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April 30, 2010

<b>DOCKET</b>	
<b>09-AFC-9</b>	
DATE	APR 30 2010
RECD.	APR 30 2010

California Energy Commission  
Attn: Docket No. 09-AFC-9  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

Re: Ridgecrest Solar Power Plant Project; 09-AFC-9

Dear Docket Clerk:

Enclosed are an original and one copy of COMMENTS OF CALIFORNIA UNIONS FOR RELIABLE ENERGY ON THE STAFF ASSESSMENT AND DRAFT ENVIRONMENTAL IMPACT STATEMENT AND DRAFT CALIFORNIA DESERT CONSERVATION AREA PLAN AMENDMENT. Please process the document, conform and return a copy in the envelope provided.

Thank you for your assistance.

Sincerely,

/s/

Elizabeth Klebaner

EK:bh  
Enclosures

**STATE OF CALIFORNIA**

**Energy Resources Conservation  
and Development Commission**

In the Matter of:

The Application for Certification for the  
Ridgecrest Solar Power Plant Project

Docket No. 09-AFC-9

**COMMENTS OF  
CALIFORNIA UNIONS FOR RELIABLE ENERGY  
ON THE STAFF ASSESSMENT AND  
DRAFT ENVIRONMENTAL IMPACT STATEMENT AND DRAFT  
CALIFORNIA DESERT CONSERVATION AREA PLAN AMENDMENT**

April 30, 2010

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Attorneys for the CALIFORNIA  
UNIONS FOR RELIABLE ENERGY

California Unions for Reliable Energy (“CURE”) submits these comments pursuant to the March 29, 2010 Notice of Availability of Staff Assessment, Draft Plan Amendment, Draft Environmental Impact Statement for the Ridgecrest Solar Power Project (“SA/DEIS”).

The SA/DEIS fails to satisfy both the requirements of the California Environmental Quality Act (“CEQA”) and the Commission’s regulations. Under CEQA, a draft environmental review document must include a description of the proposed project, its environmental setting, a description of the project’s significant environmental effects, and a statement of the measures proposed to mitigate such environmental effects. (Cal. Code Regs., tit. 14, § 15122-15130; *see also* Pub. Resources Code § 21100.) Under the Commission’s regulations, a staff assessment must be sufficient to “inform interested persons and the commission of the environmental consequences of the proposal . . . and indicate the staff’s positions on the environmental issues affecting a decision on the applicant’s proposal.” (Cal. Code Regs., tit. 20, § 1742.5(c).) The SA/DEIS fails to inform the public in such a way that it can intelligently weigh the environmental consequences of the Project because it is admittedly incomplete.

At the April 22 and 23 workshops on the SA/DEIS, staff indicated that the March 29, 2010 assessment does not constitute their testimony for the purpose of evidentiary hearings because it is incomplete. Staff is working diligently to complete its analysis; however, the SA/DEIS is incomplete in

several core areas, including air quality, biological resources, cultural resources, hazardous materials, land use, soil and water, traffic, transmission engineering, and worker safety. Staff's analysis does not include the Applicant's recent revisions to the Project design, the biological and cultural resources survey data for all Project disturbance areas, and adequate mitigation measures to reduce all potentially significant Project impacts to a level of insignificance.

For example, the SA/DEIS does not include an analysis of an additional fuel depot and evaporation ponds that the Applicant recently added to the Project design. The SA/DEIS also does not include the results of the Applicant's ongoing biological and cultural survey data for the Project's linear features and changed Project footprint, or an assessment of the Project's downstream transmission interconnection impacts. Staff has also yet to include conditions of certification to mitigate the Project's potentially significant impacts to cultural resources, area hydrology, and worker safety with respect to potential exposure to coccidiomycosis during Project grading activities. Staff is also continuing to identify new information regarding the Project and its environmental setting. The Project would be sited in the vicinity of two formerly used defense sites. Yet, the SA/DEIS contains only a cursory and inconclusive discussion of munitions and explosive of concern suspected to exist on the Project site. Just three days

ago, on April 27, 2010, staff received new information regarding the potential presence of unexploded ordnance at the Project site.

The SA/DEIS is so fundamentally and basically inadequate so as to preclude meaningful public review of the Project. (See Cal. Code Regs., tit. 14, § 15088.5 (a)(4); see, e.g., *Cadiz Land Co. v. Rail Cycle L.P.*, 83 Cal. App. 4th 74, 95 (2000); *Save Our Peninsula Committee v. Monterey County Board of Supervisors*, 87 Cal. App. 4th 99, 130 (2001).) When Staff has prepared a complete analysis, it must be circulated for public review and comment, in accordance with CEQA. (See Pub. Resources Code, § 21091(b); Cal. Code Regs, tit. 14, § 15105(a); 15025(d).)

Dated: April 30, 2010

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
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Attorneys for the CALIFORNIA UNIONS  
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DECLARATION OF SERVICE  
 RIDGECREST SOLAR POWER PROJECT  
 Docket No. 09-AFC-9

I, Bonnie Heeley, declare that on April 30, 2010, I served and filed copies of the attached **COMMENTS OF CALIFORNIA UNIONS FOR RELIABLE ENERGY ON THE STAFF ASSESSMENT AND DRAFT ENVIRONMENTAL IMPACT STATEMENT AND DRAFT CALIFORNIA DESERT CONSERVATION AREA PLAN AMENDMENT** dated April 30, 2010. The original document, filed with the Docket Office, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[http://www.energy.ca.gov/sitingcases/solar\\_millennium\\_ridgecrest/Ridgecrest\\_POS.pdf](http://www.energy.ca.gov/sitingcases/solar_millennium_ridgecrest/Ridgecrest_POS.pdf).

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 Office via email and U.S. Mail as addressed below.

I declare under penalty of perjury that the foregoing is true and correct. Executed at South San Francisco, CA on April 30, 2010.

/s/

\_\_\_\_\_  
 Bonnie Heeley

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