

Energy - Docket Optical System

From: Ellen Schafhauser [ekschafhauser@yahoo.com]
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To: Energy - Docket Optical System
Subject: DRECP Alternative Scenarios of July

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California Energy Commission

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

Re: DRECP Overview of Alternatives, July 25, 2012

To Whom It May Concern:

I Ellen Schafhauser, Desert Tortoise Biologist am submitting preliminary comments on the Overview of DRECP Alternatives presented to the public during the July 25 - 26, 2012 Stakeholder Meetings. To comprehensively review the DRECP Alternatives I request the time period for comments be extended until August 26, 2012 or later. It is a travesty that a comment period of less than thirty days for plan alternatives that affect the entire California desert is insufficient. This is why I have asked for permission from Ms. Jane McEwan, President, Board of Trustees, Desert Tortoise Preserve Committee Inc., for me to sign my name to much of what she stated in her letter addressing the DRECP alternative scenarios of July. I have attended two of the DRECP stakeholders meetings so as to know what kind of talks are in process and participate as best I can in keeping abreast of what the future holds for these lands and the inhabitants that live on them.

I have been working on many of these renewable energy power plant projects and their transmission lines as a desert tortoise biologist and have been in the field witnessing the habitat fragmentation of the American southwest. To construct renewable energy projects at the expense of lands that were mitigated as safe havens for desert habitat is like breaking treaties with the Native American Indians thought out history. The following are the subjects that I will restate in support of Ms. McEwan's letter.

PRIMARY CONCERN

Since the creation of the DTRNA, the DTPC Inc. has used Congressionally-appropriated Land and Water Conservation Funds, private donations, and mitigation funds received through contractual agreements with developers and state and federal agencies to acquire private lands within and adjacent to the DTRNA. Title to substantial acreage the DTPC Inc. acquired within the DTRNA was transferred to the Bureau of Land Management with the understanding that it would continue to be protected under existing federal mandates. In addition to the transfer of lands in fee title to the Bureau of Land Management, the DTPC Inc. also has conveyed and is

in the process of conveying conservation easement deeds to the State of California as required by state Incidental Take Permits and Streambed Alteration Agreements.

It is incredible that multiple alternatives for *Development Focus Areas* in the DRECP encompass most of the Desert Tortoise Research Natural Area, as well as a large area of critical habitat in the adjacent Rand Mountains and Fremont Valley. By recommending that power plant developers *focus* on areas that include the DTRNA, and other public lands comprising critical habitat for threatened and endangered species, the participating government agencies threaten 40 years of land-use planning, management, and protection of threatened and endangered species by the Bureau of Land Management, the U.S. Fish and Wildlife Service and the California Department of Fish and Game. To offer up alternatives in which the Desert Tortoise Research Natural Area is included in a Development Focus Area is to violate the public trust. It also sets up the Bureau of Land Management, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game for lawsuits for statutory violations and for breaching contractual obligations made under state and federal laws requiring mitigation by developers on past projects for the destruction of critical habitat for threatened and endangered species in other areas. By adopting any of the alternatives that create development pressures on habitat in and around the DTRNA, the DTPC Inc. and regulatory agencies are also exposed to significant legal liability for unauthorized trespass and degradation of conservation values of habitat that are to be strictly managed under conservation easement terms.

COMMENTS ON DRECP ALTERNATIVES

Alternatives for the DRECP need to constitute real alternatives for agencies, the public, and developers to consider. However, most of the alternatives propose Development Focus Areas that include protected lands, even if they do not fall under the classification of “legislatively and legally protected lands” used by the DRECP planners. The inclusion of the DTRNA is only one example of this; all lands acquired for mitigation of impacts for other development projects should be excluded from renewable energy development. It is disconcerting that Alternatives 2, 3, 4, and 5 are being proposed despite obvious conflicts with a number of conservation principles such as the conservation of large, contiguous blocks of habitat for covered species, wildlife and habitat connectivity, conservation at the ecosystem level, and the maintenance of local ranges of environmental gradients to provide for shifting species distributions, such as may occur with climate change. Although the extent of some of these conflicts is reduced in Alternative 1, inclusion of the Federal Solar PEIS variance zones may result in a loss of connectivity between important protected habitat and known populations of covered species.

Finally, I feel that future drafts of alternatives should overlay existing renewable energy projects, as well as existing and proposed transmission lines, on the maps showing the Development Focus Areas and plan-wide conservation areas, to allow for a more accurate evaluation of the adequacy of conservation lands given current and future impacts due to renewable energy. The implications of Special Recreation Management Areas should also be clarified; I feel their definition (*administrative units where the existing or proposed recreation opportunities and recreation setting characteristics are recognized for their unique value, importance, and/or distinctiveness*) is vague. It is important that stakeholders and the public understand how plan-wide conservation areas on public lands will actually be managed.

As proposed, the DRECP alternatives seem to reflect a fundamental disconnect with the DRECP’s primary mission. Indeed, if a private renewable energy developer proposed to develop a power plant on many of the lands within identified Development Focus Areas, surely the U.S. Fish and Wildlife Service, California Department and Fish and Game, California Energy Commission, and the Bureau of Land Management would have significant objections to any level of approval. Why, then, would the DRECP propose Development Focus Areas that violate basic conservation planning principles and policies?

SUMMARY

DRECP, must include more consideration of wildlife connectivity and ecosystem level conservation, and which will accurately designate protected private and public lands, and exclude them from Development Focus Areas. Simply put, *Development Focus Areas* should not include existing Research Natural Areas, Areas of Critical Environmental Concern, critical habitat or lands acquired with public donations and mitigation funds for the protection of habitat for the desert tortoise, burrowing owl, Mohave ground squirrel

and other sensitive species. As we've outlined in this letter, the DTRNA has a long and rich history of protective designations, land acquisition, and management for the conservation of desert tortoises and other sensitive species; it should be represented as a legally and legislatively protected area and excluded from any DRECP Development Focus Area.

Sincerely,

Ellen Schafhauser

Desert Tortoise Biologist