THE WILDLANDS CONSERVANCY

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Desert Renewable Energy Conservation Plan (DRECP)
California Energy Commission
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RE: Comments on Descriptive and Comparative Evaluation of DRECP Alternatives

Thank you for the opportunity to comment on the Descriptive and Comparative Evaluation of DRECP Alternatives. The Wildlands Conservancy (TWC) is a California nonprofit public benefit corporation with the dual mission to preserve the beauty and biodiversity of the earth and to provide outdoor education programs for youth. TWC strongly supports renewable energy production and utilization in California as long as the state's unique and sensitive resources are protected, in particular, the California Desert Conservation Area (CDCA). Our organization has a vested interest in renewable energy development being proposed on federal lands within the California desert region. TWC raised $45 million in private funds to put towards the purchase and donation (Catellus) of approximately 630,000 acres of checker-boarded land in the desert, rich in cultural and natural resource values.

To date, TWC has invested more than $65 million dollars in the CA desert including but not limited to: land acquisitions, restoration, preserve management, habitat connectivity acquisitions and studies and conservation planning. TWC has strategically acquired lands for conservation and identified and purchased additional lands and in holdings specifically for landscape connectivity and wildlife corridors to link larger protected areas such as the multiple conservation designations in San Bernardino Mountains (i.e. San Gorgonio Wilderness, San Bernardino National Forest, Pioneertown Mountains Preserve, Bighorn Mountains Wilderness, etc.) to those in the Little San Bernardino Mountains (i.e. Big Morongo Canyon Preserve and Joshua Tree National Park).

TWC remains supportive of responsible renewable energy development on disturbed lands and distributed generation (DG). We have participated in exercises and published maps and spreadsheets identifying private and public disturbed lands of appropriate criteria (percent slope, parcel size, proximity to transmission and loads, etc.) that are

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potentially developable for renewable energy. TWC maintains that we can meet and exceed our renewable energy goals in CA by utilizing disturbed lands, maximizing DG, and increasing energy conservation and thus avoid sacrificing irreplaceable open space and pristine public lands in the desert.

The DRECP is critical to the preservation of unique and sensitive resources in the CDCA because it would protect these conservation investments and lands while identifying the lowest conflict areas for renewable energy. It is essential that the plan develops a robust conservation reserve design that limits development to areas of low conflict, prioritizing those lands that have been previously disturbed. This will provide for the conservation of species, habitats and ecosystem function. We urge the Bureau of Land Management to enact a moratorium on processing pending applications on public lands and on accepting new applications on public land while engaged in the DRECP HCP/NCCP.

Overall Reactions:

When discussions of the DRECP began in 2009, agencies assured us and the conservation community that this plan would incorporate the best and latest science on the desert ecosystem and processes and biological resources. While we recognize the scale of the DRECP and the tasks at hand, the recent Descriptive and Comparative Evaluation of DRECP Alternatives (Aka the "December Draft") has again missed the mark. In comment letters from the Independent Science Panel (ISP) dated in August, September and November 2012, multiple criticisms and critiques are repeatedly articulate the outstanding scientific flaws in the plan. In the August letter the Panel states: "The panel unanimously concluded that *DRECP is unlikely to produce a scientifically defensible plan without making immediate and significant course corrections.*" TWC remains deeply concerned that the Renewable Energy Action Team (REAT) agencies repeatedly publish development scenarios without addressing the comments and concerns of the ISP and environmental stakeholders and articulating specific conversation goals.

While the affected counties within the plan boundary have been participating in meetings there has been no indication that they are going to support the plan at this time. TWC feels that private land inclusion is one of the critical elements in the DRECP and will affect our support and continued participation.

TWC is opposed to development in areas with high conservation investment such as in the Morongo Basin and areas adjacent to the proposed Sand to Snow National Monument.

In 2007 TWC along with local grassroots organization the California Desert Coalition launched a two- year campaign in opposition to Los Angeles Department of Water and Power's ill proposed Green Path North (GPN) transmission corridor. This proposed development would have carved a 500kv corridor through the Morongo Basin and eastern San Bernardino foothills, a region that has had more than 30 years of conservation investment from public agencies, private non-profits, and philanthropists. Heightening the concerns of the project itself was that GPN would have activated a 2-5 mile wide contingent corridor in the region (i.e. the "S" corridor) and developed renewable energy projects through this conservation hotspot. Because of this opposition the project was withdrawn as were all the associated applications for renewable energy projects. That campaign drew state and federal attention to and support for the conservation values in this region. That support contributed to the legislative introduction of the proposed Sand to Snow National Monument, and the Bighorn East ACEC and Pipes Canyon ACEC proposals in several of the DRECP alternatives.

Private Lands:

While we remain hopeful that a REAT sponsored private lands workshop will still occur it is now way overdue. Before the DRECP was launched in 2009, it was communicated to us that this plan was proposed to "refine the Solar PEIS" and to "incorporate private and disturbed lands". It is unacceptable that we are this far in the process and have little expressed county support or other identified nexus to incorporate disturbed and private lands into this process. We have made this comment numerous times, with other stakeholders, and feel there is still very little tangible progress. We remained concerned that multiple versions of development scenarios and alternatives have been published over the last 9 months and yet it is not clear that or how, private lands will be included, incentivized or prioritized over undisturbed public lands.

No Biological Goals and Objectives:

To date the REAT agencies have not set Biological Goals and Objectives (BGO's) and we remain concerned that this plan has not articulated conservation targets both boundary-wide and regionally. In contrast, the REAT agencies have rolled out several versions of development scenarios to appease industry with no strong correlations to how those impacts would specifically be mitigated and avoided to maintain the ecological integrity of one of the most pristine and unfragmented habitats in the world.

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REAT agencies have not addressed or analyzed the EPA Siting Tool:

In 2012, the Environmental Protection Agency published a report identifying previously contaminated sites and Brownfields that may be appropriate for renewable energy development. The REAT agencies have not provided a cursory or detailed analysis or overlay with these findings as they relate to the DRECP. These findings would likely have significant affects in limiting the acreage needed in the DRECP by identifying other lands for appropriate development, thus reducing the need within the DRECP boundary.

Affects on Tourism:

No acknowledgment for Desert Gateway Communities, communities that rely on the tourism, recreation and ecotourism generated from public conservation lands in the desert including but not limited to National Parks, Preserves, Wilderness areas, proposed National Monuments, ACECs etc. TWC has made significant investments in conservation and recreation lands and linkages in the desert that are critical for ecosystem functions and species as well as contribute to the economic engines in desert communities.

Distributed Generation (DG):

In 2007 the CEC released a report describing the technical potential of rooftop solar and estimated that calculation at approximately 75,000 MW. In 2011 California Governor Jerry Brown identified his target of installing 12,000MW of DG. However in section 2.10 of the December Draft it appears the DRECP is only assuming 1700 MW of DG. It is unclear the timeline of this target and whether this development is assumed to occur inside or outside the DRECP boundary. If it is to occur outside and is a statewide assumption, then it remains a very disappointing assumption given the above and the potential of DG and its minimal land impacts, especially in the context of the life of this plan through 2040.

Phased Development:

The December Draft failed to describe any scenario of phased development. With rapidly changing technology, missing biological and connectivity data, unknown impacts from climate change and several yet unrealized factors, the DRECP should be maximizing the use of low impact alternatives and minimizing the impacts to open space and habitat in the CA desert. In addition to creating incentives for full utilization of private and disturbed lands the plan should sketch out a phased development plan with thresholds for the number of acres of undisturbed habitat that can be impacted at each phase. For example, as we approach pre-identified triggers within the life of the plan (i.e. timeline or MW's),

additional polygons of lands further analyzed for potential development and conservation can be refined and designated as appropriate for either development or conservation, or be released back to their previous management classification.

Special Recreation Management Areas:

There has been little to no information describing the intent, goals and specific protections of many of the proposed designations, primarily the new proliferation of proposed Special Recreation Management Areas (SRMAs). Unlike Areas of Critical Environmental Concern, these designations have unclear conservation goals and benefits.

In Appendix D there is language stating that the proposed SRMA overlaying Sand to Snow National Monument and the Mojave Trails National Monument would be consistent with the proposed language in the Ca Desert Protection Act (i.e. Feinstein Bill) but there was no detailed language or references to confirm that statement. We request more information about the SRMA's and their intended management.

Additional Concerns:

There has been no shared evaluation of water resources and analysis on current aquifer conditions. Also there has not been an assessment quantifying seeps and springs and evaluating the status of desert aquifers, many already in overdraft, which will likely be affected by many of these projects. This is an important omission since the Ca Endangered Species Act lists impacts to water resources as a potential form of "take".

There is no information describing the continued enforcement or consistency of the plan efforts where the lives of the plan vs. the project are not the same. For example, if solar and wind leases are for 30 years and plan is only for 25 years what happens to management, implementation of conservation goals, bonding and decommissioning enforcement and oversight, etc. between the time DRECP ends and time lease ends?

TWC has specific concerns about the impacts from each of the Alternatives and we intend to submit those at a later date. We strongly urge the REAT agencies to address the concerns we continue to express regarding the scientific integrity of the plan and the inclusion and prioritization of private and disturbed lands. Thank you for the opportunity to provide comments.

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Respectfully,

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The Wildlands Conservancy

Cc: Jim Kenna, BLM State Director

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Audubon California
California Native Plant Society * California Wilderness Coalition
Center for Biological Diversity * Defenders of Wildlife
Desert Protective Council * Mojave Desert Land Trust
National Parks Conservation Association
Natural Resources Defense Council * Sierra Club * The Nature Conservancy
The Wilderness Society * The Wildlands Conservancy

Renewable Siting Criteria for California Desert Conservation Area

Environmental stakeholders have been asked by land management agencies, elected officials, other decision-makers, and renewable energy proponents to provide criteria for use in identifying potential renewable energy sites in the California Desert Conservation Area (CDCA). Large parts of the California desert ecosystem have survived despite pressures from mining, grazing, ORV, real estate development and military uses over the last century. Now, utility scale renewable energy development presents the challenge of new land consumptive activities on a potentially unprecedented scale. Without careful planning, the surviving desert ecosystems may be further fragmented, degraded and lost.

The criteria below primarily address the siting of solar energy projects and would need to be further refined to address factors that are specific to the siting of wind and geothermal facilities. While the criteria listed below are not ranked, they are intended to inform planning processes and were designed to provide ecosystem level protection to the CDCA (including public, private and military lands) by giving preference to disturbed lands, steering development away from lands with high environmental values, and avoiding the deserts' undeveloped cores. They were developed with input from field scientists, land managers, and conservation professionals and fall into two categories: 1) areas to prioritize for siting and 2) high conflict areas. The criteria are intended to guide solar development to areas with comparatively low potential for conflict and controversy in an effort to help California meet its ambitious renewable energy goals in a timely manner.

Areas to Prioritize for Siting

- Lands that have been mechanically disturbed, i.e., locations that are degraded and disturbed by mechanical disturbance:
    - Lands that have been "type-converted" from native vegetation through plowing, bulldozing or other mechanical impact often in support of agriculture or other land cover change activities (mining, clearance for development, heavy off-road vehicle use).[1]
- Public lands of comparatively low resource value located adjacent to degraded and impacted private lands on the fringes of the CDCA:[2]
    - Allow for the expansion of renewable energy development onto private lands.
    - Private lands development offers tax benefits to local government.
- Brownfields:
    - Revitalize idle or underutilized industrialized sites.
    - Existing transmission capacity and infrastructure are typically in place.

- Locations adjacent to urbanized areas:[3]
    - Provide jobs for local residents often in underserved communities;
    - Minimize growth-inducing impacts;
    - Provide homes and services for the workforce that will be required at new energy facilities;
    - Minimize workforce commute and associated greenhouse gas emissions.
- Locations that minimize the need to build new roads.
- Locations that could be served by existing substations.
- Areas proximate to sources of municipal wastewater for use in cleaning.
- Locations proximate to load centers.
- Locations adjacent to federally designated corridors with existing major transmission lines.[4]

High Conflict Areas

In an effort to flag areas that will generate significant controversy the environmental community has developed the following list of criteria for areas to avoid in siting renewable projects. These criteria are fairly broad. They are intended to minimize resource conflicts and thereby help California meet its ambitious renewable goals. The criteria are not intended to serve as a substitute for project specific review. They do not include the categories of lands within the California desert that are off limits to all development by statute or policy.[5]

- Locations that support sensitive biological resources, including: federally designated and proposed critical habitat; significant[6] populations of federal or state threatened and endangered species,[7] significant populations of sensitive, rare and special status species,[8] and rare or unique plant communities.[9]
- Areas of Critical Environmental Concern, Wildlife Habitat Management Areas, proposed HCP and NCCP Conservation Reserves.[10]
- Lands purchased for conservation including those conveyed to the BLM.[11]
- Landscape-level biological linkage areas required for the continued functioning of biological and ecological processes.[12]
- Proposed Wilderness Areas, proposed National Monuments, and Citizens' Wilderness Inventory Areas.[13]
- Wetlands and riparian areas, including the upland habitat and groundwater resources required to protect the integrity of seeps, springs, streams or wetlands.[14]
- National Historic Register eligible sites and other known cultural resources.
- Locations directly adjacent to National or State Park units.[15]

EXPLANATIONS

[1] Some of these lands may be currently abandoned from those prior activities, allowing some natural vegetation to be sparsely re-established. However, because the desert is slow to heal, these lands do not support the high level of ecological functioning that undisturbed natural lands do.

[2] Based on currently available data.

[3] Urbanized areas include desert communities that welcome local industrial development but do not include communities that are dependent on tourism for their economic survival.

[4] The term "federally designated corridors" does not include contingent corridors.

[5] Lands where development is prohibited by statute or policy include but are not limited to:

National Park Service units; designated Wilderness Areas; Wilderness Study Areas; BLM National Conservation Areas; National Recreation Areas; National Monuments; private preserves and reserves; Inventoried Roadless Areas on USFS lands; National Historic and National Scenic Trails; National Wild, Scenic and Recreational Rivers; HCP and NCCP lands precluded from development; conservation mitigation banks under conservation easements approved by the state Department of Fish and Game, U.S. Fish and Wildlife Service or Army Corps of Engineers a; California State Wetlands; California State Parks; Department of Fish and Game Wildlife Areas and Ecological Reserves; National Historic Register sites.

[6] Determining "significance" requires consideration of factors that include population size and characteristics, linkage, and feasibility of mitigation.

[7] Some listed species have no designated critical habitat or occupy habitat outside of designated critical habitat. Locations with significant occurrences of federal or state threatened and endangered species should be avoided even if these locations are outside of designated critical habitat or conservation areas in order to minimize take and provide connectivity between critical habitat units.

[8] Significant populations/occurrences of sensitive, rare and special status species including CNPS list 1B and list 2 plants, and federal or state agency species of concern.

[9] Rare plant communities/assemblages include those defined by the California Native Plant Society's Rare Plant Communities Initiative and by federal, state and county agencies.

[10] ACECs include Desert Tortoise Desert Wildlife Management Areas (DWMAs). The CDCA Plan has designated specific Wildlife Habitat Management Areas (HMAs) to conserve habitat for species such as the Mohave ground squirrel and bighorn sheep. Some of these designated areas are subject to development caps which apply to renewable energy projects (as well as other activities).

[11] These lands include compensation lands purchased for mitigation by other parties and transferred to the BLM and compensation lands purchased directly by the BLM.

[12] Landscape-level linkages provide connectivity between species populations, wildlife movement corridors, ecological process corridors (e.g., sand movement corridors), and climate change adaptation corridors. They also provide connections between protected ecological reserves such as National Park units and Wilderness Areas. The long-term viability of existing populations within such reserves may be dependent upon habitat, populations or processes that extend outside of their boundaries. While it is possible to describe current wildlife movement corridors, the problem of forecasting the future locations of such corridors is confounded by the lack of certainty inherent in global climate change. Hence the need to maintain broad, landscape-level connections. To maintain ecological functions and natural history values inherent in parks, wilderness and other biological reserves, trans-boundary ecological processes must be identified and protected. Specific and cumulative impacts that may threaten vital corridors and trans-boundary processes should be avoided.

[13] Proposed Wilderness Areas: lands proposed by a member of Congress to be set aside to preserve wilderness values. The proposal must be: 1) introduced as legislation, or 2) announced by a member of Congress with publicly available maps. Proposed National Monuments: areas proposed by the President or a member of Congress to protect objects of historic or scientific interest. The proposal must be: 1) introduced as legislation or 2) announced by a member of Congress with publicly available maps. Citizens' Wilderness Inventory Areas: lands that have been inventoried by citizens groups, conservationists, and agencies and found to have defined "wilderness characteristics." The proposal has been publicly announced.

[14] The extent of upland habitat that needs to be protected is sensitive to site-specific resources. For example: the NECO Amendment to the CDCA Plan protects streams within a 5-mile radius of Townsend big-eared bat maternity roosts; aquatic and riparian species may be highly sensitive to changes in groundwater levels.

[15] Adjacent: lying contiguous, adjoining or within 2 miles of park or state boundaries. (Note: lands more than 2 miles from a park boundary should be evaluated for importance from a landscape-level linkage perspective, as further defined in footnote 12).