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DATE	<u>11/20/2009</u>
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November 20th, 2009

To:

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

***Delivered via electronic mail to docket@energy.state.ca.us; original by mail via U.S. Postal Service*

From:

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

Subject: Docket No. 09-Renew EO-01; Renewable Energy Executive Order: Best Management Practices (BMP) Draft Manual

Dear Coordinating Agencies (CEC, USFS, BLM, CDFG, & Desert Managers Group):

Thank you for the opportunity to comment on the draft manual of Best Management Practices. This document is exceptionally comprehensive regarding the general guidelines associated with an application to produce renewable energy in the California Desert region. We appreciate the information you provide on the various methods of renewable energy generation, and guidelines associated with the development of such facilities, while causing the least environmental impact. It is crucial for developers to be aware of the protocols, requirements and guidelines of the application process to construct a renewable energy power generating facility.

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 free 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 non-profit preserve system in California.

TWC is passionate about reducing and eventually eliminating our dependence on fossil fuel energy sources and our carbon footprint. We lead by example with our first preserve 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 has a strong vested interest in the current renewable energy discussion and corresponding developments being proposed on federal lands within the California Desert region.

TWC initiated the largest private land acquisition project in U.S. history, The Catellus Land Purchase. The purchase of over 600,000 acres in the CA desert connected Joshua Tree National Park and Mojave National Preserve with public conservation lands. These lands were gifted to the Dept. of the Interior for management with the understanding that they would be preserved in perpetuity. Just four years after the completion of the project, applications for renewable energy development began to span the CA desert. 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.

TWC is extremely supportive of renewable energy and has been actively involved in the identification of appropriate disturbed lands (both private and public), close to urban load centers and existing transmission, for the siting of renewable energy generation projects. Furthermore, we have worked with several prominent environmental organizations to create a siting criteria document for use in identifying appropriate potential renewable energy generation sites in the California Desert Conservation Area. We believe that lands previously degraded or disturbed, and close to existing transmission, should be prioritized for siting, as opposed to lands that are undeveloped, pristine desert habitat.

We appreciate the efforts put forth by the CEC and federal agencies to create this BMP manual, so that potential developers can develop renewable energy in the most environmentally responsible manner.

The following are specific comments/suggestions to the BMP draft manual:

1. Page 2 line 19: Water usage: We strongly urge that water usage be limited in the development of renewable energy generation facilities, as the desert has only limited and precious water resources available.: We agree that no renewable energy project identified for construction on desert lands shall be permitted to utilize fresh groundwater resources for the operation and/or maintenance of the facility.
2. Page 2 line 37: Williamson Act: Abandoned agricultural lands that may have had Williamson Act contracts, but essentially inadequate for agriculture because of limited or unavailable water, should not be left without consideration for renewable energy development. For example, there are large, idle agricultural lands in the Antelope Valley where development for renewable energy generation would be viable.
3. Page 6 line 4-6: It should not be implied that the desert is the only place where renewable resources should be regarded as “practically inexhaustible”. Solar for example is being utilized in cities like Los Angeles and even places where it is cloudier, such as San Francisco, where several buildings have solar panels on their rooftops. Also, wind resources can be found elsewhere, such as in the San Gorgonio Pass and the Tehachapi Mt. Range
4. Page 8 line7-9: Will the “land identified by REAT that is suitable for renewable energy development” be available in the DRECP in January 2010?

5. Page 16 line 41-42: We would like to emphasize this point, that use of degraded lands be first priority when choosing sites for the development of renewable energy facilities.
6. Page 21 line 24-25: Thermal plume; this should also be noted as a potential negative impact on aviary biological resources (birds, bats, and insects).
7. Page 22 line 22-26: We agree that transmission and other structures should not be placed on ridges, summits, or other sensitive habitats, to not only avoid sky-lining for the conservation of visual resources, but also for the minimization of impacts to biological resources.
8. Page 22 line 28-29: this is contradictory to lines 22-26; which says that transmission or other structures should not be going up slopes or ridges to avoid sky-lining.
9. Page 24 line 4-15: Fresh groundwater should not be an option for the use of industrial purposes, other than employee drinking water consumption.
10. Page 24 line 36-38: We emphasize the point of advising project developers to use dry-cooling methods instead of wet-cooling methods.
11. Page 30 line 18-19: There needs to be more emphasis on the avoidance of sites that include special status species and unique plant assemblages.
12. Page 31 line 37 and Page 32 line 11-12: Joshua trees need to be included in the list of species for salvage operations. Also, developers should contact local officials or local land trusts to donate plants.
13. Page 32 line 43: While we appreciate the effort at the attempt to restore native vegetation on the disturbed project site, we want to clarify that the desert lands cannot be fully restored. It will take several hundred years for many native desert plants to recover to their original state, such as Creosote and Mojave Yucca.
14. Page 45 line 19-20: A list of common desert invasives should be included here (i.e. Sahara mustard, Red Brome, Cheat-grass, Fountain grass, Tamarix, etc) advising developers of common invasive species to avoid.
15. Page 73 line 10-14: You provide an example of acreage to megawatt ratio for CSP; however, this should be accompanied by the same ratio for a solar PV plant, for comparison.

Additional Comments:

Please see the attached Desert Siting Criteria Document. We urge you review this document and hope for its incorporation into your suitability criteria, as it will help to identify lands for renewable energy development with the lowest probability of conflict from the environmental community.

Identification of suitable and unsuitable lands for the siting of renewable energy projects should be conducted via an open, transparent and scientific process, and based on criteria that will minimize conflicts between natural resource conservation and renewable energy generation in the California Desert.

We hope that these comments and suggestions will be helpful to finalize the Best Management Practices Manual, in use for developing renewable energy projects in the California Desert region.

Sincerely,

A handwritten signature in black ink, appearing to read "April Sall". The signature is fluid and cursive, with the first name "April" and the last name "Sall" clearly distinguishable.

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; significant⁶ 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).