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STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of:

(Petition for Amendment FOR THE PALEN SOLAR POWER PROJECT)	DOCKET NO. 09-AFC-7C

Response and Continued Opposition to the Petition for Extension of Deadline for Commencement of Construction

September 2nd, 2015

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Basin and Range Watch still opposes the petition for extension of the deadline for the commencement of construction for the Palen Solar Power Project.

As the CEC is aware, we have intervened in the project when it was the original parabolic trough design. The request by Abengoa to extend the petition, which now has converted back to a parabolic trough design from a power tower, has raised some additional issues.

The applicant has suddenly changed their design again and the change is a modification from the previous plans to build one tower with thermal storage

The applicant claims that the latest design is very similar to the first parabolic trough design and would need less time for review, but we feel that the proposed changes for storage will raise the following additional issues:

- The applicant has been approved by the CEC most recently to build a power tower, but not a trough design. The applicant has also stated that the a parabolic trough design is not a feasible alternative to their plan to build a power tower. This would be a good reason to allow more time for the public to analyze this project proposal. It would also allow more time for additional CEQA review.

- A trough design would require more acreage than the single power tower design. The biological surveys for the former trough design were conducted in 2010 and 2011. A bigger footprint will impact more biological resources including desert tortoise, kit fox, Mojave fringe-toed lizard and a host of plant species. More fragile sand habitat would be destroyed and the size of the project will interrupt sand transport as concluded by the CEC in 2010. Since the last biological surveys were conducted, things have changed in California. California is suffering from a historic drought and many species have been impacted. Groundwater levels may have changed in the deserts and groundwater connectivity to the Colorado River Basin should be re-analyzed.

- While converting to a parabolic trough avoids solar flux, the design will not solve the avian kill/polarized glare issue. The Genesis Project near Ford Dry Lake has reported some significant numbers of incidental avian mortality finds in the year of 2013.
Among species killed are loons, Great blue heron, American kestrel and grebes. There is a similar story for the Desert Sunlight Project about 20 miles to the west. Among the kills are several species including a federally endangered Yuma clapper rail.

If the Genesis and Desert Sunlight Project are killing birds, it is likely that the Palen Solar Project as a parabolic trough would be an additional, cumulative threat to this situation. If the footprint of the Palen project is larger than the Genesis Project, it may kill even more birds. To the east, both the McCoy and Blythe solar projects are under construction and will likely add to the cumulative numbers of avian kills at solar projects in the region.

- A parabolic trough design still has a great visual impact. These plants often send out bright flash reflections on highways and to surrounding areas. The flashes can be seen as well from higher elevations. The plant would still be very visible from adjacent wilderness areas and Joshua Tree National Park.

- A parabolic trough design would impact cultural resources, historic and prehistoric trails and impact visual landscapes. The sites that were destroyed on Ford Dry Lake by the Genesis Project were very significant.

- It is not clear how much water would be needed to operate the new design. While the original Palen trough design was to be dry cooled, using only 300 AFY, Abengoa recently built two solar trough storage projects which are wet cooled. The Solana Project in Arizona uses 3,000 acre feet per year while the Mojave Harper Lake Project in California uses 2,200 acre feet per year. Will the new Palen design with storage require a similar volume of water for operation?

For the above reasons, we would like to request that the Commission deny the Petition for Extension of Deadline for Commencement of Construction.

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