



SAN GORGONIO CHAPTER

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*Regional Groups Serving Riverside and San Bernardino Counties: Big Bear,
Los Serranos, Mojave, Moreno Valley, Mountains, Santa Margarita, Tahquitz.*

April 10, 2009

Via Email and Federal Express

California Energy Commission
Attn: Paul Kramer, Project Manager
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

DOCKET	
07-AFC-5	
DATE	April 10 2009
RECD.	April 10 2009

Re: **Commission's Request for Comments on the Revised Committee Schedule for the Ivanpah Solar Electric Generating System, 07-AFC- 5**

Dear Mr. Kramer:

On behalf of the Sierra Club's San Gorgonio Chapter, this letter responds to the Commission's March 20, 2009, request for specific comments on two related scheduling matters: First, the Commission asked whether it should issue a final decision before the Bureau of Land Management completes its own permitting process for the proposed Ivanpah Solar Electric Generating System (project); and, second, whether a longer period between the publication of the FSA/DEIS and the commencement of evidentiary hearings would be appropriate. If a longer period is appropriate, the Commission asked for a timetable.

First, this proceeding involves the BLM and Commission approving a large-scale solar thermal power plant that presents numerous complex and unique issues never before considered by the Commission. In this way, the public's interest would best be served if all steps in the project approval process, including and especially the BLM's and state and federal wildlife agencies' permitting authorities, are complete before the Commission issues even a proposed decision. The October 28, 2008 schedule contemplated that the Fish and Wildlife Service's biological opinion for the listed desert tortoise would be issued after the presiding member's proposed decision. Because ESA compliance is a condition precedent to full project approval, a revised schedule would remedy this oversight.

The issue of the project's impacts on the threatened desert tortoise is of particular interest to the Sierra Club and must be a central consideration for the Commission as well. For this reason, the federal Endangered Species Act's Section 7 process must be complete before any decision is reached. This is important because compensation issues, for example, must focus on the Northeastern Mojave Recovery Unit. The Commission, working with the wildlife agencies, must ensure that this unit is the focus of compensation before the proceeding advances to the decision stage.

Second, and related, an adequate (“longer”) period between the publication of the FSA/DEIS and the beginning of the evidentiary hearings would ensure that the general public has sufficient time to review and comment upon the FSA/DEIS. There is great interest in the ISEGS application among citizens throughout the state and region; yet, there is typically a gap between the time agencies issue documents and the time when the public learns of such documents and actually obtains copies. Given the complexities of the application and its associated studies and reports, combined with the fact that this is the first of many renewable energy projects that the Commission and the BLM will review in collaboration, the Commission must provide ample time for the public to meaningfully participate prior to the commencement of evidentiary hearings.

In sum, the Sierra Club requests that the Commission wait until the BLM issues its final NEPA document, and the Fish and Wildlife Service concludes ESA section 7 consultation and associated wildlife mitigation, prior to the Commission commencing evidentiary hearings.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Sid Silliman" followed by a stylized monogram "SB".

Sidney Silliman
Sierra Club San Gorgonio Chapter and Desert Committee



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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APPLICATION FOR CERTIFICATION
FOR THE **IVANPAH SOLAR ELECTRIC
GENERATING SYSTEM**

DOCKET No. 07-AFC-5

PROOF OF SERVICE
(Revised 3/25/09)

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DECLARATION OF SERVICE

I, Violet Lehrer, declare that on April 10, 2009, I served and filed copies of the attached Letter, dated April 10, 2009. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[www.energy.ca.gov/sitingcases/ivanpah]. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

_____ sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by depositing in the United States mail at _____ with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

Sierra Club
85 Second St. Second Floor
San Francisco, CA 94105

AND

FOR FILING WITH THE ENERGY COMMISSION:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (**preferred method**);

OR

_____ depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 07-AFC-5
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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

Violet Lehrer