

DOCKETED

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Project Title:	Palen Solar Power Project - Compliance
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Document Title:	David Lamfrom Comments: NPCA Strongly Supports Presiding Member's Proposed Decision (PMPD) to Deny the Petition to Amend
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Comment Received From: David Lamfrom

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Docket No. 09-AFC-07C: Palen Solar Electric Generating System

Additional submitted attachment is included below.



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

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 843,000 members and activists nationwide, including over 110,000 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 also ask the Commission to deny the petitioners motion to reopen the evidentiary record. We request that the Commission consider NPCA's January 2, 2014 letter submitted on Palen in combination with this letter as our organization represents interests related to: specific impacts to Joshua Tree National Park; park viewsheds; its resident and migratory birds; and the diverse pollinators that utilize the park and adjacent lands.

We have identified and agree with staff assessment that significant methodological and design flaws are present in the Ivanpah avian mortality survey design; that Brightsource has not met its burden of proof that the information they have submitted constitutes new information and warrants reopening the evidentiary record; and that insufficient data exists to permit such a potentially harmful project in close proximity to national park and wilderness areas within the inland portion of the Pacific Flyway. Specific concerns include:

- Lack of a reasonable record of avian and pollinator mortality. CEC's assessment that 3 years of reliable data should be required is a reasonable baseline to ensure that we understand the full range of impacts this project proposes.
- The initial results from Ivanpah Solar provide guidance related to mortality, but are very limited in both duration and scope. Most reporting and sampling was done during testing phases and not when all towers were operational and this fact significantly limits the validity of the results. In fact, they do not account for many critical factors including death to moths, butterflies, bats, bees and other small pollinators; expected higher mortality for migratory birds at the Palen site due to the project footprint being proposed within a flyway; and a limited protocol that does not include perimeter searches off-site, any methodology dealing with surveying for predation or the scavenging of species that have been injured or killed. The USWS Avian Mortality Report speaks to the limitations of our understanding of this issue by clearly stating:

“Of especial concern is the Ivanpah facility, which was not fully functioning at the time of the latest carcass submissions. In fact, all but 7 of the carcasses with solar flux injury and reported dates of collection were found at or prior to the USFWS site visit and therefore, represent flux mortality from a facility operating at only 33% capacity. Investigation into bat and insect mortalities at the power tower site should also be pursued¹”

NRG spokesperson Jeff Holland concedes this point in a recent Article by the Atlantic “Given that Ivanpah has only been operational for a short period of time, it is premature to determine the significance and extent of impacts to insects, birds, or bats²”.

- Since the Palen project proposes towers that are over 300 feet taller than ISEGS, we don’t have sufficient data to understand what differences that additional tower height would make. The higher towers could serve as a brighter beacon or even larger “mega-trap³” attracting insectivorous birds and other predators drawn in to feed on insects attracted to a light brighter than the sun. Our argument is that the taller towers could increase the range that insects and predators are attracted from, including from within neighboring Joshua Tree National Park.
- Harm to Golden Eagles and other federal and state listed birds, including those protected by the migratory bird act. USFWS speaks to this concern and current uncertainty in a recent Wall Street Journal article where Eric Davis expresses about Ivanpah “concern that heat produced by the project could kill golden eagles and other protected species” And he adds that "When you have new technologies, you don't know what the impacts are going to be⁴". As this project is located along the interior section of the Pacific Flyway and is a known route for birds heading to and from the Salton Sea and adjacent wetlands, there is a higher likelihood that listed species with limited ranges such as Yuma Clapper Rail would be affected.

In closing, the initial data provided on the impacts to birds and pollinators from Ivanpah solar is damning and continues to harm our broader goal of responsibly deploying renewable energy by giving the industry a black eye, as seen in Las Vegas Review Journal editorial “It is a dead birds’ party at Ivanpah Solar Plant⁵”.

In order to make scientifically defensible decisions, we must have adequate data. As noted in this comment letter the currently available data is incomplete, does not represent a reasonable sample size; does not consider Ivanpah Solar operating at full capacity for the majority of the data points; reflects limited sampling; does not account for predation or scavenging, and does not speak to the loss of smaller pollinators, insects, or bats. To extrapolate this data, even with 3 years of meticulous data would be dangerous, as the proposed Palen project site is in entirely different desert (Colorado-Sonoran); is within a migratory flyway that is a primary route to the Salton Sea, and has towers that are significantly taller. Considering that we do not even have baseline data and that the data presented by Brightsource is insufficient, the California Energy Commission should deny their request to re-open the evidentiary hearing.

Finally, we continue to support the Presiding Member’s Proposed Decision recommending that the Commission adopt the PMPD and deny the Palen Solar Electricity Generating System petition to amend.

Respectfully,

David Lamfrom
California Desert Senior Program Manager
National Parks Conservation Association

¹ <http://www.kcet.org/news/rewire/Avian-mortality%20Report%20FINALclean.pdf>

² <http://www.theatlantic.com/technology/archive/2014/04/how-to-stop-solar-power-plants-from-incinerating-birds/361318/>

³ <http://www.kcet.org/news/rewire/Avian-mortality%20Report%20FINALclean.pdf>

⁴ <http://online.wsj.com/news/articles/SB10001424052702304703804579379230641329484>

⁵ <http://www.reviewjournal.com/opinion/editorial-it-s-dead-birds-party-ivanpah-solar-plant>