

May 2, 2012

Via Electronic Mail

Assemblymember Wesley Chesbro, Chairman  
Assembly Natural Resources Committee  
California Assembly  
Sacramento, CA 95814

Re: AB 1073 (Fuentes) – STRONGLY OPPOSED

Dear Chairman Chesbro:

On behalf of the undersigned organizations and our nearly half a million members and activists in California, we write to oppose AB 1073, by Assemblymember Fuentes. This bill is a special interest bill that has been drafted with the sole purpose of giving legislative preference to a single proposed solar photovoltaic project. If enacted, AB 1073 would allow the Calico Solar Project to circumvent the normal environmental review by local and state agencies and instead return to the California Energy Commission for review. Unfortunately, the California Energy Commission (CEC) did a poor job reviewing this project when it was a solar thermal project and we have little hope that a second time before the CEC will result in a better outcome.

The Calico Solar Project is a highly controversial large-scale solar project, which is located in the biologically critical and ecologically intact Pisgah Valley in the heart of the California Desert. Despite very strong concerns repeatedly raised by our groups throughout the federal permitting process as well as the state process, the project developers have continue to pursue this location.

Our organizations have been working over the past three years to facilitate good planning policies for the siting of large-scale solar projects on public and private land in the West generally, and specifically in California. We have spent thousands of hours meeting with solar companies, state agencies, local agencies and federal agencies with the hope of creating a system of faster permitting due, in part, to better siting of these project on less biologically and culturally important locations. Indeed, over the last year, our groups have worked with developers to permit 2,595 megawatts of renewable energy – about 88 percent of the energy permitted in the California Desert.

There is a way to site these large-scale facilities so we can have clean energy and a healthy environment. Unfortunately, the 4,613 acre Calico Solar Project does not strike this balance. It will unnecessarily destroy thousands of acres of high quality habitat for many declining species including the threatened desert tortoise, Mojave fringe-toed lizard, and Nelson's bighorn sheep. Despite our best efforts to work with the Calico project developers *during the last three years* to move their project away from these sensitive lands, including areas that the U.S. Fish and Wildlife Service has determined to be critical for the recovery of desert tortoise, the project developers have dismissed our issues and refused to consider other better suited locations identified by ourselves, the California Energy Commission and the Bureau of Land Management. Indeed, Defenders of Wildlife, the Natural Resources Defense Council and Sierra Club filed federal litigation over the federal government's approval of this project less than a month ago.

The Calico Solar Project was specifically omitted from last year's SB 226 due in very large part to just this controversy that surrounds it. That bill allowed for a small number of non-controversial solar projects that were switching from solar thermal to PV technology to go back to the California Energy Commission for review instead of taking the normal route of going through local government approvals and individual agency approvals. While our organizations **do not support** extending the Energy Commission's jurisdiction to solar projects utilizing PV technology, most of us did not object last year to SB 226, as part of our efforts to facilitate permitting for less controversial projects seeking to meet federal funding deadlines. In 2011, Sierra Club filed a petition before the California Supreme Court challenging the CEC's approval of the Calico Solar Project. It was the only project certified by the CEC to undergo such a challenge because it was so poorly sited and poorly permitted. Unfortunately, the California Supreme Court – which is the only state court allowed to review a CEC siting decision -- refused to hear the petition as they have refused to review any challenges to CEC decisions.

Finally, we do not believe that this bill should be considered an urgency bill as there is no urgency for this specific project to be permitted this year. Indeed, unlike the projects in SB 226, which had a permitting deadline of December 2011 in order to qualify for the federal loan guarantees, Calico failed to qualify for this guarantee and lost their Power Purchase Agreement in December 2011. Moreover, one of Calico's developers was quoted in the press this month as saying that without a buyer for its power or a bank to front money for construction "the company is not sure when the project will break ground."<sup>1</sup> Thus, we do not understand why the bill proponents are moving this bill as an urgency measure if the project's own developers appear to question whether this project is even viable.

Our organizations urge you to oppose AB 1073 and its special exemption for the Calico Solar Project. We are concerned that if the Legislature grants a special exemption to this highly controversial project, which has ignored all of our best efforts to promote good siting practices, it will undermine the incentives for establishing a strong framework of good planning, siting and permitting, which our groups support and which is desperately needed if we are going to meet our important renewable energy goals.

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<sup>1</sup> Energy & Environment News, "Construction lags for many projects on public land," Phil Taylor (Wednesday, April 11, 2012).

For these reasons, we urge you to vote "NO" on AB 1073.

Sincerely,



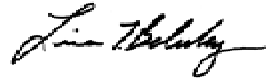
Kim Delfino  
Defenders of Wildlife



Johanna Wald  
Natural Resources Defense Council



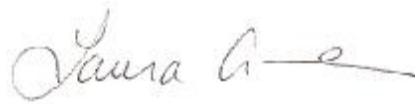
Garry George  
Audubon California



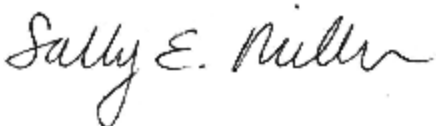
Lisa Belenky  
Center for Biological Diversity




Jim Metropulos  
Sierra Club



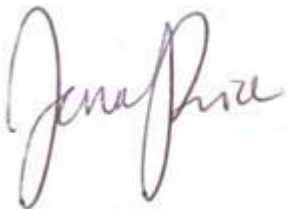
Laura Crane  
The Nature Conservancy



Sally Miller  
The Wilderness Society



Greg Suba  
California Native Plant Society



Jena Price  
Planning and Conservation League

/s/

Susan Jordan  
California Coastal Protection Network



Sarah Rose  
California League of Conservation Voters