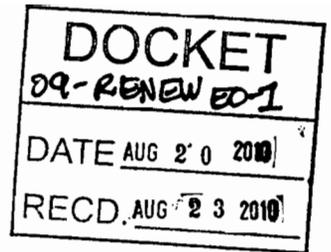


**RANCHERS FOR RESPONSIBLE CONSERVATION**

Antongiovanni Family Ranch  
Cattani Family Ranch  
Parker Family Ranch  
Rancho Indian Creek, LLC  
Robinson Family Ranch  
Snow Family Ranch



California Energy Commission  
Dockets Office, MS-4  
Docket No. 09-RENEW EO-01  
1516 Ninth Street  
Sacramento, CA 95814-5512  
August 20, 2010

Re: Proposed DRECP; T30S R33E, T30S R34E, T31S R33E, T31S R34E;  
Proposed Wind and Solar Developments along Tejon to Sierra Corridor

To Whom It May Concern,

This is to follow up on our previous letter of August 19, 2009.

In support of that letter and to more fully explain our concerns we have attached a copy of our May 7, 2010 Opposition to the proposed wind energy developments on BLM lands in the above Townships, which are located in the Sierra Mountains generally from State Highway 58 on the South to Piute Mountain on the North, and Kelso Valley on the East to Walker Basin on the West (the "Subject Area"). The May 7, 2010 Opposition document was sent to the U.S. Department of the Interior, Bureau of Land Management, Bakersfield Field Office and Ridgecrest Resource Area Office.

We hope that you will be able to allocate sufficient time to review the Opposition document in detail, and fully consider the various environmental and cultural impacts and economical infeasibility of the proposed wind development projects in the Subject Area, as discussed in the Opposition document. The Opposition document provides a comprehensive review and analysis of these issues as well as important substantial support for a decision that the Subject Area should not be included in the desert-centered approach of the proposed DRECP.

Thank you for your consideration of our concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy L. Kleier".

Timothy L. Kleier,  
Ranchers for Responsible Conservation

cc: Kim Delfino, Covered Species Working Group, DRECP  
Darren Bouton, Covered Species Working Group, DRECP  
Lorelei Oviatt  
Jim Abbott  
Kern County Supervisors  
Chris Evelyn  
E.J. Remson  
Tom Maloney  
Dan York

Soapy Mulholland  
Andrea Jones  
Carole Combs

**LETTER TO UNITED STATES DEPARTMENT OF THE INTERIOR,  
BUREAU OF LAND MANAGEMENT  
BAKERSFIELD FIELD OFFICE and RIDGECREST RESOURCE AREA OFFICE**

May 7, 2010

From: Ranchers for Responsible Conservation

Re: Proposed Wind and Solar Developments along the Tejon to  
Sierra Corridor, Kern County, California

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## EXHIBITS

1. Maps of the Four Townships comprising the "Subject Area" and BLM Maps of Lands Subject to the Application Process.
2. 2/11/08 and 9/15/09 News Articles.
3. The National Academies, Environmental Impact of Wind Projects.
4. TWC 3/10/10 News Release; TWC April, 2010 Energy Fact Sheet.
5. BLM Wind Development Programmatic EIS.
6. Engineered Drawing of Side Hill Road Cuts and Fill.
7. 5/04/10 News Article.
8. 1/27/10 and 2/02/10 News Articles.
9. 2/15/2007 Mayor's Publication.
10. 3/19/10 News Article.

## **RANCHERS FOR RESPONSIBLE CONSERVATION**

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Antongiovanni Family Ranch  
Cattani Family Ranch  
Douglas Family Ranch  
Parker Family Ranch  
Rancho Indian Creek, LLC  
Reed Family Ranch  
Robinson Family Ranch  
Snow Family Ranch

May 7, 2010

United States Department of the Interior,  
Bureau of Land Management

Bakersfield Field Office  
Attention: Tim Smith  
3801 Pegasus Drive  
Bakersfield, CA 93308

Ridgecrest Resource Area Office  
Attention: Hector Villalobos  
300 South Richmond Road  
Ridgecrest, CA93555

Re: *T30S R33E, T30S R34E, T31S R33E, T31S R34E; Proposed Wind and Solar Developments along Tejon to Sierra Corridor*

Dear Mr. Smith and Mr. Villalobos:

### **1. Introduction.**

The term "subject area" as used in this letter refers to the above referenced four townships, which are adjacent to each other, running east and west along and surrounding the Indian Creek Canyon. (See Ex. 1, BLM Maps.) The subject area is a major component of the environmentally sensitive "Tejon to Sierra Corridor", described subsequently. The BLM holds in trust approximately 11,000+ acres of land within the subject area that surrounds Indian Creek Canyon and the watersheds that feed Indian Creek (Tollgate Creek, Hog Creek, Fox Canyon, Little Fox Canyon, Jackass Canyon Silver Creek, and Stevenson Creek canyons and their tributaries as well as several smaller canyon complexes).

The BLM is currently considering applications by various private and public wind development companies to develop wind projects in the subject area. We understand there are at least two applications in process with the BLM in Township 30S R33E and Township 30S R34E: (1) The Los Angeles Department of Water and Power's ("LADWP") 34 mile road project, and (2) Florida Light and Power's "North Sky River Wind Project". We understand there are at least two applications in process with the BLM in Township 31S R33E and Township 31S R34E: (1) the AES Sea West Inc.'s Fox Canyon Wind Project and the LADWP's 29 mile roadway project. Other applications for similar projects may exist as well. The following is directed at all such wind and solar projects in the subject area.

The BLM lands proposed for the wind projects in the subject area are in-holdings surrounded by the much larger footprints of privately owned lands. These privately held lands are all active cattle ranches, most managed by multi-generational ranching families.

"Ranchers for Responsible Conservation" or "RRC" was formed in the last month in reaction to just learning of the proposed wind and solar developments in the subject area. RRC's membership is currently made up of a majority of the ranchers who own and operate the cattle ranches in the subject area. RRC is also supported by the Kern County Cattlemen's Association, Kern County Cattlemen's Association, other ranchers in Kern County, and local residents that will be impacted by the proposed wind developments.

The following is provided to voice RRC's concerns with and position on the following matters related to the proposed wind and solar projects:

- A. Concern that the LADWP and private wind companies, working in conjunction with LADWP or individually, have been moving forward with proposed wind energy and solar projects in the subject area without providing the people who live in the area with any notice of their intent.
- B. Concern over the fact that LADWP has been unlawfully entering our private lands and erecting monuments without our knowledge or permission in connection with these projects.
- C. Opposition to these projects in the subject area on the bases of important environmental, public use, practical, economical, and political concerns.
- D. Request the BLM use appropriate science and methodology in its analysis of the impact of the proposed projects on the subject area.
- E. Request the BLM focus and properly weigh the important competing environmental, public use, practical, economical, and political interests at stake in its decision whether to allow such projects to go forward in the subject area.

RRC also asks the BLM to consider re-opening its public input process associated with the revision of the Caliente Resource Management Plan in order for a more thorough discussion concerning the Essential Connectivity values of the subject area for the reasons discussed at length in this letter. It is our view that this topic has not received adequate public consideration and public feed back in light of the recent release of the "California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California". This Report focuses on many important concerns that bear directly on the subject area due to its essential position within the Tejon to Sierra Corridor, which is discussed at length below.

## **2. Request for Notice and Information.**

For the reasons stated in the following Section of this letter, we are very concerned that LADWP and private wind companies have been in the process of developing wind and / or solar farms in the subject area for several years without notice of this process being provided to us, who are neighbors to the proposed projects and will have to live with the same if such are built. (See, Ex. 2, 2/11/08, 9/15/09 News Articles.)

This is to request that we be provided with all current information relevant to this process and any information generated in the future concerning this process in the, subject area.

## **3. Legal and Procedural Concerns - LADWP Acted Unlawfully, and has Intentionally failed to Provide any Reasonable Notice to the Public of Its Intentions.**

On about January 24, 2010, one of our members, Rancho Indian Creek, LLC ("RIC"), discovered that LADWP had flown a helicopter onto its Ranch and erected a monument and painted directional markers on its property in T30S R34E, Section 32. (See Photos previously provided to BLM.) RIC confirmed the above involvement of LADWP with the surveyor for LADWP who erected the monument. The surveyor explained that he was working for LADWP in connection with the Pine Tree Wind Project, and LADWP was mapping new locations for solar and wind energy projects in the subject area.

LADWP acted unlawfully when it entered RIC's property, erected a monument, and painted the ground without asking RIC's permission. We are very concerned that other similar unlawful activities have occurred without our knowledge.

This discovery was the first time RIC had been provided any notice regarding any proposed solar/wind projects in the subject area. Since that time we have investigated and learned that all of the BLM land in the above four townships is under an application process with the BLM for proposed wind projects. We learned also that virtually all BLM lands from Ridgecrest to Tehachapi are under the same application process.

The investigation also revealed that LADWP and private wind development companies had published notices of their intent to develop wind energy in only small newspapers with limited circulation in towns outside the subject area, and not in the largest city in our County, Bakersfield. No effort was made, whatsoever, by LADWP and the private wind development companies to provide actual notice to us of their planned developments; even though LADWP had been involved in plans to develop wind projects in the area for years. (See, Ex. 2, 2/11/08, 9/15/09 News Articles.)

This is to voice our sincere concern with the fact that LADWP and private wind

development companies have intentionally tried to avoid allowing notice of any kind of their intent to develop wind projects in the subject area to be given to us or our neighbors.

The BLM should take note of the fact that LADWP and private wind development companies chose to take this unfair and unreasonable approach out of the gate in this application process; and weigh whether such an intentionally misleading approach should disqualify them from further involvement in the process.

**4. Environmental Concerns - Destruction of Critical Habitat and Scenic Beauty of the Pacific Crest Trail; and Other Impacts.**

**A. Introduction.**

The subject area lies within the Tejon to Sierra Corridor, which is an important migratory route for various types of birds, bats, deer, bear, and other wildlife along the San Joaquin Valley and the Sierra Nevada Mountain Range. This Corridor provides critical habitat not only for migratory animals, but also the resident wildlife. There are a number of endangered species and species of concern that live in the subject area. There are also endangered species of plants in the subject area.

The Pacific Crest Trail runs along the eastern boundary of the subject area at the crest of the eastern end of the Tejon to Sierra Corridor. The Pacific Crest Trail is the jewel in the crown of America's scenic trails, spanning 2,650 miles from Mexico to Canada through three western states. It reveals the beauty of the Mojave desert and unfolds the expanses of the Sierra Nevada Mountains as it crosses the Tejon to Sierra Corridor. Thousands of hikers and equestrians enjoy this national treasure each year.

The proposed projects will have a fatal impact upon this habitat and the wildlife that utilizes it, as well as the scenic beauty of the landscape along the Pacific Crest Trail. The facts and discussion supporting this conclusion are set out in detail below.

Attached as Exhibit 3 is a 2007 Report from the National Academy of Sciences concerning the environmental impact of wind energy projects entitled "Environmental Impact of Wind Projects". The Report sets out some minimum Guidelines that should be followed by the BLM in evaluating the wind projects proposed in the subject area.

In light of the fact that critical habitat and endangered species of animals and plants exist in the subject area, NEPA compliance in the form of an Environmental Analysis ("EA") or an Environmental Impact Statement ("EIS") should be required even for the testing and monitoring application. A Finding of No Significant Impact ("FONSI") or any equivalent or lesser NEPA compliance is inadequate in our view. As the BLM should be aware, The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into their decision making processes by considering the environmental

impacts of their proposed actions and reasonable alternatives to those actions. EPA reviews and comments on EISs prepared by other federal agencies, maintains a national filing system for all EISs, and assures that its own actions comply with NEPA. (The website for NEPA is: <http://www.epa.gov/compliance/nepa/>.)

We ask the BLM review this letter, the above Report, and NEPA requirements in detail and give the same due consideration. In support of this request, we have included in the remaining portions of this Section 4 an edited recap of the discussion set out in RCC's letter on the same environmental topic, which we view as critical, and ask the BLM to consider.

While RRC does not object to appropriately sited wind energy projects, development in the subject area will lead to the permanent loss of valuable biological and cultural resources. A recent inventory by the Wildlands Conservancy identified over 225,000 acres of brownfield lands where renewable energy projects could be developed; California needs 128,000 to meet its 2020 goals. (Ex. 4, TWC 3/10/10 New Release; TWC 4/10 Fact Sheet.) In contrast, the landscape in question is a pristine wilderness area made up of rugged terrain and forming the intersection of four to five recognized eco-regions; and a part of the essential connectivity in the critical Tehachapi Corridor that enables migration, range shifts, and other essential ecological flows between the Transverse and Sierra Ranges.

Wind development in the subject area will threaten the health and long term survival of wildlife populations including, migrating songbirds and bats, raptors including the California Condor, small and large mammals, and other sensitive species. It will lead to habitat fragmentation, disruption of migration patterns, and possibly the loss of biodiversity. Because of the steep, rocky terrain and arid soils, such development will require vast and destructive earth movement. Massive impacts of erosion could occur here.

The subject area, encompassing the Indian Creek, Tollgate Creek, Hog Creek, Fox Canyon, Little Fox Canyon, Jackass Canyon, Silver Creek, and Stevenson Creek water sheds, is home to a number of Kitanemuk and Kawaiisu cultural sites and has a long heritage as a traditional working landscape. As BLM complies with NEPA, please consider the fact that the resources of the subject area have not been catalogued and thus warrant detailed evaluation before wind development should threaten the same.

## **B. Migrating Songbirds.**

The Tehachapi Corridor forms an important link in the flyway for migrating songbirds as they travel between winter habitat in Mexico and Central America and breeding grounds and summer habitat to the north. The many canyons with a southeast to northwest orientation form particularly critical migration corridors / flyways well as elevation gradients important for species range adjustments/adaption under climate change. These canyons also provide birds with stream and spring water, brush cover, food sources, and reproductive habitats.

The American Bird Conservancy estimates that of the 10,000- 40,000 birds killed by wind turbines each year, 80% are songbirds. These impacts are of particular concern in the Tehachapis where existing wind farms and housing developments have already led to significant habitat loss and a very large footprint of new wind development is currently underway.

#### **C. Condors & Other Raptors.**

Red-tailed Hawks and Golden Eagles are frequently observed in the subject area, with multiple pairs of Golden Eagles nesting there. A pair of Bald Eagles was observed in the subject area for a span of two to three years and a California Condor sighting was made in the subject area last winter. Experts predict that the subject area will see increasing use by Condors as their population grows, which would be a return to the frequent sightings observed by older members of the community in the early and mid twentieth century.

Raptors tend to glide on thermal air currents making them "clumsy" fliers and particularly vulnerable to turbine-caused mortality. Wind development would further reduce and fragment their foraging habitat and disrupt key nesting in the subject area.

#### **D. Bats.**

The Tehachapi Mountains are home to Hoary Bats and Western Red Bats, both species that have suffered high mortality rates as a result of wind development, principally during the late summer to early autumn migration period. In most cases, these bats die from "barotrauma" where their lungs implode due to the pressure vortices along the wing tip blades of the turbines.

#### **E. Habitat Fragmentation and Connectivity.**

Wind development involves the construction of dozens of miles of freeway-width roads, high voltage power lines, substations, and large turbines. In this previously undisturbed landscape, such infrastructure would remove significant habitat, fragment the remaining critical habitat, and threaten the survival of sensitive species. These include the Tehachapi Slender Salamander, a species that is endemic to the subject area and currently under review for listing by the U.S. Fish and Wildlife Service.

Last spring, a Tehachapi Slender Salamander was sighted on BLM land in a riparian area that would be impacted by the proposed wind development. It appears that the Tehachapi Slender Salamander exists in a number of the other riparian zones in the subject area that would also be compromised by such development. Some other parts of the Salamander's known habitat have large feral pig populations that are believed to feed

on it and threaten its survival, increasing the importance of conservation in the subject area where feral pigs do not have a significant presence.

Other animal species in the subject area that are under population pressure include: the American Badger, a California Species of Special Concern that we know to be present based on a sighting last fall, another this April, and many historical sightings; Burrowing Owl, a Species of Special Concern that was sighted earlier this year; the Ring-Tailed Cat and the White-Tailed Kite, both fully protected species that we believe to be in the area based on their range and habitat; and the Valley Elderberry Longhorn Beetle, federally listed as a threatened species and believed to be in the area due to the presence of mature Elderberry Trees; as well as Grey Fox, Bob Cat, Mountain Lion, and Grey Squirrel.

Rare plants believed to be in the area include the Calico Monkeyflower, the Tejon Poppy, Palmer's Mariposa Lily, the Bakersfield Cactus, Coulter's Goldfields, and Pale-yellow Layia, among others.

Habitat fragmentation is one of the greatest threats to global biodiversity. When human development, such as the wind projects in question, divide previously contiguous habitat into smaller, isolated patches, the natural processes that are critical to species survival are disrupted. Reduced connectivity of habitats and species populations leads to genetic isolation, disrupts food chains, and modifies interactions among species. This in turn reduces species viability and increases local extinction rates, with cascading impacts on ecological communities.

Fragmentation is further multiplied by the "edge effects" that occur in the transition zones between developed areas and natural habitat as disturbance and invasive species diminish the biological value of these areas. Fragments of habitat are more vulnerable to invasion by non-native species, including noxious weeds that can then spread into surrounding areas. The species, of greatest risk include endemics, sedentary species, non-migratory species, and small species that do not safely cross roads or are subject to road-kill, including some reptiles, small mammals, and herpetofauna.

In support of this discussion, it is recommended that the BLM review the recent publication "California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California". This Report focuses on many important concerns that bear directly on the subject area due to its essential position within the Tejon to Sierra Corridor.

#### **F. Migration Corridors.**

Every year, fluctuations in the mule deer and black bear populations are observed as these animals migrate between the subject area, the Piute and Scodie Mountains to the north, and the Mojave Desert to the east according to seasons and food supplies. Wind

project infrastructure would narrow the animal's available migration corridor with potentially disastrous outcomes for these regional populations.

Black bears in the subject area migrate between their mountain habitats and the Mojave Desert in lieu of hibernation, making these bears some of the largest black bears in North America. Dramatic increases in bear sign and sightings are observed during times of year when acorns, juniper berries, wild olive, and wild gooseberries and currants are ripe and in years when these food sources are particularly abundant.

### **G. Biodiversity & Climate Change.**

The Indian Creek, Tollgate Creek, Hog Creek, Fox Canyon, Little Fox Canyon, Jackass Canyon, Silver Creek, and Stevenson Creek water sheds encompass significant biodiversity in a very small area, with notable changes in vegetation visible to the untrained eye as one travels from east to west and up slope. According to biologist Bobby Kamansky<sup>1</sup>, causal factors behind this biodiversity include the narrowness of the Tehachapi Range in the subject area, the steepness of the canyons, the diversity of the soils, and the Mediterranean climate; all contributing to variations in temperature and soil moisture.

On his first visit to the area in February, Mr. Kamansky observed over one hundred plant species from 30 different families in a single day that he termed "an impressive diversity to detect in such a short time." Mr. Kamansky also commented on the health of native bunch grasses and other plant species and the low incidence of invasive species. He observed hybridized oak sub-species that he had not seen elsewhere, commenting on the importance of the subject area as a species transition zone.

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<sup>1</sup>**Bobby Kamansky** is a principal biologist at Kamansky's Ecological Consulting, and serves as an ecological consultant for TBWP. Mr. Kamansky worked for the National Park Service for four years in natural history, restoration, and fire management. He also worked as a biologist/ecologist for the California Department of Fish and Game, the Natural Resources Conservation Service, and local non-profit organizations. His areas of expertise include: planning for endangered species conservation and protection; natural lands management, restoration, cartography and geographic information systems; and public relations and interpretation of natural history. Mr. Kamansky has managed several large and small-scale research, restoration, and management projects on a number of ecosystems in the Sierra Nevada and San Joaquin Valley, including: coniferous forests, oak woodlands, riparian forests, vernal pools, seasonal marshes and wetlands, grasslands, and desert scrub. His current projects include research and implementing findings on the effects of fire and grazing on plant and animal communities in the southern San Joaquin Valley and adjacent mountains. Mr. Kamansky earned an undergraduate degree in biology and a M.S. in biology/ecology from California State University at Fresno, as well as an A.S. in forestry from Reedley College.

Maintaining large intact landscapes across elevation gradients is the only way that ecosystems can naturally adapt to climate change over extended periods of time measured in hundreds of years (extended temperature fluctuations such as we are currently experiencing), thousands of years (e.g., our present inter glacial), and tens of thousands of years (the last ice age or glacial period). The earth's climate naturally goes through these hotter periods of time and colder period of times. Remnant species from a past climatic era retract to small enclaves where they survive until the climate wheel turns back to its preferred temperature and humidity range; then the remnant species emerge to re-take the larger environment as the dominant species; until the wheel turns again and the former species re-emerge.

The steep canyons and shady, wet drainages on the north facing slopes in the subject area have allowed the former dominant species to migrate deep into such canyons in the face of rising temperatures and increasing aridity in the more open canyon bottoms and south facing slopes, where other species have now become dominant. Scientists reviewing the subject area can clearly observe these shifting distributions of vegetation communities and individual species to higher elevations and latitudes.

A good example of this phenomenon are the small populations of deciduous oaks and Jeffrey Pines that exist only at the highest elevations in wetter parts of the subject area. These are remnants from a colder, wetter period in time that continue to thrive in these select locations; but would disappear if subjected to the current hot and more arid climate of the surrounding environs. When climate changes in the future to a colder, wetter period again (as it has done in the past); these cloistered remnants will be able to survive when the current dominant species cannot; and will re-extend themselves to their former range.

Minimizing habitat fragmentation by roads and other infrastructure is critical to the continued survival of these cloisters of older species so that such older species can re-emerge again when needed. These higher elevations that protect these cloistered remnants are exactly where the wind projects are proposed to be built.

Minimizing habitat fragmentation also serves to protect endemic and sensitive species. Our previous comments regarding essential habitat connectivity and corridors apply here as well, including the Tehachapi Slender Salamander.

#### **H. Steep Terrain; Water Scarcity and Contamination.**

The steep canyons that foster connectivity and long term biodiversity in the subject area would create a formidable challenge for the construction of roads able to support heavy equipment. To build such roads in this landscape would require a very large footprint, causing erosion and destroying riparian areas as is discussed in more detail subsequently.

Developers of the nearby Pine Tree Wind Project found it challenging to utilize sections of road with a mere 15% grade. It is hard to imagine that roads in the subject area could be completed at such a gentle gradient unless an enormous quantity of destructive earth movement took place. In the case of the Pine Tree Wind Project, 1.3 million cubic yards of earth were moved just to construct roads, not including the earth work to prepare locations for the Project's 80 turbines.

The scarcity of the water sources in the subject area would make any impact on the area even more devastating for the species that depend on the water. Development would also diminish the footprint available to recharge local aquifers and introduce polluting chemical agents, used by wind companies to maintain their roads and equipment.

### **I. Unprecedented Cumulative Impact.**

Cumulative impacts result from individually minor but collectively significant projects taking place over a period of time. The Tehachapi/Mojave Area produces over 40% of California's wind energy. During Kern County's first wind "gold rush," which occurred between 1981 and 1986, 710 MW of wind generating capacity was developed. The current "gold rush" is slated to multiply this many times over with a significant impact on the biological resources of the Tehachapi Mountain Range.

Last year the Los Angeles Department of Water and Power completed the Pine Tree Wind Project to the east of the subject area in Kern County adding 120 MW of wind power on a footprint of 8,000 acres including more than 26 miles of road. The adjacent Pine Canyon Wind Project, also owned by LADWP, will add another 150 MW on a footprint of 12,000 acres.

A little over a month ago, Terra-Gen Power, LLC broke ground on the first phase of the Alta Oak Creek Mojave Project that will produce 150 MW of power in its first phase and 800 MW when it is completed. Also approved by the Kern County Board of Supervisors was the Manzana Wind Project which will add 300 MW on 5,820 acres. In addition to these new wind projects, a number of additional projects are in various stages of review by the Kern County Planning Department and would bring wind production in the area to more than 2,000 MW.

Local planning officials and developers cite an ultimate goal of 4,600 MW for the area. Growing to 2,000 MW represents an almost three fold increase over historical levels in a period of a few short years. Reaching the stated goal of 4,600 MW is more than six times the historical level of development. The long term impact of this pace of development is unknown and unpredictable. Even if one does not accept the case for immediate, permanent conservation, it cannot be disputed that extensive further study is needed to

understand these cumulative impacts on plant and animal species and on the regional ecosystem as a whole before further development can be considered.

#### **J. Cultural Resources.**

The subject area is home to a large number of Kitanemuk and Kawaiisu (also referred to as the Pauite, the Caliente or the Nuwu) cultural sites including grinding stones, arrowheads, village sites, and pictographs. From time to time, members of these tribes still come to the subject area to walk historical trails that were used by their ancestors.

While many local cultural sites are well know, we frequently discover previously unknown sites. More recent cultural resources in the subject area include parts of an old a stage coach road, homestead cabins and mines from the 19<sup>th</sup> and early 20<sup>th</sup> centuries, as well as the local heritage as a multi-generational working landscape.

#### **K. Impacts on Human Use of the Land.**

There are few places that are only 100 miles from Los Angeles and yet continue to be managed as traditional working landscapes, untouched by modern development. The subject area is one of these. The many grants that we have received from the Natural Resources Conservation Service are a testament to our responsible stewardship of this land. A wind development project in this pristine mountain area would diminish our heritage as a working landscape and introduce serious new risks.

Wind turbines, utility-scale roads, and sub-stations will destroy the serenity and beauty of this area and decrease the land available for grazing. Utility companies often erect fencing around such infrastructure; this would further detract from current recreational and grazing uses of the land, as well as its biological value. Both the turbines and the people who maintain them would dramatically increase the risk of wildfire, creating a financial liability for local ranchers and a danger to our homes, families, and stock animals.

The wind projects would also increase the difficulty and cost of fire management for the local fire department. Roads and increased human access lead to a much higher risk to personal safety. Cultivation of illegal drugs by armed gangs has become a serious problem in many of our national parks and other remote landscapes. The miles of wide, well-maintained roads that accompany a wind project would also make it easier for criminals to access the subject area and set up drug cultivation operations, posing a threat to our personal safety and to our homes and other assets.

The Pacific Crest Trail runs along the eastern boundary of the subject area. The Trail is enjoyed every year by thousands of hikers and equestrians. The Pacific Crest Trail is a continuous trail running from Mexico to Canada and a national treasure. Sections of the Pacific Crest Trail in Kern County are already compromised by ugly, noisy wind

developments that undermine the serenity and beauty sought by its travelers. Additional development in the subject area will further erode these visitors' experience of Kern County and the majestic Tehachapi and Piute Mountains.

While jobs and energy infrastructure are a necessary part of modern life, some places must still remain preserved and relatively untouched. Given our proximity to the second largest city in the nation, both the BLM and we as private landowners are particularly vulnerable to development yet are key in management for essential conservation purposes.

**5. Public Use Concerns - The Wind Projects will Preclude Public Recreational Use and Ranching.**

The proposed wind projects are not compatible with the current recreational uses enjoyed by the public and the existing ranching use by local ranchers in the subject area. If the wind projects go into the subject area, there will be no more hiking, horse back riding, bird watching, hunting, cattle ranching, or any other use or access by the public to the public lands.

The three existing wind projects in the subject area are largely fenced in, and no access is allowed to anyone other than wind project personnel and their contractors. The presumed justifications for this "no access rule" are: (1) the facilities are too dangerous such that the public could be injured and killed if allowed to use the areas; and (2) the power supplied by the wind projects is too critical to the nation to allow the public/saboteurs/terrorists access where such people can sabotage or shut down this power supply.

The incompatible wind project use should not outweigh the existing uses enjoyed by the public and local ranchers. The wind projects will destroy these critical uses and resources for no good purpose. Other areas that do not contain such important public uses and resources are available in place of the Tejon to Sierra Corridor.

**6. Public Use Concerns - The Impact of Wind Projects in BLM In-Holdings on Adjacent Privately Held Lands.**

The BLM lands proposed for the wind projects in the subject area are in-holdings surrounded by much large footprints of privately owned lands (the RRC properties). As such, the BLM should consider in its decision documents the indirect and cumulative damages that may accrue, and mitigation necessary, not only to BLM lands, but also the impacts to the much larger footprint of private lands surrounding the BLM lands.

Should BLM policies on these in-holding properties dictate such a major change in land management uses when adjacent land owners do not favor such a change? This situation has not only important technical and procedural aspects but also legal and political aspects

to consider. Although there may not be any current BLM planning guidance or directives that require the BLM to address these adjacent/surrounding land issues as a priority issue in its decisions to issue testing and monitoring wind applications, this would seem to be a logical extension of the BLM's mandate as a "good steward" of National lands.

7. **Analytical Concerns - Use of "Good Science" in Analysis of Wind Projects.** Do the wind projects in the subject area significantly reduce the "carbon footprint" when one also factors in the loss of CO<sub>2</sub> eliminating vegetation in the subject area, or is LADWP and private wind companies promoting a new ethanol scam? If the wind projects do reduce the carbon footprint (after factoring in the loss of CO<sub>2</sub> eliminating vegetation), is the net gain realized justify destruction of critical habitat, impacts to species, losses of ecological integrity and functions, impacts on the scenic beauty and enjoyment along the Pacific Coast Trail, and impacts on public use? How are these last important concerns included in the analysis?

**A. Introduction.**

Serious concern exists over the use of appropriate scientific analysis by the BLM of the actual net reduction of carbon dioxide that is the fundamental justification for the proposed wind projects in the subject area. As the BLM should be aware, the proposed locations for the wind projects in the subject area is critical habitat and pristine wilderness through which runs one of our Nation's treasured scenic trails; the destruction of which should require significant justification.

The subject area is 2,500' - 5,600'+ elevation in the Sierra Nevada Mountain Range, not the Mojave desert. The subject area is richly vegetated with cottonwoods, willows, dogwoods, elderberry, hundred year old oak stands, pinion pine, juniper, and grey pine. Not to mention all the varied beneficial browse species for large animals such as manzanita and mountain mahogany, and native bunch grasses. The local ranching operations all act as stewards of the land to maintain the native ecology. There is no development whatsoever on the ranches in the subject area other than a few ranch homes.

The three existing wind projects to the east of the subject area (Sky River Wind Project, Pine Tree Wind Project, and Pine Canyon Wind Project) have devastated the native ecology and permanently scarred the landscape. These wind projects have wiped the areas clear of vegetation, leveled hills, mountain tops, and natural waterways, and have destroyed virtually all native habitat for wildlife. Accordingly, no new wind projects should be allowed in the subject area unless some good purpose is achieved that outweighs this additional devastation in the subject area through the development of additional wind projects.

**B. An Apples to Apples Comparison of Carbon Footprints is the Necessary Methodology needed to Determine whether the Destruction of Critical Habitat and Scenic Beauty and Preclusion of Public Uses is Justified.**

In order to justify the proposed wind projects, in addition to compliance with the National Academy of Sciences Guidelines and NEPA compliance, LADWP and the private wind companies should be required to prove that the carbon footprint created by the proposed wind projects in the subject area is a significantly smaller footprint than the carbon footprint that would be created by a new efficient non-renewable energy powered plant that would presumably be built, but for the new wind projects. Only a comparison of these two footprints holds any validity for gauging whether it might be prudent to move forward with the proposed wind projects in the subject area. Once the difference in the sizes of the two footprints is known, then one can decide whether the presumed reduction in size of the wind project footprint (rather than a new efficient non-renewable energy powered plant) justifies the destruction of the critical habitat at risk.

Otherwise the substitution of one energy source for another here may be no different than the ill advised and now defunct ethanol "clean" energy source idea of several years ago. After investing in ethanol production on a national scale, it was finally recognized that a larger carbon footprint was created by the farming and ethanol distillation processes than was created in the oil production and refining processes. The ethanol solution was no solution, it increased carbon dioxide emissions.

Fortunately, the long term effect of the ethanol debacle on our Nation was minimal. There was a dramatic short term increase in certain commodities prices and Midwest farm land values that has since returned to normal. Other than the smudging of some ethanol advocates' professional reputations and losses suffered by commodities investors, there was little damage.

This will not be the case if the BLM uses "bad science" in its analysis of whether to allow the wind projects into the subject area. Allowing the wind projects to go forward in this pristine wilderness will result in the permanent destruction of critical habitat and the landscape surrounding an important scenic trail. Our children's children for next 200 years or more will be left with the scars of this mistake.

**C. Application of "Good Science" Methodology.**

**i. The Size of the Footprint Created in Building the Wind Projects.**

In order to do an accurate calculation, the first phase of a correct methodology is to calculate the CO<sub>2</sub> generated to create the wind project. One must factor in the CO<sub>2</sub>

generated by the manufacturing and transportation of the turbines, towers for the turbines, transmissions lines, and other materials for wind power to the sites. One must factor in the use of heavy equipment needed to scrape the topsoil and vegetation, clear the land, level the mountain tops and other topography, fill in the ridges and ravines, and trench or build towers for transmission lines. Substantial roads must be built to handle the heavy equipment used to construct the facilities and bring in the hundreds of thousands of cubic yards of cement for the foundations and pads at the site, the towers, transmissions lines, and other facilities.

One must factor in the drilling rigs needed to run core samples, the giant cranes and other heavy equipment needed to erect the 150-340 ft. towers; the excavation equipment needed to excavate 40'+ deep foundations for the towers and transmission line (or trenching equipment if the lines are placed underground); construction of the wind towers, transmission lines, fencing, and buildings and operating facilities including electrical, water, and sewage; and the maintenance, repair, and replacement of all such wind towers, transmission lines, buildings, operating facilities, and roads over the life of the same. (The estimated sizes and types of turbines, towers, and facilities is based upon the same appearing in LADWP's EIR filed in connection with its Pine Tree Wind Project.)

The next phase of this analysis is to calculate the size of the area that will be occupied by the wind project that is currently comprised of CO<sub>2</sub> eliminating vegetation. As is set out in general terms in the BLM's Programmatic EIS (see, Ex. 5, excerpts of Programmatic EIS) and as can be seen in the existing Sky River Wind Project and Pine Tree Wind Project and the Pine Canyon Wind Project currently under construction on land adjacent to the subject area, building a wind project is like building a brand new city of 15 to 34 story sky scrapers.

To begin with, the full size 36 ft. wide roadways (required by LADWP in its applications with the BLM) with road base and engineered grades capable of handling huge construction equipment (D-9 bulldozers, giant dump trucks, 200 ft. cranes, drilling rigs, giant excavators, and semi-trucks required to move thousands of loads of cement, tower, turbine, and transmission line components, and other facilities components and building materials) must be built. These roads must be capable of not only handling equipment weighing 80,000 pounds or more, but the grades must be sufficiently engineered to allow the semi truck trailers and heavy equipment to climb up and down the topography of the Subject Area, make turns, and operate.

The Subject Area is very steep terrain made up of strings of mountains intersected by deep canyons. The elevation in the area alternates between 2,500' and 5,600'. The roadways needed to construct this new city of skyscrapers will not be conventional roadways. Such roadways will be major engineering projects. The roadways will necessarily have to traverse the sides of the steep mountain terrain to reach the bottom of the canyons; then traverse the native riparian areas at the bottom of the canyons over

some type of bridge system to allow the streams to flow; and then climb up the side of the next mountain or ridge in this dramatically steep topography to reach the next wind turbine. This will happen over and over again.

Millions of tons of native soils will have to be removed from the surface (and presumably dumped somewhere in the immediate area), and millions of ton of foreign road base imported to create a sufficiently stable road surface to support the heavy equipment using the roadways. Further, millions of tons of the native materials underlying the soil must be mined and excavated from other locations in the subject area to fill in the ravines, natural waterways, and other native topographical barriers that must be overcome to build the roads to a grade and stability that the heavy equipment and materials can traverse.

Important water issues will be created in the construction process as well because there is virtually no available water for such activities on the subject BLM lands, which are required under the BLM's Programmatic EIS (Ex. 5); such that all the water needed for construction must be trucked in. This same water issue will exist once the roads are built, for dust control as required also by the BLM's Programmatic EIS. Alternatively, the roadways, pads, transmission towers sites, facilities sites, etc. must be paved.

Compounding the size of this footprint is the fact that a 36' wide road surface requires a much larger foundation area when traversing a depression in the topography. For example, where the roadways built recently in the Pine Tree Wind Project cross over a natural waterway, gully, or ravine, the width of the base of the road will be two or three times (or more) the width of the road at its surface in order to accommodate the slope of scavenged natural rock material and imported road base used to fill the gully. Not only does this double or triple the size of the footprint of the roadway, it also creates a steep 2:1 slope on the sides of the roadway that is also clear of vegetation.

These roadways once constructed also necessarily create critical water accumulation and run off/erosion issues.

Similar dramatic increases in the size of the roadway footprint also result when a roadway is cut side hill across the face of a steep mountainside (which will be about 75%+ of the proposed roadways), because either a large uphill or both an uphill and downhill artificial slope must be constructed to support the surface of the roadway. A 40' foot road surface on a steep mountainside (a larger surface width is generally required for safety and stability reasons) will require a minimum 2:1 slope face on the sides of the mountainside where the roadway is built to maintain the stability of the road and slopes. The resulting footprint is therefore necessarily enlarged by the slopes on one or both sides of the road.

For example, if a 40' roadway is built on a mountainside with 45° natural slope where only the upper slope is cut at the 2:1 ratio, then the total roadway footprint would be 80 feet. (Ex. 6, Engineered Drawing of Side Hill Road Cuts.) Using only an uphill cut,

however means that all of the "cut" material must be removed from the roadway site and deposited somewhere else creating a huge waste material footprint at another location.

The problem of disposing of the waste cut material can be eliminated in large part if, instead, the cut material from the upside slope of the roadway is used on the downhill slope of the roadway as "fill" to build up the outside surface of the roadway. However, this more conventional method of mountain road construction will create an equal but different problem; that being that a larger footprint on the roadway site of 120 feet will occur due to the fact that a 2:1 slope must then also be created on the downhill side of the roadway to support the roadway. (Ex. 6, Engineered Drawing of Side Hill Road Cuts.)

In addition to creating a larger footprint on the roadway site, this manner of construction also requires a large amount of water and additional heavy equipment work to compact the fill on the downhill slope. As noted above, there is virtually no available water for such activities; such that all the water needed for construction must be trucked into the site. Regardless of what method is used, these roadways once constructed will necessarily create critical water accumulation and run off/erosion issues.

Regardless of what method of road construction is used, the resulting footprint will be the equivalent of a 120 feet on a 45° natural slope. Even on a less steep mountainside with only a 30° slope (most mountainsides in the area are 45°+) the resulting footprint is 72 feet. (Ex. 6, Engineered Drawing of Side Hill Road Cuts.)

A further issue that will arise in connection with constructing these roadways is that the roadways will be built through solid rock. The construction will therefore require the use of blasting and giant heavy equipment to move the rock. Important considerations arise in connection with such projects such as the danger and destruction created when huge boulders and rocks tumble down the mountainsides during construction decapitating trees and crushing vegetation, and finally lying at rest in the canyon bottoms where the boulders and rock will block water flow and game trails.

Since there is no flat ground in the subject area except at the bottom of the steep canyons, virtually all the roadways will have footprints of 72'-120' or more. Two applications have been made by LADWP for a total of about 63 miles of roadway in the subject area. An additional estimated 40 miles of roadways will also necessarily need to be constructed in the subject area to accommodate the two wind projects currently proposed by other private and public utility companies. This is an incredible amount of surface area (footprint) that will be denuded of subsurface rock, topsoil, and vegetation.

Added to these acres of the footprint are the acres of ground needed to run the transmission lines from the towers, build the pads for the towers and other facilities, provide lay down areas for the construction of the towers and other facilities, and provide crane and other equipment staging areas. Estimates of these areas are set out in Exhibit

## 5, BLM's Programmatic EIS.

Absent from such estimates are the acres of ground that will be excavated and scavenged to supply fill for the above roadways, pads, lay down areas, and staging areas. A conservative estimate of a ratio of 1:3 to the above totals (one acre of ground scavenged for every three acres developed) would appear appropriate.

To better understand the magnitude of devastation that will occur in the subject area, if the proposed wind projects proceed, the BLM is asked to have its representatives investigate the foot prints that were created in the development of the Sky River Wind Project and the Pine Tree Wind Project (which are directly adjacent to the subject area to the east). The development built along the Pacific Coast Trail, in connection with the Sky River Wind Project appears from Google Earth to have transformed the ridge into a 100+ yard wide flat plane denude of any topsoil.

There is no vegetation, and no vegetation will grow for hundreds of years because all the topsoil was removed. Even though the Pine Tree Wind Project was constructed on a more "rolling hills" type of topography, the devastation is dramatic there as well. As previously noted, LADWP found it very challenging to utilize sections of road with a mere 15% grade. It is hard to imagine that roads in the subject area could be completed at such a gentle gradient unless an enormous quantity of destructive earth movement took place.

In the case of the Pine Tree Wind Project, 1.3 million cubic yards of earth were moved just to construct roads, not including the earth work to prepare locations for the Project's 80 turbines.

### ii. **Quantifying the Loss in CO<sub>2</sub> Elimination Resulting from the Wind Project Footprint on a Per Acre / Per Year Basis over the Life of the Project.**

The next phase is to calculate the amount of CO<sub>2</sub> that **will not** be eliminated from the atmosphere by all the vegetation that was lost in the development process and the resulting turbine towers, transmission trenches or towers and lines, buildings, operating facilities, fences, roads, pads, etc.; times the number of years that the wind project will be in place.

In other words, how much CO<sub>2</sub> would have been eliminated from the atmosphere by the vegetation had it not been removed, over the life of the wind project? To reach this conclusion, one would need to: (1) first estimate the amount of CO<sub>2</sub> eliminated by the existing vegetation in the Subject Area on per acre / per year basis, then (2) multiply that sum by the number of acres of vegetation eliminated or impacted by the wind project; and then (3) multiply that sum by the number of years of the project's life.

It is beyond the scope of this letter and the author's expertise to estimate how much CO<sub>2</sub> is eliminated by the existing vegetation in the subject area on a per acre per year basis; but it is none the less clear that the subject area is in fact richly vegetated with mature stands of trees, brush, and grasses. It should therefore be expected that the vegetation lost on a per acre / per year basis would have eliminated a considerable amount of CO<sub>2</sub> over the life of the wind project and its reclamation, a span of perhaps 75 to 100 years, or more.

**iii. The Impact of the Footprint Remaining when the Wind Project is Shut Down.**

The third phase to be calculated will be the amount of CO<sub>2</sub> created and the amount of CO<sub>2</sub> not eliminated when the wind projects in the subject area are shut down.<sup>2</sup> This calculation would include: (1) the CO<sub>2</sub> that would be generated to shut down and remove the facilities and transmission lines; (2) the CO<sub>2</sub> that would be generated to re-claim and re-forest the land occupied by the wind projects; and (3) the CO<sub>2</sub> that will not be eliminated from the atmosphere for the many years it will take for the vegetation to re-grow to its original coverage.

The third calculation listed above is of special concern because some very important questions remain unanswered in the BLM's Programmatic EIS. Is there any realistic likelihood 10 or 20 years from now that a sufficient amount of good topsoil could be found to replace all that was lost, and who would finance transporting the new topsoil and new underlying rock to the locations and reestablishing the natural slopes and grades and preventing erosion? How many millions of tons of materials would be needed?

Upon replacement of the underlying rock and top soil, the former wind project areas would then need to be replanted, monitored, and cared for during the next 20 years to re-establish the continuity and structure of the area. With care, it would take at least 50 years for the vegetation to grow back to its original coverage. Who is going to do this?

In all likelihood, the above restoration would never occur and it could take centuries for the vegetation to re-establish itself. The footprint created by the wind project would

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<sup>2</sup>As will be discussed subsequently, wind energy in the subject area is not a fiscally responsible or technologically realistic choice. It is at best a "feel good" or "good propaganda" choice for the present political climate. It is reasonably foreseeable that imminent advances in solar technologies and other renewable energy sources will eclipse wind power, at least in marginal areas such as inland wind areas, as the only responsible and fiscally realistic choice. Consequently, the life of the wind projects in the subject area will be limited.

therefore continue for centuries into the future.<sup>3</sup>

**D. Application of the Results from a "Good Science" Analysis to Quantify the Benefit Gained, if any.**

The final step in this good science analysis is to quantify the benefit gained, if any, by building, operating, and shutting down the wind projects over the life of the same and reclamation of the lands, as compared to instead having built a new non-renewable energy power plant to produce the same amount of electricity.

In doing so, one must recognize that vegetation is the primary mechanism on our planet that eliminates CO<sub>2</sub> from the atmosphere. It makes no sense to destroy the primary mechanism that eliminates CO<sub>2</sub> by replacing it with a new mechanism that creates CO<sub>2</sub>. Even if the wind project footprint is smaller than the new non-renewable energy power plant being replaced by it, what is the difference in size of the two foot prints? If the difference is not of major significance, then the wind project cannot justify the destruction and permanent scarring of this critical habitat and wilderness area, and the scenic beauty of the Pacific Coast Trail in the subject area.

This final step of analysis is one that although beyond the scope of this letter and author's expertise, is one that the BLM should be committed to make as the steward of our Nation's resources. The BLM is therefore asked to commit its resources to this very important step in the process of evaluating these proposed wind projects in the subject area.

**E. Practical Concerns - Does Impulsive Use of an Inferior Wind Technology Justify Destruction of this Critical Habitat and Scenic Beauty and Preclusion of Public Uses?**

Even if the BLM was to find in its analysis as outlined above that there is a substantial reduction of the carbon footprint of the wind project in the subject area (as compared to a new efficient non-renewable energy powered plant), as stewards of our Nation's resources it must also ask the important question: Does that academic conclusion justify the destruction of critical habitat and our Nation's scenic trails and preclusion of public uses?

In connection with this question, the BLM should also ask the common sense

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<sup>3</sup>As an alternative, the BLM could require the private energy companies, utilities, and Municipalities to post bonds to cover the estimated costs of restoration of the original soils, slopes, and vegetation; as is done with some mining enterprises. Such bonds would need to be in the hundreds of millions of dollars to cover the anticipated costs due to inflation over the life of the projects.

questions: How much electricity will be produced by an elaborate and expensive wind project in the subject area? Will all this expense and destruction in the subject area result in enough new electricity to eliminate the need for one small new non-renewable energy power plant that would otherwise be built, or will it result in eliminating the need to build multiple new power plants across the Country?

Or will it result in not eliminating anything because the amount of electricity produced is insignificant?

This point is very important. Although it is now environmentally and politically correct to be a proponent of wind energy in general; it cannot be correct to do so in this specific case, where it will result in the destruction of an important facet of our environment and public use with no significant balancing net gain in reducing CO<sub>2</sub> nor any significant balancing production of electricity. Will the BLM be creating another ethanol debacle in the subject area due to short sightedness, a mistake that will haunt us for hundreds of years?

#### **8. Practical Concerns - Better Renewable Energy Alternatives Exist that are being Ignored.**

A bias currently exists in the Presidential Administration against the oil and gas industry and in favor of the wind industry that makes no sense on economic, energy, environmental, or common sense grounds. The President has implied that a choice must be made between promoting renewable energy and relying on oil; when in fact the two sources of energy are not related to each other. Wind and solar produce electricity. Most of our oil fuels transportation (cars, trucks, planes). Only 1.5 percent of our oil generates electricity. In 2007, wind and solar generated less than 1 percent of U.S. electricity. (Ex. 7, 5/04/10 News Article.)

At our current technological level of utilizing wind energy, it would seem more prudent to preserve our environmental assets, rather than to throw such away on a wishful option that is clearly form over substance. Wind energy may have its place where it does not require the destruction of environmental assets, but only marginally so.

There are a multitude of technological and cost issues related to wind energy that make it a less desirable choice compared to solar. For example, wind is a notoriously unreliable power source that causes it to be poorly matched to peak power needs, particularly here in California where our peak demand is the summer, when wind movement is at it lowest. In the subject area, throughout the year, wind usually blows only in the late mornings and early afternoons due to the temperature differential between the elevations of the valley and desert areas (at opposite ends of the Tejon to Sierra Corridor) as a result of the heating effect of the sun. Regardless of the season, the subject area does not have consistent winds throughout the day as is found along the sea coast. As a result, it is common in mountain based wind turbines to have lines that ground unneeded power when there is insufficient demand on the grid for the power produced during non peak times.

Conversely, solar is much better matched to peak power needs in California and much more reliable as a source of base power. Many other important reasons exist for why wind is not a good choice for the subject area, but such are beyond the scope of this

letter.

Other types of energy production and new technologies including improved solar may only be a few years away. It would seem prudent to wait and see what new technologies are developed in the immediate future, rather than sacrifice these environmental assets in a spur of the moment wishful thinking. These assets, once lost will never be recovered.

The BLM is asked to consider these questions in depth and not only utilize "good science" in its analysis of the propriety of building the wind projects in the subject area; but to also apply common sense to ask whether a small amount of electricity is really worth destroying this unique habitat and scenic beauty.

**9. Economic Concerns - Are the Proposed Wind Farms in Kern County Good for Our Local Economy, or are Wind Farms only Good for the City of Los Angeles?**

**A. No New Jobs.**

A common misconception is that wind energy "creates jobs". This is simply not true. Nationally, 2009 saw the largest increase ever in wind energy capacity, yet there was a net job loss in the industry. (Ex. 8, 1/27/10 and 2/02/10 News Articles.)

Locally, construction and installation jobs on the LADWP Pine Tree Wind Project were short-term, measured in months, not years. Of those jobs created for Kern County residents, most involved the grading of roads and site pads. These were short term jobs.

With respect to potential long term jobs at the wind projects, such as repair and maintenance, LADWP will use its existing union employees who currently reside in Lancaster and other Los Angeles areas to commute to the new project sites. Likewise, LADWP will use its existing Los Angeles based vendors to supply the projects rather than Kern County vendors. There is no savings in logistics (such as warehousing and travel) by using Bakersfield or other Kern County vendors or workers. Existing vendors and workers from the Los Angeles area are closer and have existing logistical experience and support already in place.

**B. No Increase in State or Federal Taxes or Local Tax Base.**

Another common misconception is that wind projects increase the local tax base. This also is not true. Governmental entities such as LADWP do not pay real property taxes. Governmental entities such as LADWP do not pay personal property taxes on improvements (such as wind generating facilities), whether the property to which such are affixed are owned or leased by such governmental entities. (Cal. Const. Art. 13, § 3.) Governmental entities such as LADWP do not pay sales or income taxes.

Governmental owned or operated wind energy projects add absolutely nothing to our local tax base.

The Kern County Assessor's Office has confirmed that the LADWP Pine Tree Wind Project (owned by LADWP), the largest wind project in the State of California, did not pay one penny in tax revenues to Kern County (neither did it pay taxes to the State of California). Because LADWP leased the location of the Pine Tree Wind Project (from the Hansen family), any improvements that are owned by LADWP are tax exempt as it is a municipality.

With respect to privately owned and public utilities, the State and Federal Governments have implemented so many tax incentives, tax credits, subsidies, and the like in favor of wind and solar development that in reality no net taxes will ever be paid. Instead these private and public wind and solar utilities will only receive tax dollars to prop themselves up with.

The misconception that wind projects will generate tax income to Kern County may arise from confusion with the oil industry. The oil industry in Kern County provides 33% of the Kern County tax base, or some \$100,000,000 in economic impact. That is because the oil industry is not owned by a Governmental entity and is not propped up with tax incentives, tax credits, subsidies, and the like. If the oil industry was owned by LADWP, Kern County would lose \$100,000,000 in economic impact.

Because the wind energy in Kern County is and will forever be controlled by Governmental entities, wind energy will never have any real impact on Kern County's economic development. Even if the wind energy was controlled by public or private utilities, there would be no real net tax impact for the State of California due to the tax incentives, tax credits, subsidies, and the like.

**C. Public Entity Use of Private Companies as a Front.**

We have been told by BLM officials that all BLM lands from Ridgecrest to Tehachapi are now under an application process with LADWP and/or private wind companies to develop wind projects. We are aware of the following known wind projects that exist or are in the process of development, which are adjacent to the subject area to the east and north and directly impact the Tejon to Sierra Corridor:

<u>Name of Project</u>	<u>Owner</u>	<u>Acres</u>
Sky Ranch Wind Farm	Florida Power & Light	2,200
Pine Tree Wind Project	LADWP	8,000
Pine Canyon Wind Project	LADWP	12,000
Onyx Ranch	City of Vernon <sup>4</sup>	30,000
		[There remains 38,000 uncommitted acres <sup>5</sup> ]

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<sup>4</sup>The City of Vernon out maneuvered LADWP in its acquisition of the Onyx Ranch land; but appears to be in negotiations with LADWP to sell it to LADWP. (See Ex. 2, 9/15/09 News Article.)

<sup>5</sup>It is not clear from our investigation of the status of the remaining 38,000 acres of the Onyx Ranch sold to Renewable Resources Group.

It is further noted that LADWP and Florida Power and Light, of Florida ("FLP") may be working with or through certain private companies to acquire the subject wind leases with the BLM. This is a common tactic used in the wind industry by Public Entities and Utilities such as the LADWP and FLP. The Public Entity/Utility uses a private company to acquire the land or rights to the land desired by the Public Entity/Utility so as not to be subject to public scrutiny, and once the target is acquired by the private company the target is "flipped" to the Public Entity.

A recent example of this is FLP's use of its wholly owned subsidiary "Boulevard Associates, LLC" for its wind energy applications in T30S R34E. It is further noted that Boulevard Associates, LLC: (1) is a Delaware limited liability company; (2) apparently has no business address or holdings in California; and (3) the only address found for it is in Juno Beach, Florida.

It is hoped that the BLM will be diligent in its review of wind project applicants to avoid this subterfuge.

#### **D. Wind Energy cannot Exist without Governmental Subsidy.**

Finally, one must never lose sight of the fact that wind energy can never be economically viable without significant government supports. The wind energy industry readily admits that without artificial supports such as "green energy" mandates (i.e. California's AB 32), tax incentives and taxes on petroleum products, subsidies, and the like; there would be no "wind industry."

Currently, there is no Federal mandate similar to AB 32 and Federal tax subsidies are about to expire. Meanwhile, California's AB 32 is being challenged on a whole host of fronts: ballot initiative, new legislation (AB 118) and attack from the Governor. It would seem unwise to irrevocably damage a critical ecosystem at stake in the subject area for so few potential benefits.

#### **10. Political Concerns - Is Eastern Kern County Destined to be another Owens Valley?**

A political decision has been made in Washington that our Nation invest its tax dollars in alternate renewable energy sources in the form of wind projects. For the immediate future there is a huge amount of Federal tax dollars available to carry out this political imperative. In a short time these tax dollars will be spent and gone.

The Mayor of Los Angeles has promised his voters that Los Angeles will attain at least 40 percent of its power from sustainable resources by the year 2020. The Mayor has pledged to his voters to make Los Angeles "the greenest city in America". (See, Ex. 9, 2/15/07 Mayor's Publication; Ex. 2, 9/15/09 News Article.)

The Mayor of Los Angeles failed to explain to his voters that he would deforest portions of Kern County in doing so. The Mayor's future election rests on whether he can carry out this promise to the City of Los Angeles. The environmental impact of the Mayor's political imperative on Kern County and the State of California would therefore appear to be of no consequence to him. (Which is consistent with past efforts of the City of Los Angeles to use Kern County farmland as its personal dumping ground for its sewage sludge. The City of Los Angeles is currently petitioning the U.S. Supreme Court to allow it to continue to dump its sewage sludge in Kern County. (See Ex. 10, 3/19/10 News Article.))

For these reasons, LADWP and private wind development companies have demanded that the BLM immediately invest its land resources in Kern County in wind projects so that these entities can reap the benefits of these Federal tax dollars before the purse strings are closed. For this reason, LADWP and private wind development companies went to considerable efforts to avoid allowing the people most affected by their plans from knowing of their plans.

The BLM is asked to carefully consider the long term wisdom of investing our Nation's critical habitat lands and scenic trails in the Tejon to Sierra Corridor in this momentary politically correct investment for the Mayor of the City of Los Angeles. The BLM is the steward of our Nation's resources and must take the long view of what is best for our Country; not the short view of what is best for the moment for a politically powerful entity such as LADWP or its Mayor.

LADWP destroyed the Owens Valley by subterfuge and because public agencies were asleep at the wheel. The LADWP has moved south from Inyo County and now threatens eastern Kern County.

The only truly morally correct imperative (political or otherwise) here is that Kern County's spectacular Sierra Nevada Mountains not be leveled and deforested, and become another vassal province under the heel of the Kingdom of Los Angeles.

## **11. Conclusion.**

The concerns voiced in this letter are very important to us as well as the other residents of Kern County and the State of California. The BLM is asked to carefully consider whether it makes sense to ban access and destroy our Nation's critical habitat and scenic trails in the subject area for the political gain of a few, rather than preserving the heritage of the land for the many. Squandering these valuable resources on an inferior technology that is fiscally upside down and produces an insignificant amount of power is a terrible mistake, at best.

RRC also asks BLM to consider re-opening its public input process associated with the revision of the Caliente Resource Management Plan in order for a more thorough discussion

concerning the Essential Connectivity values of the subject area for the reasons discussed at length in this letter. It is our view that this topic has not received adequate public consideration and public feed back in light of the recent release of the "California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California". This Report focuses on many important concerns that bear directly on the subject area due to its essential position within the Tejon to Sierra Corridor.

As the BLM is probably aware, this Report was published by the California Department of Fish and Game and the California Department of Transportation, in collaboration with many partners, including the BLM. We believe this new Report is based on good science and provides many sound management principles and analysis directly pertinent to the subject area.

The Report also presents information important to the BLM's pending decisions regarding the proposed wind energy projects in the subject area, and the revision of the existing Caliente Resource Management Plan. The experts and Agencies that participated in the Report recommend that within the identified essential habitat connectivity corridors (and the subject area is specifically identified as such), land managers should ensure that wildlife movements, ecological range shifts, and other ecological flows are maintained across these essential corridors. As private land managers surrounding the BLM lands now considered for wind energy development, we support the principles and recommendations in this new Report.

RRC further requests that BLM personnel tour the three existing wind projects adjacent to the subject area to better gauge the devastation such projects have brought upon the land. After doing so, the RRC would welcome the opportunity to show BLM personnel the private and public lands at risk in the subject area. It is our view that only with this hands on in-field review can the BLM truly understand the magnitude of what is at stake.

Please contact the undersigned if you would like to discuss the concerns and issues raised in this letter, or we can provide any further information or assistance in the BLM's consideration of this matter.

Very truly yours,

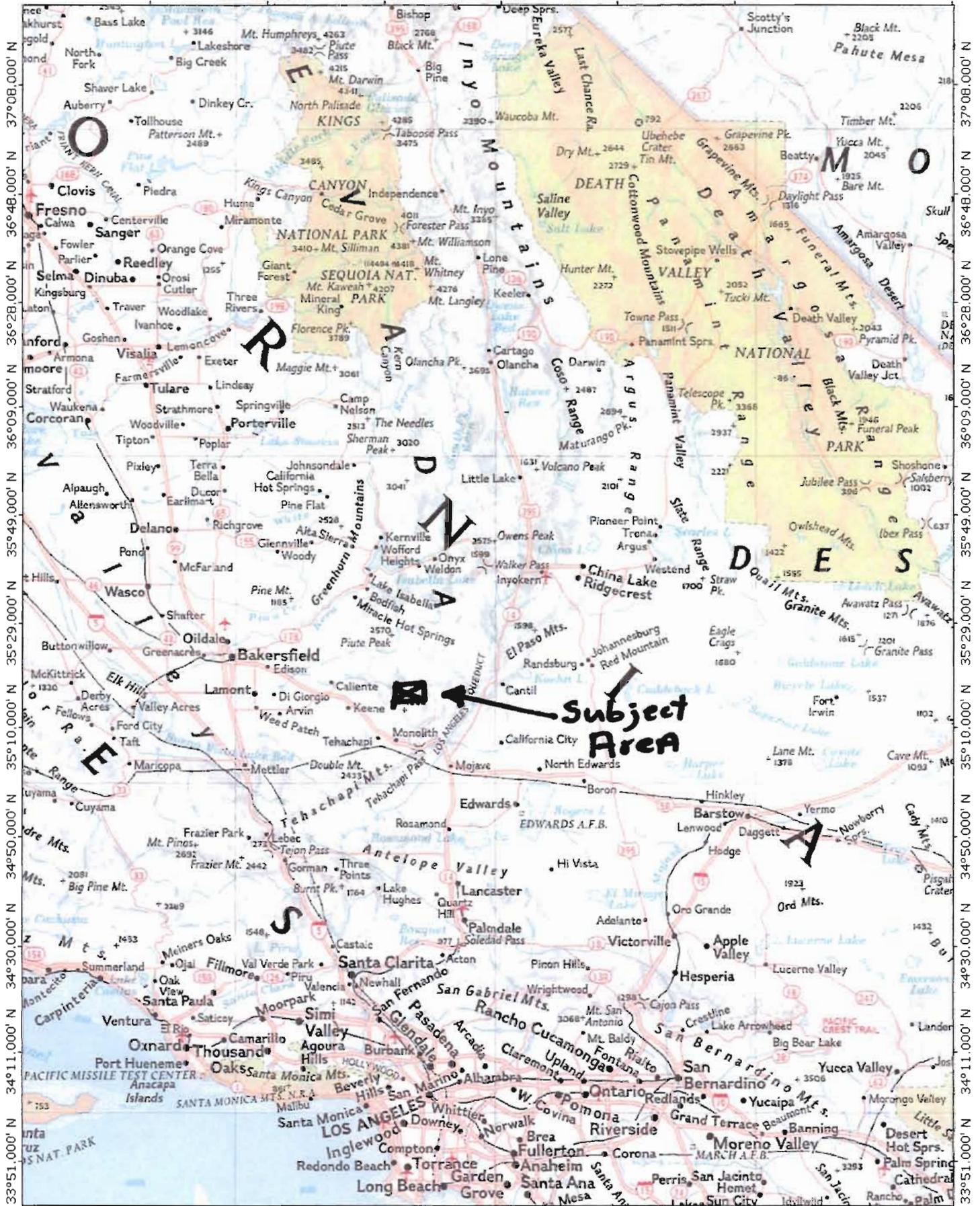


Timothy L. Kleier

cc: RRC Members  
Patricia Crouse, Kern County Cattlewomen's Association  
Bill Rankin, Kern County Cattlemen's Association  
Laureli Oviat, Kern County Planning Department  
Hon. Mayor Antonio Villaraigosa

[K.L-BLM-WindProjects]



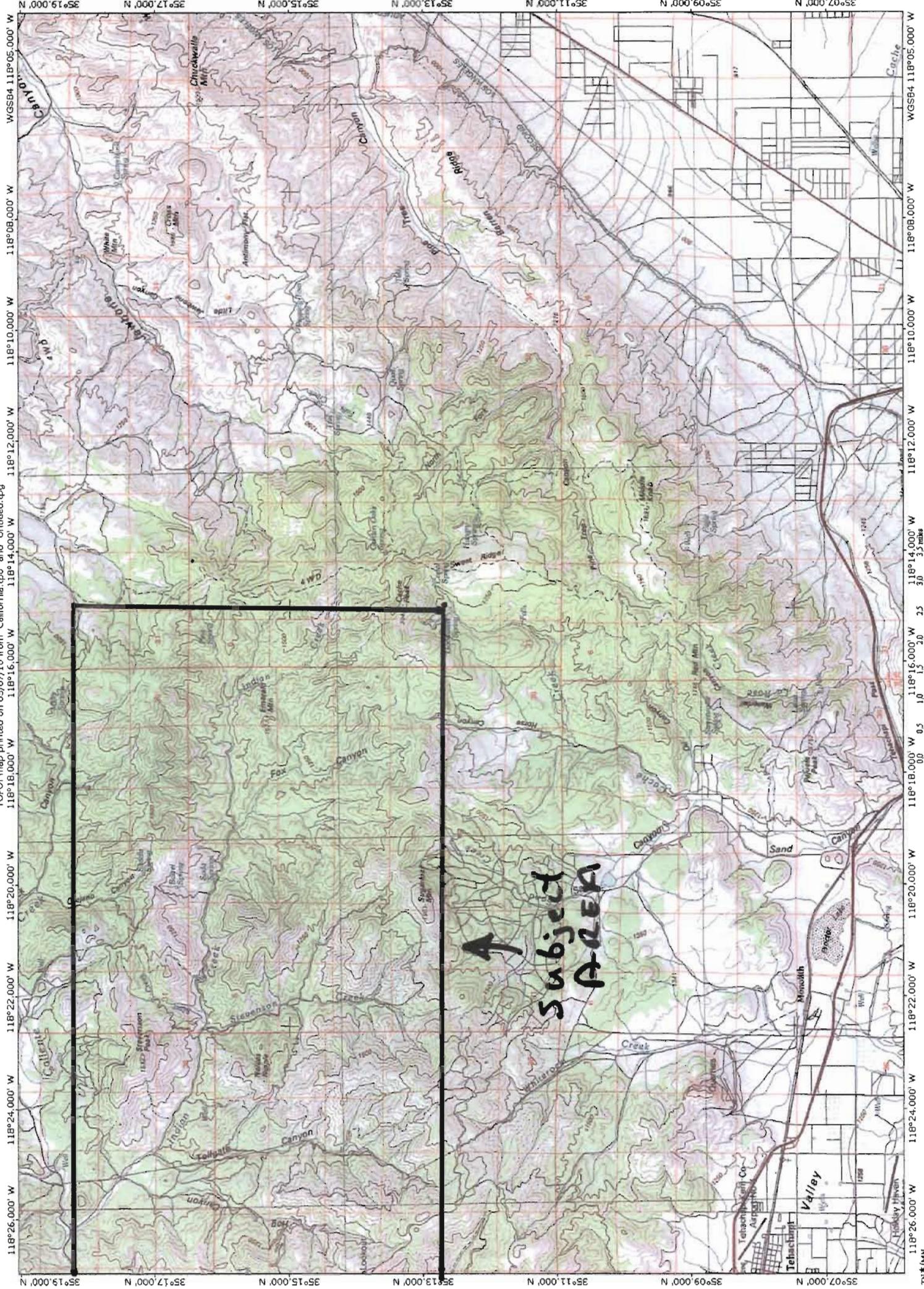


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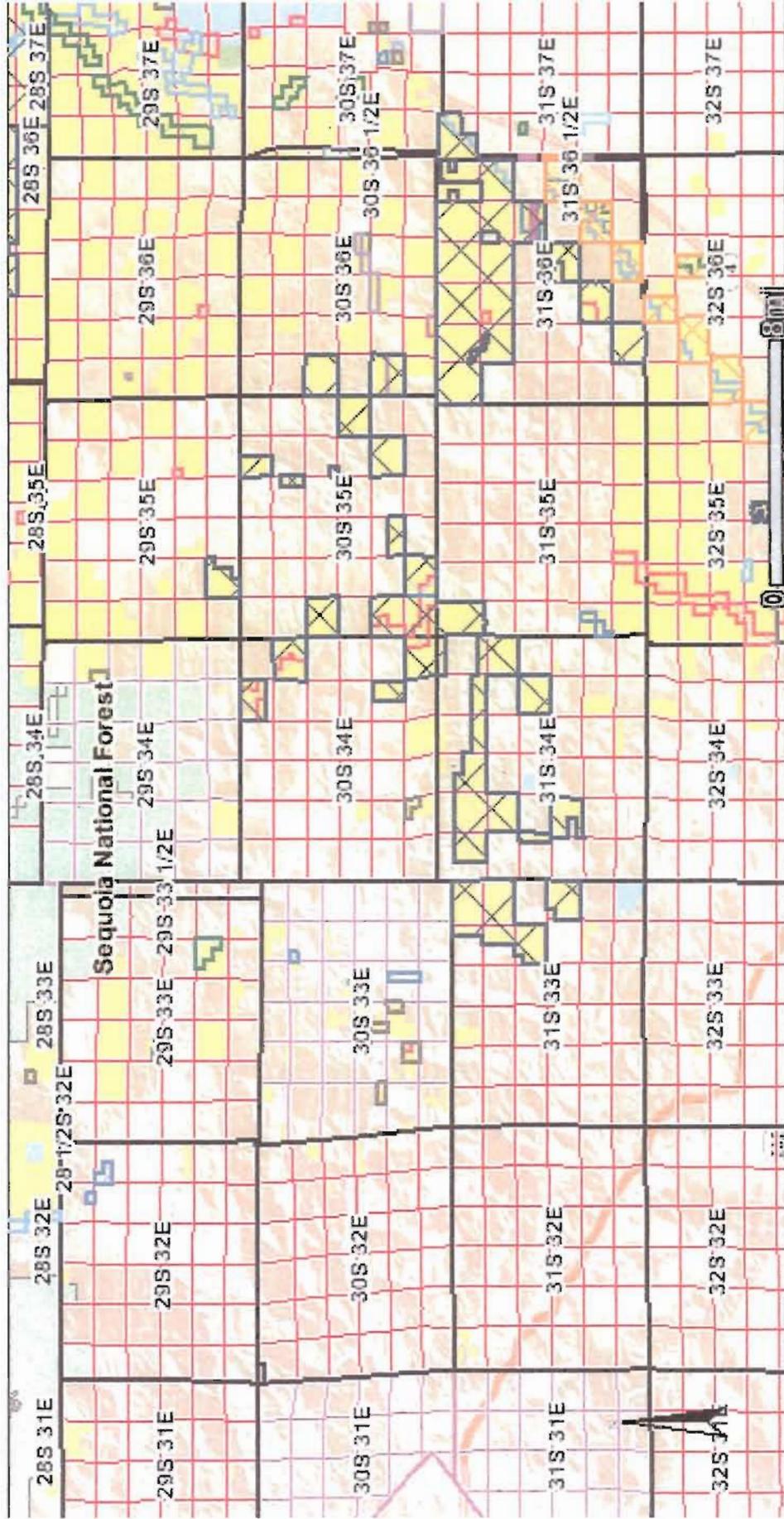


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Map created with TOPOI © 2003 National Geographic (www.nationalgeographic.com/topo)

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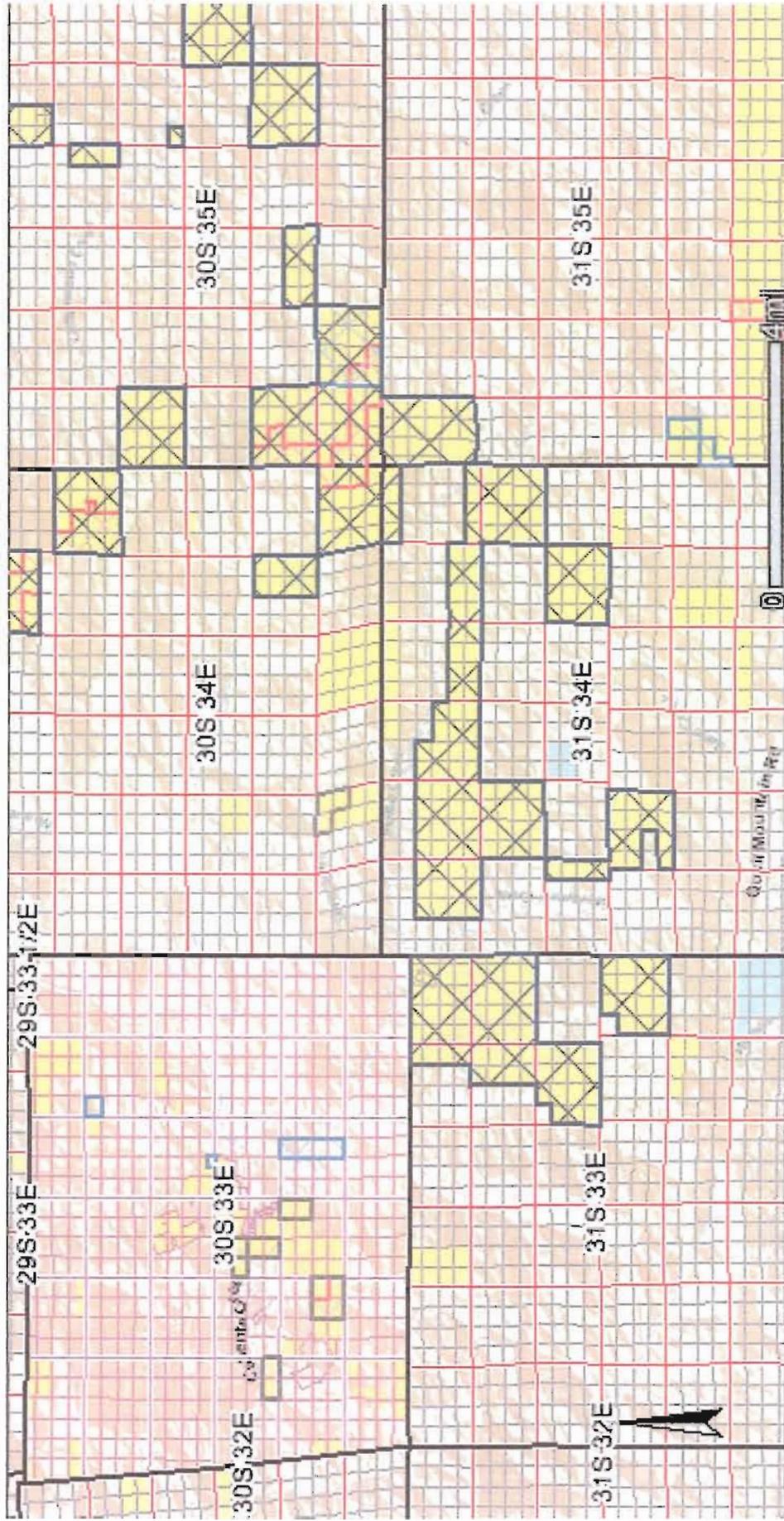
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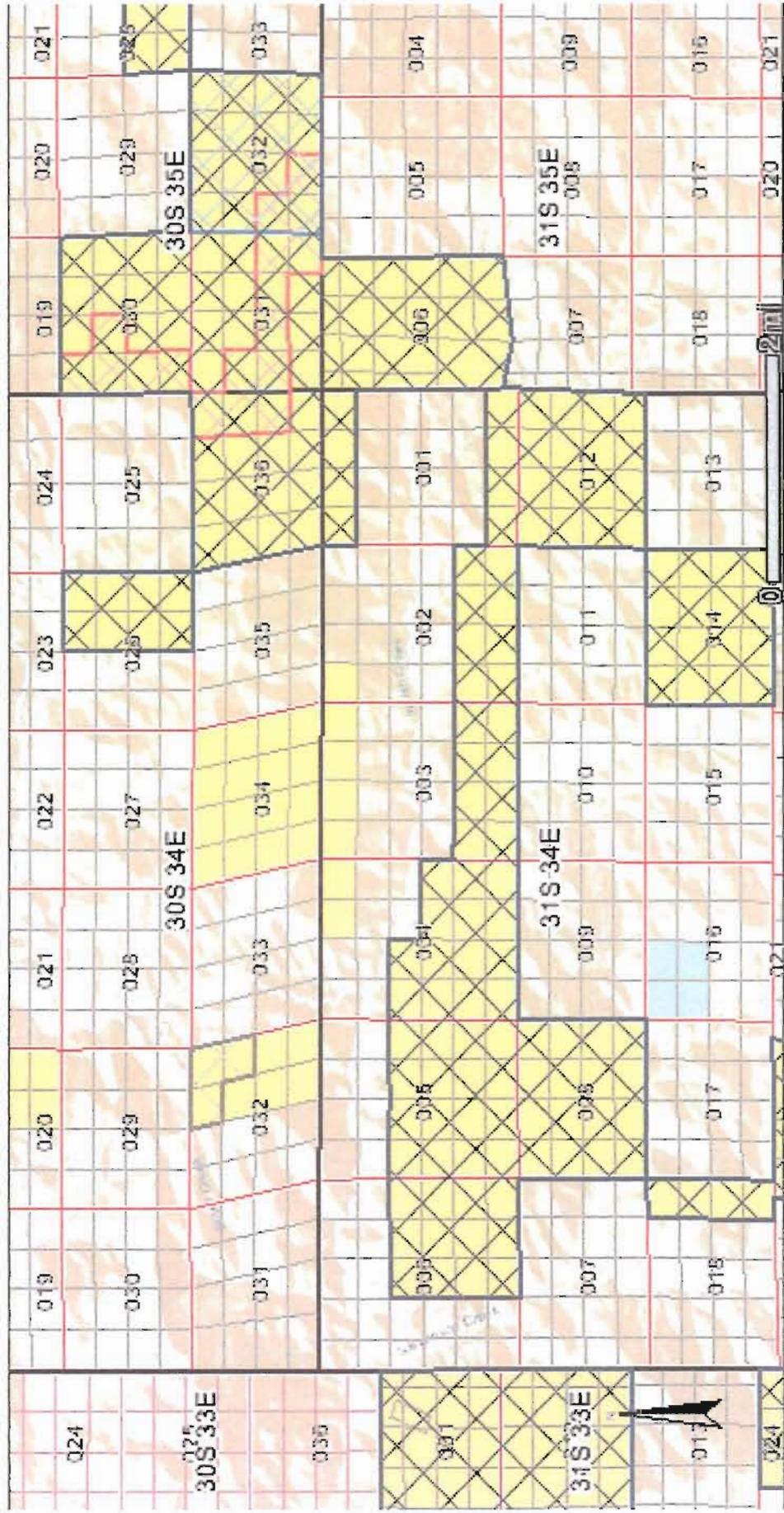
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# Wind Energy 2



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# Legend

Downloadable PLSS Data			
Townships(BLM)	Township Boundaries	Township Labels	Sections
Reference Themes			
State Boundaries	Roads	Major Roads and Highways	County Boundaries
Lakes	Rivers	Urban Areas	National Forests
Base Maps			
Shaded Relief	USGS Topos	Ortho Aerial Photography	
Surface Management Agency	PLSS Principal Meridians	No Base Map	



BLM Lands	BIA
National Forests	BOR
National Parks	DOD
National Monument	FWS
National Conservation Area	TVA
	OTHER
	NON-FEDERAL LAND

2/17/2010

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**U.S. Department of Energy - Energy Efficiency and  
Renewable Energy**

**Wind and Hydropower Technologies Program**

**[Back to News](#)**

# **Los Angeles Breaks Ground on Nation's Largest City- Owned Wind Farm**

**February 11, 2008**

Los Angeles Mayor Antonio Villaraigosa and the city's Department of Water and Power (DWP) broke ground January 31 at the site of the Pine Tree Wind Farm in the Tehachapi Mountains, roughly 100 miles northwest of the city. The \$425 million project is expected to be completed in 2009 and to deliver 120 megawatts (MW) of electricity to Los Angeles, enough to power 56,000 homes.

Villaraigosa says Pine Tree will be the largest municipally owned and municipally operated wind farm in the nation. In comparison, the second largest city-owned wind farm, Sacramento Municipal Utility District's Solano County project, outsources its operations to a third party.

Pine Tree will comprise 80 1.5-MW wind turbines on its 8,000-acre site, feeding electricity into a new high-voltage transmission line, and the new Barren Ridge electrical substation.

Construction is expected to generate hundreds of contract jobs, in addition to 12 full-time jobs for the project's long-term maintenance.

The energy produced at Pine Tree is expected to displace 200,000 tons of greenhouse gas emissions, or the equivalent of taking 35,000 cars off the road. It is also expected to cut 8 tons of nitrous oxide and 11 tons of carbon monoxide. The project will bring Los Angeles closer to its goal of producing 20 percent of its energy from renewables by 2010 — and 35

percent by 2020 — while cutting the city's carbon footprint.

"Pine Tree is the start of a new model of clean energy, in which the City of Los Angeles is no longer satisfied with only buying clean power, but is taking the lead nationally in producing its own," Villaraigosa said.

Villaraigosa also announced plans to develop the Pine Canyon Wind Project on 12,000 acres of recently purchased property adjacent to the Pine Tree project. When completed, the 150-MW wind farm will surpass Pine Tree as the largest wind farm in the nation.

Last May, Villaraigosa announced GREEN LA – An Action Plan to Lead the Nation in Fighting Global Warming. The plan is composed of 50 initiatives that aim to reduce the city's greenhouse gas emissions 35 percent below 1990 levels by 2030, going beyond the targets of the Kyoto Protocol.

For more information, see the mayor's [January 31 press release](#)

To read more about renewable energy and energy efficiency projects in California, see:

- [California news](#) published on the EERE Web site.
- [Brief project descriptions from the California Energy Office](#) published in the EERE State Energy Program newsletter, *Conservation Update*.
- [California publications](#) listed in the EERE State Publications Database.
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[Wind and Hydropower Technologies Program Home](#) | [EERE Home](#) | [U.S. Department of Energy](#)  
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Content Last Updated: 09/23/2005

NEWS RELEASE

August 1, 2007

LADWP Board Moves to Purchase 12,000 Acres of Premier Wind Power Land in Tehachapi Mountains

LOS ANGELES — The Los Angeles Department of Water and Power (LADWP) Board of Commissioners has tentatively agreed to buy nearly 12,000 acres of premier land for new potential wind power in the Tehachapi Mountains in Kern County, pending a 90-day due diligence period. The land, which is adjacent to the LADWP's proposed 120-megawatt Pine Tree Wind Farm, offers significant potential for LADWP to expand the wind power project and add additional resources toward achieving Mayor Antonio Villaraigosa and LADWP's goal of obtaining 20 percent of renewable energy resources by 2010.

Approved by the Board on July 27, the \$12 million agreement provides the due diligence period prior to the close of escrow, allowing LADWP to conduct additional reviews and evaluation of the potential wind power resources and ensure a wise investment for the City's 1.4 million electric customers.

"We have a unique opportunity for additional wind power resources that will provide greener and cleaner energy for the City of Los Angeles," said Board President H. David Nahai. "This land is a recognized, premiere wind power resource area in close proximity to the Pine Tree Wind Farm and existing transmission lines. This purchase will greatly expand the City's commitment toward regional wind power and upholds LADWP's long-standing tradition of owning and operating its generating facilities. It is an opportunity we cannot afford to miss."

In addition, the Board authorized a 33-year easement agreement with the Hansen Family Limited Partnership for rights to develop, operate and maintain a section of the LADWP's Pine Tree Wind Project on various parcels of the Hansen Family Ranch property. This action, which requires City Council approval, helps pave the way for construction to begin on the project later this year. Earlier this month, the Board also awarded a contract to Par Electrical Contractors Inc. to build an 8-mile, 230 kV transmission line that will carry wind energy from the Pine Tree station to the Barren Ridge Switching Station north of Mojave. From there, the energy will be transported south to Los Angeles via the existing Owens Rinaldi Transmission Line. The Pine Tree Wind Farm, expected to be in full commercial operation in April 2009, will be the largest municipally owned and operated wind power plant in the country—providing enough green energy to serve about 56,000 homes.

*The Los Angeles Department of Water and Power, the nation's largest municipal utility, provides reliable, low-cost water and power services to Los Angeles residents and businesses in an environmentally responsible manner. LADWP services about 1.4 million electric customers and 680,000 water customers in Los Angeles.*

###

Contact for News Media:

**LADWP,**  
Carol Tucker, 213-367-1815

latimes.com/news/local/la-me-wind15-2009sep15,0,839175.story

latimes.com

## DWP outmaneuvered on Kern County land purchase

**A business venture led by a friend and advisor to L.A.'s mayor beat the DWP to Onyx Ranch, a 68,000-acre parcel east of Bakersfield that the utility wanted for a wind farm.**

By David Zahniser

September 15, 2009

A business venture led by a friend and advisor to Los Angeles Mayor Antonio Villaraigosa outmaneuvered the city last year to buy land in Kern County that the Department of Water and Power wanted for a wind farm.

The purchase of Onyx Ranch, which covers nearly 68,000 acres east of Bakersfield, highlights the dual roles played by J. Ari Swiller, an entrepreneur whose field, renewable energy, has received a significant boost from the mayor's pledge to make Los Angeles "the greenest big city in America."

Swiller and the mayor have long-standing ties. Both were employed by supermarket billionaire Ron Burkle at the start of the decade, after Villaraigosa lost his first run for mayor. When Villaraigosa announced his second mayoral bid in 2004, Swiller served as a campaign fundraiser. And after Villaraigosa won, Swiller helped him decide who should be appointed to various city commissions.

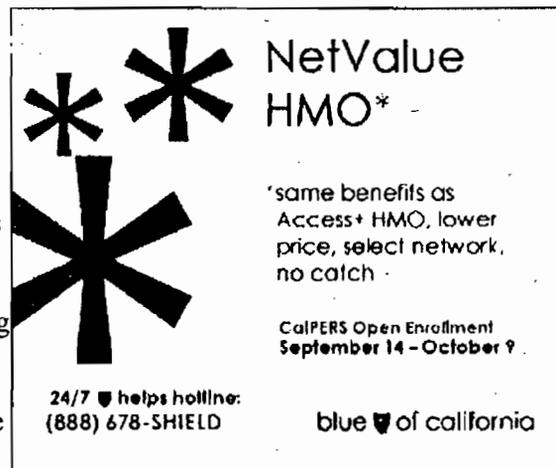
Since 2004, Swiller also has been a co-owner of Renewable Resources Group, a Los Angeles-based firm that develops and invests in clean energy.

In the case of Onyx Ranch, the venture headed by Swiller beat the DWP to the land, bought it for \$48 million and, before the transaction was completed, offered to sell less than half of it to the utility for \$65 million.

H. David Nahai, the DWP's general manager, rejected the offer. Swiller's venture, a partnership between his and another firm, then sold the portion sought by Los Angeles for \$42 million to the city of Vernon, a neighboring industrial community with its own electric utility.

Since then, Los Angeles officials have been weighing whether to wage a potentially costly and lengthy legal battle against Vernon to gain ownership of the land, considered prime territory for towering turbines that would generate electricity from the winds that blow across the Tehachapi Mountains.

Villaraigosa's appointees at the DWP met behind closed doors two weeks ago to discuss a possible purchase from Vernon, a move that would help the mayor keep his promise to bring wind, solar and



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price, select network,  
no catch

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The man monitoring the DWP's progress on that promise is Deputy Mayor S. David Freeman, who was appointed in April to handle environmental issues for Villaraigosa. Freeman also knows Swiller, having helped him found Renewable Resources Group in 2004. He left the firm in 2005 to become one of the mayor's harbor commissioners.

Swiller has repeatedly declined requests from The Times to say whether he has other business activities that intersect with the mayor's policy priorities. He also declined to be interviewed directly, asking that questions be sent to his lawyer.

In her written responses, attorney Lynda B. Goldman said Swiller did not know that the DWP wanted control of Onyx Ranch until early 2008. A private wind developer who was party to the negotiations, however, said that he believes Swiller knew of the DWP's involvement months earlier.

Nick Patsaouras, a former DWP commissioner, said he believes that the Swiller venture's purchase and resale of the valuable terrain has probably delayed the DWP's plan for developing a wind farm on the site by at least three years. Patsaouras, a onetime Villaraigosa appointee, also warned that the DWP would probably be forced to pay a higher price than it had anticipated.

"Now they are in a situation where they will have to pay a premium," he said.

Villaraigosa spokesman Matt Szabo said the mayor would not comment on whether the city utility should complete such a purchase -- or whether the transactions at Onyx Ranch have complicated the DWP's wind farm plans. Szabo said Villaraigosa was unaware of the situation and "does not discuss his friends' private business matters with them." He added: "It's not part of the mayor's agenda to worry about people's private business dealings."

Swiller's attorney said her client had no conversations about Onyx Ranch with the mayor or any of his representatives. She called Patsaouras' assertions about the effect on the DWP "highly questionable" and said Swiller and his partners made "numerous attempts to purchase the property." One of Swiller's business partners made an offer in 2001. Three years later, Swiller's firm made another attempt, she said.

"For more than a decade, it has been common knowledge among renewable-energy professionals active in Southern California that Onyx Ranch could produce wind power," she wrote.

Goldman said Swiller's venture had hoped to develop a wind farm on the southern portion of Onyx Ranch but changed plans once the DWP threatened to go to court to force a sale of the property. Given the risks associated with an eminent domain action, Swiller's venture concluded it was best to sell 30,000 acres of Onyx Ranch and "remove itself from the future development of the site," Goldman said.

The DWP's Nahai said he was not troubled that someone close to Villaraigosa had bought and resold property sought by his agency.

Swiller "has this friendship to the mayor. He's an advisor to the mayor. But at the same time, he's a business person," Nahai said. "So if nothing untoward occurred here, he'd be as free as anybody else to try to do a business deal."

### **Ranch transactions**

To reconstruct the transactions involving Onyx Ranch, The Times reviewed public records from

agencies that include the DWP, the Kern County Planning Department and the city of Vernon. Details also come from a court challenge filed when three members of the fractious family that owned the property unsuccessfully sued to stop the sale to Swiller's venture.

Onyx Ranch had been owned for generations by a trust controlled by the Rudnick family, descendants of a Russian Jewish immigrant who came to America in the early 1900s and parlayed a business as a traveling salesman into a cattle-ranching empire.

The DWP spent years working to gain control of the ranch, hoping to make it the site of the utility's third wind farm in Kern County. As recently as last fall, utility managers included a wind farm at Onyx Ranch in its plan to meet Villaraigosa's 2010 deadline for ensuring that 20% of the city's power comes from renewable sources.

To accomplish that goal, the DWP turned to a La Jolla-based company, Padoma Wind Power. Padoma responded to the department's request for renewable energy proposals in 2004, the same year it signed a letter of intent with the Rudnicks to negotiate in good faith, according to Jan Paulin, the company's president and chief executive.

Padoma hoped to lease roughly 9,300 acres from the Rudnicks and develop a wind farm on the site. It then planned to sell the electricity to L.A. over nearby DWP transmission lines. Although the DWP identified Padoma as a potential developer of wind energy in 2005, two years passed before the utility and the company signed a limited agreement and began negotiations.

In June 2007, DWP executive Randy Howard met with Padoma officials and the Rudnicks at the L.A. Convention Center to restate the city's interest in pursuing the project, Paulin said in a recent interview.

"He said the DWP was very committed to this project and wanted it in the ground ASAP," Paulin said. "He encouraged us, and the Rudnicks, to get together as soon as possible to negotiate the land lease."

One month later, Padoma entered into an exclusive 90-day agreement to negotiate with the Rudnicks, who had been haggling among themselves for years over how to dispose of their holdings. The family's trust had already received offers from the Nature Conservancy and Florida Power & Light and taken no action.

In September 2007, Paulin met with three members of the Rudnick family in Century City. The family's trustee, Oscar Rudnick, was accompanied by Swiller, Paulin said.

According to Paulin, Swiller told him at the meeting that his firm wanted to purchase Onyx Ranch. Paulin also said he told Swiller that the DWP was "very interested" in using the property to create a wind farm and was already in negotiations with Padoma to buy the power. "None of that was news to him, at least as far I could judge," Paulin said.

To buy the land, Swiller's firm had teamed up with CIM Group, a Hollywood-based real estate company well-known around Los Angeles City Hall. Over the last seven years, city agencies have agreed to provide CIM with \$58 million worth of loans and subsidies. And two city pension boards have agreed to invest up to \$115 million in CIM funds on behalf of city retirees.

A few weeks before Swiller met with the Rudnicks in Century City, CIM Group had persuaded the California Public Employees Retirement System to invest up to \$200 million in a new infrastructure fund managed by the firm.

A marketing booklet promoting that fund talked up plans to "acquire a 68,000-acre ranch located near Tehachapi" for development of a wind farm. A spokesman for the firm declined to say if any of its investment funds financed the purchase of Onyx Ranch.

Swiller was the "senior executive" of the joint venture between CIM Group and Renewable Resources Group, according to one court document. In his own declaration filed with the court, Swiller identified himself as "the operating member" of the venture, which took on the name ReNu Resources LLC. "He spearheaded the transaction," Paulin said.

CIM, working with Swiller's firm, sent a purchase and sales agreement to the Rudnick family in November 2007. Weeks later, Paulin wrote letters attempting to block the sale to Swiller's venture, saying the Rudnick family had violated the terms of its exclusive negotiating agreement with Padoma, according to court records.

The Rudnicks brushed aside Padoma's complaints, according to correspondence contained in the court file.

By January 2008, DWP officials had become so concerned that Padoma was faltering in its effort to gain control of the ranch that it sent its own letter to the Rudnicks stating that Los Angeles was now interested in buying the land -- not just leasing it.

The DWP told the family it was prepared to pay \$50 million, Nahai said. But city officials also notified the trust that they might file an eminent domain lawsuit to get the property through a court-ordered sale -- a fact that disturbed Oscar Rudnick.

"If anybody's wearing a black hat, it's the DWP," he said. "How would you like it if somebody threatened to condemn your land?"

#### **Agree to sell**

Weeks later, the Rudnicks rejected the idea of a lease with Padoma and agreed to sell to the Swiller-CIM partnership.

In February 2008, Rudnick family members voted 60% to 40% to sell to the Swiller group. The price was \$48 million.

Swiller's lawyer said that was the same month her client "learned that DWP had an interest in purchasing or otherwise gaining site control of the property."

Three of Oscar Rudnick's uncles, led by Philip Rudnick, 77, challenged the sale in court, saying other family members had failed to take the best deal for the trust's beneficiaries. In a declaration filed in court, Philip Rudnick accused Oscar Rudnick of improperly allowing Swiller into the family's negotiations with Padoma.

The elder Rudnick also said in his declaration that during a lunch break at the meeting in Century City -- while Padoma executives were not present -- Swiller had urged the family to abandon its plans with Padoma.

Oscar Rudnick disputed that version of events, saying his uncle wanted to preserve a deal with Padoma because he had an additional piece of property that he planned to develop with that firm. Swiller, for his part, "did not urge family members in one direction or another as it related to Padoma Wind Power's

request," his lawyer said.

A judge upheld the sale of Onyx Ranch in May 2008 and said that Philip Rudnick had not filed his lawsuit "in good faith." The losing side filed an appeal.

On May 15, 2008 -- two weeks after Kern County Superior Court Judge Robert S. Tafoya issued the ruling, but before the deal had actually closed -- Swiller's business partner, D. Cole Frates, approached the DWP, Nahai said, and asked if the agency would be interested in paying \$65 million for the 30,000-acre southern half of the property.

In a recent interview, Nahai characterized the figure as "not even within the realm of possibility." Nahai said he told Frates that there was no point in negotiating with a company over land that it did not yet own -- and was still embroiled in a lawsuit.

"We'd already made our position clear as to what we'd be willing to pay," Nahai said.

Weeks later, Swiller met personally with a high-level DWP executive about the property on Onyx Ranch.

Paulin said Swiller also continued to talk with Padoma, which was trying to resurrect its proposed wind lease. The company spoke to Swiller from April to October 2008 about jointly developing a wind farm on the Onyx Ranch property, Paulin said.

Paulin said that during that period, he had no idea Swiller's venture was also trying to sell the land to Vernon, a city with more than 1,000 mostly manufacturing business and a municipal utility that has developed and sold energy assets over the past decade.

The Vernon City Council voted in August 2008 to pay \$42 million for 30,000 Onyx Ranch acres -- with an option to buy additional acres nearby.

Swiller's lawyer said ReNu had been contacted by Vernon about "alternative energy opportunities." A CIM Group spokeswoman said in a statement to The Times that Vernon was "the most aggressive bidder among several entities that expressed interest in the Kern County land."

Vernon City Atty. Jeffrey Harrison said his city did not seek out ReNu to purchase the land: "I guess it would be best to characterize it as, they found us."

Paulin said the transaction showed that the Rudnicks could have negotiated better. ReNu, the Swiller-led buyer of Onyx Ranch, "sold part of the property to Vernon for almost as much as they paid for the whole thing," he said. "The beneficiaries threw away a lot of money on this deal."

The Swiller-CIM partnership closed escrow on Onyx Ranch in October 2008 and within days sold the portion to Vernon. But it held on to something that one official described as highly valuable: the ability to pump water out of the Onyx Ranch ground and sell it. Lorelei Oviatt, division chief of the Kern County Planning Department, said those rights are "a priceless commodity right now."

In December, DWP officials notified Vernon that it may now be the target of its eminent domain lawsuit.

Nahai said his agency won't buy the land "if the price and terms aren't right."

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EXHIBIT 3

## Environmental Impacts of Wind-Energy Projects

As wind energy development continues to expand, federal, state and local agencies should adopt a consistent approach to evaluating the planning, regulation, and location of wind-energy projects. This National Research Council report proposes a framework that can help in evaluating tradeoffs between the benefits of new wind-energy projects and risks of adverse environmental impacts before projects begin.

There has been rapid growth in the construction of wind-powered electricity generating facilities over the past 25 years in the United States. As the nation considers options for future energy development, environmental questions have emerged as important considerations. Wind-energy facilities emit no atmospheric pollutants and are driven by a renewable source, addressing multiple environmental concerns such as air quality and climate change. But the expansion of such facilities can carry adverse environmental impacts.

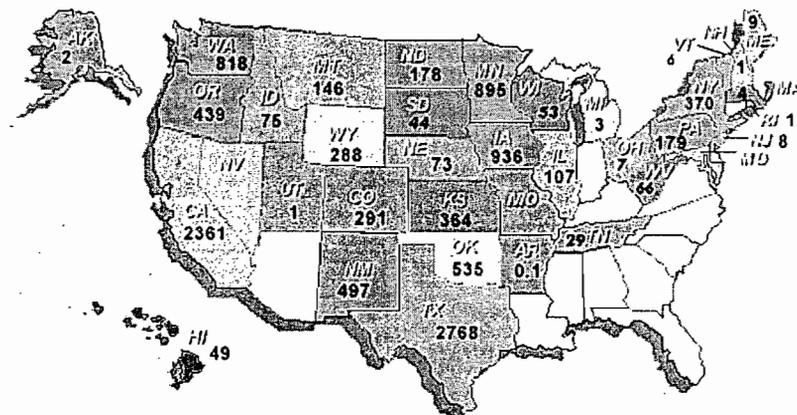
Wind energy provided about 1% of U.S. electricity in 2006 (Figure 1 shows distribution of installed capacity). An often-mentioned advantage of using wind-energy facilities is the reduction of thermal and atmospheric pollution associated with fossil fuel-based energy facilities. According to current projections for use of wind energy in 2020, use of the technology could reduce the energy sector's emissions of carbon dioxide by about 4.5% in 2020. However, more steps need to be taken to

assess potentially negative impacts—including threats to wildlife and sightlines—and evaluate tradeoffs between benefits and possible adverse environmental impacts.

The National Research Council was asked by Congress to review the positive and negative environmental impacts of wind-energy development, including effects on landscapes, views, wildlife, habitats, air pollution, and greenhouse gases.

### Federal Agencies Lack Experience Because Decisions Made Locally

Wind-energy projects exist in 36 states. California has had them since the early 1980s. Most wind turbines are approved through local zoning boards and state authorities. But most state governments, the Federal Energy Regulatory Commission, the Department of the Interior, and the Environmental Protection Agency do not have extensive experience with anticipating, reviewing, and assessing their impacts. The development of a more extensive knowledge base



**Figure 1.** Total installed U.S. wind-energy capacity in megawatts: 11,603 megawatts as of Dec 31, 2006. Source: American Wind Energy Association 2007.

is needed so state and federal agencies can evaluate these impacts in order to better carry out their mandate to protect species and to weigh tradeoffs between the technology's environmental benefits and impacts.

The report urges federal and state agencies to take the environmental impacts of wind-energy more seriously as part of planning, locating, and regulating these facilities. This is because some bird and bat collisions with spinning blades and towers—especially along migration corridors—may begin to threaten local populations of some species if wind facilities rapidly expand over the next 20 years. The report notes that bat populations in the nation's Mid-Atlantic and several other regions of the country may be particularly at risk.

### Effects of Wind-Energy Projects on Wildlife

Development of wind power is on an upswing, particularly in the past seven years (see Figure 2). Out of a total of perhaps 1 billion birds killed annually as a result of human structures, vehicles and activities, somewhere between 20,000 and 37,000 died in 2003 as a result of collisions with wind-energy facilities.

However, the crucial issue is whether these impacts affect whole populations of certain species. At the current level of U.S. installed wind capacity, the report found no evidence of significant impacts on bird populations. One possible exception is certain birds of prey in California whose threatened status may be aggravated by collisions with older wind-energy technology at one area in the state. In light of the lack of follow-up studies of environmental impacts of these facilities, more careful tracking of bird and bat populations, behavior, migration corridors, and other factors that may affect their risk of collisions with turbines is warranted, especially for threatened or endangered species.

To provide a systematic approach to wind energy and its effects, the report's evaluation guide (see next page) recommends using systematic pre- and post-construction studies to explore potential wildlife and other impacts and improve how such facilities are built, located, and operated.

### Potential Impacts of Wind-Energy Projects on Property Values

Perceptions of wind-energy projects, like other potentially controversial developments, vary depending on the characteristics of the surrounding community. Residents living near proposed facilities may resist having their views and sightlines altered. The potential nuisance created by flickering shadows resulting from spinning blades has been raised in other countries with wind-energy facilities but has not been a significant issue to date in the United States.

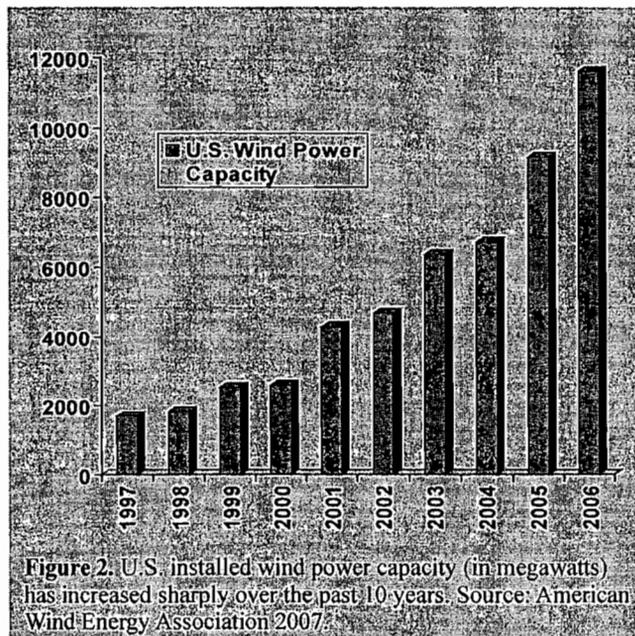
Several research studies failed to detect an average effect of wind-energy facilities on property values within a ten-mile radius of the sites. Despite the difficulty of reaching reliable conclusions about property value impacts, it is possible to identify some of the key factors involved. Aesthetic impacts could be important, especially when a property is valuable for a purpose incompatible with wind-energy projects, such as to experience life in a remote and relatively untouched area. In this scenario a view that includes a wind-energy project may detract from

property values. On the other hand, to the extent that a wind-energy project contributes to the prosperity of an area, it may help to bring in amenities and, therefore, may enhance property values. In addition, landowners can be paid about \$3,000 per year per turbine on their property.

Because the construction of wind installations in the United States is a relatively recent phenomenon, the long-term effects of wind-energy projects on property values are difficult to assess, according to the report. While property values may be initially affected by a wind-energy project, the effect may diminish as the project becomes an accepted part of the landscape.

### Consideration of Other Ecological Impacts

Although research and monitoring studies are not extensive, a review of existing studies indicates that adverse effects of wind-energy facilities on ecosystems



## Guide for Evaluating Wind-Energy Projects

### Some elements to consider in policy, planning, and public relations

1. Have mechanisms been established to provide necessary information to interested and affected parties, and to seek meaningful input from them as wind-energy projects are planned and implemented? Are developers required to provide early notification of their intent to develop wind energy?
2. Are procedures—including policies and regulations—in place for evaluating the impacts of wind-energy projects that cross jurisdictional boundaries?
3. Is guidance available to developers, regulators, and the public about what kinds of information are needed for review, what degrees of adverse and beneficial effects of proposed wind-energy developments should be considered critical in evaluating a proposed project, and how competing costs and benefits of a proposed project should be weighed with regard to that proposal only, or by comparison with likely alternatives?
4. Are regional planning documents available that provide guidance on the quality of wind resources, capacity of transmission options, potential markets, major areas of concern, and tradeoffs that should be considered?

### Legal and Regulatory Considerations

1. Are wind-energy guidelines and regulations issued by different federal agencies compatible, are those guidelines and regulations aligned with other federal regulating rules and regulations, and do the guidelines and regulations follow acceptable scientific principles when establishing data requirements?
2. Does the review process include steps that explicitly address the cumulative impacts of wind-energy projects over space and time; that is, by reviewing each new project in the context of other existing and planned projects in the region?

### Evaluation of Impacts

1. Are the biological, aesthetic, cultural, and socioeconomic attributes of the region sufficiently well known to allow an accurate assessment of the environmental impacts of the wind-energy project, and to distinguish among the potential sites considered during the site selection process? Are there species, habitats, recreational areas, or cultural sites of special interest or concern that will be affected by the project? Are there key gaps in the needed information that should be addressed with further research before a project is approved or to guide the operation of an approved project?

### Environmental Impacts

1. What environmental mitigation measures will be taken and how will their effectiveness be measured? Are there any legal requirements for such measures (e.g., habitat conservation plans)? Are any listed species at risk from the proposed facility?
2. How and by whom will the environmental impacts be evaluated once the project is in operation? If these evaluations indicate needed changes in the operation of the facility, how will such a decision be made and how will their implementation be assured?
3. What pre-siting studies for site selection and pre-construction studies for impact assessment and mitigation planning are required?
4. What post-construction studies, with appropriate controls, are required to evaluate impacts, modify mitigation if needed, and improve future planning?

### Impacts on Human Health and Well-Being

1. Have pre-construction noise surveys been conducted to determine the background noise levels? Will technical assessments of the operational noise levels be conducted? Is there an established process to resolve complaints from the operation of the turbines?
2. Is there a process in place to address complaints of shadow flicker and does the operator use the best software programs to minimize any flicker?

### Aesthetic Impacts

1. Has the project planning involved professional assessment of potential visual impacts, using established techniques such as those recommended by the U.S. Forest Service or U.S. Bureau of Land Management?
2. How have the public and the locally affected inhabitants been involved in evaluating the potential aesthetic and visual impacts?

### Cultural Impacts

1. Has there been expert consideration of the possible impacts of the project on recreational opportunities and on historical, sacred, and archeological sites?

### Economic and Fiscal Impacts

1. Have the direct economic impacts of the project been accurately evaluated, including the types and pay scales of the jobs produced during the construction and operational phases, the taxes that will be produced, and costs to the public?
2. Has there been a careful explication of the indirect economic costs and benefits, including opportunity costs and the distribution of monetary and non-monetary benefits and costs?
3. Are the guarantees and mitigation measures designed to fit the project and address the interests of the community members and the local jurisdictions?

### Electromagnetic Interference

1. Has the developer assessed the possibility of radio, television, and radar interference?

### Cumulative Effects

1. How will cumulative effects be assessed, and what will be included in that assessment (i.e., the effects only of other wind-energy installations, or of all other electricity generators, or of all other anthropogenic impacts on the area)? Have the spatial and temporal scales of the cumulative-effects assessment been specified?

have occurred. The construction and maintenance required to install wind turbines and roads alters ecosystems through the clearing of vegetation, soil disruption, and the potential for erosion and noise. These changes can lead to habitat loss and fragmentation for forest-dependent species. This impact is particularly important in the Mid-Atlantic Highlands, because wind-energy projects there have all been constructed or proposed in forested areas.

Plants and animals throughout an ecosystem respond differently to changes in forests, and although no deaths of animals listed under the Endangered Species Act have been recorded to date, agencies should evaluate this possibility. This knowledge should be weighed using the evaluation guide (*see previous page*) outlined in the report to minimize ecological impacts and inform decisions on planning, siting, and operation.

### Comparative Research on Environmental Impacts is Crucial

As policymakers weigh strategies for future energy development, an ability to compare the environmental impacts and benefits of various options will improve the information base for decisions. But a lack of side-by-side information on the environmental costs and benefits of wind-energy development compared with other types of energy facilities makes it difficult to project impacts on wildlife and ecosystems for the different energy options policymakers and developers are considering.

To address this lack of information, the report's evaluation guide will help assess the environmental effects of wind-

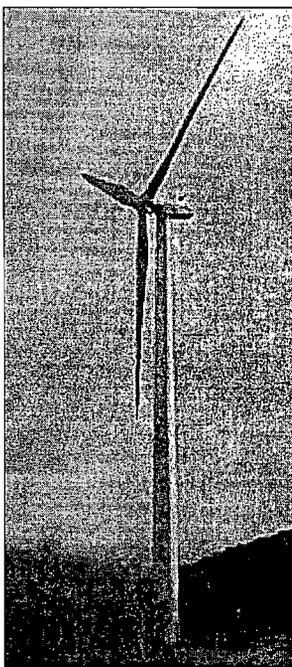
energy projects before they are built and after installation. Such information will facilitate comparisons with other energy options. The guide contains a matrix, which is not pictured, for coordinating the review of wind-energy projects across federal, regional/state and local governments. It addresses a range of issues including legal, regulatory, health, environmental, aesthetic, cultural, and economic impacts.

Objective, systematic methods of assessing aesthetic impacts, including visual impacts, are available, such as some methods used by the U.S. Fish & Wildlife Service. They can and should be adapted to use for wind-energy projects.

#### The Guide for Evaluation of Wind-Energy

Projects emphasizes the need to create opportunities for public input by incorporating participation by those whose well-being may be affected by siting decisions so these impacts can be minimized or avoided. The guide should be routinely used to help organize regulatory reviews and encourage public input. As a result, the public, policymakers, energy developers, state and federal agencies, and other interested groups will have a richer information base for decision-making.

In addition, government agencies could use this guide to develop methods for addressing tradeoffs between the benefits, costs, and environmental impacts of wind-energy facilities in comparison with other energy options, which are seldom evaluated this comprehensively. This will help inform future choices about which types of energy development should be pursued to meet the nation's growing needs.



**Committee on Environmental Impacts of Wind-Energy Projects: Paul Risser (Chair), University of Oklahoma; Ingrid Burke, Colorado State University; Christopher Clark, Cornell University; Mary English, University of Tennessee; Sidney Gauthreaux, Jr., Clemson University; Sherri Goodman, Center for Naval Analyses; John Hayes, University of Florida; Arpad Horvath, University of California, Berkeley; Thomas Kunz, Boston University; Lance Manuel, University of Texas, Austin; Erik Lundtang Petersen, Risø National Laboratory, Denmark; Dale Strickland, Western EcoSystems Technology, Inc.; Jean Vissering, Jean Vissering Landscape Architecture; James Roderick Webb, University of Virginia; and Robert Whitmore, West Virginia University**

**This report brief was prepared by the National Research Council based on the committee's report.** For more information or copies, contact the Board on Environmental Studies and Toxicology at (202) 334-3060 or visit <http://nationalacademies.org/best>. Copies of *Environmental Impacts of Wind-Energy Projects* are available from the National Academies Press, 500 Fifth Street, NW, Washington, D.C. 20001; (800) 624-6242; [www.nap.edu](http://www.nap.edu).



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# NEWS RELEASE

March 10, 2010

## Conservancy Identifies Available Land for California to Increase Renewable Energy Goals

Contact: David Myers, Executive Director, The Wildlands Conservancy  
April Sall, Conservation Director, The Wildlands Conservancy  
Joan Taylor, Chair, Sierra Club Desert Energy Committee

The Wildlands Conservancy (TWC) inventoried over 225,000 acres of primarily disturbed and degraded lands along major transmission corridors on which the owners support renewable energy development. This is almost twice the 128,000 acres the California Energy Commission said is needed for California to meet its 2020 goal of being 33% reliant on clean renewable solar energy. Elden Hughes, honorary vice-president of the Sierra Club, stated, "The Wildlands Conservancy's inventory will take pressure off destroying our pristine Bureau of Land Management (BLM) lands." Joan Taylor, Chair of the Sierra Club's Desert Energy Committee, remarked, "We have been saying all along that there are enough impacted lands to meet our state renewable energy goals. Now we have an inventory that proves it."

TWC became involved in finding alternative locations for solar projects after lands TWC purchased for conservation were subsequently opened for solar applications by the Bush Administration. When TWC donated these lands, representing the largest land gift in American history, President Bill Clinton, Vice President Al Gore, and Interior Secretary Bruce Babbitt promised the lands permanent protection. In December 2009 Senator Dianne Feinstein introduced a bill to create the 941,000 acre Mojave Trails National Monument to ratify this federal protection of what Gore called "some of the most pristine and scenic desert lands in the world."

For eighteen months, TWC's staff has been meeting with land owners, renewable energy firms, and power companies to quantify acreages available for renewable energy. During the inventory TWC staff contacted over 57 landowners and renewable energy firms that have solar and wind project proposals on private land. TWC staff also met with three water and utility agencies that have enough impacted lands available or proposed for solar development to reach California's 2020 goal of using 33% renewable energy.

1. In 2009, TWC hired a consulting firm to evaluate the solar potential of the Westlands Water District (WWD). WWD has 90,000 acres of farmland available for the placement of solar projects. In a meeting with Tom Birmingham, WWD's General Manager, TWC lent support for WWD's willingness to fallow land it bought from farmers for solar development to create improved water reliability for the remaining 500,000 acres in the water district. An additional 17,000 acres

in the WWD owned by farmers is proposed for solar development. WWD land is along existing transmission corridors from Los Angeles to Sacramento, next to Interstate 5 in California's Central Valley, which has substantial solar insulation.

2. Today at TWC's Oak Glen Preserve, the Los Angeles Department of Water and Power announced the formal abandonment of a power line proposal through two of TWC's preserves. LADWP will pursue its renewable energy goals on 32,000 acres of disturbed lands on Owens Dry Lake where the City has existing transmission corridors. April Sall, Conservation Director of TWC noted, "The Wildlands Conservancy has long supported solar on a portion of Owens Dry Lake which has a substantial restoration element. This project takes pressure off imperiled species that would be severely impacted by projects on pristine Bureau of Land Management lands."
3. Jesse Montaño, Assistant General Manager of the Imperial Irrigation District, said there are 4,000 megawatts of renewable energy projects in development within the District. The 3,000 megawatts of solar and 1,000 megawatts of geothermal represent one fifth of California's 2020 goal of 20,000 megawatts.

TWC inventoried over 15,000 acres of abandoned alfalfa farms in the Antelope Valley region available for solar. This includes the 4,600-acre Arciero Ranch that is under option for solar development to John Musick. Mr. Musick, representing Arciero Ranch, noted, "This is the future of solar in the West. We must repurpose these abandoned lands throughout America rather than destroy our public land treasures." The Arciero Ranch abuts the Beacon Solar LLC/NextEra Project on an adjacent 3,500 acres of abandoned alfalfa fields. [Mr. Musick can be reached at (970) 925-1900.] TWC has broadly supported these Antelope Valley projects on degraded lands and David Myers, Executive Director of TWC, was a guest speaker at the dedication of California's only utility scale power tower built by E-Solar in Lancaster.

Lorelei Oviatt, Kern County's Special Projects Division Chief, stated, "Clearly, there is enough impacted private land out there to take care of our renewable energy needs. Private land projects may look small when evaluated individually, but they add up. In Kern County there are 16 projects under application totaling over 20,000 acres and 2,200 megawatts." TWC is offering up to 30,000 acres of its Kern County habitat preserves as mitigation to help fast-track these renewable energy projects.

San Bernardino County Supervisor Neil Derry observed, "These private land projects benefit county property tax rolls and don't require taking hundreds of thousands of acres off the tax roll for mitigation because they substantially don't have endangered species issues. They create much needed jobs closer to population centers without the county having to expand infrastructure to remote locations. They're a win-win for the county."

During the inventory, TWC visited several of Edison Mission Energy's private land utility scale solar project sites that were recently sold to First Solar. TWC has broadly

News Release

Conservancy Identifies Available Land for California to Double Renewable Energy Goals

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backed the former Edison Mission Energy Projects that are primarily on disturbed agricultural lands and has offered First Solar its support for the former Edison projects. TWC salutes Edison International, Southern California's largest Public Utility, for their support for the Feinstein Desert Protection Act of 2010.

Thomas Dinwoodie, the Founder and Chief Technological Officer of Sun Power, one of the world's largest photovoltaic manufacturers, after meeting with TWC staff wrote: "I greatly admire your work. By pro-actively identifying the right lands for development, you will accelerate our needed push toward solar, and short-circuit potentially years of wasted time, effort and good will between the solar and environmental communities. Your work is a model for other states and countries, and has historic dimension."

Myers summarizes The Wildlands Conservancy's inventory: "Landscape preservation and solar development debate has been mischaracterized as green versus green. Now we have reduced that conflict to the broad-based environmental support for placing projects on disturbed lands versus the lack of support for placing projects on pristine public lands, especially those donated for permanent preservation." Thirteen mainstream environmental groups developed "Renewable Energy Siting Criteria" that support placing projects on disturbed lands (copy enclosed).

TWC uses solar on previously disturbed lands on its desert and central valley preserves and has broadly supported properly sited solar and wind projects. TWC became involved in renewable energy public policy to prevent lands it donated to the Department of the Interior for conservation from becoming industrialized. "It would be a tragedy if the 100-year American tradition of land gift philanthropy that has made Acadia, Grand Tetons and Redwoods National Parks what they are today, died in the desert sands" said Myers.

TWC believes more focus should be kept on distributed generation of roof top photovoltaic energy. A 2005 study commissioned by the California Energy Commission titled "**California Rooftop Photovoltaic (PV) Resource Assessment and Growth Potential by County**" showed that commercial and residential rooftops had the technical potential to generate 67,889 megawatts of electricity. Currently, California peaks around 65,000 megawatts on the hottest of summer days.

4.14.2010

April 2010 Energy Factsheet

**TWC inventory of private lands being utilized for RE development: (from our news release, we have a large excel file of all the developers and landowners we contacted if needed)**

- TWC inventoried over **225,000 acres** of disturbed/degraded private lands along transmission corridors and contacted/met with over **57 landowners and RE firms** proposing RE development (wind solar) on their private lands.
- Westlands Water District: **90,000** fallowed farmland acres available for solar development, and an additional **17,000** in WWD owned by farmers is proposed for solar development.
- **32,000 acres** in Owens Dry Lake is proposed for solar development by LADWP
- Imperial Irrigation District: **4,000 MW** proposed in this district (solar and geothermal)
- Antelope Valley: TWC inventoried over **15,000** acres of fallowed farmland here avail for solar development (includes 4,600 acre Arcerio Ranch
- Kern County: **16** projects under app. **20,000 acres** and **2,200 MW**

**BLM statistics:**

**1. Fast Track Renewable Energy Projects**

**[http://www.blm.gov/ca/st/en/fo/cdd/alternative\\_energy/fast-trackfastfacts.html](http://www.blm.gov/ca/st/en/fo/cdd/alternative_energy/fast-trackfastfacts.html)**

**BLM>California>California Desert District>Alternative Energy>Fast-Track Projects**

# solar	Acres	MW	Solar pv	Solar thermal
9	43,405	4,580	2	7

# wind	Acres	MW
3	19,038	355.5

Total RE projects on the BLM fast-track: **12** (+ 3 transmission projects)

Total acres: **62,443**

Total MW: **4,935**

**2. BLM First in line solar projects (spreadsheet from CDD website)**

**BLM>California>California Desert District>Alternative Energy>Solar Energy Projects**

**[http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pa/energy/solar.Par.45875.File.dat/Renew\\_Energy\\_2\\_09\\_solar.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pa/energy/solar.Par.45875.File.dat/Renew_Energy_2_09_solar.pdf)**

# Apps	Acres	MW	PV	Solar thermal
56	544,010	39,702	21	35

**CEC website stats: <http://www.energy.ca.gov/index.html>**

4.14.2010

- **109 total projects** (power plant projects filed since 1996)  
<http://www.energy.ca.gov/sitingcases/alphabetical.html> (proposed projects listed on the 33% by 2020 page)

- Renewable projects currently proposing to operate in CA (revised 4/8/10)  
Seeking ARRA funds: **49 and 11,055 MW**  
Not seeking ARRA funds: **209 and 58, 536 MW**  
**TOTAL: 258 projects and 69,591 MW**

Renewable Projects Proposing to operate in CA (revised 4/18/10 PDF from [http://www.energy.ca.gov/33by2020/documents/renewable\\_projects/Overview\\_Renewable\\_Projects.pdf](http://www.energy.ca.gov/33by2020/documents/renewable_projects/Overview_Renewable_Projects.pdf) Documents Page - 33% by 2020: Implementing the Renewable Energy Executive Order

- Governor press release states **244 projects** total and approx. **70,000 MW** (all forms of RE)

Press Release - Governor Schwarzenegger Announces 244 Proposed Renewable Energy Projects Throughout State <http://gov.ca.gov/press-release/14092/>

*From the CEC Power Plant Fact Sheet (updated 3/24/09) under the Power Plant Licensing cases; <http://www.energy.ca.gov/sitingcases/index.html>  
[http://www.energy.ca.gov/sitingcases/FACTSHEET\\_SUMMARY.PDF](http://www.energy.ca.gov/sitingcases/FACTSHEET_SUMMARY.PDF)*

- Projects Approved and ON-LINE currently: **44 and 15,220 MW**
- Projects Approved and UNDER CONSTRUCTION/Pre-construction: **11 and 3,027 MW**
- Projects On Hold avail. for construction: 11 and 5,785 MW
- TOTAL projects Approved: **74 and 26,563 MW**
- Total of Projects in Active Review: **28 11,492.8 MW**
- Projects in Active Review that are large-scale solar thermal projects and will assist toward renewable portfolio standard: **12 4,802.8 MW**

From Large Solar Energy Projects page (CEC website)

<http://www.energy.ca.gov/siting/solar/index.html>

- Solar Thermal Projects Under review: **13 4,802 MW**
- ALL RE projects under review: **27 11, 492 MW**

\*\*\*\*\*Sources in BLUE



## BLM FINAL WIND DEVELOPMENT PROGRAMMATIC EIS

( The Wind Energy Development Programmatic EIS evaluates the potential impacts associated with the proposed action to develop a Wind Energy Development Program, including the adoption of policies and best management practices (BMPs) and the amendment of 52 BLM land use plans to address wind energy development. )

*Chapter 3, page 3-1*

### 3 OVERVIEW OF WIND ENERGY PROJECTS

#### 3.1.2.1 Site Access, Clearing, and Grade Alterations

Specifications for the main access road would be dictated by the expected weights of the vehicles transporting turbine components and the construction and lifting equipment that would be used during construction.<sup>2</sup> Because some of the turbine components are extremely long (e.g., blades) or heavy (e.g., nacelles containing all drivetrain components except the rotor), ROW clearances and minimum turning radii also become critical parameters for road design. **Typically, access roads would be a minimum of 10 ft (3 m) wide, but they may need to be as much as 30 ft (9 m) wide to accommodate wide or excessively long loads (PBS&J 2002). A ROW approximately twice the final width of the road would typically be required. All ground disturbances would likely be confined to the ROW.** Finally, because of the anticipated weight of the turbine components and electrical transformers that would be brought to the site, maximum grade becomes a critical road design parameter.<sup>3</sup> While straight-line access roads would obviously minimize distance and cost, the combination of turning clearance requirements and maximum grade can be expected to result in access roads climbing a hill to follow a serpentine path. Other site-specific factors, such as streams and immovable obstacles, would also dictate the path. At a minimum, construction of the access road would require removing vegetative cover.

Because candidate sites can be in forested areas, clearing the road path may also involve some tree removal. Depending on subsurface stratigraphy, surface soils may need to be excavated, and gravel and/or sand may need to be imported to establish a sufficiently stable road base. The road is expected to have all-weather capability but is not likely to be paved. Compacted gravel is the most likely finishing material. Although the ideal path would be chosen to avoid grade changes as much as possible, **some grade alterations can nevertheless be anticipated. Engineered storm water control may be necessary, and natural drainage patterns are likely to be altered, at least on a local scale. In sites with near-surface aquifers, provisions for subsurface drainage may be required to maintain road stability. The road base itself may also act as an artificial path for subsequent groundwater movements. Although wetlands would be avoided, roadways in the vicinity of wetlands may still need to be evaluated for their impacts on the wetlands.**

Transportation logistics have become a major consideration for wind energy development projects because of the trend toward larger rotors and taller towers. Depending on contractual arrangements, either the site developer or the turbine manufacturer (or a transportation subcontractor) is responsible for securing all necessary permits (Steinhower 2004). Depending

2 It is conceivable that some sites would require multiple access paths; however, it is expected that only one main path would be established over which the heavy and/or large construction equipment and turbine components would be brought to the site.

3 See Table D-2, Appendix D, for anticipated ranges of turbine component sizes and weights.

p. 3-4

on the location of the manufacturer's fabrication plant, transportation may involve ship, barge, rail, and/or road transport. While the majority of environmental impacts would occur while creating access to the site from existing public highways, previously disturbed public or private roadways may also need to be altered to accommodate heavy and/or oversized transport vehicles.

It is reasonable to expect that special road transportation permits would be required for some vehicles, and modifications to existing roads may also be necessary. Excessive weight may require fortification of existing bridges. Large loads may require the temporary removal of height or turning radius obstacles.

**On-site roads can also be expected to be built to the minimum specifications necessary to support vehicles for transporting turbine components and construction and lifting equipment.**

Constructing both the access road and the on-site roads may also involve fording streams or creeks. However, if fording a river with a permanent structure is unavoidable, it is likely that the development costs would increase to the point that either an alternative access route would be selected, or the site would no longer be considered a viable candidate for development. However, as mentioned previously, fortifications of existing bridges on public or private roads would still be within the realm of possibility.

***On the basis of experience to date, the final footprint of the wind energy development project (turbine towers, control buildings, transformer pads, electric substations, roads, and other ancillary structures) is likely to be no more than 5 to 10% of the total acreage of the site.***

Additional areas would incur temporary impacts resulting from the construction of **equipment lay-down areas and crane staging areas**, as they are needed; such areas then would be reclaimed. There is some flexibility as to where lay-down areas would be located, and developers are likely to adapt to site conditions to keep creation of these areas as simple as possible. **At a minimum, the construction of equipment lay-down areas and crane staging areas could involve removing vegetation for purposes of safety, access, and visibility during lifting operations.** Additional controls may be necessary regarding the final disposition of this biomass. Although surface soils may not need to be removed from the construction zone, some regrading might occur to create relatively level areas, and rock and/or gravel are expected to be laid down to give these areas all-weather accessibility and to support the weights of vehicles and staged equipment.

**It is estimated that as much as 1 to 3 acres (0.4 to 1.2 ha) of land area may need to be cleared for each turbine, and numerous lay-down and crane staging areas can be anticipated over the period of site development.** However, depending on the turbine array, the same areas would likely support erection of more than one turbine. Regardless of whether regrading occurs, the soils in these lay-down areas can be expected to be compacted as a result of construction and transportation vehicle traffic and the temporary storage of equipment and construction materials.

**In addition to the clearing of lay-down and crane staging areas, intervening areas may also need to be cleared of trees to provide overhead clearance for suspended turbine components being brought into position.** Some areas cleared for construction purposes would be revegetated with indigenous vegetation once construction is completed. However, smaller areas around towers, control buildings, and electrical substations would have to be maintained free of vegetation throughout the operating life of the wind energy project for safety and access purposes. These areas are likely to be covered in rock or gravel to ensure all-weather accessibility.

*Bottom of page 3-5*

### **3.1.2.2 Foundation Excavations and Installations**

The tall towers anticipated in future wind energy development projects would require substantial foundations, nominally extending to depths of 35 to 40 ft (11 to 12 m), depending on subsurface conditions. On the basis of what is already known about subsurface stratigraphy, geotechnical studies may need to be performed to establish foundation specifications.

**Geotechnical surveys, if necessary, would involve numerous borings with hollow core augers to nominal depths of 40 ft (12 m) or less to recover subsurface soil cores for analysis and compressive strength testing (performed at an off-site location).**

**Installation of tower foundations would involve excavations to the required depths (probably 40 ft [12 m] below grade or less), with the diameters of excavations roughly the same as the diameter of the tower base (nominally 15 to 20 ft [5 to 6 m], depending on the turbine model selected).** The latest foundation construction methods involve installing a vertical reinforced concrete ring of a nominal 1-ft (0.3-m) thickness rather than installing a monolithic concrete pillar approximately equivalent to the entire diameter of the tower. Developers of the proposed Table Mountain Wind Generating Facility in Nevada intend to use approximately 80 yd<sup>3</sup> (61 m<sup>3</sup>) of 4,000-pounds-per-square-inch (psi) test concrete and an additional 80 yd<sup>3</sup> (61 m<sup>3</sup>) of 1,000-psi test concrete for each foundation for the 140 to 280 towers for each turbine (NEG Micon Model 900 or NEG Micon Model 1500) (PBS&J 2002).

**An average of 6,000 gal (22,712 L) of water would be used to produce this much concrete.** Once the concrete has cured (nominally 28 days), the remaining spaces inside and outside the ring within the excavation would be backfilled with the excavated materials. While this would accommodate much of the volume of the material initially excavated, some excavated material would remain and would need to be redistributed on the site. In certain areas, subsurface materials may have the potential of imparting acidic character to precipitation runoff; thus care may need to be taken in

stockpiling excavation materials or redistributing excess. Throughout the period of foundation installation, precipitation or groundwater that accumulates within the open excavations would need to be removed. Depending on prevailing subsurface conditions, foundation excavations may also require drilling or blasting.

Although the latest construction methods minimize the amount of concrete necessary for the foundation, it may still be necessary to construct a temporary concrete batching plant on the

site, especially if haul distances from existing or specially constructed off-site concrete plants are excessive.<sup>4</sup> Depending on available materials on site, constituents of the concrete (aggregate and sand) may also need to be hauled to the on-site batching plant.

**Electrical power for the batching plant would be provided by a portable diesel engine/generator set (nominally, 125-kW capacity). The land area required for a typical batching plant and aggregate material storage areas can be expected to be on the order of 10 acres (4 ha) or less. Like the equipment lay-down areas, surface vegetation would need to be removed, some regrading of surface soils might be required, and soils are expected to be heavily compacted as a result of batching plant activities, including**

<sup>4</sup> The working time for concrete is dependent on a number of factors, including ambient temperature and humidity, as well as the strength of the concrete mix. It is assumed that for the strength required in a tower foundation, the concrete would have a "working time" of 1 hour or less.

*Bottom of page 3-6*

**associated truck traffic.** The batching plant and any excess concrete constituents are expected to be removed at the end of the concrete-pouring phase. **In the Table Mountain example, the 160 yd<sup>3</sup> (122 m<sup>3</sup>) of concrete to be used in each tower foundation would require 18 to 20 typical concrete-hauling trucks to deliver concrete to the site from an off-site location.** Also, at the same time as tower foundations are poured, foundations for the control building and any other on-site material storage buildings, as well as pads for each electrical transformer, would be poured. It is expected that all on-site buildings would be of modest proportion and require only slab-on-grade foundations, at the most, augmented by frost-resistant perimeter footings. The use of innovative self-erecting towers made of lightweight composite materials may reduce requirements for tower foundations.

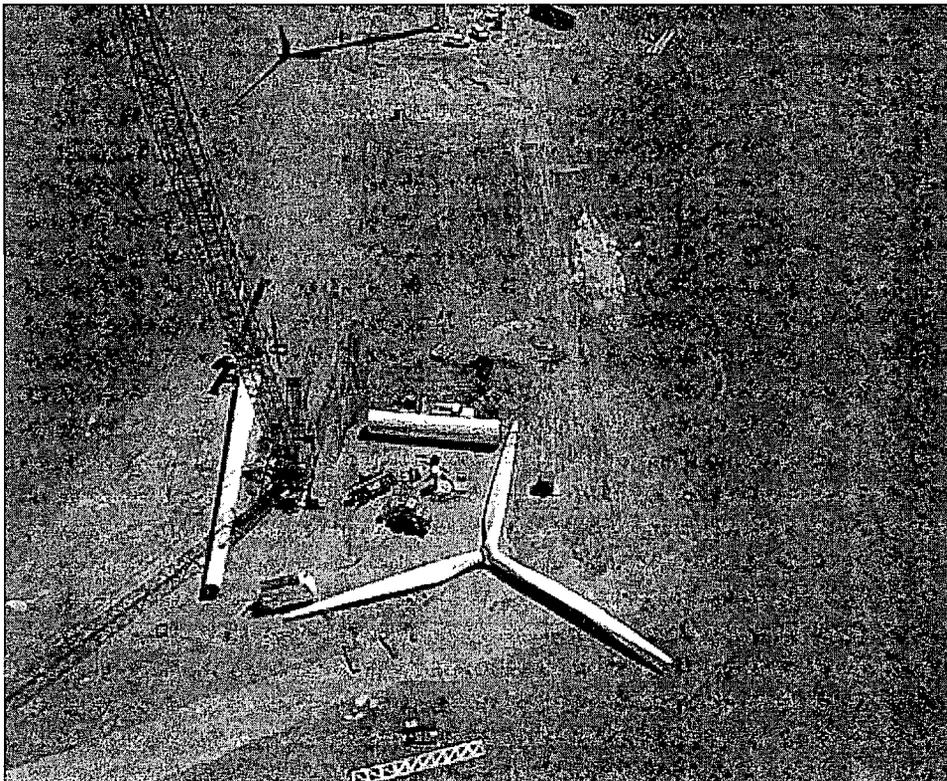
No major maintenance is expected to be performed on site on construction and lifting equipment; however, fluid levels would be maintained. **Because most of this equipment cannot be transported on public roads, it is most likely that fuel would be staged on site in portable tanks. These tanks are expected to be staged at or near the lay-down areas and resupplied throughout the construction period by commercial vendors. Even at the largest construction sites, the total volume of fuel (primarily diesel fuel) present on site is not expected to exceed 1,000 gal (3,785 L).**

### **3.1.2.3 Tower Erection and Nacelle and Rotor Installation**

The same lifting equipment would be used for tower erection and for nacelle and rotor installations. Staging areas for the erecting cranes would need to be established. Like material and equipment lay-down areas, these crane staging areas would have their surface vegetation removed and be regraded to relatively level surfaces, then indigenous

soils remaining in these areas would be heavily compacted. Depending on indigenous soils, gravel and rock may need to be placed on the staging area to support the weight of the crane and to provide all-weather access. Crane staging areas may be as large as 1 to 2 acres (0.4 to 0.8 ha). Depending on the geometry of the turbine array, the same crane staging area may be used for erecting multiple turbines. Taller towers are expected to arrive on site in segments (typically, segments would be no longer than 66 ft [20 m] in length) and be welded/bolted together as the tower is erected. The nacelles are expected to contain an already assembled drivetrain. The rotor and blades would be installed individually after the nacelle was installed on top of the tower. Figures 3.1.2-1, 3.1.2-2, and 3.1.2-3 show typical installations of a tower, nacelle, and rotor, respectively. Because of the modular nature of major turbine components and the preassembly of major subsystems, installation of these elements would proceed quickly; each tower erection and turbine and rotor installation would be completed in 3 days or less. (Longer periods would be required for towers whose lower segments were constructed of concrete, to allow for adequate curing of the concrete before it was allowed to bear the weight of the remainder of the tower, nacelle, and rotor.) It is anticipated that very small amounts of paints, lubricants, and grease would be used during installation.

*Bottom of p. 3-7*



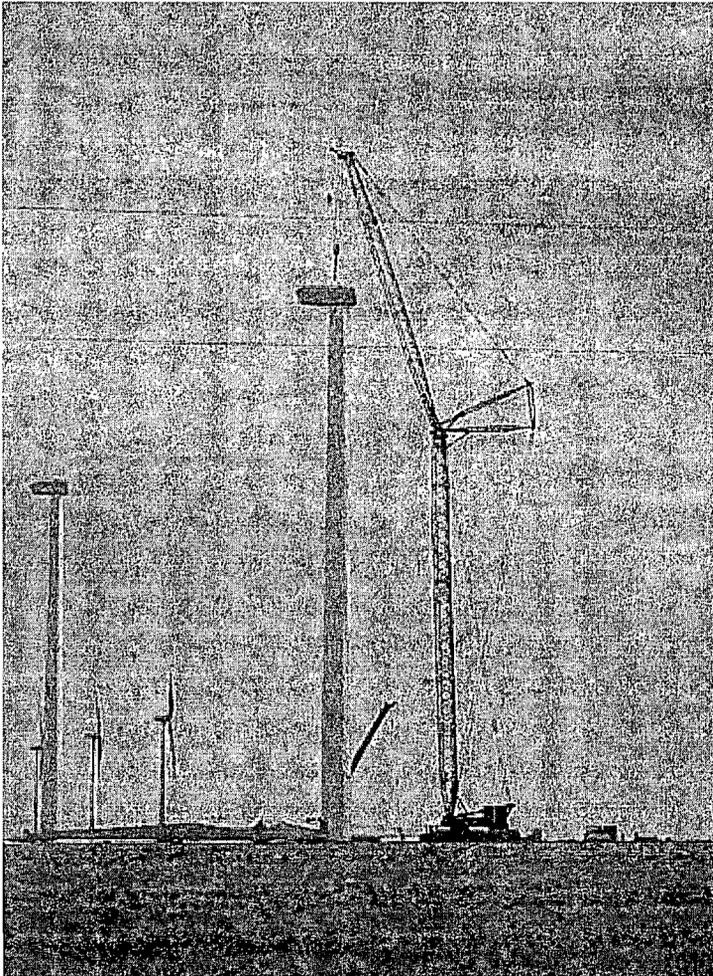
**FIGURE 3.1.2-1** Aerial View of Preparations to Erect a Wind Turbine Tower at the Public Service of Colorado Ponnequin Wind Farm, Weld County, Colorado (Source: NREL 2004a, Photo #08607. Photo credit: Warren Getz.)

#### **3.1.2.4 Miscellaneous Ancillary Construction**

Additional construction activities would include the installation of electric transformers and substations and power-conducting cables and signal wires. For some wind energy projects, electric transformers might be installed at the base of each turbine to perform initial conditioning of the power generated by that turbine before that power was delivered to an on-site central electric substation.<sup>5</sup> In other installations, power cables from each turbine would connect directly to a central substation. For very large wind energy projects, more than one substation may be constructed. **The footprints of substations are expected to be 5 acres (2 ha) or less in size and**, notwithstanding control and storage buildings and on-site roads, would represent the footprint of greatest contiguous area on the site. Conventional construction methods are expected to be sufficient for these facilities. The ground vegetation would be cleared, and rock or gravel would be placed over the entire area to ensure drainage.

<sup>5</sup> However, some turbine manufacturers install a dedicated transformer in the nacelle. See, for example, the large-capacity turbine models offered in Gamesa Eolica (2004). Other designs call for a transformer for each turbine positioned on the ground near the tower base.

*Bottom of page 3-8*

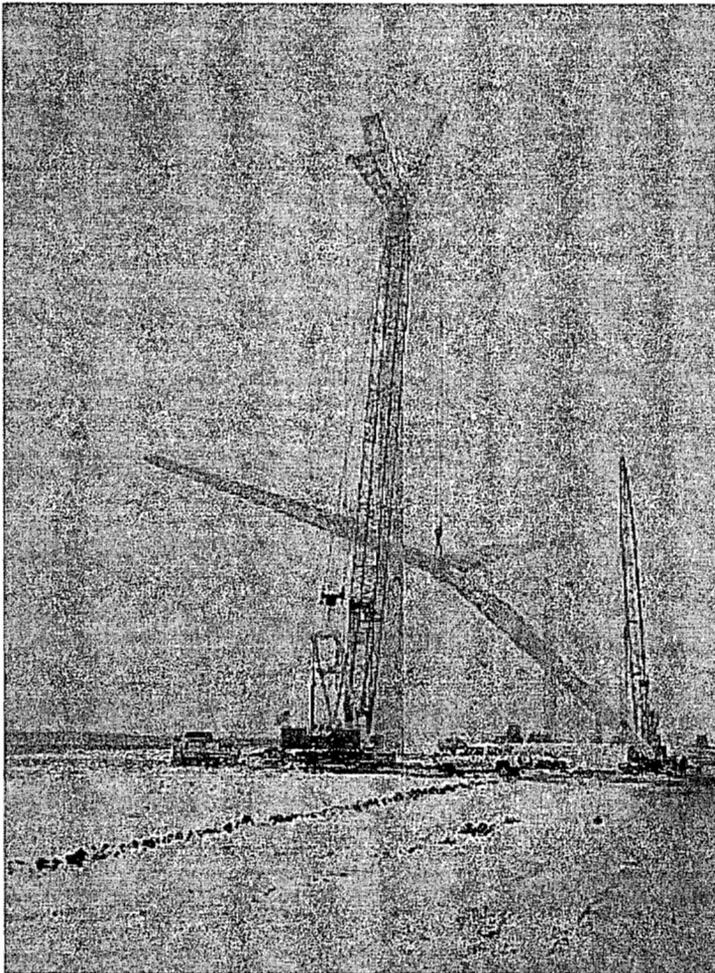


**FIGURE 3.1.2-2 Wind Turbine Nacelle Installation at Golden Prairie Wind Farm, Lamar, Colorado (Source: NREL 2004b. Photo # 13060.**

**Photo credit: David Jager.)**

For electrical safety, one or more grounding rods may be installed. Alternatively, a metal grounding grid or metal net may be installed over the entire footprint of the substation. These grounding features would also provide for lightning grounding. On rocky sites with little to no soil mantle, adequate electrical grounding may be problematic and may require the installation of a grounding well reaching to the uppermost saturated zone below the ground surface. Each turbine tower would have similar lightning grounding needs. Either ground rods, grounding grids, or, if necessary, grounding wells would need to be installed for each tower. Concrete pads would be installed for each transformer. With the exception of only the largest models used, the

bottom page 3-9



**FIGURE 3.1.2-3 Installation of a Rotor on a General Electric 1.5-MW Wind Turbine at the Klondike, Oregon, Wind Farm (Source: NREL 2004c, Photo #11919. Photo credit: Paul Woodin.)**

transformers would be sealed. For the largest models, installation may involve adding dielectric fluids after they are positioned on their foundations. Transformer bushings,

switches, capacitors, and other dielectric fluid-containing electrical devices are likely to use mineral-oil-based dielectric oils with no polychlorinated biphenyls (PCBs). Construction of the control building would involve either conventional construction techniques or the placement of a prefabricated building on a concrete foundation. An additional storage building for parts and equipment might also be constructed, or these functions could be incorporated into the control building. Some limited amount of maintenance or repair on turbine components might also be provided for, in conjunction with parts and equipment storage.

Ambient conditions within the control building would need to be maintained to meet equipment operating requirements and/or to support the presence of maintenance personnel.<sup>6</sup>

Conventional propane space heating would likely be installed. At remote sites subject to severe weather, emergency sleeping quarters would also likely be incorporated into the control building. Although electric power demands of the control building and the operating equipment could be

<sup>6</sup> At some larger wind energy projects, a small number of maintenance personnel may be present daily during business hours.

*Bottom page 3-10*

supplied by the on-site substation, emergency electricity power generation would also likely be provided by a commercially available diesel engine/generator set. Power-conducting cables and signal cables would interconnect the turbine towers with the control building and the electrical substation.<sup>7</sup> Where the soil mantle permits, it is expected that these cables would be buried to a nominal depth of 4 ft (1.2 m); they might be bedded in sand for additional protection against frost heave.<sup>8</sup> Standard trenching techniques are expected to be sufficient. However, on rocky sites where trenching is not possible or difficult, it may be necessary for the cables to be suspended from conventional power poles.

During the construction phase, potable water and **sanitary facilities would need to be established to support the construction crews.** Potable water would be provided from off-site sources. Sanitary facilities would most likely be satisfied by portable latrines.

Throughout the construction phase, **fugitive dust** may have a significant but localized impact on certain soil conditions. Fugitive dust may result from the disturbance of ground surfaces, removal of vegetative cover, vehicle traffic, and material handling (e.g., materials handled in an on-site concrete batching plant). The issue of fugitive dust may be further exacerbated by the fact that the candidate site is located within a windy area. Such impacts are typically mitigated by keeping disturbed surface areas to an absolute minimum and by the regular application of water to access roads and on-site roads and other disturbed areas throughout the construction phase. **For example, developers of the proposed Table Mountain Wind Generating Facility anticipate using an average of 120,000 gal (454,249 L) of water per day during construction to effect adequate dust control across the entire 4,500-acre (1,821-ha) site (PBS&J 2002).** In the Table Mountain example, the water will be purchased from a nearby municipality and **trucked daily to the site (an average of 30 trips per day for a typically sized water truck of 4,000-gal [15,142-L] capacity).** Where no such sources are readily available, it is

possible that water may be obtained from nearby surface water features. Precisely coordinated construction schedules, as well as limitations on certain activities during windy periods, could also be employed to mitigate fugitive dust from surface-disturbed areas. Water recovered from on-site wells or surface water features would not need to be treated to drinking water standards before being used for fugitive dust control.

Finally, because the BLM's multiple-use management objectives are inconsistent with **fencing the entire project area**, site security requirements would be limited to fencing the electrical substation and locking the turbine tower access doors. Temporary fences or barricades may need to be erected during some portions of the construction phase in accordance with applicable OSHA regulations (Title 29, Part 1910.2C, of the *Code of Federal Regulations* [29 CFR 1910.26]) or as a result of the application of "safe work" practices in order to prevent

<sup>7</sup> Typically, only one central substation would be necessary for each wind energy project. However, when projects span large distances, it is conceivable that each separated cluster of wind turbines may be served by its own substation.

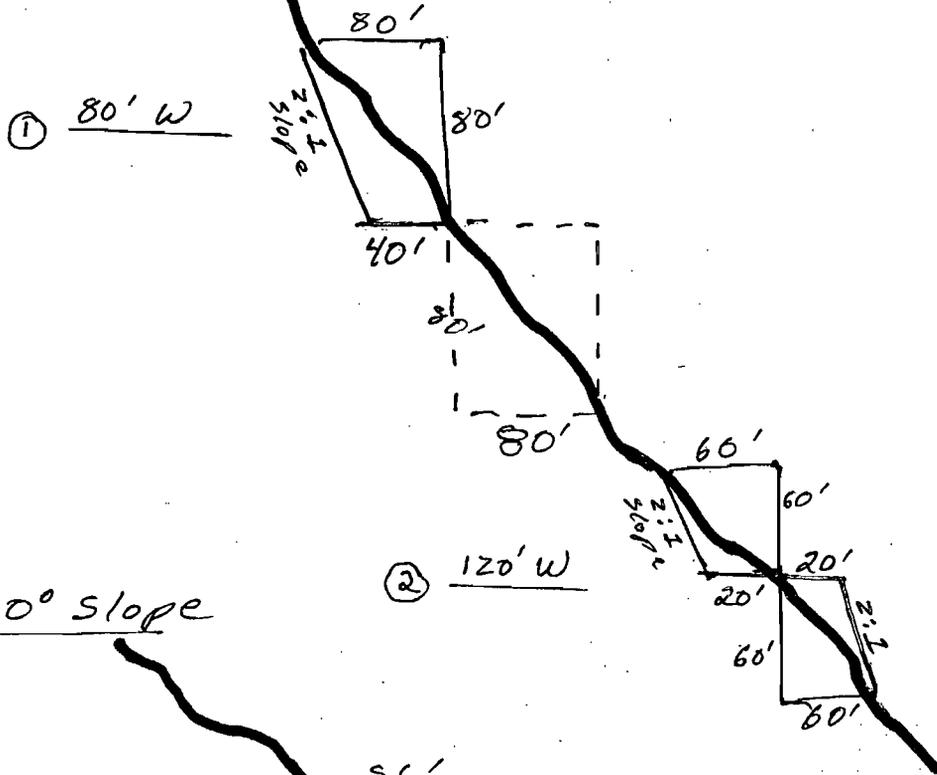
<sup>8</sup> Burying the cables can greatly reduce maintenance demands, reduce vandalism problems, eliminate obstructions for bird strikes, improve site safety, and virtually eliminate weather-related downtime. Burying cables may also be necessary to preserve the wind energy projects for other simultaneous land uses.

*Bottom page 3-11*

unauthorized entry of individuals or animals into hazardous active construction zones and to provide for the safety of the construction workforce during periods when open excavations are present. Temporary equipment storage areas may also be temporarily fenced.



45° slope



30° slope

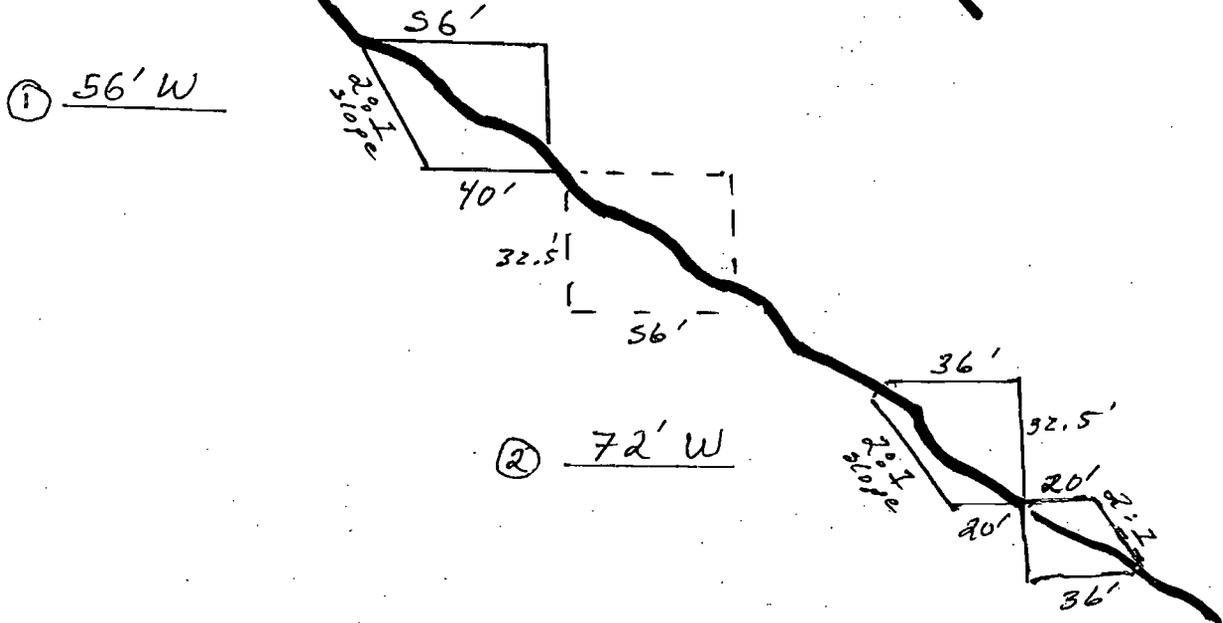


EXHIBIT 7

# REAL CLEAR POLITICS

[Return to the Article](#)

May 4, 2009

## The Bias Against Oil and Gas

By [Robert Samuelson](#)

WASHINGTON -- Considering the brutal recession, you'd expect the Obama administration to be obsessed with creating jobs. And so it is, say the president and his supporters. The trouble is that there's one glaring exception to their claims: the oil and natural gas industries. The administration is biased against them -- a bias that makes no sense on either economic or energy grounds. Almost everyone loves to hate the world's Exxons, but promoting domestic drilling is simply common sense.

Contrary to popular wisdom, the United States still has huge oil and natural gas resources. The outer continental shelf (OCS), including parts that have been off-limits to drilling since the early 1980s, may contain much natural gas and 86 billion barrels of oil, about four times today's "proven" U.S. reserves. The U.S. Geological Survey recently estimated that the Bakken Formation in North Dakota and Montana may hold 3.65 billion barrels, more than 20 times a 1995 estimate. And there's upward of 2 trillion barrels of oil shale, concentrated in Colorado. If only 800 billion barrels were recoverable, that's triple Saudi Arabia's proven reserves.

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# America's Wind Power Bubble -- Massive Growth Yet Bleeding Jobs

Vincent Fernando | Jan. 27, 2010, 12:02 AM | 1,288 | 26

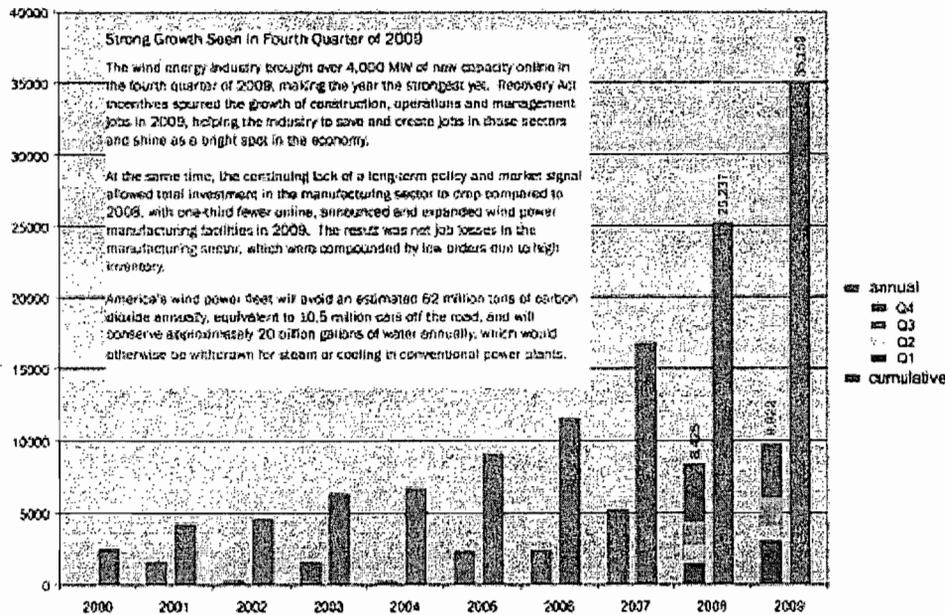
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2009 was a banner year for American [wind power](#)

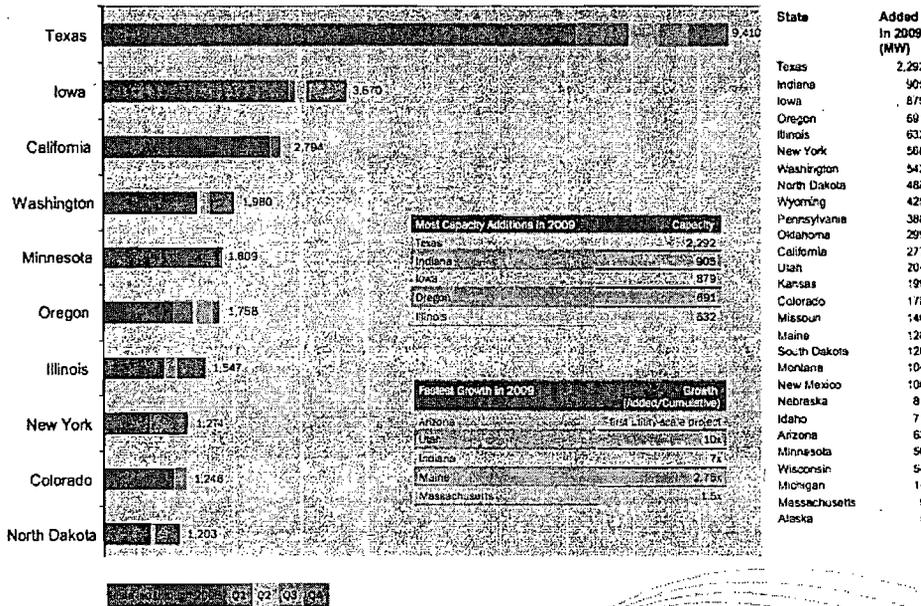
, thanks to Recovery Act incentives according to the American Wind Energy Association (AWEA).

Total installed capacity leapt 40% to 35,159 megawatts, solidifying its lead as the nation with the most wind power capacity. The next largest producer, Germany, only grew its capacity about 20% in 2009 to 25,000 megawatts.



On a state-by-state basis, Texas leads the nation in wind power capacity:

## Wind Project Installations by State (Top Ten States)



**Yet there's a huge catch.** Despite having its best year of growth ever, the industry still experienced net job losses. Its outlook also remains uncertain -- unless more government incentives are doled out:

AWEA: the continuing lack of a long-term policy and market signal allowed total investment in the manufacturing sector to drop compared to 2008, with one-third fewer online, announced and expanded wind power manufacturing facilities in 2009. The result was net job losses in the manufacturing sector, which were compounded by low orders due to high inventory. Looking forward, the critical Recovery Act manufacturing incentives that were announced only at the start of this year will also need to be supplemented with the hard targets of a national Renewable Electricity Standard.

The underlying problem remains that wind power is far too dependent on taxpayer subsidies. Thus it can't stand on its own feet, yet is growing like mad. That's the definition of a bubble.

<http://www.businessinsider.com/americas-wind-energy-revolution-hits-critical-mass-2010-1>

environment  
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None of these sources, of course, will quickly provide oil or natural gas. Projects can take 10 to 15 years. The OCS estimates are just that. Oil and gas must still be located -- a costly and chancy process. Extracting oil from shale (in effect, a rock) requires heating the shale and poses major environmental problems. Its economic viability remains uncertain. But any added oil could ultimately diminish dependence on imports, now almost 60 percent of U.S. consumption, while exploration and development would immediately boost high-wage jobs (geologists, petroleum engineers, roustabouts).

Though straightforward, this logic mostly eludes the Obama administration, which is fixated on "green jobs" and wind and solar energy. Championing "clean" fuels has become a political set piece. On Earth Day (April 22), the president visited an Iowa factory that builds towers for wind turbines. "We can remain the world's leading importer of oil, or we can become the world's leading exporter of clean energy," he said.

The president is lauded as a great educator; in this case, he provided much miseducation. He implied that there's a choice between promoting renewables and relying on oil. Actually, the two are mostly disconnected. Wind and solar mainly produce electricity. Most of our oil goes for transportation (cars, trucks, planes); almost none -- about 1.5 percent -- generates electricity. Expanding wind and solar won't displace much oil; someday, electric cars may change this.

For now, reducing oil imports requires using less or producing more. Obama has attended to the first with higher fuel-efficiency standards for vehicles. But his administration is undermining the second. At the Department of Interior, which oversees public lands and the OCS, Secretary Ken Salazar has taken steps that dampen development: cancelled 77 leases in Utah, because they were too close to national parks; extended a comment period for OCS exploration to evaluate possible environmental effects; and signaled more caution toward shale for similar reasons.

Any one of these alone might seem a reasonable review of inherited policies, and it's true that Salazar has maintained a regular schedule of oil and gas leases. Still, the anti-oil bias seems unmistakable. Conceivably, Salazar may reinstate administratively many restrictions on OCS drilling that Congress lifted last year. Meanwhile, he's promoting wind and solar by announcing new procedures for locating them on public lands, including the OCS. "We are," he says, "setting the Department on a new path" -- emphasizing renewables.

It may disappoint. In 2007, wind and solar generated less than 1 percent of U.S. electricity. Even a tenfold expansion will leave their contribution small. By contrast, oil and natural gas now provide two-thirds of Americans' energy. They will dominate consumption for decades. Any added oil produced here will mostly reduce imports; extra natural gas will mostly displace coal in electricity generation. Neither threatens any anti-global warming program that Congress might adopt.

Encouraging more U.S. production also aids economic recovery, because the promise of "green jobs" is wildly exaggerated. Consider. In 2008, the oil and gas industries employed 1.8 million people. Jobs in the solar and wind industries are reckoned (by their trade associations) to be 35,000 and 85,000, respectively. Now do the arithmetic: A 5 percent rise in oil jobs (90,000) approaches a doubling for wind and solar (120,000). Modest movements, up or down, in oil will swamp "green" jobs.

Improved production techniques (example: drilling in deeper waters) have increased America's recoverable oil and natural gas. The resistance to tapping these resources is mostly political. To many environmentalists, expanding fossil fuel production is a cardinal sin. The Obama administration often echoes this reflexive hostility. The resulting policies aim more to satisfy popular prejudice -- through photo ops and sound bites -- than national needs.

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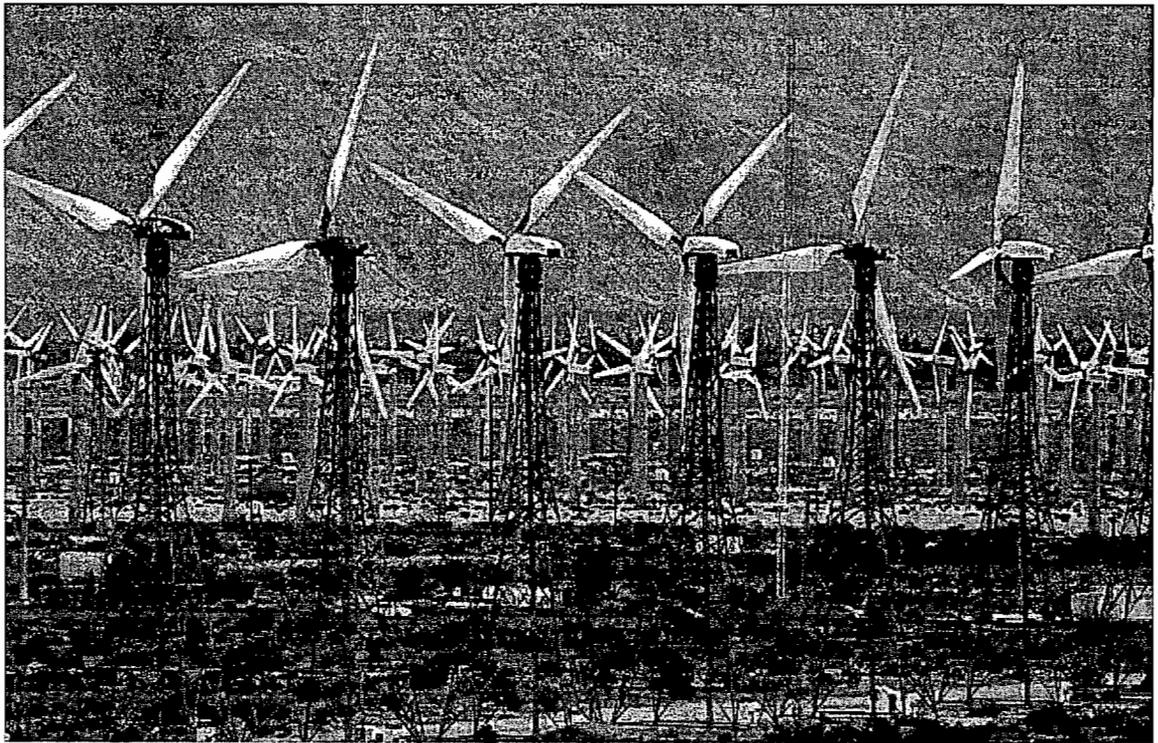
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## ENERGY

### Wind energy job growth isn't blowing anyone away

**Despite record growth in generating capacity, the industry is creating few employment opportunities overall.**

February 02, 2010|By Jim Tankersley



Mark Boster / Los Angeles Times

Reporting from Washington — America's wind energy industry enjoyed a banner year in 2009, thanks largely to tax credits and other incentives packed into the \$787-billion economic stimulus bill.

But even though a record 10,000 megawatts of new generating capacity came on line, few jobs were created overall and wind power manufacturing employment, in particular, fell -- a setback for President Obama's pledge to create millions of green jobs.

Obama has long pitched green jobs, especially in the energy, transportation and manufacturing fields, as a prescription for long-term, stable employment and a prosperous middle class.

But those jobs have been slow to materialize, especially skilled, good-paying, blue-collar jobs such as assembling wind turbines, retrofitting homes to use less energy and working on solar panels in the desert.

On the campaign trail, Obama promised to create some 5 million green jobs over a decade. The stimulus bill approved last year allocated billions of dollars to the clean-energy sector. And the president continued to set high expectations for green-job creation in last week's State of the Union speech.

Administration officials admit that they are nowhere near that pace. Last month, government economists released their first tally of clean-energy jobs created or saved by the stimulus: 52,000.

Several factors accounted for the slow start, some of them linked to weakness in the overall economy. Electric power demand fell nationwide last year. Electricity from coal and natural gas is still by and large cheaper than wind or solar power. Renewable energy companies, faced with limited demand, often used parts and equipment in stock or imported renewable technology instead of building turbines or solar cells domestically.

Industry analysts and energy company executives said job growth is also hampered by lingering uncertainties in federal energy policy. Those include questions about when or whether existing tax breaks will expire and whether the Senate will pass a climate bill that would make fossil fuels more expensive -- and renewable energy more competitive.

The federal stimulus bill spared the wind and solar industries steep job losses last year, executives said.

In the wind industry, the bill saved about 40,000 factory, installation and maintenance jobs, according to the American Wind Energy Assn. The industry had gained as many as 2,000 installation and maintenance jobs in producing the record megawatts of new capacity, but wind power manufacturing lost just as many jobs, the trade group said.

Clean-energy leaders and many outside analysts added that green companies won't begin hiring in large numbers until the federal government mandates renewable power consumption nationwide and dramatically upgrades the nation's electric grid.

Wind turbine manufacturers "need more certainty" to add shifts and factories in the United States, said Elizabeth Salerno, director of data and analysis for the wind industry trade group.

Clean-energy leaders and many outside analysts added that green companies won't begin hiring in large numbers until the federal government mandates renewable power consumption nationwide and dramatically upgrades the nation's electric grid.

Wind turbine manufacturers "need more certainty" to add shifts and factories in the United States, said Elizabeth Salerno, director of data and analysis for the wind industry trade group.

"Demand is the trigger," she said. "But it has to be long-term, stable demand."

Obama's advisors said the biggest clean-energy benefits of the stimulus are still to come, and that they have planted the seeds for a green-job proliferation by financing worker training and leveraging tens of billions of dollars in private investment in green technology. The Energy Department projects that U.S. renewable power generation will grow four times faster from 2008 to 2012 than it would have without the stimulus.

"A lot more has to be done if we're going to realize the president's vision for a truly transformative clean-energy economy," said Jared Bernstein, Vice President Joe Biden's chief economist. "Our administration will pick up where [the stimulus] leaves off and finish the job. The president is completely committed to that."

Others said the administration's efforts, including stimulus grants and tax credits that fund some applicants but not others, may have pushed clean-energy investment dollars overseas, particularly to China. Since 2008, China has approved more solar-power capacity than the United States has installed in its history.

"The inconvenient truth for America's economic recovery is that China's Communist Party has cultivated a more favorable, predictable and hospitable market for private investments in clean-energy technology and energy infrastructure than the federal government of the United States," said Alexander "Andy" Karsner, a fellow at the Council on Competitiveness.

Energy Department officials said that instead of focusing on one or two technologies, they have funded a "portfolio of technologies" that will battle for a share of a growing domestic and global market.

"We are not in the business of picking winners," said Matt Rogers, a senior advisor at the Energy Department who oversees stimulus spending. "We're creating competition among innovative approaches in the marketplace."

Global clean-energy competition worries many of the staunchest champions of green jobs in Washington, including Sen. Barbara Boxer (D-Calif.), who chaired a hearing on solar jobs in the Senate Environment and Public Works Committee last week.

Among the executives testifying was Robert Rogan, senior vice president for ESolar Inc. in Pasadena. Rogan's young company secured contracts last year for 3,500 megawatts of

solar power. One of its projects is set for California; another, in New Mexico, will create hundreds of construction jobs this year.

But the bulk of ESolar's power installations will come in China, which also provides some components of its solar plants.

In an interview, Rogan credited the stimulus for helping clean-energy companies through a "very bad" year in the American private finance market.

He insisted U.S. solar companies are poised for "explosive" growth, but that to maximize it, they need longer-term incentives and better transmission lines to link solar hot spots, such as the Southwest, and demand centers, such as the East Coast.

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**CITYMAYORS ENVIRONMENT**



Recycled tires are being used to cover pathways in Los Angeles parks

**No more freeways: Los Angeles is on the road to become one of the greenest American cities**

By Mickl Krimmel\*

**15 February 2007:** Los Angeles Mayor Antonio Villaraigosa has made it one of his goals to transform his city into "the greenest big city in America". Plagued with traffic problems and the worst air quality in the country, LA is more often equated with urban sprawl and asthma than a model of sustainability. But that transformation is exactly what Villaraigosa and Deputy Mayor Nancy Sutley have in mind.

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Nancy Sutley is the Deputy Mayor for Energy and the Environment for the City of Los Angeles, and is also Mayor Villaraigosa's appointment to the Board of Directors for the Metropolitan Water District of Southern California. With a long history in environmental policy at both the state and federal level, Ms Sutley is in a unique position to lead Los Angeles toward sustainability.

**Energy**

The majority of energy for Los Angeles comes from coal plants in Arizona and Utah. Currently, only six per cent of LA's power is renewable (mostly wind power from the San Francisco Bay area). The mayor's office has set a goal for the city to use 20 per cent green energy by 2010. Is it realistic to jump from six per cent to 20 per cent renewable energy in just three years? In a word, yes.

Southern California Edison is building a huge solar farm in the Mojave Desert. New technologies are making solar energy more affordable and less space-intensive. The Los Angeles Department of Water and Power is also working on geothermal projects in the Salton Sea area.

LA has also recently embarked on a pilot project whereby bio-solids from local sewage treatment plants are converted into clean energy. Solid waste is disposed in abandoned oil wells. As the waste decomposes, methane is produced. The methane powers a fuel cell, which generates green electricity.

Deputy Mayor Sutley explained the continuing need to decrease LA's demand for energy. One of the most effective ways to lessen demand is embracing green building practices. Los Angeles now requires all new public buildings to meet LEED (Leadership in Energy and Environmental Design) standards provided by the US Green Building Council. Los Angeles boasts seven LEED certified projects, including the Platinum-rated Lake View Terrace Branch of the Los Angeles Public Library. The city also has 59 LEED registered projects, placing it fifth in the US for the highest number of registered projects. Los Angeles is also working with private developers by providing resources and incentives to build green in the area.

**Water**

The system for supplying and delivering water in California is incredibly inefficient. So much energy is spent treating and transporting water that the Department of Water Services is the largest consumer of electricity in the state. Being among the most arid regions of the state, Los Angeles has a long history of water conservation and has actually managed to do a fair job of it. LA's water consumption has remained steady since 1990 even with a 15 per cent increase in population.

In the mid 1990's, Los Angeles mandated low flow toilets and showerheads for the entire city. Neighborhood by neighborhood, local nonprofit organizations were enlisted to deliver and install the new toilets



Los Angeles Mayor Antonio Villaraigosa

**On other pages  
Los Angeles Mayor Antonio Villaraigosa**

The first elected from its majority Latino community, Antonio Villaraigosa was elected the 41st mayor of Los Angeles on 17 May 2005 when he beat incumbent James Hahn in a run-off vote. Though seen as a competent mayor with 24 years of elected office behind him, the city's Afro-American voters were seen to punish Hahn over his dismissal of LA police chief Bernard C. Parks in a low turnout poll, electing fellow Democrat Villaraigosa. Snr Villaraigosa unsuccessfully sought the mayoralty in 2001 but has held a variety of elected posts, including as a state assembly member.

Born in 1953 as Antonio Villar to a Mexican father and mother of Mexican descent, his upbringing was blighted by acute poverty, his father's alcoholism and domestic violence - to this day he is not in contact with his father. He now says he feels he has no need to defend his expensive tastes in clothes, given his childhood years. He was expelled from high school for fighting and became a civil rights activist at just 15, campaigning alongside Cesar Chavez. Although the young Villar was to come into contact with the city's notorious gang culture, a tutor at East Los Angeles College paid for him to take his SATs. Villar's passion for activism remained with him at college, where he led protests against the Vietnam war. Having graduated from UCLA with a degree in history, he also obtained a doctorate in jurisprudence from the Peoples' College of Law.

Villar first came to prominence in city politics as an organiser for the United Teachers of Los Angeles. Having married Corine Raigosa in 1987, they combined their surnames to Villaraigosa. His mother, whom he adored, died in 1990, the year he secured election to Los Angeles' Metropolitan Transportation Authority. He served on the body until his election to the California State Assembly in 1994 where he became Speaker and one of the most prominent Democrats in the state, earning him national

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– for free. This project can be credited with the majority of the city's water savings and it also provided jobs and engaged the community.

Next, Los Angeles will tackle water usage for landscaping, at citywide level as well as for corporations and individuals. The plans include installing smart irrigation systems in parks, diverting more treated waste water from the oceans for outdoor use, and creating more green space with native trees and plants to absorb storm runoff to stave pollution of the ocean and the region's groundwater.

**Transportation**

According to Sutley, "LA hasn't spent a dime in 15 years on expanding freeway capacity." Instead, the city has focused on building carpool lanes, making the city more bike-friendly and expanding public transport. Over one million people use LA's public transit every day and the MTA has the largest fleet of compressed natural gas buses in North America. The goal is to move away from diesel buses entirely by 2008. Massive expansions to the light rail and subway system are also on the docket, including the hotly debated Subway to the Sea project.

**Waste disposal**

Los Angeles produces 8,000 tons of garbage every day. With limited landfill space, LA was an early pioneer of curbside recycling. Currently, 62 per cent of waste is diverted from landfills and the goal is to increase that percentage to 70 per cent by 2015 through increased recycling programs and proposals to divert green waste to ethanol production facilities.

**Community projects**

Many other projects are underway to help green Los Angeles and make the city more liveable by creating more park spaces and building community. As we've reported before, the LA River is undergoing a massive revitalization. This program began as a grassroots effort and recently, the city announced a 20-year plan to remove concrete from much of the river, add bike paths and parks and make the way for new real estate development. The goal is to bring the river back to the people of Los Angeles.

**Planting trees**

Another initiative launched by the Mayor's office is the community effort *Million Trees LA*:

- Many of the one million new trees will be planted by City departments on public property. Others will be planted throughout the City by individual volunteers, community groups, organizations, and businesses.
- *Million Trees LA* is a cooperative effort between the City of Los Angeles, community groups, businesses, and individuals working together to plant and provide long-term stewardship of one million trees planted where they're needed most.
- *Million Trees LA* will take several years and build on other programs that plant and care for the urban forest.
- Trees that maximize sustainability – with a preference on native and drought tolerant species – are recommended.

Asking the residents of LA to adopt a tree may seem like more of a marketing campaign than a real substantive environmental effort. But *Million Trees LA* is a real strategic effort toward building a greener city.

- A tree canopy analysis will be used to:
1. Map Los Angeles' current tree canopy
  2. Inventory potential tree planting sites
  3. Forecast future environmental and social benefits

Planting will be guided by this information with an emphasis on schools, underserved communities, transportation corridors and areas along the

connections that would later serve him well. Although defeated in the 2001 mayoral race by James Hahn, who hailed from a family of public officials, he gained election to the Los Angeles City Council in 2003. Villaraigosa was chosen by John Kerry to be one of the campaign chairs for his 2004 presidential bid, after which he declared his intention to run for Los Angeles mayor again. Although less than 24% of those registered to vote in the city did so, Villaraigosa beat Hahn handsomely in the run-off vote held after the inconclusive first round where he also led Hahn. The Villaraigosa campaign was notable on this occasion for building a broader coalition of supporters than his previous attempt, securing the vital backing of key Democrats and community leaders. [More](#)

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## Los Angeles River.

### International

The Mayor's Office's goals are not limited to greening Los Angeles, improving its economy and making the city more liveable for its residents. Deputy Mayor Sutley also aims to share successes and create standards for other cities. "Cities are all basically the same," she said. "We all have to deal with roads, water, energy and waste." Because national and international governments can be slow to act, mayors of cities worldwide are collaborating to take matters into their own hands. "Cities are the first responders. If climate change causes more local forest fires, we have to deal with that on a city level. We can't afford to wait for national or international action." Nancy Sutley represents Los Angeles in the Large Cities Climate Group, an international organization of mayors founded in partnership with the Clinton Global Initiative.

As an Angeleno, it can be difficult to feel connected with your fellow city-dwellers. The city is broken up into disparate neighborhoods and driving from one to another, you often feel like a tourist rather than a local. I hope that the initiatives from the Mayor's Office will help bring the communities together in a shared vision for a greener LA. As Los Angeles increasingly becomes a model of sustainability for other cities, it will build a green identity for itself and give its residents something to rally behind.

\*Micki Krimmel's article was first published by [WorldChanging.com](http://WorldChanging.com)



## THE BAKERSFIELD CALIFORNIAN

BY JAMES BURGER, Californian staff writer [jburger@bakersfield.com](mailto:jburger@bakersfield.com)

Date: 3/19/2010

The next hearing in Los Angeles' battle to overturn Kern County's 2006 ban on the land application of treated human and industrial waste may be before the U.S. Supreme Court.

Attorneys for Los Angeles and Orange County sanitation agencies and the city of Los Angeles, after losing a bid to have an unfavorable September 2009 9th Circuit Court of Appeals ruling overturned by the full appeals court, have petitioned the U.S. Supreme Court to take up their case against Kern County's Measure E.

Steven Mayer, a private attorney working on the case for Kern County, said Thursday he thinks it's unlikely the Supreme Court will take the case.

The only remaining federal claim against Kern County is that its voter-approved ban on spreading sewage sludge on farmland -- designed to protect against environmental contamination -- violates the interstate commerce clause of the U.S. Constitution.

"The ordinance just doesn't impact interstate commerce in any way," Mayer said.

U.S. District Court Judge Gary Feess, the first judge to hear the case, disagreed with Mayer.

But Appeals Court Judges Dairmuid O'Scannlain, Pamela Rymer and Kim Wardlaw overturned Feess' ruling on the interstate commerce clause and lifted an injunction that had prevented Kern County from enforcing Measure E.

"Nothing in Measure E hampers the recyclers' ability to ship waste out of state," O'Scannlain wrote in September. "In short, Measure E in no way burdens the recyclers' protected interest in the interstate waste market."

Los Angeles Deputy City Attorney Keith Pritsker said Thursday that the Appeals Court decision was out of line with other decisions in other circuits.

And he argued that Kern County's ban could set off a chain-reaction, allowing other local jurisdictions to ban land applications of the highly-treated waste.

"It makes it harder for jurisdictions to recycle biosolids," he said. "It forces you to take it elsewhere. What happens if all the other elsewheres adopt similar bans?"

Prior to the passage of Measure E, Los Angeles and Orange County spread more than 420,000 wet tons of sludge on 10,000 acres of Kern County farmland in two locations -- Green Acres south of Bakersfield and farmer Shane Magan's Honeybucket Farms in northern Kern County.

Pritsker said Los Angeles still delivers 25 to 26 trucks of the treated waste to Green Acres and it has operated there without complaint or illness for 16 years.

While Kern County is currently allowed to ban the spreading of sewage sludge, county lawyers have said Kern won't do so until the case is resolved.

"Until we get some clarity from the court, I don't think we will go out and close down Green Acres or Shane Magan," said Assistant County Counsel Steve Schuett in September.

Now everything is on hold until the U.S. Supreme Court decides whether to take the case.

"My guess is we'll get a decision by the end of June," Mayer said Thursday.

If the Supreme Court takes the case, he said, it won't be heard until next year.

If the Supreme Court does not take the case, he said, things get complicated.

Two other claims by the city of Los Angeles -- in addition to the commerce clause issue -- still stand against Measure E.

Los Angeles claims that Measure E violates the recycling goals enacted by the California Integrated Waste Management Act and that Kern County overstepped its police powers in enacting and enforcing Measure E's ban on sludge spreading.

Both of those claims, Mayer said, are state law claims. And, he said, Kern County disagrees with Los Angeles on their validity.

But Feess, who has ruled in Los Angeles' favor before on the waste management act claim, would have to determine whether he still has jurisdiction as a federal judge over those claims.

The Appeals Court did not rule on either of the claims because they were state law issues. If Feess decides he doesn't have jurisdiction, then the city of Los Angeles would be forced to refile its claims against Measure E in state court, Mayer said.

Kern County prefers that option.

"It's not a better venue, it's just a more appropriate venue," Mayer said.