

DOCKETED

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Project Title:	Palen Solar Power Project - Compliance
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Comment Received From: Kim Delfino

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Palen Solar Power Project

See attached comment letter

Additional submitted attachment is included below.



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August 25, 2015

California Energy Commission
Docket Unit
Docket number: 09-AFC-07C
1516 Ninth Street, MS-4
Sacramento, CA 95614
Via email: docket@energy.ca.gov

Re: Docket No. 09-AFC-07C: Palen Solar Power Project

Dear Commissioners;

Defenders of Wildlife (Defenders) urge the California Energy Commission (CEC) to **deny** the Petition to extend the deadline for commencement of construction of the Palen Solar Power Project (Project) beyond the five-year deadline following approval of the project by the CEC, which occurred on December 15, 2010. The Petitioner does not intend to construct the approved project, but has stated it needs the additional one-year extension “to allow consideration of the project improvements it intends to propose.”

The Petitioner provides no description of the project improvements it may propose, other than perhaps thermal storage capability, and it remains unclear what type of technology it plans to utilize. And, the Petitioner states that the additional time extension will be used to develop an amended application “to better address the concerns identified by the California Energy Commission’s staff and other stakeholders.” There is no indication it intends to construct the project approved in 2010, but only to consider modifications to the project so that it can prepare and submit an amendment.

The Petitioner does not have a right of way grant from the Bureau of Land Management (BLM) for the Project, which is mandatory, along with a BLM approved notice to proceed, before construction could commence. Further changes to the Project envisioned by the Petitioner may trigger the need for additional environmental review by BLM before it could be in a position to render a final decision on the Project. Addition of thermal storage capability, alone, would necessitate such review.

The Project has a complex and lengthy history of change in ownership due to bankruptcy proceedings and proposed technology changes; initially proposed as a solar thermal trough facility, changing to photovoltaic panels and most recently to solar thermal tower technology in 2012. Environmental reviews overseen by the CEC and BLM began in the late 1990s for the original

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project and to some extent are still relied on to assess the environmental consequences of permitting the Project. Some aspects of the earlier environmental review and analysis documents, in addition to supplemental documents prepared for the withdrawn solar thermal tower facility, may be outdated, such as effects of the Project on cultural resources, migratory birds and groundwater. Updated models of the effects of climate change in the region are available as well as projections of precipitation intensity and flash flooding. High intensity rainfall and flooding occurred recently in the Chuckwalla Valley, causing significant damage to the existing Desert Sunlight Solar Farm and Genesis Solar Energy Project.

The Petitioner, as well as previous owners of the Project, have not demonstrated diligence in proceeding in a timely manner to begin construction. All have voluntarily changed the proposed project design, layout and technology. Significant is the fact the previous Project owner, of which the Petitioner was involved as a partner, voluntarily withdrew the previous amended application on September 26, 2014, resulting in the CEC formally terminating the licensing proceedings on September 29, 2014. The latest Petition to extend the start of construction date to December 2016 is another voluntary action.

We recommend the CEC **deny** the Petition to extend the date for commencement of construction for the Project for the reasons given above. Since the owner of the Project does not intend to construct the original Project approved in 2010, it should be required to submit an application for a new project to both the CEC and the BLM.

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Ki Delfino". The signature is fluid and cursive, with the first name "Ki" and last name "Delfino" clearly distinguishable.

Kim Delfino, California Program Director
Defenders of Wildlife
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