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DRECP
California Energy Commission
Dockets Office,
MS-4 Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512
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Re: DRECP_Draft_BGOs-Memo_03-21-2012 (DRAFT BGOs)

Thank you for the opportunity to comment on the above referenced document.

We would like to thank the REAT agencies and the DRECP leadership for providing a draft of the Biological Goals and Objectives for review by the stakeholders and this organization, and for the March 28, 2012 Workshop.

Our comments follow:

1. **Introduction**:

We recommend that that the Introduction summarize how the draft Biological Goals & Objectives correspond to the definitions of the DRECP from the May 2010 Planning Agreement (cited below), an NCCP as defined in the NCCP Act, an HCP as defined in the Federal Endangered Species Act, and how the Draft BGOS follow the recommendations of the Independent Science Advisors.

"*The DRECP is an NCCP, which will help provide for effective protection and conservation of desert ecosystems while allowing for the appropriate development of renewable energy projects. The final DRECP will provide long-term endangered species permit assurances, facilitate the California Renewables Portfolio Standard, and provide a process for conservation funding to implement the DRECP. The DRECP will also serve as the basis for one or more HCPs under the FESA, and provide biological information necessary for consultation under section 7 of the FESA."*

2. **We recommend that a section of Airspace-Level Goals and Objectives be included in the BGOs, and that Aerial Habitat be considered as a Natural Community**

The DRECP plans for solar, wind and geothermal energy and impacts from covered activities are not confined only to the landscape. Natural communities consist not only of soil, plants, animals and water but also air, which is influenced by a variety of factors including water, landscape and other factors of a natural community.

Airs cape-Level Goals and Objectives should be provided to the highest altitude of impacts from covered activities, which would be to the top of zones of impact from a solar thermal tower or wind turbine blade or met tower.

A goal should be created for a reserve system of aerial habitat for preservation of migratory pathways, takeoff and landing zones from migratory stopovers, dispersal routes including natal dispersal routes of covered and other native species, and foraging altitudes of covered and other native species of birds and bats should be included in the BGOs, and those pathways, zones, stopovers and foraging altitudes should be identified from the best available knowledge that currently exists. If the data is inadequate, then data gaps should be identified to inform phasing of the DRECP until those data gaps have been filled with adequate information. These data should include changes in wind speed, directions and temperature that may occur from climate change.

This follows the Independent Science Advisors recommendation: We therefore strongly advocate using "no regrets" strategies in the near term—such as siting developments only in already disturbed areas—as more refined analyses become available to guide more difficult decisions.[1]

The only areas likely to be unimportant for conservation are areas that have had native vegetation at least partly removed and the soil surface broken (e.g., by grading, grubbing, or tilling) that are also in locations unlikely to contribute to reserve viability or wildlife movement (emphasis added) potential.[2]

An upcoming USGS study by Ruth Henry using NEXRAD analysis and landscape level analysis may provide some data on how migratory birds, including covered and other native species, use scrub habitat in the Southwestern U.S.

Specific Objectives and goals should be developed for the protection of these airs capes, and provided in the species BGOs for birds that migrate or disperse within the power tower beam of solar thermal plants and within the rotor swept zone of wind turbines, and for bats.

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[1] DRECP Independent Science Advisors, Recommendations of Independent Science Advisors for The California Desert Renewable Energy Conservation Plan (DRECP), August 2010, p. 2

[2] Ibid, p. 63

If DRECP REAT agencies choose to omit Airs cape-Level Goals and Objectives, DRECP REAT agencies should explain why and how the decision was made to eliminate airspace from the Biological Goals and Objectives.

3. Natural Community-level Goals and Objectives

The Draft BGOs memorandum needs to develop goals and objectives for Agricultural Community, which is listed as a Natural Community under some species accounts (Sandhill crane, etc.) and in Factors Critical to Species and Community Conservation

4. **Scrub Chaparral Community**

We note that birds are underrepresented in this community and suggest that a bird species would be a good indicator of the health of this community in monitoring regimes and in biological goals and objectives. We recommend another look at Bendire's thrasher and LeConte's thrashers as covered species.

5. Wetland Community

- Objective WETC3.1: Please include Owens Lake

- Objective WET3.2: Please include Owens Lake

6. Birds

- Objective RAPT1:3: Please include "Avoid" so that the objective reads "Avoid and minimize…" Avoidance is the first and best minimization strategy.
- Objective RAPT1.4: Please include
    - Antelope Valley within five miles of Swainson's Hawk nests
- Objective RAPT1:5: For Swainson's Hawk in West Mojave this should be within 5 miles of trees (not necessarily deciduous) suitable for nesting (see CDFG document Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California, State of California, California Energy Commission and Department of Fish and Game, May 13, 2010
- Objective RAPT1.8: include the following area for California condor
    - Condor historic range

7. Burrowing Owl

- Include an objective to increase burrowing owl viability by providing artificial burrows with buffer zones of restored habitat and prey base for foraging

8. Factors Critical to Species and Community Conservation

- Greater Sandhill Crane – please add collision with wind turbines to power lines
- Drought and climate change should be added to all species of birds as Known or Potential Environmental Stressors and Threats
- California condor – please add wind turbines to collisions and electrocutions
- Bank swallow – please add loss of foraging habitat over agricultural lands as a stressor, also for some bats

9. Appendix D - Example Species Goals Summaries

- Burrowing Owl – collision with wind turbines should be discussed as a threat and “avoid “ should be added to “minimize, wind turbine-related mortality (and punctuation error should be corrected).

Respectfully submitted,

Garry George
Renewable Energy Project Director