

DOCKET

09-AFC-9

DATE FEB 18 2010

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STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:

The Application for Certification of the
(Solar Millennium) Ridgecrest Solar Power Project

Docket Number 09-AFC-9

DESERT TORTOISE COUNCIL ISSUES STATEMENT

February 18, 2010

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The following **Issues Statement** is submitted as requested by the Committee in its Notice of Mandatory Status Conference of February 11, 2010.

The overall concern of the Desert Tortoise Council with respect to critical dates in the Scheduling Order for the (Solar Millennium) Ridgecrest Solar Power Project is that the schedule ensure that any decision on the Project be reached only after a thorough and complete analysis of the environmental impacts and an appropriate analysis of mitigation for those impacts. Permitting the proposed Project in time to qualify for American Recovery and Reinvestment (ARRA) funding, for instance, should not be accomplished at the expense of the environmental evaluation specified in California and Federal law. We urge in this regard that the Biological Assessment for the Project be made available to all parties and to the public well before it is “determined data adequate” by U.S. Fish and Wildlife Service (now scheduled for March 19).

The Desert Tortoise Council is concerned that the schedule ensure every opportunity for all parties and the public to fully participate in the proceedings and that the review process be completely transparent. We urge, therefore, that the Prehearing Conference be scheduled after the close of the BLM comment period (now scheduled for May 20). While we understand the distinction between the CEC and the BLM reviews, beginning the formal hearings only after all comments are submitted to the BLM would dispel notions that the review process is not fully open to public input. We urge, in addition, that the Prehearing Conference be scheduled at least 45 days after a paper copy of the Staff Assessment Addendum (SSA) is available to all parties. The respective parties require sufficient time to identify qualified witnesses and to prepare testimony after CEC staff review is finalized. While the SSA is an addendum, it is likely to contain significant changes that merit careful consideration and then substantial testimony at the hearings.

Our final concern at this time is that the schedule should be set so that the Committee will be able to hold the Prehearing Conference and the Evidentiary Hearings in the town of Ridgecrest. We understand that this would require additional travel and expenses by the Committee (and some CEC staff), yet the travel and the expenses are warranted on this project. As you well know, there is considerable community interest in the (Solar Millennium) Ridgecrest Solar Power Project. Meetings have been well attended and local citizens and local groups continue to comment on the Project. It seems appropriate, therefore, that the Prehearing Conference and the Evidentiary Hearings be held in the community.

Respectfully Submitted,

Sidney Silliman /s/
DTC Board of Directors



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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APPLICATION FOR CERTIFICATION
For the *RIDGECREST SOLAR*
POWER PROJECT

Docket No. 09-AFC-9

PROOF OF SERVICE
(Revised 2/4/2010)

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DECLARATION OF SERVICE

I, Sidney Silliman, declare that on, February 18, 2010 , I served and filed copies of the attached DTC Issues Statement. 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: **[http://www.energy.ca.gov/sitingcases/solar_millennium_ridgecrest].**

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:

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

 XX by personal delivery or by depositing in the United States mail at Upland, 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

For filing with the Energy Commission:

 XX 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

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

Sidney Silliman /s/