

## DOCKETED

<b>Docket Number:</b>	09-AFC-07C
<b>Project Title:</b>	Palen Solar Power Project - Compliance
<b>TN #:</b>	202557
<b>Document Title:</b>	Exh. 3126. Anderson testimony
<b>Description:</b>	Ileene Anderson testimony on PSEGS reopening of evidentiary record
<b>Filer:</b>	Ileene Anderson
<b>Organization:</b>	Center for Biological Diversity
<b>Submitter Role:</b>	Intervenor
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**STATE OF CALIFORNIA**

**Energy Resources Conservation and Development Commission**

In the Matter of:

APPLICATION FOR CERTIFICATION  
FOR THE PALEN SOLAR ENERGY  
GENERATING SYSTEM

DOCKET NO. 09-AFC-7

**INTERVENOR CENTER FOR BIOLOGICAL DIVERSITY**

**Exhibit 3126**

**Testimony of Ileene Anderson**

**Re: Avian and Insect Impacts**

**Docket 09-AFC-7**

**Summary of Testimony**

Data sets are available for use in helping to determine migration patterns of migratory birds through the desert including the Chuckwalla Valley where the power tower is proposed and need to be incorporated into the data analysis for the proposed project.

The lack of invertebrates surveys, despite expert testimony, still impedes the ability to determine impacts or avoidance, minimization or mitigation strategies.

**Qualifications**

My qualifications are provided on my Testimony and Resume presented in TN 200853 (Exhibit 3001).

**Statement**

I remain very concerned about the impact to avian and insect species, among other species. While my colleagues' Dr. Pratt and Dr. Smallwood testimony provide details on the impacts to avian and insect species and importance of these species to the ecological integrity of the Chuckwalla Valley and adjacent environs including Joshua Tree National Park, I have additional concerns regarding avian migration through the desert in general and through the project area specifically.

## **Avian Impacts**

In past testimony, I presented data on rare migratory birds found in the Chuckwalla Valley, including the southwestern willow flycatcher (TN-200853 and TN-200870). A recent article<sup>1</sup> written by Pat Flanagan, who previously testified before this committee regarding her monitoring experience on the Solar 1 power tower site near Daggett in the 1980's among other issues (TN 200892 – Exhibit 3037), has used the existing data from e-Bird “hotspots” to evaluate potential migration pathways over the Mojave desert using the following assumptions:

- “birds migrate toward breeding or wintering locations;
- Birds fly at an elevation allowing visibility over a wide area;
- Birds utilize great amounts of energy when flying and look for areas to rest, drink and eat;
- Over millennia birds have seen the Pleistocene lakes and Holocene wetlands come and go – they know how to recognize and take advantage of a water source from even the briefest glint;
- Birds will veer off their route to access the promise from the glint;
- Birds ignore what has no immediate value.”

(at pg. 17)

Comparing species at hotspots along a 380 mile migratory corridor from the Salton Sea to Death Valley National Park, shows a vast overlap in species along the transect, indicating the ubiquity of migratory birds on the landscape. The article also points to the problem with point-count bird surveys as are typically executed on proposed projects, including Palen:

“Point-count surveys focus on undeveloped project sites, and provide scant understanding of the attractions to birds created by vertically-oriented mirrors or other smooth reflective panels; water-like reflective or polarizing panes; actively fluxing towers, open bodies of water; aggregations of insects that attract insectivorous birds”

(at pg. 19)

It appears from data collected at ISEGS (See, e.g., TN202368\_20140522T141156\_ISEGS\_Monthly\_Compliance\_Report\_43\_April\_2014 and TN202461\_20140616T145736\_ISEGS\_Monthly\_Compliance\_Report\_No\_44\_May\_2014). that indeed migratory birds may be drawn to the site by a variety of mechanisms – food, perceived water, and perhaps other enticements – bringing them into harm's way.

## **Flying Insects**

Dr. Pratt's testimony focuses on his extensive experience in desert butterflies and other insects and scientific literature specific to the Palen dunes. I remain concerned that most information on desert flying insects is unknown. For example, Dr. Pratt focuses on three main Orders of insects, yet there are numerous other Orders of insects that include

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<sup>1</sup> Flanagan, P. 2014

flying species that may be present on the proposed project site, but because of the absence of surveys, no impact analysis can actually be done and therefore avoidance, minimization and mitigation can not be reasonably proposed.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: June 23, 2014

Signed: :

A handwritten signature in black ink, appearing to read "John J. [unclear]".

At: Los Angeles, California