

**STATE OF CALIFORNIA**  
**Energy Resources Conservation**  
**and Development Commission**

California Energy Commission <b>DOCKETED</b> <b>09-AFC-7C</b>
TN 70697 MAY 08 2013

In the Matter of:

APPLICATION FOR CERTIFICATION )  
FOR THE PALEN SOLAR ELECTRIC )  
GENERATING SYSTEM )  
\_\_\_\_\_ )

DOCKET NO. 09-AFC-7C

**STATUS REPORT No. 2**  
**BASIN AND RANGE WATCH**

May 8th, 2013

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We do not believe that most of the concerns from our original status report have been resolved so we would like to request that all of the issues we raised in that report be addressed in the Preliminary Staff Assessment. We also believe that the PSA should be delayed so more information on avian mortality relating to solar flux can be gathered from the nearly completed Ivanpah Project. There are other unresolved issues relating to cultural, biological and visual resources. We would like to emphasize and add the following list of issues to this status report:

**Alternatives:**

To minimize direct and cumulative impacts this project would have on cultural, biological and visual resources, we would like to see the PSA consider a **Distributed Generation** alternative.

A **Brownfields Alternative** would also minimize impacts to these resources. As mentioned before an off site alternative could be the Westlands Solar Park (WSP) More on the Westlands Solar Park can be seen here: [www.westlandswater.org](http://www.westlandswater.org)

**Biological Resources:**

**Mojave Fringe-Toed Lizard (MFTL):**

Updated surveys of MFTL populations on the site will provide information about current population numbers and conditions.

A regional plan should be developed for the MFTL.

**The plan should be in the PSA.**

**Avian Species:**

There still remain unanswered questions on the full impact of solar flux and collision with the heliostats will have on golden eagles and a list of other avian species.

As mentioned in Status Report One, we would like the PSA to include a comprehensive list of all of the birds that could be killed in the 2,000 foot solar flux radius of the two towers. We would also like to see a list of all species that will potentially collide with the heliostats as a result of the lake effect or “polarized glare”.

Also as mentioned in Status Report One: *We would also like to request that the approval process for Palen be delayed until more data can be gathered on the other BrightSource project that has been under construction for the past 2 and a half years, the Ivanpah SEGS Project. A two to three year study on flux mortality should be initiated and no more power towers should be approved until we can obtain some solid data on mortality numbers for flux and mirror collision. We would also like to see a list of bat species that could potentially be impacted by flux during end of the day at twilight hours.*

We request new surveys for **kit fox** as well as a baseline census. Canine distemper and other health issues should be addressed.

### **Visual Resources:**

The impacts of glint and glare from the Ivanpah Project are significant. They have tested Unit One and it is very bright. This should be discussed in the PSA.

**Air Quality and Public Health:** As we mentioned at the May 6<sup>th</sup> workshop, the Center for Disease Control recently reported that cases of Valley Fever are on the rise in the Southwestern US. The Palen Project will disturb a substantial amount of ground on the site and the cumulative impact of the Palen Project with other existing and pending large solar projects have the potential to spread Valley Fever to nearby communities. We would like to see this new information included in the PSA. We have copied the recent comment letter we sent to the CEC about this below:

1. The Center for Disease Control has determined that Coccidioidomycosis (Valley Fever) is on the rise in the southwest where “cases in Arizona, California, Nevada, New Mexico and Utah have risen from 2,265 in 1998 to more than 22,000 in 2011.” The cumulative impacts of big solar projects in Riverside County along I- 10 have the ability to spread the disease to the communities of Blythe, Desert Center and the Coachella Valley. This could also impact motorists and visitors to adjacent wilderness areas and national parks. We have provided photos of dust blackouts on the Genesis and Desert Sunlight Solar Projects. Here is a reference on Web MD:

<http://www.webmd.com/lung/news/20130328/valley-fever-fungal-infection-on-rise-in-southwest>

The cumulative public health scenario concerning fugitive dust is very real in this part of Riverside County. A 149,000 acre Solar Study Zone was recently designated.

2. The County of Los Angeles recently shut down construction of the Antelope Valley Solar Ranch due to dust blackout violations. The article can be referenced here:

<http://www.kcet.org/news/rewire/solar/photovoltaic-pv/dust-pollution-halts-solar-project.html>

3. Just last night (after the workshop) we learned from the Los Angeles Times that 28 solar construction workers have been diagnosed with Valley Fever on two large solar power

construction sites in San Luis Obispo County, California. The article can be referenced here:  
<http://www.latimes.com/news/local/la-me-solar-fever-20130501,0,7994390,print.story>

We are not satisfied that big solar developers are doing enough to mitigate fugitive dust emissions. While these are recent articles, it is disturbing that as many as 28 workers may now have Valley Fever due to the chaos of the inadequacy to mitigate fugitive dust emissions. The Palen Project will develop about 5 square miles of desert and we do not feel that the dust mitigation is working on the Ivanpah Project.

**California Energy Resources Conservation  
and Development Commission**

APPLICATION FOR CERTIFICATION ) DOCKET NO. 09-AFC-7C  
FOR THE PALEN SOLAR ELECTRIC )  
GENERATING SYSTEM )

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**DECLARATION OF SERVICE**

We, Laura Cunningham and Kevin Emmerich, declare that on May 8, 2013, served and filed copies of the attached **Status Report No. 2 by Basin and Range Watch**, dated May 8, 2013.

(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 depositing in the United States mail at with first-class postage 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 and emailed respectively, to the address below (preferred method);

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CALIFORNIA ENERGY COMMISSION

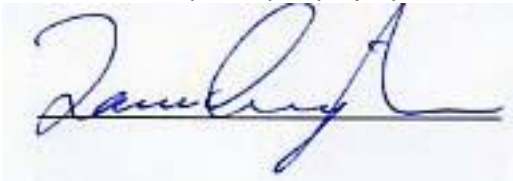
Attn: Docket No. 09-AFC-7C

1516 Ninth Street, MS-4

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



Laura Cunningham, Kevin Emmerich



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**AMENDMENT  
FOR THE PALEN SOLAR ELECTRIC  
GENERATING SYSTEM**

**Docket No. 09-AFC-7C  
PROOF OF SERVICE  
(Revised 05/09/2013)**

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\*Indicates change

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KAREN DOUGLAS  
Commissioner and Presiding Member

DAVID HOCHSCHILD  
Commissioner and Associate  
Member

Kenneth Celli  
Hearing Adviser

Galen Lemei  
Adviser to Presiding Member

Jennifer Nelson  
Adviser to Presiding Member

\*Kelly Foley  
Adviser to Associate Member

Eileen Allen  
Commissioners' Technical  
Adviser for Facility Siting

**DECLARATION OF SERVICE**

I, \_\_\_\_\_, declare that on \_\_\_\_\_, 2013, I served and filed copies of the attached \_\_\_\_\_, dated \_\_\_\_\_, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at: <http://www.energy.ca.gov/sitingcases/palen/compliance/>.

The document has been sent to the other persons on the Service List above in the following manner:

*(Check one)*

**For service to all other parties and filing with the Docket Unit at the Energy Commission:**

\_\_\_\_ I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the U.S. mail with first class postage to those parties noted above as "hard copy required";  
**OR**

\_\_\_\_ Instead of e-mailing the document, I personally delivered it or deposited it in the U.S. mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: \_\_\_\_\_, 2013 \_\_\_\_\_