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Via email only

California Energy Commission
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California Energy Commission

DOCKETED

09-RENEW EO-1

TN 74884

FEB 23 2015

RE: **Desert Protective Council comments on the Draft EIR/EIS for the DRECP**

February 23 2015

Dear California Energy Commissioners,

The Desert Protective Council (DPC) is a 501(c) (3) non-profit membership organization founded in 1954 with members throughout the southwest and nationwide. *The DPC's mission is to safeguard for wise and reverent use by this and succeeding generations those desert areas of unique scenic, scientific, historical, spiritual, or recreational value, and to educate children and adults to a better understanding of the deserts.*

The Desert Protective Council has participated in land use planning across the American southwest deserts for six decades. The DPC participated in the public process resulting in creation of The Federal Lands Policy Management Act (FLPMA) in 1976. Among other campaigns, DPC was an active partner with the BLM and other conservation and recreation organizations in the crafting of the 1980 California Desert Conservation Area (CDCA) Plan, assisted in building support for the protection of the Coachella Valley Preserve and the Santa Rosa/San Jacinto National Monument. The DPC was an integral part of the coalition of citizens and conservation organizations that worked to pass the 1994 California Desert Protection Act. Members of the DPC camp, hike, back pack and tour the southwest deserts. They cherish the unique natural and cultural treasures of our California desert and many have expressed deep concern about the mind-boggling number of impacts from the proposed CA Desert Renewable Energy Conservation plan.

The Draft DRECP lacks analysis of all reasonable alternatives, thereby not meeting the basic requirements of NEPA and CEQA.

- **The Draft EIR/EIS offers no acceptable justification** for excluding a distributed generation and energy efficiency alternative, nor does it mention the fact that California already has a renewable energy plan in place: **The California Energy Efficiency Strategic Plan (CEESP)**. What is needed is not a plan for expediting energy development in the California Desert but to prioritize rapid implementation of the California renewable energy plan that has already been adopted. In order to avoid “unnecessary and undo degradation” of our California desert, as NEPA directs, the DRECP team needs to include the CEESP alternative in the final document

The mission of the Desert Protective Council is to safeguard for wise and reverent use by this and succeeding generations those desert areas of unique scenic, scientific, historical, spiritual, and recreational value, and to educate both children and adults to a better understanding of the desert.

DRECP EIR/EIS.

The DPC herein will focus our comments primarily on the DRECP Preferred Alternative in relation to the *Imperial County Ecoregion Air Quality, Agriculture, Environmental Justice and Public Health Issues*.

In the final EIR/EIS, it is essential to add “agricultural lands” to the maps legends.

This is particularly important in Imperial County where many acres of proposed development focus areas are imposed on agricultural lands. *For those who are not intimately familiar with a particular ecoregion, it is impossible to determine where the Development Focus Areas overlay agricultural land.*

- Imperial County has 539,000 acres classified as **Important Farmland**, including farmland classified as Prime, of Statewide Importance, Unique and/or of Local Importance out of 740,000 acres in these categories within the entire Plan Area. (Table III-12.1)
- Imperial County has 36,000 acres of land classified as **Farmland of Local Importance** of the approximately 82,196 acres in the total Plan Area. “Farmland of Local Importance” is important to the local agricultural economy, as determined by the local county boards of supervisors and local advisory committees. The County of San Diego defines Farmland of Local Importance as “land with the same characteristics as Prime Farmland or Farmland of Statewide Importance, with the exception of irrigation. ...” (Volume III. 12.8 Agricultural Land and Production).
- **Imperial County thus has about 44% of total locally important farmland in the entire Plan Area.**

In order to emphasize the importance of agriculture to Imperial County, We herein include the relevant sections of Volume III.12.1.3 related to Imperial County Agricultural Production: “The Imperial County General Plan Agricultural Element contains guidelines for the preservation of important farmland, development patterns and locations of agricultural land, prevention of conflicts between agricultural and non-agricultural uses, water availability and conservation, irrigation runoff and environmental issues, agricultural regulations, public relations and education, agricultural production and marketing research, agricultural packaging and processing operations, and special cattle, dairy, and aquaculture concerns (County of Imperial 1996).”

The Imperial County Agriculture Element’s goals must be acknowledged and respected in the Final EIR/EIS and are listed below.

- **Goal 1: All Important Farmland, as defined by federal and state agencies, should be reserved for agricultural uses.**
- **Goal 3: Limit the introduction of conflicting uses into farming areas.**
- **Goal 4: Maximize the inherent productivity of Imperial County’s agricultural resources by ensuring future availability of adequate and affordable irrigation water.**

Goal 11: Encourage the continuation and expansion of agricultural production.

We were not able to find an explanation in this draft EIR/EIS as to why agricultural elements goals 2, and 5-10 are not listed but it is essential that the Final DRECP must not undermine the goals of the Imperial County General Plan Agricultural Element Goals and Policies.

The Imperial County Agriculture Element's policies:

- **Policy 1 (Preservation of Important Farmland):** All agricultural land in Imperial County is considered Important Farmland, as defined by federal and state agencies, and should be reserved for agricultural uses. Agricultural land may be converted to non-agricultural uses only where a clear and immediate need can be demonstrated.
- **Policy 3 (Agricultural and Non-Agricultural Land Use Relations):** Any new growth increases the potential for new conflicts with existing agricultural land uses. It is the policy of the County that the developer of non-agricultural land use bears the burden of preventing or mitigating agricultural or non-agricultural land use conflicts.

The Imperial County Conservation and Open Space Element goals are listed below.

- **Goal 4: The County will actively conserve and maintain contiguous farmlands and prime soil areas to maintain economic vitality and the unique lifestyle of the Imperial Valley.**
- **Goal 6: The County shall seek to achieve maximum conservation practices and maximum development of renewable alternative sources of energy.**

(We could find no explanation in the DRECP draft of why Goals 1-3 and 5 of the Imperial County Conservation and Open Space Element are not included in this document).

Imperial County is currently updating their General Plan and their renewable energy and transmission element and it is essential for the DRECP team and Imperial County to coordinate with each other's processes.

Important Imperial Valley Agricultural statistics:

- Imperial Valley agriculture production in 2011 generated an estimated \$1,175,000,000 dollars in personal income for California families, and an estimated \$5.3 BILLION dollars in total economic impact to Imperial County
- More than 2/3rds of the winter vegetables consumed in the United States are grown in the Imperial Valley.
- If important agricultural land in Imperial Valley is converted to solar and wind development, **the loss of income and food resources will be substantial and cannot be mitigated.**
- The lush agricultural fields of Imperial County provide habitat to **hundreds of thousands of**

birds for more than 400 species every year. Over 70% of the state's burrowing owls reside in Imperial County. There are more owls per square mile here than anywhere else in the United States, and possibly the world.

The conversion of these avian resources to solar and wind development is a substantial loss and cannot be mitigated.

- At the end of a solar field's 30-year life the structures will be removed and the soil "reclaimed" and returned to agricultural use. Farmland productivity is based on sweet soils yet every acre-foot of imported Colorado River water carries one ton of salt. Using subsurface tile drainage systems, farmers prevent salt from remaining in the soil, ensuring the high productivity of the land. Conversion of farmland to solar fields will destroy the drainage system leaving permanently salty soil. Sweet water to reclaim the soil is unavailable. In addition, the complex network of farm workers and the associated businesses that support agriculture have developed over the past 100+ years will be displaced by a few permanent solar maintenance workers.
- Additional reasons why the restoration of soils to their productivity as the solar facility is decommissioned is improbable at best:
- The concrete ditches on the property and tile drainage system would fail during the life of the solar project because there would be no water going through them. The cost to replace tiles, in current dollars, is \$3,000-\$4,000 per acre for a 70 acre field with tile spacing on 100' centers.
- The water table in the valley is currently at the level of the tile drainage lines (5-7 feet deep). This water is very salty. When the tile drainage system fails, the water table will slowly rise and push salts to the surface poisoning the productive soil. That means when the project is over a new irrigation ditch would have to be installed as well as a new tile system, but instead of 100' centers it would now have to be installed at 50' centers to quickly remove the salts from the soil that accumulated during the 20-year period. Large quantities of water will be required to flush salts from the soils.
- During construction of the solar facilities, heavy earthmovers and water trucks are used to control dust and to compact the soil where the solar pedestals will be installed. Once a soil is compacted its texture is ruined and it can't be brought back to the same level of production that it once had unless it is very sandy soil. Compare this to a marshmallow. Once you squash it, it becomes impossible to return it to its original fluffy state. That's what will happen to the agricultural lands taken out of production if heavy earth moving equipment and water trucks are used during construction.
- The solar companies will be required to control dust on their property during the 20 years of use. It is unknown how this will be done. Companies have questioned if grass could be grown and, of course, anything is possible, but it would be very costly, requiring additional water. At this time, solar facilities being built in the vicinity of Signal Mountain are on ground that was growing a crop of Bermuda grass. It will only take a good summer downpour to get a perfect stand of Bermuda grass growing again. If the roots reach the water table they can use the salty water and a jungle will develop. The grass will cover the solar collectors. In the end it may require

fumigation of the ground to kill all the Bermuda grass rhizomes and seed, although seed will still be blown in from adjacent properties.

- Wind velocities in the Valley can reach speeds in excess of 35mph. These winds and dust lead to dirty mirrors and pitting. The water required to clean the mirrors should be calculated on the high side since it is uncertain how climate change will affect the frequency and velocity of winds. The water should be mineral free so as not to leave salt residues behind. Is the water currently used for irrigation appropriate for this use- probably not!

The permanent degradation of a prime agriculture area with thousands of acres of productive soil lost forever is substantial and cannot be mitigated.

The Draft DRECP EIR/EIS does not meet the requirements of CEQA and NEPA in relation to protection agricultural lands in Imperial County from permanent destruction. Impacts from scraping agricultural land would be permanent and unmitigable:

Volume IV, Table IV, 26-2 summarizes CEQA significant and unavoidable impacts:

- **Impact AG-1** depicts the significant and unavoidable impacts to agriculture from all Action Alternatives through the conversion of Important Farmland to nonagricultural use and/ or conflict with Williamson Act contracts. It also states that there would be cumulatively considerable impact to agriculture for all alternatives. The proposed mitigations in this chart are avoidance and minimization of agricultural disturbance and compensatory mitigation for lost farmland. **The only effective means of avoiding and minimizing impacts to agriculture is to remove Development Focus Areas from agricultural land in the Final EIR/EIS.** Compensatory mitigation is meaningless considering the finite quantities of agricultural land throughout the Imperial County Plan Area. The final EIR/EIS must explain the mechanics around compensatory mitigation for lost agricultural land.
- **Impact VR-2**, Table IV states that the presence of Plan components would create cumulative long-term visual contrast with surrounding undeveloped land and result in long-term diminished scenic quality. The mitigations proposed such as site configurations and harmonizing earthwork with topographic forms and contours and modify facility designs, colors and materials to reduce visibility are not realistic. **The Final EIR/EIS must explain how a developer will be able to reduce the visual impacts from converting agricultural land to a field of solar panels or a concentrating solar project with a 500-ft.solar power tower.**

Given Imperial County's agricultural policies and goals, the DRECP should not be targeting Imperial County agricultural lands as development focus areas. The State has no business focusing renewable energy development on agricultural lands in a county whose entire economy is based on agriculture.

Rather than destroy highly productive farmland and communities forever, the final DRECP must consider a distributed generation alternative. This alternative, adopted by the CPUC in 2008, is the - California Long-Term Energy Efficiency Strategic Plan. (CEESP) This is a real plan on target to compel a market transformation and move California towards long-term, deeper energy savings. <http://www.cpuc.ca.gov/PUC/energy/Energy+Efficiency/eesp/>

Air Quality

The Imperial Borrego Valley ecoregion subarea lies within portions of the Salton Sea and San Diego Air Basins. Approximately 89% of the ecoregion subarea lies within the Salton Sea Air Basin and 11% of the ecoregion subarea lies within the San Diego Air Basin (see Figure III.2-3). This ecoregion subarea is within the jurisdictional boundaries of the Imperial County APCD, the San Diego County APCD, and the South Coast AQMD (see Figure III.2-2).

- **Much of this ecoregion subarea is designated moderate non-attainment under Subpart 2 for the 1997 federal 8-hour ozone standards.**
- **Much of the Imperial Borrego Valley ecoregion subarea is designated 'serious non-attainment' for the federal PM10 standards (see Figure III.2-6).** A portion of south-central Imperial County within this ecoregion subarea is non-attainment for the federal 24-hour PM2.5 standard. The remainder of the ecoregion subarea is unclassifiable/attainment for the federal PM2.5 standards (see Figure III.2-7).
- **All air basins within the Plan Area are designated non-attainment for the state ozone and PM10 standards.** The westernmost portion of the Imperial Borrego Valley Ecoregion Subarea is designated non-attainment for the state PM2.5 standards. The remainder is designated Unclassified for the state PM2.5 standards (see Figure III.2-8).

Figures 2.4 through 2.7 in Volume III depict the fact that the portions of the Salton Sea Air Basin are in moderate to **serious non-attainment for ozone, PM 10 and PM 2.5**

Figure III 2.4 shows the Imperial Valley portion of the Salton Sea Air Basin as being in **moderate non-attainment of the federal 8-hour ozone standard (1997 figure).**

The discussion in Volume III.2.37 states that the *Imperial Valley Planning Area* of Imperial County is a **serious PM10 non-attainment area.** The remainder of the Salton Sea Air Basin within the Plan Area is unclassified/ attainment for PM10: figure III.2.6.

Both the figures and the discussion in this section point out that the *Imperial Valley Planning Area* is in **federal non-attainment for PM 2.5.**

- The remainder of the Salton Sea Air Basin is unclassified/attainment for the PM2.5 24 hour standard.

Childhood asthma is one of the most pressing public health problems in the Imperial Valley.

- Neither the DPC nor other several other stakeholders reviewing the Draft DRECP are able to locate a single reference to this glaring health issue within any of the volumes of the Draft EIR/EIS.
- The Final EIR/EIS must include an analysis of impacts of large-scale energy development on the childhood asthma rate.

The California Department of Public Health recently confirmed that **Imperial County has the highest rate of childhood asthma hospitalizations in the State.**

- Teachers in the El Centro Elementary School District have reported that one out of three students carry an asthma inhaler.
- In 2014, Imperial County ranked 55 out of 57 California counties in overall health factors: www.countyhealthrankings.org/california

Volume IV of the Draft EIR/EIS discussions state that all DRECP alternatives will adversely impact air quality, both in the construction and during the operation of these projects. How could they not impact air quality? Scraping desert topsoil always creates particulate pollution.

The final EIR/EIS must analyze the impacts to public health and the county’s seriously high asthma rate from the additions of PM10, PM 2.5 and ozone from solar projects construction and maintenance in the Salton Sea Air Basin.

The final EIR/EIS must also address the cumulative air quality impacts new solar development in Imperial County, taking into consideration the existing air pollution impacts from off-road vehicle use, from agricultural burning, from blowing dust from extant solar projects and air pollution from agricultural dirt roads in the vicinity of the development focus areas.

The Final EIR/EIS must address the potential for increasing cases of valley fever, which is associated with scraping of previously disturbed desert and other soils throughout California. We were not able to **locate any substantive references to this serious illness**, a number of documented cases in California of which have been correlated with the construction of large-scale solar projects on previously disturbed soils.

The issues of seriously high asthma rates in Imperial County and potential for an increase in cases of valley fever from projects that could be developed in the Imperial Valley Development Focus Areas are serious environmental and social justice issues and must be addressed in the Final EIR/EIS.

Environmental Justice:

The Draft EIR/EIS, IV.23.3.2, IV.23.3.2.1, IV.23.3.2.1.1 describes the Environmental Justice impacts on the Imperial Valley Plan Area from implementing the DRECP Preferred Alternative.

a) Appendix R2.23, Table R23-1 clearly points out that the *“Preferred Alternative DFA acreage in Imperial County is disproportionately borne by 16 minority census tracts of concern within the county (meaning more than 50% of the tract total acreage is proposed as DFA land)”*

b) Appendix R2.23, Table R2.23-2, shows that the Preferred Alternative DFA acreage is *disproportionately borne by four low-income census tracts of concern within the county (meaning more than 50% of the tract total acreage is proposed as DFA land)”*

The Volume IV Draft EIR/EIS *Environmental Justice Summary* does not induce confidence in “Mitigation Measure SE-6a”, which puts off analyzing environmental justice impacts from the Draft’s Imperial County DFAs until some future date.

The document’s elaboration in the paragraphs below makes the case for why Imperial County DFAs in low-income and minority areas should be excluded from consideration:

Volume IV.23-35: *Environmental Justice Summary*

“As discussed above and shown in Appendix R2.23, Tables R2.23-1 through R2.23-12, both minority and/or low-income census tracts of concern within Imperial, Kern, Los Angeles, Riverside, and San Bernardino contain a disproportionate amount of DFA acreage associated with the Preferred Alternative. Facilitating and streamlining renewable energy projects within Preferred Alternative DFAs could translate into a disproportionate amount of future renewable energy projects occurring within these areas. The locations of these census tracts of concern and proposed DFA acreage areas are displayed in Appendix R2.23, Figures R2.23-1 and R2.23-3. In addition to these areas possibly being developed with a disproportionate amount of renewable energy projects, it should be noted that much of the electricity generated by such projects would be delivered to population outside of these areas. It should also be noted that disproportionate exposure to renewable energy projects and conservation areas means that the environmental justice populations could receive beneficial as well as negative effects.

Mitigation Measure SE-6a is proposed to reduce environmental justice impacts from future renewable energy projects within the entire Plan Area. This would include those that may be developed within or adjacent to those census tracts identified above as containing a disproportionate minority or low-income population and a disproportionate amount of planned DFA acreage. Mitigation Measure SE-6a ensures that environmental justice analysis be conducted for all future renewable energy projects within the Plan Area. This includes extensive public outreach and additional study would occur to mitigate any potential adverse environmental justice impacts associated with the Preferred Alternative.

The Final EIR/EIS must analyze mitigation measures, not simply state that “environmental justice analysis be will be conducted for all future renewable energy projects within the Plan Area.”

“Extensive public outreach and additional study” are not equivalent to mitigating potential adverse environmental justice impacts associated with the Preferred Alternative.

The Final EIR/EIS must come up with alternatives to locating a disproportionate number of energy projects in minority and low-income census tracts throughout the Plan Area.

Comments on Draft EIR/EIS Development Focus Areas (DFAs) along the Salton Sea in the Imperial County Plan Area:

- The 40-mile long Salton Sea and the adjacent wetlands and farmlands provide a critical resting and feeding stopover on the Pacific flyway for hundreds of species of birds. Bird deaths around solar projects are being documented and increasing whether from the glare of the panels, the lake

effect or from being killed from the intensive solar flux around solar power towers. It would be unconscionable to endanger millions of birds by erecting solar projects around this critical Salton Sea stopover.

- There is an important wildlife linkage along highway 111 extending from the Coachella Valley south through Imperial County along the Chocolate Mts. on the east side of the Salton Sea. The construction of energy projects in this area would be disruptive of this important connecting corridor.
- The *Imperial State Wildlife Area* along this corridor is an important refuge for birds and mammals. Potential impacts to this refuge from energy development must also be addressed prior to approval of projects.

Air Quality Issues around the Salton Sea:

- It is well known that the Federal Quantification Settlement Agreement between San Diego and Imperial Counties, imposing a water transfer of a portion of Imperial County's Colorado River allocation starting in 2015, has caused fallowing of hundreds of acres of Imperial Valley farmland. The consequence of fallowing agricultural fields has reduced and will further reduce the amount of agricultural runoff into the Alamo and the New Rivers in Imperial County, which are the only sources of fresh water for the Salton Sea. The sea has been shrinking in size for decades. The edges of the sea are drying out, creating the potential for toxic dust storms similar to dust storms from the dried-up Owens River that have for decades poisoned the air in Owens Valley. http://pacinst.org/wp-content/uploads/sites/21/2014/09/PacInst_HazardsToll.pdf
- Scraping additional acres of desert soils around the Salton Sea for construction of solar and wind projects will add to the air-borne particulate pollution in the Salton Sea air basin, impacting human health and agriculture. Construction traffic along highway 111 during construction will add to the burden of air pollution in the form of PM10, PM2.5, ozone and other greenhouse gasses and create additional traffic hazards along this mostly 2-lane road.

The currently uncluttered views broad expanses of desert and mountains on both the east and the west sides of the Salton Sea will be impaired by development of solar projects and additional transmission lines

The peaceful recreational experience of the Salton Sea State Recreation Area will be adversely impacted by construction of large-scale solar projects along the east side of the Salton Sea.

The Final EIR/EIS must specifically analyze all impacts from solar and wind projects to air and water quality on the Imperial State Wildlife Area and to the Sony Bono National Wildlife area on the southern end of the Salton Sea and impacts to groundwater, to soils, to wildlife habitat and wildlife corridor connectivity from constructing large-scale energy projects in the Development Focus Areas in the vicinity of the Salton Sea.

In conclusion, failure to consider detailed analysis of viable, cost-effective and less harmful alternatives to those listed in the existing draft DRECP appears to violate both NEPA and CEQA and should be remedied by including the point-of-use energy efficiency and solar alternative.

The Desert Protective Council has signed on in support of the comments of *Basin and Range Watch* and of the *Alliance for Desert Preservation*.

We herein incorporate by reference the comments of the South Coast Wildlands, the Desert Tortoise Council, Preserve Wild Santee.

The Desert Protective Council thanks you for the opportunity to submit comments to the public record on the Draft EIR/EIS of the Desert Renewable Energy Conservation Plan.

On behalf of the Board of Directors,

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