

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

In the Matter of:

APPLICATION FOR CERTIFICATION
FOR THE PALEN SOLAR POWER
PROJECT

DOCKET NO. 09-AFC-7C

STATUS REPORT

CENTER FOR BIOLOGICAL DIVERSITY

March 29, 2013

Lisa T. Belenky, Senior Attorney
Center for Biological Diversity
351 California St., Suite 600
San Francisco, CA 94104
Phone: 415-632-5307
lbelenky@biologicaldiversity.org

Ileene Anderson
Public Lands Desert Director
Center for Biological Diversity
PMB 447, 8033 Sunset Boulevard
Los Angeles, CA 90046
(323) 654-5943
ianderson@biologicaldiversity.org

INTRODUCTION

Pursuant to the Committee Scheduling Order dated March 6, 2013, Intervenor Center for Biological Diversity (the “Center”) timely provides this status report regarding proposed amendment to the Final Decision for the Palen Solar Power Project. The Order stated: “Status reports shall inform the Committee whether or not case development is progressing satisfactorily, and bring potential schedule delays and other relevant matters to the Committee’s attention.”

The Center has the following concerns regarding the need for additional information that may bring potential schedule delays:

- New desert tortoise surveys are needed because the surveys relied on for the original application are now more than five years out of date¹.
- Additional analysis is needed regarding impacts to desert tortoise and other species connectivity in light of the new information available regarding this issue over the last four years including but not limited to the U.S. Fish and Wildlife Service’s Priority Desert Tortoise Connectivity Habitat², the Linkage Network for the California Deserts³, and the BLM’s Final Solar PEIS. As part of the Final Solar PEIS, two north-south wildlife connectivity corridors are to be established through the Riverside East Solar Energy Zone (Solar PEIS at 9.4-50). Based on the need to identify the location of these corridors, an analysis must be done of the potential impact from this project to these crucial wildlife corridors
- Additional appropriate avian species surveys are needed due to the change in technology (power tower) which will have much greater impacts to

¹ http://www.fws.gov/ventura/species_information/protocols_guidelines/docs/dt/DT%20Pre-project%20Survey%20Protocol_2010%20Field%20Season.pdf at pg. 5

² http://solareis.anl.gov/documents/fpeis/maps/FWS_Desert_Tortoise_Connectivity.pdf

³ <http://www.scwildlands.org/reports/ALinkageNetworkForTheCaliforniaDeserts.pdf>

avian species than the approved project. These types of impacts were not addressed in the earlier environmental review.

- New Mojave fringe toed lizard surveys are needed because the surveys relied on for the original application are 5 years out of date. In order to adequately assess the current distribution and density of Mojave fringe-toed lizards on the project site and assess direct, indirect, and cumulative impacts to the local population and its habitat, updated surveys are necessary, and must also consider potential impacts from construction and operation activities in the up wind areas of the sand transport corridor which include several large solar projects. In addition, the Center has been informed and is investigating reports that construction activities for the Colorado River substation and use of the access road has had a very high impact on Mojave fringe-toed lizards—the potential for roads near and in sand habitat to become population sinks must be considered in this review.
- Alternatives that could avoid impacts to the Mojave fringe-toed lizard and its rare sand dune and stabilized sand habitats, soils and surface waters, desert tortoise movement, avian impacts from solar flux and heliostat collision and other resources must be re-considered in light of the new power tower proposal which the applicant has in the past stated has more flexibility in site design as compared with the solar trough project originally approved.
- New detailed surveys of kit fox on the site are also needed. Due to the unfortunate outbreak of canine distemper in the state protected desert kit fox in the vicinity of the Palen project, additional analysis of project impacts to this species is required.

- Additional analysis of all cumulative impacts is needed in light of additional projects that have been proposed and approved in this area subsequent to the original decision including Desert Harvest and McCoy solar projects as well as the adoption of the BLM Solar PEIS after that time and any new information learned from the construction of Desert Sunlight and Genesis projects and updating any new information on the Eagle Mountain Pumped Storage Project.

The Center also joins the status report filed by Basin and Range Watch today regarding the need for new alternatives analysis, additional information gathering and analysis of impacts to resources.

Respectfully submitted,

Date: March 26, 2013

Lisa T. Belenky, Senior Attorney
Center for Biological Diversity
351 California St., Suite 600
San Francisco, CA 94104
Phone: 415-632-5307
Fax: 415-436-9683
lbelenky@biologicaldiversity.org

Ileene Anderson
Public Lands Desert Director
Center for Biological Diversity
PMB 447, 8033 Sunset Boulevard
Los Angeles, CA 90046
(323) 654-5943
ianderson@biologicaldiversity.org



**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**

**AMENDMENT
FOR THE PALEN SOLAR ELECTRIC
GENERATING SYSTEM**

**Docket No. 09-AFC-7C
PROOF OF SERVICE
(Revised 3/26/13)**

SERVICE LIST:

APPLICANT

Palen Solar Holdings, LLC
Clay Jensen
410 South Rampart Blvd., Suite 390
Las Vegas, NV 89145
cjensen@brightsourceenergy.com

Palen Solar Holdings, LLC
Charlie Turlinski
1999 Harrison Street, Suite 2150
Oakland, CA 94612
cturlinski@brightsourceenergy.com

APPLICANT'S CONSULTANT

Centerline
Andrea Grenier
1420 E. Roseville Parkway
Suite 140-377
Roseville, CA 95661
andrea@agrenier.com

APPLICANT'S COUNSEL

Scott Galati, Esq.
Marie Fleming
Galati/Blek, LLP
455 Capitol Mall, Suite 350
Sacramento, CA 95814
sgalati@gb-llp.com
mfleming@gb-llp.com

INTERESTED AGENCY

California ISO
e-recipient@caiso.com

County of Riverside
Office of Riverside County Counsel
Tiffany North
3960 Orange Street, Suite 500
Riverside, CA 92501
tnorth@co.riverside.ca.us

INTERVENORS

Center for Biological Diversity
Lisa T. Belenky, Senior Attorney
351 California St., Suite 600
San Francisco, CA 94104
lbelenky@biologicaldiversity.org

Center for Biological Diversity
Ileene Anderson
Public Lands Desert Director
PMB 447, 8033 Sunset Boulevard
Los Angeles, CA 90046
ianderson@biologicaldiversity.org

Basin and Range Watch
Kevin Emmerich
Laura Cunningham
P.O. Box 153
Baker, CA 92309
atomictoadranch@netzero.net
bluerockiguana@hughes.net

Californians for Renewable Energy
Alfredo Acosta Figueroa
424 North Carlton Avenue
Blythe, CA 92225
lacunadeaztlan@aol.com

California Unions for Reliable Energy
Tanya A. Gulesserian
Elizabeth Klebaner
Adams Broadwell Joseph & Cardoza
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
tgulesserian@adamsbroadwell.com
eklebaner@adamsbroadwell.com

INTERVENORS (Cont'd.)

*Hildeberto Sanchez, Eddie Simmons,
and Laborers' International Union of
North America, Local Union No. 1184
c/o Richard T. Drury
Christina M. Caro
Lozeau|Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607
richard@lozeaudrury.com
christina@lozeaudrury.com

ENERGY COMMISSION STAFF

Christine Stora
Project Manager
christine.stora@energy.ca.gov

Jennifer Martin-Gallardo
Staff Counsel
jennifer.martin-gallardo@energy.ca.gov

**ENERGY COMMISSION –
PUBLIC ADVISER**

Blake Roberts
Assistant Public Adviser
publicadviser@energy.ca.gov

COMMISSION DOCKET UNIT

California Energy Commission
Docket Unit
Attn: Docket No. 09-AFC-07C
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

*Indicates change

OTHER ENERGY COMMISSION
PARTICIPANTS (LISTED FOR
CONVENIENCE ONLY):

*After docketing, the Docket Unit
will provide a copy to the persons
listed below. Do not send copies of
documents to these persons
unless specifically directed to do
so.*

KAREN DOUGLAS
Commissioner and Presiding Member

David Hochschild
Commissioner and Associate Member

Raoul Renaud
Hearing Adviser

Galen Lemei
Adviser to Presiding Member

Jennifer Nelson
Adviser to Presiding Member

Jim Bartridge
Adviser to Associate Member

Kelly Foley
Adviser to Associate Member

Eileen Allen
Commissioners' Technical
Adviser for Facility Siting

DECLARATION OF SERVICE

I, Lisa Belenky, declare that on March 29, 2013, I served and filed copies of the attached Status Report, dated March 29, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at: <http://www.energy.ca.gov/sitingcases/palen/compliance/>.

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

(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those parties noted above as "hard copy required"; **OR**

Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: March 29, 2013


