

August 9, 2012

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

Subject: Comments on DRECP July 25 and 26, 2012 Stakeholder Meeting Materials
Docket Number 09-RENEW EO-01

Dear Sir/Madam:

Soda Mountain Solar, LLC, a subsidiary of Bechtel Development Company, Inc., is submitting comments in response to materials and information presented at the Desert Renewable Energy Conservation Plan (DRECP) Stakeholder Committee Meeting on July 25 and 26, 2012. The Soda Mountain Solar project (Project) is a proposed 350 megawatt photovoltaic solar generating facility located on BLM-administered lands in San Bernardino County, California (Figure 1). The BLM right-of-way Serial Number for the Project is CACA-49584. These comments specifically address inappropriate proposed designations for the Project site in the DRECP, namely:

- A high biological sensitivity designation (Project site biological reports do not support a moderate biological sensitivity designation);
- A high conflict Development Focus Area (DFA) designation (unsupported by Project site biological reports and land use planning status); and
- Lack of DFA designation for the Project site across draft DRECP alternatives (DFA designation warranted across all alternatives due to prior disturbance, Section 368 status, and demonstrated lack of biological and land use planning conflicts).

As mentioned below, our opinion on these matters is backed by three years of Project site-specific data presently on file with the BLM, as well as by a rigorous, peer reviewed analysis of the modeling assumptions of the DRECP previously filed under this docket.

Finally, we also recommend carrying forward into the DRECP the “pending projects” concept embodied in the Solar Energy Development Programmatic Environmental Impact Statement (PEIS) insofar as the DRECP concerns BLM-administered lands.

INAPPROPRIATE CLASSIFICATION OF THE SODA MOUNTAIN PROJECT WITHIN THE BIOLOGICAL RESERVE DESIGN

Reserve Design and Categories

A biological reserve design was prepared for the DRECP to guide the California Environmental Quality Act/National Environmental Policy Act (CEQA/NEPA) alternative development process. Among other categories, the biological reserve design identifies areas of high and moderate biological sensitivity. Areas of high and moderate biological sensitivity are proposed for conservation as a part of the DRECP.

The plan-wide biological reserve design for the DRECP was developed using Marxan (Ball et al. 2009) and expert-based analysis. Marxan is a computer-based planning tool to aid in reserve design¹. Marxan requires data on species habitat and quality to optimize the reserve design. The plan-wide biological reserve design includes eight categories. The reserve categories were defined in the presentation for the April 25 and 26, 2012, DRECP stakeholder meeting and are presented in Table 1, below (DRECP 2012a).

Marxan does not consider data uncertainty or accuracy, therefore the quality of the reserve design is dependent on the quality of the input data. According to the DRECP, the plan-wide biological reserve design was refined through expert-based analysis, post-Marxan, through consideration of:

- Species habitat distribution and occurrences;
- Natural communities;
- Large habitat blocks;
- Habitat linkages;
- Physiographic and environmental characteristics; and
- Ecological processes (DRECP 2012a).

At the July 25th stakeholder meeting, the BLM stated that the reserve design was based in large part on the “naturalness” of the landscape. The use of models based on habitat naturalness was used in lieu of species specific modeling and connectivity analysis, or detailed, site-specific data because the DRECP area is very large and it would be infeasible to assess each of the covered species in the entire Plan Area at a site-specific level.

¹ The Marxan objective function seeks to optimize the reserve design through econometrics by applying costs for preservation within reserve areas and penalties to areas of high conservation value that are not preserved (Ball et al. 2000). The optimal design has the lowest reserve cost with lowest penalties.

Table 1: Reserve Categories and Descriptions

Reserve Category	Description
Legislatively and Legally Protected Areas	Existing protected lands; emphasis on existing protection and management of biological resource values. No renewable energy development covered by DRECP.
High Biological Sensitivity	Based on Marxan Scenario 5 additional conservation area zone (blue areas), desert tortoise (conservation areas and least cost corridors), Mohave ground squirrel conservation areas and range, flat-tailed horned lizard management areas, major rivers, desert linkage network, and expert input. Higher biological sensitivity signifies areas where biological resources are more sensitive to perturbation or where biological resources are concentrated or where highly sensitive biological resources occur. In general, fewer uses or less intensive uses are compatible with these areas.
Moderate Biological Sensitivity	Based on Marxan Scenario 5 conservation area zone (green areas) and other biological resource information, including species occurrence and model data, natural community data, landscape-level information, and expert input. In general, moderate biological sensitivity signifies areas where biological resources are moderately sensitive to perturbation or where biological resources are less concentrated or where moderately sensitive biological resources occur. In general, more uses or more intensive uses are compatible with these areas.
Military and Military Expansion Mitigation Lands	No renewable energy development or conservation covered by DRECP currently displayed or considered (subject to change pending DOD input).
Open OHV Lands	Biological conservation is area dependent.
Tribal Lands	No renewable energy development or conservation covered by DRECP currently displayed or considered (subject to change pending tribal input).
Impervious and Urban Built-up Land	Utility-scale renewable energy development and conservation unlikely.
Undesignated	Conservation unlikely.

Source: DRECP 2012a; DRECP 2012b

Why the Designation of the Soda Mountain Solar Project Site is Inappropriate

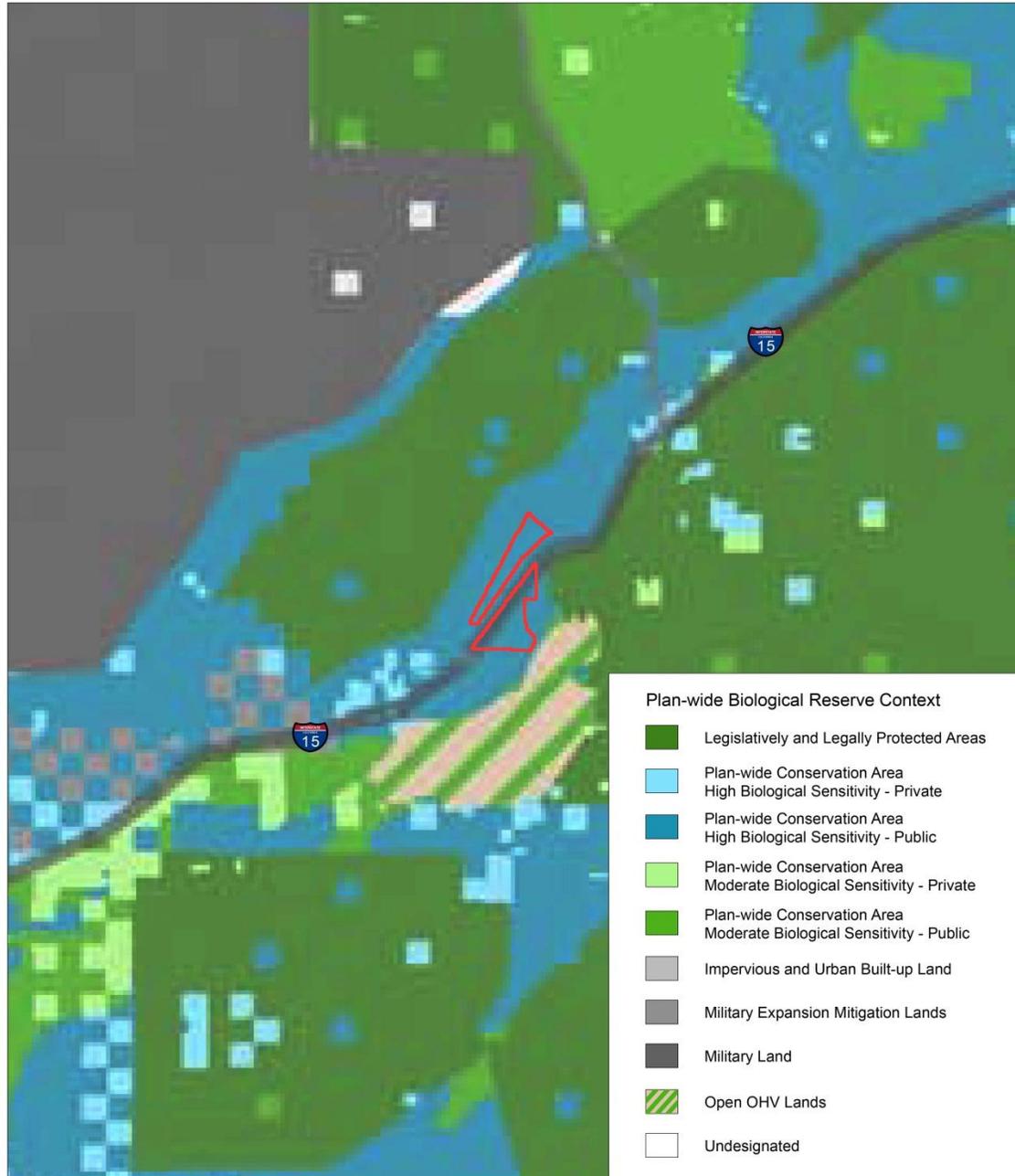
Although the DRECP is a landscape-scale endeavor, more detailed regional and local species specific analyses should replace large scale modeling based on habitat naturalness.² In this instance, the Project site is designated as “Plan-wide Conservation Area – High Biological Sensitivity – Public” within the plan-wide biological reserve (Figure 1). The output of the Marxan analysis presented in the meeting materials showed a moderate biological sensitivity for the Project site (DRECP 2012a). The elevation to high biological sensitivity was therefore an output of the expert-based analysis. The high biological sensitivity designation indicates that the area contains biological resources that are sensitive to perturbation, high concentrations of biological resources, or highly sensitive biological resources. However, as explained below, neither a High Biological Sensitivity nor a Moderate Biological Sensitivity designation is consistent with the multiple Project-specific, habitat and focused species field surveys that have been on file with the BLM under right-of-way application CACA-49584 since 2009.³

² This approach is recommended in *California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California* (Spencer et al. 2010), which specifically states:

“Essential Connectivity Areas are placeholder polygons that can inform land-planning efforts, but that should eventually be replaced by more detailed Linkage Designs, developed at finer resolution based on the needs of particular species and ecological processes. It is important to recognize that even areas outside of Natural Landscape Blocks and Essential Connectivity Areas support important ecological values that should not be “written off” as lacking conservation value. Furthermore, because the Essential Habitat Connectivity Map was created at the statewide scale, based on available statewide data layers, and ignored Natural Landscape Blocks smaller than 2,000 acres; it has errors of omission that should be addressed at regional and local scales”.

³ SMS has completed detailed environmental studies within the proposed Project site as part of the right-of-way application process, including: desert tortoise survey; golden eagle and bighorn sheep survey; special-status plant survey; Mojave fringe-toed lizard survey; avian surveys; habitat assessment; water resource investigation and delineation; hydrologic and groundwater evaluation; geologic characterization; and a percolation and scour analysis. The results of each of these surveys are on file with the BLM under right-of-way application CACA-49584.

Figure 1: Soda Mountain Solar Reserve Classification



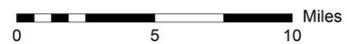
SOURCE: ESRI 2012, CEC 2012, BLM 2012, DRECP 2011, and Panorama Environmental, Inc. 2012

Scale: 1:400,000

LEGEND

 Proposed Project ROW



 Miles

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Marxan Reserve Design for Soda Mountain Solar Project Site

The reserve design that resulted from Marxan Scenario 5 displayed the Project site as a green area of moderate biological sensitivity and therefore an area considered for conservation according to the DRECP. As stated by the BLM during the stakeholder meeting on July 25, 2012, this sensitivity was based largely upon land cover naturalness; species-specific biological goals and objectives were not developed or considered. Naturalness is an inaccurate proxy for species habitat and use. Species niche habitat and connectivity reflect landscape population dynamics that are independent of the naturalness of the habitat, for example. Areas of high “naturalness” may be unsuitable for species use for a variety of reasons: areas with few impervious surfaces may be unsuitable for niche habitat preferences, other factors may have contributed to habitat degradation (e.g., predators, invasive species), or an area may be outside of a species range due to natural or man-made landscape barriers (e.g., mountains, unvegetated playas, highways). Likewise, highly-disturbed habitats may be suitable to species use or contain important corridors, such as riparian areas for connecting wildlife populations. The reserve design does not provide targeted protection of the species that the DRECP is tasked with conserving because detailed, “ground-truthed” species and linkage analysis was not used in the design. Because the reserve design is based on naturalness of habitat, the reserve design reflects very large areas of moderate and high biological sensitivity due to the relatively few developed areas (impervious areas which would not be “natural”) located within the DRECP Area. These areas may not be key habitat or linkage areas for species covered under the DRECP. Therefore, in the absence of detailed species analysis, the Marxan reserve design is unlikely to identify targeted areas for protection because it did not consider the species and uses that need to be protected.

Soda Mountain Solar Compared to Expert-Based Analysis Criteria

The DRECP used expert-based analysis to improve the reserve design output of Marxan, and, in this instance, to elevate the Project site’s designation from “Moderate Biological Sensitivity” to “High Biological Sensitivity”. Table 2, below, reevaluates the biological sensitivity of the Project site by comparing the expert-based criteria to Project-specific intensive habitat and species field survey results on file with BLM under CACA-49584. The analysis in Table 2 indicates that the Project site does not meet any of the criteria for high biological sensitivity.

Table 2: Soda Mountain Solar Biological Sensitivity Analysis

Expert Evaluation Criteria	Soda Mountain Solar Project Site
Species habitat distribution and occurrences: concentrations, major populations, essential locations	The Project site does not have high concentrations or major populations of species. The Project site is characterized by sparse vegetation and low abundance and diversity of wildlife (URS 2009a). None of the DRECP-covered species are known to occur or were observed within the Project site during focused species surveys for desert tortoise, Mojave fringe-toed lizard, golden eagle, and bighorn sheep (URS 2009b; RMT 2010; RMT 2011).
Natural communities: representation and capture of rare and sensitive types	There are no rare or sensitive natural communities within the Soda Mountain Solar Project site. The Project site is completely dominated by Mojave creosote bush scrub, which is common throughout the desert (URS 2009a).
Large habitat blocks/core areas	The Project site lies within a relatively small valley that is separated geographically from larger landscape blocks or units. The Project site was not identified as a natural landscape block or core area within the Desert Connectivity Project (Penrod et al. 2012)
Habitat linkages and corridors	No habitat linkages were identified within the Project site by the Desert Connectivity Project (Penrod et al. 2012). An essential connectivity area was identified within the Project site (REF); however, the essential connectivity areas should be succeeded by the linkages identified in the Desert Connectivity Project (Spencer et al. 2010; Heim and Hietter 2012); see fn 2, above.
Physiographic and environmental representativeness: elevation gradients, slope, aspect, temperature, rainfall, including climate change	The Soda Mountain Solar Project site is contained within a valley where slopes range from 2-4%. The Project site is very uniform in elevation, gradient, rainfall, and temperature due to the overall small size of the Project site (4,400 acres) and the uniformity of site conditions. The habitat within the Project site is also uniform, exhibiting low vegetation and species diversity. The Project site does not include unique or distinct physiographic elements.
Ecological processes: landscapes supporting aeolian processes, alluvial and fluvial processes, geomorphological processes	There are no intermittent or perennial streams within the proposed Project site. There are numerous small ephemeral drainages within the Project site that are geomorphically stable and have not changed course over the last 50 years based upon analysis of historical aerial imagery. The ephemeral drainages and general area contain coarse grain sediments including gravels, cobbles, and sands. These coarse grain sediments are not subject to aeolian processes. While there are alluvial fans within the Project site, the alluvial processes are not an important source of sediment for downstream habitat. The Project site is geomorphically stable with coarse grain sediment, and would not be a significant source of sand or other materials for downstream areas (Wilson 2011).

Soda Mountain Solar Project Site Conditions Compared to Moderate Biological Sensitivity Description

The results of the Marxan reserve design indicated that the Project site should be designated as moderate biological sensitivity. The Project site does not meet the definition for moderate biological sensitivity as defined by the DRECP. The definition for moderate biological sensitivity includes areas that contain:

- 1) Biological resources that are moderately sensitive to perturbation;
- 2) Biological resources are less concentrated; or
- 3) Moderately sensitive biological resources.

1. Sensitivity of Biological Resources to Perturbation

The Project vicinity has been highly disturbed by past land use actions. The Project site is adjacent to and divided by the four-lane, divided Interstate-15 (I-15) highway. Other land uses directly adjacent to the Project site include:

- Razor Road off-highway vehicle area
- Two transmission lines
- Power distribution line
- Telephone line
- Cellular tower
- Two fuel pipelines
- Underground fiber optic cable

Biological resources that are sensitive to perturbation would not be expected in the Project site due to the existing intensive land uses, particularly I-15 which exhibits nearly constant traffic as the primary thoroughfare between Las Vegas, Nevada and Los Angeles, California. Biological resources that would use the Project site would be limited to those that are habituated to human disturbance. The level of existing disturbance and on-going intensive uses of the Project site would not be suitable for biological resources that are moderately sensitive to perturbation.

2. Concentration of Biological Resources

Biological field studies were conducted for the Project site in 2009 and 2011. These studies included:

- Special status plants survey
- Focused desert tortoise survey
- Mojave fringe-toed lizard survey
- Golden eagle and bighorn sheep surveys
- Avian point count surveys
- Water resource investigation

Species diversity and abundance within the Project site is low and typical of areas containing sparse and uniform vegetation (URS 2009a). Neither vegetation nor wildlife occur within the Project site in high concentrations. The Project site does not support high concentrations of sensitive or other biological resources. The focused surveys for desert tortoise, Mojave fringe-toed lizard, golden eagle, and bighorn sheep did not identify presence of these species within the Project site (URS 2009b; RMT 2010; RMT 2011). Avian point count surveys were conducted in the fall and spring of 2009. A total of 629 birds were identified in the spring consisting of 22 common species. 210 birds were identified in the fall consisting of 23 common species. The most abundant species accounting for the majority of the birds observed in the Project site was the horned lark which is abundant through the Mojave Desert (URS 2010). There was no presence or concentration of DRECP covered species during Project site surveys.

3. Sensitive Biological Resources

The *DRECP Baseline Biology Report* (CEC 2012) identified modeled suitable habitat for both desert tortoise and bighorn sheep within the Project site. Suitable habitat was not identified for any other species covered under the DRECP. The suitable habitat models for desert tortoise and bighorn sheep used in the *DRECP Baseline Biology Report* inaccurately characterize and overestimate the habitat suitability within the Project site.

Protocol-level desert tortoise surveys were conducted for the Project site. No tortoise, burrows, or sign were identified within the study area during 100% coverage surveys conducted on 10-meter transects throughout the entire Study Area (URS 2009 and RMT 2010). No desert tortoise or sign were identified in any of the studies conducted in the study area (biology, geology, and cultural resources). The field surveys also indicate that conditions are not likely to support populations of desert tortoise because:

- The elevation of the area (less than 1,600 feet) is low for desert tortoise
- Vegetation is sparse with low diversity
- Soils are very rocky
- Habitat is fragmented by Interstate-15 (I-15)
- Disturbance from off-highway vehicle use and construction of two transmission lines, a cellular tower, a distribution line, a fiber optic cable, and two fuel pipelines

These conditions, combined with the field survey results for desert tortoise, indicate that few, if any, desert tortoise would be expected in the Project site (Heim and Hietter 2012).

Surveys for bighorn sheep were conducted in Project site and in the Soda Mountains in 2011 (RMT) and 2012 (Abella). No bighorn sheep were identified within the Project site and suitable habitat was not identified within the Project site during a habitat evaluation (URS 2009a). Bighorn sheep experts determined that the Project site does not provide habitat for bighorn sheep because:

- The Project site is flat and does not contain mountains (Kerr 2010)
- The Project site does not provide any water sources
- Bighorn sheep prefer to stay in mountainous areas which provide views of the surrounding areas and vantage points (Turner 2010)

These habitat conditions indicate that bighorn sheep would not occupy the Project site or stay in the Project site for long if they were to travel through the Project site (Heim and Hietter 2012).

The Project site does not contain sensitive biological resources including desert tortoise or bighorn sheep.

Appropriate Designation for Soda Mountain Solar Project Site

The Project site exhibits low biological sensitivity and should not be designated as a moderate biological sensitivity area. The Project site is highly affected by the presence of I-15 and the existing intensive land uses within the area. Wildlife use of the Project site is limited by the Soda Mountains to the north and south, the Baker sink to the east, and I-15 dividing the Project site. These barriers to wildlife movement and the increased incidence of mortality associated with the highway limit the potential for future wildlife use of the Project site. The Project site does not meet any of the criteria for biological sensitivity and should be categorized as unclassified land (i.e., “conservation unlikely”), particularly when its low biological sensitivity is considered in the context of current disturbance and the site’s designation as a Section 368 transmission corridor and a (biologically ground-truthed) Renewable Energy Transmission Initiative (RETI) Competitive Renewable Energy Zone (CREZ). The reserve design should be modified to designate the Project site as unclassified land.

INAPPROPRIATE DESIGNATION OF SODA MOUNTAIN SOLAR PROJECT SITE AS A HIGH CONFLICT DEVELOPMENT FOCUS AREA

The Project site falls within the “Dinosaur” polygon that was designated as a “high conflict” Development Focus Area (DFA) on the basis of potential biological and public land use planning conflicts. The conflicts identified for the Dinosaur polygon do not apply to the Project site.

The following potential biological conflicts were identified (Figure 2):

- Bighorn sheep (29,326 acres of inter-mountain habitat; 7,390 acres of mountain habitat)
- Desert tortoise (17,583 acres of modeled habitat)
- Mojave fringe-toed lizard (29,821 acres of modeled habitat)
- Habitat linkages (16,117 acres of desert linkages)
- Total number of modeled DRECP Species: 10

The Project site, consisting of approximately 4,400 acres, is included in a larger potentially high conflict area. The majority of the Dinosaur polygon is located north of the Soda Mountains in an area that is geographically separate from and includes different habitat elements than the Project site. The conflicts identified for the Dinosaur polygon do not apply to the Project site. The Project site does not contain Mojave fringe-toed lizard modeled habitat, and, as shown in Figure 3, is not located within any habitat linkages (CEC 2012 and Penrod et al. 2012), or habitat identified by intensive surveys (URS 2009). The modeled results for designating desert tortoise and bighorn sheep habitat inaccurately characterize and overstate the habitat suitability of the Project site because focused surveys for desert tortoise and bighorn sheep are in direct conflict with the model results. The surveys found no desert tortoise on the Project site and a lack of suitable habitat for bighorn sheep. As explained above, the models of desert tortoise and bighorn sheep habitat suitability overstate the habitat quality of the Project site.

The model for desert tortoise habitat suitability identified moderately suitable habitat for desert tortoise (0.6 to 0.8) within the Project site, while focused surveys using USFWS protocols did not find any tortoise or sign within the Project site. Similarly, suitable habitat for bighorn sheep was predicted within the southern portion of the Project site, which is flat and does not contain areas that meet bighorn sheep habitat criteria and bighorn sheep have not been identified in the Project site. The difference between model output and field surveys can be explained through 1) errors in the model input, 2) human impacts to the habitat, and 3) expected errors in modeling. Errors in the data used to model suitable habitat include GIS data showing 0% presence of rocks in the Project site when field geology studies identified abundant rocks and cobbles, and the model resolution at 1km² would miss details that could impact the habitat suitability. Human impacts to the Project site are abundant, including the presence of I-15, multiple linear projects, and OHV recreational use. None of these previous land use impacts were considered in the modeling and no field ground-truthing was conducted to verify the results. Finally, the models would be expected to be inaccurate in some locations such as a relatively small area like the Project site. The multi-state model of tortoise habitat suitability was conducted over 6 states including a very large variety of habitat circumstances allowing for a high degree of variability in tortoise predicted suitable habitat. The model of bighorn sheep habitat was only conducted over the DRECP Plan Area, but included a limited number of presence data points (32 points total) from which to model suitable habitat. The limited amount of data used in the model would be expected to result in less accurate results (Heim and Hietter 2012).¹

The high-conflict designation of the Dinosaur polygon is also founded on assumptions regarding potential conflicts with public land use designations, specifically, its adjacency to:

- BLM Wilderness,

¹ Due to the limited number of presence data points a relatively low threshold of 0.236 was used to classify suitable habitat for bighorn sheep.

- BLM Proposed Wilderness; and
- Proposed Feinstein Bill.

These potential conflicts identified for the Dinosaur polygon do not apply to the Project site. The Project site is not adjacent to BLM Wilderness. The Project site is adjacent to the Soda Mountain Wilderness Study Area (WSA), but the BLM determined the Soda Mountain WSA to be unsuitable for wilderness designation in 1990, stating:

Known and potential mineral values, the need to keep the land available for full development of a designated utility corridor, and opportunities for motorized recreation, when coupled with the lack of outstanding or unique natural features in the WSA, are of greater importance than the area's value as wilderness. Designation of the area as wilderness would not contribute any additional unique or distinct features to the National Wilderness Preservation System (BLM 1990).

While Senator Feinstein's Desert Protection Act of 2011 does propose designation of a portion of the Soda Mountain WSA as wilderness, the following express provisions of Section 1502 of the bill resolve any potential conflicts posed by renewable energy development of the Project site:

- The bill does not create a protective perimeter or buffer zone around the wilderness areas it creates (Section 1502(a)(1)).
- The bill does not require additional regulation of activities on land outside the boundary of the wilderness areas it creates (Section 1502(a)(3)).
- Perception of noise from or views of activities outside the wilderness areas created by the bill cannot be grounds for prohibiting or restricting such uses (Section 1502(a)(2)(A)).
- The impacts of a renewable energy project on a wilderness area created by the bill must be assessed based on the status of the proposed wilderness lands before their designation as wilderness if the renewable energy project initiates NEPA review prior to December 31, 2013 (Section 1502(a)(2)(B)).

The Project will initiate NEPA review prior to December 31, 2013.

In short, the High Conflict Area map needs to be revised to exclude the Project site because the potential biological and public land use conflicts ascribed to the Dinosaur polygon do not apply to the Project site.

Figure 2: Soda Mountain Solar “High Conflict Areas”

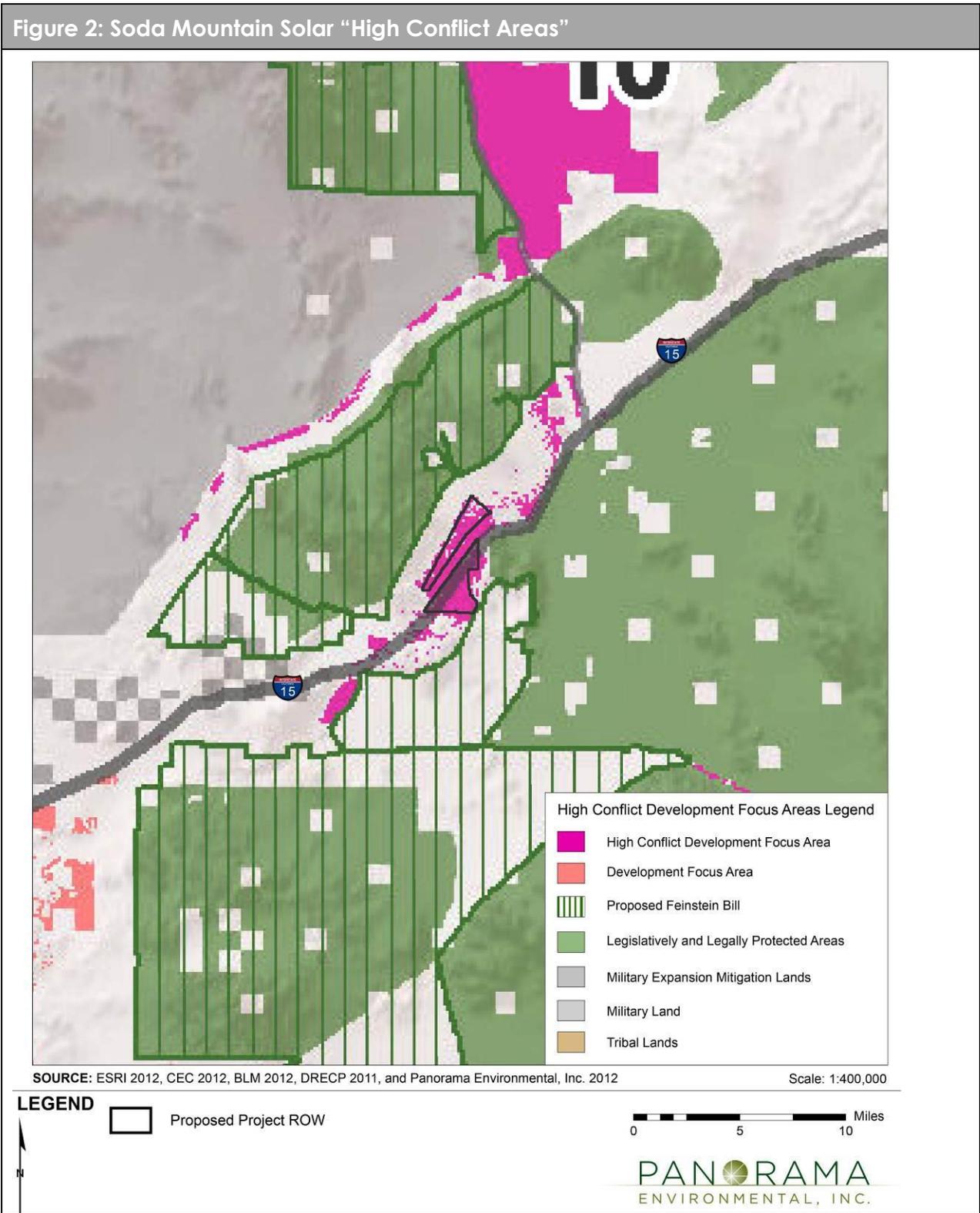
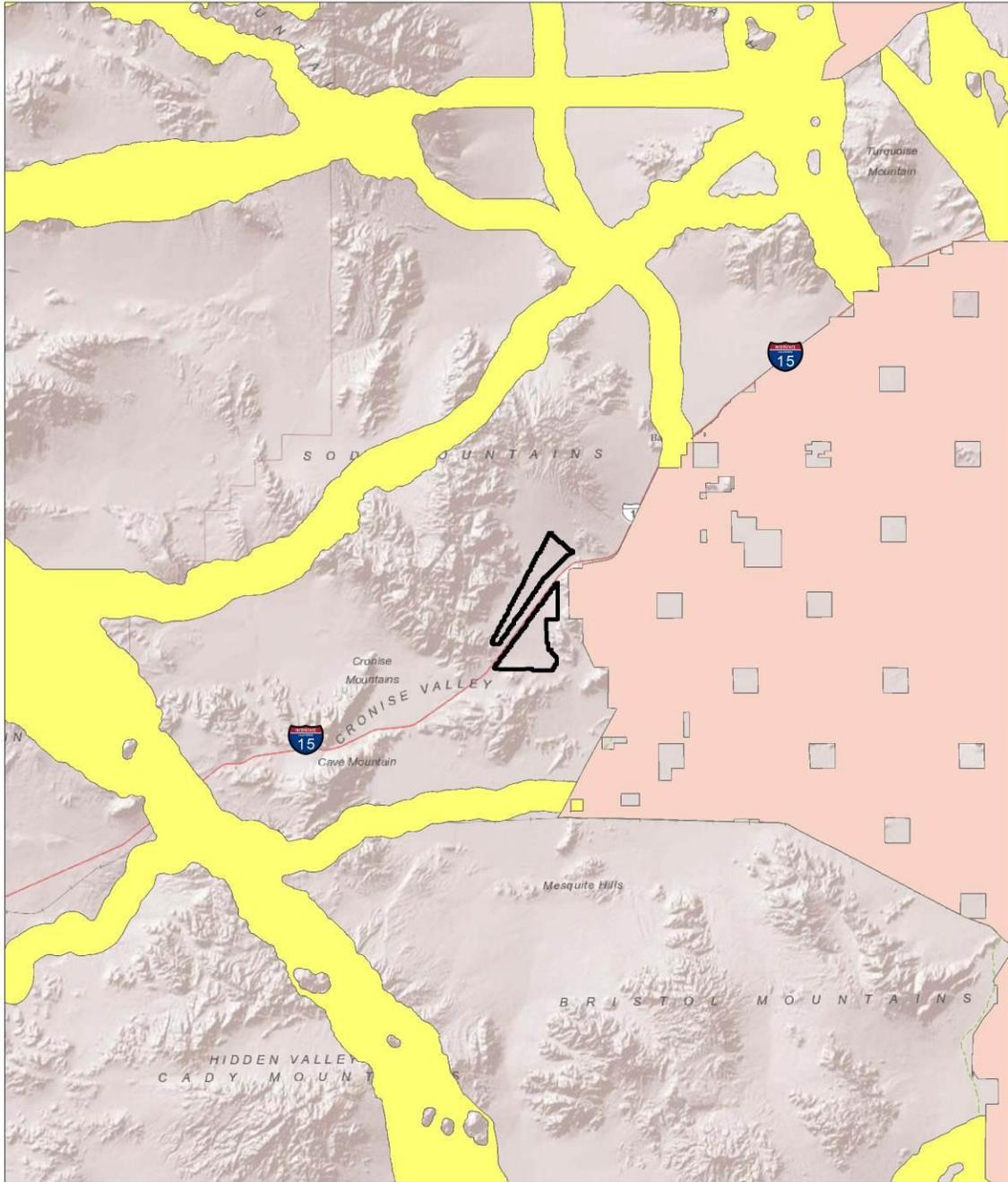


Figure 3: Soda Mountain Solar Connectivity Areas (Penrod et al. 2012)



SOURCE: ESRI 2012, Penrod, K. et al. 2012, and Panorama Environmental, Inc. 2012

Scale: 1:400,000

LEGEND

-  Proposed Project ROW
-  Landscape Blocks
-  Least Cost Unions

0 5 10 Miles

PANORAMA
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DFA STATUS OF THE PROJECT SITE ACROSS DRAFT DRECP ALTERNATIVES

The 4,400-acre Project site is not located within a DFA in any of the five draft DRECP alternatives, although it is depicted as a “variance” area in Alternative 1. The Project site warrants a DFA designation within the DRECP, across all alternatives. The site-specific species data for the Project site demonstrate limited biological value for special status species, both as habitat and as a connectivity corridor. Anthropogenic disturbance of the Project site is abundant, including the presence of I-15, multiple linear projects, OHV recreational use, and the former Arrowhead Highway. Located within a Section 368 energy corridor and RETI CREZ, the Project site already has been identified as suitable for substantial infrastructure development and is one of the primary transmission and transportation routes into California. Moreover, the BLM has concurred that development of the Project would not conflict with the transmission objectives of the Section 368 corridor (BLM 2009). LADWP’s system impact study indicates that its existing transmission line through the Project site has sufficient capacity to accommodate 350 MW of renewable generation without the need for upgrading. Because of its proximity to existing roads and transmission infrastructure, no generation intertie transmission line construction is necessary and access road development would be limited to internal access. As explained above, Senator Feinstein’s proposed Desert Protection Act of 2011 expressly avoids impeding renewable development of the Project site, and such development would not conflict with BLM’s recommendation against designating the adjacent Soda Mountain WSA as wilderness. Finally, the National Park Service has confirmed its willingness to work with Soda Mountain Solar, LLC to address concerns regarding potential impacts to the interior of the Mojave National Preserve. All of the above information is on record with the BLM under ROW CACA-49584.

The Project site exhibits fewer siting constraints than most sites previously approved or currently under consideration by the BLM for solar development in California. We request that the preparers of the DRECP and its associated NEPA and CEQA reviews draw from the wealth of existing Project-specific data to substantiate a DFA designation for the Project site across all alternatives, rather than rely solely – and, in this particular instance, potentially arbitrarily - on the development assumptions proposed by the Center for Energy Efficiency and Renewable Technologies.

PENDING PROJECTS ON BLM-ADMINISTERED LANDS

After much negotiation, leaders of the renewable energy industry and the environmental community have jointly supported BLM’s proposed decision to exempt from the PEIS all BLM solar energy right-of-way applications filed within Solar Energy Zones prior to June 30, 2009 and, within “variance” areas, prior to October 28, 2011 (Abengoa Solar, et al. 2012). Assuming the pending projects exemption is carried forward through the Record of Decision for the PEIS, we respectfully urge the BLM to continue to honor the concept if and when it amends its land use plans to factor in the DRECP once it is adopted. We also strongly recommend that the

DRECP design incorporate BLM's pending projects exemption into its conservation assumptions by (i) expressly stating that the DRECP's conservation assumptions do not apply to BLM-approved projects or PEIS "pending project" sites unless the approved project is cancelled or the pending project application is withdrawn or rejected; and (ii) overlaying BLM-approved projects and PEIS "pending project" boundaries on relevant DRECP maps with a legend item summarizing the concept. Please note that both CEQA and NEPA will require the cumulative analyses of the DRECP's EIR/EIS to account for the pending projects exemption.

The pending projects exemption is the fulcrum upon which many compromises were made by the environmental community on one side and the solar industry on the other. It would be poor policy if the DRECP were to upset such a hard-won (and well-supported) collaborative balance.

RECOMMENDATIONS

The following modifications to the DRECP reserve design, high conflict areas, and draft alternatives are recommended for the Soda Mountain Solar Project site:

1. The categorization for the Soda Mountain Solar Project site should be changed; from "High Biological Sensitivity – Public" to "Unclassified Land";
2. The high conflict DFA designation should be removed from the Project site;
3. The Project site should be identified as a DFA across all development alternatives; and
4. The PEIS "pending projects" exemption should be incorporated into the DRECP design.

Soda Mountain Solar, LLC, appreciates the opportunity to comment on the meeting materials. These comments seek to improve the reserve design process and to encourage the adoption of a plan that reflects the overall purpose of the DRECP: protection of covered species and streamlining of permitting for renewable energy projects.

Sincerely,



Adriane Wodey
Soda Mountain Solar, LLC

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