

## DOCKETED

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<b>Project Title:</b>	Palen Solar Power Project - Compliance
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<b>Document Title:</b>	Exh. 3067 Air Quality Testimony
<b>Description:</b>	I. Anderson PSEGS Air Quality testimony and additional Biology
<b>Filer:</b>	Ileene Anderson
<b>Organization:</b>	Center for Biological Diversity
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**STATE OF CALIFORNIA**

**Energy Resources Conservation and Development Commission**

In the Matter of:

APPLICATION FOR CERTIFICATION  
FOR THE PALEN SOLAR ENERGY  
GENERATING SYSTEM

DOCKET NO. 09-AFC-7

**INTERVENOR CENTER FOR BIOLOGICAL DIVERSITY**

**Exhibit 3067**

**Testimony of Ileene Anderson**

**Re: Air Quality**

**Docket 09-AFC-7**

**Summary of Testimony**

The proposed project will degrade already compromised air quality in the Chuckwalla Valley and potentially within parts of Joshua Tree National Park.

**Qualifications**

My qualifications are provided on my Testimony and Resume presented in Exhibit 3001.

**Statement**

I believe the FSA-Part C is premature based on facts recognized in the document that state “As staff prepared this air quality assessment, corrections and typos to the PDOC were identified. Staff has provided these as informal comments to SCAQMD staff and has incorporated these corrections in this section. Some of the emission data shown in the analysis have been discussed with the SCAQMD and minor changes were agreed upon and incorporated herein. Staff may also provide formal written comments to SCAQMD.” and “Additional edits may be needed once the Final Determination of Compliance (FDOC) is published. This air quality assessment will be updated as needed with a Supplemental Final Staff Assessment (FSA) once the Final Determination of Compliance (FDOC) is published.” (at pg. 5 of the PDF). A complete and accurate Final Determination of Compliance needs to be available on which to base the CEC staff’s analysis so that additional edits and supplemental staff assessments are unnecessary.

The FSA has already been segmented into three parts, and additional anticipated supplements and ongoing changes to Conditions of Certification confuse me as a member of public and an intervnor as to the actual status of the baseline upon which the impact analysis is being conducted.

The FSA notes that proposed project area is in an already nonattainment area for PM10 and ozone (at pg. 13 of the PDF). The baseline data for ozone and PM10 are from Blythe and Palm Springs respectively, and as the FSA notes 35 miles and 75 miles away from the proposed project site respectively. The Desert Sunlight project currently under construction is located approximately 15 miles northwest of the proposed project site in the Chuckwalla Valley. That project has four air quality monitoring stations associated with it. Monthly monitoring reports and data from March 2012 currently through September 2013 are available at <http://www.firstsolar.com/Projects/Desert-Sunlight-Solar-Farm> under Construction Documents (See Exhibits 3068 through 3086). Why didn't staff also incorporate these data from these local air quality monitoring stations?

It is clear that on-site activities will result in an increase in bare soils and therefore increased PM10 may be introduced into the air by wind and that the use of the area during construction and operations will lead to additional PM10 emissions from the site as the FSA notes (at Table 11 on pg.30 of the PDF) . Although some mitigation measures are suggested they are not specific and enforceable and because the extent of the impact has not been adequately addressed as an initial matter there is no way to show that the mitigation measures proffered will reduce the impacts to less than significance.

Indeed the mitigation measures presented here align with other projects currently being constructed in the area, which have not been effective and those projects have caused extensive dust problems (Exhibit 3087)<sup>1</sup>, some of which remain unaddressed.

I share concerns stated in the National Park Service's letter to the Bureau of Land Management (Exhibit 3066) that, as required by the Environmental Protection Agency, a Prevention of Significant Deterioration needs to be prepared for this proposed project. I also share many of the other concerns raised by the Park regarding impacts to resources of Joshua Tree National Park such as the inadequate assessment of impacts to the many avian species that utilize the park including golden eagles.

As previously discussed in my testimony on Biological Resources, the construction of the proposed project further increases emissions of dust particles (PM<sub>10</sub> and PM<sub>2.5</sub>) because of the disruption and elimination of potentially thousands of acres of cryptobiotic soil crusts and naturally occurring desert pavements. Cryptobiotic soil crusts are an essential ecological component in arid lands because they are the "glue" that holds surface soil particles together precluding soil erosion and becoming airborne particulate matter. Natural desert pavements are closely packed interlocking, angular or round gravels, pebbles or rocks which stabilize the soil surface and are easily disturbed by mechanical impact. The FSA fails in any section to describe or quantify the on-site cryptobiotic soil crusts and desert pavements, the FSA only mentions biological soil

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<sup>1</sup> <http://www.kcet.org/news/rewire/biomass/biofuels/desert-solar-may-pose-threat-to-desert-biofuels.html>

crusts and provides a partial list of the ecological services that they perform in relation to special status plant species (at 4.17-8). Absent an analysis of the extent of cryptobiotic soil crusts and naturally occurring desert pavements currently present on the proposed project site, it is unclear to me how accurate the modeling for air quality actually is, since the baseline existing conditions have not been fully identified. A calculation of how many acres of these soil-surface-stabilizing structures will be affected seems to me to be critical in determining how disruption of these soils will affect the potential for dust to occur, not just during construction, but also over the life of the project and beyond because both cryptobiotic soils and naturally occurring desert pavements take hundreds to thousands of years to develop.

In addition, I am providing updated exhibits that are relevant to my earlier testimony regarding impacts to avian species. Exhibit 3088<sup>2</sup> is a recent article that discusses new information from the US FWS provided in its comments on the FSA (TN201199), and in comments to the BLM on the SDEIS for this project, that raise concerns that invertebrates and birds may actually be *attracted to* the power tower projects which create an “environmental trap.” Exhibit 3089 is the most recent October 2013 monitoring report from the ISEGS project which documents the mortality of 53 birds, injuries to 3 more birds (at pg.339 of the PDF); and six bat mortalities (at pg. 338 of the PDF) and Exhibit 3090<sup>3</sup> is an article discussing this recent report and migrating birds that may be attracted to the ISEGS site.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.



Dated: November 21, 2013

Signed: :

At: L, California

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<sup>2</sup> <http://www.kcet.org/news/rewire/solar/concentrating-solar/fish-and-wildlife-service-clarifies-funnel-effect-comment.html>

<sup>3</sup> <http://www.kcet.org/news/rewire/solar/concentrating-solar/ivanpah-solar-plant-may-be-attracting-migrating-birds.html>