

January 3, 2011

# DOCKET

10-SIT-OII-1

DATE JAN 03 2011

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Mike Monasmith  
Siting, Transmission and Environmental Protection (STEP) Division  
California Energy Commission  
1516 Ninth Street, MS-15  
Sacramento, CA 95814

Re: Power plant Siting Lessons Learned - Docket # 10-SIT-OII-1

Dear Mr. Monasmith,

Kerncrest Audubon Society appreciates the opportunity to provide comments regarding our experience with the siting process for fast tracked solar power projects.

## **General Comments**

Kerncrest Audubon Society became involved in the California Energy Commission siting process because it intervened in the Solar Millennium Ridgecrest Solar Project (Docket No. 09-AFC-9). The process for filing motions, requesting information, and conduct of workshops was new to us. We are still learning about the process but we believe the process to be generally sound and even exemplary. The process is designed to assure public participation and to assure that the CEC, as a regulatory agency, does not become an arm of the industry it regulates. Without the assistance of the Public Advocates Office at CEC, KAS would have been lost in this process. The help of Ms. Jennifer Jennings of that office to inform us and clarify the process has been invaluable to us.

KAS understands the need to move to renewable energy and how the use of public lands can help us move in that direction: however we also think that environmental resources should not be irrevocably damaged in the rush to renewables. The apparent lack of knowledge from Washington and Sacramento about the natural resources, the water resources and the public use of these perceived empty spaces in the desert is shocking to those of us who live here.

KAS considers the role of the CEC to be first and foremost that of representing the public interest and that this focus should be overriding and never change. We note that several applicants in the recent workshop expressed the desire that the commission staff be made more accessible to the applicant. It is our opinion

that the exemplary reputation of the CEC staff for independence and impartiality is due at least in part to the insulation of that staff from undue industry influence, unlike some regulatory agencies whose staff are seen by the public as "in the pockets of" the industries they are supposed to regulate.

It is clear that the public needs to become part of the initial site selection process from the very beginning. The review of alternative sites needs to be more complete, needs to involve more local knowledge and needs more environmental consideration. A great deal of the CEC process is driven by the requirements of the California Environmental Quality Act (CEQA) and the Environmental Protection Act. Mitigating the environmental impact of these projects becomes the major siting issue yet environmental groups are introduced to the primary site chosen by the applicant late in the site selection process, after big sums of money and time have been invested by the applicant.

Under ideal circumstances, land available for alternative energy production development would have already been surveyed for suitability by the government agencies responsible for protection of resources of that land, and sites proposed by those agencies rather than by developers. Funding resources available to those government agencies have been, and will likely continue to be, inadequate to allow that to happen. However, it is hoped the currently ongoing efforts of the Bureau of Land Management, state and federal wildlife management agencies, and environmental organizations to develop and publish inventories of land at least initially apparent to be of least value to wildlife will improve that situation.

There will still inevitably be circumstances where the true value of a site to natural resources will not be apparent until industry applicants have made wildlife surveys. In those cases energy companies should be fully prepared to abandon the site, and the CEC should not be reluctant to turn down applications.

#### **Specific Comments Oil "Lessons Learned" Proceeding:**

**Timing/coordination with federal permits:** No Comment

#### **Hydrological impacts and water supply reliability:**

The CEC should provide a list of acceptable mitigations that result in zero increased pumping of ground water and zero increase in the use of surface water.

**Land use constraints including availability of large tracts of developable land:** No comment.

**Impacts to biological and cultural resources, associated mitigation strategies**

These issues are now explored in detail only after the primary site has been selected. Consideration should be given to splitting the siting process so these issues can be raised during review of alternative sites leading to the selection of the primary site(s).

**Transmission line constraints:**

No Comments

**Visual and/or Recreation/Open Space issues:**

How can the visual impact of thousands of acres of industrial activity in the open desert be fully mitigated? How can the impact of these large projects upon adjacent public land use be determined? These questions should not be left to the developer to answer. CEC and public agencies should develop strategies and guidelines for these issues.

**Local agency and public participation:**

1. The very first step in the siting process should be the vetting of alternatives and the selection of the primary site(s). Applicants should meet with local agencies and public interest groups at this stage. The interested parties should be required to go on record concerning their recommendations regarding each alternative site.
2. Adequate time must be provided to the public, interested groups, and local agencies to prepare for and schedule attendance at workshops and conference meetings. Two weeks is not enough time. In most cases a minimum of a month lead time should be the rule. Workshop dates can and should be published well in advance of the workshop so interested parties can make plans for these meetings.
3. Public workshops seem to be the primary way the staff and applicant can sit down together to discuss issues and concerns. It seems that the role of the public and the interveners in public workshops is secondary to communications between staff and applicant. That is to say that interveners and the public are not full participants in these workshops but are there because public participation is required. The roles of the various parties should be defined and communicated to the public.
4. To the extent possible, workshops and hearings should be held in the vicinity of the site in question to facilitate public awareness and participation by local parties. The current CEC telecommunications situation is inadequate. Images of the meetings and workshops are not aired. People not present are unable to view presentations, can't see documents, and strain to hear the proceedings. Better telecommunications capability should be a CEC priority to improve the siting process.

**Siting Process consistency - cumulative analyses determinations/definitions:**

A site-specific review of cumulative environmental impacts and mitigation is a flawed approach. The CEC and other public Agencies should establish a means of monitoring impacts and mitigations over the broad base of projects within a geographic area. These agencies, not the applicant, should prepare this part of the environmental reviews.

**CEQA equivalency; Alternatives analyses and NEPA coordination:**

These are important areas but we are unclear as to what the issues are. We believe that the vetting of alternative sites before selection of the “best” site is not carefully done now. The alternative analyses now performed are cursory because at the time the Draft Environmental Impact Statement is prepared the applicant is not interested in alternatives. In order for the alternatives analyses to be significant they should be done earlier in the process. A go-or-no-go decision should be made based upon a review of the alternatives analysis before the applicant selects a site and an approach and expends large sums of money developing plans for the project.

Daniel G. Burnett  
Member, Board of Directors  
Kerncrest Audubon Society  
(760) 375-8634  
imdanburnett@verizon.net