December 23, 2009

To:
Bureau of Land Management
C/o Allison Shaffer, Project Manager
1201 Bird Center Drive
Palm Springs, CA 92262

From:
The Wildlands Conservancy
39611 Oak Glen Rd. #12
Oak Glen, CA 92399

Subject: Solar Millennium Palen Solar Power Project (Docket # 09-AFC-7)
****Original sent via USPS mail; electronically delivered via e-mail to***
CAPSSolarPalen@blm.gov and asolomon@energy.state.ca.us

Dear BLM and CEC project managers:

Thank you for the opportunity to provide comment and alternatives regarding the Solar Millennium/Chevron Energy Solutions Palen Solar Power Project. The Wildlands Conservancy (TWC) is a 501c3 non-profit conservation organization with the dual mission to preserve the beauty and biodiversity of the earth and to fund outdoor education programs for the youth. TWC has preserved more land in California with private funds than any other conservation organization and owns the largest nonprofit preserve system in CA. We have a vested interest in the current renewable energy discussion and corresponding developments being proposed on federal lands within the California desert region.

TWC is extremely supportive of renewable energy generation and eliminating our dependence on fossil fuel energy sources and reducing our carbon footprint. TWC leads by example with our first preserve being established off-the-grid and self-sufficient in 1995. Since that time we have installed photovoltaic solar arrays on the majority of our preserves.

TWC is passionate about land conservation and preserving functioning, intact ecosystems. We initiated the largest private land acquisition project in U.S. history, the Catellus Land Purchase. This purchase of over 600,000 acres in the CA Desert connected Joshua Tree National Park to Mojave National Preserve with public conservation lands. These lands were all gifted to the Department of Interior for management with the understanding that they were purchased for conservation. Just 4 years after the completion of the project, this portion of the Mojave Desert became the site for numerous potential renewable energy projects. We feel it is imperative that the siting of renewable energy projects and the greening of California's energy supply be accomplished while protecting our treasured landscapes and fragile ecosystems. This can be done by siting

projects on already disturbed and degraded lands, both private and public, that are close to existing transmission.

We understand the pressure that has been placed on the BLM to accept numerous applications for renewable energy development on public lands. Furthermore, there are the state of California's RPS (Renewable Portfolio Standard) of 33% renewable electricity generation by the year 2020, executive and secretarial orders, and federal stimulus dollars from the ARRA (American Reinvestment and Recovery Act). However, we urge you to use caution when permitting 'fast-track' projects by carefully examining the cumulative effects that each one will produce on our treasured, ecologically sensitive public lands. We commend the effort to utilize the existing I-10 transmission corridor (part of the CDCA and WWEC); however there are several issues that still remain and alternatives that need to be considered regarding all solar project proposals. Below are our comments, concerns, and alternatives for the Solar Millennium Palen solar project.

Cumulative Impacts and Effects:

It is imperative that the BLM and CEC consider the overall footprint and cumulative impacts that each renewable energy (RE) project creates. Currently there are 12 projects on the fast-track list for development totaling over 2500 MW. We understand that some of these projects will get constructed to help meet the state's RPS goals. However, according the CEC, only 128,000 acres maximum (both private and public) are needed to achieve this goal. Therefore there is ample opportunity to consider species migration needs and patterns, established wildlife corridors and climate change implications on proposed project lands.

We strongly request that the size of projects is kept to a minimum. It should be mandated that developers and state and federal agencies explore the option of utilizing available private lands adjacent to each project site. There are many solar installations that are already moving forward and/or are near to breaking ground on disturbed private lands. For example, the NextEra Genesis, Solar Millennium Blythe and Palen projects all have disturbed private land parcels adjacent to their proposed project site location that should be explored to the farthest extent possible. This will help to reduce the negative impacts to pristine public lands.

Solar Millennium Palen:

Biological Resources:

- Impact to Desert Tortoise habitat and Desert Tortoise migration corridor that runs to the west of the project site and within the western portion of the project site under the NECO management plan. The project footprint needs to be reduced to avoid this migration corridor. The Disturbed Area (DA) also overlaps the Chuckwalla Desert Tortoise Critical Habitat Unit, which needs to be avoided as well.

- Multiple species WHMA impact: The DA of the project is within this WHMA, therefore the project site needs to be reduced and/or shifted.
- Mojave Fringe-toed lizard habitat impacts: The northeast corner of the project footprint needs to be eliminated.
- Reduce or shift of project footprint to avoid Burrowing Owl, American Badger, Loggerhead Shrike and Desert kit fox habitats. If these cannot be avoided, then appropriate mitigation should be applied.
- Plants: Further studies and surveys of the area need to conducted that extend into the fall season, since many desert plants (40%) bloom in the fall, and will not be seen in the spring and summer months. Also, scientists need to be hired to explore site for rare endemic and unknown plant species.

Water Resources:

- Despite the fact the water used to cool the towers for this project has been determined brackish, this does not diminish the value to plant populations. This needs to be further considered. Plant populations in this location and perhaps further out will be affected by the water withdrawal this project plans to perform.
- All efforts to save and recycle water in the desert need to be exhausted.

Cultural Resources:

- We urge that further studies and surveys be conducted to assess the true occurrence of cultural resources on site, and avoidance of areas with rich cultural history be applied.

Suggested Alternatives:

- Options to modify project site and location:
    1. Reduce size of project footprint (which can be done by utilizing adjacent disturbed private lands).
    2. Shift the project site to a location that utilizes adjacent disturbed private lands, away from the pristine public lands.

- Reduce the project footprint to stay out of the NECO Desert Tortoise migration corridor.
- Consider the adjacent private lands for development of the project site
- Eliminate the NE corner of project site.
- Eliminate the NE corner of project site to accommodate for Mojave Fringe-toed lizard critical habitats (sand dune ecosystem).
- In general we urge you to:
    1. Consider previously disturbed and degraded private and public lands before looking at pristine, intact public lands that cannot be restored once they have been scraped bare and/or bladed. See attached Desert Siting Criteria and consensus map.
    2. Consider scientific studies pertaining to wildlife corridors and habitat linkages in the California deserts. See *Science and Collaboration for Connected*

December 23, 2009

Wildlands Desert Linkages Habitat Connectivity study
(www.scwildlands.org).

Thank you for considering these comments and suggested alternatives.

Sincerely,

April Sall
Conservation Director
The Wildlands Conservancy

Audubon California
California Native Plant Society * California Wilderness Coalition
Center for Biological Diversity * Defenders of Wildlife
Desert Protective Council * Mojave Desert Land Trust
National Parks Conservation Association
Natural Resources Defense Council * Sierra Club * The Nature Conservancy
The Wilderness Society * The Wildlands Conservancy

Renewable Siting Criteria for California Desert Conservation Area

Environmental stakeholders have been asked by land management agencies, elected officials, other decision-makers, and renewable energy proponents to provide criteria for use in identifying potential renewable energy sites in the California Desert Conservation Area (CDCA). Large parts of the California desert ecosystem have survived despite pressures from mining, grazing, ORV, real estate development and military uses over the last century. Now, utility scale renewable energy development presents the challenge of new land consumptive activities on a potentially unprecedented scale. Without careful planning, the surviving desert ecosystems may be further fragmented, degraded and lost.

The criteria below primarily address the siting of solar energy projects and would need to be further refined to address factors that are specific to the siting of wind and geothermal facilities. While the criteria listed below are not ranked, they are intended to inform planning processes and were designed to provide ecosystem level protection to the CDCA (including public, private and military lands) by giving preference to disturbed lands, steering development away from lands with high environmental values, and avoiding the deserts' undeveloped cores. They were developed with input from field scientists, land managers, and conservation professionals and fall into two categories: 1) areas to prioritize for siting and 2) high conflict areas. The criteria are intended to guide solar development to areas with comparatively low potential for conflict and controversy in an effort to help California meet its ambitious renewable energy goals in a timely manner.

Areas to Prioritize for Siting

- Lands that have been mechanically disturbed, i.e., locations that are degraded and disturbed by mechanical disturbance:
  - Lands that have been "type-converted" from native vegetation through plowing, bulldozing or other mechanical impact often in support of agriculture or other land cover change activities (mining, clearance for development, heavy off-road vehicle use).[1]
- Public lands of comparatively low resource value located adjacent to degraded and impacted private lands on the fringes of the CDCA:[2]
  - Allow for the expansion of renewable energy development onto private lands.
  - Private lands development offers tax benefits to local government.
- Brownfields:
  - Revitalize idle or underutilized industrialized sites.
  - Existing transmission capacity and infrastructure are typically in place.

- Locations adjacent to urbanized areas:[3]
    - Provide jobs for local residents often in underserved communities;
    - Minimize growth-inducing impacts;
    - Provide homes and services for the workforce that will be required at new energy facilities;
    - Minimize workforce commute and associated greenhouse gas emissions.
- Locations that minimize the need to build new roads.
- Locations that could be served by existing substations.
- Areas proximate to sources of municipal wastewater for use in cleaning.
- Locations proximate to load centers.
- Locations adjacent to federally designated corridors with existing major transmission lines.[4]

High Conflict Areas

In an effort to flag areas that will generate significant controversy the environmental community has developed the following list of criteria for areas to avoid in siting renewable projects. These criteria are fairly broad. They are intended to minimize resource conflicts and thereby help California meet its ambitious renewable goals. The criteria are not intended to serve as a substitute for project specific review. They do not include the categories of lands within the California desert that are off limits to all development by statute or policy.[5]

- Locations that support sensitive biological resources, including: federally designated and proposed critical habitat; significant[6] populations of federal or state threatened and endangered species,[7] significant populations of sensitive, rare and special status species,[8] and rare or unique plant communities.[9]
- Areas of Critical Environmental Concern, Wildlife Habitat Management Areas, proposed HCP and NCCP Conservation Reserves.[10]
- Lands purchased for conservation including those conveyed to the BLM.[11]
- Landscape-level biological linkage areas required for the continued functioning of biological and ecological processes.[12]
- Proposed Wilderness Areas, proposed National Monuments, and Citizens' Wilderness Inventory Areas.[13]
- Wetlands and riparian areas, including the upland habitat and groundwater resources required to protect the integrity of seeps, springs, streams or wetlands.[14]
- National Historic Register eligible sites and other known cultural resources.
- Locations directly adjacent to National or State Park units.[15]

EXPLANATIONS

[1] Some of these lands may be currently abandoned from those prior activities, allowing some natural vegetation to be sparsely re-established. However, because the desert is slow to heal, these lands do not support the high level of ecological functioning that undisturbed natural lands do.

[2] Based on currently available data.

[3] Urbanized areas include desert communities that welcome local industrial development but do not include communities that are dependent on tourism for their economic survival.

[4] The term "federally designated corridors" does not include contingent corridors.

[5] Lands where development is prohibited by statute or policy include but are not limited to:

National Park Service units; designated Wilderness Areas; Wilderness Study Areas; BLM National Conservation Areas; National Recreation Areas; National Monuments; private preserves and reserves; Inventoried Roadless Areas on USFS lands; National Historic and National Scenic Trails; National Wild, Scenic and Recreational Rivers; HCP and NCCP lands precluded from development; conservation mitigation banks under conservation easements approved by the state Department of Fish and Game, U.S. Fish and Wildlife Service or Army Corps of Engineers a; California State Wetlands; California State Parks; Department of Fish and Game Wildlife Areas and Ecological Reserves; National Historic Register sites.

[6] Determining "significance" requires consideration of factors that include population size and characteristics, linkage, and feasibility of mitigation.

[7] Some listed species have no designated critical habitat or occupy habitat outside of designated critical habitat. Locations with significant occurrences of federal or state threatened and endangered species should be avoided even if these locations are outside of designated critical habitat or conservation areas in order to minimize take and provide connectivity between critical habitat units.

[8] Significant populations/occurrences of sensitive, rare and special status species including CNPS list 1B and list 2 plants, and federal or state agency species of concern.

[9] Rare plant communities/assemblages include those defined by the California Native Plant Society's Rare Plant Communities Initiative and by federal, state and county agencies.

[10] ACECs include Desert Tortoise Desert Wildlife Management Areas (DWMAs). The CDCA Plan has designated specific Wildlife Habitat Management Areas (HMAs) to conserve habitat for species such as the Mohave ground squirrel and bighorn sheep. Some of these designated areas are subject to development caps which apply to renewable energy projects (as well as other activities).

[11] These lands include compensation lands purchased for mitigation by other parties and transferred to the BLM and compensation lands purchased directly by the BLM.

[12] Landscape-level linkages provide connectivity between species populations, wildlife movement corridors, ecological process corridors (e.g., sand movement corridors), and climate change adaptation corridors. They also provide connections between protected ecological reserves such as National Park units and Wilderness Areas. The long-term viability of existing populations within such reserves may be dependent upon habitat, populations or processes that extend outside of their boundaries. While it is possible to describe current wildlife movement corridors, the problem of forecasting the future locations of such corridors is confounded by the lack of certainty inherent in global climate change. Hence the need to maintain broad, landscape-level connections. To maintain ecological functions and natural history values inherent in parks, wilderness and other biological reserves, trans-boundary ecological processes must be identified and protected. Specific and cumulative impacts that may threaten vital corridors and trans-boundary processes should be avoided.

[13] Proposed Wilderness Areas: lands proposed by a member of Congress to be set aside to preserve wilderness values. The proposal must be: 1) introduced as legislation, or 2) announced by a member of Congress with publicly available maps. Proposed National Monuments: areas proposed by the President or a member of Congress to protect objects of historic or scientific interest. The proposal must be: 1) introduced as legislation or 2) announced by a member of Congress with publicly available maps. Citizens' Wilderness Inventory Areas: lands that have been inventoried by citizens groups, conservationists, and agencies and found to have defined "wilderness characteristics." The proposal has been publicly announced.

[14] The extent of upland habitat that needs to be protected is sensitive to site-specific resources. For example: the NECO Amendment to the CDCA Plan protects streams within a 5-mile radius of Townsend big-eared bat maternity roosts; aquatic and riparian species may be highly sensitive to changes in groundwater levels.

[15] Adjacent: lying contiguous, adjoining or within 2 miles of park or state boundaries. (Note: lands more than 2 miles from a park boundary should be evaluated for importance from a landscape-level linkage perspective, as further defined in footnote 12).