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David Harlow, Director
California Desert Renewable Energy Conservation Plan
1516 Ninth Street, MS-46
Sacramento, CA 95814
via email to DHarlow@energy.state.ca.us

re: Comments, Recommendations of Independent Science Advisors

Dear Mr. Harlow,

Thank you for this opportunity to submit comments on the Recommendations of the Independent Science Advisors. I am a founding director of the Antelope Valley Conservancy (AVC), a public benefit corporation that preserves and stewards native habitats and watershed resources in the Antelope-Fremont Valleys Watershed and the upper Santa Clara River Watershed, and is authorized by the California Department of Fish and Game to hold mitigation lands.

The following comments summarize our concerns:

1. The Recommendations state that "The plan should have built in requirements **(*such as bond funds*)** to ensure that remedial actions, such as decommissioning and ecological restoration, are implemented at the end of a development's useful life and that appropriate protections and management actions are continued in perpetuity." (p.12) This section should be revised to clarify its meaning to be a ***surety bond***, not taxpayer ***bond funds***. Such bonding should be paid in full in advance, and the decommissioning process should be clearly outlined prior to groundbreaking.

2. The Recommendations state that "Water use from alluvial aquifers, such as those along the Mojave and Amargosa rivers, should be avoided to minimize impacts on riparian resources." (p.6) According to studies codified in the Antelope Valley Integrated Regional Water Management Plan[1], the Antelope-Fremont Valleys Watershed is already in an overdraft situation, and anticipated needs for water in the area are "mismatched" to supply. Every catch basin and every concreted channel impacts the sedimentary processes of the watershed. Cumulative impacts from all potential sources must be taken into consideration.

(continued)

[1] Antelope Valley Regional Water Management Plan (http://www.avwaterplan.org)

3. "To create a plan that meets the goals of the NCCP Act, the advisors recommend that the plan (1) include explicit, hierarchical goals for the maintenance of biological diversity and ecosystem function in addition to goals for listed or sensitive species intended for permit coverage; (2) evaluate the impact of various planning scenarios on those biodiversity and ecosystem function goals, in addition to evaluating impacts on covered species; and (3) choose conservation strategies and policies that best satisfy this suite of biological goals while also meeting renewable energy goals." (p.7) We agree with the overarching goals stated here. The challenge will be to ensure that the goals as recommended are designed and applied in a manner that preserves or increases biological diversity. We encourage the participants in this planning effort to consider creative alternatives to loss of existing natural habitat through reuse of disturbed and developed areas, and by location of energy facilities close to consumer communities. This enhances the efficiency of electrical transmission, reduces the carbon footprint of facility construction material production, as well as minimizes impacts to natural habitats.

4. We encourage acknowledgement of and accommodation for the genuine challenges that exist, in light of which we encourage prudent approaches in the preparation and implementation of the DRECP.

    a. In the beginning of the Recommendations, the advisors state that "the large geographic area addressed by the DRECP is unprecedented for an NCCP and introduces tremendous complexity to the planning process." (p.3) "The addition of mountain watersheds adds even more complexity to the plan by affecting a wider array of non-desert communities." (p.12) The advisors have clearly concluded that their recommendations are tentative and temporary. It is unlikely that the accelerated schedule will increase planning efficacy.

    b. The Recommendations further state that urban expansion and other development can be expected to "fundamentally alter our assumptions and recommendations and would therefore require additional scientific input." (p.3) Such development can be expected to occur, as neither the DRECP, NCCP nor the REAT Agencies have any authority to limit development, nor to ensure the acquisition of high-quality habitat lands within the Planning Area. The destruction of native habitat in the name of agricultural endeavors is not even addressed under CEQA, nor is it within any authority of any of the REAT Agencies.

    c. In fact, after 20 years of NCCP implementation, while there is consensus among conservation experts that the NCCP program is the most collaborative regulatory process for conservation in our state, there is not consensus that NCCP outcomes are truly satisfactory, or that the NCCP programs are effectively monitored or managed. Ten years after passage of the NCCP Act, Daniel Pollak[2] concluded, "Based on our experience with the two major approved subregional plans in Southern California, the

[2] Daniel Pollak, *Natural Community Conservation Planning (NCCP): The Origins of an Ambitious Experiment to Protect Ecosystems,* California Research Bureau, California State Library, March 2001.

current NCCP approach needs improvement." The November 2006 *Comparative Review of Governance Structure for Ecosystem Management*, by the Conservation Biology Institute [3], lists the host of problems experienced by eleven regional NCCPs, some of which were concluded to be fatal problems. There exists widespread concern about the availability of funding, staffing, and informed administration for mitigation monitoring and enforcement. It is critically important that REAT Agencies consider these challenges in project and conservation planning.

5. In this section we address the mapping and species components of the Recommendations.

   a. Inclusion of entire western Mojave Desert, from Gorman to Barstow, as one region (322aG High Desert Plains and Hills) (p.10, 11) should not be construed as meaning that these are homogenous biotic communities, or that the Joshua tree woodlands of the western Antelope Valley are interchangeable with those of the Joshua National Forest. Mitigation should be implemented within comparable biotic communities, under similar ecological conditions, and as close to the area impacted as possible.

   b. As mentioned in the Recommendations, "Once wide-spread vegetation alliances, now limited and rapidly diminishing because of development, e.g.: California poppy fields (*Eschscholzia californica*) and Joshua Tree Woodlands alliance (*Yucca brevifolia* alliance) (p.13, 14). While the Recommendations promote "the needs of whole, intact, natural communities and mosaics of communities at the landscape scale to accommodate natural ecological processes, including range shifts, rather than focusing just on individual species," it is special status species and "rare or unique desert communities and special features" that are given protection in the Recommendations (p.12, 13). Whereas, it is large areas of high-quality habitat for rare and common native species alike that must be preserved to maintain persistence and biological diversity, and to stem irreversible habitat loss for all species—not just listed species or species of special concern. The focus on species of concern omits concern for other species critical to ecosystem function in the west Mojave.

   c. The Recommendations cite the *Ecoregions Assessment* by The Nature Conservancy (2001), which characterizes the entire Antelope-Fremont Valleys Watershed as Class IV lands and recommends few and disconnected sites in the western Mojave as desirable for the TNC portfolio. Regardless, the western Mojave has many existing preservations, and many vast areas of unique biologic and ecosystematic value, that warrant address in the DRECP planning process.

   d. Lastly, the advisors' reliance on the Penrod/Beier studies as "the most comprehensive and detailed connectivity analysis available for the DRECP planning area" should be rephrased to acknowledge that, while it may be the best available, the study is not complete and should not be relied upon as a definitive source on the subject of wildlife presence, absence, or dispersal. Kristeen Penrod acknowledges the lack of study in the western Mojave, and recently wrote:

[3] Conservation Biology Institute, *Comparative Review of Governance Structure for Ecosystem Management*, November 2006. http://nrm.dfg.ca.gov/Documents/RSS/RSSHandler.ashx?cat=NCCP

> "The Missing Linkages data is NOT appropriate for determining the presence or absence of wildlife movement. The statewide Missing Linkages data is based on expert opinion from a one day workshop. The arrows on the map may represent landscape linkages, choke-points, and missing links (many of which are truly missing). The arrows are simply placeholders that were always meant to be refined by finer-scale analyses and local linkage designs**.** Thus, no one should assume that lands outside of the line are unimportant to wildlife populations or movements." [4]

Ms. Penrod, along with other technical experts including our staff biologist with 20 years of experience in the western Mojave Desert, Ricardo Montijo, have explained that the Antelope Valley is a forage and breeding destination for a wide range of species, and only extensive on-the-ground study would have the potential to confirm patterns of wildlife dispersal. We therefore recommend that planning efforts should critically evaluate all data sources and contact technical experts responsible for their preparation prior to relying on them in preparation of future planning documents.

In Public Policy and Public Administration programs across the nation, we are reminded to avoid groupthink in our work, to engage stakeholders from all levels, and to encourage disagreement because it leads to better solutions. I encourage the REAT Agency leadership to seek new sources of information and alternative suggestions. Only with feet-on-the-ground expertise, adaptive and innovative ideas, and genuine passion for the DRECP goals, do we even have a chance to fulfill the challenge of species preservation.

Respectfully Submitted,

Wendy Reed, MPA
Director

cc: Michael Valentine
Scott Flint
Armand Gonzales
Senator Dianne Feinstein
Senator Barbara Boxer
Congressman Buck McKeon

[4] Kristeen Penrod, Conservation Director, Science & Collaboration for Connected Wildlands, Email communication, March 16, 2010.