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California Energy Commission

DOCKETED

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TN 73047

MAY 23 2014

Tuesday, May 20, 2014

Katrina Symons
BLM Barstow Field Manager
2601 Barstow Road
Barstow, CA
92311
by email to Silurian_Valley_Solar@blm.gov.

Dear Ms. Symons,

Please accept these comments regarding the Proposed Silurian Solar Facility. This facility was presented to the public at a meeting in Barstow on March 27, 2014, and notified through two BLM public notices, available at <http://www.blm.gov/ca/st/en/fo/cdd.html> and http://www.blm.gov/ca/st/en/fo/cdd/alternative_energy/suliranwind2.html

The proposed project is for a ROW for 7218 acres that would be used to construct a 200 MW PV solar energy plant, with associated support structures and transmission lines in the area known as Silurian Valley, north of Baker, CA.

I reserve the right to submit additional comments since there appears to be a major discrepancy in the project description. The applicant has requested 7318 acres for a 200 MW capacity solar facility. This works out to a little more than 36 acres per megawatt capacity, far more than the usual maximum of 10 acres per megawatt for efficient solar facilities. It implies an extremely low land use efficiency. The public notices and the Plan of Development submitted November, 2012 do not reveal reasons for the low efficiency. If the acreage and capacity are stated correctly, then the facility grossly violates BLM's often stated goal of environmental responsibility. If this is an error, I may submit further comments after the error is determined and corrected.

For reasons stated below, I recommend and request that the BLM reject the PoD and application for variance, and that BLM not proceed with further review of the project.

Use of the variance area may not be needed

The application should be rejected until it has been determined that the SEZ areas in the solar PEIS are insufficient, or that site-specific factors make this project appropriate for the site.

The Executive Summary of the Solar PEIS states that variance areas could be used¹:

- the program alternative allows for responsible utility-scale solar development in variance areas

The PEIS further defines when variance areas should be used².

- Variances may be needed in the near term because the lands identified as SEZs might be insufficient...

¹ Solar_FPEIS_V1, Chs 1-7, 14-16, p.ES-7 (pdf 45).

² Solar_FPEIS_V1, Chs 1-7, 14-16, p.2-43 (pdf 163).

- In addition, there might be market, technological, or site-specific factors that make a project appropriate in a non-SEZ area.

Variance area usage is intended to be exceptional:

- The variance process, however, is intended to be the exception rather than the rule.

Neither the applicant nor the BLM have claimed or shown that the SEZs are insufficient, or that the Silurian site is exceptionally appropriate. Using this site, considering the resultant large impacts and total destruction of its many significant biological and aesthetic values, would be irresponsible.

The PoD should be rejected as non-responsive.

The PoD shows no indication that the project will be able to successfully satisfy the factors of BLM interest when BLM evaluates a project proposed for a variance area³. These are substantial, non-trivial concerns that must be addressed to justify projects outside the SEZ areas defined in the Solar PEIS. In fact, the PoD does not discuss or even mention most of these concerns. The substance of the PoD is concerned mostly with the mechanical aspects of the project. In the interest of efficiency, BLM should reject this application until the applicant is able to show a good probability that processing the application would meet BLM's stated requirements.

The applicant's purpose and need is incorrect.

The Applicant's Plan of Development, paragraph 1.2.1⁴, Applicant's Purpose, states what the applicant proposes to do, and where it proposes to do it. It also confirms that the facility would help Federal and State meet the Federal and State renewable energy mandates. These are not purposes. The paragraph is silent as to purpose.

Paragraph 1.2.2, Applicant's Need for the Proposed Action, states that it needs to comply with various federal and state requirements. The paragraph then lists two federal Executive Orders, and four California laws. But the federal EO's are directed at DOI, and the California laws are local to California, directed at California utilities. Aurora and Iberdrola are not subject to these federal and California obligations. Aurora and Iberdrola have no need to satisfy them.

Indeed, even if Aurora / Iberdrola do contract for the proposed facility, it is not their responsibility to obey the federal EO's and CA laws stated in 1.2.2. Responsibility for the EO's lies with DOI. Responsibility for the CA laws lies with the entity receiving the power created.

Instead, the true and fundamental need and purpose of the applicant, Aurora / Iberdrola, is to provide return on their owner's investments in order to maintain its financial health. It is through construction of the proposed project that they intend to satisfy this true need and purpose.

To provide emphasis, one could ask if Aurora / Iberdrola would propose the project if it did not provide acceptable return. The applicant would have no reason to go to the effort of constructing the facility, and in all likelihood not have submitted the PoD.

Undisturbed, pristine desert

The Silurian site is essentially undisturbed, pristine desert, with minimal and insignificant impact from human activity. It is simply impossible to construct a 200 MW solar project without significant impact to its resources, plant, animal, visual, esthetic, and many others.

³ Solar_PEIS_ROD-1.pdf, Para B.5.3, p,179 (pdf 186)

Substantially repeated at Solar_FPEIS_V 1, Chs 1-7, p.2-43 (pdf 163)

⁴ Silurian Solar POD_Nov2012 Final, page 1-4 (pdf 15)

Desert tortoise

Already under stress from human activity in many locations throughout its habitat, and specifically several other desert area energy projects, the PoD states that a majority of the site is suitable for desert tortoise and has a high probability of occurrence on the site. Until it is known that SEZs identified in the PEIS are insufficient, or that this site has unique characteristics that make it exceptional, and, in consideration of the added accumulation of stress to the species, the Silurian site should not be used and the variance application must be rejected.

Birds

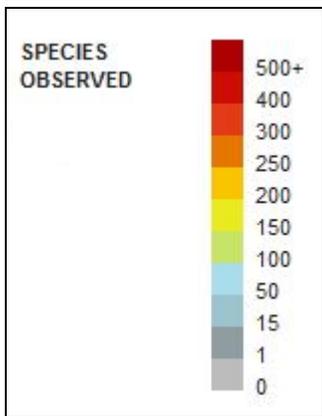
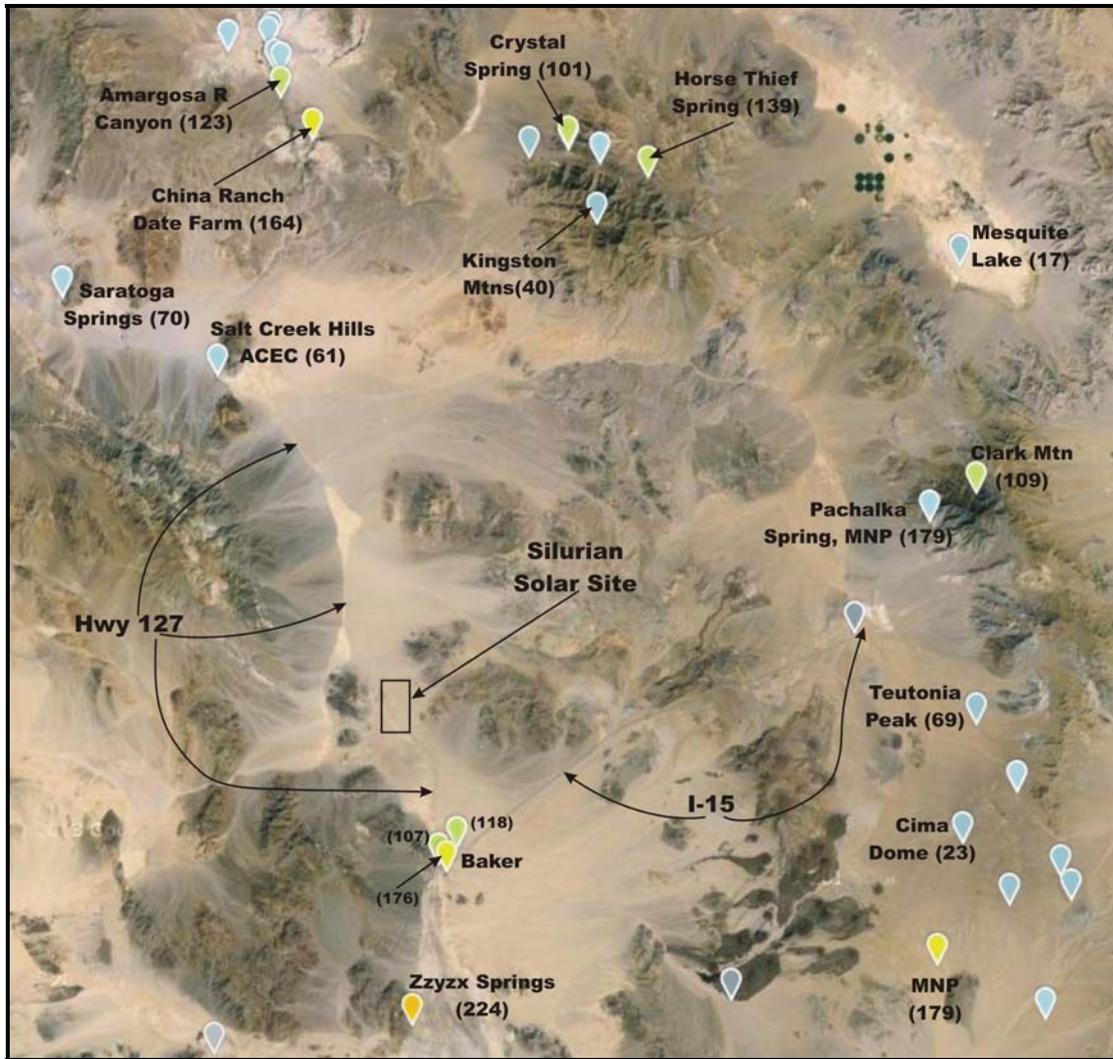
Experience at Ivanpah Solar⁵ is showing that many bird species are killed or fatally wounded by attempting to land on Ivanpah's mirrors, most likely because the mirror field is mistaken for a body of water. Some water birds that manage to survive landing are not able to take off unless from water, and eventually die. Other mirrored solar sites are getting similar experience. A solar field at Silurian would be such an attractant. Because of the large area of these sites they are not continuously monitored through throughout their full area. The extent of bird mortality is therefore unknown.

The website eBird.org gives an idea of the magnitude of this problem. For a little over ten years this website has been collecting bird sighting data from a small army of bird watchers. One form of presentation of the data collected is mapping locations of bird hotspots on Google Earth.

The graphics below, in this letter, show hotspot intensities at bird observation locations in the area of the Silurian site. These indicate significant migrations through the area. Note that hotspots tend to be in locations accessible by bird watchers. They do not occur on the Silurian site because of its remote inaccessibility to birders, further emphasizing the site's undisturbed character.

Given the experience and growing evidence at Ivanpah and other mirrored sites, it is almost certain that Silurian would have substantial impact on bird species. To date, no practical solution to this bird problem has been proposed, let alone implemented and tested.

⁵ Reference *Avian Mortality at Solar Energy Facilities in Southern California: A Preliminary Analysis*, Rebecca A Kagan et.al., National Fish and Wildlife Forensics Laboratory, available at <http://www.ourenergypolicy.org/avian-mortality-at-solar-energy-facilities-in-southern-california-a-preliminary-analysis/>



Bird sighting hotspots in the vicinity of the proposed Silurian Solar project.

Hotspot colors indicate species observed, not individual bird counts.

Numbers in parentheses are species observed.

Source: eBird.org, May 2014.

This map shows observations of some 150 species of birds, the majority of which are migrants. These migrations would cross or be near the Silurian site. Experience from the Ivanpah site, and other mirrored solar sites is that birds often mistake the mirror fields for water and are killed or fatally injured when trying to land on the mirrors.

Eagles

The PoD⁶ states that nest sites are within ten miles of the project site. No further data are given. It is highly probably that comprehensive surveys will reveal more eagle activity. Golden eagles are protected by the Bald and Golden Eagle Protection Act. The proposed project has a high probability of having significant impact on the local and migrant eagle population. The PoD cites absence of eagle siting records at the project site, concluding that the site has only moderate potential to occur. It ignores that the lack of siting is could well be from lack of people observing at this remote location.

New or Pending Application

I note that BLM will treat this proposed project as a new application with respect to the Solar PEIS. The Solar PEIS classifies Silurian as 'new', since the application was received December 4, 2012⁷, which is after the 'pending' application cutoff date⁸ of Oct 28, 2011. As a new application, Silurian is subject to provisions of the Solar PEIS, including the Variance Process described in 2.2.2.3.1 of the Solar PEIS.

Two notices of the March 27 public meeting confirm the 'new application' status by stating that the variance process is already active:

- The 2014-03-11 notice: "...public meeting is being held to provide the public and other interested parties an opportunity to participate in the variance process determination prior to acceptance of an application."
- The undated notice of public meeting: "... a public meeting is being held to provide the public and other interested parties an opportunity to participate in the variance process determination."

The project would violate the 'UUD' clause in FLPMA

Consider the well-known undue or unnecessary 'UUD' Congressional directive in FLPMA:

In managing the public lands, the Secretary shall, by regulation or otherwise, take any action necessary to prevent undue or unnecessary degradation of the lands.

In consideration of the many reasons stated by myself and others for rejection of this application for processing, BLM would put itself on a path to violate the UUD directive by approving it. Approval would be a violation of the public trust given to BLM by Congress.

Approval would signal that BLM is not taking its priorities from Congress, but from a private company that would very likely cause unnecessary damage to public lands.

For the reasons stated above, I recommend and request that the BLM reject the PoD and application for variance, and that it not proceed with further review of the project.

Sincerely,



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⁶ Silurian Solar POD_Nov2012 Final, page 5-9 (pdf 52)

⁷ Solar Applications and Authorizations link in BLM page <http://www.blm.gov/ca/st/en/prog/energy/solar.html>

⁸ Solar_FPEIS_V1, Chs 1-7, 14-16, p.1-12 (pdf 96).