



SAN GORGONIO CHAPTER

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*Regional Groups Serving Riverside and San Bernardino Counties: Big Bear,
Los Serranos, Mojave, Moreno Valley, Mountains, Tahquitz.*

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07-AFC-5	
DATE	JAN 22 2009
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January 22, 2009

John Kessler
Project Manager, Ivanpah SEGS
California Energy Commission
1516 Ninth Street, MS-15
Sacramento, CA 95814

**Re: Preliminary Staff Assessment, Ivanpah Solar Electric Generating System
(07-AFC-5)**

Dear Mr. Kessler:

The San Gorgonio Chapter and the California/Nevada Desert Committee of the Sierra Club welcome the opportunity to comment on the Preliminary Staff Assessment (PSA) of the proposed Ivanpah Solar Electric Generating System (Ivanpah SEGS). The San Gorgonio Chapter is committed to protecting the natural resources of both the mountains and the deserts in Riverside and San Bernardino Counties, while the Desert Committee works for the protection of the California/Nevada desert and its resources and cooperates with governments and agencies to promote preservation of our arid lands.

Solar power is a preferred energy resource if we are to reverse global warming, and the Sierra Club supports the transition within the State of California toward reliance on preferred energy resources. We appreciate, therefore, the conclusion in the PSA that Ivanpah SEGS would contribute to the effort to combat global warming. The Sierra Club is committed, as well, to ensuring that the siting and deployment of even preferred energy resources take into account the specific conditions of each location and minimize damage to flora and fauna. Therefore, we would like to underscore the conclusion in the PSA that the construction of Ivanpah SEGS will result in extensive and negative impact on the habitat, wildlife, and plants of the Ivanpah Valley. We urge that (1) the Applicant's proposed habitat acquisition ratio of 1:1 be rejected, (2) the Applicant be required to provide substantial compensation for the direct, indirect, and cumulative impacts to the biological resources of the Ivanpah Basin, (3) a thorough plan for the required compensation be completed prior to any California Energy Commission (CEC) decision on the merits of the application, and (4) the Private Land Alternative be given full consideration by the CEC.

The PSA in our view correctly identifies the extensive and negative impact of Ivanpah SEGS on the biological resources of the Ivanpah basin. We are concerned that over 4,000 acres of occupied desert tortoise habitat would be permanently lost and that the project would fragment and degrade adjacent habitat (PSA 2008, 5.2-1). We are concerned that special-status wildlife would lose breeding and foraging habitat and that ten special-status plant species would be impacted by construction of Ivanpah SEGS (use a single footnote for this section). We are concerned that Ivanpah SEGS may disrupt the forage areas and the movement corridors of

mule deer and desert bighorn sheep as they travel from the Clark Mountains (PSA 2008, 5.2-15).

We share Staff's conclusion that the impacts of Ivanpah SEGS to the visual resources of the Ivanpah Basin are unmitigable, and we are very concerned. With power towers rising 459 feet above the ground and heliostats spread over nearly 6.4 square miles, Ivanpah SEGS will unquestionably obstruct what are now sweeping and inspiring views from several points within the Mojave National Preserve. It would be most unfortunate if the CEC were to override the Staff finding that the impact on visual resources is unmitigable. The Mojave National Preserve is a treasured unit of the National Park System and a different technology that would be less intrusive to the viewscape is necessary -- the power plant at Kramer Junction, for instance, is significantly less intrusive than Ivanpah SEGS is projected to be.

In that over 4,000 acres of quality desert tortoise habitat would be permanently lost through the construction of Ivanpah ISEGS, we find the Applicant's proposed compensation through habitat acquisition (or an assessed financial contribution) at a 1:1 ratio to be unacceptable. We concur with the PSA that the non-lakebed portion of the Ivanpah Valley is excellent tortoise habitat with some of the highest population densities in the East Mojave and that the Ivanpah SEGS site provides high quality habitat for the desert tortoise with its low level of disturbance and high plant species diversity (2008, 5.2-30). Indeed, the Ivanpah SEGS project area is Category I habitat -- the most "valuable and protected habitat" as defined in The Desert Tortoise Management Oversight Group's 1991 report "Compensation For The Desert Tortoise." The boundary of the nearby Desert Wildlife Management Area is set in the Northern and Eastern Mojave Plan so as to exclude the site of the proposed solar power plants, yet this administrative decision does not negate the biological importance of the Ivanpah habitat for the Mojave tortoise.

The Applicant's argument for a habitat acquisition ratio of 1:1 that the Ivanpah SEGS site is not "critical habitat" ignores the long-term and continued destruction of Mojave desert tortoise habitat. It is imperative that we limit the loss of tortoise habitat both inside and outside designated conservation areas. The 1994 Desert Tortoise Recovery Plan and the draft of 2008 recognize that activities occurring on lands beyond the boundaries of conservation areas can affect tortoise populations and the effectiveness of conservation actions occurring within the conservation area boundaries. "While recovery efforts may be prioritized within existing desert tortoise conservation areas, populations, habitats, and actions outside of these areas may also contribute to, or hamper, recovery of the species" (PSA 2008, 5.2-31). The only acceptable option is to place additional habitat at a ratio well above 1:1 under conservation management so as to improve conditions to the long-term benefit of the desert tortoise.

Given the projected impact of the proposed power plants on special-status plant species and the projected cumulative impact of the project on the Ivanpah Basin, we find the Applicant's proposed compensation through habitat acquisition at a 1:1 ratio to be unacceptable. Ten plant species listed by the California Native Plant Society would be directly impacted by construction of Ivanpah SEGS. Of even greater concern is the fact that the project would eliminate a substantial portion of the known occurrences within California of Rusby's desert-mallow, cave evening-primrose, Mojave milkweed, and desert pincushion. This is significant under CEQA guidelines. In the case of Rusby's desert mallow, Ivanpah SEGS would eliminate 11 percent of the known population in the world. More broadly, Ivanpah SEGS would substantially contribute to the "cumulatively significant loss of Ivanpah Valley's native Mojave Desert plant and wildlife communities, including the threatened desert tortoise and other special-status species" (PSA 2008, 5.2-52).

Consistent with the above argument, we contend that the Applicant must be required to provide substantial compensation for the direct, indirect, and cumulative impacts to the biological resources of the Ivanpah Basin. Habitat acquisition at a ratio of 5:1 and habitat enhancement to

ensure that those lands are managed and maintained for wildlife and plants in perpetuity must be the central features of this compensation. We readily agree with Staff's conclusion that the "applicant's proposed mitigation, acquisition, and enhancement of approximately 4,065 acres would be insufficient to avoid significant direct, indirect, and cumulative impacts to the biological resources of the Ivanpah Valley...." (PSA 2008, 1-10). But we cannot endorse the "compensatory mitigation approach" that Staff proposes. That approach is too nebulous given the level of compensation required of the Applicant. Simplicity is a virtue here -- acquisition of habitat at a ratio of 5:1 and enhancement of that habitat should be the foundation of the required compensation. Because the projected harm to biological resources is great, the compensation must be commensurate. We urge, as well, that a draft of the Applicant's plan for fulfilling its compensation obligation be completed prior to any CEC decision. The merits and limitations of the compensation plan should be a consideration in the decision on the application. Because Ivanpah SEGS is the first of many proposals, we should "get it right" by evaluating both the project itself and the proposed compensation.

Finally, we urge that the Private Land Alternative be given full consideration by the CEC. Conservationists in Southern California in 2008 explored the option of placing solar facilities on private, disturbed lands rather than on pristine public lands and concluded that using disturbed lands is a viable option for siting power facilities utilizing preferred energy sources. Consistent with that finding, Alternatives Figure 5 in the PSA shows an area of private land surrounding Daggett with appropriate slope and solar requirements that is a better location from an environmental perspective for the proposed SEGS. The area is used for agriculture or covers lands that are now fallow. The site was eliminated, however, because Staff concluded that achieving site control in "an economically feasible manner would be challenging" (PSA 2008, 7-65). This conclusion inappropriately gives priority to the Applicant's economic benefits over the environmental costs of Ivanpah SEGS. In that the PSA finds potential adverse impacts of Ivanpah SEGS to biological resources and visual resources (as well as other adverse impacts), Staff should have explored the Private Land Alternative fully rather than summarily dismissing it. As cited by Staff, the *Guidelines for Implementation of the California Environmental Quality Act* require evaluation of alternatives that "would avoid or substantially lessen any of the significant effects of the project" (PSA 2008, 7-4). We urge, therefore, that the Private Land Alternative be given full consideration as an alternative to the proposed site.

Sincerely,

Sidney Silliman
San Gorgonio Chapter and Desert Committee
Sierra Club