

LAND USE SERVICES DEPARTMENT

385 North Arrowhead Avenue • San Bernardino, CA 92415-0182
(909) 387-4141 • Fax (909) 387-4228
<http://www.sbcounty.gov/landuseservices>



COUNTY OF SAN BERNARDINO
PUBLIC AND SUPPORT
SERVICES GROUP

JULIE RYNERSON ROCK
Director

March 26, 2009

Sent via email to: docket@energy.state.ca.us
With one hard copy mailed to address below

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 09-Renew EO-01
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET	
09-RENEW EO-1	
DATE	<u>MAR 26 2009</u>
RECD.	<u>MAR 27 2009</u>

Subject: Renewable Energy Executive Order Scoping Comments

Dear Commissioners:

This letter is intended to provide comments from San Bernardino County regarding conservation planning for renewable energy projects as required by the Governor's Executive Order S-14-08. This letter echoes the comments made at the March 17, 2009, scoping meeting in Palm Springs. San Bernardino County was invited to participate in the scoping meeting and we appreciate that opportunity.

San Bernardino County is on the precipice of major decisions being made about the future of its desert. However, many of these decisions will not be made by local government, but by the Energy Commission and the Bureau of Land Management. The County has recently been discovered by renewable energy proponents and the next "gold rush" is on for energy development in our desert. Due to our solar insolation and wind conditions, the County is the prime target for solar and to a lesser degree, wind energy proposals. The desert is also threatened by the push to expand military installations.

Our desert is a fragile ecosystem – with less than 6 inches of rain per year, plants grow very slowly. Revegetation and site restoration are also very slow processes. The natural desert pavement helps control dust and erosion. By blading it clean and using herbicides to keep it sterile, as is commonly done with many types of solar installations, the ecosystem is shattered and rendered inhospitable to desert species.

It is apparent that many of the renewable energy proponents are not concerned with the local ecosystem and are not sensitive to the unique qualities of the desert. The CEO of BrightSource, John Woolard, was interviewed recently on National Public Radio, and he stated they were only using the "flat and boring" part of the desert.

The California Desert District of the BLM reports that out of 77 total solar applications for the District, there are 39 in San Bernardino County, and out of 67 total wind energy applications for the District, 29 are in San Bernardino County. Yet we only have 3 solar plants in the entire county that were permitted over 20 years ago. Currently there are no formal applications for types of solar technologies for which the County would have permitting authority. In terms of wind energy, currently there are only 2 applications with County oversight, both of which are jointly being reviewed by the BLM and the County.

MARK UFFER
County Administrative Officer

NORMAN A. KANOLD
Assistant County Administrator
Public and Support Services
Group

Board of Supervisors

BRAD MITZELFELT First District	NEIL DERRY Third District
PAUL BIANE Second District	GARY C. OVITT, Chair . Fourth District
JOSIE GONZALES, Vice Chair Fifth District	

Our concerns include the cumulative impacts of this onslaught of renewable energy proposals. Issues relative to cumulative impacts include:

- Biological resources: Direct and indirect impacts to species, impacts to biological richness of the desert, habitat loss and loss of connectivity.
- Groundwater supply: Water use varies by technology. Some of the technologies utilize wet-cooling or washing of their mirrors or panels. Our overdrafted groundwater basins have no reliable back-up supply from either Northern California or the Colorado River.
- Recreation and open space: What was once vast unspoiled desert may be shrinking and is potholed by multiple uses. With the military expansions and new proposals for wilderness, recreational users have dwindling areas to enjoy the desert.

Another issue with cumulative impacts is related to the response of the power transmission grid to these additional power sources. We often hear that upgrades are needed, or that a new transmission line is needed, but what really is necessary and must be upgraded? We strongly support use of existing transmission routes before even considering new routes through undisturbed areas. A true "green path" would be sensitive to our unique natural resources.

In fact, we and other local governments have other development proposals with the same issues as those that are faced by renewable energy. Therefore, we have been working on our own collaborative habitat conservation plan with three other counties and 11 cities. This plan is known as the West Mojave Plan.

San Bernardino County was a partner with the Bureau of Land Management in the preparation of the West Mojave Plan. This plan encompasses 9 million acres of the western Mojave Desert. The plan was conceived to provide for conservation of the Desert while providing a method to streamline endangered species permitting, a goal expressed by your plan. The West Mojave Plan was prepared with a very large group of stakeholders over several years with hundreds of public meetings. Those stakeholders support its use. Your plan must include those same stakeholders. An Environmental Impact Statement was completed in 2005 and the BLM approved the Plan for use on federal lands under its jurisdiction in early 2006. To implement the Plan on private lands within the West Mojave, a Local Government HCP is required. San Bernardino County, in conjunction with the counties of Kern, Inyo, Los Angeles and 11 desert cities, completed a draft HCP for the local government portion of the West Mojave Plan in September 2008. The Local Government HCP is currently under review by the Department of Fish and Game and the US Fish and Wildlife Service. The Local Government Sponsors believe that their HCP, along with the BLM's West Mojave Plan, should be used as a basis for the Energy NCCP that is required to be prepared by the Governor's Executive Order.

While the West Mojave Plan did not anticipate large scale renewable energy projects and the associated extensive consumption of land within the California Desert, we believe that the Plan provides the foundation for a conservation plan using a habitat-based approach that will provide ecosystem protection as envisioned in the Governor's Executive Order. The WMP has identified the habitat conservation areas that are essential to the continued existence of several endangered species and directs development to less sensitive areas of the desert that are unlikely to sustain viable wildlife populations in the future. The County and its partners in the HCP believe that using the West Mojave Plan will "jump-start" the planning process and expedite the preparation of a Renewable Energy NCCP and provide for timely completion of a streamlined permitting process for renewable energy projects as well as accommodating the mitigation needs for local government development activities.

A wealth of data was prepared by BLM under oversight of a large assortment of stakeholders and would form a strong basis for the NCCP. We need to include local governments as well as renewable energy projects for a comprehensive approach to avoid the fragmented permitting process of today.

Further, Senator Runner recently introduced Senate Bill SB 281 (February 24, 2009) that is proposed as an interim measure until the Renewable Energy NCCP is in place, slated for 2012. Under SB 281, the Department of Fish and Game would be required to use the West Mojave Plan HCP in the interim period. San Bernardino County supports SB 281 and so do our partners, the counties of Kern, Inyo, Los Angeles and 11 participating cities: Lancaster, Palmdale, Ridgecrest, California City, Barstow, Victorville, Adelanto, Hesperia, Twentynine Palms and the Towns of Apple Valley and Yucca Valley.

As part of the scoping meeting, the Energy Commission asked participants to comment on how the permitting process could be improved. We believe that although there is a large onslaught of projects, the issues are generally the same for each. The major difficulty for the project proponents is mitigation for biological impacts, from two aspects: 1) identifying mitigation that balances conservation needs with site impacts, where the traditional "mitigation ratio" approach requires vast acreages to be set aside as conservation lands yet does not provide a viable habitat conservation strategy, and 2) the competition for mitigation areas that could drive up land costs and reduce the overall effectiveness of mitigation.

In terms of best management practices (BMPs), the WMP already includes an extensive list of "management prescriptions" that are comparable to BMPs. The Desert Managers Group is preparing Solar BMPs as a guide for permitting agencies and these should be incorporated into the Renewable Energy NCCP.

In summary, we would welcome the opportunity to participate in the conservation planning for renewable energy projects and we can offer valuable background information and local insight that will help the Energy Commission and its partner agencies meet the requirements of the Executive Order. We believe the West Mojave Plan has a comprehensive strategy for habitat conservation. We look forward to working with your staff and the other partner agencies. I can be reached at (909) 387-4141 or you may call Carrie Hyke, Principal Planner at (909) 387-4371.

Sincerely,



JULIE RYNERSON ROCK, AICP, Director
San Bernardino County Department of Land Use Services

JRR:ch

cc: Supervisor Brad Mitzelfelt, First District
Supervisor Neil Derry, Third District
Steven J. Borchard, District Manager, BLM California Desert District
Kevin Hunting, Deputy Director, Department of Fish and Game
Scott Flint, Program Manager, Department of Fish and Game
Carl Benz, Assistant Field Supervisor, US Fish and Wildlife Service, Ventura
Lorelei Oviatt, Division Chief, Kern County Planning Department
Randy Scott, Consultant
Gerry Hillier, Consultant
James M. Squire, Deputy Director, Advance Planning
Carrie Hyke, Principal Planner, Advance Planning