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<th><strong>Docket Number:</strong></th>
<th>09-AFC-07C</th>
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<td><strong>Project Title:</strong></td>
<td>Palen Solar Power Project - Compliance</td>
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<td><strong>TN #:</strong></td>
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<td><strong>Document Title:</strong></td>
<td>Intervenor CBD's Third Status Report</td>
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<td><strong>Description:</strong></td>
<td>Center for Biological Diversity's 3rd Status report</td>
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<td><strong>Filer:</strong></td>
<td>Ileene Anderson</td>
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<td><strong>Organization:</strong></td>
<td>Center for Biological Diversity</td>
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<td><strong>Submitter Role:</strong></td>
<td>Intervener</td>
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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

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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)\(^1\), 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,

\(^1\) 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 gen-tie and 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\(^2\) 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

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\(^2\) 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.