

## DOCKETED

<b>Docket Number:</b>	09-AFC-07C
<b>Project Title:</b>	Palen Solar Power Project - Compliance
<b>TN #:</b>	200089
<b>Document Title:</b>	Intervenor CBD's Third Status Report
<b>Description:</b>	Center for Biological Diversity's 3rd Status report
<b>Filer:</b>	Ileene Anderson
<b>Organization:</b>	Center for Biological Diversity
<b>Submitter Role:</b>	Intervener
<b>Submission Date:</b>	7/30/2013 1:37:49 PM
<b>Docketed Date:</b>	7/30/2013

**STATE OF CALIFORNIA**  
**Energy Resources Conservation**  
**and Development Commission**

In the Matter of:

APPLICATION FOR CERTIFICATION  
FOR THE PALEN SOLAR POWER  
PROJECT

DOCKET NO. 09-AFC-7C

**STATUS REPORT (THIRD)**  
**CENTER FOR BIOLOGICAL DIVERSITY**

July 30, 2013

Lisa T. Belenky, Senior Attorney  
Center for Biological Diversity  
351 California St., Suite 600  
San Francisco, CA 94104  
Phone: 415-632-5307  
[lbelenky@biologicaldiversity.org](mailto:lbelenky@biologicaldiversity.org)

Ileene Anderson  
Public Lands Desert Director  
Center for Biological Diversity  
PMB 447, 8033 Sunset Boulevard  
Los Angeles, CA 90046  
(323) 654-5943  
[ianderson@biologicaldiversity.org](mailto:ianderson@biologicaldiversity.org)

## INTRODUCTION

Intervener Center for Biological Diversity (the “Center”) timely provides this third status report regarding proposed amendment to the Final Decision for the Palen Solar Power Project. After the last status report was filed in May, the Preliminary Staff Assessment was issued, additional workshops were held, and comments on the PSA were filed. The Center attended all of the workshops (except for one that was scheduled at a time staff knew that Center representatives were both unavailable) and the Center submitted extensive comments on the PSA.

The Center raised many concerns in our first and second status reports regarding the lack of current, relevant data on many of the environmental resources and the Center was very disappointed to see the rushed PSA issued with many topics incomplete and/or only dealt with in a very cursory fashion. Similar issues are again raised in our comments on the incomplete PSA. All of the Center’s prior status reports and our comments are incorporated herein by reference.

The Center continues to be very concerned with the rushed schedule for this process and in particular the rush to issue a final staff assessment by August 23, 2013, when not even a preliminary analysis has yet been done on many issues. In addition to the concerns raised previously by the Center that remain unaddressed and which will require potential schedule delays (and which we will not reiterate a third time here)<sup>1</sup>, are the following:

- New data and reports were provided by staff and the applicant just last week that will require time for all parties to review and which should also be addressed in future workshops including, but not limited to, workshops on the following topics: 1) avian issues (survey adequacy/inadequacy,

---

<sup>1</sup> Regarding inadequate avian surveys and impacts analysis, desert kit fox information and analysis, alternatives analysis, cumulative analysis, Mojave fringe-toed lizard surveys and analysis, truncated environmental justice analysis, glint and glare impacts on traffic and other resources, and others.

updates and evidence regarding other avian species including bats found in the project area and related to cumulative impacts at other projects nearby; impacts to avian species including bats that are known to or may occur in this area, etc.); 2) impacts of the proposed project as amended on sand dunes and habitat for the Mojave fringe-toed lizard (as well as likely impacts of the blowing sand on mirrors which may reduce efficiency and raise costs, which has not been addressed at all) including the DRAFT Geomorphic Assessment of the Sand Transport corridor; and 3) connectivity across the landscape including both species and surface hydrology issues 4) updated surveys for vegetation, rare plants, desert tortoise, burrowing owl, state waters, Couch's spadefoot toad, kit fox, badgers and others along the linears for the gas line. The Center also requests that staff confer with all parties before scheduling these workshops and not again schedule a workshop at a time when any of the parties are unable to attend in person or via phone/webex.

- The CEC/project proponent has not yet responded to our data request from July 7, 2013 regarding avian impacts from the Ivanpah project, which could help inform the impact analysis from the proposed project.
- The Center also requests that the Committee schedule a site visit for all of the parties and the Committee members to visit the Ivanpah project site when it is operating at full power before this proposed project amendment is considered. Seeing that project in operation will likely provide important information for this process in several important respects including glint, glare, and traffic safety and solar flux issues among others.
- Alternatives and all other topics that have not even had a preliminary assessment by staff should be completed and those preliminary reviews

provided to the public for review and comment before a final staff assessment is issued.

- The BLM as just noticed<sup>2</sup> the draft SEIS with a 90 day comment period that will end on October 24, 2013. The BLM controls the lands at issue and without its approval this proposed project cannot go forward. By failing to coordinate with the BLM process and instead rushing forward with the CEC process, the Committee is repeating the mistakes of the past rather than learning from them. This CEC environmental review should be fully coordinated with the BLM environmental review. The FSA should be delayed at least a month after that time so that comments on the Draft SEIS can be reviewed by staff and responses incorporated into a single comprehensive FSA coordinated with BLM's Final SEIS and including response to all comments received by October 24, 2013.

Respectfully submitted,

Date: July 30, 2013



Lisa T. Belenky, Senior Attorney  
Center for Biological Diversity  
351 California St., Suite 600  
San Francisco, CA 94104  
Phone: 415-632-5307  
Fax: 415-436-9683  
[lbelenky@biologicaldiversity.org](mailto:lbelenky@biologicaldiversity.org)

Ileene Anderson  
Public Lands Desert Director  
Center for Biological Diversity  
PMB 447, 8033 Sunset Boulevard  
Los Angeles, CA 90046  
(323) 654-5943  
[ianderson@biologicaldiversity.org](mailto:ianderson@biologicaldiversity.org)

---

<sup>2</sup> Although a notice was issued earlier, as of this morning July 30, 2013 the actual document has not yet been made available to the public on the BLM website, although it is available now on the CEC website.