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Submitted On: 11/1/2022  
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**Defenders of Wildlife Comments 2022 IEPR Land Use Screens  
Workshop 22-IEPR-01**

*Additional submitted attachment is included below.*



California Program Office  
P.O. Box 401 Folsom, California 95763 | 916-313-5800  
[www.defenders.org](http://www.defenders.org)

November 1, 2022

California Energy Commission  
Docket Unit, MS-4  
Docket No. 22-IEPR-02  
715 P Street  
Sacramento, California 95814-5512

Delivered via email to: [docket@energy.ca.gov](mailto:docket@energy.ca.gov)

RE: Docket No. 22-IEPR-02 — California Planning Library  
Comments on Draft Staff Report on Land Use Screens for Electric System Planning and  
Electric System Planning Web Mapping Application

Defenders of Wildlife (Defenders) respectfully submits these comments on the Draft Staff Report (Staff Report) on Land Use Screens for Electric System Planning and the Electric System Planning Web Mapping Application (Mapping Tool). Defenders, on behalf of our 323,000 members and supporters in California, works towards protecting wildlife, ecosystems, and landscapes while supporting the timely development of renewable energy resources in California. Achieving a low carbon energy future is critical for California – for our economy, our communities, and the environment. Achieving this future—and *how* we achieve it—is critical for protecting California's internationally treasured wildlife, landscapes, productive farmlands, and diverse habitats.

We appreciate the Commission and staff's efforts in developing the draft Staff Report and Mapping Tool for eventual use in the California Planning Library. We have been long-time supporters of geospatial planning for generation and transmission that is fundamentally built upon robust biodiversity, habitat, and agricultural datasets to identify appropriate least conflict areas for energy and transmission development. As we move forward meeting SB 100 and Executive Order N-82-20 (30x30), the continued development and ground truthing of

methodology, datasets, and mapping outputs is evermore essential to balance clean energy development with natural and working lands protection.

## **Comments and Recommendations**

We offer the following comments and recommendations to support the development and implementation of the land use screening methodology and Mapping Tool.

### *Interagency Coordination and Input Data*

We appreciate the broad interagency coordination and use of input data as described on pages 22 and C-1. However, the Pacific Southwest Region (Region 5) of the US Forest Service (USFS) manages 20 million acres across 18 national forests in California. The USFS Handbook for permitting special uses does not appear to include permitting utility scale solar projects.<sup>1</sup> This should be confirmed with the USFS and any individual Forest policies, and the methodology, analysis, and mapping tool should be updated accordingly. Such coordination will also assist in resolving mapping tool inaccuracies such as those seen in the Mono Basin and elsewhere on USFS lands.

Additionally, because energy planning is land use planning, we recommend that the Governor's Office of Planning and Research (OPR) be included in the team developing the land use screens and mapping tool. OPR's engagement will assist in coordination and engagement with local government.

### *Development Focus Areas and Variance Lands – North of Edwards*

The Desert Renewable Energy Conservation Plan (DRECP) designated the North of Edwards Development Focus Area (DFA), but this DFA is closed to solar energy applications at this time and should be removed from consideration for energy development until the Bureau of Land Management (BLM) resolves the status of this DFA. The North of Edwards DFA overlaps with a core population area for Mohave ground squirrel. This area has been identified by the California Department of Fish and Wildlife as critically important to the ongoing survival and viability of the declining Mohave ground squirrel. At the conclusion of the DRECP planning process, the BLM agreed to close this DFA to solar energy applications and development pending a review by the BLM and CDFW to determine if Mohave ground squirrel conservation should be the priority designation (BLM letter September 14, 2021 attached). Since the finalization of the DRECP, scientists have been conducting surveys for Mohave ground squirrel

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<sup>1</sup> USFS (US Forest Service). 2016. Forest Service Handbook. FSH 2709.11. Chap. 10, Application and Authorization Processing. [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd526449.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd526449.pdf)

through this area, which has only confirmed the importance of this area as a core population area and that this area must be conserved to ensure that the continued existence of the Mohave ground squirrel is not jeopardized. At this time, the BLM and CDFW have not resolved the status of this DFA. Therefore, the North of Edwards DFA should be removed from any consideration of energy development potential since it is not currently open to renewable energy development and there is a high likelihood that this area will not be opened to development due to the presence of Mohave ground squirrel and the importance of this area to this species long-term viability.

### *Geothermal Facilities and Protected Lands*

Geothermal facilities are significant industrial development that can be expected to impact both natural resources and the character of the viewshed on surrounding lands. The methodology should exclude these facilities from protected lands or areas. Smart placement of wellheads and facilities cannot overcome impacts to protected lands and the natural resources and cultural values for which these lands have been protected.

### *Cropland Data and Sustainable Groundwater Management Act (SGMA)*

Under SGMA, an estimated 500,000 to 1 million acres of irrigated cropland are expected to be removed from agricultural production by 2040.<sup>2</sup> Much of those retired lands will be located in the San Joaquin Valley. SGMA data should be incorporated into the analysis to further direct energy development into least conflict areas.

### *Intactness and Protected Lands*

The datasets for protected lands do not capture all lands permanently protected by conservation easements or fee title ownership held and managed by land trusts and other qualified conservation organizations. For example, according to CANature, there are more than 3 million acres of GAP 4 lands, which include lands owned in fee or through easements by land trusts for conservation. In a recent meeting, many California land trusts identified GAP 4 lands as including conserved lands owned/managed by land trusts. Ongoing updates of the datasets are expected as part of 30x30 planning and as lands continue to be protected by additional conservation acquisitions. The proposed two-year update cycle for the land use screens will cause inaccuracies in the protected lands screen. We strongly recommend this dynamic dataset be continually updated.

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<sup>2</sup> Hanak, E., Escriva-Bou, A., Gray, B., Green, S., Harter, T., Jezdimirovic, J., Lund, J., Medellín-Azuara, J., Moyle, P., & Seavy, N. 2019. Water and the Future of the San Joaquin Valley. Public Policy Institute of California.

## *Additional and Exclusion Datasets*

### Wildfire

Extreme wildfire events have become an annual and a devastating fact of life and land use in California. Transmission lines have frequently been the cause of these fires and further energy development in high risk areas can be expected to exacerbate the problem. Wildfire risk datasets should be included in the analysis and Tier 2 (Elevated) and Tier 3 (Extreme) zones should be excluded from energy development.<sup>3</sup>

### Bi-state Sage Grouse

The Greater Sage Grouse Management Areas do not include the 1.8 million acres in the Eastern Sierra proposed for federal critical habitat designation for the Bi-state sage-grouse, which has been proposed for listing under the federal Endangered Species Act and must be managed as a protected habitat. The dataset needs to be updated to include the proposed critical habitat for Bi-state sage-grouse. While the sage grouse critical habitat has not been finalized by the U.S. Fish and Wildlife Service, it would be prudent to include this information into the CEC's mapping effort as this land will be considered of high conservation value and therefore, high conflict lands.

### Designated Critical Habitat

If not already included, federally designated and proposed critical habitat lands must be added to the protected lands dataset.

### CDFW Mohave Ground Squirrel Conservation Strategy

If not already included, the 2019 CDFW Mohave Ground Squirrel Conservation Strategy must be added to the datasets.<sup>4</sup>

### BLM Off-Highway (OHV) Management Areas

The northeastern area of the El Mirage Dry Lake ORV area appears to be a resource potential area. State and federal OHV management areas must be included in the datasets and checked for accuracy.

### National Forest Scenic Areas

National Forest Scenic Areas (e.g., Mono Basin and Alabama Hills) appear not to be included in the dataset for protected lands where solar, wind, and geothermal development would not be permitted.

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<sup>3</sup> <https://cpuc.firemap2.sig-gis.com/>

<sup>4</sup> <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=171301&inline>

### *Land Use Screen 3 – Climate Refugia*

The draft Staff Report proposes using a Resilience Rank of 4, which only avoids 25.9% of lands identified with likely value for climate refugia. Recent reports document an average decline of 69% in wildlife populations since 1970.<sup>5</sup> The dual crises of biodiversity loss and climate change must have a balanced response. Avoiding just 25.9% of potential refugia lands is not enough and is not consistent with California's goals to protect climate-smart lands to provide greater climate resilience for ecosystems, biodiversity and people, as per Executive Order N-82-20. We recommend that Land Use Screen 3 be revised to use Resilience Rank 2, which would avoid 58% of potential refugia lands. Resilience Rank 2 still would provide over 3 million acres of potential resource lands – more than three times the acreage projected to meet SB 100 goals.

### *Mapping Utility*

- The 10 km cut-off for zooming in to view geographies in the mapping tools prevents users from seeing and validating the data layers. We request the cut-off be removed to enable users to understand and desktop ground truth the resource mapping fully.
- The small scale of the maps in the figures in the draft Staff Report limit stakeholders' ability to view and consider the analysis so we also request links be provided to the maps used in the figures in the draft Staff Report.
- The datasets used in the screens should be enabled in the public-facing mapping tool to allow stakeholders to see how the datasets interact and to check for errors in the data.

### *Recommended Land Use Screen and Use in Electrical System Planning*

We recommend a hybrid of Land Use Screen 2 and Land Use Screen 3 with our recommended revisions described above be used for planning for SB 100, IRP, and busbar mapping. We recommend this hybrid because technical viable development potential is not simply technical and legally permissible but is dependent on environmental permitting and economic feasibility. The hybrid model would best capture the full picture of realistic resource potential. Based on the information in the draft Staff Report, this hybrid should provide several times over the acreage needed to meet SB 100. The new planning goals for offshore wind, including the 13.4 GW contemplated in the draft CPUC 2023-2024 Transmission Planning Process electricity portfolios, will provide additional generation capacity to meet SB 100.<sup>6, 7</sup>

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<sup>5</sup> WWF (2022) Living Planet Report 2022 – Building a nature-positive society. Almond, R.E.A., Grooten, M., Juffe Bignoli, D. & Petersen, T. (Eds). WWF, Gland, Switzerland.

<sup>6</sup>

[file:///C:/Users/Kate%20Kelly/Downloads/TN245037\\_20220815T112025\\_Adoption%20Order%20of%20the%20AB%20525%20Offshore%20Wind%20Report.pdf](file:///C:/Users/Kate%20Kelly/Downloads/TN245037_20220815T112025_Adoption%20Order%20of%20the%20AB%20525%20Offshore%20Wind%20Report.pdf)

<sup>7</sup> <https://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=497509406>

### *Path Forward*

We support housing the Mapping Tool and Staff Report in the California Planning Library, which will enable engaged participation by agencies and stakeholders. However, the Mapping Tool and Staff Report will only be useful if regularly updated. We urge the State to provide adequate and consistent funding to support the essential tool for planning California's energy future.

### **Conclusion**

Thank you for the opportunity to provide initial comments on the draft Staff Report on Land Use Screens for Electric System Planning and Electric System Planning Web Mapping Application. We support the use of the CEC's methodology and Mapping Tool by the CPUC for busbar mapping after the methodology and Mapping Tool are updated to address the above issues and errata. We look forward to actively participating in their development and implementation. Please contact Pamela Flick at (916) 442-5746 or [pflick@defenders.org](mailto:pflick@defenders.org) or Kate Kelly at (530) 902-1615 or [kate@kgconsulting.net](mailto:kate@kgconsulting.net) with any questions.

Sincerely,



Pamela Flick  
California Program Director



Kate Kelly  
Consultant





**United States Department of the Interior**  
**BUREAU OF LAND MANAGEMENT**

California Desert District Office  
1201 Bird Center Drive  
Palm Springs, CA 92262  
(760)833-7100 Fax (760)833-7199  
[www.blm.gov/california](http://www.blm.gov/california)



September 14, 2021

*In Reply Refer To:*  
6500 (P)

Edward L. LaRue, Jr., M.S.  
Ecosystems Advisory Committee,  
Desert Tortoise Council  
4654 East Avenue S #257B  
Palmdale, California 93552  
[eac@deserttortoise.org](mailto:eac@deserttortoise.org)

Jeff Aardahl  
Chairperson Senior California Representative  
Defenders of Wildlife  
980 9th Street, Suite 1730  
Sacramento, California 95814  
[jaardahl@defenders.org](mailto:jaardahl@defenders.org)

Dear Mr. Aardahl and Mr. LaRue:

Thank you for your letter inquiring about status of the Desert Renewable Energy Conservation Plan's (DRECP) North of Edwards Development Focus Area (DFA) and the implementation of the Conservation Management Actions (CMAs) DFA-BIO-IFS-4 and DFA-BIO-IFS-5.

We agree that the planning criteria in DFA-BIO-IFS-5 will not be completed by the 5-year deadline, September 15, 2021, making the CMA immaterial. As a result, we have pulled together a team of BLM staff to evaluate new, available information regarding the status and distribution of the Mohave ground squirrel (MGS). The team has been reviewing documents the last several weeks and have a series of meetings scheduled to discuss the latest studies and information. Once this internal evaluation is complete, we will begin our coordination with the California Department of Fish and Wildlife (CDFW) as outlined in DFA-BIO-IFS-4. Until this coordination is complete, the North of Edwards DFA will remain closed to renewable energy applications or other impacting activities as directed by DFA-BIO-IFS-4.

Thank you for providing information regarding MGS you have acquired since the signing of the DRECP and recommendations of management options for the BLM to consider. Once we have completed our internal review and coordination with CDFW, we will work to ensure public involvement for any plan amendments that may be proposed.

Sincerely,



Andrew Archuleta,  
District Manager

Cc:

Leslie MacNair, Regional Manager  
Inland Deserts Region  
California Department of Fish and Wildlife  
3602 Inland Empire Blvd, Suite C-220  
Ontario, CA 91764  
Sent via email to: [leslie.macnair@wildlife.ca.gov](mailto:leslie.macnair@wildlife.ca.gov)