

DOCKETED

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National Parks Conservation Association Strongly Supports PMPD

Additional submitted attachment is included below.



January 2, 2014

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 Electric Generating System

Dear Commissioners:

National Parks Conservation Association (NPCA) is dedicated to the protection and enhancement of the National Park System for present and future generations. We advocate on behalf of 837,000 members and activists nationwide, including over 111,000 in the state of California. NPCA works to safeguard ecosystems, cultural resources and recreational opportunities throughout the California Desert. We currently have three field offices in the Mojave Desert, including the California Desert Field Office in Joshua Tree, California.

NPCA strongly supports the Presiding Member's Proposed Decision (PMPD) to deny the petition to amend the Palen Solar Electricity Generating System (PSEGS). We commend Commissioner Karen Douglas, Commissioner David Hochschild and the California Energy Commission staff for recognizing this project's specific, adverse impacts to natural and cultural resources. We believe that the Palen Project should not move forward because of the following impacts:

Joshua Tree National Park's Scenic Viewsheds

The California Energy Commission's Final Staff Assessment for the Palen Project indicates that it will have "A substantial adverse impact to existing scenic resource values as seen from several viewing areas and key observation points in the project vicinity and Chuckwalla Valley area, including Joshua Tree National Park's federally designated wilderness and backcountry to the west and northwest of the project site¹. For example, Key Observation Points (KOP) 1 and 2 are respectively located along State Route 177 Corridor adjacent to Joshua Tree National Park's Coxcomb Mountains and west of Desert Center². These two observation points include landscapes that appear predominantly natural and are designed to characterize visual impacts to park visitors who may tour remote jeep roads or explore some of Joshua Tree National Park's federally designated wilderness. The California Energy Commission report also concludes that the Palen Project's contribution to significant cumulative visual effects would be "Cumulatively considerable" when combined with other development projects in the area³. The Palen Project's impacts to Joshua Tree National Park's visual resources are reasons for grave concern as the 2010

¹ California Energy Commission. "Palen Solar Power Project Final Staff Assessment"(9/10/13). 4.12-2

² Ibid, 4.12-11

³ Ibid

Joshua Tree National Park Visitor Survey found that 90% of groups surveyed believed that Joshua Tree National Park's views without development were very or extremely important to their visitor experience⁴.

Bald and Golden Eagles and Special Status Avian Species that migrate through and utilize Joshua Tree National Park

Joshua Tree National Park has 250 recorded species of birds and lies under the inland portion of the Pacific Flyway⁵. The proposed Palen Solar Power Project would adversely impact Joshua Tree National Park's migrating and foraging eagles, as well as other special status avian species. The California Energy Commission Final Staff Assessment of the Palen Project states that "Construction and operation of the proposed project or its alternatives could result in death or injury of these birds (Migrating and resident birds)."⁶ Death or injury will result from solar flux and the project's solar panels having a water-like mirage effect that results in avian collisions and mortality⁷. Additionally, the project's evaporation ponds will likely attract bird and bat species, increasing collisions with project infrastructure⁸.

Species which will be adversely affected by this project include fully protected species like bald and golden eagles, peregrine falcon and Yuma clapper rail⁹. Special status avian species that would be adversely impacted include the gilded flicker, elf owl, osprey, ferruginous hawk, burrowing owl, Cooper's hawk, sharp shinned hawk, northern harrier, prairie falcon, Swainson's hawk, Harris hawk and short eared owl¹⁰. The Final Staff Assessment concludes that "Mortality or other take, such as sub-lethal injury caused by burning or blinding through exposure to flux would be significant under CEQA."¹¹ It goes on to say that, "Staff cannot quantify the potential risk of these effects. However, this impact is unavoidable (Avian injury and mortality) and staff believes these impacts would be significant under CEQA and may violate the California Endangered Species Act (CESA) and/or the federal Endangered Species Act (ESA)."¹² Finally, cumulative effects to avian species would be "Cumulatively considerable."¹³ We believe these significant and unavoidable impacts to avian species are reasons alone why the Palen Project should not move forward.

In closing, we strongly support the Presiding Member's Proposed Decision, recommend that the Commission adopt the PMPD and deny the Palen Solar Electricity Generating System petition to amend. Thank you for your time and consideration.

Sincerely,

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⁴ National Park Service. "Joshua Tree National Park Visitor Study" (Fall 2010). P.55

⁵ Joshua Tree National Park. "Birds". (10/19/13). <http://www.nps.gov/jotr/naturescience/birds.htm> . (Accessed 10.19.13)

⁶ California Energy Commission. "Palen Solar Power Project Final Staff Assessment"(9/10/13), 4.2-4

⁷ Ibid

⁸ Ibid

⁹ Ibid, 4.2-5

¹⁰ Ibid, 4.2-6

¹¹ Ibid

¹² Ibid

¹³ Ibid, 4.2-7

