

**DOCKET**

**09-AFC-9**

DATE MAY 21 2010

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KERNCREST AUDUBON SOCIETY  
PO Box 984  
Ridgecrest, CA 93555

May 21, 2010

Eric K. Solorio, Project Manager  
Siting, Transmission and Environmental Protection Division  
California Energy Commission  
1516 Ninth Street, MS-15  
Sacramento CA 95814

Re: Ridgecrest solar Power Project 09-AFC-9

Dear Mr. Solorio,

The Kerncrest Audubon Society appreciates the opportunity to provide these comments regarding the Draft Environmental Impact Statement and Staff Assessment (DEIS/SA).

Kerncrest Audubon Society (KAS) agrees with the California Energy Commission (CEC) Staff recommendation that the project not be placed in this location because this site is a unique and irreplaceable habitat for a variety of listed species and therefore should be protected from development.

We further note that the applicant's exclusion of El Paso wash from the project footprint has not lessened the impact on these species; it has simply shifted the cause of this impact from project-related grading to the probable increase of off-road vehicle (OHV) use in the wash that will result from the closing of existing trails. In addition, the greatest impact on the Burrowing Owl will likely be from the loss of prey in the project area, an impact that will not be mitigated by relocating that prey to other areas, or by relocating the owls.

We also do not believe that applicant has provided evidence that the corridor remaining after project development is adequate for providing species connectivity for the desert tortoise or Mojave ground squirrel population, or habitat for dispersal of juvenile ground squirrels, also necessary for species connectivity. The Mojave ground squirrel is not migratory. Its populations connect through range expansion, a phenomenon that appears to us not as likely to occur through a narrow corridor as through the existing open terrain.

The DEIS/SA also concludes that this project will have immitigable significant adverse impact upon the visual resources of the area. This site is the first view visitors to the Indian Wells Valley (IWV) have of our area as they approach from the south on Highway 395. That view now is a sweeping one of the largely untouched desert, the El Paso Mountains, the valley floor and the rugged Sierra Nevada Mountains across the valley. If this project were built, the view would be dominated by thousands of acres of industrial

solar site. Swapping unique largely undisturbed habitat for visual pollution is a poor exchange to which KAS is opposed.

The Indian Wells Valley is currently in water overdraft. In general, we believe any new use of water in an already-declining water table to be immitigable, unless that mitigation reverses the current water table decline. That said, if the project is approved we request the following:

1. The “cash for grass” mitigation should be abandoned for Indian Wells Valley Water District (IWWVD) customers. Fallowing agricultural land is the only mitigation measure that will be clearly effective and measurable. Our reasoning for this is:

a. While the IWWVD would like to use the proposed "cash for grass" program as funding for providing incentive for its customers to turn to xeriscaping it has created other incentives to reach this goal. The IWWVD is raising water rates over the next few years to levels that by 2012 will result in many homeowners turning to xeriscape landscaping without the additional “cash for grass” incentive.

b. The IWWVD has conducted a widespread education program encouraging homeowners to adopt xeriscaping instead of turf, and many homeowners are turning to xeriscaping as a result of this program without the “cash for grass” incentive.

c. There is no way to separate those homeowners who would turn to xeriscaping only because of the additional "cash for grass" incentive from those who will turn to xeriscaping to lower their water bills or because of their desire to save water. Thus there is no way to measure the real impact of this additional "cash for grass" incentive as mitigation for this project. We have no objection to using this incentive for people who are currently watering grass from their own wells to switch to xeriscaping.

2. The proposed project will bring into the valley up to 600 construction workers and possibly their families. After construction the facility will attract about 80 permanent workers and their families to operate the plant. Water usage data for mitigation purposes should include the impact of these new water users to the IWV water basin.

As representative of approximately 200 members who are residents of the Indian Wells Valley, KAS also wishes to express concern about the issue of Valley Fever. We believe it highly unlikely that dust control during construction will be adequate, especially within the restricted amount of water available. Indeed, the applicant has already requested relief from the staff-recommended requirement of allowing no dust plume off-site, indicating applicant also thinks that will not be possible.

In a BLM press release on May 20, 2010 discussing the new fund to be established for alternative energy projects to pay into to provide a coordinated mitigation program, it was stated that "Funds from individual energy projects that are deposited to the REAT account can be pooled in order to acquire contiguous blocks of quality wildlife habitat that will provide for wildlife connectivity and climate change adaptation." What we have here at the RSPP site is just such a block of quality wildlife habitat, one that contains populations of Mojave ground squirrel, desert kit fox, American badger, burrowing owl, a thriving and reproducing population of desert tortoise, and others. An alternative block is very unlikely to be found in the vicinity; and if it is, it should be protected as well. To

sacrifice this site with its species richness and allow a developer to pay into a fund to acquire habitat of potentially lower quality is absurd.

In conclusion, KAS fully supports the No Project option recommended by CEC Staff.

Sincerely,

Daniel G. Burnett  
For

Kerncrest Audubon Society  
PO Box 984  
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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
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**APPLICATION FOR CERTIFICATION**  
**For the *RIDGECREST SOLAR***  
***POWER PROJECT***

**Docket No. 09-AFC-9**

**PROOF OF SERVICE**  
**(Revised 5/12/2010)**

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**DECLARATION OF SERVICE**

I, Daniel G. Burnett, declare that on, 21 May 2010, I served and filed copies of the attached **Kerncrest Audubon Society Comments Regarding the SA/DEIS**, dated May 21, 2010. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [http://www.energy.ca.gov/sitingcases/solar\_millennium\_ridgecrest].

The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

**(Check all that Apply)**

**For service to all other parties:**

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery;
- by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

**AND**

**For filing with the Energy Commission:**

- sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

**OR**

- depositing in the mail an original and 12 paper copies, as follows:

**CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 09-AFC-9  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

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I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

\_\_\_\_\_  
Daniel G. Burnett  
For  
Kerncrest Audubon Society