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California Energy Commission

DOCKETED

09-RENEW EO-1

TN # 75321

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Chris Beale, DRECP Acting Executive Director
California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512

Dear Executive Director,

The Kerncrest Audubon Society appreciates the opportunity to comment on the Draft Desert Renewable Energy Conservation Plan and Environmental Impact Review/Environmental Impact Statement, referenced in the draft document as: DRECP NEPA/CEQA.

We support the concept of a consolidated plan for alternative energy development and conservation, and we are supportive of the conservation elements of the DRECP, being especially pleased to see that no development is encouraged for the Audubon-designated Southern Sierra Canyons Important Bird Area (IBA).

We are also hopeful that the completion of a workable plan will define for potential developers areas that are truly available for development without likely objection or potential severe damage to the environment.

The Kerncrest Audubon Society has about 150 members who recreate and enjoy outdoor activities in the Mojave Desert, Owens Valley, Eastern and Southern Sierra Mountains as well as other locations within the DRECP plan area. The Kerncrest Audubon Society recognizes the importance of protecting threatened and endangered species such as the Desert Tortoise and the Mojave Ground Squirrel (MGS). The Society advocates conservation and protection of habitat within the Pacific Flyway and the many species of migratory birds that travel and nest along the Pacific Flyway. Audubon California has used the best science available to identify and map IBAs throughout California. We believe the above should be taken into consideration by DRECP for designating areas for conservation and to exclude several Development Focus Areas and a Future Assessment Area (FAA).

The Kerncrest Audubon Society is concerned that the DRECP has identified several Development Focus Areas within critical habitats. We will limit our comments here to those areas in close proximity to our chapter and with which we have some local knowledge and expertise.

ROSE VALLEY

One DFA that we are concerned about occurs between Owens Lake and Little Lake south of Owens Lake in an area known as Rose Valley, within the Pacific Flyway and just south of the Owens Lake IBA. The Bureau of Land Management (BLM) West Mojave Plan Final EIS (WEMO) and Decision Record classified this area within a MGS Conservation Area. There is a known population of MGS, and the area, known as Rose Valley, is considered an important link habitat for the migration of MGS populations northward required by global warming.

In the publication *PROJECT: FIELD ECOLOGY TECHNICAL REPORT ON THE COSO GEOTHERMAL STUDY AREA, REPORT IV: SURVEY OF SMALL MAMMALS AND CARNIVORES IN THE COSO GEOTHERMAL STUDY AREA*, Prepared by Philip Leitner, July 1979, page 31, Dr. Leitner states: "The Mojave ground squirrel, a species officially designated as Rare by the California Fish and Game Commission, was found at seven of the eight sampling sites. A total of 124 individuals were captured; the species was found to be widely distributed through virtually all habitats in the [Coso Geothermal Study Area]."

In an email dated October 26, 2014, Dr. Leitner states "...we caught a lot of MGS along the road east of the Coso Rest Stop toward the transmission lines. I've also trapped MGS in Rose Valley between 1989 and 1996 along the transmission lines on the east side of the valley S of the road up to the Navy lands. There's no reason to believe that they aren't still there. I think that Rose Valley is important habitat and would argue against renewable energy development there."

It is our understanding this DFA was identified because the BLM is in the process of evaluating the feasibility and potential environmental impacts of opening approximately 22,805 acres of public land (i.e., the Haiwee Geothermal Leasing Area) for geothermal energy exploration and development. The BLM's evaluation of the Haiwee Geothermal Leasing Area (HGLA) is not yet complete and has been on hold for approximately three years. The HGLA evaluation area was established because three non-competitive lease applications covering approximately 4,460 acres were filed with the BLM approximately ten years ago. These three speculative lease applications were filed in an area where the geothermal resource potential is unknown. The HGLA Draft EIS states that there is currently no direct data on which to base a reasonable geothermal development scenario – there is no geophysical exploration data, no

temperature gradient measurements, no nearby hot springs, and the nearest related geologic features and structures are three to nine miles away, within the Coso Known Geothermal Resource Area (KGRA) which has been thoroughly explored, defined, and developed. The HGLA is outside the defined geologic parameters of the KGRA that is currently producing geothermal power.

Another problem that exists with this DFA and the HGLA is that the shallow and deep hydrologic regimes which would be impacted by geothermal development are not well defined or understood as noted in the HGLA Draft EIS and the previously approved Hay Ranch Groundwater Extraction and Delivery System project. It is known that water to sustain the current level of geothermal energy produced at the Coso Geothermal plant was insufficient, necessitating the extraction of groundwater from Rose Valley and its exportation to the geothermal plant. The approval of the groundwater extraction project has required ongoing and extensive groundwater monitoring, and groundwater extraction has been reduced to avoid desiccation of the valley springs. It is unlikely water resources exist to allow any increase in geothermal energy production in the area.

The Kerncrest Audubon Society recommends that this area be eliminated as a DFA.

DESERT TORTOISE NATURAL AREA

The Kerncrest Audubon Society is also concerned that the DRECP has identified another DFA that is located just north and west of the adjacent Desert Tortoise Natural Area (DTNA), a BLM designated Area of Critical Environmental Concern (ACEC) and Special Management Area. The BLM's West Mojave Plan Final EIS (WEMO) and Decision Record show that the DTNA is also within a Tortoise Desert Wildlife Management Area. The DFA is also bordered to the north by a WEMO designated MGS Conservation Area. And this DFA extends into Koehn Dry Lake, which is identified by Audubon California as part of the North Mojave Dry Lakes IBA.

We recommend that this DFA also be eliminated from further consideration in the DRECP. The DTNA is a key component of the effort to preserve high quality habitat for the endangered Desert Tortoise. As a matter of fact, that effort was a major driver for the development of the DRECP. Yet the draft of the DRECP released for review by the public fails to identify the DTNA as an existing conservation area, or to discuss the need to avoid large-scale development in close proximity to it. All the alternatives should forbid alternative energy development within and adjacent to the DTNA. Maps of the region for all alternatives of the DRECP should identify and prominently show the location of the DTNA.

JAWBONE CANYON/SOUTHERN SIERRA IBA and ACEC

Another area of concern for the Kerncrest Audubon Society is the identification by the DRECP of a Future Assessment Area (FAA) located in the Eastern Sierras, within the BLM designated Jawbone Canyon Area of Critical Environmental Concern (ACEC) and WEMO classified MGS Conservation Area. The FAA is within Audubon California's Southern Sierra Desert Canyons IBA and the area is also within the Pacific Flyway corridor. The FAA is just east of an area that the DRECP has identified as a Wildlife Allocation area. The DRECP Wildlife Allocation designation appears to cover the Pine Tree and North Sky River wind turbine farm areas. The Pine Tree wind turbines have already documented a significant number of golden eagle kills in violation of the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The FAA should be assessed for inclusion into a National Landscape Conservation Area and not be considered further for FAA or DFA designation.

INDIAN WELLS VALLEY

One final area of concern with which we have some specific local knowledge is our own residence, the Indian Wells Valley. This valley's aquifer is currently in severe overdraft and must meet California legal requirements for development of a plan to bring our water consumption into balance with recharge in the near future. Current users are the Indian Wells Valley Water District, the Naval Air Weapons Station, China Lake, and private well owners, including a mining operation in Trona and several agricultural enterprises within the valley. It is highly unlikely all the current users will be able to continue to operate, and it is an absolute certainty no new wells will be permitted for the production of water necessary to control dust for any alternative energy production facilities.

The preferred alternative shows a large DFA extending inside the triangle created between highways 395 and 14, and extending below highway 178, in addition to a smaller area within the city of Ridgecrest and its immediate area. Alternative 1 shows only the smaller area around Ridgecrest. The larger rural triangle is largely MGS habitat outside the existing degraded agricultural developments, and our members have observed MGS in the area, though no trapping has been done there. No DFA should be proposed for this area.

The Indian Wells Valley aquifer has been categorized by the California Department of Water Resources as a medium priority for establishment of a groundwater sustainability management plan. All agencies occupying high or medium priority territories on maps available on the website at www.water.ca.gov/groundwater/sgm/gsa.cfm must develop a plan for groundwater sustainability. We recommend a process be included in the DRECP for following the

development of groundwater management plans and to incorporate those plans into the DRECP. We recommend that no DFAs be proposed for any areas classified as medium to high priority, with the qualified exception following.

To the extent solar energy production within the immediate Ridgecrest area is planned for large commercial roofs or parking lots (such as a soon-to-be-abandoned Walmart) or uses non water-consuming methods of dust control, we would support its inclusion as a DFA, though limitations imposed by the lack of sufficient transmission capability for exporting of any energy produced would likely make any large project not economically attractive.

SUMMARY

The Kerncrest Audubon Society objects to inclusion of the above DFAs and FAA because these areas are within significant and important habitat areas that should be protected and conserved, and because of likely added stress on the local water tables. The subject DFA/FAA areas represent a relatively small amount of megawatt potential that could be easily offset by the encouragement of rooftop renewable energy development, or has already been offset by approved utility-scale renewable energy projects which the DRECP does not seem to take into consideration when setting megawatt goals to be achieved by future utility-scale development.

We agree with letters previously submitted by L Cunningham and K Emmerich and by Rebecca Unger, among others, which encourage the revision of the estimated requirements downward from the original 20,000 megawatts.

We have stated in the past and still believe that to encourage the application for permits for large scale energy production facilities in areas that in fact will draw objections and potential lawsuits from the environmental community does the industry no favors. Better to start small.

Sincerely,



Brenda Burnett
President