

To: Kevin Hunting, Chief Deputy Director California Department of Fish & Game  
From: Joan Taylor  
Re: Interim Mitigation Strategy for DRECP

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Per your request at the recent Desert Renewable Energy Conservation Plan meeting, here are written comments re the draft Interim Mitigation Strategy (“draft strategy”) prepared by the Department for the DRECP. I’m writing as an appointee to the Advisory Committee of the DRECP, and drawing from forty years experience representing Sierra Club as well as other conservation organizations and land trusts working to conserve sensitive desert lands.

The draft strategy proposes a coordinated approach towards habitat acquisition to mitigate the adverse biological impacts arising from development of the qualified (ARRA funding eligible) solar energy projects seeking permits from the Department. The strategy will determine appropriate mitigation as the first step, and will do so according to the Department’s mandate to require avoidance and minimization as well as adequate compensation lands to ensure net loss of habitat. It is my understanding that habitat restoration and enhancement will be the next layer of mitigation and will not replace acquisition of adequate compensation land.

One would hope a coordinated approach to acquisition of compensation habitat would avoid a “land rush” and consequent rapid escalation of land values in the California desert due to competitive bidding. However, there is no guarantee that price escalation can be avoided; therefore, there is a serious concern about having only a 5% contingency figure for cost overruns, as proposed in the draft strategy. Regardless of whether or not this percentage is embedded in SB X8 34, it simply is not adequate protection against spikes in land values. A mechanism should be developed to ensure that adequate funding be available to deal with unanticipated land cost escalation.

Advanced acquisition using the \$10 million revolving fund is laudable, but given the tens of thousands of acres of likely qualified projects, the required compensation acreage for the projects will probably dwarf the size of a land bank made possible by \$10 million.

The rough step proportionality concept in the draft strategy is an essential component of ensuring adequate mitigation; however, it is not fully defined, and needs to be. Likewise, the requirement for implementing the mitigation “within a reasonable period of time relative to the impact ... [and] where feasible, mitigation occurring before, and in anticipation of, future impacts to natural resources” are also excellent provisions. But the draft strategy does not appear to define what is considered a “reasonable” period of time. The term should be defined.

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The estimated costs to acquire, manage, etc. land that are quoted in the Department's draft strategy vary with the estimates recently asserted by the REAT. I trust that the responsible agencies will coordinate among themselves and draw on the experience of local and regional land trusts in order to arrive at as accurate and workable a set of estimates as possible.

But regardless of how accurate the land valuation estimates are today, they can and will change over time, and perhaps rapidly, given the sizable amount of land that will be acquired in the near term. Therefore, if there is to be an ongoing mitigation strategy while the DRECP is under preparation, it is essential that the land cost estimates be revised semi-annually or as often as need be, to ensure that interim mitigation is not underfunded.

Some of the maps and data presented in the draft strategy cause serious concern.

Figure 5, "Essential Habitat Connectivity corridors with Mitigation Target Areas" raises several questions. What was the basis for this map? Was the science panel consulted? Does the map take into account the need for climate change adaptation, as mandated by the Department of Resources' Climate Change Adaptation Strategy. The proposed "high permeability" areas appear to rely more on connectivity along mountain ranges rather than on landscape-level connectivity along broad alluvial plains, connectivity that is likely to be needed for both flora and fauna to persist over time and adapt to changing climatic conditions in the California desert.

In particular, Figure 5 does not contemplate broad alluvial plain connectivity from Joshua Tree National Park to Mojave National Preserve, although Figure 6 identifies "conservation opportunity" in this large gap. Nor does Figure 5 propose adequate connectivity from eastern California desert areas over to the Colorado River, except south of Blythe. Is there no nexus to the River for wildlife, even in the face of expected climate change?

Figure 4, "Areas of Conservation Emphasis II" is somewhat misleading. It uses the ACE model to designate vast portions of the plan areas as low biological value. It is interesting to note that more often than not, these areas are also identified as places where data is lacking. Although the map's legend acknowledges that low value in these areas "may be due to lack of survey data," the impression given by Figure 4 is that these areas have been found to be lacking in biological sensitivity, which is not necessarily the case. Designation of biological value should be deferred until there is specific guidance from the Science Advisors, plus adequate surveys to make a meaningful determination on this important issue.

Finally, I concur with the issues articulated by Defenders of Wildlife, CBD and others regarding inaccuracies in the draft strategy, the choice of targeted acquisition areas, etc. I understand Department staff is working on resolving those issues.

Thanks very much for the opportunity to comment.