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California Energy Commission

**DOCKETED**

**09-RENEW EO-1**

TN 75207

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Director David L. Harlow  
Desert Renewable Energy Conservation Plan  
California Energy Commission  
Dockets Office  
MS-4 Docket No. 09-RENEW EO-01  
1516 Ninth Street  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

Re: Docket Number 09-RENEW EO-1, Draft Environmental Impact Review, DFAs

Dear Director Harlow,

This letter addresses the recent publication of the Draft Environmental Impact Review and the preferred alternative Development Focus Area Map renewable energy zone scenario maps on the Desert Renewable Energy Conservation Plan's (DRECP) website. In general, we have found that the Western Antelope Valley, within which our town council boundaries exist, has been a place in which the “disturbed land” euphemism is employed by planning departments and large-scale renewable energy industry insiders, advocates, and lobbyists, and now, public agencies seeking a way to designate our valley and other valuable desert lands as a prime targets for utility-scale renewable energy development that destroys open space, habitats and connectivity, agricultural lands, scenic viewshed, and wildlife. We also recognize the move to protect public lands that fall under federal and state policy promoting renewable energy, and are seeking additional protection, in turn targeting ecologically valuable private lands across Antelope Valley. In addition, our residents and property owners face loss of rural lifestyle and are similarly “targeted” for renewable energy development that uses local water sources, creation of industrial blight with barbed wire topped fencing of thousands of acres, exposure to Valley Fever through dust events, loss of views and property values, and loss of dark night skies. The DRECP does not adequately address the environmental impacts, and environmental injustice residents face with implementation of the preferred alternative.

The “disturbed land” that is preferred for siting and fast-track permit processing here, has typically been zoned for agricultural use. Some is still in production, some still grazed by livestock, but much is not, and has had many years to recover. It is noted that as little as five years of recovery produces rabbitbrush, grassland, and wildflower fields capable of supporting a

diverse array of foraging and nesting species of birds, reptiles, insects, and mammals. Threats to native grasslands, currently productive agricultural land, and recovering agricultural lands that are still intact (undisturbed for several years), loom largely over the massive scale of soil disturbance and industrial, razor-wire topped fencing, apparently necessary to large-scale solar and wind projects. Threats to already preserved land, such as the State of California's Poppy Reserve and Ripley Desert Woodland, Los Angeles County George Bones Wildlife Sanctuary, Los Angeles County Significant Ecological Areas, and private conservation lands, crucial in providing transitional habitat and connectivity, is immanent, unless foresight is granted in recognizing these areas' ecological value, and the DFA map is modified to eliminate the possibility of fragmenting these areas with renewable energy development.

Well recognized “flagship” species of the Western Mojave Desert, such as the Desert Bighorn Sheep and Desert Tortoise, seem to prevail in the written discussion of critical habitat necessary to preserve and promote the genetic health of desert species through habitat connectivity, protection of water sources, etc.; in short, large-scale ecosystem and habitat preservation, and connectivity. The Western Antelope Valley has its own flagship species: The California Condor, and in addition, Bald and Golden Eagles, Swainson's Hawk, Burrowing Owl, and numerous other raptors. Besides a diverse wintering raptor population, it also supports a variety of nesting and foraging migratory songbirds and waterfowl, to the extent that the Audubon Society recognizes the Western Antelope Valley as a “Globally Important Bird Area.” Audubon has commented on the value of agricultural land as forage, breeding, nesting, and resting areas for migratory fowl, which includes breeding and foraging areas for the newly State listed endangered species—the Tri-Colored Blackbird. Audubon's website describes the ornithological value of Antelope Valley:

The remnant Joshua Tree Woodland in this area supports one of the farthest-west populations of Le Conte's Thrasher in the state (only the San Joaquin Valley group lies beyond). Now existing as a metapopulation fragmented by subdivisions, its future is uncertain. The grassland bird community is most impressive in winter, when large numbers of raptors concentrate in the area. Large flocks of Vesper Sparrows, Horned Lark and Mountain Bluebirds also occur here, widely extirpated elsewhere in the Los Angeles area. The agricultural fields, especially alfalfa, are productive year round. Winter brings Mountain Plover, whose flocks are among the last in southern California. After wet winters, nesting grassland species like Northern Harrier linger well into spring, and occasionally even breed. Swainson's Hawk maintains its southernmost breeding outpost in the state here. As this IBA lies in the path of a major spring migrant route for songbirds, these windbreaks can host hundreds of vireos, thrushes and warblers during April and May. Fields that receive effluent from local water treatment facilities can support hundreds of White-faced Ibis and shorebirds, and these fields support a group of around 200 Long-billed Curlews in fall and winter.

Clearly there is biological richness and value even in agricultural fields that adjoin both completely and relatively undisturbed areas. Los Angeles County Regional Planning's Significant Ecological Area Technical Advisory Committee also recognizes the value of agricultural fields in the area, as it states in SEATAC Procedures and Guidelines 2004:

Indicators of biological significance, and thus of the need for a [Biological Constraints Analysis], can vary widely depending on the setting and ecological phenomena of concern associated with a parcel. For instance, a large, undisturbed

area of native habitat is almost universally acknowledged as biologically significant, due to the intact nature of native associations and ecological functions likely to be found there. Nevertheless, even “degraded” areas, such as fallow agricultural land or invaded (with non-native plant or animal species), but as yet undeveloped land are undoubtedly important habitat for the biota living there. Furthermore, lands such as these may provide ecological functions beyond that of “primary residence” for any particular plant or animal species. Such functions include dispersal corridors, buffer areas and foraging habitat (especially for wide-ranging predators like raptors). The uncertainty with which a parcel can be immediately recognized as “significant” is therefore considerable. . .

This statement is especially important due to the fact that land zoned for agriculture is sought after by renewable energy companies, because, as previously noted, it is labeled “disturbed,” and thus, assumed less valuable as habitat and does not recognize the Important Bird Area designation or Significant Ecological Area (SEA) as important biologically. We would like the DRECP to consider currently cultivated and fallow agricultural land in the Antelope Valley as valuable for buffer areas, foraging and nesting habitat, and wildlife movement corridors, not just an automatic assumption of low biological value. This area does not consist of brown fields, unproductive or sterile lands. In fact, the thirty or so projects already proposed for Los Angeles County alone, if approved, seek heavy agriculture designation for commercial utility-scale development that will fence and eliminate over 19,000 acres of land currently available to wildlife. Some of this land is directly adjacent to the newly proposed San Andreas SEA 21 (expanded from Portal Ridge-Liebre Mountain and Fairmont-Antelope Butte SEAs 57 and 58) and SEA 11 (Joshua-Juniper Woodland, formerly SEA 60) which encompasses Portal Ridge-Liebre Mountain areas, the State of California Poppy Reserve, and fragments of remaining Joshua-Juniper Woodland along the southern and western edge of the Antelope Valley, south of the Los Angeles/Kern County Line. Current SEA resource descriptions of these areas are included below:

**SEA RESOURCE DESCRIPTION: SEA #58 – Portal Ridge-Liebre Mountain**

The SEA is in close proximity to the Mojave Desert, the San Gabriel Mountains, and the Tehachapi Foothills. This position, at the intersection of three major geographical regions has produced the most diverse and unique flora found in the County. The area contains ten distinct plant communities, representing the transition between desert, foothill, and montane environments. The diversity of the area is further enhanced by the presence of many northern species, some of which are rare in the County, reaching their southern limit here. An example is foothill woodland, an uncommon plant community more common in central and northern California that occurs in this area. It is represented often by *Quercus douglasii*, *Q. lobata*, and gray pine (*Pinus sabiniana*). On the lower slopes are southern oak woodland, valley grassland, and riparian woodland. Despite the commonness of most of the plant communities present, this area is very valuable because it possesses such a concentrated diversity of vegetation types. The SEA is relatively large, and the precise locations of its most unique resources are not known. Foothill woodland habitat should be set apart when encountered, and attention must be given to connectivity with the other habitats.

**SEA #57 Fairmont and Antelope Buttes**

In general, desert buttes possess increased biotic diversity over surrounding areas. This is due to a high number of niches being created by mixing sandy and rocky habitats. These areas are vital habitat to many wide-ranging species which forage in outlying habitat and use the buttes for nesting, roosting, denning, and refuge. The buttes serve as concentrated wintering grounds for birds of prey with excellent roosting sites surrounded by cultivated fields which support a plentiful food supply of rodents, rabbits, and hares. Raptor habitat of this type is uncommon in Los Angeles County. In addition, they often possess biological resources that are declining in Los Angeles County due to accelerated agricultural and urban development. These buttes are the most

westerly habitat of this type in the Mojave Desert. Due to the non-uniform distribution of species and the proximity of these buttes to the San Gabriel Mountains, the species composition on them is likely to be different than that found on other butte habitats in the desert. The unique ecological relationships created by these features are of scientific interest. Major development has not occurred on the buttes.

#### **SEA #60 Joshua-Juniper Woodland**

This area supports an excellent example of Joshua tree woodland habitat. Due to accelerated agricultural and urban expansion in the County's desert regions, large dense stands of this habitat are becoming scarce, especially in the Antelope Valley. Joshua tree woodland occurs between 2500-4000 feet, from the extreme western end to the extreme eastern end of the Mojave Desert. The dominant species is the Joshua tree, which reaches heights of 5-12 meters. Other common species include Mojave yucca, sage, box-thorn, and buckwheat.

Ideally, agricultural land, conservation lands, and open space would connect these areas to the valley floor and provide transitional habitat and wildlife movement upslope into grassland, agricultural grazing land, and further upslope onto Portal Ridge. The Development Focus Area (DFA) Map from the preferred alternative neglects the importance of wildlife movement due to predicted climate warming. DFAs should be excluded from these transitional areas. Subsequent wind turbine development on Portal Ridge-Liebre Mountain and the important connection between the Transverse Range, Tehachapi Range and the San Gabriels should be excluded in DFAs. The DFA map fails to account for expanded SEAs in the current Los Angeles County Antelope Valley Area Plan documents. Neither utility-scale, industrial renewable energy development should occur in SEAs, nor should any solar fields surround fragments of SEA 60. The recently adopted Antelope Valley Area Plan excludes utility-scale renewable energy in SEAs, and begs exclusion in DFAs that overlay those areas. Furthermore, industrial, commercial, and residential development proposed at the western end of the Antelope Valley, and the anticipated widening of the Western Highway 138 to freeway status will create further adverse and cumulative impacts to these areas when considered with a build-out of renewable energy promoted by the DFA map.

Of particular note is the presence of California Condor movement along Portal Ridge from Critical Condor Habitat located on the Tejon Ranch. Interestingly, the Tejon Ranch California Condor Conservation and Management Plan excludes utility-scale wind energy development in its Tejon Mountain Village development area; the Plan states "Because of the potential for raptors, including the California condor, to collide with wind turbines, the installation of such turbines will be prohibited on all residential and commercial lots within Covered Lands" (TRCCMP pg. 69) It is apparent as Condor populations increase, foraging areas will expand along the Central Transverse Range southeastward, and to Bald Mountain, Liebre Mountain and Portal Ridge to the southwest along the Sierra Pelona Range, as indicated on the attached Condor GPS Locations Maps 2008, 2009. How can the DRECP plan to protect condors and raptors, here, and at the same time promote the development of industrial-scale renewable energy? Inclusion of this area is disturbing due to the well-known dangers of wind turbines to raptors across the board.

Scenic corridors have value, in that designated areas of significant mountain, ridgeline, and grassland areas, and wildflower fields preserve habitat from inappropriate commercial and personal uses. Los Angeles County established a Scenic Highways Element to their General Plan in 1974 that seeks to maintain scenic resources that are of value to county residents, local rural residents, and tourists alike. Current planning documents also recognize scenic value. Thousands of visitors to the world-renowned Poppy Reserve come to view the most spectacular

wildflower fields in the State. Many fields adjoining consist of fallow agricultural land, grazing land, and grassland surrounding the Reserve, Fairmont and Antelope Buttes, extending many miles west to Gorman, south and north of Highway 138. In fact, one of the scenic routes designated in the Plan extends from 110<sup>th</sup> Street West along Lancaster Road to Highway 138, then along Gorman Post Road. This route is of important scenic value and interest as it affects tourism to not only the Poppy Reserve, but the Western Antelope Valley as well.

The scenic value of areas south of Highway 138, from 110<sup>th</sup> Street West to Gorman Post Road are of major importance to the well being of the habitats supporting wildlife therein: including Golden Eagle foraging areas on Portal Ridge, Condor foraging areas, and newly “emergency” classified endangered Tri-Colored Blackbird breeding colony and forage area; watersheds, ephemeral streams, vernal pools, and riparian habitat; the economic worth to local and County tourism and State Parks.

Finally, we come to the health, welfare, and well-being the Antelope Valley's human residents and visitors. The preservation of wildlife and their habitats, scenic areas, parks, and private conservation land provide much needed enjoyment and respite for our residents and visitors. The wholesale designation of the western Antelope Valley as DFA is questionable with regard to the rights of those living in rural communities. Communities are already changing due to industrializing effects of utility-scale renewable energy. Projects have added traffic, changed property values; and created health threats caused by particulate matter, including worsening respiratory illness and Valley Fever. Rural residents often lack resources to engage experts to digest and comment on such an onerous document as the DRECP Draft EIR and the renewable energy policy that drives development of utility-scale renewable energy. This places us at a distinct regional and political disadvantage. This also may be an example of our rural communities bearing more than their share of environmental burdens of industrial renewable energy development. How does the State of California and the DRECP plan to alleviate the effects of their decisions on rural communities? One suggestion we make is to require distributed generation across millions upon millions of rooftops across the state. This would virtually eliminate the need for a conservation plan, since no EIR would be required for already developed land with structures and would eliminate targeting our Antelope Valley for industrial utility-scale renewable energy.

Sincerely,



Susan Zahnter  
Vice President,  
On behalf of our Town Council

