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California Energy Commission

DOCKETED

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Working to protect and restore Western Watersheds

August 8, 2012

By Email

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

<docket@energy.ca.us>
Dave Harlow <DHarlow@energy.state.ca.us>

Re: DRECP Alternative Scenarios of July 25, 2012, Docket No. 09-RENEW EO-01

Dear DRECP Planners:

On behalf of the staff and members of Western Watersheds Project, please accept the following comments on the Alternative Scenarios presented at the July 25, 2012 Desert Renewable Energy Conservation Plan ("DRECP") meeting. According to the meeting notice, the public comment period ends August 8, 2012.

Western Watersheds Project works to protect and conserve the public lands, wildlife and natural resources of the American West through education, scientific study, public policy initiatives, and litigation. Western Watersheds Project has over 1,600 members nationwide with offices in Arizona, California, Idaho, Montana, New Mexico, Utah, and Wyoming. Western Watersheds Project, as an organization and on behalf of its members, is concerned with and active in seeking to protect and improve wildlife habitats, riparian areas, water quality, cultural resources, and other important resources and ecological values.

Western Watersheds Project recognizes that global climate change poses new challenges to our already stressed public lands. However, while climate change threatens biodiversity and entire fragile ecosystems, our response to climate change also threatens our public lands and their wildlife. Accordingly, Western Watersheds Project supports responsible development of power plant projects. Responsible development requires the use of comprehensive, ecologically sound, science-based analysis in determining power plant locations. This is best achieved by focusing energy developments on private or severely altered lands that are located close to points of use to minimize new disturbance or further fragmentation of fragile, native ecosystems.

Because of the very preliminary nature of the materials being presented for public review at this time, the absence of the clearly stated biological goals that are essential to understanding the likely effectiveness of the conservation strategies, and the minimal comment period it is impossible for the public to make informed comments at this time. The Commission must ensure that adequate opportunities are provided for future public input into these alternatives as this process develops.

The Alternatives scenario document identifies six alternatives:

No Action

Alternative 1 – Disturbed Lands/Low Resource Conflict

Alternative 2 – Geographically Balanced/Transmission Aligned

Alternative 3 – West Mojave Emphasis and Tribal Sensitivity

Alternative 4 – Southeast Emphasis

Alternative 5 – Increased Geographic and Technology Flexibility

The range of alternatives considered in the scenario document is inadequate since all of the alternatives including “no action” (i.e. a “no DRECP”) include public lands and all include BLM lands identified in the Solar PEIS as available for energy development under the variance procedure. In addition, the DRECP is being planned at a time when many renewable energy projects are already in the construction/approval/advanced planning stages. The conservation areas identified in the maps include areas that already have projects under construction; for example, the ISEGS power plant in the northern Ivanpah Valley.

The focus of the alternatives is entirely skewed towards development. Several of the proposed alternatives are simply egregious in scope, and would even allow development on lands that have been protected through public/private partnerships over many decades such as at the Desert Tortoise Research Natural Area. The lack of biological goals and objectives renders the conservation strategy for all 5 action alternatives inadequate and unreviewable. The documents provide no analysis of the biological impacts of development within the focus areas. Absent such analysis, simply describing DFA as areas of “low conflict” amounts to grossly inadequate disclosure.

The range of alternatives is inadequate and unreasonable since none of the alternatives, including Alternative 1, avoids impacts to existing known important species habitats, critical habitats and Areas of Critical Environmental Concern (see table below extracted from the Overview document). The areas are *critical* components of the conservation strategies underlying the BLM’s land use plans. These designations were developed in prior planning efforts. Any modification of these areas requires a full evaluation of the effects of these impacts on the conservation strategies underlying the California Desert Conservation Area (“CDCA”) plan as amended by the various sub-plans.

Alternative	Acres Existing ACEC	Acres Existing SRMA
Alternative 1	9,218	15,287
Alternative 2	17,223	60,212
Alternative 3	135,443	193,752

Alternative 4	11,223	38,091
Alternative 5	87,338	139,464

The Commission must consider additional alternatives to rectify this failure to consider a range of reasonable alternatives.

We suggest the following additional alternatives:

(a) Modified Alternative 1 – Disturbed Lands/Low Resource Conflict:

This would modify Alternative 1 to take all public lands off the table for energy development unless these lands are of such an isolated nature and proven low resource value that they do not provide any conservation value to special status plants or wildlife nor contain cultural resources or other sensitive resources. All public lands within the BLM’s designated Mohave ground squirrel conservation would be removed from further consideration.

(b) Meeting Target MW Alternatives

Currently, all the alternatives including no action have similar MW targets. This ignores the contribution that will be made by projects already under construction and projects in the advanced planning stages. The Meeting Target MW Alternative will provide alternative analyses for each proposed alternative but will reduce the “Total MW” proportionate to the MW from these already permitted projects.

Comments on the DRECP “No Action” Alternative

In addition, to providing a baseline for comparison of the environmental impacts of the other “action” alternatives, the “no DRECP” alternative would also provide a test scenario for the unsupported assumption that the “DRECP will contribute to achieving California climate change goals” stated on page 7 of the Overview document.

Comments on Alternative 1 – Disturbed Lands/Low Resource Conflict

As we stated above, Western Watersheds Project believes that the focus for energy developments should be on private or severely altered lands to minimize new disturbance and not further fragment fragile, native ecosystems. Unfortunately, we cannot support this so-called “Disturbed Lands/Low Resource Conflict” for several reasons including known resource conflicts and the use of over 82,000 acres of public lands as DFA. This alternative should be heavily modified or renamed since it includes areas of high resource conflict. For example, it includes a solar DFA in the Rose Valley region within the BLM’s Mohave ground squirrel conservation area. Development in this area would impact connectivity between the Coso-Range-Olancho Core area and the Dixie Wash Core area as identified in Leitner, 2008¹. The area also includes some of the most northwest records for desert tortoise. Connectivity in this area is already constrained by geography and by existing development. Conservation of all

¹ Leitner, P. 2008. Current Status of the Mohave Ground Squirrel. Transactions of the Western Section of the Wildlife Society. 44: 11-29.

remaining habitat in this area is essential, and in addition may be paramount in providing for the resilience for both species in the face of climate change.

Comments on Alternative 2 – 5

All of these alternatives increase the size of the DFAs by outrageous amounts without much of change in the expected MWs produced. They seem to be designed simply to allow sprawl across the desert. Absent biological goals and objectives, the conservation strategy is not evident at all.

We find alternatives 2 and 5 simply egregious. Both include parts of the Desert Tortoise Research Natural Area which is an internationally renowned preserve for desert tortoise and many other special status species including the Mohave ground squirrel. Western Watersheds Project's California Director was the Executive Director of the Desert Tortoise Preserve Committee, one of the parties to the Sykes Act Management Plan, and is well acquainted with this area and its significance. Evidently, the CEC seems no longer aware that some of the private in-holdings in the DTRNA and surrounding area were acquired through CEC mitigation funds.

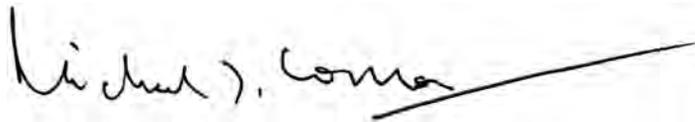
All of the alternatives should be using this jewel of a preserve as the focus for an expanded conservation area not seeking to obliterate it or create an island in an industrial wasteland. In 1993 Federal Register notice for the proposed critical habitat determination for the desert tortoise Mojave population, the USFWS noted (our emphasis added), "The Service does not propose the Desert Tortoise Natural Area (DTNA) and Joshua Tree National Monument, in California, as critical habitat since these two areas already receive adequate protection. However, because these two areas are important to the recovery of the tortoise, the Service may reconsider designating these areas as critical habitat should changes in current management activities occur." In the 1994 Final determination, the Service further notes "These lands are essential to the conservation of the species because they provide important links and contain large areas of contiguous habitat." The Commission should take heed of those statements and drop these unreasonable, outrageous, and clearly litigable alternatives.

Both the West Mojave Emphasis and the Southeast Emphasis alternatives are deeply flawed since the impacts of developments in DFA in either of these areas cannot be simply mitigated elsewhere. The California deserts are a complex, wonderful mixture of multiple ecotypes with many geographically restricted species. Focusing on one area of the desert may severely impact species that occur there that are rare or not found elsewhere. This makes developing a conservation strategy difficult and complicates mitigation. A prime example of this problem is exemplified by the land acquisition mitigation for the ISEGS project in the northern Ivanpah Valley. With no consideration of the species' biology, the CEC is allowing the project proponents to mitigate by acquiring habitat 120 miles to the west of the project in a different desert tortoise recovery unit, i.e. in habitat for a genetically different desert tortoise population. Moreover, the Commissioners claimed in their decision to approve the ISEGS project that the desert tortoise compensation lands will also help mitigate the power plants impacts to the Gila monster, and three rare birds - Vaux's swift, Brewer's sparrow, and the Crissal thrasher. But none of those species occurs even close to the proposed acquisitions.

If the DRECP is to function as a serious conservation plan, the CEC should consider enhanced conservation measures for existing defined habitat conservation areas to ensure that these habitat areas are conserved to strengthen existing conservation strategies. For example, the entire BLM Mohave Ground Squirrel Conservation Area should be designated as an ACEC. The Commission needs to fully consider conservation needs before it can determine not only the size of sacrifice areas but whether in fact any areas of our fast-disappearing deserts can be sacrificed.

Western Watersheds Project thanks you for this opportunity to assist the Commission and other agencies by providing additional comments for the DRECP planning process. Please keep Western Watersheds Project informed of all further substantive stages in this planning process. If we can be of any assistance or provide more information please feel free to contact me by telephone at (818) 345-0425 or by e-mail at <mjconnor@westernwatersheds.org>.

Yours sincerely,

A handwritten signature in black ink that reads "Michael J. Connor". The signature is written in a cursive style and is underlined with a single horizontal line.

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