

DOCKET

09-AFC-7

DATE JUN 14 2010

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June 14, 2010

California Energy Commission
Docket Unit
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: **APPLICANT RESPONSES TO BASIN AND RANGE WATCH DATA
REQUESTS
DOCKET NO. (09-AFC-7)**

Enclosed for filing with the California Energy Commission are the Applicant's responses to Basin and Range Watch Data Requests for the Palen Solar Power Project (09-AFC-7).

Sincerely,



Arrie Bachrach

**PALEN SOLAR POWER PROJECT (09-AFC-07)
BASIN & RANGE DATA REQUEST NUMBERS –1-5**

Response Date: June 14, 2010

BASIN & RANGE DR-VIS-1

Information Required:

Please provide at least five Key Observation Points simulating the dark sky view from different representative elevations. Please create simulations from actual photos instead of Google Earth images.

Response:

The data request has limited applicability or necessity due to continuous night lighting from moving vehicles along the I-10 corridor and I-10's close juxtaposition with the project facilities. The headlights, taillights, and safety lights from heavy truck traffic and other vehicles are a constant presence in the project foreground distance zone (BLM 8400 series manuals). Views from distant KOPs are dominated by these lights and views by passengers in I-10 vehicles are influenced by bright sky conditions during all phases of the moon. In addition, this phase-of-the-moon dependent request was too late in coming for response commensurate with the substantial time associated with preparation of simulations using actual on-site photography conducted during dark sky conditions. Such a request requires significant pre-planning for field photography and preparation of simulations.

BASIN & RANGE DR-VIS-2

Information Required:

Please provide an analysis of the impacts of potential flash glare events relating to time of year. Would the impact of flash glare events be more severe during winter months when background contrasts are at lower light angles relating to shorter winter days?

Response:

The potential for glint events could occur any time of the year but the required observer location to observe such an event would vary by time of day and season. For a ground level observer, the glint would only be observable in the few hours following sunrise or before sunset when the sun angle is low on the horizon and contributing its own glare. Such glint would only be visible by an observer that is east of the mirrors in the morning or west of the mirrors in the evening if they could see over the 30 foot high wind fences. As the sun rises in the sky during the morning and the mirrors begin tracking the sun, the Law of Reflection will not allow a ground level observer to observe the reflection. It is important to reiterate that the reflection (glare or glint) is specular reflection from the HCE tube with lesser amounts of scattered and refracted light, not direct reflection of the sun from the parabolic mirror. Differing background contrast would not affect the occurrence of observable glint but would determine its relative intensity as perceived by the observer. In all cases, the glint would be of low intensity and could safely be viewed for an extended period of time. In addition, the proper geometry to observe the glare would occur if an observer could see over the 30 foot tall wind fences.

BASIN & RANGE DR-BIO-1

Information Required:

The AECOM document: Palen Solar Power Project, Docket No. 09-AFC-7 Responses to Questions from the April 28, 29 and May 7, 2010 CEC Workshops Mojave Fringe-toed Lizard Mitigation Technical Areas: Biological

**PALEN SOLAR POWER PROJECT (09-AFC-07)
BASIN & RANGE DATA REQUEST NUMBERS –1-5**

Response Date: June 14, 2010

Resources states “ A preliminary examination of potential private mitigation parcels in the vicinity of the PSPP suggests that this conclusion by staff is not accurate. AECOM staff overlaid Bureau of Land Management (BLM) mapping on USGS maps, allowing identification of private parcels. USGS mapping includes symbols indicating the presence of dunes. The latter occurrence was cross-checked using aerial photography. Riverside County parcel layers were then imported. This exercise resulted in the identification of 61 private parcels in the Chuckwalla Valley that are host to stabilized and partially stabilized sand dunes. Together these parcels comprise 12,877 acres. This quantity of land would appear to provide adequate opportunities for MFTL mitigation land acquisition.”

This statement does not indicate how many of these land owners are willing to sell their land. Please provide a list of willing land sellers and a back-up plan for those who would not be willing to sell. We would also like to see a estimated sum of money or price tag that would be required to purchase all of these properties. Please provide a list of parcels and current market values of these properties.

Response:

It is beyond the role of CEQA level analyses to identify if owners are willing to sell their land and what the price of that land is. A PAR will be completed per the conditions of certification to evaluate the land and associated mitigation costs.

BASIN & RANGE DR-BIO-2

Information Required:

Please provide exact survey protocols and maps of individual lizard occurrences for any surveys conducted in 2009 and 2010. Were MFTL locations and habitats mapped using Global Positioning Unit data?

Response:

Relevant and appropriate information was provided in the 2009 BRTR. In response to agency direction and comment relating to the sand transport corridor, PSI has developed a reconfiguration of the PSPP to avoid to the extent feasible the most active portion of the sand transport corridor. This reconfiguration is currently being developed in more detail and will be docketed on June 30, 2010. This reconfiguration will affect the information requested by this data request and therefore a response at this time will be out of date. Therefore, we will provide a Supplemental Response to this Data Request on June 30, 2010.

BASIN & RANGE DR-BIO-3

Information Required:

Offsite mitigation for site-specific functions of particular area is problematic. Connectivity between populations of plants and animals often depends of keeping contiguous populations in corridor areas intact to allow for gene flow. Acquisition or enhancement of lands outside the specific corridor to be disturbed will not mitigate for site-specific values.

**PALEN SOLAR POWER PROJECT (09-AFC-07)
BASIN & RANGE DATA REQUEST NUMBERS –1-5**

Response Date: June 14, 2010

Please explain how the specific connectivity of this particular sand transport corridor on the PSPP project site and proposed transmission line route would be mitigated.

Response:

The PSPP is not a wildlife corridor between key populations for special status species. A discussion on this issue was provided in a memorandum to the agencies. Mitigation is proposed to compensate for loss of the habitat and local wildlife movement.

However, in response to agency direction and comment relating to the sand transport corridor, PSI has developed a reconfiguration of the PSPP to avoid to the extent feasible the most active portion of the sand transport corridor. This reconfiguration is currently being developed in more detail and will be docketed on June 30, 2010. This reconfiguration will affect the information requested by this data request and therefore a response at this time will be out of date. Therefore, we will provide a Supplemental Response to this Data Request on June 30, 2010.

**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION**

In the Matter of:
APPLICATION FOR CERTIFICATION
for the *PALEN SOLAR POWER PROJECT*

Docket No. 09-AFC-7
PROOF OF SERVICE
(Revised 5/14/2010)

APPLICANT

Alice Harron
Senior Director of Project Development
1625 Shattuck Avenue, Suite 270
Berkeley, CA 94709-1161
harron@solarmillennium.com

Elizabeth Ingram,
Associate Developer
Solar Millennium LLC
1625 Shattuck Avenue, Suite 270
Berkeley, CA 94709
berg@solarmillennium.com

Ram Ambatipudi
Chevron Energy Solutions
150 E. Colorado Blvd., Ste. 360
Pasadena, CA 91105

APPLICANT'S CONSULTANT

Arrie Bachrach
AECOM Project Manager
1220 Avenida Acaso
Camarillo, CA 93012
arrie.bachrach@aecom.com

COUNSEL FOR APPLICANT

Scott Galati, Esq.
Galati/Blek, LLP
455 Capitol Mall, Suite 350
Sacramento, CA 95814
sgalati@gb-llp.com

Peter Weiner
Matthew Sanders
Paul, Hastings, Janofsky & Walker LLP
55 2nd Street, Suite 2400-3441
San Francisco, CA 94105
peterweiner@paulhastings.com
matthewsanders@paulhastings.com

INTERESTED AGENCIES

Holly L. Roberts, Project Manager Bureau
of Land Management
Palm Springs-South Coast Field Office
1201 Bird Center Drive Palm Springs, CA
92262
CAPSSolarPalen@blm.gov

California ISO
e-recipient@caiso.com

INTERVENORS

California Unions for Reliable Energy
(CURE)
Tanya A. Gulesserian,
Marc D. Joseph
Jason W. Holder
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
tgulesserian@adamsbroadwell.com
jholder@adamsbroadwell.com

Michael E. Boyd, President
Californians for Renewable Energy, Inc.
5439 Soquel Drive
Soquel, CA 95073-2659
michaelboyd@sbcglobal.net

Alfredo Figueroa
Californians for Renewable Energy, Inc.
424 North Carlton
Blythe, CA 92225
lacunadeaztlan@aol.com

Basin and Range Watch
Kevin Emmerich/Laura Cunningham
P.O. Box 153
Baker, CA 92309
atomicoadranch@netzero.net

ENERGY COMMISSION

Robert Weisenmiller
Commissioner and Presiding Member
rweisenm@energy.state.ca.us

Karen Douglas
Chair and Associate Member
kldougla@energy.state.ca.us

Raoul Renaud
Hearing Officer
rrenaud@energy.state.ca.us

Alan Solomon
Project Manager
asolomon@energy.state.ca.us

Lisa DeCarlo
Staff Counsel
ldecarlo@energy.state.ca.us

Jennifer Jennings
Public Adviser's Office
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Carl Lindner, declare that on, June 14, 2010, I served and filed copies of the attached Basin and Range Watch Data Requests. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[\[http://www.energy.ca.gov/sitingcases/solar_millennium_palen\]](http://www.energy.ca.gov/sitingcases/solar_millennium_palen).

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

For service to all other parties:

sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by overnight delivery service or depositing in the United States mail at Camarillo, California with postage or fees thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

sending an original paper copy and one electronic copy, mailed respectively, to the address below (preferred method);

OR

depositing in the mail an original and 12 paper copies, along with 13 CDs, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 09-AFC-7
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.


Carl E. Lindner