

**Defenders of Wildlife  
Natural Resources Defense Council  
Center for Biological Diversity  
Sierra Club  
National Parks Conservation Association  
California Native Plant Society  
Audubon California  
The Nature Conservancy  
The Wilderness Society**

December 14, 2012

**Via Electronic Mail (with Hard Copy to follow)**

Karen Douglas  
Commissioner  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

Charlton H. Bonham  
Director  
California Department of Fish and Game  
1416 Ninth Street  
Sacramento, CA 95814

James G. Kenna  
State Director, California State Office  
Bureau of Land Management  
2800 Cottage Way  
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Ren Lohofener  
Regional Director, Region 8  
U.S. Fish and Wildlife Service  
2800 Cottage Way  
Sacramento, CA 95825

Re: Essential Elements of a Successful Desert Renewable Energy Conservation Plan

Dear Commissioner Douglas, Director Bonham, Director Kenna and Director Lohofener,

The undersigned organizations are writing to set forth what we strongly believe are the essential elements for a successful final Desert Renewable Energy Conservation Plan (DRECP). Our organizations strongly support the concept of the DRECP as a way to facilitate responsible and sustainable renewable energy development in order to meet the state's renewable energy mandates and needs while simultaneously providing lasting conservation for species, natural communities and ecological processes in the California deserts. For this reason, we continue to dedicate substantial resources toward achieving this outcome for the DRECP.

As we prepare for the December release of the Administrative Draft of the DRECP (hereinafter "the December Draft"), we believe it is necessary to provide you with a clear articulation of what we believe are the elements for a successful DRECP. The below elements are what we will be using as essential criteria as we evaluate the December Draft, subsequent drafts and the final DRECP. We

believe it is important for your agencies and the public to understand our expectations clearly as we move forward in the evaluation of the December Draft. Those elements are:

1. The DRECP must meet Natural Community Conservation Plan Act standards. One of the most important parts of the DRECP is that the agencies have committed to produce a Natural Community Conservation Plan (NCCP) in accordance with the legal standards articulated within California Fish and Game Code Sections 2800, et seq. This commitment provides important assurances to our organizations that renewable energy development facilitated by this plan will be done hand-in-hand with furthering conservation goals for the California desert. To do this, the DRECP must clearly describe how it plans to “conserve, protect, restore, and enhance natural communities”<sup>1</sup> within the planning area, and demonstrate, based on substantial evidence, how “the plan provides for the protection of habitat, natural communities, and species diversity on a landscape or ecosystem level through the creation and long-term management of habitat reserves or other measures . . . within the plan area.”<sup>2</sup>
2. There must be durable and lasting conservation for species, natural communities and processes within the Plan Area. In order to ensure lasting protections for natural resources covered under the DRECP, the plan and its implementing agreement(s) must provide for enduring and durable conservation on public and private lands. In particular, the issue of durability of conservation designations needs to be adequately resolved for the DRECP to meet the standards of the NCCP Act. The lands identified in the DRECP as part of the “habitat reserve” or other conservation area must be durable in relation to designation, management and funding. Specifically, conservation lands should be: (1) protected from future administrative decisions undoing or undermining the designation; (2) managed by agencies that have both the authority and the responsibility to monitor and remove threats, and to meet the biological goals and objectives for natural communities and covered species; and (3) assured adequate funding for ongoing conservation management as required in a final DRECP.
3. Development is focused on disturbed, degraded or contaminated lands to minimize impacts to the species, natural communities, and ecological systems. The DRECP planning area is, for the most part, within the California Desert Conservation Area (CDCA), a special area established under federal law in 1976 for the immediate and lasting protection of sensitive natural, cultural, scenic and other resources occurring on public lands administered by the BLM. Disturbance from development on desert lands will result in long-lasting impacts because desert lands recover from disturbance on an extremely slow timetable. The decisions the DRECP makes in relation to the location of large-scale renewable energy development will affect our ability to maintain and enhance conservation of natural communities and landscapes in the desert. Development should be planned and prioritized

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<sup>1</sup> California Fish and Game Code, Chapter 10, Section 2802.

<sup>2</sup> California Fish and Game Code, Chapter 10, Section 2820(a)(3).

to ensure the protection of large, intact and connected landscapes, minimizing linear features such as roads and transmission lines and avoiding habitat fragmentation which would undermine this connectivity. Therefore, the DRECP must focus development on disturbed, degraded or contaminated lands and minimize development on intact habitat in order to meet the plan's conservation goals.

4. The DRECP must adjust assumptions about how much large-scale renewable energy development California will need to produce in the DRECP region to meet carbon reduction goals over time. Without fully assessing state-wide generation capacity, the CEC Acreage Calculator has made aggressive assumptions about how much large-scale renewable energy will be needed long-term, and how much large-scale renewable energy development should be developed in the desert region as opposed to lower-impact regions like degraded farmlands in the Central Valley. In contrast, the CEC's assumptions of how much distributed generation will be built over time are rather modest. In addition, the calculator's estimates of how much energy generation will be needed over time, as opposed to demand-side reductions from energy efficiency, improved building design, demand response, and other technologies, are lower than existing State policies and historical trends indicate. While we appreciate that the CEC has incorporated the recommendation to use State-generated data for such estimates as population increase and has corrected other inputs to the Calculator, we believe that many assumptions enumerated above still combine to presuppose, without a full public debate, overly high expectations of large-scale renewable energy development assumed to be needed from the California desert region specifically. At this point in time with many assumptions yet untested, we believe DRECP should look across the entire state at other regions that have significant potential to generate renewable energy with lower impacts to land and wildlife resources, and use this information to inform assumptions in the CEC calculator in order to more accurately assess what level of generation is needed in the desert region.
5. DRECP should **refine** and **expand** the BLM's Solar Program. The BLM's Solar PEIS identified two zones in California for solar energy development along with 770,000 acres of variance lands that may be suitable for development. As part of the process to develop a final DRECP, the agencies must refine the two BLM-designated Solar Energy Zones and identify *new* zones based on (a) projected long-term renewable energy needs, as discussed above, (b) the DRECP's mapping of disturbed, degraded and contaminated lands in the planning area, and (c) the plan's conservation strategy. In addition, we have provided information about potential new zones on degraded lands in the West Mojave and Imperial Valley. It is important to note that while the BLM designated "variance lands" in the Solar PEIS, we do not consider those lands to be "de facto" development areas or new zones; nor are they described as so in the PEIS. The DRECP must take a more in-depth and rigorous examination of the variance areas since the BLM did not identify those lands through an environmental screening process. Indeed, we believe, as we have detailed in letters to the BLM on the Solar PEIS, that the variance areas include biologically important areas and

landscape-scale habitat linkages which are not suitable for development and which are more than likely inconsistent with a sound, science-based conservation strategy. Finally, other than those projects defined as “existing projects” pursuant to California Fish and Game Code Section 2069 and the DRECP planning agreement, pending projects should not be made a part of the DRECP’s baseline as they have not been approved by the Department of Fish and Game (DFG).

6. DRECP alternatives must be based on a science-based conservation strategy. The conservation strategy must include SMART (specific, measurable, achievable, replicable, and time-bound) biological goals and objectives that incorporate conservation recommendations found in recovery plans, biological opinions, and other existing parallel conservation efforts or initiatives for covered species, natural communities and ecological processes. The Independent Science Panel Report (posted November 9, 2012) clearly outlines recommendations to ensure a scientifically defensible conservation strategy for the DRECP. In addition, in a letter dated September 24, 2012, we provided the DRECP with more detailed comments regarding what we believe are the most important and immediate science issues the agencies need to address in the DRECP.
7. Counties’ participation in the DRECP is essential. Implementation of the DRECP is dependent on the counties’ agreeing to designations for both conservation and development on private land that the DRECP establishes through its planning process. Without county participation, the permits and assurances for development under the DRECP will be limited to public lands, thus missing opportunities to incentivize renewable energy development on disturbed and degraded private lands. While we anticipate that a majority of conservation will occur on public land to meet the DRECP’s conservation strategy, we believe that the DRECP will need to identify some private lands as a part of the conservation strategy to meet specific species’ conservation goals. Thus, it is critical that, depending upon the location of development and conservation areas, the DRECP secure legally-binding commitments from specific counties in order for DFG to make the appropriate legal findings regarding implementation of the DRECP.
8. DRECP must have a clear plan for implementation, governance and continued funding. The DRECP will be one of the most complicated NCCP/HCPs in California, which will require a very detailed and clear implementation and governance plan over the decades in which the DRECP is in place. Since the adaptive management program in this plan will need to be very robust in order to address complex issues as new information about specific species and impacts come to light, it is critical that this plan have a reliable mechanism for ongoing scientific input from independent science advisors in addition to a clear line of authority for decision-making. Further, given the fact that the plan will rely extensively on public land management for the conservation strategy, it is critical that there be a robust, stable and reliable funding plan along with transparent accounting of funds so that the public and private companies know where the DRECP is spending both public funds and the fees paid

by the developers. Finally, the plan should also have a clear trigger for initiation of a plan amendment.

9. DRECP needs to develop a process for accurately assessing the risks and impacts of wind energy development and requiring appropriate avoidance and mitigation. For more information, please refer to the recommendations for wind energy development in the DRECP submitted by a group of environmental organizations on August 24, 2012. We are continuing to refine and define an environmentally acceptable approach toward wind development in the DRECP while working with industry and others, and may submit further recommendations in that regard.

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 staff 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 our state's rich and diverse ecosystems and wildlife. As stakeholders to the DRECP, we intend the comments in this letter to assist in strengthening the credibility of the DRECP as a conservation plan. We look forward to working with you to ensure that the above recommendations are incorporated into a final DRECP. If you have any questions or comments, please don't hesitate to contact us.

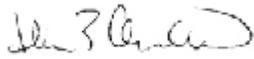
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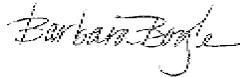
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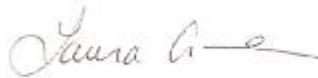
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