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UNITED STATES DEPARTMENT OF ENERGY
PUBLIC HEARING ON THE DRAFT EIS

FOR THE PROPOSED LOAN GUARANTEE FOR THE
TOPAZ SOLAR FARM, SAN LUIS OBISPO COUNTY, CALIFORNIA

HELD AT THE
CARRISA PLAINS HERITAGE ASSOCIATION COMMUNITY CENTER

SANTA MARGARITA, CALIFORNIA
WEDNESDAY, APRIL 13, 2011
6:30 P.M. - 7:20 P.M.

**CERTIFIED
CONDENSED**

TRANSCRIPT OF PUBLIC HEARING

REPORTED BY: JERI CAIN, CSR #2460 RMR, CCRR, CRR
FILE NO. 210792



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<p style="text-align: right;">Page 2</p> <p>1 THE FOLLOWING PUBLIC HEARING was held at the 2 Carrisa Plains Heritage Association Community Center, 3 10750 Highway 58, Santa Margarita, California, 93458, 4 and was reported with computer shorthand by Jeri Cain, 5 CSR License No. 2460, on Wednesday, April 13, 2011, 6 commencing at the hour of 6:30 p.m. 7 APPEARANCES: 8 ANGELA COLAMARIA, U.S. DEPARTMENT OF ENERGY 9 DOUGLAS P. BOREN, U.S. DEPARTMENT OF ENERGY 10 11 JOHN KING, AMY CORDLE AND MEREDITH ZACCHERIO ON 12 BEHALF OF ENVIRONMENTAL MANAGEMENT AND PLANNING 13 SOLUTIONS, INC. 14 DAWN LEGG, FIRST SOLAR 15 ASHLEY KENNY, FIRST SOLAR 16 HOLLY COSTA, ARMY CORPS OF ENGINEERS 17 18 PUBLIC COMMENTS: 19 20 JENNY STROBRIDGE - PAGE 11 21 DAVID WEBB - PAGE 12 22 YAFET TEKLE - PAGE 20 23 MIKE STROBRIDGE - PAGE 22 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 Environmental Policy Act is to make sure that the 2 federal government considers the environmental impacts 3 of its decision before it actually makes the decision. 4 NEPA potentially applies whenever the federal 5 government makes a major Federal action. So a loan 6 guarantee by the Loan Guarantee Program is a Federal 7 action that requires NEPA review. So that is why we are 8 here tonight, to -- as part of the NEPA process for the 9 proposed Topaz Solar Farm. 10 So how does NEPA work? The DOE first 11 determines what the appropriate level of NEPA review is, 12 and we do this very early in the process. This 13 appropriate level of review depends on the significance 14 of the potential environmental impacts of whatever 15 project they are considering. 16 There are three levels of NEPA review. The 17 most extensive level is the Environmental Impact 18 Statement. That's a detailed document that's required 19 for major Federal actions that may significantly affect 20 the quality of the human environment. And that is what 21 we have prepared for the Topaz Solar Farm Environmental 22 Impact Statement. I'll refer to that as the Draft EIS 23 from here on out. 24 In addition to the statute, the NEPA statute, 25 there are also regulations, internal DOE guidelines that</p>
<p style="text-align: right;">Page 3</p> <p>1 WEDNESDAY, APRIL 13, 2011 2 ON RECORD AT 6:40 P.M. 3 -o0o- 4 ANGELA COLAMARIA: We are going to get 5 started. Welcome, everyone, to the public hearing for 6 the proposed Topaz Solar Farm. It's a small crowd 7 tonight compared to our scoping comments, so hopefully 8 we can make this quick and painless for everyone. 9 I think the last time you had to sit around for 10 a couple of hours waiting for your chance to talk, so we 11 hope that doesn't happen this time. 12 All right. So we'll have a very quick 13 presentation, and then we will get right into oral 14 comments. 15 My name is Angela Colamaria. I'm with the 16 Department of Energy Loan Guarantee Program. We are 17 here today because the DOE is considering giving a loan 18 guarantee to Topaz Solar Farm for a solar farm here in 19 San Luis Obispo County. 20 The purpose of the hearing tonight is to hear 21 comments on our Draft Environmental Impact Statement 22 that we published on March 25th. This is going to be -- 23 Okay. I just want to briefly go over NEPA -- 24 that's the reason we're here -- the National 25 Environmental Policy Act. The purpose of the National</p>	<p style="text-align: right;">Page 5</p> <p>1 we also need to comply with. 2 The NEPA process has numerous steps. The first 3 step is the publication of the Notice of Intent. The 4 NOI states the need for the action and provides just 5 preliminary information about what we are considering 6 analyzing, the environmental and social impacts. 7 The NOI, when it's published, that begins the 8 scoping process. Many of you here participated in our 9 scoping meeting that we had last fall. The scoping 10 process is our chance for the public to tell us what 11 environmental impacts, cultural and socioeconomic 12 impacts, that we should analyze in relation to each 13 project. So we had that scoping meeting and the comment 14 process last fall. And then we moved to the next step, 15 which is to draft the Environmental Impact Statement. 16 We take all the comments that we received 17 during the scoping process and we consider those while 18 we're drafting the EIS. 19 We drafted the EIS and we published it on March 20 25th of this year, just last month. Once we publish the 21 draft EIS we again have a public comment period where 22 the public can give us comments on -- on the document. 23 We're obviously in the middle of that comment 24 period right now. It lasts 45 days. For this project, 25 the comment period will end on May 9th.</p>

<p style="text-align: right;">Page 6</p> <p>1 Once we get all oral and written comments 2 during this process on our Draft EIS, we will 3 incorporate all those comments into a Final EIS. We 4 will respond to public comment in our final EIS, and 5 then we will publish it. 6 Once we publish that Final EIS, we can issue a 7 Record of Decision. And that is announcing the agency's 8 decision, explaining our decision, and then it also will 9 describe any commitments for mitigating potential 10 environmental impacts that we are requiring from the 11 applicant. 12 Most of you here are very familiar with this 13 project so I'm not going to go down the list of all of 14 the components of this project. You can read them 15 there. 16 In addition to the solar arrays, the project 17 would include various other components and facilities, 18 including an onsite PG&E switching station. The PG&E 19 switching station connects the project's power to the 20 existing PG&E transmission line. The Morro Bay to the 21 Midway transmission line. And that runs right through 22 the project site into Kern County. 23 PG&E needs to upgrade its transmission line to 24 accommodate several projects in the region, including 25 the last 150 megawatts of this project, so because of</p>	<p style="text-align: right;">Page 8</p> <p>1 parallel to ours. We knew that they weren't going to 2 make a decision on the final configuration until after 3 we had published our Draft EIS, so in our EIS, we 4 covered a broad area and we analyzed impacts of a broad 5 area that -- just to make sure that no matter what the 6 final decision the County makes, we will have analyzed 7 those impacts in our document. 8 These are just some of the resource areas that 9 we examined in the Draft EIS. Those of you who have 10 read it know that we covered a lot more. These are just 11 the few that I wanted to touch on real quick. 12 Wetlands and floodplains assessment. This site 13 does have both floodplains and jurisdictional wetlands. 14 The Army Corps of Engineers has authority for issuing a 15 CWA section 404 permit for this project, so they 16 participated as the cooperating agency in drafting this 17 EIS. So the Corps will issue a separate decision 18 document for their permit but they will incorporate the 19 environmental analyses that we have in our EIS in that 20 decision document. 21 If you have any questions about the Corps 22 permitting process, Holly Costa, from the Army Corps of 23 Engineers, is sitting in the back, so afterwards, if you 24 have any questions, she will be happy to answer those 25 questions.</p>
<p style="text-align: right;">Page 7</p> <p>1 that, we have included that PG&E upgrade in the 2 document -- that connected action in our EISes. It's 3 not part of the proposed action -- it's not technically 4 part of the project, but because it's connected, we have 5 also considered the environmental impacts for that 6 upgrading in our Draft EIS. 7 The decision on the final facility 8 configuration, exactly where the arrays are going to be 9 put on the ground, will be made by the County of San 10 Luis Obispo as part of the conditional use permitting 11 process. So although the Federal NEPA process is a 12 completely separate process from the County process, we 13 will include information about the County's final 14 configuration in our Final EIS. 15 The County -- I think most of you are aware the 16 County has prepared a Final EIR, which is very similar 17 to our EIS. It presents three environmentally superior 18 alternatives, and it's my understanding that the staff 19 recommendation to the Planning Commission is that they 20 approve what they are calling Alternative 3B.1. So you 21 may have heard about that in the County process. 22 Our Draft EIS does not specifically mention 23 3B.1, but it covers all of the alternatives that the 24 County is considering and they may end up finalizing. 25 We knew that the County process was happening</p>	<p style="text-align: right;">Page 9</p> <p>1 Ecological and biological resources. The 2 project area contains habitat for several threatened and 3 endangered species, including two species of Fairy 4 shrimp and the San Joaquin Kit Fox. 5 We are consulting and coordinating with the 6 Fish and Wildlife Service to make sure that we come up 7 with the best configuration that will have the least 8 impact on these species. 9 Cultural and socioeconomic resources. We have 10 initiated a consultation with the State Historic 11 Preservation Officer, and in order to avoid impacts to 12 historic structures and places of sacred or special 13 cultural and spiritual significance for Native American 14 tribes, we have invited the three federally-recognized 15 Native American tribes in this area to formal 16 government-to-government consultation, but we've also 17 reached out to all the tribes in the area that may have 18 an interest in asking them to comment as well. 19 Cumulative impacts, I think, is another 20 important area that we looked at. That includes impacts 21 of this project on resources in combination with other 22 projects that may be occurring in the area such as the 23 SunPower-California Valley Solar Ranch project, which is 24 proposed right down the street. 25 How to provide comments. As I mentioned</p>

<p style="text-align: right;">Page 10</p> <p>1 earlier, comments for this -- on this Draft EIS are due 2 May 9th. You can either submit written comments today, 3 to myself or to my colleague, Doug Boren, in the back in 4 the blue shirt. You can e-mail them to this e-mail 5 address. You can mail them via traditional mail to this 6 address, or you can give oral comments today, which I 7 know several of you are going to do. 8 Written and oral comments are given equal 9 weight. It doesn't matter if you do one or the other. 10 Both are all given equal weight in this process. 11 Just some additional information about our 12 program, our NEPA process. If you have any questions 13 about the comment period or NEPA, in general, this is my 14 contact information. 15 So now it's just time to hear the public 16 comments on the Draft EIS. We have a small list of 17 people signed up to provide public comments. If you 18 decide you want to sign up, feel free to sign up at 19 either that table there or we have a table over here 20 during the process. 21 When I read your name, just please come up to 22 the microphone, state your name. If you are 23 representing an organization, state the name of the 24 organization, and then provide your oral comments. 25 This is an opportunity for you to submit oral</p>	<p style="text-align: right;">Page 12</p> <p>1 what they have planned. I'm sorry. I travel to town 2 all day long throughout the day. My children, they are 3 going to absolutely stop our life. They only give us 4 one emergency exit out of our home with the new 3B.1. 5 That's absolutely not acceptable when I have three 6 children at the home and livestock. 7 I just don't understand why we're here right 8 now. First Solar has way too many problems with their 9 project. They are going to -- it's going to be held 10 up. And why not put the money into a project where the 11 Westlands are, where the project can get approved, and 12 we don't have some much controversy. 13 I know that it doesn't look like there's a lot 14 of people in this room right now, but just look at the 15 list of comments that people have submitted to the 16 County. It's continual. They cannot -- they can't 17 mitigate for the amount of farmland. They can't 18 mitigate for the endangered species. The list just 19 continues. 20 There's no overriding consideration for them 21 destroying the Carrizo Plains. 22 Thank you. 23 MS. COLAMARIA: David Webb. 24 MR. WEBB: Thank you. My name is David Webb, 25 and the address I put down there is our mailing address</p>
<p style="text-align: right;">Page 11</p> <p>1 comments into the record, so it's not a discussion 2 session, which I know is a little different from the 3 County process. For this reason, when someone else is 4 speaking, please be courteous and keep quiet so that the 5 court reporter can accurately record their testimony 6 into the record. 7 We'd like to initially limit comments to five 8 minutes so everyone can speak, and then if you have -- 9 if you want to speak for longer, then after that, you 10 can speak as long as you need to. 11 So I think that's all I have to say. 12 Let's get the list. 13 The first on the list is Mike Strobridge. 14 MIKE STROBRIDGE: Could I speak last because 15 mine's a little bit more than five minutes so I'd rather 16 give the whole shot at once. 17 MS. COLAMARIA: Sure. 18 Jenny Strobridge. 19 MRS. STROBRIDGE: Jenny Strobridge. I have to 20 be honest; I have not read the new final. It's a little 21 long, and we've been kind of overwhelmed with the amount 22 of EIRs we've had to read. So I'm basically just going 23 to restate all my previous comments and add a few more. 24 Again, there is nothing that they can mitigate 25 for us, for our travel time to town. 9:00 to 4:00 is</p>	<p style="text-align: right;">Page 13</p> <p>1 because we don't have a zip code out here. My real 2 address -- my physical address in the county is 12270 3 Central Valley Trail, California Valley. That's on our 4 tax thing. 5 I'm basically going to read something, but I 6 did want to -- I did want to mention, I'm really against 7 the -- I really think that the DOE should really give a 8 lot of consideration to the environmental impact this is 9 going to cause out here. And First Solar has an answer 10 for everything, but the answers aren't really good 11 enough. And what I want to read today, and I really 12 don't think you guys should -- or if -- in your approval 13 process, on your end of it, you better really -- I mean, 14 I wish you would really think about it, because this is 15 going to impact this whole environment out here for a 16 long time if they come in here. Maybe forever. 17 Probably will. 18 Anyway, I'm going to just go ahead and read 19 this now. And what I want to talk about today, and what 20 I want to bring up that's never really been brought up, 21 the real thing about it, it's the aspects of sheep 22 grazing. 23 Now, the Topaz -- and I don't know all the 24 regulations, but they're talking about -- they need 25 to -- they want to have vegetation under the solar</p>

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1 panels. This is what I gather as just a layman. And,
2 by the way, I don't have any ties to any organizations.
3 I'm just a guy out here retired and tired of coming to
4 all these meetings for the last two years.
5 But, anyway, they are telling us that they
6 want to keep the vegetation under there for the
7 habitat. They want -- you know, they want to do the
8 best thing they can for any habitat that's around, any
9 kind of ground habitat, and they've actually showed
10 us -- Topaz PR people showed us a photo of a couple of
11 sheep nibbling grass under a big solar panel. It's a
12 good photo, and the sheep are all nice and clean. I
13 think they got them from Cal Poly. I don't know where
14 they got them. But, anyway -- but this is not even
15 close to the reality of sheep grazing that will keep
16 down the vegetation and still allow for animals.
17 It's like a -- okay. I'm just going to tell
18 you. How many panels will these sheep need to graze?
19 There's nine million of them. So you put two sheep
20 under every panel. That's 18 million sheep. And this
21 is all summer. Maybe eight or nine months grazing.
22 I've lived out here for twenty -- no, longer
23 than that -- about 27 years of having the sheep industry
24 in my backyard in California Valley. They -- that's
25 another story, but the community over there, actually,

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1 for many years, before we even came here 30 years ago,
2 was illegally allowing the sheep to graze on
3 two-and-a-half-acre lots, and there's 7,000
4 two-and-a-half acre lots in California Valley. So
5 that's a long story, but that's a long time those sheep
6 grazed out there, and they did a lot of damage. And for
7 27 years, we had the sheep industry in our backyard.
8 And the observations of them grazing -- thousands of
9 them, by the way -- thousands of them -- three sheep
10 companies -- makes me somewhat of an expert just by
11 being around them all the time.
12 So here we go.
13 A few sheep per panel will not work unless you
14 chain them and drag them around like a dog on a leash to
15 each panel. And that would be inhumane, and you can't
16 just assign a few to each panel. They need direction.
17 They need sheepherders. They need sheepdogs. Sheepdogs
18 can do that. How many dogs will be needed?
19 Topaz will need thousands of sheep to keep down
20 all the grass and the weeds. I already said that.
21 On hot summer days sheep bunch up by the
22 hundreds in huge groups. Between the sheep, the
23 sheepherders, and the sheepdogs, K-rats, Kangaroo Rats,
24 Blunt Nose Lizards, Burrowing Owls, Snakes, Ground
25 Squirrels, Mice, and anything that walks or lives on or

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1 in the ground is driven out, and we know that because
2 now they are coming back.
3 By the way, we got them out of there. We got
4 together, a bunch us, and we sued them, and we got an
5 out-of-court settlement, but they said they can't come
6 back for 25 years. So now after three years, I
7 believe -- this is the third year -- in California
8 Valley, which is all Carrisa Plains, same old stuff,
9 stuff is coming up that's unbelievable. My wife and I
10 take walks. We take our dogs out there. It's
11 unbelievable. We're seeing native grasses coming up.
12 Where were they all this time? I can't believe it.
13 There's plants that are coming up we've never seen
14 before.
15 The Kangaroo Rats have had the best year. It's
16 an unbelievable year they're having. And they were
17 never out there. We never saw them out there. Now
18 they're all over the place. All over.
19 And the Kit Fox, it's all of them, it's the
20 whole food chain; they're all coming back now. They
21 were all driven out at all times by the sheepherders.
22 Trust me. I'm not lying. I'm not here to lie. I don't
23 lie. We saw the difference. It's unbelievable.
24 Our valley is now fresh. It's real. It's --
25 it's grass. It's nice. And this is a good time of year

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1 anyway.
2 MS. COLAMARIA: You're at 5 minutes and 37
3 seconds.
4 MR. WEBB: Could I go a couple more minutes?
5 MS. COLAMARIA: If you've only got a few
6 minutes left, that's fine.
7 MR. WEBB: Okay. Thanks.
8 MS. COLAMARIA: There's not a lot of people to
9 speak.
10 MR. WEBB: I really appreciate that.
11 I just want to say that the sheep totally upset
12 the chain -- the natural food chain. And if you've ever
13 smelled big herd sheep, that's a reality that is not in
14 those pictures. The sheep make a lot of dust. The dust
15 contains dry sheep urine and feces. Summer winds will
16 scatter that dust, black dust devils that look like
17 mid-western tornados. The dirty dust can rise over 200
18 feet. It blows all over the place. Dust will settle on
19 solar panels. Some will cross over the highway. The
20 wind takes it wherever it pleases. It stinks and you
21 don't want to breathe it, and you don't want to get it
22 on you.
23 Electrical wires. I don't know if they are
24 going to have any electrical wires on the ground, but
25 anything hanging on the ground, sheep will drag them

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1 around. You should see all the barbed wire that they
2 have dragged around up there.

3 In summer, sheepherders haul thousands of
4 gallons of fresh water daily to take care of all their
5 sheep. Where will they get this water? It's gonna hurt
6 our water table.

7 Sheep dung's not what anyone would like to walk
8 through. How would the solar boys deal with that? Who
9 pays medical bills and/or lawsuits if an employee gets
10 sick from the sheep dung dust?

11 Sheep must be inoculated against anthrax. It's
12 a state law. And there is anthrax that's waiting in the
13 ground. Who will monitor that?

14 Topaz solar panel support posts, there's a
15 support post for everything. Their panels, they seem
16 flimsy. They will not be concreted in. Sheep will rub
17 on them and loosen them up.

18 The sheep industry uses dogs. They are very
19 protective of the herd. Some of the dogs are huge and
20 they can be quite violent, and I know that. They are
21 great big appaloosas, I think they call them. What are
22 they? They're huge.

23 Anyway, sick and old sheep will die. Sheep-
24 herders don't remove the carcasses right away. They
25 really don't care. I'm telling you. I know this. I've

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1 lived this. We've -- I can show you dead bones out
2 there. They're still scattered all over the place,
3 dead -- the sheep bones.

4 Sheepherders who smoke can cause grass fires.
5 Empty wine bottles can act as magnifying glasses and
6 start fires.

7 Who will monitor sheepherder facilities? They
8 use travel trailers, and they've been known to dump
9 human waste on the ground. Who will monitor the
10 legality and the health conditions of these trailers?
11 Who will insure the sheep industry?

12 Winter rains. And now I'm finally finishing.
13 Thank you for giving me the extra time.

14 Winter rains will wash away all the sheep's
15 summer leftovers. That pollution will flow into the
16 Carrizo Plain watershed. And Army Corps of Engineers, I
17 want to tell you, you ought to know by now, if you
18 looked at it, it all goes to Soda Lake eventually. The
19 pollution will flow into the Carrizo Plain watershed and
20 after polluting everything along the way, will
21 eventually make its way into Soda Lake and the Carrizo
22 Plains National Monument.

23 And I could tell you a lot of stories about
24 sheep, sheepherders, sheepdogs, and all that stuff.
25 It's a real negative thing. And by the way, you're

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1 going to need 18 million sheep -- maybe I said that
2 already -- 18 million sheep to put two per panel.

3 Thank you very much. I appreciate you letting
4 me go over time. Thanks.

5 MS. COLAMARIA: Yafet Tekle.

6 MR. TEKLE: Yeah. Hi. My name is Yafet
7 Tekle. I live over here on five acres.

8 Actually, at last meeting I missed your
9 presentation, but I did e-mail you, DOE, and thank you
10 for sending me the environmental statement about the
11 EIS, and it was very exhaustive, compressive, and I
12 don't know how much from the community was put in that
13 report.

14 I actually -- I need to vent my feeling about
15 the balance of the environmental impact review
16 technology, and that's the kind of detail I want to see
17 in the future. But for the present, just a couple of
18 quick questions and a comment.

19 On this loan guarantee, one of the criteria you
20 want to put to this company, Topaz, or -- and the other
21 companies coming after Topaz, the Environmental Impact
22 Statement.

23 Actually, if that is the main criteria, if
24 there's an urgency to select ecology in the United
25 States, will that be impeding getting along or some

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1 company which is rich in resources, have millions of
2 dollars, or billions of dollars, can override this
3 criteria and develop by their own? I'm not clear about
4 that. If you understand my question.

5 Secondly, because I have a follow-up comment
6 about that.

7 And the second one is the cumulative impacts of
8 the environment here. There's only one company we are
9 discussing right now; Topaz. There's SunPower, and
10 there may be another one coming after that.

11 This is a small area of residents. Very
12 precious fishes live around here. These companies,
13 because of reasons, technology alternatives, in Japan,
14 and the world, as we know, solar is kind of a sexy
15 thing. Everybody's talking about it. But we don't know
16 how much we trust solar.

17 Let me tell you about a couple. There's a
18 gentleman who lived here for about 50 years. There was
19 a company here called ARCO. You probably know them.
20 They were here many years ago. By the time they left,
21 they left so many pallets. They shipped them to China,
22 some of them. Some of them, there were so many of them,
23 they crushed them using a bulldozer.

24 So continuing that, this place is going to be
25 here forever. Companies come and go. Technologies come

<p style="text-align: right;">Page 22</p> <p>1 and go. So how much can we trust these companies to be 2 protectors of the environment where people live? This 3 only unique place left in Northern California, or, for 4 that matter, maybe in America. I don't know. So that 5 kind of long-term environmental impact, especially 6 during construction, after construction, because we're 7 talking about hundreds of people coming. They working 8 here, carpooling, load, unload, as is now. So many 9 accidents happen all the time, not to mention during the 10 flood time, the rainy time, and weekends, too. There 11 are so many tourists who don't know the area. They come 12 in here. They drive like crazy.</p> <p>13 So the committee here is concerned about 14 that. They have been venting this. I don't have seen 15 that much input of that in that report. I haven't. I 16 have to admit I haven't read the whole thing, seriously, 17 because it's a huge report.</p> <p>18 So considering all this, I'd like the next 19 report to be all-inclusive, comprehensive, and followed 20 through.</p> <p>21 Thank you very much.</p> <p>22 MS. COLAMARIA: All right. I think that's it. 23 So Mike, you are the last on the list so far.</p> <p>24 Mike Strobridge.</p> <p>25 MIKE STROBRIDGE: My name's Mike Strobridge,</p>	<p style="text-align: right;">Page 24</p> <p>1 involved. In fact, when the EIS, Volume I, on page 2 3-85, Figure 3-14, actually shows jurisdictional waters 3 standing at my property line, which is not accurate, and 4 jurisdictional water ending at the northern border of 5 the Reyes property, and again and again, at the south 6 end of the Reyes land, but never shows it on its 7 property. Yet, if you look at the 3B.1 revised project 8 maps provided by Aspen, it shows these drainages running 9 both through my property and the Reyes property.</p> <p>10 Another issue is the Westlands alternative 11 site. According to the EIS on page 2-10, the Westlands 12 CREZ is a 30,000 acre area with moderate solar resource 13 potential in Kings and Fresno counties. This is not 14 accurate. According to the County of SLO on page E-37 15 of the EIR, the Westlands CREZ was identified as being a 16 high solar area capable of generating between 5 and 6 17 kilowatt per square meter per day. It was incorporated 18 in the RETI because it consists of disturbed land that 19 is adjacent to existing transmission lines.</p> <p>20 Furthermore, the report submitted to the 21 California Energy Commission on March 16th, 2010, by 22 Bill Powers, of Powers Engineering: Transmission 23 pathway 15 passes through the Westlands. Path 15 can 24 transmit 5,400 megawatts from south to north. Currently 25 the transmission capacity from north to south is 3,400</p>
<p style="text-align: right;">Page 23</p> <p>1 and I appreciate the opportunity to speak this evening. 2 I can appreciate the time taken in preparing the EIS, 3 but, unfortunately, the EIS does not analyze the revised 4 Topaz project, 3B.1. The EIS needs to be rewritten and 5 recirculated to address the proper Topaz project 3B.1.</p> <p>6 The DOE needs to perform their own individual 7 analysis of the project and not weigh so heavily on 8 Topaz's EIR which we have found to be flawed in many 9 aspects.</p> <p>10 The Topaz EIR also does not analyze the 11 revised project 3B.1. The revised project will impact 12 jurisdictional waters which would not have been impacted 13 if Option A or B had been used. These impacts have not 14 been analyzed.</p> <p>15 Also, with regards to the jurisdictional 16 waterways, I personally have jurisdictional waters that 17 flow through the northwest corner of my property which 18 have not been acknowledged, and I have not been 19 consulted by the DOE, the County, First Solar, or the 20 Army Corps.</p> <p>21 Also, my neighbor, Santos Reyes, to the east 22 of my land, also has jurisdictional waterways that flow 23 directly through the center of his property which also 24 have not been acknowledged, and Mr. Reyes also has not 25 been consulted by the applicant or any agencies</p>	<p style="text-align: right;">Page 25</p> <p>1 megawatts.</p> <p>2 According to this report, 5,000 megawatts of 3 solar power can be developed in Westlands with 4 potentially no expansion of the existing Path 15, high 5 voltage transmission capacity that serves Westlands 6 now.</p> <p>7 In conclusion, Mr. Powers states that the 8 Westlands Water District is a low impact "shovel ready" 9 alternative site to the two-inch scale solar projects.</p> <p>10 The EIS also claims that the original Topaz 11 site is nonPrime Ag land. This is also inaccurate. 12 According to the letter written to the Board of 13 Supervisors on February 10th, 2010, by the SLO County Ag 14 Department, the majority of the land is prime farmland 15 under California Government Code section 51201. Prime 16 farmland is designated by the California revised story 17 index. The story index is based on soil profile 18 development, surface texture, slope and other soil and 19 landscape conditions and does not consider agriculture 20 infrastructure such as the availability of water.</p> <p>21 The Ag Department goes on to state that a 22 large percentage of the soils located within the Carrizo 23 Plains soil survey area have a story index rating that 24 meets California Government Code section 51201 for prime 25 ag land.</p>

<p style="text-align: right;">Page 26</p> <p>1 Additionally, this area has a long history of 2 production of agriculture despite the lack of available 3 irrigation. 4 The EIS also assumes that the Carrizo water 5 basin is not in an overdraft state. 6 In the conclusion set forth on applicant's 7 water model, performed by Cleath-Harris, I would like to 8 make it clear that the Carrizo does not have the water 9 supplies to accommodate Topaz. 10 According to the SLO County Master Water Plan 11 update, the Carrizo is currently in an overdraft state 12 and true perennial yields are unknown. 13 This update goes on to state that a complete 14 basin study needs to be performed. 15 Also, the Carrizo-Shandon area plan on 3-2 16 states that the Carrizo basin is also currently in an 17 overdraft state. 18 There have been three separate groundwater 19 logs performed; one by URS and Ausra, another by URS and 20 SunPower, and the third by First Solar and Cleath- 21 Harris. All three models come up with drastically 22 different results, thus showing the need for a complete 23 water basin study. Without a complete basin study, 24 we'll never know the true perennial yield of this 25 basin. These companies are hired by the applicants, and</p>	<p style="text-align: right;">Page 28</p> <p>1 Cadmium was not achieved and was consciously abandoned 2 because of the low intrinsic value of Cadmium"... 3 In other words, First Solar does not recycle 4 Cadmium from their panels. 5 The only batteries currently -- that use 6 Cadmium are NiCads, and NiCads are currently being 7 phased out. There will be no Cadmium NiCads in 20 to 25 8 years. 9 Now, according to a report I read from the 10 National Renewable Energy Laboratory, First Solar is 11 justifying their Cadmium. They're going to battery 12 companies. 13 It's common sense to say that these things 14 aren't going to be there in 25 years. They are already 15 going away. 16 Finally, all federally-protected species need 17 to be fully analyzed and fully mitigated such as the 18 California Condor, Golden Eagle, Bald Eagle, San Joaquin 19 Kit Fox, Swainson's Hawk, Burrowing Owl, Loggerhead 20 Shrike, Giant Kangaroo Rat, Tipton Kangaroo Rat, 21 Nelson's Antelope Squirrel, Blunt-nosed Leopard Lizard, 22 Longhorn Fairy Shrimp, Vernal Pool Fairy Shrimp, Kern 23 Primrose Sphinx Moth. 24 Until the Topaz revised project 3B.1 is 25 analyzed, the impacts to these species are largely</p>
<p style="text-align: right;">Page 27</p> <p>1 the results shown from each individual model are -- seem 2 to be results to satisfy their client. 3 Also, according to the EIS, the release of 4 Cadmium from First Solar panels is unlikely to happen. 5 I have submitted a report to you tonight performed by an 6 independent source at U.C. Berkeley that shows 7 otherwise, and that the release of Cadmium is a good 8 possibility. 9 Also, according to First Solar's 2008 Security 10 and Exchange Commission filings Form 10K, on pages 18 11 and 19, First Solar states: 12 "While we believe that these factors and 13 procedures are sufficient to protect our associates, 14 end-users, and the general public from adverse health 15 effects that may arise from cadmium exposure, we cannot 16 assure that human or environmental exposure to cadmium 17 or cadmium compounds used in our products will not 18 occur." 19 Furthermore, a study done for the DOE states: 20 "Total regulated waste discharges under 100 21 pounds per year per megawatt throughput was not achieved 22 because an economic recovery pathway for Cadmium was not 23 identified." 24 The report goes on to say: 25 "An economically viable recovery pathway for</p>	<p style="text-align: right;">Page 29</p> <p>1 unknown. 2 Also in the EIR Topaz states that their project 3 is unlikely foraging habitat for the condor. Ausra did 4 the same thing during their proceedings with the 5 California Energy Commission in '07 and '08, and the 6 Biological Department of the Energy Commission didn't 7 entirely agree with that and had ordered Ausra to do a 8 15-mile quadrant study of the California condor within 9 their project site, which was never done, by the way, 10 because about two days before the biological assessment 11 was to be released, First Solar bought them out, and 12 that biological report disappeared. 13 First Solar states in their EIR that the 14 condor only exist sporadically in the western mountain 15 ranges of their project site, which would be the 16 Caliente mountain range, yet in the EIS, there's a map. 17 I'm sorry. I don't have the page number on that one. 18 I'm kind of doing this off the top of my head. There's 19 a map there that shows condor nesting sites, active and 20 inactive nesting sites. There are nine active condor 21 nesting sites north, south, west and east of both 22 SunPower and the Topaz project sites and even more 23 inactive nests. 24 Now, if the Carrizo was not being used as 25 foraging habitat -- let's keep in mind, the main</p>

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1 foraging -- the main thing condors forage for is dead
2 animals. Livestock mainly. Cattle, sheep, goats.
3 Whatever they can find. Usually larger animals. They
4 are a very big bird. They don't forage in the
5 mountains. They forage in the plains and the
6 flatlands.
7 If the Plains is not foraging habitat, then I
8 would kind of like somebody to explain to me why the
9 condors have nesting sites 360 degrees around the
10 perimeter of the Carrizo Plains.
11 Animals usually live within an area of its
12 easiest and best foraging habitat. That applies to any
13 animal. Also, condors forage -- they have a foraging
14 range of 140 miles, so they've got condor nests
15 probably, from what the map looked like, probably within
16 a 20-mile radius around their project site, if not
17 less. So condor foraging in the Plains is active.
18 I know that Ausra has said -- of course, the
19 ranchers that are selling to First Solar, they were
20 selling to Ausra before. They said, oh, they will pick
21 up all of our dead animals. I have pictures that I sent
22 to the Energy Commission and that's what initiated them
23 to do their foraging study of the Plains. I still have
24 them. Honestly, there's a dead cow out there right now,
25 and it's just --

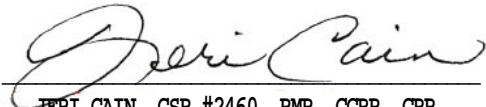
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1 I would just like 3B.1 to be analyzed. And
2 also the residents that live within these project sites,
3 we have been ignored, and we have been intimidated by
4 the companies into keeping our mouths shut about our own
5 land and our homes, because when we do open our mouths,
6 we are attacked as newbies, and if that is the way First
7 Solar does business, that's fairly pathetic. Labeling
8 local residents with a prejudicial attitude such as this
9 is not right and it's wrong.
10 And we have as much rights as the Kangaroo Rat
11 and the Kit Fox also, and we need to be acknowledged.
12 And up to this point, we have not been able to.
13 In fact, our Supervisor Jim Patterson told me
14 that I should move my family into town because these
15 project sites were coming here. That's what I'm getting
16 from my local District 5 representation.
17 I need the DOE to at least stand up and
18 represent us. We are taxpayers. We have been actively
19 involved.
20 I appreciate your time. Thank you.
21 MS. COLAMARIA: Is there anyone else who wants
22 to speak even if you haven't signed up yet?
23 All right. Well, we'll call it for now, but
24 we'll stick around to answer questions.
25 So unless anyone else has anything else to say,

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1 I'll call an end to our formal public comments.
2 Thank you all for coming.
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4 (Record closed at 7:20 p.m.)
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1 REPORTER'S CERTIFICATE
2 STATE OF CALIFORNIA
3 COUNTY OF SAN LUIS OBISPO
4
5 I, JERI CAIN, Certified Shorthand Reporter, RMR,
6 CCRR, CRR, holding California License No. 2460, do
7 hereby certify:
8 The said hearing was reported by me by the use of
9 computer shorthand at the time and place herein stated
10 and thereafter transcribed into writing under my
11 direction.
12 I further certify that I am not of counsel or
13 related to any of the parties hereto, nor am I in any
14 way interested in the financial outcome of this action.
15 In compliance with Section 8016 of the Business and
16 professions Code, I certify under penalty of perjury
17 that I am a Certified Shorthand Reporter with California
18 State License No. 2460 in full force and effect.
19 WITNESS my signature this 20th day of April, 2011.
20
21 
22
23 JERI CAIN, CSR #2460, RMR, CCRR, CRR
24
25

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