



**California Office**

1303 J Street, Suite 270 | Sacramento, CA 95814 | tel 916.313.5800 | fax 916.313.5812  
[www.defenders.org](http://www.defenders.org)

January 15, 2009

Bureau of Land Management  
California Desert District  
22835 Calle San Juan de los Lagos  
Moreno Valley, California 92553  
(Attn: Janet Eubanks)  
E-mail: [CARSPP@blm.gov](mailto:CARSPP@blm.gov)

California Energy Commission  
Siting, Transmission and Environmental Protection Division  
1516 Ninth Street, MS-15  
Sacramento, CA 95814  
(Attn: Eric Solorio)  
E-mail: [esolorio@energy.state.ca.us](mailto:esolorio@energy.state.ca.us); [docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

**Re: Notice of Intent to Prepare an Environmental Impact Statement for the  
Proposed Solar Millennium Ridgecrest Solar Power Project, Kern County,  
CA and Possible Land Use Plan Amendment and Staff Assessment, 74 Fed.  
Reg. 61168 (Nov. 23, 2009).**

Dear Ms. Eubanks and Mr. Solorio:

On behalf of Defenders of Wildlife (Defenders) and our more than 1,000,000 members and supporters in the U.S., 200,000 of which reside in California, I am writing to provide issue scoping comments on Solar Millennium's proposed Ridgecrest Solar Power Project.

Defenders is dedicated to protecting all wild animals and plants in their natural communities. To this end, we employ science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions in order to impede the accelerating rate of extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

As we transition toward a clean energy future, it is imperative for our future and the future of our wild places and wildlife that we strike a balance between addressing the near-term impact of large scale solar development with the long-term impacts of climate change on our biological diversity, fish and wildlife habitat, and natural landscapes. To ensure that the proper balance is achieved, we need smart planning for renewable power that avoids and minimizes adverse impacts on wildlife and wild lands. These projects should be placed in the least harmful locations, near existing transmission lines and on already disturbed lands. We expect that the analysis of alternatives in the Environmental Impact Statement ("EIS"), prepared pursuant to the National Environmental Policy Act, 42 U.S.C. § 4332(2)(C) ("NEPA"), will fully address

**National Headquarters**

1130 17th Street, N.W.  
Washington, D.C. 20036-4604  
tel 202.682.9400 | fax 202.682.7331

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opportunities for locating proposed projects on both federal and privately owned lands consistent with the purpose and need for each project. *See* 40 C.F.R. § 1502.13.

Our comments on and recommendations regarding the proposed project are based on the project description contained in the Federal Register Notice and in the Application for Certification (AFC) filed by the Applicant with the California Energy Commission (Docket Number 09-AFC-9). For background information purposes, we include a brief summary of the project description, as follows:

**Project Description:** Solar Millennium LLC proposes to construct and operate a utility-scale solar thermal electric power generating facility on approximately 1,800 acres of public lands located several miles south of the City of Ridgecrest, CA. The project will have a nominal output of 250 megawatts (MW), consisting of a single power plant utilizing two solar fields.

Power transmission would be through the existing Southern California Edison 230-kilovolt (kV) Inyokern/Kramer Junction transmission line. The project would require realignment of one-mile each of two existing transmission lines; a 230 kV transmission line and a 115 kV line. The proposed project would consist of two solar fields, a power block, construction areas, a dry-cooling tower, steel transmission towers with associated transmission lines, access roads, three covered water tanks, an underground water pipeline, a water treatment facility, an electrical switchyard, a land treatment unit for bioremediation of any soil that may be contaminated by heat transfer fluid, an office, a warehouse, a parking lot, and facility perimeter fencing.

Defenders staff have spent considerable time examining the proposed project site and are familiar with the landscape, physical and biological resources, and current levels of human use. We have discussed this project with the representatives of Solar Millennium on two occasions and identified possible alternatives and a revised project footprint that would lessen impacts to biological resources.

We offer the following comments and recommendations regarding issues associated with this proposed project:

**1. Land Use Plans:** The applicable land use plan governing use of public lands affected by the proposed project is the California Desert Conservation Area (“CDCA”) Plan<sup>1</sup>. The CDCA Plan, initially released in 1980, was amended by the West Mojave Planning Area amendments of 2006.

The proposed project area is roughly divided into two equal parts by Brown Road, a paved two-lane county road which runs in an east-west direction. The southern half of the proposed project is located in a Limited Use Class zone which is also a part of the BLM Mohave Ground Squirrel Wildlife Habitat Management Area (“MGS Area”), an extensive area of approximately 1.2 million acres of public land in the western Mojave Desert. Multiple uses are allowed within this management area, but habitat loss is limited to a maximum of one-percent of the total over a 30

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<sup>1</sup> U.S. Department of the Interior, Bureau of Land Management. 1980. The California Desert Conservation Area Plan. California Desert District, Riverside, CA. 173 pp.

year period, and any habitat loss associated with multiple use activities is required to be compensated at a ratio of five acres acquired for every acre lost or destroyed. Habitat compensation would typically occur by monetary equivalency sufficient for the BLM to acquire and manage replacement habitat obtained from private sources or by private land acquisition and donation to the BLM or Department of Fish and Game for long-term conservation benefit. The proposed project would result in the loss of approximately 900 acres of habitat within the MGS Area, thus requiring the project applicant to provide funding sufficient to acquire and manage in perpetuity private land habitat totaling 4,500 acres.

The northern half of the project, although located in an area that appears to have greater abundance and diversity of wildlife resources, is not within the MGS Area, and is in an Unclassified status for multiple uses. Habitat loss compensation on the northern half of the project would be required at a one to one ratio as per the CDCA Plan, as amended by the West Mojave Planning Area amendments.

Mitigation for impacts to wildlife resources will need to satisfy State and Federal requirements. State mitigation for impacts to listed species (i.e., Desert Tortoise and Mohave Ground Squirrel) will need to be at a level that fully mitigates or offsets impacts. The Federal requirements for Federally listed species (i.e., Desert Tortoise) mitigation require that impacts be minimized.

***Recommendation:*** Impact mitigation measures to satisfy State and Federal requirements will be different. We recommend the draft environmental impact statement (“DEIS”) and the Staff Assessment clearly distinguish between the mitigation requirements needed to meet State and Federal agency requirements. Both State and Federal mitigation requirements should be satisfied for impacts to listed species. A careful analysis of the requirements stemming from the CDCA Plan, as amended by the West Mojave Planning Area amendments of 2006, is extremely important. To date, interpretation of these amendments and the manner in which they affect multiple use management on public lands has proven to be difficult and complex.

**2. Project Alternatives:** The analysis of alternatives to the proposed project is the “heart of the environmental impacts statement.” 40 C.F.R. § 1502.14. NEPA requires BLM to “rigorously explore and objectively evaluate” a range of alternatives to proposed federal actions.” See 40 C.F.R. §§ 1052.14(a) and 1508(c).

***Recommendation:*** The DEIS should include alternative project sites or locations, including those that may not fall under the jurisdiction of the BLM; project extent and electrical power generation that differ from the applicant’s proposal; and use of different technology that may reduce potential impacts on sensitive environmental resources.

Alternative project sites or locations should include, as a minimum:

- Private property having little or no biological value due to previous land uses such as irrigated agriculture in the following areas. Two such areas are the southwestern Fremont Valley and the Antelope Valley.

- Public lands in an Unclassified and Intensive Use Zone in the following areas: 1) Approximately 3,000 acres of Unclassified land southwest of the City of Ridgecrest and north of Highway 395 as shown on the attached map, and 2) Intensive Use class lands in the Searles Valley.

**3. Biological Resources:** The AFC adequately describes the plant and animal communities that would be potentially affected by the proposed project. Additional detailed information on occurrences of species of special concern that were detected during recent surveys is also adequately documented.

El Paso Wash is a very large and prominent landscape feature within the proposed project site that supports a relatively robust Creosote Bush-White Bursage plant community that is in a relatively undisturbed condition. The wash bottom and banks, estimated to be approximately ¼ mile in width, provide high quality habitat for the Mohave Ground Squirrel, Desert Tortoise, Burrowing Owl and Desert Kit Fox within the area of the proposed project. These species are also relatively abundant on habitat adjacent to the wash banks. Species occurrence maps contained in the AFC for the proposed project reflect the high diversity and abundance of species of special concern that occur within or adjacent to El Paso Wash.

Although the northern half of the project area is located outside of the MGS Area and is zoned by BLM as Unclassified, the overall habitat quality and abundance of sensitive wildlife species is better on the northern half of the project site than on the southern half due to less intensive human use. Except for the El Paso Wash and adjacent areas, much of the project site in the southern half of the area has been affected by long-term domestic sheep grazing, off-road vehicle use, two electrical transmission lines, and an abandoned railroad. Considerable firearm use occurs on the southern half of the proposed project site and especially in the area next to the railroad bed.

Desert Tortoise: An unexpectedly high number of Desert Tortoises were observed on the northern half of the project area. El Paso Wash and the habitat adjacent to the wash support most of the Desert Tortoises occurring in the area that would be affected by the proposed project. The AFC biological resources report concludes that approximately 69 Desert Tortoises inhabit the proposed project site based on sampling, and a large majority of the Desert Tortoise population occur in the northern half of the proposed project. **This is the highest density of this species on any proposed solar energy project site in the CDCA.**

Mohave Ground Squirrel: The best quality habitat for the Mohave Ground Squirrel is located in the El Paso Wash on the northern half of the proposed project area. The southern half of the proposed project site is within the MGS Area which requires a five to one habitat loss compensation for habitat lost or destroyed due to multiple use activities.

Burrowing Owl, Desert Kit Fox: The Burrowing Owl is a BLM Sensitive Species and the Desert Kit Fox is a fully protected species under Fish and Game Code. Both these species are common in the project area, especially in the northern half.

**Recommendation:** Avoiding or minimizing significant impact to these species is essential. This could be achieved through an alternative project location or through complete avoidance of El Paso Wash plus a buffer surrounding the wash.

Exclusion of El Paso Wash and a ¼ mile buffer from the project footprint area could be combined with a habitat protection and enhancement action to be carried out by the project applicant. Protection and enhancement could include elimination of sheep grazing and fencing to exclude off-road vehicles from El Paso Wash and the adjacent buffer.

**Recommendation:** A very careful analysis of the opportunities for Desert Tortoise relocation or translocation off of the proposed project site will need to be performed because of the relatively large number of Desert Tortoises that could require capture and release. It is essential that the receiving habitat be capable of supporting the released individuals and that it be fully protected from multiple uses that would adversely impact the Desert Tortoise and its habitat. In the area these uses are domestic sheep grazing and off-road vehicle use. Relocation and translocation are considered experimental measures intended to minimize take. We consider them to be largely untested and their effectiveness highly questionable.

**Recommendation:** The EIS should address the requirements for management of Special Status Species as per the BLM Policy Manual 6840 (Special Status Species Management). The 6840 Manual states, “On BLM-administered lands, the BLM shall manage Bureau sensitive species and their habitats to minimize or eliminate threats affecting the status of the species or to improve the condition of the species habitat... ”<sup>2</sup>

**4. Cumulative Impacts:** Cumulative impact is defined as the impact on the environment which results from the incremental impacts of the action when added to other past, present, and reasonably foreseeable future action regardless of what agency or person undertakes such other actions. 40 C.F.R. § 1508.7. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. *Id.*

**Recommendation:** Cumulative impacts to species and their habitats in the southern Indian Wells Valley region need to be analyzed. Trends in species populations and extent of habitats that BLM considers at-risk will be an important aspect of this analysis.

**5. Global Climate Change:** Average temperatures in the Southwestern U.S. are projected to rise from four to as much as 10 F° over the baseline years (1960 – 1979) by the year 2090.<sup>3</sup> An increase of between seven and 10 F° associated with the higher greenhouse gas emission scenario is more likely than the lower range of temperature increase associated with the lower emissions.

**Recommendation:** The DEIS must address the projected effects of global climate change on plants, animals and their habitats throughout the project region as part of the future environmental baseline. Planning for species adaptation will be essential components of the

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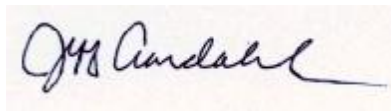
<sup>2</sup> Bureau of Land Management. 2008. Manual 6840: Special Status Species Management. Washington, D.C. 24 pp.

<sup>3</sup> U.S. Global Climate Change Research Program. 2009. Global Climate Change Impacts in the United States; Southwest Region.

analysis and decision. Such changes include, for example, movement of certain species to higher elevations as temperatures increase, plant communities undergo species composition shifts, and precipitation patterns change. The future baseline condition should account for the existing impacts to species adaptation opportunities such as habitat lost and fragmented by highways, canals, fences and general development. This may be particularly important in addressing project impacts to existing and future habitats that would foster regional movements of the Mohave Ground Squirrel to higher elevation habitats to the north and northeast of the proposed project.

Thank you for considering our comments. If you have any questions, please contact me at (916) 313-5800 x110 or via email at [jaardahl@defenders.org](mailto:jaardahl@defenders.org).

Sincerely,

A handwritten signature in dark ink, appearing to read "Jeff Aardahl", on a light-colored rectangular background.

Jeff Aardahl  
California Representative

Attachment: Map of Recommended Alternative



## Project Alternative Recommendation for the Proposed Solar Millennium's Ridgecrest Solar Project

Submitted by Defenders of Wildlife, California Program Office, Sacramento, CA

Defenders of Wildlife recommends the Bureau of Land Management and California Energy Commission include an alternative location for the proposed Ridgecrest Solar Project in the joint final staff assessment/Draft Environmental Impact Statement, shown in the cross-hatched area on the map, below. This proposed alternative location is comprised of approximately 3000 acres of public land administered by the Bureau of Land Management.

