

Joshua Basofin
California Representative
Defenders of Wildlife

DOCKET	
08-AFC-13	
DATE	OCT 23 2009
RECD	OCT 23 2009

STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:)
)
) Docket No. 08-AFC-13
)
Application for Certification)
for the SES Solar One Project)
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_____)

PETITION FOR INTERVENTION

Petitioner, Joshua Basofin, California Representative, Defenders of Wildlife, states:

1. Petitioner, Joshua Basofin, California Representative, Defenders of Wildlife, petitions to intervene in the above-entitled proceeding.
2. Petitioner's address, telephone number and email address are:

1303 J Street, Suite 270
Sacramento, California 95814
916-313-5800 x108
jbasofin@defenders.org
3. Petitioner's position and interest in the proceeding are: See Attachment 1.
4. Petitioner does wish to reserve the right to present evidence and to cross-examine witnesses.
5. Petitioner will be represented by: Joshua Basofin, California Representative, Defenders of Wildlife
6. **PETITIONER PREFERS EMAIL FOR PROOF OF SERVICE**
7. **Petitioner respectfully requests that the Committee consider this petition expeditiously, in recognition of the November 6, 2009 deadline for data requests.**

October 23, 2008
Date


Signature

Check box if continuation pages are attached.
(Proof of Service Must be Attached)

Attachment 1

Defenders of Wildlife (“Defenders”) is dedicated to protecting all wild animals and plants in their natural communities. To this end, Defenders employs science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions in order to impede the accelerating rate of extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

Defenders strongly supports the greenhouse gas emission reduction goals found in AB 32 and the development of a renewable portfolio standard in California. However, we urge that in developing utility-scale renewable energy facilities, the proponents design their projects in the most sustainable manner possible. This is essential to ensure that project approval moves forward expeditiously and in a manner that does not sacrifice sensitive landscape features and wildlife in the rush to meet our renewable energy goals.

Stirling Energy Systems, Inc. proposes to construct an 850-megawatt Stirling engine solar thermal facility on an approximate 8,230-acre site (nearly 13 square miles) on BLM land located in San Bernardino County, California. The project would require grading, construction and vegetation clearing to install the “pedestals” on which the Stirling SunCatchers sit. Importantly, the project site is between several designated critical habitat areas for desert tortoise. Additionally, an estimated 18 to 33 desert tortoises are present on site based on the results of protocol surveys, which necessitates a translocation program. Four special status plant species occur on the site. Special status wildlife species include desert tortoise, Mojave fringe-toed lizard, California horned lark, Bendire’s thrasher, burrowing owl, golden eagle, and Swainson’s hawk.

A recent study entitled “Cumulative Impacts of Large-scale Renewable Energy Development in the West Mojave”¹ analyzed the impact of several Competitive Renewable Energy Zones (“CREZ’s”) on wildlife corridors. According to that study, the Pisgah CREZ, which contains the proposed Solar One site, lies squarely in the center of eight desert tortoise critical habitat areas within the study region and in the center of an important northeast-to-southwest movement pathway between a number of the bighorn sheep populations analyzed. For both species the placement of the Pisgah CREZ results in connectivity being shifted large distances (on the order of >50 km) around the development. See Figure 1. With such sizable and important wildlife corridors at stake, it is essential that the California Energy Commission properly consider potential alternative sites, require sufficient mitigation, and establish strict guidelines for any translocation of desert tortoises. A thorough and comprehensive analysis is required to prevent cumulative impacts to the desert tortoise in this region.

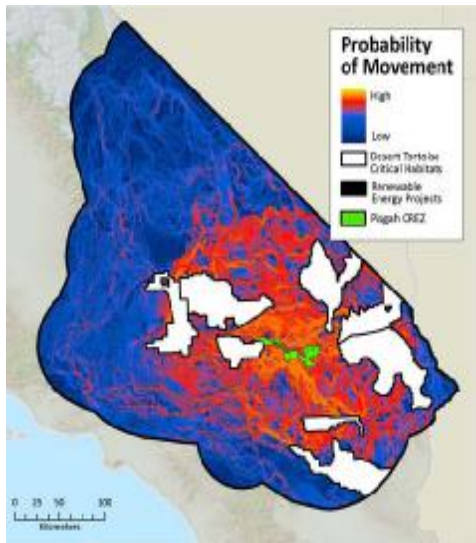
Based on a review of the Application for Certification and associated documents, Defenders has several serious concerns about the potential impacts of this project on a number of rare, declining and listed species and on their continued ability to use migration

¹ http://fiesta.bren.ucsb.edu/~westmojave/images/Wemo_Final.pdf (last visited on 10/20/09)

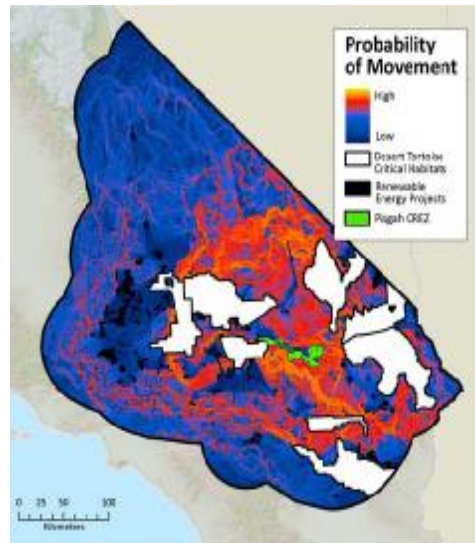
corridors. Defenders is concerned that the Applicant has not given adequate consideration to alternative sites for the project. Defenders also believes the Applicant has not yet provided specific information concerning methods of compensation for affected habitat. Compensatory mitigation would be required to fulfill the California Department of Fish and Game's full mitigation standard. Cal. Fish & Game Code § 2081(b)(2).

For the aforementioned reasons, Defenders requests to intervene in this proceeding.

Figure 1.



a. Desert Tortoise Present Scenario



b. Desert Tortoise High Development Scenario



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION
For the SES SOLAR ONE PROJECT**

Docket No. 08-AFC-13

PROOF OF SERVICE

(Revised 7/20/09)

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DECLARATION OF SERVICE

I, Joshua Basofin, declare that on October 23, 2009, I served and filed copies of the Attached Petition for Intervention, dated October 23, 2009. 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:

[www.energy.ca.gov/sitingcases/solarone]. 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:

X sent electronically to all email addresses on the Proof of Service list;

X by personal delivery or by depositing in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

X 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. 08-AFC-13

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.