

Scoping Comment E1 – Anco Blazev

Email: Palen Solar Project EIS Team

From: Anco Blazev <ablazev@cox.net>
Sent: Friday, June 17, 2016 5:59 AM
To: Mark Tangard
Subject: Re: Palen Solar PV Project - Notice of Public Meeting

Good morning Mark, and thank you for the notice.

Do you know which type of solar panels (mono-, poly-silicon, CdTe, CIGS, etc.) will be included in this project.

Thanks,
Anco Blazev
480-381-7502

Scoping Comment E2 – Scott Connelly

Doug Herrema
Acting Field Manager
Bureau of Land Management
Palm Springs South Coast Field Office
1201 Bird Center Drive
Attention: Frank McMenemy, BLM Project Manager
Palm Springs, CA 92262

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BLM - PALM SPRINGS SOUTH COAST
FIELD OFFICE

June 30, 2016

Re: Palen Solar PV Project (SCH#2011054002)

Pursuant to your notice of public comment dated June 15, 2016, I submit the following to help you identify relevant issues that will determine the scope and issues, including alternatives, for the review of the Environmental Impact Statement (EIS) and Supplemental Environmental Impact Statement (SEIS):

Identify the impacts on the **Ecosystems — Endangered species**. Identify the scope and extent of habitat destruction and habitat fragmentation. This area is home to the endangered fringe toad lizard and the desert tortoise. The fringe toad lizard habitat is dependent upon the natural movement and accumulation of sand and dunes. Identify impacts on **desert dune ecosystems**. How will this affect the natural habit of the endangered species? Identify how sand-dwelling plants would be impacted by reduction of sand transport. Identify impacts of the fence that would be installed around the project and how it would affect sand movement and the ecosystems. Identify impacts of **wildlife corridors**. The project is in the middle of a critical wildlife corridor from the Chuckwalla Bench to the South and the Palen Mountains to the North.

Identify impacts on **plant species and vegetation** alliances that are associated with dune and playa systems, including several listed as rare/ sensitive by the State of California.

Identify impacts for **special status animal species** within the National Landscape Conservation System (NLCS) area including: 1. Mojave fringe-toed lizard 2. Townsend's big-eared bat 3. Pallid bat 4. California leaf-nosed bat 5. Prairie falcon 6. Mountain plover 7. Rosy boa 8. Leconte's thrasher 9. Mountain lion 10. Burro deer 11. Colorado Valley wood rat.

Hydrology impacts: Identify the source and quantities of water to be used. Identify additional alternative sources of water. Identify the cumulative effects on the natural water resources and the effect on the flora and fauna dependent on the water resources. The project is located on the Palen lake which is the terminus of the natural water shed from the surround mountains. Periodic heavy rainfall would flood this area. Identify impacts of periodic flooding that is beneficial to the natural ecosystem and how this will be interrupted or adversely affected or altered by the presence of this project and any disruption to natural hydrology systems. Identify activities that would create a water basin deficit/decline. Identify the effect of climate change and the availability of water and long term effects.

Identify type of PV panels and their reflective factors and how it relates to impacts to the environment. Identify the **impact to the birds** using this via the Pacific flyway. The Palen

project stands to harm or kill eagles and other migrating birds that travel through Joshua Tree National Park, as the project and Joshua Tree National Park are within an inland portion of the Pacific Flyway.

Identify the **visual impacts** it will have on the scenic views from adjacent Joshua Tree National Park. How will they be installed and how deep would the soil be disturbed with the mounting post and structures for the PV panels?

Identify impacts of **Light Pollution**. What will be the maximum brightness of nighttime lighting? Identify adverse impacts to visitors in Joshua Tree National Park and surrounding areas of outdoor recreation where nighttime dark sky is a significant quality of life unique to remote desert regions. Identify impacts of light pollution on sensitive nocturnal animals that depend on the night darkness to function in their natural desert environment.

Identify adverse impact to **Scenic Resources** in Joshua Tree National Park's federally designated wilderness and backcountry areas close to the project site and how it would be a direct negative impact to the visitors.

Identify **Air Quality** impacts and Air Quality Consistency. How much dust will be generated and the air quality will be affected?

Cultural Values: Identify features of historic or cultural importance. The proposed area contains a large number of significant archeological sites that are associated with the lacustrine environment of Pleistocene Palen/ Ford Lakes, some of which are contained within the existing Palen Dry Lake ACEC. Disparate sources and collections of intermittent water have provided many small niches for plant and animal communities to survive providing resources for human populations. Major trail networks transit through the area and evidence from the trade and travel can be found throughout the valley. The dry lakes would seasonally or intermittently fill attracting waterfowl and humans for extended stays. Archaic times 2,000 to 8,000 years ago, likely experienced a different climate than today but newly discovered evidence of this early period human occupation shows a significant presence dating back 10,000 years. A recent unpublished account (CA-RIV-11733) of a Paleoindian fluted point, ca. 13,000 years old, was found near Ford Dry Lake. Archaeological sensitivity is extremely high near the Dry lakes, benches, and washes. Preservation is exemplary in buried contexts, and on undisturbed desert pavements. Identify conflicting activities that may result in an adverse effect to National Register Eligible sites or artifacts, or landscapes.

Identify unavoidable adverse effects and describe environmental consequences.

Identify any irreversible and irretrievable commitments of resources.

Identify any cumulative effects that could arise from a combination of the effects of the exchanges with those of other existing or planned developments or exchanges in the surrounding area.

Identify cumulative effects and any inter-relationships of cumulative effects as well as inter-relationships with any other projects, policies, or recent decisions. Identify whether the action is

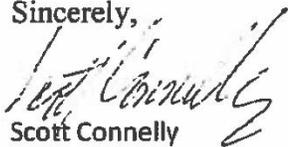
related to other actions with individually insignificant but **cumulatively significant impacts**. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Specifically, the adverse effects inflicted by existing solar farms, including, but not limited to, the Blythe, Desert Sunlight, Genesis and McCoy projects in Riverside County.

I attended the public comment hearing on June 29, 2015. There was a lack of information available and the presenters were unable to answer several questions presented. Specifically, the source of the water, possible or alternative sources of water, and the specific type of PV panels. There were no handouts available for the details of the project. There was one diagram on poster board that was not self-explanatory as to what it purported to represent. There were several photos of a desert scenes that appeared to have no relevance. There was a brief PowerPoint presentation by the developer with some charts and information that I did not have time to record.

I would encourage you to consider developing a new environmental impact statement since this project has been amended and major changes have been proposed and there appears to be a lack of specific information available from the owner/developer. You may want to consider a formal scoping meeting as there were significant comments and concerns presented by attendees of the meeting.

Thank you for your consideration of these matters of mutual concern.

Sincerely,



Scott Connelly
2071 Marguerite St.
Palm Spring Ca 92264

Cc: fmcmenimen@blm.gov

Scoping Comment E3 – Kenneth B. Waxlax

Dear BLM

Allow me to begin with some broad strokes: If we are to make the effort to change our energy consumption away from a fossil fuel model to a renewable, non-carbon model, everything must be on the table—and on the table now. Solar plays a large part in that transition. Yes, a distributed model using parking lots as well as commercial and residential rooftops should play a role in this transition. However, distributed solar is happening too slowly. We need more clean energy. More solar, more geothermal, more wind, and more storage for intermittent sources. And we need it now. Time is not on our side.

I am an environmental advocate. I have participated in conserving about 15,000 acres of sensitive desert habitat. Let me remind everyone that placing an environmental overlay on vast stretches of the desert may be helpful in some ways, but land, especially private land, should not be considered “conserved” until it is purchased specifically for conservation and has a conservation easement recorded that will protect it into perpetuity. There are no shortage of examples in the Mojave and Colorado Deserts to prove that point. Just look at the hill slightly south of Chiriaco Summit to witness the devastation that can happen to private land by private owners. So to my friends in the environmental and Tribal communities, if you want to protect land, you need to buy it. To my friends at the agencies, more ACECs may be helpful and reevaluating land inappropriately mapped as core habitat should be revisited sooner rather than later. If a parcel of land in a DWMA is not acceptable for mitigation, maybe it doesn't belong in a DWMA. Additionally, if you are building a habitat preserve, let's say for desert tortoises, you need large tracts of land so that as the climate changes, these beautiful creatures have ample places to go. The current practice of limiting mitigation/conservation purchases to parcels that have tortoises actually living on them flies in the face of the entire concept of conservation as expressed in the CVMSHCP or the DRECP or your studies in environmental science, and must end. If the CVMSHCP only had to preserve parcels with actual species living on them, they would be nearly finished acquiring land by now and the plan area would not be 1.4 million acres. The focus must return to building large, interconnected tracts of private land whether tortoises live on each parcel today or not. What happened to change from science based acquisition to a survey-dependant policy? Surveys provide data, not dictate conservation. Can we all agree on that?

Now for comments on the Palen project. The project is bordered by a farm, a race track, a freeway, and two 500kv power lines, along with two fully built solar projects and another permitted so the area should not be considered pristine desert. That much seems clear. The project area is in a solar power zone designated by state and federal agencies. Those are observations. While the neighborhood has already compromised the viewshed from Joshua Tree (along with the abandoned Kaiser Mine) and there is much data already collected, an update would be appropriate. It would also be appropriate to study how rotating solar panel affect drivers on I-10.

The sand transport system in the area bears review. It would appear that nothing about the project will inhibit the sources of sand a few miles to the north and northwest, nor the wind that carries sand to southeast, but it should be addressed and if permitted, be fully mitigated by purchasing nearby sand source and dunes land for conservation into perpetuity. Possibly the height and design of the poles will influence whatever free flow of sand passes through the project area.

Since the first meeting I attended regarding this project dating back to 2009, I have heard references to a biological corridor bordering the project to the west. I have looked but can find no scientific data on that corridor. There are tunnels under the freeway for species to use, which have also been studied, correct? Is there any evidence a tortoise has ever used these tunnels or made the trek across those sand dunes to the Coxcomb Mountains? Do tortoises even like sand dunes? If the corridor is used by tortoises, please show that in the EIR. If not, please stop referencing tortoise use of that corridor inaccurately. That is not science.

As far as migrating birds, it is hard for me, a long time bird lover and watcher, to comment. For a while, I read the reports on bird deaths at Desert Sunlight, Genesis, and Blythe solar projects. I was a handful a month, which did make me sad. On the other hand, over a billion (yes one billion according the Audubon Society) birds use the Pacific Western Flyway, so it is important to keep the numbers in perspective. We may never know why some birds crash land on solar panels as if it was a lake, just like we may never know why some drivers crash their cars into walls. Further, we may never know how many of those fatalities have died of natural casues in the air and fell to earth in that place. How many birds out of a billion just die of natural causes while migrating? Project owners should use all means at their disposal to reduce bird deaths, but the idea that zero

bird fatalities could become a goal that dictates energy policy seems like a bridge too far. Do we want to reduce carbon to help our world environment? If the answer is yes, we must accept some small negative consequences and try to mitigate them as much as possible while still generating solar, sustainable energy. Remember, all energy production is messy in some way.

There have been literally years of time and thousands of dollars spent discussing cultural resources. The record is robust and well documented. Every culture on this earth has a creation story and all should be respected. Other minds can contemplate how respect is shown, but preserving the planet we inhabit should be part of that respect, regardless of other dictates. That said, I reference my statement above, If you want to protect land, you need to buy it.

Thanks you for your time and deliberations. Please keep science foremost in your mind as the process continues.

Respectfully Submitted,

Kenneth B. Waxlax

43630 Pisces Court

La Quinta, CA 92253 ken.waxlax@verizon.net 760-641-9093

Scoping Comment E4 – Donna Charpied

Jennifer Whyte
BLM Project Manager
1201 Bird Center DR
Palm Springs, CA 92262

Donna Charpied
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Desert Center CA 92239
laronna@earthlink.net
(760) 987-1363

Sent Via Email
Jennifer Whyte: jwhyte@blm.gov

July 19, 2016

RE: COMMENTS TO THE PROPOSED SUPPLEMENTAL EIS/EIR FOR THE PALEN SOLAR
PROJECT ASSAULT ON THE DESERT

Dear Ms. Whyte,

I submit these comments on behalf of myself, Donna J Charpied, because I will recount personal observations from a neighboring solar facility. I am a long time resident (35 years), property owner, and certified organic jojoba farmer in Eagle Mountain/Desert Center Ca. I have been involved in the public process on a number of proposals from BLM and Riverside County over the years, including but not limited to dump proposals, private prisons, hydroelectric proposals, and solar projects in the Chuckwalla Valley. I am also the Executive Director of a 501(3)(c) organization, the Desert Protection Society (formerly Citizens for the Chuckwalla Valley).

Although I will focus on one issue, I support and incorporate into this comment letter, comments submitted by Basin and Range Watch and the Center for Biological Diversity, as though they are contained herein.

AVIAIAN MORTALITY:

There has been news articles coupled with environmentalists' uproar over these solar schemes murdering birds. The Ivanpah "towers of power" project is the project where one can actually see birds being zapped in midair much like a bug zapper. Industry couldn't deny the dead birds. Small birds actually disintegrate.

The photovoltaic industry is in complete denial of bird mortality from their projects, and simply say they "continue to study" the allegations. They lie.

There is a "lake effect" that is indisputable on these photovoltaic solar installations – The Desert Sunlight solar project was constructed a mere 600 feet from my farm/home in Eagle Mountain/Desert Center CA. The solar panels look so much like water, I sometimes call the project "Lake Chuckwalla".

Let's use a little common sense here. I know before undergoing any construction activity, there was an army of biologists combing the project area for months on end. I have since asked biologists how many dead birds were found when they were scouring the subject lands. Every one of them said "none". Since the project has been built, we know that a Yuma Clapper Rail, Brown Pelicans, and a number of

Donna Charpied
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other avian species have been found dead in the project area. The only difference between pre-construction and now is the project. Industry continues to say there is no evidence that the panels are causing the birds' demise. One corporate rep even said in a news article that nobody has ever seen it happen. If this were a "natural" phenomenon, having lived there the past 35 years, one would think I would be ankle deep in dead birds. Not so. It is true that I have observed a bird (maybe 2 in 35 years) in the middle of summer, probably due to excessive heat and exhaustion. Dead birds are a more common occurrence since construction of solar facilities. Again I ask, "What is different"? No panels, no excessive bird deaths, with panels we have bird deaths.

There have been reports of bird droppings with feathers splattered on the panels. Industry's answer: The birds landed on the panels to relieve themselves, and feathers fell out. *REALLY?* Aw, come on now, let's not be bizarre. Birds do not have to land to go to the bathroom as they can do that mid-flight. And, if they dropped feathers every time they did relieve themselves, we would have bald birds all over the planet. The fact of the matter is, they think they see water, dive in for a drink or possibly some food, and then SPLAT – they crash thereby evacuating and losing feathers. Further, the temperature on those panels have to be so hot, no bird would willingly perch on top of one just to go to the bathroom.

It is quite interesting that all information and records regarding this issue is not open for public consumption. The public doesn't know exactly how many birds have perished nor what species have been found dead. It seems there is a "gag" order whenever this subject is broached. That means industry can say whatever they like without the benefit of peer review or science of any kind to support their conclusions. The media eats it up, while agencies that are charged with the protection of the natural environment are rendered impotent.

The avian deaths are met with nothing but "Zombie Lies" from industry. A "Zombie Lie" (a term I borrow from Bill Maher), is a lie, which is a proven lie, only to be resurrected and told over and over again as though it is true.

I will now tell you why I KNOW solar facilities kill birds. Last November, I was taking a break from farm work, and was sitting drinking a cup of tea on my front porch (remember Desert Sunlight is directly in front on me [actually surrounds my home/farm like a horseshoe]). I noticed in the distance, from the east (Palen Mountains) a flock of birds flying in a chevron formation. I watched them as they flew nearer, as I like to watch birds. They flew to about half way across Desert Sunlight, when they dove downwards and didn't come back up. Horrified by what I had just witnessed, I quickly ran inside to get my binoculars. I started to scan the area where I saw them go down, when I observed a bird rise above the panels in an attempt to fly away, but he went back down. This was an extremely traumatic event for me observe. As an aside, I do not know what species of birds they were. I suppose I am a "lazy" bird watcher. If I don't know a species, I make up my own name for them. I guess I would call this species, the "the featherless defecating kamikazes".

These birds didn't land on the panels to relieve themselves nor did they drop dead in midair and happen to fall on the project site. They saw "water" and took a dive. As simple as that!

It is no secret that the Chuckwalla Valley is in the Pacific Flyway. This will continue to happen, especially since industry will not even admit their projects murder birds. If they don't admit to a problem, then no need in trying to rectify the problem.

Unless and until industry develops some kind of mitigation to prevent avian mortality from their projects, a moratorium on any new projects and halt projects under construction is the only alternative.

I respectfully request that BLM deny the approval of this bird-murdering venture.

In conclusion, nobody in the industry can say that birds diving into the panels have ever been observed. They need to communicate with their neighbors, who are there more than they ever will be. I did observe birds diving into panels with my own eyes. I swear on this day of July 19, 2016 under the penalty of perjury that what I have said above is true and accurate to the very, very best of my knowledge.

Sincerely,

Donna J Charpied

Scoping Comment E5 – Patrick Donnelly

Patrick Donnelly

PO Box 6, Shoshone, CA 92384
donnellypa@gmail.com | 760.428.8653

August 18, 2016

Jennifer Whyte
Bureau of Land Management- Palm Springs/South Coast Field Office
1201 Bird Center Dr.
Palm Springs, CA 92262

Re: Public comment on proposed Palen Photovoltaic Solar Project Notice of Intent

The various incarnations of the Palen solar energy project (herein, “Palen”) have been fraught with controversy as the project has changed and changed again and been passed around from a variety of developers. While the project is grandfathered in to the original regulatory requirements both pre-DRECP and pre-Western Solar Energy Program, this does not mean it is exempted from rigorous analysis under the National Environmental Policy Act (“NEPA”). If anything, this means that it is subject to a higher level of review than more current proposals.

The original Environmental Impact Statement (“EIS”) dates back to 2010, and reflects only a limited scope of knowledge about the impacts of utility-scale solar development. While a Supplemental EIS was issued in 2013, it too is out of date at this point. The most rigorous implementation of NEPA requires a new full EIS to be prepared.

Short of this, a complete new set of biological, cultural, and hydrologic surveys need to be completed in order to properly assess the impacts of Palen. Conditions on the ground have changed since 2010 and 2013, technologies for detecting cultural artifacts have improved, drones have expanded our ability to detect wildlife, and such a new set of surveys would belie a commitment on BLM’s part to a rigorous implementation of NEPA.

In particular, I’d like to focus on hydrology. **The current knowledge hydrology of the Chuckwalla Valley is vastly incomplete.** This cannot be overstated- it is reckless to assess the hydrologic impacts of Palen without fully characterizing the hydrologic system upon which such impacts will be incurred. The project proponents propose to withdraw 650 to 850 acre-feet per year for three years, meaning a total drawdown to the aquifer of between 635,409,840 gallons and 830,919,960 gallons over the period of construction. Followed by an annual 10 to 15 acre-foot per year consumption during operation for the lifetime of the project.

Desert aquifers respond paradoxically to pumping. In particular, there forms a “cone of depression,” where drawdown is spread over a wide area expanding outward from the point of diversion. Thus, it is highly likely that a large withdrawal such as the project proponent proposes would have impacts to springs, seeps, and groundwater-dependent vegetation in the area surrounding the project site. Additionally, cones of depression do not automatically “refill” when withdrawals cease- rather, there can be long-lasting effects to aquifer levels, given the incredibly low rates of recharge experienced in the California desert.

This is of critical importance for several reasons. Wildlife in the Chuckwalla Valley rely on springs and seeps almost exclusively for their water needs- even a temporary drawdown could have catastrophic effects on wildlife populations, which exist on the thinnest margins of life. Groundwater-dependent vegetation is abundant in the Chuckwalla Valley, supporting one of the most robust microphyll woodlands in all of California, and the roots of such vegetation are finely tuned to aquifer levels. A long-lasting cone of depression could cause die-off of microphyll woodland, altered growth rates as they push energy into extending their roots downward, or other effects. And indeed, once the cone of

depression eventually dissipates, the roots of groundwater-dependent vegetation could become inundated, again causing die-off.

Thus, it is imperative that before any project is approved, the hydrology of the Chuckwalla Valley be fully analyzed. This would involve a complete spring survey, a groundwater level monitoring network of piezometers, and a hydrogeologic characterization and model like those done elsewhere in the California Desert. If, when Palen's proposed withdrawals are entered into such a model, there are shown to be impacts to springs, seeps, and groundwater-dependent vegetation, the project proponent should be made to obtain water elsewhere and truck it in. Then the additional carbon emissions from such trucking should be added to the impacts to air quality evaluated in the final environmental review document.

It should also be added that experience with other projects tells us that developers have underestimated their total water consumption needs in the past. Solar Genesis has applied for supplemental water rights on numerous occasions, needing more water than originally anticipated in their environmental review documents. This is simply unacceptable, as the impacts from such withdrawals were never evaluated comprehensively. Additionally, the fact that there are adjacent solar energy projects add to the imperative to fully characterize the Chuckwalla Valley's hydrology, as cumulative impacts are a very real threat given the proliferation of solar projects in the area.

There are many other potential impacts of Palen which bear increased scrutiny given our greater level of knowledge of how industrial-scale solar energy interacts with the landscape. This letter focuses on the hydrology of the area as one which is ripe for further scrutiny. Until proper baseline data is acquired, the impacts from Palen cannot be properly assessed. At such a time as a comprehensive set of baseline data is acquired, a full and new Environmental Impact Statement should be prepared, so that impacts from Palen can be assessed thoroughly and comprehensively.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Patrick Donnelly". The signature is fluid and cursive, with the first name "Patrick" written in a larger, more prominent script than the last name "Donnelly".

Patrick Donnelly
Shoshone, CA

The opinions and statements reflected in this letters are those of the commenter only, and do not reflect the opinions, beliefs, or positions of any organization or entity with which the commenter is affiliated, employed, or contracted.