



California Office
 1303 J Street, Suite 270 | Sacramento, CA 95814 | tel 916.313.5800 | fax 916.313.5812
www.defenders.org

July 29, 2009

Commissioner Jeffrey Byron, Presiding Member
 Commissioner James D. Boyd, Associate Member
 California Energy Commission
 1516 9th Street, MS 15
 Sacramento, CA 95814-5504

Diane Noda
 Field Supervisor
 Ventura Fish and Wildlife Office
 U.S. Fish and Wildlife Service
 2493 Portola Road, Suite B
 Ventura, CA 93003

DOCKET	
07-AFC-5	
DATE	Jul 29 2009
RECD.	Jul 30 2009

Steve Borchard
 District Manager
 California Desert District
 Bureau of Land Management
 22835 Calle San Juan De Los Lagos
 Moreno Valley, CA 92553

Scott Flint
 Environmental Program Manager
 Ecosystem Conservation Division
 Department of Fish and Game
 1416 Ninth Street
 Sacramento, CA 95814

Mary Jo Rugwell
 District Manager
 Southern Nevada District Office
 Bureau of Land Management
 4701 N. Torrey Pines Drive
 Las Vegas, NV 89130

SUBJECT: Proposed Ivanpah Solar Electric Generating System (07-AFC-5): Cumulative Impact Analysis

Dear interested agencies:

On behalf of Defenders of Wildlife (“Defenders”) and our more than half a million members and supporters in the U.S., 70,000 of which are in California, I am writing to express Defenders’ continued and heightened concern for the Desert Tortoise in the greater Ivanpah Valley with respect to the proposed Ivanpah Solar Energy Generating System (“SEGS”) and several additional existing and planned projects in both California and Nevada.

Completion of the analysis of the proposed Ivanpah SEGS will result in the publication of a Draft Final Staff Assessment and Draft Environmental Impact Statement (“FSA/DEIS”) for the proposed project in late August of 2009, at which time a 90 day public comment period will commence pursuant to the National Environmental Policy Act (“NEPA”). Although we expect that the analysis will address cumulative impacts, we are writing to urge all the regulatory and permitting agencies involved in this effort to pay particular attention to existing and planned projects in Ivanpah Valley in both California and Nevada, and their past, present and potential future adverse effects on the threatened Desert Tortoise.

The Ivanpah Valley occurs in California and Nevada and Desert Tortoises range widely throughout the region. For purposes of a cumulative effects analysis, the tortoises occur within the Northeastern Mojave Recovery Unit, but likely have biological continuity (gene flow) with adjacent populations in the Eastern Mojave and Northern Colorado Recovery Units. (Fish and Wildlife Service 1994¹). It appears the current land use planning decisions for public land in California and Nevada, as well as the critical habitat for the Desert Tortoise designated by the U.S. Fish and Wildlife Service, essentially place Ivanpah Valley outside of any recovery management area, which Defenders finds very unfortunate. In the absence of Desert Tortoise recovery commitments in the Ivanpah Valley, the continued downward trend in overall populations and loss of suitable, occupied habitat is a certainty and will occur more rapidly.

¹ Fish and Wildlife Service 1994. Desert tortoise (Mojave population) Recovery Plan. U.S. Fish and Wildlife Service, Portland, Oregon. 73 pp. plus appendices.

Based on our review of existing public documents, we have identified the following current and planned projects in the Ivanpah Valley that have and will continue to adversely impact the Desert Tortoise. Pursuant to 40 C.F.R. 1508.7 and Cal. Pub. Res. Code § 15130, each of these projects should be considered in any cumulative impact analysis of any project proposed for the Ivanpah Valley in California or Nevada.

California Projects

Interstate Highway 15 – existing
Electrical transmission corridor – existing
Commercial developments at Primm and Jean, NV – existing
California Agricultural Inspection Station – planned
Ivanpah-El Dorado transmission line upgrade – proposed
Ivanpah SEGS (400 MW solar thermal) - proposed
OptiSolar (FirstSolar)(380 MW photo voltaic) – planned
High speed passenger train - planned

Nevada Projects

Ivanpah Airport – planned
Cogentrix Solar Energy (1000 MW solar thermal) – planned
NextLight Renewable Power (500 MW solar thermal) – proposed
NextLight Renewable Power (200 MW photo voltaic) – proposed
High speed passenger train - planned

Please contact me if you would like to discuss our concerns or have any questions about the projects identified above.

Sincerely,

Jeff Aardahl
California Representative

Cc: Paul Kramer
Hearing officer
California Energy Commission

John Kessler
Project manager
California Energy Commission

DECLARATION OF SERVICE

I, Joshua Basofin, declare that on July 29, 2009, I served and filed copies of the Attached Cumulative Impacts Analysis letter and Comments on the July 15, 2009 Revised Committee Scheduling Order. The original documents, filed with the Docket Unit, are 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:

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

X by personal delivery or by depositing in the United States mail at Sacramento, CA 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."

AND

X sending and 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

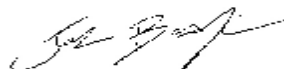
Attn: Docket No. 07-AFC-5

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.





**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

APPLICATION FOR CERTIFICATION
FOR THE *IVANPAH SOLAR ELECTRIC
GENERATING SYSTEM*

DOCKET NO. 07-AFC-5
PROOF OF SERVICE
(Revised 7/20/09)

APPLICANT

Solar Partners, LLC
John Woolard,
Chief Executive Officer
1999 Harrison Street, Suite #500
Oakland, CA 94612

Todd A. Stewart, Project Manager
Ivanpah SEGS
sdeyoung@brightsourceenergy.com

E-mail Preferred

Steve De Young, Project Manager
Ivanpah SEGS.
1999 Harrison Street, Ste. 2150
Oakland, CA 94612
tstewart@brightsourceenergy.com

APPLICANT'S CONSULTANTS

John L. Carrier, J. D.
2485 Natomas Park Dr. #600
Sacramento, CA 95833-2937
jcarrier@ch2m.com

COUNSEL FOR APPLICANT

Jeffery D. Harris
Ellison, Schneider
& Harris L.L.P.
2600 Capitol Avenue, Ste. 400
Sacramento, CA 95816-5905
jdh@eslawfirm.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

Tom Hurshman,
Project Manager
Bureau of Land Management
2465 South Townsend Ave.
Montrose, CO 81401

tom_hurshman@blm.gov

*Raymond C. Lee, Field Manager
Bureau of Land Management
1303 South U.S. Highway 95
Needles, CA 92363
Raymond_Lee@ca.blm.gov

Becky Jones
California Department of
Fish & Game
36431 41st Street East
Palmdale, CA 93552
dfgpalm@adelphia.net

INTERVENORS

California Unions for Reliable Energy ("CURE")
Tanya A. Gulesserian
Marc D. Joseph
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Ste 1000
South San Francisco, CA 94080
tgulesserian@adamsbroadwell.com

Western Watersheds Project
Michael J. Connor, Ph.D.
P.O. Box 2364
Reseda, CA 91337-2364
miconnor@westernwatersheds.org

Gloria Smith, Joanne Spalding
Sidney Silliman, Sierra Club
85 Second Street, 2nd Fl.
San Francisco, CA 94105
E-mail Service Preferred
gloria.smith@sierraclub.org
joanne.spalding@sierraclub.org
gssilliman@csupomona.edu

*indicates change

INTERVENORS CONT.

Joshua Basofin, CA Rep.
Defenders of Wildlife
1303 J Street, Ste. 270
Sacramento, CA 95814
E-mail Service Preferred
jbasofin@defenders.org

Basin and Range Watch
Laura Cunningham
Kevin Emmerich
P.O. Box 70
Beatty, NV 89003
atomicoadranch@netzero.net

Center for Biological Diversity
Lisa T. Belenky, Sr. Attorney
Ileene Anderson, Public Lands Desert Director
351 California Street, Ste. 600
San Francisco, CA 94104
E-mail Service Preferred
lbelenky@biologicaldiversity.org
ianderson@biologicaldiversity.org

California Native Plant Society
Greg Suba, Tara Hansen & Jim Andre
2707 K Street, Suite 1
Sacramento, California, 95816-5113
E-mail Service Preferred
gsuba@cnps.org
thansen@cnps.org
granite@telis.org

ENERGY COMMISSION

JEFFREY D. BYRON
Commissioner and Presiding Member
jbyron@energy.state.ca.us

JAMES D. BOYD
Vice Chairman and
Associate Member
jboyd@energy.state.ca.us

Paul Kramer
Hearing Officer
pkramer@energy.state.ca.us

John Kessler
Project Manager
jkessler@energy.state.ca.us

Dick Ratliff
Staff Counsel
dratliff@energy.state.ca.us

Elena Miller
Public Adviser
publicadviser@energy.state.ca.us