

CALIFORNIA ENERGY COMMISSION

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**RECORD OF CONVERSATION**

Matter: Ivanpah AFC (07-AFC-05)

Date of Conversation: April 21, 2009

Persons Present: John Kessler, CEC Staff PM, Tom Hurshman, BLM PM, Dick Ratliff, CEC Staff Counsel, Paul Kramer (Hearing Officer)

I met with the above persons at their invitation to receive clarifying information about the intricacies of BLM's schedule for its portion of the Ivanpah project and how that might coordinate with the CEC process.

With the change in administrations in Washington, even though the new administration is giving a priority to renewable energy projects, new people and vacancies in some positions have the practical effect of maintaining or even slightly lengthening the time it takes for local BLM staff to obtain approval to publish notices of availability of documents such as a DEIS. Review of a Notice of Availability focuses on the Notice itself, not the document whose availability it announces. Changes to the underlying document, while possible, are not expected.

Although they are not required to hold a public meeting to receive comments on the Draft EIS, BLM staff is leaning toward doing so in this case. When they do hold such meetings, they tend to do so in the range of 45 - 60 days after publication of the NOA. Comments collected at the meeting are in addition to the normal written comments they accept. If the timing is right, it may be possible to combine the meeting with the receipt of public comment during our evidentiary hearing(s).

BLM and CEC staff are concerned that evidentiary hearings not begin so early as to deny the public sufficient time to review the FSA/DEIS and submit comments. And if the evidentiary hearing marks the close of the public comment period in the CEC process, and that closure comes before the 90-day DEIS comment period ends, they wonder how comments submitted after the evidentiary hearings will be handled?

Both staffs recommend that the Energy Commission's final decision come no earlier than the release of the Notice of Availability of the Final EIS. In their view, this will help avoid inconsistency between the Commission Decision and BLM's Right of Way requirements without extending the time at which the applicant can begin construction (if the project is approved). (There may be an opportunity for CEC staff to preview the information in the FEIS, specifically the responses to comments and any changes they are expected to cause in the BLM's permit, during the 45 to 60 day period in which BLM staff is obtaining approval to publish the NOA for the FEIS. This preview would not shorten the time to ultimate decision but would provide the information to the CEC process sooner.)

Paul Kramer