

DOCKET

07-AFC-5

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**STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission**

In the Matter of:

Docket No. 07-AFC-5

The Application for Certification for the
Ivanpah Solar Electric Generating System (ISEGS)
Power Plant Licensing Case

**PETITION TO INTERVENE BY
COUNTY OF SAN BERNARDINO**

November 18, 2009

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Pursuant to sections 1207 and 1712 of Title 20 of the California Code of Regulations, the County of San Bernardino (“County”) petitions to intervene in this proceeding.

Section 1207(a) grants “any person” the right to file a petition to intervene which sets forth “the grounds for the intervention, the position and interest of the petitioner in the proceeding, the extent to which the petitioner desires to participate in the proceedings, and the name, address, and telephone number of the petitioner.” Section 1207(c) provides that the “presiding member may grant leave to intervene to any petitioner to the extent he deems reasonable and relevant”

The County is a large and mostly rural county, with vast open spaces and sweeping vistas. The unique considerations of the County’s location between Los Angeles and Las Vegas, with their intensive energy consumption, combined with climatic conditions and high proportion of federal lands, which comprise approximately 80 percent of the County, have attracted applications for numerous large-scale renewable energy power plants. A plurality

or majority of the dozens of proposed renewable energy projects are seeking land and rights of way in San Bernardino County.

The County's economic conditions are challenging. The population is scattered, with a few urban centers. Power transmission and transportation infrastructure are limited to a few corridors. The Ivanpah Solar Electric Generating System (ISEGS) proposes the construction, maintenance, and operation of a 400 megawatt (MW) solar thermal electric generating facility on 4,065 acres near Ivanpah Dry Lake in an unincorporated area of San Bernardino County. This project directly affects the County's immediate economic interests. Recreation and grazing occur on the site and the habitat and vistas hold intrinsic value, as well as economic value for attracting tourism and filming. The County asks that the Commission perform an adequate review of the impacts to the local economic conditions, including the generation of property taxes, jobs, housing needs, and the provision and cost of emergency services to the proposed power plant. The Commission's analysis should also consider the loss of approximately 12,000 acres of developable land that will be utilized solely for mitigation lands. This represents a further economic loss to the County.

The County's unique geologic conditions also present challenges. The Commission must ensure that the local seismic conditions due to proximity to the Ivanpah and Stateline faults are fully evaluated, both in terms of structural safety at the proposed ISEGS plant and as the faults may relate to impacts on groundwater resources. In close proximity to the Ivanpah site, a major airport is proposed and cumulative impacts to groundwater is an issue of concern to the County. The County also has a groundwater management ordinance for unadjudicated groundwater basins, such as the one underlying the site.

The location in the Ivanpah Valley will be visible from a major interstate and Clark Mountain, the highest point in the Mojave National Preserve at over 8,000 feet in elevation, as well as wilderness areas. The proximity of local mountain ranges also triggers concern that bird and wildlife migratory corridors be fully evaluated.

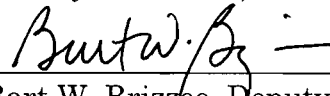
The County has an interest in the economic and environmental impacts of the ISEGS Project. The County supports the concept of renewable energy, when it is managed in an environmentally responsible and economically beneficial way but is concerned about projects that cause serious environmental hardship without providing countervailing economic benefits. The Commission's application process provides for a balancing of the Project's socio-economic and environmental impacts. The County's ultimate position in this proceeding will be determined based on all of the factors that will be considered by the Commission.

The County wishes to participate fully in all phases of this proceeding. Filings should be served on the County at the address listed below.

For the foregoing reasons, the County respectfully requests that the Commission grant its petition to intervene in this proceeding, and allow the County to participate as a party.

Dated: November 18, 2009

Respectfully submitted,



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<p>APPLICATION FOR CERTIFICATION FOR THE IVANPAH SOLAR ELECTRIC GENERATING SYSTEM</p>	<p>DOCKET No. 07-AFC-5 PROOF OF SERVICE (Revised 7/20/09)</p>
<p><u>APPLICANT</u> Solar Partners, LLC John Woolard, Chief Executive Officer 1999 Harrison Street, Suite #500 Oakland, CA 94612</p>	<p>*Raymond C. Lee, Field Manager Bureau of Land Management 1303 South U.S. Highway 95 Needles, CA 92363 Raymond.Lee@ca.blm.gov</p>
<p>Todd A. Stewart, Project Manager Ivanpah SEGS sdeyoung@brightsourceenergy.com E-mail Preferred</p>	<p>Becky Jones California Department of Fish & Game 36431 41st Street East Palmdale, CA 93552 dfgpalm@adelphia.net</p>
<p>Steve De Young, Project Manager Ivanpah SEGS. 1999 Harrison Street, Ste. 2150 Oakland, CA 94612 tstewart@brightsourceenergy.com</p>	<p><u>INTERVENORS</u> 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</p>
<p><u>APPLICANT'S CONSULTANTS</u> John L. Carrier, J. D. 2485 Natomas Park Dr. #600 Sacramento, CA 95833-2937 jcarrier@ch2m.com</p>	<p>Western Watersheds Project Michael J. Connor, Ph.D. P.O. Box 2364 Reseda, CA 91337-2364 mjconnor@westernwatersheds.org</p>
<p><u>COUNSEL FOR APPLICANT</u> Jeffery D. Harris Ellison, Schneider & Harris L.L.P. 2600 Capitol Avenue, Ste. 400 Sacramento, CA 95816-5905 jdh@eslawfirm.com</p>	<p>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 qssilliman@csupomona.edu</p>
<p><u>INTERESTED AGENCIES</u> California ISO e-recipient@caiso.com</p>	<p>Joshua Basofin, CA Rep. Defenders of Wildlife 1303 J Street, Ste. 270 Sacramento, CA 95814 E-mail Service Preferred jbasofin@defenders.org</p>
<p>Tom Hurshman, Project Manager Bureau of Land Management 2465 South Townsend Ave. Montrose, CO 81401 tom.hurshman@blm.gov</p>	<p>Basin and Range Watch Laura Cunningham Kevin Emmerich P.O. Box 70 Beatty, NV 89003 atomicoadranch@netzero.net</p>

<p><u>INTERVENORS CONT.</u> Center for Biological Diversity Lisa T. Belenky, Sr. Attorney Ileené Anderson, Public Lands Desert Director 351 California Street, Ste. 600 San Francisco, CA 94104 <u>E-mail Service Preferred</u> lbelenky@biologicaldiversity.org ianderson@biologicaldiversity.org</p>	
<p>California Native Plant Society Greg Suba, Tara Hansen & Jim Andre 2707 K Street, Suite 1 Sacramento, California, 95816-5113 <u>E-mail Service Preferred</u> granites@telis.org thansen@cnps.org gsuba@cnps.org</p>	
<p><u>ENERGY COMMISSION</u> JEFFREY D. BYRON Commissioner and Presiding Member jbyron@energy.state.ca.us</p>	
<p>JAMES D. BOYD Vice Chairman and Associate Member jboyd@energy.state.ca.us</p>	
<p>Paul Kramer Hearing Officer pkramer@energy.state.ca.us</p>	
<p>John Kessler Project Manager jkessler@energy.state.ca.us</p>	
<p>Dick Ratliff Staff Counsel dratiiff@energy.state.ca.us</p>	
<p>Public Adviser publicadviser@energy.state.ca.us</p>	

DECLARATION OF SERVICE

I, Renee Meyer, declare that on November 18, 2009, I served and filed copies of the attached, PETITION TO INTERVENE BY COUNTY OF SAN BERNARDINO dated November 18, 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: [\[www.energy.ca.gov/sitingcases/ivanpah\]](http://www.energy.ca.gov/sitingcases/ivanpah).

The documents have 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 App/j

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 San Bernardino, California, 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

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

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

CALIFORNIA ENERGYCOMMISSION 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.