

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

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California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
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Re: Comments on draft Biological Goals and Objectives (BGOs) representing the first subset
Desert Renewable Energy Conservation Plan (DRECP) “driver” species

Dear Mr. Harlow:

Thank you for sharing with us the Preliminary Biological Goals and Objectives for the first subset of the DRECP “driver species.” We appreciate your efforts to provide this information to us in a timely manner and to solicit our input in order to achieve a strong and successful final DRECP. We provide the following comments below, organized by general comments and questions followed by specific comments on each of the species and communities provided in the document.

1. General comments:

- Throughout the document, the word “conserve” is used; however, the Appendix A “Glossary of Terms” does not define what exactly is meant by conserve and what form that conservation will take in terms of land use designations and regulations, the identification of which are key to assuring successful “conservation”. Further clarification would help the reader understand what is meant by “conserve” as it is used in the document and how that conservation will be achieved. We assume that “conserve” will be defined pursuant to Fish and Game Code section 2805(d), but we urge that you make this explicit in the “Glossary of Terms.”
- In order to understand how the conservation goals relate to the overall conservation of the species, we urge that you provide overarching “recovery” goals as a preface for each covered species.
- We understand that goals are intended to be broad and the objectives are more specific; however, many of the objectives are missing at least one element of “SMART” goals criteria (Specific, Measureable, Attainable, Relevant, Time-Sensitive). Primarily, it is unclear how each of the objectives will be attainable under the DRECP. We believe that EACH objective should identify the SMART criteria or be able to defend why it is not

- appropriate. Specifically, each objective should be accompanied by a “rationale” explaining how this objective will relate to the goal and help meet the NCCP “conserve” standard. This framework has been developed and used in the current draft of the Bay Delta Conservation Plan and is very helpful in understanding why the agencies have made specific objective choices.
- Many of the questions included in this letter could most likely be answered if we could see the “Rule Sets” being drafted to accompany each of the BGOs. It will be useful to see these prior to our review of forthcoming BGOs for covered species. These rule sets should be incorporated into the “rationale” for each objective, as discussed above.
 - Climate change adaptation needs to be considered when developing BGOs for each of the covered species and natural communities. BGOs that address climate change adaptation of each species and natural community combined with an overall reserve design that takes into consideration the need for species and natural communities to move and adapt to a changing climate will result in a robust climate change adaptation strategy for the DRECP.

2. Burrowing Owl

- Goal BUOW 1. The stated goal is to “conserve natural and agricultural land habitats that support burrowing owls at a landscape scale”.
 - o Habitat conservation will be focused in five sub-areas, as described in Objective BUOW 1.1. Under this objective, DRECP needs to further define “high-quality suitable habitat” and describe the process for how that will be identified and conserved – either through acquisition, conservation easement or another conservation or management tool. DRECP must also provide further clarification for how it will determine that habitat acquisitions are “of sufficient size and configuration to maintain and expand burrowing owl populations.”
 - o While we support identification of “areas of concentrated burrowing owl occurrences”, focusing conservation exclusively on these areas over the long-term could easily result in fragmentation of the current connected landscape and isolate populations of burrowing owls to the detriment of the species. Basic conservation biology principles dictate that connected landscapes are more sustainable than fragmented ones, and we’d be happy to provide the ample background data on this issue. Please include a goal for keeping the “areas of burrowing owl occurrences” connected.
 - o The agricultural lands that provide highly suitable habitat for burrowing owl are subject to uncertainties regarding irrigated water availability, continued agricultural practices and farmers’ willingness to cooperate with burrowing owl conservation management. Habitat acquisitions in these areas need to take into consideration these uncertainties and put measures in place to safeguard the resources to sustain the burrowing owl populations in these areas. The DRECP should allow for flexibility and creativity in terms of vehicles for habitat acquisition, and partnerships with farmers.
 - o High quality natural habitat acquisition on private lands and durable high-level conservation on public lands is more certain and may allow for more easily and reliably achieving long-lasting conservation of burrowing owl populations. Therefore we request that additional conservation emphasis be included for conservation of high quality natural habitat.

- The habitat conservation goals for burrowing owls in natural habitats need to be sufficient to conserve the species in perpetuity rather than just to the end of the DRECP Plan period (i.e., year 2040).
- Goal BUOW 2. The stated goal is to “maintain a stable population in the Imperial Valley Conservation Area in the face of a changing water irrigation regime. . .”
 - Changes in water supply, delivery and use in supporting agricultural lands may make achieving this goal uncertain or unattainable. DRECP should consider adjusting Objective BUOW 2.1 so that the minimum population target can be adapted if conditions and water availability changes, by increasing the goals for species conservation population number requirements elsewhere.
 - Objective BUOW 2.2 aims to maintain 421,000 acres of agricultural matrix habitat in its current state to achieve a minimum population of 5,100 pairs of birds. Conservation of burrowing owl in the Imperial Valley is dependent on the farmers' cooperation in the area. While we support this objective, it is unclear to us as to how this would actually be enforceable by the DRECP. Please elaborate on this strategy. It would make sense for water purveyors (Imperial Irrigation District, “IID”) to be signatories to the DRECP. Additionally, outreach efforts to farmers could help ensure long-term conservation for burrowing owls. DRECP should include an objective or goal to develop a strategy for outreach to farmers in the area. Cooperation with water purveyors and a locally-based outreach program is an essential and cost-effective way to increase the chances that agricultural lands in operation remain suitable habitat for burrowing owls.
- Goal BUOW 3. The stated goal is to “maintain size and distribution of extant burrowing owl populations in the other burrowing owl Conservation Areas.”
 - Maintaining and increasing burrowing owl populations in natural habitats throughout the plan area sufficient to ensure its viability in perpetuity needs to be adopted under this goal. The goal should include maintaining existing populations once the DRECP is in effect and increasing those populations through habitat protection and enhancement measures by the end of the DRECP plan period.
 - For objectives BUOW 3.3 and 3.4, there are no minimum population targets. We assume this is because little is known about population size in this area. In this case, the goal should be first to establish an environmental baseline and then to set a minimum population target.
 - The data set represented on the Map for burrowing owl appears to exclude recent information on burrowing owl populations. For example, burrowing owls were found on the proposed Hidden Hills Electric Generating System project site, the proposed Stateline project site, the Ivanpah Solar Electric Generating System project being constructed, the Genesis solar project currently under construction, and the updated Palen Solar Holdings project. The clear absence of burrowing owl modeled habitat near these project sites, when in fact we know they occur there, puts the accuracy of the model in question. We request that all of the known data sets that have documented burrowing owl occupancy be included in a new model run, including the most recent data from the surveys required under IID’s Habitat Conservation Plan.

3. Desert bighorn sheep

Note: These are our initial comments on these goals and objectives for desert bighorn sheep. More detailed comments will be provided as they are available.

- Goal BISH 1. The stated goal is to “conserve the desert bighorn sheep Sonoran-Mojave desert meta-population and the Peninsular Ranges Distinct Population Segment (DPS) across the DRECP area within well-distributed habitat areas in mountain ranges and intermountain linkages.”
 - The term “well-distributed habitat areas” needs to be more precisely defined.
 - Prioritizing conservation of habitats and populations with a greater probability of persistence is reasonable; however we recommend that such areas be clearly identified in addition to those that would receive lower priority.
 - Objective BISH 1.1. The term “well-distributed” needs to be more precisely defined as well as the individual herd units that fall into this category.
 - Objective BISH 1.2. The term “high priority” needs to be more precisely defined and the high-priority intermountain habitat linkages identified.
 - Goal BISH – 1. Alluvial slopes adjacent to and within flight distance from mountain ranges should be included in essential habitat to be conserved for bighorn due to superior forage resources.
 - Objective BISH 1.3. We recommend clarifying how unimpeded movement of desert bighorn sheep across highway infrastructure would be promoted. What actions would be taken to ensure unimpeded movement across highway infrastructure in the listed areas? Would overpasses or underpasses be considered?
 - Objective BISH 1.5. We recommend re-evaluation of the attainability of restoring bighorn sheep herds in the currently vacant habitats due to current conditions and isolation by heavily traveled highways, as follows: 1) Cache Peak Mountains, 2) Chimney Peak Mountains, and 3) El Paso Mountains.
 - Objective BISH 1.6. As written this objective precludes recovery efforts for bighorn by setting a maximum number of ewes to existing levels and a minimum of 25. This is particularly problematic for the federally listed endangered Distinct Population Segment (DPS) and state listed endangered Peninsular bighorn. The federal recovery plan goals¹ should be included as part of the BGOs for this species and make sense for bighorn goals and objectives in general.

- Goal BISH 2. The stated goal is to “remove or reduce potential threats and environmental stressors to maintain and enhance bighorn sheep mountain range herd units.”
 - Objective BISH 2.2. The objective to control transmission of disease from domestic livestock to desert bighorn by preventing direct contact with domestic and feral stock should be rewritten to specify that it can be achieved through the elimination of grazing and permanent retirement of grazing allotments within occupied or proposed herd areas. In addition, a buffer of at least 14.5 km from occupied herd areas should be implemented in the case of domestic sheep grazing.² Additionally, language needs to be included that water sources and

¹ http://ecos.fws.gov/docs/recovery_plan/001025.pdf

² This recommendation is taken from the *Recovery Plan for Bighorn Sheep in the Peninsular Ranges* (2000), on p.90: Section

forage that is important for bighorn will be protected from feral stock (including burros) through managing feral animals to prevent conflicts.

- Objective BISH 2.3. Please define what is meant by “manage mountain lion predation” on desert bighorn sheep.
- Objective BISH 2.4. The proposed objective seems to require sheep to move around fences. We believe that fences that obstruct bighorn movements should be removed or modified to allow safe bighorn passage. Our Objective would read “enhance or eliminate anthropogenic barriers (e.g., fences and other impediments) that obstruct desert bighorn sheep movement between high-priority mountain ranges.”

4. Mohave ground squirrel

- All Goals. Please define the term “conserve” as it relates to Mohave ground squirrel goals and objectives for management of its suitable habitat. We recommend including actions needed to conserve its suitable habitat in perpetuity under each of the objectives.
- All objectives: Clarify what percentage of each “Important Area” (e.g. Climate change extension, expansion area, key population center, linkage) is targeted for conservation in each of the objectives.
- Appendix C. Please include supporting documentation for the statement that Mohave ground squirrels are able to “adapt to OHV use.”
- MGS1.1, MGS 1.2 and MGS 1.3. These objectives cumulatively propose to conserve 1,451,878 acres of habitat for the Mohave ground squirrel. This acreage is the most optimistic conservation calculation because it is unclear if there is overlap in the conservation areas. Still, this acreage vastly reduces the conservation from the current management on BLM lands only, where 1,280,106 acres are currently identified for conservation.³ The preferred MGS conservation area in the West Mojave Plan that included private and public lands was an area of 1,701,947 acres of habitat⁴ – a more than 15% greater conservation goal than what is being proposed here. Based on the fact that MGS have shown no increase in population numbers or recolonization of historic parts of their range, the BGOs need to justify why a *reduction in conservation of habitat* is proposed eight years after the conservation standards were put in place. Whittling down conservation areas will not serve to sustain, much less recover population levels of this rare and endemic species.
- An objective needs to be included regarding livestock grazing and MGS conservation. Ample scientific literature documents the conflicts between livestock grazing and MGS.⁵

1.2.2.4 “Prohibit the grazing of domestic sheep within 14.5 kilometers (9 miles,) of bighorn sheep habitat to prevent disease transmission.”

³ http://www.blm.gov/ca/pdfs/cdd_pdfs/wemo_pdfs/plan/wemo/Vol-1-Chapter1_Bookmarks.pdf at Table ES-6

⁴ IBID

⁵ http://www.blm.gov/ca/pdfs/cdd_pdfs/Mgs1.pdf

- Displacement and competition from round-tailed ground squirrels has also been a concern for MGS. Round-tailed ground squirrels are able to effectively adapt to habitat disturbance regimes, which may facilitate their expansion into MGS habitat where it outcompetes and displaces MGS populations, further limiting recovery. Therefore a goal/objective should be included to minimize disturbance, especially of linear projects, through MGS habitat and conservation areas.
5. Sonoran-Coloradan semi-desert wash woodland/scrub Natural Community: Microphyll Woodland
- Objective MW 1.1.
 - o What is the scientific basis for the metric for 10% destruction of the microphyll woodlands? Considering the value of the service microphyll woodlands provide to a wide and diverse range of wildlife species, we recommend the DRECP aim to conserve 100% of the microphyll woodlands in the DRECP area through avoidance of these areas, including an appropriate buffer around them.
 - o Based on the distribution of the mapped woodlands (some of which are likely covered by the legend), it appears some have already been impacted by permitted projects. Is this map the baseline, and does it include woodlands lost by permitted projects?
 - Objective MW 1.2. Same as above – how are the areal extents of smoke tree, honey mesquite and desert willow rare alliances being mapped and quantified? Also it appears from the map that not all of the smoke tree washes (are they considered different from microphyll woodlands?) are mapped. Healthy and intact smoke tree washes occur in valleys to the north of I-40 and do not appear on the map.
 - Objective MW 1.3. This objective is lacks in specificity regarding what “restore” means. This objective also lacks measureability – how will “system vigor” and “health” be measured?
 - Goal MW 2. While we support conserving and promoting older age class stands of microphyll woodlands, the long-term sustainability of microphyll woodlands relies on a variety of age stands to be present. Old plants, while often prolific propagule producers, eventually will die and absent recruitment in the stands could disappear. Therefore we request that the goal support a variety of age stands including older age classes.
 - Goal MW 3. It is unclear how this goal and the two objectives under it will be attainable.
 - o How will the DRECP achieve an increase in bird nesting and overall wildlife usage of microphyll woodlands?
 - o How will usage be measured and quantified?
 - o Assuming there is agreement on a “usage” quantity, is there science indicating a reduction in the avian/wildlife usage of microphyll woodland over time, which would dictate an increase as the goal? Why not a goal of maintaining status quo usage, i.e. ensuring no reduction of current usage?
 - o What about invertebrate wildlife associated with microphyll woodland? These aren’t listed in Appendix, but represent important ecological roles related to microphyll ecosystems, e.g. as biomass (food), and as pollinators.

- We recommend the DRECP designate a goal or objective relating to maintaining upstream hydrology. For example: Goal MW4 – Maintain sustainable natural hydrological processes upstream of the microphyll woodlands by minimizing development activities that would lead to channelization or redirection of water and naturally occurring erosional sediments.

Thank you for your consideration of these comments and recommendations. With regard to our questions, we request additional meetings with the DRECP wildlife agencies so that we can discuss these critical topics in order to achieve a conservation strategy for the DRECP that can be supported by the conservation community.

Sincerely,



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