



NATURAL RESOURCES DEFENSE COUNCIL
THE EARTH'S BEST DEFENSE



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RE: Comments on Preliminary Development Focus Area Scenarios 1 through 6

Dear Dave:

We would like to thank you for the opportunity to review and comment on the Preliminary Development Scenarios for the Desert Renewable Energy Conservation Plan (DRECP). This plan is critical to balancing renewable energy development in California’s deserts with the protection of their unique and sensitive resources. We fully support development of the DRECP and our comments are intended to strengthen it.

Fundamental to the success of the DRECP is delineating development scenarios and a conservation reserve design that facilitates appropriate renewable energy generation by creating incentives that will direct projects to suitable locations, and will provide for the conservation of species, habitats and ecosystem function. We are responding to the REAT agencies’ request for feedback on the maps presented at the April 26th DRECP meeting.

In this response, we will highlight outstanding issues that should be addressed before the preliminary development scenarios are re-circulated for comment and subsequently established as formal alternatives. In order to be able to adequately review and respond to the scenarios, we request that the needed information and clarification outlined in this letter be provided to the stakeholders with a minimum of 30 days to respond. Given the vast acreages involved and the complexity of resources at risk, a thorough evaluation is necessary prior to formalizing project alternatives.

Our comments are as follows:

1. Incomplete Picture. We understand that these Preliminary Development Scenarios are only a starting point in the process; however in the absence of biological goals and objectives and a corresponding reserve design to accompany each development scenario, a true evaluation of the proposed scenarios is not feasible. In particular, evaluating these scenarios absent a corresponding reserve design makes it impossible to determine:
 - a) Whether meeting the biological goals and objectives is feasible under various development scenarios.
 - b) How the reserve design would need to change to meet biological goals and objectives given various development scenarios. There are several components to ensuring that reserve designs are robust and will serve a wide range of species now and in the future.
 - In particular, reserve designs should contain large blocks of intact habitat as well as important linkages. The greater the amount of reserve lands adjacent to non-protected (or non-reserve) land, the less effective that reserve is likely to be.
 - In addition, in order to meet the needs of the range of biodiversity across the desert, and because the planning area for the DRECP is so large, the reserve design must work not only at the plan-wide scale, but must also effectively protect the natural communities and range of biodiversity in each subregion of the DRECP.

The DRECP must prioritize finalizing the biological goals and objectives and structuring a reserve design to meet these objectives for covered species, natural communities and ecological processes. Without this key element of the conservation strategy, we are left to follow the precautionary principle recommended by the Independent Science Advisors of limiting development to the most degraded areas first, which is one reason we initially favor Scenarios 1 and 2 even though the data are insufficient to truly determine our position on them.

2. Initial High-Level Reactions.

One of the most problematic issues related to designating Development Focus Areas (“DFAs”) is determining what the baseline need for development acreage is, and then what percentage of designated DFA lands are likely to be developable. Neither has been defined to date, as far as we can tell. Even in areas designated for development, we must assume a significant part of the acreage in DFAs may not be developable, whether because it’s already being used for other purposes or has biological or other conflicts. In either case, the plan should explicitly spell out how many acres are included within each particular DFA, and what percentage of each DFA is likely developable.

We expect that the actual acreage required for development would not change substantially regardless of the scenario, as all scenarios are planning for the period of time to 2040. As noted in the Sierra Club’s calculator comments, no reasonable projections beyond 2040 are possible; this was confirmed by the CEC during a subsequent discussion at a recent DRECP meeting. The CEC agreed that renewable energy development on 214,000 acres was

reasonable for the DRECP (we continue to believe that it will ultimately be lower, but 214,000 is a likely high or mid-range estimate). Including scenarios with a total DFA acreage multiple factors larger than what a reasonable buildout of large-scale energy is likely to be to meet California's energy needs up to 2040 is problematic for meeting our wildlife and habitat protections goals as well as our transmission planning needs.

Since renewable energy development includes multiple potential technologies, it would be useful to have the accompanying narrative for all development scenarios indicate such factors as what proponents for each technology have shown an interest in a particular location, how much disturbed land is known to be included in each DFA, what the DFAs' ownership percentages and patterns are (private, federal, etc.), the extent of infrastructure relevant to renewables development, and other factors to help determine suitability. While much of this information was included in the Supplemental Materials for the April 26 meeting, including fine detail of these factors on the DFA maps would be very useful as well. These data are critical to estimating how much of each DFA might reasonably be built out.

At this point we do not have enough information or time to analyze each scenario in detail and thus cannot determine our position on them. However, we can initially state that we cannot support Scenarios 5 and 6 throughout the plan area as they are simply unrealistic. These Scenarios open up far too many environmentally important lands to development, including but not limited to: lands designated for protection of special status species, some of which have a narrow range and are endemic to the area; public lands designated for conservation purposes, such as ACECs; and, lands identified as supporting riparian or wetland communities which are critical to species survival in the desert.¹ Upon initial review, we believe that Scenarios 5 and 6 will preclude the ability to meet biological goals and objectives for certain species, natural communities and ecological processes covered under the plan.

In addition, these scenarios will not sufficiently ensure that renewable development is guided to and clustered in low conflict areas but that they could promote renewable energy development sprawl by allowing buildout across millions of acres of undisturbed land. Thus, by allowing much more land to be open to development than is needed, the DRECP could encourage the continuation of the current pattern of development, i.e. strewing projects across the landscape without regard to focusing development in disturbed areas, avoiding edge effects and piecemeal development, avoiding large blocks of habitat and essential corridors, etc. Renewable energy sprawl would also make transmission planning more difficult and costly, and could greatly increase impacts from miles of new transmission lines needed to bring energy to population centers.

¹ We have not been able due to time and resource constraints to provide site-specific reviews of these scenarios but they include many areas for which we have previously raised concern. We highlight some examples of conflicts later in this letter.

In short, these scenarios will promote energy development across the landscape, including in areas containing high biological value, instead of directing development to areas that are appropriate both from development and biological perspectives. Facilitating development in environmentally sensitive areas is not only inappropriate, but also unnecessary to meet renewable energy goals and mitigation for development in these areas may not be possible.

3. Mapping and Data Accuracy. We are concerned with the accuracy of the Preliminary Plan-wide Biological Reserve Design that was released with the DFA scenarios and recommend validating the reserve design mapping using aerial photography interpretation based on NAIP 2010 imagery for areas where vegetation classifications have already been developed, and field investigations to ground truth the remote work with field accuracy assessments. This is especially important when classifying areas as either high or moderate priority for conservation, as these classifications may determine management decisions.

The newly mapped West Mojave region has very reliable data that should be incorporated and used in planning the reserve design for DRECP. These data can assist in discerning higher, intermediate, and lower habitat quality lands. Additionally, the finer-detailed vegetation basemap data in the West Mojave can be used to refine species models, and to define relationships between rare plant species whose distributions occur in part or entirely within newly mapped areas. These mapped relationships and refined species models should be used to form the reserve design alternatives.

Accuracy of the Reserve Design is critical to ensuring the DRECP achieves biological goals and objectives and sites renewable energy resources in the most appropriate places. Both the original rationales for proposed reserve designs and for any proposed modifications should be clearly explained as part of the written record so the public can understand both the sources and justifications for modifications as the process moves forward.

4. Coordinating Planning Efforts. Coordination with county, regional and local planning efforts is essential to gaining broad support for the DRECP and to provide the industry with a clearer picture of what lands may actually be available for development. Both the DFAs and the Preliminary Plan-Wide Biological Reserve Design should be cross-checked and compared with county, regional and local planning efforts to ensure the DRECP is not undermining prior or current planning efforts underway. Coordination with county plans, to the extent possible, is especially important considering that the majority of the land in each of the DFA scenarios is not under BLM jurisdiction.

Likewise, we strongly encourage the REAT agencies to clarify the relationship between the DRECP planning process and the BLM's Solar Energy Program as it will be defined in the Solar PEIS Record of Decision. It is unclear to all stakeholders how the two planning

processes will work together. Specifically, will the DRECP refine the BLM zones to remove inappropriate development areas from them? And equally important, how will durable conservation be achieved on BLM lands within DRECP reserve areas?

5. Existing and Planned Renewable Energy Projects. A significant number of wind, solar and geothermal energy projects that are operating, under construction or planned will not be subject to the decisions stemming from the final DRECP. These projects should be accounted for in terms of fulfilling a significant share of the projected development build-out needed for 2040 (and therefore, proposed additional development areas should be scaled back commensurately). Further, the degree to which they overlap or occur within lands having high biological value or that have been designated for conservation, as described above, should be provided for in each scenario; and reserve design and conservation measures should be adjusted to account for those overlaps and impacts.

Mitigation for the landscape-scale effects of these projects needs to be addressed in the DRECP. Mitigation for unavoidable adverse impacts may have been required for most of the operating and permitted projects. The adequacy of those mitigation requirements should be analyzed in the DRECP and any additional programmatic mitigation measures necessary to address identified shortcomings under the standards of the DRECP should be part of the draft plan.

The DRECP should provide an up-to-date inventory and map of existing and planned renewable energy and transmission projects to help inform appropriate reserve design, renewable energy development, and mitigation for the Plan.

6. Clarify what is meant by DFA. Additional information is needed to clarify what locating a project within a Development Focus Area (DFA) will entail with regard to both incentives for efficient permitting and avoidance criteria for siting.
 - a. For the DFAs, the REAT agencies should clarify what siting and avoidance criteria will be used for projects proposed within DFAs. Incentives in terms of providing streamlined permitted should also be clarified.

For wind DFAs, we view both the “Voluntary Land-based Wind Energy Guidelines” (USFWS, 2012) and the “California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development” (CEC and CDFG, 2007) as a required minimum framework for site study and design, and recommend that their implementation, especially abandonment of sensitive sites, be required as a mandatory commitment under DRECP to receive the streamlined permitting within DFAs.

Both federal and state siting guidelines recognize that data collection associated with wind energy development and operations is an iterative process. The tiered

approach of the federal guidelines provides the opportunity for evaluation and decision-making at each stage, enabling a developer to abandon or proceed with project development, or to collect additional information if required. We encourage the REAT agencies to model this tiered approach for all wind energy development, since experience with projects to date shows that the level of risk at a specific site or within a DFA may change after more information is acquired. Thus, siting of wind energy facilities should be viewed as an iterative process, instead of a static line on a map; and requirements should be built in for design modification, reduction or complete relocation should unforeseen conflicts be identified even within a DFA. To the maximum extent possible, it should also be viewed as a public process, because, as experience has shown, the diverse stakeholders of DRECP have diverse views on what constitutes acceptable levels of risk.

- b. For the reserve design, we encourage REAT agencies to explicitly state that the lands included in the final conservation reserve design will not be open to renewable energy development. Conservation reserves are intended to protect a wide range of species covered under the plan. Renewable energy development is not compatible within reserve areas as it can directly and indirectly affect species and habitat communities through mortality, habitat loss and fragmentation and disruption of natural ecological processes.

We understand that there is more than one way in which to structure the reserve design to meet biological goals and objectives. We encourage the REAT agencies to develop these alternatives and present them with the alternative DFA scenarios so that they can be evaluated together in terms of how well the plan meets the pre-determined biological goals and objectives. Also, it should be noted that all DFAs are not equal with regard to the level of conflict with biological resources. We suggest the DFAs be labeled as either high or lower conflict based on refined species habitat suitability models or species occurrence data, and that development is phased over time to avoid unnecessary conflicts with covered species.

We believe that we should have an opportunity to review all possible reserve designs, and all possible DFA designs, independent of one another. Rather than mix and match various reserve designs with various DFA designs, the DEIS should present alternatives that include all possible combinations of DFAs with reserve designs. This is an essential point: a full range of alternatives must include all combinations to give a fair opportunity for considering all options.

7. Conflicts with Biological Resources.

- *Wind Energy Conflict Areas.* The DRECP Plan should recognize that many areas – including for example the Tehachapi Mountains and the Owens Lake area– present significant conflicts between wind energy development and biodiversity. The same

climatic and topographical factors that result in high wind resources sometimes also provide updrafts and other wind characteristics that are important for birds, bats and overall species diversity. Sites ranked as “low conflict” based on terrestrial conditions within these areas may actually be “high conflict” due to potential impacts to biological resources such as eagles, condors, other raptors, bats, migratory and resident species.

To more effectively evaluate the DFAs for conservation as well as development, the DRECP should consider and indicate to what extent known or probable conflicts with bat and avian species such as raptor (i.e., Golden eagle, Prairie falcon) nesting and foraging areas, known migratory bird stopovers and pathways, and areas identified as Audubon Important Bird Areas have been excluded (or included) in each scenario, and to define these areas within each DFA as “wind energy conflict areas”. Moreover, DRECP has a duty to gather data on migration throughout the plan area in order to adequately assess the impacts of wind energy development on migratory birds in potential migratory corridors.

- *Conservation Designations.* For the public lands, there are several conservation designations in the CDCA Plan that should be considered and accounted for in the development scenarios in addition to those listed in Table 1-1d of the Supplemental Materials distributed at the April 25-26 Stakeholder meeting. These include, but are not limited to: 1) Wilderness, 2) Wilderness Study Areas, 3) Wildlife Habitat Management Areas, 4) Special Areas, 7) Unusual Plant Assemblages. We request that the degree to which the above conservation designations are avoided (or included) in each scenario be clearly indicated and mapped.
- *Habitat Linkages.* Linkages in the landscape are important for ensuring genetic flow between populations of species and thus increasing species resilience to external factors. Linkages also provide for a more robust conservation reserve design that can accommodate species’ potential range shifts in response to climate change. There has been considerable progress on models for linkage habitats for various species in the planning area including those by the Conservation Biology Institute, SC Wildlands, and the U.S. Fish and Wildlife Service. We consider the latter to be the most detailed and accurate model available for the Desert tortoise. We recommend that these models be considered and accounted for in the analysis of each scenario, with information provided on the degree to which each has been excluded (or included).
- *Examples of biological concerns in eastern Riverside County.* Some serious biological concerns that could preclude achievement of biological goals and objectives are found to a greater or lesser degree in Scenarios 4, 5 and 6 in eastern Riverside County including: blockage of habitat connectivity for desert tortoise and other flora and fauna; impacts to sand dunes, sand source, sand transport and sand dependent species; unmitigable loss of

microphyll vegetation and habitat; and impacts to burro deer habitat and movement. These concerns were noted in our comments on the Solar DPEIS.

- *River corridors.* “Major river corridors” is not defined clearly and is only delineated for the section of the Colorado River along the CDCA boundary. The river corridors and their buffer zones in the DRECP plan area are critically important for many species, especially species of migratory birds that use them as stopovers. These river corridors and buffer zones should be specified and DFAs that conflict with them should be noted.
- *Antelope Valley Audubon Important Area.* Scenario 2 excludes the western portion of the Antelope Valley Audubon Important Bird Area, yet the scenario memo (released on May 8) does not explain the reason for the exclusion of that particular area instead of other areas within the DFAs that are important to birds and contain known nesting areas for covered bird species. We request that the REAT agencies provide justification (in the form of species occurrences or habitat modeling) for why certain areas are removed and others not.

We look forward to continuing to work with the REAT agencies in finalizing the biological goals and objectives, refining the reserve design with updated species models and with new vegetation map data, and directing renewable energy development to the most appropriate places.

We appreciate the opportunity to provide comment on these Preliminary Development Scenarios and we thank you for your consideration of the concerns outlined in this letter.

Sincerely,



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