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California Energy Commission
DOCKETED
09-RENEW EO-1
TN 74761
FEB 23 2015

Via email only

23 February 2015

California Energy Commission
Dockets Office, MS-4, Docket No. 09-RENEW EO-01
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RE: Desert Tortoise Council's comments on the Draft EIR/EIS for the DRECP

The Desert Tortoise Council (Council) is a private, non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of this species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council regularly provides information to individuals, organizations and regulatory agencies on matters potentially affecting the desert tortoise within its historical range.

As a conservation organization, the Council supports sustainable energy development in the United States. However, we cannot endorse any of the action alternatives presented in the DRECP. We recommend that the deficiencies identified herein and in other comment letters be addressed and, if possible, that a second, revised Draft EIR/EIS be redistributed for review. If not possible, the issues and concerns identified herein must be addressed before the Final DRECP is approved, and the public must be allowed to formally comment on the Final DRECP before any decisions are made.

Our categorical list of significant deficiencies that must be remedied and recirculated for additional review and comment includes (1) an accurate assessment of protection provided by the No Action Alternative; (2) an actual analysis of how BLM lands are to be managed in the absence of Multiple-Use Classes; (3) an assessment of the effects of increased recreational vehicle use on Covered Species habitats by designating Special and Extensive Recreation Management Areas and reintroducing competitive vehicle events where they are currently prohibited; (4) better descriptions and impacts analysis of disposing BLM lands from Development Focus Areas, non-designated areas, etc.; (5) proper analysis of linkages and connectivity corridors; (6) a reassessment of impacts using U.S. Fish and Wildlife's mandated "action area" concept; (7) completion and inclusion of an actual Natural Communities Conservation Plan; and (8) clarifications of Covered Species surveys.

A comprehensive list of our concerns, comments, and questions regarding the Draft EIR/EIS are attached in a series of tables. Therein, we identify specific measures for how the Final EIR/EIS must be amended to provide additional information to address deficiencies in the Draft EIR/EIS. Following, then, is a partial list of these concerns and *italicized recommendations* for how they may be remedied in the Final EIR/EIS. The number preceding each of the following comments corresponds to the numbers in the attached tables. Abbreviations are those given in the Draft EIR/EIS, and are not necessarily identified in the following comments.

Desert Tortoise Research Natural Area (DTRNA):

Comment 17: According to Figure II.3-2, the DRECP does not acknowledge the conservation status of the DTRNA. The DTRNA is a Research Natural Area that has been protectively managed for 40 years in a cooperative agreement between the Desert Tortoise Preserve Committee and BLM; important research has been carried out there on both the desert tortoise and Mohave ground squirrel. Aside from 40 years of legal agreements, which the Draft EIR/EIS fails to acknowledge as LLPAs, Research Natural Areas are recognized as being legally protected. *We believe that the DTRNA should be excluded from proposed DFAs in the DRECP*.

Legally and Legislatively Protected Areas (LLPAs):

Comment 88: Do the "acquired lands" included in the discussion pertain to those lands authorized by previous incidental take permits? If such lands are developed, would the existing incidental take permits need to be amended to account for the loss of their conservation value that was intended to offset previously authorized impacts on projects that have now been developed? *We ask that the Final EIR/EIS address these questions.*

Developing Tortoise Critical Habitat:

Comment 97: Under current management (i.e., No Action Alternative), there have been no solar developments in DWMAs and critical habitat. Every alternative would set the precedent of allowing solar facilities to be developed in DWMAs and critical habitat. Given that continued population declines are a foreseeable circumstance, how can the DRECP justify the loss of any critical habitat when there is no evidence of tortoise recovery? *The Final EIR/EIS should preclude renewable energy development from all tortoise critical habitat and DWMAs. We ask that all questions given herein be addressed in the Final EIR/EIS.*

Comment 111: Why not exclude transmission corridors from all critical habitats and ACECs? The NCLS designation is so piecemeal (Figure II.4-4) that we don't see any real protection by excluding transmission corridors from only this designation. *We recommend that the Final EIR/EIS be modified to exclude all transmission corridors from tortoise critical habitat and DWMAs.*

Comment 157: Under the Preferred Alternative, 8,000 acres of tortoise critical habitat could be directly impacted. Why is any critical habitat, which USFWS defines as "essential for the conservation of a threatened or endangered species," allowed to be developed? *This should be clarified in the Final EIR/EIS.*

Comment 160: Given the following statement "In order to minimize habitat fragmentation and population isolation, DFAs were sited in less intact and more degraded areas," and the proposal that up to 8,000 acres of critical habitats could be developed, which parts of critical habitat are judged to be "less intact and more degraded?" Which database did the DRECP consult to identify the 8,000 acres of less intact, degraded critical habitats? *We ask that these questions be answered in the Final EIR/EIS and that all DFAs be excluded from tortoise critical habitats.*

Comment 178: What percentage of critical habitat does USFWS consider to be expendable before a project such as the DRECP will jeopardize the species? And, how is the adverse modification of 13% of critical habitat justified given USFWS' own range-wide distance sampling data that show ubiquitous declines even without the loss of 13% of critical habitat? Is the loss of 13% of critical habitat (1) consistent with the biological goals and objectives identified for the DRECP and (2) complimentary to the goals and objectives of USFWS' 2011 revised Recovery Plan? *These questions and issues must be addressed in the Final EIR/EIS.*

Comment 235: Critical habitat is currently protected under the Solar PEIS; no solar development is allowed in ACECs or DWMAs, which together encompass tortoise critical habitats. "But for" the DRECP, there would be no foreseeable loss of tortoise critical habitat. *Please clarify in the Final EIR/EIS why any critical habitat need be developed.*

Comment 204: Much of current management is driven by DWMA designations, such as prohibition of solar development, 5:1 compensation ratios, 1% Allowable Ground Disturbance, and other proactive management. These management practices, which exist under the No Action Alternative would be undermined or diluted by the DRECP Preferred Alternative. How much critical habitat would be developed under the No Action Alternative? Our understanding is "none," as it's prohibited by the Solar PEIS, but would be allowed under the DRECP Preferred Alternative. *This should be clarified in the Final EIR/EIS.*

<u>Meeting the Fully Mitigate Standards:</u>

Comment 136: How does the REAT, DRECP Coordination Group, or other DRECP entity plan to ensure that "…the impacts of the taking are minimized and fully mitigated by measures that are roughly proportional in extent to the project-related impact to the species…," as cited in this section? For example, assuming 177,000 acres are developed under the DRECP and 10,000 tortoises are displaced, which would be determined through DRECP-required protocol surveys of impact areas, how does DRECP intend to show that a minimum of 10,000 tortoises would be protected through land acquisition or non-acquisition actions, particularly since protocol-level surveys would not be required on acquired lands? *This should be clarified in the Final EIR/EIS.*

Comment 176: Given the restricted range of the Mohave ground squirrel to the West and Central Mojave compared to the tortoise that occurs in four different states, how does DRECP justify the loss of 29% of "key population centers" and 33% of "linkages?" How many individual Mohave ground squirrel would be lost versus conserved by implementing the Preferred Alternative? Without these numbers, how can DRECP demonstrate it has met CDFW's fully mitigate standard? *This should be clarified in the Final EIR/EIS.*

Comment 219: As per the second bullet on page IV.13-21, how can DRECP guarantee that CDFW's fully mitigate standard is met if the BLM State Director can allow development of acquired lands at his/her discretion? What is the tracking mechanism that will allow the public to see how often and how many acres of acquired lands are developed? *The Final EIR/EIS should answer these questions.*

Lack of Significant Impacts Associated with DRECP:

Comment 192: If we understand correctly, the Draft EIR/EIS concludes that the DRECP will not have a single significant impact to any of the resources listed on pages IV.7-463 through IV.7-467? That proposed mitigation measures will reduce every single impact to a less than significant impact? Where in the Draft EIR/EIS for the DRECP is the specific analysis showing that a project potentially affecting 177,000 acres of desert habitats, including thousands of acres of tortoise critical habitats, will not have a single significant impact? *We consider this conclusion to be erroneous and require that it be further described and substantiated in the Final EIR/EIS.*

Comment 193: In the case of the proposed expansion of the Eagle Mountain Landfill in the mid-1990's, a superior court judge in San Diego ruled that the EIR/EIS was deficient in that it did not adequately assess how effective its mitigation measures would be to avoid significant impacts. *The analogous analysis in the DRECP Final EIR/EIS must demonstrate that mitigation measures will avoid significant impacts.*

Comment 239: The following sentence is given at the top of page VI-3: "Significant adverse environmental effects have been identified that would result from constructing and operating renewable energy projects within the Plan Area." However, on pages IV.7-463 through IV.7-467, for Impacts BR1 through BR9, the Draft EIR/EIS asserts that there are no impacts that cannot be mitigated to a level less than significant. Are these statements contradictory? Are we to take the statement on page VI-3 to indicate that there are significant impacts in spite of the statements given on pages IV.7-463 through IV.7-467 that there are not any significant impacts? Which of these conflicting statements is correct? *Please clarify in the Final EIR/EIS.*

No Action Alternative Assessment:

Comment 14: We believe that the No Action Alternative offers better, programmatic protection to desert tortoises than would be provided by the DRECP as currently written, which will promote development on more than two million acres of desert tortoise habitats compared to only 108,000 acres under current management without adequate long-term habitat protection. Given these statistics, we firmly believe there has been no greater programmatic threat to the loss of desert tortoise habitat since the CDCA Plan was adopted in 1980 than is currently being promoted by the DRECP.

Comment 196: Section IV.7.3.2.7.1 fails to acknowledge that the Solar PEIS and BLM current management prohibit renewable energy development in tortoise critical habitat and DWMAs; "but for" DRECP, there would be no renewable energy development in tortoise critical habitats, which is an advantage of the No Action Alternative over the DRECP Preferred Alternative. *This should be clarified in the Final EIR/EIS.*

Comment 208: None of the following actions, which could occur under the Preferred Alternative, would occur under the No Action Alternative: Under the Preferred Alternative SRMAs and ERMAs would be designated throughout tortoise critical habitats, but not under current management; the Preferred Alternative would allow competitive recreational events in DWMAs and tortoise critical habitat but are not allowed under current management; under the No Action Alternative, no critical habitats or DWMA lands would allow solar development; compensation would remain at 5:1 for all DWMA lands, rather than applied to reduced acreages designated as tortoise critical habitat; etc. *Until this analysis is revised in the Final EIR/EIS to identify all differences (as opposed to only those that present the No Action Alternative as inferior), this "analysis" is seriously flawed.*

Comment 244: The following is a list of actions that could occur under the DRECP Preferred Alternative that are not available under current management, which represents the No Action Alternative:

- Dispose of public lands managed by the BLM from DFAs and non-designated areas?
- Develop tortoise critical habitat under every single action alternative?
- Designate DFAs in the DTRNA, Rand Mountains ACEC, and any TCA?
- Allow motorized competitive events in tortoise critical habitat, ACECs, and newly established NCLS lands?
- Designate SRMAs and ERMAs (with their reduced level of BLM management) in tortoise critical habitats, ACEC, and NCLS lands?
- Require 5:1 compensation in critical habitats, only, when current management requires it in DWMAs?

We believe that the Final EIR/EIS must amend the Draft EIR/EIS by indicating, preferably in a table, how each component of each action alternative and the No Action Alternative would or would not meet each of the Biological Goals and Objectives given in Appendix C.

Comment 359: We consider the data presented in Appendix O to be very reveling, and to reflect the level of existing impacts allowed under current management, and therefore to reflect actual impacts indicative of the No Action Alternative. In numerous places, the Draft EIR/EIS portrays the No Acton Alternative as resulting in even more impacts than would occur under the Preferred Alternative, when in fact, only 24,593 acres of BLM land and 64,463 acres of private lands have been developed under current management, under the No Action Alternative, to date. *We believe the Final EIR/EIS should confirm that none of the 89,046 acres developed to date is either within critical habitat or DWMAs.*

<u>Multiple-Use Classes (MUC) on BLM Lands:</u>

Comment 166: We find that the impact analysis given for the Preferred Alternative is deficient in that it does not address impacts associated with the elimination of Multiple-Use Classes. The following questions have not been addressed in the Draft EIR/EIS and *must be in the Final EIR/EIS*: How are MUC L lands to be designated once this classification is eliminated? How will management under the DRECP reduce or increase protections currently afforded by MUC L designations? How will non-renewable energy uses such as mining, recreation, and grazing be treated after the MUC L class is eliminated? *This deficiency must be addressed and rectified in the Final EIR/EIS.*

Comment 231: Although the Draft EIR/EIS indicates on page IV.13-3 that the DRECP would replace Multiple-Use Classes (MUC), and on page IV.13-21 that MUC lands would be replaced "by areas listed in the CMAs," the most extensive description of MUCs is actually in the context of areas outside the Plan Area (Section IV.13.3.2.5). Where is the map in the DRECP that shows existing MUCs and new designations under each alternative? The Draft EIR/EIS states that not all MUC L lands will necessarily be designated as NCLS; why not? And, if not, what will the new designations be? *This section of the DRECP that is supposed to analyze impacts of the DRECP on BLM lands is not complete until a more detailed description of how eliminating MUC designations will affect BLM's future management is presented in the Final EIR/EIS. The analysis should include acreages of existing MUC lands and resulting acreages of how each of these designations was changed. Although the DRECP is ostensibly about renewable energy development, how are other BLM uses going to be affected by eliminating MUC designations?*

National Conservation Lands System (NCLS):

Comment 84: Based on Figure II.3-4, it appears that a very small portion of tortoise critical habitat is being proposed for National Conservation Land System (NCLS) status under the Preferred Alternative. Given that critical habitat is one of the four primary criteria listed on page II.3-315, why is only a very small portion of tortoise critical habitat being proposed for NCLS status? What are the over-riding considerations that prompted the REAT to dismiss a majority of tortoise critical habitat from NCLS designation? *The Final EIR/EIS should divulge how much tortoise critical habitat is not being designated as NCLS. Also, we reaffirm our previous request of the BLM State Director that all critical habitats for the desert tortoise be designated as NCLS lands in the Final EIR/EIS.*

Comment 116: Section II.4.2.2.1.2 does not provide any rationale behind any of the decisions for establishing NCLS lands; it is a continuous string of statements about what is and is not included in the NCLS designation without ever providing the basis for the decisions. We noted earlier that critical habitat is one of the considerations for NCLS designation, yet we see that most of the tortoise critical habitat is excluded from that designation without ever saying why. *We feel that the lack of analysis for making these decisions renders this portion of the Draft EIR/EIS deficient and should be rectified in the Final EIR/EIS*.

Comment 234: On 10/11/2013, the Desert Tortoise Council formally proposed to BLM State Director Jim Kenna that all public lands managed by the BLM in Desert Wildlife Management Areas be nominated and accepted for NCLS status. We are also aware that several other environmental groups have recently formally nominated BLM-administered lands for NCLS status. Aren't these nominations considered proposals under the No Action Alternative? And, if so, shouldn't that acreage be published in this table? *Please clarify in the Final EIR/EIS.*

Increased Recreational Use in Tortoise Conservation Areas:

Comment 165: We find that the impact analysis given for the Preferred Alternative is deficient in that it does not address impacts associated with the introduction of competitive motorized events into conservation areas, including NCLS areas, while they are prohibited from critical habitats and DWMAs under current management. *This deficiency must be addressed and rectified in the Final EIR/EIS.*

Comment 85: Given that competitive vehicle events are currently prohibited from tortoise DWMAs, how can the REAT entertain competitive events in NCLS-designated areas? We believe competitive events should not be discretionary actions allowed in NCLS areas, that they should be prohibited, which reflects current management under the No Action Alternative. If the DRECP allows competitive vehicle events to occur in NCLS areas, isn't this a reduction in the level of protection provided for compared to current management? And, if so, how can that be justified as conservation to offset impacts? *We ask that the Final EIR/EIS address these questions, and that competitive vehicle events continue to be prohibited from DWMAs and all desert tortoise critical habitats.*

Comment 113: We note that "Competitive and Commercial Special Recreation Permits would be permitted" in NCLS areas under all alternatives. Aren't competitive events currently prohibited in tortoise critical habitats? If so, what is the rational to reintroduce competitive events into the most strictly managed conservation area designation? *We strongly recommend that no competitive events be allowed in tortoise critical habitats, DWMAs, or DRECP-identified TCAs in the Final EIR/EIS.*

Special Recreation Management Area and Extensive Recreation Management Area designations:

Comment 164: We find that the impact analysis given for the Preferred Alternative is deficient in that it does not address the impacts of designating Special Recreation Management Areas and Extensive Management Areas throughout the planning area, particularly in Tortoise Conservation Areas. *This deficiency must be addressed and rectified in the Final EIR/EIS.*

Comment 62: We note that the BLM Land Use Planning Handbook 1601 (Handbook) and BLM Planning for Recreation Resources Manual 8320 (Manual) define criteria for ERMA designation, which includes the following four criteria: "(1) Where dispersed recreation is encouraged and where visitors have a freedom of recreational choice with minimal regulatory constraint. (2) Unstructured recreation activities such as hunting, dispersed camping, hiking, and wildlife viewing [are encouraged? Permissible?]. (3) Significant public recreation issues or management concerns are limited and minimal management, consistent with the Bureau's stewardship responsibility suffices in these areas. And (4) Detailed planning is usually not required for these areas." Why are these specific BLM management policies not divulged in the Draft EIR/EIS? *The Final EIR/EIS must divulge the lower level of BLM management that will result in designating tortoise critical habitats and other areas as ERMAs.*

Comment 62: The Council views these four criteria as counterproductive to the conservation and recovery of the desert tortoise. How many of the 880,000 acres of proposed new ERMAs are in tortoise critical habitat and proposed tortoise management areas designated under the DRECP, including TCAs and NCLS areas? How is increased recreational use and decreased BLM management (as per the Handbook and/or Manual) intended to be compatible with tortoise conservation and recovery? It would seem that the REAT has taken the opportunity to increase vehicle recreation throughout the desert with no direct nexus to mitigating development of renewable energy impacts. What is the rationale and nexus for increasing unregulated vehicle use on BLM lands in ERMAs to mitigating impacts of renewable energy development? How are ERMAs intended to provide for enhanced conservation of the desert tortoise as a means to offset

impacts of renewable energy, particularly if BLM views such areas has having "limited and minimal management," as per criterion 3 above? Are not increased recreational opportunities under the DRECP a new impact that would not exist "but for" the DRECP? If so, where is the analysis of this newly introduced impact to habitats of the desert tortoise and each of the other Covered Species? *We ask that the Final EIR/EIS address each question given in this comment.*

Comment 110: We do not believe that the Draft EIR/EIS fully discloses the environmental impacts associated with designating SRMAs and particularly ERMAs. What do these new designations mean in terms of permitted land use and natural resource protection? Will there be increased motorized vehicle activities in tortoise critical habitats under these new designations? The label "Extensive Recreational Management Area," could lead to a public perception that this is now a new area attracting motorcycle use; how will those lands actually be used and how will that be made clear? What are the baseline data to allow determination if these new designations will result in damage to natural resources? *In the absence of baseline data and no identified intent or budget to implement monitoring, we strongly recommend that no SRMAs or ERMAs be proposed under any alternative in the Final EIR/EIS.*

Comment 206: The following admission of how SRMAs may affect current management confirms our concern with this recreational designation: "The extent to which SRMAs are designated could increase public access to BLM-authorized lands, which could then lead to increased looting or vandalism." Where is the analysis in the Draft EIR/EIS from which this generalized conclusion is derived? Given this admission, wouldn't this increased access have impacts to Covered Species and their habitats, noise, pollution, erosion, invasive species, and so many other resources that ought to be analyzed in an EIR/EIS? *The Final EIR/EIS must completely analyze the effects to all resources resulting from designating SRMAs.*

Comment 230: We note that in this analysis of BLM LUPAs and other considerations on public lands, that ERMAs are mentioned two times: Once on page IV.13-27 with regards to land disposal being allowed, and a second time on page IV.13-28 with regards to prohibited activities. Does the REAT consider this to constitute an analysis of how designating ERMAs will affect desert tortoises and their habitats? *The Final EIR/EIS must present an actual analysis of the impacts associated with this land designation.*

Comment 336: ERMAs include Cadiz Valley (122,529 acres), Castle Mountain (28,069 acres), Crucero Valley (24,707 acres), Ivanpah Valley (71,655 acres), Lava Hills (71,963 acres), Mesquite Valley (37,039 acres), Shadow Valley (106,535 acres), and Ward Valley (552,578 acres). Section II.3.1.3.7.3 of the Draft EIR/EIS indicates that "up to 880,000" acres could be designated as ERMAs under the Preferred Alternative. However, given the combined acreages in Part 34 through Part 41, we see that the total is 1,105,075 acres. Why is there a discrepancy? Which acreage is correct? *The Final EIR/EIS must correct this discrepancy.*

Comment 337: Given that ERMAs are unique to the DRECP Preferred Alternative, where is the impacts analysis in the Draft EIR/EIS that shows how this designation would affect lands compared to other action alternatives where ERMAs are not recommended? What is the difference between SRMAs and ERMAs, and why were these particular eight regions chosen for ERMA status instead of SRMA status? *Please clarify in the Final EIR/EIS.*

Comment 338: How many of these proposed ERMA acres are in designated tortoise critical habitat? As above, any tortoise critical habitat units identified in ERMAs must be depicted in all figures. Ward Valley, in particular, which happens to be the largest of the proposed ERMAs would appear to affect the most tortoise critical habitat, but the designation is not shown on the Part 41 figures, so we cannot answer this question. *Tortoise critical habitat must be added to all ERMA parts, and particularly Part 41, in the Final EIR/EIS. Please answer the other questions in the Final EIR/EIS.*

Disposal of Public Lands:

Comment 163: We find that the impact analysis given for the Preferred Alternative is deficient in that it does not address the impacts of the intended disposal of public lands from within all DFAs and non-designated lands. *This deficiency must be addressed and rectified in the Final EIR/EIS.*

Comment 81: With regards to the following statement: *Public lands in DFAs would be proposed for withdrawal, in accordance with regulation, subject to valid existing rights, from settlement, location, or entry under the general land laws,* does this mean that implementation of the DRECP Preferred Alternative would immediately result in the available transfer of all public lands within the 2,000,000 acres within the DFAs into private land ownership, available for development of both renewable energy facilities *and* other uses? Or, would it be on a project-by-project basis? If these public lands are truly going to be collectively withdrawn and become private, how is the DRECP going to ensure they are not developed for purposes other than renewable energy development now and in the future if an energy development is decommissioned? Where is the analysis in the Draft EIR/EIS that shows transfer of these public lands into private land ownership is the "Best use of public lands?" *The Final EIR/EIS must clarify what is meant by disposal of public lands from DFAs, and provide an actual analysis of this extraordinary land tenure adjustment proposal.*

Comment 118: How many acres of public lands administered by the BLM would be available for disposal under the CMA identified in Section II.4.2.3.1.2? Is it 367,000 acres of BLM lands within DFAs as documented on page IV.13-29 in the Draft EIR/EIS? We note a serious disjunct in the rationale given here relative to public land disposal. On one hand, DRECP estimates that about 177,000 acres of the overall DFAs would be authorized for development; yet, all public lands within DFAs and non-designated areas would be available for disposal? Why? As egregious as developing 177,000 acres of DFAs would be in the face of continuing tortoise declines, eliminating 367,000 acres of public lands from tortoise management is far more severe and not adequately analyzed in the Draft EIR/EIS. *An actual analysis of this proposal needs to be presented in the Final EIR/EIS, and the questions given herein answered.*

Failure to Properly Analyze Linkages and Connectivity Corridors:

Comment 26: We read, "The DRECP Plan-Wide Reserve Design Envelope was developed to capture areas important for habitat linkages and connectivity, and the Plan-wide CMAs were designed to avoid and minimize the effects of Covered Activities on linkages and connectivity." Please explain how the Plan-Wide Reserve Design Envelope, and the Plan-Wide CMAs, were designed with respect to connectivity or state where this information can be found so that the

public can comment on the approach to the analysis and the final results. To what extent were linkages and connectivity avoided? The approach to develop the Plan-Wide Reserve Design Envelope is unclear, and as discussed elsewhere in our comments, the associated analysis is lacking. *Without this information, the Final EIR/EIS will continue to be deficient.*

Comment 34: AM-DFA-ICS-5 states "Covered Activities, except for transmission projects in existing transmission corridors, will avoid the desert tortoise conservation areas (TCAs) and the desert tortoise linkages identified in Appendix H, except the portion of the TCA in the northern Fremont Valley converted to intensive agriculture prior to 2013." This statement is false. Figure II.3-1 proposes to locate DFAs west and southwest of Barstow, near Victorville, through Lucerne Valley, and at the northeast end of the Tehachapi Mountains that are also shown as Tortoise Conservation Areas and/or Modeled Linkages on Figure H-7. *Removing these areas as proposed DFAs from the Final EIR/EIS would ensure that the text in AM-DFA-ICS-5 is correct*.

Comment 36: According to AM-DFA-ICS-6, "Covered Activities that would compromise the viability of a linkage population or the function of the linkage, as determined by the DRECP Coordination Group, are prohibited and would require reconfiguration or resiting." Where does the Draft EIR/EIS describe the process that this evaluation would use? If this information is provided in the Draft EIR/EIS, an internal reference should be added here to inform the reader; burying the information (if it is provided) among thousands of pages does not help the reader understand the Proposed Action. *Without describing the process in the Final EIR/EIS, the analysis is deficient, particularly as several linkage analyses are available.*

Comment 38: AM-DFA-ICS-7: "Covered Activities will be sited in lower quality desert tortoise habitat in desert tortoise linkages and the Ord-Rodman TCA, identified in Appendix H." Northern DTRNA and Fremont-Kramer ACEC are both high quality tortoise habitat. *The Final EIR/EIS needs to provide characteristics of what it considers "lower quality desert tortoise habitat;" and include high conservation value as one of the characteristics of higher quality habitat; even degraded habitats in DWMAs and tortoise critical habitat possess conservation value as lands to be restored.*

Comment 68: AM-DFA-ICS-5: "Covered Activities, except for transmission projects in existing transmission corridors, will avoid the desert tortoise conservation areas (TCAs) and the desert tortoise linkages identified in Appendix H, except the portion of the TCA in the northern Fremont Valley converted to intensive agriculture prior to 2013." This figure shows that there are DFAs in the north part of Chuckwalla ACEC, south of I-10, despite this area also being part of the TCA, as shown in Figure H-7 (page H-23). *These areas should therefore not be designated as DFAs in the Final EIR/EIS.* Extensive areas in Brisbane Valley, Sidewinder Valley, north Lucerne Valley, Hinkley Valley, and smaller areas in Harper Valley, eastern Mojave Valley, and Pahrump Valley are also designated as DFAs, despite being desert tortoise linkages, as shown in Figure H-7 (page H-23). *These areas should therefore not be designated as DFAs in the Final EIR/EIS.*

Comment 144: This section provides a good overview of some of the many studies of habitat linkages and wildlife movement corridors in the planning area. *However, the discussion in the Final EIR/EIS should include and incorporate several additional analyses that identify corridors or linkages that are important to the desert tortoise and/or other covered species*.

For example, Averill-Murray et al. 2013 (see table for references) states "Even though substantial uncertainty surrounds the ultimate development footprint of pending solar development projects (or other proposed projects, including wind energy development), a separate analysis found that between 2,000 km^2 and 7,400 km^2 of lower conservation value land could meet California's renewable energy goal by up to seven times over (Cameron et al. 2012). This suggests that renewable energy goals can be met without compromising the conservation of important Mojave Desert Tortoise habitat." Moreover, Averill-Murray et al. 2013 continues "Managers should consider additional conservation of occupied habitat adjacent to the Base linkages and existing TCAs to provide security against edge effects and population declines, especially given limitations previously identified in the existing reserve architecture."

We recommend the analysis provided in Averill-Murray et al. 2013 be included in the Final EIR/EIS and that the Proposed Action be modified to avoid all important habitat that is important for Agassiz's desert tortoise as well as to provide a buffer against edge effects.

Comment 152: The text states that DFAs overlap linkages and then goes on to state that "CMAs would require avoidance of TCAs, except for impacts associated with transmission or impacts in disturbed portions of TCAs (AM-DFA-ICS-5 and AM-DFA-ICS-7). Additionally, the CMAs would prohibit impacts that affect the viability of desert tortoise linkages (AM-DFA-ICS-8 and AM-DFA-ICS-9). Compensation CMAs would be required for impacts to desert tortoise, including the desert tortoise important areas." The Draft EIR/EIS is deficient as it provides neither an analysis of how linkages would be impacted nor how the analysis would be performed to ensure the viability of linkages are not affected. *The Final EIR/EIS must identify the criteria that would be used. This information must be provided in the Final EIR/EIS and the public must be allowed to comment on it for the DRECP analysis to be sufficient.* The statement provided on page IV.7-240 is also inconsistent with Impact BR-6 on page IV.7-263.

Comment 153: The analysis of the impacts to desert linkage networks is woefully deficient for several reasons, *all of which must be rectified in the Final EIR/EIS*:

<u>Failure to Analyze Landscape-level or Regional Hotspots of Genetic Diversity:</u>

Comment 145: *A new section (e.g., III.7.9) should be added to the Final EIR/EIS to discuss landscape-level or regional hotspots of sequence divergence, sequence diversity, and gene diversity. After discussing this in Section III.7, impacts to regional hotspots of sequence divergence, sequence diversity, and gene diversity should then be analyzed in Volume IV of the Final EIR/EIS.* Much of this analysis has already been performed; e.g., see Vandegrast et al. 2013, which identifies eight such hotspots within the DRECP Planning Area.

Vandegrast et al. 2013 concludes: "Throughout the Mojave Desert, we identified 10 regions where intraspecific genetic divergence and diversity were high for up to 17 species. Because genetic diversity underlies differentiation and adaptation, preserving regions with the greatest levels of genetic diversity and differentiation may help to preserve the evolutionary potential of these species. Thus we recognize these regions as evolutionary hotspots. While our analyses are coarse, we can generally assess where gaps in protection exist and where overlap with development may occur at a landscape-scale. Six of the 10 identified evolutionary hotspots show substantial overlap with existing and proposed renewable energy development sites and

infrastructure. These results provide a working hypothesis for identifying regions of evolutionary significance and thus conservation importance in the Mojave. The compiled landscape-level, GIS-based maps of genetic information could be applied in ongoing regional conservation planning initiatives such as the Desert Renewable Energy Conservation Plan, the Landscape Conservation Cooperatives, and the U.S. Department of the Interior, Bureau of Land Management's Landscape Approach to Managing Public Lands."

Comparing the biodiversity hotspots provided in Vandergast et al. 2013 with Figure II.3-1, it would appear the Proposed Action would have a significant impact to several hotspots, including (but not necessarily limited to) hotspots B (DFAs near Owens Lake), C (DFAs southeast of the Tehachapi Mountains along Route 58), especially D (DFAs around Victorville and particularly in the Lucerne Valley). *The Final EIR/EIS should incorporate this information into Volume II to clearly identify (1) the areas that would be protected as a biodiversity hotspot (2) the amount (preferably zero) that would allowed to be impacted under the Proposed Action, and (3) associated avoidance, minimization, and/or mitigation measures, etc., similar to how this information and associated analysis was provided for landscape-level linkages/connectivity.* Without this information and associated analysis, the Final EIR/EIS is deficient.

Failure of USFWS to Address Its "Action Area" Concept in Project Impacts Analysis:

Comment 105: Under current management, consultants are required to survey "action areas" as per 50 CFR §402.02. We do not believe that the "Total Project Area" described on page II.4-22 as "identical to the total permanent ground-conversion impacts" covers the action area, which is defined as "…all areas to be affected directly or indirectly and not merely the immediate area involved in the action (50 CFR §402.02)." Is USFWS aware that its action area requirement is not represented in the calculations given in Table II.4-7? Is the REAT intentionally ignoring recent research by Dr. Barry Sinervo (2014) that documents a "heat island" effect in areas adjacent to solar development, which extends the affected impact area beyond the direct impact footprint? *We ask that the USFWS address the question of action areas in the Final EIR/EIS, and address these concerns.*

USFWS' General Conservation Plan:

Comment 340: Given that BLM's land-use mandate is for multiple uses and the General Conservation Plan (GCP) envisions spending some fees for non-acquisition mitigation measures, how will USFWS ensure that BLM's multiple use mandate does not undermine the efficacy of these non-acquisition measures? *Please clarify in the Final EIR/EIS.*

Comment 346: Under current management, proponents have been obligated to ensure that the compensation habitats are as good as or better than those being lost. In 2008 for Copper Mountain College, Ventura USFWS required that more habitat acreage be acquired because there were few tortoises on the compensation parcel than on the development parcel. We see that presence/absence surveys are required on development parcels; will similar surveys be required on the acquisition parcel to ensure that "mitigate to the maximum extent practicable" standards are met? If not, how does the USFWS and DRECP Coordination Group propose to ensure the mitigation standards are met on a case-by-case basis? *Please clarify in the Final EIR/EIS.*

Comment 348: In this section, the Draft EIR/EIS states: "ensure that the rate of development does not outpace the acquisition of mitigation lands and the implementation of appropriate non-acquisition mitigation measures; i.e., that renewable energy development 'stays even' with mitigation." How is this to be measured? By acreage or by the number of tortoises impacted versus benefitted? If tortoises continue to decline, which the Draft DRECP has already identified as a foreseeable circumstance, how will those declines be factored into this "stay even analysis?" *Please clarify in the Final EIR/EIS.*

Natural Communities Conservation Plan (NCCP):

Comment 358: Where is the Natural Community Conservation Plan? Referring to pertinent portions of the Draft EIS/EIR for NCCP components is not a plan; it is, at best, an index. Even if these components were cut-and-pasted from the referenced sections of the Draft EIR/EIS and assembled, it is doubtful that the product would be recognizable as an NCCP. Is it true that participating CDFW biologists could not produce an actual NCCP for lack of funding, and that the REAT instead opted to provide a four-page appendix entitled "NCCP?" Can the REAT produce a document drafted by CDFW biologists entitled "NCCP?" Given the absence of a coherent NCCP in the Draft EIR/EIS for the DRECP, we consider it to be totally inadequate and deficient with regards to this component. As such, with regards to an actual NCCP, there was nothing to review and no opportunity to provide comments. *The Final EIR/EIS must be substantially amended in this respect to include an independent, autonomous document that has the required components and would serve the function of an NCCP.*

Management Considerations under Other Plans:

Comment 237: With regards to coordinating planning under Section 106 of the National Historic Preservation Act as provided for in 36 CFR 800.2(d)(3), we are pleased to see that the Draft EIS for route designation required for the West Mojave Plan will be issued prior to 23 February 2014, when the public comment period on the DRECP closes. Given the immediate release of this important document, how will it be addressed in the Final EIR/EIS? *Since the ROD for the West Mojave Plan route designation is mandated by the courts to be published by September 2015, and we assume that this document will be codified before the completion of the Final EIR/EIS for DRECP, how will route designation decisions be reflected in the analyses in the DRECP's Final EIR/EIS?*

Comment 362: We assume the REAT is aware that Senator Feinstein's California Desert Conservation and Recreation Act of 2015 was introduced on 2/9/2015, just in time to be considered by the DRECP? *Given that this proposed Act has now been introduced in the current congressional session, we assume that Appendix X – perhaps other parts of the DRECP analysis – now need to be amended in the Final EIR/EIS to consider this proposal?*

Habitat Compensation:

Comment 54: What is the rationale for not applying the 5:1 compensation ratio to DWMAs (current management) rather than only critical habitat (under DRECP Preferred Alternative)? We understand that DWMAs in the planning area are inclusive of all critical habitats, but that there are DWMA-lands that occur outside critical habitat. If this prescription is carried through, what would be the compensation on DWMA-lands outside critical habitat-designated lands? *We firmly believe that the Final EIR/EIS require a 5:1 ratio within all DWMAs, not only critical habitat.*

Comment 55: It is our understanding that current management under the West Mojave Plan requires 5:1 compensation for projects in the Mohave Ground Squirrel Habitat Management Areas (MGS HMA) and there is also a 1% Allowable Ground Disturbance cap in this important conservation area. What are the available data that support DRECP's intended reduction from current management of a compensation ratio of 5:1 down to a proposed ratio of 2:1? Has DRECP intentionally neglected to identify a development cap in the MGS HMP? If so, does that mean that current management, which is a 1% Allowable Ground Disturbance, would continue to apply to the MGS HMP? *Answers to these questions need to be addressed in the Final EIR/EIS, and amendment made as necessary to provide, at least, the protection levels provided by current management for the Mohave ground squirrel.*

Future No Survey Areas:

Comment 264: We are very concerned that there are Protocol Survey Areas (shown in yellow), Clearance Survey Areas (orange), and No Survey Areas (lavender) shown in Figure H-6, yet there are extensive "white areas" that are not included in these three categories. What does DRECP intend to do with these apparently undesignated areas? This is also true for jurisdictional areas such as Victorville, Adelanto, Apple Valley, Barstow, and Ridgecrest, for example, that are shown only in gray ("Impervious and Urban Build-up Land"). Will surveys continue to be required on lands in these "white" undesignated areas and gray "urban" areas? Anything less than this would seriously undermine current management and expose tortoises to impacts that would not occur under current management. *Please clarify in the Final EIR/EIS.*

Comment 267: What happens if a tortoise is discovered on a site at the time of development that was not surveyed by either a presence-absence survey or clearance survey? *It is our recommendation that the Final EIR/EIS stipulate that if a tortoise is found on a site in a No Survey Area or site otherwise not previously surveyed, that project activities cease and clearance surveys be performed.*

The comments given above are provided as a sample of the many concerns we have about the Draft EIR/EIS for the DRECP. There are 588 questions given in 364 comments in the attached tables. We ask that the REAT and its consultants address each of these questions and provide feedback in the Final EIR/EIS. The REAT should continue to consider the Desert Tortoise Council an Affected Party with regards to the DRECP, and continue to provide us with DRECP-related materials.

Thank you for considering and addressing our concerns.

Regards,

Edward L., LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
To the Renewable Energy Action Team: In the following comments, we have identified 588 questions that are intended to identify what we consider to be deficiencies in the Draft EIR/EIS. In other words, we would not have asked these questions if the Draft EIR/EIS had provided sufficient information to answer them. The questions are intended to prompt the REAT and its consultants of the issues and outstanding concerns that the Desert Tortoise Council believes must be addressed with additional information in the Final EIR/EIS. We understand that some of these questions can be answered in a comment/response matrix; however, we feel that most of our questions require that the Final EIR/EIS be modified or amended to address our concerns. **To facilitate addressing our comments and amending the Final EIR/EIS, we have provided bold red font statements within pertinent comments clarifying the additional information we are requesting.**					
Volume 1 – Background and Planning Process					
1	I.1-2	I.1.2.			We assume that the following statement is incorrect, "…mitigation strategy that will ensure *inconsistency* and efficiency in the review and permitting," that the word, "inconsistency" should be "consistency"
2	I.1-2 I.1-3	I.1.2.			We note that establishment of SRMAs and ERMAs is not cited as an objective for either the BLM or the USFWS. Which of the BLM objectives given in this section supports or encourages the designation of SRMAs and ERMAs? Where in the Draft EIR/EIS are the impacts of these new designations discussed? **The Final EIR/EIS needs to analyze the effects of these designations.**
3	I.1-2	I.1.2.			How is the DRECP's proposal to eliminate Multiple-Use Class Limited (MUC L) lands from BLM management supporting the first objective to "Conserve biological, physical, cultural, social, and scenic resources?" Where is the analysis/proposal in the Draft EIR/EIS that documents how MUC L lands will be managed after this designation is eliminated? Will the elimination of MUC L lands reduce the level of protection afforded to tortoises by current management? Designations need to provide more protection from unauthorized recreational vehicle use, grazing, and other uses that have detrimental effects to tortoises and their habitats. **The Final EIR/EIS needs to indicate how every acre of existing MUCs will be redesignated in the CDCA amendment.**
4	I.1-2 I.1-3 I.1-9 I.1-10	I.1.2. I.1.4.			We note that there are objectives listed for the BLM (**pages I.1-1 and I.1-2**) and for the State (**pages I.1-9 and I.1-10**), but where are the objectives for the USFWS, which is signatory to the Plan? There are statements relative to USFWS' purpose and need (**pages I.1-6 and I.1-7**), roles and responsibilities (**pages I.1-7 and I.1-8**), and decisions to be made (**pages I.1-8 and I.1-9**) but objectives are not listed anywhere. Does the USFWS lack objectives relative to the DRECP? **The Final EIR/EIS needs to be amended to identify the USFWS' objectives, not only for the GCP, but for the entire DRECP.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
5	N/A	N/A			Does the public maintain its right to appeal a particular project even if it would otherwise be authorized by the DRECP? In the past six months, local residents in Oak Hills near Victorville and Landers near Yucca Valley have successfully appealed two solar projects that were rejected by the San Bernardino County Board of Supervisors as a result of local opposition by affected residents to these projects. Will the public maintain its right to appeal a DRECP-authorized solar project? And where would this right fit into the DRECP process? **The Final EIR/EIS needs to identify and discuss the public' ability to appeal DRECP-approved projects.**
Volume 2 – Description of Alternatives					
6	II.2-4	II.2.1.2			How many thousands of acres of compensation lands have been acquired to offset impacts that were authorized by federal and State incidental take authorization? Much of the Desert Tortoise Research Natural Area (DTRNA) and its expansion areas to the east and west are comprised of such lands. Has DRECP acknowledged and identified these lands as "Legislatively and Legally Protected Areas (LLPAs)?" Since each of these acquisition parcels is associated with legal documents and obligations to permanent conservation, they must be identified and mapped as LLPAs in the Final EIR/EIS. **The Final EIR/EIS needs to identify and map all lands acquired through federal and state take authorizations and permits and identify them as LLPAs; otherwise, the DRECP becomes responsible for replacing these lost mitigation lands.**
7	II.2-5	II.2.1.1	II.2-1		This figure presents the DTRNA as land that is open for solar development. Research Natural Areas are not open for any development. **This map needs to be corrected in the Final EIR/EIS to show that the DTRNA, as a Research Natural Area, is an LLPA and should be withdrawn from DFA designations in all alternatives.**
8	II.2-10	II.2.1.3		II.2-3	Note that the West Mojave Plan is not a habitat conservation plan (HCP) as the Draft EIR/EIS has it in the fifth row, fourth column of this table. Rather, it applies solely to management on BLM lands, not private lands as it would if it were an HCP. **This error should be corrected in the Final EIR/EIS.**
9	II.2-27	II.2.2	II.2-2		This section incorrectly designates the DTRNA as "Areas Managed for Recreation Emphasis." This statement contradicts the CDCA, the WEMO, and the Sikes Act Management plan for the DTRNA. **Please correct this map in the Final EIR/EIS.**
10	II.2-106	II.2-4			The Draft EIR/EIS makes the following statement: "The USFWS has not received inquiries from any renewable energy proponents regarding incidental take permitting on nonfederal lands within the California deserts." Yet **Appendix O** indicates that there have been 42 projects that have affected 64,463 acres of private lands. Are these statements

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					conflicting? Or, does this mean that no existing renewable energy development on private lands has affected tortoises for which permits were required? **The Final EIR/EIS needs to clarify what the following sentence means: "The USFWS has not received inquiries from any renewable energy proponents regarding incidental take permitting on nonfederal lands within the California deserts."**
11	II.2-36 to II.2-38	II.2.2.2.3		II.2-11	It is our understanding that "Crucial Habitat" is a BLM-designated habitat category applied to tortoise habitats with adoption of the California Desert Conservation Area (CDCA) Plan of 1980 and became obsolete with later amendments designating "Category I, II, and III Habitats," and that these were partially or completely replaced by adoption of the BLM's three regional plans (i.e., WEMO, NEMO, and NECO). **The Final EIR/EIS needs to modify this table to refer to current designations rather than Crucial Habitat.**
12	N/A	N/A	N/A	N/A	Will the Final EIR/EIS divulge the current situation with regards to recently proposed solar projects that failed to be developed? We believe information should be provided for projects that went bankrupt, that were sold, that didn't produce the amounts of power anticipated, and that were otherwise poor performing. How much habitat is included in these failed projects and what is the current condition of that habitat? It is our understanding that more than half of the solar projects proposed in the past five to six years have failed without damage to the habitat for numerous reasons including project proponent bankruptcy, failure to pass existing environmental requirements, being poorly situated in tortoise-occupied habitats, etc. We believe that the failure of these projects to be developed equates to preserving tortoise habitats, the loss of which would be facilitated under DRECP management. **The Final EIR/EIS needs to be amended to document proposed renewable energy projects that have failed under current management, and to indicate if those projects would have been developed had the DRECP been in place and functioning as intended under each alternative.**
Volume II.2 – No Action Alternative					
13	II.2-18 II.3-9	II.2.1.3.1 II.3.1.1		II.2-6 II.3-1	We believe the No Action Alternative would continue to protect important desert habitats that would be opened to development by the facilitated processes promoted by the DRECP, which lacks adequate provisions for long term habitat protection. For example, **Table II.2-6** indicates that only 108,000 acres of desert habitats would be developed under the No Action Alternative compared to 177,000 of the 2,024,000 acres of DFAs that could be developed under the Preferred Alternative (as given in **Table II.3-1**). **The Final EIR/EIS needs to more accurately describe how the DRECP Preferred Alternative, if implemented as proposed, would result in far more loss of desert lands, including occupied desert tortoise habitat, than would be lost under the No Action Alternative.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
14	N/A	N/A	N/A	N/A	We believe that the No Action Alternative offers better, programmatic protection to desert tortoises than would be provided by the DRECP as currently written, which will promote development on more than two million acres of desert tortoise habitats compared to only 108,000 acres under current management without adequate long-term habitat protection. Given these statistics, we firmly believe there has been no greater programmatic threat to the loss of desert tortoise habitat since the CDCA Plan was adopted in 1980 than is currently being promoted by the DRECP. **The Final EIR/EIS needs to be amended to accurately identify the cumulative loss of tortoise habitats not only to 177,000 acres of development within the proposed DFAs, but by disposal of public lands currently managed by the BLM in all DFAs, in non-designated areas, and other new designations identified by the DRECP; by the loss of protections offered under current management on MUC L lands; and by the programmatic introduction of vehicular recreation facilitated by SRMA and ERMA designations.**
Volume II.3 – Preferred Alternative					
15	II.3-7		II.3-1		We note that the upper half of Brisbane Valley, bounded by I-15 to the east, National Trails Highway to the west, and Barstow to the north has been identified as a DFA. We strongly believe that this is a mistake for the following reasons: ● The only reason this area was not identified as a DWMA in the West Mojave Plan is because of the prevalence of private land ownership. Based on observations of tortoises in this area, except for the private land ownership it should have been identified as a DWMA (Ed LaRue, West Mojave Plan BLM biologist, personal communication). ● Ed LaRue and others observed 23 tortoises on and adjacent to a 160-acre parcel at the north end of this area (i.e., southeast of Lenwood) in April 2014. In 1991, 20 tortoises were observed on a 160-acre parcel at the south end of this area (i.e., northeast of Helendale). In 2008, three tortoises were observed during a reconnaissance survey of a 320-acre parcel near the center of this area. Tortoises have been observed on every site surveyed within this area by LaRue since the first survey in 1991. ● Most of this area is comprised of small hills and rises that we believe would preclude the development of solar fields, unless these hills are flattened. We understand from the descriptions given in **Section II.3.1.4.1** that development of solar fields requires flatter lands than are available in northern Brisbane Valley. ● We are very pleased with the prescriptions on **pages II.3-62** (**AM-DFA-ICS-3**) and **II.3-74** (**AM-RES-BLM-ICS 2 & 3**) indicating that sites with more than five tortoises per square mile would be abandoned, resituated, redesigned, or prohibited. Given the new data provided above, we do not think there will be many areas within northern Brisbane Valley with fewer than five tortoises per square mile.

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					Given these new data and the above observations, we strongly encourage the DRECP team to redesignate northern Brisbane Valley as either a Special Analysis Area (SAA) or a Future Assessment Area (FAA) in the Final EIR/EIS as described on page II.3-2, and definitely not be designated as a DFA.
16	II.3-7		II.3-1 and H-7		Per USFWS 2012*, desert tortoises require a linkage corridor at least 2.8 miles wide. Proposed DFAs in East Riverside would not allow for a 2.8-mile wide corridor through this area, which would eliminate connectivity between the TCA east of the Chocolate Mountains, the High Priority Habitat north of East Riverside, and the Modeled Linkage/TCAs north of this habitat. **To reduce impacts, we recommend that the Final EIR/EIS allow for such a corridor through east Riverside. • The associated analysis in Section IV.7 is deficient as it does not include this analysis and should be augmented in the Final EIR/EIS**. * U.S. Fish and Wildlife Service. 2012. Review of the Draft Supplemental Environmental Impact Statement for the Silver State South Solar Energy Project (First Solar LLC), Clark County, Nevada. Memo from State Supervisor, Nevada Fish and Wildlife Office, Reno to Renewable Energy Project Manager, Bureau of Land Management Las Vegas Field Office, Las Vegas, Nevada. Dated 16 November 2012. Reno, Nevada.
17	II.3-17	II.3.1.2	II.3-2	II.3-5	According to **Figure II.3-2**, the DRECP does not acknowledge the conservation status of the DTRNA. The DTRNA is a Research Natural Area that has been protectively managed for 40 years in a cooperative agreement between the Desert Tortoise Preserve Committee and BLM; important research has been carried out there on both the desert tortoise and Mohave ground squirrel. Aside from 40 years of legal agreements, which the Draft EIR/EIS fails to acknowledge as LLPAs, Research Natural Areas are recognized as being legally protected. **The Final EIR/EIS must either recognize the conservation status of the DTRNA or provide a compelling rationale as to why it identifies the DTRNA as land that is lacking any legal conservation status. Pertinent sections and all figures pertaining to the DTRNA should be modified in the Final EIR/EIS to show that it is a LLPA.**
18	II.5-5	II.5.1.2.4	II.5-1		It is counterintuitive that the northern portion of Brisbane Valley is not identified as a DFA in Alternative 2, which has +/- 400,000 more acres of DFAs than the Preferred Alternative. If the northern portion of Brisbane Valley is excluded from DFA status in Alternative 2, should it not also be excluded from the Preferred Alternative? **The Final EIR/EIS needs to be amended to change the status of northern Brisbane Valley from a proposed DFA to either a SAA or FAA.**
19	II.3-9 II.3-300	II.3.1.1 II.3.2		II.3-1 II.3-42	Please note the discrepancy in reported acreage for BLM-designated vehicle open areas: **Table II.3-1** gives it as 264,000 acres compared to **Table II.3-42** where it is given as 235,000 acres. **The Final EIR/EIS needs to consistently report the acreage of BLM-designate vehicle open areas.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
20	II.3-31	II.3.1.2.5.2			**The following considerations should be taken into account for the Final EIR/EIS**: For topsoil salvage, it is important to minimize the amount of time that soil is stored and avoid piling stockpiled soil in piles more than 3 feet tall whenever possible. Die off of seeds, mycorrhizae, and other biotic material proceeds rapidly the longer topsoil is stored. Wherever feasible, topsoil should be stored for less than a few months before being reapplied to the revegetation site. Tall piles of soil can become anaerobic, also killing most of the living organisms. Piles may also require stabilization to avoid blowing away in the wind where this is a concern. Tackifier and other materials can help stabilize stockpiles. Effectively salvaging topsoil to maximize its restoration benefit requires careful planning and proper handling of the stockpiled soil.
21	II.3-31	II.3.1.2.5.2			**The following considerations should be taken into account for the Final EIR/EIS**: Mowing of vegetation may be highly undesirable. The Mojave Desert does not generally contain vegetation amenable to mowing. Most vegetation is moderately tall shrub land. Other areas can contain cover by annual plants. Where non-native annuals - such as red brome (*Bromus rubens*) or *Schismus* - are present, mowing might actively disperse these species. As already stated in the Draft EIR/EIS, avoiding disturbing native shrub land in the first place would be the best strategy. Where non-native plants occur, consider using herbicide instead of mowing.
22	II.3-31	II.3.1.2.5.2			**The following considerations should be taken into account for the Final EIR/EIS**: It should be recognized that restoring the cleared areas, such as temporary roads and staging areas, is a long-term process in deserts. It is good to start implementing restoration/revegetation treatments as soon as possible (but timed correctly to the growing season of the Mojave Desert) after an area is "decommissioned." The Draft EIR/EIS currently gives the idea that areas can be immediately restored. This is not the case. Even under the best circumstances, full restoration requires decades in the Mojave Desert. This is not surprising given this is the hottest, driest area of the North American continent. Successful restoration can require years of good rainfall, which are rare. It should not be assumed that these disturbed and decommissioned areas are fully restorable to mature native shrub lands formerly occupying the sites. Effective restoration will use good planting stock, soil amendments where necessary, control of non-native plants where necessary, and the most reliable overall restoration strategies possible. Some of these techniques are summarized in the recent publication below: Abella, S.R., and A.C. Newton. 2009. A systematic review of species performance and treatment effectiveness for revegetation in the Mojave Desert, USA. Pp. 45-74 in Fernandez-Bernal, A., and M.A. De La Rosa (eds.). Arid environments and wind erosion. Nova Science Publishers, Inc., Hauppauge, NY. 394 pp.

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
23	II.3-35	II.3.1.2.5.2			**The following considerations should be taken into account for the Final EIR/EIS with regards to Standard Practices for Fire Prevention/Protection**: Renewable energy developments might break up fuel continuity (by bulldozing large swaths of desert), temporarily decreasing potential for fire spread across landscapes. On the other hand, numerous aspects of renewable energy development have potential to increase fire activity in the Mojave Desert. The number of ignition sources may sharply increase with more people in the desert, extensive industrialization with many forms of equipment, and vehicles which can start fires when even parked around vegetation. Furthermore, a central tenet of non-native species management is that pervasive disturbance (which renewable energies produce) promotes non-native vegetation. In the Mojave Desert, non-native grasses provide extensive fuel loads and are likely to increase with increased disturbance. Consider implementing control strategies for non-native plants in and around the facilities. These treatments for non-native plants might both reduce fuel loads (and hence potential for severe fire) and have ecological benefits as well for native species.
24	II.3-35	II.3.1.2.5.2			We are pleased to announce that the Desert Tortoise Council is currently producing Best Management Practices for habitat restoration within the DRECP planning area. We will make this draft document available to the DRECP Coordination Group once it has received appropriate peer review and is ready for distribution. The tentative title for these BMPs is: "Abella, S.R., and K.H. Berry. *In preparation*. Improving habitat for the desert tortoise (*Gopherus agassizii*), a federally threatened reptile in the Mojave Desert."
25	II.3-37	II.3.1.2.5.2			The DRECP states "To the maximum extent practicable any new road considered within Covered Species suitable habitat within identified linkages for those Covered Species will not be paved and will not negatively affect the function of identified linkages." **We ask that the Final EIR/EIS address the following questions:** 1. **Is there a limit to the amount of new paved roads that could be used?** 2. **If a development project were constructed in or near suitable habitat for a covered species within identified linkages for those covered species, what would the development likely look like in terms of paved roads? For example, is it likely that the main road to the facility would be paved?** 3. **Please provide thresholds, a decision-making process tree, and examples of when paved roads would be required and when they would not be required.** 4. **How would it be determined that a road (paved or not paved) would not negatively affect the function of the identified linkages? What criteria are used to make this determination? Work by Michael Vamstad at Joshua Tree National Park, as presented at the 2014 Desert Tortoise Council Annual Symposium, has**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					shown that tortoises avoid roads with even a relatively small number of vehicles per day; this work should be described in the Final EIR/EIS and used to inform the DRECP analysis.
26	II.3-39	II.3.1.2.5.3			We read, "The DRECP Plan-Wide Reserve Design Envelope was developed to capture areas important for habitat linkages and connectivity, and the Plan-wide CMAs were designed to avoid and minimize the effects of Covered Activities on linkages and connectivity." **We ask that the Final EIR/EIS address the following concerns:** **1. Please explain how the Plan-Wide Reserve Design Envelope, and the Plan-Wide CMAs, were designed with respect to connectivity or state where this information can be found so that the public can comment on the approach to the analysis and the final results. To what extent were linkages and connectivity avoided? The approach to develop the Plan-Wide Reserve Design Envelope is unclear, and as discussed elsewhere in our comments, the associated analysis is lacking. Without this information, the Final EIR/EIS will continue to be deficient.** **2. Comparing Figure II.3-1 to Figure H-2 shows that DFAs south of the Tehachapi Mountains directly overlaps Desert Linkage Network and SCML Wildlife Corridor lands, and that there are no proposed conservation planning areas or other conservation-related lands in this area. As such, the above text is incorrect and misleading – adding at least one 2.8-mile wide conservation/wildlife corridor (per USFWS 2012*) is critical to maintaining connectivity for tortoises in this area. This is also true for the following DFAs:** **a. Nearest to Owens Valley** **b. Along I-10** **c. Surrounding Calipatria** **d. East and southwest of Barstow** **e. West of Adelanto** **f. Wildlife corridors between Victorville and Lucerne Valley would become severely restricted and would appear to be less than 2.8 miles wide.** * U.S. Fish and Wildlife Service. 2012. Review of the Draft Supplemental Environmental Impact Statement for the Silver State South Solar Energy Project (First Solar LLC), Clark County, Nevada. Memo from State Supervisor, Nevada

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					Fish and Wildlife Office, Reno to Renewable Energy Project Manager, Bureau of Land Management Las Vegas Field Office, Las Vegas, Nevada. Dated 16 November 2012. Reno, Nevada.
27	II.3-41	II.3.1.2.5.3			**AM-LL-4**: Although it is reiteration of current management, we recommend that **the Final EIR/EIS add wording to this measure that requires focused surveys for bird nests between mid-February and mid-September of a given year for all projects in scrub-dominated habitats**.
28	II.3-53	II.3.1.2.5.4			We note that Mohave fringe-toed lizard (*Uma scoparia*) is a Covered Species but that Colorado Desert fringe-toed lizard (*Uma notata*) is not. **The Final EIR/EIS should provide rationale for protecting one but not both of these species.**
29	II.3-61	II.3.1.2.5.4		II.3-10	We note in **Table II.3-10** that lists survey requirements in DFAs that burrowing owl is not included in the list. Such surveys are part of current management. Is its exclusion from the list an oversight? Should it be included? **The Final EIR/EIS needs to clarify that the CDFW's 2012 burrowing owl survey protocol will be required for all DRECP projects.**
30	II.3-62 to II.3-63	II.3.1.2.5.4			**AM-DFA-ICS-3, 2nd and 3rd bullets**: What is the rationale here for having the USFWS oversee translocation of fewer than 14 tortoises (2nd bullet) and the project applicant responsible for translocation of 15 or more tortoises (3rd bullet)? We are concerned that this requires federal funding that may not be available, depending on how many concurrent projects for which USFWS may have to implement translocation. We believe that the project applicant should be responsible for the cost of all translocations and associated funds. How can the DRECP Coordination Group guarantee that USFWS funding for smaller translocation projects will always be available? **The Final EIR/EIS should be changed to indicate that the proponent will pay for all translocation costs, regardless of how many tortoises are displaced.**
31	II.3-62 II.3-74	II.3.1.2.5.5. II.3.1.2.5.4.			We note that there are three similar prescriptions, as follow: ● **Page II.3-62**: "**AM-DFA-ICS-3:** If protocol surveys identify an adult desert tortoise density (i.e., individuals 160mm or more) of more than 5 per square mile or more than 35 individuals total on a project site, the project will be required to be redesigned, resited, or relocated to avoid and minimize the impacts of the project on desert tortoise." ● **Page II.3-74**: "**AM-RES-BLM-ICS-2:** All activities, except transmission projects, that will result in the long-term removal of habitat supporting an adult desert tortoise density (i.e., individuals 160mm or more) of more than 5 per square mile or more than 35 individuals total are prohibited. The number of desert tortoises on-site will be based on estimates derived from the protocol surveys described in **AM-DFA-ICS-3** using the USFWS's pre-project survey protocol." ● **Page II.3-74**: "**AM-RES-BLM-ICS-3:** All activities, except transmission projects, in desert tortoise TCAs or linkages that will result in long-term removal of habitat supporting more than 5 adult individuals are prohibited. The number of

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					desert tortoises on-site is based on estimates derived from the protocol surveys described in **AM-DFA-ICS-3** using the USFWS's pre-project survey protocol." Is the first prescription applicable to private lands only, and the last two to BLM lands? Certainly, we prefer the word, "prohibited" on BLM lands compared to "redesigned, resited, or relocated" on private lands. Is the difference intentional? If not, we recommend that "prohibited" apply to all three measures. **We recommend that the Final EIR/EIS be amended to indicate that projects, including transmission projects, will be prohibited on both private and BLM lands with adult desert tortoise densities (i.e., individuals 160mm or more) of more than 5 per square mile or more than 35 individuals total on a project site.**
32	II.3-63	II.3.1.2.5.4			**AM-DFA-ICS-3**: "If protocol surveys identify an adult desert tortoise density (i.e., individuals 160mm or more) of more than 5 per square mile or more than 35 individuals total on a project site, the project will be required to be redesigned, resited, or relocated to avoid and minimize the impacts of the project on desert tortoise." Tortoise densities on the DTRNA are known to be an order of magnitude higher than this, and these densities also exist in the areas of the DTRNA that the Preferred Alternative proposes as DFAs. **We again urge that all areas of the DTRNA and its expansion areas be removed from consideration for any development in the Final EIR/EIS**.
33	II.3-63	II.3.1.2.5.4			**AM-DFA-ICS-5**: "Covered Activities, except for transmission projects in existing transmission corridors, will avoid the desert tortoise conservation areas (TCAs) and the desert tortoise linkages identified in **Appendix H**, except the portion of the TCA in the northern Fremont Valley converted to intensive agriculture prior to 2013." Northern DTRNA and Fremont-Kramer ACEC are both parts of the TCAs (See **Figure H-7** in **Appendix H**, **page H-23)**. Why does the DRECP designate areas as DFAs when it is apparent that development cannot go forward in these areas? **We request that the Final EIR/EIS eliminate the DFA status designation from TCAs in the northern Fremont Valley.**
34	II.3-63	II.3.1.2.5.4			**AM-DFA-ICS-5** states "Covered Activities, except for transmission projects in existing transmission corridors, will avoid the desert tortoise conservation areas (TCAs) and the desert tortoise linkages identified in **Appendix H**, except the portion of the TCA in the northern Fremont Valley converted to intensive agriculture prior to 2013." This statement is false. **Figure II.3-1** proposes to locate DFAs west and southwest of Barstow, near Victorville, through Lucerne Valley, and at the northeast end of the Tehachapi Mountains that are also shown as Tortoise Conservation Areas and/or Modeled Linkages on **Figure H-7**. **Removing these areas as proposed DFAs from the Final EIR/EIS would ensure that the text in AM-DFA-ICS-5 is correct.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
35	II.3-63	II.3.1.2.5.4			According to **AM-DFA-ICS-6**, "Covered Activities that would compromise the viability of a linkage population or the function of the linkage, as determined by the DRECP Coordination Group, are prohibited and would require reconfiguration or resiting." Where does the Draft EIR/EIS describe the process that this evaluation would use? If this information is provided in the Draft EIR/EIS, an internal reference should be added here to inform the reader; burying the information (if it is provided) among thousands of pages does not help the reader understand the Proposed Action. **Without describing the process in the Final EIR/EIS, the analysis is deficient, particularly as several linkage analyses are available.** For example, refer to Latch et al. 2011*, which states "Although genetic structure in this population is currently affected by slope more than by roads, the extremely short time lag between the emergence of roads as a barrier and detection of a genetic effect indicates that roads may become increasingly important in shaping the evolutionary trajectory of desert tortoise populations. In addition, our results empirically support recent research suggesting that landscape effects on population structure may be limited in scale, but detectable almost immediately." * Latch E.K., Boarman W.I., Walde A., Fleischer R.C. 2011. Fine-Scale Analysis Reveals Cryptic Landscape Genetic Structure in Desert Tortoises. PLoS ONE 6(11): e27794. doi:10.1371/journal.pone.0027794.
36	II.3-63	II.3.1.2.5.4			According to **AM-DFA-ICS-8**, TCAs and identified linkages should have the goal of "no net gain" of road density. **We recommend that the Final EIR/EIS use the following wording: "…linkages should have the goal of no net gain of road density" to "…would have no net gain of road density or net habitat loss." The text should then describe that, to achieve this, existing roads would be decommissioned and restored when new roads are constructed.**
37	II.3-63	II.3.1.2.5.4			According to **AM-DFA-ICS-8**, "Roads requiring the installation of long-term desert tortoise exclusion fencing for construction or operation will incorporate wildlife underpasses (e.g., culverts) to reduce population fragmentation." **The Final EIR/EIS should report the design standard(s) that would be used and should also discuss the extent to which tortoises and other Covered Species are expected to use these culverts.** This discussion is important since providing suitable culverts for other reptile species has not been practicable. For example, culverts initially proposed to allow for flat-tailed horned lizards to cross underneath the SR 195, the Area Service Highway, near Yuma, Arizona would have been over 14 feet tall, would have cost more than $1 million each, and would have increased impacts to habitat due to the amount of fill that would be required. For these reasons, the culverts ultimately were removed from the proposed action. See the August 2005 Final Environmental Assessment for the Yuma Area Service Highway, Yuma County, Arizona, authored by Arizona Department of Transportation, Intermodal Transportation Division, Environmental & Enhancement Group, at 205 South 17th Avenue, Phoenix, Arizona 85007, in conjunction with the Federal Highway Administration,

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					Arizona Department of Transportation, and Yuma Metropolitan Planning Organization for more information.
38	II.3-64	II.3.1.2.5.4			**AM-DFA-ICS-7**: "Covered Activities will be sited in lower quality desert tortoise habitat in desert tortoise linkages and the Ord-Rodman TCA, identified in **Appendix H.**" Northern DTRNA and Fremont-Kramer ACEC are both high quality tortoise habitat. **The Final EIR/EIS needs to provide characteristics of what it considers "lower quality desert tortoise habitat;" and include high conservation value as one of the characteristics of higher quality habitat; even degraded habitats in DWMAs and tortoise critical habitat possess conservation value as lands to be restored.**
39	II.3-63 to II.3-64	II.3.1.2.5.4			Given these comments, **we recommend that the Final EIR/EIS remove the DFA designation from desert tortoise Critical Habitat, especially all parts of DTRNA and Fremont-Kramer ACEC, and designate them as Tortoise Conservation Lands. DTRNA should retain its present designation as a Research Natural Area, and the entire Fremont-Kramer ACEC should be designated as legally protected, and if not, at least as NCLS lands. We further propose that the DTRNA be expanded to include the entire Fremont-Kramer ACEC as a Research Natural Area.**
40	II.3-64	II.3.1.2.5.4			**AM-DFA-ICS-7**: If adopted, would this provision prohibit the construction of the proposed transmission line through the northwest portion of the Ord-Rodman DWMA, as currently proposed for the Coolwater-Lugo Transmission Project? **This should be clarified in the Final EIR/EIS.**
41	II.3-64	II.3.1.2.5.4			**AM-DFA-ICS-8**: Currently, there is a very serious, unmitigated deposition of dust associated with thousands of vehicles accessing the Abengoa solar facility being constructed near Harper Lake in the West Mojave. **The Final EIR/EIS should include specific wording in this section that will prohibit deposition of dust associated with DRECP-authorized projects in adjacent desert scrub habitats.**
42	II.3-65	II.3.1.2.5.4			**AM-DFA-ICS-10, 3rd bullet**: We suggest that this bullet be modified **in the Final EIR/EIS to ensure that any tortoises encountered during clearance surveys of perimeter fences be placed outside fenced areas so that they may remain in known habitats and not be subjected to translocation.**
43	II.3-66	3.1.2.5.4			**AM-DFA-ICS-15**: We note that this measure is incomplete, missing words following the word, "Operations…" We recommend that the prescription be modified in **the Final EIR/EIS to, "If conditions warrant (e.g., if a tortoise is harmed while driving 25 miles per hour), a reduced speed limit should be enforced."** Very often, a 15 mph speed limit is more effective in seeing hatchling tortoises, particularly in September and October.
44	II.3-68	3.1.2.5.4			We appreciate that the following prescription is given: "...the number of golden eagles that could be taken in the Plan Area in 2014 would be 15;" however, what then? If 15 golden eagles are lost, will all windmills be turned off? The Draft EIR/EIS fails to elucidate what will happen if this take limit is met. **The Final EIR/EIS needs to clarify what will happen if this take limit is exceeded.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
45	II.3-70	3.1.2.5.4			**AM-DFA-ICS-36**: **The Final EIR/EIS must clarify that current management requires that anyone implementing these measures must have a species-specific Memorandum of Understanding with CDFW; not just any Designated Biologist would be authorized to trap for and handle Mohave ground squirrels.**
46	II.3-70	3.1.2.5.4			**AM-DFA-ICS-36**: Whereas there is an existing protocol for determining *presence-absence* of Mohave ground squirrels (CDFW 2003, revised 2010), no similar protocol exists for *clearance* surveys. This implies that all Mohave ground squirrels within a project area are susceptible to trapping and can be removed before ground disturbance. Again, such a protocol does not currently exist. Does CDFW intend to develop a "clearance survey" protocol for Mohave ground squirrel? **The Final EIR/EIS must indicate that a clearance survey for Mohave ground squirrel does not exist and that a trapping protocol meeting CDFW's approval must be written.**
47	II.3-70	3.1.2.5.4			**AM-DFA-ICS-37**: Does "protocol survey" refer to the CDFW 2003, revised 2010 protocol? **If so, this reference should be cited in the Final EIR/EIS**.
48	II.3-71	3.1.2.5.4			**AM-DFA-ICS-41**: The following statement, "…occurrences of Mohave ground squirrel will be flagged and avoided, with a minimum avoidance area of 50 feet…" implies that burrows of Mohave ground squirrels can be differentiated from those of antelope ground squirrels (*Ammospermophilus leucurus*), for example, which cannot be done with any certainty. **This measure should be clarified in the Final EIR/EIS.**
49	II.3-74	3.1.2.5.5		II.3-12	We appreciate that there is a "0.0%" disturbance cap for the DTRNA, which we interpret to mean that no solar development will be allowed inside this area? For the other caps identified for Areas of Critical Environmental Concern (ACEC, synonymous with "DWMA") and Critical Habitat Unit, are these caps included within existing BLM plans, or are they additive? For example, under the West Mojave Plan, there is currently a 1.0% development cap (referred to as "Allowable Ground Disturbance" or "AGD") in DWMAs; would DRECP's 0.5% cap be included within this existing 1.0% AGD? Or, would it be elevated to 1.5% with implementation of the DRECP? **The Final EIR/EIS needs to clarify the relationship between existing disturbance caps and DRECP-proposed disturbance caps.**
50	II.3-74				According to **AM-RES-BLM-ICS-3**, "All activities, except transmission projects, in desert tortoise TCAs or linkages that will result in long-term removal of habitat supporting more than 5 adult individuals are prohibited." California has experienced a severe drought for the past four years, which is expected to reduce tortoise populations. This population reduction may result in impacting five or less tortoises a given area even though the habitat is otherwise valuable or even critical for tortoise connectivity. **We recommend that the Final EIR/EIS state that to ensure recovery of the tortoise, if a project in a TCA or linkage would impact five or less tortoises, then impacts to tortoise habitat and connectivity**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					during non-drought periods should be evaluated before a project is approved.
51	II.3-80	3.1.2.5.5			**RL-ICS-7**: We recommend that this measure, "Guzzlers located within portions of the lands added to the reserve that are required for desert tortoise conservation will have escape ramps" be amended **in the Final EIR/EIS to read "No fiberglass or other slick surfaces will be used in constructing guzzler ramps and tanks; rather cement, concrete, or other surface providing more purchase for entrapped tortoises will be used on escape ramps and tanks in guzzler construction."** This is based on extensive research by CDFW biologist, Frank Hoover (1995*), who found that most upland guzzlers where tortoises were found drowned were constructed with fiberglass bottoms. *Hoover, F. 1995. An investigation of desert tortoise mortality in upland game guzzlers in the deserts of southern California. Unpublished report in the Proceedings of the 1995 Desert Tortoise Council Symposium. Las Vegas, NV.
52	II.3-87	II.3.1.2.5.7		II.3-13	We note that CDFW rarely requires as little as 2:1 compensation under current management; that outside DWMAs, it is more often 3:1. What is the justification for this reduced compensation over current management? Since 3:1 is currently required to meet CDFW's fully mitigate standard, how is the reduced compensation level of 2:1 still able to meet that standard? Would CDFW still require proponents developing outside the context of the DRECP to compensate at 3:1? And, if so, how could that be justified if DRECP requires only 2:1 compensation? **We ask that the Final EIR/EIS answer each of the questions given in this comment, and that a 3:1 compensation ratio, which reflects current management for non-renewable energy development, also be required for renewable energy development.**
53	II.3-87	II.3.1.2.5.7		II.3-14	Is it intentional that the 5:1 compensation ratio given in this table pertains only to desert tortoise **critical habitat**? Since critical habitat pertains to situations where federal funding, federal authorization, or federal land are involved, isn't it true that the critical habitat designation does not apply to private lands? Would development of private lands within the critical habitat boundary be subjected to the 5:1 ratio? We understand that, under current management, if tortoises occur on private lands within critical habitat, those lands would be treated as critical habitat because federal authorization would be required. But, what about private lands where tortoises do not occur, federal authorization is not required, and those lands (even though within the designated boundary) are not technically critical habitat; would the 5:1 compensation ratio be required under the DRECP to develop those private lands? **We ask that the Final EIR/EIS address each of the questions given in this comment.**
54	II.3-87	II.3.1.2.5.7		II.3-14	What is the rationale for not applying the 5:1 compensation ratio to DWMAs (current management) rather than only critical habitat (under DRECP Preferred Alternative)? We understand that DWMAs in the planning area are inclusive of all critical habitats, but that there are DWMA-lands that occur outside critical habitat. If this prescription is carried

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					through, what would be the compensation on DWMA-lands outside critical habitat-designated lands? **We firmly believe that the Final EIR/EIS require a 5:1 ratio within all DWMAs, not only critical habitat.** Failure to do so would certainly result in less protection than is provided for under current management, and must be justified in the Final EIR/EIS. How many acres within DWMAs that are not designated as critical habitat would no longer be compensated at 5:1, presumably using the 2:1 ratio instead? The Draft DRECP fails to divulge this acreage or analyze the reduction in tortoise conservation value by diluting current management and its 5:1 compensation in DWMAs.
55	II.3-87	II.3.1.2.5.7		II.3-14	It is our understanding that current management under the West Mojave Plan requires 5:1 compensation for projects in the Mohave Ground Squirrel Habitat Management Areas (MGS HMA) and there is also a 1% Allowable Ground Disturbance cap in this important conservation area. What are the available data that support DRECP's intended reduction from current management of a compensation ratio of 5:1 down to a proposed ratio of 2:1? Has DRECP intentionally neglected to identify a development cap in the MGS HMP? If so, does that mean that current management, which is a 1% Allowable Ground Disturbance, would continue to apply to the MGS HMP? **Answers to these questions need to be addressed in the Final EIR/EIS, and amendment made as necessary to provide, at least, the protection levels provided by current management for the Mohave ground squirrel.**
56	II.3-88	II.3.1.2.5.7			**We ask that the Final EIR/EIS determine – like the Draft EIR/EIS does for golden eagle – what are acceptable versus unacceptable losses of birds.** Whereas compensation for this loss seems prudent, what is the metric DRECP intends to use to determine if impacts reach "unacceptable levels? And, what are the adaptive management prescriptions intended to alleviate unacceptable losses?
57	II.3-104	II.3.1.3.4.2			It is not clear from this section how the programmatic success or failure of translocated tortoises would be monitored under the DRECP. Is there a requirement for monitoring translocated tortoises, preferably over multiple seasons? **If translocations are found to be unsuccessful (which should be defined in the Final EIR/EIS), how will adaptive management be implemented to discontinue or modify translocation methods?**
58	II.3-108	II.3.1.3.4.2			As it pertains to Mohave ground squirrels hybridizing with round-tailed ground squirrels (*Spermophilus tereticaudis*), will DRECP ensure that the hybridization zone between Barstow and Kramer Junction is studied, geographically defined, and monitored? Given that hybridization is a foreseeable threat to the conservation of Mohave ground squirrels, how will the DRECP be modified if it is determined that authorized solar development is contributing to the demise of the species by facilitating hybridization? How will take authorization under the DRECP be affected if Mohave ground squirrel becomes federally listed? **We ask that each of these questions be addressed in the Final EIR/EIS, and that pertinent changes be inserted into appropriate sections as needed.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
59	II.3-109	II.3.1.3.4.2			In May 2014, Mohave ground squirrel individuals from at least two different litters were trapped at the L.A. County Park Phacelia Wildflower Sanctuary, which is within the gap area between south Edwards and east to L.A. County line discussed in this section. Ed LaRue secured six permits from L.A. County Parks that allow for trapping of six parks in the region over the next 10-year period, the data of which he will readily share with the DRECP Coordination Group. In the meantime, please be aware that Mohave ground squirrel was detected in this area in 2014, that this area should not be identified as a DFA, that either the SAA or FAA designation is more appropriate until more data are collected. **Until it is adequately studied, we ask that all of eastern L.A. County be designated as either a SAA or FAA until the status of Mohave ground squirrel is better understood in this region.**
60	II.3-156 to II.3-158	II.3.1.3.7.3			We find that this section is vague and uninformative. On one hand it briefly refers to "minimizing impacts to recreation" on **page II.3-157**, but it in no way indicates how increased recreation (if that is even being proposed is unclear) may affect desert tortoises and other Covered Species. **Section II.3.1.3.7.3 must be expanded in the Final EIR/EIS to assess the impacts associated with designating Special Recreation Management Areas (SMRAs) and Extensive Recreation Management Areas (ERMAs) in even the most protected desert tortoise habitats, like critical habitat, which is protected under current management.** What uses are likely to occur and at what levels as a result of designating these areas? And, how will Covered Species be affected by increased recreational use in ostensibly dedicated Tortoise Conservation Areas? The DRECP fails to assess how designating something as an "Extensive" recreation area is likely to change how the public perceives the area and how recreational uses, including destructive uses, may increase. The Desert Tortoise Council strongly opposes any land designation that will result in increased, unregulated recreational activities that will affect desert tortoises and their habitats. As presented in the Draft EIR/EIS, the SRMA and ERMA designations appear to facilitate increased recreational use at the expense of desert tortoise conservation by designating tortoise critical habitats and DWMAs as recreational areas. There are considerable differences in impacts and loss of habitat from contemplative or non-destructive recreation (hiking, photographing) versus vehicle-oriented recreation, including camping, parking off road. **The Final EIR/EIS must fully assess impacts, proposed mitigation measures, monitoring, and adaptive management to better understand what is entailed in designating SRMAs and ERMAs.**
61	II.3-156 to II.3-158	II.3.1.3.7.3			Given that "…the LUPA would designate up to 2.7 million acres of SRMAs and up to 880,000 acres of ERMAs, avoiding and minimizing impacts to these lands is important to ensure that these designations meet their objectives." How does the REAT propose to avoid and minimize vehicle impacts in these areas newly designated for Special and Extensive recreational use? The Draft EIR/EIS fails to divulge what data, if any, show current levels of recreational use and impacts (e.g., how many cross-country vehicle tracks occur per unit area? How much damaging soil compaction has occurred?). In

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					the absence of these baseline data, how does the DRECP propose to measure if there is an increase in destructive off-highway vehicle activity? **The Final EIR/EIS must either provide baseline data or require that it be collected before SRMAs and ERMAs are established. Furthermore, none of the provisions or recommendations given in the BLM Worksheets in Appendix L should be adopted or implemented until the baseline data are available, and the Final EIR/EIS provides the NEPA-required impacts analysis and Affected Environment discussion, which are missing from the Draft EIR/EIS.**
62	II.3-156 to II.3-158	II.3.1.3.7.3			We note that the BLM Land Use Planning Handbook 1601 (Handbook) and BLM Planning for Recreation Resources Manual 8320 (Manual) define criteria for ERMA designation, which includes the following four criteria (**bold** emphasis added): "(1) Where dispersed recreation is encouraged and where visitors have a freedom of recreational choice with **minimal regulatory constraint**. (2) Unstructured recreation activities such as hunting, dispersed camping, hiking, and wildlife viewing [are encouraged? Permissible?]. (3) Significant public recreation issues or management concerns are limited and **minimal management, consistent with the Bureau's stewardship responsibility suffices in these areas**. And (4) **Detailed planning is usually not required for these areas**." Why are these specific BLM management policies not divulged in the Draft EIR/EIS? **The Final EIR/EIS must divulge the lower level of BLM management that will result in designating tortoise critical habitats and other areas as ERMAs.** This is just one example of how the Draft EIR/EIS fails to assess and report the ramifications of designating ERMAs throughout the DRECP planning area. The Council views these four criteria as counterproductive to the conservation and recovery of the desert tortoise. How many of the 880,000 acres of proposed new ERMAs are in tortoise critical habitat and proposed tortoise management areas designated under the DRECP, including TCAs and NCLS areas? How is increased recreational use and decreased BLM management (as per the Handbook and/or Manual) intended to be compatible with tortoise conservation and recovery? It would seem that the REAT has taken the opportunity to increase vehicle recreation throughout the desert with no direct nexus to mitigating development of renewable energy impacts. What is the rationale and nexus for increasing unregulated vehicle use on BLM lands in ERMAs to mitigating impacts of renewable energy development? How are ERMAs intended to provide for enhanced conservation of the desert tortoise as a means to offset impacts of renewable energy, particularly if BLM views such areas has having "limited and minimal management," as per criterion 3 above? Are not increased recreational opportunities under the DRECP a new impact that would not exist "but for" the DRECP? If so, where is the analysis of this newly introduced impact to habitats of the desert tortoise and each of the other Covered Species? **We ask that the Final EIR/EIS address each question given in this comment.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
63	II.3-162	II.3.1.4	II.3-3	II.3-18	When one considers the level of DFAs proposed for the West Mojave Desert compared to other areas, we see that 767,000 of the total 2,024,000 acres – or 38% of all DFAs throughout the planning area – are being proposed in the one region where tortoise declines have been most severe. On one hand, one may consider that tortoises in the West Mojave are among the most imperiled and therefore require the most protection. It appears that the DRECP has taken another approach; to focus development in the one region with the most severe declines have been documented. Rather than protect the remaining tortoises in a region hardest hit by multiple uses due to its proximity to dense human occupation, DRECP would focus development of renewable energy in the region that should require the most intensive conservation to save the tortoises that remain. Does the REAT understand that the DTRNA is the only region in the West Mojave where tortoise recruitment (and a move toward population recovery) at the regional level has been documented, and yet even portions of the DTRNA are identified as DFAs in the Preferred Alternative? Is this approach consistent with implementing the USFWS Revised Recovery Plan of 2011? Or with the goals and objectives identified in the DRECP? **We ask that the Final EIR/EIS address each question and other concerns given in this comment.**
64	II.3-162	II.3.1.4	II.3-3	II.3-18	Does the REAT acknowledge that the DTRNA has been protectively managed for 40 years in a cooperative agreement between the DTPC and BLM? That important research has been carried out on both the desert tortoise and Mohave ground squirrel? And, that given this long history of conservation management, the DTRNA should have been recognized as protected conservation lands? That much of the land – perhaps including the 250 acres identified as DFAs in the Preferred Alternative – have been acquired by the DTPC through legally-binding agreements? And if the REAT knows all of this, why would it propose 250 acres of the DTRNA as a DFA and fail to designate the DTRNA for NCLS status? **Given this information, we strongly recommend that the Final EIR/EIS indicate that no DFAs occur within the DTRNA and that it be designated for NCLS status. • If the REAT refuses to adopt this recommendation, we expect the Final EIR/EIS to provide rationale for why it is not being adopted. • We ask that the Final EIR/EIS address additional questions and concerns given in this comment.**
65	II.3-162	II.3.1.4	II.3-3		In the Mojave and Silurian Valley - 1 Ecoregion Subunit, what is the intended function of the Conceptual Transmission line that extends from the southern border of China Lake NAWS Mojave B Range to approximately Yermo? Does this corridor exist under the CDCA Plan? Is it intended to accommodate an existing renewable energy facility or a proposed one? What exactly occurs or would be occurring at the northwestern terminus of this line, which laterally bisects the entire Superior-Cronese Critical Habitat Unit from northwest to southeast? **We ask that the Final EIR/EIS address each question given in this comment.**
66	II.3-162	II.3.1.4	II.3-3		We appreciate that there are no Conceptual Transmission corridors that would accommodate the proposed Coolwater-

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					Lugo transmission line through the northwestern corner of the Ord-Rodman Critical Habitat Unit. If the Preferred Alternative is selected and this corridor is still not identified, would that mean that Southern California Edison would not develop Coolwater-Lugo under the DRECP? Is our understanding correct, that if a proposed project does not occur within a DFA, it would not be covered by DRECP? If a proposed transmission line is not within one of these Conceptual Transmission corridors, would it also be prohibited under DRECP? **We ask that the Final EIR/EIS address each question given in this comment.**
67	II.3-162	II.3.1.4	II.3-3		**AM-DFA-ICS-5**: "Covered Activities, except for transmission projects in existing transmission corridors, will avoid the desert tortoise conservation areas (TCAs) and the desert tortoise linkages identified in **Appendix H**, except the portion of the TCA in the northern Fremont Valley converted to intensive agriculture prior to 2013." In **Figure II.3-3** the DRECP shows transmission lines through Chuckwalla Mountains Wilderness Area, Alligator Rock ACEC, Chuckwalla DWMA, and Chuckwalla Valley Dune Thicket ACEC. **We recommend in the Final EIR/EIS that these "Conceptual" transmission lines be established along Interstate 10 and not within the boundaries of any future or present tortoise conservation areas.** This figure also shows transmission lines going through the Superior-Cronese ACEC, which is also a TCA. These transmission lines are also presented in Alternatives 2 through 4, and our comments and recommendations refer to those alternatives, as well. **We recommend that these transmission corridors be dropped from the Final EIR/EIS, and that new right-of-ways be restricted to BLM corridors in the CDCA Plan as amended.**
68	II.3-162	II.3.1.4	II.3-3		**AM-DFA-ICS-5**: "Covered Activities, except for transmission projects in existing transmission corridors, will avoid the desert tortoise conservation areas (TCAs) and the desert tortoise linkages identified in **Appendix H**, except the portion of the TCA in the northern Fremont Valley converted to intensive agriculture prior to 2013." This figure shows that there are DFAs in the north part of Chuckwalla ACEC, south of I-10, despite this area also being part of the TCA, as shown in **Figure H-7 (page H-23)**. **These areas should therefore not be designated as DFAs in the Final EIR/EIS**. Extensive areas in Brisbane Valley, Sidewinder Valley, north Lucerne Valley, Hinkley Valley, and smaller areas in Harper Valley, eastern Mojave Valley, and Pahrump Valley are also designated as DFAs, despite being desert tortoise linkages, as shown in **Figure H-7 (page H-23)**. **These areas should therefore not be designated as DFAs in the Final EIR/EIS**.
69	II.3-163	II.3.1.4	II.3-3		We appreciate that West Mojave DWMAs appear to be excluded from DFA designation but are alarmed to see that substantial portions of the Mohave Ground Squirrel Habitat Management Area (MGS HMA) appear to be designated as DFAs. **The Final EIR/EIS should report the number of acres of MGS HMA designated as DFAs in the Preferred Alternative.** What is the specific analysis (presumably provided by CDFW biologists) that justifies the loss of this much conservation habitat, particularly in the light of failed trap success in recent years documented by Phil Leitner (2008*)?

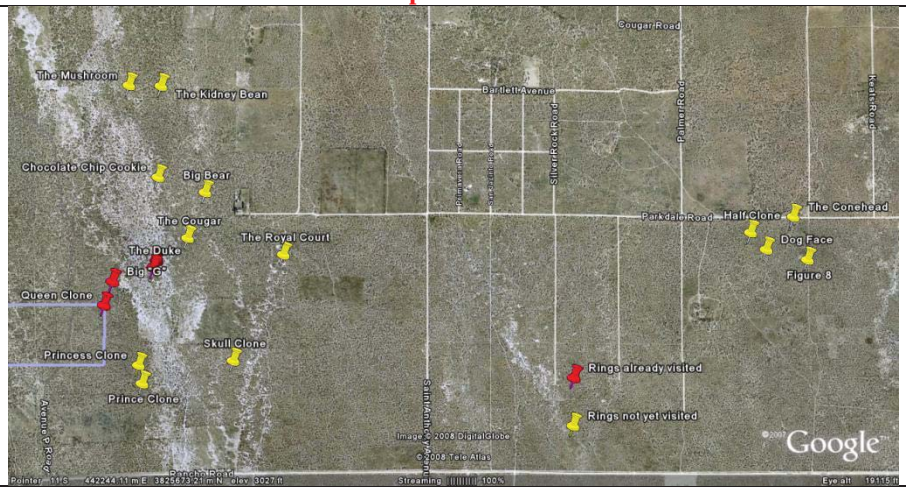
DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					We ask that the Final EIR/EIS address this question. * Leitner, P.A. 2008. Current status of the Mohave ground squirrel (*Spermophilus mohavensis*) [now *Xerospermophilus*]. Unpublished report prepared in association with Tetra Tech on behalf of 95th Air Base Wing, Edwards Air Force Base, California.
70	II.3-174	II.3.1.4.1		II.3-21	We believe that Dr. Barry Sinervo's (2014*) recent research shows that there is a "heat island" effect of solar energy installations, which seems to have been overlooked in this table as an impact that will need to be mitigated. **We ask that the Final EIR/EIS describe potential impacts from the heat island effect and identify mitigation measures in this table to offset those impacts.** *Sinervo, B. 2014. Prospects for *Gopherus*: Demographic and physiological models of climate change from 65 million years ago to the future. Abstract for paper presented at the 2014 Desert Tortoise Council Symposium. Ontario, CA.
71	II.3-226	II.3.1.5.3.1			Under current management, authorized take of State-listed species is mostly granted under Section 2081 of the California Fish and Game Code. Where does the Draft EIR/EIS refer to this permitting process? Is it correct to assume that the Natural Communities Conservation Plan (NCCP) would function in lieu of Section 2081 incidental take authorization? **The Final EIR/EIS needs to explain this relationship more clearly.**
72	II.3-237	II.3.1.5.5			This section, as it pertains to land acquisition for long-term tortoise conservation, is unclear as to who will manage private lands acquired through the DRECP in perpetuity and ensure their conservation status. Are acquired lands to be managed by the USFWS? If not, is there to be a new group created to manage acquired lands? **The Final EIR/EIS should clarify the land manager of acquired lands, as it is vague in the Draft EIR/EIS.**
73	II.3-238	II.3.1.5.5			Although this section identifies as 12-month period to acquire lands with a 6-month extension, it fails to identify penalties or remediation if an applicant fails to acquire lands as described. What are the penalties for failure to meet the 18-month acquisition time period? Or would a second extension be granted? **We ask that the Final EIR/EIS address each question given in this comment.**
74	II.3-252	II.3.1.6.3			It has been our experience that USFWS has written biological opinions where the mortality take limit associated with a given project fails to include those translocated tortoises that died after they were removed from an authorized project site. We believe that the incidental mortality take limit associated with translocated tortoises must be evaluated; if a tortoise is forcefully removed from native habitats, translocated into a distant area, and subsequently dies within an indentified time

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					(two to three years?), that death should be attributed to the annual mortality take limit identified in the biological opinion for the final DRECP. How will this foreseeable issue be dealt with under the DRECP? **We ask that the Final EIR/EIS address each question given in this comment.**
75	II.3-253	II.3.1.6.3			Given that USFWS is a primary member of the REAT and considered a project proponent, if not author, of the Draft EIS/EIR, how is it then capable of providing third-party, independent review of the Final EIR/EIS in its biological opinion leading to either a jeopardy or non-jeopardy opinion? Although we do think that the USFWS should be the third-party providing independent review of the Final EIR/EIS and associated biological opinion, we wonder how this will be attained given their involvement as one of the authors of the DRECP. **We ask that the Final EIR/EIS address each question given in this comment.**
76	II.3-269	II.3.1.7.3			We are dismayed to see that prolonged drought, wildfires, proliferation of non-native species, *population declines of Covered Species* (emphasis added), and climate change – all of which currently contribute to the demise of the threatened population of Agassiz's desert tortoise – are all identified as reasonably foreseeable changed circumstances that would not significantly affect the function of the DRECP. We do not think that this interpretation is scientifically accurate. Unless impacts associated with these known threats are curtailed or minimized, DRECP is just adding to the programmatic loss of habitat and will exacerbate recovery of a population that is already stressed. By identifying these threats as foreseeable and therefore not a detractor from the function of DRECP, the impacts will continue unchecked and undermine tortoise recovery. To what population levels are the REAT and DRECP willing to let threatened species, including the desert tortoise and Mohave ground squirrel, sink before they consider a changed circumstance has occurred to such a level that the DRECP is no longer functioning at an acceptable impact level and, itself, becomes the main threat? And, what are the survey and monitoring methods DRECP intends to use to determine when the unacceptable levels have been met? Is the USFWS' distance sampling methodology sufficient to determine these acceptable levels within a given Recovery Unit? We do not believe it is; the USFWS distance sampling method does not evaluate mortality rates, causes of mortality, and changes in condition and quality of habitat. **We ask that the Final EIR/EIS address each question and concern given in this comment.**
77	II.3-277	II.3.1.7.3.6			The USFWS region-wide census of tortoises since 2000 shows that tortoise populations continue to decline throughout the listed population including all critical habitats in California. How can the REAT consider the additional loss of more than 177,000 acres of potential and occupied tortoise habitat to renewable energy to be acceptable, and not a further contribution to this decline? Based on what data? Where is the scientific assessment in the Draft EIR/EIS? On **page 3-277**, the Draft EIR/EIS states "…USFWS and CDFW will work with the DRECP Coordination Group to identify species

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					vulnerable to population declines." We already know that the desert tortoise is clearly one of those species! **We ask that the Final EIR/EIS address each question and concern given in this comment.**
78	II.3-282	II.3.1.8.1			With regards to non-acquisition actions, did the REAT consider head-starting of desert tortoises to be an acceptable action? We could not find either reference to this program or an analysis of its efficacy in the Draft EIR/EIS. **We ask that the Final EIR/EIS address these questions.**
79	II.3-282	II.3.1.8.1			When "Predator, cowbird, or starling control" are listed, are the non-acquisition measures addressing impacts associated with known subsidized predators of tortoises including coyotes and common ravens? Listing "habitat enhancement" and "fencing and signage" in the Draft EIR/EIS without describing specific programs does not allow us an opportunity to comment on these programs. For example, just how does the DRECP plan on enhancing tortoise habitats? What activities will be allowed in fenced and signed areas? What will be the sizes? **The Final EIR/EIS must provide detailed descriptions of what habitat enhancement and fencing and signage, including costs, entails.**
80	II.3-303	II.3.2.1.1		II.3-44	When we see that Special Recreation Management Areas (SRMAs) are increasing from 193,000 acres to 2,531,000 acres and Extensive Recreation Management Areas (ERMAs) increasing by 879,000 acres, we are alarmed. First of all, where is the location(s) of the existing 193,000 acres of SRMA? When were they established? Was the CDCA Plan (1980), which does not define these management areas, amended to allow their designation? We understand that recreation – particularly unregulated cross-country vehicle travel that occurs in BLM open areas, which are one form of SRMA – is one of the primary contributing factors associated with habitat deterioration and loss of tortoises. The Preferred Alternative section does not provide enough information for us to judge what "Extensive" recreation activities entail. We note that there are 42 pages describing National Conservation Lands in great detail (**pages II.3-319** through **361**), and only one page in this section describing SRMAs and ERMAs. Do increased ERMAs mean more designated open areas? Will there be more vehicle travel, even if it is required to be on existing roads, in tortoise conservation areas in SRMAs? As is, we cannot answer any of these questions with the information provided in the Draft EIR/EIS' Preferred Alternative. Given that there is no current baseline for OHV impacts in areas proposed as SRMAs and ERMAs, how will the DRECP be able to determine if there is an increase in these impacts in response to these new designations? And, what is the threshold at which these impacts are considered unacceptable and require remediation? **We ask that the Final EIR/EIS address each question and concern given in this comment.**
81	II.3-307	II.3.2.1.1		II.3-45	With regards to the following statement: *Public lands in DFAs would be proposed for withdrawal, in accordance with regulation, subject to valid existing rights,*

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					from settlement, location, or entry under the general land laws, Does this mean that implementation of the DRECP Preferred Alternative would immediately result in the available transfer of all public lands within the 2,000,000 acres within the DFAs into private land ownership, available for development of both renewable energy facilities *and* other uses? Or, would it be on a project-by-project basis? If these public lands are truly going to be collectively withdrawn and become private, how is the DRECP going to ensure they are not developed for purposes other than renewable energy development now and in the future if an energy development is decommissioned? Where is the analysis in the Draft EIR/EIS that shows transfer of these public lands into private land ownership is the "Best use of public lands?" **The Final EIR/EIS must clarify what is meant by disposal of public lands from DFAs, and provide an actual analysis of this extraordinary land tenure adjustment proposal.**
82	II.3-307	II.3.2.1.1		II.3-45	Would renewable energy projects on lands withdrawn from public ownership still have a decommissioning aspect? Following the withdrawal and transference to private ownership, would decommissioning still be required? **We ask that the Final EIR/EIS address these questions.**
83	II.3-309	II.3.2.1.2		II.3-46	We believe that "All lands that were acquired as compensation to offset impacts to species in incidental take permits" have binding legal requirements and should be added to the list of LLPAs. If these lands are not added, what is the justification for their exclusion? And, if such compensation/mitigation lands are developed under authority of the DRECP, would not the permit-issuing agencies, including CDFW, USFWS, and BLM be required to reinitiate consultation because the lands were not protected in perpetuity, as most permits stipulate? **We ask that the Final EIR/EIS address these issues.**
84	II.3-315	II.3.2.2.1	II.3-4		Based on **Figure II.3-4**, it appears that a very small portion of tortoise critical habitat is being proposed for National Conservation Land System (NCLS) status under the Preferred Alternative. Given that critical habitat is one of the four primary criteria listed on **page II.3-315**, why is only a very small portion of tortoise critical habitat being proposed for NCLS status? What are the over-riding considerations that prompted the REAT to dismiss a majority of tortoise critical habitat from NCLS designation? **The Final EIR/EIS should divulge how much tortoise critical habitat is not being designated as NCLS. Also, we reaffirm our previous request of the BLM State Director that all critical habitats for the desert tortoise be designated as NCLS lands in the Final EIR/EIS.**
85	II.3-318	II.3.2.2.1.1			Given that competitive vehicle events are currently prohibited from tortoise DWMAs, how can the REAT entertain competitive events in NCLS-designated areas? We believe competitive events should not be discretionary actions allowed in NCLS areas, that they should be prohibited, which reflects current management under the No Action Alternative. If the DRECP allows competitive vehicle events to occur in NCLS areas, isn't this a reduction in the level of protection

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					provided for compared to current management? And, if so, how can that be justified as conservation to offset impacts? **We ask that the Final EIR/EIS address these questions, and that competitive vehicle events continue to be prohibited from DWMAs and all desert tortoise critical habitats.**
86	II.3-358	II.3.2.2.1.2			Why does the DRECP propose any reduction in the size of the DTRNA (cited as reduced by 250 acres in the Preferred Alternative) and West Rand Mountains ACEC (reduced by 1,000 acres)? How is this reduction justified? The DTRNA is the only example we know of in the West Mojave where regional recruitment of tortoises (production of juveniles by females and some juveniles are surviving to large size classes) is occurring. Why isn't the DRECP taking this opportunity to expand the DTRNA as recommended by the 2011 Recovery Plan for the desert tortoise rather than reduce it? **We recommend that the Final EIR/EIS remove the DTRNA from proposed DFA status and that it be expanded to include all current and future lands acquired by the Desert Tortoise Preserve Committee.**
87	II.3-373	II.3.2.3.2.5			Do the disturbance allowances given in this section for different types of roads increase the effective allowable ground disturbance compared to current management? What are the current management allowable disturbances? **We ask that the Final EIR/EIS address these questions.**
88	II.3-380	II.3.2.34.2			Do the "acquired lands" included in the discussion pertain to those lands authorized by previous incidental take permits? If such lands are developed, would the existing incidental take permits need to be amended to account for the loss of their conservation value that was intended to offset previously authorized impacts on projects that have now been developed? **We ask that the Final EIR/EIS address these questions.**
89	II.3-381	II.3.2.3.4.1			In the 6th bullet, how many acres of non-designated lands would be made available for disposal through exchange or land sales? Does this mean those public lands currently managed by the BLM and not designated in the DRECP would be available for exchange or sale? What is to prevent someone from developing projects other than renewable energy on these disposed lands? Would there be a future Environmental Assessment or EIS for such a large land tenure adjustment proposal, or is the Draft EIR/EIS intended to be that analysis and all the environmental documentation that is needed? **The Final EIR/EIS needs to answer these questions, provide more information on the disposal of public lands from non-designated areas, and perform an impacts analysis that determines if land disposal is the "best use of public lands."**
90	II.3-382 II.3-426	II.3.2.3.4.2		II.3-50	The maps for the Interagency Preferred Alternative designate the northern part of the DTRNA, as well as sections of the eastern part of the Fremont-Kramer ACEC, as Development Focus Areas. The maps provided to the public also designate the same areas as ACECs. According to the DRECP, **Section II.3.2.3.4.2** Conservation and Management Actions > Conservation and Management Actions in Areas of Critical Environmental Concern, first bullet point: "Renewable energy and ancillary facilities are not allowed in ACECs." This is reiterated in **Table II.3-50**: CDCA Plan and DRECP Preferred

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					Alternative. See attached Map II. **The Final EIR/EIS should provide the public with accurate maps that are not contradictory as they are in the Draft EIR/EIS.**
91	II.3-413	II.3.2.3.10.2			Herein we submit new data letting the REAT know about significant accumulations of creosote rings in the vicinity of the Gray Butte facility on the Los Angeles/San Bernardino County line, located southwest of El Mirage Lake. Whereas the prescription would prohibit loss of creosote rings larger than 15 feet in diameter, the smallest rings shown in the following aerial views are about 50-feet in diameter. Although only a few are shown in the aerial, there must be thousands of rings greater than 50 feet in diameter throughout this region, most of which is within the "West Mojave and Eastern Slopes – 5" subregion shown in **Figure II.3-3**. **We urge the REAT to look more closely at aerials in this area, and identify it as a SAA or FAA in the Final EIR/EIS to see if it deserves protection**. Comment relates to next two aerial photographs:
92	II.3-413	II.3.2.3.10.2			

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
93	II.3-413	II.3.2.3.10.2			
94	II.3-425	II.3.2.4.1			Given the following statement "…while MUC L [Limited] lands may be managed similarly to DRECP conservation lands, MUC L lands do not automatically become conservation lands-they may end up in a variety of different DRECP allocations from DFAs to NLCS," how many acres that are currently designated as MUC L would be included in the DFA designation? Where are these lands located, and how many areas are identified as Tortoise Conservation Areas? **Discussion and analysis in the Final EIR/EIS needs to be expanded considerably to document the current location of MUC lands and to indicate how these designations are being changed by the DRECP. For example, how many acres of MUC L lands are being converted to DFAs, ACECs, designated as NCLS status, and other uses? The Final EIR/EIS must explain how new DRECP designations will function to provide current or better management than under the MUC guidelines.**
95	II.3-431	II.3.2.4.1		II.3-50	What is meant by "High user density, and/or mechanical recreation," which would be allowed in ALL AREAS excepting wilderness? How does this compare to current management? Would this open critical habitat and DWMA lands to more recreational vehicle use than is currently allowed? We strongly recommend against higher user density and/or mechanical recreation in tortoise DWMAs, ACECs, and critical habitat. Less vehicle use is essential to turn around declining

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					populations and allow for recovery. **The Final EIR/EIS needs to clarify this statement, and provide impacts analysis for the provision.**
96	II.3-431	II.3.2.4.1		II.3-50	Where do competitive recreational events, which would be allowed in all alternatives except Alternative 2, fit into this table? Are competitive events missing from the table because competitive events are not currently allowed, and "but for" DRECP, would continue to be prohibited from tortoise critical habitat and DWMAs? We do not support competitive events in tortoise DWMAs, ACECs, and critical habitat. **The Final EIR/EIS should prohibit all competitive events from Tortoise Conservation Areas.**
97	II.3-445	II.3.4.2			Under current management (i.e., No Action Alternative), there have been no solar developments in DWMAs and critical habitat. Every alternative would set the precedent of allowing solar facilities to be developed in DWMAs and critical habitat. Given that continued population declines are a foreseeable circumstance, how can the DRECP justify the loss of any critical habitat when there is no evidence of tortoise recovery? As with the comment given above, how will USFWS independently assess its own GCP with regards to DRECP's likelihood of jeopardizing the species? **The Final EIR/EIS should preclude renewable energy development from all tortoise critical habitat and DWMAs. We ask that all questions given herein be addressed in the Final EIR/EIS.**
98	II.3-445	II.3.4.2	II.3-8		What are USFWS' baseline data to show that the lands being authorized for development in West Mojave DFAs are inferior to those being protected in the Conservation Planning Areas (CPAs) located east of California City, south of Edwards Air Force Base, and – in particular – south of Palmdale where tortoises are not even present? In other words, what are the data showing that purchase and conservation of lands in CPAs will meet USFWS' and CDFW's fully mitigate standards? It is our concern that all CPA areas depicted in Figure 3-8 are either not habitat for tortoises (south of Palmdale) or severely compromised by sheep grazing (particularly east of California City) and OHV vehicle impacts (east of California City and south of Edwards AFB). **We ask that the Final EIR/EIS address these questions and that the data be produced to justify these designations.**
99	II.3-445	II.3.4.2	II.3-8		How does USFWS propose to eliminate illegal sheep grazing from private lands that it acquires within the CPAs? There are currently no ordinances that allow the sheep grazing within proposed CPAs, so there is no opportunity to prohibit them at the county level (by Los Angeles and Kern counties, in particular). Does USFWS intend to increase its law enforcement presence in these areas to prohibit sheep grazing? Or, alternatively, will USFWS consider sheep grazing a compatible use and not prohibit it? **We ask that the Final EIR/EIS address these questions.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
Volume II.4 – Alternative 1					
100	II.4-10	II.4.1.2.4			Why are Desert Wildlife Management Areas (DWMA) not recognized as a formal designation under BLM LUPAs? First identified in the 1994 Recovery Plan, DWMAs were envisioned to facilitate recovery of the tortoise. In the early to mid-2000, DWMAs were formally designated by the BLM in the three bioregional plans commonly referred to as WEMO, NECO, and NEMO. CDFW currently requires 5:1 compensation ratios in DWMAs, so they are a recognized land use element under current management. Are we to assume that DRECP planners do not recognize this designation? Or does DRECP intend to replace the designation? **We ask that the Final EIR/EIS address these concerns.**
101	II.4-10 to II.4-11	II.4.1.2.4	II.4-2	II.4-2	We note that the pale green areas in **Figure II.4-2**, which represent "Conservation Planning Areas," are proposed in Los Angeles County west of Highway 14. How many of the 278,000 acres in **Table II.4-2** identified for LA County are in these areas? Since neither the desert tortoise nor the Mohave ground squirrel are known to occur west of Highway 14, which species does USFWS intend to benefit by designating these lands as Conservation Planning Areas? And, since neither tortoise nor Mohave ground squirrel occur in these areas, how will USFWS ensure that these particular lands are not acquired to offset impacts for specific projects where tortoises, Mohave ground squirrel, and their habitats would be lost? **The Final EIR/EIS must identify provisions to ensure that each acre of impact is replaced by the appropriate compensation ratio and that the compensation lands are habitat for the Covered Species impacted.**
102	II.4-18	II.4.1.4		II.4-5c	Under Alternative 1 the DRECP indicates that 55,000 acres of "State and local public land" would be designated as DFAs. Who are the current managers of these State and public lands? Are these school lands? Are any of these lands "Legislatively and Legally Protected Areas?" If so, would their designation as DFAs be in conflict with DRECP's reserve design to exclude LLPAs from renewable energy development? **We ask that the Final EIR/EIS address these questions.**
103	II.4-18	II.4.1.4		II.4-6	We understand that USFWS will need to write one or more biological opinions for the DRECP before it is implemented. Therein, USFWS will need to determine take limits for threatened and endangered species, including desert tortoise. What are the baseline data that will allow USFWS to identify an actual take limit associated with the DRECP? For example, how many tortoises occur in the DFAs proposed under Alternative 1 versus the Preferred Alternative? **We ask that the Final EIR/EIS address these concerns and provide the requested baseline data.**
104	II.4-18	II.4.1.4		II.4-6	In this table and elsewhere, DFAs, Conservation Planning Areas, Study Area Lands, etc. are presented in terms of acreage with no regard for habitat quality or any indication that the Covered Species are even present. Acreage is not an adequate

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					measure of habitat quality; some areas have relatively dense tortoise populations while in others there are none. Yet this planning exercise treats each acre as if it was equal to every other acre. Given the CDFW's fully mitigate standard, how will those responsible for the DRECP's conservation elements keep track of what is being lost versus what is being conserved? Whereas studies will conclusively identify the number of tortoises displaced by an authorized project, how does the DRECP propose to quantify the number of tortoises conserved as a result of each specific transaction? How will we know that the same number or more tortoises will be protected on acquired lands? We contend that baseline data are insufficient to answer these questions or even support the planning decisions being made, particularly when proposed conservation areas (e.g., those in western Antelope Valley) are devoid of Covered Species. If the REAT does not know how many tortoises occur in DFAs compared to conservation areas, how can DRECP justify their losses and state that adequate conservation is being achieved? How can DRECP quantitatively demonstrate it has achieved CDFW's fully mitigate standard? **We ask that the Final EIR/EIS address these concerns.**
105	II.4-22	II.4.1.4.1		II.4-7	Under current management, consultants are required to survey "action areas" as per 50 CFR §402.02. We do not believe that the "Total Project Area" described on **page II.4-22** as "identical to the total permanent ground-conversion impacts" covers the action area, which is defined as "…all areas to be affected directly or indirectly and not merely the immediate area involved in the action (50 CFR §402.02)." Is USFWS aware that its action area requirement is not represented in the calculations given in **Table II.4-7**? Is the REAT intentionally ignoring recent research by Dr. Barry Sinervo (2014*) that documents a "heat island" effect in areas adjacent to solar development, which extends the affected impact area beyond the direct impact footprint? **We ask that the USFWS address the question of action areas in the Final EIR/EIS, and address these concerns.** *Sinervo, B. 2014. Prospects for *Gopherus*: Demographic and physiological models of climate change from 65 million years ago to the future. Abstract for paper presented at the 2014 Desert Tortoise Council Symposium. Ontario, CA.
106	II.4-22 to II.4-23	II.4.1.4.1		II.4-8	We understand and agree that the physical disturbance associated with wind power pads, roads, staging areas, etc. are relatively small compared to solar projects. However the whole project footprints of wind power development may have even more potential to fragment habitats than solar projects built on a square or rectangular parcel. As with the previous statement, we don't believe that the impacts associated with the action area have been adequately addressed. We ask that USFWS address this concern and adjust the impact estimates accordingly. **We ask that the USFWS address the question of action areas in the Final EIR/EIS, and address these concerns.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
107	II.4-26	II.4.1.4.4		II.4-10	As with the two comments above, this impact "analysis" based on acreage fails to address USFWS' action area requirement. Transmission lines will have variable impacts based on where they are placed; those occurring along major transportation corridors having less of an impact than those through the middle of tortoise critical habitat, for example. Transmission lines have the added impact of providing new nesting substrates for common ravens and opening new access routes for motorized vehicles. **None of these ancillary impacts are included in this deficient impacts analysis, which should be recalculated in the Final EIR/EIS to address USFWS' action area requirement.**
108	II.4-27	II.4.1.4.4.1		II.4-11	Will DRECP provide for incidental take resulting from transmission facilities of those listed species occurring as a direct result of implementing the DRECP but geographically outside the desert regions (e.g., listed kangaroo rats in the Central Valley), which are not currently on the Covered Species list for the DRECP? **If so, should these species be added to the list of Covered Species and be analyzed in the Final EIR/EIS? If not, how will their take be authorized if not by the DRECP?**
109	II.4-31	II.4.2		II.4-4	In addition to previous comments concerning the SRMAs and ERMAs, we read here that the entire Desert Tortoise Research Natural Area and desert tortoise critical habitats throughout the West Mojave and elsewhere are proposed as Special Recreation Management Areas. What would this new designation allow that is currently prohibited under current management? Where is the analysis in the Draft EIR/EIS that assesses the increased recreational impacts that are likely to result from these new designations? How does BLM plan to monitor these SRMAs to see if this new designation results in elevated, deleterious impacts to natural resources? This designation is particularly disturbing since the only existing SRMA shown in **Figure II.4-4** appears to be the Imperial Dunes and Glamis area where extreme motorsport activities are allowed. And, we are unaware of any ERMAs in existence, so how are we to judge impacts likely to result from this new designation? **We ask that the Final EIR/EIS address these concerns.**
110	II.4-33	II.4-2		II.4-14	We do not believe that the Draft EIR/EIS fully discloses the environmental impacts associated with designating SRMAs and particularly ERMAs. What do these new designations mean in terms of permitted land use and natural resource protection? Will there be increased motorized vehicle activities in tortoise critical habitats under these new designations? The label "Extensive Recreational Management Area," could lead to a public perception that this is now a new area attracting motorcycle use; how will those lands actually be used and how will that be made clear? What are the baseline data to allow determination if these new designations will result in damage to natural resources? **In the absence of baseline data and no identified intent or budget to implement monitoring, we strongly recommend that no SRMAs or ERMAs be proposed under any alternative in the Final EIR/EIS.**
111	II.4-33	II.4.2.2.1			Why not exclude transmission corridors from all critical habitats and ACECs? The NCLS designation is so piecemeal

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					(**Figure II.4-4**) that we don't see any real protection by excluding transmission corridors from only this designation. Would the currently proposed Coolwater-Lugo transmission line bisect the NCLS-designated area in the northwestern portion of the Ord-Rodman Critical Habitat Unit? **We recommend that the Final EIR/EIS be modified to exclude all transmission corridors from tortoise critical habitat and DWMAs.**
112	II.4-35	II.4.2.2.1.1			We note elsewhere in the DRECP that BLM Multiple-Use Classes on public lands would be eliminated under the DRECP. Yet here under the "Minerals" section, the Draft EIR/EIS indicates that Locatable Minerals will be treated as if in MUC-C or MUC-L classes. If these designations are eliminated, how will BLM continue to manage its many non-renewable resources (e.g., mineral extraction) that are currently managed under the MUC classifications? **These issues need to be clarified in the Final EIR/EIS.**
113	II.4-35	II.4.2.2.1.1			We note that "Competitive and Commercial Special Recreation Permits would be permitted" in NCLS areas under all alternatives. Aren't competitive events currently prohibited in tortoise critical habitats? If so, what is the rational to reintroduce competitive events into the most strictly managed conservation area designation? **We strongly recommend that no competitive events be allowed in tortoise critical habitats, DWMAs, or DRECP-identified TCAs in the Final EIR/EIS.**
114	II.4-39	II.4.2.2.1.2			**The rationale for fewer NCLS lands in the Chuckwalla ACEC under Alternative 1, which is the most conservation-oriented alternative, than under the Preferred Alternative should be presented in the Final EIR/EIS.**
115	II.4-43	II.4.2.2.1.2			What is the rationale for excluding Coolgardie Mesa, which is one of only a few core areas for the Mohave ground squirrel, and the Superior-Cronese ACEC for desert tortoises from NCLS designation in Alternative 1? **We ask that the entire Superior-Cronese DWMA be designated as NCL lands in the Final EIR/EIS; if not, rationale should be provided.**
116	II.4-48 to II.4-49	II.4.2.2.1.2			Why are the Desert Tortoise Research Natural Area and Western Rand Mountains Area being excluded from NCLS designation in Alternative 1? This entire section does not provide any rationale behind any of the decisions; it is a continuous string of statements about what is and is not included in the NCLS designation without ever providing the basis for the decisions. We noted earlier that critical habitat is one of the considerations for NCLS designation, yet we see that most of the tortoise critical habitat is excluded from that designation without every saying why. **We feel that the lack of analysis for making these decisions renders this portion of the Draft EIR/EIS deficient and should be rectified in the Final EIR/EIS**. Having not provided rationale for the decisions in the Draft EIR/EIS, how can we know if they would serve their intended functions?
117	II.4-2	II.4.1.1.		II.4-1	We note in **Table II.4-1** that there are 2,306,000 acres identified as "Undesignated." Then, on **page II.4-52** the Draft

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
	II.4-52	II.4.2.3.1.1			EIR/EIS states that all non-designated lands would be made available for disposal through exchange and land sales. First, are these two terms "undesignated" and "non-designated," as they are used, synonymous? How many of the 2,306,000 acres of undesignated lands are public lands managed by the BLM that would become disposable? What is the justification, conservation or otherwise, to identify millions of acres of BLM land for disposal? And, what would be the final outcome or use of these lands? Could they be used for all types of development, including those having nothing to do with renewable energy development? How many tortoises would be affected by this provision? I.e., What is USFWS' take estimate based on the proposal to dispose of public lands? Finally, how is the disposal of public lands justified as the "Best use of public lands?" **An actual analysis of this proposal needs to be presented in the Final EIR/EIS, and the questions given herein answered.**
118	II.4-53	II.4.2.3.1.2			How many acres of public lands administered by the BLM would be available for disposal under the CMA identified in **Section II.4.2.3.1.2**? Is it 367,000 acres of BLM lands within DFAs as documented on **page IV.13-29** in the Draft EIR/EIS? We note a serious disjunct in the rationale given here relative to public land disposal. On one hand, DRECP estimates that about 177,000 acres of the overall DFAs would be authorized for development; yet, **all public lands** within DFAs and non-designated areas would be available for disposal? Why? As egregious as developing 177,000 acres of DFAs would be in the face of continuing tortoise declines, eliminating 367,000 acres of public lands from tortoise management is far more severe and not adequately analyzed in the Draft EIR/EIS. **An actual analysis of this proposal needs to be presented in the Final EIR/EIS, and the questions given herein answered.**
119	II.4-54	II.4.2.4.1			In the following statement, "The amendments to the multiple-use classes would be the same as the Preferred Alternative," does that mean that Multiple-Use classes will be eliminated under Alternative 1? In the absence of MUC, how does BLM intend to manage the many non-renewable energy uses that currently rely on those designations? **These issues need to be clarified in the Final EIR/EIS.**
Volume II.5 – Alternative 2					
120	II.5-5	II.5.1.2.4	II.5-1		We note that the proposed DFA located north of Kramer Junction, straddling Highway 395, occurs on both sides of the highway. Given that all areas east of Highway 395 in this region are tortoise critical habitat and inside the Fremont-Kramer DWMA, is it the REATs intent to open this critical habitat for renewable energy development? Should not the DFA be only west of the highway? **We recommend that the DFA in this area be eliminated in the Final EIR/EIS from east of Highway 395 to avoid tortoise critical habitat and from west of Highway 395 to avoid a Mohave ground squirrel key area.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
121	II.5-5	II.5.1.2.4	II.5-1		Is the REAT aware that the same area mentioned above that occurs west of Highway 395 is considered a "Key Area" (formerly a "Core Area") by members of the Mohave Ground Squirrel Technical Advisory Group (MGS TAG) for Mohave ground squirrel? Internally referred to as the "Bowling Alley," and herein brought to the attention of the REAT of its importance to Mohave ground squirrel conservation, **we recommend that this area be excluded from all alternatives in the Final EIR/EIS.**
122	II.5-5	II.5.1.2.4	II.5-1		At the scale given in **Figure II.5-1**, it looks like much of the DTRNA has been identified as a DFA under Alternative 2. Assuming this is intentional, does not its inclusion in the DFA violate the reserve design concept of LLPAs? Also, does this imply that DRECP is not willing to honor Memorandum of Understandings (MOU) between its own REAT entities (in this case the BLM) and third party conservation groups (in this case Desert Tortoise Preserve Committee)? Are not existing MOUs to be treated as legally-binding documents? If not, does the DRECP Coordination Group become responsible for implementing conservation measures of MOUs that the DRECP does not recognize or honor? **These issues need to be clarified in the Final EIR/EIS.**
123	II.5-5	II.5.1.2.4	II.5-1		Most or all of Searles Dry Lake has been identified as a DFA. Where is the analysis in the DRECP Draft EIR/EIS that determines how disrupting the surfaces of dry lake beds will or will not affect adjacent habitats by promoting fugitive dust storms? Since DFAs are identified as specific acreages associated with a specific impact footprint, thereby ignoring the "action area" regulation to which USFWS is obligated, we say with certainty that development of this or any other dry lake bed will result in significant accumulations of dust on the downwind side of the lake, which in the case of Searles Dry Lake would be to the east. How much larger is the impact of this DFA (and all others on dry lake beds) by placing it on a dry lake bed? **These issues need to be clarified in the Final EIR/EIS.**
124	II.5-5	II.5.1.2.4	II.5-1		How will the USFWS' GCP function be affected by reducing the area available for the Conservation Planning Areas (CPAs) associated with alternatives that provide less protection and conservation? For example, can the USFWS still maintain its "stay even" policy with the substantially reduced CPAs that would result from adopting Alternative 2? **This issue needs to be clarified in the Final EIR/EIS.**
125	II.5-8	II.5.1.2.4		II.5-3	We note there are 62,000 acres of "other federal lands" identified as CPAs in **Table II.5-3**. If not BLM, which federal agency(s) manages these lands? It was our understanding that USFWS would seek to acquire lands within CPAs as part of its GCP strategy. Are these federal lands already managed for species conservation? Would they be acquired or otherwise managed by BLM? The paragraph in the middle of **page II.5-10** describes CPAs but other than saying they include "both public and private lands" fails to identify which public lands and their respective managers. How are these public lands currently managed? And how would CPA management change current management? **We ask that the Final EIR/EIS**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					address these questions.
126	II.5-11	II.5.1.2.5	II.5-2		We note in **Figure II.5-2** that all of the Superior-Cronese Critical Habitat Unit, eastern portions of Fremont-Kramer CHU, and other CHUs to the east and southeast are excluded from the "Interagency Plan-wide Conservation Priority Area." Why and what does this designation mean in terms of conservation management? Would there be less protection of tortoises because these are not priority areas? Would these areas receive less protection from BLM's Desert Rangers and less law-enforcement? **We ask that the Final EIR/EIS address these questions.**
127	II.5-16	II.5.1.2.5.7		II.5-6	The DRECP states, in the Compensation Requirements that developer's land compensation should be "in kind." Thus, every acre of high quality desert tortoise habitat developed on the DTRNA would require the acquisition of high quality desert tortoise habitat at a ratio of 3:1, except for areas with transmission activity (5:1 ratio). Alternative 2 opens roughly 18,700 acres of the DTRNA for development. This would require at least 56,100 acres (without transmission activities at 5:1) of high quality desert tortoise habitat in compensation. The land cannot already be protected, so all public land that is already slated for conservation by this plan cannot be part of the compensation. Studying the maps of the DRECP area, we can see that 56,000 acres of land meeting these criteria do not exist in the West Mojave, even assuming that owners will sell at the rates proposed in the DRECP. If we are looking for desert tortoise habitat that is equal in quality to the DTRNA, 56,000 acres meeting these criteria would not be available throughout the entire range of this species in the West Mojave. If we also include Mohave ground squirrel habitat, to be compensated at a 5:1 ratio, it becomes obvious that there is no real way that energy companies can actually compensate for development of the area of the DTRNA. **Please address this conundrum in the Final EIR/EIS.**
128	II.5-26	II.5.1.4.1			Regarding DRECP's definition of impacts associated with solar development, does USFWS agree with the Draft EIR/EIS defining impacts as something smaller than the "action area" requirement as per 50 CFR §402.02, which obligates USFWS to an expanded level of analysis? Given this requirement of the USFWS, we do not believe that any of the impact acreages given for any of the alternatives in the DRECP Draft EIR/EIS satisfies regulatory requirements to which USFWS is obligated. **We ask that the USFWS address the question of action areas in the Final EIR/EIS, and address these concerns.**
129	II.5-31	II.5.1.4.4			In the spring of 2014, one of our members found several fully intact migratory birds under transmission lines, apparently dead from physically striking the lines. Does DRECP recognize this impact as a form of disturbance that is not given in the first bullet of this section? Which of the BBCS given in **Appendix M** (and perhaps elsewhere) is intended to minimize this form of mortality, which presumably is prohibited by the Migratory Bird Treaty Act? **We ask that the Final EIR/EIS address these questions.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
130	II.5-35 II.3-9	II.5.2 II.3.1.1		II.5-15 II.3-1	The acreages cited for Johnson Valley OHV Shared Use Area is given as 56,000 acres in the Preferred Alternative and only 54,000 acres in Alternative 2. Which is accurate? **We ask that this discrepancy be clarified in the Final EIR/EIS.**
131	II.5-36	II.5.2.2.1			Assuming the following statement near the bottom of **page II.5-36** is true, "Therefore, lands not focused on development or other intensive uses under the BLM's multiple-use mandate should be included as National Conservation Lands," shouldn't all tortoise critical habitat areas be designated as NCLS? If not, why not? **We ask that the Final EIR/EIS address these questions.**
132	II.5-37	II.5.2.2.1	II.5-4		In **Figure II.5-4** (and all analogous maps in other alternatives) it appears that the Imperial Dunes, including Glamis, is the only SRMA so-designated in the DRECP planning area. Is that correct? If so, we have no other examples of how the SRMA designation (and even more so, the ERMA) would function except that it would attract off-highway vehicle enthusiasts. How does DRECP propose to address this foreseeable public perception? Why is DRECP, which is supposed to be a conservation plan, promoting recreation? What are the existing baseline data that warrant the need for the SRMA and ERMA designations? How does BLM propose to monitor increased visitor use as a result of these designations? **We ask that the Final EIR/EIS address these questions.**
Volume II.6 – Alternative 3					
Except for different acreages, there are no new concepts or concerns that have not already been expressed for one of the previous alternatives, so no new comments on Alternative 3. **However, the Final EIR/EIS should address all analogous comments given for each of the other alternatives.**					
Volume II.7 – Alternative 4					
133	II.7-4	II.7.1.1	II.7-1		**AM-DFA-ICS-5**: "Covered Activities, except for transmission projects in existing transmission corridors, will avoid the desert tortoise conservation areas (TCAs) and the desert tortoise linkages identified in **Appendix H**, except the portion of the TCA in the northern Fremont Valley converted to intensive agriculture prior to 2013." The southeastern part of the Chocolate Mountains (northeastern Imperial Valley) part of the TCA (see **Figure H-7** in **Appendix H**, **page H-23**) designates this area as Variance Lands. **This should be changed in the Final EIR/EIS**.
Volume III – Environmental Setting/Affected Environment					

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
134	III.7-2	III.7.1.1			Isn't this the section where the General Conservation Plan (GCP) concept would be described? We note that the DRECP is pursuing a GCP rather than an HCP, that the HCP process is described in this section, but not the GCP. Is this an oversight? **The Final EIR/EIS should amend this section to describe how the GCP is more appropriate for the DRECP than an HCP.**
135	III.7-5 to III.7-6	III.7.1.2			We see here descriptions of the NCCP process and incidental take under Section 2081, but there is no description how take authorization would be granted under the NCCP. Does DRECP intend to acquire programmatic 2081 or 2080.1 take authorization(s) from CDFW, or will the NCCP process provide for take authorization at the state level? **This should be clarified in the Final EIR/EIS.**
136	III.7-6	III.7.1.2			How does the REAT, DRECP Coordination Group, or other DRECP entity plan to ensure that "…the impacts of the taking are minimized and fully mitigated by measures that are roughly proportional in extent to the project-related impact to the species…," as cited in this section? For example, assuming 177,000 acres are developed under the DRECP and 10,000 tortoises are displaced, which would be determined through DRECP-required protocol surveys of impact areas, how does DRECP intend to show that a minimum of 10,000 tortoises would be protected through land acquisition or non-acquisition actions, particularly since protocol-level surveys would not be required on acquired lands? **This should be clarified in the Final EIR/EIS.**
137	III.7-7	III.7.1.2			If a local jurisdiction, such as an incorporated Town or County, becomes signatory to the DRECP Implementing Agreement or other legal document, would they be required to implement the California Desert Native Plants Act? We know of several jurisdictions (e.g., Town of Yucca Valley) that provide no protection for cactus species, even though this is listed as a protected species under the California Desert Native Plants Act. If, for example, the Town of Yucca Valley decided to sign on to the DRECP, would it then be required to begin to protect cacti species, particularly chollas, which are so common to the region? **This should be clarified in the Final EIR/EIS.**
138	III.7-33	III.7.4			The following statement, "This SAA is considered ecologically intact since it is relatively undisturbed and unfragmented, " fails to reveal that this proposed SAA located west of Highway 395 and north of Highway 58 has been and continues to be heavily impacted by domestic sheep grazing. First, we strongly recommend that the studies associated with the "Special Analysis" consider how impaired these lands may be from sheep grazing. Second, if this Special Analysis reveals that this area should be managed for conservation of Covered Species (particularly desert tortoise and Mohave ground squirrel), how with the DRECP Coordination Group manage, and preferably prohibit, the unauthorized grazing of domestic sheep in this area? **This should be clarified in the Final EIR/EIS.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
139	III.7-33	III.7.4			We strongly recommend that the entire Brisbane Valley, located between Interstate 15 to the east and National Trails Highway to the west, be redesignated as an SAA and no longer be identified as a DFA, as currently proposed in the Preferred Alternative. **If this recommendation is adopted, we expect that the Final EIR/EIS will describe this important area in a section analogous to Section III.7.4 in the Draft EIR/EIS.**
140	III.7-34	III.7.4.1.2			Concerning Natural Communities, the Draft EIR/EIS identifies "Rare Natural Communities" in **Section IV.7.3.2.1.1.**, however, we note that "Rare Natural Communities" is not described anywhere in the Biological Resources section of **Volume III**. **Since Mitigation Measure BR-1a requires that a Rare Natural Communities Avoidance and Mitigation Plan be developed if a proposed project is sited within 0.25 miles of Rare Natural Communities, should they not be described and mapped somewhere in Volume III of the Final EIR/EIS?** We note that, of the 51 Rare Natural Communities referred to on **page IV.7-225**, none of them is mapped. In the absence of this location data, how will the DRECP Coordination Group be able to identify when Mitigation Measure BR-1a will need to be implemented? **The Final EIR/EIS must map Rare Natural Communities for protective measures to be adequately implemented.**
141	III.7-147	III.7.6.1	III.7-25		There is absolutely no relationship between the distribution of desert tortoises presented in this figure and the actual distribution of this species in the West Mojave. For example, this map does not show the presence of desert tortoises in the DTRNA! So many of the data points follow highways. Since the database on which this is based is not publically available, it is impossible to know whether the error is in the database or in the figure. **If the error is just in the figure, it must be corrected in the Final EIR/EIS**. If the error is in the database, it puts in question any habitat modeling presented in the DRECP. **The REAT must release the databases it used for its habitat modeling and identify them in the Final EIR/EIS**. Please remember that if these data points were used in the modeling and similar very poor quality data points were used for other species, then the material on which models were based and DFAs were sited, the DRECP is seriously and fatally flawed.
142	III.7-197 III.7-241	III.7.6.4		III.7-57	Given the Special Status Species Not Covered (**Section III.7.6.4**) under the DRECP, are we to understand, for example, that if a LeConte's thrasher, which is a species Considered but Not Covered (**Table III.7-57**), occurs on a given site, the proposed development would not be authorized because a non-Covered Species is present? Given the secrecy of this particular species and the seasonal detection of many non-covered plant species, what is the new survey protocol to absolutely determine that a non-Covered Species will not be adversely affected by a DRECP-approved activity? Under current management, often there is only a single survey of a site to determine presence-absence of a targeted species. But if DRECP cannot authorize development of a site that would affect a special status non-Covered Species, how will current management survey protocols be augmented to ensure that DRECP-authorized development is not adversely affecting a

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					non-Covered Species? **This should be clarified and survey protocols for LeConte's thrasher identified in the Final EIR/EIS.**
143	III.7-197 III.7-241	III.7.6.4			We note that American badger is another species that is not covered. Surely the REAT is aware that this California Species of Special Concern occurs throughout the DRECP planning area in less-developed habitats, and may be identified by diagnostic digs characterized by widely-spaced claw marks? If American badgers are identified on a proposed renewable energy development site, would the site no longer be developed under the DRECP because of presence of this non-Covered Species? Or, would the jurisdiction under CEQA or NEPA be responsible, as a separate planning effort, to authorize and mitigate impacts to American badger and all other non-Covered Species? **This should be clarified and survey protocols for American badger identified in the Final EIR/EIS.**
144	III.7-245 III.7-272	III.7.8			This section provides a good overview of some of the many studies of habitat linkages and wildlife movement corridors in the planning area. **However, the discussion in the Final EIR/EIS should include and incorporate several additional analyses that identify corridors or linkages that are important to the desert tortoise and/or other covered species.** For example, Averill-Murray et al. 2013* states "Even though substantial uncertainty surrounds the ultimate development footprint of pending solar development projects (or other proposed projects, including wind energy development), a separate analysis found that between 2,000 km^2 and 7,400 km^2 of lower conservation value land could meet California's renewable energy goal by up to seven times over (Cameron et al. 2012). This suggests that renewable energy goals can be met without compromising the conservation of important Mojave Desert Tortoise habitat." Moreover, Averill-Murray et al. 2013 continues "Managers should consider additional conservation of occupied habitat adjacent to the Base linkages and existing TCAs to provide security against edge effects and population declines, especially given limitations previously identified in the existing reserve architecture." **We recommend the analysis provided in Averill-Murray et al. 2013 be included in the Final EIR/EIS and that the Proposed Action be modified to avoid all important habitat that is important for Agassiz's desert tortoise as well as to provide a buffer against edge effects.** *Roy C. Averill-Murray, Catherine R. Darst, Nathan Strout, and Martin Wong. Conserving Population Linkages For The Mojave Desert Tortoise (*Gopherus agassizii*). Herpetological Conservation and Biology 8(1):1 – 15. Submitted: 7 August 2012; Accepted: 4 March 2013; Published: 30 April 2013.

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
145		III.7			**A new section (e.g., III.7.9) should be added to the Final EIR/EIS to discuss landscape-level or regional hotspots of sequence divergence, sequence diversity, and gene diversity. • After discussing this in Section III.7, impacts to regional hotspots of sequence divergence, sequence diversity, and gene diversity should then be analyzed in Volume IV of the Final EIR/EIS.** Much of this analysis has already been performed; e.g., see Vandegrast et al. 2013*, which identifies eight such hotspots within the DRECP Planning Area. Vandegrast et al. 2013 concludes: "Throughout the Mojave Desert, we identified 10 regions where intraspecific genetic divergence and diversity were high for up to 17 species. Because genetic diversity underlies differentiation and adaptation, preserving regions with the greatest levels of genetic diversity and differentiation may help to preserve the evolutionary potential of these species. Thus we recognize these regions as evolutionary hotspots. While our analyses are coarse, we can generally assess where gaps in protection exist and where overlap with development may occur at a landscape-scale. Six of the 10 identified evolutionary hotspots show substantial overlap with existing and proposed renewable energy development sites and infrastructure. These results provide a working hypothesis for identifying regions of evolutionary significance and thus conservation importance in the Mojave. The compiled landscape-level, GIS-based maps of genetic information could be applied in ongoing regional conservation planning initiatives such as the Desert Renewable Energy Conservation Plan, the Landscape Conservation Cooperatives, and the U.S. Department of the Interior, Bureau of Land Management's Landscape Approach to Managing Public Lands." Comparing the biodiversity hotspots provided in Vandergast et al. 2013 with **Figure II.3-1**, it would appear the Proposed Action would have a significant impact to several hotspots, including (but not necessarily limited to) hotspots B (DFAs near Owens Lake), C (DFAs southeast of the Tehachapi Mountains along Route 58), especially D (DFAs around Victorville and particularly in the Lucerne Valley). **The Final EIR/EIS should incorporate this information into Volume II to clearly identify (1) the areas that would be protected as a biodiversity hotspot (2) the amount (preferably zero) that would allowed to be impacted under the Proposed Action, and (3) associated avoidance, minimization, and/or mitigation measures, etc., similar to how this information and associated analysis was provided for landscape-level linkages/connectivity.** Without this information and associated analysis, the Final EIR/EIS is deficient. *Amy G. Vandergast, Richard D. Inman, Kelly R. Barr, Kenneth E. Nussear, Todd C. Esque, Stacie A. Hathaway, Dustin

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					A. Wood, Philip A. Medica, Jesse W. Breinholt, Catherine L. Stephen, Andrew D. Gottscho, Sharyn B. Marks, W. Bryan Jennings, and Robert N. Fisher. Evolutionary Hotspots in the Mojave Desert. Diversity 2013, 5, 293-319; doi:10.3390/d5020293. 15 April 2013. Wood et al. 2012 provides another, earlier analysis for ten species: Dustin A. Wood, Amy G. Vandergast, Kelly R. Barr, Rich D. Inman, Todd C. Esque, Kenneth E. Nussear, and Robert N. Fisher. Comparative phylogeography reveals deep lineages and regional evolutionary hotspots in the Mojave and Sonoran Deserts. Diversity and Distributions, (Diversity Distrib.) (2012) 1–16.
Volume IV, Section 7 – Biological Resources					
Volume IV, Section 7 – Biological Resources Affected by Preferred Alternative					
146	IV.7-227 to IV.7-228	IV.7.3.2.1.1		IV.7-46	Dr. Belnap's research (1996*) has shown that the effects of windblown dust are often located miles away from the ground-disturbing impact. We also saw new sand dunes formed in desert scrub along the eastern shores of Cuddeback Lake after Disney's "Holes" was filmed on that dry lake bed in 2003. Do the acreages shown in **Table IV.7-46** account for impacts in adjacent areas? Or, are these just the acreages at the point source of the fugitive dust (i.e., the development impact footprint)? **This should be clarified in the Final EIR/EIS.** *Belnap, J. 1996. Soil biota changes along a disturbance gradient: Impacts on vegetation composition and prospects for restoration. Abstract for paper presented at the 1996 Desert Tortoise Council Symposium. Las Vegas, NV.
147	IV.7-229	IV.7.3.2.1.1			We see in the next to last paragraph on **page IV.7-229** that the West Mojave and Eastern Slopes area would experience the greatest magnitude of dust-related impacts. How far downwind of a given solar development would this dust be deposited? Given the prevalence of proposed DFAs in the Preferred Alternative west of the DTRNA and portions of the Fremont-Kramer Critical Habitat Unit, has DRECP considered the impacts of fugitive dust on tortoise populations in these important areas? How does DRECP propose to monitor deposition of dust in these particular areas? And if the impact is determined to be unacceptable, how will dust deposition be curtailed to minimize the impact to critical tortoise habitats? **This should be clarified in the Final EIR/EIS.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
148	IV.7-232	IV.7.3.2.1.1			**Impact BR4** fails to quantify the number of acres or Covered Species that would be lost to development on public lands within DFAs and non-designated areas that would be disposed of under the DRECP. How many acres of public lands would be available for disposal and subsequently developed for purposes other than renewable energy? How many individual Covered Species would be adversely affected by this disposal? **An impacts analysis on the intended disposal of public lands must be added to the Final EIR/EIS.**
149	IV.7-234	IV.7.3.2.1.1			Saying that the Preferred Alternative "largely avoids … important habitat for Mohave ground squirrel" is not sufficiently precise. How many acres of important Mohave ground squirrel habitat would be lost? What percentage of the existing MGS HMA would be lost to the Preferred Alternative? **Answers to these questions in the Final EIR/EIS would help us understanding by what "largely" means to the REAT.**
150	IV.7-238	IV.7.3.2.1.1			With regards to the following statement, "…some DFAs were the result of public scoping," we are aware of a half dozen environmental groups who specifically asked that the DTRNA be excluded from DFAs. Were these requests ignored? If so, why? **This should be clarified in the Final EIR/EIS.**
151	IV.7-238	IV.7.3.2.1.1			The following sentence (bold emphasis added): "While **attempts** were made to avoid the most sensitive areas, some DFAs do overlap sensitive desert tortoise resources" violates reasonable principals of conservation. What conditions existed that required the REAT to include any portion of the DTRNA in DFA designations, for example? Which constraints prevented the REAT's "attempts" from successfully excluding solar development from the one place in the West Mojave where tortoise populations appear to be recovering? **This should be clarified in the Final EIR/EIS.**
152	IV.7-239 to 240	IV.7.3.2.1.1			The text states that DFAs overlap linkages and then goes on to state that "CMAs would require avoidance of TCAs, except for impacts associated with transmission or impacts in disturbed portions of TCAs (**AM-DFA-ICS-5** and **AM-DFA-ICS-7**). Additionally, the CMAs would prohibit impacts that affect the viability of desert tortoise linkages (**AM-DFA-ICS-8** and **AM-DFA-ICS-9**). Compensation CMAs would be required for impacts to desert tortoise, including the desert tortoise important areas." The Draft EIR/EIS is deficient as it provides neither an analysis of how linkages would be impacted nor how the analysis would be performed to ensure the viability of linkages are not affected. **The Final EIR/EIS must identify the criteria that would be used. • This information must be provided in the Final EIR/EIS and the public must be allowed to comment on it for the DRECP analysis to be sufficient.** The statement provided on page **IV.7-240** is also inconsistent with **Impact BR-6** on page **IV.7-263**.
153	Section IV.7, pages 263-266, 281-283, 295-306, 323-325, 336-339, 347-349, 365-367, 370-372, 391-393, 410-412,				The analysis of the impacts to desert linkage networks is woefully deficient for several reasons, **all of which must be rectified in the Final EIR/EIS**: 1. With respect to linkages, the total area impacted does not matter nearly as much as the location of the impact.

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
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	423-425, and elsewhere as applicable				Here are two hypothetical developments for an example linkage. In this hypothetical scenario, the linkage runs east-west, is 10 miles wide, and is 100 miles long (1,000 square miles total). In this scenario, both hypothetical developments are impenetrable. a. The first hypothetical development would be 1 mile wide by 100 miles long (for a total of 100 square miles, or 10% of the linkage), located along the entire southern edge of this linkage. b. The second hypothetical development would be 1 mile wide by 10 miles long (for a total of 10 square miles, or 1% of the linkage) and would bisect the linkage from north-south. 2. In this hypothetical scenario, the second development would impact one tenth of the land that the first development would impact, but would prevent 100% of the connectivity the linkage previously provided for all wildlife except for those capable of flying over 1-mile wide developments. **For this reason, the analysis in the Final EIR/EIS must clearly describe the extent to which connectivity in a linkage would be impacted.** 3. It is unclear what criteria were used in the DRECP to determine if a linkage were "partly preserved," "mostly preserved," "largely maintained," "not conserved," etc. **The Final EIR/EIS must define impacts to linkages under the above two hypothetical developments.** 4. To be sufficient, **the Final EIR/EIS must report the extent to which connectivity in each identified linkage would be impacted by species.** For example, in the USFWS's 2012 review of the DSEIS for the Silver State South Solar Energy Project, the USFWS determined that a 2.8-mile wide corridor is the minimum width necessary to maintain desert tortoise connectivity. **The analytical approach used by the USFWS should be applied in the Final EIR/EIS to determine the minimum width necessary in each linkage to maintain connectivity for all covered species. To be sufficient, this information should be provided in Volume III, and then the extent to which linkages are impacted should be identified for each linkage in Volume IV in the Final EIR/EIS.** 5. Additionally, to fully inform the public, **figures should be provided in the Final EIR/EIS to show each of these areas that would be impacted, rather than just describing them in text and in tables.** Without this, the Final EIR/EIS analysis will be deficient. 6. **The analysis requested above is particularly important in the Final EIR/EIS for the DFAs located in connectivity corridors identified on Figure H-7 for the Lucerne Valley area, the area north of Victorville, and the area southwest and south of Barstow.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
154	IV.7-473-474, 482, 490-491, and elsewhere as appropriate				We have pointed out elsewhere that the analysis of the No Action Alternative is flawed. **Once the No Action Alternative analysis is revised in the Final EIR/EIS, the comparison of the impacts to linkages and habitat connectivity from the Preferred Alternative and the No Action Alternative should also be revised.** We expect that once this analysis is performed, it will be evident that the No Action Alternative would have significantly less impacts to linkages and connectivity than the Preferred Alternative.
155	IV.7-239	IV.7.3.2.1.1		IV.4-78	Given continued declines of tortoises throughout California, how can DRECP facilitate and then justify the outright loss of 27,000 acres of Tortoise Conservation Areas as reported in **Table IV.4-78**? It is not clear to us how if 2,024,000 acres of DFAs are identified in the Preferred Alternative and only 177,000 acres are needed to accomplish full build out of 20,000 MW renewable energy, then why must **any** TCAs be slated for energy development? Other than the No Action Alternative, the DRECP fails to identify an alternative that would avoid Tortoise Conservation Areas and actually conserve tortoises in critical habitats. How will this support the recovery of the desert tortoise as required by law? **This should be clarified in the Final EIR/EIS.**
156	IV.7-239	IV.7.3.2.1.1		IV.4-78	We noted that 177,000 acres of build out is only 0.8% of the 2,024,000 acres of DFAs identified under the Preferred Alternative, yet 27,000 acres of TCAs would be available for impacts as reported in **Table IV.4-78**. How does DRECP prevent the first 10 proposed projects from being developed in the 27,000 acres of TCAs included in the Preferred Alternative DFA areas? Is it possible that DRECP phase development so that TCAs are only used after all other options have been exhausted? **This should be clarified in the Final EIR/EIS.**
157	IV.7-240	IV.7.3.2.1.1			Under current management by the BLM, no desert tortoise critical habitat has been developed. Under the Preferred Alternative, 8,000 acres of tortoise critical habitat could be directly impacted. Why is **any** critical habitat, which USFWS defines as "essential for the conservation of a threatened or endangered species," allowed to be developed? Has USFWS' range-wide distance sampling shown an increase in tortoise numbers so that loss of critical habitat is justifiable? In California, the answer to this question is NO. Where are these 8,000 acres to be located? In a block or widely distributed? If 8,000 acres can be directly impacted, how many acres would be affected by indirect impacts such as heat sinks, dust deposition, increased predation by ravens and coyotes, etc.? **This should be clarified in the Final EIR/EIS.**
158	IV.7-245	IV.7.3.2.1.1			Do preconstruction surveys required in the first bullet near the bottom of the page include focused nest surveys between mid-February and mid-September, which is current management, or is this requirement included in the second bullet on

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					the next page? We note that all the surveys listed in the first bullet on **page IV.7-245** are already part of current management and would still be required under the No Action Alternative. **This should be clarified in the Final EIR/EIS.**
159	IV.7-250	IV.7.3.2.1.1			Would a project still be permitted and occur that affects a non-Covered Species? For example, Cushenbury milk-vetch, which is an endangered species occurring on the lower, northern slopes of the San Bernardino Mountains. If this species, which is not covered, occurs on a proposed solar project in southern Lucerne Valley, would the project need to seek incidental take for this federally-endangered species outside the DRECP? **This should be clarified in the Final EIR/EIS.**
160	IV.7-268	IV.7.3.2.1.1			Given the following statement "In order to minimize habitat fragmentation and population isolation, DFAs were sited in less intact and more degraded areas," and the proposal that up to 8,000 acres of critical habitats could be developed, which parts of critical habitat are judged to be "less intact and more degraded?" Which database did the DRECP consult to identify the 8,000 acres of less intact, degraded critical habitats? Are the 250 acres of the DTRNA identified for DFA status in the Preferred Alternative "less intact and more degraded?" How was that determined? We contend that it was not and that such proposals are unjustifiable. **We ask that these questions be answered in the Final EIR/EIS and that all DFAs be excluded from tortoise critical habitats.**
161	IV.7-268 to IV.7-270	IV.7.3.2.1.1			On these two pages and elsewhere in the Draft EIR/EIS, there is the assertion that only 1% of all available land within the planning area would be affected by the Preferred Alternative. We disagree with this assertion for the following reasons: (1) The 177,000 acres pertain to direct impacts, do not include indirect impacts, nor are they fulfilling of USFWS' requirement to consider the impacts within the "action area." (2) This statement does not reflect the loss of public lands through disposal in not only DFAs but other non-designated areas as well, which will result in impacts when federal management of the land is withdrawn. (3) Designating millions of acres as Special Recreation Management Areas and Extensive Recreation Management Areas will have the predictable effect of increasing recreational use in conservation areas without a concomitant increase in law enforcement to govern increased vehicle uses. It is simplistic and inaccurate to assume the impacts will be contained within the 177,000 acres. **Given these observations, the actual percentage of habitat that would be affected by the DRECP must be addressed in the Final EIR/EIS.**
162	IV.7-270	IV.7.3.2.1.1			What is meant in the following statement: "Of the total 177,000 acres of ground disturbance, the Preferred Alternative would result in 120,000 acres of long-term conversion of natural desert communities?" If 169,000 acres are to be compensated at 2:1 (this simplistic calculation does not consider compensation at 3:1 within linkage habitats) and 5:1 on 8,000 acres of critical habitat, wouldn't proponents be acquiring 338,000 acres for most impacts and 40,000 acres to compensate for critical habitat, which would be 378,000 acres? Is the Draft DRECP EIR/EIS suggesting that we are giving up 177,000 acres in exchange for conservation of 120,000 acres? Under the No Action Alternative, assuming no critical

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					habitat is developed and using CDFW's current compensation ratios, development of 177,000 acres would result in the acquisition of 531,000 acres, or about 4.4 times more land than the Preferred Alternative. Why isn't this dynamic reported in the No Action Alternative, which makes it much more conservation-oriented than the Preferred Alternative? **This should be clarified in the Final EIR/EIS.**
163	IV.7-215 to IV.7-278				We find that the impact analysis given for the Preferred Alternative is deficient in that it does not address the impacts of the intended disposal of public lands from within all DFAs and non-designated lands. **This deficiency must be addressed and rectified in the Final EIR/EIS.**
164	IV.7-215 to IV.7-278				We find that the impact analysis given for the Preferred Alternative is deficient in that it does not address the impacts of designating Special Recreation Management Areas and Extensive Management Areas throughout the planning area, particularly in Tortoise Conservation Areas. **This deficiency must be addressed and rectified in the Final EIR/EIS.**
165	IV.7-215 to IV.7-278				We find that the impact analysis given for the Preferred Alternative is deficient in that it does not address impacts associated with the introduction of competitive motorized events into conservation areas, including NCLS areas, while they are prohibited from critical habitats and DWMAs under current management. **This deficiency must be addressed and rectified in the Final EIR/EIS.**
166	IV.7-215 to IV.7-278				We find that the impact analysis given for the Preferred Alternative is deficient in that it does not address impacts associated with the elimination of Multiple-Use Classes. The following questions have not been addressed in the Draft EIR/EIS and must be in the Final EIR/EIS: How are MUC L lands to be designated once this classification is eliminated? How will management under the DRECP reduce or increase protections currently afforded by MUC L designations? How will non-renewable energy uses such as mining, recreation, and grazing be treated after the MUC L class is eliminated? **This deficiency must be addressed and rectified in the Final EIR/EIS.**
167	IV.7-278	IV.7.3.2.1.1			Where is the map or figure that shows the distribution of Rare Natural Communities? What are the acreages and percentages of DFAs among the five action alternatives that are within 0.25 miles of these Rare Natural Communities? **These maps and data must be given in the Final EIR/EIS.**
168	IV.7-278 to IV.7-279	IV.7.3.2.1.1			**We respectfully request that the Rare Natural Community Avoidance and Mitigation Plan in Final EIR/EIS prohibit development of solar facilities within one mile upwind of any identified Rare Natural Communities**.
169	IV.7-278 to IV.7-279	IV.7.3.2.1.1			**The Final EIR/EIS should be amended as follows: Where the DRECP Coordination Group has identified a proposed project that may affect a Rare Natural Community, we respectfully request that the project proponent be required to monitor that Rare Natural Community for a minimum of five years to detect any adverse effects of**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					project impacts on that community; and that remediation measures be identified, required, and implemented by the proponent to reverse the impacts. This will also requires baseline studies of the Rare Natural Community prior to site development to later enable detection of any adverse effects.
170	IV.7-278	IV.7.3.2.4			After elucidating impacts associated with **BR1**, a mitigation measure is given for that impact on **page IV.7-278**. Is this a unique impact that required this specific mitigation measure? Why are other specific mitigation measures not identified for the other sections of the impacts analysis? **This should be clarified in the Final EIR/EIS.**
171	IV.7-280	IV.7.3.2.1.1			Given that the Mohave Ground Squirrel Technical Advisory Group has identified the "Bowling Alley" area north of Highway 58 and west of Highway 395 as a Key Area (previously "Core Area") important to the long-term conservation of Mohave ground squirrel, **we respectfully ask that this area be included in Reserve Design Lands as a new Area of Critical Environmental Concern specific to Mohave ground squirrel management in the Final EIR/EIS**. This area is shown as a Special Analysis Area in **Figure II.3-1** in the Preferred Alternative.
172	IV.7-281	IV.7.3.2.1.1			Are all 471,000 acres of Undesignated Areas that are identified as "primarily comprised of BLM-administered lands in the Plan Area" available for disposal, as identified in **Section II.3.2.3.4.1**? If so, after disposal can these lands be developed for uses other than renewable energy? Either way, how does that relate to the "only 1% of available lands would be developed under the Preferred Alternative?" **This should be clarified in the Final EIR/EIS.**
173	IV.7-300	IV.7.3.2.1.1			With regards to the following statement, "Within the Western Mojave Recovery Unit, 78% of TCAs and linkage habitat would be conserved under the Preferred Alternative;" alternatively, does this mean that 22% of the TCAs may be impacted? What available data support the conclusion that the loss of 22% of Tortoise Conservation Areas from the Western Mojave Recovery Unit will not jeopardize the species within this unit? Given that these percentages are based on direct impacts to a specified number of acres, how many individual tortoises would be lost from 22% of the TCAs compared to conserving 78% of the TCAs? Without knowing how many tortoises are lost versus how many tortoises are conserved, how does the REAT propose to quantify impacts versus conservation to effectively demonstrate the Preferred Alternative meets the CDFW fully mitigate standard in the Final EIR/EIS? Given that "only" 177,000 of more than two million acres of DFAs are to be developed under the Preferred Alternative, why not avoid all Tortoise Conservation Areas? **This should be clarified in the Final EIR/EIS.**
174	IV.7-297	IV.7.3.2.1.1		IV.7-57	As with the previous comment, in **Table IV.7-57** we see that the Preferred Alternative would conserve 74% of available tortoise habitat, meaning that 26% - Plan-wide – would not be conserved. What available data support the assertion that the loss of 26% of available tortoise habitat from the Plan area will not jeopardize the species? Given that these percentages are based on direct impacts to a specified number of acres, how many individual tortoises would be lost from

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					26% available tortoise habitats compared to conserving 74%? Without knowing how many tortoises are lost versus how many tortoises are conserved, how will the Final EIR/EIS quantify impacts versus conservation to effectively demonstrate the Preferred Alternative meets the CDFW fully mitigate standard? **This should be clarified in the Final EIR/EIS.**
175	IV.7-302	IV.7.3.2.1.1		IV.7-58	We ask that all the same questions given in the previous two comments be answered with regards to the intended loss of 15% of "Desert Tortoise Important Areas." How many acres does this 15% comprise and where are they specifically located? If the REAT has taken the time to identify what is important to tortoises and even named such areas, how then can it justify developing those "important" habitats? The analysis that would be meaningful would be identification of habitats important to tortoises and identification of habitat avoided. As it is, the DRECP is identifying these areas as both important and expendable at the same time. **This should be clarified in the Final EIR/EIS.**
176	IV.7-303	IV.7.3.2.1.1		IV.7-59	Given the restricted range of the Mohave ground squirrel to the West and Central Mojave compared to the tortoise that occurs in four different states, how does DRECP justify the loss of 29% of "key population centers" and 33% of "linkages?" How many individual Mohave ground squirrel would be lost versus conserved by implementing the Preferred Alternative? Without these numbers, how can DRECP demonstrate it has met CDFW's fully mitigate standard? **This should be clarified in the Final EIR/EIS.**
177	IV.7-304	IV.7.3.2.1.1		IV.7-60 II.3-1	According to these tables, "approximately 87% of the desert tortoise designated critical habitat would be conserved." The corollary is that 13% of critical habitat would not be conserved, and would be newly available for renewable energy development. Has the USFWS' definition of critical habitat as "essential" changed, so that now critical habitat is available for development? What is the justification for opening these particular 13% to development? **Figure II.3-1**, showing the Interagency Preferred Alternative, does not include desert tortoise critical habitat in that map, so we cannot see where the DFAs and critical habitat coincide. How is the loss of 13% of critical habitat more conservative than the No Action Alternative, where critical habitat is protected under the Solar PEIS? **This should be clarified in the Final EIR/EIS.**
178	IV.7-304	IV.7.3.2.1.1		IV.7-60 II.3-1	Since the USFWS is an author of the DRECP, and the DRECP opens 13% of the critical tortoise habitat in the area, we have a number of questions: What percentage of critical habitat does USFWS consider to be expendable before a project such as the DRECP will jeopardize the species? And, how is the adverse modification of 13% of critical habitat justified given USFWS' own range-wide distance sampling data that show ubiquitous declines even without the loss of 13% of critical habitat? Is the loss of 13% of critical habitat (1) consistent with the biological goals and objectives identified for the DRECP and (2) complimentary to the goals and objectives of USFWS' 2011 revised Recovery Plan? Was the loss of 13% of critical habitat a foreseeable circumstance in the Federal Register notice listing the species, or is this an unforeseen circumstance that may warrant listing of the tortoise as federally endangered? "But for" the DRECP, 13% of critical

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					habitat would not be developed under current management. **These questions and issues must be addressed in the Final EIR/EIS.**
179	IV.7-314	IV.7.3.2.2.1			This section fails to indicate how establishing SRMAs and ERMAs on BLM lands will affect ephemeral drainages. We contend that these designations will attract more visitors using motorized recreational vehicles, and that these motorists are more likely to use streams and washes for vehicle travel than without DRECP designations. In the absence of baseline data, how s BLM going to know if more impacts have occurred in wash areas as a result of these two designations? **These questions and issues must be addressed in the Final EIR/EIS.**
180	IV.7-323	IV.7.3.2.2.1		IV.7-65	It is not clear to us how to compare the 15% Plan-wide loss of Desert Tortoise Important Areas given in **Table IV.7-58** with the loss of 14,000 acres of Desert Tortoise Important Areas occurring on BLM lands given here in **Table IV.7-65**. Are these 14,000 acres a portion of the 15%? How many total acres of Desert Tortoise Important Areas are included in 15% of the Plan area? How does DRECP define "important" if these lands are not important enough to conserve? **This should be clarified in the Final EIR/EIS.**
181	IV.7-325	IV.7.3.2.2.1		IV.7-66	With regards to Mohave ground squirrel, we have a similar problem comparing percentages given in **Table IV.7-59** with acreages given here in **Table IV.7-66**. For example, what proportion of the 29% loss of key population centers given in **Table IV.7-59** is comprised of the 600 acres of BLM lands given here in **Table IV.7-66**? **This should be clarified in the Final EIR/EIS.**
182	IV.7-347	IV.7.3.2.2.2			We do not find the following statement to adequately assess impacts associated with designating SRMAs: "Unit-specific SRMA worksheets are provided in **Appendix L**." What are the anticipated impacts of this designation? Given that Imperial Dunes encompassing Glamis is the only other SRMA designated within the planning area, how are we to know that similar impacts will not occur within SRMA-designated areas? When we look at **Appendix L**, SRMA-ERMA Part 1, which proposes 43,393 acres of SRMA in Afton Canyon, the word "impact" shows up one place in the context of mitigating impacts to the Mojave River. What about the impacts of this designation to desert tortoises? We do not consider either **Section IV.7.3.2.2.2** or **Appendix L** to constitute and impacts analysis. In fact, the Draft EIR/EIS fails to provide any impacts analysis for how current management would be affected by designating these extensive SRMAs and ERMAs, and is seriously deficient in this respect. **Although it is our suggestion that designating ERMAs and SRMAs be removed from the DRECP, at the least, the Final EIR/EIS should provide an actual impacts analyses for every SRMA and ERMA designated.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
183	N/A	IV.7.3.2.2.2			We note that the Preferred Alternative is the only one of the five action alternatives proposing Extensive Recreational Management Areas (ERMAs) in the planning area. Are we correct in assuming that no ERMAs currently exist within the planning area? Whereas SRMA are addressed in the first half of one sentence as given on **page IV.7-347** and cited in the previous comment, ERMAs are not even mentioned; not even one time as a reference to **Appendix L**. How are we to judge the impacts of this new designation if it is not even mentioned in the impacts **Section IV.7** for the Preferred Alternative? When we reviewed the proposed ERMA for Crucero Valley in **Appendix L, Part 36**, the word "impact" was mentioned one time, as follows: "Any developed recreation sites that would be impacted by renewable energy development would be mitigated through establishment of alternate recreation sites in a similar, suitable location." Really? What about the impact of the ERMA designation on critical habitats, DWMAs, TCAs, and individual tortoises? Renewable energy impacts on recreation does not begin to effectively analyze the impact of this new designated use throughout the planning area. **The Final EIR/EIS must provide a full analysis of impacts associated with designating SRMAs and ERMAs.**
184	IV.7-359	IV.7.3.2.2.2			Did DRECP staff perform any ground-truthing of desert tortoise modeled habitats to see predictive value of the models? We assume at the least that the model output identified suitable versus unsuitable habitats; if so, was there any attempt to perform site visits to see how well the model performed? Even if judged to be suitable and as stated elsewhere, we are concerned that DRECP is based on acreage calculations without any data to support how many tortoises would be affected, or even if tortoises occupy modeled unsuitable habitats. If the absence of these data, how does USFWS plan on identifying mortality take limit(s) in its biological opinion(s) for the DRECP? Using the grossly flawed database for modeling further undermines the DRECP's assessments. **These questions and issues must be addressed in the Final EIR/EIS.**
185	IV.7-386	IV.7.3.2.3			Given that less than 5% of Agassiz's desert tortoise total suitable habitats are within the DRECP NCCP Reserve Design, what exactly is the conservation function of the NCCP for tortoises? Are we correct in assuming that the NCCP program is intended to function in lieu of the 2081 incidental take authorization for the DRECP? Or, will CDFW issue a programmatic 2081 incidental take permit for DRECP-covered activities? Or, is there something in the NCCP that authorizes incidental take? Is CDFW's fully mitigate standard applicable to the NCCP portion of the DRECP? And, if so, how does the inclusion of less than 5% of suitable tortoise habitat in the NCCP design satisfy the fully mitigate standard? **We ask that these questions be addressed in the Final EIR/EIS. Furthermore, we expect a complete, stand-alone NCCP document, which is lacking from the Draft EIR/EIS, t be included in the Final EIR/EIS.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
186	IV.7-410	IV.7.3.2.4		IV.7-85	Are the 12,000 acres of Desert Tortoise Important Habitats included within the Plan-wide impacts identified in **Table IV.7-58**? All of the same questions apply here to GCP-induced impacts, particularly with regards to accurately accessing impacts to individual tortoises as opposed to modeled habitats, and meeting CDFW's fully mitigate standard. **This should be clarified in the Final EIR/EIS.**
187	IV.7-412	IV.7.3.2.4			We were under the impression that USFWS-designated critical habitat applied only to federal lands; that private lands may physically occur within boundaries of critical habitat, but that private land owners were not held to the same standards as public land managers for lands in critical habitat. Are the 1,000 acres of private-land critical habitat included in the 13% of critical habitats that would be lost, as presented on **page IV.7-304**? How does USFWS, which is tasked with facilitating recovery of tortoises in critical habitat, justify the loss of any critical habitat under the GCP? Has USFWS facilitated the adverse modification of critical habitat with its GCP program? How can USFWS issue an impartial biological opinion on a plan that it is responsible for writing? **These questions should be answered and issues clarified in the Final EIR/EIS.**
188	IV.7-433	IV.7.3.2.4		IV.7-90	Which baseline studies will allow the DRECP Coordination Group to identify specific numbers of avian species that would be lost by implementing the GCP? How would the function of the GCP be affected if, for example, 151 burrowing owls were lost to authorized activities? Would the DRECP Coordination Group just rewrite the take limit to 200 owls, for example, or would the next project that would affect the 152nd burrowing owl be denied? **This should be clarified in the Final EIR/EIS.**
189	IV.7-447	IV.7.3.2.4		IV.7-93	Are we to understand from **Table IV.7-93** that only 29% of available tortoise habitat occurring on private lands would accommodate impacts and loss of the 71% of private lands that would be available for take? **Please explain in the Final EIR/EIS**.
190	IV.7-455	IV.7.3.2.5			It is our understanding that none of the energy generated under authority of the DRECP will be used by residential, commercial, or industrial users **within** the planning area; that all of the generated energy is to be used **outside** the planning area. If this is true, what are the overall growth-inducing impacts associated with this newly available energy? We assume that the acreages identified in this and various other sections refer to impacts associated with new infrastructure outside the planning area; but what about the new residential, commercial, and industrial facilities that will be built in response to the newly available energy? Does the Draft EIR/EIS assume that all of the newly generated energy will be used by existing facilities; or are new facilities likely to be built as a result of DRECP's energy generation? If the latter is the case, how many acres of Covered Species habitats will be impacted "but for" the DRECP? **These questions should be answered and issues clarified in the Final EIR/EIS.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
191	IV.7-458	IV.7.3.2.5.2		IV.7-98	Is it a mistake that the Draft EIR/EIS lists loggerhead shrike as one of the species not occurring on BLM LUPA lands? Or, is loggerhead shrike listed as not occurring because it is not a Covered Species? To our knowledge, this species is wide-ranging and definitely occurs on BLM LUPA lands, both inside and outside the DRECP plan boundary. **Please explain in the Final EIR/EIS**.
192	IV.7-463 to IV.7-467	IV.7.3.2.6			If we understand correctly, the Draft EIR/EIS concludes that the DRECP will not have a single significant impact to any of the resources listed on **pages IV.7-463** through **IV.7-467**? That proposed mitigation measures will reduce every single impact to a less than significant impact? We are aware of 100-acre project sites that were judged to have significant impacts! Where in the Draft EIR/EIS for the DRECP is the specific analysis showing that a project potentially affecting 177,000 acres of desert habitats, including thousands of acres of tortoise critical habitats, will not have a single significant impact? **We consider this conclusion to be erroneous and require that it be further described and substantiated in the Final EIR/EIS.**
193	IV.7-463 to IV.7-467	IV.7.3.2.6			In the case of the proposed expansion of the Eagle Mountain Landfill in the mid-1990's, a superior court judge in San Diego ruled that the EIR/EIS was deficient in that it did not adequately assess how effective its mitigation measures would be to avoid significant impacts. **The analogous analysis in the DRECP Final EIR/EIS must demonstrate that mitigation measures will avoid significant impacts.**
194	IV.7-467	IV.7.3.2.7.1			With regards to the following statement, "The Preferred Alternative would concentrate renewable energy development into approximately 2 million acres of DFAs (9% of the Plan Area) as compared to the over 6 million acres (28% of the Plan Area) open to renewable energy development under the No Action Alternative.," we have pointed out elsewhere that the existing Solar PEIS restricts solar development to SEZs. We do not believe that more than six million acres of SEZs are available under current management. **We ask that the Final EIR/EIS retract this statement and indicate the actual protection given under current management, which would be perpetuated under current management.**
195	IV.7-467	IV.7.3.2.7.1			With regards to the following statement, "Mitigation that would contribute additional conservation acreage under the No Action Alternative would be project-by-project and would not be part of a desert-wide conservation strategy," this is only true for private lands; the statement does not seem to recognize that all public lands managed by the BLM are subject to coordinated management under WEMO, NECO, and NEMO plans that were just completed in the early-to-mid-2000's. **This should be clarified in the Final EIR/EIS.**
196	IV.7-467	IV.7.3.2.7.1			This section fails to acknowledge that the Solar PEIS and BLM current management prohibit renewable energy development in tortoise critical habitat and DWMAs; "but for" DRECP, there would be no renewable energy development in tortoise critical habitats, which is an advantage of the No Action Alternative over the DRECP Preferred Alternative.

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					This should be clarified in the Final EIR/EIS.
197	IV.7-469	IV.7.3.2.7.1			With regards to the following statement concerning impacts to desert scrub, "Overall, approximately 95,000 acres of desert scrubs would be impacted under the No Action Alternative, compared to 92,000 acres under the Preferred Alternative," in what time frame and in which economic reality? There may be 95,000 acres available (even this number may be questionable given the above information), but these would not be developed in the next 25 years as would be facilitated by DRECP; "but for" DRECP, this level and pace of renewable energy would not occur. In **Appendix O**, the Draft EIR/EIS indicates how little desert has actually been developed. This statement ignores the fact that more than half of recently proposed solar has gone bankrupt or failed for other reasons. In this respect, we consider the No Action Alternative to have superior conservation value of important habitats compared to the DRECP Preferred Alternative. **This should be clarified in the Final EIR/EIS.**
198	IV.7-470	IV.7.3.2.7.1			Concerning the following comment with regards to conservation of desert scrub, "Overall, approximately 7,708,000 acres (58%) of desert scrubs would be conserved under the No Action Alternative, compared to 9,729,000 acres (74%) under the Preferred Alternative," but at what cost? The streamlined approach envisioned by the Preferred Alternative and concomitant impacts more than outweigh any conservation value provided by the Preferred Alternative. If any use other than renewable energy (grazing and mining for example) was proposed that would result in the loss of 177,000 acres, it would be met with widespread resistance (as the DRECP still may be).
199	IV.7-472	IV.7.3.2.7.1			The following statement is naïve and erroneous for the same reasons given in the preceding five statements: "Overall, there are greater impacts to suitable habitat for Covered Species under the No Action Alternative compared to the Preferred Alternative." **Clearly an alternative proposing to meet the energy goals without impacts to suitable tortoise habitats is lacking from the Draft EIR/EIS and needs to be presented in the Final EIR/EIS.**
200	IV.7-473	IV.7.3.2.7.1			Even if the following statement were true, which is doubtful, "Overall, there is less conservation of Covered Species habitat under the No Action Alternative compared to the Preferred Alternative," it fails to recognize that there has been no more ubiquitous, more programmatic threat to the conservation of the desert tortoise than the DRECP and its Preferred Alternative. "But for" the DRECP, the threat of loss of 177,000 acres right now based on promised conservation in the future, to be funded by money that would be generated by that same development is bothersome.
201	IV.7-476	IV.7.3.2.7.2			As we have mentioned elsewhere, the paragraph given on **page IV.7-347** and its reference to **Appendix L**, offer no critical information that would allow us to understand the impacts of the SRMA and ERMA designations. We are very concerned that the only impacts mentioned are directed towards lost recreational opportunities; that the only example we have for a SRMA is the Glamis *de facto* open area; that we have absolutely no examples of ERMAs, or how the

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					"Extensive" word in the title differs from the "Special" word in the SRMA title; that the BLM does not have existing baseline data that will allow them to monitor the effects of these new recreational designations on common and uncommon biological resources; and that establishing recreational management areas with no more information than is given in the Draft EIR/EIS renders the document deficient to the point of rejection for its lack of analysis. **The Final EIR/EIS must address deficiencies in the Draft EIR/EIS with regards to impacts that will result from SRMA and ERMA designations.**
202	IV.7-476	IV.7.3.2.7.2			Where is mention of the intent to dispose of public lands from DFAs and non-designated areas in these comparisons? No public lands would be disposed under the No Action Alternative, which we view as superior conservation over the DRECP Preferred Alternative. Nor does the Draft EIR/EIS ever state how many acres of public land would be available for disposal; the uses that could occur on those lands after disposal; if decommissioning would be required on disposed lands; how the DRECP would eliminate public lands that currently belong to the people of the United States (and at what cost to the taxpayer) to be conveyed to for-profit energy development companies; or what the resulting conservation impacts or values would be by implementing the DRECP Preferred Alternative. **The Final EIR/EIS must address deficiencies in the Draft EIR/EIS with regards to impacts associated with the disposal of public lands.**
203	IV.7-476	IV.7.3.2.7.2			How is conservation of imperiled populations of desert tortoises enhanced by allowing competitive recreational events in NCLS-designated lands, which DRECP ostensibly presents as the most protected lands outside wilderness? We see there is no mention of this in the comparison section, but certainly prefer the No Action Alternative for its prohibition of competitive events in critical habitat and DWMAs. **This should be clarified in the Final EIR/EIS.**
204	IV.7-476	IV.7.3.2.7.2			We are concerned that the Draft EIR/EIS seemingly fails to acknowledge that DWMAs even exist, preferring instead to refer to them as ACECs? Much of current management is driven by DWMA designations, such as prohibition of solar development, 5:1 compensation ratios, 1% Allowable Ground Disturbance, and other proactive management. These management practices, which exist under the No Action Alternative would be undermined or diluted by the DRECP Preferred Alternative. How much critical habitat would be developed under the No Action Alternative? Our understanding is "none," as it's prohibited by the Solar PEIS, but would be allowed under the DRECP Preferred Alternative. **This should be clarified in the Final EIR/EIS.**
Volume IV, Section 13 – BLM Lands and Realty					

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
205	IV.13-3	IV.13.2.3			There is no discussion (much less analysis) of eliminating Multiple-Use Classes or facilitating programmatic disposal of public lands managed by BLM. This entire impacts section is significantly flawed, as this should have been the opportunity in the Draft EIR/EIS to assess impacts of designating ERMAs, eliminating MUCs, and allowing public land disposal. **Without these analyses, we cannot ascertain how DRECP would change current management; these deficiencies must be addressed in the Final EIR/EIS.**
206	IV.13-4	IV.13.2.3.2			The following (first time) admission of how SRMAs may affect current management confirms our concern with this recreational designation: "The extent to which SRMAs are designated could increase public access to BLM-authorized lands, which could then lead to increased looting or vandalism." Where is the analysis in the Draft EIR/EIS from which this generalized conclusion is derived? Given this admission, wouldn't this increased access have impacts to Covered Species and their habitats, noise, pollution, erosion, invasive species, and so many other resources that ought to be analyzed in an EIR/EIS? **The Final EIR/EIS must completely analyze the effects to all resources resulting from designating SRMAs.**
207	IV.13-4	IV.13.2.3.2			If the following statement of how SRMAs may affect current management is accurate, what must be the impacts associated with ERMA designation? "The extent to which SRMAs are designated could increase public access to BLM-authorized lands, which could then lead to increased looting or vandalism." We can only assume what the impacts of designating ERMAs must be, as they are not analyzed in the document. Based on the criteria given in the BLM Land Use Planning Handbook 1601 (Handbook) and BLM Planning for Recreation Resources Manual 8320 (Manual), we understand that ERMAs would be even more permissible of increased recreational access and use than SRMAs, yet these impacts are not analyzed in this section on impacts analysis. Why not? **The Final EIR/EIS must completely analyze the effects to all resources resulting from designating ERMAs.**
208	IV.13-5	IV.13.3.1.1.1			Given the title of **Impact LR-1**, as a "Land tenure adjustment" analysis, where is the statement of how much public land would be conserved under the No Action Alternative because it would not be disposed of, as envisioned under the Preferred Alternative? This is only one example of how the No Action Alternative, which equals current management, is not being accurately presented. For example none of the following actions, which could occur under the Preferred Alternative, would occur under the No Action Alternative: Under the Preferred Alternative SRMAs and ERMAs would be designated throughout tortoise critical habitats, but not under current management; the Preferred Alternative would allow competitive recreational events in DWMAs and tortoise critical habitat but are not allowed under current management; under the No Action Alternative, no critical habitats or DWMA lands would allow solar development; compensation would remain at 5:1 for all DWMA lands, rather than applied to reduced acreages designated as tortoise critical habitat;

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					etc. **Until this analysis is revised in the Final EIR/EIS to identify all differences (as opposed to only those that present the No Action Alternative as inferior), this "analysis" is seriously flawed.**
209	IV.13-8	IV.13.3.1.1.1			The following statement, "The No Action Alternative does not include conservation actions," fails to acknowledge the multiple conservation actions that are already in place. The fact that no solar development has occurred in tortoise critical habitat since its designation in 1994 is clear evidence that current management, which would be perpetuated in the No Action Alternative, includes numerous conservation actions. In the West Mojave Plan, alone, 128 protective management prescriptions were adopted in the Record of Decision affecting resource protection on only a portion of the BLM lands within the DRECP planning area. **Until this analysis is revised in the Final EIR/EIS to identify protective measures under current management, this "analysis" is seriously flawed.**
210	IV.13-8	IV.13.3.1.1.1			The following statement, "There would be no reserve design established to guide future BLM Conservation Designations," ignores the fact that the three regional BLM plans, including WEMO, NECO, and NEMO all established a reserve design that is available to BLM under current management and the No Action Alternative. **Until this analysis is revised in the Final EIR/EIS to identify protective measures under current management, this "analysis" is seriously flawed.**
211	IV.13-10	IV.13.3.1.1.2			The following statement, "The No Action Alternative has no reserve design, but there would be continued protection under existing Legislatively and Legally Protected Areas such as wilderness areas," is incomplete and misleading. For example, it does not acknowledge the establishment of DWMAs under WEMO, NECO, and NEMO; it does not acknowledge the creation of Solar Energy Zones in the BLM's Solar PEIS; etc. **Until this analysis is revised in the Final EIR/EIS to identify protective measures under current management, this "analysis" is seriously flawed.**
212	IV.13-20	IV.13.3.2.1.1			With regards to Future Assessment Areas (FAAs), what is the rationale for allowing renewable energy in FAAs without a Land Use Plan Amendment (LUPA) but requiring a LUPA if portions of the FAA be incorporated into the reserve design? Isn't the DRECP setting up a scenario where it would be easier to develop FAAs for renewable energy and more difficult for reserve design, which presupposes that FAAs are in fact *de facto*, pending DFAs? Why require any assessment at all if DRECP already presupposes the lands will not be included in the reserve design? **The differences between DFAs and FAAs should be clarified in the Final EIR/EIS.**
213	IV.13-20	IV.13.3.2.1.1			Can FAAs be developed for renewable energy before any assessment has occurred in those areas? **We strongly recommend that the Final EIR/EIS state that FAAs not be eligible for renewable energy development until the implied assessments are completed and it is demonstrated that the FAA lacks suitable habitats for all Covered Species.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
214	IV.13-20	IV.13.3.2.1.1			Is there a budgeted line item for performing assessments in FAAs? How will the results of assessing the FAAs affect these prescriptions? For example, if an assessment reveals above average numbers of desert tortoise or unexpected occurrence(s) of Mohave ground squirrel, wouldn't it be appropriate to designate those lands for conservation management without requiring a LUPA? **We strongly suggest that the Final EIR/EIS state that a LUPA not be required for incorporating FAAs in the reserve design. Either that, or also require LUPAs for renewable energy development.** Otherwise, FAAs are thinly-veiled DFAs with a different title.
215	IV.13-20	IV.13.3.2.1.1			We ask that all the questions given in the previous three comments also be answered with regards to Special Analyses Areas (SAAs). Why isn't the LUPA process described for SAAs? Is it the same as for FAAs? Is there a budgeted line item for performing these special analyses in SAAs? Can renewable energy occur on SAAs before the studies are completed? What are the specific studies envisioned for SAAs? And, how will their results affect changes in the SAA designation? **The Final EIR/EIS should answer these questions.**
216	IV.13-20	IV.13.3.2.1.1			Would DRECP Variance Lands be subjected to the same prescreening public scoping as the variance lands identified under the Solar PEIS? In other words, would there be public meetings to decide beforehand if the BLM would proceed with the NEPA process on DRECP Variance Lands? **The Final EIR/EIS should answer these questions.**
217	IV.13-21	IV.13.3.2.1.1			When the Draft EIR/EIS indicates that for the entire planning area, "In non-designated lands (i.e. lands not covered by the specific CMAs below), make lands available for disposal through exchange or land sale," does this mean that all public lands not specifically designated for conservation management would be available for disposal? What is the acreage of public lands affected by this prescription? How many tortoises occur on these public lands and would no longer receive federal protection of BLM policies? **The Final EIR/EIS must include an analysis if this is the "Best use of public lands."**
218	IV.13-22	IV.13.3.2.1.1			If, all "…lands within DFAs [are] available for disposal by sale or exchange under Section 203(a)(1), 203(a)(3), 206, and 209 of FLPMA," does this mean that all BLM lands within two million acres of DFAs under the Preferred Alternative would be available for disposal even though the DRECP anticipates that as few as 177,000 would be the maximum acreage developed? In other words, would all public lands within DFAs and non-designated areas be available for disposal even if the subsequent use is not for renewable energy development? **The Final EIR/EIS must include an analysis if this is the "Best use of public lands."**
219	IV.13-21	IV.13.3.2.1.1			As per the second bullet on **page IV.13-21**, how can DRECP guarantee that CDFW's fully mitigate standard is met if the BLM State Director can allow development of acquired lands at his/her discretion? What is the tracking mechanism that will allow the public to see how often and how many acres of acquired lands are developed? **The Final EIR/EIS should**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					answer these questions.
220	IV.13-20 to IV.13-21	IV.13.3.2.1.1			Does the following statement on **page III.13-20** "If renewable energy development occurs on FAA lands, a LUPA would not be required" conflict with the following statement on **page III.13-22** "If lands currently classified as FAAs become designated as DFAs through a plan amendment?" If a LUPA is not required to develop renewable energy in an FAA than why would anyone propose a LUPA to redesignate the FAA as a DFA? **Please clarify this in the Final EIR/EIS.**
221	IV.13-21	IV.13.3.2.1.1			We feel that the final bullet at the bottom of **page IV.13-21** should be clarified to identify those areas where exchange may occur. For example, could public lands within an SAA be exchanged for public lands within DFAs that may still result a net loss of public lands? This measure would be more acceptable if the lands to be acquired in the exchange provide a conservation benefit to the specific Covered Species that are affected by the loss of public lands from Study Areas disposed of in the exchange. **Please clarify this in the Final EIR/EIS.**
222	IV.13-23	IV.13.3.2.1.1			Does the following statement in the fifth bullet on **page IV.12-23** imply that all public lands (as inserted) within NCLS designations may be disposed of if the proponent can demonstrate a net benefit to NCLS management? "Make [all] lands available for disposal through exchange if it results in a net benefit to the values of National Conservation Lands." What is an example of how such a disposal of public lands could possibly result in a net benefit? **If there is no compelling example, we believe this provision should be eliminated in the Final EIR/EIS.**
223	IV.13-23	IV.13.3.2.1.1			We make the same recommendation for the final bullet in this section, which reads: "Make lands available for disposal through exchange if it results in a net benefit to the values of the ACEC." If there is no compelling example, we believe this provision should be eliminated. **If there is no compelling example, we believe this provision should be eliminated in the Final EIR/EIS.**
224	IV.13-23	IV.13.3.2.1.1			Given the prescriptions at the bottom of this page for SRMAs, why are there not prescriptions identified for ERMAs? What would those prescriptions be? And, will they be published in the Final EIR/EIS? **Please provide these descriptions in the Final EIR/EIS.**
225	IV.13-23	IV.13.3.2.1.1			The following statement is a second example (the first one being potential for increased vandalism in SRMAs), in which the potential effects of designating SRMAs could very well undermine conservation values maintained under the No Action Alternative: "Lands are available for disposal to parties that will manage the land in accordance with the recreational values of the SRMA." Who can decide what these recreational values are? For example, what if a future BLM recreation planner decides that a new vehicle open area is a "recreational value of the SRMA" and sets out to dispose of public lands under that justification? There must be sideboards and limitations to such a wide-open provision as this one! **Please clarify what this prescription means in the Final EIR/EIS.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
226	IV.13-24	IV.13.3.2.1.1			Given the following statement, "The Preferred Alternative may result in beneficial impacts to BLM lands and realty because fewer areas would be available for development compared with the No Action Alternative." Is this because there would be fewer BLM public lands after all those occurring in DFAs, FAAs, SAAs, and non-designated areas would be disposed of? Given that areas that are currently available under the No Action Alternative have not been developed, how is the Preferred Alternative, which is designed to promote development, going to result in less renewable energy development? **Please clarify in the Final EIR/EIS.**
227	IV.13-28	IV.13.3.2.6.1			Does not the following statement ignore protections provided by the Solar PEIS "Under the No Action Alternative, potential development areas total approximately 9 million acres and existing protected areas total 7.5 million acres?" What is the actual acreage in Solar PEIS Solar Energy Zones that would be available for solar development? **Please clarify in the Final EIR/EIS.**
228	IV.13-28	IV.13.3.2.6.1			The following statement is untrue, with the reason for this assertion following the statement: "…potential impacts to BLM lands from renewable energy development under the Preferred Alternative would decrease compared with the current system of renewable energy development within the Plan Area: Fewer areas would be available for development." As per **Appendix O**, there have been only 8,686 acres of renewable energy development on BLM lands to date. How can the Preferred Alternative, which intends to develop 177,000 acres of the desert (32,000 acres of BLM lands cited on **page IV.13-28**) be construed as a decrease over current management's development of 8,686 acres? Although there may be the "potential" for this development, the data show that less desert is likely to be developed under the No Action Alternative than would be facilitated by the DRECP Preferred Alternative. Why would the CEC, CALWEA, and the solar industry support the DRECP if it does not facilitate development over current management? **Please clarify in the Final EIR/EIS.**
229	IV.13-28	IV.13.3.2.6.1			Why does the Draft EIR/EIS measure the relative impacts as per DFAs in this and all subsequent alternatives? Wouldn't the "Acres of permanent disturbance from renewable energy development," as presented in **Section IV.27**, **Table IV.27-1** be a better measure? If all acres within DFAs were to be developed, we would understand why that would be the appropriate unit to compare. Even so, we understand that all public lands within DFAs could be disposed of, so perhaps the comparison is valid in that regards. **Please clarify in the Final EIR/EIS.**
230	IV.13-27 to IV.13-28	IV.13.3.2.6.1			We note that in this analysis of BLM LUPAs and other considerations on public lands, that ERMAs are mentioned two times: Once on **page IV.13-27** with regards to land disposal being allowed, and a second time on **page IV.13-28** with regards to prohibited activities. Does the REAT consider this to constitute an analysis of how designating ERMAs will affect desert tortoises and their habitats? **The Final EIR/EIS must present an actual analysis of the impacts associated**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					with this land designation.
231	IV.13-3 IV.13-21 IV.13-27	IV.13.2.3 IV.13.3.2.1.1 IV.13.3.2.5			Although the Draft EIR/EIS indicates on **page IV.13-3** that the DRECP would replace Multiple-Use Classes (MUC), and on **page IV.13-21** that MUC lands would be replaced "by areas listed in the CMAs," the most extensive description of MUCs is actually in the context of areas outside the Plan Area (**Section IV.13.3.2.5**). That is the extent of the "analysis." Where is the map in the DRECP that shows existing MUCs and new designations under each alternative? The Draft EIR/EIS states that not all MUC L lands will necessarily be designated as NCLS; why not? And, if not, what will the new designations be? **This section of the DRECP that is supposed to analyze impacts of the DRECP on BLM lands is not complete until a more detailed description of how eliminating MUC designations will affect BLM's future management is presented in the Final EIR/EIS. The analysis should include acreages of existing MUC lands and resulting acreages of how each of these designations was changed. Although the DRECP is ostensibly about renewable energy development, how are other BLM uses going to be affected by eliminating MUC designations?**
Volume IV, Section 27 – Comparison of Alternatives					
Among the five action alternatives, we find it counterintuitive that there is no "consistent conservation value" associated within any given action alternative. In most EIR/EIS documents, there are one or more alternatives that provide negligible conservation value, which are construed as "high human use" alternatives; there are alternatives that provide stellar conservation value, which are construed as "high conservation value" alternatives; and there is the preferred alternative, which is usually intermediate. We see no such structure in the Draft EIR/EIS, which makes it impossible to promote or endorse any one of the alternatives. For example, one may assume that Alternative 2 would be the "high development alternative" because in **Table IV.27-1**, it proposes a total of 4,921,000 DFA acres when BLM, NCCP, and GCP DFA acres are combined, which is the highest among the alternatives. Yet we see that, at 134,000 acres of permanent disturbance, it is the lowest of all the alternatives, excepting the No Action Alternative at 123,000 acres. How is this even possible? How can there be more land available for development in an alternative that would have the fewest impacts? We find that the heterogeneity within any given alternative is as such that there is no clear way to assess its strengths or weaknesses, which is better or worse, which is more protective or not, etc. Considering Alternative 2, for example; it is attractive as the only alternative that prevents competitive recreational events on NCLS lands (which maintains current management). We then find that Alternative 2 has the largest proposed DFA, the lowest acreage of permanent disturbance, the second smallest CPA, the highest proposed NCLS, the lowest proposed ACEC acreage, the lowest wildlife allocation, etc. Having spent more than 150 hours reviewing the Draft EIR/EIS, we are at a loss to say which alternative provides the most protection and which provides the least!					
232	IV.27-2	IV.27.1.1		IV.27.1	Given the following description on **page IV.27-2**, "the most important impacts in each resource topic that distinguished between alternatives are identified and compared" why isn't the proposed disposal of public land not included in the tables, probably **Table IV.27.1**? We find that the disposal of public lands from DFAs and undesignated areas to be one of

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					the most serious threats to the management and recovery of tortoises since its listing in 1989-1990. Yet, the Draft EIR/EIS fails to identify how many acres under each alternative may be disposed of by the DRECP, and this section fails to divulge what the extent of this disposal may be. **This deficiency must be rectified in the Final EIR/EIS.**
233	IV.27-7	IV.27.6		IV.27-1	Does the availability of 9,788,000 acres under the No Action Alternative truly reflect current management? Under current management solar development has not occurred within DWMAs or tortoise critical habitat, both of which would be facilitated by DRECP; nor does this figure seem to acknowledge restriction of solar development to the SEZs identified in the Solar PEIS of 2012. **Please clarify in the Final EIR/EIS.**
234	IV.27-8	IV.27.6		IV.27-2	Is the REAT aware that even under the No Action Alternative that NCLS lands have already been formally proposed to the BLM? On 10/11/2013, the Desert Tortoise Council formally proposed to BLM State Director Jim Kenna that all public lands managed by the BLM in Desert Wildlife Management Areas be nominated and accepted for NCLS status. The letter, which is available upon request, formally nominates these and other lands, which we interpret to be proposed NCLS lands rather than the "0" given in **Table IV.27-2**. This request was resubmitted to Carl Roundtree of BLM on 1/6/2014. We are also aware that several other environmental groups have recently formally nominated BLM-administered lands for NCLS status. Aren't these nominations considered proposals under the No Action Alternative? And, if so, shouldn't that acreage be published in this table? **Please clarify in the Final EIR/EIS.**
235	IV.27-13	IV.27.6		IV.27-4	We note that the Draft EIR/EIS indicates 26,000 acres of tortoise critical habitat may be developed under the No Action Alternative, which is not true. Critical habitat is currently protected under the Solar PEIS; no solar is allowed in ACECs or DWMAs, which together encompass tortoise critical habitats. "But for" the DRECP, there would be no foreseeable loss of tortoise critical habitat. Here and elsewhere, the Draft EIR/EIS has misrepresented and underestimated protection provided by current management under the No Action Alternative. This is not only misleading, it erroneously presents the Preferred Alternative and other action alternatives as enhancing current management, when in fact, all alternatives would facilitate loss of tortoise critical habitats, result in disposal of public lands, and streamline authorized take of animals that are currently not threatened with energy development. **Please clarify in the Final EIR/EIS.**
236	IV.27-13	IV.27.6		IV.27-4	As we have said elsewhere, these habitat effects are all underestimates of actual impacts, as the regulatory requirement of the USFWS to consider impacts in terms of "action areas" is not represented in these impact acreages. **The Final EIR/EIS must consider USFWS's mandate to consider action area impacts, not just direct impacts.**
Volume V – Consultation, Coordination, and Public Participation					

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
237	V-8	V.4.2			With regards to coordinating planning under Section 106 of the National Historic Preservation Act as provided for in 36 CFR 800.2(d)(3), we are pleased to see that the Draft EIS for route designation required for the West Mojave Plan will be issued prior to 23 February 2014, when the public comment period on the DRECP closes. Given the immediate release of this important document, how will it be addressed in the Final EIR/EIS? **Since the ROD for the West Mojave Plan route designation is mandated by the courts to be published by September 2015, and we assume that this document will be codified before the completion of the Final EIR/EIS for DRECP, how will route designation decisions be reflected in the analyses in the DRECP's Final EIR/EIS?**
238	V-12	V.5			Why wasn't the U.S. Forest Service (USFS) included as a NEPA Cooperating Agency? Are not some USFS lands affected by transmission corridors leaving the DRECP planning area? **Please clarify in the Final EIR/EIS.**
Volume VI – Mitigation Monitoring and Reporting Plan					
239	VI-3	VI.2			The following sentence is given at the top of **page VI-3**: "Significant adverse environmental effects have been identified that would result from constructing and operating renewable energy projects within the Plan Area." However, on **pages IV.7-463** through **IV.7-467**, for Impacts BR1 through BR9, the Draft EIR/EIS asserts that there are no impacts that cannot be mitigated to a level less than significant. Are these statements contradictory? Are we to take the statement on **page VI-3** to indicate that there are significant impacts in spite of the statements given on **pages IV.7-463** through **IV.7-467** that there are not any significant impacts? Which of these conflicting statements is correct? **Please clarify in the Final EIR/EIS.**
240	VI-4	VI.4			Does point 7, "Provisions responding to a failure…" include the ability to identify and require remedial measures, which is not listed but may be implied? If not, **we suggest that point 8 be added to the Final EIR/EIS and read as follows: "Provisions for requiring remediation to ensure that failure to comply is rectified and the mitigation measures function as intended," or some similar language.** We are aware of projects where the proponent either ignored their responsibilities or cited "adaptive management" as an excuse for not implementing required mitigation measures.
241	VI-1 to VI-6	VI			We note that there is no mention of Mitigation Monitoring and Reporting Plan Tables, often referred to as MMRP Tables, in this volume. Under current management, MMRP Tables are required for all projects where a 2081 incidental take permit is issued. MMRP Tables are an excellent means of seeing the many mitigation measures tabulated in one place, identifying the specific mitigation measure, the timing of implementation (e.g., before, during, and/or after construction), identifying the responsible party, and providing a space where initials of responsible parties and dates of implementation

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					are given. **We would like to see Volume VI in the Final EIR/EIS include MMRP Tables listing all DRECP measures that would be implemented. Given their different impacts, we would expect separate MMRP Tables for solar, wind, geothermal, transmission, etc. developments, which would give us a quick and ready means to see how protective measures may differ for each of these different technologies.**
Appendix B – Selection of DRECP Covered Species					
242	B-9	B) i			With regards to species considered under analysis of "Index of Conservation Concern," why was not the USFWS (2008*) Birds of Conservation Concern list included in this analysis? Are there species of birds included in USFWS' 2008 list that are not considered Covered Species under the DRECP? And, if not, why not? **Please clarify in the Final EIR/EIS.** * U.S. Fish and Wildlife Service. 2008. Birds of Conservation Concern. Division of Migratory Bird Management. Arlington, VA.
243	B-22	Attachment A			Although very detailed in its description of the process, it is still not clear why some species, such as Cushenbury buckwheat on **page B-22**, received an evaluation of "yes" for all four criteria and was included in the 2013 proposed Covered Species list but removed from the 2014 proposed list. Why were potential effects identified as "minimal to no potential," when even in the past few years the North Peak wind power project was proposed in areas that would threaten this species? It would seem that someone – it's not clear who – was able to reject coverage of certain species even though all four filters in the analyses indicated the species should be included. How is this not considered to be arbitrary and/or capricious, more subjective than objective? We note that there are five species that the filters identified as should be covered that were not for the reasons given in the far right column. **Please clarify in the Final EIR/EIS.**
Appendix C – Biological Goals and Objectives					
244	Appendix C				We are unable to find a place in the Draft EIR/EIS where the efficacy of each action alternative to satisfy any of the biological goals and objectives would be met or not. We would like to offer the first objective and following questions as an example of this concern: With regards to **Objective L1.1**, "Conserve Covered Species habitat, natural communities, and ecological processes of the Mojave and Sonoran deserts in each ecoregional subarea in the Plan Area in an interconnected DRECP reserve," how do the following components of the Preferred Alternative help DRECP meet this objective:

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					• Dispose of public lands managed by the BLM from DFAs and non-designated areas? • Develop tortoise critical habitat under every single action alternative? • Designate DFAs in the DTRNA, Rand Mountains ACEC, and any TCA? • Allow motorized competitive events in tortoise critical habitat, ACECs, and newly established NCLS lands? • Designate SRMAs and ERMAs (with their reduced level of BLM management) in tortoise critical habitats, ACEC, and NCLS lands? • Require 5:1 compensation in critical habitats, only, when current management requires it in DWMAs? **We believe that the Final EIR/EIS must amend the Draft EIR/EIS by indicating, preferably in a table, how each component of each action alternative and the No Action Alternative would or would not meet each of the Biological Goals and Objectives given in Appendix C.**
245	Appendix C, Figures C-32 through C-36				**The Final EIR/EIS must explain how the criteria were used to determine TCAs, Modeled Linkages, High Priority Habitats, or Other Modeled Habitats (e.g., the areas shown on C-33). • This information should be provided in Section III.7 of the Final EIR/EIS to allow the public to comment on the process employed.** Although **Section III.7** contains many references to **Appendix H**, neither **Section III.7** nor **Appendix H** contains any references to **Appendix C**. **This information should be provided clearly in Section III.7 of the Final EIR/EIS**; without it, the DRECP is deficient.
246	Appendix C, Figures C-32 through C-36				**After incorporating the information requested above into Volumes II and III of the Final EIR/EIS, Volume IV should then report how much of each type of acreage falls under each proposed management category.** Without clearly providing this analysis in the Final EIR/EIS, the DRECP will be considered deficient. **The Final EIR/EIS should report how much acreage (in absolute number and in percent) of the following would be in a DFA, FAA, SAA, CPA, etc?** • **TCAs** • **High Priority Habitat (Figure C-33)** • **Other Modeled Habitat (Figure C-33)** • **Modeled linkages, including each individual linkage (Figure C-34)** • **Each biological goal and objective (Figures C-35 and C-36)**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
Appendix D – Reserve Design Development Process and Methods					
247	D-2	D.2.1			With regards to the first bulleted goal for reserve design, "Provide for the long-term conservation and management of Covered Species within the Plan Area," how do the following components of the Preferred Alternative help DRECP meet this goal: • Dispose of public lands managed by the BLM from DFAs and non-designated areas? • Develop tortoise critical habitat under every single action alternative? • Designate DFAs in the DTRNA, Rand Mountains ACEC, and any TCA? • Allow motorized competitive events in tortoise critical habitat, ACECs, and newly established NCLS lands? • Designate SRMAs and ERMAs (with their reduced level of BLM management) in tortoise critical habitats, ACEC, and NCLS lands? • Require 5:1 compensation in critical habitats, only, when current management requires it in all DWMAs? **We believe that the Final EIR/EIS must amend the Draft EIR/EIS by indicating, preferably in a table, how each component of each action alternative and the No Action Alternative would or would not meet each of the Biological Goals and Objectives given in Appendix D.**
Appendix E – Summary of Responses to Independent Science Reviews					
248	E-5	Appendix E			**We noted previously that Rare Natural Communities are not mapped in the Draft EIR/EIS and should be mapped in the Final EIR/EIS**. We also note that mapping Rare Natural Communities would be consistent with the Independent Science Advisor's recommendation that "special habitat features" be mapped.
249	E-6	Appendix E			In numerous comments, we note that the USFWS' standard that requires reporting acreages of "action area" impacts have not been calculated. It appears that most impacts are direct in nature and that indirect impacts associated with the larger action area have consistently not been calculated. **As such, we contend that the Draft EIR/EIS has failed to address indirect impacts, such as the "heat island" effect reported by Dr. Barry Sinervo (2014), and that they should be addressed in the Final EIR/EIS**.

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
250	E-7	Appendix E			Have individual members of either the ISA or ISP indicated in their comments on the Draft EIS/EIR that their earlier concerns have been considered and adequately addressed in the Draft? It is our understanding that when they last convened, the ISP did not feel that all issues raised by the ISA had been adequately addressed. Does the REAT have any documentation from members of either the ISA or ISP indicating they are satisfied that the Draft EIR/EIS has addressed all their concerns? Since release of the Draft EIR/EIS or **during formulation of the Final EIR/EIS, how does the REAT intend to engage members of either the ISP or ISA to ensure the DRECP's ROD codifies a plan that has proactively addressed all their concerns?**
251	E-17	Appendix E			If the assertion here that the DRECP has focused DFAs in disturbed areas, then why are 8,000 acres of tortoise critical habitat, which is deemed essential to tortoise recovery, available for development in the DRECP Preferred Alternative? Where are the data to show that these 8,000 acres are deemed unsuitable for lack of vegetation or other important habitat characteristics? **Please clarify in the Final EIR/EIS.**
252	N/A	Appendix E			Although this table indicates that every action recommended by either the ISA or ISP is "Complete," has there been any indication from these individuals of these groups that the completion of these tasks is acceptable? In other words, is there any documentation from either the ISA or ISP that completion of these tasks has met with their approval? For example, do members of the ISA or ISP either individually or collectively endorse the Preferred Alternative? **Between the Draft EIR/EIS and Final EIR/EIS, does the REAT intend to reassemble these scientists to insure the final DRECP meets with their approval? We believe the scientific panel should be reassembled for this purpose.**
Appendix H – Conservation and Management Actions Documentation					
253		Appendix H All Appendix H Figures			All **Appendix H** Figures cite five sources (ESRI 2014; CEC 2013; BLM 2013; CDFW 2013; USFWS 2013). **Section H.5**, Literature Cited, however, does not include the first three sources whatsoever, provides four sources for CDFW 2013 (none of which may be the source in question), and two sources for USFWS 2014 (neither of which may be the source in question). Without these sources, it is impossible to understand what data went into the maps and how they were developed. Additionally, considering the wide variety of maps provided in **Appendix H**, it seems unlikely that all data shown were provided by these five sources. **Please provide the missing citations in the Final EIR/EIS, and allow the public an opportunity to review and provide comment on how the data shown in these maps were developed.**
254	H-2	H.2.1			**In addition to the survey protocols listed, we believe that the following represent current industry/agency standards and should be added to the list in the Final EIR/EIS**:

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					California Department of Fish and Wildlife. 2010. Swainson's hawk: Survey protocols & impact avoidance and minimization measures for renewable energy projects in the Antelope Valley of Los Angeles and Kern counties, California. 8 pp.
255	H-2	H.2.1			We believe that since Mojave fringe-toed lizard is a Covered Species, it is appropriate to implement specific survey methodologies for this species. **We believe that DRECP could either adopt the following protocol for Coachella Valley fringe-toed lizard or modify it with expert input (i.e., Dr. Cameron Barrows, U.C. Riverside, CA) to address Mojave fringe-toed lizard in the Final EIR/EIS**: University of California Riverside, Center for Conservation Biology. 2005. Coachella Valley Multiple Species Habitat Conservation Plan Monitoring Program (Final Report). 2002-2005 unpublished progress report to Coachella Valley Association of Governments. Riverside, CA. 164 pp. (Coachella Valley fringe-toed lizard survey protocol revised in 2007).
256	H-2	H.2.1			Given that DRECP has decided that LeConte's thrasher is not a Covered Species, we feel that it is important that the specific survey protocol for this species be implemented to ensure DRECP is not authorizing projects that would adversely affect this non-Covered Species. Failure to identify this species on a given project site could result in impacts as a result of DRECP-authorized activities, as such, we believe it should be the responsibility of DRECP to ensure that non-Covered Species are not affected on any project it authorizes. **The specific protocol for this species is given as follows and should be identified in the Final EIR/EIS**: University of California Riverside, Center for Conservation Biology and CVCC Biologist Working Group for the Coachella Valley Conservation Commission. 2013. Biological monitoring protocol for *Toxostoma lecontei* (LeConte's thrasher). 9 pp.
257	H-2	H.2.1			Given that the DRECP Coordination Group will be responsible to determine that the Desert Native Plants Protection Act is implemented on DRECP-approved projects, we feel that it is important that a consistent approach be implemented on the salvage and transplanting of all protected species. **Please be sure that the Final EIR/EIS informs DRECP proponents that they must implement consistent protective measures to implement this Act.**
258	H-7 H-23			H-1 H-7	What does "Desert Tortoise High Priority Habitat" mean? The term is used to designate areas shown in these two maps, but there is no reference or explanation in the text either here or in the description of the CMAs in **Volume II.3**. **Use of**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					terms that are not explained contribute to the general disorganization of the DRECP, and should be corrected in the Final EIR/EIS.
259	H-19	H.2.9			Given the following statement, "Surveys are only to be performed by a Designated Biologist, and in accordance with protocols in the Desert Tortoise Field Manual (USFWS 2009) or the most up-to-date USFWS protocol," the Final EIR/EIS should require that surveys always follow the most up-to-date USFWS protocol. **To clearly indicate this, text in the Final EIR/EIS should be revised to "Surveys are only to be performed by a Designated Biologist, and in accordance with the most up-to-date USFWS protocol. At present, these protocols are found in the Desert Tortoise Field Manual (USFWS 2009)."**
260	H-19	H.2.9			We note that measure **AM-DFA-ICS-36** identifies a requirement for clearance surveys for Mohave ground squirrel without acknowledging that no such protocol currently exists. **Pertinent sections, including Section H.2.1, need to be revised in the Final EIR/EIS to identify exactly how these clearance surveys are to be performed, which will likely require that Mohave ground squirrel clearance survey methods be developed before implemented on any DRECP-authorized projects.**
261	H-19	H.2.9			It is important that anyone holding an MOU for Mohave ground squirrel trapping in the region between Barstow and Boron also be permitted to collect tissue samples from those suspected Mohave ground squirrel and round-tailed ground squirrels that are trapped in this region. The DRECP Coordination Group or other responsible entity should also develop a mechanism/program and ensure funding for performing the appropriate genetic studies on these tissues to ascertain the identity of trapped squirrels. That group may also serve as the central repository for receiving these determinations and ensure coordination with appropriate members of CDFW. **Please clarify in the Final EIR/EIS.**
262	H-19 to H-21	H.2.9	H-6		**Given the paragraph on desert tortoise surveys, there is an immediate need to differentiate between "presence/absence" surveys and "clearance" surveys in the Final EIR/EIS**. For example, we can only assume that "No survey zones" shown in **Figure H-6** are applicable to presence-absence surveys, but this is not clear in the paragraph at the top of **page H-19**.
263	H-21	H.2.9	H-6		The resolution shown in **Figure H-6** is insufficient for us to judge if appropriate No Survey Areas and Clearance Survey Only Areas have been identified. Given the available information, we are unable to provide meaningful feedback on whether these are appropriate areas or not. For example, we note that extensive areas in Los Angeles County between Highway 14 and Lake Los Angeles would not be surveyed, but we are not sure which data were used to qualify this area for No Survey Areas. How does DRECP plan to inform participating jurisdictions, consultants, and project proponents if their proposed project is within one of these survey areas? Will larger-scaled maps be provided to identify where surveys

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					are required or not? **Please clarify in the Final EIR/EIS.**
264	H-21	H.2.9	H-6		We are very concerned that there are Protocol Survey Areas (shown in yellow), Clearance Survey Areas (orange), and No Survey Areas (lavender) shown in **Figure H-6**, yet there are extensive "white areas" that are not included in these three categories. What does DRECP intend to do with these apparently undesignated areas? This is also true for jurisdictional areas such as Victorville, Adelanto, Apple Valley, Barstow, and Ridgecrest, for example, that are shown only in gray ("Impervious and Urban Build-up Land"). Will surveys continue to be required on lands in these "white" undesignated areas and gray "urban" areas? Anything less than this would seriously undermine current management and expose tortoises to impacts that would not occur under current management. **Please clarify in the Final EIR/EIS.**
265	H-21	H.2.9	H-6		If necessary, we can provide 25 years worth of data that show tortoises are persisting and relatively common in the undesignated area known as "Morongo Basin," between Yucca Valley and 29 Palms. This entire area is shown as white and gray, meaning it would not continue to receive presence/absence surveys? Again, we firmly believe that current management should prevail, and that tortoise surveys continue to be required on all lands not designated as No Survey Areas or Clearance Survey Only Areas. **All of these undesignated areas should be shown in yellow on Figure H-6 in the Final EIR/EIS, meaning they will continue to be Protocol Survey Areas, as required by current management**.
266	H-21	H.2.9	H-6		We strongly recommend that presence/absence surveys continue to be required in all areas outside No Survey Areas and Clearance Survey Only Areas, which reflects current management. **In this case, we strongly recommend that the Final EIR/EIS identify all areas outside the No Survey Areas and Clearance Survey Only Areas as yellow in Figure H-6, indicating they are Protocol Survey Areas.** Otherwise, DRECP must show the available data that conclusively show that these undesignated and urban build-up areas are devoid of tortoises. **We also note that proponents of nonrenewable energy projects are still required to survey all areas below 5,000 feet elevation, that this stipulation should not be changed, and ask how DRECP can justify this lower level of survey requirements than would continue to be required of other project proponents, which should be explained in the Final EIR/EIS?**
267	H-21	H.2.9	H-6		What happens if a tortoise is discovered on a site at the time of development that was not surveyed by either a presence-absence survey or clearance survey? **It is our recommendation that the Final EIR/EIS stipulate that if a tortoise is found on a site in a No Survey Area or site otherwise not previously surveyed, that project activities cease and clearance surveys be performed.**
268	H-53	H.2.12	H-8		**Figure H-8** in no way reflects known Mohave ground squirrel biology or suspected distribution. Looking at this map, for example, one can see that designated No Survey Areas are shown along Highway 127 and north of 29 Palms Marine Corps Base, which are well outside the known distribution of Mohave ground squirrel. The same question as for tortoise

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					given above applies here: What is the intent of those areas that are "white" and "gray," which we assume are either not designated or in urban build-up areas? Are surveys required in these areas? **Please clarify in the Final EIR/EIS. These maps should be modified to show the suspected distribution of Mohave ground squirrel.**
269	H-53	H.2.12	H-8		What is the rationale for no longer requiring protocol surveys except in those yellow polygons to the northwest, around California City, and along Highway 395? Especially, when proponents associated with nonrenewable energy projects will continue to be required to perform these surveys? It appears that the lavender "No Survey Areas" in **Figure H-8** are carried over from the tortoise no survey areas, without justification for doing so. **We strongly believe that this map be reconsidered and reconfigured in the Final EIR/EIS to reflect Mohave ground squirrel distribution, and that all gray and white areas currently shown on the map be identified for surveys, which reflects current management.** Why, for example, are the extensive GCP lands east of California City and south of Edwards Air Force Base undesignated and apparently require no Mohave ground squirrel surveys?
270	H-53	H.2.12	H-8		As described elsewhere, we reiterate here that the DRECP has failed to identify a protocol or methodology for Mohave ground squirrel *clearance* surveys? Does the REAT intend to publish this survey protocol as an appendix to the Final EIR/EIS? **The Final EIR/EIS should identify a clearance survey or require that one be formulated.**
271	H-64	H.3.2			As pointed out elsewhere, restricting the 5:1 compensation ratio to tortoise critical habitat ignores the fact that current management requires a 5:1 compensation ratio in DWMAs, not only critical habitat as proposed by DRECP's Preferred Alternative. **We strongly recommend that current management prevail and that a 5:1 ratio be applied to renewable energy development throughout all DWMAs and not be restricted to critical habitat, which should be noted in the Final EIR/EIS.**
272	H-65	H.3.2			Similar to the above comment, current management requires habitat compensation at a ratio of 5:1 in all Habitat Management Areas for Mohave ground squirrel. **We strongly recommend that the Final EIR/EIS maintain current management, and continue to require 5:1 compensation in all MGS HMP areas, and not restrict that to identified key areas**. Failure to do so favors development of renewable energy in important Mohave ground squirrel habitats, and all other forms of development (e.g., renewable energy development not covered by DRECP, mining, residential/commercial/industrial, etc.) will continue to be compensated at a 5:1 ratio.
273	H-77	H.4.3		H-10	When the Draft EIR/EIS refers to "grazing," does that include both sheep and cattle grazing allotments on BLM lands? Given that these prescriptions apply to public lands managed by the BLM, what about illegal, unpermitted sheep grazing on private lands, particularly within USFWS' proposed GCP areas? Can non-acquisition compensation be applied to the elimination of sheep grazing on private lands? **Please clarify in the Final EIR/EIS.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
274	H-102	H.4.3.2			**Similarly, we recommend that both sheep and cattle grazing be specifically identified in point number 5 on page H-102 in the analogous part of the Final EIR/EIS.**
275	H-102	H.4.3.2			We are pleased to see here a rare reference in the Draft EIR/EIS to DWMAs with regards to increased law enforcement. **We ask that all protective measures identified for critical habitat in the Final EIR/EIS be extended to DWMAs instead (e.g., 5:1 habitat compensation).**
276	H-103	H.4.3.2		H-11	Non-acquisition costs in the West Mojave are given as 1 mile fencing being the mitigation for 100 acres of lands used in development. Presently, desert tortoise habitat in the location of the DTRNA costs about $1,000-$2,000 per acre. At a mitigation ratio of 3:1, that should be $3,000-$6,000 per developed acre. At a mitigation ratio of 5:1, that should be $5,000-$10,000. So, for 100 acres, the compensation should be worth $300,000 - $600,000 (or $500K - $1 million). The DTPC has estimated permeable fencing and signing costs for its properties, and the fencing and signing cost per mile is about $30,000. If the fence includes a bottom tier to prevent tortoises from leaving, then the cost is considerably higher. So not only would the non-acquisition compensation be an order of magnitude less than the cost of land at the compensation ratios claimed by the DRECP, they would not even cover the cost of the land ($100,000 - $200,000). **The non-acquisition costs should be increased in the Final EIR/EIS to match the 5:1 costs of land acquisition.**
Appendix I – Cost and Funding					
277	I-5 to I-8	I.1.1.2		I-1	**In the Final EIR/EIS, please preface the tables by listing the public non-federal organizations whose lands would be available for acquisition.** How are these lands currently managed? As open space? For development? Are there legally-binding requirements and/or encumbrances associated with these public lands? **Please answer these questions in the Final EIR/EIS.**
278	I.28	I.7			Near the middle of **page I.28**, the Draft EIR/EIS indicates that CEC has generally required that mitigation lands include a particular habitat and geographic region, be near other protected lands, and have no history of intensive uses. Does this mean that mitigation lands are not assessed for presence or relative densities of Covered Species? **We strongly recommend that the Final EIR/EIS require that assessments of mitigation lands be performed to ensure that "better" habitats are acquired than lost to DRECP-authorized activities**. This should include both habitat quality and relative tortoise densities (or densities of other Covered Species). This balance between impact and conservation is absolutely necessary to ensure the CDFW's fully mitigate standard is being achieved through standardized methods and documentation.

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
279	I.29	I.7			With regards to closing and camouflaging OHV trails as partial mitigation for the Ivanpah site, are there any monitoring data to indicate that these efforts accomplished their goals? How many of the closed routes remain closed and unused by OHV users? Was there a subsequent increase in cross-country vehicle travel in areas adjacent to closed routes? **In addition to costs, we feel that this section in the Final EIR/EIS should address the efficacy of closing routes, particularly if it is used extensively in lieu of land acquisition for DRECP-authorized projects.**
280	I.29 to I.30	I.7			On **page I.29**, the Draft EIR/EIS indicates that habitat restoration may be as high as $87,755/acre. Given this available information, how does the REAT expect that $10,000/acre will be sufficient to restore habitats, as cited in the first of three bullets near the bottom of **page I.30**? **Please clarify in the Final EIR/EIS.**
281	I-30	I.7.1			Does DRECP propose that proponents participate in the Common Raven Management Working Group's program of providing $105/acre to mitigate the effects of DRECP-authorized projects to subsidizing ravens? **Please clarify in the Final EIR/EIS.**
282	I.1 I.34	I.1 I.9.3			We note that monitoring is not specifically mentioned in any of the 10 bulleted cost estimates given on **page I.1**. Would monitoring costs fit under "long-term management and maintenance?" **Given that monitoring and adaptive management are described later on page I.34, Section I.9.3, perhaps monitoring should be added to the bulleted list on page I.1 in the Final EIR/EIS?**
283	I.35	I.9.3		I-24	**We assume that the "high" and "low" headings in Table I-24 need to be reversed to reflect the data in the table in the Final EIR/EIS?**
Appendix K – Transmission Technical Group					
284	10	2.4			Relative to the last bullet on **page 10**, how is it possible that Alternative 5 (Preferred Alternative in this appendix) can be the same as the No Action Alternative? **Please clarify in the Final EIR/EIS.**
285	N/A	N/A			We note that the impacts are measured in acreages and presumably record on-the-ground losses of habitat associated with construction, operation, and maintenance of transmission lines. Where is the discussion of bird strikes? Many of us have found intact, dead passerines under transmission lines where the only plausible reasons for the deaths were due to bird strikes with the lines and perhaps the tower structures. Similarly, this analysis fails to consider the number of subsidized ravens that will use these new towers for nesting. Are these types of impacts (i.e., bird strikes and increased raven nesting) for each of the alternatives addressed elsewhere in the Draft EIR/EIS, as they do not appear to have been considered in this impacts analysis? **These impacts and proposed mitigation measures should be identified in the Final EIR/EIS.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
Appendix L – BLM Worksheets					
286	Appendix L				How will the management prescriptions given in **Appendix L** compliment those forthcoming in the West Mojave Route Designation Draft EIR/EIS that must receive a Record of Decision by September 2015, and therefore before the Final DRECP EIR/EIS is published? **Please clarify in the Final EIR/EIS.**
287	Appendix L				How will the proposals given in **Appendix L** for SRMAs/ERMAs interact (conflict) with Senator Feinstein's California Desert Conservation and Recreation Act of 2015, which was introduced on 2/9/2015? **Please clarify in the Final EIR/EIS.**
288	N/A	L.1			**In the spirit of full disclosure, we ask that the Final EIR/EIS amend the description given on the first page, Section L.1 to show the criteria given in the BLM Land Use Planning Handbook 1601 (Handbook) and BLM Planning for Recreation Resources Manual 8320 (Manual) with regards to management in ERMAs**, which follow (our bold emphasis is added): "(1) Where dispersed recreation is encouraged and where visitors have a freedom of recreational choice with **minimal regulatory constraint**. (2) Unstructured recreation activities such as hunting, dispersed camping, hiking, and wildlife viewing [please clarify is this is allowed or restricted]. (3) Significant public recreation issues or management concerns are limited and **minimal management, consistent with the Bureau's stewardship responsibility suffices in these areas**. And (4) **Detailed planning is usually not required** for these areas." Why are these specific BLM management policies not divulged in the Draft EIR/EIS? We believe that if the public was aware of this reduced level of protection compared to current management they would be very concerned**, and that they should be presented in the Final EIR/EIS**.
289	N/A	Appendix L			One of our members found the appendix confusing and disorganized. There is no internal logic to the order of the maps, aside from the being clumped by general region. Even within regions, there is no logical organization, maps of different areas and ACECs are often mixed within worksheet parts, or otherwise jumbled. Finally, there is no comprehensive key in a list or map, showing which Region/ACEC is found in which worksheet and part. The entire appendix seems set up to make reviewing it difficult and time-consuming. This is especially disturbing, since there is information and data here about the DRECP that does not exist elsewhere in the DRECP. This further reduces the already limited transparency of the DRECP and the process by which the land use decisions in the DRECP were made. **Please rearrange these worksheets in a more consistent and logical manner in the Final EIR/EIS, and provide a clear index map to allow reviewers to find the specific plans for ACECs, SRMAs, and ERMAs without needing to sift through the more than 100 maps in this appendix.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
290	N/A	ACEC Parts 5-3 to 5-5			McCoy Wash is designated in the Preferred Alternative as both DFA *and* an ACEC with a disturbance cap of 0.1%. These are incompatible land uses, as is made clear in the Draft EIR/EIS. What is the justification for designating the entire area surrounding the McCoy Wash ACEC as DFA in the Preferred Alternative and in Alternatives 3 and 4? This endangers the ecological functioning of this area, and contradicts the purpose of designating an area as an ACEC. **To preserve this area, the DFA designation should be removed from surrounding lands in the Final EIR/EIS**. • **The DFAs of the Preferred Alternative are in Desert Tortoise Linkages, and should be eliminated in the Final EIR/EIS**.
291	N/A	ACEC Parts 5-10 to 5-11			Why do the maps here not show planned transmission lines that are shown in the DRECP itself? **Figure II.3-3** shows transmission lines through Chuckwalla Mountains Wilderness Area, Alligator Rock ACEC, Chuckwalla DWMA, and Chuckwalla Valley Dune Thicket ACEC, however, these transmission lines are not shown in these worksheets. **This lack of transparency in the DRECP Plans for development needs to be remedied in the Final EIR/EIS**.
292	N/A	ACEC Parts 6-5 to 6-8			The figures in the worksheet show the areas adjacent to Mountain Pass Dinosaur Trackway to be designated as DFAs in the Preferred Alternative. However, **Figure II.3-3** on **page II.3-162** shows these same areas designated as Future Assessment Areas in the Preferred Alternative. **Please decide what designation these areas should have and correct this contradiction in the Final EIR/EIS**.
293	N/A	ACEC Part 6-7			The figures in the worksheet show areas around Mesquite Lake to be designated as DFAs in the Preferred Alternative. However, **Figure II.3-3** on **page II.3-162** shows these same areas designated as DRECP Variance Lands in the Preferred Alternative. **Please decide what designation these areas should have and correct this contradiction in the Final EIR/EIS**.
294	N/A	ACEC Part 6-9			The figures in the worksheet show areas in the Silurian Valley to be designated as DFAs in the Preferred Alternative. However, **Figure II.3-3** on **page II.3-162** shows these same areas designated as Special Analysis Areas in the Preferred Alternative. **Please decide what designation these areas should have and correct this contradiction in the Final EIR/EIS**.
295	N/A	ACEC Part 8-12			The extent of DFAs around Soggy Dray Lake Creosote Rings in the Preferred Alternative is shown as more extensive in this worksheet than presented both in **Figure II.3-3** on **page II.3-162** and in the maps provided by the DRECP to the public online at http://drecp.databasin.org/. Once again, data presented in different locations in the DRECP are not in agreement. **Please ensure that all the maps and figures supplied to the public in the Final EIR/EIS show the same information.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
296	N/A	ACEC Part 9-5			What is the reason for the DFA to the west of the Calico Early Man Site? It overlaps TCA, it is fairly pristine habitat, and it is not on a road or any existing power corridor. **Please provide justification in the Final EIR/EIS**.
297	N/A	ACEC Part 9-16			Why don't the maps in the part show the DFA to the west of the Calico Early Man Site that was shown in every map in Worksheet ACEC Part 9-5? **Please make sure that maps are consistent in the Final EIR/EIS**.
298	N/A	ACEC Part 10-2			The figures in the worksheet show areas south of Highway 62, close to Arizona to be designated as DFAs in the Preferred Alternative. However, **Figure II.3-3** on **page II.3-162** shows these same areas designated as DRECP Variance Lands in the Preferred Alternative. **Please decide what designation these areas should have and correct this contradiction in the Final EIR/EIS.**
299	N/A	ACEC Part 10-3			The figures in the worksheet show areas North of I-40, northwest of Needles to be designated as DFAs in the Preferred Alternative. However, **Figure II.3-3** on **page II.3-162** shows these same areas designated as DRECP Variance Lands in the Preferred Alternative. **Please decide what designation these areas should have and correct this contradiction in the Final EIR/EIS**.
300	N/A	ACEC Part 11-2			The figures in the worksheet show the area south of Historic Route 66, between Cadiz Valley ACEC and Twenty Nine Palms Marine Base to be designated as DFAs in the Preferred Alternative. However, **Figure II.3-3** on **page II.3-162** shows these same areas designated as DRECP Variance Lands in the Preferred Alternative. **Please decide what designation these areas should have and correct this contradiction in the Final EIR/EIS**.
301	N/A	ACEC Part 12 – 8			The stated goals, according to this worksheet are: "To protectively manage an area that supports a significantly high density of desert tortoises while providing opportunities for compatible recreation. To conduct research activities that help to guide in the management of the desert tortoise and its habitat." However, aside from Alternative 1, none of the alternatives actually makes any attempt to achieve this goal. In fact, the Preferred Alternative, as well as Alternatives 3 and 4 put serious obstacles in the way of this goal, while Alternative 2 would achieve the opposite – removal of all protections from the DTRNA and consigning the desert tortoise populations of the DTRNA to extinction. **All the alternatives in the Final EIR/EIS should be redesigned so that they actually have a chance to achieve the stated goal of conservation of desert tortoises, rather than help bring on the demise of this species, which is what these alternatives will achieve in their present form.**
302	N/A	ACEC Part 12 - 9			How are any of the goals presented in this part served by the reduction in the Fremont-Kramer ACEC which is proposed for every action alternative? This area has the most endangered population of the desert tortoise, so this proposal is one of the most antithetical to conservation in this entire "Conservation Plan." **In the Final EIR/EIS the Fremont-Kramer**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
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					DWMA should be removed from any and every action alternatives – the Fremont-Kramer DWMA should be expanded, rather than reduced.
303	N/A	ACEC Part 12 - 9			The map for the Preferred Alternative shows the area to the west of Highway 395 to be a Mohave ground squirrel ACEC, while at the same time the area is shown to be designated as DFA. **Please clarify what land use is proposed by the DRECP, and a justification for the designation of this Mohave ground squirrel habitat area as a DFA in the Final EIR/EIS**.
304	N/A	ACEC Part 12-18			As for the proposed reduction of the Fremont-Kramer ACEC: how are any of the goals presented in this part served by the reduction in the Western Rand Mountains ACEC, which is proposed for every action alternative? The DRECP is putting the entire West Mojave population of the desert tortoise at risk, by the decision of the REAT that development should be focused on critical desert tortoise habitat, including habitat that has, until now, enjoyed different levels of conservation. **This part of the DRECP should be removed from any and every action alternative – the Fremont-Kramer ACEC should be expanded, rather than reduced in the Final EIR/EIS**.
305	N/A	SRMA-ERMA			We believe that this Appendix functions as baseline descriptions of Affected Environments and Preferred Alternatives for recreation without any conservation nexus to offset renewable energy impacts; that no other alternatives to designating recreations areas (other than the No Action Alternative) are identified in the Draft EIR/EIS; and that this appendix does not constitute an impacts analysis. The Draft EIR/EIS fails to describe the Affected Environment of the Glamis *de facto* open area, which aside from BLM-designated open areas (e.g., Stoddard Valley, Johnson Valley, El Mirage, Spangler Hills open areas), is identified as the only SRMA under current management. **We ask that the Final EIR/EIS assess the impacts in the body of the report rather than in an appendix for the designation of SRMAs and ERMAs. The impacts analysis must, at least, address impacts to all Covered Species and their habitats, and provide baseline data for the Covered Species that occur and identify the impacts likely to result from those new designations.**
306	N/A	SRMA-ERMA			Even more so than for the ACECs, the worksheets for SRMAs and ERMAs present information that is not found in any other location in the DRECP. **This "hiding" of critical information in a confusingly arranged set of documents in an appendix severely harms the transparency of the DRECP, and should be remedied in the Final EIR/EIS**.
307	N/A	SRMA-ERMA			We oppose the expansion of motorized off road opportunities in the California desert, knowing that this activity destroys natural habitat and endangers and kills native wildlife and plants. This activity also causes severe health issues through the vast increase in particulate matter in the air, caused by the enormous amount of dust generated and flung into the air by off-road vehicles. We see no justification for further erosion of the desert and for further reduction in the quality of life of the people who live and visit the desert. Furthermore, multiple species, especially desert tortoises, are being severely

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					impacted by respiratory diseases. Decreasing air quality across their habitat will only exacerbate this problem. **Please address these concerns in the Final EIR/EIS.**
308	N/A	SRMA-ERMA Part 2			We appreciate that one of the management prescriptions given here is to "Prohibit off-road vehicle use throughout the Natural Area." **The Final EIR/EIS should document how the DRECP Coordination Group will accomplish this goal and monitor results.**
309	N/A	SRMA-ERMA Part 2			Under "Implementation Decisions," we see that activity level plans would be developed. Would these plans be available to the public for review, and likely require their own EIS or Environmental Assessments? What "Special Recreation Permitting of events" does the DRECP Coordination Group envision for this area? **We believe that the Final EIR/EIS must answer these questions for each proposed SRMA/ERMA.**
310	N/A	SRMA-ERMA Part 4			What is meant by the following statement in **Appendix L** under management actions? "Adjust the boundaries and land stewardship to accommodate intensive sand dune recreation." Is this adjustment an expansion or reduction of existing boundaries? Since this is not a BLM-designated open area, what are the designations associated with current boundaries that would be adjusted? What is current stewardship and how would this be changed? **These are examples of deficient baseline information missing from the Draft EIR/EIS that must be addressed in an actual impacts analysis in the Final EIR/EIS.**
311	N/A	SRMA-ERMA Part 5	All figures		We see in the figures that the SRMA is larger than OHV open area boundary. How much larger is the SRMA than the open area? Is there any intent to expand the open area into the expanded SRMA? And, would the SRMA designation of the area to the north outside the open area facilitate eventual expansion of the open area to the north? It is our understanding that tortoise critical habitat is very close to the north of this proposed SRMA, and should be shown on the maps for full disclosure. **Each of these concerns should be addressed in the Final EIR/EIS.**
312	N/A	All Affected SRMA-ERMA	All figures		We are dismayed to see that none of the maps proposing SRMAs or ERMAs depict either Desert Wildlife Management Areas or Critical Habitat Units. **The Final EIR/EIS must depict DWMAs and critical habitats on all maps where these existing designations would be affected. • All appendices showing SRMAs and ERMAs that would overlap with DWMAs and tortoise Critical Habitat Units must include tables showing how many acres of DWMAs and tortoise Critical Habitat would be affected by SRMA and ERMA designations. • The Final EIR/EIS must provide an impacts analysis for how these designations are likely to attract more visitors into important tortoise habitats, analyze those impacts, identify mitigation measures, and identify how monitoring will be implemented and funded.**
313	N/A	SRMA-ERMA			We are very concerned that two-thirds of the Ord-Rodman DWMA would be identified as a SRMA under this proposal. Since these essential tortoise areas are not depicted on any of the maps, the public is not likely to know how much critical

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
		Part 5			habitat would be affected. We see in the first paragraph on what would be page number 1 (**in the Final EIR/EIS, please put page numbers on all your worksheets**), the following statement (bold emphasis added): "Develop manage and operate dispersed recreation opportunities & facilities **throughout the rest of the SRMA for intensive and sustained casual, organized & competitive activities**." Current management prohibits competitive events in the Ord-Rodman DWMA and tortoise Critical Habitat Unit, which would be allowed under the DRECP? How is this increased use and reintroduction of competitive vehicle use in tortoise critical habitat considered to have any conservation value? Where is the impacts analysis in the Draft EIR/EIS on the effects of this proposed designation? **The Final EIR/EIS must address these deficiencies**.
314	N/A	SRMA-ERMA Part 7			**For the Final EIR/EIS, we categorically oppose the expansion of off-road activities into the Rodman Mountains Wilderness area, shown in this worksheet.** We further protest that this proposal was not presented in the main body of the DRECP as a biological impact.
315	N/A	SRMA-ERMA Part 7	All figures		We see in the figures that the SRMA is larger than the two OHV open area boundaries, and encompasses about two-thirds of the Ord-Rodman DWMA and Critical Habitat Unit. How much larger is the SRMA than the open areas? Is there any intent to expand the open areas into the expanded SRMA, or would this designation facilitate expansion of these two areas? **Please clarify in the Final EIR/EIS.**
316	N/A	SRMA-ERMA Part 8	All figures		The two large green polygons in the center (Black Mountain Wilderness) and northwest corner (Grass Valley Wilderness) are Wilderness Areas, the designations of which are missing from the legend! The entire SRMA would overlap the Superior-Cronese DWMA and Critical Habitat Unit, which are designations also missing from the map. **In the Final EIR/EIS all BLM worksheets must be amended to show Wilderness, Desert Tortoise Critical Habitat Units, DWMAs, and ACECs, which are currently missing and very likely to mislead the public in how these new, ubiquitous designations "may affect" important biological resources, and particularly tortoises.** How will "streamlined Special Recreation Permitting" affect tortoises in this proposed SRMA? Will the public be given an opportunity to review any subsequent recreational use plans for this and other SRMAs or ERMAs designated by the DRECP? **Please clarify in the Final EIR/EIS.**
317	N/A	SRMA-ERMA Part 17	All figures		As above, **the Chemehuevi Critical Habitat Unit and DWMA must be added to all figures in Part 17 of the Final EIR/EIS**. Although identified as "Legislatively and Legally Protected," less familiar readers will not be aware that the Draft EIR/EIS is designating SRMAs that abut these three Wilderness Areas, **which should be labeled as such in the Final EIR/EIS**. How does the DRECP Coordination Group intend to minimize encroachment into Wilderness Areas by recreational users attracted to an area that is newly designated as a SRMA? **Please clarify in the Final EIR/EIS.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
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318	N/A	SRMA-ERMA Part 17			Under "Recreation and Visitor Services Program," we find it unacceptable to allow up to three acres within any portion of this proposed SRMA to be available as an impacted staging area. Rather, **in the Final EIR/EIS, we believe that all staging areas must be restricted to areas of existing disturbance, that those impacted areas not be enlarged as a result of this use, and that BLM provide biological monitoring and follow-up reporting for all such uses.**
319	N/A	SRMA-ERMA Part 17			Similarly, under "Recreation and Visitor Services Program," we find it unacceptable to allow "…all types of activities to occur within the area." Unless these activities are actually identified, something like a "Rave" or "King of the Hammers" could be construed as an acceptable activity given this statement. **In the absence of a specific list, this statement should be removed from the proposal in the Final EIR/EIS**.
320	N/A	SRMA-ERMA Part 17			**For this and all proposed SRMAs and ERMAs, we ask that the Final EIR/EIS include a statement that none of the proposals given in the DRECP that would be associated with SRMAs and ERMAs be implemented until the "activity level plans" identified for each designated area are finalized and made available to the public for review and comment.** Until such time that these specific "activity level plans" are published and distributed, we insist that current management prevail for all areas that would be newly designated as SRMAs and ERMAs. Herein, the Desert Tortoise Council formally asks that we be identified as an Affected Party and that all such draft "activity level plans" be provided to us and other affected parties before any measures identified in **Appendix L** are implemented.
321	N/A	SRMA-ERMA Part 17			This worksheet proposes Chemehuevi Trails as an off-road recreation area, but does not provide information regarding the location and size of this site. An EIR/EIS of a land-use plan cannot propose a project that would cause severe impacts on biological resources without providing any information as to the location and size! This area is mostly within TCAs and any OHV activity would have extensive negative impacts on desert tortoise. **We request that this information be provided in the Final EIR/EIS, so that we can comment and react.**
322	N/A	SRMA-ERMA Part 17			We are categorically against opening any new OHV route in the Chuckwalla Wilderness and in the different ACECs in the Chuckwalla area. OHV activity is a major factor in habitat destruction, direct cause of death, harassment, and destruction of tortoise dens and nests. OHV activity also brings an increase in numbers and activity of ravens and other human subsidized predators of desert tortoises and other sensitive species. **We propose that OHV activity in this area be reduced or eliminated in the Final EIR/EIS**.
323	N/A	SRMA-ERMA Part 29			OHV activity in the Rand Mountains Management Area should be reduced or discontinued. Closing the area to OHV activity was a major factor in the success the neighboring Desert Tortoise Natural Area in the recovery of desert tortoises. However, increases in the West Mojave population of the desert tortoise can only be achieved if similar conservation actions are implemented across all desert tortoise critical habitats, which includes the Rand Mountain Management Area.

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					We recommend that the Final EIR/EIS identify this area as closed to all OHV activity.
324	N/A	SRMA-ERMA Part 18			**We ask that the boundaries of Ivanpah Dry Lake be added to all figures in Part 18 in the Final EIR/EIS**. We assume that wind sailing would be restricted to the dry lake bed but cannot tell if that is true in the figures provided.
325	N/A	SRMA-ERMA Part 22			Under "Other Programs," we find it unacceptable to allow "…all types of activities to occur within the area," much of which is tortoise critical habitat (**which needs to be shown on the maps in the Final EIR/EIS**). **In the absence of a specific list of authorized uses, this statement should be removed from the Final EIR/EIS.**
326	N/A	SRMA-ERMA Part 22			Under "Visual Resource Management," the following statement implies that the REAT expects there may be changes as the result of designating this area as a SRMA: "The level of change to the characteristic landscape should be very low and should not attract attention." **The Final EIR/EIS should publish current conditions, changes likely to occur with the new designation, mitigation measures to address increased visitor uses, and funding for mitigation and monitoring as a result of the new SRMA designation.**
327	N/A	SRMA-ERMA Part 28	All figures		**In the Final EIR/EIS, all figures in Appendix L, Part 28 must be modified to show Mohave Ground Squirrel Habitat Management Areas (MGS HMA). • We feel that Part 28 should be amended in the Final EIR/EIS to specifically refer to minimizing impacts to those portions of the MGS HMA that coincides with this area.**
328	N/A	SRMA-ERMA Part 28			Under "Implementation Decisions," we are pleased to see that the DRECP is requiring "Increased regular ranger patrols." Is this expense considered in **Appendix I**? **If not, we ask that it be added as a line item in the Final EIR/EIS**. • **We believe that the Final EIR/EIS state that every newly designated SRMA and ERMA in desert tortoise critical habitat and DWMA must be accompanied by increased regular ranger patrols until which time BLM's monitoring data demonstrate that these new designations are not encouraging an "…increase public access to BLM-authorized lands, which could then lead to increased looting or vandalism," which is identified on page IV.13-4, Section IV.13.2.3.2 of the Draft EIR/EIS as a potential response to designating SRMAs.**
329	N/A	SRMA-ERMA Part 28			Under "Implementation Decisions," we are pleased to see that the DRECP is requiring "Monitor[ing] for OHV incursions and other damages to natural resource[s]." Is this expense considered in **Appendix I**? **If not, we ask that it be added as a line item to the Final EIR/EIS**. • **We believe that the Final EIR/EIS state that every newly designated SRMA and ERMA in desert tortoise critical habitat and DWMA must be accompanied by monitoring. • Otherwise, SRMA/ERMA designations should not be part of the Final EIR/EIS.**
330	N/A	SRMA-ERMA			Why is the DTRNA being designated as a SRMA? And what are the new uses associated with this designation that may result in "…increased looting or vandalism?" **As with other figures, we ask that the Final EIR/EIS identify the**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
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		Part 29			**DTRNA and Fremont-Kramer Critical Habitat Unit in these figures, and that these new uses be revealed therein**.
331	N/A	SRMA-ERMA Part 29			**In the Final EIR/EIS, under "Implementation Decisions," we request that a prohibition to sheep grazing within one mile of the DTRNA also be stipulated, and that the increased regular ranger patrols identified in that section help to enforce this prohibition on BLM lands in the area.**
332	N/A	SRMA-ERMA Part 32			Within this proposed SRMA, there is a severely impacted area about one-half mile east of Highway 395 along Twenty Mule Team Road that has become a *de facto* staging area for recreational vehicles. BLM signing has failed to curtail this impact, which is expanding. Similarly, areas south of Cuddeback Lake and east of Fremont Peak are so heavily impacted as to resemble vehicle impacts in BLM-designated open areas. **We ask that the Part 32 be amended in the Final EIR/EIS to specifically identify management prescriptions to alleviate these unacceptable impact areas.** One way to accomplish this directive is to increase ranger patrols (#4 under "Implementation Decisions") in this area on major holidays, and particularly President's Day, Thanksgiving, and New Year's Day.
333	N/A	SRMA-ERMA Part 33	All figures		All figures in **Appendix L, Part 33** must be modified to show Mohave Ground Squirrel Habitat Management Areas (MGS HMA). We feel that **Part 33** should be amended to specifically refer to minimizing impacts to those portions of the MGS HMA that coincides with this area. **These two changes should appear in the Final EIR/EIS.**
334	N/A	SRMA-ERMA Part 33			**We believe that Part 33 should be modified in the Final EIR/EIS to identify Red Rock Canyon State Park as a resource that should be protected under this SRMA designation.** For example, since BLM would establish this SRMA, which totally surrounds the Park, how may the "activity level plan" be drafted to reduce vehicle impacts, including "looting and vandalism," that may occur with this new designation?
335	N/A	SRMA-ERMA Part 34			We note that **Part 34** is the first of the BLM worksheets that identifies an ERMA (the previous 33 worksheets refer to SRMAs). However, it does not indicate the differences between SRMA and ERMA management (although we have identified a few differences in the BLM Handbook and Manual). How are these 122,529 acres to be managed compared to SRMAs? Are there any existing ERMAs within the DRECP planning area? If so, how are they currently being managed? **Please clarify in the Final EIR/EIS.**
336	N/A	SRMA-ERMA Parts 34 to 41			ERMAs include Cadiz Valley (122,529 acres), Castle Mountain (28,069 acres), Crucero Valley (24,707 acres), Ivanpah Valley (71,655 acres), Lava Hills (71,963 acres), Mesquite Valley (37,039 acres), Shadow Valley (106,535 acres), and Ward Valley (552,578 acres). **Section II.3.1.3.7.3** of the Draft EIR/EIS indicates that "up to 880,000" acres could be designated as ERMAs under the Preferred Alternative. However, given the combined acreages in **Part 34** through **Part 41**, we see that the total is 1,105,075 acres. Why is there a discrepancy? Which acreage is correct? **The Final EIR/EIS must correct this discrepancy.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
337	N/A	SRMA-ERMA Parts 34 to 41			Given that ERMAs are unique to the DRECP Preferred Alternative, where is the impacts analysis in the Draft EIR/EIS that shows how this designation would affect lands compared to other action alternatives where ERMAs are not recommended? What is the difference between SRMAs and ERMAs, and why were these particular eight regions chosen for ERMA status instead of SRMA status? **Please clarify in the Final EIR/EIS.**
338	N/A	SRMA-ERMA Parts 34 to 41			How many of these proposed ERMA acres are in designated tortoise critical habitat? As above, any tortoise critical habitat units identified in ERMAs must be depicted in all figures. Ward Valley, in particular, which happens to be the largest of the proposed ERMAs would appear to affect the most tortoise critical habitat, but the designation is not shown on the **Part 41** figures, so we cannot answer this question. **Tortoise critical habitat must be added to all ERMA parts, and particularly Part 41, in the Final EIR/EIS. Please answer the other questions in the Final EIR/EIS.**
339	N/A	SRMA-ERMA Parts 34 to 41			We note that all the SRMAs require that "activity level plans" be drafted by the BLM and that no such plans are required for ERMAs. Why not? Is this evidence of lower levels of BLM management in ERMAs as given in criteria cited from the BLM's Handbook and Manual referenced above? **At the very least, in the Final EIR/EIS we believe that ERMAs, which may result in heavier impacts than SRMAs, have an activity level plan or other management plan written for them.** Are the eight worksheets associated with these proposals intended to serve as management plans for the new ERMAs? Will there be additional environmental documents available for public review with regards to how ERMAs are managed? **Please clarify in the Final EIR/EIS.**
Appendix M – USFWS General Conservation Plan					
340	M-6	5.1			Given that BLM's land-use mandate is for multiple uses and the General Conservation Plan (GCP) envisions spending some fees for non-acquisition mitigation measures, how will USFWS ensure that BLM's multiple use mandate does not undermine the efficacy of these non-acquisition measures? **Please clarify in the Final EIR/EIS.**
341	M-7	5.2			To what extent is USFWS' GCP obligated to meet CDFW's fully mitigate standard? We understand that CDFW's mitigation standards are somewhat more restrictive than USFWS' and want to be sure that these higher standards are being considered in the GCP. **Please clarify in the Final EIR/EIS.**
342	M-7	5.2			In the absence of any baseline data either within DFAs or proposed Conservation Planning Areas (CPAs), how can USFWS "define the anticipated amount of take and the effects of that take on Covered Species" as stated on this page? Hopefully the answer to this is not by acreage, as not all acres within impact areas and conservation areas are of equal value. **Please clarify in the Final EIR/EIS.**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
343	M-8 to M-9	6.0			The statement here is that the GCP would facilitate the Department of Interior's national policy goals to facilitate large-scale energy development on **public** lands. Does the GCP do this? Our understanding is that the GCP would function as a 10(a)(1)(B) incidental take permit, which would facilitate energy development on *private* lands, not *public* lands. Given this, how exactly does the GCP facilitate the DOI's national policy goals for development on public lands? By its nature, wouldn't that be authorized under Section 7 if development of public lands is authorized by the action? **Please clarify in the Final EIR/EIS.**
344	M-11	7.0			Under current management, it may take USFWS up to two years to issue a 10(a)(1)(B) permit. In some cases, this delay was sufficient to cause the project to be abandoned (consider Sunland Communities in Victorville, which was California's 2nd 10a permit issued in 1992 for tortoises; the site still had tortoises in 2010± and remains undeveloped). How quickly does USFWS envision incidental take issuance under DRECP? And, has this facilitation been considered in the analysis of impacts that would not occur "but for" the DRECP? **Please clarify in the Final EIR/EIS.**
345	M-12	7.1.1		7.1.1-1	One thing we really like about the non-GCP part of the DRECP, is that sites would be abandoned if more than five tortoises per square mile or more than 35 total tortoises occur on a given project site (**page II.3-74: AM-RES-BLM-ICS-2**). Would this prescription also apply to private lands under the GCP program? **Please clarify in the Final EIR/EIS.**
346	M-12	7.1.1		7.1.1-1	Under current management, proponents have been obligated to ensure that the compensation habitats are as good as or better than those being lost. In 2008 for Copper Mountain College, Ventura USFWS required that more habitat acreage be acquired because there were few tortoises on the compensation parcel than on the development parcel. We see that presence/absence surveys are required on development parcels; will similar surveys be required on the acquisition parcel to ensure that "mitigate to the maximum extent practicable" standards are met? If not, how does the USFWS and DRECP Coordination Group propose to ensure the mitigation standards are met on a case-by-case basis? **Please clarify in the Final EIR/EIS.**
347	M-18	7.3.1.1			In this section, the Draft EIR/EIS indicates that compliance monitoring will ensure that "incidental take of Covered Species does not exceed the level authorized by the permit." How does the DRECP Coordination Group propose to do that? Will this be done based on acreage lost and conserved, or on the basis of the number of animals lost and conserved? Because of presence/absence surveys on the project site, the DRECP Coordination Group will know exactly how many tortoises are taken on each site, but how will they quantify how many tortoises are benefitted by conservation measures that are implemented? Where is it documented in the DRECP the number of tortoises permitted to be taken? **Please clarify in the Final EIR/EIS.**
348	M-19	7.3.1.4			In this section, the Draft EIR/EIS states: "ensure that the rate of development does not outpace the acquisition of

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					mitigation lands and the implementation of appropriate non-acquisition mitigation measures; i.e., that renewable energy development 'stays even' with mitigation." How is this to be measured? By acreage or by the number of tortoises impacted versus benefitted? If tortoises continue to decline, which the Draft DRECP has already identified as a foreseeable circumstance, how will those declines be factored into this "stay even analysis?" **Please clarify in the Final EIR/EIS.**
349	M-21	7.4.1			We note that "(6) population declines of Covered Species unrelated to implementation of permits issued under the GCP" is listed as one of the changed circumstances. In the face of tortoise population declines that USFWS recovery efforts have failed to curtail in the 25 years since the listing, how does the DRECP Coordination Group plan to "stay even" with these uncontrollable declines, particularly in the West Mojave where most of the DFAs would occur under the Preferred Alternative? Where in the DRECP is USFWS' range-wide monitoring data documented that would support the kind of programmatic impacts that would be associated with proposed development in the DFAs? **Please clarify in the Final EIR/EIS. We also ask that the Final EIR/EIS include a specific section identifying how USFWS' distance sampling data have been used to identify DFAs and TCAs.**
350	M-28 to M-30	7.6.3.2			How will any of the BBCS identified in this section benefit burrowing owl, which is one of the Covered Species not listed under the ESA? **Please clarify in the Final EIR/EIS.**
351	M-34	9.2			Where are the 1,416 acres of tortoise critical habitat, and why have these (or any critical habitat for that matter) been identified as DFAs? Do the 1,416 acres include "action area" considerations, which USFWS is obligated to assess? Or is this acreage for only the direct impact footprint? How many more acres of tortoise critical habitat would be affected by the transmission lines accessing these solar facilities in critical habitat? **Please clarify in the Final EIR/EIS.**
352	M-35	9.2		9.2-1	We note in **Table 9.2-1** that there are 518,505 acres of critical habitat; what is the breakdown between federal and private lands? What percentage of private lands is encompassed by the 1,416 acres of critical habitat slated for development? Since most private lands are not subject to federal authorization, funding, or carrying out of federal actions, are such private lands lacking a federal nexus even identified as critical habitat? **Please clarify in the Final EIR/EIS.**
353	2 – 4	11.1			We see that 66 acres of critical habitat would be impacted by the portion of incidental take assigned to CEC. Are these 66 acres also to be compensated at 5:1 as identified for other project proponents? We see on **page 2-2** that the 35,250 acres of impact given to CEC are to be mitigated at 1:1.01, for a total of 35,600 acres to be acquired. If not 5:1, why is CEC being held to a lower standard of compensation than other proponents using the DRECP? **Please clarify in the Final EIR/EIS. We believe that CEC should be held to the same standards as other agencies, and that the Final EIR/EIS require**

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					compensation at 5:1 for habitats developed in DWMAs.
354	2 – 4	11.1			Under current management CDFW rarely requires less than 3:1 for projects in tortoise and Mohave ground squirrel habitat. What is DRECP's justification for charging CEC only a third of what is required by CDFW under current management? Has CDFW agreed to this lower compensation ratio? Under current management in numerous 2081 permits, CDFW has required 3:1 compensation to meet its fully mitigate standard. If this has been necessary for all previous project proponents to meet CDFW's standards, what has changed that will now allow only 1:1 to meet those same standards, especially at the programmatic level envisioned by DRECP? **Please answer these questions in the Final EIR/EIS.**
355		11.2			Has the California State Lands Commission (CSLC) ever allowed/authorized development of renewable energy on State lands to date? If so, how many acres have been developed? If not, why is it prudent (e.g., what is the compelling need and justification?) to begin to develop these lands in this manner now? How many acres of CSLC lands are in tortoise critical habitat included in DFAs? Are all CSLC lands *de facto* DFAs, or only those parcels falling within the DFA boundaries that would be included in the final adopted alternative? **Please clarify in the Final EIR/EIS.**
356		11.2			Would project proponents continue to pay some amount of money, like rent, to CSLC after a given site has been developed? In other words, would there be one-time fees or would CSLC benefit from a steady income from proponents using their lands to create renewable energy? **Please clarify in the Final EIR/EIS.**
357		11.2			Are solar projects developed on CSLC lands to be decommissioned? If so will they continue to have any value to CSLC after they are decommissioned? Will they be used for other purposes or will they be considered unusable? **Please clarify in the Final EIR/EIS.**
Appendix N – California Department of Fish and Wildlife Natural Community					
358	N/A	N/A			Where is the Natural Community Conservation Plan? Referring to pertinent portions of the Draft EIS/EIR for NCCP components is not a plan; it is, at best, an index. Even if these components were cut-and-pasted from the referenced sections of the Draft EIR/EIS and assembled, it is doubtful that the product would be recognizable as an NCCP. Is it true that participating CDFW biologists could not produce an actual NCCP for lack of funding, and that the REAT instead opted to provide a four-page appendix entitled "NCCP?" Can the REAT produce a document drafted by CDFW biologists entitled "NCCP?" Given the absence of a coherent NCCP in the Draft EIR/EIS for the DRECP, we consider it to be totally inadequate and deficient with regards to this component. As such, with regards to an actual NCCP, there was nothing to

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
					review and no opportunity to provide comments. **The Final EIR/EIS must be substantially amended in this respect to include an independent, autonomous document that has the required components and would serve the function of an NCCP**.
Appendix O – Existing Renewable Energy Projects within DRECP Plan Area					
359	O-1	Appendix O		O-2	We consider the data presented in Appendix O to be very reveling, and to reflect the level of existing impacts allowed under current management, and therefore to reflect actual impacts indicative of the No Action Alternative. In numerous places, the Draft EIR/EIS portrays the No Acton Alternative as resulting in even more impacts than would occur under the Preferred Alternative, when in fact, only 24,593 acres of BLM land and 64,463 acres of private lands have been developed under current management, under the No Action Alternative, to date. **We believe the Final EIR/EIS should confirm that none of the 89,046 acres developed to date is either within critical habitat or DWMAs.** Since all the projects listed in **Table O-2** are either in DFAs, SAAs, or on military lands, we take those designations to mean that none was proposed in critical habitat? Is it true that each of the alternatives proposed under the DRECP would facilitate the unprecedented loss of critical habitat to development of renewable energy? **Please clarify in the Final EIR/EIS.**
360	N/A	Appendix O			We are aware of numerous solar projects within the DRECP planning area that have been abandoned under current management, including Solar Millennium in Ridgecrest, Calico north of I-40, Silurian Valley Solar Project, Daggett Wind Farm, to name a few. **We ask that the Final EIR/EIS amend this appendix to reveal how many acres of solar and wind have been proposed on BLM and on private lands that have not been developed for one reason or another.** These data are readily available from affected BLM offices and county jurisdictions, and are a matter of public record, and therefore available to the REAT's consultants. We believe that these projects failed under current management, which would reflect predicted development under the No Action Alternative. We believe these data would reveal how many fewer acres would be developed under the No Action Alternative compared to any of the other alternatives. **However, these assertions cannot be validated or refuted until the Final EIR/EIS provides the data. If these data support our beliefs, we ask that the Final EIR/EIS be drafted to correctly identify the reduced potential loss of habitat under the No Action Alternative compared to the five action alternatives.**
Appendix Q – Biology Baseline Report					

DESERT TORTOISE COUNCIL Draft Environmental Impact Report/Environmental Impact Statement Desert Renewable Energy Conservation Plan - DRECP					
Comment #	**Page Number**	**Section Number**	**Figure Number**	**Table Number**	**Comment and/or Reference**
361	N/A	Appendix Q			We would like to commend the REAT and its consultants for providing an invaluable resource in the Baseline Biology Report. It is one of the best reference documents available to understand the biology of Covered Species within the DRECP planning area.
Appendix X – Proposed National Monument and Catellus Agreement Lands Supplemental Information					
362	N/A	X.2.1			We assume the REAT is aware that Senator Feinstein's California Desert Conservation and Recreation Act of 2015 was introduced on 2/9/2015, just in time to be considered by the DRECP? **Given that this proposed Act has now been introduced in the current congressional session, we assume that Appendix X – perhaps other parts of the DRECP analysis – now need to be amended in the Final EIR/EIS to consider this proposal?**
363	N/A	X.3.2		X.3-1	As mentioned elsewhere, we disagree that there are no proposed NLCS lands under the No Action Alternative; the Desert Tortoise Council, National Parks Conservation Association, and Alliance for Desert Preservation have each proposed specific lands for NCLS designations, which we consider to be formal proposals. Table X.3-1 needs to be amended in the Final EIR/EIS to identify the acres of NLCS that have been formally proposed to BLM.
364	II.3-156 to 3-158	II.3.1.3.7.3 X.3.2		X.3-1	We note in **Section II.3.1.3.7.3** the following statement "…the LUPA would designate up to 2.7 million acres of SRMAs and up to 880,000 acres of ERMAs, avoiding and minimizing impacts to these lands is important to ensure that these designations meet their objectives." Here in **Table X.3-1**, the Draft EIR/EIS indicates that 79,888 acres of SRMA and 83,298 acres of ERMAs would be designated on Catellus lands under the Preferred Alternative. How is enhanced recreation and minimized BLM management (as per BLM's Handbook for ERMAs) consistent with the conservation management envisioned for Catellus lands? Similarly, how is the designation of 3,206 acres of Catellus lands as DFAs under the Preferred Alternative consistent with conservation management intended for those lands? Should not Catellus lands be considered as LLPAs and therefore not available for development? **Please clarify in the Final EIR/EIS.**