



Via email and USPS

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California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512
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RE: Comments on DRECP Alternatives

To whom it concerns,

As stakeholders in the DRECP process, the Center for Biological Diversity (Center) and the Wildlands Conservancy submit the following comments on the Overview of DRECP Alternatives Briefing Materials DRECP Stakeholders Committee Meeting from July 25, 2012 by subject area.

The Center and the Wildlands Conservancy support the development of renewable energy, which is a critical component of efforts to reduce greenhouse gas emissions, avoid the worst consequences of global warming, and to assist California in meeting its required emission reductions. However, like any project, the Desert Renewable Energy Conservation Plan (DRECP) should be thoughtfully planned to minimize impacts to the environment. In particular, the DRECP should avoid impacts to sensitive species and habitats, and should site development zones in proximity to the areas of electricity end-use in order to reduce the need for extensive new transmission corridors and lines and the efficiency loss associated with extended energy transmission. Only by maintaining the highest environmental standards with regard to local impacts, and effects on species and habitat, can renewable energy production be truly sustainable.

After evaluating the Alternative Briefing Materials provided on July 25, we were concerned to see that industry proposals from CEERT and CalWEA have been evaluated under the proposed alternatives, however, none of the recommendations from the conservation community were evaluated under the proposed alternatives despite the fact that the conservation community also recommended a process for evaluating conservation and development. The Center and Wildlands Conservancy urge the agencies to include an evaluation of the conservation community's recommendations when the alternatives are refined.

Energy Assumptions

Excellent work on fine-tuning the “energy calculator” originally developed by the California Energy Commission (CEC) has been done by our colleagues at the Sierra Club. We incorporate the Sierra Club’s comments with regards to issues associated with energy assumptions herein.

The range of alternatives should also include

- A range of renewable energy production targets in the alternatives rather than all of the alternatives targeting 20,324 MWs.
- Alternatives that require less of a “multiplier” than 3-5X the acreage in the Development Focus Areas (DFAs) based on an alternative that targets development on disturbed lands and therefore decreases the need for “flexibility” in siting, because of the reduction of biological impacts on already disturbed sites.
- Map of “DRECP Plan Wide Energy Assumptions - Renewable Energy Projects” (at pg. 8) incorrectly identifies the Palen project as a “BLM Verified ROW Approved”, which it is not.

Biological Conservation Context

The DRECP has yet to identify, much less analyze, the biological goals and objectives for the proposed covered species. Because the DRECP is a conservation plan under the federal Endangered Species Act and the state Natural Communities Conservation Planning Act, it is egregious that the proposed alternatives have no biological goals and objectives as underpinnings for the conservation scenarios. To date the complete list of species proposed to be covered by the plan remains a mystery. While we recognize the desire of the agencies to move the plan forward, the scientific foundation is sorely lacking, undermining the conservation planning process.

While we generally support conservation planning because of the benefits that it provides when compared to project-by-project development, especially over geographically large and diverse areas like the California deserts, to this point, the DRECP has not been consistently utilizing the best available science in developing the alternatives and this has resulted in a flawed process which cannot lawfully form a basis for species/ecosystem conservation or adaptive management plans. Numerous other HCP/NCCP processes that we have been involved with have, whatever their flaw, developed conservation/development alternatives based on some type of scientific analysis of the best available data and information. Unfortunately, the same cannot be said of the DRECP.

The alternatives in general are not clear regarding the following issues:

- Special Recreation Management Areas (SRMAs) – At the stakeholders meeting, BLM indicated that they were proposing these SRMAs under the DRECP. It is unclear how these areas were identified and what kinds of activities would be allowed in them. Our concerns stem from the fact that they allow for different types of recreation, which are not identified and that the SRMAs’ overlap with

- previously designated Areas of Critical Environmental Concern (ACECs) that were established for conservation of species, designated critical habitat for listed species including the desert tortoise, and designated wilderness.
- Biological Conservation Lands – the land management designations included in this category include ACECs, NLCS and “Land Allocation”. In addition to the lack of any definition of what “land allocation” is, neither ACECs or NLCS provide the necessary durability for conservation in perpetuity nor do those designations preclude myriad other activities and development those areas that would affect their conservation value. Moreover, ACEC and NLCS designations (outside of designated wilderness or WSAs) can be changed by plan amendment making their conservation value uncertain in the long term.
 - Biological Sensitivity determination – while we support identifying the biological sensitivity of areas in the California deserts, it is unclear what data sets and which criteria were used to make the determinations represented on the maps provided. Based on the paucity of data sets especially in some parts of the planning area, it is unclear that there is adequate data to make this determination throughout the planning area at this time. The identification of mitigation ratios based on the biological sensitivity derived from data sets that have significant gaps, inappropriately builds on the shaky foundations of the incomplete data. Extrapolating necessary mitigation acreages on top of these shaky assumptions then ranges into the absurd.

With these overarching issues noted, the following comments are specific to the proposed alternatives:

Alternative 1: This alternative is unwieldy as proposed. It appears to have originally been based on the Development Focus Areas (DFAs) that were confined to low conflict, disturbed lands – a good start to following the precautionary principles that the Independent Science Advisors (ISA) recommended early in the DRECP and which still make perfect sense today. But the recent proposal now seems to have morphed into an alternative that includes the expansive BLM’s variance areas as development areas in addition to the DFAs. Inclusion of these widespread variance areas no longer makes this alternative a “low resource conflict” alternative. By including the hundreds of thousands of acres of variance areas on public lands for evaluation, the DRECP proposal now eliminates the only alternative that was effectively following the recommendations of the ISA for the preferred path forward for renewable energy development based on the lack of information on biological resources in many parts of the planning area. It also suggests a last minute incorporation of BLM’s solar PEIS plan into the DRECP without due consideration. From our perspective, the DRECP needs to remedy some of the significant short-comings of the solar PEIS particularly regarding the inappropriateness of most of the variance areas identified in the BLM solar PEIS for development.

Alternative 2: This alternative fails to meet the goal of keeping renewable energy development close to the sources of consumption to help minimize new transmission, reconductoring and the inefficiencies associated with line loss. Rather, it appears to encourage sprawling development that would have far more impacts than necessary.

Alternative 3: This alternative inappropriately includes within the DFAs, key conservation areas and core habitat and movement corridors for both the desert tortoise and Mohave ground squirrel.

Alternative 4: This alternative inappropriately includes within the DFAs, key conservation areas and core habitat and movement corridors for a number of rare and endangered species, microphyll woodlands, and other areas where proposed development on public land has not been permitted in the past due to resource conflicts.

Alternative 5: Unfortunately, this alternative suffers from all of the shortcomings discussed in our comments on Alternative 2-4 above. While we support including an alternative that fully evaluates appropriate areas for wind energy projects and proposes one or more wind DFA if possible, this alternative appears to be more of a “kitchen sink” approach rather than a carefully considered meaningful alternative.

We appreciate the analysis in the different tables provided, however, as we’ve consistently stated, the land cover is not a “natural community” (Section 4.4) and the mapping data sets are well recognized to have significant discrepancies with what is on the ground.

While we support identification of key areas for conservation in the planning area, the Generalized Mitigation Contribution Areas - Working Map (pg.63) provides no criteria or process on how the areas that are mapped were determined. Indeed, other critically important areas are not identified on the map. While we appreciate that this is only an initial map, clear criteria and process for identifying potential mitigation actions is more important than a preliminary and inaccurate mapping exercise. Moreover, impacts to specific habitats/communities must be mitigated specific to the impact; therefore for example, if water resources are avoided, which they should be in this arid region, little mitigation would need to be required for water resources.

One of the goals of the DRECP is to avoid and minimize conflicts between renewable energy development and biological (and other) resources and streamline permitting. We strongly object to the DRECP including any DFAs with high conflict to resources in the alternatives. Clearly there is adequate acreage in the California deserts for renewable energy development without including high conflict areas – a stated goal in the planning agreement.

We suggest that more straightforward and reasonable alternatives be included in the DEIR/S that address the conservation needs for desert species and habitats – based on the best available science - along with renewable energy development. This ambitious plan will be complex simply because of the size of the planning area and the diversity of habitats and species within it. Additional complexity from convoluted alternatives should be avoided.

Conclusion

We appreciate the opportunity to provide these comments and recommend that they be incorporated into the Draft DRECP. The Center's and the Wildlands Conservancy's goal as stakeholders is to assist the DRECP in developing the best possible conservation plan in a timely manner that provides effective, long-term protective policies for preserving the many fragile, imperiled and rare biological resources in the California deserts while streamlining the permitting process for renewable energy projects that are proposed in environmentally suitable areas. If you have questions or concerns about our comments please do not hesitate to contact us.

Respectfully submitted,



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