California Energy Commission
DOCKETED
09-RENEW EO-1
TN 72009
SEPT. 23 2013

DESERT TORTOISE COUNCIL
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23 September 2013

Mr. David Harlow, Director
California Desert Renewable Energy Conservation Plan
1516 Ninth Street, MS-46
Sacramento, CA 95814
docket@energy.ca.gov Docket Number 09 RENEW EO-01

RE: Comments from the Desert Tortoise Council to San Bernardino County Supervisors James Ramos and Robert Lovingood

Dear Mr. Harlow

The Desert Tortoise Council (Council) is a private, non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of this species. Established in 1976 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council regularly provides information to individuals, organizations and regulatory agencies on matters potentially affecting the desert tortoise within its historical range.

The Council has previously submitted comments on the Desert Renewable Energy Conservation Plan (DRECP), and takes this opportunity to provide additional feedback. Ed LaRue attended the public meeting with San Bernardino County Supervisors James Ramos and Robert Lovingood in Yucca Valley on 7 September 2013. Whereas our comments were recorded by an appointed stenographer during the meeting for the benefit of the two Supervisors, we herein reiterate our concerns directly to DRECP staff.

1. The Council is dismayed that the maps displayed in Yucca Valley still show that five of the six alternatives include the Desert Tortoise Natural Area (DTNA) in Development Focus Areas (DFA). We understand that these maps are unmodified as of December 2012, but herein reiterate that *none of the alternatives* should include lands that are already subject to existing management agreements. There should be lands, including the DTRNA with its Memorandum of Understanding between the Desert Tortoise Preserve Committee (DTPC) and Bureau of Land Management (BLM), that are completely excluded from DFA consideration. Other lands that should be excluded from all potential solar and wind farm development include Catellus lands and all other lands acquired through formal impact mitigation in take permits issued by U.S. Fish and Wildlife Service and California Department of Fish and Wildlife.

2. We appreciate that no lands within the Morongo Basin, between Yucca Valley and Twentynine Palms have been identified for DFA status. There are significant numbers of tortoises residing in undeveloped portions of the Morongo Basin, and excluding them from DFA designation is a very positive step.

3. The Council understands that the DRECP will further amend land management plans that were recently amended by the Solar PEIS. We think it is a positive step in the right direction that the DRECP will be able to eliminate many of the variance lands that support substantial numbers of tortoises. However, we believe that the PEIS' prohibition of solar fields and wind farms from tortoise critical habitats and Areas of Critical Environmental Concern, including all Desert Wildlife Management Areas (DWMAs), should not be changed.

4. The Council would like to see a two-column tabulation of the deficiencies identified by the Independent Science Advisors final report and how the DRECP staff has addressed each of these deficiencies.

5. Unfortunately, Alternative 3 with the West Mojave emphasis is targeting perhaps the most imperiled subpopulation of tortoises in the listed range. It's counter-intuitive to authorize even more impacts (i.e., increased DFAs) in an area that is already heavily impacted by development from both authorized and unauthorized uses.

6. One member of the Stakeholder Committee informed a board member of the Council that the DRECP is considering increasing the 1% Allowable Ground Disturbance (1% AGD) identified in the West Mojave Plan DWMAs up to 10%! The DRECP should strengthen tortoise conservation provided for in the CDCA Plan and three recent BLM regional plans, not undermine it. Also, the 1% AGD was for *all* development, and the DRECP is ostensibly authorizing only renewable energy, so planners must consider the cumulative impacts associated with renewable energy and all other planned development.

7. It is very difficult to compare the sizes of different areas, for example, between DFAs and proposed National Conservation Lands (NCL), without tables showing associated acreages. Future maps must list acreages so that comparisons among alternatives can be readily determined.

Thank you for this opportunity to provide additional input.

Regards,

Edward L., LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Council, Chairperson