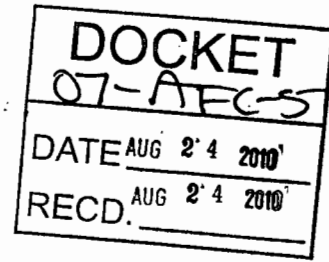


Exhibit #1016

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STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:)
The Application for Certification)
for the Ivanpah Solar Electric)
Generating System)

DOCKET NO. 07-AFC-5

INTERVENOR CALIFORNIA NATIVE PLANT SOCIETY

Additional Testimony of California Native Plant Society

Docket 07-AFC-5

August 24, 2010

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I. Statement

The California Native Plant Society (CNPS), an intervener party in the Ivanpah Solar Energy Generating System (ISEGS) Application for Certification process (Docket # 07-AFC-5), presents the following written testimony before the CEC PMPD Evidentiary Hearing. CNPS reserves the right to provide additional written comments before the end of the public comment period of September 2, 2010.

II. Summary of Conclusions

The presiding Committee's recommendation to approve the ISEGS project for certification is inconsistent with REAT agency findings, and project impacts to desert plant populations remain unresolved.

The Committee should not recommend projects for approval absent an approved, comprehensive desert conservation planning document unless the project is sited on previously disturbed land (areas where grading, agriculture, or other actions have substantially altered vegetation or broken the soil surface).

III. The Presiding Members Proposed Decision to recommend approval of the ISEGS application for certification is inconsistent with fundamental findings in both the Interim Mitigation Strategy and the DRECP Science Report.

Both the draft Interim Mitigation Strategy (IMS), required by SB x8 34, and the draft Recommendations of Independent Science Advisors for The California Desert Renewable Energy Conservation Plan (DRECP Science Report) clearly articulate the same overarching issue - avoid fragmentation of intact desert habitat.

The draft IMS, prepared by California Department of Fish & Game staff and reviewed by REAT agencies indicates agreement among the REAT agencies when it states:

Absent the (interim mitigation) strategy, future development in the strategy area would be expected to fragment high quality habitat, disrupt the essential ecological processes that sustain the habitat, and create significant edge effect problems. The IMS may also focus development away from areas of quality habitat, typically where habitat fragmentation and edge effects are already negatively influencing habitat quality.

- draft Interim Mitigation Strategy (as required by SB x8 34) p.16

The DRECP Science Report presents the following recommendation based on consensus among a panel of science advisors who are experts in their field:

Siting and Mitigation Recommendations

Habitat fragmentation and impediments to wildlife movements are among the greatest threats to desert communities and species, and maximizing habitat connectivity is essential to climate change adaptation. The plan should

embrace a primary goal of **avoiding and minimizing any additional habitat loss or fragmentation.**

- from draft Science Report pp. 5-6

Environmental Gradients

Elevation and other gradients should be preserved with minimal fragmentation to accommodate potential range shifts. Conservation areas on flatter terrain, or on broad, homogeneous landscapes with little variation in conditions, should be connected to more heterogeneous or topographically diverse areas that provide a greater variety of conditions for species to select from under future climate conditions.

- from draft Science Report p.40

Solar Projects

The greatest impacts to ecological resources, depending largely on siting, are likely to be the direct removal, degradation, and fragmentation of natural communities and habitat and populations of desert species. Because utility-scale solar developments are very land intensive, direct loss of habitat could potentially be highly significant, unless developments can be sited in already disturbed and degraded lands, such as brownfields, former agricultural lands, or previously graded lands. Nevertheless, as discussed in Section 2.8—and regardless of where they are sited—the ecological effects of projects that disturb desert soils can extend far beyond the areal footprint of the development itself due to downslope effects on hydrology and downwind effects on eolian processes, among other effects. Such offsite effects must be accounted for in the siting, design, construction, mitigation, and monitoring of solar energy developments.

- from draft Science Report p.44

Without a desert-wide conservation planning document to guide both alternative energy development and desert habitat conservation, building large-scale projects like ISEGS on lands that are neither already-disturbed (e.g., brownfields), nor clustered with other existing impacts will undermine the goals of climate change mitigation and desert habitat conservation planning.

IV. Conditions of Certification fail to mitigate for fragmentation of intact desert plant habitat

Condition of Certification BIO-18 (BIO-18) fails to mitigate for the fragmentation (see CNPS Exhibit #1006) and loss of rare plant habitat as described in previous statements and exhibits:

...the fragmentation of rare plant habitat on the project site will lead to two fundamental changes across the landscape; 1) an increasing isolation of remnant populations, and 2) a decrease in the total amount of available habitat for remnant populations.

- from CNPS Opening Testimony p.3

...removing the northern acreage from Block 3 does not represent avoidance of, or provide mitigation for the landscape-scale impacts the project will have on functional integrity of the Ivanpah Valley ecosystem.

- from CNPS Supplemental Testimony p.1

The extent of protection provided to plants within proposed Special-Status Plant Protection Areas "halos" remains untested, and speculative at best.

In cases lacking substantial evidence that an untried mitigation technique will be successful, courts have found that an agency may not rely on such mitigation to purport to avoid significant project impacts....

Here the project review process lacks adequate information to support a finding that mitigation measures will avoid fragmentation of rare plant habitat in this region. Currently the CEC has no programmatic review document that has addressed this issue.

- from CNPS reply briefs, p. 6

The draft IMS and DRECP Science Report address the issue of habitat fragmentation as described above. The Sierra Club has presented an alternative project alignment to reduce habitat fragmentation, and CNPS and other interveners have pointed out the need to avoid habitat fragmentation. Nevertheless, the presiding Committee has recommended the ISEGS project for certification based on conditions that do not mitigate for the fragmentation of intact rare plant habitat and high quality desert tortoise habitat.

V. Conditions of Certification (COC) for the ISEGS project are unresolved. COC measures from other "fast-tracked" projects can and should be incorporated into the ISEGS COCs to improve consistency of desert plant community-related COC measures among desert projects.

On August 2nd, parties received the docketed version of *Energy Commission Staff's transmittal of updated Renewable Energy Action Team Agency guidance for mitigation cost estimates and desert tortoise translocation - Ivanpah Solar Electric Generating System (07-AFC-5)*, wherein amendments to Conditions of Certification BIO-17, 18, and 20 (revised 7/29/2010) were appended as Attachment 3.

On August 3rd, parties received the docketed version of the Presiding Member's Proposed Decision for the Ivanpah Solar Electric Generating System project. The signature page of the PMPD states,

"The Committee recommends that the Application for Certification be approved, subject to the Conditions of Certification set forth herein, and that the Energy Commission grant the Project Owner a license to construct and operate the Project." (underline added)

Having reviewed both the Commission Staff's transmittal of August 2nd, and the

PMPD published on August 3rd, it remains unclear which version of the project's Conditions of Certification are the most relevant to the recommendation of the presiding Committee. There are substantial differences between the two versions yet there has been no clarification on how the two versions are to be reconciled.

Since a final version of the COC for Special-Status Plant Impact Avoidance and Minimization (BIO-18) remains unresolved, and since similar plant impact-related COC measures have been developed for other desert solar projects, there is still opportunity to apply plant COC measures consistently among projects.

Specifically, survey requirements and any subsequent measures taken to address summer/fall blooming plant populations that might exist on the project site need to be address more consistently throughout BIO-18. Impacts of the project on summer/fall blooming plant populations have still not been analyzed. Measures outlined in BIO-19, Sections B and C for the Imperial Valley Solar Project (08-AFC-5) could provide a model though some details would need to be adjusted for differences in local climatic conditions.



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

DOCKET No. 07-AFC-5
PROOF OF SERVICE
(Revised 3/11/10)

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California Energy Resources Conservation
and Development Commission

In the Matter of:

APPLICATION FOR CERTIFICATION FOR
THE IVANPAH SOLAR ELECTRIC
GENERATING SYSTEM

DOCKET NO. 07-AFC-5

DECLARATION OF SERVICE

I, Greg Suba, declare that on August 24, 2010, I served and filed copies of the attached Additional Testimony of Intervenor California Native Plant Society, dated August 24, 2010. 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 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."

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

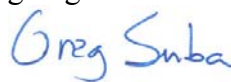
Attn: Docket No.

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



Greg Suba