

## DOCKETED

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## **Draft Part 20 process, procedure and siting regulations, 15-OIR-01**

To the Presiding Commissioner:

A., Science

Solar energy projects before the CEC are a game changer requiring new emphasis because of extensive project land area coverage. Because of this, the need for land based physical and biological including ecological science including basin to and from range, ecosystem and whole desert bioregion science is unmistakable. Further, there are no state air board, water board, etc. bodies to address arid land impacts such as the biological soil crusts (BSCs) from Nevada to the coastal scrub.

CEQA and NEPA type reporting are generally recognized as not addressing and not being a substitute for scientific analysis, e.g., see the committee papers on this by the Ecological Society of America. Sustainable Biosphere Initiative Project Office Notes From A Conversation On Ecosystem Managementâ€” November 20, 1996, 3rd in a Series "NEPA and Ecosystem Management"

There is a particularly acute need to have different ecologies involved at the earliest beginning stages of both energy planning and individual project planning. This has not been evident.

Applicant use of any CEQA law, guidelines and practice as a sword (a) against CEC using CEC statutory discretion, or (b) to undermine use and application of biological, physical and social science should be addressed and prevented.

Sec. 1742(a) To "agencies" to consult should be "entities," and to the list of areas of expertise or interest should be added, "biological and physical sciences including ecology." Large scale land based energy production requires scientific input. The two DRECP independent science panel reports demonstrate the Commission has little or no effective ability to bring science to bear on renewable energy planning or projects.

1742(b). After effects insert "and scientific issues" of a project.

1745.5. Insert a new (b)(3) Biological and physical including ecological scientific issues.

There is no Energy Commission attention to and investigation of these facts. The Commission needs to undertake the necessary investigation into these facts and to establish procedural rules and regulations that require that address the following issues and that the following issues are addressed for each project:

Deserts are major carbon sinks.

Photovoltaics projects that bulldoze the soil release carbon back into the atmosphere faster than the vegetation shaved thermal projects such as Ivanpah.

From an atmospheric carbon standpoint, the photovoltaic projects actually enhance GHGs faster than solar thermal.

Solar projects have these additional ten characteristics:. They:

1. Enhance global warming because they eliminate solar absorption and increase solar heat rise into the area and atmosphere.
2. Eliminate greenhouse gas reducing and absorbing BSCs and plant life.
3. Reduce evaporation from the soil surface.
4. Increase dust into atmosphere with its effects.
5. Destroy the basin and range diurnal circulation.
6. Use, block or reduce transpiration.
7. Require associated structures, paving, and roads.
8. Require water and energy to mine for, manufacture and transport the facilities.
9. Require energy for daily start up.
10. Destabilize ecosystems and biomes.

#### B. Public involvement and the public interest

The facts of solar projects are an additional reason for enabling public input to proceedings

1711. Spell out that 1709.5 prefiling meetings shall be open to and noticed to the public.

In general, the public participation needs to be enabled as was expected to occur when the Energy Commission was established, but this is instead and in effect limited.

1212(c)(2). The sentence here on the use of public comment in effect prohibits basing a finding on public comment unless it is determined at the time that the comment is made that the comment may be so used. The hearing entity may not know this at the time and should not be precluded to acting later to use public comment for this purpose, so notice at the time should not be required. A later determination that this kind comment may be used should be followed at that time by appropriate opportunity to provide rebuttal evidence or to request opportunity to cross examine if necessary.

1212(c)(3) requires a very high knowledge on the part of the public about what may be allowed as hearsay and how to lay a foundation for the use of hearsay that is permitted. The proposed language is in effect illusory for the general public. The public interest requires wider acceptance, especially in the case of local knowledge and facts that an applicant or staff may not know of that an applicant knows but may choose to ignore.

1230, 1231. Public complaints should be allowed without having to allege a violation. The public should be allowed to request a hearing on a complaint and to withdraw that request.

1234. The public should be able to request a jurisdictional determinations.

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