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California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
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Sacramento, CA 95814-5512

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Re: Comments on Draft DRECP and EIR/EIS, DRECP NEPA/CEQA

Please consider the following comments on the Draft DRECP and EIR/EIS or "Draft DRECP". As a landowner and farmer within Imperial Valley I am greatly concerned about the impacts which the development of renewable energy projects will have upon my lands as well as upon the larger community. The Draft DRECP creates a framework to streamline renewable energy permitting on more than 22 million acres in Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego counties.

The Preferred Alternative in the Draft DRECP and each of its four alternatives all propose significant losses of farmland within the project area ranging from 57,000 acres to 75,000 acres to accommodate renewable energy development. Most of this farmland is located within the Imperial Valley. The conversion of existing farmland to renewable energy development as considered in the Draft DRECP represents between 36% and 50% of the total project acreage to be developed. As such, it is clear that farmland has been specifically targeted for development under this plan while other lands have been spared.

It's hard to grasp the magnitude of the shortsightedness which this proposal engenders. Is the public really to believe in all seriousness that the U.S. Bureau of Land Management, U.S. Fish and Wildlife Service, California Energy Commission, and California Department of Fish and Wildlife all condone the massive conversion of some of the nation's most premier agricultural resources to accommodate the State's renewable energy goals when hundreds of thousands of acres of desert wastelands are deemed out-of-bounds for development due to the most minimal of environmental concerns as catalogued in the Draft DRECP? It would have been well worthwhile to have included members of the U.S. Department of Agriculture and the State Department of Food and Agriculture on the DRECP team to avoid the embarrassment that this group should surely feel for making such a ridiculous and farcical proposal.

California already suffers a significant loss of farmland to urbanization and the permanent conversion of agricultural lands threatens the State's food production capacity and environmental health. As noted in the Draft DRECP, the impact of converting tens of thousands of acres of agricultural lands to renewable energy use is not only significant, but unmitigable (Executive Summary, p. 51). While there may be a general consensus

that development of these types of projects should be constricted to previously disturbed lands so as to minimize impacts to undisturbed lands, it would be wrong to conclude that this general concept supports the construction of such projects on agricultural lands. It must also be recognized that agricultural lands provide a wide variety of environmental benefits which often greatly exceed those provided by surrounding undisturbed lands.

Under State law the purpose of an EIR is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Public Resources Code Section 21002). The EIR is also intended to demonstrate to an apprehensive public that the agency has, in fact analyzed and considered the ecological implications of its action [in approving a project] (*No Oil Inc. v. City of Los Angeles* (1974) 13 C3d 68, 86). The foremost principal under CEQA is that the legislature intended the Act to be interpreted in such a manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. (*Laurel Heights Improvement Assn v. Regents of the University of California* (1988) 47 C3d 376, 390). The current Draft DRECP falls short in achieving these purposes because it fails to provide a reasonable range of alternatives in its analysis by not including an alternative that does not intrude upon agricultural lands or at least attempts to minimize an intrusion.

Inadequate Range of Project Alternatives

CEQA Guidelines provide that "[a]n EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation" (CEQA Guidelines Section 15126.6(a)). The Draft DRECP fails to meet this standard because the range of alternatives evaluated is limited to proposals that target agricultural lands like the Preferred Alternative. This is done notwithstanding the finding in the plan that the potential use of agricultural lands for renewable energy is an area of controversy (Executive Summary, p. 54). The failure to include a project alternative which does not specifically target development on agricultural lands prevents the public and decision makers from evaluating whether there are alternatives to the project which would avoid the proposed project's significant effects.

Under the DRECP's Preferred Alternative, 59,000 acres of farmland is converted to non-agricultural uses. Of these, 43,000 acres are located within Imperial Valley. Similarly, Alternatives 1 through 4 also target the development of farmland with 50,000 acres to 75,000 acres being proposed for conversion again with the majority of it occurring within Imperial Valley. The scope of land conversions are summarized in Table IV.12-3 of the plan as presented below.

Table IV.12-3
Acres of Important Farmland Converted to Nonagricultural Use by County and Alternative

Component	No Action	Preferred Alternative	Alternative 1	Alternative 2	Alternative 3	Alternative 4
For Renewable Energy and Transmission						
Imperial County	15,000	43,000	50,000	37,000	41,000	34,000
Kern County	200	600	300	400	800	700
Los Angeles County	700	1,000	2,000	1,000	2,000	2,000
Riverside County	9,000	11,000	18,000	9,000	13,000	16,000
San Bernardino County	100	400	800	300	700	500
San Diego County	100	—	—	—	—	—
Total	**25,000**	**56,000**	**71,000**	**48,000**	**57,000**	**53,000**
For Conservation Planning Areas						
Imperial County	—	80	100	80	90	100
Kern County	—	100	500	1	200	100
Los Angeles County	—	1,000	2,000	800	2,000	1,000
Riverside County	—	1,000	1,000	1,000	1,000	2,000
San Bernardino County	—	200	200	200	200	200
San Diego County	—	10	10	10	10	10
Total	**—**	**3,000**	**4,000**	**3,000**	**4,000**	**4,000**
Renewable Energy and Transmission Plus Conservation Planning Areas						
Imperial County	15,000	43,000	50,000	38,000	41,000	34,000
Kern County	200	700	800	400	1,000	800
Los Angeles County	700	2,000	3,000	2,000	3,000	3,000
Riverside County	9,000	13,000	20,000	10,000	15,000	18,000
San Bernardino County	100	700	1,000	600	900	800
San Diego County	100	10	10	10	10	10
Total	**25,000**	**59,000**	**75,000**	**50,000**	**61,000**	**53,490**

It is clear from this table that all of the project alternatives as compared to the "No Action" alternative promote the conversion of agricultural land to nonagricultural use. This appears to have been done intentionally. Yet, no explanation is provided within the plan as to why this was done and no discussion is provided as to why an alternative which minimized impacts on farmland would not meet the project's goals and objectives.

Because the DRECP fails to identify a reasonable range of alternatives to the project which would greatly reduce or eliminate many of the project's significant and unmitigated impacts to agricultural resources, it is appropriate that the Draft EIR be revised and recirculated for comment.

If you have any questions concerning my comments, I would be happy to discuss them further.

Sincerely,

Michael Abatti
El Centro, California