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| <b>Docket Number:</b>   | 09-AFC-07C  |
| <b>Project Title:</b>   | Palen Solar Power Project - Compliance  |
| <b>TN #:</b>            | 202308  |
| <b>Document Title:</b>  | Sierra Club Comments: Sierra Club has Gone on Record Strongly Supporting the PMPD.                |
| <b>Description:</b>     | Sierra Club urges the Commission to vote to confirm denial of the Petition to Amend at this time. |
| <b>Filer:</b>           | System  |
| <b>Organization:</b>    | Sierra Club   |
| <b>Submitter Role:</b>  | Public  |
| <b>Submission Date:</b> | 5/6/2014 4:49:42 PM   |
| <b>Docketed Date:</b>   | 5/6/2014  |

*Comment Received From: Sierra Club*

*Submitted On: 5/6/2014*

*Docket Number: 09-AFC-07C*

**â€œPALEN SOLAR ELECTRIC GENERATING SYSTEM, Docket No. 09- AFC-07C**

*Additional submitted attachment is included below.*



May 6, 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: Palen Solar Power Project – Compliance, Comments of Sierra Club

Dear Commissioners:

Sierra Club is a national nonprofit organization of approximately 1.3 million members and supporters, over 250,000 of whom live in California. Sierra Club's goals include energy conservation and rapidly increasing our use of renewable energy to reduce climate disruption and displace fossil fuels. With that said, it is our belief that energy development in California can and should occur thoughtfully and sustainably to avoid or minimize impacts to sensitive plants and wildlife. Members of Sierra Club care deeply about the unique wildlife of the California desert, including sensitive avian species.

Sierra Club submitted comments to the Bureau of Land Management on the original Palen and modified Palen project as well as comments supporting the Presiding Member's Proposed Decision (PMPD) denying the Petition for Amendment of the December 15, 2010 Commission Decision approving the Application for Certification for the Palen Solar Electric Generating System (PSEGS).

Sierra Club has gone on record strongly supporting the PMPD. By this letter, Sierra Club urges the Commission to vote to confirm denial of the Petition to Amend at this time.

We concur with the evidence and expert opinion on the record indicating impacts to avian species from the PSEGS' technology would be of a greater magnitude than those for solar trough and photovoltaic technologies. . This is especially true given the proximity of the site to Joshua Tree National Park (JTNP) and the Colorado River, which heightens the potential for the project to cause take of protected Golden Eagles that are resident in JTNP and as a result of migration of protected avian species along the Pacific Flyway.

We also concur with the expert opinion, including from Commission staff, advising the Commission that injury and mortality data should be systematically gathered in and around the Ivanpah SEGS for several years in order to properly assess the level of take caused to avian species by power towers of this scale, and to determine if there are feasible mitigation measures to address such take. To date, appropriate statistically valid monitoring for Ivanpah take has yet to be designed, much less implemented.

The Palen SEGS does more than merely pose a threat of unacceptable local impacts. As stated above, given its proximity to JTNP and the Pacific Flyway along the Colorado River and the number of protected avian species using this area, the project threatens to preclude conservation strategies necessary to address impacts to avian species that are currently proposed to be covered under the DRECP.<sup>1</sup> The DRECP is already wrestling with the problem of how to cover wind energy development under the federal Endangered Species Act (ESA) and state Natural Communities Conservation Plan (NCCP) law. The greatly heightened levels of injury and mortality from PSEGS could severely limit take that would otherwise be available for wind energy and for other covered activities under the DRECP, yet this decision is made outside of the DRECP process.

Additionally, we believe the applicant has clearly failed to meet the burden of providing substantial evidence sufficient to warrant the Commission reopening the evidentiary record on the matter. As outlined in the 4/23/14 staff response, the data submitted by the applicant are neither reliable nor have they been gathered long enough to be statistically valid regarding the project's potential impacts. There has yet to be a robust survey design and monitoring protocol for the Ivanpah SEGS that is adequate to capture the extent of onsite and offsite mortality or injury to bats and birds caused by power towers over time.<sup>2</sup>

Finally, were the applicant to actually commit to incorporate overnight energy storage into the project--which clearly the applicant has not done--that would still not create a compelling reason to override the significant biological impacts and

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<sup>1</sup> We understand that the issue of terrestrial biological impacts is not before the Commission at this time, but Sierra Club has repeatedly raised the issue of the project's unacceptable impacts to Mojave Fringe Toed Lizard. The proposed amended project has exacerbated those impacts which may rise to a species level. This is because the population to be affected is at the southernmost extent of the species range and is important to preserve for genetic diversity, since this population is best adapted to withstand the rigors of a hotter and drier regime caused by climate change, an important consideration for DRECP as well as the avian issue.

<sup>2</sup> In addition to impacts to birds and bats, it is important to note that project impacts to pollinators have not been properly considered, and may be quite significant on a cumulative, if not a project-specific basis.

approve the Petition to Amend. On the contrary, in view of PSEGS' potential to cause significant impacts to protected avian species, there are extremely compelling reasons as outlined above to deny the Petition to Amend. Simply put, this proposed technology conversion is not in the public interest, and there are feasible alternatives with far fewer impacts

For the reasons above, the Sierra Club again urges the Commission to vote to confirm denial of the Palen Petition to Amend at this time.

Thank you for the opportunity to make input on this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Sarah K. Friedman". The ink is dark and the signature is fluid and legible.

Sarah Friedman  
Senior Campaign Representative  
Beyond Coal Campaign  
Sierra Club  
Los Angeles, CA