: If you review
24 it next week it'll come out towards the end of
25 next week.

1 PRESIDING MEMBER BYRON: Okay. So we
2 hope to issue that schedule soon.

3 MR. HARRIS: Not on the plane tonight?
4 (Laughter.)

5 PRESIDING MEMBER BYRON: Go ahead.

6 MR. HARRIS: We are interested in seeing
7 a complete schedule from beginning to end. And
8 there have been some cases in the past where we've
9 only taken it in increments, so we really would
10 like to take a good hard look at a complete
11 schedule from beginning to end.

12 PRESIDING MEMBER BYRON: I think we can
13 commit to providing our initial schedule in its
14 complete form. But, of course, it's subject to
15 revision as this project proceeds.

16 MR. HARRIS: Understood.

17 PRESIDING MEMBER BYRON: I'd like to
18 thank both the gentlemen presenting. I thought
19 that was fantastic. One of the clearest
20 presentations, and of course, even more
21 complicated because of the two agencies.

22 Commissioner Boyd, I agree with you,
23 it's a beautiful thing to see these agencies
24 working together. So we will continue to expect -
25 - our expectations will be high there, as well.

1 Thank you very much.

2 ASSOCIATE MEMBER BOYD: I think we have
3 an interesting dilemma here. As Mr. Harris has
4 deftly pointed out, lifted us up on our own legal
5 petard with regard to the one-year requirement of
6 our law.

7 By the same token, we cannot obligate
8 nor do we want to stick any barbs in our new
9 friends and partners at the BLM with regard to
10 their own process. So I think we have a real --
11 we can't do it on the plane tonight because you're
12 going to San Jose and I'm going to Sacramento.
13 But I was going to say, after two beers on the
14 plane, we might have been able --

15 (Laughter.)

16 ASSOCIATE MEMBER BOYD: In any event, I
17 guess next week it'll be -- it's going to be an
18 interesting discussion.

19 HEARING OFFICER KRAMER: Do we have any
20 presentations from any of the agencies involved?
21 Seeing none, we will turn it to our public
22 comments and questions.

23 Do we have any blue cards, Mr. Bartsch?

24 PRESIDING MEMBER BYRON: Blue cards are
25 not necessary; it just helps our Hearing Officer

1 coordinate them, if you will, put them together in
2 groups so we can stay on a particular topic before
3 moving on to the next.

4 HEARING OFFICER KRAMER: Okay, Mr. John
5 Stewart will be first. Followed by George Kerr.
6 And if you could come up to the table here, feel
7 free to pull up a chair and sit down, if you want.
8 You don't have to be right on top of the
9 microphone, but just make sure --

10 PRESIDING MEMBER BYRON: It'll pick you
11 up, it'll pick you up.

12 Please identify yourself.

13 MR. STEWART: Good afternoon; I am John
14 Stewart, natural resource consultant for the
15 California Association of Four-Wheel Drive Club.

16 Cal-4-Wheel are the association of
17 recreationists dealing with motorized recreation
18 and the off-road recreation component. We have a
19 high level of interest in these projects as they
20 come up because a lot of them are being sited in
21 areas that our recreation opportunity exists.

22 One of the key elements here is that we
23 look to have access maintained through this area.
24 Now, as noted out here on the site visit, they
25 were talking about a realignment of the Coliseum

1 Road, which is terrific because Coliseum Road
2 serves as an access point back into the mountains
3 for recreation, access to get back in there on
4 tours and travel through the area.

5 It's also noted that within the proposed
6 project area there are several other dirt roads of
7 which we are hoping that, want to make sure, that
8 the access is maintained to those, in that if a
9 fence line does go up, we're hoping that we'd like
10 to encourage the agencies to provide a perimeter
11 route along the fence line just to maintain access
12 to that road from where it started to where it
13 goes to.

14 Our point is about we, in general, in
15 theory we support the renewable energy concepts;
16 energy has to come from somewhere. But we also
17 want to make sure that the public and the members
18 of the public still maintain access to the public
19 lands for their recreation opportunity.

20 When you talk about the cumulative
21 effects, this can become significant at a loss of
22 access in one area may not seem much, but when you
23 start taking a chunk here, a chunk there, as
24 pointed out there's 70-some proposals for solar,
25 and another 50 for wind. These could become a

1 significant impact to the public.

2 We would like to see as much as possible
3 all steps taken in order to preserve the access to
4 the existing roads and still maintain the safety,
5 public safety and security and integrity of the
6 facility.

7 Thank you.

8 HEARING OFFICER KRAMER: Thank you.

9 PRESIDING MEMBER BYRON: Yes, thank you
10 for coming.

11 HEARING OFFICER KRAMER: Mr. Kerr,
12 followed by Edward Waldheim.

13 MR. KERR: My name is George Kerr and
14 I'm representing the Society for the Conservation
15 of Big Horn Sheep. I'd much rather be in the
16 hills than here, trust me.

17 Just to give you a little background.
18 The Society for the Conservation of Big Horn Sheep
19 has been active for the past 45-plus years
20 restoring our habitats and restoring the desert
21 big horn sheep populations that we have to date.

22 Many of you may or may not be aware that
23 we have an absolute wonderful resource outside,
24 and the desert population of the desert big horn
25 sheep which I will give you the visual aides.

1 PRESIDING MEMBER BYRON: I notice you
2 brought more visual aides than the applicant --

3 MR. KERR: I got more visual aides, but
4 it's better for you to look than me to talk.

5 These just happen to be, most of these
6 sheep are taken this year. You could stand here
7 on the golf course; I could point to you places
8 where the sheep are. Great value to California,
9 the unique opportunity to be able to at least
10 maintain this population.

11 The Sheep Society actually, as an
12 organization, has not formulated opinion because
13 we want to be fair to all concerned. We're very
14 objective; we're not the in-your-face lawsuit-
15 protest- -- eating type organization. We are the
16 can-do partnership, let's make it work together.

17 And we've had a wonderful relationship
18 with the Bureau of Land Management and Park
19 Service, a lot of military bases, even industry,
20 mining activities and such. We have done it by
21 collectively coming up and trying to do things
22 together and partnering with making it work.

23 I'm not so much a hypocrite realizing
24 that I traveled on I-15 to get here in my SUV
25 that's probably causing global warming, so I'm a

1 cause-and-effect part of the problem. But then,
2 again, am I? You know, we all exist here for a
3 lot of reasons.

4 We're a realistic organization that
5 understands that solar and windmill is probably
6 our future. And so we're going to have to try to
7 deal with it. We want to be part of the process
8 and part of the fix, not part of the problem.

9 I will, however, emphasize that this
10 particular photo analogy right in here happens to
11 be, except at the present, the windmill farms. A
12 lot of activity that's going to have a cause and
13 effect and eliminating habitat is going to be a
14 real big concern of ours.

15 In order to get our hands around this
16 whole process we have to understand the past,
17 present and the future. The past we've had mining
18 activities that has encroached and taken a lot of
19 real estate away from the habitat of the big horn.
20 Certainly the artery systems from I-40 and I-15
21 have cut the possibilities of any gene exchange,
22 or what we refer to as better population dynamics,
23 which is the fact that the critters can commingle.

24 One of the things that we're very afraid
25 of is because there's interaction from the sheep

1 population that Clark Mountain, which is right
2 here, we're in the shadow of, to our neighboring
3 Nevada friends there, there is an interchange and
4 an intersect with these critters on occasion.

5 When we were standing out there
6 reviewing the area that's going to be impacted, it
7 looked like a whole lot of nothing, but it really
8 isn't. It's critical, critical habitat in areas
9 for the big horn. Not that it's the best habitat,
10 but it's the best we got right now. And, you
11 know, they're not making habitat anymore.

12 So our concern is to eliminate the
13 footprints, or eliminate the habitat destruction;
14 as an organization we're adamantly against any
15 habitat loss. But, then again, there's the
16 realization of the real world, so again,
17 adjustments need to be made.

18 When you understand from the mining to
19 the gaslines to the powerlines, to a predator
20 influence, and unfortunately through the mountain
21 lion issue, is becoming a little more predominant,
22 to human encroachment, to perhaps solar fuels,
23 we're not even that much opposed to the Bright
24 Source impact. It's the peripheral (inaudible)
25 Bright Sources that frighten us to death.

1 Because we could probably adjust,
2 mitigate, work around one footprint with maybe a
3 little bit of adjustment. We're hoping that could
4 probably be worked out. In my way, as a fish and
5 game commissioner, you kind of have to get along
6 to get along. I'm speaking for myself, anyway.
7 We could probably get around that one.

8 But, the other ones, absolutely not.
9 Can't happen. It's just too much. These critters
10 have got to have an opportunity to be able to get
11 from point A to point B. They've got to be able
12 to have as much habitat to eke a living in times
13 of stress.

14 In the last several years it's been very
15 stressful out there. I have been blessed by doing
16 a majority of the aerial surveys from the
17 Department of Fish and Game, so I've got a unique
18 perspective of this entire mountain range.

19 And it's been feast or famine up
20 actually to this year. This year we're real
21 excited about what's going to be happening out
22 there. And what's going to be happening out there
23 is going to be a good thing if they've got that
24 out there to be gotten to.

25 So, my request, and, again, I do

1 appreciate the opportunity to have voiced my
2 opinion, is that we have an opportunity to be able
3 to address the habitat loss and understand that it
4 will be a loss to the big horn.

5 One of the other unique aspects of this
6 population, believe it or not, this is the only
7 place on earth that there is a white desert sheep
8 population. There are, at times, anywhere from
9 five to ten white desert sheep. It's a phenomenon
10 that's very unusual. And because of that unique
11 aspect, the gene pool, the purity of this gene
12 pool cannot be compromised. It cannot be cut off.
13 It should not be cut off. And it needs to be
14 understood.

15 When we encroach deeper into this
16 habitat we are pushing these critters back into
17 areas that perhaps may not be the most desirable
18 area for them. We might even stop, it's not
19 migration, but it's the connectivity aspect of
20 this population, to go to Nevada.

21 Through the course of this construction
22 or any construction of this area, we could lose
23 this population, this small recluse population to
24 Nevada. Nevada does a hell of a good job in
25 restoring and maintaining, enhancing and

1 developing their populations of sheep.

2 Our sheep might find real unique and a
3 lot happier place to be over there where there's
4 not as much activity, because any activity by man
5 there's a certain avoidance factor that the big
6 horn sheep have. And I'm worried about maybe
7 losing our resource to Nevada. And that would be
8 not only a shame, that would be a crime.

9 So, I'm just expressing the fact that
10 there are concerns with local flora and fauna out
11 there that we wish to make everybody to be
12 concerned about.

13 Now, we're not in a position to make
14 every meeting at every chance because we'd be
15 doing meetings every day, just like you folks.
16 We're not fighting the solar people, we're not
17 fighting the windmill farms, we're trying to make
18 it all work for everybody; because, again, we're
19 all here, we're not going anywhere. And it can be
20 quite burdensome to go through this procedure.

21 Anyway, I appreciate the opportunity to
22 be able to at least voice an opinion --

23 PRESIDING MEMBER BYRON: Mr. Kerr, one
24 quick question, if I may.

25 MR. KERR: Yes, sir.

1 PRESIDING MEMBER BYRON: And Mr.
2 Kramer's correct, we have many folks that want to
3 go through. You've shown some pictures of some
4 sheep carcasses there and some windmills in
5 another picture. And you're inferring some
6 connection. Can you clarify the connection?

7 MR. KERR: The windmills is part of the
8 process that we're involved with right now. It's
9 just it goes on the spirit of --

10 PRESIDING MEMBER BYRON: Let me be more
11 clear. What do you think is killing the sheep?
12 Why are you showing that?

13 MR. KERR: The big horn sheep are being
14 just, this happens to be a matter of drought.
15 Drought. Lack of water.

16 PRESIDING MEMBER BYRON: Okay.

17 MR. KERR: Drought. It has no -- on
18 encroachment and such. The windmill is just loss
19 of habitat, as well as road systems and everything
20 else. Habitat loss is the key issue. With
21 habitat loss things happen and the relationship,
22 perhaps, would be pushing the sheep back into
23 undesirable habitat where they're susceptible to
24 lack of water, poor forage and everything else
25 that takes place.

1 The Department of Fish and Game will
2 have a lot more technical information, be able to
3 represent that aspect to it. But as a
4 conservation organization we just want to make
5 sure that you're aware that there is a cause and
6 effect and an action-reaction.

7 And, again, we want to just be part of
8 the process. And I thank you.

9 PRESIDING MEMBER BYRON: Thank you, Mr.
10 Kerr.

11 HEARING OFFICER KRAMER: Thank you.
12 Mr. --

13 MR. WALDHEIM: Ed Waldheim.

14 HEARING OFFICER KRAMER: Okay.

15 MR. WALDHEIM: Ed Waldheim; appreciate
16 being here. I've been a past commissioner for the
17 Department of Parks and Recreation California
18 State Park, appointed by the governor. Two
19 different terms, two different governors. I'm
20 President of CORVA California Off Road Vehicle
21 Association, which is a statewide organization.
22 And I'm a Board Member of District 37, American
23 Motorcycle Association in Southern California.

24 I mention that to you because I'm not
25 going to repeat what Mr. John Stewart said,

1 because he already talked about the access issue.
2 What I'm really concerned about and I'm very
3 interested in the process, with the BLM having
4 over 120 applications coming in, I met Wednesday
5 with the Florida folks, the FPL folks, to discuss
6 the access issues and how we can work together.

7 And I'm pleased to see that there is a
8 reach-out from the agencies, especially from the
9 applicants, to make sure that they can assist us
10 and work with us on the access issues.

11 Access is the key in the State of
12 California. With the continuing encroachment of
13 all these different regulatory things like
14 wilderness programs and the desert wild management
15 areas, we in the motorized recreation side have
16 been squeezed and squeezed and squeezed to the
17 point where we are now the endangered species.

18 I am really kind of concerned that the
19 process that you're taking jointly if this MOU is
20 going to carry through through the other
21 processes. You stated that this is the first one,
22 so am I to assume that what's happening in
23 Ridgecrest Field Office, or what's happening down
24 in El Centro in the Imperial Office of the Bureau
25 of Land Management, the Barstow Field Office, just

1 like in the Needles Office, is this the same
2 process, the same mold that we are going to use
3 here.

4 And I think it's very important for us
5 all to know upfront, as the field offices, what
6 this process is going to be, especially for the
7 public. If it's going to be a continued joint
8 thing the MOU between the field managers and you,
9 the Energy Commission. I was not aware of that
10 until this moment here.

11 Having said that, I would like to make
12 very clearly to you that you understand the
13 importance of the recreation opportunities in the
14 State of California, billions of dollars of
15 recreation. Fifteen to 20 percent of the
16 California residents have some form of offroad.
17 That means today every single one of you folks
18 went with your sedan upon on that road.

19 The moment you left that pavement you
20 now have become an offroad vehicle. Like it or
21 not; you may think of me as a motorcycle guy, but
22 you have joined our ranks by getting on that dirt
23 road. That is what we're looking at.

24 And so throughout the State of
25 California when you make your deliberations we

1 need to make sure that you remember, just as we
2 want the connectivity for the big horn sheep from
3 one point to point A, so we don't isolate the
4 species, we're no different than those species.

5 We need to have a connectivity and work
6 with you to make sure that we maintain that. And
7 I would appreciate it if we could continually keep
8 that in mind for the health of the businesses and
9 for the moral health of the people when they go
10 recreate, which is very very important for them to
11 be able to go and do their recreation.

12 So, I appreciate being here, and I hope
13 to be on the list and continue to assist wherever
14 possible.

15 HEARING OFFICER KRAMER: Okay, well, see
16 Mr. Caswell to make sure you get on the list. Mr.
17 O'Brien, is the MOU meant to apply in all the
18 areas that he spoke of?

19 MR. O'BRIEN: Yes. I mean it's the
20 expectation of the Energy Commission and I assume
21 of the BLM, that the process that we're engaged in
22 for this project will be the same process with
23 subsequent applications on BLM land.

24 HEARING OFFICER KRAMER: Okay, thank
25 you.

1 PRESIDING MEMBER BYRON: Thank you, Mr.
2 Waldheim, for coming.

3 HEARING OFFICER KRAMER: Daniel
4 Kopulsky.

5 MR. KOPULSKY: My name is Daniel
6 Kopulsky. I'm representing the California
7 Department of Transportation. Sorry, when you
8 were calling on agencies I tried getting
9 recognized, but I wasn't. So I'm going to speak
10 now.

11 I'm the Intergovernmental Review
12 Coordinator for the district that covers San
13 Bernardino County. And I would like to -- we do
14 have a facility within six miles of this,
15 Interstate-15, with it's right-of-way, so we would
16 like to consult and coordinate and be notified
17 about this project.

18 And that's really the comment I have.
19 Just to make sure that --

20 HEARING OFFICER KRAMER: Okay, give your
21 card to Mr. Caswell --

22 MR. KOPULSKY: -- we're involved in the
23 process.

24 HEARING OFFICER KRAMER: Mr. Caswell
25 will take care of putting you in touch with the

1 right people.

2 MR. KOPULSKY: All right, thanks.

3 HEARING OFFICER KRAMER: Thanks for
4 coming.

5 And our final speaker card is from Larry
6 Whalon.

7 MR. WHALON: Good afternoon. My name is
8 Larry Whalon. I'm with the National Park Service.
9 I'd like to thank the Commission for inviting the
10 Park Service to come. Also would like to commend
11 the Commission and the BLM for taking on such a
12 project. The Park Service, you know, short of
13 endorsing this project, likes the idea of it; it's
14 exciting for us to see these kinds of projects
15 come about.

16 My only comment is I would like to see -
17 - the Park Service would like to see in the
18 analysis part of any of the resources there looked
19 at include the Park Service.

20 As an example, in the document here in
21 front of me, the Ivanpah Solar Electric Generating
22 System document, in section 5 there's a section on
23 the viewshed. And it really doesn't include an
24 analysis of the Park Service being a neighbor, how
25 close that is. And we'd like to be included in

1 that process.

2 And I believe I've made contact with a
3 few folks and hopefully we can get that done. We
4 do have data available to add.

5 So, thank you.

6 HEARING OFFICER KRAMER: Okay, --

7 PRESIDING MEMBER BYRON: Mr. Whalon,
8 what do you do for the Park Service?

9 MR. WHALON: I'm the Deputy
10 Superintendent of Mojave Preserve based in
11 Barstow, California.

12 PRESIDING MEMBER BYRON: Thank you.
13 Thanks for coming.

14 HEARING OFFICER KRAMER: So you've given
15 your information to Mr. Caswell and Mr. Hurshman?
16 Okay, that should take care of it.

17 I have no more speaker cards. Does
18 anybody else from the public wish to make a
19 comment? Or ask a question? That, too.

20 Okay, seeing the gentleman over there.

21 MR. SMITH: Everybody was asking me who
22 I am, so I'm going to introduce myself. My name's
23 Phillip Smith. I'm a Chowayan (phonetic) Indian,
24 Choways are Paiutes. We're from this area. I
25 belong to the Colorado (inaudible) Tribe, Parker,

1 Arizona.

2 I'm not a chosen person to represent any
3 tribe or anybody, so I come on my own as a
4 concerned, I guess I say -- about the developments
5 in the desert area. Because I have never been too
6 much for that. I've seen too much of it already,
7 and too much destruction of the desert.

8 Like the Desert Protection Act don't
9 seem to work. You see pipelines go this way,
10 pipelines go that way. You see powerlines go this
11 way, powerlines go that way. Underground cable is
12 this way and that way. You look from the air down
13 the desert's pretty scarred, it's scarred up. It
14 kind of hurts.

15 It's like was said earlier, is that
16 maybe don't look like there's nothing out here,
17 I've heard that before about in Needles when they
18 tried to put a proposed plant down there by
19 Needles, I mean a waste area, 20 miles west of
20 Needles. Their panel came out and showed us
21 slides that it's just a desert. It's dry.
22 Nothing out here. It's isolated.

23 No. The desert has its value. There's
24 the hawks, there's the coyote and there's the
25 snake, there's the lizards, there's the turtle.

1 It's not dead. Our people used to live out there
2 in this desert. The desert was our shopping
3 center. Everything was out there.

4 And I look at this and I begin to
5 wonder, I was brought here years ago about a cave
6 found in the area. I think the word came out of
7 Denver, Colorado, BLM. I don't know if they
8 remember, but met at Las Vegas with the BLM Office
9 guys there, to this cave. It's only about four
10 miles from here. If there was artifacts in there.
11 We weren't allowed to keep the artifacts -- BLM.

12 The reason why they brought us to the
13 area because of that pipeline that came through
14 there, that they're concerned that people were
15 going to vandalize the area, like the desert's
16 already vandalized.

17 And that we need to remove these things,
18 or can't put a fence around the area there because
19 as the guy representative of the BLM, I forgot his
20 name, he lived down in the valley down there. And
21 said, there's not very many people here, he said,
22 let's put -- a big development down in that area,
23 big huge development. Talked about all this area.

24 Where they going to get the water? The
25 river's over-prescribed, the Colorado River's way

1 over-prescribed. Just put a well in there.

2 What about the habitat, the animals out
3 here. He didn't want to talk to me. They never
4 do like to talk to me. I bring these things up.

5 But that's one of my concerns. And I
6 was watching things here about how many people
7 going to be employed here. I think they said 93
8 or something. Anyhow, it may be more than that,
9 but where are they going to live at? is there
10 going to be land set aside again for BLM or
11 somebody, another development in the area for
12 people to live here? Or travel far? Or I don't
13 know what -- that's another purpose is if they do
14 set aside more land for employees, that means
15 what, got to use water. Again.

16 I can see the golf course here and I can
17 see (inaudible) over there, that's probably taking
18 the water levels down from these areas for the
19 animals. And it's going to hurt more. The more
20 development there is, the more it gets hurt.

21 And the more people that come out here,
22 they get attracted to the desert. I want to go
23 over here; I want to go over there. That's the
24 off-roaders, too. They're going to do that.

25 The desert and the sites, they're going

1 to tag those, writing, whatever, in the walls.
2 They been really harmed, and they've been really
3 destroyed. And you might say that the off-
4 roaders, no, we got our policy, we don't do that.
5 If they see something down there they'll pick it
6 up. That disappears. An artifact. It's going to
7 disappear forever.

8 We're trying, like I come out here, I
9 wanted to see what was going on really. I really
10 didn't know what was going on here. I heard about
11 it. And, of course, I like the California
12 representative listen to me, too, because I live
13 out in Needles. We're on the edge of the State of
14 California.

15 We have this river coming down here. It
16 used to flood the city. We had a lot of water we
17 thought. We thought we had a lot of water. We
18 didn't worry about water. Then they built all
19 these power plants, they're building all their
20 electricity. Where does it go? It goes on the
21 other side of the mountain, but not for us.

22 Now they take the water out of the
23 river. Where does it go? The other side of the
24 mountain. Not for us.

25 Well, this power plant going to be here

1 is for the public, and Needles is in California.
2 And we're starving. Where's the power plant? If
3 they got it, where is it, we don't get nothing for
4 it, out of this? This is a concern is everything
5 is going on the other side of the mountain.
6 Everything.

7 But the sources come from this side of
8 the mountain. You should distribute it out fairly
9 for the rest of us out here. That's the way I
10 look at it. Like I say, I think Needles at one
11 time, maybe they still are, say of Needles is a
12 contract with Nevada. That don't sound right to
13 me. We got all these power plants, all these
14 powerlines across the desert and we have nothing.

15 So, let's be honest about these things.
16 I know the power of the government the other side
17 of the mountain all the time, but those guys out
18 on the other side are hurting, hurting, and are
19 hurting.

20 And, no, I'm not too much for this, but
21 I know we have to have power. So I look forward,
22 yeah, we have to have the power. But let's be
23 fair about everything. I do realize that habitats
24 and all that is going to get hurt. It always
25 happens, it's always been. And it's going to get

1 no better.

2 I seen Laughlin. When I was a kid there
3 was no Laughlin. We had cattle in the area.
4 There was no Bullhead. Go look at it now. The
5 growth is still coming. Where do they get their
6 water? Needles has an allocation; we can't grow
7 anymore, because we don't got no water rights.
8 Where does everybody get water rights? The
9 river's over-prescribed. . I think about
10 (inaudible) and they take the ground, they go down
11 farther and farther. And I think that is a
12 concern to me as well as the habitats, and
13 probably again, if you talked about public input,
14 Indians are not considered public. That's why
15 they don't come here. They're sovereign nations.
16 They're government -- go to them. You don't --

17 HEARING OFFICER KRAMER: Well, they're
18 certainly invited. And I know that letters are
19 sent out to all the tribes that are identified as
20 potentially having an interest in the area. So,
21 if they don't come it's their own choice.

22 MR. SMITH: I've never heard anything
23 about that. I agree with you, but I've never told
24 anything about this. But you got people that, in
25 their own council, that don't even know history no

1 more. Like I do, and as my brothers and others.
2 We are a good source for the area. While they're
3 just a good source for the politics, the way I
4 look at it. They're on reservations. I'm not a
5 reservation Indian. I don't live on a
6 reservation. I never have. But I do belong,
7 enrolled to a reservation.

8 My dad came from just down here, Paiute
9 Springs. Relatives live around, actually
10 Barnwell, Landfair; it's not there, that was the
11 gold rush days. Move down there, they didn't have
12 families down there in Ivanpah. That's what I
13 thought Ivanpah was down there, the settlement
14 down there.

15 And you know, all that is gone, you
16 know. I remember my father and them said, yeah,
17 we had to go to the boarding school. They had
18 boarding school. They had to go to Fort Mojave.
19 They walked from Paiute Springs to Fort Mojave;
20 that's 20 miles away.

21 HEARING OFFICER KRAMER: I need to ask
22 you to conclude.

23 MR. SMITH: Am I going too far out?
24 Anyway, this is the reason why I'm here. I am
25 concerned about the growth. It's going to be

1 growth and the habitats.

2 HEARING OFFICER KRAMER: Thank you.

3 PRESIDING MEMBER BYRON: Thank you, Mr.
4 Smith.

5 HEARING OFFICER KRAMER: Is there anyone
6 else in the public wishing to make a comment.
7 Seeing no one, we will -- do either of you wish to
8 make a closing comment?

9 PRESIDING MEMBER BYRON: Commissioner?

10 ASSOCIATE MEMBER BOYD: No. I just want
11 to thank everybody for being here. I'm very
12 impressed with the turnout that you've gotten.
13 It's far better than we get in some locations.

14 And I appreciate the sensitivity of all
15 the folks with the various issues. Mr. Harris
16 said something that I wrote down. CEQA on
17 steroids. I found that --

18 (Laughter.)

19 ASSOCIATE MEMBER BOYD: So CEQA is a
20 very powerful environmental law in California.
21 And if the staff of the Energy Commission is seen
22 as doing CEQA on steroids, it should give a little
23 bit of assurance to folks that they really do take
24 a hard look at the environmental consequences as
25 well as the social and economic consequences of

1 any development.

2 I know they look forward to the input
3 that a lot of you have provided. So we look
4 forward to hearing from them during the course of
5 this activity on the concerns folks have.

6 MR. O'BRIEN: Commissioner, we take that
7 as a compliment from Mr. Harris and --

8 (Laughter.)

9 MR. O'BRIEN: -- thank him for that.

10 PRESIDING MEMBER BYRON: And I'll add my
11 thanks, as well, for everybody being here today.

12 HEARING OFFICER KRAMER: Okay. And I
13 promise a scheduling order next week. So, seeing
14 no other business, this meeting is adjourned.

15 PRESIDING MEMBER BYRON: Thank you.

16 ASSOCIATE MEMBER BOYD: Thank you.

17 (Whereupon, at 4:07 p.m., the hearing
18 was adjourned.)

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CERTIFICATE OF REPORTER

I, PETER PETTY, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Hearing; that it was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of January, 2008.