



November 30, 2007

George R. Meckfessel
Planning and Environmental Coordinator
Needles Field Office,
1303 South U.S. Highway 95
Needles, California, 92363-4228
Fax: (760) 3267099
690@ca.blm.gov
George_Meckfessel@ca.blm.gov

DOCKET 07-AFC-5
DATE NOV 30 2007
RECD. DEC 03 2007

Attn: Ivanpah SEGS

Dear Mr. Meckfessel,

Please accept the following comments on the Notice of Intent ("NOI") to prepare an Environmental Impact Statement/Final Staff Assessment (EIS/FSA) in compliance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the California Environmental Quality Act (CEQA), on the impacts of the Ivanpah Solar Electric Generating System ("Ivanpah SEGS") on behalf of the Center for Biological Diversity (the "Center"). This project is proposed by the Department of the Interior, Bureau of Land Management ("BLM"), together with the California Energy Commission ("CEC").

The Center is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 40,000 members throughout California and the western United States, including within the vicinity of the project.

The development of renewable energy is a critical component of efforts to reduce greenhouse gas emissions, avoid the worst consequences of global warming, and to assist California in meeting emission reductions set by AB 32 and Executive Order S-03-05. The Center strongly supports the development of renewable energy production, and the generation of electricity from solar power, in particular. However, like any project, proposed solar power projects should be thoughtfully planned to minimize impacts to the environment. In particular, renewable energy projects should avoid impacts to sensitive species and habitat, and should be sited in proximity to the areas of electricity end-use in order to reduce the need for extensive new transmission corridors and the efficiency loss associated with extended energy transmission. Only by maintaining the highest environmental standards with regard to local impacts, and effects on species and habitat, can renewable energy production be truly sustainable.

The Ivanpah SEGS is proposed to consist of three concentrating solar powered steam/electricity generating plants and related facilities, and a proposed land use plan amendment to the 1980 California Desert Conservation Area (CDCA) Plan, as amended.

Currently the proposed site is relatively devoid of human disturbance except for a few dirt roads and the existing Southern California Edison (SCE) transmission lines and associated structures.

The Energy Production and Utility Corridors section of the California Desert Conservation Area Plan (1980) as amended requires that the following resource issues be addressed:

- 1) Consistency with the Desert Plan, including designated and proposed planning corridors;
- 2) Protection of air quality;
- 3) Impact on adjacent wilderness and sensitive resources;
- 4) Visual quality;
- 5) Cooling-water source(s);
- 6) Waste disposal;
- 7) Seismic hazards; and
- 8) Regional equity.

Additionally, a number of other resources are of concern to us and need to be addressed in detail as follow below:

Biological Resources

A number of rare resources are known to occur on the site, including

<i>Common Name</i>	<i>Scientific Name</i>	<i>State/Federal/Other Status</i>
Clark Mountain agave	<i>Agave utahensis</i> var. <i>nevadensis</i>	n/n/4.2
Desert pincushion	<i>Coryphantha chlorantha</i>	n/n/2.2
Viviparous foxtail cactus	<i>Coryphantha vivipara</i> var. <i>rosea</i>	n/n/2.2
Utah vine milkweed	<i>Cynanchum utahense</i>	n/n/4.3
Parish club-cholla	<i>Grusonia parishii</i>	n/n/2.3
Utah mortonia	<i>Mortonia utahensis</i>	n/n/4.3
Rosy two-toned beardtongue	<i>Penstemon</i> cf. <i>bicolor</i> ssp. <i>roseus</i>	n/n/2.3
Desert Tortoise	<i>Gopherus agassizii</i>	CT/FT
Loggerhead shrike	<i>Lanius ludovicianus</i>	CSC/FSC/MB
Golden eagle	<i>Aquila chrysaetos</i>	CSC/FSC/FP/BLM SS
LeConte's thrasher	<i>Toxostoma lecontei</i>	CSC/FSC
Vaux's swift	<i>Chaetura vauxi</i>	CSC/MB
Brewer's sparrow	<i>Spizella breweri</i>	BCC/MB
Crissal thrasher	<i>Toxostoma crissale</i>	BCC/MB
American badger	<i>Taxidea taxus</i>	CSC
State Designation		
CE State listed as endangered. Species whose continued existence in California is jeopardized.		
CT State listed as threatened. Species that although not presently threatened in California with extinction are likely to become endangered in the foreseeable future.		

<p>CSC California Department of Fish and Game "Species of Special Concern." Species with declining populations in California.</p> <p>FP Fully protected against take pursuant to the Fish and Game Code Sections 3503.5, 3511, 4700, 5050, 5515.</p> <p>Federal Designation</p> <p>FE Federally listed as endangered.</p> <p>FT Federally listed as threatened.</p> <p>MB Migratory Bird Treaty Act of 1918. Protects native birds, eggs, and their nests.</p> <p>BCC U.S. Fish and Wildlife Service Bird of Conservation Concern.</p> <p>BLM SS BLM Sensitive Species.</p> <p>Other</p> <p>California Native Plant Society (CNPS)</p> <p>2.2 Plant rare, threatened or endangered in California, but more common elsewhere, and fairly threatened in CA.</p> <p>2.3 Plant rare, threatened or endangered in California, but more common elsewhere, and not very threatened in CA.</p> <p>4.3 Plants of a limited distribution, and not very threatened in CA.</p>
--

While all of these species have been identified as occurring on the site from the surveys performed in 2007 (ISEGS 2007), the EIS/FSA must adequately address the impacts and propose effective ways to avoid, minimize and mitigate the impacts to them.

Desert Tortoise

The desert tortoise is continuing to decline throughout its range despite being under federal and state Endangered Species Acts protection as threatened (USFWS 2006). Prior to 2002, the project area was designated by BLM as Category 1 habitat for desert tortoise. The Northern and Eastern Mojave Plan (2002) changed that designation, not based on any site specific science, but on the establishment of Desert Wildlife Management Areas (DWMA's) elsewhere. All habitat outside of the DWMA's, including the project site was downgraded to Category 3 habitat. This redesignation does not diminish the actual on-the-ground habitat for the desert tortoise which has been documented at relatively high numbers on the project site (ISEGS 2007). The document must clearly address a proposal for avoiding, minimizing and mitigating the impacts to the desert tortoise and its occupied habitat.

The BLM must first look at ways to avoid impacts to the desert tortoise, for example, by identifying and analyzing alternative sites outside of desert tortoise occupied habitat or in areas that have already been severely disturbed by other prior land use. The BLM must also look at ways to minimize any impacts that it finds are unavoidable, for example, by limiting the ground disturbing activities from the project and limiting access roads to the project. Acquisition of lands that will be managed in perpetuity for conservation must be included as part of the strategy to mitigate impacts to the tortoise, mitigation lands should be high-quality habitat and, at minimum 5:1 mitigation should be provided of all acres of desert tortoise habitat destroyed. Set-aside conservation lands are particularly important because the project as proposed appears to have little or no compatibility with on-site conservation for desert tortoise.

Translocation as a long-term strategy for minimizing and mitigating impacts to desert tortoise may be a tool for augmenting conservation of the desert tortoise (Field et al 2007), but it cannot substitute for other mitigation such as preservation of habitat. Moreover, to date, translocation

does not have a proven track record. If translocation is to be a part of the mitigation strategy, a detailed plan must be included as part of the EIS/FSA on the methodology for determination of appropriate conservation area where tortoises may be translocated, impacts to existing "host" tortoise populations that occur on the translocation site, when/how the tortoise are to be translocated, how tortoise diseases will be addressed, and requisite monitoring of host and translocated tortoises, etc.. Monitoring of the translocated and existing "host" tortoises needs to occur for a long enough time period that is realistic to evaluate success of the translocation – definitely longer than a single year – 10 years may be a more realistic minimum for tracking impacts to this long lived species. Success criteria for translocation must also be clearly identified. The temporary project site needs to be fenced with tortoise proof fencing during construction and the permanent project sites need to be fenced to prevent tortoise mortality. All associated roads also need to be fenced.

An aggressive raven prevention plan also needs to be developed as part of the EIS/FSA and followed during project development and implementation.

Other Rare Species

The diversity of rare species found on the 3400 acres of the site, especially in the dry spring of 2007 is impressive and suggests that the site is ecologically intact and functioning (ISEGS 2007). The BLM must clearly address a proposal for avoiding, minimizing and mitigating the impacts to all of the rare species that utilize the site for part or all of their lifecycle.

Acquisition of lands that will be managed in perpetuity for conservation must be included as part of the strategy to avoid, minimize and mitigate impacts to these species as well. Acquisition is particularly important for these species because the proposed project appears to have no compatibility with any type of on-site conservation of rare plants or other wildlife.

For plant species, transplantation of rare species has not been a great success (Fiedler 1991). If transplantation is to be a part of the mitigation strategy, a detailed plan must be included as part of the EIS/FSA on the methodology for determination of appropriate conservation area where plants may be transplanted, when/how plant are to be transplanted and identification of success criteria for transplantation. Monitoring of the transplanted plants needs to occur for a time period that is realistic to evaluate long-term success of the plants.

Water Resources

The project appears to impact on-site drainages. The EIS/FSA document must clarify the impacts to the jurisdictional Waters of U.S. and the Water of the State of California, and avoid, minimize and mitigate any impacts.

An evaluation of the effect of additional groundwater pumping (in conjunction with other groundwater issues [pumping, nitrate plume etc.] in the basin) on the water quality in the basin and surface water resources, and its effect on the native plant and animal species and their habitats need to be included in the EIS/FSA.

Other Issues

While the proposed project appears to lie within a designated utility corridor, the EIS/FSA needs to analyze the impact to this corridor by siting the ISEGS facility within it, which may limit the ability of future linear projects to be developed on the project site.

The proposed project is also within the Clark Mountain grazing allotment. An analysis of impacts from the ISEGS project on the management of the allotment needs to be analyzed. The cumulative impacts from the proposed project and grazing on the desert tortoise must also be evaluated.

The stated objectives of the project must not unreasonably constrain the range of feasible alternatives evaluated in the EIS/FSA. The BLM and CEC must establish an independent set of objectives that does not unreasonably limit the EIS/FSA's analysis of feasible alternatives including alternative sites. At a minimum alternatives including the no-action alternative, an environmentally preferred alternative and an alternative where power generation is sited adjacent to power consumption need to be included.

The construction and operation of the proposed facility will also increase greenhouse gas emissions and those emissions should be quantified and off-set. This would include the manufacture and shipping of components and the car and truck trips associated with construction and operations. Similarly, such activities will also impact air quality and traffic in the area and these impacts should be disclosed, minimized and mitigated as well.

Cumulative Impacts

Because of the number of projects that are proposed in the project vicinity, a thorough analysis of the cumulative impacts from all of these projects on the resources needs to be included.

Thank you for your consideration of these comments. Please add us to the distribution list for the EIR and all notices associated with the project.

Sincerely,



Ilene Anderson
Staff Biologist

References

Bureau of Land Management (BLM), U.S. Department of Interior 2002. Final Environmental Impact Statement/Proposed Northern and Eastern Mojave Desert Management Plan and Amendment to the California Desert Conservation Area Plan. + Appendices.

Bureau of Land Management (BLM), U.S. Department of Interior 1980. California Desert Conservation Area Plan as amended. Pgs. 159 + appendices.

Ivanpah Solar Electric Generating System (ISEGS) #07-AFC-05. 2007. Application for Certification available at <http://www.energy.ca.gov/sitingcases/ivanpah/documents/index.html>

Fiedler, P. L. 1991. Mitigation-related transplantation, relocation and reintroduction projects involving endangered and threatened, and rare plant species in California. Report FG-8611. California Department of Fish and Game, Sacramento.

Field, K.J., C. R. Tracy, P.A. Medica, R.W. Marlow, P.S. Corn. 2007. Return to the Wild: Translocation as a tool in conservation of the Desert Tortoise (*Gopherus agassizii*). Biological Conservation 136: 232-245.

U.S. Fish and Wildlife Service (USFWS). 2006. Range-wide Monitoring of the Mojave Population of the Desert Tortoise: 2001-2005 Summary Report. Report by the Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service, Reno, Nevada.