Defenders of Wildlife
Sierra Club
The Nature Conservancy
California Native Plant Society
Audubon California
Natural Resources Defense Council
Center for Biological Diversity

September 24, 2012

David L. Harlow, Director
Desert Renewable Energy Conservation Plan (DRECP)
California Energy Commission
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California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
1516 Ninth Street
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September 24, 2012

Dear Dave:

This letter transmits comments from Defenders of Wildlife, Sierra Club, The Nature Conservancy, California Native Plant Society, Audubon California, Natural Resources Defense Council and Center for Biological Diversity on the Draft Independent Science Panel Report ("ISP Draft Report") for the Desert Renewable Energy Conservation Plan (DRECP) which was released for public review and comment on September 10, 2012. We appreciate the opportunity to review and comment on this critically important aspect of the DRECP.

Our organizations strongly support the concept of the DRECP and we appreciate the efforts made thus far by the DRECP Team. We believe that a DRECP, based on rigorous planning, a sound conservation strategy and clear, transparent documentation of methodologies, assumptions and decision-making processes, will be the best way to facilitate responsible and sustainable renewable energy development in order to meet our state and federal renewable energy mandates and needs. Our comments below are intended to help move the DRECP forward towards achieving that outcome.

We are writing in support of the criticisms and recommendations made by the Independent Science Panel (ISP) in their Draft Report. Their review of the science behind the plan was well-informed, concise and provides the DRECP with excellent recommendations for immediate actions the planning agencies must take to ensure that the DRECP is scientifically defensible. We have no further technical comments to contribute, as we feel the scientists were thorough in their review and clearly articulated the most pressing issues for the DRECP to address. Based on the recommendations included in the ISP Draft Report, we encourage the planning agencies to make significant refinements in the planning process in order to ensure the DRECP is on track to becoming a scientifically defensible Habitat Conservation and Natural Communities Conservation Plan (HCP/NCCP). The most important and immediate refinements, which are consistent with the topic areas summarized in the Executive Summary of the ISP Draft Report, are listed below in the order in which we think they should proceed.

1. Incorporate scientific expertise and leadership.

We strongly support the ISP recommendation to immediately create a process that incorporates ongoing scientific expertise and leadership. The input from technical and scientific experts is especially valuable in: 1) directing the development of science-based work products, 2) providing recommendations on biological goals and objectives, 3) providing recommendations for ecosystem planning and conservation, and 4) providing recommendations for a clear, transparent process for developing the conservation component of the plan. (See ISP Draft Report, 2012, p. 41)

2. Establish biological goals and objectives.

The DRECP needs to prioritize finalization of biological goals and objectives (BGOs) that are based on scientific analyses with a clear analytical rationale for acreage or percentage metrics that will be used in the monitoring and adaptive management process. The BGOs should directly relate to the Marxan with Zones representation goals, many of which are much lower than recommended by the ISA in 2010. We concur with the ISP that certain elements are essential to include as conservation targets (i.e., biological goals and objectives must be developed for them) and that these elements require high representation goals (i.e., approaching 100% in some cases). These elements are listed on pages 24-25 of the ISP Draft Report and include Desert tortoise critical habitat, Desert bighorn populations and linkages, Mohave ground squirrel core populations and linkages, Unique Plant Assemblages, Special Features (e.g. sand source, transport and deposition areas), and hydrologically important areas (e.g. drainages, groundwater recharge areas, seeps and springs).

3. Clearly identify covered and planning species.

The selection of covered species is critical and we support the recommendation in the ISP Draft Report to review and revise the Covered Species list immediately. Covered species, for which incidental take would be permitted, should be selected based on their projected or known occurrence within habitats that would be adversely affected by renewable energy development. There must be sufficient information regarding covered species' location, status and threats for wildlife agencies to develop specific conservation actions that will ensure a net conservation benefit

for the species. Key data gaps concerning covered species must be identified and documented. If too little is known about a potential covered species, it makes it difficult to predict the effectiveness of the plan when an incidental take permit is issued, or to evaluate it during the permit term. Therefore, species for which there is little information should be considered for inclusion in the reserve planning process and adaptive management plan as "planning species " for which no incidental take would be allowed. Other potential planning species are those considered "umbrella" or "keystone" species as described in the 2010 Independent Science Advisors (ISA) report. (ISA 2010, p. 33)

4. Refine Natural Community designations.

Defenders' comments on the Baseline Biology Report emphasized that Natural Communities should be defined at the Alliance or Association level under the National Vegetation Classification System (NVCS) because the Macro-group and Division level is not useful for conservation planning for many of the species in the DRECP. We would like to reiterate this comment and concur with the ISP Draft Report that the Natural Community designations are overly broad. (See ISP Draft Report, 2012, p. 5-6)

5. Incorporate Ecosystem Processes – Fire and Climate Change.

The DRECP needs to consider how wildfires and climate change will affect habitats and species and the biological reserve design should ensure reserves are contributing to conservation of species and their habitats as they are affected by fire and climate change. Planning for continuation of ecosystem function and processes on a scale sufficient to ensure species conservation in an environment shaped by climate change is extremely important. (See ISP Draft Report, p. 15-16; 38-41; 42-44)

6. **Re-run the species distribution and habitat suitability models.**

Utilize the best available information to identify species distribution, occurrences and parameters for species distribution models even if this information is not available for all species across the plan. For example, the USGS has recently completed a habitat suitability model for Mohave ground squirrel, which is available to the planning agencies in advance of its publication. Likewise, finer vegetation mapping data is available for the West Mojave and should be used in modeling narrow and endemic species in this area.

7. Develop the Adaptive Management and Monitoring Plan.

We concur with the ISP Draft Report that the Adaptive Management Plan is absolutely essential to the development of a successful DRECP. An adaptive management program would provide the DRECP with a systematic process for incorporating new data, advances in scientific knowledge, and lessons learned from previous actions to continually improve management practices. This is especially important in light of the data gaps that the DRECP faces and the uncertain impacts of climate change. As recommended in the 2010 ISA report and now in the ISP Draft Report, this

program should be implemented *as soon as possible* in order to reduce data gaps and uncertainties and improve plan actions over time. (See ISP Draft Report 2012, p. 28-32; 44-45)

8. Design a reserve system based on updated information. The reserve design needs to be updated after the above steps have been taken. The reserve design process should clearly describe the methods, assumptions and key decision points from which the design flows. Biological reserves, which provide permanent ecosystem protection for covered and planning species, are the primary foundation for the DRECP in meeting the minimum conservation standards of the NCCP Act. Thus, as we've commented previously, we continue to stress the need to establish the biological reserves first and then determine where renewable energy generation (DFAs) and transmission can be accommodated within the overall conservation strategy. This recommendation was echoed on page 28 of the ISP 2012 Draft Report:

> *ISP 2012 thinks a more defensible approach would be to delineate the reserve system first, without considering potential development areas (DFAs), and then overlay DFAs to determine areas of conflict. Rather than altering the reserve system, however, we recommend it is better to alter the DFAs to avoid placing developments in areas deemed important for conservation purposes.*

If Marxan with Zones is used to assist in identifying appropriate biological reserves and DFAs, it needs to be re-run after incorporating new information from the above steps and the specific Marxan recommendations from the ISP Draft Report (see ISP Draft Report, 2012, p. 23-26). The Marxan with Zones process should be augmented by a "post-Marxan process" that considers unique ecological, topographical and climatic characteristics in defining biological reserves. (See ISP Draft Report 2012, p. 26-27)

Additionally, we concur that further refinement of ecological subdivisions within the planning area appear warranted in the reserve design process. Various options for such subdivisions exist, one of which is the Floristic Zones mapped by BLM as part of the California Desert Conservation Area Plan of 1980 which include 1) Northern Mojave, 2) Southwestern Mojave, 3) Central Mojave, 4) Eastern Mojave, 5) South Central Mojave, 6) Eastern Colorado and 7) Western Colorado.

9. Increase transparency of the planning process.

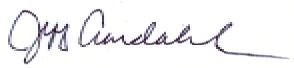
We strongly agree with the ISA's recommendations that "key decisions in the planning process, and all scientific methods and assumptions, should be clearly documented to conventional scientific standards of transparency such that the decision-making rationale and uncertainties are sufficiently clear that the results of all analyses could be independently reproduced." (See ISP Draft Report, 2012, p. iv).

In conclusion, we would like to reiterate our support for this complex planning effort. The task at hand is monumental and we appreciate the tremendous amount of work that is being done by the agencies and their consultants to develop a plan to balance renewable energy generation with conservation of pristine landscapes and species' habitats. We believe the DRECP can help California transition to renewable energy without sacrificing lands with long-term conservation value. As

stakeholders to the DRECP, the comments in this letter are intended to assist in strengthening the credibility of the DRECP as a conservation plan. If there are ways in which we can assist in ensuring the above steps are taken, please don't hesitate to contact us, as it is our desire to see a plan that is grounded in science.

Thank you for your consideration,

Sincerely,



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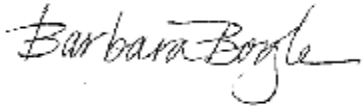

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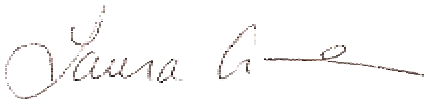

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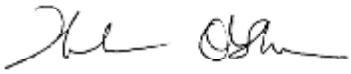

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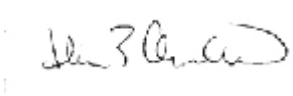

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