

INFORMATIONAL HEARING, ENVIRONMENTAL
SCOPING MEETING AND PUBLIC SITE VISIT
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATIO
AND DEVELOPMENT COMMISSION

In the Matter of:

Application for Certification)
For the Ridgecrest Solar) Docket No.
Power Project) 09-AFC-9
_____)

RIDGECREST CITY HALL
100 WEST CALIFORNIA AVENUE
RIDGECREST, CALIFORNIA

TUESDAY, JANUARY 5, 2010

5:00 P.M.

Reported and Transcribed by:
MARTHA L. NELSON, CERT
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APPEARANCES

COMMITTEE MEMBERS

JAMES BOYD, Commissioner Presiding Member

TIM OLSON

RAOUL RENAUD, Hearing Officer

APPLICANT

RAINER ARINGHOFF, SOLAR MILLENNIUM

ALICE HARRON, SOLAR MILLENNIUM

NICOLE TENENBAUM, SOLAR MILLENNIUM

SCOTT GALATI, GALATI AND BLEK

STAFF

ERIC SOLORIO, CEC

JARED BABULA, CEC

GREG MILLER, BLM

HECTOR VILLALOBOS, BLM

ALSO PRESENT

ELIZABETH KLEBANER, CURE

TERRY O'BRIEN

SID SOLOMON

JAMES DAVIS

DICK ANDERSON

ROBERT THOMPSON

APPEARANCES CONTINUED

- 1
- 2 ALSO PRESENT
- 3 JACK TIPTON
- 4 PENELOPE LEPOME
- 5 MARY JANE MCEWAN
- 6 HOWARD SMITH
- 7 MAGI ALLEN
- 8 TOM MULVIHILL
- 9 MEG GROSSGLASS
- 10 JAMES FAY
- 11 ROBERT ROBINSON
- 12 THOMAS DEMAY
- 13 ANNETTE DEMAY
- 14 JEAN THROCKMORTON
- 15 DAVID MATTHEWS
- 16 DAVE HACKER
- 17 BILL CARROLL
- 18 ED MIDDLEMISS
- 19 RON WERMUTH
- 20 CHIP HOLLOWAY
- 21 BETH SUMNERS
- 22 BILL SUMNERS
- 23 EARL WILSON
- 24 THOMAS WINNICH
- 25 DON DECKER

APPEARANCES CONTINUED

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ALSO PRESENT

RALPH LACHENMAIER

JO MUELLER

STEVEN MORGAN

1 RIDGECREST, CALIFORNIA, TUESDAY, JANUARY 5, 2010

2 PROCEEDINGS BEGIN AT 5:05 P.M.

3 HEARING OFFICER RENAUD: Okay. Thanks again. Just
4 waiting there for our stenographic reporter to get set up.
5 That's one of the features of the informational hearing is that
6 this is now going to be part of the public record for this
7 case. So the reporter will be taking down what's said in the
8 room and it will be transcribed into a booklet, posted on the
9 website of the Energy Commission and available for public
10 review.

11 Again, welcome. My name is Raoul Renaud, the hearing
12 officer from the Energy Commission. Just a couple of
13 housekeeping notes.

14 First of all, you've probably all noticed the
15 refreshments outside. That is provided by the applicant as a
16 way of helping us be more efficient here. We try to hold these
17 hearings at times that may be convenient for people to come
18 after work. Unfortunately, that often interferes with the
19 dinner hour. So rather than have to take meal breaks and slow
20 things down we -- we -- the applicants will provide some light
21 refreshments that enables us to keep going until we're done.
22 Feel free during the hearing, if you wish, to go help
23 yourselves. We -- we won't be offended if you get up and go
24 outside and come back. I believe there are some signs saying
25 you can't bring food and drink in here, but an exception has

1 been made for -- for this hearing.

2 And the other thing is if you wish to comment at the
3 end of the proceeding we would ask that you fill out one of
4 these blue cards. They're available at the table back there
5 with the public advisor. He'll give them to -- to me and we'll
6 call the names in the order that they are -- that I receive
7 them.

8 We're going to hear a series of presentations
9 shortly. If you have questions that are specific to something
10 that's said in that presentation you could -- you -- we'll
11 allow -- we'll allow some -- a brief amount of time for you to
12 ask those questions at the end of each presentation. If your
13 questions or you have comments that are general about the
14 project we would ask that you hold those until the public
15 comment period, which will begin at the end of those
16 presentations. Oh. Okay. Cool. All right.

17 Notice of today's hearing was provided to the parties
18 in the case, the adjoining land owners, interested governmental
19 agencies, and it was published on the California Energy
20 Commission website. Notice was also mailed on December 3,
21 2009, and the Energy Commission Public Adviser's Office has
22 made efforts to reach out to the community and make sure that
23 there is ample notice that we are conducting this proceeding.

24 I think before we go further we'll reintroduce
25 ourselves briefly for those who weren't here earlier. As I

1 said, I'm Raoul Renaud, the hearing officer. Let's start with
2 the folks to my right and we'll proceed.

3 COMMISSIONER BOYD: Good evening, everybody. I'm Jim
4 Boyd, commissioner of the California Energy Commission. And I
5 am the presiding commissioner for the siting committing for
6 this particular siting application.

7 There will be another commissioner who will join me
8 on the siting committee in the very new future, I am assured.
9 As I mentioned to the audience before we went on the tour,
10 the -- Commission Levin who was the -- the associate
11 commissioner left the commissioner effective yesterday. And so
12 we have not had time to re-designate in a public hearing
13 another commissioner to join the siting committee. But be
14 assured, there will be a second commissioner. But I will be
15 with you through the duration of this process.

16 And again, thank you all for being here tonight. As
17 man of you perhaps know, the State of California is awash in
18 applications for renewable electricity, something we've been
19 looking for, for a long time, and -- and hoping to -- and glad
20 to welcome. It has made for the largest number of power plant
21 siting applications in the 30-some-odd year career of the
22 California Energy Commission. We're pushing very hard. We're
23 pushing everybody very hard on these applications because
24 everyone is anxious to get answers and conclusions to their
25 applications.

1 So later in the meeting there will be a discussion of
2 the timetable for this particular siting case. And I believe
3 tonight for the first time in our history we've had two siting
4 cases having hearings in parts of the state at the same time,
5 also. So it's stretched the staff even a little thinner.

6 In any event, again, thank you for being here, and I
7 look forward to hearing from you all. Thank you.

8 MR. OLSON: And my name is Tim Olson with the
9 California Energy Commission. And I'm an advisor to Jim Boyd's
10 office.

11 MS. HARRON: I'm Alice Harron, Senior Director of
12 Development for Solar Millennium.

13 MR. GALATI: I'm Scott Galati, counsel to Solar
14 Millennium.

15 HEARING OFFICER RENAUD: And now if the people to my
16 left would introduce themselves, please.

17 MR. SOLORIO: I'm Eric Solorio, the project manager
18 assigned to the project for the Energy Commission.

19 MR. BABULA: I'm Jared Babula, staff counsel for the
20 California Energy Commission.

21 MR. MILLER: I'm Greg Miller, renewable energy
22 program manager for the California Desert District, Bureau of
23 Land Management.

24 MR. VILLALOBOS: Hello. I'm Hector Villalobos, field
25 manager for the Ridgecrest Field Office, BLM.

1 MS. KLEBANER: Hi. I'm Elizabeth Klebaner, attorney
2 for California Unions for Reliable Energy, an intervener in
3 this proceeding.

4 HEARING OFFICER RENAUD: All right. Thank you. As
5 Commissioner Boyd said, he is the sole member at this point of
6 the two person committee who will eventually decide this case.
7 There are five members of the Energy Commission. And in siting
8 cases such as these the regulations provide for a committee of
9 two commissioners to be appointed to review and eventually
10 issue a decision on the case. That decision is issued to the
11 full commission, and it is ultimately the full commission that
12 decides the ultimate outcome.

13 One thing I like to bring up early on in these
14 meetings is what is known in legalese as the ex parte rule.
15 And that is a rule that basically reassures the public that
16 everything that goes on this proceeding is open, aboveboard and
17 visible to the public. The matter will be decided solely on
18 material evidence that is in the public record. The ex parte
19 rule basically prohibits communications concerning substantive
20 matters pertaining to the case between the -- the parties, that
21 is applicant and staff, and the commissioners who would -- who
22 will be deciding the case.

23 The -- any such communications much take place in a
24 public forum, such as this one. All those forums, meetings,
25 hearings and so forth are -- are noticed so that the public can

1 participate. Some communications are also in the form of
2 writing, and those can be made available to the public by
3 posting on the project website on the commissioners website.
4 Again, we simply want to make sure that all of the information
5 pertaining to the case that may be used to ultimately decide
6 the case is available to the public.

7 So just briefly to recap what we're doing today, we
8 have a series of presentations. The first one will be by the
9 Energy Commission Public Adviser's Office. We will then hear
10 presentation from the applicant, Solar Millennium. And then
11 the Energy Commission staff will present -- make a presentation
12 regarding its role in reviewing this project. The Bureau of
13 Lang Management will also make a presentation. We will -- the
14 staff has identified -- the Energy Commission staff has
15 identified several issues that it foresees will be key points
16 in the review of this project and there will be discussion of
17 those, followed by discussion of the proposed schedule for
18 reviewing the case. And after that the public question and
19 comment period.

20 So I think without further ado we'll proceed with
21 presentation from the Public Adviser's Office. The Public
22 Advisor representative is Jim Davis.

23 MR. DAVIS: Okay. Do we have the presentation?
24 Great. My name is Jim Davis, and I'm with the Public Adviser's
25 Office with the Energy Commission. And I'm here today to talk

1 to you about how the public can be involved in this project and
2 what exactly the public advisor does.

3 We think that public participation is an integral
4 part of the process in a site visit and site hearing. Public
5 involvement improves the process and the outcome of any
6 process. Public outreach is a concerted effort of the Energy
7 Commission. It's done through the executive director, the
8 public advisor's office, the siting division, the hearing
9 office, and the media office.

10 HEARING OFFICER RENAUD: Excuse me, Jim. Is your
11 mike on? Or can you speak closer?

12 MR. DAVIS: Okay. Can you hear me better now? Okay.

13 One of the -- what is the public advisor? We help
14 the public understand the process. We make recommendations for
15 the best way to be involved. We assist in successful
16 participation and proceedings. And if you need a brochure on
17 what the public advisor does we have brochures over at the
18 table over there.

19 Well, the slides aren't exactly coming out correctly.
20 I'm not sure what's wrong but we'll -- we'll wing it anyway.

21 The first thing the public advisor does is we sent
22 out a notice of informational hearing and site visit in both
23 English and Spanish. And we send this to city officials and
24 county officials, and in this case it was sent to -- to
25 Bakersfield, Ridgecrest and San Bernardino. And that covers

1 also a broad category of people that we send this out to that
2 include city and county civic leaders, local nonprofit groups,
3 local Native American tribes, registered members, public and
4 private schools, places of worship, and law enforcement,
5 etcetera.

6 We also do media outreach. And in this case we did
7 pay the local newspaper advertising in the Riverside Daily
8 Independent and the Kern Valley Sun.

9 We also did website public service announcements, and
10 those were requested of the chamber of commerce. And I know
11 that slide is very tough to read, so I'm going to have to use
12 the handout here. In this case the chamber of commerce that
13 was contacted was Bakersfield, Kern County Hispanic, San
14 Bernardino and Ridgecrest.

15 We also do media outreach through local TV and radio
16 contacts in both English and Spanish. And in this case it was
17 to various TV and radio stations, KGET-TV, Channel 17, Radio
18 Bilingue, KTQX 90.1 FM, and Radio Nueva Vida.

19 Notice to the public; there's other notices that we
20 send out, as well. A notice of the Energy Commission receipt
21 of an AFC was sent out by the siting division, and that was
22 done by US Postal Service mailing to residents within 1,000
23 feet of the project site and 500 feet of project linears. And
24 a project linear would be a transmission line or a pipeline or
25 something like that. Libraries also received copies of the

1 AFC, agencies, local, state and federal with compact disc
2 copies of the AFC.

3 Also, a notice announcing this site visit
4 informational hearing was sent out by the hearing office by US
5 Postal Service mailing to residents, libraries and agencies.
6 Also, there's a proof of service list that received this notice
7 which included the committee applicant, staff, interested
8 agencies, and all interveners. A notice also was sent out by a
9 list server. The list server would be anybody who signed up to
10 hear information about this project. And that can be done by
11 going to the project's website at the Energy Commission and you
12 can actually fill in your name, your email address, and you'll
13 be sent a notice of information on that. Also, executive
14 director correspondence is done to elected officials.

15 We to get information regarding this application and
16 this site; there are various sources to get information. You
17 can get those on the Energy Commission website. If you go to
18 the Energy Commission you can find information on notices and
19 announcements, documents and reports, as well as the docket
20 log. You can also find information at the Energy Commission
21 library. You can also find information by sending an email to
22 dockets email at docket@energy.state.ca.us.

23 Also, there are various tools that you can find at
24 the Energy Commission. You can sign up, once again, at the
25 list server by putting your name down and giving us your email,

1 and we'll send you information dates and information on the
2 project. You can also sign up on a US mailing list. And, of
3 course, you can call the public advisor's office and speak --
4 speak to me directly. I have business cards on a table over
5 there.

6 Once again, where to get some more information. The
7 public can read the application for certification at the
8 following libraries: the Boron Library, the Kern County
9 Library, Naval Air Warfare Tech Library, Ridgecrest Public
10 Library, Walter Stiern Memorial Library. Also, once again,
11 there's electronic access to the AFC, as well, on the Energy
12 Commission website.

13 Public participation; there are two levels of public
14 participation. The first one is informal participation.
15 Informally you can submit comments. And these comments are
16 considered by the commissioners, they're part of the public
17 record, but they're not considered evidence. Making your voice
18 heard is very easy. Verbal comments at public meetings such as
19 this one, and you can do that filling out a blue card and
20 giving it to me and I'll make sure it gets to the hearing
21 officer. You can also make written comments or statements to
22 the commission, and that can be done through the dockets unit
23 at the Energy Commission.

24 The second level of formal participation is that of
25 becoming an intervener. Who can become an intervener? Anyone

1 mail file a petition to intervene in a proceeding. You do not
2 have to be or have an attorney to intervene. The petition is
3 considered by the assigned committee, and if approve you become
4 a party to this proceeding.

5 How to formally participate? Contact the Public
6 Adviser's Office or go to our website and then file a petition
7 to intervene. And the key to intervening is you want to make
8 sure that you intervene early enough to get involved in the
9 process and understand what's happening with the case.

10 Interveners have the same rights and responsibilities
11 of other parties as far as things that they can receive, all
12 filings in a case, including the AFC, notices of hearing and
13 workshops through proof of service. And intervener can fully
14 participate in the process of obtaining information. And an
15 intervener can file documents and serve them on all parties,
16 motions, petitions, objections and briefs. They also can
17 present evidence and witnesses and cross-examine witnesses.

18 One thing to keep in mind on how to participate is
19 staying informed. Sign up to receive notices of all upcoming
20 events, and you can do that through the Energy Commission
21 website. You can submit written comments. You can attend
22 publicly noticed project events. Non-English speaking is
23 welcome. And special accommodations for persons with
24 disabilities can be made, as well.

25 Once again, my name is James Davis. I'm with the

1 Energy Commission, the Public Adviser's Office. If you have
2 any questions feel free to ask me anything. Thank you.

3 HEARING OFFICER RENAUD: Thank you, Mr. Davis. And
4 next we'll hear a presentation by the applicant.

5 MR. ARINGHOFF: Okay. Good evening. Thank you very
6 much for having the opportunity to briefly describe the project
7 that our company is proposing here, Solar Millennium. And I'm
8 happy to see a lot of faces again that we met during --

9 MR. SOLORIO: Excuse me, sir. Can you please state
10 your name first?

11 MR. ARINGHOFF: I'm sorry. My name is Rainer
12 Aringhoff, and I'm the president of Solar Millennium, LLC.

13 We had two previous meetings, public meetings, too,
14 at the BLM field office two years -- two years before. And we
15 are glad to give you, again, a background of the project, and
16 also who the applicant is.

17 So I will briefly describe what our company is,
18 mostly what our experience is and the technology is, so that
19 you also have a feeling that what we are doing here is
20 something that we really want to bring to a successful ends on
21 all sides, that we are capable of doing so and making these
22 projects happen if they are permitted. I also would like to
23 briefly talk about why solar is so incredibly good here in the
24 Ridgecrest area. We will then talk about -- and this is what
25 our project manager, Nicole Tetenbaum, will do, give an

1 overview of the project location, of the layout and the
2 description, as well as on the site selection criteria and the
3 history of the project, because there is already some. We want
4 to talk about the community benefits and about the project
5 status and our community outreach.

6 Very briefly about our company, our company has a
7 background more than 25 years in another form as an engineering
8 group. And at that time we already participated in the
9 development and providing key components for the very first
10 solar thermal power plants that have been successfully erected
11 here in California, very nearby, 30 miles down to the south on
12 Highway 395, Kramer Junction and Harper Lake. And I'm happy to
13 see an old colleague here from the Brotherhood of Parabolic
14 Trough Developers, Scott Frier, who was for 20 years the chief
15 operating officer of the Kramer Junction complex.

16 Solar Millennium, LLC is an American company located
17 in Berkeley, East Bay, San Francisco, and is wholly owned by
18 Solar Trust of America, another 100 percent American company.
19 Solar Trust of America was recently formed basically to combine
20 the project development and the financial efforts and the EPC,
21 the engineering, procurement and construction efforts of
22 projects that have an investment, each of them, like the
23 Ridgecrest, of one point -- in excess of one point five -- \$1.1
24 billion US.

25 And our group is representing a 75 years record in

1 construction experience through the participation of the MAN
2 Farrell Style Group (phonetic), and another 25 in genuine solar
3 thermal design engineering and development know-how, to the
4 result that our company has developed the very first three
5 large scale parabolic trough projects in Europe called the
6 Under Sol Projects (phonetic), Under Sol I, II, III,
7 representing a combined investment of one -- of approximately
8 \$1.2 billion. These have been built recently in the past three
9 years and are the largest complex and the largest solar fields
10 that have -- ever have been built in the world.

11 So I think this describes a little bit our
12 competence, our background, and our knowledge. These projects,
13 by the way, also feature thermal storage, very large thermal
14 storage that make these plants capable of operating even in the
15 evening and nighttime hours, which is not the case here for the
16 Ridgecrest project because our offtaker didn't choose that
17 option finally. The offtaker is Southern California Edison.

18 Furthermore, we are -- or we are not developing,
19 because developing are many of companies. We are building
20 another plant in Egypt right now which is a combination of a
21 solar thermal parabolic trough, solar field, of 30 megawatt
22 capacity combined with a gas fired combined cycle. That's a
23 first of its kind and financed by the World Bank, another, I
24 think, indication that our group has been considered to be
25 pretty well operating to get that support. And we have about

1 2,000 megawatt of project development underway in the US
2 Southwest, most of them in California, but also in Nevada and
3 Arizona.

4 Parabolic troughs are basically curved mirrors. The
5 mirrors you need for the concentration. If you look to the
6 right and upper side you'll see a simplified schematic of a
7 parabolic trough. Parabolic troughs are so far the only
8 commercially proven solar thermal technologies. A lot of
9 others are in test or demonstration stage and will see the
10 light of commercial deployment. But these are the ones that
11 have been proven, mostly through the success of 25 years of
12 operation at Kramer Junction and Harper Lake.

13 They are straightforward design, line focusing
14 system, and that will probably become important when we go
15 through some technical details later. They need a certain
16 array. They are north-south oriented in their axis, and they
17 are tracking the sun from east to west, which also induces that
18 in this focal line is a fluid circulating through the entire
19 solar field that basically produces the heat. And this heat is
20 then pumped to a power block section in which a heat exchanger
21 will convert that solar heat that is contained in this fluid
22 into steam in the other closed water steam cycle. And with
23 this steam a turbine will be driven, and that produces the
24 electricity.

25 The array is important in so far as you need a

1 geometrical design and you need collector loops being balanced,
2 because you have a hydraulic problem there or you have a
3 hydraulic basis, basically. So in order to avoid large pumping
4 losses you need balanced collector loops. This gives you
5 certain steps in which you can only move collector lines, which
6 you will understand soon when we are coming to the details of
7 the revised design that we are proposing here.

8 All in all the parabolic trough design is considered
9 to be the only commercially proven and financeable so far, bank
10 financeable technology that also simplifies a little bit the
11 choice for the selection of what technology will see the ARRA
12 funding at the very end.

13 You will see here a scheme of the newest collector
14 that will be deployed here in Ridgecrest. This collector is
15 right now under test at the Kramer Junction 65 facility. And
16 this is a collector design that is radically improved and makes
17 even longer individual collector units together with a broader
18 aperture of the collector array, and all in all expected
19 increases in performance and cost reductions that will allow
20 about 20 percent improved power generation cost.

21 Now if a few words about why building the solar
22 plants in Ridgecrest. Well, after so many discussions we have
23 you can really ask why have we really gone here. And I would
24 like to go with as little intro into a review -- into a very
25 short consideration that there is also a logic, a deeper logic

1 behind using solar energy, not only that solar thermal power
2 plants make an enormous benefit to the electricity system. If
3 California is moving to 33 percent renewables in their power
4 generation there are issues with transmission, there are issues
5 with fluctuation of the resource. Solar thermal power plants
6 are considered to be the working horse of the peaking -- for
7 the peak load. They are predictable, they are dispatchable,
8 and they can contribute precisely to when the power is most
9 needed in California.

10 Second, the solar radiation is superb. In California
11 it is great. It's the best compared to all other states in the
12 United States. But in the Ridgecrest area it's specifically
13 superb. It comes mostly because of elevation. This place here
14 is higher than even Kramer Junction is. It is higher than the
15 lower desert like Palm Desert, Palm Springs, and Blythe, Palen,
16 which means that the output of these projects here in
17 Ridgecrest will be five percent better than the best known
18 places so far in California. They are probably ten percent
19 better than in Nevada or Arizona, or in the lower desert, or in
20 Imperial Valley where there is even a difference of 25 percent
21 in terms of radiation.

22 You just have to lean back for a moment to make that
23 clear. Every percentage more in radiation intensity means also
24 a percent less in footprint of the plant. So if we are
25 complaining about the footprint of such big plants, you have

1 just to be aware that at the same time there should be an
2 argument that you go to the best places. The best places,
3 there is no doubt, is the west Mojave. It's the best place in
4 the United States. And amongst the west Mojave, Ridgecrest is
5 the best because of the high elevation and the proximity to the
6 Sierra. The result is that you would normally, if you have a
7 planning process and you look a little bit further, go and aim
8 at placing a lot of projects here in this area because this is
9 resource. We not only have cultural, we not only have
10 biological, we also have technical resources. And this is a
11 very clear one. This also shows that there will be always a
12 sort of a tradeoff if the great state of California wants to
13 have solar power as its strategic supply source in its energy
14 and its renewable energy mixture.

15 So the radiation we -- we measured here is beyond
16 3,000 kilowatt hours per square meter per year. Kramer
17 Junction was 2,850. And other sites which are in the desert
18 have 2,600, just to keep that in mind.

19 And keeping that in mind you have also to be aware
20 of -- and I don't want to elaborate too long on the theme, but
21 it is a threat, not only to developers, it is a point of
22 consideration where to place those projects if we think that we
23 need those projects to reach the 33 percent. And there we find
24 the sort of ironic situation that the areas that are best
25 suited are not available.

1 The West Mojave is mostly dictated either by light
2 use management plans of the West Mojave Plan or by large
3 military sites, leaving very little private land to develop
4 projects on it. This even is -- this was one of the ideas that
5 we developed with the California Energy Commission in the
6 waiting process, look for private land. But this land is so
7 much segmented that you physically as a developer won't go into
8 sites where you need 1,000 or 2,000 acres and you have probably
9 500 owners on it. And that's the situation we have.

10 So there is a need for a longer term plan and to
11 revisit plans that are in existence. To just think about how
12 the resource and how superb the resource is here, this is why
13 we are happy to follow any suggestion, any advice. And if you
14 will -- and you will see that later, how far we have developed
15 our project in the course of the last three years to respond to
16 all of the concerns.

17 But there is a last one, and that is do you care
18 about the development? Do you also care about the jobs? Do
19 you care about using solar resources where the natural resource
20 is highest?

21 And this is where I give it to Nicole for coming into
22 the details of the project. Thank you.

23 MS. TETENBAUM: Good evening, Commissioner Boyd, CEC
24 staff, BLM, greater Ridgecrest public. Thank you so much for
25 allowing me to get up here. I know for many of us it's been a

1 long day. And for those of you -- for those of you who were on
2 the bus, thank you very much. I hope you enjoyed the bus tour.
3 So --

4 HEARING OFFICER RENAUD: If you would, just state
5 your name for the record.

6 MS. TETENBAUM: Oh, I apologize.

7 HEARING OFFICER RENAUD: Thank you.

8 MS. TETENBAUM: I forgot that part. I'm Nicole
9 Tetenbaum, Solar Millennium, Senior Project Manager for the
10 Ridgecrest project.

11 So I'm going to be as brief as possible. I have to
12 say I think the important part of this really is the
13 opportunity for the board to hear -- the commissioners and
14 every -- and every commissioner and everybody to really hear
15 what the public has to say. So I am going to run through our
16 presentation.

17 As you know, the site is located approximately five
18 miles southwest of the City of Ridgecrest. It's on Brown Road
19 and it's west of the intersection of 395 and South China --
20 China Lake Boulevard on Brown Road.

21 You can read along. However, I want to highlight
22 certain things. First of all, the electricity production of
23 this project is projected at 550,000 megawatts per year. That
24 equates to approximately 75,000 homes. That's a considerable
25 number. And it also equates to approximately one-quarter of

1 the total annual residential electricity usage for Kern County.

2 We've talked a little bit about water consumption
3 earlier today. I wanted to clarify what we will be using the
4 water for, which is mirror washing, feed water makeup, dust
5 control, and potable needs for staff on site.

6 When Solar Millennium originally brought forth this
7 project to the City of Ridgecrest it was designed as a wet-
8 cooled plant. We have since redesigned this project and made
9 it dry cooled, thus reducing our water needs by 90 percent.

10 We talked a lot about mitigation earlier today, also,
11 and we are going to be developing a portfolio of options for
12 both water and for biology.

13 We are looking to plan -- start our construction at
14 fourth quarter of 2010. And our planned commercial operation
15 date is July 1 of 2013.

16 This is our new proposed layout. We've just brought
17 this forth recently. And we redesigned the site to accommodate
18 a lot of the comments that we received at the December 15th
19 workshop, and to try to accommodate some of the biological
20 species that are on site.

21 We are looking at two solar fields, one north of
22 Brown Road and one south of Brown Road, with a total of 250
23 megawatt capacity. The new reconfiguration will realign the
24 solar fields to minimize the disturbance to the El Paso Wash
25 and to the plant -- the plants that exist there.

1 We will also facilitate the continuation of a
2 connectivity corridor for the desert tortoise and the Mojave
3 Ground Squirrel. This will also eliminate the need to channel
4 the wash, which is something that we had proposed in the AFC
5 design. And we have also decreased the amount of collectors
6 that are within the conservation area for the Mojave Ground
7 Squirrel south of Brown Road and shifted them to the north of
8 Brown Road.

9 Many of you were here at the workshop this morning
10 and heard Tom Mulvihill from Indian Wells Valley Water District
11 speak, so I don't really want to repeat some of what he did
12 say. But I did want to clarify by saying that the 150 acre
13 feet per year that Solar Millennium is considering for their
14 water usage equates to 1.67 percent of the district's present
15 annual production and is less than one-half of the percent --
16 less than one-half of a percent of the total water usage
17 annually.

18 So I also wanted to talk a little bit about soil and
19 drainage. That was a topic that came up before. And I want to
20 clarify that post-development we anticipate that the drainage
21 will actually be less. And this is because we will be --
22 the -- the soil currently is impermeable, basically, or nearly
23 impermeable. And so we are going to have a power block. And
24 the -- the water or the discharge will go to a detention basin.
25 So automatically that amount of discharge is -- is reduced and

1 that flow is reduced into the -- the washes. And also, when we
2 do our construction we will need to do some mechanical
3 compaction. The mechanical compaction will actually reduce the
4 -- it will reduce the impermeability of the soil from 100
5 percent to about a 90 to 95 percent, which will increase the
6 capacity for infiltration and retention, and also will lower
7 runoff.

8 The Ridgecrest site is utilized by the public for a
9 variety of purposes. And it is also utilized for other
10 reasons. In the past the project has been used for grazing.
11 And there are existing off-highway vehicles, both designated
12 and undesignated trails. There is a considerable amount of
13 residential litter. And unexploited ordinances have also been
14 found on the site.

15 So you may wonder how and why we chose this site, and
16 how Solar Millennium goes about figuring out where to build a
17 site. So this is some of the criteria that we consider. We
18 want a high direct normal insolation of at least seven
19 kilowatts. We want to avoid areas of critical environmental
20 concern, ACECs, DWMAs, an other designated or proposed
21 wilderness areas.

22 We do have a preference for lands that have been used
23 or degraded for a variety of reasons. And site control is very
24 important, as Rainer was pointing out about parcelization and
25 being able to actual acquire the acreage that is necessary. We

1 also need the site to be relatively flat, so a two percent --
2 no more than a two percent slope. We're also looking to be
3 close to existing transmission and power lines. And adequate
4 size of the actual land, we need a minimum of 3,000 acres. And
5 we also want to try to avoid washes. Road accessibility is
6 important, as is water.

7 So I just wanted to clarify a little bit of the
8 history of the development for this project. Solar Millennium
9 did not just come to the City of Ridgecrest and say we want to
10 put our site here and did not consider other things. That is
11 not the case.

12 Since 2006 we have been looking at different
13 locations and properties to be able to develop and build a
14 site. So in 2006 we looked at Harper Lake and Boron. These
15 were both private owners. And despite good faith efforts the
16 parties were unable to reach an agreement.

17 And then in 2007 we started looking at BLM lands.
18 And 2007 was also when we realized that we needed a certain
19 minimum amount of acreage in order to make the site
20 economically feasible. And we went to BLM and we applied, we
21 submitted applications for three parcels, Sage Canyon,
22 Ridgecrest and North Kramer. These were all submitted in March
23 of '07.

24 And in January of 2008 the Sage Canyon site and the
25 North Kramer site were also -- were -- both of them were deemed

1 inconsistent with land use plans and BLM declined to develop
2 there. There were about 13 applications at that point in time
3 for other developers that were all taken off the BLM public
4 development due to conservation.

5 And we did do a significant amount of work,
6 engineering, environmental screening, transition analysis, on
7 all of these sites. I just wanted to clarify that. It wasn't
8 just submit and application and that was it; 2007 we were in
9 Alabama Hills. We looked at Alabama Hills. We've looked at
10 multiple private properties and California City and Owens
11 Valley.

12 So here's a little bit about the history of the
13 project layout for the Ridgecrest project as we submitted it.
14 It was originally submitted, and we have a layout in August of
15 2007, which is on the left, which is when we originally thought
16 that we were going to do three plants. And you'll see it's a
17 significantly larger layout. It was decreased. There were
18 issues in the -- the north on the other side of 395. And so we
19 revised the layout in April of 2008, decreased it
20 significantly.

21 Back in April -- excuse me, March of 2009 we shifted
22 the project from wet cooling to dry cooling. And then this was
23 the layout, the left side layout, September 2009 is what the
24 AFC application is. And then on the right is the most recent
25 application. And you will see that there are some hard black

1 outlines to the west of the northern solar field, and a little
2 bit to the east of the southern solar field. That is the
3 outline of the previous solar boundaries. I'm trying to
4 clarify and show how we have in the new design shifted the
5 solar fields out of the wash.

6 So I just wanted to clarify on some of the benefits
7 to the greater Ridgecrest community. We are looking at 405 to
8 633 construction jobs over the 28 months of construction with
9 110 million in payroll. And that also -- for every job that is
10 created during construction or during operations there are also
11 indirect or induced jobs that are not included on this slide.
12 So we're looking at a total jobs creation of 838. So it's 433
13 of indirect and induced jobs, and 405 at the small scale of the
14 construction jobs, we're looking at 833 to beyond that. So the
15 revenue to the community from direct expenditures, indirect and
16 induced was approximately \$59 million.

17 During operations, which is over the course of 30
18 years we'll be looking to hire 85 people, and with indirect and
19 induced jobs of an additional 70, to total of 154 jobs to the
20 community over the course of the 30 years.

21 I just want to -- I mean, a lot of people recognize
22 me. I've been in the town. I've come. I've spoken to -- to
23 be on a steering committee. I have met with other groups, Kern
24 County, CEC, CDFG. We have had site visits. And I have met
25 with multiple community leaders. We are members of the

1 chambers of commerce. We have spoken to different city council
2 members and city staff and other greater community
3 organizations.

4 And that's really all I have to say. And I -- I
5 thank you. And we look forward to working with the community
6 and moving forward.

7 HEARING OFFICER RENAUD: Ms. Tetenbuam, thank you. A
8 comment, if I might, predicated on something you said early in
9 your presentation about not repeating something said in the
10 workshop this afternoon. And I just want to caution folks who
11 are speaking here today and are participation in this process
12 to not presume that because something was said in a workshop
13 that you shouldn't repeat it here. I think as our hearing
14 officer as indicated, this is -- this is a very quasi-judicial
15 process. And as he did indicate the decision is made based on
16 the record of these kind of hearings. So if you want it in the
17 record be sure to state it here in this hearing so it gets in
18 the record.

19 And all on that point, while I'm at it, I just want
20 to repeat that this is quasi-judicial. You heard about the ex
21 parte rule. That means the siting committee and the hearing
22 officer, as we sit here we're not quite wearing judicial robes,
23 nonetheless, conduct this something like is conducted in a
24 court of law, and the ex parte communication rule applies to
25 all parties to the case. That includes the staff of the energy

1 commission. So with the commencement of this hearing tonight
2 the siting committee is not allowed to have any conversation
3 even with the staff of the Energy Commission unless it's in a
4 forum like this.

5 So I just wanted everybody to understand the process.
6 This is -- this is a -- the -- the product of the state law
7 that established the Energy Commission in the legislature and
8 the then governor's desire that -- that a very fair and
9 equitable public process be put in place with regard to power
10 plant siting. So I'm not picking on you. I'm just using you
11 as -- as an opportunity to -- to clarify this. So thank you
12 for your presentation.

13 MS. TETENBAUM: Thank you very much.

14 HEARING OFFICER RENAUD: Thank you. As I said
15 earlier, we will have a question and comment period at the end
16 of the hearing. And I think that's probably the best time to
17 take care of questions and comments. However, if anyone has a
18 question right now about that particular presentation, perhaps
19 clarification and so on that -- that you don't feel you can
20 wait for until the end --

21 MR. WILSON: Are all these slides --

22 HEARING OFFICER RENAUD: -- why don't you go ahead now.

23 MR. WILSON: I'm sorry. Are all these slides online? Can
24 we get -- are they there?

25 MS. TETENBAUM: They are not currently. However, they

1 will be docketed.

2 HEARING OFFICER RENAUD: Yes. The slide presentation
3 -- the question was are the slides online, and the slide
4 presentation will -- will be online on the website. Anything
5 else? Good. Thank you. Okay.

6 Let's go on to the staff presentation. Eric Solorio,
7 Energy Commission, Project Manager.

8 MR. SOLORIO: Thank you. The Energy Commission
9 permitting authority is for power plants that are thermal power
10 plants that are 50 megawatts or greater. We have an
11 (inaudible) permitting authority which essentially we delegate,
12 so that otherwise the permitting authority for local and state
13 agencies where there is no federal nexus. We certify sites for
14 power plants and their related facilities such as a natural gas
15 pipeline or a water pipeline, etcetera, whatever is necessary
16 for the operation of that power plant.

17 The Energy Commission is designated as a lead state
18 agency under CEQA. And we also have a certified regulatory
19 program that we produce the equivalent of an EIR, and
20 environmental impact report, only ours is a (inaudible) staff
21 assessment.

22 COURT REPORTER: Pardon me. Can you speak up some?

23 MR. SOLORIO: Sure. The BLM and the energy
24 commission staff are working closely with local, state and
25 federal agencies. That includes City of Ridgecrest, the

1 community of Inyokern, Kern County Water Quality Control Board,
2 also state and federal agencies, as well. We usually defer to
3 the state agencies for their opinion and their expertise, such
4 as fish and game. Their area of expertise is wildlife, as well
5 as habitat and waters of the state. So we work closely with
6 those agencies to develop our analysis of the impacts and
7 mitigation measures.

8 In this instance, as well, since this is a combined
9 process with the BLM there's also a consultation between the
10 BLM and Fish and Wildlife Service.

11 So I'll give you a brief overview of our process at
12 the Energy Commission. It begins with an application for
13 certification. You'll hear us refer to that as an AFC. And,
14 well, the first thing we do with that is determine whether or
15 not it's data adequate. We have a set of regulations, Title
16 20, which essentially lays out our process and what the
17 requirements are to determine whether or not that application
18 is adequate. And what that simply means is that the minimum
19 amount of information is there for us to accept the
20 application.

21 Once it's accepted as adequate then we enter into a
22 discovery process, and that's typically 180 days. For this
23 particular project that period will be shortened, only because
24 our intention is to produce a document in less time than that.

25 In the discovery phase staff issues what are called

1 data requests. It's pretty much what it's titled. We want
2 information on particular subjects, technical areas, so we
3 request that information from the applicant in writing and they
4 respond in writing with the data responses.

5 We also produce an issues identification report. And
6 we hold public workshops like the one on December 15th and the
7 one earlier today that a lot of you attended.

8 That process of discovery, gathering information and
9 putting it into an analysis, and it materializes in what we
10 call a final staff assessment. We refer to it as an FSA.
11 That's our standard process. For this particular project we
12 are producing a joint environmental document so it will be a
13 staff assessment/EIS, and that's to meet the needs of the BLM
14 and the requirements of NEPA.

15 That document is -- the environmental document is
16 entered into the record, it's been on the docket, and taken
17 together with other information and presented to the siting
18 committee. And the committee will then hold evidentiary
19 hearings and they'll consider that information and testimony
20 and cross examination of witnesses. The witnesses are
21 typically the -- the people that write the technical sections
22 of the environmental document, and experts. For instance, the
23 applicant may bring their experts in to contradict the position
24 that staff may have taken.

25 That process results in a presiding members proposed

1 decision, typically referred as a PMPD. The PMPD goes to the
2 full commission for a decision. That's a general review of our
3 process.

4 The environmental documental is pretty much what it's
5 all about for staff in terms of our role. That document is
6 meant to identify and analyze the proposed project's design and
7 engineering and conformance with laws, ordinances, regulations
8 and standards, we refer to those as LORS; potential impacts to
9 the human environment and related mitigation measures.

10 The document also includes recommended conditions of
11 certification. Those conditions of certification we call COCs
12 for short typically embody the mitigation measures. And also
13 accompanying those are verification measures so that if that
14 power plant is built there's a method to verify that all the
15 mitigation measures have been implemented and are being
16 implemented over the life of the project.

17 We also make the environmental review process open to
18 the public and inclusive of local, state and federal agencies.
19 As you've heard it noted here today, and we also touched on it
20 earlier in terms of the ex parte rule, we -- we -- our process
21 is different from that of other agencies that can permit a
22 project under CEQA or NEPA in that we are required to engage in
23 the dialogue that -- regarding substantive issues in a public
24 forum.

25 Lastly, one of the things that staff does when they

1 produce the environmental document is ultimately the executive
2 director makes a recommendation to the committee and full
3 commission in terms of whether or not the executive director
4 feel those projects should be approved, denied or modified.

5 HEARING OFFICER RENAUD: I'm going to tell you a
6 little bit more about the evidentiary hearing process.

7 Yes, sir?

8 MR. THOMPSON: (Off mike.) I have a question on his
9 scope of (inaudible) and so forth.

10 HEARING OFFICER RENAUD: Could you hold that just
11 until the end of the presentation?

12 MR. THOMPSON: Yeah.

13 HEARING OFFICER RENAUD: Thank you. Okay. The
14 evidentiary hearing process, as Commissioner Boyd said, is
15 somewhat like court. The -- the evidentiary hearing is
16 scheduled after the final staff analysis has been issued and
17 there's been time for it to be reviewed. We set a hearing
18 date. The parties prepare evidence that they will then present
19 in this rather formal hearing setting.

20 Who are the parties? Well, the parties are, of
21 course, the applicant, the Energy Commission staff, and anyone
22 who may be an intervener such as CURE who we have here today.
23 The parties have the right under the Energy Commission
24 regulations to present evidence, to cross examine witnesses,
25 and to have exchange of evidence with the other parties.

1 The hearings are conducted, of course, in a public
2 setting. The evidence is introduced in a formal manner, just
3 like a court, and becomes part of the formal evidentiary
4 record.

5 Now you've been hearing -- and -- and, excuse me, at
6 that time, also, that's -- during that evidentiary hearing that
7 is when you actually have sworn testimony by witnesses. As --
8 as you've heard already, the scientists who have analyzed the
9 project come before the -- the committee and as sworn witnesses
10 provide their testimony. So that's -- that's the day that the
11 scientists actually come to court.

12 Now you've heard a lot of acronyms. We love acronyms
13 at the Energy Commission, AFC, PSA, FSA, LORS. Well, here's
14 another one, PMPD. That's the presiding members proposed
15 decision. After the evidentiary hearings are complete, the
16 evidentiary record is then closed, the committee gets to work
17 determining what its decision on this case will be and writing
18 a lengthy document called the presiding members proposed
19 decision. This decision is the recommendation of the committee
20 concerning the project which is made to the full energy
21 commission.

22 After the PMPD is issued the committee will hold one
23 or more public hearings to discuss the PMPD. And ultimately
24 the committee will issue what is known as -- well, they will
25 issue any -- any errata changes to the PMPD and, finally, it

1 will be presented to the full commission. The commission will
2 then decide whether or not to adopt the PMPD as the
3 commission's final decision.

4 The -- as Eric said, the commission, after approving
5 a project, retains jurisdiction to monitor compliance with the
6 conditions of certification for the life of the project.

7 MR. SOLORIO: I believe your question was about the
8 scope of the analysis. Well, let me just offer some -- some
9 preliminary information on that.

10 We -- staff looks at the direct, indirect and
11 cumulative impacts of the project. And we look for ways to
12 mitigate those impacts to less than significant levels. So we
13 have to establish criteria for what are the thresholds of
14 significance and we have to provide a justification for why we
15 believe that's significant and then identify feasible
16 mitigation measures.

17 CEQA, California Environmental Quality Act, requires
18 that all impacts -- all significant impacts are mitigated to
19 less than significant levels as long as the mitigation is
20 feasible. Feasibility is defined as logistically feasible,
21 technically and economically. So as long as the mitigation
22 measures are available in that context the developer would be
23 required to implement that mitigation.

24 Now there -- there is -- there are scenarios where
25 one simply just can not mitigate an impact. For example,

1 imitable impact to visual resources. We have determined on
2 another project where there is impacts to visual resources from
3 certain hiking trails overlooking the valley floor. And
4 there's just -- there -- there is no way to block that view,
5 considering the topography and the characteristics of the
6 project. So in that particular situation there would need to
7 be certain findings made of override and so forth.

8 I hope I addressed -- okay. Please step up.

9 MR. THOMPSON: Robert Thompson, professional -- Robert
10 Thompson, professional engineer. I just had a question on your
11 staff's level of technical review in terms of the engineering
12 assumptions in regard to storm water runoff, for example,
13 hydraulics -- hydraulics and so forth. Does your -- do you
14 have staff onboard to study those details, and are those
15 reviews and documents submitted to you for review available for
16 public agency and private review, as well, for giving comment
17 to you to aid you in your review? Thank you.

18 MR. SOLORIO: The answer is yes. And any document
19 that is submitted to us is available to the public and is
20 entered into the docket and available either by identifying
21 that on the docket log available on the website, or I will post
22 it to the website.

23 In terms of the storm water runoff and/or diversion
24 channels associated with the desert washes we do have quite a
25 number of technical staff onboard from 20 different

1 disciplines, and we retain a number of consultants. And we
2 also work with CCFG (phonetic). I'm not sure if Chris
3 Vitalberg (phonetic) is still here. Oh, thank you, Chris.
4 Chris is -- if I can get your title right, the senior
5 engineering geologist for CCFG. She oversees the streambed and
6 lake alteration program. And they work very closely with us
7 and our (inaudible) and hydrologists, etcetera.

8 MR. THOMPSON: Thank you.

9 HEARING OFFICER RENAUD: And just one other aspect of
10 your question was is there an opportunity for members of the
11 public to review and provide comment on -- on those findings
12 and, absolutely, yes. Those comments are placed -- placed into
13 the record and will be responded to in many cases if they're
14 substantive to -- to the case.

15 Yes? Please go ahead.

16 MR. SOLOMON: I have two questions, please. We're
17 interveners.

18 COMMISSIONER BOYD: Name, please.

19 MR. SOLOMON: I'm sorry. My name is Sid Solomon and
20 I'm from the Desert Tortoise Council.

21 HEARING OFFICER RENAUD: You're going to have to go
22 to the microphone.

23 MR. SOLOMON: All right. Just two simple questions.
24 Sorry. My name is Sid Solomon and I'm from the Desert Tortoise
25 council. And I have two questions for you.

1 For intervenor groups what would be the deadline for
2 submitting data requests?

3 HEARING OFFICER RENAUD: The -- the regulations
4 provide that it's 180 days from the decision -- the
5 determination of data adequacy, which in this case I think was
6 November 18th, just from the top of my head.

7 MR. SOLOMON: So the deadline has past?

8 HEARING OFFICER RENAUD: Well, now Eric said that
9 that might be shortened in this case. I -- I'm honestly not
10 aware of that. But the regulations allow for 180 days.

11 MR. SOLOMON: So, I'm sorry, so it would be 180 days
12 from when?

13 HEARING OFFICER RENAUD: From the date of data
14 adequacy --

15 MR. SOLOMON: Okay.

16 HEARING OFFICER RENAUD: -- which I think was
17 November 18th --

18 MR. SOLOMON: I'm sorry.

19 HEARING OFFICER RENAUD: -- on this case.

20 MR. SOLOMON: So, yeah, that was the date of --

21 HEARING OFFICER RENAUD: So you -- six months after
22 that.

23 MR. SOLOMON: Got you.

24 HEARING OFFICER RENAUD: We -- we're not there yet.

25 MR. SOLOMON: Good. Thank you much.

1 HEARING OFFICER RENAUD: It's something like May.

2 MR. SOLOMON: My -- my -- my math is a little slow.

3 And then second, will California Department of Fish
4 and Game be issuing conditions of certification in this case?

5 MR. SOLORIO: Because we have the permitting
6 authority ultimately, for example, the take permit that would
7 be required for any listed species that CFG would normally
8 issue --

9 MR. SOLOMON: Uh-huh.

10 MR. SOLORIO: -- is included in our document. It
11 will -- it will appear as one of the conditions of
12 certification. The streambed alteration agreement they would
13 normally issue, again, it appears in our document as one of the
14 conditions of certification. That's why we work closely with
15 them. Dave Hacker is here working with their biologists, and
16 Chris Vitalberg is here, also, working with our staff.

17 MR. SOLOMON: So California --

18 MR. SOLORIO: So --

19 MR. SOLOMON: -- Fish and Game will not issue
20 conditions?

21 MR. SOLORIO: They will not issue permits in -- in
22 such an instance where the Energy Commission has a project.

23 MR. SOLOMON: Okay. Thanks.

24 HEARING OFFICER RENAUD: Since the word intervener
25 was mentioned I should also -- and deadlines was mentioned I

1 should just make it clear that the 180 days begins to run from
2 the date the commission found the application adequate which
3 was, in this case, I believe November 18th. You can intervene,
4 however, much later into the project -- into the case than
5 that. Usually, I think it's 30 days before the evidentiary
6 hearing you could still intervene. However, if you do so after
7 that 180 day period you're -- you're out of luck as far as
8 being able to submit data requests. Okay.

9 MR. SOLORIO: And if can just clarify my comment
10 earlier, the discovery period is 180 days by regulations, which
11 essentially means staff has six months to continue to ask the
12 applicant for reasonably available information. But in this
13 case we don't plan to take the complete 180 days because we
14 plan to issue a document before then. So it's -- it's there
15 essentially for you but we'll get our work done before that
16 time.

17 HEARING OFFICER RENAUD: BLM?

18 MR. SOLORIO: Yeah.

19 HEARING OFFICER RENAUD: Okay. I believe now we'll
20 hear a presentation from the applicant of the Interior Bureau -
21 - Bureau of Land Management.

22 MR. MILLER: Okay. Thank you, again. My name is
23 Greg Miller. I'm the renewable energy program manager for the
24 California Desert District, Bureau of Land Management. The
25 Bureau of Land Management's role in this is under their

1 permitting authority. And we administer public lands under the
2 Federal Land Policy and Management Act, and that's where our
3 permitting authority lies under. We also review the land use
4 planning and processing for the land plan amendment, which --
5 which -- which is what we're looking for in this case for the
6 California Desert Conservation Plan land use plan amendment for
7 solar development on public lands.

8 It all boils down to issuance of a right-of-way grant
9 for the applicant under Code of Federal Regulations 43-2800(c),
10 which is our right-of-way rental -- or right-of-way grant
11 regulations.

12 We are the lead agency for the National Environmental
13 Policy Act and National Historic Preservation Act. We consult
14 with the state historical preservation officer. And also the
15 Endangered Species Act, we are leading agency for that with
16 consulting with US Fish and Wildlife Service.

17 BLM's solar development policy was -- last policy was
18 in April of 2007. It is available online. You can find that
19 at any of the BLM websites. Just go to BLM.gov and you'll find
20 that. It is designed to facilitate environmentally responsible
21 commercial development for solar energy projects on public
22 lands. The right-of-way applications for solar applications
23 for solar energy are a very high priority for the -- for the
24 secretary of interior, as you've probably heard, for the
25 president, and for our director of BLM, and they're -- they are

1 asked to be processed in a timely manner.

2 If approved these are reauthorized under Title V of
3 the Federal Land Policy and Management Act. Rent for these
4 solar energy development facilities or solar energy facilities
5 is going to be established by appraisal. That rent will be
6 coming out with a -- in a new energy policy -- excuse me, solar
7 energy policy within the next couple months I'm -- I'm -- I've
8 heard.

9 You can find out more information on solar energy
10 technology. It's available at the National Renewable Energy
11 Laboratory's website NREL.gov, or under the -- the other energy
12 site there that we have there. There's -- we're working very
13 closely with National Renewable Energy Laboratory on these
14 projects.

15 The BLM's right-of-way processing administration is
16 under regulations like I said, CFR 2800, where it establishes
17 how we establish a process for permitting these and what the
18 process is, what the due diligence is, where we -- it also
19 talks about the right-of-way information that we have
20 established in there. Plus, you can also get more information
21 on those websites if you wanted to copy those down. But,
22 again, these will be available -- these slides will be
23 available on the site.

24 The -- the -- BLM's the authorized officer role in
25 this, and that's -- because we're seeking a land use plan

1 amendment for this project the authorized officer is not only
2 the field manager, Hector Villalobos here in the Ridgecrest
3 office, but also our state director up in -- in Sacramento.

4 The -- the initial response in this, there's -- the
5 first thing that happens is initial response to the proposal,
6 and then that is an application, what's called a Standard Form
7 299. The applicant comes in with that form and then we just
8 have pre-application meetings and screenings to discuss where,
9 and as you saw on Nicole's presentation, where they would like
10 to go, where BLM may -- may see it difficult. And it kind of
11 whittles down to a location that we have today.

12 Then the application is either accepted or it's
13 rejected. And this, in the case we accepted the application,
14 it's been serialized into our database. A cost recovery
15 agreement has been set up between Solar Millennium and the
16 Bureau of Land Management so that all of the -- all of the
17 public -- all of -- excuse me, all of the labor that the BLM is
18 performing on this project is being paid for by Solar
19 Millennium through this cost recovery agreement.

20 We processed the application and then -- and the land
21 use plan amendment by conducting scoping meetings and -- and --
22 and preparing what's called an environmental impact statement
23 for the National Environmental Policy Act. And this is -- this
24 here is another scoping meeting we're using it for. We're also
25 using this as part of our scoping process for the National

1 Historical Preservation Act, as well, scoping for cultural and
2 archeological resources, as well.

3 The decision on the -- on the application will be
4 done, and it will also be a decision to approve the land use
5 plan amendment. That's -- that's the -- the following the
6 preparation of the EIS. And an authorization, that's the
7 grant, will be issued to -- to use that. And then BLM will
8 help with the Energy Commission, and the Energy Commission I'm
9 sure will help with the BLM in administration this project
10 through termination.

11 Just to give you an idea what the process is for the
12 environmental impact statement and land use plan amendment,
13 notice of intent, which was issued November 4th of last year,
14 went out indicating that the BLM is -- is -- has the intent
15 of -- of preparing an environmental impact statement. The
16 public scoping comment -- the public scoping period for that --
17 for this notice of intent is 15 days after tomorrow, will end
18 15 days after tomorrow because that will be our last public
19 scoping meeting for this notice of intent. The -- the scoping
20 period started November 4th and will end January 21st.

21 The -- then that goes into alternative formulation,
22 which we're working on now. The preparation of the draft of
23 the environmental impact statement and land use plan amendment
24 will occur. Once that preparation is done, once the -- and it
25 is processed through the internal processes, then we will

1 prepare a notice of available and a draft EIS will go out for
2 public comment period, for a 90 day comment period. And that's
3 following the Energy Commission's -- they're developing the --
4 this -- this is going to be a different animal. It will look
5 different than our normal environmental impact statement. It
6 will follow mostly what the Energy Commission is doing, and the
7 BLM will incorporate a lot of their National Environmental
8 Policy Act processes and guidance into that.

9 Once that goes out it's still a 90 day comment
10 period. We're assuming that that's going to go somewhere
11 between February 19th and May 20th. That's what we're hoping.
12 That's the proposal at this point in time.

13 After a 90 day comment period the -- the preparation
14 of the final EIS goes through the proposed land use amendment,
15 same thing. Once the final is ready to go the notice of
16 availability for the final goes out with a 30 day review
17 availability and a protest period. A record of the decision is
18 then signed after 30 days, and then -- and an approved land use
19 plan amendment is also at that time, if that -- if that
20 happens. Another 30 days goes by for an appeal period for the
21 record of decision. And then after that a notice of proceed is
22 issued.

23 So that's the process that the BLM looks at for just
24 their process now. And -- and we have to follow this process.
25 These time periods we need to follow and -- and -- for our

1 documentation. And the Energy Commission is -- is -- are
2 helping us to meet those by following the same type of
3 timelines.

4 Eric?

5 MR. SOLORIO: I think we have two slides left of the
6 contact information. So here you can see Commission Boyd, vice
7 chair and presiding member. And as they noted earlier,
8 Commission Levin is no longer at the Energy Commission. The
9 hearing officer's contact information is there.

10 And I -- I left 50 or 60 hardcopies of this
11 presentation on the table out there, so I think most people
12 have it. If you don't, they will be available on our website.
13 And there's my contact information, as well. I'm the primary
14 contact with the Energy Commission.

15 The public advisor information is there, as well, as
16 well as the pamphlets on the table that they put out earlier.

17 And Janet Eubanks is the BLM project manager. She's
18 not here today but she works under Hector and Greg here.

19 And we have two websites available that has
20 information. BLM has a website, well, a couple. And the
21 Energy Commission, also, has one.

22 If you have any scoping comments that you would like
23 to submit in writing you can either send them to Janet at BLM,
24 or you can direct them to me. They'll end up on my desk one
25 way or another. You also are free to email comments to me, as

1 well. A number of people have done that already. So feel free
2 to mail -- email comments. If you want them included in the
3 environmental document then you need to put it in writing or
4 you can just state them here tonight in the microphone while
5 the court reporter's here.

6 Sir, you want to step up to the microphone, please?

7 MR. WILSON: My name is Earl Wilson. I'm
8 representing myself with this question for BLM.

9 The project's lifetime is anticipated to be 30 years.
10 At least that's the data that I've been seeing passed around.
11 What happens to the ROO -- the ROW after that time? And is
12 there anything in place for restoration of the site?

13 MR. MILLER: Yes. The -- the life -- the lifespan of
14 the project is -- is -- is proposed to be 30 years. That's
15 correct. The right-of-way, at -- at the end of 30 years it
16 could be renewed. And -- but then the application would have
17 to be renewed, as well, so it would go through a renewal
18 process. And we are requiring the applicant to come forward
19 with a restoration plan so that -- and -- and a restoration and
20 rehabilitation plan. Should they decide to abandon the site or
21 leave the site we -- we will require them to have that. And
22 there's also going to be bonding required by the -- the -- the
23 next set of policy that comes out for solar that will require
24 them to set up a bond prior to the issuance of the grant so
25 that should they abandon the site then BLM is not -- BLM has

1 the funding to go ahead and rehabilitate the site.

2 MR. WILSON: And that would include toxic cleanup?

3 MR. MILLER: Right. Anything that -- anything -- any
4 hazardous waste material that would -- or hazardous wastes that
5 are identified or hazardous material that are identified, as
6 well. I mean, the Energy Commission looks at that as well.
7 And so we would both be working on determining a waste
8 management plan or hazardous material plan that they would use,
9 that they would look for.

10 MR. WILSON: Okay. Thank you.

11 MR. MILLER: Uh-huh.

12 MR. SOLORIO: And just, if I may note, the Energy
13 Commission has a standard requirement for a closure plan that
14 mirrors BLM's requirement.

15 HEARING OFFICER RENAUD: We have a request from the
16 court reporter who has been up here busily typing away for a
17 brief break. So let's break for five minutes and we'll come
18 back just after 6:30 if you will, please.

19 (Off the Record From 6:25 p.m., Until 6:37 p.m.)

20 HEARING OFFICER RENAUD: We'd like to resume, so if
21 you'd please come back to order and we'll get going. Okay.

22 Eric Solorio, the project manager, is going to
23 continue with his presentation. Thank you.

24 MR. SOLORIO: Thank you. I want to run to -- run
25 through the last two slides here for you into the other

1 portions of it. This slide is the Energy Commission's project
2 website for the Ridgecrest project. So if you're looking for
3 information and you reach this page this is the main page. In
4 the top left-hand corner you'll see a couple of tabs there,
5 proceedings, notices, orders, announcements, documents and --
6 and reports, the third one down. That's where you'll find the
7 bulk of the information at, and it will be organized in terms
8 of the applicant's documents, staff's documents, and
9 intervener's documents. And, again, this is the web page if
10 you're looking for the information.

11 And same goes for the BLM. This is a BLM project web
12 page. And I haven't spent a lot of time on it. But what I
13 found, if you look for -- look at the calendar of events, and
14 that's where you'll find most of the notices that are being
15 posted.

16 UNIDENTIFIED MALE 1: It doesn't come up.

17 MR. SOLORIO: Well, it came up for me.

18 HEARING OFFICER RENAUD: They should contact Hector
19 of Janet.

20 MR. SOLORIO: Yeah. Janet Eubanks of Hector
21 Villalobos would be somebody to contact and make -- make sure
22 we have the -- the right web address, or if there may be
23 problems with accessing the site.

24 HEARING OFFICER RENAUD: We're -- we're there?

25 MR. SOLORIO: Yeah.

1 HEARING OFFICER RENAUD: Okay. Thank you. I wonder
2 if someone who is in the back would be so kind as to close the
3 door so -- we have a lot of noise coming in. Thank you very
4 much, sir. All right.

5 We have CURE with us today, the first intervener in
6 the case. And Elizabeth Klebaner, their representative, is
7 going to just tell us a little bit about CURE and why they've
8 intervened in the case.

9 MS. KLEBANER: Thank you. Elizabeth Klebaner with
10 CURE. Cure is a collection of unions, folks who actually
11 are -- some of the members are -- are the folks that build
12 power plants. We -- our coalition has an interest in seeing
13 that plants are built in an environmentally stable way. At
14 this point we submitted a petition to intervene, have been
15 granted intervention and party status. And at this point we're
16 reviewing the project and (inaudible) revision to that project
17 proposal that have been submitted by applicant.

18 HEARING OFFICER RENAUD: Thank you. And although
19 CURE is a word it's also an acronym. Why don't you tell us
20 what it stands for.

21 MS. KLEBANER: Sorry about that. Thank you. CURE
22 stands for California Unions for Reliable Energy.

23 HEARING OFFICER RENAUD: Thank you very much. All
24 right.

25 Now we'll proceed -- sir?

1 MR. THOMPSON: I had one question. Robert Thompson
2 here.

3 Is this going to be an integrated environmental
4 document with NEPA and CEQA together, or will this be two
5 different documents?

6 MR. SOLORIO: Yes. It will absolutely be a joint
7 document that would otherwise be called and EIR, EIS, but in
8 this case a staff assessment, EIS. And it will describe the
9 nuances in the introduction to the furthest extent possible.
10 We're going to try to keep it all in the same discussion. But
11 parts of the document will be CEQA only discussions, and other
12 parts will be NEPA only discussions. But if we're successful
13 the bulk of it will be those.

14 HEARING OFFICER RENAUD: Okay. Mr. Solorio now his
15 going to address the -- the issues identification report.
16 Energy Commission staff has reviewed the application for
17 certification and identified issues which appear to be
18 significant. And they have been summarized into a document
19 called the issues identification report. And you'll go ahead
20 and describe that for us.

21 MR. SOLORIO: Okay. The purpose of the issues
22 identification report is to inform the committee and all
23 stakeholders of significant issues that will require an early
24 focus to properly characterize and assess. These issues in the
25 initial report are not limiting. The issues will likely

1 continue to arise as more information is developed. The issues
2 identification report is available on the project website, and
3 I'll go through those issues here.

4 So generally the resource areas with significant
5 issues at this time are biological resources, cultural
6 resources, land uses, traffic and transportation, transmission
7 system engineering, water resources, visual resources and
8 cumulative impacts.

9 Mr. Anderson, would you please come up.

10 MR. ANDERSON: Very quickly I'm going to discuss the
11 two main impacts for biological resources.

12 HEARING OFFICER RENAUD: Please identify yourself
13 first.

14 MR. ANDERSON: My name is Dick Anderson and I am a
15 wildlife biologist working on this project for the California
16 Energy Commission.

17 The two species of concern, they're both listed, the
18 desert tortoise, which is state and federally threatened, and
19 the Mojave Ground Squirrel, which is a state threatened
20 species.

21 And very quickly, you can see that both the north and
22 the south half, this -- now this is the original project
23 design. There's been a modification and reconfiguration. But
24 this is where the wash goes. And so you can see the
25 northwestern portion where the wash is is very dense -- densely

1 populated with desert tortoise. Not so much down here. But
2 you can see that all and all the tortoises are -- are
3 throughout the site. And it's -- has a very high number of
4 tortoises, an estimate of 69 tortoises.

5 To give you an idea of that, we're currently working
6 on four other projects in the desert, Palen, Genesis and
7 Blythe, which have essentially no tortoises, and Ivanpflow
8 (phonetic), which has about a third the number of tortoises on
9 a per kilometer basis as this project. And Ivanploer is getting
10 quite a bit of publicity right now, quite a bit of press due to
11 the tortoises that they have.

12 I've got a comparison here, some systematic studies
13 on density of tortoises that have been done by the US Fish and
14 Wildlife Service, 2001 through 2005, and then again in 2007.
15 It just gives you an idea of the general numbers. The highest
16 one is 7.2. Other than two that are over ten, both of those
17 are in the Colorado Desert, Ridgecrest has 9.8 tortoises per
18 square kilometer. It's quite high compared to the rest of the
19 Mojave Desert and the -- the west -- the rest of the desert.

20 Mojave Ground Squirrel, the main the problem for the
21 Mojave Ground Squirrel is connectivity. And connectivity is a
22 connection between populations of a species. It's a genetic
23 connection. It's not a corridor where they run up and down
24 like a highway. But they need to be living throughout the area
25 so that genetic exchange occurs through the population.

1 This gives you -- this -- this shows you the current
2 Mojave Ground Squirrel range in California, and the globs are
3 where the population centers are. This particular one shows
4 you that right there is where our project is. It's not on this
5 map. But these are proposed wind and solar projects. These
6 globs are desert tortoise populations. The most recent work
7 identifies a corridor, the connectivity, coming right through
8 here, and this is where our project is.

9 That's not the exact shape of the project. I just
10 threw that in to show where it is. If we enlarge that we'd see
11 that Brown Road goes right through the center of it. You can't
12 really see. Here's -- here's a little better. It shows you
13 that everything runs up against mountains here and -- and over
14 here, and this is where the bottleneck is or connectivity,
15 right where the project's going.

16 We think it's going to be very, very challenging to
17 identify mitigation for this. It's not just for the Mojave
18 Ground Squirrel but it's for the -- the topography of the
19 location. So that's a concern of this project. A high number
20 of -- of tortoises is going to be a challenge, also, to
21 mitigate. And that's all I have. I'll get through the rest of
22 these.

23 MR. SOLORIO: Thank you, Mr. Anderson.

24 MR. WILSON: Will this be on the web page?

25 MR. SOLORIO: Yes. Everything presented here today I

1 will post to the web when I return to the office and enter it
2 into the docket.

3 Cultural resources; a matter of concern to Native
4 Americans is a mountainous area to the southwest of the
5 proposed project site is El Paso Mountain sacred lands. For
6 those of you that were on the site tour today, at least riding
7 on our bus, they were pointed out by Hector. The El Paso
8 Mountain sacred lands are listed in Native American Heritage
9 Commission's database of sacred lands. The project would
10 potentially impact the view shed from this area that has been
11 identified by Native Americans as sacred.

12 We -- we also received a number of comments at the
13 December 15th workshop by several different representatives of
14 Native American groups, and they talked about the use of the
15 property south of Brown Road as a staging area and a trail
16 system that they would use making the trek up the El Paso
17 Mountains.

18 Land use; the right-of-way application is for 4,000
19 acres of public land and could eliminate other BLM authorized
20 land uses. Right now OHV is one of those uses. We've also
21 heard comments about the astrological group, and other comments
22 to that effect. And I guess overall from a cumulative
23 standpoint considering the number of projects out there, our
24 proposed projects on BLM land, the impacts would be
25 significant.

1 Traffic and transportation; our staff has been
2 working with Caltrans and BLM to look at the Brown Road/China
3 Lake Boulevard intersection at 395. And the collision rate is
4 2.8 times higher than statewide average. Based on the
5 construction traffic for this traffic it's definitely an issue
6 here of concern.

7 Right now what's being discussed with staff and
8 Caltrans is that we believe a new access off of US 395 is
9 needed somewhere north of the existing intersection. It is
10 possible there may be a redesign of the Brown Road and China
11 Lake Boulevard intersection at 395 that would suffice in place
12 of providing a new access onto the project for both
13 construction and operations. This issue has been identified
14 and there's been some discussion with the applicant on it.
15 We'll obviously need to wrestle with this.

16 Transmission system engineering; the Phase I
17 Interconnection study for the project was provided to the
18 Energy Commission, identified as a 750 megawatt net generation
19 plant. And this study did not include the appendices. Staff
20 needs those appendices to do its analysis. And you can see the
21 discrepancy between the 750 megawatts and the 250 that was
22 proposed. Just quickly note that some of the applicants
23 presentation earlier on the three different power plants starts
24 to make sense to me how you arrived at the 750.

25 Nonetheless, the staff is requesting at a minimum is

1 a complete Phase I Interconnection study in order for us to
2 properly analyze the project's impacts in terms of downstream
3 improvements in their transmission system and/or substations.
4 The issue here is I -- I -- I believe, really the timing of
5 getting that information.

6 Water resources; the project proposes using high
7 quality ground water from the Indian Wells Valley Water
8 District wells located within the Indian Wells Valley
9 Groundwater Basin for site construction and plant operations
10 that include power cycle makeup water, mirror wash water,
11 domestic potable water, dust suppression, and cooling of
12 ancillary equipment.

13 Staff's -- staff's preliminary review of data
14 presented by the applicant suggests that overdraft in the basin
15 will continue and will be exacerbated by the additional water
16 requirements of the Ridgecrest Solar Project. Staff is
17 concerned that 1,47 acre feet is not a realistic amount of
18 meeting construction needs. And I will just add to that we had
19 not seen a definitive mitigation, also.

20 Visual resources; this project presents new
21 intrusions on the landscape from the solar troughs over
22 approximately 1,800 acres of a certain area. And we are
23 working with BLM regarding the development of the BLM
24 classifications visual resource (inaudible).

25 Cumulative impacts; NEPA and CEQA both require a

1 cumulative effects analysis of the proposed project which would
2 considers its environmental impacts together with the potential
3 environmental impacts of other proposed projects. So this can
4 be quite substantial considering all the activity of -- in the
5 area regarding solar projects.

6 HEARING OFFICER RENAUD: Mr. Solorio, thank you for
7 that summary of the issues identification report. And the next
8 slide, obviously, is discussing the schedule for review of the
9 project. But before we get to that the -- the slides you've
10 just seen are a summary of the issues identification report.
11 The actual report is a fairly comprehensive document. And the
12 committee has some questions about some of the items in that
13 report which I think will -- are probably best directed to the
14 applicant, and you can choose who. But let me start with --
15 with a couple of these topics.

16 Under soil and water resources, obviously, the water
17 issue is -- is a major one. And the applicants -- the issues
18 identification report states that the applicant will be -- or
19 proposes to provide offsets to the water use, but that the
20 offsets have not been identified, quantified, or even
21 researched. And we wondered if -- if you wish to respond to
22 that statement.

23 MR. GALATI: Yeah. Sure will. First and foremost I
24 want to let you know for operations we're using a 150 acre feet
25 of water. The project is dry cooled.

1 We researched and went with the district and had been
2 working on a cash for grass program in which we were looking at
3 ways to get conservation through landscaping benefits. I can
4 tell you, we've made extreme progress in the last two workshops
5 hearing issues and hearing ideas from the public about possible
6 buying up land or fallowing land. We heard from the public
7 today about a particular location that mitigation would be good
8 to be at. We believe that we've learned a lot. We -- the
9 county came and said that they had county buildings that could
10 be used for retrofit. The city did the same thing. We think
11 the workshop was extremely productive. We have always stated
12 our commitment to mitigating that water impact and -- and we'll
13 continue to do so.

14 As far as mitigation is concerned we'll continue to
15 work with staff. We will identify something. It might be a
16 menu. And as I pointed out in the workshop setting today
17 the -- I think of it in terms of creative solutions in offset
18 situations for air quality where there are no ERCs. Those are
19 the kinds of things we're tackling and those are the kinds of
20 programs which we're intending to fund. But our commitment is
21 to mitigate that water use.

22 HEARING OFFICER RENAUD: ALL RIGHT. Thank you. And
23 now the committee also had a question about biological
24 resources, particularly the tortoise issue. Apparently the --
25 the time to survey the tortoises in the spring. And a

1 receiving site has to be selected for translocation of the
2 tortoises. The report indicates that the applicant hasn't
3 provided plans for -- for the survey or the translocation and
4 that that could present a problem in a timely review of that
5 area. I wondered if you'd care to respond to that?

6 MR. GALATI: Yes. As you know, I am working on other
7 projects, as well. Not a single project has identified a
8 translocation site at this point. It's not uncommon for us to
9 work with staff about what the criteria for translocation
10 should be, as well as we have recently redesigned our project
11 which might change where or how or what kind of quality habitat
12 or the number of tortoises that we're looking to relocate.

13 I will tell you that staff issued a very complex set
14 of data requests that we received late in December. We're
15 working on them right now. One of them includes a desert
16 tortoise translocation relocation plan and we are preparing
17 that. It will be submitted in our data request. We had done a
18 similar plan for the Blythe and Palen projects when we received
19 those data requests earlier in the December, and they're about
20 to be submitted.

21 I will tell you with the desert tortoise issue in
22 general is, you know, we have a little bit of a difference with
23 staff on the quality of that habitat. We do believe that we
24 have moved the site to -- in a way and redesigned the site that
25 actually reduces impacts. The purpose of that was not only to

1 get out of the wash and solve the soil and water drainage issue
2 that was mentioned in the report, it was also to provide this
3 connectivity. We've had some of that conversation today.

4 While we are not there we're confident that if we
5 keep working with staff we can get there. We did -- we've
6 already had two workshops. We're having another workshop
7 tomorrow, and hopefully another workshop after that. We'll
8 continue to work towards -- towards those ends. We don't see
9 that as a fatal flaw and -- and believe that the commission
10 could -- should continue to push forward, although we do
11 acknowledge there's an issue there that we need to work.

12 HEARING OFFICER RENAUD: Thank you. And -- and
13 please understand that the -- in asking these questions the
14 committee is not pronouncing judgment in any way. We're simply
15 seeking your response to these statements by staff in their
16 report to better understand your position on -- on that matter.

17 I wonder if Commission Boyd might have any -- any
18 questions or comments on the issues identification report?

19 COMMISSIONER BOYD: Well, I don't think Mr. Galati
20 will be surprised about the next comment. But in reviewing the
21 staff's data request in the traffic and transportation area I
22 noted what I consider to be some very good and relevant
23 questions about the use of alternative fuel vehicles in the
24 operation of this project.

25 And it did dawn on me that -- and I thought that was

1 an excellent question on the part of the staff and an excellent
2 question to be put before a commission because we have a lot
3 of these projects going on. And in your application you were
4 very anxious to point out your desire to meet the goals and
5 objectives of the State of California, particularly, of course,
6 with regard to the renewable portfolio of standard electricity
7 goals and objectives.

8 But we have goals and objectives, just like we want
9 to -- want to modify the portfolio of transportation -- or
10 electricity sources we have in the state, we want to do the
11 same for transportation fuels. And I'm just wondering and
12 hoping you'll give a lot of thought to the use of electricity
13 as a transportation fuel, have that electricity generating
14 source for your operational vehicles in the future.

15 So this is something in addition to water that's a
16 very keen concern of the Energy Commission and -- and hope you
17 will look into those possibilities. And if you need any help
18 in finding purveyors of electric transportation I know the
19 transportation staff of the Energy Commission would be most
20 anxious to help you.

21 MR. GALATI: Thank you, Commissioner Boyd. That
22 comment is noted and we will seriously look at that issue.

23 HEARING OFFICER RENAUD: Anything from staff further
24 on the issues identification report, or from CURE? No? All
25 right. Thank you.

1 Yes, if you would care to respond, please. Just
2 state your name for the record, if you will.

3 MR. ARINGHOFF: Sure. Rainer Aringhoff, Solar
4 Millennium. Just a clarifying questions. Will these numbers
5 of the desert tortoises per square kilometer be revised now in
6 view of the design that keeps totally out of the wash? What I
7 recall, this map that has been shown by the biologist that a
8 good part of the desert tortoises occurrence were in the area
9 where there will be no project facilities at all. That's my
10 first question.

11 The second I have with respect to this map, because
12 it will be posted, it will create probably a lot of additional
13 discussions, is when was, with respect to the Mojave Ground
14 Squirrel in the specific context of the Ridgecrest Solar site,
15 the last reported occurrence of ground squirrels to the
16 southeast, so that there is a reason of the corridor between
17 the northwest, which is private land, and the southeast? Can
18 that be clarified, and will that be updated?

19 MR. SOLORIO: Mr. Anderson, can you come up to the
20 microphone, please?

21 MR. ANDERSON: The first question was would the
22 density numbers be revised now that you've got a new
23 configuration. The answer would be, yes, as soon as you can
24 survey the areas that haven't been surveyed. Okay. What
25 you've done is you've moved part of the project to a northern

1 area that was not surveyed. So we -- we just assume that
2 there's similar densities of tortoise throughout the area. So
3 once we get that information, which possibly could be provided
4 this spring, we -- we won't -- we won't be able to say a lot
5 about that site.

6
7 Mojave Ground Squirrel, there hasn't been much
8 tracking of the Mojave Ground Squirrels throughout the area,
9 throughout the range for that matter, and so there's nothing to
10 update. Nothing's changed for Mojave Ground Squirrel.

11 MR. ARINGHOFF: But according to the trapping I saw
12 that there were numbers --

13 MR. SOLORIO: Excuse me. If you're going to -- if
14 you're going to make a comment --

15 HEARING OFFICER RENAUD: You better both speak.

16 MR. SOLORIO: -- you need to speak into the
17 microphone, please.

18 MR. ARINGHOFF: According to the map that I saw there
19 were (inaudible) or evidence that they have been trapped back
20 in '78 and '83. These were the last ones I saw.

21 MR. ANDERSON: Yeah. I don't think there's been
22 trapping. One of the problems with the Mojave Ground Squirrel
23 is there -- there's a lot of areas throughout this range that
24 are not well known. Connectivity is not necessarily one of
25 those things that's not known because it's -- it's a

1 topographic or a physical feature that doesn't change.

2 But in terms of where all the tortoise -- where all
3 the squirrels and how many there are throughout the range I
4 don't think anybody knows. That's part of the uncertainty that
5 bothers us.

6 MR. SOLORIO: I'd like to offer an additional
7 explanation to the question. Regarding the desert tortoise
8 surveys, you have redesigned the project to avoid El Paso Wash,
9 which is helpful. And I recognize the same thing when the
10 biological assessment map was put up on the screen. There's a
11 number of, you know, hits that are avoided. And we will -- an
12 impact is only going to be one that is there within the project
13 footprint or affected by the project, so it will be revised
14 accordingly.

15 The point Mr. Anderson makes is although you have
16 reduced the impacts by avoiding the wash you've now moved north
17 into the desert tortoise habitat, so there will be additional
18 impacts from that as well.

19 And the other point that Mr. Anderson makes is
20 typically those numbers are quantified with spring surveys.
21 And, as you know, we're trying to publish this document prior
22 to that window for spring survey. So we're going to make some
23 assumptions and extrapolate some data based on the habitat and
24 densities that are there currently.

25 HEARING OFFICER RENAUD: Anything further from

1 parties or committee on the report?

2 COMMISSIONER BOYD: Well, just in listening to this
3 last exchange about surveys, I must admit in -- in my mind
4 because the configuration was changed and changed the length of
5 the process I'm -- I'm hoping, wondering and hoping if the
6 applicant happens to have access to any data or knowledge on
7 that fact, short of, you know, a whole new survey.

8 You know, one must -- must have come to this hearing
9 tonight, today, tonight recognizing that you changed the -- the
10 boundaries fairly significantly. And, you know, staff
11 certainly couldn't have responded quick enough to really have
12 much of a discussion tonight.

13 MR. GALATI: Yes. Commissioner Boyd, if I could
14 clarify.

15 First, I want to let you know that -- that what also
16 is happening on other projects, as you know, under NEPA the way
17 to evaluate alternatives under NEPA is a little bit different
18 than we have to do under CEQA. And so alternatives are being
19 surveyed at the same level that you would survey for your
20 proposed project, which is something different than we normally
21 do at the Energy Commission. We normally do some sort of
22 habitat surveys or make some estimates. And so this project
23 and the Blythe project and the -- and the Palen project, as
24 well, you know, evaluating and weighting alternatives, is going
25 to go out in the window for desert tortoise and survey

1 additional areas that staff has been working, actually, quite
2 cooperatively with us in allowing the document to come out in
3 an errata to get that survey information in the -- in the
4 alternatives.

5 We were originally treating this just like an
6 alternative until we saw the benefits, and that's why we're
7 moving towards a proposed project. We will survey this site
8 in -- and until that time, as we talked with Mr. Anderson,
9 there's an assumption that is being made for a short period of
10 time until that data comes in that the -- the habitat is the
11 same quality. The densities may change. It looks like the
12 densities might change. But the habitat looks like we're going
13 to assume it's the same quality as the habitat that we have
14 already for purposes of getting through the first part of the
15 document, and then from an alternative perspective we'll
16 augment that with surveys in the spring. There was no other
17 way to do that.

18 COMMISSIONER BOYD: Thank you.

19 MR. SOLORIO: And if I could just expand on that.
20 We -- we've been grappling with this issue regarding the NEPA
21 alternatives analysis for several months and have approached
22 it, etcetera. And -- and the key for staff is going to be to
23 make sure that -- that our estimates of the -- the presence of
24 desert tortoise in un-surveyed areas are conservative and
25 overestimate, if anything, to avoid re-circulation of the

1 document.

2 There was also an earlier comment about the
3 translocation plan, I believe, from the commissioner. And I
4 just want to point out that that is a key requirement of the
5 biological assessment as listed on this critical path schedule
6 that needs to get to the service in order to stay on track.
7 And time needs to be allocated for staff. We need to take a
8 look at it and/or have it modified.

9 MR. GALATI: Yes. And -- and, again, I can tell you
10 that we're working on it and it's coming together. And we have
11 a couple of models for Blythe and Palen, and we'll get it to
12 you as soon as we can.

13 HEARING OFFICER RENAUD: Okay. Thank you. Staff has
14 issued a proposed schedule for the project which is on the
15 screen.

16 You have something further on the issues?

17 MR. SOLORIO: If I can just touch on the schedule.

18 HEARING OFFICER RENAUD: Sure. Go ahead.

19 MR. SOLORIO: This is our staff's proposed schedule.
20 This is the infamous milestone schedule that was developed
21 amongst -- between agencies. So if I could just touch on
22 that --

23 HEARING OFFICER RENAUD: Go ahead.

24 MR. SOLORIO: -- provide a background to everybody.
25 American Reinvestment and Recovery Act allocates

1 about \$38 billion of grant money for renewable energy projects
2 that begin construction by the end of 2010. And this is a
3 deadline that a lot of people are trying to make. Solar
4 Millennium has three projects identified by the Department of
5 Interiors fast track projects. And ultimately what that means
6 is we're trying to get it processed so they can break ground if
7 they're going to be approved. The Energy Commission, BLM, Fish
8 and Game and Fish and Wildlife Service has worked to develop a
9 schedule that they thought could accomplish that.

10 The first milestone on this schedule is November 4th
11 being deemed data adequate. That did not happen in this
12 process. So we are already -- we're behind schedule, to put it
13 gently.

14 I would like to talk about the schedule if that's
15 okay with you.

16 HEARING OFFICER RENAUD: Please, go ahead.

17 MR. SOLORIO: All right. In a nutshell, this
18 schedule essentially identifies the draft EIS being published
19 February 19th. I believe staff can publish the draft document
20 probably closer to March 10th, or just after the first of week
21 of March. And that would depend on quick responses from the
22 applicant and cooperation from the agencies in order to make
23 that happen. And even being three weeks behind what's posted
24 here, I think there's some give and take that could be done
25 between the service accelerating the BO and/or the hearing

1 officer being so kind as to accelerate the PMPD.

2 HEARING OFFICER RENAUD: Okay. Thank you.

3 Regardless of which schedule you're looking at the -- what they
4 have in common is that the completion of the review is to take
5 place by early November 2010. This means everybody has to work
6 fast. And it means that particularly the applicant needs to
7 provide information in a timely manner so the Energy Commission
8 staff can review it.

9 MR. SOLORIO: Yeah. Excuse me. If I may, I'd like
10 to ask our Deputy Director Terry O'Brien to come up to speak to
11 that. He is my bosses boss and, ultimately, dictates the
12 workload.

13 MR. O'BRIEN: Good evening. I did want to make a few
14 comments on the schedule. The Energy Commission in conjunction
15 with the other agencies, BLM, California Department of Fish and
16 Game, US Fish and Wildlife Service, have been working hand in
17 glove over the last 12 months very cooperatively as we have
18 faced an enormous challenge in terms of transforming
19 California's electricity system to a renewable based system.
20 It would be an understatement to say that the agencies are
21 overwhelmed with a large number of renewable applications. And
22 even though all the agencies certainly support this
23 transformation to a renewable based system we are experiencing
24 a workload of unprecedented proportions.

25 We have five of these projects that have recently

1 filed, and by recently I mean in the last four or five months,
2 that hope to get approved by the end of December of this year
3 to qualify for the ARRA fundings that Eric alluded to. These
4 projects, these solar projects, as everybody knows, take up a
5 huge amount of land. And we're finding right now that the
6 resources needed to review these projects, particularly in
7 certain technical areas like biological resources, cultural
8 resources are far in excess of the resources that we've needed
9 in the past for natural gas fired projects, many of which you
10 could put on a 20 acre parcel of land.

11 So for a variety of reasons in terms of over 25
12 projects currently under review and the short timelines the
13 staff is in a very difficult position, and by staff, not only
14 the Energy Commission, but BLM and the resources agencies that
15 we're working with.

16 Consequently, the staff has to make decisions in
17 terms of how to allocate its resources. Because what we do not
18 want to see is us failing on all the projects while trying to
19 get every one -- every project through, and some of the
20 projects, expending resources that turn out not to be a wise
21 expenditure of our -- of our time.

22 I just want to make the committee aware and,
23 obviously, the applicant that the staff has concerns with the
24 project schedule for the Ridgecrest project in front of us
25 here. The major concern that we have, notwithstanding the fact

1 that 12 months for any solar project would -- would represent a
2 very, very fast schedule, are the biological issues associated
3 with this project.

4 Mr. Anderson, our biologist, referred to those,
5 desert tortoise, and also Mojave Ground Squirrel. Mojave
6 Ground Squirrel connectivity issues I -- I think are
7 significant issues that are going to be difficult to resolve in
8 a timely manner. Obviously, from staff's perspective and from
9 the perspective of the other agencies appropriate mitigation is
10 going to be needed.

11 So I just want to make sure the committee understands
12 the difficult position I think that all the agencies here find
13 ourselves in, in terms of trying to review this project and
14 these other projects in a very, very expedited manner. And we
15 can not move projects through in an expedited manner if, in
16 fact, we have difficult issues that can not be quickly
17 resolved.

18 And so the applicant, you know, needs to understand
19 that. Obviously, the agencies will do everything we can to
20 move this and other projects forward. But, obviously, there
21 are issues outside of our control, and those issues are
22 associated with the impacts of each one of these projects.
23 Thank you.

24 COMMISSIONER BOYD: Well, Mr. O'Brien, it's highly
25 unusual to see you at one of these hearings and, what's more,

1 to have you testify. So obviously, this is a point about which
2 the staff of the Energy Commission feels pretty strongly. And
3 I -- and I appreciate that fact and I'm -- I'm glad that you
4 are able to communicate that to this committee, as well as to
5 the audience.

6 This causing -- this is going to cause me to make a
7 couple of comments I was planning to make at the end of this
8 whole thing, and that is just exactly how difficult power plant
9 siting has become in California while we strive to meet the
10 governor's objectives and our own objectives for renewable
11 energy. And we are now in a unique, novel and very A-typical
12 partnership with our friends at the BLM which more complicates
13 the process we've been used to down through the decades.
14 Nonetheless, I think you've also heard that everybody's trying
15 like crazy, applicant and staffs, to -- to do what they can to
16 resolve these issues.

17 But it -- it is also necessary for everybody to
18 indeed do all they can to resolve these issues or some will
19 fall by the wayside, or some will just not make the deadlines
20 necessary to take advantage of the federal monies. And,
21 frankly, we wouldn't like to not do that because it's a unique
22 opportunity to help California who has consistently been on the
23 cutting edge of technology, energy use and generation, and what
24 have you. It would -- it would disadvantage us to not have an
25 opportunity to help finance these activities and, frankly, to

1 help stimulate our economy, just like everybody else is trying
2 to help stimulate theirs.

3 So everybody here in this audience is -- is -- is
4 hearing a rather novel discussion of -- of the issues that we
5 face. So I don't know whether to thank you or not, Terry. But
6 anyway, you said it and it's been said.

7 HEARING OFFICER RENAUD: I wonder if the applicant
8 would care to comment on the proposed schedule?

9 MR. GALATI: Yes. We -- we actually would care to
10 comment.

11 And, Commissioner Boyd, you -- you've seen me come
12 for the last couple of years to the commission and tell you
13 that we need to think differently if we want to do these
14 projects. This is exactly why.

15 What -- what the commission has done over time is
16 become more and more specific on the information that's
17 required, and applicants have been able to meet that standard.
18 I think that the commission's analysis that it does is by far
19 the most thorough analysis of any industrial project in the
20 nation. Your staff is very competent, and they keep getting
21 competitor -- competitor, meaning that they keep getting better
22 and asking more questions and requiring more information. And
23 that's not a bad thing, but it's a bad thing when you're trying
24 to do a renewable project and you're using the same level of
25 detail necessary.

1 I have proposed in the schedule status conferences to
2 be included into the schedule so that when we come to an
3 impasse I can propose novel ways to maybe get through the
4 process, novel ways that are not illegal, novel ways that do
5 not stop the public from participating, no need for changes in
6 laws or regulations, but just a different way to approach
7 mitigation. And one of the ways that you will hear me
8 consistently say with every project, because we're -- this is
9 not solely a Ridgecrest process. This is going to be -- it may
10 not be identified in other projects yet but there will be an
11 issue where we come up and we need quick resolution.

12 And the proposals that -- that you're going to hear
13 the theme about is do you need to identify exactly what you're
14 going to do, or do you need to identify a performance standard
15 by which you shall meet? And I believe the law allows you, and
16 many agencies in California interpreting CEQA require and allow
17 it, that there be performance standards set as mitigation, as
18 opposed to design now.

19 Now one of the things that the Ridgecrest project has
20 simultaneously trying to be a good partner has caused itself to
21 be burdened is it changed its design to try to be more
22 environmentally friendly based on feedback. And while it would
23 be great if we had identified that early and proposed a design,
24 that was part of the public process. That's exactly what this
25 public process is about. It's exactly why water mitigation

1 will be more informed, because we're talking to the community
2 in a public setting.

3 So I would implore you -- and I understand that staff
4 is extremely busy and I'm sensitive to that, and I think that I
5 have to propose those things to you as they come up. And so I
6 -- I urge you to adopt this schedule that allows these frequent
7 status conferences. And again, not in any way, shape or form
8 to fight staff. I think staff's doing a great job. I thin
9 maybe a Cadillac is not required in some areas. And those are
10 the kinds of things I'd propose.

11 And I promise staff and I promise the commission, I
12 will not bring something to you that I have not talked with
13 staff about as a proposal. And if we can work it out ourselves
14 that would be fantastic. If we can't I'd love to have some
15 status conferences on the books where we can get some guidance.

16 COMMISSIONER BOYD: Well, thank you, Mr. Galati. You
17 and I had a very similar discussion right down the road here a
18 few weeks ago, another very similar project. I think I can say
19 safely for all the commissioners that I know, and -- and,
20 frankly, for the staff, that we're always open to suggestions
21 on ways to improve things.

22 And we -- we did reflect in that previous discussion
23 on another siting case an interest in, at least I did, in -- in
24 committee status conferences. And, frankly, without
25 referencing the dates suggested just yet until we hear from

1 others, the concept is fine by me. It's -- it's -- it's
2 additional work for everybody, but it's additional work that we
3 said, and the commissioners themselves, said they would be
4 willing to do. And I won't reference other things we're doing
5 like four marathon days next week all about one case, 9:00 a.m.
6 to 9:00 p.m., etcetera, etcetera.

7 So we're open to suggestions. I almost was going to
8 ask you the question I asked you last time about are you trying
9 to address the idea that some form of regulatory creep is
10 creeping into this process? Because I hear that all the time,
11 not from you but from other people. But I won't ask you that
12 question.

13 And in any event, all I can say is it sounds to me
14 like everybody's trying like crazy. And I think everybody's
15 open to continuing to find better ways to do things. And I'll
16 let it go at that, other than, you know, you have my personal
17 pledge to look a little more deeply into -- into this
18 performance standards concept, which is something, as you know
19 from my past history, I'm kind of used to in another setting.
20 So -- and I'll broach that to our siting committee and -- and
21 as we all continue to discuss the issue, and I'll discuss it
22 with Mr. O'Brien as we continue to discuss these things when I
23 run into him on furlough Fridays down at the office trying to
24 process these projects. Well, in any event, thanks.

25 MR. SOLORIO: Yeah. If I may, I'd like to respond to

1 that from staff's perspective. I'm personally working 55 to 60
2 hours a week, including all the furlough days that I don't get
3 paid for. And many if not most of our staff are all putting in
4 the extra hours to get these things done. And for those of you
5 that attended the earlier workshop today you heard and saw me
6 push and prod the applicant and our own staff to engage in
7 discussions about appropriate mitigation measures.

8 These mitigation measures from my perspective should
9 have been identified a year ago before you even walked through
10 the door. And there's a significant difference between a
11 regulatory creep and a project that doesn't have mitigation
12 proposed for a site with 69 desert tortoises. That's a very
13 real issue.

14 And where we left that workshop today was me pushing
15 or lead the way to get you guys to engage our staff and vice
16 versa in defining what that mitigation is going to look like.
17 And, frankly, I -- even though we're continuing it until
18 tomorrow's workshop, from the comments I heard today I don't
19 anticipate any further progress on the issue. And I understand
20 for most staff now we are looking at setting a workshop for the
21 end of January to talk about it. This schedule or nothing
22 close to this schedule is going to come out of that kind of
23 approach.

24 HEARING OFFICER RENAUD: All right. Thank you for
25 those comments. I think we have heard enough about scheduling

1 to understand that there are challenges that everybody is in
2 good faith trying to meet them. And it's the committee's job
3 to issue a schedule and we'll do so. It will take into account
4 the milestone schedule, as well as the proposed schedules given
5 to the committee by staff and the applicant. And that
6 scheduling order will issue very shortly.

7 With respect to the issue of putting status
8 conferences into the schedule, that's a good suggestion, Mr.
9 Galati. But you should also know, I'm -- I know you know that
10 you can always request one, too. So if something comes up that
11 you need to bring to the attention of the committee if you
12 would submit a request we'll -- we -- we'd try to schedule that
13 and notice it. So thank you.

14 Thank you all for -- for your attention. And -- yes?

15 UNIDENTIFIED FEMALE: (Off mike.) Can -- are we done
16 or can we say something?

17 HEARING OFFICER RENAUD: No. No. No. We're not
18 done. Hold on. Just -- just -- just be patient. Thank you
19 all for your attention. I know you've been patiently waiting
20 to speak, and now is that time.

21 MS. COBAUGH-SMITH: I need a break.

22 HEARING OFFICER RENAUD: Okay. We are going to take,
23 again, a five minute break, and then we'll begin. Before we
24 take the break, please, let me set the ground rules. I have a
25 big stack of blue cards from people who want to speak. If we

1 gave everybody an unlimited time to speak I know from
2 experience we'd be until midnight. So I'm going to ask that
3 everybody try to limit their comments to three minutes.

4 In addition, I want to let you know that if you
5 submitted one of these cards and your name is on it this will
6 become part of the record. And if you've indicated that you
7 oppose or favor the project or written a comment on here we'll
8 have that in the record, as well. But you're all -- we -- we
9 welcome your comments, we want to hear them. And in five
10 minutes we'll be back to start that.

11 (Off the Record From 7:28 p.m., Until 7:44 p.m.)

12 HEARING OFFICER RENAUD: Come to order. I'll start
13 calling the names on the cards. When -- when you begin to
14 speak you'll see a little light on that -- on the podium start
15 counting down from three minutes, and that will give you an
16 idea of how much time you have. If you can keep your comments
17 shorter than that it would be appreciated. But in any event,
18 limit them to three minutes. Thank you.

19 First one is Judie Decker.

20 MS. DECKER: First -- first of all, for the Energy
21 Commission and Mr. Boyd, I'd like to tell you that I think your
22 staff --

23 UNIDENTIFIED MALE 1: (Off mike.) You're not --
24 you're not --

25 MS. DECKER: What?

1 MS. KLEBANER: Pull the mike out a little bit.

2 HEARING OFFICER RENAUD: These microphones, you need
3 to practically put it right in your mouth.

4 MS. DECKER: But my minutes are leaving.

5 HEARING OFFICER RENAUD: Start her over, please.

6 MS. DECKER: For Mr. Boyd, I'd like to tell you that
7 I think your staff, especially Mr. Solorio, has done an
8 excellent job. I have attended both the meeting this morning
9 and the meeting in December, and I'd like to compliment them
10 publicly.

11 As far as this project goes, my vote is no project.
12 The issues with biological habitat, with the dust, and
13 especially with the water are too much to overcome. Mitigation
14 in my book is not taking tortoises and moving them somewhere
15 else. It's keeping things as they are.

16 As far as the water goes, this project will use water
17 from an area the water district is pumping from that has no
18 recharge. We have been in critical overdraft for almost 50
19 years and are currently approaching or probably are in --
20 excuse me. We have been in overdraft for 50 years and are
21 approaching critical overdraft. We do not need to use water
22 for a solar facility that will not serve electricity to this
23 area, but in fact will profit Solar Millennium, their private
24 company, that would be otherwise used by our citizens in future
25 times.

1 The cultural resources that are in this area are
2 amazing. They can't be relocated either. It's not the same.

3 Keep the land, BLM, as it is for multiple public use
4 and help Solar Millennium find a better site.

5 HEARING OFFICER RENAUD: Thank you for your comments.
6 Next we have Jack Tipton.

7 MR. TIPTON: Well, I'm Jack Tipton. I'm opposed to
8 this project because we are, like Judie Decker said, we're in
9 serious overdraft in our water aquifer. And nobody's mentioned
10 how much we're in overdraft, but we're dropping a foot a year.
11 And if any -- nobody knows how the bottom of this aquifer is.
12 If it's shaped like a bowl or something it could accelerate a
13 great deal.

14 And I also heard something about mitigation. Well,
15 how are you going to mitigate more water? Because you can't
16 get any -- LA's got it tied up everywhere around here. We've
17 got to depend on the water that we can draw out underneath this
18 valley, and there's no -- hardly any recharge.

19 That's about all I have to say. Thank you.

20 HEARING OFFICER RENAUD: Thank you for your comments.

21 Bill Deaver? Bill Deaver? No.

22 Let me say that with respect to any name that I call
23 and the person has either left or has decided not to speak the
24 name will go into the record. Bill Deaver is with the Eastern
25 Economic Alliance and indicates that he favors the project.

1 Next is Penelope LePome.

2 MS. LEPOME: Thank you. My name is Penelope LePome.
3 I have some questions. One question pertains to a subject that
4 I don't think has been mentioned to date.

5 What is the diameter of the natural gas line being
6 proposed to serve the site?

7 HEARING OFFICER RENAUD: Staff or applicant might be
8 able to help you there.

9 MR. SOLORIO: Yes. I don't believe there's any
10 natural gas. It will be on propane; right?

11 MS. HARRON: Right, propane.

12 MR. GALATI: That's correct. No natural gas
13 pipeline.

14 MS. LEPOME: No natural gas? You're going to use
15 propane? Okay.

16 Another question I have has to do with what would
17 prevent you from breaking ground and then abandoning the
18 project due to some adverse financial condition, a natural
19 disaster, something like that?

20 MR. GALATI: First and foremost, the project is a
21 billion dollar project. We wouldn't break ground if we didn't
22 intend to see it through.

23 Second, I'll -- and, again, you know, if -- is --
24 as -- as an applicant or a permit holder there are -- there
25 will be permitting requirements, providing you heard Mr. Miller

1 talk about a restoration plan, some bonding mechanism, and the
2 Energy Commission has a closure plan.

3 MS. LEPOME: Okay. But will that bonding be adjusted
4 periodically to keep pace with increased costs?

5 MR. GALATI: I think I'll have to defer that to BLM.
6 I know how their particular 3809 regulations work. And those
7 particular regulations require an updating of the plan as you
8 get closer and closer to a potential termination date. I
9 believe it's a living document.

10 MS. LEPOME: Okay. My concern, as you probably can
11 gather, is that given our economic times that assuming you get
12 all of the data that everybody wants, you have a plan, you can
13 mitigate, etcetera, etcetera, you break ground, and then maybe
14 the technology changes and it's no longer feasible to make a
15 profit with it. You know, I don't know, but I see costs going
16 up in the grocery store. I know that's not part of inflation,
17 nor is energy costs. But it seems to me that everything costs
18 more to fix. And that would be a concern that I have.

19 I have some concerns about the major issues that were
20 mentioned. Certainly the water issue is a major one, both
21 during the operation, but also for construction. And a point
22 that was made in various presenters is that the water that is
23 being proposed to be used is especially high quality water.
24 And I would recommend that they use some other alternative
25 sources, maybe some wells that have not such a high quality

1 water, for the purposes of construction and that sort of thing.

2 I see that I'm running out of time. I did want to
3 mention the biological issues, the soil types, the hydrology,
4 the flood wash, the wind and dust mitigation, and the risk for
5 valley fever. But I will address that, perhaps, another time.

6 MR. GALATI: Mr. Renaud, I apologize, I was answering
7 questions during her time. I thought we were having a
8 dialogue. I don't --

9 MS. LEPOME: Well --

10 MR. GALATI: Can you give her some more time to
11 finish?

12 HEARING OFFICER RENAUD: Do you -- would you -- you
13 know, one thing you can do, if you run out of time you can
14 submit your comments in writing to the commission. They will
15 posted on the Energy Commission website and become part of the
16 record. I think -- I think you've made a fair suggestion, Mr.
17 Galati.

18 Would one more minute be sufficient?

19 MS. LEPOME: I think so.

20 HEARING OFFICER RENAUD: All right.

21 MS. LEPOME: Regarding the geology and hydrology of
22 the area, and I'm -- I don't have any expertise in this area,
23 but I have listened to people talk about not only the wash but
24 the humble swales, I think was a term that somebody used, that
25 refers to the little crevices and the water that goes through.

1 So it's not just the water that comes through the wash.

2 I've also heard people say that the water coming
3 during a thunder -- or not so much a thunder storm but a rain
4 storm -- sheets off the ground. And I think the comment was
5 made that the soil is pretty impermeable, which would support
6 the fact that it just sheets down. And that's why you get such
7 volumes of water periodically. And I -- so I have some
8 concerns about the hydrology, the soil content, and the
9 mitigation that would be necessary for cloud bursts and -- and
10 large -- and large amounts of water falling from the sky.

11 The other part I -- I made reference to earlier was
12 the dust mitigation. I know they talked about palliative
13 chemical treatments. But there is the risk of valley fever
14 with the wind and the soil being disturbed.

15 Also regarding the soil, it's very nutritious soil.
16 It has, I understand, a lot of phosphorous in it which
17 generates the plant life that supports the variety of animal
18 life, including burrowing owls and lizards and other things
19 that weren't mentioned tonight. Thank you.

20 HEARING OFFICER RENAUD: Thank you. Mary Jane
21 McEwan.

22 I am calling these cards, by the way, in the order in
23 which they were submitted, just so you know.

24 MS. MCEWAN: Good evening. My name is Mary Jane
25 McEwan. I'm a longtime resident of Ridgecrest. I grew up on

1 the base. As a teenager I used to drive an old truck in the
2 area and hike in the mountains there. When I returned later,
3 eight years ago, I've continued to do that. I also serve on
4 the Desert Tortoise Preserve Council board. So my comments, I
5 will submit written comments on behalf of myself as an
6 individual, and the board will also try to get our comments in.

7 My first comment is regarding the density of the
8 tortoise in the area. When -- the goal should be to enhance
9 the recovery of the desert tortoise, not to merely mitigate for
10 projects. That should be the BLM's goal. That's one of their
11 mandates. That needs to be remembered.

12 The West Mojave Plan needs to be considered. We need
13 to view the desert as a whole, not just little pieces. That's
14 why you have a planning process. This idea that, oh, we just
15 need a plan amendment, we had a plan that set aside limited use
16 area, this is a limited use area. We have open areas for
17 recreation. We have wilderness areas. But we shouldn't have
18 major industrial area in close proximity to the wilderness
19 area. Not only do you have the tortoise in high density where
20 it is, but you have the possibility of moving back and forth
21 into the wilderness area.

22 Recreation -- oh. Regarding desert density, it's
23 commendable that the project was realigned to avoid the wash.
24 But that's doesn't mean the tortoise doesn't move in and out of
25 the wash. You know, it's not like some tortoises live in the

1 wash and stay there and never go out. So, you know, this is
2 just a spot survey. It's not adequate to assess the impact.

3 Regarding the comment about having performance
4 standards, performance standards aren't enough. You need to
5 prove that you have viable mitigation land available. The
6 Desert Tortoise Preserve Council, at every meeting I've been to
7 we're addressing: Is there enough land for us to commit to
8 take on the obligation? Also, is there enough money to endow
9 protecting the land? The cost of protecting the land has gone
10 up. We're entrusted to protect land. We've made commitments,
11 but the cost of fencing has gone up. It's hard to meet those
12 commitments.

13 So I commend the staff for and appreciate their
14 recommendation that the project consult with the Desert
15 Tortoise Preserve Council because we have a long track record.
16 But we have seen, cost of land has gone up.

17 And my -- and, really, I'm concerned that so many
18 projects are being fast tracked that these agencies can not
19 adequately and honestly consider the cumulative impact of all
20 these projects on the desert, or on endangered and threatened
21 species. Thank you.

22 Oh, I'm going to talk a minute more anyhow.
23 Recreational values have not been addressed. We have hiking.
24 We have OHV access. We have the Gem and Mineral Society access
25 for rock counting. We have the astronomy meetings something

1 like nine months of the year. Once a month there's a star
2 party out there. And camping in the area. So it really is a
3 beautiful area. It should stay that way.

4 HEARING OFFICER RENAUD: Thank you. Eric Kauffman?
5 All right. Mr. Kauffman submitted a card indicating he favors
6 the project.

7 Howard Smith?

8 MR. SMITH: Good evening. Once -- once -- one thing,
9 I'd like to thank all of you for giving everyone, you know,
10 that -- that's been here and some that had to go early the
11 opportunity to address this issue. I am in favor of the
12 project.

13 Ridgecrest, I've been -- I've lived here 27 years.
14 I've lived in the desert probably 35 years, including the
15 Joshua Tree area, Arizona and New Mexico. One thing we have --
16 people always say, what's it like there? I used to recruit for
17 the school district.

18 I said, "It's hot, but it's a dry heat."

19 But the resource that we have is the sun and its
20 effect based on the elevation of the area. And I moved here
21 from living in the shadows of the coal fired power plant in
22 Page, Arizona. I can tell you, there is no such thing as clean
23 coal.

24 And I lived overlooking Lake Powell which produces
25 electricity through the dam. And if you've been following the

1 history of the Colorado Basin all the lakes are drying up.
2 Lake Powell is at half it's normal depth. And it occupies
3 one -- excuse my word -- one hell of a lot more land than
4 what's being proposed for a solar power plant. Lake Powell is
5 one of the largest bodies of water in the world. The same with
6 Lake Mead, it is drying up. It's a bad source.

7 But most of all coal is a bad source. And if we
8 don't do solar energy, renewable energy, we're going to
9 continue to rely on the same thing we're doing now, and we're
10 fighting a war over that. We're going to keep using oil.
11 We're going to keep using diesel. We're going to keep using
12 all of those things to produce electricity for a society that
13 is running amuck with its electricity use.

14 And I think it would be nice to see the military pick
15 this area for basically the same reason, clear skies. And that
16 is cutting edge technology going out there. And I can't
17 believe that we don't have the resources to figure out how to
18 make a path for the tortoises.

19 And I have full respect for the tortoise reserve and
20 the mitigation for the Mojave Ground Squirrel, but you have to
21 put everything in perspective. You can not leave this area the
22 way it was. If it was we should all be in bulldozers an
23 leveling the base, leveling the city and giving it back to
24 whatever's here. It's dusty and blowing here anyway. You
25 Won't -- way the hell out there you won't create any more dust

1 in Ridgecrest than we get now from out there.

2 But I strongly support this project. I think it
3 allows Ridgecrest to finally -- because the base realignment
4 and closure act sure didn't come through, and we have economic
5 problems here. They're different than everybody else's because
6 of our isolation. It will create jobs. We need jobs here,
7 because our young people leave. That's a fact of life.
8 There's nothing for them here.

9 But we fight over Super Wal-Mart's. We fight over
10 wind farms. We fight over a cul-de-sac or how to have a
11 turnaround out here. This is a community that would bitch and
12 moan and fight over the price of a free lunch. And there is no
13 free lunch.

14 Building a power plant does take money, does take
15 space, whether it's solar or what we're using now, which none
16 of you, I guess, have lived near. You could live near a
17 power -- nuclear power plant, that sounds thrilling. I mean,
18 what can go wrong with this? Some dust. It's already dusty
19 here and I'm allergic to it, and I still support your program.
20 And I hope this process works for you because you seem to be
21 putting an awful lot of effort into making it work.

22 And I have nothing else to say but this town needs to
23 get behind something for a change as a united group. And if
24 you really want it to look like it did 100 years ago bulldoze
25 your house down, because you have killed more tortoises and

1 more squirrels building a town here than what they're doing is
2 going to do. Because 69 tortoises in that area 20 years ago,
3 30 years ago when we used to -- and I was a kid and we would go
4 into the El Pasos, you'd see that many tortoises in an hour.
5 It isn't a power plant, it's your off road vehicles running
6 over them, it's highways running over them, it's people
7 shooting them, that's what's going on with the tortoise --

8 HEARING OFFICER RENAUD: Sir, thank you.

9 MR. SMITH: -- and some ravens.

10 HEARING OFFICER RENAUD: You've gone over --

11 MR. SMITH: Thank you.

12 HEARING OFFICER RENAUD: -- your time.

13 MR. SMITH: And I --

14 HEARING OFFICER RENAUD: But thank you.

15 MR. SMITH: -- appreciate the extra time. And thank
16 you, again, for coming here.

17 HEARING OFFICER RENAUD: Thank you for your comments.

18 Mrs. Magi, I believe this is, Allen?

19 MS. ALLEN: Hi. I'm Magi Allen, and that's my
20 husband, and thank you.

21 I just wanted to point out that the -- on your map it
22 says Lund Avenue, and that's one of the closest things that
23 would be to that power plant. And I built -- me and my sons
24 built a house out there 26 years ago, and I just sold the
25 property recently. But out there, I just want you to know, all

1 those years I ever saw one tortoise, not one. And I know how
2 to look under a bush and I know what their holes look like, and
3 I love tortoises, just love them. I think they look like ET.
4 But I never saw one. And we walked all over where you saw the
5 rocky patch and -- because my son used to go snake hunting and
6 get the venom for the Monroe High School teacher, and when he
7 got the venom for him.

8 But anyway, and I never saw ground squirrels, not
9 one, not even one walking all over there, not one where that
10 plant's going.

11 So I don't know where you're talking about your
12 tortoises but they're not there. All those years never saw
13 one. Saw big scorpions, but never a tortoise or a ground
14 squirrel, not even run over.

15 And the other thing is, the society, we were in that.
16 My -- when my son was in high school we were in that for a
17 while and we never once went out in that area. We went out to
18 the old Sand Canyon's spot, it's closed, and went out there.
19 Went some places on the base. You can go up to Trona or out to
20 the Pinnacles. There's lots of places to go besides there. I
21 mean, give me a break.

22 And I was born and raised here. I was the 200th baby
23 delivered by Drummond when he was running the hospital and it
24 was just one little short thing. So I've been here a long
25 time, so I think I have a right to say. And I have seen this

1 town -- like my husband said, everything that wants to come in
2 here you all bitch about it. You fight and fight. You never
3 want anything in here, no matter what it is.

4 And when I was just talking with Mrs. Decker before
5 she got up here I said, "We need this because our, you know,
6 our planet's dying. We need to switch to clean things."

7 And she said, "We've already lost."

8 I thought what are you talking about? You've already
9 given up. You know, we've -- I've got kids here. I've got
10 grandkids. You know, I want them to have a world. I want a
11 clean place. We need to do something.

12 And this town's even fighting over the trash, by god.
13 They're mad because they have to sort -- they -- you have to
14 sort their trash, you know, put paper and stuff in one thing
15 and the trash in another. They're going to sue the city
16 because they have to do that. They want it to be voluntary.
17 And believe me, if it was voluntary we wouldn't do it, nobody
18 would do it. They have to make them do it, and they're going
19 to sue the city because of that. That's how stupid they are.

20 You know, so they're going to do the same thing to
21 you, try to tear you apart and say, oh, the tortoise, oh, this,
22 oh, that, even though you're putting up a fence for the
23 tortoise and they can walk right around it, if there was one
24 out there. You know, I never saw one. So -- and, you know,
25 every little thing they're going to bitch about and gripe about

1 and try to get you out of here because they don't want you
2 here, you know, they're going to make up everything. They do
3 it to everything that comes in here. So put it -- put your
4 feet in for a fight, you know?

5 And the only thing that I am concerned about, the one
6 thing is the Indians. If there's artifacts out there I respect
7 that because, you know, that is something. If you can work
8 with them somehow, they were the first ones here before us,
9 believe me.

10 HEARING OFFICER RENAUD: Your -- your --

11 MS. ALLEN: They were here --

12 HEARING OFFICER RENAUD: Ma'am --

13 MS. ALLEN: -- for thousands of years before you.

14 HEARING OFFICER RENAUD: Mrs. Allen --

15 MS. ALLEN: Yes?

16 HEARING OFFICER RENAUD: -- your three minutes it up.

17 Thank you.

18 MS. ALLEN: Okay.

19 HEARING OFFICER RENAUD: Tom Mulvihill.

20 MR. MULVIHILL: The Indian Wells Valley -- in the
21 Indian Wells Valley the amount of water consumed is critical.
22 Our aquifer is a limited resource and groundwater is being
23 withdrawn faster than it is being recharged. We understand
24 from recent studies that we are currently using the best water
25 available in the valley, and that in the not too distant future

1 we will depend -- we will be dependent on the use of brackish
2 water which is also in finite supply.

3 It is not responsible to think of this valleys
4 brackish water or even its waste water treatment effluent was
5 being expendable. At this time the valley has not secured any
6 outside source of supply.

7 Water is our most vital natural resource. It is a
8 position of Indian Wells Valley Water District that development
9 of one natural resource, solar power, should not come at the
10 expense of another, water. The district board of directors has
11 taken the position that it supports a solar power here in the
12 valley with a zero net effect on valley water resources, and
13 that those water resources include potable water, brackish
14 water and waste water treatment effluent. Even the use of
15 waste water effluent is a demand on valley water supply because
16 it a potential source of groundwater recharge.

17 Therefore, the use of water must be identified as --
18 as a significant environmental impact that must be mitigated by
19 an equal reduction in water use somewhere else in the valley.
20 A successful mitigation program must achieve measurable results
21 within a reasonable period of time. The mitigation program
22 must be based on documented water savings potential from
23 established and respected sources in the field. Actual results
24 must be monitored, reported and documented.

25 The district has entered into an agreement with Solar

1 Millennium to supply a maximum amount of 165 acre feet of water
2 per year for operations, and a maximum amount of 1,500 acre
3 feet for construction. And we are assured by Solar Millennium
4 that it would mitigate all its water use. The district
5 believes that it has such a commitment from Solar Millennium,
6 and therefore the district supports the project provided
7 adequate mitigation exists as documented and is implemented.
8 Thank you.

9 HEARING OFFICER RENAUD: Thank you. This one I'm
10 having a hard time reading, but I believe it's Meg --

11 MS. GROSSGLASS: Grossglass.

12 HEARING OFFICER RENAUD: Okay. Thank you. You know
13 who you are.

14 MS. GROSSGLASS: That's not my name anyway.

15 HEARING OFFICER RENAUD: If it's not please state
16 your name.

17 MS. GROSSGLASS: I meant, it -- my -- it's my
18 husband's name. Sorry.

19 My name is Meg Grossglass. I work for the Off road
20 Business Association. And currently my group is neutral on
21 this project. I have two very brief comments.

22 One is I would like to see a trail rerouted through
23 the wash for OHV use. Currently, as I see on the BLM DAG map
24 it says -- it shows a trail going into that wash and trail
25 going out of that wash. And from what I can tell it looks like

1 we won't have access to that trail anymore. I mean, it would
2 be very helpful for project applicants to give us maps that
3 overlay current BLM DAG maps so we can understand how they --
4 how they'll effect our trails.

5 And the other issue that I think made me a little
6 nervous was all the talk about mitigation land. Typically I
7 think that mitigation land, when it's privately purchased and
8 given to a regulatory agency, for lack of a better term, OHV
9 use is not allowed. If there is private land that is acquired
10 for mitigation and there are trails on it that are currently
11 use, I would like to see those designated by the BLM and
12 allowed to be continued to use. Because the cumulative effect
13 of all of these solar plants on OHV use is going to be
14 extensive.

15 And I will submit more comments in writing. And
16 thank you for your time. I appreciate it.

17 HEARING OFFICER RENAUD: Thank you. A card from
18 Chris Ellis -- Ellis indicates wishing not to speak and favors
19 the plan, and asks that I read into the record his brief
20 comment.

21 "Renewable energy projects are critical to the long term
22 plan to reduce and eliminate dependence on foreign oil and
23 production of greenhouse gasses."

24 Thank you. Pernendu Sarkar? This card indicates
25 favoring the project.

1 James Fay?

2 MR. FAY: Thank you, Mr. Chairman, commissioners,
3 staff, agency representatives. My name is James Fay. I'm the
4 academic vice president at Cerro Coso. Our college is the
5 first community college in the state to offer state approved
6 certificates and degrees programs, both wind and solar energy.
7 And we're now offering both wind and solar courses in the
8 community and down in California City.

9 The college has met with Solar Millennium staff on
10 several occasions to discuss specific training and courses to
11 support the local solar project, and we hope and expect that
12 the various environmental issues can be mitigated. But both
13 President Mary Retterer and I support the Solar Millennium
14 project. There's great opportunity for both high energy
15 alternative energy production and jobs in the community. Thank
16 you.

17 HEARING OFFICER RENAUD: Thank you. Thank you.
18 Robert Robinson?

19 MR. ROBINSON: Well, my name is Robert Robinson. I'm
20 the tribal historical preservation officer for the Kern Valley
21 Indian Community, and we're 1,200 members. The area of the
22 Pasos, as -- as earlier stated, was part of the sacred lands,
23 and -- and is recognized as such by the state. And the area
24 where the project is being built is in earlier times, after the
25 last mini ice age about 10,000 years ago up until about five --

1 five -- seven -- between 5,000 and 7,000 years ago was the --
2 was the boundary of the lake, China Lake. And at that time
3 there was a large population of people that lived for several
4 thousand years around that region in that conduit between the
5 mountain range and the lake. And it's evidenced by the
6 archeological record, by village sites within a quarter mile of
7 the -- of the site where this is being built.

8 And my main concern is with graves. There's --
9 without a doubt there's going to be literally thousands of
10 graves in -- in that vicinity because of the large number of
11 people and the large number of years that people lived there.
12 And -- and in more historic times as the area dried the people
13 migrated back and forth between the mountains the desert, you
14 know, according to the seasons. But in earlier times they
15 spent more time in the vicinity. And even today we still use
16 that mountain, and our people do.

17 And when the lady spoke about not seeing desert
18 tortoises, well, a lot of people I talk to don't know we still
19 use those mountains, either, and don't see us, really.

20 So -- but my concern is, with the project, is that
21 graves not be disturbed. And I know engineers like to take
22 the -- the landscape and -- and form it to their ideal in the
23 way that they're doing their -- the way that they do their
24 projects. But I'm asking that if this project is instituted
25 that the project adopt the contours of the property more and

1 reduce excavation. When I look out there I see that probably
2 70 to 80 percent of that property, by adjusting within reason
3 the length of the lakes -- of the -- of the troughs they could
4 be -- still go straight and not have to disturb the ground
5 significantly.

6 And -- and, you know, it's -- it's -- with our
7 tradition it's -- is -- to remove graves is -- is really wrong.
8 People are interned. Even today we intern people. And a year
9 later we have a smoothing over ceremony. When the family comes
10 back it smoothes over the grave, and that's why you never see
11 any sign or marks on the graves. It's just done on purpose.
12 And that's done so that those graves will never be disturbed.
13 And that's my main concern.

14 HEARING OFFICER RENAUD: Thank you. Next is Thomas
15 DeMay.

16 MR. DEMAY: Thank you. I am Thomas DeMay. I live on
17 Strucker Street (phonetic) not far from this project. I
18 actually support renewable energy production, and I have
19 personally invested in a photovoltaic system. My concern,
20 though, is the long-term habitability of the Indian Wells
21 Valley.

22
23 Currently the aquifer in the Indian Wells Valley is
24 being pumped out much faster than it is being recharged. The
25 best estimates put the withdrawal from the aquifer at about

1 30,000 acre feet per year, and the recharge at less than 10,000
2 acre feet per year. This personally effects me by lowering the
3 water level in my well. And we've recently replaced our well
4 with another one because the water level dropped below our
5 pump.

6 Several years ago when we did that we measured our
7 water level a couple years apart and discovered that the water
8 level had been dropping at about two -- two feet per year.
9 Recently our neighbors are reporting the water level is
10 dropping at about four feet per year. And we fear that the
11 water level will drop so much that we'll be unable to get water
12 from our wells.

13 Now this is not a problem for -- not just a problem
14 for me personally. The water level in the whole valley is
15 dropping. If we continue our current water use practices at
16 some date in the future there will no water in the valley,
17 period. Every new user of water in this valley brings that
18 date closer.

19 Solar Millennium's proposed water usage of 150 acre
20 feet per year is about equal to 250 households. Every year
21 that Solar Millennium operates is a year sooner that 250
22 households will have to leave the valley. We must make really
23 thoughtful decisions about our priorities for water use in this
24 valley. Is it better to produce energy or to supply water to
25 houses?

1 With regard to mitigation we should be doing all of
2 the mitigation efforts, even without Solar Millennium's
3 participation. Solar Millennium's participation and efforts
4 such as cash for grass and low flow water showerheads,
5 etcetera, are welcome, but they really only postpone the gone
6 dry date a little in this valley. The only way to truly
7 mitigate water usage by Solar Millennium or any other water
8 user in the valley would be to import water from somewhere that
9 has excess water.

10 One suggestion, which is not very feasible, would be
11 to desalinize seawater and truck it into the valley. Just
12 using -- taking acreage out of agricultural production as a
13 mitigation effort is really not a solution because that's
14 something we're going to have to do anyway. Thank you.

15 HEARING OFFICER RENAUD: Thank you. Annette DeMay?

16 MS. DEMAY: My name is Annette DeMay and I, too, like
17 on Strucker Street. And I am also a fan of solar energy
18 production. And we do have a photovoltaic system that uses no
19 water and is not as diminished in its productivity by dust.

20 But my comments here are prompted by concern about
21 the current and future overdraft of the aquifer underlying the
22 Indian Wells Valley, particularly the southwest field. The
23 aquifer has been in measured overdraft for 50 years, as has
24 already been described.

25 Solar Millennium proposes using a maximum of 165 acre

1 feet of water, typically 150. To put this into context this is
2 equivalent to, rounding to the nearest 10, 270 households.
3 This is a corrected number from what I said this morning. This
4 morning I had an incorrect average household usage number. And
5 I will provide additional details in writing with corrected
6 numbers later.

7 But my particular concern is the portion of the
8 aquifer that in part underlies the proposed Solar Millennium
9 site. In this area of the valley even just the estimated 270
10 households worth of water represents a very high percentage of
11 the households. And while the aquifer under the Indian Wells
12 Valley is generally viewed as one entity it actually consists
13 of a collection of loosely associated and sometimes separate
14 bowls or fields.

15 The field under the part of the valley proposed of
16 the Solar Millennium site is the southwest fields. Unlike
17 other fields under this valley it still contains potable water
18 of good quality that does not require filtering for brackish
19 condition or arsenic or dissolved solids. It's also the case
20 that the level of the water table in this area has been
21 measured to be dropping most recently four feet per year due to
22 the existing use.

23 Because of these facts the BLM with its overlying
24 water right as land owner of the area to be developed must
25 ensure as a legal, quote, "condition of certification," that no

1 wells will be dropped into the southwest field of the aquifer
2 that exists below and beyond the proposed Millennium site to
3 support the Solar Millennium facility or any other solar farm,
4 and that water will be transported from other sources outside
5 the southwest field. Water will only be piped from other areas
6 from which water may need filtering or -- for brackish, arsenic
7 or dissolved solids.

8 So I believe that this condition, in addition to
9 other mitigations, is essential. We thank you for your
10 consideration of this important water management issue.

11 HEARING OFFICER RENAUD: Thank you. Reverend Jean
12 Throckmorton.

13 MS. THROCKMORTON: Thank you. My name is Jean
14 Throckmorton. I come to speak in favor of the project,
15 although after I make my comments I'm not sure you'll think
16 that I'm in favor of it. And hope that by the time I get two-
17 and-a-half minutes from now I will remember the last of the
18 comments I meant to make.

19 First off, I think I wholeheartedly agree with the
20 issue of water, but I think it's been fully discussed and I
21 don't think I need to add anything other than that.

22 I am concerned that the jobs go to people who already
23 live in this valley who have the talents, the skills and the
24 ability to improve those skills in both the construction and in
25 the running of the plant. I think what the college is doing is

1 extraordinarily helpful in this area as far as a long-term
2 approach. I would hate to see large numbers of people brought
3 in from outside the area because, quote, "they know what
4 they're doing." That would not provide this community with
5 what it needs.

6 I also would like to make the comment that although
7 you can say the land to the north looks about the same as the
8 land where all the tortoises are I guarantee you as an
9 environmentalist who has done a lot of study of animals over
10 the last 40 years that, in fact, if there aren't tortoises
11 living there now there's something about the land that isn't
12 right. So, you know, you can not make those kinds of
13 assumptions as you go into a process. We don't understand
14 fully what animals need. And every time we try to help we seem
15 to do far worse than we -- than we mean to.

16 Mitigation needs to be done. I don't like the term
17 mitigation. I much prefer the term that was used earlier about
18 finding positive restoration areas. But I don't think those
19 have to be in the next tract over from where this is. I think
20 they can be relocated to other areas in the desert.

21 About 25 years ago I asked my husband why there
22 weren't more power plants. He was a builder of dams with
23 Edison, and engineer doing the design work.

24 And he didn't say much of anything except, "It's
25 really not worth it."

1 And over the years I've come to find out why, because
2 it takes so much time and effort.

3 I would heartily encourage you to take the necessary
4 time and effort to do it right. I smile every time I go back
5 Kramer Junction. But if we are rushing to get a project into
6 the ground started by November of 2007 (sic) in order to have
7 federal money that is borrowed from China to build it I think
8 we're making the wrong choice. So I encourage you to take the
9 time. You can't back into good results.

10 HEARING OFFICER RENAUD: Thank you. Okay. The next
11 one I'm going to have a hard time reading. David -- it begins
12 with A.

13 MR. MATTHEWS: All right. That looks good.

14 HEARING OFFICER RENAUD: All right. You better state
15 your name for the record, please.

16 MR. SOLORIO: Matthews.

17 HEARING OFFICER RENAUD: Oh, Matthews. Oh. Well,
18 okay. Thank you.

19 MR. MATTHEWS: Yes. It is David A. Matthews,
20 otherwise known as DAM. We had a couple of hard acts to follow
21 here before me.

22 I want to talk briefly just about the water
23 mitigation. I'm still a little confused on this. I offered
24 this morning a possible mitigation. And, Tom, I hope you'll
25 take this back to the board as something serious because I'm

1 putting it on the record. Rather than look at a zero net loss
2 or net use of water, as the board has -- has suggested or -- or
3 implemented, I would hope that the board would start looking
4 for external -- how to replenish this water supply. That's
5 part of what we elect them to do.

6 I mean, the overdraft is here already, regardless of
7 whether Solar Millennium goes in or not. And the numbers I
8 heard the project manager refer to earlier was something like
9 less than one percent of the water produced in the valley, I
10 think that's what she said, or maybe it was the water district,
11 is what is going -- what represents the usage by Solar
12 Millennium.

13 So my proposal this morning was to take funding
14 somehow from this water usage, set it aside and tap into the
15 aqueduct to bring external sources. And people are laughing,
16 but I'm serious. That's -- that's an infrastructure up there,
17 which means that we can get water from some other district and
18 it's going to -- you guys are a board of the state. You could
19 bring this up to the state yourself because it's a state
20 matter. It's -- it's more than even a state matter, it's an
21 interstate matter.

22 The water on this side of the Rockies, as somebody
23 already mentioned in the -- the decline of Lake Powell and Lake
24 Mead, is -- is -- is becoming short. But on the other side of
25 the Rockies they're -- they're -- they've got excess water,

1 especially in the springtime. So anyway, that's enough on the
2 water.

3 The desert tortoise -- oh, before I get to that,
4 there was mention about the traffic situation at 395 and -- and
5 Brown Road. I would like to direct everybody's attention to
6 this long drawing up here on the -- this wall. That is
7 proposed Caltrans widening of 395 and it shows an intersection
8 up there with overpasses and cloverleaves and whatnot. So
9 maybe if some of the mitigation or the talks with Caltrans
10 could take money from this project and start that intersection
11 up there already. A lot of us think that that whole project is
12 -- is not necessary anyway.

13 The desert tortoise --

14 HEARING OFFICER RENAUD: Mr. Matthews, I'm sorry, but
15 you --

16 MR. MATTHEWS: I -- I see.

17 HEARING OFFICER RENAUD: -- you've used your time.

18 MR. MATTHEWS: Anyway, I had mitigation --

19 HEARING OFFICER RENAUD: Maybe you can submit those
20 in writing?

21 MR. MATTHEWS: Yes, I suppose. But -- yeah. All
22 right.

23 HEARING OFFICER RENAUD: Thank you. Robert Thompson.

24 MR. THOMPSON: Good evening, honorable commissioners
25 and BLM management representatives and CEC staff. Robert

1 Thompson, civil engineer, born and raised in this area and
2 left. And I still have family with interests in the Inyokern
3 area. I speak as a civil engineer with experience of 35 years
4 with Fresno County government in the highways and development
5 areas.

6 On my desk at home is a letter from my great-
7 grandfather in 1909 saying he had a vision for this valley of a
8 land and water company, grapes, fruits, nuts, all that. He
9 started the -- with the Land and Water Company of Inyokern of
10 the desert entry, entering people into this valley for farming
11 interests. They sited a 40 acre experimental farm southeast of
12 Inyokern Airport.

13 And I read one letter where he said, "Don't send any
14 this week. We had a windstorm. All the trees are down."

15 That's a fact.

16 So having a legacy of that nature and some
17 understanding of this being a scoping meeting I'd request at
18 least maybe one minute more to continue my presentation.

19 As far as -- I would like to see included in the
20 resource areas the socioeconomic considerations regarding the
21 recreation. People are here because of medical reasons.
22 They -- this is their dream place. And when I hear the
23 conflict of asking them to buy them out, you know, we really
24 don't want alfalfa, thanks, here, and, you know, we've got a
25 mixture of socioeconomical negotiations that go on here. And I

1 just don't want to see the disenfranchising go without being
2 said.

3 So also I would like to see a resource -- air
4 resource be addressed to address the dust issues that can arise
5 from the construction area. That may be a very minor part, but
6 I would like to see the -- the effectiveness. For example, if
7 they're going to use a dust palliative of one inch rock, you
8 know, that's pretty effective, probably. But let's get down to
9 the detail of what they're doing.

10 I would like to see that there be mitigation
11 monitoring of the -- and validation of the engineering
12 assumptions, and that they present those assumptions in detail
13 including but not limited to time of concentration, runoff
14 coefficient areas, soil evaluation, including compaction, and
15 all their calculations, and that be presented in the 30 percent
16 product that's part of the environmental process of which I
17 understand NEPA covers.

18 One other item I want to suggest be done is that a
19 validation of the county's road through the federal lands be
20 evaluated as to whether it's a permitted crossing and whether
21 Streets and Highways Code address it. I wouldn't want to see
22 Kern County's opportunity to be withdrawn on a franchise type
23 thing if, in fact, it is a county road on federal land. I've
24 experienced things like that with Forest Service lands in the
25 county from which I come, and I would like to see that the

1 highest and best uses --

2 HEARING OFFICER RENAUD: You're time's up, sir.

3 Sorry.

4 MR. THOMPSON: May I have one minute?

5 HEARING OFFICER RENAUD: I really -- in fairness to
6 those who have been waiting a long time I think we're going to
7 hold to the three minute rule.

8 MR. THOMPSON: Thank you.

9 HEARING OFFICER RENAUD: Thank you. You can submit
10 your comments in writing. All right.

11 MS. COBAUGH-SMITH: (Off mike.) (Inaudible.)

12 HEARING OFFICER RENAUD: Yes.

13 MS. COBAUGH-SMITH: (Off mike.) (Inaudible.)

14 HEARING OFFICER RENAUD: All right. The court
15 reporter, as you can imagine typing all this time, has got to
16 rest her hands once in awhile. So let's -- let's give her five
17 minutes. Thank you.

18 (Off the Record From 8:37 p.m., Until 8:45 p.m.)

19 HEARING OFFICER RENAUD: All right. Let's come back
20 to order. We'll call Dave Hacker with the California
21 Department of Fish and Game.

22 MR. HACKER: You ready? All right. I'm Dave Hacker.
23 I'm with the California Department of Fish and Game. Thank you
24 all for coming down here for this hearing tonight. I just
25 wanted to provide a little bit of perspective that I have from

1 working on renewable energy projects across a good portion of
2 the state and being in contact with my counterparts in other
3 Fish and Game regions who are also working on -- on this big
4 push for renewable energy projects.

5 Most of the projects the Energy Commission does not
6 actually see, which I'm sure you're aware of. Most of them
7 are -- have local lead agencies, usually counties. We're
8 looking at hundreds of thousands of acres of such projects.
9 And many of the project sites are, from a wildlife perspective,
10 on -- on pretty good -- pretty good locations which will
11 probably require little mitigation. Some probably won't
12 require much mitigation at all, and for biological resources.
13 Other projects require substantial mitigation, not just for
14 CEQA purposes but for the California Endangered Species Act to
15 reach the full mitigation standard that's required for taking
16 the state listed species.

17 In some cases we're not entirely sure at this point
18 whether all of those impacts to state listed species are -- are
19 fully mitigable, partially due to the scale of the projects and
20 the sheer number of projects that are being proposed right now.
21 And as we've heard before, there's, you know, there's only so
22 much land out there.

23 This -- this particular project site has two species
24 for which the California Endangered Species Act requires take
25 permits, as you guys know. And full mitigation for those

1 species I think will be a significant challenge. For the
2 Mojave Ground Squirrel we're looking at some connectivity
3 issues which are a function of geography. And there's only so
4 much land which provides that function. And -- and to really
5 conclude that the impacts are fully mitigated we're going to
6 have to look at a proposed -- a specific proposed mitigation
7 site to see whether it can provide that -- that function. And
8 that may present a challenge in coming up with generic
9 performance criteria.

10 And similar for desert tortoise caring capacity.
11 When we're looking at the loss of -- of approximately three
12 square miles we need to assess the mitigation site to see
13 whether it can actually provide caring capacity for the
14 additional number of tortoises that -- that are going to be
15 lost as a result of a project of this scale.

16 So we -- we look forward to seeing those proposals
17 here in the future and working on those challenges here with
18 you guys. And, again, thanks for coming down. Thanks.

19 HEARING OFFICER RENAUD: Thank you. Bill Carroll?

20 MR. CARROLL: Anyway, the first time I've even talked
21 in public here. I've got three minutes. So economy reasons
22 I'll talk 30 seconds about myself and the rest about the
23 issues.

24 I'm a double conservative politically, and believe it
25 not I'm also, obviously, considered someone who economizes with

1 energy and stuff because my -- my November bill for the
2 utilities was \$24.00 for electricity, \$10.00 for gas, and
3 \$24.00 for water. I have a three bedroom house. I live alone.
4 How do I do it? I stopped watering my lawns. I don't use my
5 stove. I know how to cook on a microwave. I eat over the
6 sink. And I take sailor showers. Enough about me. I've made
7 some sacrifices. And if god says I want to look at your carbon
8 finger -- or footprint I'd say it's pretty small and I'm proud
9 of that being small. Okay.

10 Let's talk about confusing stuff. The water district
11 sent me this thing telling me that we're way above our parts
12 per million for arsenic. I am so surprised nobody's brought
13 the A word up tonight. The reason that is an issue, it's
14 because our water table is very low. People can argue and say,
15 well, what's that got to do with all this stuff?

16 Well, most people know, and it's been in the papers
17 that -- for years, that there's a great assumption and some
18 facts backing it that all of our water tables and water systems
19 are kind of connected, all the way up to about where LA takes
20 the water from the mountains up there, the headwaters. We get
21 the leftovers if we get any. Our -- the reason our parts go
22 up, it's simple, you don't have to be smarter than a fifth
23 grader, and I remember my merit badge in Boy Scouts, that if I
24 took let's say ten grams of arsenic and put it in a swimming
25 pool and put ten grams of arsenic in a bathtub, which one would

1 your rather drink from? It doesn't -- don't have to answer
2 now.

3 So I came here originally, I was thinking 20
4 questions, but I have five I narrowed it down to, but I've got
5 some more specifics I want to ask.

6 The -- by the way, an acre foot, when someone brought
7 up the term I know you said 150. It's actually -- and someone
8 else said 165 acre feet; is that correct? Well, that comes out
9 to, according to the calculator on the web, I'm not going to
10 bore you with -- with details, but it's 54 point around 7
11 million gallons of water. My \$24.00 sacrifice or my \$24.00
12 water bill, obviously, I'm not (inaudible).

13 So all and all, end result, if we're making
14 sacrifices, you know, asking for around 54 million plus, or
15 whatever it is, near that, to be taken out of our water system,
16 probably increasing the damage of arsenic, what's LA -- because
17 this -- this system really isn't benefiting us so much as it is
18 other parts of California, are they willing to give up, let's
19 say easy, digital -- outdoor digital signage? Are they -- are
20 they willing to give up --

21 HEARING OFFICER RENAUD: I'm sorry, Mr. Carroll, you
22 --

23 MR. CARROLL: -- the high speed rail which is going
24 to use electricity?

25 HEARING OFFICER RENAUD: -- you've used your three

1 minutes.

2 MR. CARROLL: I know. And 30 seconds it says. Oh.
3 Okay.

4 HEARING OFFICER RENAUD: Three minutes.

5 MR. CARROLL: What is the other part of California
6 willing to give up? I would hope that LA would give up 50
7 percent of the water that they take from up north. Thank you.

8 HEARING OFFICER RENAUD: Thank you. All right.
9 Michael Neel? Michael Neel? No. Michael Neel is with the
10 Don't Tread on Me Citizens for Freedom. He did not indicate a
11 position.

12 R.G. Bishop? All right. Mr. Bishop -- well,
13 whoever, R.G. Bishop has indicated neutrality on the project
14 and had questions concerning water usage, procedural matters
15 about intervention.

16 Terri Middlemiss with the Kerncrest Audubon Society
17 opposes the project and has chosen not to speak.

18 David Saint-Amand, okay, indicated he favors the
19 project. His comment is,

20 "The proposed location is ideal for mitigating the
21 issue of water use with regard to the plant's neighbors."

22 Danny Patel? Mr. Patel favors the project, writes,
23 "More jobs." I really can't read this, except the word job. I
24 can see -- I can read that, "More jobs." Okay.

25 Ramesh Khosla favors the project, represents the

1 Roadway Inn, lots of economic benefit, employment, more money
2 flow, more growth for city.

3 James McGuire, are you here? James McGuire favors
4 the project, represents Ironworkers 433, "Looking forward to
5 this project going forward."

6 Vicky Lynne Sykes, representing Comfort Inn, favors
7 the project, "Renewable energy, best for our planet."

8 Charlotte Munsell represents Best Western, favors the
9 project, "Looking forward to all the jobs that this will bring
10 to our area."

11 Ed Middlemiss? I hope I said that correctly.

12 MR. MIDDLEMISS: Close enough for me.

13 HEARING OFFICER RENAUD: Great.

14 MR. MIDDLEMISS: Thanks for the opportunity to speak.
15 I'll get right to the point.

16 Regardless of whether you're in favor or opposed to
17 this kind of renewable energy project this site is the wrong
18 place. Now the company staff has gone to great lengths to
19 explain how you can't put it anywhere else. However, the
20 company doesn't seem to all be working from the same playbook.
21 Because Mr. Aringhoff here pointed out that this is an ideal
22 place for many such projects. Then somebody else pointed out
23 that the application sited 750 megawatts of power in the
24 environmental starting document, or whatever it was.

25 So what -- what I think we need to avoid doing is

1 getting railroaded just because it's so much more profitable to
2 get the construction costs paid out of the shovel ready fund.
3 So please don't do us any such favors.

4 The idea that -- that this project will build a
5 massive plant but pay no property taxes but still demand
6 services is a great concern of mine. They're going to be
7 raising the taxes of everybody else to fund the services that
8 they're going to get one way or another.

9 So that's about all I have to say about it.

10 HEARING OFFICER RENAUD: Thank you. Bob Peoples?
11 Mr. Peoples favors the project and writes, "My family,
12 employees and I are in full support. We think it will release
13 the string hold foreign oil has on us."

14 Ron Wermuth -- Wermuth -- Wermuth?

15 MR. WERMUTH: I just want to restate what I said
16 at -- at the December 15th meeting that the El Pasos are sacred
17 lands for Native Americans. Also, that I'm a practitioner of
18 Native American religious values and practices. I go out into
19 the El Pasos quite often, and not just myself but other folk
20 come along with me, and we practice our religious -- we do
21 fasting out there. Fasting is a four day event for us, and --
22 and we do it like twice year. We go out there and practice our
23 values.

24 Also, I've done re-torments out in the El Paso
25 Mountains where some of the streambeds, they've become eroded

1 and maybe a head or a part of skeletal remains will come out.
2 And I've been called out by the BLM archeologists to re-intern
3 these folks. And there's -- almost all the drainages out there
4 have archeological significance.

5 And it's a very, very old area as far as cultures.
6 There's probably been four different kinds of Indian cultures
7 that's occupied this valley and -- and the El Paso Mountain
8 areas.

9 And the -- the animal life out there is -- it used to
10 be really abundant. You can go to Sheep Springs and you can
11 see the petroglyphs of the bighorn sheep out there. And some
12 of these petroglyphs were put there as a vision to help bring
13 back the -- the sheep, pray for them because they provide food
14 for us to eat, you know? And -- and these symbols help bring
15 them back.

16 You know, today we go out there and we -- we pray for
17 the sheep and all the animals. We practice -- well, North
18 America is called Turtle Island. This -- this area, not just
19 Indian Wells Valley but down to below California City, north of
20 Edward's, down in there, all around here is a large population
21 of tortoise, not just tortoise but the springs, also. There's
22 Cosal Hot Springs (phonetic), Sheep Springs, all the springs
23 out here, Desert Springs. And -- and these all have religious
24 value to us. And -- and my time's up.

25 HEARING OFFICER RENAUD: Thank you, sir.

1 MR. WERMUTH: Thank you.

2 HEARING OFFICER RENAUD: Jim Sanders? Jim Sanders
3 writes he favors the project. "It sounds like a great well-
4 thought out program that will strengthen our community."

5 Chip Holloway representing the City of Ridgecrest.

6 MR. HOLLOWAY: I'm a city council member, City of
7 Ridgecrest. And, Eric, you're in my chair.

8 I -- I want to first of all thank you guys on behalf
9 of the entire community of Ridgecrest and -- and ask you when
10 you get back to Sacramento to please let the California
11 Integrated Waste Management Board know that it's safe to come
12 to the City of Ridgecrest and have an open and honest debate,
13 and invite them down on behalf of the entire community.

14 For me it's deja vu all over again. I was in this
15 chamber about 12 years ago when it was packed for another issue
16 where a business was trying to come to our community. And at
17 that time I was a board member of the chamber of commerce. And
18 somebody I'll forgive them for this but they encouraged me to
19 run for city council. And my main goal 12 years ago was to
20 promote economic growth and economic diversity. In the last 12
21 years I've learned, because of our unique demographics, our
22 remoteness and the likes, finding a match to create economic
23 diversity in this community has been an extreme challenge.

24 But at this moment, while this not a perfect match,
25 this is by far the greatest opportunity for economic

1 development in this community I've seen in the last 12 years.
2 And I want to thank Solar Millennium. Because back when I was
3 mayor the first time we talked about this issue they talked
4 about using 3,000 acre feet of water. And -- and after I got
5 through choking, because I knew Judie Decker still lived in the
6 community, and they came back with a plan I think was a
7 tremendous compromise; 150 acre feet of water is almost less
8 water than they propose to use in one year they're going to use
9 in 30 years. So I think it was a great compromise.

10 I think we all understand there's no help coming to
11 this community from the federal government, and there's no help
12 coming to this community from the state government by far.

13 I wasn't going to talk about this but then you
14 brought this up, Mr. Boyd, and I see Terry O'Brien over there,
15 I'm - I represent the City of Ridgecrest for the League of
16 California Cities. In '08 in January you -- Karen Douglas
17 spoke before about 350 city officials and talked about \$63
18 billion in stimulus money available through the CEC. And you
19 asked about regulatory creep. I challenge you, we don't have
20 regulatory creep in this state, we have regulatory crush. We
21 can't get absolutely anything done in this city, in this
22 country or this state because of a regulatory environment, and
23 we have to change that.

24 We can not -- I understand Ms. Throckmorton's concern
25 with money borrowed from China, but the money's already

1 borrowed. And if we don't take it guarantee you that Mary
2 Landrieu in Louisiana or Ben Nelson in Nebraska will be glad to
3 take that money and put it towards Medicaid. You've got a
4 state that's facing a \$20 billion deficit again, and we've got
5 to change the way we do things in the state. And if there's a
6 way to fast track this program and there's new ideas coming
7 down the pike you guys are in a position to change, make those
8 changes and do that.

9 Here's another map that used to be on this wall of
10 Ridgecrest Boulevard. When I got elected on this council that
11 project, to do it was \$7 million. But because of mitigation
12 and Fish and Game and all the biological problems that we had
13 that project is now up to about \$28 million. That's money
14 that's not going to asphalt. That's money that's not going to
15 jobs. That's money that's going to -- to pay -- a penance to
16 the Fish and Game Department that's not going to do any good in
17 my community. You have to think. If you've got new ideas and
18 new ways to streamline this project you have to think of those
19 ideas and use those ideas.

20 This community needs this project, the state needs
21 this project, and overall this country needs this project. We
22 have a chance to become the Saudi Arabia of alternative energy
23 in East Kern County.

24 You guys were brought up -- I was in Orlando at the
25 Defense Communities Conference about a month ago. I think

1 Terry O'Brien spoke at that conference.

2 MR. O'BRIEN: Roger Johnson.

3 MR. HOLLOWAY: Was it? But we -- Kern County is
4 being -- is being professed across the country as an example of
5 how to do solar energy right. And they use the Kern County
6 General Plan, and the coordination with the California Energy
7 Commission is an example. This country is watching you. This
8 is one of the most prolific projects in alternative energy that
9 this country has seen. We have the highest level of radiation,
10 which was brought up before. We can use the smallest
11 footprint. Set the example.

12 You said California was known for all great things
13 before. We are not known for great things anymore. We are not
14 cutting edge. We're a cutting edge at losing money and going
15 to deficit spending.

16 It's time for you guys to take the bull by the horns,
17 fast track this project and the projects after that and we
18 create economic in this country in a clean, economical, viable
19 way and make an example for the rest of the world.

20 I thank you, and thanks for coming to Ridgecrest.
21 And, again, pass the message on to Integrated Waste Management
22 Board on my behalf.

23 HEARING OFFICER RENAUD: Okay. Thank you. Let's
24 move on. Beth Sumners?

25 MS. SUMNERS: Good evening. I just commented to my

1 husband, "Oh, my god, I hope I'm not right behind Chip."

2 But, yes. Sorry. Anyway, I agree that renewable
3 energy and -- and energy that can be regenerated is absolutely
4 a positive project. I think California ought to get on the
5 stick with it. I also agree projects should be fast tracked if
6 they are viable and can prove themselves to be a payoff. And
7 absolutely excellent projects should be fast tracked.

8 We're dealing with a project itself that's minuscule
9 in size, and with the county it's taken us three years, I hate
10 to tell you, to get to a place. We're still trying to finish
11 our -- our project. So fast tracking is tough. I understand
12 that.

13 But what I would say on the opposite side is if
14 you're going to fast track you've got to be all the more sure
15 that we're not going to do the wrong thing. I sit every day
16 and I turn on Fox News and I watch the fast tracking through
17 our government, and it's only getting us in bigger and bigger
18 trouble.

19 As a Californian, as a desert rat, somebody -- I love
20 this community. I want to see economic development here, but
21 not in the wrong way. There's 23 or 25 projects. Some of them
22 are probably really excellent, maybe this one. But I don't see
23 enough information right now -- I'm trying to stay neutral on
24 it -- I don't see enough information personally to know.

25 And I would really encourage the commission, the

1 committee and everybody working on it, the staff, please do it
2 right. Take the time to do it right. Don't let the dollar
3 entirely drive the schedule. Make sure that those
4 prerequisites that ought to be known are known and that it is,
5 in fact, a good solution for this community and not just a good
6 sounding solution for this community, because we've heard a lot
7 of those.

8 I look at things like, you know, just a little issue
9 might be the dust. Prevailing winds come through. Heck, we
10 have property out in Inyokern and you get 70 mile an hour winds
11 out there. And just a little patch that's been graded off
12 above us creates a dust cloud that is extremely noticeable.
13 That wind, the prevailing wind most of the time out of the
14 southwest is going to blow right over the community. So
15 there's things like that that really need to be understood.

16 A few questions I have. The project manager slides
17 referred, for instance, it looked like Ridgecrest and North
18 Kramer and some other sites have been looked at before in 2006
19 and were kicked out by the BLM. I want to understand what's
20 changed? What -- what things change, other than now we've got
21 government money pushing us to the end of the year schedule,
22 what changed that now makes it right? I'm willing to listen to
23 that. I'm -- I'm hoping there are things there that make
24 sense, but I want to understand those.

25 Claims that we're going to have 6.5 million in

1 payroll brought to this community with 85 jobs, if you do the
2 math that's like 76,000 or so per job. That's probably not
3 right. There's probably some big executives making hundreds of
4 thousands of dollars, and I want to understand that. How many
5 jobs, really, will be recruited and hired locally, and will
6 those people be here?

7 And I know I'm on time. I'm just going to say I
8 think we ought to demand an economic analysis that says when
9 does the payoff come? When does the power produce breakeven so
10 that we're not subsidizing as taxpayers any further into the
11 future?

12 HEARING OFFICER RENAUD: Thank you. All right. Bill
13 Sumners?

14 MR. SUMNERS: Good evening. I'm Bill Sumners. And
15 thank you for all coming and -- and having an opportunity to --
16 to speak this evening.

17 I just had a couple of issues, one that my wife
18 brought up. You couldn't have picked a better spot to be
19 directly in line for the prevailing winds. My worry is, other
20 than dust, is a catastrophic failure of your system. What kind
21 of gases or hazardous materials will be released from your
22 company and two-and-a-half minutes later, excuse me, it's going
23 to be in Ridgecrest? So that's my major concern. So thank you
24 for time.

25 HEARING OFFICER RENAUD: Thank you. Earl Wilson?

1 MR. WILSON: Which card? I have two.

2 COMMISSIONER BOYD: You get one shot.

3 HEARING OFFICER RENAUD: You get one, sir.

4 MR. WILSON: I have two issues, one as myself, and
5 one representing the organization.

6 HEARING OFFICER RENAUD: Well, I -- I'm sorry, sir.
7 But we -- we go by the person. And you've got three minutes.
8 Earl Wilson, president, China Lake Astronomical Society. It's
9 only fair to all your neighbors, sir. Thank you.

10 MR. WILSON: Okay. I understand that. And I do have
11 issues with that.

12 MR. SOLORIO: If I may interject, I believe that the
13 NEPA requirements, if he states he represents an organization
14 and himself then that organization has a standing to further
15 deal with those issues.

16 HEARING OFFICER RENAUD: Is that -- can you verify
17 that with -- since we're -- we're going by California
18 regulations. If that's the case with NEPA then we'll -- we'll
19 -- we'll with that.

20 MR. MILLER: Yeah. I'm -- I'm not certain of that.

21 HEARING OFFICER RENAUD: All right. Well, we'll
22 trust -- I'll trust Eric's -- what Eric said. He seems to know
23 his --

24 MR. WILSON: I will try to be brief here.

25 HEARING OFFICER RENAUD: Go ahead.

1 MR. WILSON: My name is Earl Wilson, and I will take
2 my first card as president of China Lake Astronomical Society.

3 The footprint of the proposed project on the south
4 side of Brown Road will completely eliminate our public star
5 party site that we've been using for at least 20 years that I'm
6 aware of. China Lake Astronomical Society was formed in 1957
7 in cooperation with the Moon Project. And as near as I know it
8 could be that that site has been used as long as that. I will
9 have to verify that and put that in writing, a written
10 statement that I will present at a different time.

11 Our main concern -- we aren't going to whine about
12 losing the site. We'd like to find another site that is close
13 to the general public where we can do our public outreach. I'm
14 not aware that BLM is in that business or not.

15 We also have another concern which involved
16 nightscapes, and that would be the lighting on the facilities
17 out there. As a member -- China Lake Astronomical Society is a
18 member of the International Dark Sky Association. And we
19 recommend that an analysis be done on the impacts of night
20 lighting and on the surrounding environment, and recommend full
21 cut off lighting, shielded wall mounts, and keeping the light
22 on the project footprint and not going out into the other
23 areas, if used at all.

24 I am also on the board of Western Amateur Astronomers
25 which represents several clubs who are a number of other group.

1 The desert is being lit up. It's my understanding that there
2 was a night ordinance or something attached to the WEMO
3 (phonetic) or the Mojave Desert Plan with BLM in charge of
4 that, as I recall, and we would like that enforced. And that's
5 the end of that comment.

6 Now if we can have a break I'll do my own personal
7 one now and get it out of the way so we don't waste time on
8 that.

9 My name is Earl Wilson, again. I'm representing
10 myself here as a taxpayer. I think that some of the siting
11 evaluations were -- I'm not going to say fraudulent. But
12 trying to put a solar project in the Alabama's Recreation Area
13 would have brought down the wrath of god upon the commission.
14 Why you even consider anything in Owens Valley which is
15 commonly referred to as the deepest valley, you're losing about
16 20 percent of your sun just because of the mountains. Yes, the
17 energy is high, but I don't think it's worthwhile.

18 Another thing about siting, why haven't we looked at
19 boundary areas around military installations as a possible
20 siting alternative. I don't know what the impacts would be
21 mitigated, or even would need to be mitigated. We have
22 cooperation between the military right here in China Lake out
23 on the base with the geothermal project. I see a lot of these
24 projects going out, what is it, over 100,000 acres. It's just
25 helter skelter in all these little places.

1 We're -- we're lighting up the whole desert if we do
2 the lighting, which I have already addressed. You have an
3 extensive amount of light. The light domes from Palmdale and
4 Lancaster. We can -- we lose 15 percent of the skyline all the
5 way to Lone Pine. We can pick out Vegas and separate it, even
6 though it is a deep valley, from Pahrump.

7 Ridgecrest is a major contributor. Ridgecrest is now
8 also impacting Red Rock Canyon.

9 So I will close with that. And thank you for being
10 here and listening to us. Staff, hang in there. Management,
11 give them all the help you can. Thank you.

12 HEARING OFFICER RENAUD: Thank you, both of you. All
13 right. Jason Patin -- Patin, planning commissioner, City of
14 Ridgecrest? No?

15 Tom Whitney?

16 MR. WINNICH: I assume your talking Tom Winnich.

17 HEARING OFFICER RENAUD: Indian Wells Valley Land?

18 MR. WINNICH: No. That's not me.

19 HEARING OFFICER RENAUD: No. That's -- okay. Well -

20 -

21 UNIDENTIFIED MALE 2: (Off mike.) You said
22 (inaudible) first.

23 UNIDENTIFIED FEMALE: He's gone.

24 HEARING OFFICER RENAUD: He's gone. Tom Whitney,
25 Indian Wells Valley Land. All right. He favors the project.

1 Lee Roark, general contractor, L.C.H., Inc, favors
2 the project, "Growth, clean energy and jobs."

3 Don Decker?

4 MR. DECKER: Good evening. I would like to thank you
5 all for coming and listening to us so late in the evening. I
6 have two major things I will talk about. A lot of the water
7 issues have been discussed previously, but I want to emphasize
8 the precariousness of our water situation one more time.

9 The water we're pumping is plasticine water. It's
10 fossil water. The recharge aspect that we have is so weak that
11 over most of the valley where we're actually pumping to supply,
12 for example, the City of Ridgecrest, the recharge is
13 effectively zero. And we're pumping water that has been age
14 dated at ages like 24,000 years. That means it's been
15 basically placed there during the last really wet time. And
16 there is no way that that water is going to be mitigated, the
17 additional water use mitigated by, for example, the cash for
18 grass. That is actually almost an insult.

19 What actually needs to be done is to require, as a
20 mitigation for water use, is to direct Solar Millennium, to
21 require Solar Millennium to find and to execute an imported
22 water plan, something that actually begins to turn the corner
23 on the overdraft that we have.

24 The -- the end is in sight here in terms of
25 affordable high quality water. We're already seeing major

1 impacts on water levels, but also water quality. The valley
2 has been teetering on the -- the edge of adjudication for
3 years. And every time there's a group that gets together that
4 talks water it isn't hardly more than five minutes into the
5 conversation that the subject of adjudication comes up.

6 So there's an overlay here which is the threat of
7 adjudication which is on top of all the deliberation that you
8 guys are doing and the considerations that Solar Millennium is
9 making. And I'm -- I'm telling you these things because nobody
10 else has talked about that aspect.

11 The -- the last area that have which is water
12 related, also, I'm a physicist and I'm very familiar with water
13 and porous media and what it takes to stabilize soil. And the
14 soil chemistry of the soil in the area of this project is going
15 to be only weakly effected by dust palliative methods. And the
16 water quantities which have been talked about, 1,500 acre feet
17 for construction, I agree with the CEC staff, I think it's
18 woefully inadequate. In fact, I don't think there's any water
19 quantity that can actually solve the dust problem. I think
20 that is an uncontrollable situation when you start stripping
21 off huge blocks of land.

22 And people have already talked to you about the dust
23 issue with the prevailing wind into Ridgecrest. Ridgecrest, if
24 what we're projecting takes place, will receive a severe
25 dusting, with all of the health hazards that go with it. Thank

1 you.

2 HEARING OFFICER RENAUD: Thank you. Thank you. Lee
3 Sutton.

4 UNIDENTIFIED FEMALE: (Off mike.) He's gone.

5 HEARING OFFICER RENAUD: Lee Sutton opposes the
6 project, representing himself, Audubon and RV users.

7 Ralph Lachenmaier?

8 MR. LACHENMAIER: I'm Ralph Lachenmaier. I'm
9 representing myself. I'm a Ridgecrest resident.

10 First of all, Skip Holloway reminded me why I didn't
11 vote for him. His talk of fast tracking this stuff, I sure
12 hope you won't. I hope you'll do a good job of looking at the
13 problem and looking at the various solutions and picking a good
14 one.

15 I think probably most of us in the room want solar
16 power. I don't -- haven't heard anybody say they didn't. The
17 -- the thing is, the problem is how do we, like everything
18 else, how do we mitigate the damages that it's going to do?
19 How do we keep them as small as we can have them? And that's
20 what I'm really hoping that you guys are going to look at is
21 how you can keep the damages as small as possible.

22 You know, the best way to keep the damages from solar
23 power small is to put it on rooftops. And I hope the
24 commission and the rest of the state is looking at that,
25 instead of a zillion huge power plants like the one we're

1 talking about here. I just throw that out.

2 In my mind to mitigate, to minimize the damage that
3 is done to the -- to the land around here is to put it on
4 disturbed land and not undisturbed land.

5 And I do have a question for Solar Millennium.
6 What's the loss in efficiency you get when you don't have wet
7 cooling? Is there --

8 MR. ARINGHOFF: Eight percent.

9 MR. LACHENMAIER: Pardon?

10 MR. ARINGHOFF: Combined effort, eight percent in
11 less production and increased cost.

12 MR. LACHENMAIER: Okay. I thought it was more than
13 that from about ten percent from a previous meeting. But maybe
14 it's down now.

15 At any rate, you're making a big point about the
16 suitability of this site and how five percent extra efficiency,
17 the sunlight being so bright. But yet you have -- you're faced
18 with this problem that it's a bad location; you lose ten
19 percent because you don't have any water to wet cool. You
20 know, I -- I -- I'd hope the commission will look at the logic
21 of this. You know, I'm -- I'm sure that the -- the sales job
22 on why this is the best place made -- made an impact. But also
23 remember that short of water they lose ten percent right there.
24 So it doesn't make it such a good place.

25 The second question that I have is somebody that's an

1 environmentalist, how many of those tortoise survive the
2 moving? Is there any number? I mean, I was just -- what were
3 there, 60, 70 of them? Are we going to lose two-thirds of
4 them, half of them?

5 HEARING OFFICER RENAUD: Any of our biologists care
6 to address this? Question and answer does not count -- well,
7 answering the question does not cut into your -- take into your
8 three minutes.

9 MR. HACKER: (Off mike.) Okay. It's generally
10 regarded as --

11 HEARING OFFICER RENAUD: Go ahead.

12 MR. HACKER: -- as the last ditch salvage effort,
13 just as an alternative to having (inaudible) equipment. And
14 some survive, some don't, maybe half, you know, really don't
15 survive.

16 MR. LACHENMAIER: I'd just like the commission to
17 take this into account when they're considering this.

18 The third question --

19 HEARING OFFICER RENAUD: I think this will be your
20 last question.

21 MR. LACHENMAIER: Okay.

22 HEARING OFFICER RENAUD: Go ahead.

23 MR. LACHENMAIER: BLM wouldn't give a statement on
24 how much it's going to cost Solar Millennium to rent the
25 property. You know, I hate to say I'm suspicious but I am, and

1 that is that the reason Solar Millennium really wants this
2 property is because it's cheaper than hell. I hope the
3 commission will look into that and make sure they understand
4 the economics of this. I know when I talked to people from
5 Beacon that managed to buy private property they said it cost
6 them a lot more money than if they'd gone to --

7 HEARING OFFICER RENAUD: Thank you.

8 MR. LACHENMAIER: BLM.

9 HEARING OFFICER RENAUD: Mr. Hacker, your -- your
10 answer will not be in the record unless you come and repeat it.
11 Would you mind, please?

12 MR. HACKER: Sure.

13 HEARING OFFICER RENAUD: Thank you. I think it was
14 important information. If you would, just summarize the
15 question that you understood -- as you understood it, and then
16 give your answer.

17 MR. HACKER: Dave Hacker, Fish and Game. The
18 question was: How many tortoises survive translocation? And I
19 -- I believe half or more do not survive. And it probably
20 varies a lot on a lot of factors about the actual receiving
21 site. So I think it can vary widely.

22 HEARING OFFICER RENAUD: Thank you. Jo Mueller?

23 MS. MUELLER: I'm Jo Mueller and I'm speaking for
24 myself as a concerned citizen.

25 HEARING OFFICER RENAUD: Bring that mike right up to

1 you. There you go. Thank you.

2 MS. MUELLER: I'm Jo Mueller. Thanks for coming
3 here. I -- I have a question for -- again, maybe someone here
4 can -- can answer. This is on my husband's behalf.

5 Who is getting the -- the lease of this land? Who's
6 benefiting, which agency? I'd like to know. And how much?
7 Just like the other gentleman has asked.

8 And I have a few comments to make. On my card I have
9 noted aviation concerns. I just wondered if nobody has thought
10 about it. We have a couple of airports here. And when this
11 plant is built and it's operational -- I know we have talked
12 about some non-reflective material being used -- but I just
13 wonder if it really covers every part of the structure, and if
14 you leave any spec on the structure uncovered, what it's going
15 to do to the pilot who's flying above? A momentarily -- a
16 momentary blindness is going to cause him to crash. And our
17 pilots are doing all kinds of maneuvers right here when they
18 train and they fly and they test. That's my comment for
19 aviation concerns.

20 HEARING OFFICER RENAUD: I can -- I can just tell you
21 briefly that is -- and aviation is typically addressed in the
22 transportation section of the analysis.

23 MS. MUELLER: Okay. Thank you. I have also heard
24 wonderful comments from Judie and Don, and I appreciate their
25 comments. I'm concerned for water, too, not that I'm an

1 environmentalist myself. But I have studied way back, going
2 back more than 20 years ago about the limit of our resources.
3 It's not unlimited. The earth comes with so much. And if
4 we're not using our resources wisely we're -- the way we are
5 drawing down and we haven't found a way to recharge our water,
6 I'd like to ask why we are even considering this? Because we
7 are just giving ourselves a death sentence, really. That's how
8 I feel about it.

9 The water, maybe some thoughts of some of these
10 people here, I've heard desalination by someone earlier, Jean,
11 and that's nice. But I know also it requires a lot of energy.
12 I just wonder if somebody has thought about cloud seeding?
13 Because that's a technology used. But then again, I don't know
14 if it's good for this place. Because if we get torrential rain
15 it's going to hurt this place because we don't have that kind
16 of drainage. I mean our soil is not made up that way. It's
17 just the way it is. So that's about the -- the water recharge
18 and desalination.

19 But renewable energy, I just wonder if we have even
20 thought about other means, you know, besides solar. I'm -- I'm
21 for green technology, and I am not against. But if I were to
22 be living in non-Delta I would say, yes. But where we are, the
23 way the water is used, I'm just concerned. Okay. Have we not
24 thought about harnessing (inaudible), you know, from the
25 livestock industry? That's plenty, why not, as a source of

1 energy? Have we thought about ocean waves? They're unlimited.
2 They're everywhere. We live along the coast and, you know,
3 think about it.

4 Then there's plenty of weeds in some other places.
5 Why haven't we even thought about, you know, all these weeds as
6 growing wild? Look what Brazil has done since, you know, the
7 '70s. They have learned from the oil crisis. They have
8 decided they were not going to be dependent on foreign oil, and
9 they have done something about the national energy policy.
10 They've decided that in their -- on their cap they will have at
11 least 20 percent of ethanol. I'm not saying that we should
12 grow, you know, because we're in a desert here. But I'm saying
13 there are possibilities. Have we explored the rest that's
14 greener? That's -- that's my --

15 HEARING OFFICER RENAUD: Thank you.

16 MS. MUELLER: Thank you.

17 COMMISSIONER BOYD: I want to make a comment here,
18 just for you benefit and for the audiences benefit, that every
19 one of those technologies you've referenced why aren't we
20 looking at, we are looking at. We have been looking at. My
21 agency and the state have spent a lot of money on dairy
22 digester methane, bioenergy of all forms, biofuels, wave
23 energy. You know, we're trying to maximize geothermal
24 development, wind development.

25 So rest assured, this is not in defense of this

1 project, but just so you know as a taxpayer that all those
2 things are part of the renewable portfolio standard of things
3 to do, and they all have their benefits and dis-benefits and
4 technological successes and failures. And -- and we continue
5 to pursue trying to do all of them.

6 And I'm going to say something about solar rooftop.
7 California, particularly under this governor, and I'm -- I'm
8 not saying this as a political statement, I've been a public
9 servant in California for 48 years, California has a solar
10 rooftop program equal to none. But you do not get very much
11 energy, really, from all these individual solar rooftops. In
12 the aggregate you do quite well, and we're doing it as
13 aggressively as anybody. But if you look at the statistics
14 of -- of a solar rooftop program versus a PV field program
15 or -- or solar trough programs or the serving engines or the
16 concentrating solar powers, etcetera, there's big differences.

17 So I -- I'd like to see more information shared with
18 these folks so they know just a little -- a little bit of
19 information for your benefit.

20 HEARING OFFICER RENAUD: Thomas Winnich?

21 MR. WINNICH: Thank you. I'm the vice mayor here in
22 Ridgecrest, but I'm more or less speaking on my own, not
23 representing the city. And for the gentleman that wouldn't
24 vote for Chip, you're not going to vote for me either.

25 I'm -- I would like to thank you for coming down here

1 and listening to the people here in Ridgecrest, because I think
2 that's so important that we don't get to have input into the
3 state and other areas that we would like to have more input in.
4 So we appreciate you coming down.

5 But I would like to start off by saying that it seems
6 like the entire country wants to go green, except when it's in
7 their backyard. Do it somewhere else. Don't do green in my
8 backyard. Do it somewhere else. Find a reason to do it
9 somewhere else. You can hear people arguing it across the
10 heartland about windmills causing too much problems. Don't do
11 it here. Do it somewhere else.

12 We have an opportunity to do it here. This is good
13 for the city of Ridgecrest. We have -- we could solve our
14 water problems very simply. Somebody brought up desalination.
15 Well, if Los Angeles did desalination and spending -- instead
16 of spending the multimillion dollars they spend on legal fees
17 taking the water from the Eastern Sierra and let the Easter
18 Sierra keep their water then we'd have our water. We wouldn't
19 have the problem. But they spend as much money on legal fees
20 taking our water than they do trying to improve their own
21 water. We could keep -- if we kept our water we wouldn't have
22 a water problem here and we wouldn't be having the discussion
23 about water. And that's me speaking personally. This is a
24 problem that we can address. There has to be a way.

25 Mr. Boyd, I appreciate your comments about the

1 possible way of how -- how things can go to work and work
2 together.

3 We have a situation -- I used to work on the base and
4 I retired and I did contracting, and there's ways to do things
5 thoroughly but in an expeditious manner. You can get things
6 done and do it right and not have to go through the normal
7 process of one thing, one step, one step. Somebody --
8 somebody's sick this week so we don't do anything. You got to
9 keep the project moving. Even if it was turned down you got to
10 keep it moving. There's a way to do it. And I know you
11 gentlemen and ladies have a way to do it. You could do it one
12 way or the other.

13 I support the project. I would like to see it go
14 forward. And I would like to have -- encourage you to do
15 whatever you can to make it happen. Thank you.

16 HEARING OFFICER RENAUD: Thank you. Adrienne
17 Matthewson?

18 MS. MATTHEWSON: (Off mike.) I didn't want to speak.
19 I just filled out a card.

20 HEARING OFFICER RENAUD: All right. And you're a
21 current chamber of commerce, favors the project.

22 Russ Matthewson? Same?

23 Mayor Stephen P. Morgan, City of Ridgecrest.

24 MR. MORGAN: I also want to thank you for being here.
25 And I'm sorry Michael Neel left. He would love that I was

1 limited to three minutes.

2 The City of Ridgecrest staff has told me that in
3 collaboration with the applicant that this project should move
4 forward. I believe the City of Ridgecrest City Council
5 believes that this project should also move forward. And I
6 also do believe, gentlemen, that understanding there is a time
7 crunch, there is methodologies that can be applied that can
8 allow this project to continue to move and hopefully meet the
9 timeline. I hope that you're able to do that.

10 I'm a long standard, so to speak, in the wars of the
11 quote unquote "West Mojave Plan" which has never been passed,
12 by the way. The -- the issues with the West Mojave Plan in
13 this area dealt with we could do projects in certain areas as
14 long as we mitigated so -- other land in the area. So if we're
15 going to use that process of the West Mojave Plan this fits
16 that mold. We have a project and you mitigate. And you,
17 unfortunately, are going to be the ones deciding what that
18 mitigation is going to be. It's going to be very difficult,
19 and I understand that. I understand that you're going to have
20 a very difficult process here.

21 The water, I agree. The City of Ridgecrest, the
22 Indian Wells Valley Water District, and maybe applicants such
23 as Solar Millennium, maybe we should be looking at trying to
24 gain some funds to work on aiding us replenishing this basin
25 and this valley. Okay. But that's something we need to be

1 doing. And we are trying to work with the Indian Wells Valley
2 Water District on those issues as a city. So it's not like
3 we're not thinking about it, we're not discussing it, and we're
4 not trying to come up with methodologies to help address that
5 issue, so please don't think that we're not by the comments
6 that you've heard. Okay.

7 I also advocate trying to tap into the aqueduct,
8 especially during the years where there may be applicable or
9 enough water that LA would allow us to siphon off to recharge
10 this valley. I'm hoping that through the water district,
11 through the City of Ridgecrest we haven't had intimate
12 discussion with the -- with the water district down there, but
13 I would love to be able to try and work on those issues.
14 Because that's really the only way we're going to get recharge
15 in this area, we have to work with that -- well, with the
16 Metropolitan Water District to do that.

17 Also, within the West Mojave Plan, I went to a lot of
18 those meetings 10, 11, 12 years ago down in Victorville. One
19 of the greatest applications was the comment, when you cornered
20 a biologist they say best available science, which means they
21 don't have the answer. So it's awful difficult for me as a
22 public official to stand here and say, excuse me, but you're
23 really putting the screws to an applicant in making sure that
24 they're going to be doing all this mitigation, and yet the
25 answer to the tortoise or the ground squirrel is the habitat is

1 there; there may not be a squirrel there or a there may not be
2 a tortoise there but the habitats there so you must mitigate
3 and protect for that.

4 So I'm -- I'm a little concerned with that issue.
5 Understandably, they found a lot of tortoises out there, and
6 that's going to have to be dealt with, and it's going to have
7 to be mitigated, and that's just the way it is.

8 I do know that Fort Irwin had a head start program
9 that wasn't looked upon favorably. I also know that the
10 California City Desert Tortoise protection area has a
11 percentage loss of about 80 percent of the tortoises where
12 they've kept man out, predation and disease. And you can't
13 hold this company liable for that in the decision making
14 process about the decline of the desert tortoise. The City of
15 Ridgecrest has been a part of the QuadState Coalition for a
16 long time because we are very concerned about how mitigation
17 occurs.

18 We trust that you gentlemen will do the best that you
19 can with the information you have in working with the BLM, in
20 working with the applicant. We thank you very, very much for
21 your time. We do know through the project's Selene Group that
22 the City of Ridgecrest worked with over a decade ago about the
23 amount or the intensity of the solar rays in this area, those
24 of us who are -- who listened to Dr. Hal Bennett all those
25 years ago know and believe and understand that you can have a

1 smaller footprint for that project here than you can in other
2 places. It's scientifically proven.

3 We certainly hope that you will approve this project.
4 And I thank you for your time.

5 HEARING OFFICER RENAUD: Thank you, Mayor Morgan.

6 The last card from Margaret Graham who opposes the
7 project. It says, "The valley can not spare the water. Dust
8 mitigation will not work."

9 HEARING OFFICER RENAUD: I think that concludes our
10 proceeding.

11 Before we adjourn I'll ask Commissioner Boyd if he
12 has any closing comments?

13 COMMISSIONER BOYD: Well, as I described to the
14 public before, I'm supposed to be sitting up here wearing
15 judicial robes and not trying to ask questions that some people
16 could infer were favoring or disfavoring anything, so I try to
17 be kind of quiet on those points.

18 But, Mayor Morgan, you -- you probably eliminated my
19 last question which was: What have you local people done all
20 these years about your water problem? And that probably could
21 have another eight hour hearing, you know, that is another
22 setting.

23 But I spent eight years of my public service life in
24 the water business. And -- and I know the water experts of
25 California were saying then, and this is at the beginning of my

1 career, you know, California faces a serious groundwater
2 overdraft problem, and that's 40 years ago. So I don't know
3 what you got out of the water deal that was just accomplished
4 in Sacramento, probably nothing. But I wish you luck in
5 pursuing that.

6 Water, obviously, by the staff and by BML will be
7 seriously considered. Water is an issue. Water is gold in
8 California. It's an issue for every single power plant case,
9 be it natural gas, not wind perhaps, solar, etcetera, that I've
10 sat on in the past eight years as a commissioner, and I've sat
11 on lots of cases. So our job is to do the best thing to do to
12 balance to see that the staff has mitigated.

13 And I need to assure you, this is the -- is the
14 beginning of the process, not the end of the process. There is
15 not -- there is no deal made to just come down here and be nice
16 and have this hearing, and then go back and either disapprove
17 or approve. There's a lot of work that needs to be done, and
18 the staff's issues have to be address, so on and so forth. So
19 we sit here and we'll predicate our ultimate decision on the
20 record that is developed.

21 And I thank you all for your interest, patience, your
22 participation. I encourage you to be active in solving your
23 own local problems. Be active in learning more about the
24 energy situation in California and what technologies have and
25 haven't been pursued. And appreciate the fact that we'll

1 probably see more of you in the future as we continue the
2 discussion over these subjects.

3 A fast track in the last few years has been getting a
4 project done in a year. And I would speak to the comments made
5 by the gentleman who said, you know, speed things up. If
6 somebody's sick compensate for that. Believe me, all those
7 simple things have been done and we end up with the -- the --
8 the system that's been described to you before. And what I was
9 addressing was really things that we don't know that we might
10 be able to do that perhaps we haven't thought about. And we're
11 open to listen to anybody's suggestions of what might be done
12 that do no injustice to all of the rules, regulations, laws of
13 the -- of the great State of California, or what's left of it.
14 I'm a fourth generation Californian and very proud of my state,
15 but I'm as concerned as -- as you are.

16 In any event, thank you for -- for everything. It's
17 been a learning experience for us, and hopefully it's been a
18 learning experience for you. And you'll see more of us in the
19 future.

20 So, Mr. Hearing Officer.

21 And also, I -- excuse me. One thing I forgot. I
22 want to thank our partners at the BLM for being here tonight,
23 for participating with this. As I said at the beginning, this
24 is a new experience for them and for us. It's proven to be
25 very difficult, I thought, to site natural gas power plants in

1 California for all the years I've been doing, and you heard the
2 size of the footprint there, 20 acres, this, that and the
3 other, and -- and we're in charge. It's almost exclusively,
4 except we take into account all the advice and counsel that any
5 and every state or federal agency have given us. But these
6 folks have found themselves, you know, in the target zone with
7 us now in terms of it's a joint responsibility because we're
8 involving federal lands.

9 And this is -- I mean, everybody has really -- I
10 would commend the staffs of both agencies for -- I've been
11 watching them for a year. They really have gone to
12 extraordinary measures to try to figure out how to deal with
13 this. It's -- this working together, as well as trying to
14 solve this -- this problem of -- of -- of dealing with
15 renewable energy, has been a learning experience for everybody.
16 So I think we're making progress. Let's hope we make some more
17 progress.

18 HEARING OFFICER RENAUD: Thank you everyone for
19 coming. Keep following the progress of the case on our website
20 through the various announcements you'll be seeing. The
21 meeting is adjourned.

22 PROCEEDINGS CONCLUDE AT 9:47 P.M.

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TRANSCRIBER'S CERTIFICATE

I, Martha L. Nelson, attest that the foregoing proceedings provided to me via cassette tape were transcribed to the best of my ability.

I further certify that I am not a relative or employee of any attorney of the parties, nor financially interested in the action.

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

Dated this 19th day of January, 2010.
