

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

DOCKET

09-AFC-9

DATE	MAY 04 2011
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In the Matter of:

APPLICATION FOR CERTIFICATION
FOR THE (SOLAR MILLENNIUM)
RIDGECREST SOLAR POWER
PROJECT

DOCKET NO. 09-AFC-9

**INTERVENORS WESTERN WATERSHEDS PROJECT, DESERT TORTOISE
COUNCIL, BASIN & RANGE WATCH, AND KERNCREST AUDUBON SOCIETY
OPPOSITION TO THE APPLICANT'S REQUEST FOR MODIFICATION OF THE
REVISED SCHEDULING ORDER FOR THE RIDGECREST SOLAR POWER
PROJECT**

May 4, 2011

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California Energy Commission
Siting, Transmission and Environmental Protection Division
1516 Ninth Street,
Sacramento, CA 95814

Dear Commission,

On August 25, 2010, at Applicant Solar Millennium's request, the Commission issued a *Revised Scheduling Order and Order Granting Applicant's Request to Conduct a Two-Year Biological Study* in the matter of the Ridgecrest Solar Power Project ("RSPP"). The Committee granted the Applicant's request to modify the AFC scheduling milestones to accommodate a two-year Mohave Ground Squirrel study.¹

On January 21, 2011, the Applicant withdrew its application for the Ridgecrest Solar I, LLC effective immediately stating that it would not be economical to pursue either the study or the project. They cited staff's position, the August 4, 2010 Status Report, and the Desert Renewable Energy Conservation Plan's ("DRECP") identification of the project area as a site to protect from development.

On March 23, 2011, the Applicant requested that the Commission continue the suspension of the RSPP for a further period of 18 months. The basis for the request to modify the revised scheduling order is "to wait for the outcome of the DRECP and to use this as the basis for determining how to proceed with the RSPP AFC Proceedings". We oppose the request for modification for the following reasons.

¹ "Thus, for good cause shown, the Committee hereby GRANTS the Applicant's request to modify the AFC scheduling milestones to accommodate the two-year MGS study."

(1) The original suspension was explicitly approved to accommodate the Mohave ground squirrel study. Although the questions that study was meant to address remain unanswered, the study has now been abandoned by the Applicant.

(2) The Applicant has already acknowledged (in its January 21, 2011 letter) that the DRECP has identified the project area as a site to protect from development. There is no need for the Committee to wait an additional 18 months or wait for a final DRECP before acting to make a determination on this application.

(3) There are new questions that should be addressed related to desert tortoise. On March 15, 2011 BLM issued an Immediate Temporary Suspension of Activities Decision for the Ivanpah Solar Electric Generating System. This was triggered by the finding that the number of desert tortoises determined in pre-project surveys had been undercounted by a factor of 3 to 4. Similar survey protocols were used for the RSPP site surveys; like the ISEGS site, the RSPP site supports a high tortoise density. These survey protocols were developed to accommodate small projects (less than 40 acres). In addition, the USFWS considers the results of a pre-project survey to be valid for no more than one year.² New desert tortoise surveys will be needed following any additional 18 month suspension, further delaying the permitting process.

The evidence already before the Commission shows that the application should be denied because the site has important conservation values for state and federally protected species. Therefore, we ask that the Commission deny the request to modify and continue the suspension of the application and instead terminate this application.

Dated: May 4, 2011


Respectfully submitted,



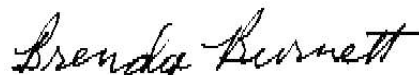
Michael J. Connor, California Director
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Laura Cunningham
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Brenda Burnett, President
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² USFWS 2010. Preparing For Any Action That May Occur Within The Range Of The Mojave Desert Tortoise (*Gopherus agassizii*) Pre-project Field Survey Protocol for Potential Desert Tortoise Habitats. Page 5.

DECLARATION OF SERVICE

I, Michael Connor, declare that on, 5/4/11, I served and filed copies of the attached OPPOSITION TO APPLICANT REQUEST TO MODIFY RSD. 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:

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery;
- by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date 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. 09-AFC-9
1516 Ninth Street, MS-4
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docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and ~~not~~ a party to the proceeding.





**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION
For the *RIDGECREST SOLAR
POWER PROJECT***

Docket No. 09-AFC-9

**PROOF OF SERVICE
(Revised 11/10/2010)**

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