

DOCKET

09-AFC-7

DATE MAY 16 2010

RECD. MAY 16 2010

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

In the Matter of:

APPLICATION FOR CERTIFICATION) DOCKET NO. 09-AFC-7
FOR THE PALEN SOLAR)
POWER PROJECT)
_____)

DATA REQUEST BY
Basin and Range Watch

May 16th, 2010

Laura Cunningham
Kevin Emmerich
Basin and Range Watch
PO Box 153,
Baker CA, 92309
Phone: 775-553-2806
atomictoadranch@netzero.net

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-7

Alice Harron
Senior Director of Project Development
Solar Millennium, LLC
1625 Shattuck Avenue, Suite 270
Berkeley, CA 94709-1161
harron@solarmillenium.com

**DATA REQUEST BY
Basin and Range Watch**

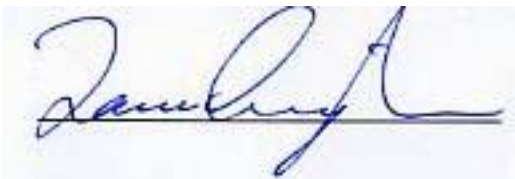
Dear Ms.Harron,

Basin and Range Watch submits this set of data requests on Visual Resources and Biological Resources to the Solar Millennium Palen Solar Power Project, pursuant to Title 20, section 1716(b), of the California Code of Regulations. The requested information is necessary to: (1) more fully understand the project; (2) assess whether the project will be constructed and operated in compliance with all laws, ordinances, regulations and standards; (3) assess whether the project will result in significant environmental impacts; and (4) assess potential mitigation measures.

Basin and Range Watch reserves the right to submit additional data requests on any topic that requires further information. Pursuant to section 1716(f) of the Energy Commission's regulations, written responses to these requests are due within 30 days.

Please contact us if you have any questions. Thank you for your cooperation with these requests.

Sincerely,



Check box if continuation pages are attached.

Visual Resources: Neither the DEIS/SA or the Visual Resources analysis in the Application of Certification have provided night time Key Observation Point simulations night lighting impacts to wilderness values.

1. Please provide at least five Key Observation Points simulating the dark sky view from different representative elevations. Please create simulations from actual photos instead of Google Earth images.

2. Please provide an analysis of the impacts of potential flash glare events relating to time of year. Would the impact of flash glare events be more severe during winter months when background contrasts are at lower light angles relating to shorter winter days?

Biological Resources:

1. The AECOM document: Palen Solar Power Project, Docket No. 09-AFC-7 Responses to Questions from the April 28, 29 and May 7, 2010 CEC Workshops Mojave Fringe-toed Lizard Mitigation Technical Areas: Biological Resources states “ A preliminary examination of potential private mitigation parcels in the vicinity of the PSPP suggests that this conclusion by staff is not accurate. AECOM staff overlaid Bureau of Land Management (BLM) mapping on USGS maps, allowing identification of private parcels. USGS mapping includes symbols indicating the presence of dunes. The latter occurrence was cross-checked using aerial photography. Riverside County parcel layers were then imported. This exercise resulted in the identification of 61 private parcels in the Chuckwalla Valley that are host to stabilized and partially stabilized sand dunes. Together these parcels comprise 12,877 acres. This quantity of land would appear to provide adequate opportunities for MFTL mitigation land acquisition.”

This statement does not indicate how many of these land owners are willing to sell their land. Please provide a list of willing land sellers and a back-up plan for those who would not be willing to sell. We would also like to see a estimated sum of money or price tag that would be required to purchase all of these properties. Please provide a list of parcels and current market values of these properties.

2. Please provide exact survey protocols and maps of individual lizard occurrences for any surveys conducted in 2009 and 2010. Were MFTL locations and habitats mapped using Global Positioning Unit data?

3. Offsite mitigation for site-specific functions of particular area is problematic. Connectivity between populations of plants and animals often depends of keeping contiguous populations in corridor areas intact to allow for gene flow. Acquisition or enhancement of lands outside the specific corridor to be disturbed will not mitigate for site-specific values.

Please explain how the specific connectivity of this particular sand transport corridor on the PSPP project site and proposed transmission line route would be mitigated.

**California Energy Resources Conservation
and Development Commission**

In the Matter of:

APPLICATION FOR CERTIFICATION) DOCKET NO. 09-AFC-7
FOR THE PALEN SOLAR)
POWER PROJECT)
_____)

DECLARATION OF SERVICE

We, Laura Cunningham and Kevin Emmerich, declare that on May 16, 2010, served and filed copies of the attached **data request by Basin and Range Watch**, dated May 16, 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_palen/Palen_POS.pdf) The document has been sent to 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 or by depositing in the United States mail at 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

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

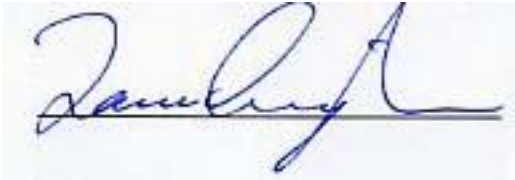
Attn: Docket No. 09-AFC-7

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.



Laura Cunningham, Kevin Emmerich



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 PALEN SOLAR POWER
PLANT PROJECT**

Docket No. 09-AFC-7

**PROOF OF SERVICE
(Revised 4/19/10)**

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DECLARATION OF SERVICE

I, _____, declare that on _____, I mailed hard copies of the attached _____, 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: [\[http://www.energy.ca.gov/sitingcases/solar_millennium_palen\]](http://www.energy.ca.gov/sitingcases/solar_millennium_palen)

The documents have 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-7
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, 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.
