



Western Lands Project

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DOCKET
07-AFC-5

DATE SEP 02 2010

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Docket Unit
California Energy Commission
1516 Ninth Street
MS-4
Sacramento, CA 95814

September 2, 2010

Re: Docket No. 07-AFC-5

To whom it may concern:

The Western Lands Project is a non-profit organization conducting research, outreach, and advocacy for reform in federal lands conveyance policy. The organization has a longstanding interest in the Mojave Desert ecosystem of Southern California and Southern Nevada. The organization has tracked numerous public land exchanges and sales administered by the Bureau of Land Management. Western Lands Project members recreate regularly on the public lands of the Mojave Desert. This letter comprises our comments on the final environmental impact statement ("FEIS") for the proposed Ivanpah Solar Electric Generating System project.

The FEIS understates the irreversibility of impacts from this project.

Although leased rather than sold to the developer outright, the Ivanpah site will be utterly transformed, completely converted to an industrial use. The project site will no longer serve non-industrial, multiple use functions, and will be off-limits to the public. In essence, public land used for the Ivanpah plants will no longer be public.

Moreover, even beyond the decades-long "virtual privatization" of the site, conversion to industrial use is likely permanent. The environmental impacts are likely to be such that restoration to or recovery of previous ecological function cannot occur. The site may be permanently relegated to industrial uses. Having been stripped of the special qualities and functions we value in public lands, it will in effect become private industrial land.

The desert tortoise translocation plan is fundamentally flawed.

The FEIS is relying on a draft relocation plan for desert tortoises in the Ivanpah project area. The draft plan has not been made available for public review. The CEC and BLM not only violate CEQA and NEPA, but also lose the public's trust, when they base a final decision on a draft, publicly-unavailable mitigation plan. Another flaw with the translocation plan is that it is based on a faulty premise: that tortoise survive and thrive post-relocation. A recent review of the Fort Irwin Expansion tortoise relocation showed that more than four out of ten relocated tortoises had died within less than two years of being moved. Another 17%

of the relocated tortoise were missing. These results show that the plan does not mitigate harm to tortoise and still results in take of the species.

Research shows that desert tortoise require migration corridors to move between mountain ranges. The cumulative impacts of other solar facilities being developed adjacent to the proposed Ivanpah project may result in the fragmentation and isolation of tortoise populations in the area. The fragmentation is harmful for the long term survival of isolated tortoise population, as it results in increased inbreeding, which reduces the population's genetic fitness to withstand ecological changes and disasters.

The project would harm soils and strip the project area of all vegetation.

The Low Impact Design described in the FEIS would still result in the removal of more than 400,000 cubic yards of vegetation and subsequent grading of almost 250,000 cubic yards of soil. The impacts this would have on the local wildlife (after tortoise are relocated) are not discussed in sufficient detail in the FEIS. The grading/leveling of the project area may also significantly impact the drainage and runoff of rain after flash storms. These impacts are not sufficiently addressed in the FEIS.

The scraping of the site will destroy the soil's cryptobiotic crust. The FEIS failed to discuss how the fragile, slow-growing crust will be rehabilitated or restored after the solar project is decommissioned.

An additional concern with grading the site is the potential loss of rare plants. Given the way the site will be scraped and leveled, it is difficult to see how any rare plants will survive the project's construction. The FEIS failed to explain whether the project developer has the knowledge to purchase and protect in perpetuity other lands containing these same plant species.

The FEIS neglected to address project impacts from water use.

Although the Ivanpah project is set to use a dry-cooling process, it will still require substantial amounts of water. The project will require drilling a new well for pumping groundwater to use for make-up water and wash water for cleaning the solar arrays. The impacts of drawing this water from the basin are unknown; therefore, the FEIS should discuss a mitigation plan for possible negative impacts to springs in the basin. The FEIS also failed to address possible impacts to groundwater quality if water from evaporation or blow-down ponds were to re-enter the groundwater supply.

The FEIS failed to address possible impacts to rare birds found near the project area.

Nearby Clark Mountain — an Internationally Important Bird Area, according to the National Audubon Society — is home to several bird species that nest nowhere else in California. The FEIS did not address how birds will be impacted by the Ivanpah power towers.

The FEIS did not take into account the fire danger posed by the project.

San Bernardino has limited funds for fire and emergency services. Industrial-scale solar facilities rely on new technologies that are largely untested. The 370 MW Ivanpah project is itself speculative — a scaled-up version of a six-megawatt test tower. A detailed fire emergency plan must be thoroughly vetted prior to reaching a decision to proceed with this project.

Thank you for the opportunity to comment on this project. Please send us all future documents pertaining to this project.

Sincerely,

A handwritten signature in black ink that reads "Christopher J. Krupp". The signature is written in a cursive style with a large, stylized initial "C".

Christopher J. Krupp, Staff Attorney