

August 9, 2012

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

Re: DRECP Briefing Materials and Alternative Scenarios presented at the July 25, 2012 DRECP Stakeholder Committee Meeting in Ontario, California

Dear Commissioner Douglas:

As consultant and counsel to a number of different renewable energy development companies actively investing in developing responsible renewable energy projects in the Desert Renewable Conservation Plan area, we would like to thank you for the opportunity to attend and provide comments on the Overview of the DRECP Briefing Materials, the July 25th Stakeholder Committee meeting and the July 13th Energy Roundtable discussion on Infrastructure Planning, Cost and Market Implications of the DRECP.

Carefully evaluated, the DRECP can and should be an important and critical element of responsible renewable energy development whilst protecting the fragile eco-systems and public recreation so important to our citizens and the environment. We support the objective of a broad and comprehensive review of land use decisions in the California desert. We also note that the DRECP area has some of the best natural renewable energy resources in our country, coupled with some of the most fragile eco-systems in our country. It is imperative that we spend the time and resources to ensure that we make the best decisions in this regard.

The decision, by the California Energy Commission and chaired by you, to convene a workshop of representatives of the California Public Utilities Commission (CPUC), investor-owned utilities, the Bureau of Land Management, the Department of Defense and representatives of various solar development companies must be applauded. The workshop represented the best of collaboration and information sharing on what should be achieved through careful coordination and study. The United States is being subjected to significant global warming factors which are likely to have a catastrophic environmental impact on the fragile eco-systems in the California desert. The State of California has the opportunity, if not the responsibility, to bring the best expertise together when it seeks to develop the premier renewable energy resources in the state. The presented alternatives clearly fail to do so.

Specifically, the DRECP list of alternatives fails to utilize the abundant wind energy resources in the plan area. There is an overarching bias that renewable wind energy development and species protection cannot co-exist. Despite the lack of any studies to suggest this perceived incompatibility, large areas of the desert are excluded from any potential for wind energy development. Moreover, the DRECP planning documents assume that each megawatt of wind energy generation impacts 40 acres of potential habitat – completely unsubstantiated. We all share the objective of slowing global warming. We all share the objective of protecting our desert environment. These two important objectives need not be and should not be mutually exclusive.

We appreciate the desire to present alternatives; however, given that none of them begin to account for the best wind resources in California, we are resigned to recommend the No Action Alternative. Furthermore, the lack of information as to the potential benefits of a project being sited within a Development Focused Area or the process for a project not be so kindly placed, leaves us unclear as to the merits or mitigation requirements of this plan.

Wind energy development and Golden Eagles

The DRECP evidences a clear plan to set aside large areas of the California desert for the protection of golden eagles. There is no doubt that golden eagles are present in the California desert. There is also no doubt that the health of their population is largely based on available habitat. Despite the presence of disparate golden eagle nests, no one would suggest that the California desert is the most prime habitat for golden eagles. Golden eagles nests are strategically located to take advantage of specific areas of habitat. They need our protection. Their foraging areas also need our commitment to slow global warming. To date, no comprehensive studies have been completed to document where these golden eagles forage and nest. No comprehensive studies have been undertaken to determine whether there is a regular stream of non-resident golden eagles available to re-populate a nest should one become available. The wind energy industry has and proposes to make great efforts and provide extensive funding to better study, manage and enhance the populations of golden eagles in the desert.

However, the DRECP seeks to prohibit renewable energy research on thousands of acres of BLM lands on the auspices that the golden eagle and renewable wind energy are incompatible. Off-highway vehicle use is not discouraged in potential golden eagle habitat areas; however, limited renewable energy development in non-habitat areas are. No studies to support any of this; however, numerous studies to suggest that wind energy projects, even those few that have unfortunately resulted in the loss of golden eagles, generally have a minimal effect on the resident local golden eagle populations.

Examples abound of this golden eagle bias in land use determination. In Kern County, the flat land immediately west of State Route 14 and north of State Route 58 has both excellent wind and solar resources. The military appear to have few objections to wind development in this area. The area is not classified as being critical to sensitive terrestrial species and any golden eagle nests are apparently more than four miles distant. There are existing wind turbines south and west of the subject area. The little current recreation use in this area could easily be compatible with wind energy. Yet the area is not a Development Focused Area. Instead, it is being designated a special recreation management area.

Stoddard Ridge in San Bernardino County is another rare example of a wind resource area that has obtained the Department of Defense approval. Much is known of the golden eagles in this area and the fact that their nests and foraging areas are to the south of the proposed wind energy project. Nevertheless, the DRECP proposes to include the wind project area in an Area of Critical Ecological Concern (ACEC), despite the lack of any information to support such designation. The aforementioned area of golden eagle foraging to the south of the project is being considered a solar energy Development Focused Area.

Wind energy development and desert tortoise/mohave ground squirrel

The presence of studies affirming that responsible and careful siting of wind energy generation projects has no or minimal impact on desert tortoise and Mohave ground squirrel populations is dismissed without comment. Vast areas of the California desert are being reclassified as ACEC areas without any studies to determine whether they truly are areas of critical ecological concern, and if so, whether limited wind energy development can co-exist.

Instead, these same areas being considered as areas of critical ecological concern will now also be areas of off-highway vehicle use. We have no comment on the compatibility of OHV use and the protection of pristine areas of ecological significance; however, we see no reason why wind energy development should be considered prohibited in new ACECs, whilst OHV use is welcomed. Examples of this compatibility between OHV use and wind energy development could be found in the El Paso hills above Garlock or along the Riverside/Imperial County border south of the Chuckwallas. Both have excellent wind resources and are proposed for OHV use. There is no reason why the ACEC designation should prohibit a responsible wind energy development application from offering to conduct independent studies to understand, and possibly mitigate for the potential impacts.

The real issue is not a discussion as to the comparative impacts of OHV use and wind turbines, but on the intent to set aside thousands of acres as prohibited to renewable energy through the arbitrary and random classification of ACECs, without the supporting studies. Rather than adding to the list of ACECs in any areas that appear to have wind resources, we should be carefully considered whether existing ACECs are truly well placed? And if well placed, are they been carefully managed for the purposes for which the ACEC was established?

The wind and solar industry stands ready to do these studies. They should be inter-disciplinary and bring experts in their respective fields. They should incorporate the best methods of scientific evaluation and assessment. If developers wish to take the risk and add to the body of knowledge of the health of sensitive species, they should know that there are no guarantees. This is the way to increase public awareness and acceptance. No one indicates we have the knowledge today to render long range planning decisions. We should not be creating prohibitive ACECs without the necessary studies to support. Rather, we should encourage those studies so that we can better manage the limited and sensitive resources.

The renewable energy market – how to keep rates affordable?

There appears to be a clear emphasis on solar energy development focused areas over wind energy development focused areas. As stated in the July 13th workshop, this will only subject the citizens of California to increased electricity rates through an artificial and unnecessary distortion of the renewable energy markets. The failure to provide for wind energy development will also impact the reliability of the renewable energy generation system in Southern California. Diversity of renewable energy type and geographic location is critical to meeting the electrical demands of our citizens as was clearly stated repeatedly during the Energy Roundtable discussion.

Moreover, what little wind energy generation is presented in the Alternatives Summary Chart is largely accounting for the existing wind energy development projects currently nearing construction or already in operation near Tehachapi, Kern County. There is little evidence to suggest that wind energy development is feasible in the populated areas north of the San Gabriel Mountains or Eastern Riverside County or southeastern Imperial County (due to Department of Defense concerns). When asked why potential wind energy zones are not shown by technology type in any of the alternative maps, the response was that they were too small an area to show independently. This is truly unfortunate for a comprehensive renewable energy plan in the best wind resource area of California.

This approach does nothing to assist stakeholders, environmental interest groups and concerned citizens as to where specific renewable wind energy technologies are proposed. It also makes it more challenging to undertake transmission planning.

Whatever the reason for some persons, entity or entities to decide that renewable wind energy generation should not be part of the DRECP, we believe it will be a loss for California, its citizens and the environment it seeks to protect. If California cannot reasonably develop its renewable energy resources in an environmentally conscious manner, our desire to export our objectives and ideas to other states and countries will fail. If the DRECP falls short, as it does not need to do, how much more global warming can we accommodate and how much of our Californian desert fragile eco-system will remain to applaud our efforts.

Respectfully,



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Consultant