

## DOCKETED

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*Comment Received From: Audubon California / Garry George*  
*Submitted On: 5/5/2014*  
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**Petition to Amend**

*Additional submitted attachment is included below.*



# Audubon CALIFORNIA

May 5, 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](mailto:docket@energy.ca.gov)

Re: **Docket No. 09-AFC-07C: - Petition to Amend the Palen Solar Electric Generating System (PSEGS)**

Dear Commissioners:

Audubon California is the state program of the National Audubon Society and represents more than 150,000 members and 48 local chapters in California. We write today to support additional staff recommendations contained in Attachment A – Biological Resources Response to Petitioner’s Information in CEC Staff’s Response to Petitioner’s Motion to Reopen Evidentiary Record of April 23, 2014

Audubon California strongly supports the California Energy Commission’s renewable energy program and leadership in the DRECP to expedite permitting of renewable energy to mitigate for climate change - the biggest threat to birds of our lifetime – by providing for conservation of species and habitat. While Audubon California supports renewable energy to reduce the impacts of climate change, we advocate for avoidance of habitat disturbance and minimization with compensatory mitigation as a last resort.

We reiterate our comments submitted January 6, 2014 on file in the docket log in which we concurred with the findings of the Presiding Member’s Proposed Decision (PMPD) and the Final Staff Assessment to deny the Petition to Amend the Palen Solar Electricity Generating System (PSEGS). We especially concur with the findings in that PMPD that:

While not possible to quantify on the evidence before us, it is clear that the PSEGS’ impacts would be of a greater magnitude than those for solar trough and photovoltaic technologies. **Those technologies can achieve most of the PSEGS project objectives with substantially fewer potential impacts to avian species.** Under these circumstances, we believe it would be imprudent to exercise our authority pursuant to Public Resources

Code § 21081 and 20 CCR 1755 to override impacts to biological resources, because we do not have a sufficient understanding of the magnitude of avian impacts that we would be overriding. **We do not find that the project benefits outweigh the significant impacts that could result from the potential avian morbidity and mortality at the facility.**

Research and experience gained from other projects may point to mitigation measures that could reduce PSEGS' avian mortality to a level that is more consistent with solar trough and PV. We are willing to revisit this determination if and when Petitioner is able to submit additional information that addresses this issue.

(PMPD, at 4.2-105-106, emphasis added)

We write today to support additional staff recommendations contained in Attachment A – Biological Resources Response to Petitioner's Information in CEC Staff's Response to Petitioner's Motion to Reopen Evidentiary Record of April 23, 2014 for two reasons:

**1. Audubon CA Generally Concurs with Staff Findings Regarding Biological Resources.**

We agree with staff and Commissioners that the significance of the impacts on avian and other biological resources of the solar power tower technology proposed for the PSEGS cannot be determined by the current available data on the Ivanpah Solar Electric Generating System (ISEGS) currently in operation until that data are robust enough in time, seasons (especially migratory bird seasons), sample size, and extrapolation for scavenger rate and observer bias to determine a more scientifically defensible estimate of the cumulative impacts of the project on biological resources, especially avian resources, over the thirty years of the project.

We also agree with staff in the FSA that "bird use in the vicinity of the PSEGS site has demonstrated to be rather high given proximity to the Colorado River migratory corridor and habitat. Staff considers bird use and risk to be higher in the project area, where large flocks of migratory and resident birds are known to occur, than at ISEGS."

National Audubon Society has recognized the 67,908 acres of the Lower Colorado River Valley as an *Important Bird Area* (National Audubon Society 2010) of global significance. The Important Bird Areas Program, administered by the National Audubon Society in the United States, is part of an international effort to designate and support conservation efforts at sites that provide significant breeding, wintering, or migratory habitats for specific species or concentrations of birds. Sites are designated based on specific and standardized criteria and supporting data.

The Lower Colorado River Valley Important Bird Area was recognized as globally significant because “the river is emerging as one of the most important corridors in the state for northbound migrants in spring.”<sup>1</sup> The corridor includes not only the river and the habitat along the river, but agricultural fields and other lands along the river corridor as well as they “ support exceptionally high numbers of migrant shorebirds when flooded.”<sup>2</sup>

## **2. Denial of the Petition Still Allows the Project to Proceed.**

Denial of the Petition to Amend the Palen Solar Electricity Generating System (PSEGS) for all of the above reasons does not derail the project nor does it impede California’s progress to meeting and exceeding its renewable energy goals.

A solar trough project as approved by the Commission previously is still feasible. The applicant Abengoa Solar has considerable expertise with this technology and could use the investment in studies on resources on site for this technology. Additionally, the proponent could take steps to propose a solar PV project on the site.

For these reasons we support the closing of the Evidentiary Record and a vote to deny the Petition to Amend the Palen Solar Electric Generating System (PSEGS) to a solar power tower technology.

Respectfully submitted,



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<sup>1</sup> <http://netapp.audubon.org/iba/site/271>

<sup>2</sup> <http://netapp.audubon.org/iba/site/271>