

***Via Electronic Mail***

***May 10, 2013***

California Energy Commission  
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***Re: Significant Change in Scope of the Planning Area with Proposed Exclusion of the Algodones Dunes (Imperial Sand Dunes) from DRECP***

Dear Renewable Energy Action Team Members,

We are writing to express our concern that a decision has apparently been made to exclude the Algodones Dunes (also known as Imperial Sand Dunes) from the DRECP planning area as evidenced by the exclusion of listed species in the dunes from the most recent proposed covered species list and the exclusion of this area in recent maps presented in WebEx meetings by the DRECP. We believe that any decision to exclude the Algodones Dunes from the geographic scope of the conservation planning area would represent a significant change to the planning agreement and the direction of the DRECP that must be made by the agencies in an open public process.

As the REAT agencies are aware, the Algodones Dunes includes over 160,000 acres within the State of California, is the largest sand dune complex in the California, and is home to many diverse endemic, rare, and listed species including, desert tortoise and flat-tailed horned lizard. The Algodones Dunes and the entire Imperial Sand Dunes management area is clearly within the geographic scope of the DRECP area defined the Planning Agreement (Cal. Fish &

Game Code § 2810(b)(2)) as shown on the map entitled “DRECP Boundary Area Map”.<sup>1</sup> The federally threatened Peirson’s milk-vetch (*Astragalus magdalenae* var. *peirsonii*) and the state endangered Algodones Dunes sunflower (*Helianthus niveus* ssp. *tephrodes*), which are both endemic to the Algodones Dunes, were included on as “proposed covered” species in the DRECP Preliminary Conservation Strategy released on October 26, 2011,<sup>2</sup> and the Colorado desert fringe-toed lizard (*Uma notata*), which is also found in the Algodones Dunes, was listed as a “proposed planning” species.<sup>3</sup> These species are also included in the December draft documents as proposed covered species<sup>4</sup> and the Algodones Dunes/Imperial Sand Dunes area was included in the part of the description of alternatives and conservation reserve design.<sup>5</sup> The December draft also provides a map in Appendix D that shows the current management in the Algodones Dunes area.<sup>6</sup> And Appendix E in the December draft documents recognized the need to conserve and protect the Algodones dunes as one of the major dunes systems in the Plan area.<sup>7</sup> We were, therefore, surprised to find that the Peirson’s milk-vetch and Algodones dunes sunflower were both eliminated from the most recent March 25, 2013 draft covered species list and instead placed on a list of “Species Not Recommended For Covered Species List”.<sup>8</sup>

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<sup>1</sup> Planning Boundary Map available at [http://www.drecp.org/maps/DRECP\\_Boundary\\_Area\\_Map.pdf](http://www.drecp.org/maps/DRECP_Boundary_Area_Map.pdf) ; see also map attached hereto as Attachment 1 highlighting the DRECP boundary and the Algodones dunes/BLM’s Imperial Sand Dunes Recreation Area management area.

<sup>2</sup> Appendix D at D-4, available at [http://www.drecp.org/documents/docs/preliminary\\_conservation\\_strategy/20\\_Appendix\\_D\\_Proposed\\_Species\\_List.pdf](http://www.drecp.org/documents/docs/preliminary_conservation_strategy/20_Appendix_D_Proposed_Species_List.pdf)

<sup>3</sup> *Id.* at D-7.

<sup>4</sup> Description and Comparative Evaluation of Draft DRECP Alternatives, December 17, 2012, Section 2, description of alternatives at 2.2-9 (covered species); available at

[http://www.drecp.org/documents/docs/alternatives\\_eval/Section\\_2\\_Description\\_of\\_Alternatives.pdf](http://www.drecp.org/documents/docs/alternatives_eval/Section_2_Description_of_Alternatives.pdf)

<sup>5</sup> See *id.* (Algodones dunes/Imperial Sand Dunes area is included in the description of all alternatives).

<sup>6</sup> See Appx. D page 162 showing current management with large central closure to ORVs; available at [http://www.drecp.org/documents/docs/alternatives\\_eval/Appendices/Appendix\\_D/Appendix\\_D\\_BLM\\_NLCS\\_ACEC\\_SRMA\\_Part3\\_SRMA\\_1.pdf](http://www.drecp.org/documents/docs/alternatives_eval/Appendices/Appendix_D/Appendix_D_BLM_NLCS_ACEC_SRMA_Part3_SRMA_1.pdf) ; and attached here to as Attachment 2.

<sup>7</sup> Appendix E at D-40 (Natural Community Biological Goals and Objectives; Dune Communities, Objective DUNC1.1), at D-41 (Objective DUNC2.2 protect biologically diverse dune systems), at D-42 (the only dunes system listed in the Imperial and Borrego DRECP subarea), and D-42 (noting that the Conservation and Management Actions for the Dune and Sand Source Natural Community would address some or all of the conservation needs of covered/planning species found in the Algodones dunes including Peirson’s milk-vetch, Algodones sunflower (*Helianthus niveus* ssp. *tephrodes*) and Colorado fringe-toed lizard); available at [http://www.drecp.org/documents/docs/alternatives\\_eval/Appendices/Appendix\\_E\\_Conservation\\_Actions.pdf](http://www.drecp.org/documents/docs/alternatives_eval/Appendices/Appendix_E_Conservation_Actions.pdf)

<sup>8</sup> Available at [http://www.drecp.org/documents/docs/2013-03-25\\_Message\\_and\\_proposed\\_covered\\_spps\\_list.pdf](http://www.drecp.org/documents/docs/2013-03-25_Message_and_proposed_covered_spps_list.pdf)  
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Among the many species that depend upon habitat in the Algodones Dunes are many endemics found no where else on earth<sup>9</sup>, at least 40 insects species that are new to science<sup>10</sup> as well as several species that are more widespread including at least two that remain on the March 25, 2013 draft covered species list (e.g. desert tortoise and flat-tailed horned lizard). The Algodones Dunes are currently subject to extensive impacts from off -road vehicle use that destroys and fragments habitat as well as creating significant air quality impacts in and near the dunes. We understand that the BLM is preparing to issue a new decision regarding management of the dunes that would, if the preferred alternative included in the FEIS is chosen, significantly increase the area of the dunes impacted by off-road vehicles by opening an additional 40,000 acres of the dunes to unrestricted off-road vehicle use.<sup>11</sup> We do not believe that the DRECP can adequately address impacts to and conservation of sand dune natural communities within the planning area, or air quality issues, if it excludes the dunes from the NCCP analysis for the DRECP. Moreover, any attempt to excise the dunes from the DRECP plan area will undermine the ability of the Department to address several of the required findings under the NCCP Act such as whether:

- “[t]he plan provides for protection of habitat, natural communities, and species diversity *on a landscape or ecosystem level* through the creation of long-term management of habitat reserves and other measures that provide equivalent conservation of covered species appropriate for land, aquatic, and marine habitats within the plan area.” (Cal. Fish & Game Code § 2820(a)(3) [emphasis added].); or
- “[t]he development of the reserve system and conservation measures in the plan area provides, as needed for the conservation of species, all of the following: (A) *Conserving, restoring, and managing representative natural and seminatural landscapes to maintain ecological integrity of large habitat blocks, ecosystem function, and biological diversity . . .* (E) Sustaining the effective movement and interchange of organisms between habitat areas in a manner *that maintains the ecological integrity of the habitat areas within the plan area.*” (Cal. Fish & Game Code § 2820(a)(4) (A, E) [emphasis added].)

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<sup>9</sup>[http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/elcentro/planning/2010.Par.48074.File.dat/Chapter\\_3\\_Affected\\_Environment.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/elcentro/planning/2010.Par.48074.File.dat/Chapter_3_Affected_Environment.pdf) at pg.3-27

<sup>10</sup> [http://articles.ivpressonline.com/2013-04-10/algodones-dunes\\_38412153](http://articles.ivpressonline.com/2013-04-10/algodones-dunes_38412153)

<sup>11</sup> Compare Alternative 2 (current management) 87,713 acres of open area in the dunes for ORVs to Alternative 8 (BLM’s preferred alternative) 127,416 acres of open area in the dunes for ORVs, and compare Alternative 2 - 75,322 acres closed to ORVs to Alternative 8 - 35,144 acres closed to ORVs (FEIS at 2-13) ; available at

[http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/elcentro/planning/2010.Par.15771.File.dat/Chapter\\_2\\_Description\\_of\\_Alternatives.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/elcentro/planning/2010.Par.15771.File.dat/Chapter_2_Description_of_Alternatives.pdf)

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Letter re: Geographic Scope of Plan and Algodones Dunes

The environmental review under CEQA and NEPA required for the DRECP must analyze impacts to all environmental resources not only the covered species, including, for example, air quality. Off-road vehicle use at the dunes already contributes to significant and frequent violations of PM standards in the Imperial Valley Air Basin which has some of the worst air quality in the state and the country. If the BLM opens an additional 40,000 acres of the dunes to off-road vehicle use, it will have a significant impact on air quality which affects many covered species within the DRECP as well as human populations. It is also important to note that the communities near the dunes that will be most affected by the increased impacts to air quality are largely minority and low income communities<sup>12</sup>– this raises serious environmental justice concerns about the decision to exclude the dunes and the impacts of activities in the dunes from the DRECP planning area and environmental analysis.

We are particularly concerned that a decision to exclude the Algodones dunes from the geographic scope of the plan appears to have been made by the REAT agencies with no public notice or hearings. A change to the DRECP plan area of such magnitude must be made, if at all, as part of the ongoing, transparent public process undertaken by the REAT agencies for developing this plan.

Thank you in advance for your consideration of the issues raised in this letter. We look forward to your timely response.

Sincerely,



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**Attachment 1:** Map highlighting Algodones Dunes and Imperial Sand Dunes management area within DRECP map boundaries.

**Attachment 2:** Map from December Draft Documents, Appx. D page 162, showing current management of the Algodones Dunes/Imperial Sand dunes with large central closure to ORVs.

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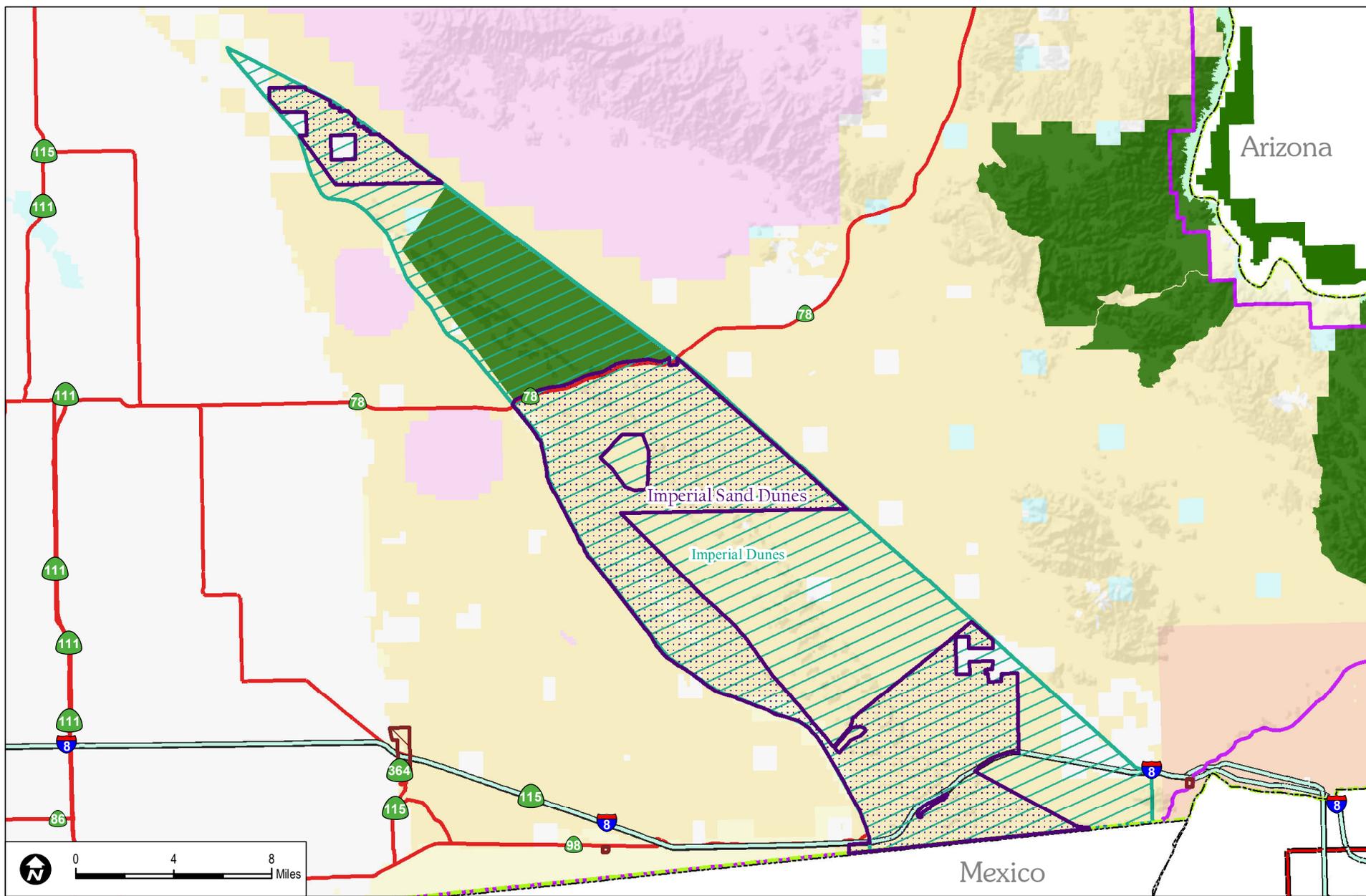
<sup>12</sup> See maps and data available at <http://epamap14.epa.gov/ejmap/ejmap.aspx>  
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Imperial Sand Dunes Management Area  
 DRECP Boundary

Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, iPC, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), and the GIS User Community

Please note this comparative evaluation provides an illustrative view into the data, information and type of analyses that will be presented in the Draft DRECP and EIR/EIS. This document is not a substitute for or early version of the official Draft DRECP and EIR/EIS.



Land Status		SRMA Layers		Roads	
Bureau of Land Management	Military	Existing SRMA	Wilderness	Interstate	
US Forest Service	Other Federal	Proposed SRMA All Apts	DRECP Boundary	US Hwy	
National Park Service	US Fish and Wildlife Service	OHV Open Area	BLM Field Office Boundary	CA Hwy	
Bureau of Reclamation	State				
	County/State/Regional				
	Reservations and Rancherias				
	Private/Other				

### Imperial Dunes

Desert Renewable Energy Conservation Plan (DRECP)