

NATIONAL PARKS CONSERVATION ASSOCIATION

Protecting Parks for Future Generations

January 20, 2013

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California Energy Commission
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RE: Comments on Descriptive and Comparative Evaluation of DRECP Alternatives

This letter is intended to provide stakeholder input on the Interim Descriptive and Comparative Evaluation of DRECP Alternatives. National Parks Conservation Association's (NPCA) comments are public and intended to ensure that this process implements mission-driven and stakeholder-inclusive action, while carefully considering, minimizing or eliminating impacts to natural and cultural resources. Comments are submitted in compliance with the review period ending January 23, 2013.

NPCA is dedicated to the protection and enhancement of National Parks for current and future generations. NPCA advocates on behalf of 750,000 members and activists. NPCA works to safeguard the protections won for resources and recreational opportunities within and affecting the California Desert¹ NPCA manages three field offices in the Mojave Desert, including the Mojave Field Office in Barstow, CA. NPCA has participated in the DRECP process since its inception and has provided both public and written comments, attended Southern California meetings, organized members of the public to attend and deliver comment, met with CEC in Sacramento, and is currently working with CEC to hold a Morongo Basin workshop to ensure that local stakeholders are included as full participants in this process.

We support developing and adopting an alternative that limits variance lands, decreases impacts to resources and recreation opportunities on public lands, prioritizes responsible development on mechanically-altered disturbed private and public lands, protects important landscapes and species through lasting designations, and revise how we approach the singular goal of reaching 20,000 MW when energy conservation, weatherization, technology, and future renewable energy sources should all be considered in the portfolio. We also believe while the California desert has and will do its part in meeting renewable energy needs. Other regions of the state, such as the Central Valley, should also move forward with renewable energy development. Finally, scaling down projects to smaller acreages may significantly increase the amount of disturbed lands feasible for renewable energy development and for inclusion into this planning process.

¹ through FLPMA, the California Desert Protection Act of 1994, the Public lands omnibus bill of 2009, the National Parks Organic Act of 1916, and the Endangered Species Act.



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The DRECP, if managed carefully to meet future renewable energy goals and to protect and enhance desert resources, represents a significant conservation opportunity. This plan can protect critical habitats in perpetuity, completing the protection of watersheds and viewsheds to the economic and practical benefit of human communities while sustaining floral and faunal communities. It can revise or remove understudied and biologically rich variance lands adopted within the Solar PEIS. It can help chart a path forward towards future renewable energy production goals recognizing the importance of a diversified portfolio that takes into account that technology is changing rapidly and multiple sources produced statewide will serve us all best in the future. This plan is California's opportunity to provide international leadership demonstrating that one of the world's largest economies can thoughtfully transition to clean energy production while protecting its sensitive landscapes and species. California desert communities and businesses are sustained through destination tourism to this region's public lands. Over 3 million people visit the California desert national parks, and as many as 10 million people visit California desert's public lands in total, representing an important economic boon to the region.

These important benchmarks can only be reasonably accomplished if the plan conforms to the recommendations of the Independent Science Panel, works in partnership with the Counties to protect the economic interests of desert residents, and sets forward a conservation plan that improves the protection and connection of desert landscapes to provide true durability to mitigate the loss of habitat and to provide species the best opportunity to adapt to or vertically migrate away from the impacts of global climate change.

This plan is geared towards making land use planning decisions to accommodate additional production to meet a goal of 20,000 MW. NPCA strongly supports the advancement of renewable energy to phase out coal-fired production; however, we question a production only approach and assumption. Energy efficiency is a part of the solution, as we already have the infrastructure in place, and can conserve sensitive desert resources by both using less and by improving energy conservation through the building envelope. In addition to making homes and buildings more energy efficient, they can produce energy through roof-top solar production, lessening the overall burden to produce energy from wild lands in the California desert.

Considering this opportunity, and the potential for environmental and economic harm implicit within decisions through this planning process, NPCA recommends the following be considered, further analyzed, and or undergo revision:

- This plan has not presented the public with information concerning the current status of hydrologic basins/aquifers and the proposed impact to these from all alternatives. This should include information on whether these aquifers are over-allocated and should consider the cumulative impacts of foreseeable projects including but not limited to renewable energy projects, the Cadiz water mining plan, and the Eagle Crest Pumped Storage project. Projects with hydrological connection to Devil's Hole in SW Nevada must also consider their impacts to the water level necessary for the survival of the



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Devil's Hole Pupfish as protected by Supreme Court decision (Cappaert vs US)². Water is a limiting factor for species and movement in desert environments, and is a critical consideration in achieving long-lasting conservation and to connect habitats. The interim document recognizes the diversity of aquatic species in the California desert, and the protected status of many of those species, and should consider the impacts of each DFA to these rare and important habitats. This review should include information on springs, seeps, listed aquatic species, and riparian habitat.

- This plan should present identification and comparison of locations proposed with high or moderate conflict within examined factors (biological, visual, cultural, recreational). The next draft should give a deeper analysis of how proposed DFA's conflict with resources, including irreplaceable resources, disconnection or impact to identified migration and connectivity corridors, flora and fauna with limited ranges, and those locations with high cultural or historic sensitivity. These should be factors for exclusion, and for prioritizing local mitigation where possible.
- We request that the plan increase the distributed generation assumption to 20%, and correspondingly decrease acreage necessary on public lands to meet the DRECP target of 20,000 MW. Furthermore, we request that the DRECP consider a staggered development approach that meets or exceeds currently enacted RPS goals and prioritizes DFA siting on the lowest conflict private and public lands. This presents a baseline of common-interest acreage where we can achieve consensus and then build out from there. We also request that the DRECP reserve 10% of their 20,000 MW energy production goal for other renewable energy technologies which will certainly emerge and become more efficient and less costly within the planning period of the DRECP. This plan will undoubtedly have to revisit our assumptions about developmental needs as time progresses due to technological advances and state and federal policy directives and county ordinances which may favor certain technologies, conservation priorities, or limit use of energy. Therefore a thoughtful adaptive management plan should consider how to re-prioritize DFA acreage should less acreage be needed due to efficiencies or breakthroughs.
- This plan should present identification, analysis and potential removal of DFA/variance lands that overlap with known least cost migration corridors, high or moderate biological, visual, cultural, and recreational resource conflicts.
- The DRECP should include regional cumulative impacts analysis for projects on public lands. For example, the proposed Eagle Mountain landfill project will have an irreversible negative impact to desert tortoise populations in and around Joshua Tree National Park, harming up to 75% of critical habitat in the park based on recent data compiled by NPS. This project harms the ability to pursue renewable energy projects in and surrounding the Riverside East SEZ based on cumulative impacts. Industrial projects proposed that limit the future success of SEZ's or DFAs should be analyzed through the DRECP, as land use planning decisions must be made in order to both protect species and

² the landmark Supreme Court decision of 1976 (Cappaert vs. U.S.). It recognized the prior water right of Devils Hole vis-a-vis its designation as part of a national monument. The permanent injunction did not halt pumping, but limited it to a level which guaranteed sufficient water to inundate the natural rock shelf.



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- facilitate development. This is specifically important in alternatives that propose the development adjacent to Joshua Tree National Park.
- Provide justification for assumptions about renewable energy production including how the 20,000 MW figure was chosen, how close we are to current RPS goals, what percentage of energy statewide is provided by renewable energy in total, and what percentage of that is utility-scale production compared to distributed generation, as well as how much renewable energy is produced by other less traditional sources. We would also like to see forecasting trends for how these percentages are thought to change during the planning horizon.
 - We urge the DRECP to incorporate and act on the recommendations of the Independent Science Panel to ensure the plan's credibility. This is important to ensure that this expensive, extensive, multi-year, multi-agency process is respected and serves as a model for collaboration in Southwestern States and to provide a framework for states that seek to protect resources while converting from carbon-intensive energy production to renewable energy. The plan must avoid making a statement that politics trump science in this process.
 - The plan must consider the socio-economic impacts to desert communities from each of the alternatives. The California desert is home to multiple gateway communities that benefit significantly from destination tourism. The Morongo Basin and the Coachella Valley support conservation based on the known economic benefit generated by Joshua Tree National Park, the San Jacinto/Santa Rosa National Monument, and adjacent wilderness areas. Shoshone, Tecopa, Death Valley Junction, Ridgecrest, and Panamint Springs are the gateway communities to Death Valley National Park. Barstow, Baker, Nipton, and Needles are the gateway communities to Mojave National Preserve. These cities and their counties receive benefit from destination tourism, and in many cases this tourism is a major component of their local economies. Siting DFA's in close proximity to these communities has an unknown effect to tourism and should be explored carefully. This analysis of economic impacts has been regularly suggested through public comment. This data can be used to identify economic zones supported by destination tourism, communities that self-select as gateway communities, and can reduce emphasis on development in these areas to protect local economies and reduce overall impact of plan, while gaining local support for a thoughtful planning process.
 - Encourage development of durable conservation that addresses the concept of permanence. This should be supported by the ISP and the environmental stakeholders. Conservation designations within the NCL system should be used to accomplish meaningful actions such as the protection of riparian, stream, river, and spring habitat, the protection and/or completion of watersheds, the connection of large conservation lands together, the protection of habitats that are critical to the long-term survival of listed species, biologically rich areas that are adjacent to existing conservation lands, and lands that serve the role as being migration corridors for species. Mitigation should be used in tandem with this acquisition strategy to maximize results.
 - Use this plan to address deficiencies in the Solar PEIS, including the removal of high conflict variance, the re-evaluation and reduction of developable lands within the Riverside East SEZ, with input coming from wildlife corridor data, the USFWS, DFW,



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- and NPS in addition to BLM. Lands such as those proposed for the Soda Mountains project should not be included within the DRECP because of identified importance to bighorn sheep migration, landscape connectivity, proximity to Mojave National Preserve, and hydrologic connection to MC Spring, a location utilized for the recovery of the listed Mojave Tui-Chub.
- Maximize alternatives with highly disturbed (mechanically altered) private and public lands. This is important in order to provide a clear choice to stakeholders and to the public.
 - Propose a balanced approach to regional mitigation that considers mitigation for local impacts while achieving longer term conservation objectives such as providing protection to watersheds, migration corridors, connects sensitive habitats to larger protected areas, and offers higher designation protection for lands important for sensitive species. Projects such as Ivanpah Solar were unable to successfully mitigate their impacts to desert tortoise locally within their assigned recovery area. The inability to mitigate a project's impacts should be considered when approving a project, and furthermore, local impacts should be able to be mitigated when siting DFA's.

Thank you for the opportunity to provide input.

Sincerely,

David Lamfrom
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