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<p>California Energy Commission  <b>DOCKETED</b>  <b>09-RENEW EO-1</b></p>
<p>TN # 66558        AUG 09 2012</p>

August 9, 2012

RE: Comments on Desert Renewable Energy Conservation Plan (DRECP) Alternatives Presented at the July 25-26, 2012 Stakeholder Committee Meeting

Dear Dave:

We would like to thank you for the opportunity to review and comment on the DRECP Alternatives posted on the DRECP website on July 18, 2012 and subsequently presented at the DRECP Stakeholder Committee Meeting on July 25-26, 2012. The development of a full range of alternatives is critical to the success of this plan in balancing renewable energy development in California's deserts with the protection of their unique and sensitive resources. Although these comments are necessarily abbreviated because of the extremely short time period provided for review, the complexity of the issues presented, and the lack of a full analysis of the alternatives, we hope that they are helpful as you strive to develop this plan. These comments are intended to strengthen the plan and ensure conservation of biological resources in California deserts.

In this letter, we reference the joint comment letter submitted in response to the Preliminary Development Scenarios<sup>1</sup> ("scenario comments") on May 22, 2012, as many of our concerns and recommendations remain the same.

Our comments are as follows:

1. Incomplete Picture. As in our scenario comments, we must first begin these comments with the recognition that in the absence of biological goals and objectives, a true evaluation of the proposed

<sup>1</sup> Defenders of Wildlife, et al. Comment letter submitted on May 22, 2012. Available online at: [http://www.drecp.org/meetings/2012-04-25-26\\_meeting/comments/Environmental\\_Organizations\\_comments.pdf](http://www.drecp.org/meetings/2012-04-25-26_meeting/comments/Environmental_Organizations_comments.pdf)

alternatives is not feasible. While each of the five alternatives does include accompanying proposed Areas of Critical Environmental Concern (ACECs) and Special Resources Management Areas (SRMAs), it is impossible to know how these proposed land use designations would need to change to meet biological goals and objectives given various development scenarios. Specifically, it is unclear in the briefing material what is meant by a non-biological ACEC, how areas with overlapping ACEC and SRMA designation will be managed, and how these designations fit into the overall conservation reserve design.

The DRECP must prioritize finalizing the biological goals and objectives and structuring a reserve design to meet these objectives for covered species, natural communities and ecological processes. We understand that the REAT agencies are taking a different approach to BGOs than the conservation community has recommended. As described at the July 25, 2012 stakeholder meeting, the SMART BGOs will be finalized and assessed once the preferred development scenario is identified. This approach is counter to the traditional conservation planning approach in which the conservation and recovery standards are applied to covered resources first and appropriate development is designed around the reserve design to ensure BGOs are met and recovery standards achieved. Our concern is that the plan, if focused on identifying development areas first, will not be able to achieve conservation standards required under the NCCP Act.

In addition, although the alternatives do explicitly include the projected development footprint across all DFAs and the breakdown of estimated acres of each technology, we are still unclear what “rule sets” will dictate how development will be sited within each DFA to avoid conflicts with biological resources. We would also appreciate clarification on how the rule sets will apply to lands outside of the identified DFAs.

Without these key elements of the conservation strategy and with limited time, we are left to follow the precautionary principle recommended by the Independent Science Advisors of limiting development to the most degraded areas first, which is one reason Alternative 1 appears most closely aligned with the statutory requirements of the NCCP Act.

2. Comments on Alternatives. Unfortunately, we do not have enough information or time to fully analyze each alternative in detail. However, we offer the following initial comments:

- An analysis of the proposed variance lands from the preferred alternative in the BLM’s Solar Final Programmatic Environmental Impact Statement (Final Solar PEIS) should be conducted for **all of the alternatives**. As requested in our scenario comments, the REAT agencies need to clarify the relationship between the DRECP and the Solar PEIS and explicitly state how Solar Energy Zones and Variance Lands will be modified by the DRECP to meet biological goals and objectives and the overall conservation standards of the NCCP Act as provided for in the Final Solar PEIS. Lands found to be unsuitable for development should be excluded from development per the final PEIS.
- All alternatives should include:

- An analysis of the biological values within the DFAs and should be presented as high, medium or low conflict relative to the Biological Reserve Design Context.
  - Avoidance of sensitive cultural resources and tribal lands.
  - DFAs most aligned with the existing transmission infrastructure.
  - Avoidance of large, undisturbed, contiguous habitat for wide-ranging species, especially the Desert tortoise.
  - Upfront consideration of Department of Defense issues to ensure that their concerns don't end up pushing development into environmentally sensitive areas.
- Alternative 1: We support development on disturbed lands first and foremost, as avoidance of impacts to biological resources is the best strategy to ensuring the DRECP meets the conservation standards of the NCCP Act. While Alternative 1 is titled, “Disturbed and Degraded Lands,” it also includes BLM’s proposed variance lands. To conform to the title and concept of this alternative the only variance lands that should be included are those that have been identified as disturbed by the DRECP disturbed land mapping exercise. Alternative 1 does not appear to include all available type-converted acreage in Imperial County and the Antelope Valley, and Victor Valley areas. Some of the disturbed acreage may have been excluded to reflect LA County's identified environmentally sensitive areas; however it is not evident why other disturbed areas in LA County and elsewhere were omitted. In view of the fact that the DRECP purports to include even 1-20 MW utility side ground mount DG development, it is important to identify all disturbed open areas, especially if close to urbanization or clearly explain why some type-converted lands were removed. Lastly, DRECP should exclude from this alternative all lands within Rose Valley, which is within the Mohave ground Squirrel Conservation Area (i.e., BLM-designated Wildlife Habitat Management Area).
  - Alternative 2: At this time, we cannot support Alternative 2, as there is not enough information to assure the proposed plan would achieve the biological conservation standards under the NCCP Act. The briefing materials provide no justification for the additional 500,000 acres of DFA land that have been included in this option, which could serve to increase renewable energy development sprawl across undisturbed desert lands.
  - Alternatives 3 and 4: Concentrating DFAs and renewable energy resources in one geographic area most likely makes it impossible to meet the conservation objectives for species whose habitat is primarily in that area. We view both of these Alternatives as inconsistent with the conservation standards of the NCCP Act. These scenarios also present significant challenges for transmission planning.
  - Alternative 5: Without a compelling rationale to open over 2 million acres to development and a clear picture of the rule sets that will apply to siting development in the DFAs, we cannot support Alternative 5. Including an alternative with a total DFA acreage multiple factors larger than what a reasonable build out of large-scale energy is likely to be to meet California’s energy needs up to 2040 is problematic for meeting our wildlife and habitat protection goals, our transmission planning needs and BLM’s mandates under the Federal Land and Management Policy Act. This alternative could promote extensive renewable

energy development sprawl by allowing build out across millions of acres of undisturbed land.

3. Mapping and Data Accuracy. As mentioned in our scenario comments, we are concerned with the accuracy of the Biological Reserve Design Context, as we do not believe it has been updated with newly released information such as the West Mojave vegetation mapping, expert review of species models, and recommendations from the June 2012 Independent Science Panel. Accuracy of the Biological Reserve Design Context is essential to the success of the plan because it is the foundation for decisions regarding the location of proposed ACECs, SRMAs, and mitigation lands. If the foundation for these decisions is inaccurate, all of the alternatives will be misguided in their placement of DFAs and reserve areas.

Table 4.3 on page 55 indicated overlap of each of the alternatives with non-biological resources and land use allocations. Included are ACECs with overlap ranging from 9,218 acres in Alternative 1 to 135,443 acres in Alternative 3. Please clarify where these non-biological resource ACECs are located and what they were designated to protect. It is our understanding that the proposed federal Solar Energy Development Plan/Solar PEIS calls for excluding ACECs from solar energy development. The DRECP alternatives should be consistent with the Solar PEIS and exclude development within ACECs.

4. Renewable Energy MW Target. The target MWs of renewable energy development in the DRECP only accounts for projects that are under construction or have been approved and are pending construction as of December 2011. The briefing materials distributed on July 18 suggest that reasonably foreseeable projects plus the Department of Defense (DOD) renewable energy estimates will be subtracted from the target, but there is no explicit language on how this will be decided among the REAT agencies. The estimate of renewable energy expected to be developed on DOD lands in the next decade should be informed by various directives<sup>2</sup> mandating energy independence for DOD.

The California Energy Commission's (CEC) renewable energy calculator estimated a target of 20,324 MW for all alternatives, including the No Action Alternative. However, the No Action Alternative target MWs will be determined based on which proposed or planned projects become operational, not on the CEC calculator projection. Please clarify how the No Action Alternative target MWs were scaled to be the same as the other alternatives.

Various assumptions in the CEC's DRECP acreage calculator are still flawed. Admittedly, there are difficulties predicting how much renewable energy development will actually occur in the California deserts due to unknown technological and other changes that will occur in the future. However, CEC and DRECP have settled on a "reference case" scenario that assumes aggressive demand

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<sup>2</sup> Executive Order 13514 (Oct 2009); Executive Order 13423 (Jan 2007); Energy Policy Act 2005; DoD Operational Energy Strategy 2011; Dept of Navy's Energy Program for Security and Independence; USMC Expeditionary Strategy and Implementation Plan; Army's Energy and Strategy Campaign Plan; EESI Fact Sheet July 2011; Memorandum of Understanding Between the Department of Defense and the Department of the Interior on Renewable Energy and a Renewable Energy Partnership Plan (August 2012) <http://www.doi.gov/news/pressreleases/loader.cfm?csModule=security/getfile&pageid=312415>

drivers including retiring all in-state nuclear generation and converting two-thirds of California vehicles to electric or hybrid (assumptions which we applaud). But it also assumes only modest energy efficiency going forward, and virtually no improvement in building energy efficiency as well as other assumptions that tend to inflate demand. Taken together, this set of assumptions presents a very high electricity demand case. Further, the calculator has various substantive errors. Although we appreciate that the acreage estimate for solar technologies has been corrected, we believe the population assumption does not reflect the current Department of Finance forecast, nor has potential double counting of EVs already embedded in the demand forecast been corrected to our knowledge. We request that these errors be corrected prior to the release of the DEIR/DEIS and that it be acknowledged to be a high electricity demand case, rather than a reference case.

The impacts of utility-scale projects that are built on lands that are in a relatively undisturbed condition will last for hundreds of years, affecting native species of plants, animals and their habitats, some of which are endemic to the planning area. Because of the uncertain nature of both planning for climate change<sup>3</sup> and planning for technological advances that could reduce the amount of large scale desert solar and wind energy needed to meet carbon reduction goals, we recommend the DEIS/EIR include an alternative with a MW target for the DRECP that is no more than 75% the current CEC MW target. This alternative would not only allow for more undisturbed desert lands to remain intact, but would also more readily fulfill the conservation standards of the NCCP Act. Including a lower MW target alternative could also help re-focus our efforts on developing renewable energy in the built environment, pushing for more energy efficiency measures and avoiding unnecessary trade-offs in our deserts. Given that technology is likely to change, lessons are likely to be learned, and biological information will be improved, we urge DRECP to consider this as a reasonable alternative in drafting the Draft EIS/EIR. Without an alternative that considers a lower MW target, it is unlikely that the chosen alternatives provide a proper “full range” of alternatives, since the lowest one offered is still potentially high based upon our estimation of need.

We appreciate the opportunity to provide comment on these Alternatives and for your consideration of the comments and recommendations outlined in this letter.

Sincerely,



Stephanie Dashiell  
California Desert Associate  
Defenders of Wildlife



Barbara Boyle  
Senior Representative, Beyond Coal Campaign  
Sierra Club

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<sup>3</sup> [Our Changing Climate 2012 Vulnerability & Adaptation to the Increasing Risks from Climate Change in California - Brochure](http://www.climatechange.ca.gov/adaptation/third_assessment/).  
Publication # CEC-500-2012-007. Posted: July 31, 2012 [http://www.climatechange.ca.gov/adaptation/third\\_assessment/](http://www.climatechange.ca.gov/adaptation/third_assessment/)



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