

May 26th, 2012

Senator Dean Heller

Lloyd George Federal Building
333 Las Vegas Blvd. South, Suite 8203
Las Vegas, NV 89101

Dear Senator Heller,

We are writing to complain about air quality violations concerning the recent Right of Way approval for the Desert Sunlight Solar Project CACA-48649 located on federal lands near Desert Center, California. This letter should go to the California Desert District office of the Bureau of Land Management located in Moreno Valley, California.

In August, 2011, the Bureau of Land Management and Interior Secretary Salazar approved a Right of Way construction permit for the 4,400 acre Desert Sunlight Project located in public lands in the California Desert next to Joshua Tree National Park.

Both the company First Solar and the people working for the Bureau of Land Management pretty much guaranteed that mitigation would control dust emissions. The project was purchased by another company, Nextera, but First Solar was left in charge of the mitigation.

The two below photos were taken by local residents who report that only a handful of dust storms like this have occurred in the last 31 years before First Solar started their construction. Now that First Solar has bladed over 1,000 acres, dust is kicked up every time the wind blows. The air quality has been made so poor by the construction of this project, that you can hardly even see the Coxcomb Mountains in Joshua Tree National Park looking from the south.



California Energy Commission

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The Bureau of Land Management has required that the company control the dust as a condition of mitigation in the Record of Decision. First Solar chose a very hot area to build this project. In order to control dust, they must use a very large amount of water on a consistent basis. The area will often see temperatures approaching 120 F (49 C) in the summer. The rate of evaporation at that temperature can be over 150 inches per year.

Dust control in hot, arid climates is very problematic. The removal of well established vegetation, biological soil crusts and centuries old desert pavement creates opportunities for dust to be airborne every time the wind blows.

We are seeing this problem with several of the recently approved, prioritized large energy projects. The Department of Interior has been so effective in streamlining the environmental review of these projects that they have created a perfect storm of compromised air quality.

Not only does this create very bad problems for visual resources, the wholesale spread of this dust threatens public health as well. Coccidioidomycosis (Valley Fever) is spread when spores are kicked up by winds. Cases of valley fever has been documented in the nearby Coachella and Imperial Valley. We believe that these air quality violations are putting public health at risk.

As visitors to the southern part of Joshua Tree National Park, public land owners and tax payers, We would like to ask that the following changes be made for this project:

1. Stop all construction when wind speeds reach ten miles per hour or more.
2. Limit construction hours by half when temperatures climb above 100 degrees.
3. Hold both First Solar and Nextera accountable for their air quality violations. Give them steep fines until they can get their act together. The Right of Way/Lease Grant issued for this project states: "Failure of the holder to comply with any diligent development provision of this instrument may cause the Authorized Officer to suspend or terminate the authorization in accordance with 43 CFR 2807.1 7 -2807.19, and use the posted Performance and Reclamation bond to cover the costs for removal of any equipment and/or facilities. The Authorized Officer will provide the holder a written Notice of Failure to Ensure Diligent Development prior to the

suspension or termination of the authorization. The holder will be provided an opportunity to correct any noncompliance in accordance with 43 CFR 2807.18 or submit a written request to the Authorized Officer for an extension of the time lines in the approved Plan of Development.”

4. Provide a web page where the general public can monitor disciplinary actions taken by BLM to insure that developers are in compliance with conditions of mitigation. This web site should have a place for the public to report violations.

Nextera is building the Genesis Project about 25 miles from this project. We are seeing the same disgusting violations of air quality for that project as well. The below image is yet another black-out photo, this time from the Genesis Solar Energy Project. This photo was taken in April, 2012:



In conclusion, we are very disappointed in the system that was designed for fast track approval for these large energy projects. In many cases, developers have been in violation of air quality mitigation standards just days after their projects were approved. While we have seen efforts made by the BLM to enforce compliance of these mitigation conditions, we have not seen any satisfactory results. In the case of the Desert Sunlight Project, we believe that the BLM could and should be doing a much better job of requiring the developer to be in compliance with air quality mitigation standards.

Thank you,

Kevin Emmerich

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