California Energy Commission | California Department of Fish and Game | U.S. Bureau of Land Management | U.S. Fish and Wildlife Service

Scoping Report

Desert Renewable Energy Conservation Plan Environmental Impact Report/ Environmental Impact Statement

Prepared by:

California Energy Commission
U.S. Fish and Wildlife Service
U.S. Bureau of Land Management
California Department of Fish and Game

December 2011

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1 INTRODUCTION

Pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), the California Energy Commission (Commission), the U.S. Fish and Wildlife Service (Service), and U.S. Bureau of Land Management (BLM) are preparing a joint Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Desert Renewable Energy Conservation Plan (DRECP) and for a possible amendment to the California Desert Conservation Area (CDCA) Plan of 1980, as amended. Together with the California Department of Fish and Game (CDFG), these agencies form the Renewable Energy Action Team (REAT) agencies who are directing the process of preparing the DRECP.

The Commission is the lead agency under CEQA for considering approval of the DRECP. The Service and BLM are the federal co-lead agencies under NEPA. The Service will consider approval of the DRECP as a Habitat Conservation Plan (HCP) under the Federal Endangered Species Act (FESA). BLM will consider approval of a possible CDCA Plan amendment. A Notice of Preparation (NOP) was circulated on July 29, 2011 by the CEQA Lead Agency to seek input from agencies, organizations and the public to further define the project, develop alternatives, and discuss potential environmental impacts and mitigation measures that should be included in the EIR/EIS (Appendix A). Concurrently, the Service and BLM published a Notice of Intent (NOI) in the Federal Register to prepare the EIS (Appendix A). The NOP and NOI also provided notice of three public scoping meetings (see Section 3, Scoping Meetings, of this Scoping Report). A brief description of the purpose of scoping, a description of the proposed DRECP, and the organization and intended use of this scoping report are provided below.

1.1 SCOPING UNDER CEQA AND NEPA

Scoping is a term used in CEQA and NEPA for public involvement early in the preparation of a draft EIR and/or EIS. Scoping allows the public and affected agencies to contribute to the definition of the content of the issues to be addressed in the environmental document. The objectives of scoping are to identify environmental topics and issues and how they influence the definition of the actions to be taken, alternatives to be considered, environmental impacts to be addressed, and mitigation approaches to be developed if needed.

The purposes of this Scoping Report are to describe the scoping process conducted for the DRECP EIR/EIS, provide an overview of the notices and other materials used during the DRECP scoping process, and summarize and document the input received from agencies and the public regarding the contents of the EIR/EIS. A scoping report documents the process and issues raised during the public scoping period, as required by the Council on Environmental Quality's NEPA regulations (40 CFR 1501.7). The BLM Handbook, H-1790-1, Chapters 6.3, 9.1.3, and 10.2.10, provide additional guidance on the scoping process and Scoping Report to gather and document public input in one report. The Fish and Wildlife Service Manual, Part 550, Chapter 2.3 (550 FW 2.3) provides guidance for the scoping process and Scoping Report under the Service's procedures. Section 15082 of the State CEQA Guidelines describes the approach for determining the scope of an EIR.

1.2 SUMMARY OF PROPOSED PROJECT AND INTENDED USE OF THE EIR/EIS

The DRECP will comprehensively address how participating entities with jurisdiction over renewable energy and transmission projects and related facilities in the desert of California will conserve natural communities and species pursuant to the California Natural Community Conservation Planning Act (NCCP Act), FESA, and the

Federal Land Policy and Management Act (FLPMA). The DRECP is a proposed multi-species Habitat Conservation Plan (HCP) intended to conserve threatened and endangered species and natural communities in the Mojave and Colorado Desert regions of southern California, while also facilitating the timely permitting of renewable energy projects to help meet the State's goal of providing at least 33 percent of electricity generation through renewable energy by 2020 and the Federal government's goal of increasing renewable energy generation on public land.

The DRECP is intended to serve as a Natural Community Conservation Plan (NCCP) under Section 2800 et seq. of the California Fish and Game Code and a multiple-species HCP pursuant to Section 10(a)(1)(B) of FESA. As planned, the approved DRECP and associated permits would provide renewable energy developers and entities undertaking DRECP conservation efforts with authorization for the incidental take of certain endangered, threatened, and special-status plant and animal species for covered activities (as defined in the DRECP). Such authorizations would be granted by agencies that are formal participants in the DRECP.

1.2.1 Responsible, Trustee, Cooperating, and Other Affected Agencies and Native American Tribes

Responsible agencies under CEQA include state and local agencies that will approve the DRECP or take actions to help implement it. This potentially includes agencies that have jurisdiction over renewable energy projects within the DRECP Planning Area that elect in coming months to become formal "plan participants" in the DRECP. At this time, the CDFG is identified as a responsible agency, because of its role in approving the DRECP as an NCCP.

Several other state and local agencies have been identified as potential responsible agencies based on their jurisdiction over covered renewable energy projects, related facilities, or conservation actions within the DRECP Planning Area. Projects covered by the DRECP could fall within the jurisdiction of some or all of these agencies, which would make them responsible agencies under CEQA for implementation of the DRECP. Agencies that could be responsible agencies with regard to DRECP-covered projects include the California Public Utilities Commission, California State Parks, State Lands Commission, public utilities, and cities and counties within the DRECP Planning Area. The California Public Utilities Commission and the State Lands Commission have signed Memoranda of Understanding stating that they will participate in the development of the DRECP with the intent of becoming Implementing Agencies. It is therefore likely that they will be responsible agencies.

In addition to being a responsible agency, CDFG is an agency with jurisdiction by law over natural resources affected by the project that are held in trust for the people of the State of California (trustee agency), as well as with jurisdiction over fish and wildlife resources and CDFG-administered lands within the Planning Area. Besides CDFG, three other trustee agencies have been identified for the DRECP EIR/EIS: the State Lands Commission, which controls California State Trust Lands within the DRECP Planning Area; California State Parks, which manages state park land within the area; and certain campuses of the University of California, which have Natural Reserves System sites within the area.

In addition to the Service and BLM, several federal agencies may be approving or funding aspects of the DRECP and will be consulted during development of the EIR/EIS. These include the U.S. Forest Service, the National Park Service, and the Department of Defense. To date, the National Park Service and U.S. Environmental Protection Agency have requested to be cooperating agencies.

Many Native American tribes have reservation lands and/or traditional use areas within the DRECP area. BLM and the Service are engaged in government-to-government consultations regarding traditional use areas and

sacred sites. Also, to the extent that DRECP covered activities may affect cultural resources; tribes with interests in the affected resources will participate in the Section 106 process, in accordance with the National Historic Preservation Act.

1.2.2 DRECP GOALS

The overall DRECP program goals include the following planning goals as stated in the DRECP Planning Agreement:

- Provide for the longer-term conservation and management of Covered Species within the Planning Area
- Preserve, restore, and enhance natural communities and ecosystems that support Covered Species within the Planning Area
- Build on the competitive renewable energy zones identified by the Renewable Energy Transmission Initiative
- Further identify the most appropriate locations within the DRECP Planning Area for the development of utility-scale renewable energy projects, taking into account potential impacts to threatened and endangered species and sensitive natural communities
- Provide a means to implement Covered Activities in a manner that complies with the NCCP Act, FESA, CESA, NEPA, CEQA, and other relevant laws
- Provide a basis for the issuance of Take Authorizations allowing the lawful Take of Covered Species incidental to Covered Activities
- Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements for Covered Activities within the Planning Area
- Provide a framework for a more efficient process by which proposed renewable energy projects within the Planning Area may obtain regulatory authorizations and which results in greater conservation values than a project-by-project, species-by-species review would have
- Provide durable and reliable regulatory assurances, as appropriate, under the NCCP Act and the FESA for Covered Activities that occur within the Planning Area
- Identify and incorporate climate change adaptation research, management objectives, and/or policies into the final plan document.

1.3 ORGANIZATION AND INTENDED USE OF THIS SCOPING REPORT

This scoping report is organized into chapters, as identified and briefly described below.

Chapter 1, "Introduction": Chapter 1 summarizes the proposed project and describes the organization and intended use of this scoping report.

Chapter 2, "Notification of Scoping": Chapter 2 describes the public outreach for the scoping process.

Chapter 3, "Scoping Meetings": Chapter 3 summarizes the scoping meeting format and content.

Chapter 4, "NOP and NOI Comments": Chapter 4 provides review and assessment of NOP and NOI comments and recommendations for incorporation of comments into the EIR/EIS.

Chapter 5, "Program EIR Preparation Guidance": Chapter 5 presents the anticipated schedule for the EIR/EIS.

Chapter 6, "References and Attachments Provided in NOP and NOI Comments": Chapter 6 contains a compiled list of references and attachments that were provided in NOP and NOI Comments.

Chapter 7, "Report Preparers": Chapter 7 contains a list of preparers who participated in the preparation of this document.

Appendices: The appendices contain the NOP and NOI (Appendix A), News Release Distribution List (Appendix B), Public Scoping Meeting Materials (Appendix C), NOP and NOI Comments (Appendix D), and other documentation used for preparation of the scoping report.

2 NOTIFICATION OF SCOPING

NEPA and CEQA require an early and open process to solicit input and comments on the scope of the EIR/EIS, the environmental impact issues it should address, alternatives to consider, and suggestions for mitigation measures. Scoping is designed to seek out concerns, ideas, and opinions of agencies, tribes, businesses, interest groups, and individuals that could be affected by the proposed actions.

2.1 NEPA/CEQA NOTICES

Pursuant to NEPA, an NOI to prepare an EIS was published in the Federal Register on July 29, 2011. The NOI states the intent of the Service and BLM to prepare an EIS for the proposed DRECP. It provided dates and contact information for written comments on the scope of the EIS and published the dates, locations, and times for the public scoping meetings. In addition, the BLM began scoping for the potential amendment to the CDCA in November2009.

Pursuant to CEQA, a NOP for the EIR was submitted to the State Clearinghouse (Governor's Office of Planning and Research) and distributed to State agencies on July 29, 2011. The NOP was distributed to elected officials, local and regional agencies, utility companies, Native American tribal representatives, the Department of Defense (DoD) Clearinghouse and selected DoD representatives, and representatives of interest groups and associations. The NOP announced the intent of the Commission and Co-Lead Agencies to prepare the EIR for the DRECP. It provided dates and contact information for written comments on the scope of the EIR and the dates, locations, and times for the public scoping meetings.

2.2 NEWS RELEASE

Coinciding with the release of the NOP and NOI, the REAT agencies distributed a news release, dated July 28, 2011, to announce the beginning of the scoping process and the date, time, and location of three public scoping meetings. The news release was posted on the internet (see below) and distributed to numerous reporters and news outlets (refer to Appendix B for a complete distribution list).

2.3 INTERNET OUTREACH

Information about the DRECP and scoping meetings has been posted on the DRECP website: *www.drecp.org*. It includes early planning documents related to the DRECP, the NOP and NOI, DRECP stakeholder meeting agendas and notes, news releases, and notices of scoping meetings. Comments received during the scoping period have also been posted on the website.

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3 SCOPING MEETINGS

3.1 MEETING FORMAT AND CONTENT

Pursuant to 40 CFR 1507.1(b)(4), a NEPA lead agency may hold public scoping meetings as part of the scoping process. CEQA Section 21083.9 and State CEQA Guidelines Section 15082(c) require at least one scoping meeting for projects that are of statewide, regional, or areawide significance. Three public scoping meetings for the EIR/EIS were held at the following dates, times, and locations:

August 16, 2011, 7–9 p.m. Doubletree Ontario Hotel Lake Gregory Ballroom 222 N Vineyard Ave. Ontario, CA 91764	August 24, 2011, 2–4 p.m. California Energy Commission Hearing Room A 1516 Ninth St. Sacramento, CA 95814	August 24, 2011, 7–9 p.m. California Energy Commission Hearing Room A 1516 Ninth St. Sacramento, CA 95814

Upon arrival, participants were requested to sign-in and were provided with an agenda and information about the project. Each meeting began with a PowerPoint presentation followed by an open house where attendees could discuss the plan and EIR/EIS with agency representatives. The PowerPoint presentation included an explanation of the DRECP process, the CDCA and other BLM planning actions, and CEQA/NEPA and the scoping process. The open house included four information stations with agency and consultant staff available to answer questions. Participants were encouraged to visit the information stations located around the room to discuss the project. Meeting materials are included in Appendix C.

The information stations addressed the following topics:

- DRECP, Habitat Conservation Plans, Natural Community Conservation Plans, and DRECP Covered Activities
- Covered Species and Biological Issues
- CEQA/NEPA Process and Non-biological Issues
- CDCA Plan Amendment and Other BLM Planning Actions

The scoping meeting was available via Webex. Those who could not attend the scoping meeting in person were able to hear the presentation portion of the meeting. During the open house portion of the meeting, DRECP's Director was available via Webex for questions.

Comment sheets were made available at each scoping meeting and on the DRECP website. Written comments were accepted at each scoping meeting, as well as by mail and email.

Overall, 59 people attended the public Scoping Meetings; 46 in Ontario, 12 in Sacramento (afternoon), and one in Sacramento (evening). The DRECP Director along with representatives from the Commission, Service, BLM, and CDFG attended the Scoping meetings to answer questions from the public. WebEx was made available for the presentation portion of each Scoping Meeting for people interested in hearing the presentation via the internet. The DRECP Director also remained available on the WebEx in case internet questions arose. No questions were received.

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4 NOP AND NOI COMMENTS AND TOPICS RECOMMENDED FOR THE EIR/EIS

Public comments submitted during the NOP/NOI circulation period are summarized and assessed in this section of the Scoping Report. Also, the list of environmental issues recommended in scoping comments to be included in the EIR/EIS is described. Please note that the EIR/EIS will address the full scope of environmental issues, so it will not be limited to the topics raised in the scoping process.

The following discussion provides a review and assessment of the environmental issues raised in comments on the NOP and NOI. Comments are related to specific letters by the Comment number and page number (see Appendix D for numbered comments). Comments dated after September 12, 2011 are not summarized below, however they are included in Appendix D, are being considered regarding the EIR/EIS contents, and are included in the administrative record for the EIR/EIS. The commentary is organized by category based on environmental issues generally covered under CEQA/NEPA that could be affected by the DRECP covered activities, as well as categories related to process and format A total of 38 letters were received during the comment period; eight letters from agencies, 21 from organizations, and nine from individuals. These letters included a total of 318 discrete comments (Table 4-1). Please note that the EIR/EIS will address the full scope of environmental issues, so it will not be limited to the topics raised in the scoping process.

Table 4-1 Comment Category Enumeration

Comment Category	Number Received	Percentage
Project Description	41	12.9
CEQA/NEPA Process	11	3.5
Environmental Impacts and Mitigation	21	6.6
Air Quality and Attainment Status	2	0.6
Biological Resources	60	18.9
Climate Change and Greenhouse Gases	11	3.5
Cultural Resources	11	3.5
Geology, Soils, and Minerals	2	0.6
Hazards and Hazardous Materials	4	1.3
Flood Hazard, Hydrology, and Drainage	4	1.3
Groundwater, Water Supply, and Water Quality	12	3.8
Outdoor Recreation	44	13.8
Planned Land Uses and Policies	29	9.1
Public Services, Safety Services, and Utilities	3	0.9
Socioeconomics and Environmental Justice	7	2.2
Alternatives	41	12.9
Cumulative	14	4.4
EIR/EIS Format	1	0.3
Total	***318***	***100***

The comments presented in the following section are paraphrased from comment letters received during the scoping period, followed by a reference to the specific comment location where the commenter's identity and verbatim comment may be read.

4.1 PROJECT DESCRIPTION

The U. S. Environmental Protection Agency (EPA) states that the EIS should describe: 1) how, and if, it will serve as a "tiering" document for subsequent NEPA analysis prepared for specific project applications; 2) the factors used to determine when a subsequent EIS will be required; and 3) the factors used to determine when an Environmental Assessment will be required (Comment 1-5PD, page 4).

Gear Grinders state that the DRECP plan discusses approximately 22.5 million acres, however only 10 million acres is BLM land. The commenter states that the plan should only address land that the government manages and currently the government has too much control of the public (Comment 12-1PD, page 1).

The Society for the Care and Protection of Wildlife (SPCW) is concerned that the Commission does not have the authority under California law to enforce the EIR/EIS (Comment 16-13PD, page 4).

The California Wind Energy Association (CalWEA) recommends a permitting structure to adequately achieve regulatory permit streamlining (Comment 18-6PD, page 4-6).

The Center for Biological Diversity indicates that the Programmatic EIS's (PEISs) for wind and geothermal energy and the developing PEIS for solar energy should be included in the development of the DRECP. The DRECP must clearly explain how the proposed plan would interface with the Solar PEIS process (Comment 20-8PD, page 8). CBD also states that the EIR/EIS should clearly address how the DRECP process will be coordinated with the NCCP/HCP process (Comment 20-9PD, page 8). The Center for Biological Diversity would also like the DRECP to also address the following issues: a) continued loss and fragmentation of natural biological communities throughout the California deserts from all types of projects and multiple uses; b) protection of all naturally occurring seeps, springs, and groundwater, both fresh and brackish; c) species viability and population connectivity issues; d) Development and implementation of effective, long term strategies for conservation of remaining natural communities throughout the California deserts; and e) opportunities for energy conservation, small-scale generation facilities near cities and towns within the CDCA and distributed generation at the site of energy consumption (Comment 20-18PD, page 13).

The Defenders of Wildlife, Natural Resources Defense Council, Sierra Club, and Audubon California state that the BLM's Land Use Plan Amendment must be subjected to the ESA Section 7 consultation process (Comment 23-9PD, page 8).

BrightSource Energy states that the DRECP must have built-in flexibility that allows for adaptive management and enables development and conservation activities to be fine-tuned to meet changed circumstances when it comes to generation and transmission siting, evolving system needs (Comment 24-1PD, page 1-3), and the range of covered species (Comment 24-5PD, page 4 & 5). BrightSource Energy also states that the federal and state agencies involved in the DRECP need to acknowledge that the recipients of the incidental take authorizations will be considered partners in the HCP and NCCP and that a Memorandum of Understanding (MOU) or similar agreement should be developed (Comment 24-6PD, page 5). Mechanism that will be used to allocate the incidental take authorizations needs to be defined (Comment 24-7PD, page 5).

National Public Lands News (NPL) expresses the opinion that the CEC cannot be the NEPA lead agency (Comment 25-2PD, page 1 & 2). NPL asks if the CEC has the right to enter into agreements with other nations, such as Native American Tribes (Comment 25-7PD, page 4). NPL states that the CDCA Plan provides the overall guidance for federal land-use decisions and outlines the amendment process and how citizens, organizations, and state and local government can bring land management issues to the BLM for inclusion in the consideration for amendments to the CDCA Plan (Comment 25-9PD, page 4). NPL notes that the map on the website is not at a scale that can be readily viewed and interpreted (Comment 25-18PD, page 6).

The American Lands Access Association (ALAA) and Searchers Gem and Mineral Society state that the DRECP must clearly explain how the proposed plan would interface with the Solar PEIS process (Comment 26-5PD, page 4).

The following comments were received from individuals:

- There is a direct conflict between the DRECP recommendations and the Service's mission statement (Comment 33-2PD, page 1).
- Support for the recommendations of the Independent Science Advisors (ISA) panel and encourages the agencies to follow the suggestion of the ISA and adopt a "No Regrets" policy for current and new projects until the completion of the DRECP (Comment 34-1PD, page 1).
- The ISA should find a way to incentivize the counties in the Planning Area to sign onto the permits (Comment 34-3PD, page 2). The individual suggests that the state create a clearing house, or nexus, for all ongoing renewable energy projects. The individual states that a single master list would allow for more transparency for the public (Comment 34-4PD, page 2).
- It is not possible to mitigate for the losses to local habitat, cultural values, viewscape, and water supply as a result of the proposed projects (Comment 37-13PD, page 3).
- The ISA Report for the DRECP be followed as closely as possible, especially the Principles for Siting and Designing Renewable Energy Projects (Comment 37-4PD, page 1).
- Errors that were made during a fast track process, such as for the Ivanpah Solar Project, must never be repeated (Comment 37-6PD, page 2).

4.1.1 Purpose and Need

The U.S. Environmental Protection Agency (EPA) states that the purpose and need should be a clear, objective statement of the rationale for the proposed project and should discuss the DRECP in the context of the larger energy markets it will serve. The EIR/EIS should also discuss how the DRECP will assist the state in meeting its Renewable Portfolio Standards and goals (Comment 1-1PD, page 3).

The Center for Biological Diversity states that in the discussion on the need for renewable energy production, the EIR/EIS must address risks associated with global climate change in the context of including both the need for climate change mitigation strategies and the need for climate change adaption strategies (Comment 20-4PD, page 7).

4.1.2 PROGRAM GOALS

The Center for Biological Diversity provided the following comments on the planning goals, listed below, as stated in the NOP/NOI:

- **Provide for the longer-term conservation and management of Covered Species within the Planning Area.** The Center for Biological Diversity notes that this statement needs to be clearly defined and refined. At a minimum the species addressed in the plan should be all those listed or proposed to be listed under the ESA and CESA, as well as all BLM designated sensitive species and California Native Plant Society (CNPS) List 1B plants. In addition, long-term conservation for target species and their remaining habitats needs to be identified. The Center for Biological Diversity encourages additional on-the-ground surveys to inventory the resources within the DRECP Planning Area (Comment 20-12PD, page 10).
- **Preserve, restore, and enhance natural communities and ecosystems that support Covered Species within the Planning Area**. The Center for Biological Diversity states that these goals for natural communities and ecosystems need to be defined in a manner that provides reserve-level conservation management over broad regions of the Planning Area and urges the agencies to identify potentially incompatible land uses in areas as early in the planning process as possible. Finally, the Center for Biological Diversity urges the DRECP to plan for conservation across land ownerships and include private land and military lands (Comment 20-13PD, page 10 & 11).
- **Build on the competitive renewable energy zones identified by the Renewable Energy Transmission Initiative**. The Center for Biological Diversity does not support this proposed planning goal based on the reasoning that the Competitive Renewable Energy Zones (CREZs) were identified based on hypothetical applications for generation and transmission of renewable energy with inadequate consideration given to impacts to at-risk species and their habitats, habitat connectivity and species movements, and impacts to natural communities (Comment 20-14PD, page 11).
- **Further identify the most appropriate locations within the DRECP Planning Area for the development of utility-scale renewable energy projects, taking into account potential impacts to threatened and endangered species and sensitive natural communities.** The Center for Biological Diversity states that appropriate locations for utility-scale renewable energy projects can only be identified after the biological resources conservation goals, objectives, and reserves are identified. They urge development to occur in currently or historically degraded and disturbed areas (Comment 20-15PD, page 11 & 12).
- **Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements for Covered Activities within the Planning Area.** The Center for Biological Diversity states that all impacts associated with development must be fully mitigated due to the statutory significance of the CDCA and surrounding lands and suggests that the priority of DRECP should be the identification of potential project areas where avoidance of impacts can be largely assured, thus minimizing the need for requiring mitigation and compensation (Comment 20-16PD, page 12).
- **Provide a framework for a more efficient process by which proposed renewable energy projects within the Planning Area may obtain regulatory authorizations and which results in greater conservation values than a project-by-project, species-by-species review would have.** The Center for Biological Diversity states that this goal can only be achieved if projects are largely located in previously disturbed and degraded lands and avoid intact biological communities. They do not support a streamlined permitting process for projects that result in the destruction of intact biological communities or at-risk species (Comment 20-17PD, page 12).

PG&E suggests the following in addition to the goals stated in the NOP/NOI (Comment 21-1PD, page 3 & 4):

- Activities to increase the efficient and orderly development of lands for renewable energy development;
- The need for an appropriate review of potential transmission upgrades that may result from utility-scale renewable energy development;
- The existing and future renewable technologies likely to be deployed through a forward looking review that gives consideration to differences among technologies; and
- The identification and integration of effective, flexible mitigation.

4.1.3 COVERED ACTIVITIES

The California State Lands Commission (CSLC) suggests that the EIR be as specific and comprehensive as possible in regards to the range of activities that are being considered in order to 1) facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives for all of the methods under consideration, and 2) minimize the need for subsequent environmental review. CSLC states that the Project Description should be as precise as possible and provide examples (Comment 4-1PD, page 3).

Clean Line Energy Partners is glad to see the inclusion of transmission lines as part of the discussion plan (Comment 13-1PD, page 1).

SPCW opposes all utility-scale renewable projects until the grid can fully accommodate its power without siphoning it off due to capacity constraints (Comment 16-10PD, page 4).

The Center for Biological Diversity opposes any inclusion of biomass as a renewable energy resource that could be a covered activity under the DRECP (Comment 20-30PD, page 18). The Center for Biological Diversity also states that the DRECP should cover all aspects of renewable energy development including siting, best management practices (BMPs), site development, power generation, transmission, facility decommissioning, and site rehabilitation (Comment 20-20PD, page 13 & 14).

An individual states that renewable facilities require too much land for the amount of power they produce (Comment 37-2PD, page 1).

4.1.4 COVERED SPECIES

PG&E supports the flexibility in the DRECP for the addition or removal of species as more is learned about the nature of the Covered Activities and their impact on native species within the Planning Area (Comment 21-3PD, page 5 & 6).

The Defenders of Wildlife, Natural Resources Defense Council, Sierra Club, and Audubon California suggest that the Willow flycatcher and Desert bighorn sheep be included as Covered Species (Comment 23-2PD, page 3 & 4).

4.2 CEQA/NEPA PROCESS

SPCW requests an additional opportunity to comment on the DRECP when the Solar PEIS becomes available (Comment 16-5PRO, page 2). SPCW also requests to review and comment on the Preliminary Conservation Strategy (PCS) when it is released (Comment 16-6PRO, page 3).

The Center of Biological Diversity is concerned that under the current structure for the DRECP, the comments will not be taken into account as the planning moves forward and makes suggestions for the DRECP planning process to work more collaboratively with the stakeholder groups (Comment 20-11PRO, page 9).

The NPL requests an extension on the scoping comment period since the BLM/National Renewable Energy Laboratory (NREL) Solar PEIS has not issued a formal ROD, which could affect the DRECP (Comment 25-1PRO, page 1). NPL also requests information on the appeals process (Comment 25-19PRO, page 6).

ALAA, Searchers Gem and Mineral Society, and the Recreation Access Council of California (RACC) request an additional opportunity to comment on the DRECP when the Solar PEIS becomes available (Comment 26-6PRO, page 4 and Comment 28-4PRO, page 2). ALAA, Searchers Gem and Mineral Society, and RACC also request to review and comment on the Preliminary Conservation Strategy (PCS) when it is released (Comment 26-7PRO, page 4 and Comment 28-5PRO, page 2).

The following comments were received from individuals:

- Verbal comments should have been heard at the public scoping meetings and at future public meetings (Comment 31-1PRO page 1 and Comment 36-1PRO, page 1).
- Public meetings for the DRECP should be held in major communities centrally located within the boundaries of the DRECP Planning Area and suggests that, at a minimum, public meetings be held in a major city in the northern and southern portions of the Planning Area for review of the draft EIR/EIS (Comment 36-2PRO, page 1 & 2).

4.3 EIR/EIS FORMAT

The County of San Diego recommends that their Guidelines for Report Format and Content Requirements be used in analyzing impacts in San Diego County (Comment 8-2IM/FOR, page 2).

4.4 ENVIRONMENTAL IMPACTS AND MITIGATION (GENERAL)

The EPA states that the EIR/EIS should clearly describe the thresholds of significance used to determine whether impacts are significant or not (Comment 1-4IM, page 3). The EPA also recommends the adoption of a formal adaptive management plan to evaluate and monitor impacts and ensure the successful implementation of mitigation measures (Comment 1-49IM, page 15).

CSLC asks how significance criteria will be established and states that a clearly defined threshold against which impacts are gauged is necessary (Comment 4-2IM, page 3). CSLC staff recommends that the DRECP conservation strategy measures also be described in a format that makes clear the connection of a measure to its specific impact and describe how the measure will be monitored and enforced. Feasible mitigation measures for impacts to resources that may not be included in the biological conservation strategy should also be identified (Comment 4-3IM, page 3 & 4).

The County of Riverside requests that the DRECP define the mitigation required for the renewable energy projects to be permitted wherever located (Comment 7-2IM, page 3); and in considering mitigation, the DRECP evaluate options other than land set-aside such as the payment of fees or the cost of making the local workforce employable in the renewable energy industry (Comment 7-3IM, page 3).

The County of San Diego recommends that their Guidelines for Determining Significance be used in analyzing impacts in San Diego County (Comment 8-2IM/FOR, page 2).

The California Association of 4 Wheel Drive Clubs (CA4WDC) recommends that all data developed and used for analysis in the DRECP process be collected by State and Federal agencies and maintained within State and Federal databases (Comment 14-5IM, page 5).

The Mojave Trails Group and CORVA request full disclosure of the locations of mitigation lands, present, and future (Comment 15-3IM, page 1 and Comment 29-3IM, page 1).

SPCW recommends the incorporation of applicable mitigation measures for all activities from the Solar PEIS (Comment 16-4IM, page 2). SPCW also requests full disclosure of the locations of mitigation lands, present and future (Comment 16-17IM, page 4).

CalWEA suggests that the EIR/EIS should calculate the terrestrial impacts of wind energy based on the area of ground actually disturbed by wind energy projects, rather than the entire leased area. CalWEA also suggests that the EIR/EIS should distinguish between major, long-term surface disturbance and less extensive, short-term surface disturbances that can be restored (Comment 18-3IM, page 3 & 4).

The Center of Biological Diversity states that the EIR/EIS must comply with NEPA and analyze the direct, indirect, and cumulative effects of the proposed action and ensure the scientific integrity and accuracy of the information used in its decision-making (Comment 20-3IM, page 6). The Center of Biological Diversity also states that the EIR/EIS needs to provide adequate baseline information and description of the environmental setting in order to determine effect (Comment 20-7IM/BR, page 8).

The Defenders of Wildlife, Natural Resources Defense Council, Sierra Club, and Audubon California present legal and regulatory standards for the analysis of alternatives under NEPA and CEQA (Comment 23-4IM, page 3-6).

BrightSource Energy states that the DRECP should identify mitigation priorities and enable landscape-level, coordinated mitigation measures that complement each other (Comment 24-2IM, page 4). BrightSource Energy also requests that the positive environmental impacts of the DRECP be recognized (Comment 24-8IM, page 6).

An individual commenter suggests that the Principles for Mitigation Impacts from the ISA Report be followed as closely as possible (Comment 37-5PD, page 1 & 2) and that it is essential to conduct a thorough environmental review for each proposed project site (Comment 37-7IM, page 2). The DRECP guidelines must also encourage environmental evaluation (Comment 37-12IM, page 3).

4.5 AGRICULTURAL LAND AND PRODUCTION (LOSS AND CONVERSION OF)

No substantive comments related to agricultural land and production were provided in the NOP and NOI comment letters.

4.6 AIR QUALITY AND ATTAINMENT STATUS

The EPA recommends an evaluation of the following measures to reduce emissions of criteria air pollutants and hazardous air pollutants (Comment 1-43AQ, page 11 & 12):

- Existing conditions;
- Quantify emissions;
- Specify emission sources;
- Equipment Emissions Mitigation Plan (EEMP); and
- Fugitive Dust Control Plan.

The EPA also states that the EIR/EIS should discuss if New Source Review (NSR) program permits under the Clean Air Act (CAA) will be required for any proposed geothermal, solar, or wind power plants (Comment 1-45PP, page 13).

4.7 BIOLOGICAL RESOURCES

The EPA notes that all petitioned and listed threatened and endangered species that might occur within the DRECP Planning Area should be identified and discussed (Comment 1-28BR, page 8 & 9) and that the DRECP should describe the potential for habitat fragmentation and obstructions to wildlife movement (Comment 1-35BR, page 10). The EPA suggests discussion of the mechanisms that would: 1) protect in perpetuity any compensatory mitigation lands that are selected; and 2) exclude the non-developed portion of a subject ROW from further disturbance or development (Comment 1-39BR, page 10). The EPA suggests including a requirement for the owner to provide financial assurance for any required mitigation projects (Comment 1-40BR, page 10). The EPA would like to see discussion of the applicability of the Service permit regulations (50 CFR parts 13 and 22) to the DRECP (Comment 1-33BR, page 9).

The EPA and CSLC ask that the draft EIR show the connection between the covered activities' impacts and the measures proposed to offset those impacts to sensitive species (Comment 1-38BR, page 10 and Comment 4-4BR, page 4).

CA4WDC recommends that impacts on threatened and endangered species be subject to rigorous scientific study and review (Comment 14-6BR, page 5).

The East County Renewables Coalition suggests the Service and CDFG develop an interim take process for certain listed species (Comment 19-2BR, page 1).

The Center for Biological Diversity recommends that the DRECP be based on landscape or ecosystems within the California deserts that are sufficient in size, number, and configuration to accommodate all species, allow for continuation of ecosystem processes, and include a conservation strategy sufficiently robust to withstand the effects of climate change (Comment 20-23BR, page 15).

The Center for Biological Diversity states that seasonal surveys should be performed for sensitive plant and animal species and vegetation communities for all projects proposed on undisturbed habitat. They also note that confidentiality agreements should not be allowed for surveys in support of the DRECP and results should be presented in maps to be used in impact analysis (Comment 20-21BR, page 14).

The Center for Biological Diversity, Defenders of Wildlife, Natural Resources Defense Council, Sierra Club, and Audubon California state that the EIR/EIS needs to provide adequate baseline information and description of the environmental setting, particularly for the status of rare plants, animals and communities, including desert tortoise, golden eagles, rare plants, riparian resources, and sand transport corridors (Comment 20-7IM/BR, page 8 and Comment 23-6BR, page 6 & 7).

The Defenders of Wildlife, Natural Resources Defense Council, Sierra Club, and Audubon California recommend the incorporation of conservation recommendations contained in various biological opinions from USFWS for proposed renewable energy projects and land use plans. They also state that existing recovery plans for threatened and endangered species occurring within the DRECP Planning Area should be used in developing conservation strategies in the DRECP (Comment 23-7BR, page 7).

The Desert Tortoise Council asks if the BLM's proposed amendment to the CDCA Plan will prohibit placement of solar and other large-footprint renewable energy development on public lands inside Desert Wildlife Management Areas (DWMAs) (Comment 22-4BR, page 3) and if the DRECP will facilitate development of linear facilities outside existing BLM utility corridors (Comment 22-6BR, page 3).

NPL states that guzzlers, seeps, and springs will no longer receive maintenance and repairs with limited access, impacting wildlife (Comment 25-17BR, page 6).

The following are comments received from individuals:

- The DRECP should not endanger threatened or endangered species and should not destroy desert habitat (Comment 35-2BR, page 1).
- Many of the most sensitive species cannot be relocated (Comment 37-3BR, page 1).

4.7.1 DESERT TORTOISE

The CA4WDC states that the DRECP must adequately study the activities which pose significant threats to the desert tortoise. Impacts should be supported by standard rules of scientific analysis (Comment 14-7BR, page 5).

The Mojave Trails Group and CORVA suggest using purchased mitigation lands as reserves for translocated desert tortoises (Comment 15-1BR, page 1 and Comment 29-1BR, page 1).

The Center for Biological Diversity recommends the DRECP address habitat connectivity between Desert Tortoise Critical Habitat Units, DWMAs, and other areas of known importance. They encourage the DRECP to evaluate the ecological importance of suitable habitat for the desert tortoise as a basis for identifying potential habitat connectivity corridors and that all self-sustaining desert tortoise populations, subpopulations, and connectivity habitats be excluded from all utility-scale renewable energy development (Comment 20-24BR, page 16).

The Desert Tortoise Council states that the desert tortoise must be included as a covered species because it is a "threatened" species under both Federal and California law and that the goals of the DRECP should both conserve and recover the species. The commenter suggests that the DRECP should use the Revised Recovery Plan for the Mojave Population of the Desert Tortoise (Comment 22-1BR, page 2) and that the EIR/EIS needs to anticipate a potential change in the federal status of desert tortoise from "threatened" to "endangered" (Comment 22-9BR, page 5).

The Desert Tortoise Council states that the stipulations for take authorizations must be formulated to minimize incidental take, especially to reduce the number of tortoises that might be harassed, harmed, or killed and asks the following questions regarding take authorizations and mitigation (Comment 22-7BR, page 3 & 4):

- Which local government agency or other entity will be responsible for implementing the take program under authority of federal section 10(a) and state section 2081 permits?
- What will be the fee structure for issuing take permits? How many dollars per acre of lost habitat will be collected to offset impacts? How will these fees be collected and spent to offset impacts? The commenter recommends the development of both occupied and unoccupied habitats must be compensated given the potential to fragment habitats that may not be currently occupied.
- How will the DRECP meet the "fully mitigate" standard mandated by California law and administered by CDFG? How will the DRECP ensure the level of take is concomitant with the level of mitigation for direct and indirect impacts resulting from implementation of the plan?

The Desert Tortoise Council asks how the DRECP will ensure that renewable energy and related transmission projects do not jeopardize the desert tortoise by fragmenting critical habitat and occupied habitats (Comment 22-3BR, page 3).

An individual is concerned that the DRECP will result in a streamlined process that will result in a poor biological review, similar to the Ivanpah/Bright source project and impacts to desert tortoises (Comment 32-1BR, page 1) and suggests conducting complete biological, hydrological, and other studies that are specific to desert habitats to avoid the outcome of Ivanpah and other scientific oversights (Comment 32-3BR, page 1).

4.7.2 MOHAVE GROUND SQUIRREL

The Center for Biological Diversity urges the DRECP to keep the conservation requirements of the MGS Wildlife Habitat Management Area and identify areas within the MGS management area that need to be designated as off-limits to any renewable energy project. (Comment 20-25BR, page 16 & 17).

The Desert Tortoise Council states that the EIR/EIS needs to anticipate the potential federal listing of the Mohave ground squirrel (MGS) (Comment 22-10BR, page 5).

The Desert Tortoise Council asks how the DRECP can regulate large scale renewable resource energy development on private lands inside DWMA's or inside the MGS Conservation Area and how will the DRECP affect BLM's one percent "allowable ground disturbance" in DWMA's and the MGS Conservation Area (Comment 22-5BR, page 3).

4.7.3 BIGHORN SHEEP

The Center for Biological Diversity urges the DRECP to address the conservation of desert bighorn sheep (DBS) by protecting metapopulations and subpopulations (Comment 20-26BR, page 17).

The Center for Biological Diversity is concerned about the long-term conservation of the endangered Peninsular bighorn sheep population (Comment 20-27BR, page 17).

4.7.4 BIRDS AND BATS

The EPA provided the following comments:

- A comprehensive monitoring program be designed to evaluate impacts on bats and avian species and provides monitoring and mitigation suggestions (Comment 1-27BR, page 8 and Comment 1-42BR, page 11). The monitoring program should discuss design and management measures (Comment 1-29BR, page 9).
- If alternatives cannot avoid the take of eagles, an operational monitoring and adaptive plan should be developed to address the issue (Comment 1-36BR, page 10).
- Suggests considering site specific risk mapping for avian species of concern as a means to site individual wind turbines in lower risk areas (Comment 1-32BR, page 9).
- Would like to see a discussion of the applicability of the Land-Based Wind Energy Guidelines to the DRECP (Comment 1-41BR, page 11).
- Recommends the identification of specific measures to reduce impacts to eagles and clarify how the DRECP will comply with the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) (Comment 1-30BR, page 9).
- Encourages the commitment to data collection/analysis to identify areas that are important to bald and golden eagles (Comment 1-31BR, page 9).
- Requests the discussion of the applicability of the recent Eagle Conservation Plan Guidelines to the DRECP (Comment 1-34BR, page 9).
- Suggests early consultation with the Service and CDFG early in the process if the proposed project is within the existing or historical ranges of the California condor (Comment 1-37BR, page 10).

The American Bird Conservancy (ABC) provided the following comments:

- Believes that birds and wind power can co-exist if wind projects conform to bird-smart principles (Comment 17-1BR, page 1).
- The American Peregrine Falcon and the Greater Sandhill Crane is listed in the Federal Register notice for the DRECP, but not analyzed in the draft Baseline Biology Report (Comment 17-4BR, page 3 and Comment 17-9BR, page 5).
- The Southwestern Willow Flycatcher is analyzed in the draft Baseline Biology Report, but not included in the Federal Register Notice and asks for clarification on whether the EIS will include the species (Comment 17-10BR, page 5).
- The Federal Register notice for the DRECP's EIS states that Bald Eagles and Golden Eagles are a non-federally listed species that will be covered in the DRECP. However, take of Bald Eagles and Golden Eagles by wind farms is currently subject to the eagle take rule published in 2009 (50 CFR Parts 13 and 22) and the draft Eagle Conservation Plan Guidance. The commenter would like an explanation of what is meant by having Bald Eagles and Golden Eagles as "covered species" for the DRECP (Comment 17-5BR, page 3).
- ABC provides more recent Golden Eagle population data than that in the Baseline Biology Report and suggests it be included in the EIS. The commenter asks how the DRECP will be adapted if Golden Eagles were to be listed as threatened or endangered during the life of the Plan period (Comment 17-8BR, page 5).

- GPS locations of individual California condors demonstrate an expansion into the Tehachapi wind area in 2009, and should be included in the HCP analysis. The commenter expresses concern that the lethal take of condors by wind projects may be authorized without adequate measures to ensure the condor population will not be jeopardized. The commenter asks how the Service will ensure that permit conditions are properly carried out over time. ABC suggests state-of-the-art measures to protect condors and lists examples of appropriate mitigation measures (Comment 17-7BR, page 3-5).
- Suggests that in addition to Swainson's Hawk breeding location, the EIS should address use of other parts of the plan area by Swainson's Hawk, such as the migration corridors across the Tehachapi Mountains and throughout southern California (Comment 17-11BR, page 6).
- The EIS should address ways that wind energy construction can avoid inadvertently creating suitable nesting habitat for Burrowing Owls where there currently is none (Comment 17-6BR, page 3).

CalWEA suggests a strategy to address local eagle populations on a comprehensive regional level (Comment 18-7BR, page 6).

The Center for Biological Diversity states that the DRECP must address the permanent protection needs for nesting and key foraging areas for all raptors and is concerned about the long-term conservation of golden eagles and migratory birds (Comment 20-28BR, page 18).

4.7.5 PLANTS

The EPA recommends that the DRECP include an invasive plant management plan to monitor and control noxious weeds (Comment 1-55BR, page 17).

The Center for Biological Diversity comments that the DRECP must identify and evaluate impacts to species and ecosystems from invasive species (Comment 20-33BR, page 19).

4.7.6 NATURAL COMMUNITIES

The EPA states that project proponents should avoid and minimize any disturbance of fragile soils or physical processes, such as washes and dunes, crucial to sustaining desert ecosystems (Comment 1-7BR, page 4).

The Center for Biological Diversity states that sand transport corridors and the stabilized and active sand dunes that they support should not be considered for any type of development (Comment 20-29BR, page 18).

An individual commenter states that the El Paso wash is a valuable biological resource (Comment 37-10BR, page 2 & 3).

4.8 CLIMATE CHANGE AND GREENHOUSE GASES

The EPA states that the EIR/EIS should quantify and disclose the climate change benefits of the DRECP (Comment 1-10CC, page 5). The EPA also states that the EIR/EIS should describe water reliability and its potential to be affected by climate change (Comment 1-12CC, page 5).

The EPA, Center for Biological Diversity, Defenders of Wildlife, Natural Resources Defense Council, Sierra Club, and Audubon California state that the DRECP must address the projected effects of global climate change on sensitive resources, such as, plants, animals and their habitats throughout the Planning Area as part of the environmental baseline (Comment 1-9CC, page 5; Comment 20-22CC, page 15; and Comment 23-3CC, page 3).

The EPA and Center for Biological Diversity recommend that the Service develop a monitoring and adaptive management plan for the effects of climate change on the Covered Species and habitats as a means to allow for species adaptation in response to climate change (Comment 1-11CC, page 5 and Comment 20-22CC, page 15).

The CSLC states that a greenhouse gas (GHG) emissions analysis should be included in the DRECP (Comment 4-5CC, page 4).

The Center for Biological Diversity states that renewable energy projects will emit greenhouse gases during construction, manufacturing, and operation and that the EIR/EIS should discuss ways to avoid, minimize, or off-set these emissions (Comment 20-6CC, page 7 and Comment 20-31CC, page 18 & 19). Mobile sources should also be analyzed and discussed (Comment 20-31CC, page 18 & 19).

4.9 CULTURAL RESOURCES (HISTORIC AND PRE-HISTORIC)

In compliance with Executive Order 13175, the EPA states that the EIR/EIS should describe the process and outcome of government-to-government consultation between the Service and each of the tribal governments within the DRECP Planning Area (Comment 1-51CR, page 15).

The EPA states that the EIR/EIS should address the existence of Indian sacred sites in the DRECP Planning Area and address Executive Order 13007, distinguishing it from Section 106 of the National Historic Preservation Act (NHPA) (Comment 1-52CR, page 16).

The Native American Heritage Commission (NAHC) states that a search of their Sacred Lands File (SLF) identified Native American cultural resources throughout the Planning Area and points out that the absence of archaeological items at the surface level does not preclude their existence at the subsurface level once ground-breaking activity is underway (Comment 2-1CR, page 1 & 2).

The NAHC recommends early consultation with Native American tribes as the best way to avoid unanticipated discoveries of cultural resources or burial sites (Comment 2-2CR, page 2). The commenter also states that consultation on specific projects must be the results of an ongoing relationship between Native American tribes and lead agencies, project proponents, and their contractors (Comment 2-4CR, page 2).

CSLC notes that the DRECP should state that all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the sovereign lands of California are vested in the State and under the jurisdiction of the CSLC. The Commission should consult with CSLC staff if cultural resources are discovered on sovereign lands (Comment 4-6CR, page 5).

NPL includes text from the CDCA Plan of 1980 (Chapter 3 of the Desert Plan Native American Element) in regards to coordination with Native Americans (Comment 25-5CR, page 2-4 and Comment 25-8CR, page 4). The commenter references lack of tribal consultation during the Solar PEIS process and expresses concern that the same is occurring in the DRECP process, as scoping meeting were held in Ontario and Sacramento without native representation (Comment 25-6CR, page 4).

An individual commenter states that field evaluation and a literature search should be done for the Mojave and Colorado Deserts (Comment 37-8CR, page 2) and notes the El Paso wash as a valuable cultural site (Comment 37-11CR, page 3).

4.10 GEOLOGY, SOILS, AND MINERALS

CSLC states that the EIR/EIS should include discussion of the possible impacts of covered activities to mineral resources, including impacts to mineral exploration and development, such as geothermal, rare earths, aggregate, iron ore, precious metals, etc (Comment 4-7G, page 5).

NPL states that the DRECP has not clearly addressed the compensation for lost mineral deposits. Mineral deposits typically cannot be moved for mitigation (Comment 25-13G, page 5).

4.11 HAZARDS AND HAZARDOUS MATERIALS

The EPA recommends presenting all reasonable mitigation and pollution prevention measures, consistent with CEA's guidance (Comment 1-48H, page 14).

The EPA states the DRECP should address potential direct, indirect, and cumulative impacts of hazardous waste from construction and operation of the proposed project and lists what the analysis should include (Comment 1-56H, page 17).

The Division of Oil, Gas, and Geothermal Resources (DOGGR) points out that the southern portion of the proposed project is located within the DOGGR's administrative field boundaries in Imperial County and, according to the DOGGR's databases and mapping system, oil/gas and geothermal wells are also identified within the proposed project area in Los Angeles, Riverside, San Bernardino, and Kern counties. The commenter recommends that all existing and future drill sites and oil production facilities within or in close proximity to the proposed project boundaries be accurately plotted on future project maps and be carefully studied before the commencement of any construction (Comment 3-1H, page 1). The DOGGR recommends that adequate safety measures be taken and if any plugged or abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. The DOGGR also recommends that no structure be built over or in proximity to an abandoned well location (Comment 3-2H, page 2 & 3).

4.12 FLOOD HAZARD, HYDROLOGY, AND DRAINAGE

The following comments were received from the EPA related to Flood Hazard, Hydrology, and Drainage:

- Recommends that a planning level delineation of aquatic resources be performed within each designated energy development area (Comment 1-21FH, page 7).
- Natural drainage patterns, including the 50 or 100 year floodplain, should be described in the EIR/EIS. Information on the functions and locations of Waters of the United States (WOUS) should also be included (Comment 1-23FH, page 7).
- The EIR/EIS should clearly explain the circumstances under which a formal site-specific jurisdictional determination would be required for projects (Comment 1-22FH, page 7).
- Lists recommendations to avoid and minimize direct and indirect impacts to desert washes (Comment 1-24FH, page 8).

4.13 GROUNDWATER, WATER SUPPLY, AND WATER QUALITY

The following comments were received from the EPA related to Groundwater, Water Supply, and Water Quality:

- The EIR/EIS should analyze the water supply needed for projects (Comment 5-13W, page 5), as well as the availability of groundwater within the basin (Comment 1-14W, page 5).
- Would also like to see a description of the water right permitting process and status of water rights within the DRECP Planning Area (Comment 1-15W, page 5).
- Provides suggestions for possible minimization and mitigation measures, including different types of technology, other sources of water, and recycling (Comment 1-17W, page 6).
- The EIR/EIS should include an analysis of aquatic impacts, including water quality and aquatic habitats (Comment 1-18W, page 6).
- Recommends including information on CWA Section 303(d) impaired waters within the DRECP Planning Area (Comment 1-25W, page 8).
- The EIR/EIS should address the potential effects of project discharges on surface and groundwater quality. National Pollutant Discharge Elimination System (NPDES) permits may be required at the project level (Comment 1-19W, page 6).

The Metropolitan Water District of Southern California is concerned about the potential impacts of renewable energy projects and HCPs on water supplies, specifically potential impacts on Colorado River and local groundwater supplies. The commenter notes that in order to lawfully use Colorado River water, a party must have an entitlement to do so (Comment 6-3W, page 2). The commenter also notes that using groundwater within an area that is hydrogeologically connected to the Colorado River is using Colorado River water and the project must have a documented right to do so (Comment 6-4W, page 3). The Metropolitan Water District of Southern California is willing to discuss the transfer or exchange of a portion of its Colorado River water entitlement (Comment 6-5W, page 3).

The following comments were received from individuals:

- The DRECP must not use valuable water in an arid landscape (Comment 35-3W, page 1).
- There is little to no available recharge to replenish water losses (Comment 37-1W, page 1).
- The EIR/EIS should analyze the water supply needed for projects (Comment 37-9W, page 2).

4.14 LAND USES, INCLUDING DOD MILITARY OPERATIONS

No substantive comments related to land uses, including DOD military operations were provided in the NOP and NOI comment letters.

4.15 NATIVE AMERICAN TRADITIONAL LAND USES

No substantive comments related to Native American traditional land uses were provided in the NOP and NOI comment letters.

4.16 NOISE

No substantive comments related to noise were provided in the NOP and NOI comment letters.

4.17 OUTDOOR RECREATION

CSLC states that the draft EIR should analyze the short- and long-term impacts on recreation resources, both during construction of individual projects and over the long term as built facilities and transmission may adversely affect the recreation experience (Comment 4-8OR, page 5).

The County of Inyo states that impacts to recreation should be evaluated in light of past and continuing efforts to reduce access for motorized recreation in Inyo County (Comment 5-3OR, page 2).

The Southern California Working Snow Dogs group uses the designated motorized off-highway route network within the DRECP Planning Area to access dog mushing areas, specifically to access staging areas and camp sites and for mechanized travel by the dogs and carts (Comment 9-1OR, page 1).

The Southern California Working Snow Dogs and RACC request that the DRECP obtain and consider data specific to individual recreation activities to avoid or minimize impacts (Comment 9-1OR, page 1 and Comment 28-7OR, page 4).

California Off-Road Vehicle Association (CORVA) and the Mojave Trails Group lists activities, locations, and impacts that would result if roads were closed and access to public lands was further restricted or eliminated (Comment 11-2OR, page 2 & 3). Both commenters also disagrees with the DRECP's decision to include the physical presence of human beings in nature as a "non-biological" activity and request that the value of experiences listed as "recreational" be included in all decisions (Comment 10-1OR, page 1 and Comment 11-1OR, page 1 & 2).

CORVA, NPL, ALAA, Searchers Gem and Mineral Society, and RACC state concern that recreational activity could be significantly impacted if the DRECP results in the closure of off-highway roads and trails, or other restrictions on recreational access to activities (Comment 10-3OR, page 1; Comment 25-22OR, page 7; Comment 26-1OR, page 2; and Comment 28-1OR, page 2).

CORVA and the Mojave Trails Group suggests that the conservation aspect of the DRECP should have a less concentrated impact on recreation and should expand the opportunity to a wider range of experience of public lands and suggests a method to achieve this. The commenter states that if access routes and areas for motor dependent recreation activities were expanded appropriately, and then rotated in and out of use in a reasonable manner, managing for conservation can be achieved without limiting public access (Comment 11-3OR, page 3).

CORVA and GearGrinders state there needs to be "no net loss" in the number of miles available to the motor dependent community (Comment 11-3OR, page 3 and Comment 12-2OR, page 1).

CA4WDC notes that within the CDCA Planning Area, over 50% of the lands are public lands off-limits to public access. The DRECP Planning Area offers excellent opportunities for the growing trend in recreation desires by the public. CA4WDC states that due consideration should be granted to the continued motorized access within the DRECP Planning Area (Comment 14-1OR, page 3). The commenter lists the direct and indirect impacts of reduced recreation opportunities (Comment 14-2OR, page 4).

The Mojave Trails Group and CORVA state that a program should be established to mitigate the recreational uses of public lands and recommends a fee associated with permits through the DRECP (Comment 15-2OR, page 1 and Comment 29-2OR, page 1). They also suggest that mitigation lands should be tested for passage around or

across to see if access to surrounding public or private lands is restricted or eliminated (Comment 15-4OR, page 1 and Comment 29-4OR, page 1).

SPCW provided the following comments:

- The EIR/EIS must analyze and provide solutions to reconnect severed access routes within the Planning Area (Comment 16-1OR, page 2).
- Some recreational amenities and features are irreplaceable and are unable to be relocated, such as specific rock hound areas (Comment 16-2OR, page 2).
- There needs to be "no net loss" in the number of miles available to the motor-dependent recreation user community (Comment 16-3OR, page 2). Replacement of lost access should be part of the analysis of project-specific impacts (Comment 16-12OR, page 4).
- Recreation and public access should not be limited to accommodate the loss of species resulting from other activities (Comment 16-8OR, page 3).
- Spatial information for recreational interests be inventoried and made part of the official map set for the decision making process (Comment 16-9OR, page 3 and Comment 16-14OR, page 4).
- Access through or around solar facilities should be retained to permit continued use of public lands and non-BLM administered lands (Comment 16-11OR, page 4).

ALAA, Searchers Gem and Mineral Society, and RACC note that some recreational amenities and features are irreplaceable and are unable to be relocated, such as specific rock hound areas (Comment 26-2OR, page 2 & 3 and Comment 28-2OR, page 2).

ALAA and Searchers Gem and Mineral Society state that impacts to recreation need to be considered for the entire DRECP plan area and not on a project specific basis (Comment 26-3OR, page 3). The commenter also states that costs associated with mitigation for recreation should be covered by the permit holder (Comment 26-10OR, page 5).

ALAA, Searchers Gem and Mineral Society, and RACC recommend the incorporation of the recreation mitigation measures from the Solar PEIS and lists potential applicable mitigation measures (Comment 26-4OR, page 3 and Comment 28-3OR, page 2).

ALAA, Searchers Gem and Mineral Society, NPL, and RACC state that recreation and public access should not be limited to accommodate the loss of species resulting from other activities (Comment 25-25OR, page 8; Comment 26-8OR, page 4 & 5; and Comment 28-6OR, page 4).

NPL states that the DRECP needs to consider the impacts of the acquisition and protection of compensatory habitat on recreation (Comment 25-11OR, page 5).

NPL points out that many existing roads, trails, and highways in the CDCA are subject to Revised Statute 2477, which does not include a legal right of way to access and use. Portions or Highway 395 and 190 are examples of routes without a FLMPA ROW (Comment 25-12OR, page 5).

NPL, ALAA, Searchers Gem and Mineral Society, and RACC recommend that spatial information for recreational interests be inventoried and made part of the official map set for the decision making process (Comment 25-26OR, page 8; Comment 26-9OR, page 5; and Comment 28-7OR, page 4).

An individual commenter states that the EIR/EIS must include mitigation for important recreational activities and where possible, existing roads and trails should be rerouted around energy development (Comment 36-3OR, page 2).

4.18 PLANNED LAND USES AND POLICIES

The EPA states that the DRECP should discuss how the proposed project would support or conflict with the objectives of federal, state, tribal, or local land use plans, policies and controls in the DRECP Planning Area (Comment 1-54PLU, page 16).

The County of Inyo states that the DRECP should address land use and planning issues between the DRECP and Inyo County planning polices and land use procedures (Comment 5-1PLU, page 1). The commenter states that the DRECP is inconsistent with the Inyo County General Plan (Comment 5-5PLU, page 2).

The Metropolitan Water District of Southern California requests that the EIR/EIS include the assessment of potential impacts to its facilities, real estate interests, and fee-owned rights-of-way, easements, and other properties located on or near BLM-managed land with proposed measures to avoid or mitigate significant adverse effects (Comment 6-1PLU, page 2). The Metropolitan Water District of Southern California is also concerned that locating renewable energy projects or HCPs near or across its electrical transmission system could have an adverse impact on operations and facilities (Comment 6-2PLU, page 2).

The County of Riverside requests the following matters be resolved in the DRECP:

- Define the total number of renewable energy project to be permitted in Riverside County through the Plan and the number that will be located on land outside the County's jurisdiction (Comment 7-1PLU, page 3);
- Acknowledge that permitted Habitat Conservation Plans will remain intact and that the DRECP will not mandate any additional requirements (Comment 7-5PLU, page 4);
- In spite of the area encompassed by the DRECP, it will, by design, work to preserve the unique values and character of Riverside County (Comment 7-6PLU, page 4);
- Establish an integral role for Riverside County in the formal implementation process of the DRECP and in no way impact local land use control (Comment 7-7PLU, page 4);
- Memorialize guarantees to ensure that the burden of acquisition, management, and/or monitoring do not fall on the local jurisdiction(s) (Comment 7-8PD, page 4);
- Ensure that lands conserved within Riverside County are managed by land managers selected and overseen by jurisdiction(s) or entities within the County (Comment 7-9PLU, page 4);
- Ensure that research done on and for projects within Riverside County be conducted by local entities (Comment 7-10PD, page 4); and
- Ensure that the conservation impacts of renewable energy production are appropriately reduced so that the County does not bear a disproportionate burden of such impacts (Comment 7-11PD, page 4).

The County of San Diego states that the EIS/EIR should evaluate the DRECP's consistency with the draft multiple species conservation plan for the eastern part of San Diego County (Comment 8-1PLU, page 1 & 2). The commenter also notes that the San Diego County Board of Supervisors approved an update to the General Plan in August 2011 and should be used for preparing the San Diego County portions of the document (Comment 8-3PLU, page 2).

The Mojave Trails Group and CORVA state that the conservation status of lands should not be elevated to Wilderness, only Congress can elevate lands to such a standing (Comment 15-5PLU, page 1 and Comment 29-5PLU, page 1).

SPCW states that the EIR/EIS needs to integrate Desert Wildlife Management Areas (DWMAs), Areas of Critical Ecological Concern (ACECs), rights-of-way (ROWs), and other generalized areas of the CDCA management plan. The proponents of the DRECP must also integrate the procedures of the CDCA into the DRECP planning process (Comment 16-15PLU, page 4). SPCW also states that the EIR/EIS must address the changes and costs to local governments' general plans, the cost to local taxpayers for these changes, and address the lost property tax revenue from mitigation lands set aside for the DRECP (Comment 16-16PLU, page 4).

CalWEA states that EIR/EIS should take into account the fact that wind energy projects are potentially compatible in some reserve, corridor and buffer areas, and project areas can support viable populations of many sensitive taxa, as well as wildlife movement, presuming careful siting, mitigation and monitoring (Comment 18-4PLU, page 4).

The Center for Biological Diversity states the EIR/EIS must analyze the impacts of the DRECP in the context of the Federal Lands Policy Management Act (FLPMA) on public lands. The EIR/EIS must take into account any proposed amendments to the CDCA plan from the BLM plan as well. Any proposed land use amendments must accurately address the limits of the protections on the ground under current regulatory and statutory framework that applies to public and private lands (Comment 20-1PLU, page 3).

The Center for Biological Diversity states the EIR/EIS should show that all of the agencies have considered the landscape level issues and management objectives or alternatives to the proposed plan amendment. Also, the EIR/EIS must take into account any proposed amendments to the CDCA plan and consider the impacts to public lands across several scales (Comment 20-2PLU, page 3-5).

NPL states that a resource management planning (RMP) process should be included. The commenter notes that the DRECP cannot possibly address all the issues over millions of acres since it is structurally flawed (Comment 25-3PLU, page 2). NPL also comments that the allocation of public land resources should not occur without congressional approval or the RMP amendment process and that the process and procedures in the CDCA should be followed (Comment 25-4PLU, page 2).

NPL states that the California Desert Conservation Plan already has land management zones and other designations and that the DRECP is a regulatory initiative that qualifies as an amendment to the existing framework and requires full disclosure and public ratification (Comment 25-10PLU, page 5). The commenter states that solar energy zones (SEZs) under the Solar PEIS are land-use designations under FLPMA and can use the NEPA process to conduct a resource management land-use designation (Comment 25-15PLU, page 5).

NPL asks if the DRECP affects Payment in Lieu of Taxes (PELT) and if so, have the affected counties been consulted (Comment 25-16PLU, page 5).

NPL provides language from the BLM's Rights of Way Program and recommends it be closely inspected (Comment 25-21PLU, page 6).

An individual commenter notes that the goals and policies of the Multi Species Habitat Conservation Plan to promoting development in disturbed habitat to protect and accumulate contiguous habitat conflicts with the DRECP (Comment 33-2PLU, page 1).

4.19 PUBLIC SERVICES, SAFETY SERVICES, AND UTILITIES

The County of Inyo states that the DRECP should evaluate potential impacts on public services, utilities, and housing in Inyo County (Comment 5-2PS, page 1 & 2).

CA4WDC states that public health and safety issues must be given adequate discussion and analysis (Comment 14-8SE/PS/C, page 5).

The Center for Biological Diversity states that the DRECP needs to include a review and analysis of the potential impact of wildlife from renewable energy projects and transmission lines. It also needs to include a strategy to decrease the potential for human-caused fire (Comment 20-32PS, page 19).

4.20 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

The EPA states that the DRECP should address the potential for disproportionate adverse impacts to minority and low-income populations (Comment 1-53SE, page 16).

The NAHC states that consultation with Native American tribes is a matter of environmental justice (Comment 2-3SE, page 2).

CSLC states that the DRECP should discuss environmental justice relative to the siting of renewable energy projects (Comment 4-9SE, page 5 & 6).

The County of Inyo states that the fiduciary benefits of renewable energy development to local agencies should be compared to the costs of providing infrastructure and service for the development (Comment 5-4SE, page 2).

CA4WDC states that social and economic issues must be given adequate discussion and analysis (Comment 14-8SE/PS/C, page 5). In addition, the commenter requests the disclosure of the cost of the proposed action, including the ongoing and perpetual costs of the proposed renewable energy projects (Comment 14-9SE, page 5).

NPL states that a complete socioeconomic analysis has not been done for all the multiple uses in the DRECP (Comment 25-14SE, page 5).

4.21 VISUAL RESOURCES

No substantive comments related to visual resources were provided in the NOP and NOI comment letters.

4.22 CUMULATIVE

The EPA states that the DRECP should describe the reasonably foreseeable future land use and associated impacts that will result from the additional power supply. The document should provide an estimate of the amount of growth, its likely location, and the biological and environmental resources at risk (Comment 1-46C, page 14). This includes the direct and indirect effects of the inter-connecting transmission lines and the cumulative effects associated with the transmission needs of other reasonably foreseeable projects (Comment 1-47C, page 14). Cumulative groundwater supply impacts from other large-scale energy installations should be discussed (Comment 1-16C, page 6), as well as cumulative impacts to air quality given the potential air quality impacts from construction activities (Comment 1-44C, page 12).

The Metropolitan Water District of Southern California requests that the EIR/EIS assess the potential cumulative impacts of the use of the Colorado River and local groundwater supplies considering other pending renewable energy projects within the Colorado River basin and local groundwater regions (Comment 6-6C, page 3).

CA4WDC states that the Proposed Action must evaluate and mitigate the cumulative losses of land for recreational opportunities and provides a list of cumulative projects to consider (Comment 14-4C, page 4).

CA4WDC and the Mojave Trails Group state that cumulative loss of recreation access, impacts to public health and safety, and economic impacts on the local and regional communities must be analyzed (Comment 14-8SE/PS/C, page 5 and Comment 15-6C, page 1).

The Mojave Trails Group requests that the Marine Corp annex of Johnson Valley and the California component of the Federal six state solar program be included in the cumulative analysis (Comment 15-7C, page 1).

SPCW states that the DRECP must consider future changes which have the potential to affect access, such as the planned expansion of the Marine Corp Air Ground Combat Center - Twentynine Palms (Comment 16-7C, page 3).

The Desert Tortoise Council states that given the recent expansion of Fort Irwin onto lands with large desert tortoise populations and the Marine Corp Air Ground Combat Center Twentynine Palms' intent to expand into occupied desert tortoise habitat, cumulative impacts must be assessed. In addition, the Desert Tortoise Council has the following questions (Comment 22-8C, page 4):

- What is the relationship of these and other military-institution management plans with the DRECP?
- Assuming the DRECP does facilitate approval of renewable energy projects, how do the agencies intend to track growth-inducing impacts and indirect effects resulting from those approvals within the regional action area? Will the DRECP result in increased vehicular access to tortoise habitats that are not currently accessible by existing roads?
- How will the DRECP analyze and propose to offset indirect, growth-inducing, cumulative impacts of new development as a result of new energy?

BrightSource Energy states that the EIR/EIS should take into account both conservation and solar project developments occurring outside of the plan area (Comment 24-4C, page 4).

NPL states that the DRECP must consider future changes which have the potential to affect access, such as the planned expansion of the Marine Corp Air Ground Combat Center Twentynine Palms (Comment 25-24C, page 8).

NPL recommends the incorporation of mitigation measures from the Solar PEIS and lists potential applicable mitigation measures (Comment 25-23C, page 7 & 8).

4.23 ALTERNATIVES

The EPA states that the EIR/EIS should describe how each alternative was developed, how it addresses each project objective, and how it would be implemented, as well as include a discussion of the different types of renewable energy technologies that may be utilized (Comment 1-2A, page 3). The alternatives analysis should identify areas with potential use conflicts and provide specific recommendations for reducing or limiting the conflict (Comment 1-3A, page 3). The commenter states that the alternative analysis required under a Section 404 permit varies from the analysis required under NEPA and must include on-site and off-site alternatives, which may include private land, BLM-administered land, and/or disturbed sites (Comment 1-20A, page 6).

CORVA and the Mojave Trails Group request that the Preferred Alternative, in both draft and final form, include detailed maps that clearly indicate closures, restrictions, and conservation status of all areas inside the DRECP Planning Area and full disclosure of known and planned mitigation areas (Comment 11-4A, page 3 & 4).

CA4WDC states that the Proposed Action should continue to authorize, maintain, and enhance the recreational use of the land within the DRECP Planning Area (Comment 14-3A, page 4).

CalWEA states that the EIR/EIS should plan for a wide range of realistic desert renewable energy development scenarios through 2050, the time frame for achieving California's greenhouse gas reduction goals (Comment 18-5A, page 4).

The Center for Biological Diversity points out that the NOI does not include any information about the possible range of alternatives and urges the agencies to present information on what the possible alternatives may include. Suggestions include the phasing of renewable energy development at different scales, different levels of development set by different levels of energy need, a low impact alternative, and other appropriate alternatives (Comment 20-10A, page 9).

PG&E recommends modifications to the alternatives presented in the NOP and NOI (Comment 21-2A, page 4 & 5).

The Desert Tortoise Council states that there needs to be an alternative that considers less use of energy (renewable or otherwise) within the regional action area and an alternative requiring no action (Comment 22-11A, page 5).

The Defender of Wildlife, Natural Resources Defense Council, Sierra Club, and Audubon California state that the DRECP should be a conservation-driven process with various alternatives formulated around a range of conservation opportunities or alternatives (Comment 23-1A, page 2).

4.23.1 Planning Area

CalWEA recommends the reduction of the DRECP area to exclude the region that overlaps the California condor (*Gymnogyps californianus*) and lists several reasons for this recommendation (Comment 18-2A, page 3).

The East County Renewables Coalition suggests that the DRECP boundary be expanded to cover a greater portion of San Diego County, specifically the desert and high desert areas east of the Cleveland National Forest boundaries, to the Riverside and Imperial County lines and to the Mexican border (Comment 19-1A, page 1).

The Center for Biological Diversity recommends that the DRECP Planning Area include the CDCA area and the western end of the Antelope Valley in Los Angeles and Kern Counties (Comment 20-19A, page 13).

4.23.2 Conservation Areas

The EPA recommends considering migratory birds in the Planning Area and avoiding areas that (Comment 1-26A, page 8): support a high density of wintering or migratory birds; contain a high level of raptor activity; or contain breeding, wintering, or migrating populations of less abundant species that may be sensitive to increased mortality as a result of collision.

ABC states that it is important that Incidental Take Permits (ITPs) not be offered for all of the areas in the plan area since some are inappropriate for wind energy development and areas known to be migration bottlenecks for birds protected under the MBTA should be noted on DRECP maps (Comment 17-2A, page 2).

CalWEA recommends that the EIS/EIS preserve as much of the Priority Wind Resource Area (PWRA) as possible to ensure that wind resources are available to meet renewable energy goals while balancing natural resource conservation. CalWEA provides site-specific factors that should be considered in the DRECP process that will reduce the wind resources indicated as commercially viable within the PWRA. The commenter also states that if an alternative removes portions of the PWRA, it should be analyzed for its impact on the market (Comment 18-1A, page 2).

The Center for Biological Diversity suggests a list of characteristics or designations that should be used to identify areas for long-term conservation and be off-limits to renewable energy project development (Comment 20-35A, page 20).

The Desert Tortoise Council lists lands that should be protected to ensure extensive, unfragmented habitats for the desert tortoise (Comment 22-2A, page 2 & 3).

The Defenders of Wildlife, Natural Resources Defense Council, Sierra Club, and Audubon California recommend areas that should be set aside for conservation (Comment 23-8A, page 7 & 8).

BrightSource Energy states that the DRECP should consider the potential conservation and development use of military lands, other federal lands, and state lands in order to expand and enhance development and conservation opportunities (Comment 24-3A, page 4).

Solution Strategies requests that large-scale renewable energy development be excluded from the regional linkages identified by the Multi-Species Habitat Conservation Plan for the Town of Apple Valley (Comment 27-1A, page 2).

4.23.3 DEVELOPMENT AREAS

The EPA recommends mapping established transmission lines, areas where there is a lack of transmission capacity, and areas where new transmission lines are proposed when identifying solar, wind, and geothermal resource areas within the DRECP (Comment 1-8A, page 4).

The EPA, ALAA, and Searchers Gem and Mineral Society state that to greatest extent possible, renewable energy projects should be sited on previously disturbed and private lands (Comment 1-6A, page 4 and Comment 25-11A, page 5).

The County of Riverside, ALAA, and Searchers Gem and Mineral Society state that the DRECP should encourage renewable energy production at or near the point of consumption (Comment 7-4A, page 3 and Comment 25-11A, page 5).

CORVA, Desert Tortoise Council, and NPL request that effort should be focused towards the use of metropolitan buildings before desert land is designated for renewable energy. Focus should be on building solar and transmission lines inside the already developed cities, bringing the power closer to the end-user and avoiding installing structures in the desert (Comment 10-2A, page 1; Comment 22-12A, page 5; and Comment 25-20A, page 6).

The Center for Biological Diversity suggests a list of criteria to be used when identifying areas potentially suitable for renewable energy project development (Comment 20-32A, page 19 & 20). Careful consideration of siting renewable energy zones should be sited to avoid impacting ecologically functioning ecosystems to avoid undermining a meaningful climate change adaption strategy with poorly executed climate change mitigation (Comment 20-5PD, page 7).

The Defenders of Wildlife, Natural Resources Defense Council, Sierra Club, and Audubon California suggest opportunities for development in portions of the Imperial Valley and Eastern Riverside (Comment 23-5A, page 6).

The following comments were received from individuals:

- Urban generation and energy efficiency are needed in lieu of large renewable sites and power lines constructed in eco-sensitive areas; supportive policies and incentives to do so should be developed (Comment 30-1A, pages 1-3).
- Recommends criteria for prioritizing and siting new energy facilities in the desert (Comment 32-2A, page 1).
- Installing solar panels on all roof tops within metropolitan areas will avoid fragmentation of our desert landscape and still achieve energy independence (Comment 33-3A, page 1).
- Development areas should be limited to current transmission lines and disturbed land (Comment 35-1A, page 1).
- The EIR/EIS must encourage the use of private land such as fallow field or similar large tracts of non-public land to the maximum extent possible (Comment 36-4A, page 2).
- As the holder of the Ord Mountain Allotment, a commenter requests that the DRECP not site any large renewable energy projects that would impact the Ranch's operations (Comment 38-1A, page 1).

4.23.4 PERMIT DURATION

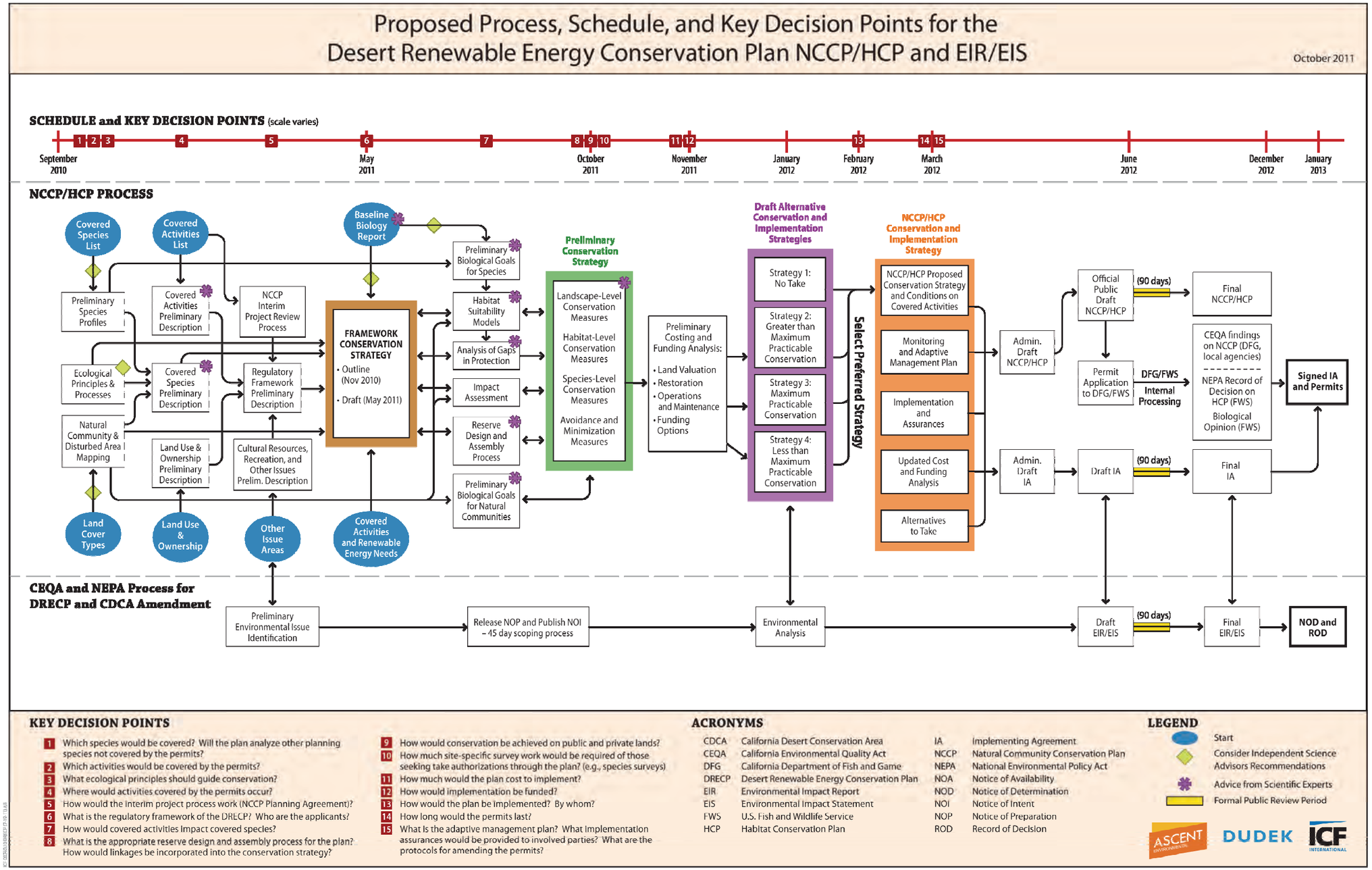
The EPA recommends the inclusion of a requirement for a decommissioning and site restoration plan (Comment 1-50A, page 15).

ABC urges that take permits be limited to five years or if permits are longer that there be automatic five-year reviews built in (Comment 17-3A, page 2).

An individual states that any permit issued should cover no more than thirty years and that on-the-ground conditions, species distributions, and other pertinent conditions should be re-assessed every ten years (Comment 34-2A, page 1).

5 EIR/EIS PREPARATION

5.1 PRELIMINARY PROJECT SCHEDULE FOR EIR/EIS



6 REFERENCES AND ATTACHMENTS PROVIDED IN NOP AND NOI COMMENT LETTERS

The following is a list of attachments, websites, and citations that were provided in various scoping comment letters. These attachments and references will be reviewed and evaluated for use in the EIR/EIS environmental analysis.

NOP Comment Letter 1:

Suggests two references for use during scoping and preparation of the EIR/EIS:

- the DRECP Science Advisory Report
- the Restoration Design Energy Project being developed by the Arizona office of the BLM

Moser, Susie, Franco Guido, Sarah Pittiglio, Wendy Chou, and Dan Cayan. 2009. The Future is Now: An Update on Climate Change Science Impacts and Response Options for California. California Energy Commission, PEIR Energy-Related Environmental Research Program. CEC-500-2008-071.

http://azriparian.org/docs/arc/publications/EphemerahStreamsReport.pdf

Recommendations of Independent Science Advisors for the California Desert Renewable Energy Conservation Plan, DRECP Independent Science Advisors, October 2010.

Eagle Permits, 50 CFR parts 13 and 22, issued September 11, 2009. Available at http:www.fws.gov/migratorybirds/CurrentBirdIssues/BaldEagle/Final%20Disturbance%20Rule%209%20Sept%202009.pdf.

Smallwood, K.S. and L. Neher. 2008. Map-Based Repowering of the Altamont Pass Wind Resource Area Based on Burrowing Owl Burrows, Raptor Flights, and Collisions with Wind Turbines. California Energy Commission, PEIR Energy-Related Environmental Research Program. CED-500-2009-065.

U.S. Fish and Wildlife Service Wind Turbine Guidelines Advisory Committee Recommendations, submitted to the Secretary of the Interior by the U.S. Fish and Wildlife Service, March 4, 2010. Available at: http://www.fws.gov/habitatconservation/windpower/Wind_Turbine_Guidelines_Advisory_Committee_Recommendations_Secretary.pdf.

U.S. Fish and Wildlife Service Draft Land-Based Wind Energy Guidelines, February 8, 2011. Available at: http://www.fws.gov/windenergy/.

Examples of radar technology to monitor for birds and bats:

- http://www.detect-inc.com/avian.html
- http://www.upi.com/Science_News/Resource-Wars/2010/03/18/Radar-reduces-wind-farm-risk-to-birds/UPI-71441268920323/.

Memorandum to Heads of Federal Departments and Agencies Regarding Pollution Prevention and the National Environmental Policy Act, CEQ, January 12, 1993.

Environmental Justice Guidance under the National Environmental Policy Act, Appendix A (Guidance for Federal Agencies on Key Terms in Executive Order 12898), CEQ, December 10, 1997.

NOP Comment Letter 4:

Resolution By The California State Lands Commission Supporting The Environmentally Responsible Development Of School Lands Under The Commission's Jurisdiction For Renewable Energy Related Projects adopted October 16, 2008. Available at http://www.slc.ca.gov/Renewable_Energy/Documents/Resolution.pdf.

NOP Comment Letter 5:

http://inyoplanning.org/general_plan/index.htm.

NOP Comment Letter 8:

Multiple species conservation plan for the eastern part of San Diego:
http://www.sdcounty.ca.gov/dplu/mscp/ec_biology.html

Guidelines for Determining Significance and Report Format and Content Requirements:
http://www.sdcounty.ca.gov/dplu/proguid.html

Updated County of San Diego General Plan: http://www.sdcounty.ca.gov/dplu/generalplan.html

NOP Comment Letter 10:

For additional consideration of the value of recreational activities, please refer to (attachment):

Godbey, G. and A. Mowen. 2010. The Benefits of Physical Activity: The Scientific Evidence. National Recreation and Park Association. Research Series 2010.

NOP Comment Letter 17:

The American Bird Conservancy Guide to the 500 Most Important Bird Areas in the United States, Random House Publication.

Some examples of research conducted on mortality data of Burrowing Owl for the Altamont Pass Wind Area:

- Smallwood, K.S. and C.G. Thelander. 2008. "Bird Mortality in the Altamont Pass Wind Resource Area, California." *Journal of Wildlife Management*. 72: 215-223.
- Smallwood, K.S. and B. Karas. 2009. "Avian and bat fatality rates at old-generation and repowered wind turbines in California." *Journal of Wildlife Management*. 73: 1062-1071.

References for California Condor:

- Johnson, M., J. Kern, and S.M. Haig. 2010. "Analysis of California Condor (*Gymnogyps californianus*) use of six management units using location data from global positioning system transmitters, southern California, 2004-09." *Initial report: U.S. Geological Survey Open-File Report*. 1287.

- Davenport, J. et al. 2011. "Implementation of Avian Radar-SCADA Interface to Mitigate Avian Mortality at Windfarms." Norwegian Institute for Nature Research Proceedings Conference on Wind Energy and Wildlife Impacts 2-5 May 2011, Trondheim, Norway.

- Kochert, M. and K. Steenhof. 2002. "Golden Eagles in the U.S. and Canada: Status, Trends, and Conservation Challenges." Available at http://fresc.usgs.gov/products/papers/1092_Kochert.pdf.

NOP Comment Letter 18:

20% Wind by 2030; Increasing Wind Energy's Contribution to U.S. Electric Supply, U.S. DOE (May 2008) at p. 110 (Available at http://www.20percentwind.org/20percent_wind_energy_report_05-11-08_wk.pdf).

Attached map of DRECP Plan Area and the California Condor Historical Range.

NOP Comment Letter 20:

Bossard, C.C., J.M. Randall, and M.C. Hoshovsky. 2000. Invasive Plants of California's Wildlands. University of California Press. Berkeley, CA. Pgs. 360.

Brooks, M. L. 2000. Competition between alien annual grasses and native annual plants in the Mojave Desert. Am. Midl. Nat. 144:92–108.

Brooks, M.L. and J.V. Draper 2006. Fire effects on seed banks and vegetation in the eastern Mojave desert: Implications for post-fire management. extended abstract, U.S. Geological

Survey, Western Ecological Research Center, Henderson, Nevada, pg. 3. Available at: http://www.nps.gov/moja/naturescience/upload/Fire%20congress%202006_brooks%20and%20draper_extended%20abstract.pdf.

California Department of Fish and Game. 2003. List of California Terrestrial Natural Communities Recognized by The California Natural Diversity Database. Wildlife and Habitat Data Analysis Branch. September 2003 Edition. Pgs. 77

------. 2005. Resource Assessment Project Status Summary - Linking California's desert mountain ranges: metapopulations of bighorn sheep. Resource Assessment Program. Available at: http://www.dfg.ca.gov/rap/summary_desert.html.

Conservation Biology Institute (CBI) 2003. Conservation Significance of Tejon Ranch, A biogeographic crossroads. Prepared for Environment Now. August 2003. Pgs. 51.

Epps, C. W. P. J. Palsbøll, J.D. Wehausen, G.K.Roderick, R.R.Ramey II, and D.R.McCullough 2005. Highways block gene flow and cause a rapid decline in genetic diversity of desert bighorn sheep. Ecology Letters 8: 1029–1038.

Kelly and Goulden 2008. Rapid shifts in plant distribution with recent climate change. Publications of the National Academy of Sciences 105 (33): 11823–11826.

U.S. Global Climate Change Research Program 2009. Global Climate Change Impacts in the U.S.; Southwest Region. Available at: http://www.globalchange.gov/publications/reports/scientificassessments/us-impacts/full-report/regional-climate-change-impacts/southwest.

NOP Comment Letter 22:

Independent Science Advisors. 2010. Recommendations of Independent Science Advisors for The California Desert Renewable Energy Conservation Plan (DRECP).

Murphy, R.W., K.H. Berry, T. Edwards A.E. Leviton, A. Lathrop, and J.D. Riedle. 2011. The dazed and confused identity of Agassiz's land tortoise, *Gopherus agassizii* (Testudines, Testudinidae) with the description of a new species, and its consequences for conservation. ZooKeys 113: 39-71.

U.S. Fish and Wildlife Service. 2011. Revised Recovery Plan for the Mojave Population of the Desert Tortoise (*Gopherus agassizii*). Sacramento, California: U.S. Fish and Wildlife Service, Pacific Southwest Region.

NOP Comment Letter 37:

State of California Natural Resources Agency News release dated July 28, 2011.

Recommendations of Independent Science Advisors for the California Desert Renewable Energy Conservation Plan (DRECP).

California Energy Commission Docket Number 09-AFC-9, "Solar Millennium, Ridgecrest Solar Power Project".

7 REPORT PREPARATION

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Appendix A

Notice of Preparation and Notice of Intent

Notice of Preparation

To: **Via Certified Return-Receipt U.S. Mail**

State Clearinghouse, Governor's Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

Responsible Agencies and Trustee Agencies
(See attached list)

From: California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Subject: Notice of Preparation of an Environmental Impact Report on the Proposed Desert Renewable Energy Conservation Plan

The California Energy Commission (Commission) will be the Lead Agency under the California Environmental Quality Act for purposes of preparing the Environmental Impact Report (EIR) for the Desert Renewable Energy Conservation Plan (DRECP). The U. S. Fish and Wildlife Service (Service) and the Bureau of Land Management (BLM) will be the Co-Lead Agencies for the Environmental Impact Statement (EIS) component of what will be a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) environmental document. The Service is publishing a Notice of Intent (NOI) to prepare the EIS concurrently with this NOP. The EIR/EIS will also address a possible amendment by BLM to the California Desert Conservation Area (CDCA) Plan of 1980, as amended. The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study is not attached.

For public agencies, we need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project, if any. Your agency may need to use the EIR/EIS prepared by our agency if you have authorities related to implementation of the DRECP.
For others, we are interested in your views about the scope and content of the environmental information that are of interest to you or affected organizations you represent.

Three public scoping meetings are scheduled to take place at the following times and locations, where you may learn more about the project and submit written comments:

August 16, 2011, 7–9 p.m. Doubletree Ontario Hotel Lake Gregory Ballroom 222 N Vineyard Ave. Ontario, CA 91764	August 24, 2011, 2–4 p.m. California Energy Commission Hearing Room A 1516 Ninth St. Sacramento, CA 95814	August 24, 2011, 7–9 p.m. California Energy Commission Hearing Room A 1516 Ninth St. Sacramento, CA 95814

The presentation portion of the scoping meeting will be available via Webex at the start of the scoping meeting. Those who cannot attend in person may listen to the presentation portion. For information to attend the Webex portion of the scoping meetings, please see the instructions at the end of this notice. You may provide written comments on the scope of the EIR/EIS electronically by email to the Commission's Docket Unit address or in writing. Please include the docket number 09-RENEW EO-01 and indicate Renewable Energy Executive Order in the subject line or first paragraph of your comments. Those submitting comments electronically should provide them by email in either Microsoft Word format or as a Portable Document Format (PDF) to docket@energy.state.ca.us. Please include your name or organization's name in the file name. **One paper copy must** also be sent to the Energy Commission's Docket Unit. Please hand deliver or mail an **original** copy to:

California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512

Submit comments within forty-five (45) days of the receipt of this NOP, by **September 12, 2011**, at the address shown above to the attention of Kristy Chew. For public agencies, we will need the name and contact information of a contact person.

NOTICE OF PREPARATION
DESERT RENEWABLE ENERGY CONSERVATION PLAN EIR/EIS

INTRODUCTION

Pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), the California Energy Commission (Commission) and the U.S. Fish and Wildlife Service (Service) and Bureau of Land Management (BLM) will initiate the preparation of a joint Environmental Impact Report and Environmental Impact Statement (EIR/EIS) for the Desert Renewable Energy Conservation Plan (DRECP) and for a possible amendment to the California Desert Conservation Area (CDCA) Plan of 1980, as amended.

The Commission is the lead agency under CEQA for considering approval of the DRECP. The Service and BLM are the federal co-lead agencies under NEPA. The Service will consider approval of the DRECP as a Habitat Conservation Plan (HCP) under the Federal Endangered Species Act (FESA). BLM will consider approval of a possible CDCA Plan amendment.

The DRECP comprehensively addresses how participating entities with jurisdiction over renewable energy and transmission projects and related facilities in the deserts of California will conserve natural communities and species pursuant to the California Natural Community Conservation Planning Act (NCCP Act) and FESA. The DRECP is a proposed multi-species HCP intended to conserve threatened and endangered species and natural communities in the Mojave and Colorado Desert regions of southern California, while also facilitating the timely permitting of renewable energy projects to help meet the State's goal of providing at least 33 percent of electricity generation through renewable energy by 2010 and the Federal government's goal of increasing renewable energy generation on public land.

The DRECP is intended to serve as a Natural Community Conservation Plan (NCCP) under Section 2800 et seq. of the California Fish and Game Code and a multiple species HCP pursuant to Section 10(a)(1)(B) of FESA. As planned, the approved DRECP and associated permits would provide renewable energy developers and entities undertaking DRECP conservation efforts with authorization for the incidental take of certain endangered, threatened, and special-status plant and animal species for covered activities (as defined in the DRECP). Such authorizations would be granted by agencies that are formal participants in the DRECP.

The BLM, in compliance with the Federal Land Policy and Management Act of 1976, as amended, will consider the DRECP in its analysis as the basis for a possible amendment to the California Desert Conservation Area (CDCA) Plan of 1980, as amended. The BLM issued a Notice of Intent to Prepare an EIS for this purpose on November 20, 2009 (74 FR 60291). With this notice BLM announces the joining of the EIS for the possible CDCA Plan amendment with the Service's EIS for the DRECP. The Service and BLM will serve as co-lead agencies on the EIS. For

further information on the potential CDCA Plan amendment, please refer to the BLM November 2009 *Federal Register* notice of intent.

Responsible agencies under CEQA include state and local agencies that will approve the DRECP or take actions to help implement it. This potentially includes agencies that have jurisdiction over renewable energy projects within the DRECP Planning Area that elect in coming months to become formal "plan participants" in the DRECP. At this time, the California Department of Fish and Game (CDFG) is identified as a responsible agency, because of its role in approving the DRECP under the NCCP Act.

Several other state and local agencies have been identified as potential responsible agencies based on their jurisdiction over covered renewable energy projects, related facilities, or conservation actions within the DRECP Planning Area, but these agencies have not signed the DRECP planning agreement. Some of these agencies might decide to become plan participants in the DRECP, which will make them responsible agencies under CEQA. The potential responsible agencies include the California Public Utilities Commission, the State Lands Commission, and counties with land within the DRECP Planning Area.

In addition to being a responsible agency, CDFG is an agency with legal jurisdiction over natural resources affected by the project that are held in trust for the people of the State of California (trustee agency), as well as with jurisdiction over fish and wildlife resources and CDFG-administered lands within the Planning Area. Besides CDFG, three other trustee agencies have been identified for the DRECP EIR/EIS: the State Lands Commission, which controls state-owned "sovereign" lands within the DRECP Planning Area; the California Department of Parks and Recreation, which manages state park land within the area; and certain campuses of the University of California, which have Natural Reserves System sites within the area.

In addition to the Service and BLM, several federal agencies may be approving or funding aspects of the DRECP and will be consulted during development of the EIR/EIS. These include the U.S. Forest Service, the National Park Service, and the Department of Defense.

BACKGROUND INFORMATION

At both the federal and state levels, recent energy policy includes increased targets for electricity generated from renewable energy sources. Physiographic conditions in California's deserts and their proximity to areas of heavy electricity usage offer renewable energy potential of statewide and national significance. Renewable energy and transmission development is proceeding throughout this region. California's deserts also support a variety of special-status species and other sensitive biological and natural resources. The DRECP will establish the structure to balance renewable energy development and biological resource conservation across the California desert region. The following provides a summary of the context within

which the DRECP was developed. Additional information about DRECP is available at www.drecp.org.

California has long-established energy policies to promote renewable electricity generation. Established in 2002 under Senate Bill (SB) 1078 and accelerated in 2006 under SB 107, California's RPS is one of the most ambitious renewable energy standards in the country. The RPS program required investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources until they reach 20% by 2010. Subsequent recommendations in California energy policy reports advocated a goal of 33 percent by 2020.

In November 2008, California's Governor issued Executive Order (EO) S-14-08 requiring an increase in the percentage of electricity generated by renewable resources to 33% by 2020. This standard became law with the enactment of Senate Bill No. 2 (Simitian), signed by the Governor on April 12, 2011 (Pub. Resources Code, § 25740, as amended by Stats. 2011, 1st Ex. Sess., ch 1X). Executive Order S-14-08 mandated the development of the DRECP, a major component of California's renewable energy planning efforts. The proposed DRECP, when approved, is expected to further these objectives and facilitate the development of renewable projects in the California Mojave and Colorado deserts. The executive order also directed state agencies to streamline regulatory processes and minimize environmental impacts associated with this development. The DRECP was mandated to address permitting for incidental take of special-status species and impacts to their natural communities in the Mojave and Colorado deserts of California where much of the energy development will occur.

EO S-14-08 recognized the Renewable Energy Action Team (REAT), which was created through Memoranda of Understanding (MOUs) between the CDFG, Commission, Bureau of Land Management (BLM), and Service, along with an MOU signed by the Secretary of the U.S. Department of the Interior and the Governor of California in October 2009. The REAT is composed of representatives from the CDFG, Commission, BLM, and Service, and has a primary mission to streamline and accelerate the permitting processes for renewable energy projects, while contributing to the conservation of special-status species and natural communities at the ecosystem scale. EO S-14-08 directs the REAT to accomplish both of these goals in the Mojave and Colorado Desert regions of California through the DRECP.

EO S-21-09 was signed on September 15, 2009, directing the California Air Resources Board (CARB) to adopt regulations to help implement the previously established 33% state goal in EO S-14-08, but CARB has ceased work on implementing these regulations, because enactment of Senate Bill 2 made them unnecessary. The California Public Utilities Commission (CPUC) has studied a 33% RPS as part of its 2008 and 2010 Long-Term Procurement Plan proceedings. CPUC published an implementation analysis for the 33% RPS in June 2009 (CPUC 2009).

Department of the Interior Renewable Energy Goals

Secretarial Order No. 3285 establishes the development of renewable energy as a priority for the Department of the Interior (DOI) by amending and clarifying departmental roles and responsibilities, as well as establishing a Departmental Task Force on Energy and Climate Change. The order outlines how the Departmental Task Force on Energy and Climate Change will develop a strategy designed to increase the development and transmission of renewable energy from appropriate areas on public lands and the Outer Continental Shelf. It also specifies that the task force will develop best management practices (BMPs) for renewable energy and transmission projects to ensure environmental responsibility, establish clear policy direction for authorizing the development of solar energy on public lands, and recommend other actions to fulfill the goals of the order. Ultimately, the order establishes that the DOI will collaborate with other federal agencies, departments, states, local communities, and private landowners to facilitate the timely and responsible development of renewable energy and associated transmission while protecting and enhancing the nation's water, wildlife, and other natural resources.

The DRECP Process

The State of California and the Federal DOI signed an MOU in October 2009 that directs California agencies and DOI agencies to take the necessary actions to further the implementation of the Governor's EO S-14-08 and Secretarial Order No. 3285 in a cooperative, collaborative, and timely manner. The MOU provides several specific objectives to attain this goal that include development of the DRECP.

In furtherance of this process, a DRECP Planning Agreement was prepared according to the requirements of the NCCP Act. The Planning Agreement identifies the scope and goals of the DRECP, along with the process for preparing the DRECP and the roles and responsibilities of the Plan participants. The Planning Agreement was executed by the Plan participants, consisting of the CDFG, the Commission, BLM, and Service, in May 2010.

The DRECP management team consists of representatives from the REAT agencies (i.e., the Commission, BLM, CDFG, and Service), the Governor's Office, DOI, and the California Natural Resources Agency. This management team provides direction to the DRECP Director and Assistant Director. Independent Science Advisors (ISA) provided input during the planning process. The consultant team receives direction from the DRECP Director and Assistant Director in the preparation of analyses and DRECP documentation.

The DRECP Stakeholder Committee consists of representatives from the renewable energy industry, environmental groups, electric utilities, REAT agencies, other federal land management entities, counties, Native Americans, outdoor recreation groups, and other interest groups. The Stakeholder Committee provides input to the DRECP management team

through the planning process, feedback on interim products, and a forum for public participation. Working groups provide a forum for focused discussion of key planning issues. Four working groups of the Stakeholder Committee have been established to date: the Covered Activities Working Group, Covered Species Working Group, Cultural Resources Working Group, and Resource Mapping Working Group.

Formal preparation of the draft EIR/EIS is commencing and is incorporating all necessary information as it is created in connection with and as part of the DRECP process. Work on the DRECP will continue, but the DRECP planning process has progressed to the point that analysis of the DRECP's environmental impacts under CEQA can begin.

PROJECT DESCRIPTION

Project Objectives

The overall DRECP program goals include the following planning goals as stated in the DRECP Planning Agreement:

- *Provide for the longer-term conservation and management of Covered Species within the Planning Area*
- *Preserve, restore, and enhance natural communities and ecosystems that support Covered Species within the Planning Area*
- *Build on the competitive renewable energy zones identified by the Renewable Energy Transmission Initiative*
- *Further identify the most appropriate locations within the DRECP Planning Area for the development of utility-scale renewable energy projects, taking into account potential impacts to threatened and endangered species and sensitive natural communities*
- *Provide a means to implement Covered Activities in a manner that complies with the NCCP Act, FESA, CESA, NEPA, CEQA, and other relevant laws*
- *Provide a basis for the issuance of Take Authorizations allowing the lawful Take of Covered Species incidental to Covered Activities*
- *Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements for Covered Activities within the Planning Area*
- *Provide a framework for a more efficient process by which proposed renewable energy projects within the Planning Area may obtain regulatory authorizations and which results in greater conservation values than a project-by-project, species-by-species review would have*
- *Provide durable and reliable regulatory assurances, as appropriate, under the NCCP Act and the FESA for Covered Activities that occur within the Planning Area*

- *Identify and incorporate climate change adaptation research, management objectives, and/or policies into the final plan document*.

Covered Activities

The purpose of the DRECP is to contribute to the conservation of Covered Species and natural communities while streamlining listed species permitting for renewable energy development and transmission projects. To ensure that all relevant renewable energy projects are included and addressed, the Covered Activities are defined broadly as the exploration, construction, operation, maintenance, and decommissioning of public and private utility-scale renewable energy generation and transmission in the Planning Area.

The activity types covered by the DRECP include:

- Solar (photovoltaic [PV] and thermal) projects,
- Wind projects,
- Geothermal projects,
- Transmission facilities that support renewable energy development, and
- DRECP conservation actions.

Covered Activities generally include:

- Pre-project activities (geotechnical borings, site reconnaissance, and, depending on the type of project, installation of temporary meteorological stations or test drilling and trenching),
- Site preparation and construction,
- Related infrastructure requirements,
- Operations and maintenance,
- Monitoring, and
- Decommissioning.

Covered Species and Natural Communities

The DRECP will provide for the conservation of natural communities found in the plan area in order to meet the regulatory standards of the NCCP Act and to conserve the species covered by the Plan. The natural communities of planning interest were described in Exhibit B of the DRECP Planning Agreement. The natural communities in the DRECP include forest, woodland, riparian, scrub and chaparral, grassland and other herbaceous communities, wetland, dune, and barren and unvegetated communities. Covered Species are those species addressed in the

DRECP for which conservation actions will be implemented and for which the participating entities will seek authorization for take under the NCCP Act and Section 10 of the FESA.

Species Proposed for Coverage by the HCP/NCCP ("Covered Species")

Taxa	Common Name	Scientific Name	Federal Status[1]	State (CNPS List) Status[2]
Federal and State Listed Species				
Mammal	Amargosa River vole	*Microtus californicus scirpensis*	FE	SE
Mammal	Mohave ground squirrel	*Spermophilus [Xerospermophilus] mohavensis*	BLM	ST
Mammal	Peninsular bighorn sheep	*Ovis canadensis nelsoni DPS*	FE/BLM	ST/FP
Bird	California condor	*Gymnogyps californianus*	FE	SE/FP/CDF
Bird	Swainson's hawk	*Buteo swainsoni*	FS/BCC/BLM	ST
Amphibian/Reptile	arroyo toad	*Anaxyrus (Bufo) californicus*	FE	CSC
Amphibian/Reptile	desert tortoise	*Gopherus agassizii*	FT	ST
Plant	Amargosa niterwort	*Nitrophila mohavensis*	FE	SE
Plant	Peirson's milk-vetch	*Astragalus magdalenae var. peirsonii*	FT	SE
Plant	Triple-ribbed milk-vetch	*Astragalus tricarinatus*	FE	None
Plant	Lane Mountain milk-vetch	*Astragalus jaegerianus*	FE	None (CNPS List 1B.1)
State and Federal Unlisted Species				
Mammal	California leaf-nosed bat	*Macrotus californicus*	BLM	CSC
Mammal	Mojave river vole	*Microtus californicus mohavensis*	Rank: GST1 S1	FESA: None
Mammal	Pallid bat	*Antrozous pallidus*		CSC
Mammal	Townsend's big-eared bat	*Corynorhinus townsendii*		CSC
Bird	American peregrine falcon	*Falco peregrinus anatum*	FD/BCC	SE/FP
Bird	Bald eagle	*Haliaeetus leucocephalus*	FD/BCC/BLM	SE/FP/CDF
Bird	burrowing owl	*Athene cunicularia*	BLM/BCC	CSC

Species Proposed for Coverage by the HCP/NCCP ("Covered Species")

Taxa	Common Name	Scientific Name	Federal Status[1]	State (CNPS List) Status[2]
Bird	golden eagle	*Aquila chrysaetos*	BLM/BCC	FP/CDF
Bird	Greater sandhill crane	*Grus canadensis tabida*	BLM/FS	ST/FP
Amphibian/Reptile	flat-tailed horned lizard	*Phrynosoma mcallii*	BLM/FS	CSC
Amphibian/Reptile	Mojave fringe-toed lizard	*Uma scoparia*	Rank=G3G4 S3S4	FESA:None
Plant	Barstow woolly sunflower	*Eriophyllum mohavense*	BLM	None (List 1B.2)
Plant	Desert cymopterus	*Cymopterus deserticola*	BLM	None (CNPS List 1B.2)
Plant	Mojave monkeyflower	*Mimulus mohavensis*	BLM	None (List 1B.2)
* FT status of western snowy plover: This status applies only to the Pacific coastal population and does not apply to the population occurring in the DRECP area				

[1]Federal Status – FE: Federally Endangered; FT: Federally Threatened; FD: Federally Delisted; FS: Forest Service sensitive; BLM: Bureau Land Management sensitive.
[2]State Status – SE: California Endangered; ST: California Threatened; CSC: California Species of Concern; FP: Fully Protected (State fully protected species and their communities will be the focus of conservation actions, but take authorization cannot be issued). California Native Plant Society List - CNPS List 1B: Considered rare, threatened, or endangered in California and elsewhere; CNPS List 2: Considered rare, threatened, or endangered in California, but more common elsewhere; CNPS List 3: Plants which need more information; CNPS List 4: Limited distribution – a watch list.

PROJECT AREA

The DRECP generally covers the Mojave and Sonoran Desert regions of California and adjacent areas where renewable energy development may occur. The DRECP Planning Area includes the desert regions and adjacent lands in seven California counties: Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego. The DRECP Planning Area (shown in Figure 1) covers approximately 22,587,000 acres.

ENVIRONMENTAL BASELINE

CEQA Guidelines Section 15125 states that an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation (NOP) is published, or if no NOP is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines

whether an impact is significant. For the DRECP EIR/EIS, project impacts will be analyzed using existing physical conditions in the Planning Area at the time of this notice as a baseline.

ALTERNATIVES

The EIR/EIS will consider the following alternatives: (1) The proposed action, which includes approval of the proposed DRECP, the issuance of take authorizations consistent with the proposed DRECP under section 10(a)(1)(B) of the FESA, and approval of an amendment to the CDCA; (2) no action/no project, which would involve (no approval of the DRECP, Federal permit issuance, and CDCA amendment); and (3) a reasonable range of other alternatives. The EIR/EIS will include a detailed analysis of the impacts of the proposed action and alternatives and will evaluate them against the no-action alternative, which assumes the DRECP will not be implemented. The range of alternatives to be considered and analyzed will represent varying levels of conservation and impacts, and may include variations in the scope of covered activities; variations in the locations, amount, and type of conservation; variations in permit duration; or a combination of these elements.

POTENTIAL ENVIRONMENTAL EFFECTS

The EIR/EIS will analyze resources that could be affected by DRECP covered activities within the Planning Area, including but not limited to impacts on the covered species listed above. The following categories have initially been identified as having potentially significant impacts from implementation of the DRECP and its covered activities or that require analysis under NEPA (e.g., Socioeconomics and Environmental Justice):

1. Agricultural Land and Production (Loss or Conversion of)
2. Air Quality and Attainment Status
3. Biological Resources
4. Climate Change and Greenhouse Gases
5. Cultural Resources – Historic and Pre-historic
6. Flood Hazard, Hydrology, and Drainage
7. Groundwater, Water Supply and Water Quality
8. Land Uses, including DOD Military Operations
9. Native American Traditional Land Uses
10. Noise
11. Outdoor Recreation
12. Planned Land Uses and Policies

13. Public Services, Safety Services, and Utilities
14. Socioeconomics and Environmental Justice
15. Visual Resources

It is anticipated the EIR/EIS will focus on potentially significant impacts in the above categories, but comments in response to the NOP, comments from scoping meetings, and ensuing analyses may identify additional environmental impacts or otherwise lead to a revision in the list of categories. The Commission will not determine which, if any potentially significant impacts are in fact significant until the EIR/EIS is prepared.

SCOPING MEETINGS

Joint Public Scoping meetings for the EIR/EIS are scheduled to take place at the following three times and locations:

August 16, 2011, 7–9 p.m. Doubletree Ontario Hotel Lake Gregory Ballroom 222 N Vineyard Ave. Ontario, CA 91764	August 24, 2011, 2–4 p.m. California Energy Commission Hearing Room A 1516 Ninth St. Sacramento, CA 95814	August 24, 2011, 7–9 p.m. California Energy Commission Hearing Room A 1516 Ninth St. Sacramento, CA 95814

The presentation portion of the scoping meeting will be available via Webex at the start of the scoping meeting. Those who cannot attend but in person who would like to hear the presentation portion, please see the following directions (note that each scoping session requires unique login information). Because the remainder of the meeting will take place at multiple information stations, the Webex will conclude at the end of the opening presentations. The Webex will not be set up to receive scoping comments. Comments may only be accepted electronically by email or in writing.

<u>Webex Instructions</u>

COMPUTER LOGON FOR AUGUST 16, 2011, 7- 9 p.m.

1. Please go to https://energy.webex.com and enter the unique meeting number: 921 956 708
2. When prompted, enter your information and the following meeting password: drecp@0816

COMPUTER LOGON FOR AUGUST 24, 2011, 2-4 p.m.

1. Please go to https://energy.webex.com and enter the unique meeting number: 928 857 947
2. When prompted, enter your information and the following meeting password: drecp@0824

COMPUTER LOGON FOR AUGUST 24, 2011, 7-9 p.m.

1. Please go to https://energy.webex.com and enter the unique meeting number: 921 654 002
2. When prompted, enter your information and the following meeting password: drecp@0824

TELECONFERENCE PARTICIPATION

After logging in on the computer, an AUDIO CONFERENCE BOX will offer you the choice of phone connections:

1. To have Webex call you back: Type your area code and phone number and click "Call Me"
2. To call into the teleconference: Use the drop-down box to select "I will call in" and follow the on-screen directions
3. International callers: Click on the "Global call-in number" link in part (2) above
4. To listen over the computer: If you have the needed equipment and your computer is configured, click on "Use Computer Headset" and then "Call Using Computer" to use VoIP (Internet phone)

TELEPHONE ONLY (NO COMPUTER ACCESS): Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the unique meeting number:

August 16, 2011, 7-9 p.m. = 921 956 708
August 24, 2011, 2-4 p.m. = 928 857 947
August 24, 2011, 7-9 p.m. = 921 654 002

WEBEX TECHNICAL SUPPORT

For help with problems or questions trying to join or attend the meeting, please call WebEx Technical Support at 1-866-229-3239.

Anyone interested in more information concerning the DRECP EIR/EIS process, or anyone who has information concerning the study or suggestions as to significant issues, should contact Kristy Chew at 916-654-4818 or kchew@energy.state.ca.us. Also, information about the DRECP is available at www.drecp.org.

WRITTEN COMMENTS

This notice is being furnished to obtain suggestions and information from other agencies and the public on the scopes of issues and alternatives that will be addressed in the EIR component of the joint EIR/EIS. The primary purpose of the scoping process is to identify important issues

raised by the public and responsible and trustee agencies related to the DRECP and the covered activities that would be permitted under it. Written comments from interested parties are invited to ensure that the full range of issues related to the development of the DRECP and issuance of take authorizations are identified. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public. **Written comments on this part of the Scoping process will be accepted for 45 days after the release of this NOP, until September 12, 2011**.

CEQA requires each Responsible Agency and Trustee Agency to provide the Lead Agency, within 45 days after receiving the NOP, with specific detail about the scope, significant environmental issues, reasonable alternatives, and mitigation measures related to the Responsible Agency's or Trustee Agency's area of statutory responsibility that will need to be explored in the EIR/EIS. In accordance with CEQA Guidelines Section 15082(b)(1)(B), responsible and trustee agencies should indicate their respective level of responsibility for the project in their response.

You may provide written comments on the scope of the EIR/EIS in writing and by email to the Commission's Docket Unit. Please include the docket number 09-RENEW EO-01 and indicate Renewable Energy Executive Order in the subject line or first paragraph of your comments. Those submitting comments electronically should provide them by email in either Microsoft Word format or as a Portable Document Format (PDF) to docket@energy.state.ca.us. Please include your name or organization's name in the file name. **One paper copy must** also be sent to the Energy Commission's Docket Unit. Please hand deliver or mail an **original** copy to:

California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512

Kristy Chew

Kristy Chew, DRECP, California Energy Commission

Date: July 28, 2011

Hawthorne
Tonopah
Goldfield
Tempiute
Pioche
Utah
Nevada
Inyo NF
Kings Canyon NP
Independence
Amargosa Valley
Sequoia NP
Inyo
Death Valley
California
Sequoia NF
Las Vegas
Henderson
Lake Mead
Searchlight
Ridgecrest
Bakersfield
Cima
Kingman
Mojave NPRES
Barstow
Arizona
Lake Havasu City
Lancaster
Palmdale
Hesperia
Angeles NF
San Bernardino NF
San Bernardino
Twentynine Palms
Parker
Los Angeles
Glendale
Riverside
Joshua Tree NP
Midland
Anaheim
Santa Ana
Coachella
Salton Sea
Vista
Escondito
Pacific Ocean
Encinitas
El Centro
Yuma
Mexicali
Tecate
Tijuana
Mexico
San Luis Rio Colorado
DUDEK
ICF
February 8, 2011
FIGURE 1-1
Regional Map
DESERT RENEWABLE ENERGY CONSERVATION PLAN
DRAFT

A final decision on the merits of the application will not be made before October 27, 2011. During the 90-day period, interested parties may comment on the State application, AA–086375, and supporting evidence. Interested parties may also comment during this time on the BLM Draft Summary Report. The State application and the BLM Draft Summary Report may be viewed on the BLM Recordable Disclaimer of Interest Web site at *http://www.blm.gov/ak/st/en/prog/rdi.html,* or in the BLM Public Room located at 222 West 7th Avenue, Anchorage, Alaska 99513.

Comments filed with the BLM Division of Cadastral Survey, including names and street addresses of commenters, will be available for public inspection at the BLM Alaska State Office (see **ADDRESSES** above), during regular business hours from 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

If no valid objection is received and all else is proper, a Disclaimer of Interest may be approved stating that the United States does not have a valid interest in these lands.

Authority: 43 CFR 1864.2(a).

Craig Frichtl,

Chief, Branch of Survey Planning and Preparation.

[FR Doc. 2011–19218 Filed 7–28–11; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Fish and Wildlife Service

[FWS–R8–ES–2011–N131; 80221–1112–80221–F2]

Desert Renewable Energy Conservation Plan, Habitat Conservation Plan and Possible Land Use Plan Amendment, Southern California: Environmental Impact Statement

AGENCY: Fish and Wildlife Service, Interior; Bureau of Land Management, Interior.

ACTION: Notice of intent and notice of public meetings; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), intend to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) of 1969, as amended, for the proposed Desert Renewable Energy Conservation Plan (DRECP). The EIS will be a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR), for which the Service and the Bureau of Land Management (BLM), together with the California Energy Commission (CEC) and the California Department of Fish and Game (CDFG), intend to gather information necessary for preparation. The DRECP will then be prepared to meet the requirements of the Federal Endangered Species Act of 1973, as amended, and the State of California's Endangered Species Act and Natural Communities Conservation Planning Act. The BLM, in compliance with the Federal Land Policy and Management Act, as amended, will consider this NEPA process and the resulting DRECP documents in its analysis toward possible amendment of BLM's California Desert Conservation Area (CDCA) Plan of 1980, as amended.

DATES: Please send written comments on or before September 12, 2011 (see **ADDRESSES**).

Three public scoping meetings will be held for the EIS/EIR, and we will accept written comments at these meetings. These public meetings will be held on the following dates and at the following locations:

1. August 16, 2011, 7–9 p.m., Lake Arrowhead Ballroom, Doubletree Ontario Hotel, 222 N Vineyard Ave. Ontario, CA 91764.
2. August 24, 2011, 2–4 p.m., Hearing Room A, California Energy Commission, 1516 Ninth St. Sacramento, CA 95814.
3. August 24, 2011, 7–9 p.m., Hearing Room A, California Energy Commission, 1516 Ninth St. Sacramento, CA 95814.

For more information, see ''Public Comments'' and ''Reasonable Accommodation'' under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: Send your comments or requests for more information by any one of the following methods.

E-mail: FW8DRECP@fws.gov. Include ''Scoping Comments'' in the subject line of the message.

Fax: Attn: Jim Bartel, Field Supervisor, (760) 431–5902.

U.S. Mail: Jim Bartel, Field Supervisor, Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service, 6010 Hidden Valley Road, Suite 101, Carlsbad, CA 92011.

In-Person Drop-off: You may drop off comments during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ken Corey, Assistant Field Supervisor, by phone at (760) 431–9440, or by U.S. mail at the above address; or Vicki Campbell, DRECP Program Manager, by phone at (916) 978–4320, or by U.S. mail at the BLM California State Office, 2800 Cottage Way, Suite W–1623, Sacramento, CA 95825.

SUPPLEMENTARY INFORMATION: The Service intends to prepare an EIS under NEPA for the proposed Desert Renewable Energy Conservation Plan (DRECP). The EIS will be a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR), for which the Service and BLM, together with the California Energy Commission (CEC) and the CDFG, intend to gather information necessary for preparation. The DRECP will then be prepared to meet the requirements of the section 10 habitat conservation plan (HCP) process under the Federal Endangered Species Act of 1973, as amended (ESA), and the State of California's Endangered Species Act (CESA) and Natural Communities Conservation Planning Act (NCCPA). The Service and BLM will serve as co-lead agencies in the overall EIS process.

BLM, in compliance with the Federal Land Policy and Management Act, as amended (43 U.S.C. 1701–1782; FLPMA), will consider the NEPA process and DRECP documents in its analysis as it considers possibly amending its California Desert Conservation Area Plan of 1980, as amended (CDCAP). The BLM issued a Notice of Intent to Prepare an EIS for a possible amendment to the CDCAP on November 20, 2009 (74 FR 60291). At this time, BLM announces the joining of its EIS preparation for the possible CDCAP amendment with the Service's EIS for the DRECP. For further information on the potential CDCA Plan amendment, please refer to BLM's November 20, 2009, **Federal Register** notice.

The Service will serve as the administrative lead for all actions related to this **Federal Register** notice for the DRECP HCP EIS component of the EIS/EIR. The CEC will serve as the State lead agency under the California Environmental Quality Act (CEQA) for the EIR component.

The Service is publishing this notice to announce the initiation of a public scoping period, during which we invite other agencies (local, State, and Federal), Tribes, nongovernmental organizations, and the public to submit written comments providing suggestions

and information on the scope of issues and alternatives to be addressed in the EIS. Concurrently with this notice, the CEC has publicly released a CEQA notice of preparation for its EIR via State and local media. Please see *http://www.drecp.org* for more information on the CEQA process.

Background

The proposed DRECP would establish the structure to integrate renewable energy development and biological resource conservation across the Mojave and Colorado Desert regions of southern California. The Department of the Interior (DOI) Secretarial Order No. 3285 A1 (February 22, 2011) establishes the development of renewable energy as a departmental priority and outlines a strategy to increase the development and transmission of renewable energy from appropriate areas on public lands. The order also provides for DOI collaboration with other Federal agencies, States, local communities, and private landowners to facilitate the timely and environmentally responsible development of renewable energy and associated transmission while protecting and enhancing the nation's water, wildlife, and other natural resources.

In November 2008, California's Governor issued an executive order establishing the State of California's goal of meeting 33 percent of the State's electricity generation from renewable resources by 2020. The 33-percent goal became law with the enactment of California State Senate Bill 2 (Joe Simitian), signed into law by the Governor on April 12, 2011 (Pub. Resources Code, 25740, as amended by Stats. 2011, 1st Ex. Sess., ch.1X). The California Governor's Executive Order S–14–08 (November 17, 2008) mandated the development of the DRECP, a major component of California's renewable energy planning efforts. The proposed DRECP, if approved by the CEC and if permits are issued by the Service and CDFG, is expected to further these objectives and accelerate the processing of renewable projects in the Mojave and Colorado Deserts of southern California. The proposed DRECP is intended to advance State and Federal conservation goals in these desert regions while also facilitating the timely permitting of renewable energy projects, and to provide durable and reliable regulatory assurances, as appropriate, under the NCCPA and the ESA for renewable energy development on non-Federal land in the Mojave and Colorado Deserts of southern California. The DRECP would help provide for effective protection and conservation of desert ecosystems while allowing the appropriate development of renewable energy projects.

A Renewable Energy Action Team (REAT), consisting of the CEC, CDFG, BLM, and the Service, will oversee preparation and implementation of the DRECP. The REAT was created through Memoranda of Understanding in 2009 and 2010 among the CEC, CDFG, BLM, the Service, the Secretary of the Interior, and the Governor of California. The REAT's primary mission is to streamline and accelerate the permitting processes for renewable energy projects, while contributing to the conservation of endangered species and natural communities at the ecosystem scale.

The proposed DRECP will serve as a multiple-species HCP for CEC in its application for an incidental take permit under section 10(a)(1)(B) of the Federal ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*). The DRECP will also serve as a Natural Community Conservation Plan (NCCP) under section 2800 *et seq.* of the California Fish and Game Code. Upon approval and adoption of the DRECP, the CEC and potentially other applicants would obtain authorization for the incidental take of certain endangered, threatened, and special-status plant and animal species (''Covered Species'') from the Service on non-Federal land, and from CDFG on both Federal and non-Federal land. If the Federal and State permits are issued, the permittees could extend their permit authorizations to proponents of additional renewable energy and transmission projects under their jurisdiction.

Section 9 of the ESA (16 U.S.C. 1531 *et seq.*) and Federal regulations prohibit the ''take'' of a fish or wildlife species listed as endangered or threatened. Under the ESA, the following activities are defined as take: To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed wildlife species, or attempt to engage in such conduct (16 U.S.C. 1532). Under certain circumstances, the Service may issue permits to authorize ''incidental take'' of listed wildlife species under section 10(a)(1)(B) of the ESA on non-Federal lands. Incidental take is defined by the ESA as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 50 CFR 17.32, respectively.

Section 10 of the ESA specifies the requirements for the issuance of incidental take permits to non-Federal entities. Any proposed take must be incidental to otherwise lawful activities and cannot appreciably reduce the likelihood of the survival and recovery of the species in the wild. The impacts of such take must also be minimized and mitigated to the maximum extent practicable. To obtain an incidental take permit, an applicant must prepare aHCP describing the impacts that will likely result from the proposed taking, the measures for minimizing and mitigating the impacts of the take, the funding available to implement such measures, alternatives to the taking, and the reason why such alternatives are not being implemented. Thus, the HCP sets forth a uniform and systematic conservation strategy that ensures that impacts to Covered Species and their habitats from activities covered by the HCP (''Covered Activities'') are minimized and mitigated to the maximum extent practicable. If a section 10 permit is issued, the permittee(s) would receive assurances for all plant and animal species covered by the HCP on non-Federal land and included on the permit under the Service's ''No Surprises'' regulation (50 CFR 17.22(b)(5) and 17.32(b)(5)).

Project Area

The proposed DRECP Planning Area generally covers approximately 22,587,000 acres of Federal and non-Federal land in the Mojave and Colorado Desert regions of southern California where renewable energy development potentially may occur, including portions of seven counties (Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego). The proposed HCP would cover non-Federal lands in the project area, the proposed NCCPwould cover both Federal (to the extent permitted by law) and non-Federal lands, and the possible CDCA Plan amendment would cover BLM-administered lands. The proposed DRECP and possible CDCAP amendment may focus on specific areas for development, such as the west Mojave, Imperial, and eastern Riverside areas.

Potential Applicants

The DRECP is being prepared through a collaboration of Federal, State, and local agencies as the basis for the CEC (and potentially other entities) to apply for incidental take permits for implementation of the DRECP under (1) Section 10(a)(1)(B) of the ESA and (2) Section 2835 (NCCPA) or Section 2081 (CESA) of the California Fish and Game Code. Other potential applicants that may have jurisdiction over renewable energy and transmission development in the DRECP Planning Area, include the California Public Utilities Commission, special utilities districts,

and local agencies (counties and cities). Upon approval and adoption of the DRECP, and issuance of incidental take authorizations by the Service and CDFG, these other entities, if included as permittees, could extend their permit authorizations to proponents of renewable energy and transmission projects under their jurisdiction.

Other entities that may apply for incidental take permits that have authority over lands within the DRECP Planning Area include CDFG, the State Lands Commission, the California Parks and Recreation Department, and certain campuses of the University of California.

Covered Activities

The proposed ESA incidental take permit may allow take of Covered Species of wildlife resulting from Covered Activities on non-Federal land in the proposed DRECP Planning Area. The purpose of the DRECP is to contribute to the conservation of Covered Species while streamlining endangered species permitting for renewable energy development and transmission projects. To ensure that all relevant renewable energy projects are included and addressed, the Covered Activities are defined broadly as the exploration, pre-project activities (geotechnical borings, site reconnaissance, and, depending on the type of project, installation of temporary meteorological stations or test drilling and trenching), site preparation and construction, related infrastructure requirements, operations and maintenance, monitoring, and future decommissioning of public and private utility-scale renewable energy generation and transmission in the plan area. The activity types covered by the DRECP are expected to include transmission facilities that support renewable energy development, solar (photovoltaic and thermal) projects, wind projects, geothermal projects, and conservation actions. To facilitate timely and environmentally responsible development, the proposed DRECP and possible CDCAP amendment may focus on specific areas for development, such as the west Mojave, Imperial, and east Riverside areas. Potential impacts to Covered Species would be addressed through a conservation program that includes avoidance, minimization, mitigation, conservation, and restoration of habitat for Covered Species by multiple components, such as reserve design and assembly processes, protection and management elements, funding assurances, monitoring, and adaptive management within the DRECPPlanning Area. More information on proposed Covered Activities is available on the Internet at *http://www.drecp.org/covered activities.*

The planning goals of the DRECP include the following:

- Provide for the longer term conservation and management of Covered Species within the DRECP plan area;
- Preserve, restore, and enhance natural communities and ecosystems that support Covered Species within the DRECP area;
- Build on the competitive renewable energy zones identified by the Renewable Energy Transmission Initiative;
- Further identify the most appropriate locations within the DRECP area for the development of utility-scale renewable energy projects, taking into account potential impacts to threatened and endangered species and sensitive natural communities;
- Provide a means to implement Covered Activities in a manner that complies with the ESA, CESA, NCCPA, NEPA, CEQA, and other relevant laws;
- Provide a basis for the issuance of take authorizations allowing the lawful take of Covered Species incidental to Covered Activities;
- Provide for issuance of take authorizations for other Covered Species that are not currently listed but which may be listed in the future;
- Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements for Covered Activities within the plan area;
- Provide a framework for a more efficient process by which proposed renewable energy projects with the plan area may obtain regulatory authorizations, and which results in greater conservation values than would a project-by-project, species-by-species review; and
- Identify and incorporate climate change adaptation research, management objectives, and policies into the final plan document.

Covered Species

Covered Species are those species addressed in the proposed DRECP for which conservation actions will be implemented and for which the applicants will seek incidental take authorizations for a period of up to 40 years. Proposed Covered Species are expected to include threatened and endangered species listed under the ESA, species listed under CESA, and unlisted species of Federal and Stateconservation concern.

The following Federally listed threatened and endangered wildlife species are proposed to be covered by the DRECP: The threatened desert tortoise (*Gopherusagassizii*), endangered Peninsular bighorn sheep (*Oviscanadensisnelsoni*), endangered California condor (*Gymnogypscalifornianus*), and endangered arroyo toad (*Anaxyrus [Bufo] californicus*).

Take of Federally listed plant species is not prohibited on non-Federal land under the ESA, and authorization under an ESA section 10 permit is not required. Section 9 of ESA does, however, prohibit the removal or malicious destruction of Federally listed plants from areas under Federal jurisdiction and the removal or destruction of such plants in knowing violation of State law. In addition, section 7(a)(2) of the ESA prohibits Federal agencies from jeopardizing the continued existence of any listed plant or animal species, or destroying or adversely modifying the critical habitat of such species. The following Federally listed plant species are proposed to be included in the DRECP in recognition of the conservation benefits to be provided for them under the plan, and the assurances permit holders would receive if they are included on a permit: The threatened Peirson's milk-vetch (*Astragalusmagdalenaevar.peirsonii*), endangered Amargosaniterwort (*Nitrophilamohavensis*), endangered Lane Mountain milk-vetch (*Astragalusjaegerianus*), and endangered triple-ribbed milk-vetch (*Astragalustricarinatus*).

The following species that are not Federally listed are proposed to be covered by the DRECP: Amargosa River vole (*Microtuscalifornicusscirpensis*), California leaf-nosed bat (*Macrotuscalifornicus*), Mohave ground squirrel (*Spermophilus* [*Xerospermophilus*] *mohavensis*), Mojave River vole (*Microtuscalifornicusmohavensis*), pallid bat (*Antrozouspallidus*), Townsend's big-eared bat (*Corynorhinustownsendii*), American peregrine falcon (*Falco peregrinusanatum*), bald eagle (*Haliaeetusleucocephalus*), burrowing owl (*Athenecunicularia*), golden eagle (*Aquila chrysaetos*), Greater Sandhill crane (*Gruscanadensistabida*), Swainson's hawk (*Buteoswainsoni*), flat-tailed horned lizard (*Phrynosomamcallii*), Mojave fringe-toed lizard (*Uma scoparia*), Barstow woolly sunflower (*Eriophyllummohavense*), desert cymopterus (*Cymopterusdeserticola*), and Mojave monkeyflower (*Mimulusmohavensis*).

The species noted above will be evaluated for inclusion in the DRECP as

proposed Covered Species. However, the list of Covered Species may change as the planning process progresses; species may be added or removed as more is learned about the nature of Covered Activities and their impact on native species within the plan area. More information on Covered Species, including State-listed and unlisted species, is available on the Internet at *http://www.drecp.org/covered species.*

Environmental Impact Statement

Before deciding whether to issue the requested Federal incidental take permit, the Service will prepare a draft EIS as part of the joint EIS/EIR, in order to analyze the environmental impacts associated with potential adoption and implementation of the proposed DRECP as a HCP and NCCP. In the EIS component of the joint EIS/EIR, the Service will consider the following alternatives: (1) The proposed action, which includes the issuance of take authorizations consistent with the proposed DRECP under section 10(a)(1)(B) of the ESA; (2) no action (no Federal ESA permit issuance); and (3) a reasonable range of alternatives that address different scenarios of renewable energy development and species conservation on both Federal and non-Federal land. The EIS/EIR will include a detailed analysis of the impacts of the proposed action and alternatives. The range of alternatives to be considered and analyzed will represent varying levels of conservation and impacts, and may include variations in the scope of Covered Activities; variations in the locations, amount, and type of conservation; variations in permit duration; or a combination of these elements. The BLM may address other considerations in the EIS. In compliance with NEPA, the Service and BLM will be responsible for the scope and preparation of the EIS component of the joint EIS/EIR.

The EIS/EIR will identify and analyze potentially significant direct, indirect, and cumulative impacts of the Service's authorization of incidental take (permit issuance) and the implementation of the proposed DRECP on biological resources, land uses (including BLM, U.S. Department of Defense military operations, and Native American traditional land uses), utilities, air quality, water resources (including surface and groundwater supply and water quality), cultural resources, socioeconomics and environmental justice, outdoor recreation, visual resources, induced growth, climate change and greenhouse gases, and other environmental issues that could occur with implementation of the proposed action and alternatives. The Service and the BLM will use all practicable means, consistent with NEPA and other essential considerations of national policy, to avoid or minimize significant effects of their actions upon the quality of the human environment.

The Service and BLM have invited the National Park Service (NPS), Environmental Protection Agency (EPA), Department of Energy, and the Department of Defense to be cooperating Federal agencies in the preparation of the EIS, because the proposed project may have effects on lands and facilities under the jurisdictions of those agencies. To date, the NPS and EPA have requested and agreed to be cooperating agencies. The CDFG has requested and agreed to be a State cooperating agency. The Service, BLM, NPS, EPA, and CDFG agree that establishing a cooperating agency relationship will create a more streamlined and coordinated approach in developing this EIS.

Reasonable Accommodation

Persons needing reasonable accommodations to attend and participate in the public meeting should contact Ken Corey at (760) 431–9440 as soon as possible. To allow sufficient time to process requests, please call no later than 1 week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

Public Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Material the Service receives will be available for public inspection, by appointment, during normal business hours (Monday through Friday, 8 a.m. to 4:30 p.m.) at the Service's Carlsbad address (see **ADDRESSES**).

At the close of the public comment period, all written comments received by the Federal co-lead agencies will be posted on the Internet at *http://www.drecp.org/public scoping comments.* Comments received by CEC in response to their notice of preparation under CEQA will also be posted on the Web site.

Authority: 40 CFR 1501.7.

Tom Pogacnik,

Deputy State Director, Natural Resources, California State Office, Bureau of Land Management, Sacramento, California.

Dated: July 22, 2011.

Alexandra Pitts,

Deputy Regional Director, Pacific Southwest Region, U.S. Fish and Wildlife Service, Sacramento, California.

[FR Doc. 2011–19175 Filed 7–28–11; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DEPARTMENT OF AGRICULTURE

Forest Service

[LLWY920000/L51010000.ER0000/LVRWK09K0990/241A; WYW–174598; IDI–35849; NVN–089270]

Notice of Availability of the Draft Environmental Impact Statement for the Gateway West 230/500 kV Transmission Line Project in Idaho, Nevada, and Wyoming and Prospective Draft Land Use Plan Amendments

AGENCY: Bureau of Land Management, Interior; and U.S. Forest Service, Agriculture.

ACTION: Notice of Availability.

SUMMARY: The Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) announce the availability of the Gateway West Transmission Line Project DEIS and prospective draft Land Use Plan (LUP) Amendments. The DEIS analyzes the consequences of granting a right-of-way (ROW) to Idaho Power and Rocky Mountain Power for locating a 1,103-mile-long electric transmission line from the proposed Windstar Substation near the Dave Johnston Power Plant at Glenrock, Wyoming, to the proposed Hemingway Substation near Melba, Idaho. The project is composed of 10 transmission line segments of 230 and 500 kilovolts (kV); each segment would carry up to 3,000 megawatts (MW).

The requested ROW width would generally be 300 feet but could range from 125 to 350 feet, depending on the design variation and structure type. The proposed route generally follows existing transmission lines and West-wide Energy (WWE) corridors designated pursuant to Section 368 of the Energy Policy Act of 2005. Approximately 610 miles (55 percent) of the proposed route is located within or adjacent to designated corridors or existing transmission lines.

Appendix B

News Release Distribution List

NEWS RELEASE DISTRIBUTION LIST

CALIFORNIA ENERGY COMMISSION

Release sent out using CisionPoint to the following reporters and news outlets:

1. Argus Media
2. Associated Press - Jason Dearen
3. Bakersfield Californian - Courtney Edelhart
4. Bloomberg News - Andrew Herndon
5. Bloomberg News - Mark Chediak
6. BNA's Environmental Compliance Bulletin - Carolyn Whetzel
7. California Energy Markets - Mavis Scanlon
8. CBS Television Network - John Blackstone
9. CleanEnergyAuthority.com - Chris Meehan
10. Daily Press - Don Holland
11. Desert Dispatch - Karen Jonas
12. Dow Jones Newswires - Cassandra Sweet
13. Dow Jones Newswires - Ken Clark
14. Earth2Tech - Ucilia Wang
15. Forum - Michael Krasny
16. Greentech Media
17. Greentech Media - Herman Trabish
18. Greenwire - Debra Kahn
19. Imperial Valley Press - Elizabeth Varin
20. Inland Empire News Radio Network - Jim Ness
21. KMIR-TV
22. KMIR-TV - Angela Monroe
23. KPCC-FM - Jonathan Serviss
24. KPCC-FM - Molly Peterson
25. KXJZ-FM
26. KXJZ-FM - Jeff Callison
27. KXO-AM
28. Land Letter - Scott Streater
29. Los Angeles Times - Julie Cart
30. Los Angeles Times - Tiffany Hsu
31. North County Times - Eric Wolff
32. Palm Springs Sun – K. Kaufmann
33. Photon - Garrett Hering
34. Platts Oilgram News - Lisa Weinzimer
35. Quest - Amy Standen
36. RechargeNews - Benjamin Romano
37. Renewable Energy World North America - Jennifer Runyon
38. Reuters - Sarah McBride
39. Reuters - Steve Gorman
40. Sacramento Bee - Mark Glover
41. Sacramento Bee - Rick Daysog
42. San Francisco Chronicle - Andrew Ross
43. San Francisco Chronicle - David Baker
44. San Francisco Chronicle - Will Kane
45. San Francisco Examiner
46. San Jose Mercury News - Dana Hull
47. The New York Times
48. The Press-Enterprise - David Danelski
49. The Press-Enterprise - Janet Zimmerman
50. The Press-Enterprise - Jim Miller
51. The Press-Enterprise - Leslie Berkman
52. The San Diego Union-Tribune
53. The San Diego Union-Tribune - Diana McCabe
54. The Solar Home and Business Journal - Michael Balchunas
55. The Sun - Joe Nelson
56. The Wall Street Journal - Rebecca Smith
57. USA Today - Julie Schmit

U.S. FISH AND WILDLIFE SERVICE

The News Release was posted to the USFWS Facebook page and Twitter. The release was also sent out to the following reporters and news outlets:

1. Inland News Radio - Jim Ness
2. Inland Newspapers - City Desk
3. Inland Newspapers - Nicole Spano
4. Los Angeles Times Newspaper - Louis Sahagun
5. North County Times/The Californian Newspapers - Dave Downey
6. Rep. Darrell Issa - Phil Paule, District Director
7. Rep. Jerry Lewis - Kimberly Powell, District Director
8. Rep. Ken Calvert) - Jolyn Murphy, District Director
9. Riverside County Executive Officer - Ray Smith
10. San Diego Daily Transcript - Thor Biberman
11. San Diego Union-Tribune Newspaper - Mike Lee
12. The Desert Sun Newspaper - Keith Matheny
13. The Press-Enterprise Newspaper - Janet Zimmerman

BUREAU OF LAND MANAGEMENT

The release sent out to the following reporters and news outlets:

1. Air Currents
2. Alex Breitler's San Joaquin Delta, Delta College Blog
3. Alison Fromme
4. Alive & Well
5. Almond Facts
6. Alpine Green Living Magazine
7. AltaTerra Research Network
8. Animal Matters
9. Animal Minute
10. Animal Radio
11. Animal Rescue
12. Animals' Advocate
13. Aquinas - Robert McNally
14. Arabian Horse World
15. ArcUser
16. Auburn Journal
17. Autopia
18. Avital Binshtock
19. Bay Area BizTalk
20. Bay Nature
21. Better Nutrition
22. Bird Talk
23. BNET.com
24. Bottled Water Web
25. BPN's Weekly Propane Newsletter
26. Bull Pen
27. Butane-Propane News
28. California Cattleman
29. California Current
30. California Dairy
31. California Energy Markets
32. California Farm Bureau Federation Online
33. California Farmer
34. California Grange News
35. California Thoroughbred Magazine
36. California Today
37. California Veterinarian
38. California Watch
39. Care2
40. Cascade Cattleman
41. Chico Enterprise-Record
42. Christopher Bake
43. Civil Eats
44. Clean Fleet Report
45. Cleantech
46. Climate Change Business Journal
47. ClimateBiz
48. ClimateWire
49. CNET News
50. Coco Eco Magazine
51. Common Ground
52. Compass
53. Compendium Newsletter
54. Condor
55. Conscious Living TV
56. Contra Costa Times
57. Coyote Crossing
58. Creators Syndicate
59. Daily Breeze
60. Daily News
61. Daily Press
62. Daily Republic
63. Darnell Group
64. Dictor LeBlanc, Rena
65. Distributed Energy
66. Dog Fancy
67. Down On the Farm
68. E=MC2 - Energy Meets Climate Challenge
69. Earth Focus
70. Earth Island Journal
71. EcoIQ Magazine
72. Econews
73. Edmunds.com
74. EEnergy Informer
75. Elaine Gewirtz

76. Electrical News - Pacific Northwest Edition
77. Electrical News - Pacific Southwest Edition
78. Electrical News - Rocky Mountain Edition
79. Energy-Daily
80. Entrepreneur.com
81. Environment & Energy Daily
82. Environmental Business Journal
83. Environmental Directions
84. Environmental Times
85. EPRI Journal
86. Equestrian Trails
87. Erosion Control
88. Evalueserve
89. fabulously green
90. Fleets & Fuels
91. Foodism
92. G Living
93. Gary Varner
94. GigaOM
95. GigaOM Pro
96. Ginger Dingus
97. Gold Prospector
98. Government Technology
99. GPS World
100. Grace Ertel
101. Green Car Journal
102. Green for All Blog
103. Green is Good
104. Green OC
105. Green Patriot Radio
106. Green Wombat
107. GreenBiz.com
108. GreenBuzz
109. GreenerBuildings
110. GreenerComputing.com
111. GreenerDesign
112. Greenspace
113. health e
114. Healthy Child Healthy World Blog
115. Henry Fenwick
116. Herd the News
117. Hi Sierran
118. Hollywood Green with Maria Menounos
119. Home Energy
120. Home Energy Blog
121. Horse People
122. Horseman's News
123. ICMJ's Prospecting and Mining Journal
124. In Brief
125. In Our Backyard
126. InfoWorld
127. Inside CAL/E.P.A.
128. International California Mining Journal
129. Investor's Business Daily
130. iSuppli Corporation
131. IT Newswire
132. IUPIWI Views
133. James Degnan
134. John Berger, Ph.D.
135. Jose Fermoso
136. Journal of Environmental Economics and Management
137. Journal of Zoo and Wildlife Medicine
138. Judy Hammond
139. Karen Heyman
140. Kathryn Brockman
141. Kathy Johnson
142. KCRA-TV
143. KGO-TV
144. Kimberly Lisagor
145. KPBS-FM
146. KPCC-FM
147. KQCA-TV
148. KZFR-FM
149. L.A. Unleashed
150. Lance Frazer
151. Lauraine Snelling
152. Lay of the Land
153. Les Echos - San Francisco Bureau
154. Libby Platus
155. Lisa Bennett
156. Liz Palika
157. Lori Bongiorno
158. Los Angeles Business Journal
159. Los Angeles Times
160. Lundberg Letter
161. Marin Independent Journal
162. Marketplace
163. Marketplace Money
164. Marketplace Morning Report
165. MarketWatch
166. Matter Network
167. Maxine Cass
168. Melanie Haiken
169. Michael Bowker
170. Mike Hollywood
171. Money & Company
172. Mono Lake Newsletter
173. Mother Jones
174. Mountain Democrat
175. MSW Management
176. myGloss
177. New Energy Times Blog
178. New Methods
179. North Bay Business Journal
180. North County Times
181. Nourish Network
182. O & A Marketing News
183. One Green Generation
184. Onesta Organics Blog
185. Organic Authority Blog
186. Outdoor California
187. Patricia Kutza
188. Penelope Grenoble
189. pet connection
190. Pets.TV
191. Photon USA
192. Planetizen Online
193. Positive
194. Pretty in Green
195. Pulse
196. Randall Frost
197. Record Searchlight
198. Recycling Advocate
199. Redjellyfish.com
200. Render
201. Roberta Cruger
202. Russ Mitchell
203. Sacramento

204. Sacramento Bee
205. Sacramento Business Journal
206. Sacramento News & Review
207. San Francisco Business Times
208. San Francisco Chronicle
209. San Francisco Daily Journal
210. San Francisco Examiner
211. San Jose Mercury News
212. Science Today
213. Seedling News
214. Sierra
215. Sierra Radio Club
216. Silicon Valley/San Jose Business Journal
217. Solar Daily
218. Solid Waste Digest
219. Source
220. Stephen Siciliano
221. Stormwater
222. Streetsblog San Francisco
223. Sustainability Advocate
224. Sustainable IT
225. Sustainable Life Media
226. Taking the Initiative
227. TechCrunch
228. Terra Daily
229. TerraMarin
230. Terry Gardner
231. The Bay Citizen
232. The Bill Wattenburg Show
233. The Blue Marble
234. The Cascade Horseman
235. The Conscious Consumer
236. The Desert Sun
237. The Ecology Hour
238. The Environment Show
239. The Fresno Bee
240. The Green Dove
241. The Green Life
242. The Los Angeles Daily Journal
243. The Magazine Angus
244. The Modesto Bee
245. The Orange County Register
246. The Press Democrat
247. The Press-Enterprise
248. The Record
249. The Reporter
250. The San Diego Union-Tribune
251. The Thin Green Line
252. The Times-Herald
253. The Tribune
254. ThinkEquity
255. Thomas Weisel Partners
256. Toyota Open Road Blog
257. Vegetarian Times
258. Ventura County Star
259. VentureBeat
260. Veterinary and Comparative Oncology
261. Veterinary Information Network News Service
262. Veterinary Practice News
263. Vision Magazine
264. Voice of San Diego
265. Walter Roessing
266. Water Efficiency
267. Water for Tomorrow
268. Water Strategist
269. Water Strategist Community
270. Weekly Propane Newsletter
271. Western Cowman
272. Western Grower & Shipper
273. Wild Bird
274. WildBird On The Fly
275. Wilson, Stevie
276. WomenEntrepreneur.com
277. Yahoo! Green
278. Young Rider
279. YubaNet

Appendix C

Scoping Meeting Materials

NEWS RELEASE

California Energy Commission | California Department of Fish and Game | U.S. Bureau of Land Management | U.S. Fish and Wildlife Service

Contact: Jane Hendron, USFWS, 760-431-9440, ext. 205
Erin Curtis, BLM, 916-978-4622
Susanne Garfield, California Energy Commission, 916-654-4989
William Condon, DFG, 916-654-9937

Date: July 28, 2011

Public Input Wanted for California's Largest Habitat Conservation Plan
Aims to balance desert conservation and renewable energy development

Sacramento, Calif. - The Federal and State Renewable Energy Action Team (REAT) launched a joint environmental review for the Desert Renewable Energy Conservation Plan (DRECP or Plan) aimed at streamlining permitting of renewable energy facilities in the California desert.

The REAT is preparing a joint Environmental Impact Report and Environmental Impact Statement (EIR/EIS) for the DRECP, and the Bureau of Land Management's proposed amendment to the California Desert Conservation area (CDCA) Plan.

Agencies are looking for public participation as they begin this process, and will hold three public meetings in August to gather input on the proposed Plan.

> August 16, 2011, from 7 p.m. to 9 p.m. at the Doubletree Ontario Hotel, Lake Gregory Ballroom, 222 N. Vineyard Ave., Ontario, CA 91764
>
> August 24, 2011, from 2 p.m. to 4 p.m. at the California Energy Commission, Hearing Room A, 1516 Ninth St., Sacramento, CA 95814
>
> August 24, 2011, from 7 p.m. to 9 p.m. at the California Energy Commission, Hearing Room A, 1516 Ninth St., Sacramento, CA 95814

Remote Attendance and Availability of Documents
Presentations and audio from the scoping meetings will be broadcast by WebEx web meeting service. For details on how to participate by WebEx, please see www.drecp.org/meetings.
DRECP Background

The DRECP is focused on the desert regions and adjacent lands of seven California counties – Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino and San Diego. It is being prepared through an unprecedented collaborative effort between the California Energy Commission, California Department of Fish and Game, the U.S. Bureau of Land Management and the U.S. Fish and Wildlife Service known as the REAT.

The DRECP will result in an efficient and effective biological mitigation and conservation program providing renewable project developers with permit timing and cost certainty under the Federal and California Endangered Species Acts while at the same time preserving, restoring and enhancing natural communities and related ecosystems.

Approximately 22.5 million acres of Federal and non-Federal California desert land in parts of Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego counties are in the DRECP planning area.

A preview copy of the Notice of Intent can viewed today at the Federal Register. It will officially publish on July 29, and will be posted at http://www.fws.gov/cno/energy.html

Providing Comments
All interest parties are invited to provide comments and information regarding species to be covered, the range of alternatives to analyze and other issues associated with the DRECP and possible CDCA amendment during the comment period. Comments and information will be accepted until September 12, 2011. Comments will be accepted in writing at the scoping meetings and may also be sent to the contacts listed below.

Written comments may be submitted to Jim Bartel, Field Supervisor, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Rd., Suite 101, Carlsbad, CA 92011. You may also submit comments by email to FW8DRECP@fws.gov, and include “Scoping Comments” in the subject line, or by facsimile to 760-431–5902.

Comments may also be submitted in writing to California Energy Commission, Dockets Office, MS-4, Docket No. 09-RENEW E0-01, Scoping Comments, 1516 Ninth St., Sacramento CA 95814-5512. Or by email to docket@energy.state.ca.us, and include “Docket No. 09-RENEW EO-01/Scoping” in the subject line, or by facsimile to Kristy Chew at 916-654-4421.

At the close of the public comment period, all written comments received by the Federal and State lead agencies will be posted on the internet at http://www.drecp.org/document. For more information about the DRECP or instructions on submitting a written comment, visit www.drecp.org. The REAT anticipates releasing a draft DRECP EIR/EIS for public review and comment in the summer 2012. The final EIR/EIS is expected to be completed at the end of 2012 and, if approved, permits are expected to be issued at the beginning of 2013.

###

California Energy Commission | California Department of Fish and Game | U.S. Bureau of Land Management | U.S. Fish and Wildlife Service

Public Scoping Meeting
Desert Renewable Energy Conservation Plan EIR/EIS

August 16, 2011, 7:00 – 9:00 p.m.

MEETING AGENDA

WebEx Access: https://energy.webex.com Unique meeting number: 921 956 708 Password: drecp@0816 **Telephone Only Access:** Call 1-866-469-3239 Unique meeting number: 921 956 708	**If you would like to attend the meeting in person, please go to:** Doubletree Ontario Hotel Lake Gregory Ballroom 222 N Vineyard Ave. Ontario, CA 91764

7:00 p.m. Begin Scoping Meeting

7:05-7:10 p.m. Welcome, Introduction, and Meeting Purpose – Terry O'Brien and Karen Douglas (California Energy Commission)

7:10-7:30 p.m. Presentation – David Harlow (DRECP Director)

Explanation of the DRECP Process

Presentation – Vicki Campbell (U.S. Bureau of Land Management)

California Desert Conservation Area (CDCA) and Other BLM Planning Actions

Presentation – Curtis Alling (Ascent Environmental)

CEQA/NEPA and the Scoping Process

7:30-9:00 p.m. The Federal and State Renewable Energy Action Team invites you to provide comments on the scope of issues to be addressed in the DRECP EIR/EIS. Attendees are invited to visit the information stations and fill out comment sheets. Agency and consultant staff are available at four information stations. WebEx participants may stay on the line to ask questions of DRECP and agency staff for informational purposes only. Public comments will not be accepted verbally.

The information stations address the following topics:

- DRECP, Habitat Conservation Plans, Natural Community Conservation Plans, and DRECP Covered Activities
- Covered Species and Biological Issues
- CEQA/NEPA Process and Non-biological Issues
- CDCA Plan Amendment and Other BLM Planning Actions

Staff are available at a fifth table to receive your written comments.

All comments must be submitted in writing. Participants may submit comment sheets today, take comment sheets to mail later, or email comments *(email in either Microsoft Word format or as a Portable Document Format (PDF) to docket@energy.state.ca.us. Please include your name or organization's name in the file name)*. The comment sheets are located at the Comment Forms Station and provide mail and email addresses. The last date to receive comments is ***September 12, 2011***. Thank you!

California Energy Commission | California Department of Fish and Game | U.S. Bureau of Land Management | U.S. Fish and Wildlife Service

Public Scoping Meeting
Desert Renewable Energy Conservation Plan EIR/EIS

August 24, 2011, 2:00 – 4:00 p.m.

MEETING AGENDA

WebEx Access: https://energy.webex.com Unique meeting number: 928 857 947 Password: drecp@0824 **Telephone Only Access:** Call 1-866-469-3239 Unique meeting number: 928 857 947	**If you would like to attend the meeting in person, please go to:** California Energy Commission Hearing Room A 1516 Ninth St. Sacramento, CA 95814

2:00 p.m. Begin Scoping Meeting

2:05-2:10 p.m. Welcome, Introduction, and Meeting Purpose – Roger Johnson and Karen Douglas (California Energy Commission)

2:10-2:30 p.m. Presentation – David Harlow (DRECP Director)

Explanation of the DRECP Process

Presentation – Vicki Campbell (U.S. Bureau of Land Management)

California Desert Conservation Area (CDCA) and Other BLM Planning Actions

Presentation – Steve Adams (California Energy Commission)

CEQA/NEPA and the Scoping Process

2:30-4:00 p.m. The Federal and State Renewable Energy Action Team invites you to provide comments on the scope of issues to be addressed in the DRECP EIR/EIS. Attendees are invited to visit the information stations and fill out comment sheets. Agency and consultant staff are available at four information stations. WebEx participants may stay on the line to ask questions of DRECP and agency staff for informational purposes only. Public comments will not be accepted verbally.

The information stations address the following topics:

- **DRECP, Habitat Conservation Plans, Natural Community Conservation Plans, and DRECP Covered Activities**
- **Covered Species and Biological Issues**
- **CEQA/NEPA Process and Non-biological Issues**
- **CDCA Plan Amendment and Other BLM Planning Actions**

Staff members are available at a fifth table to receive your written comments.

All comments must be submitted in writing. Participants may submit comment sheets today, take comment sheets to mail later, or email comments *(email in either Microsoft Word format or as a Portable Document Format (PDF) to docket@energy.state.ca.us. Please include your name or organization's name in the file name)*. The comment

sheets are located at the Comment Forms Station and provide mail and email addresses. The last date to receive comments is ***September 12, 2011***. Thank you!

California Energy Commission | California Department of Fish and Game | U.S. Bureau of Land Management | U.S. Fish and Wildlife Service

Public Scoping Meeting
Desert Renewable Energy Conservation Plan EIR/EIS

August 24, 2011, 7:00 – 9:00 p.m.

MEETING AGENDA

WebEx Access: https://energy.webex.com Unique meeting number: 921 654 002 Password: drecp@0824 **Telephone Only Access:** Call 1-866-469-3239 Unique meeting number: 921 654 002	**If you would like to attend the meeting in person, please go to:** California Energy Commission Hearing Room A 1516 Ninth St. Sacramento, CA 95814

7:00 p.m. Begin Scoping Meeting

7:05-7:10 p.m. Welcome, Introduction, and Meeting Purpose – Terry O'Brien and Karen Douglas (California Energy Commission)

7:10-7:30 p.m. Presentation – David Harlow (DRECP Director)

Explanation of the DRECP Process

Presentation – Vicki Campbell (U.S. Bureau of Land Management)

California Desert Conservation Area (CDCA) and Other BLM Planning Actions

Presentation – Curtis Alling (Ascent Environmental)

CEQA/NEPA and the Scoping Process

7:30-9:00 p.m. The Federal and State Renewable Energy Action Team invites you to provide comments on the scope of issues to be addressed in the DRECP EIR/EIS. Attendees are invited to visit the information stations and fill out comment sheets. Agency and consultant staff are available at four information stations. WebEx participants may stay on the line to ask questions of DRECP and agency staff for informational purposes only. Public comments will not be accepted verbally.

The information stations address the following topics:

- **DRECP, Habitat Conservation Plans, Natural Community Conservation Plans, and DRECP Covered Activities**
- **Covered Species and Biological Issues**
- **CEQA/NEPA Process and Non-biological Issues**
- **CDCA Plan Amendment and Other BLM Planning Actions**

Staff members are available at a fifth table to receive your written comments.

All comments must be submitted in writing. Participants may submit comment sheets today, take comment sheets to mail later, or email comments *(email in either Microsoft Word format or as a Portable Document Format (PDF) to docket@energy.state.ca.us. Please include your name or organization's name in the file name)*. The comment

sheets are located at the Comment Forms Station and provide mail and email addresses. The last date to receive comments is ***September 12, 2011***. Thank you!

Desert Renewable Energy Conservation Plan Scoping Meeting

What is the purpose of this meeting?

The California desert supports a wealth of natural resource values, including native plants, animals, and unique vegetation communities. The Renewable Energy Action Team (REAT) is developing a landscape-level, multiple species habitat conservation plan (the Desert Renewable Energy Conservation Plan [DRECP]) to integrate the development of renewable energy with conservation of these California desert natural resources.

The DRECP area covers approximately 22.5 million acres and is the largest conservation planning effort in California. The goal is for the plan to identify and provide for measures that may be necessary to conserve and manage natural biological diversity within the plan area, while allowing compatible and appropriate renewable energy uses.
The REAT is preparing an Environmental Impact Statement (EIS) and Environmental Impact Report (EIR), and is holding public scoping meetings to solicit public input regarding a range of alternatives that will be analyzed as part of the development of the DRECP.

What is a scoping meeting?

During the scoping process, the lead federal agency determines the alternatives, issues, and environmental impacts to be analyzed in an EIS under the National Environmental Policy Act (NEPA) and in an EIR under the California Environmental Quality Act (CEQA). Scoping activities typically consist of distributing public notices in affected communities, holding public scoping meetings, and providing other opportunities for interested parties to submit written or oral comments about the content of the environmental documents.

Under CEQA guidelines, public involvement is one of the fundamental objectives. In addition to sending the Notice of Preparation (NOP) to selected agencies, it is typically also made available to the public through the Internet, media sources, and other community outlets. Once the NOP is issued, CEQA provides a minimum of 30 days for state agencies, local governments, and the public to comment on the scope of the EIR. This aids the lead agency in determining the alternatives, issues, and environmental impacts to be analyzed in the EIR.

What is an EIS?

The analysis in an Environmental Impact Statement (EIS) is one of several factors federal agencies and decision makers must consider when deciding between various alternatives for a program or project. The primary purpose of an EIS is to ensure that accurate environmental studies are performed, that they are done with public involvement, and that agencies make decisions based on an understanding of environmental consequences. Thus, an EIS is a tool to help make better decisions, but does not itself constitute an approval or denial of a federal action.

Through what process is an EIS prepared?

An EIS is prepared through a series of procedural steps that include:

1. Issue a Notice of Intent (NOI) to begin the EIS process;
2. Gather input from federal agencies, state and local governments, and the public to define issues necessary for analysis (scoping);
3. Prepare a draft EIS and make it available for public review;
4. Receive and respond to public comments on the draft EIS;
5. Prepare the final EIS and make it available for public review; and
6. Issue a Record of Decision (ROD).

OVER

What is an EIR?

An Environmental Impact Report (EIR) is one of several factors state agencies and decision makers must consider when deciding between various alternatives for a program or project. The primary purpose of an EIR is to ensure that significant environmental impacts are identified, accurate environmental studies are performed, that they are done with public involvement, and that agencies make decisions based on an understanding of environmental consequences. Thus, an EIR is a tool to help make better decisions, but does not itself constitute an approval or denial of a state action.

Through what process is an EIR prepared?

An EIR is prepared through a series of procedural steps that include:

1. Issue a NOP to begin the EIR process;
2. Gather input from state and local agencies and the public to define the range of issues to be analyzed (scoping);
3. Prepare the draft EIR;
4. Receive and respond to comments on the draft EIR;
5. Prepare the final EIR;
6. Certify the final EIR;
7. Adopt findings disclosing the disposition of each significant impact identified in the EIR and/or a statement of overriding considerations if there are significant and unavoidable effects);
8. Adopt a mitigation reporting and monitoring program; and
9. Issue a Notice of Determination (NOD).

What is the schedule for scoping in support of the DRECP process?

The NOI was published in the Federal Register on July 29, 2011. The notice included information about the schedule of three public scoping meetings that will be held during the 45-day open public comment period. The public comment period closes on September 12.

The public scoping meetings will be held as follows:

> ***August 16 – Doubletree Ontario Hotel, Lake Gregory Ballroom, 222 N. Vineyard Avenue, Ontario, California. From 7 p.m. to 9 p.m.***
>
> ***August 24 – California Energy Commission, Hearing Room A, 1516 Ninth Street, Sacramento, California. From 2 p.m. to 4 p.m. and from 7 p.m. to 9 p.m.***

During the scoping period, the REAT will solicit written public comments and information on issues, concerns, potential impacts, alternatives, and mitigation measures that should be considered for analysis in the EIR/EIS.

Will there be future opportunities to provide input on the EIR/EIS?

Once the draft EIR/EIS is complete, NEPA specifies a minimum 45-day public comment period for federal agencies, state and local governments, and the public to provide comments. The comment period begins with the publication of a Notice of Availability (NOA) of the draft EIS in the Federal Register. Meetings may be held during the comment period to make it easier to provide comments, which are considered in the preparation of the final EIS.

Once the draft document is issued, CEQA specifies a minimum 30-day period for interested parties to comment if the project being analyzed is a small, local project that does not involve any state agencies. If the proposed project is to be undertaken or approved by a state agency, or is of statewide, regional, or area-wide significance, CEQA specifies a minimum 45-day comment period and requires the draft EIR be submitted to the Office of Planning and Research (OPR) for circulation to interested state agencies. The 30- or 45-day public comment period begins with the publication of the NOA. Public Meetings may be held during the comment period to make it easier to receive comments, which are considered in the preparation of the final EIR. Because this environmental document is a joint document (EIR/EIS), the public comment period will be not less than 45 days.

For more information and to sign up for the listserve to receive notices of DRECP meetings and publications, please visit www.drecp.org.

Planning for renewable energy development while protecting habitat in the California Desert

The purpose of the DRECP is to protect and restore plant and wildlife communities in the desert regions of California while facilitating the timely permitting of renewable energy projects. The DRECP is a collaborative effort being developed under the California Natural Community Conservation Planning Act (NCCPA) and the Federal Endangered Species Act (FESA).

Streamlined permitting of renewable energy projects is critical to meeting the Renewable Portfolio Standard (RPS) established by State law. In addition to the RPS, Senate Bill 2x (Simitian), signed into law by Governor Brown on April 12, 2011 as Public Resources Code § 25740, requires California to meet the 33 percent renewable energy portfolio standard by 2020. The DRECP, when completed, is expected to further these objectives and provide binding, long-term endangered species permit assurances while facilitating the review and approval of renewable energy projects in the Mojave and Colorado deserts in California.

In addition to the California effort, in 2005 the federal Energy Policy Act renewed interest in developing utility-scale renewable energy facilities on federal public land. It established a target of approving 10,000 MW of non-hydropower renewable energy generation on public lands by 2015. The State of California and the Department of Interior have a Memorandum of Understanding (MOU) to facilitate conservation efforts and renewable energy development in a cooperative and timely manner.

DRECP PLANNING GOALS

- Conserve and manage Covered Species within the Plan Area
- Preserve, restore, and enhance natural communities and ecosystems that support Covered Species
- Build on the Competitive Renewable Energy Zones identified by Renewable Energy Transmission Initiative (RETI)
- Identify the most appropriate locations within the Plan Area for the development of utility-scale renewable energy projects
- Comply with the CEQA, NCCPA, FESA, NEPA, and other relevant laws
- Provide a basis for the issuance of Take Authorizations allowing the lawful take of Covered Species (i.e. listed species or species which may be listed in the future) incidental to Covered Activities
- Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements for Covered Activities within the Plan Area
- Provide a framework for a more efficient process by which proposed renewable energy projects may obtain regulatory authorizations resulting in greater conservation values than a project-by-project, species-by-species review
- Provide durable and reliable regulatory assurances, as appropriate, under the NCCPA and the FESA for Covered Activities that occur within the Plan Area
- Identify and incorporate climate change adaptation research, management objectives, and/or policies into the final plan document

DRECP PLAN AREA

The DRECP Plan Area encompasses the Mojave and Colorado Desert regions of California and adjacent areas where renewable energy development may occur, including areas in Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego counties. The Plan Area covers approximately 22,587,000 acres.

PROPOSED COVERED ACTIVITIES

The DRECP is focused on a specific range of Covered Activities related to renewable energy projects and Endangered Species Act compliance. These Covered Activities include the construction, operation, maintenance, and decommissioning of renewable energy projects and related transmission lines within the Plan Area, such as those listed below, as well as DRECP Conservation Actions.

- High-voltage Transmission Facilities
- Solar (Photovoltaic and Thermal)
- Wind
- Geothermal
- DRECP Conservation Actions

Proposed Covered Species

Covered Species are plants and animals identified in the DRECP for which conservation and management are provided and "take" is authorized* over a long-term (30-50 year) permit. The Covered Species list is developed through a planning process incorporating input from the public, stakeholders and Independent Science Advisors. The DRECP will also address the ecosystem function and integrity of the natural communities which include desert scrub, wash, riparian, sagebrush, bitterbrush, chaparral and desert woodlands.

The list of proposed covered species will continue to be evaluated and revised throughout development of the DRECP. Initial analysis recommends including approximately 3 mammals, 19 birds, 7 reptiles/amphibians, and 21 plants. Please refer to the Covered Species fact sheet available at *www.drecp.org*.

Burrowing Owl

Mohave Ground Squirrel

What is the Role of Science in Developing the DRECP?

The DRECP is based on the best available scientific knowledge of desert communities and the plants and wildlife they support. In October 2010, an Independent Science Advisory (ISA) panel issued recommendations to the REAT which are being applied and incorporated into DRECP documents. Further review and advice from additional scientific experts will be solicited and incorporated throughout development of the DRECP. Please visit *www.drecp.org*, to review the ISA recommendations or the DRECP Process Schedule for project milestones incorporating additional scientific review.

Benefits of Regional Conservation Planning

- Covered activities proceed in a manner that provides for the conservation of affected species and habitats.
- Plans are more cost-effective and achieve better conservation results than piecemeal project-by-project, species-by-species permitting.
- Plans streamline, standardize and create predictable processes for endangered species permits, creating greater regulatory and economic certainty.
- A broad range of interested parties can work collaboratively in an open public process through the conservation-planning vehicle.
- Best available science is used.
- Reliable funding sources for ecosystem restoration will be identified as a part of the Plan.

Process Milestones

The DRECP was established in late 2008 by Executive Order S-14-08. The DRECP Planning Agreement was signed in May 2010 and a Stakeholder Committee was formed and meets on a monthly basis. The Independent Science Advisory team was convened and issued its recommendations in October 2010. Proposed Covered Activities and Covered Species lists are being developed and evaluated, and a workshop was held with Stakeholders in early 2011 to identify key issues and critical decision points related to the success of the DRECP.

Next steps include drafting the Preliminary Conservation Strategy and beginning the environmental review process late Summer 2011. The Public Review Draft Plan is expected to be completed in Spring of 2012. The signed Implementing Agreement, Wildlife Agency Permits, Notice of Determination, and Record of Decision are anticipated in early 2013.

For more information and to sign up for the listserve to receive notices of DRECP meetings and publications, please visit *www.drecp.org*.

Who is Preparing the DRECP?

The DRECP is being prepared through a collaboration of State and federal agencies, with input from local governments, environmental organizations, industry and other interested parties. Overall responsibility for development of the DRECP lies with the Renewable Energy Action Team (REAT), which was formed by State Executive Order to streamline permit review and issuance time for renewable energy projects, and recommend avoidance measures or alternatives when appropriate. The REAT is also directed to develop a conservation strategy that identifies and maps areas for renewable energy projects and areas for long-term natural resource conservation.

Renewable Energy Action Team (REAT)

California Energy Commission (CEC)
California Department of Fish and Game (DFG)
Bureau of Land Management (BLM)
U.S. Fish and Wildlife Service (USFWS)

Stakeholder Committee

A Stakeholder Committee was created to inform the DRECP Director and the REAT on Plan development, and to provide a forum for public participation and input. The stakeholders below represent the interests of the counties in the desert region, renewable energy developers, environmental organizations, electric utilities, recreation groups and Native Americans.

Local Governments

Imperial County
Inyo County
Kern County
Los Angeles County
Riverside County
San Bernardino County
San Diego County

Non-Governmental Organizations

California Council of Land Trusts
California Native Plant Society
Center for Biological Diversity
Center for Energy Efficiency & Renewable Technologies
Defenders of Wildlife
Friends of the Desert Mountains
Natural Resources Defense Council
Sierra Club
The Nature Conservancy
The Wildlands Conservancy

Electric Utilities

Imperial Irrigation District
Los Angeles Dept. of Water and Power
Pacific Gas & Electric
Sempra Energy Utilities
Southern California Edison

Renewable Energy Industry Associations

CALWEA
Geothermal Energy Associations
Large Scale Solar Association

Renewable Energy Project Developers

Brightsource
EnXco
First Solar
K Road
Solar Millennium
Terra Gen

Native American Organization

Desert Renewable Energy Tribal Coalition

Off-Highway Vehicle Associations/Recreation

California Off-Road Vehicle Association
Off-Road Business Association

Federal and State Agency Participants

(Ex-Officio Stakeholders)
Bureau of Land Management
California Department of Fish and Game
California Department of Parks and Recreation
California Energy Commission
California Independent System Operator
California Public Utilities Commission
Governor's Office
National Park Service
U.S. Department of Defense
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service

What is the DRECP?

California Executive Order S-14-08 requires the development of the Desert Renewable Energy Conservation Plan (DRECP) for the Mojave and Colorado deserts to provide binding, long-term endangered species permit assurances and to facilitate renewable energy project review and approval processes. The DRECP is a major component of California's renewable energy planning efforts. Its purpose is to provide for effective protection and conservation of desert ecosystems while allowing for development of renewable energy projects. The DRECP will include implementation of a scientifically based adaptive management and monitoring program as a part of the overall conservation strategy.

The DRECP is:

- A Natural Community Conservation Plan (NCCP) to comply with the California NCCP Act and the California Endangered Species Act (CESA)
- A Habitat Conservation Plan (HCP) to comply with the Federal Endangered Species Act (FESA)
- A means of balancing the protection of threatened/endangered species and renewable energy development
- An opportunity to coordinate species permitting processes and minimize environmental impacts related to renewable energy

Why is a Conservation Plan needed?

A plan is being developed to protect and restore plant and wildlife communities in the desert regions of California while facilitating the timely permitting of renewable energy projects. The deserts of California support many rare, threatened and endangered plant and wildlife species and natural communities, while also providing some of the best opportunities in the world for renewable energy development. The DRECP is being developed to ensure a balance between conservation and renewable energy development.

What is the focus of the DRECP?

The DRECP will:

- Streamline regulatory authorizations for renewable energy projects and create more effective conservation strategies than the current project-by-project, species-by-species review
- Determine long-term conservation and management of Covered Species within the Plan Area
- Preserve, restore, and enhance natural communities and ecosystems that support Covered Species
- Identify appropriate locations within the Plan Area for the development of utility-scale renewable energy projects

What is the REAT?

The Renewable Energy Action Team (REAT) is a cooperative State/federal effort formed to streamline permit review and issuance time for renewable energy projects and recommend avoidance measures or alternatives when appropriate. The REAT is also directed to develop a conservation strategy that identifies and maps areas for renewable energy projects and areas for long-term natural resource conservation. The REAT oversees development of the DRECP and is comprised of the following agencies:

- California Energy Commission (CEC)
- Bureau of Land Management (BLM)
- California Department of Fish and Game (DFG)
- U.S. Fish and Wildlife Service (USFWS)

Who is preparing the DRECP?

A collaboration of State and federal agencies is preparing the DRECP. The State of California and the Department of Interior have a Memorandum of Understanding (MOU) to ensure implementation of California Executive Order S-14-08 and Interior Secretarial Order 3285 in a cooperative and timely manner. Local governments, environmental organizations, industry, and other interested parties are also actively participating in the DRECP's development by providing input to the planning process.

How long will it take to develop and implement the DRECP?

In 2011, the Conservation Framework and the Preliminary Conservation Strategy are being developed. The environmental review process is anticipated to begin in the summer of 2011. The Public Review Draft Plan is expected to be completed in the spring of 2012. The signed Implementing Agreement, Wildlife Agency Permits, Record of Decision and Notice of Determination are anticipated in early 2013. Plan implementation will begin soon after permits are issued.

How is science being incorporated into the DRECP?

The DRECP is based on the best available scientific knowledge of desert communities and the plants and wildlife they support. In October 2010, an Independent Science Advisory (ISA) panel issued recommendations to the REAT, which are being applied and incorporated into DRECP documents. The ISA recommendations are available at *www.drecp.org*. As Plan documents are drafted and further refined, review and advice from additional scientific experts will be solicited and incorporated into the DRECP. Please refer to the DRECP Process Schedule at *www.drecp.org* to see which documents will receive additional scientific expert review.

How is development of the DRECP being funded?

The California Energy Commission has provided initial funding for the development of the DRECP. The REAT agencies have committed substantial staff support to developing the DRECP and are identifying and securing additional state and federal funds to support the continued development and implementation of the DRECP. Other funding sources are also being explored.

What species will be included in the Conservation Plan?

Covered Species are plants and animals identified in the Plan for which conservation and management are provided and "take" will be authorized for most* of the Covered Species over a long-term permit period. The Covered Species list is developed through an iterative planning process incorporating input from the public, stakeholders and Independent Science Advisors. The list will continue to be evaluated and revised throughout development of the DRECP, though initial analysis recommends including at least:

- Barstow Woolly Sunflower
- Desert Cymopterus
- Mojave Monkeyflower
- Arroyo Toad
- Desert Tortoise
- Flat-tailed Horned Lizard
- Burrowing Owl
- Swainson's Hawk
- California Condor*
- Golden Eagle*
- Bald Eagle*
- Southwestern Willow Flycatcher
- Mohave Ground Squirrel
- Bighorn Sheep*

**Take of individuals is prohibited for these fully protected species under California Fish and Game Code*

What activities will be covered by the Plan?

The DRECP is focused on a specific range of Covered Activities related to renewable energy projects and CESA and FESA compliance. These Covered Activities include the construction, operation, maintenance, and decommissioning of renewable energy and related electric transmission projects within the Plan Area, such as those listed below, as well as DRECP Conservation Actions:

- Transmission Energy Facilities
- Solar (Photovoltaic and Thermal)
- DRECP Conservation Actions
- Wind
- Geothermal

What are the long-term goals of the DRECP?

For a 30- to 50-year period, the DRECP will streamline the permitting process from state and federal wildlife agencies for impacts to endangered species from renewable energy development. This will result in:

- More comprehensive, effective species conservation and mitigation measures
- Increased certainty in development processes
- A more cost-efficient approach than "project-by-project"
- Protection and management of conservation areas to expand and enhance sensitive species habitat and existing open space

How will the impacts of the Plan be analyzed? What level of environmental review is required related to the development of a Natural Community Conservation Plan/Habitat Conservation Plan?

The California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) require an evaluation of the DRECP's impacts on the environment. An Environmental Impact Report/Environmental Impact Statement (EIR/EIS) will be prepared identifying and evaluating the Plan's effect on the environment as a whole (such as non-biological, or cultural impacts, etc.) in addition to the impact on the species listed in the permits.

Will the DRECP authorize new development?

The DRECP will not authorize any renewable energy development or other projects. The DRECP will establish permit conditions and other environmental safeguards for Covered Species affected by Covered Activities in the Plan Area. If the California Energy Commission or any local governments that become permitees of the Plan choose to authorize a particular renewable energy project pursuant to their independent authorities, that project would need to comply with the DRECP.

How will landowners benefit from the DRECP?

For participating landowners and/or renewable energy developers, the DRECP will streamline the regulatory permitting process and pre-identify mitigation obligations as allowed by law. In this manner, the DRECP will allow landowners and/or project developers seeking permits to pursue renewable energy projects with increased certainty of project timelines and associated costs.

Once approved, how long will the DRECP be in effect? How will the success of the DRECP be monitored throughout Plan implementation?

A permit term of 30-50 years is being considered. The DRECP will be implemented through specified conservation actions, avoidance and minimization measures, and a science based monitoring and adaptive management program. Adaptive management is a type of natural resource management where the results of actions are monitored to provide ongoing information to determine whether a specific course of action should be altered or refined. The DRECP will be adaptively managed with scientific input throughout the permit term to achieve the Plan's objectives.

How can stakeholders and the interested public participate in the DRECP planning process?

The DRECP Stakeholder Committee holds monthly public meetings in Ontario, CA, which are also broadcast via WebEx. Participation in these monthly meetings, as well as reviewing and commenting on documents, is the most effective way to contribute to the planning process. Please visit the web site at *www.drecp.org* for more information on the Stakeholder Committee and to register for project updates and meeting notifications. Throughout development of the DRECP, the following will be provided to interested parties:

- Timely information about the process, schedule and opportunities for public input
- Opportunities to provide input or comment at key milestones in the development process
- Informational updates regarding key decisions

This exchange of information will be provided by the following outreach activities:

- Regular Stakeholder Committee meetings (in-person and via WebEx) throughout Plan development
- Email notification and public updates when draft documents are available for review and comment
- Regular updates to the project web site
- Public meetings, fact sheets and news releases

Who is, or would be, eligible to use the DRECP to permit renewable energy projects?

Permittees will hold State and federal permits enabling "take" of Covered Species. "Take" would be incidental to implementation of approved Covered Activities during DRECP's expected 30–50 year permit term. Project proponents under the jurisdiction of a permittee can also receive take coverage as a third party beneficiary, as long as their activities are covered by the DRECP. Currently, the California Energy Commission (CEC), the California Public Utilities Commission (CPUC), and the California State Lands Commission (CSLC) are identified as potential applicants and permit holders under the DRECP. Other potential applicants include, but are not limited to, local governments and renewable energy developers. Applicants who choose to participate in development of the DRECP will make key decisions on the conservation strategy, including Covered Species, Covered Activities, cost and funding options, and implementation activities. Applicants who choose to join the DRECP after it is approved will likely be required to complete a separate CEQA/NEPA analysis.

What is California Executive Order S-14-08?

Executive Order S-14-08 established a State policy goal of producing 33 percent of California's electrical needs with renewable energy sources by 2020. Senate Bill No. 2X (Simitian), Public Resources Code § 25740, signed into law in April 2011, requires the State to meet this renewable energy mandate. A substantial increase in the development of qualified Renewable Portfolio Standards (RPS) energy projects is needed to meet this goal. The RPS energy projects, including wind, solar, and geothermal, also contribute to the State's climate change goals to reduce greenhouse gas emissions to 80 percent below 1990 levels by 2050. Thus the success and expansion of RPS energy generation is a key priority for California's economic and environmental future.

Executive Order S-14-08 also specifies the development of the DRECP in the Colorado and Mojave desert regions.

What is Secretarial Order 3285?

The Secretary of the Interior's Secretary's Order 3285 established a national policy encouraging the production, development, and delivery of renewable energy as one of the Department of the Interior's highest priorities. From this policy, agencies and bureaus within the Department will work collaboratively with each other and with other Federal agencies, departments, states, local communities and private landowners to encourage the timely and responsible development of renewable energy and associated transmission while protecting and enhancing the Nation's water, wildlife, cultural, and other natural resources.

What is Secretarial Order 3285?

Conservation Actions include certain activities associated with management on DRECP conserved lands that may result in Incidental Take of Covered Species, as well as activities undertaken during monitoring or management of Covered Species (e.g., capture, handling, marking, relocation) likely to result in the non-incidental take, or take for scientific purposes, of Covered Species. These Conservation Actions need to be authorized under the California Endangered Species Act (CESA) and the Federal Endangered Species Act (FESA) and, as such, are included as Covered Activities under the DRECP. Potential Conservation Actions that will be Covered Activities under the DRECP include:

- Vegetation management
- Relocation of Covered Species under limited circumstances
- Demolition or removal of structures or roads to increase public safety or to restore habitat
- Control of predators
- Control of invasive species
- Habitat enhancement, restoration, and creation
- Species surveys, monitoring, and research

How do I get more information on the DRECP?

For more information and to sign up for the listserve to receive notices of DRECP meetings and publications, please visit *www.drecp.org*.

Welcome

Karen Douglas, Commissioner

Terry O' Brien, Deputy Director, Siting, Transmission, and Environmental Protection Division

California Energy Commission

Desert Renewable Energy Conservation Plan (DRECP)

Dave Harlow
Director

What is DRECP?

DESERT RENEWABLE ENERGY CONSERVATION PLAN

- Planning Agreement Signed in May 2010
- Natural Community Conservation Plan (NCCP) complies with CA NCCP Act
- Habitat Conservation Plan (HCP) complies with the Federal Endangered Species Act
- Focused only on renewable energy and related transmission projects within the California Deserts

DRECP Plan Area

DESERT RENEWABLE ENERGY CONSERVATION PLAN

- Mojave & Colorado Desert Eco-regions
- Counties include:
  - Imperial
  - Inyo
  - Kern
  - Los Angeles
  - Riverside
  - San Bernardino
  - San Diego
- ~ 22,587,000 acres

Planning Goals

- Conserve and manage covered species
- Preserve, restore & enhance natural communities and ecosystems
- Identify the most appropriate locations within Plan Area for renewable energy projects
- Implement covered activities in compliance with CEQA, NCCPA, FESA, NEPA and other relevant laws
- Provide issuance of take authorization for covered species incidental to covered activities

Planning Goals

- Coordinate and standardize mitigation and compensation requirements for covered activities within Plan Area
- Increase regulatory certainty for renewable energy projects and create greater conservation values than project-by-project, species-by-species review
- Provide durable and reliable regulatory assurances under NCCPA and FESA for covered activities
- Indentify and incorporate climate change adaptation research, management objectives, and/or policies into the Final Plan

Proposed Covered Activities

- Construction, development, operation, maintenance and decommissioning of renewable energy and related electric transmission projects within the Plan area:
  - High-voltage Transmission Facilities
  - Solar (Photovoltaic and Thermal)
  - Wind
  - Geothermal
  - DRECP Conservation Actions

Proposed Covered Species

- Specific plants and animals for which conservation, mitigation and long-term management are provided and "take" is authorized for covered animals
- List is being developed via input from applicants, public, Stakeholder Committee & Independent Science Advisors
- To date, initial analysis suggests covering approximately 90 species
- List will remain under development until the Final Plan is approved

DRECP Will …

DESERT RENEWABLE ENERGY CONSERVATION PLAN

- **Provide permits**. USFWS & CDFG issue 30-50 yr permits to plan participants for covered species.
- **Streamline, standardize, and create predictable process** for endangered species permits, creating greater regulatory and economic certainty.
- **Pre-define mitigation.** Provide large-scale habitat/ species conservation in areas of high biological value—avoid project-by-project approach.

DRECP Will …

DESERT RENEWABLE ENERGY CONSERVATION PLAN

- **Facilitate California Renewables Portfolio Standard (RPS)** and enable long-term renewable energy development beyond 2020
- **Create science-based monitoring and adaptive management** program to maintain and enhance conservation areas.
- **May provide funding opportunities.** Approved HCP/NCCP's are eligible for state and federal funding which can be used for conservation in the desert.

DRECP Schedule

DESERT RENEWABLE ENERGY CONSERVATION PLAN

- Preliminary Conservation Strategy — Aug 2011
- Draft Alternative Conservation and Implementation Strategies — Nov 2011
- Select Preferred Strategy & Refine — Late 2011
- Public Review Draft Plan, EIR/EIS — Jun 2012
- Final Plan and Final EIR/EIS — Dec 2012
- Signed Implementing Agreement/Permits — Jan 2013

Bureau of Land Management & Desert Renewable Energy Conservation Plan

What is the Relationship?

NEPA & CEQA Scoping Meetings

August 2011

What is the relationship and how does the DRECP affect BLM land use?

- BLM is a partner in the development of the DRECP
- DRECP will put forward a renewable energy and natural resource conservation strategy for the southern California deserts, on public and private lands

What is the relationship and how does the DRECP affect BLM land use - continued

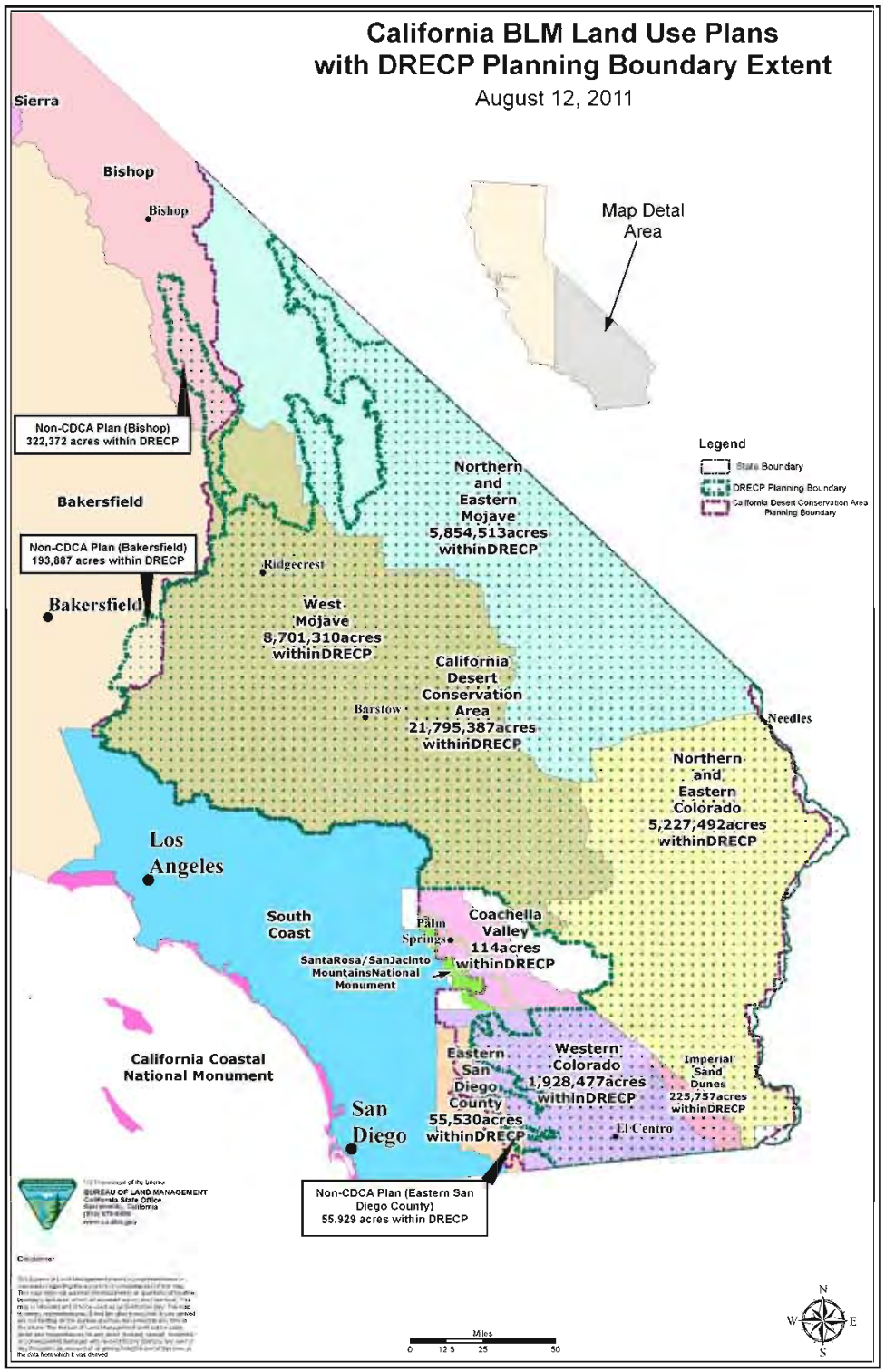
- DRECP will be the basis for alternatives for a potential California Desert Conservation Area (CDCA) Plan amendment
- Scoping for this potential amendment began in November 2009
- BLM and FWS are doing a joint NEPA document on the DRECP and potential CDCA amendment

What is the relationship and how does the DRECP affect BLM land use - continued

- DRECP will also be the basis for alternatives for possible amendments to the Resource Management Plans in Bakersfield, Bishop, and Eastern San Diego County
- Scoping for these potential plan amendments will occur in Sept 2011
- Analysis for the CDCA and RMP potential amendments will be in a single NEPA document

What about other resources?

- DRECP is a natural resource conservation and renewable energy plan
- Effects to other resources and interests, e.g. **cultural, OHV, recreation, grazing, etc**. will be considered in the designation of energy development and biological reserve areas
- Other resources and interests will be considered and analyzed in BLM's land-use plan amendment process
- Analysis of the effects to these other resources and interests will also occur in the NEPA and CEQA processes


California BLM Land Use Plans
with DRECP Planning Boundary Extent
August 12, 2011
Sierra
Bishop
Bishop
Map Detal
Area
Non-CDCA Plan (Bishop)
322,372 acres within DRECP
Bakersfield
Non-CDCA Plan (Bakersfield)
193,887 acres within DRECP
Bakersfield
Ridgecrest
Northern
and
Eastern
Mojave
5,854,513acres
withinDRECP
West
Mojave
8,701,310acres
withinDRECP
California
Desert
Conservation
Area
21,795,387acres
withinDRECP
Barstow
Needles
Northern
and
Eastern
Colorado
5,227,492acres
withinDRECP
Los
Angeles
South
Coast
Palm
Springs
Coachella
Valley
114acres
withinDRECP
SantaRosa/SanJacinto
MountainsNational
Monument
California Coastal
National Monument
Eastern
San
Diego
County
55,530acres
withinDRECP
Western
Colorado
1,928,477acres
withinDRECP
Imperial
Sand
Dunes
225,757acres
withinDRECP
El Centro
San
Diego
Non-CDCA Plan (Eastern San
Diego County)
55,929 acres within DRECP
Legend
State Boundary
DRECP Planning Boundary
California Desert Conservation Area
Planning Boundary
BUREAU OF LAND MANAGEMENT
California State Office
Sacramento, California
Disclaimer
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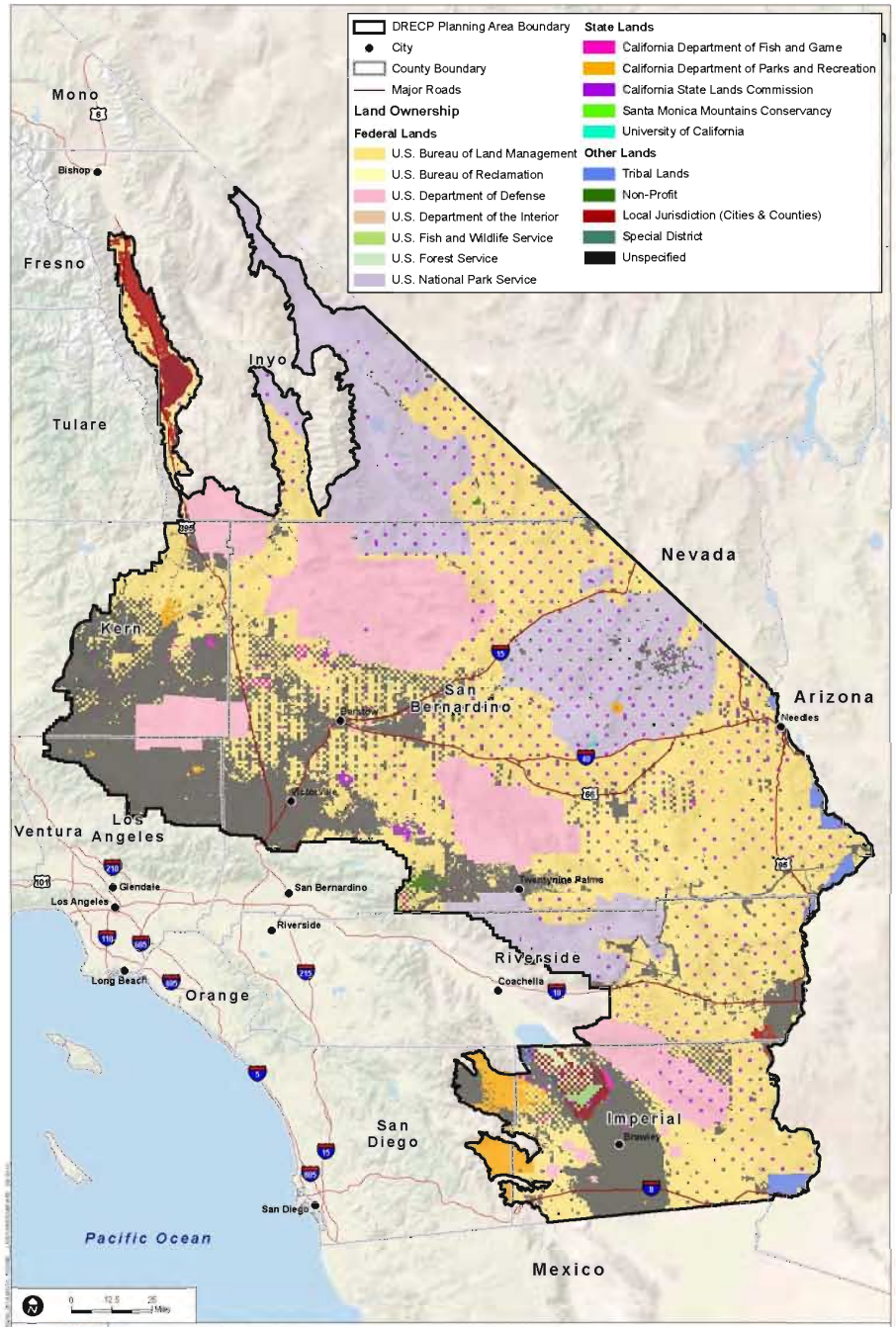
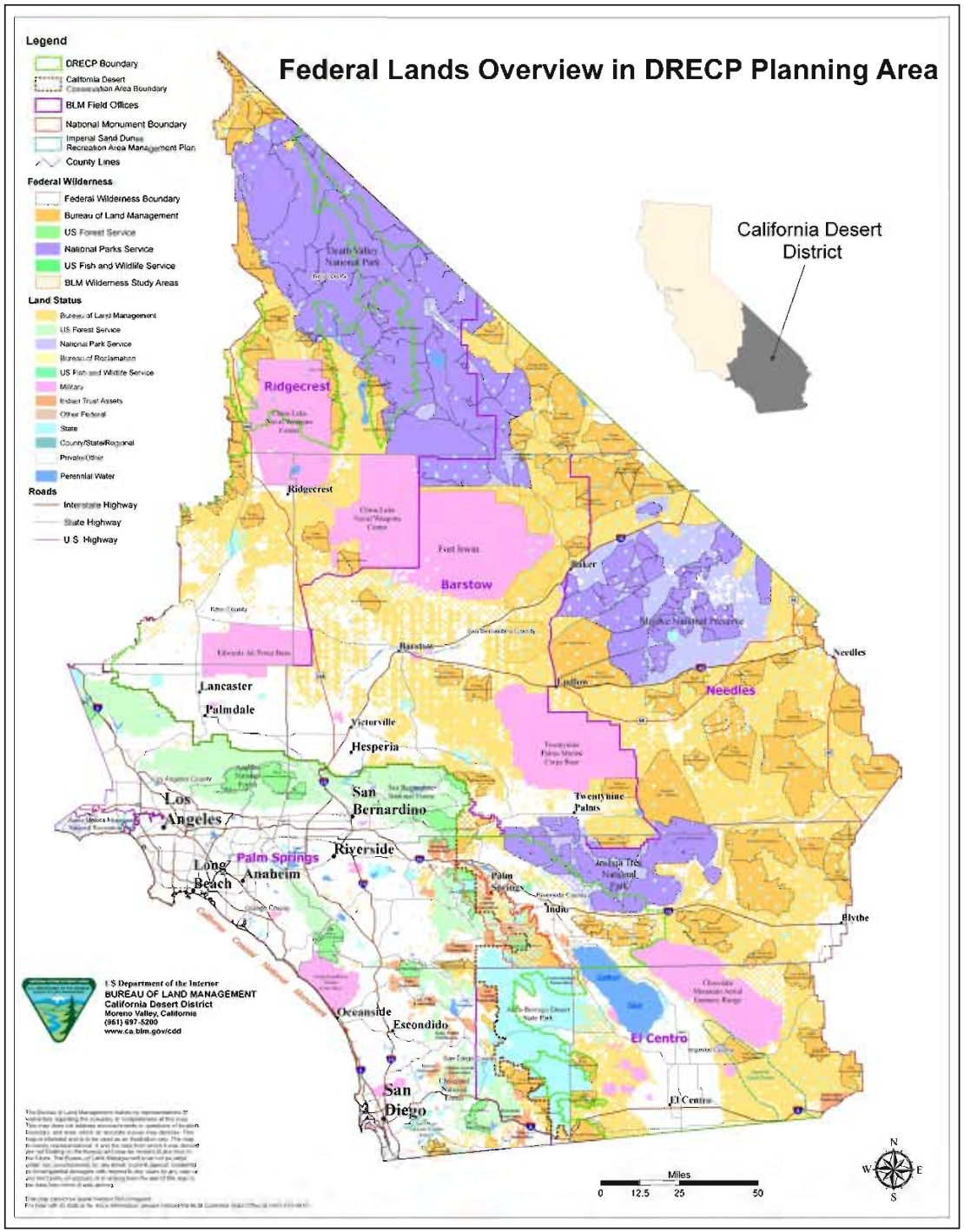


FIGURE 2-7
DRECP Land Ownership


Federal Lands Overview in DRECP Planning Area
Legend
DRECP Boundary
California Desert Conservation Area Boundary
BLM Field Offices
National Monument Boundary
Imperial Sand Dunes Recreation Area Management Plan
County Lines
Federal Wilderness
Federal Wilderness Boundary
Bureau of Land Management
US Forest Service
National Parks Service
US Fish and Wildlife Service
BLM Wilderness Study Areas
Land Status
Bureau of Land Management
US Forest Service
National Park Service
Bureau of Reclamation
US Fish and Wildlife Service
Military
Indian Trust Assets
Other Federal
State
County/State/Regional
Private/Other
Perennial Water
Roads
Interstate Highway
State Highway
U S Highway
California Desert District
Ridgecrest
Barstow
Needles
Lancaster
Palmdale
Victorville
Hesperia
Los Angeles
San Bernardino
Riverside
Palm Springs
Long Beach
Anaheim
Twentynine Palms
Indio
Blythe
Oceanside
Escondido
El Centro
San Diego
U S Department of the Interior
BUREAU OF LAND MANAGEMENT
California Desert District
Moreno Valley, California
(951) 697-5200
www.ca.blm.gov/cdd
Miles
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What is important to you?

- What issues and values do you want addressed in alternatives?
- What ideas do you have for alternatives?
- What significant resources, values and issues would you like us to consider and analyze?

Desert Renewable Energy Conservation Plan Public Scoping Meeting

Overview of the CEQA/NEPA Process

Curtis E. Alling, AICP, Ascent Environmental, Inc.

August 16, 2011

Today's Presentation

- Desired Scoping Meeting Outcome
- Agency Roles
- CEQA/NEPA Process overview
- NOI and NOP and the Scoping Process
- Environmental Issues for the EIR/EIS
- Schedule and Next Steps
- Information Station Open House

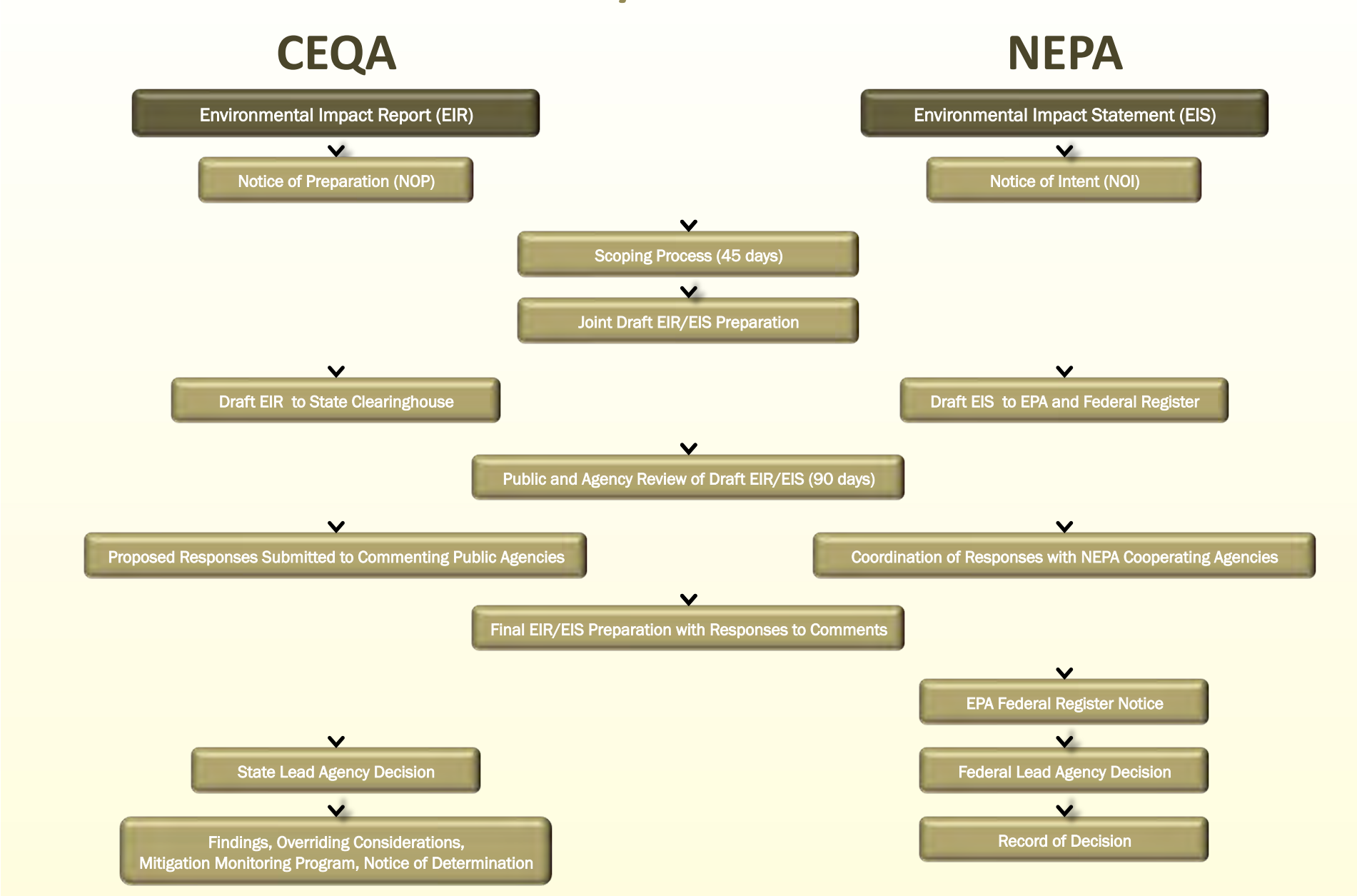
Desired Outcome

- For you: an opportunity to provide your input to the DRECP EIR/EIS
- For the DRECP team: collecting and understanding your environmental concerns and your requests about EIR/EIS contents
- (We are early in the EIR/EIS process, so we don't have environmental answers yet.)

Lead and Other Agency Roles

- NEPA agencies
  - **Co-Lead: FWS**
  - **Co-Lead: BLM**
  - Cooperating Agencies:
    - NPS
    - DOD
    - EPA
  - Other Interested Federal Agencies
    - DOE
    - BIA
    - ACHP
- CEQA agencies
  - **Lead: CEC**
  - State Responsible:
    - CDFG
    - CPUC
    - SLC
    - CSP
  - Other Potential Responsible or Affected Agencies:
    - Counties and cities
    - Special districts

Joint EIR/EIS Process



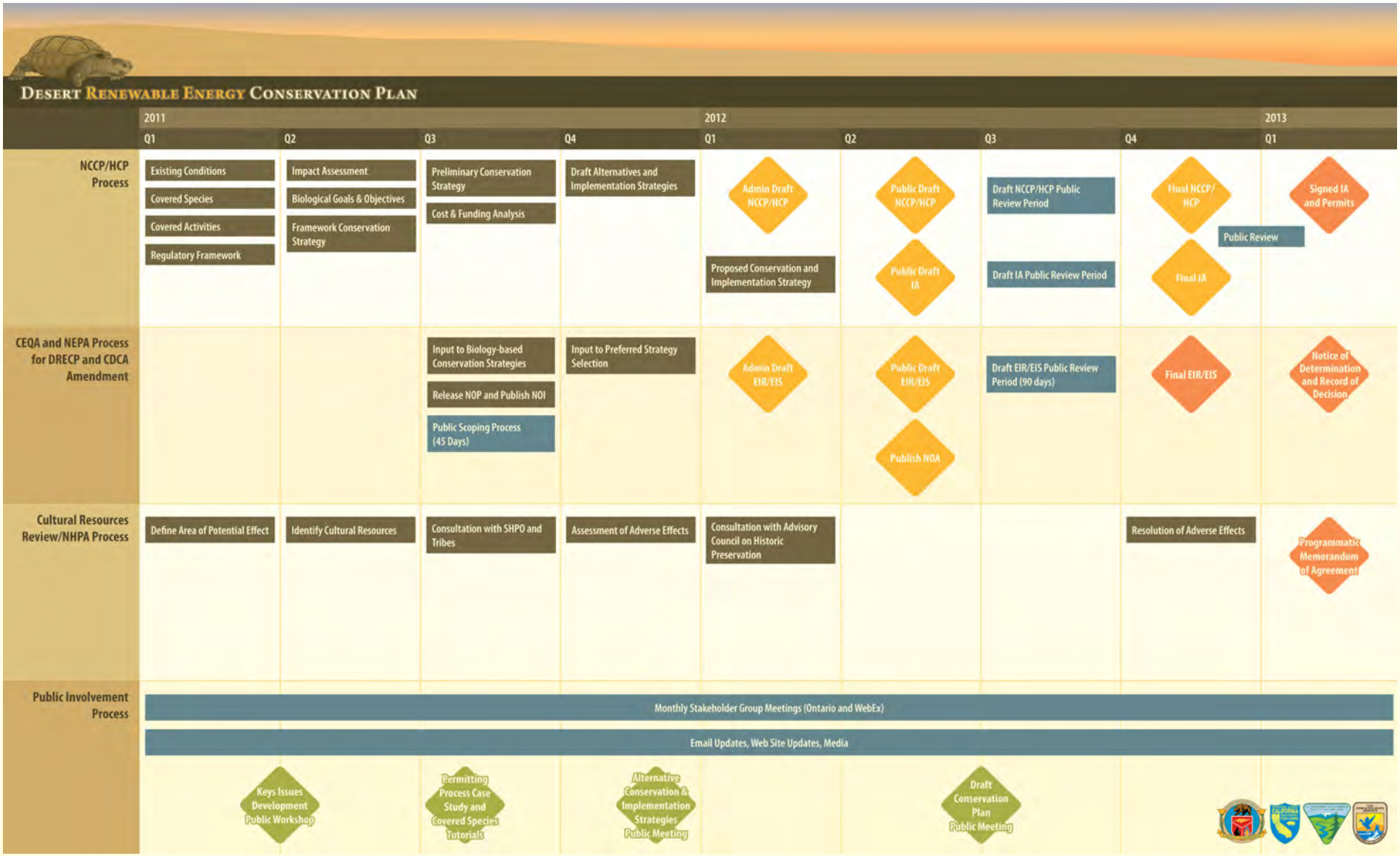
NOP/NOI and Scoping Process

- NOI and NOP released late July 2011
- 45-day public comment period
- Comments due by September 12, 2011
- Seeking comments on the environmental impact issues to be addressed in EIR/EIS, alternatives to consider, suggestions for mitigation measures.
- All comments need to be in writing

EIR/EIS Environmental Issue Areas

- Agricultural Land & Production
- Air Quality, Attainment Status, & Greenhouse Gases
- Biological Resources
- Climate Change
- Cultural Resources - Historic and Pre-historic
- DOD Military Operations
- Flood Hazard , Hydrology, & Drainage
- Geology & Soils
- Groundwater & Water Supply
- Hazards/Hazardous Materials
- Mineral Resources
- Native American Traditional Land Uses
- Noise
- Outdoor Recreation
- Planned Land Uses & Policies
- Public Safety Services
- Socioeconomics & Environmental Justice
- Visual Resources
- Water Quality

Schedule


DESERT RENEWABLE ENERGY CONSERVATION PLAN
2011
2012
2013
Q1
Q2
Q3
Q4
Q1
Q2
Q3
Q4
Q1
NCCP/HCP Process
Existing Conditions
Covered Species
Covered Activities
Regulatory Framework
Impact Assessment
Biological Goals & Objectives
Framework Conservation Strategy
Preliminary Conservation Strategy
Cost & Funding Analysis
Draft Alternatives and Implementation Strategies
Admin Draft NCCP/HCP
Proposed Conservation and Implementation Strategy
Public Draft NCCP/HCP
Public Draft IA
Draft NCCP/HCP Public Review Period
Draft IA Public Review Period
Final NCCP/HCP
Final IA
Public Review
Signed IA and Permits
CEQA and NEPA Process for DRECP and CDCA Amendment
Input to Biology-based Conservation Strategies
Release NOP and Publish NOI
Public Scoping Process (45 Days)
Input to Preferred Strategy Selection
Admin Draft EIR/EIS
Public Draft EIR/EIS
Publish NOA
Draft EIR/EIS Public Review Period (90 days)
Final EIR/EIS
Notice of Determination and Record of Decision
Cultural Resources Review/NHPA Process
Define Area of Potential Effect
Identify Cultural Resources
Consultation with SHPO and Tribes
Assessment of Adverse Effects
Consultation with Advisory Council on Historic Preservation
Resolution of Adverse Effects
Programmatic Memorandum of Agreement
Public Involvement Process
Monthly Stakeholder Group Meetings (Ontario and WebEx)
Email Updates, Web Site Updates, Media
Keys Issues Development Public Workshop
Permitting Process Case Study and Covered Species Tutorials
Alternative Conservation & Implementation Strategies Public Meeting
Draft Conservation Plan Public Meeting

Next Steps

- Next Key EIR/EIS Schedule Milestones
  - Scoping Process Close – September 12, 2011
  - Scoping Report – Autumn 2011
  - Draft EIS/EIS Public Review (90 days) – Summer 2012
- Next Steps in EIR/EIS Process
  - Conclude scoping of environmental issues
  - Define DRECP alternatives for EIR/EIR evaluation
  - Prepare "affected environment" and evaluate "environmental consequences" of alternatives

Information Station Open House

- Staff are available for your questions at tables
- Four Information Stations:
  - ***DRECP, HCPs and NCCPs, Covered Activities***
  - ***Covered Species and Biological Issues***
  - ***BLM Planning Actions***
  - ***CEQA/NEPA Process and Non-Biological Issues***
- One Comment-Receipt Station
  - Comment sheets, instructions, and box to collect today's comments. Staff assistance.

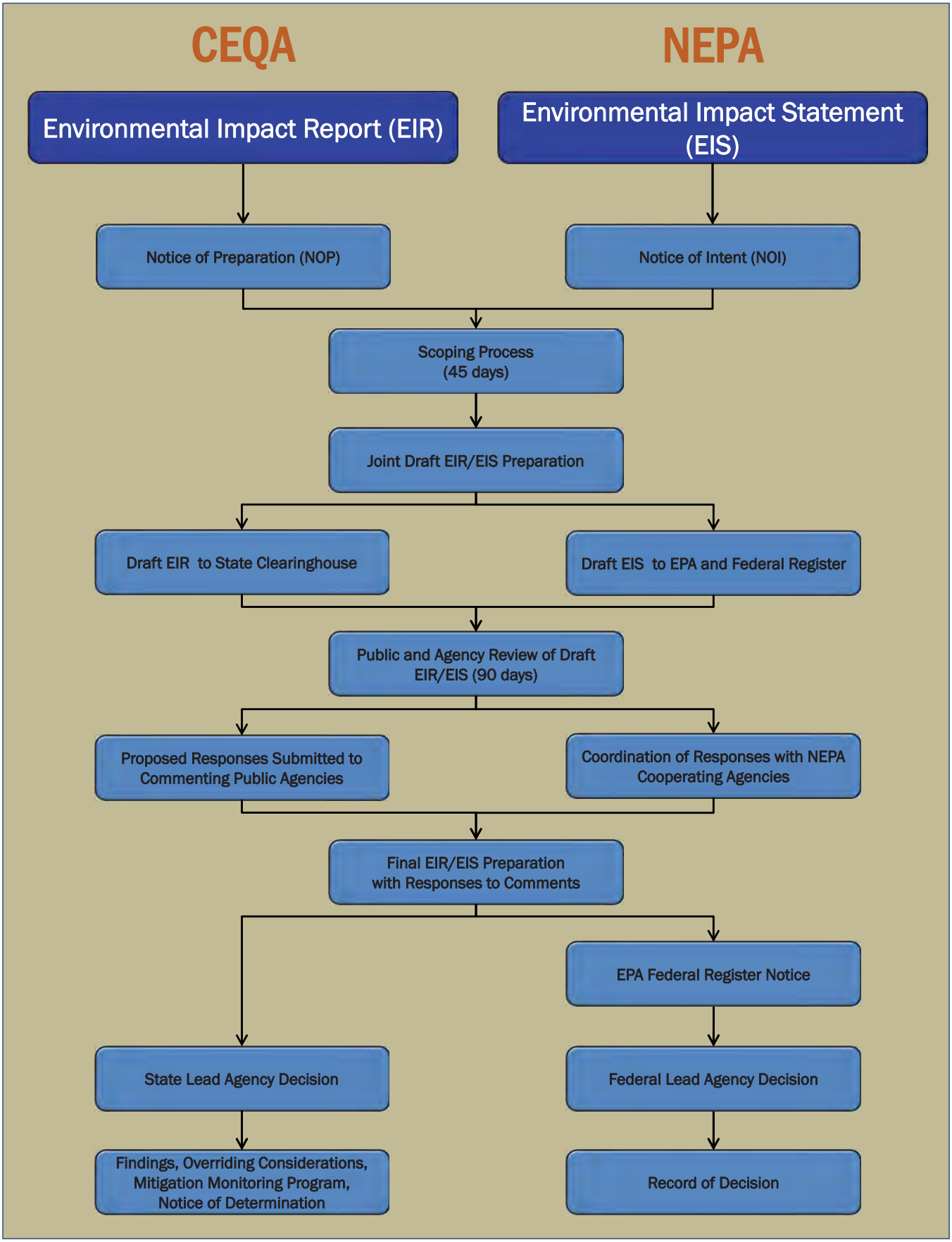
Thank you!

- Comments may be submitted by:
  - Placing written comments in boxes today
  - Emailing comments to:

    docket@energy.state.ca.us
  - Mailing comments to:

    California Energy Commission
    Dockets Office, MS-4
    Docket No. 09-RENEW E0-01
    Scoping Comments
    1516 Ninth Street
    Sacramento, CA 95814-5512
- Written comments due by September 12, 2011

DRECP
Joint EIR/EIS Process



NEPA/CEQA Scoping

Scoping is designed to seek out concerns, ideas and opinions of agencies, tribes, businesses, interest groups, and individuals that could be affected by the proposed actions.

Seeking comments on the environmental impact issues to be addressed in EIR/EIS, alternatives to consider, suggestions for mitigation measure.

The EIR/EIS Environmental Issue Areas will Include (among others)

- Agricultural Land & Production
- Air Quality, Attainment Status, & Greenhouse Gases
- Biological Resources
- Climate Change
- Cultural Resources - Historic and Pre-historic
- DOD Military Operations
- Flood Hazard , Hydrology, & Drainage
- Groundwater & Water Supply
- Native American Traditional Land Uses
- Outdoor Recreation
- Planned Land Uses & Policies
- Socioeconomics & Environmental Justice

NCCP and HCP

Natural Community Conservation Plans (NCCP) comply with the State Natural Community Conservation Plan Act

Habitat Conservation Plans (HCP) comply with the Federal Endangered Species Act

The DRECP is an HCP/NCCP intended to resolve conflicts between threatened and endangered species and renewable energy development

Plan to conserve species and habitats **on a large scale over the long term** in exchange for permits to "take" threatened or endangered species incidental to renewable energy development

Source: http://drecp.org

Title: Mohave Ground Squirrel
Photo Credit: P. Leitner, 1997
Source: http://www.mojavedesertblog.com/2010/06/mohave-ground-squirrel-considered-for.html

Source: http://drecp.org

DRECP Project Boundary

Covered Activities

Covered Activities are defined broadly as the exploration, construction, operation, maintenance, and decommissioning of public and private utility-scale renewable energy generation and transmission in the Planning Area.

DRECP Covered Activities include:

- Transmission facilities that support renewable energy development
- Solar projects (photovoltaic and thermal)
- Wind projects
- Geothermal projects
- DRECP conservation actions

Title: Wind Turbines located in Tehachapi, California
Source: http://www.blm.gov/ca/st/en/prog/energy/wind.html

Title: Solar installation
Source: http://www.blm.gov/ca/st/en/fo/palmsprings/Solar_Projects/Palen_Solar_Power_Project.html

These Covered Activities generally include:

- Pre-project activities
- Site preparation and construction
- Related infrastructure requirements
- Operations and maintenance
- Monitoring
- Decommissioning

Covered Species and Natural Communities

Covered Species are those species addressed in the DRECP for which conservation actions will be implemented and for which the participating entities will seek authorization for take under the NCCP Act and Section 10 of the FESA.

The list of proposed Covered Species will continue to be evaluated and revised throughout development of the DRECP. A more complete list is included in the NOI and NOP. Initial analysis recommends including:

- Mojave Monkeyflower
- Arroyo Toad
- Desert Tortoise
- Burrowing Owl
- Swainson's Hawk
- Mohave Ground Squirrel
- Bighorn Sheep*

Title: Desert Tortoise Feeding
Source: http://www.blm.gov/ca/st/en/fo/cdd/deserttortoise.html

Title: Mohave Ground Squirrel
Photo Credit: P. Leitner, 1997
Source: http://www.mojavedesertblog.com/2010/06/mohave-ground-squirrel-considered-for.html

* Take of individuals is prohibited for these fully protected species under California Fish and Game Code

Covered Species and Natural Communities

The DRECP will also address the ecosystem function and integrity of Natural Communities within the Planning Area. The list of proposed Natural Communities will continue to be evaluated and revised throughout development of the DRECP. These Natural Communities are broad and contain many vegetation types:

- Alkali Desert Scrub
- Desert Scrub
- Desert Wash
- Desert Riparian
- Desert Succulent Scrub
- Sagebrush
- Bitterbrush
- Joshua tree scrub
- Mixed Chaparral
- Chamise-Redshank Chaparral
- Pinyon-Juniper woodlands
- Mixed conifer and hardwood forest woodland

Desert Renewable Energy Conservation Plan

	2011				2012				2013
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
NCCP/HCP Process	Existing Conditions Covered Species Covered Activities Regulatory Framework	Impact Assessment Biological Goals & Objectives Framework Conservation Strategy	Cost & Funding Analysis Draft Alternatives and Implementation Strategies Preliminary Conservation Strategy	Monitoring & Adaptive Management Plan Proposed Conservation and Implementation Strategy	Admin Draft NCCP/HCP	Public Draft NCCP/HCP Public Draft IA	Draft NCCP/HCP Public Review Period Draft IA Public Review Period	Final NCCP/HCP Public Review Final IA	Signed IA and Permits
CEQA/NEPA Process			Input to Biology-based Conservation Strategies Release NOP and Publish NOI Public Scoping Process (30 Days)	Input to Preferred Strategy Selection	Admin Draft EIR/EIS	Public Draft EIR/EIS Publish NOA	Draft EIR/EIS Public Review Period (60 days)	Final EIR/EIS	Notice of Determination and Record of Decision
Cultural Resources Review/NHPA Process	Define Area of Potential Effect	Identify Cultural Resources	Consultation with SHPO and Tribes	Assessment of Adverse Effects	Consultation with Advisory Council on Historic Preservation			Resolution of Adverse Effects	Programmatic Memorandum of Agreement
Public Involvement Process	Monthly Stakeholder Group Meetings (Ontario and WebEx)								
	Email Updates, Web Site Updates, Media								
	Keys Issues Development Public Workshop		Preliminary Conservation Strategy Public Meeting	Alternative Conservation & Implementation Strategies Public Meeting			Draft Conservation Plan Public Meeting		

DRECP Planning Area, Salton Sea Vicinity

DRECP Planning Area, Salton Sea Vicinity

BLM and the DRECP

- Land-use and resources management plan amendments
- Planning for renewable energy and biological conservation
- Some of the issues to consider:
  - Biological
  - Cultural
  - Visual
  - Recreation
  - Off-Highway Vehicle Use
  - Wilderness Areas
  - Grazing
  - Air Quality
  - Water Quality
- What issues are important to you?

Appendix D

Compiled List of Comments Resulting from the NOP and NOI

Appendix D Comments Received Regarding the Notice of Preparation and Notice of Intent			
Letter #	**Entity**	**Author(s) of Comment Letter/E-mail**	**Date Sent**
Federal Agencies			
1	U.S. Environmental Protection Agency	Jason Gerdes, Environmental Review Office	09/08/2011
State Agencies			
2	Native American Heritage Commission	Dave Singleton	08/08/2011
3	Department of Conservation, Division of Oil, Gas, & Geothermal Resources	Yuko Sakano, Ph.D., Environmental Scientist	08/29/2011
4	California State Lands Commission	Cy R. Oggins, Chief Division of Environmental Planning and Management	09/12/2011
Local Agencies			
5	County of Inyo	Susan Cash, Chairperson Inyo County Board of Supervisors	08/16/2011
6	The Metropolitan Water District of Southern California	Deirdre West, Manager, Environmental Planning Team	08/31/2011
7	County of Riverside	Bob Buster, Supervisor First District Chairman of the Board	09/01/2011
8	County of San Diego	Eric Gibson, Director Department of Planning and Land Use	09/12/2011
Organizations			
9	Southern California Working Snow Dogs	Nichole Royer, Event Coordinator	08/10/2011
10	California Off-Road Vehicle Association	Jim Woods, President	08/13/2011
11	California Off-Road Vehicle Association Mojave Trails Group	David Beaumont	08/13/2011
12	Gear Grinders 4WD Club	Bill Maddux	08/16/2011
13	Clean Line Energy Partners	Julia Souder	08/24/2011
14	California Association of 4 Wheel Drive Clubs	John Stewart, Natural Resources Consultant	09/06/2011
15	Mojave Trails Group	David Beaumont	09/11/2011
16	Society for the Protection and Care of Wildlife	H. Marie Brashear, President	09/11/2011
17	American Bird Conservancy	Kelly Fuller, Wind Campaign Coordinator	09/12/2011
18	California Wind Energy Association	Nancy Rader, Executive Director	09/12/2011
19	East County Renewables Coalition	James E. Whalen, Executive Director	09/12/2011
20	Center for Biological Diversity	Ileene Anderson, Biologist/Desert Program Director Lisa Belenky,	09/12/2011

Appendix D Comments Received Regarding the Notice of Preparation and Notice of Intent			
Letter #	**Entity**	**Author(s) of Comment Letter/E-mail**	**Date Sent**
		Senior Attorney	
21	Pacific Gas and Electric Company	Diane Ross-Leech	09/12/2011
22	Desert Tortoise Council	Sidney Silliman, Board of Directors	09/12/2011
23	Defenders of Wildlife Natural Resources Defense Council Sierra Club Audubon California	Jeff Aardahl, California Representative Helen O'Shea, Deputy Director – Western Renewable Energy Project Barbara Boyle, Senior Representative, Clean Energy Solutions Garry George, Chapter Network Director	09/12/2011
24	Bright Source Energy, Inc		09/12/2011
25	National Public Lands News		09/12/2011
26	American Lands Access Association Searchers Gem and Mineral Society Rockhound	Kim Campbell, Southern California Representative Director Activist	09/12/2011
27	Solution Strategies	Heidi Brannon, Vice President Director of Projects	09/12/2011
28	Recreational Access Council of California	Clayton Miller	09/12/2011
29	California Off-Road Vehicle Association	David Beaumont	No Date
Individuals			
30	Email	Dan Perkins	08/08/2011
31	Public Meeting	Michael Weber	08/16/2011
32	Email	Pam and Greg Nelson	08/22/2011
33	Fax	Gary Thomasian	08/28/2011
34	Email	Frazier Haney	09/11/2011
35	Email	Penelope LePome	09/12/2011
36	Email	Ron Schiller	09/12/2011
37	Email	Don and Judie Decker	09/12/2011
38		Irene Fisher	09/12/2011
Letters dated after September 12, 2011 and not summarized, however the letter is included in Appendix D			
39	Advisory Council on Historic Preservation	Reid J. Nelson, Director	09/13/2011
40	Center for Energy Efficiency and Renewable Technologies	V. John White, Executive Director	09/14/2011

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

SEP 08 2011

Mr. Jim Bartel
Field Supervisor
Carlsbad Fish and Wildlife Office
U.S. Fish and Wildlife Service
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011

Subject: Notice of Intent to Prepare an Environmental Impact Statement for the Desert Renewable Energy Conservation Plan, Habitat Conservation Plan, and Possible Land Use Plan Amendment, Southern California

Dear Mr. Bartel:

The U.S. Environmental Protection Agency has reviewed the Notice of Intent to prepare an Environmental Impact Statement for the Desert Renewable Energy Conservation Plan pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The EPA strongly supports the objectives of the DRECP. Over the last two years, we have reviewed numerous EISs for renewable energy projects proposed at sites in the deserts of southern California, Nevada, and Arizona. We believe that an integrated approach that evaluates the potential for renewable energy development and conservation at the landscape scale, as is proposed for the DRECP, is far superior to attempting to avoid, minimize, and mitigate adverse ecological impacts for individual projects.

In addition to our enclosed detailed comments, we also encourage the U.S. Fish and Wildlife Service and its Renewable Energy Action Team partners to reference two other resources during scoping and the preparation of the EIS: 1) the DRECP Science Advisory Report (Report); and 2) the Restoration Design Energy Project being developed by the Arizona office of the BLM. The Report, which represents the consensus advice from a group of independent scientists to the REAT, contains many important recommendations, among these: maximizing the use of already disturbed lands, avoiding disrupting physical geological processes (such as active sand dunes and hydrological flows), and beginning monitoring studies and implementing adaptive management actions during planning. The RDEP, with its broad, statewide focus, utilizes various screening criteria to exclude areas with sensitive resources and includes a commitment to identify and prioritize renewable energy development on disturbed lands. Both the Report and the RDEP include many integral components that should be utilized during the preparation of the DRECP.

We appreciate the opportunity to review this NOI and are available to discuss our comments. When the Draft EIS is released for public review, please send two hard copies and one CD to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 947-4221 or gerdes.jason@epa.gov.

Sincerely,

Jason Gerdes
Environmental Review Office

Enclosures: EPA's Detailed Comments

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US EPA DETAILED COMMENTS ON THE SCOPING NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT FOR THE DESERT RENEWABLE ENERGY CONSERVATION PLAN, HABITAT CONSERVATION PLAN, AND POSSIBLE LAND USE AMENDMENT, SOUTHERN CALIFORNIA – SEPTEMBER 8, 2011

Statement of Purpose and Need

The EIS should clearly identify the underlying purpose and need to which the Fish and Wildlife Service (Service) is responding in proposing the alternatives (40 CFR 1502.13). The *purpose* of the proposed action is typically the specific objectives of the activity, while the *need* for the proposed action may be to eliminate a broader underlying problem or take advantage of an opportunity.

Recommendation:
The purpose and need should be a clear, objective statement of the rationale for the proposed project, as it provides the framework for identifying project alternatives. The EIS should discuss the proposed Desert Renewable Energy Conservation Plan (DRECP or Plan) in the context of the larger energy market that this Plan would serve and identify potential purchasers of the power produced. The EIS should also discuss how the DRECP will assist the state in meeting its Renewable Portfolio Standards and goals. 1-1PD

Alternatives Analysis

NEPA requires evaluation of reasonable alternatives, including those that may not be within the jurisdiction of the lead agency (40 CFR Section 1502.14(c)). A robust range of alternatives will include options for avoiding significant environmental impacts. The EIS should provide a clear discussion of the reasons for the elimination of alternatives which are not evaluated in detail. Reasonable alternatives should include, but are not necessarily limited to, alternative sites, capacities, and technologies as well as alternatives that identify environmentally sensitive areas or areas with potential use conflicts. The alternatives analysis should describe the approach used to identify environmentally sensitive areas and describe the process that was used to designate them in terms of sensitivity (low, medium, and high).

The environmental impacts of the proposed action and alternatives should be presented in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public (40 CFR 1502.14). The potential environmental impacts of each alternative should be quantified to the greatest extent possible (e.g., acres of virgin desert impacted, tons per year of emissions produced, etc.).

Recommendations:
The EIS should describe how each alternative was developed, how it addresses each project objective, and how it would be implemented. The alternatives analysis should include a discussion of the different types of renewable energy technologies that may be utilized in the planning area and describe the benefits and potential impacts associated with each of them. 1-2A

The EIS should identify areas with potential use conflicts and provide specific recommendations for reducing or limiting conflict in these areas. These recommendations may include limitations on technology in specific areas. 1-3A

The EIS should clearly describe the rationale used to determine whether impacts of an alternative are significant or not. Thresholds of significance should be determined by considering the context and intensity of an action and its effects (40 CFR 1508.27). 1-4IM

Environmental Review Process

Recommendations:
The EIS should describe: 1) how, and if, it will serve as a "tiering" document for subsequent NEPA analysis prepared for specific project applications; 2) the factors used to determine when a subsequent EIS will be required; and 3) the factors used to determine when an Environmental Assessment will be required. 1-5PD

Siting Renewable Energy Projects

The most important recommendation that the EPA can make to the Service about the DRECP is to maximize the siting of renewable energy projects on previously disturbed land. Having participated in field tours for the DRECP and seen firsthand a mix of retired and fallowed agricultural lands that are proposed to be included in the planning area, the EPA feels strongly that these already-degraded lands should be prioritized for renewable energy development.

Recommendations:
To the greatest possible extent, renewable energy projects should be sited on previously disturbed land. 1-6A

Project proponents should avoid and minimize any disturbance of fragile soils, as well as physical processes, such as washes and dunes, crucial to sustaining desert ecosystems. 1-7BR

Analysis of Transmission Lines Needs

Recommendations:
When identifying solar, wind, and geothermal resource areas within the DRECP, the EIS should also identify: areas with established transmission lines; areas where there is a lack of transmission capacity; and areas where new transmission lines have been proposed in conjunction with proposed projects, both within and adjacent to, the planning area. 1-8a

Climate Change

On December 7, 2009, the EPA determined that emissions of GHGs contribute to air pollution that "endangers public health and welfare" within the meaning of the CAA. One report, released by the California Energy Commission, indicates that observed changes in temperature, sea level, precipitation regime, fire frequency, and agricultural and ecological systems reveal that California is already experiencing the measurable effects of climate change[1]. These manifestations of climate change create additional urgency when evaluating potential impacts associated with development in fragile desert ecosystems. The proposed period of incidental take coverage (40 years) will likely be a time of profound change in the deserts of southern California. Consequently, the DRECP should include provisions to monitor and reassess the status of Covered Species, the distribution of species throughout the planning

[1] Moser, Susie, Guido Franco, Sarah Pittiglio, Wendy Chou, Dan Cayan. 2009. The Future Is Now: An Update on Climate Change Science Impacts and Response Options for California. California Energy Commission, PIER Energy-Related Environmental Research Program. CEC-500-2008-071.

area, and the need for new or expanded conservation lands at regular intervals throughout the duration of the proposed period of coverage.

Recommendations:

The EIS should consider how the effects of climate change could potentially impact the DRECP, particularly sensitive resources, and what measures could be incorporated into the Plan to limit these impacts. 1-9CC

The EIS should quantify and disclose the anticipated climate change *benefits* of renewable energy. We suggest quantifying greenhouse gas emissions from different types of generating facilities including solar, geothermal, natural gas, coal-burning, and nuclear and compiling and comparing these values in tables within an appendix. 1-10CC

The Service should also develop a robust monitoring and adaptive management plan to account for, mitigate, and adapt to, the effects of climate change on the Covered Species and the habitats in which these species depend. Monitoring should be done at regular intervals throughout the entire period of coverage. 1-11CC

The EIS should describe water reliability for the proposed project and clarify how existing and/or proposed sources will be affected by climate change. At a minimum, the EPA expects a qualitative discussion of impacts of climate change to water supply, and the adaptability of the project to these changes. 1-12CC

Water Resources Impacts

Water Supply and Water Quality

The EIS should estimate the quantity of water that projects within the DRECP will require and describe the source of this water and potential effects on other water users and natural resources in the Plan's area of influence. The EIS should clearly describe existing groundwater conditions, potential cumulative impacts to groundwater quantity and quality, and avoidance measures to prevent impacts. The EIS should clearly depict reasonably foreseeable direct, indirect, and cumulative impacts to this resource. Specifically, the potentially-affected groundwater basin should be identified and any potential for subsidence and impacts to springs or other open water bodies and biologic resources should be analyzed. The EIS should include:

- A discussion of the amount of water needed for each renewable energy facility, where this water will be obtained, the reliability of this source, and the amount and source of power that would be needed to move the water to and through the facility; 1-13W
- A discussion of availability of groundwater within the basin and annual recharge rates; 1-14W
- A description of the water right permitting process and the status of water rights within that basin, including an analysis of whether water rights have been over-allocated;
- A description of any water right permits that contain special conditions; measures to mitigate direct, indirect, and cumulative impacts; and provisions for monitoring and adaptive management; 1-15W

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- A detailed discussion of cumulative impacts to groundwater supply within the hydrographic basin(s) that would support the alternatives, including impacts from other large-scale energy installations that have also been proposed; 1-16C
- An analysis of different types of technology that can be used to minimize water use;
- A discussion of whether it would be feasible to use other sources of water, including wastewater or deep-aquifer water;
- A discussion of whether it is possible to recycle the water that would be sent to the evaporation pond (if wet cooling is utilized) and re-inject or reuse this water; and 1-17W
- An analysis of the potential for alternatives to cause adverse aquatic impacts such as impacts to water quality and aquatic habitats. 1-18W

Disposal of Discharges

The EIS should address the potential effects of project discharges, if any, on surface and groundwater quality. Discharges may include, but are not limited to, thermal changes, suspended solids, toxicity, metals, oil and grease, chlorine, salinity, and pH. At the project level, the specific discharges should be identified and potential effects of discharges on designated beneficial uses of affected waters should be analyzed. The EIS should note that a National Pollutant Discharge Elimination System (NPDES) permit would be required for discharges to waters of the United States. The disposal of wastewater or other fluids into the subsurface is subject to the requirements of the Underground Injection Control Program, pursuant to the Safe Drinking Water Act. Permits may or may not be required, depending on project specifications and federal and/or state requirements. The subsequent EISs/EAs should address how the proposed project would be designed and operated to ensure that the facility meets federal and state water quality standards that provide for the protection and maintenance of beneficial uses downstream from the facility. 1-19W

Clean Water Act Section 404

The project applicants will need to coordinate with the U.S. Army Corps of Engineers to determine if proposed projects within the DRECP area will require a Section 404 permit under the CWA. Section 404 regulates the discharge of dredged or fill material into waters of the United States (WOUS), including wetlands and other *special aquatic sites*. In order to comply with the 404(b)(1) Guidelines, the applicant must determine the *geographic extent of waters* and comprehensively evaluate a *range of alternatives* to ensure that the *"preferred"* alternative is the *Least Environmentally Damaging Practicable Alternative* (LEDPA). Identification of the LEDPA is achieved by performing an *alternatives analysis* that estimates the direct, indirect, and cumulative impacts to jurisdictional waters resulting from a set of on- and off-site project alternatives. In particular, EPA would like to clarify that the alternatives analysis that is required for a Section 404 permit differs from the alternatives analysis required under NEPA. The Section 404 alternatives analysis must include on-site and off-site alternatives, which may include private land, BLM-administered land, and/or disturbed sites. Project alternatives that are not practicable and do not meet the project purpose are eliminated. The LEDPA is the remaining alternative with the fewest impacts to aquatic resources, so long as it does not have other significant adverse environmental consequences. 1-20A

Pursuant to the Guidelines, *mitigation* of project impacts begins with the *avoidance* and *minimization* of *direct*, *indirect*, and *cumulative impacts* to the aquatic ecosystem, followed by *compensatory measures* if

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a *loss of aquatic functions and/or acreage* is unavoidable. Compensatory mitigation is, therefore, intended only for unavoidable impacts to waters after the LEDPA has been determined. If a Section 404 permit is required, EPA will review the project for compliance with the Guidelines; the burden to demonstrate compliance with the Guidelines rests with the permit applicant.

Planning-level Assessment of Aquatic Resources

Ideally, to facilitate tiering of project-level environmental reviews to the DRECP, a jurisdictional determination (JD) would be completed for each area designated for energy development; however, we recognize that this would be a resource-intensive undertaking. At a minimum, EPA recommends that a *planning level delineation of aquatic resources* be performed within each of the energy development areas. This may not disclose all aquatic resources, but it would provide additional information on the presence of aquatic resources within the study area subject to NEPA that may be subject to federal jurisdiction under Section 404 of the CWA. A proposed project's impacts to waters subject to federal jurisdiction could result in significant degradation, as defined at 40 CRF Part 230 (Guidelines).

Recommendations:

EPA recommends that a *planning level delineation of aquatic resources* be performed within each of the designated energy development areas. This would include the identification of aquatic resources using aerial photography, existing mapping data available, and field verification. The results of such delineations should be included in the DEIS. 1-21FH

The DEIS should clearly explain the circumstances under which a formal site-specific JD would be required and at what point in the project planning process it would be conducted. 1-22FH

Drainages, Ephemeral Washes, and Floodplains

Ephemeral and intermittent streams make up over 81% of streams in the arid and semi-arid Southwest (Arizona, California, Colorado, Nevada, New Mexico, and Utah).[2] Ephemeral washes, playas, and other aquatic resources within the desert perform a diversity of hydrologic and biogeochemical functions that directly affect the integrity and functional condition of higher-order waters downstream. Healthy ephemeral waters with characteristic plant communities control rates of sediment deposition and dissipate the energy associated with flood flows. Ephemeral washes also provide habitat for breeding, shelter, foraging, and movement of wildlife. Many plant populations are dependent on these aquatic ecosystems and adapted to their unique conditions. The evaluation of these aquatic resources should not be discounted.

Recommendations:

The EIS should describe the natural drainage patterns within the DRECP, including the 50 or 100 year floodplain, and characterize the general functions of the main aquatic features within the DRECP area.

The EIS should include information on the functions and locations of WOUS, as well as ephemeral washes, because of the important hydrologic and biogeochemical role these washes play in direct relationship to higher-order waters downstream. 1-23FH

[2] See Internet address: http://azriparian.org/docs/arc/publications/EphemeralStreamsReport.pdf

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EPA recommends utilizing existing natural drainage channels on site and more natural features, such as earthen berms or channels, rather than concrete-lined channels to avoid and minimize direct and indirect impacts to desert washes (such as erosion, migration of channels and local scour). 1-24FH

EPA recommends committing to the use of natural washes in their present location and natural form.

Clean Water Act Section 303(d)

The CWA requires States to develop a list of impaired waters that do not meet water quality standards, establish priority rankings, and develop action plans, called Total Maximum Daily Loads (TMDLs), to improve water quality.

Recommendation:
The EIS should provide information on CWA Section 303(d) impaired waters in the DRECP planning area, if any, and efforts to develop and revise TMDLs. The EIS should describe existing restoration and enhancement efforts for those waters, how the proposed project will coordinate with on-going protection efforts, and any mitigation measures that will be implemented to avoid further degradation of impaired waters. 1-25W

Biological Resources and Habitat

The wind energy generation projects proposed in the DRECP have the potential to disrupt important wildlife species habitat, resulting in mortality of migratory species such as birds and bats due to collisions with rotors. The DEIS should consider whether migratory birds are likely to use the planning area and avoid, if possible: 1) areas supporting a high density of wintering or migratory birds, 2) areas with high level of raptor activity, and 3) breeding, wintering or migrating populations of less abundant species which may be sensitive to increased mortality as a result of collision. 1-26A

A comprehensive monitoring program should be designed to evaluate impacts on bats and avian species. We suggest that the Service conduct pre-construction baseline surveys to evaluate the site for its importance to bats and avian species, as well as post-construction surveys to determine the extent of mortalities and to determine the effectiveness of mitigation measures. Surveys should be conducted by a qualified biologist during the appropriate time of year. Service actions should promote the recovery of declining populations of species. Collision risk depends on a range of factors related to species, numbers and behavior, weather conditions, topography, and lighting. The DEIS should identify and describe specific turbine types and their operating characteristics and consider turbine design standards that minimize adverse impacts to wildlife, particularly birds and bats. Consideration should be given to reducing the perching and nesting opportunities, which may help reduce potential collisions. 1-27BR

The DEIS should identify all petitioned and listed threatened and endangered species that might occur within the planning area. The DEIS should identify and quantify which species might be directly or indirectly affected by each alternative. The DEIS should discuss the potential for habitat fragmentation and impediments to wildlife movements which are among the greatest threats to desert communities and 1-28BR

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species, and that maximizing habitat connectivity is essential to climate change adaptation[3]. The California Condor is listed as an endangered species under the Federal Endangered Species Act and is also fully protected pursuant to Fish and Game Code, Section 3511. All raptor and owl species are protected under the Migratory Bird Treaty Act. The golden eagle and bald eagle also receive protection under the Bald and Golden Eagle Protection Act. The MBTA, however, has no provision for allowing unauthorized take. In September 2009, the Service finalized permit regulations[4] under the BGEPA for the take of bald and golden eagles on a limited basis, provided that the take is compatible with preservation of the eagle and cannot be practicably avoided. The final rule states that if advanced conservation practices can be developed to significantly reduce take, the operator of a wind-power facility may qualify for a programmatic take permit. Most permits under the new regulations would authorize *disturbance,* rather than take. In February 2011, the Service issued Draft Eagle Conservation Plan Guidance which provides additional background information necessary for wind energy project proponents to prepare an Eagle Conservation Plan that will assess the risk of their project(s) to eagles and how siting, design, and operational modifications can mitigate that risk. 1-28BR Cont'd

Recommendations:

Design a comprehensive monitoring program to evaluate impacts on bats and avian species, and discuss design and management measures to minimize adverse impacts to wildlife and native and rare plants. 1-29BR

Identify specific measures to reduce impacts to eagles and clarify how the DRECP will comply with the MBTA and BGEPA. 1-30BR

Commit to additional data collection/analysis to identify areas that are important to bald and golden eagles to ensure proper siting and avoid take of these species. 1-31BR

Consider site specific risk mapping for avian species of concern as a means to site individual wind turbines in lower risk areas. An example of this type of study was performed at the Altamont Wind Resource Area[5]. This study was funded by the California Energy Commission's Public Interest Energy Research program. 1-32BR

Discuss the applicability of the recently finalized Service permit regulations (50 CFR parts 13 and 22) to the proposed project. Elaborate on process and/or likelihood of obtaining a permit via these regulations. 1-33BR

Discuss in the DEIS the applicability of the recent Eagle Conservation Plan Guidelines to the proposed project. Elaborate on siting, design, and operational modifications that will mitigate impacts. 1-34BR

[3] Recommendations of Independent Science Advisors for the California Desert Renewable Energy Conservation Plan, DRECP Independent Science Advisors, October, 2010,

[4] See Eagle Permits, 50 CFR parts 13 and 22, issued Sept. 11, 2009. See internet address: http://www.fws.gov/migratorybirds/CurrentBirdIssues/BaldEagle/Final%20Disturbance%20Rule%209%20Sept%202009.pdf

[5] Smallwood, K. S., and L. Neher. 2008. Map-Based Repowering of the Altamont Pass Wind Resource Area Based on Burrowing Owl Burrows, Raptor Flights, and Collisions with Wind Turbines. California Energy Commission, PIER Energy-Related Environmental Research Program. CEC-500-2009-065.

The DEIS should describe the potential for habitat fragmentation and obstructions for wildlife movement. 1-35BR

If alternatives cannot be developed that avoid the take of eagles, develop an operational monitoring and adaptive management plan to address this issue. 1-36BR

Determine if the proposed project is within the existing or historical ranges of the California condor or have the potential to impact future expanded populations and consult with FWS and CDFG early in the process. 1-37BR

Indicate what mitigation measures will be taken to protect important wildlife habitat areas from potential adverse effects of proposed covered activities. 1-38BR

Discuss mechanisms in the DEIS that would: 1) protect into perpetuity any compensatory mitigation lands that are selected; and 2) exclude the non-developed portion of a subject ROW from further disturbance or development. 1-39BR

The DEIS should include the requirement for the owner to provide financial assurance for any required mitigation projects. Such assurances can be provided by third-party institutions, such as surety bonding companies, insurance companies, banks and other financial institutions that agree to hold themselves financially liable for the failure of a responsible party to perform compensatory mitigation obligations. 1-40BR

The Service published on March 4, 2010, a set of guidelines and recommendations[6] on how to avoid and minimize impacts of land-based wind farms on wildlife and habitat. Further revisions and clarifications were published in February 2011 in the Draft Voluntary Land-Based Wind Energy Guidelines.[7] The document was prepared by the Wind Turbine Guidelines Advisory Committee and contains both policy recommendations and recommended voluntary guidelines for siting and operating wind energy projects in order to avoid or minimize potential impacts to wildlife and habitat.

The Committee's Guidelines utilize a "tiered approach" to assess potential impacts to wildlife and their habitats. The five tiers include: 1) preliminary evaluation or screening of sites; 2) site characterization; 3) field studies to document site wildlife conditions and predict project impacts; 4) post-construction fatality studies; and 5) other post-construction studies. The Committee's Guidelines provide a consistent methodology for conducting pre-construction risk assessments and post-construction impact assessments to guide siting decisions by developers and agencies. Furthermore, the Guidelines address all elements of a wind energy facility, including the turbine string or array, access roads, ancillary buildings, and the above-and below-ground electrical lines which connect a project to the transmission system.

[6] U.S. Fish and Wildlife Service Wind Turbine Guidelines Advisory Committee Recommendations, submitted to the Secretary of the Interior by the U.S. Fish and Wildlife Service, March 4, 2010. See Internet address: http://www.fws.gov/habitatconservation/windpower/Wind_Turbine_Guidelines_Advisory_Committee_Recommendations_Secretary.pdf

[7] U.S. Fish and Wildlife Service Draft Land-Based Wind Energy Guidelines, February 8, 2011. See Internet address: http://www.fws.gov/windenergy/

Recommendations:

Discuss in the DEIS the applicability of the recent Land-Based Wind Energy Guidelines to the proposed project. Elaborate on siting, design, and operational modifications that will mitigate impacts. 1-41BR

Consider utilizing unique types of radar technology to monitor for bird and bats.[8]

Consider a tactical shut down option during critical hours of species activity, as appropriate, to minimize adverse impacts on such species. 1-42BR

Consider blade feathering/idling (including on-the-spot and seasonal shutdowns), reducing cut-in speeds, and adjusting turbine speeds during strategic intervals to reduce take and to prevent mortality.

Air Quality

The EIS should provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS), criteria pollutant nonattainment areas, and potential air quality impacts of the proposed Covered Activities (including cumulative and indirect impacts). Such an evaluation is necessary to assure compliance with State and Federal air quality regulations, and to disclose the potential impacts from temporary or cumulative degradation of air quality.

The EIS should describe and estimate air emissions from the proposed Covered Activities, including potential construction and maintenance activities, as well as proposed mitigation measures to minimize those emissions. The EPA recommends an evaluation of the following measures to reduce emissions of criteria air pollutants and hazardous air pollutants (air toxics).

Recommendations:

- *Existing Conditions* – The EIS should provide a detailed discussion of ambient air conditions, NAAQS, and criteria pollutant nonattainment areas in all areas considered for renewable energy development.

- *Quantify Emissions* – The EIS should estimate emissions of criteria pollutants from the proposed project and discuss the timeframe for release of these emissions over the lifespan of the project. The EIS should describe and estimate emissions from potential construction activities, as well as proposed mitigation measures to minimize these emissions. 1-43AQ

- *Specify Emission Sources* – The EIS should specify the emission sources by pollutant from mobile sources, stationary sources, and ground disturbance. This source specific information should be used to identify appropriate mitigation measures and areas in need of the greatest attention.

[8] For example, see http://www.detect-inc.com/avian.html and http://www.upi.com/Science_News/Resource-Wars/2010/03/18/Radar-reduces-wind-farm-risk-to-birds/UPI-71441268920323/. These resources are provided as examples only and do not constitute endorsement of any particular product by EPA.

- *Equipment Emissions Mitigation Plan (EEMP)* – The EIS should identify the need for an EEMP. An EEMP will identify actions to reduce diesel particulate, carbon monoxide, hydrocarbons, and NOx associated with construction activities. We recommend that the EEMP require that all construction-related engines:

  - are tuned to the engine manufacturer's specification in accordance with an appropriate time frame;
  - do not idle for more than five minutes (unless, in the case of certain drilling engines, it is necessary for the operating scope);
  - are not tampered with in order to increase engine horsepower;
  - include particulate traps, oxidation catalysts and other suitable control devices on all construction equipment used at the project site;
  - use diesel fuel having a sulfur content of 15 parts per million or less, or other suitable alternative diesel fuel, unless such fuel cannot be reasonably procured in the market area; and
  - include control devices to reduce air emissions. The determination of which equipment is suitable for control devices should be made by an independent Licensed Mechanical Engineer. Equipment suitable for control devices may include drilling equipment, generators, compressors, graders, bulldozers, and dump trucks.

- *Fugitive Dust Control Plan* - The EIS should identify the need for *Fugitive Dust Control Plan.* We recommend that it include these general recommendations:

  - Stabilize open storage piles and by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
  - Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions; and
  - When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

1-43AQ Cont'd

General Conformity

The EIS should address the applicability of CAA Section 176 and EPA's general conformity regulations at 40 CFR Parts 51 and 93. Federal agencies need to ensure that their actions, including construction emissions subject to state jurisdiction, conform to an approved implementation plan. Emissions authorized by a CAA permit issued by the State or the local air pollution control district would not be assessed under general conformity but through the permitting process.

Recommendation:
Cumulative impacts to air quality should be analyzed given the potential air quality impacts from construction activities. 1-44C

New Source Review (NSR) Construction Permit Program

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New major stationary sources of air pollution and major modifications to existing sources are required by the CAA to obtain an air pollution permit before commencing construction. This process is called new source review (NSR) and is required whether the major source or modification is planned for an area where the NAAQS are exceeded (nonattainment areas) or an area where air quality is acceptable (attainment and unclassifiable areas). Permits for sources in attainment areas are referred to as Prevention of Significant Deterioration (PSD) permits, while permits for sources located in nonattainment areas are referred to as nonattainment (NAA) NSR permits. The entire program, including both PSD and NAA permitting, is referred to as the NSR program and is established in Parts C and D of Title I of the CAA. Based upon an area's attainment/nonattainment designations and a proposed project's anticipated criteria pollutant emission rates, a project may require both a PSD and NAA permit.

Recommendation:
The EIS should discuss if NSR program permits will be required for any geothermal, solar, or wind power plants that may be constructed. If so, the EIS should describe the permitting process and the information that must be addressed in the permits. 1-45AQ

Indirect and Cumulative Impacts

The cumulative impacts analysis should provide the context for understanding the magnitude of the impacts of the alternatives by analyzing the impacts of other past, present, and reasonably foreseeable projects or actions and then considering those cumulative impacts in their entirety (CEQ's Forty Questions, #18). The EIS should clearly identify the resources that may be cumulatively impacted, the time over which impacts are going to occur, and the geographic area that will be impacted by the proposed project. The EIS should focus on resources of concern – those resources that are "at risk" and/or are significantly impacted by the proposed project, before mitigation. In the introduction to the *Cumulative Impacts Section*, identify which resources are analyzed, which ones are not, and why. For each resource analyzed, the EIS should:

- Identify the current condition of the resource as a measure of past impacts. For example, the percentage of species habitat lost to date.
- Identify the trend in the condition of the resource as a measure of present impacts. For example, the health of the resource is improving, declining, or in stasis.
- Identify all on-going, planned, and reasonably foreseeable projects in the study area that may contribute to cumulative impacts.
- Identify the future condition of the resource based on an analysis of impacts from reasonably foreseeable projects or actions added to existing conditions and current trends.
- Assess the cumulative impacts contribution of the proposed alternatives to the long-term health of the resource, and provide a specific measure for the projected impact from the proposed alternatives.
- Disclose the parties that would be responsible for avoiding, minimizing, and mitigating those adverse impacts.
- Identify opportunities to avoid and minimize impacts, including working with other entities.

As an indirect result of providing additional power, it can be anticipated that this project will allow for development and population growth to occur in those areas that receive the generated electricity.

Recommendations:

The EIS should describe the reasonably foreseeable future land use and associated impacts that will result from the additional power supply. The document should provide an estimate of the amount of growth, its likely location, and the biological and environmental resources at risk. 1-46C

The EIS should consider the direct and indirect effects of the inter-connecting transmission lines for the proposed DRECP projects, as well as the cumulative effects associated with the transmission needs of other reasonably foreseeable projects. 1-47C

Mitigation and Pollution Prevention

The EIS should evaluate the feasibility of adopting mitigation to avoid, reduce, or compensate for, adverse environmental impacts from construction and operation. NEPA does not require that an impact be "significant" before mitigation can be presented in an EIS. "All relevant, reasonable mitigation measures that could improve the project are to be identified. . . . Mitigation measures must be considered even for impacts that by themselves would not be considered 'significant.' Once the proposal itself is considered as a whole to have significant effects . . . mitigation measures must be developed where it is feasible to do so." (CEQ's Forty Questions, #19a)

CEQ also issued guidance[9] on integrating pollution prevention measures in NEPA documents. Many strategies can reduce pollution and protect resources, including using fewer toxic inputs, altering manufacturing and facility maintenance processes, and conserving energy. Consistent with CEQ's guidance, we recommend presenting all reasonable mitigation and pollution prevention measures and how these may be incorporated into future agreements. 1-48H

Implementation of Adaptive Management Techniques for Mitigation Measures

Adaptive management is an iterative process that requires selecting and implementing management actions, monitoring, comparing results with management and project objectives, and using feedback to make future management decisions. The process recognizes the importance of continually improving management techniques through flexibility and adaptation instead of adhering rigidly to a standard set of management actions. Although adaptive management is not a new concept, it may be relatively new in its application to specific projects. The effectiveness of adaptive management monitoring depends on a variety of factors including:

a) The ability to establish clear monitoring objectives;
b) Agreement on the impact thresholds being monitored;
c) The existence of a baseline or the ability to develop a baseline for the resources being monitored;
d) The ability to see the effects within an appropriate time frame after the action is taken;
e) The technical capabilities of the procedures and equipment used to identify and measure changes in the affected resources and the ability to analyze the changes;
f) The resources needed to perform the monitoring and respond to the results.

[9] Memorandum to Heads of Federal Departments and Agencies Regarding Pollution Prevention and the National Environmental Policy Act, CEQ, January 12, 1993.

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Recommendation:
The EPA recommends that the Service consider adopting a formal adaptive management plan to evaluate and monitor impacted resources and ensure the successful implementation of mitigation measures. 1-49IM

To be most effective, the monitoring studies and the adaptive management plan should be implemented during planning.

Project Decommissioning, Site Restoration, and Financial Assurance

On the average, a lifespan of a renewable energy facility is 25-30 years. The life of the proposed projects in the DRECP should be taken into consideration regarding decommissioning and reclamation.

Recommendation:
The EPA recommends that the DEIS include a requirement for a decommissioning and site restoration plan to include cost estimates; the project owner to secure a performance bond surety bond, letter of credit, corporate guarantee, or other form of financial assurance adequate to cover the cost of decommissioning/restoration; description of the conditions when decommissioning will commence; description of time allotted to complete the decommissioning; description of the structures, facilities, and foundations to be removed; and restoration of the site by recontouring the surface and revegetation to a condition reasonably similar to the original condition. 1-50A

Coordination with Tribal Governments

Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments" (November 6, 2000), was issued in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes.

Recommendation:
The EIS should describe the process and outcome of government-to-government consultation between the Service and each of the tribal governments within the project area, issues that were raised (if any), and how those issues were addressed in the selection of the proposed alternative. 1-51CR

National Historic Preservation Act and Executive Order 13007

Consultation for tribal cultural resources is required under Section 106 of the National Historic Preservation Act (NHPA). Historic properties under the NHPA are properties that are included in the National Register of Historic Places (NRHP) or that meet the criteria for the National Register. Section 106 of the NHPA requires a federal agency, upon determining that activities under its control could affect historic properties, consult with the appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO). Under NEPA, any impacts to tribal, cultural, or other treaty resources must be discussed and mitigated. Section 106 of the NHPA requires that Federal agencies consider the effects of their actions on cultural resources, following regulation in 36 CFR 800.

Executive Order 13007, "Indian Sacred Sites" (May 24, 1996), requires federal land managing agencies to accommodate access to, and ceremonial use of, Indian sacred sites by Indian Religious practitioners,

and to avoid adversely affecting the physical integrity, accessibility, or use of sacred sites. It is important to note that a sacred site may not meet the National Register criteria for a historic property and that, conversely, a historic property may not meet the criteria for a sacred site.

Recommendation:
The EIS should address the existence of Indian sacred sites in the project areas. It should address Executive Order 13007, distinguish it from Section 106 of the NHPA, and discuss how the Service will avoid adversely affecting the physical integrity, accessibility, or use of sacred sites, if they exist. The EIS should provide a summary of all coordination with Tribes and with the SHPO/THPO, including identification of NRHP eligible sites, and development of a Cultural Resource Management Plan. 1-52CR

Environmental Justice

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (February 11, 1994), and the "Memorandum of Understanding on Environmental Justice and Executive Order 12898," released on August 4, 2011, direct federal agencies to identify and address disproportionately high and adverse human health or environmental effects on minority and low-income populations, allowing those populations a meaningful opportunity to participate in the decision-making process. Guidance[10] by CEQ clarifies the terms low-income and minority population (which includes American Indians) and describes the factors to consider when evaluating disproportionately high and adverse human health effects.

Recommendation:
The EIS should include an evaluation of environmental justice populations within the geographic scope of the project. If such populations exist, the EIS should address the potential for disproportionate adverse impacts to minority and low-income populations, and the approaches used to foster public participation by these populations. Assessment of the project's impact on minority and low-income populations should reflect coordination with those affected populations. 1-53SE

Coordination with Land Use Planning Activities

The EIS should discuss how the proposed action would support or conflict with the objectives of federal, state, tribal or local land use plans, policies and controls in the project area. The term "land use plans" includes all types of formally adopted documents for land use planning, conservation, zoning and related regulatory requirements. Proposed plans not yet developed should also be addressed it they have been formally proposed by the appropriate government body in a written form (CEQ's Forty Questions, #23b). 1-54PLU

[10]Environmental Justice Guidance under the National Environmental Policy Act, Appendix A (Guidance for Federal Agencies on Key Terms in Executive Order 12898), CEQ, December 10, 1997.

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Invasive Species

Executive Order 13112, "Invasive Species" (February 3, 1999), mandates that federal agencies take actions to prevent the introduction of invasive species, provide for their control, and minimize the economic, ecological, and human health impacts that invasive species cause. Executive Order 13112 also calls for the restoration of native plants and tree species. If the proposed project will entail new landscaping, the EIS should describe how the project will meet the requirements of Executive Order 13112.

> ***Recommendation:***
> The EIS should include an invasive plant management plan to monitor and control noxious weeds. 1-55BR

Hazardous Materials/Hazardous Waste/Solid Waste

The EIS should address potential direct, indirect and cumulative impacts of hazardous waste from construction and operation of the proposed project. The document should identify projected hazardous waste types and volumes, and expected storage, disposal, and management plans. It should address the applicability of state and federal hazardous waste requirements. Appropriate mitigation should be evaluated, including measures to minimize the generation of hazardous waste (i.e., hazardous waste minimization). Alternate industrial processes using less toxic materials should be evaluated as mitigation. This potentially reduces the volume or toxicity of hazardous materials requiring management and disposal as hazardous waste. 1-56H

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STATE OF CALIFORNIA Edmund G. Brown, Jr., Governor

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DOCKET
09-RENEW EO-1
DATE AUG 08 2011
RECD. OCT 05 2011

August 8, 2011

Ms. Kristy Chew, DRECP
California Energy Commission, Dockets Office, MS-4
Docket No. 09-RENEW ~~EP~~-01 EO
1516 Ninth Street
Sacramento, CA 95814

Re: SCH#2011071092 CEQA/NEPA Notice of Preparation (NOP); federal Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA); draft Environmental Impact Report (DEIR) for the **"Desert Renewable Energy Conservation Plan Habiitat Conservation Plan/Natural Communities Conservation Plan;"** located in the Mojave and Sonoran deserts and the counties of Inyo, Imperial, Kern Los Angeles, Riverside, San Bernardino and San Diego, California

Dear Ms. Chew:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). The NAHC wishes to comment on the above-referenced proposed Project. As part of responding to this project, the NAHC attaches an "NAHC Guidance for Tribal Consultation...." Prepared for the California Department of Fish and Game, as lead agency, in October 2009, for the Renewable Energy Action Team (REAT) pursuant to Executive Order S-14-08. We have 'updated' the Native American Contacts list, attached.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC Sacred Lands File (SLF) search resulted as follows: Native American cultural resources are identified throughout the proposed project area. Therefore, much of the project area is considered culturally sensitive. The 2-1CR

absence of archaeological items at the surface level does not preclude their existence at the subsurface level once ground-breaking activity is underway. 2-1CR Cont'

The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to determine if the proposed project will impact Native American cultural resources and to obtain their recommendations concerning the proposed project. As indicated above, the updated Native American Contacts list is part of the NAHC Guidance for Tribal Consultation, attached. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources. 2-2CR 2-3SE

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects. 2-4CR

The response to this search for Native American cultural resources is conducted in the NAHC Sacred Lands Inventory, established by the California Legislature (CA Public Resources Code 5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code 6254.10) although Native Americans on the attached contact list may wish to reveal the

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nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places and there may be sites within the APE eligible for listing on the California Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

3

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

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October 5, 2009

TO: Scott Flint, California Department of Fish & Game
Renewable Energy Action Team (REAT)

Re: NAHC Guidance for Tribal Consultation Requirements and Advisories of Federal and State Statutes for Consideration for the *Best Management Practices & Guidance Manual: Desert Renewable Energy Projects, Cultural Resources Monitoring & Mitigation Plans for the Mojave and Colorado Desert areas of Southern California*

Introduction

Governor Arnold Schwarzenegger issued Executive Order S-14-08 which requires that 33 percent of the energy in California would come from renewable energy resources by 2020 and expedite the Renewable Portfolio Standard (RPS) of eligible renewable energy resources. This Guidance is to assist federal and state 'lead agencies,' to meet tribal consultation requirements of federal and state statutes and regulations.

The California Native American Heritage Commission (NAHC), placed in the California Natural Resources Agency, is the State Trustee Agency for the protection and preservation of Native American cultural resources pursuant to CA Public Resources Code §21070 and *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3rd 604. , A nine-member Commission, all Native American with a requirement that five members be tribal elders, governs the NAHC. The Commission is appointed by the Governor and ratified by the California Senate. This document is proposed to be helpful to federal and state 'lead agencies, under federal and state environmental laws in providing some practical tools for effective tribal consultation on proposed renewable energy projects. California has the greatest population of American Indian persons, about 330,000, than any other state; about 100,000 are descendants of California's indigenous tribes (please see the 'Map of California Tribal Areas,' **Attachment 1**). There are 109 federally-recognized (by the U.S. Department of the Interior) tribes in California and another 45 Non Federally recognized, but acknowledged as viable tribal governments for the purposes of State of California laws, by the NAHC. While the U.S. Senate never ratified the 18 treaties of 1851-52, with California tribes, there is recognition in state and federal law that California indigenous tribes did own California lands and resources.

Tribal Consultation

Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally

recognized and non-federally recognized on a list maintained by the NAHC. Only Native American tribes and interested Native American individuals that are culturally-affiliated to the 'areas' of Potential Effect (APEs)' are listed on the NAHC lists. The Native American Contacts list for the Desert Renewable Energy Projects' Cultural Resources Monitoring & Mitigation Plans (CRMMP) is shown as **Attachment 2** to this document. A draft letter to Native American tribes and interested Native American individuals is shown as **Attachment 3,** for consideration.

The NAHC also is a 'reviewing agency' for environmental documents prepared under the National Environmental Policy Act (NEPA; 42 U.S.C 4321 *et seq*). Also, proposed projects that are subject to the Tribal and interested Native American consultation requirements of the National Historic Preservation Act, as amended (Section 106) (16 U.S.C. 470) consultation with Native American tribes and interested Native American individuals, as consulting parties, is mandatory as part of the Section 4(f) project evaluation. In addition, the provision of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001-3013) will also apply to this project if Native American human remains are inadvertently discovered during 'ground-breaking' activity of the project, once the project is permitted to construct.

Cultural Surveys

The California Environmental Quality Act (CEQA) does require that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. The NAHC is of the opinion that the federal standards, pursuant to the above-referenced Acts of the U.S. Congress and the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq*) are similar to and in many cases more stringent with regard to the 'significance' of historic, including Native American items, and archaeological features, including those of Native American origin, than are the provisions of the California Environmental Quality Act (CEQA.) of 1970, as amended. In most cases, federal environmental policy require that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Statement (EIS). An Environmental Assessment, (EA) prepared under NEPA, defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order for either federal or state 'lead agencies' to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if the project is determined to have an adverse impact on a cultural resources; then, to mitigate that effect of the project. The following are suggestions for ensuring that an adequate 'cultural survey' is done for the CMMP, aware that additional surveys and 'searches' must be done for detailed projects with the Colorado and Mojave Desert sub regions:

1. Review the "Constraints Study of "A Cultural Resource Sensitivity within the California Desert," prepared by Russell L. Kaldenberg, a former Bureau of Land Management (BLM) archaeologist; Russ can be contacted by e-mail at rkaldenberg@asmaffiliates.com;

2.

2. Review the available archaeological files of the Bureau of Land Management (BLM) if available to you; the NAHC is aware that they are extensive;
3. Contact the California Historic Resources Information System (CHRIS), Information Center at the San Bernardino County Museum (Robin Laska, Coordinator; 909-307-0539 or 909-307-2669) for San Bernardino County; and Dr. M.C. Hall, Coordinator; Eastern Information Center at UC Riverside; 951-827-5745, for Riverside County; and David M. Caterino, Coordinator-South Coastal Information Center at San Diego State University, 619-594-5682, for Imperial County; and Dr. Robert Yohe, Coordinator – South San Joaquin Valley Information Center; California State University, Bakersfield, 661-654-2289 for Kern County and the North Antelope Valley. These are all units of the California Office of Historic Preservation, the State Historic Preservation Officer (SHPO), M. Wayne Donaldson (916) 653-7278. In the view of the NAHC, Robin Laska, referred above, will be particularly helpful due to her extensive knowledge of the desert areas of San Bernardino and Riverside counties.
4. Contact the Native American Heritage Commission requesting Sacred Lands File (SLF) searches, from their inventory, separate from that of the CHRIS inventory, established by the California Legislature pursuant to CA Public Resources Code §5097.94(a). The Request Form that may be faxed to the NAHC to 916-657-5390 is shown as **Attachment 4**.

The records searches will determine:

- If a part or the entire APE has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
- The final report, Environmental Impact Statement, if required, prepared under NEPA guidelines, containing site forms, site significance, and mitigation measurers should be submitted immediately to the appropriate planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.

Mitigation

The California Native American Heritage Commission does prefer "avoidance, as defined in the California Code of Regulations §15370; if not possible, the following is recommended:

- The NAHC advises the use of Native American Monitors, also, when professional project proponents employ archaeologists or the equivalent, in order to ensure proper identification and care given cultural resources that may be discovered. This recommendation also applies to Phase I of NEPA and the Initial Study for CEQA. In many cases, only a local tribe(s) or Native American individuals or elders may know the existence of a Native American cultural resources.
- Lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified

archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.

- Again, a culturally affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

Conclusion

The NAHC hopes that this Guidance is helpful in identifying the *why, how, and the who* of tribal consultation requirements and advisories of federal and state statutes. A general advisory for accomplishing tribal consultation is included as **Attachment 5** for your use.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
NAHC

Attachments:

1. Map of California Tribal Lands (Page 5)
2. Native American Contact List for the Mojave and Colorado Desert Areas (Page 6)
3. Draft Letter to Native American Tribes (Page 15)
4. NAHC Sacred Lands File (SLF) Request Form (Page 16)
5. 2005 NAHC Consultation Guidelines (Page 17)

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MAP OF CALIFORNIA TRIBAL LANDS

http://www.pacwesttraders.com/map1.html

5

California Native American Contact List
Imperial, Inyo, Kern, Los Angeles, Riverside San Bernardino and San Diego Counties
August 8, 2011

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Kumeyaay Cultural Historic Committee
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This list is current only as of the date of this document.
Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011071092; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Desert Renewable Energy Conservation Plan Habitat Conservation Plan/Natural Communities Conservation Plan; located in Imperial Inyo Kern, Los Angeles, Riverside and San Bernardino counties, California.

California Native American Contact List
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This list is current only as of the date of this document.
Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011071092; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Desert Renewable Energy Conservation Plan Habitat Conservation Plan/Natural Communities Conservation Plan; located in Imperial Inyo Kern, Los Angeles, Riverside and San Bernardino counties, California.

California Native American Contact List
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August 8, 2011

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California Native American Contact List
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August 8, 2011

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DRAFT LETTER TO NATIVE AMERICAN TRIBES AND INTERESTED NATIVE AMERICAN INDIVIDUALS ELIGIBLE FOR TRIBAL CONSULTATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) AND SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

DATE:
ADDRESS OF TRIBE OR INDIVIDUAL:

SUBJECT: Re: Tribal Consultation pursuant to NEPA, CEQA, NEPA, NHPA SECTION 106 OR OTHER STATE OR OTHER FEDERAL ACT, EXECUTIVE ORDER

SALUTATION: DEAR _____:

THIS IS AN INVITATION TO CONSULT ON PROPOSED DEVELOPMENT PROJECTS AT LOCATIONS WITH WHICH YOU HAVE TRIBAL CULTURAL AFFILIATION PURSUANT TO ONE OR MORE OF THE ABOVE REFERENCED FEDERAL OR STATE STATUTES. THE PURPOSE OF THE CONSULTATIONS IS TO ENSURE THE PROTECTION OF NATIVE AMERICAN CULTURAL RESOURCES ON WHICH THE PROPOSED UNDERTAKING MAY HAVE AN IMPACT.

IN THE TRIBAL CONSULTATION PROCESS, EARLY CONSULTATION IS ENCOURAGED IN ORDER TO PROVIDE FOR FULL AND REASONABLE PUBLIC INPUT FROM NATIVE AMERICAN GROUPS AND NATIVE AMERICAN INDIVIDUALS, AS CONSULTING PARTIES, ON POTENTIAL EFFECT OF THE DEVELOPMENT PROJECTS AND TO AVOID COSTLY DELAYS.

FURTHER, WE UNDERSTAND THAT MUCH OF THE CONTENT OF THE CONSULTATION WILL BE CONFIDENTIAL AND WILL INCLUDE, BUT NOT BE LIMITED TO, THE RELATIONSHIP OF PROPOSED PROJECT DETAILS TO NATIVE AMERICAN CULTURAL HISTORIC ROPERTIES, SUCH AS BURIAL SITES, KNOWN OR UNKNOWN, ARCHITECTURAL FEATURES AND ARTIFACTS, CEREMONIAL SITES, SACRED SHRINES , CULTURAL LANDSCAPES INCLUDING TRADITIONAL BELIEFS AND PRACTICES, SOME OF WHICH MAY MEET THE CRITERIA UNDER BOTH THE NATIONAL HISTORIC PRESERVATION ACT 'SECTION 106 ARCHAEOLOGICAL GUIDANCE' (as of 01/01/2009) AND CEQA GUIDELINES §15064.5.

ENCLOSED IS A PACKET OF THE PROPOSED DEVELOPMENT INCLUDING INFORMATION AND APPROPRIATE MAPS FOR YOUR REVIEW. WE WISH TO SCHEDULE A CONSULTATION MEETING WITH YOU INDIVIDUALLY, OR IN A GROUP SESSION, WHICHEVER YOU PREFER. WE WILL CALL YOU NEXT WEEK TO SEE WHICH DATES AND TIME ARE BEST FOR THE CONSULTATION.

SINCERELY,
GOVERNMENT REPRESENTATIVE/AGENT

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Additional Information

California Native Americans
Cultural Resources
Strategic Plan
Commissioners
Federal Laws and Codes
State Laws and Codes
Local Ordinances and Codes
Additional Information

Return to CNAHC Home Page

Sacred Lands File & Native American Contacts List Request

NATIVE AMERICAN HERITAGE COMMISSION
915 Capitol Mall, RM 364
Sacramento, CA 95814
(916) 653-4082
(916) 657-5390 – Fax
nahc@pacbell.net

Information Below is Required for a Sacred Lands File Search

Project:_____

County_____

USGS Quadrangle

Name_____

Township _____ Range _____ Section(s) _____

Company/Firm/Agency:

_____

Contact Person: _____

Street Address: _____

City: _____Zip:_____

Phone: _____

Fax: _____

Email: _____

Project Description:

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
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Web Site www.nahc.ca.gov

NAHC Consultation Guidelines
April 7, 2005

In order to further the goals of protecting Native American cultural features and the recognition of California Native Americans' interest in preserving and protecting those features through consultation, the Native American Heritage Commission recommends the establishment of a cooperative relationship between appropriate tribal governments and Agency or Department officials that considers and respects the views of all participants and acknowledges the goal of developing mutually acceptable cultural feature protection strategies.

Consultation should be viewed as "the right to have a seat at the table, a chance to persuade the responsible ... official to do the right thing."[1]

For many Agency or Department officials, consulting with Native American tribes will be a new experience that draws upon little from prior experience. There are cultural differences that need to be respected throughout the process. Indian people may be more accustomed to an oral tradition rather than a written tradition, potentially making what and how things are said during consultation mean far more than the written documents or agreements that will result from the consultation. All tribes, whether federally recognized or non-federally recognized, should be regarded as unique and independent governmental entities with traditions and hierarchical structures that must be recognized and respected. Appropriate tribal protocols should be followed when approaching tribal governments. More than one tribe may have a cultural affiliation with the proposed project area; agency officials should be prepared to hold concurrent consultation sessions if a combined consultation format is not acceptable to the tribes.

Agency officials must be aware that the consultation process is in no way intended to affect, diminish or reduce the sovereign status of any California Native American tribe.

The following are recommendations for Agency or Department use in initiating the consultation process with tribes.

1. Before the need for consultation arises, the following strategies are recommended:

- Agencies or Departments or Departments should designate an official with principal responsibility for carrying out consultation activities. Agencies or Departments should seek to appoint a designee with knowledge of California Native American culture who has direct access to Agency or Department decision-makers.
- Agencies or Departments should obtain from the NAHC the lists of appropriate tribes with potential for interest in property within the Agency or Department's jurisdiction.

[1] Professor Dean Suagee, "Historical Storytelling and the Growth of Tribal Historic Preservation Programs," 17 Natural Resources and Environment 86, 88 (2002).

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- Agencies or Departments should complete a records search on the area of potential effect with the California Historic Resource Inventory System (CHRIS) and the Native American Heritage Commission's Sacred Lands File. The results of such searches should be shared with the tribe during the request for consultation, including the likelihood that cultural features might be present, thus demonstrating the Agencies or Departments' awareness that sensitive cultural features may be present that could be threatened by the proposed project or activity. The lack of recorded archeological or cultural/sacred resources should not be presumed to preclude the existence of cultural features within the area of potential effect.
- The Agency or Department designee should serve as the primary contact for consultation with tribes in order to facilitate the development of an on-going working relationship between the appropriate tribal governments and the Agency or Department.
- Agencies or Departments should never assign their consultation responsibilities to a contractor or developer.
- Agency officials should initiate contact directly with the tribe's officially chosen leader (e.g. chairperson, spokesperson, captain, etc.) to ask if tribal consultation protocols are already in place. Such protocols may specify cultural resource contacts within the tribe, procedures, time limits, restrictions, etc.
- If protocols are not available, the Agency or Department should seek assistance from tribal officials to identify the appropriate procedures to follow in meeting the tribe's consultation needs.
- Development of mutually agreed-upon protocols may result in more effective consultation efforts with individual tribes.
- Either the Agency or Department or the tribe may request revisions to the protocols with prior notice.

2. Consultation is intended to address the preservation and mitigation of impacts to California Native American historic, cultural, or sacred sites, as are defined in Public Resources Code 5097.9 and Public Resources Code 5097.993, including sites that are listed or may be eligible for listing in the California Register of Historic Resources, historic or prehistoric ruins, burial grounds, any archaeological, prehistoric or historic Native American rock art, any archaeological, prehistoric or historic features, inscriptions made by Native Americans at such a site, places of worship, sacred or ceremonial sites, and sacred shrines on public and private properties. The process is focused on identifying issues of concern to Native American tribes, including cultural values, religious beliefs, traditional practices and legal rights of Indian people, and on defining the full range of acceptable alternatives.

Consultation is intended to accommodate religious considerations, rather than endorse them. The courts have ruled that consultation regarding issues of Native American religious importance is not a violation of the Establishment Clause of the U.S. Constitution.[2]

Effective consultation comes from the development of relationships that are ongoing and sustained. Improved relations with tribes can improve the effectiveness of consultation. A critical factor in the process is the understanding that consultation, in all forms, is an ongoing process rather than a single event.

General requirements:

[2] 113 Yale Law Journal, 1623, Page 2.

- Consultation is defined in Government Code Section 65352.4 as the "meaningful and timely process of seeking, discussing, and considering carefully the views of others..." Consultation involves conduct that is mutually respectful of all parties, recognizes all parties' cultural values, incorporates the parties' needs for confidentiality, and seeks agreement on the resolution of the concerns raised.
- Consultation should be done prior to the public review process and as early as possible.
- Consultation should be done face-to-face whenever possible and should not take place in a public forum.
- When an Agency or Department first seeks to consult on a project, its initial inquiry should be made to the tribe's officially chosen leader. A department head or higher should make the initial request.
- Once the tribe has agreed to consult, consultation should take place between the Agency or Department's designee(s) and a tribal representative(s) who has been identified through a letter from the tribe's presiding officer or a Tribal Council resolution.
- Agency or Department officials should be cognizant of the fact that most tribes were relocated to isolated locations, far from city centers, busy highways, and from their territories of cultural affiliation. Travel required for consultation may be time-consuming and, in the case of tribes along the Colorado River, may involve changes in time zones. Agency or Department officials should seek to accommodate the tribe's schedules and to share the burden of travel.
- Agency or Department officials should be aware that the confidentiality of many Native American cultural features is critical to tribal culture and that many tribes will seek confidentiality assurances prior to divulging information about those sites.

Conducting consultation:

- Consultation should be viewed as a process, rather than a single event and an Agency or Department should be prepared to continue consultation throughout the duration of a project
- Simply notifying a tribe is not the same as consultation. A 1995 federal court ruling held that written correspondence requesting consultation with a tribe was not sufficient for the purpose of conducting consultation as required by law, but that telephone calls or more direct forms of contact may be required. In *Pueblo of Sandia v. United States*, 50 F.3d 856 (10th Cir. 1995), the court held that the U.S. Forest Service had not fulfilled its consultation responsibilities under the National Historic Preservation Act by merely sending letters to request information from tribes.
- Agency or Department officials should begin consultation with tribes at the earliest point possible in the project planning process
- All attempts to contact a tribe regarding consultation should be well documented, including letters, telephone calls, and direct meetings. Any returned or unanswered correspondence should be retained in order to verify the Agency or Department's efforts to communicate. Documentation of notification and consultation requests should be included in the Agency or Department's public record.
- Agency or Department officials should be aware that tribes may require a significant period of time to respond to a consultation request.
    - Often tribal councils meet only once a month; all formal positions taken by the tribe will usually require approval of the tribal council.

  - Agency or Department officials should be aware of the potential for vast differences in tribal governments' capabilities (especially between federally-recognized and non-federally-recognized tribes), different tribes' staffing capabilities, and resources. Some may be able to respond more promptly and efficiently than others.
  - Agency or Department officials should be sensitive to the fact that many tribes are subject to numerous demands on their small staffs, including requirements of the federal, state, and Agency or Department.
- Consultation requests should include a clear statement of purpose, explaining the reason for the request and declaring the importance of the tribe's participation in the project planning process. The request should specify the location of the project area of potential effect.
- Consultation requests should provide as much detail about the proposed plan as possible, presented in layman's terms, including maps of the affected area and a description of the nature of anticipated impacts. Failure to disclose pertinent information may provide grounds for a legal challenge to the Agency or Department's plan.
- Consultation should involve listening to tribal concerns with the goal of accommodating Native American religious practices.[3]
- Consultation should produce enforceable results that reflect the efforts made to achieve a mutually agreeable outcome.
- All aspects of the consultation process should be documented, including how the agency reaches a final decision.
- Upon conclusion of consultation, the Agency or Department should notify all consulting tribes of the proposed decision, specifically discussing the basis for the decision, the relationship to tribal concerns, and outlining the process for tribes to challenge the draft plan prior to its final approval.

3. Procedures to identify tribes through the NAHC.

Consultation requires communicating directly with tribes. The NAHC's role is to facilitate consultation and to provide assistance to tribes and an Agency or Department. The NAHC will provide contact information for all culturally affiliated tribes, including those with overlapping territories.

- When Agency or Department projects are first proposed, the Agency or Department should send written requests to the NAHC asking for a list of appropriate tribes in their area for consultation. The Native American Heritage Commission will provide the Agency or Department with a list of appropriate California Native American tribes comprised of federally-recognized and non-federally recognized tribes found on the NAHC's consultation list. The appropriate groups will be those that have a cultural affiliation to a specific geographic area.
- Requests should include the specific location of the area proposed for development.

[3] 113 Yale Law Journal 1623, page 12

4. Consultation to address appropriate methods of treatment and management of cultural features.

- An Agency or Department should not ask tribes to prioritize sites for the purpose of protection.
- An Agency or Department should be prepared to consider a broad range of mitigation options, including avoidance, development of habitat and open space properties, or alternative means of preserving Native American cultural features intact whenever possible.
- An Agency or Department should be prepared to discuss tribal involvement in the treatment and management of cultural features through monitoring, co-management, and other forms of participation.
- The planning of treatment and management activities should address the possibility that Native American human remains may be involved when protecting cultural features. An Agency or Department should work with the tribe to identify and plan for appropriate treatment of such discoveries, in accordance with Public Resources Code Section 5097.98.

5. Procedures to protect confidentiality.

- Any information submitted by tribes must remain confidential and exempt from public disclosure laws, to the extent authorized by law.
- Procedures must be established to allow for tribes to share information with Agency or Department officials in a confidential setting, rather than requiring discussion in a public meeting.
- Agencies or Departments should develop their own "in-house" confidentiality procedures.
- Any documents or portions of reports specifically detailing the cultural feature or area proposed for protection by the tribe through an open space designation must be kept confidential.
- Only those tribal designees, Agency or Department officials, qualified archaeologists, and land managers involved in the particular planning activity may obtain information about a given site.
    - The consulting parties may wish to develop their own criteria for the limited release of confidential information related to the site.
- Anyone requesting confidential site information from the Agency or Department should first provide identification and sign a nondisclosure agreement in conformance with existing law, and, if necessary, establish their "need to know." Disclosure to any second parties must also be prohibited under terms of the nondisclosure agreement.

Terms for confidentiality may differ depending upon the nature of the site, the tribe, the Agency or Department's mission, or who proposes to protect the site. The Agency or Department should collaborate with tribes to develop informational materials for field managers regarding the cultural sensitivity of divulging site information, explaining the tribe's interest in maintaining the confidentiality and preservation of a site. Land managers should be informed that Public Resources Code Section 5097.993 establishes criminal penalties for the unlawful and intentional destruction, degradation, or removal of Native American cultural or spiritual places located on public or private lands.

Miscellaneous

- Agencies or Departments are encouraged to adopt policies or procedures, in consultation with the appropriate tribe(s), to protect Native American cultural features, to protect the confidentiality of information exchanged between the tribe and the Agency or Department regarding cultural features, to provide penalties for the unauthorized disclosure of confidential information, and for appropriate treatment and management of Native American cultural features.
- Agencies or Departments should consider development of preservation plans for cultural features within their jurisdictions in accordance with established cultural resource protection standards.
- The Agency or Department's representative should be encouraged to attend Tribal Council or tribal planning meetings, where appropriate and when invited, in order to become familiar with tribal government operations and to facilitate relationship building.
- Consultation may include discussion of mitigation measures, including the preferred alternative of avoidance, as recommended in Section 15370 of the CEQA Guidelines.
- When the consulting tribe finds mitigation banking to be an acceptable form of mitigation for the loss of gathering/collecting areas, an Agency or Department may wish to consider land banking that fosters the development of permanently protected gathering and collection areas through transplantation, irrigation, or other means.
- Appropriate tribal governments and the Agency or Department should consider the benefits of recording protected sites with NAHC or CHRIS system, with designation to indicate that the site is Native American. Burial sites or sites of a sacred or spiritual value should be listed with the NAHC; sites of historic or prehistoric nature should be listed with the CHRIS.

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NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., GOVERNOR

DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF OIL, GAS, & GEOTHERMAL RESOURCES

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August 29, 2011

DOCKET
09-RENEW EO-1
DATE AUG 29 2011
RECD. SEP 01 2011

Ms. Kristy Chew
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

NOTICE OF PREPARATION (NOP) OF AN ENVIRONMENTAL IMPACT REPORT (EIR) ON THE PROPOSED DESERT RENEWABLE ENERGY CONSERVATION PLAN; SCH# 2011071092

Dear Ms. Chew:

The Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced project. Our comments are as follows.

The southern portion of the proposed project is located within the Division's administrative field boundaries in Imperial County. According to Division's databases and mapping system, oil/gas and geothermal wells are also identified within the proposed project area in Los Angeles, Riverside, San Bernardino, and Kern counties. We recommend that all existing and future drill sites, oil production facilities within or in close proximity to proposed project boundaries be accurately plotted on future project maps and be carefully studied before the commencement of any construction of this proposed project. 3-1H

The Division is mandated by Section 3106 of the Public Resources Code (PRC) to supervise the drilling, operation, maintenance, and plugging and abandonment of wells for the purpose of preventing: (1) damage to life, health, property, and natural resources; (2) damage to underground and surface waters suitable for irrigation or domestic use; (3) loss of oil, gas, or reservoir energy; and (4) damage to oil and gas deposits by infiltrating water and other causes. Furthermore, the PRC vests in the State Oil and Gas Supervisor (Supervisor) the authority to regulate the manner of drilling, operation, maintenance, and abandonment of oil and gas wells so as to conserve, protect, and prevent waste of these resources, while at the same time encouraging operators to apply viable methods for the purpose of increasing the ultimate recovery of oil and gas.

The PRC Section 3714 also authorizes the Supervisor to regulate the drilling, operation, maintenance and abandonment of geothermal resources wells as to encourage the greatest ultimate economic recovery of geothermal resources, to prevent damage to life, health,

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

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August 29, 2011
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property, and natural resources, and to prevent damage to, and waste from, the underground geothermal deposits, and to prevent damage to underground and surface waters suitable for irrigation or domestic purposes by reason of the drilling, operation, maintenance, and abandonment of geothermal resources wells. Furthermore, the PRC vests in the Supervisor the authority to supervise the drilling, operation, maintenance, and abandonment of wells so as to permit the owners or operators of such wells to utilize all methods and practices known to the industry for the purpose of increasing the ultimate recovery of geothermal resources and which, in the opinion of the supervisor, are suitable for such purpose in each proposed case. In order to further the elimination of waste by increasing the recovery of geothermal resources it is hereby declared as a policy of this state that the grant in a geothermal resources lease or contract to a lessee or operator of the right or power, in substance, to explore for and remove all geothermal resources from any lands in the State of California, in the absence of an express provision to the contrary contained in such lease or contract, is deemed to allow the lessee or contractor or his successors or assigns, to do what a prudent operator using reasonable diligence would do, having in mind the best interest of the lessor, lessee and the state, in producing and removing geothermal resources; provided, however, nothing contained in this section imposes a legal duty upon such lessee or contractor, his successors or assigns, to conduct such operations.

The scope and content of information that is germane to the Division's responsibility are contained in Section 3000 et seq. of the Public Resources Code (PRC), and administrative regulations under Title 14, Division 2, Chapter 4 of the California Code of Regulations.

An operator must have a bond on file with the Division before certain well operations are allowed to begin. The purpose of the bond is to secure the state against all losses, charges, and expenses incurred by it to obtain such compliance by the principal named in the bond. The operator must also designate an agent, residing in the state, to receive and accept service of all orders, notices, and processes of the Supervisor or any court of law.

Written approval from the Supervisor is required prior to changing the physical condition of any well. The operator's notice of intention (notice) to perform any well operation is reviewed on engineering and geological basis. For new wells and the altering of existing wells, approval of the proposal depends primarily on the following: protecting all subsurface hydrocarbons and fresh waters; protection of the environment; using adequate blowout prevention equipment; and utilizing approved drilling and cementing techniques.

The Division must be notified to witness or inspect all operations specified in the approval of any notice. This includes tests and inspections of blowout-prevention equipment, reservoir and freshwater protection measures, and well-plugging operations.

The Division recommends that adequate safety measures be taken by the project manager to prevent people from gaining unauthorized access to oilfield equipment. Safety shut-down devices on wells and other oilfield equipment must be considered when appropriate. 3-2H

Ms. Kristy Chew
August 29, 2011
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If any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district offices must be contacted to obtain information on the requirements for and approval to perform remedial operations. The Division recommends that no structure be built over or in proximity to an abandoned well location. The PRC Section 3208.1 authorizes the Supervisor to order the reabandonment of a previously abandoned well when construction of any structure over or in the proximity of a well could result in a hazard. The cost of reabandonment operations is the responsibility of the owner or developer of the project upon which the structure will be located. 3-2H Cont'd

We appreciate the opportunity to comment on the Notice of Preparation for this proposed project. If you have questions on our comments, or require technical assistance or information, please call me at (916) 323-0425 or any of the following district offices of the Division:

- Cypress: Syndi Pompa, (714) 816-6847
- Bakersfield: Dayne L. Frary, (661) 334-4601
- El Centro: Clifford E. Parli, (760) 353-9900

Sincerely,

Yuko Sakano, Ph.D.
Environmental Scientist

cc: Syndi Pompa, Associate Oil & Gas Engineer, DOGGR, District 1
Dayne L. Frary, Associate Oil and Gas Engineer, DOGGR, District 4
Clifford E. Parli, District Geothermal Engineer, DOGGR, Geothermal District 2
Tian-Ting Shih, Ph.D., Environmental Program Manager, DOGGR

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STATE OF CALIFORNIA EDMUND G. BROWN JR., *Governor*

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September 12, 2011

File Ref: SCH # 2011071092

Kristy Chew
California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: Notice of Preparation (NOP) for a draft Environmental Impact Report (EIR) for the Desert Renewable Energy Conservation Plan (DRECP)

Dear Ms. Chew:

The California State Lands Commission (CSLC) staff has reviewed the subject NOP for a draft EIR for the Desert Renewable Energy Conservation Plan (DRECP or Project), which is being prepared by the California Energy Commission (CEC), the U.S. Fish and Wildlife Service (USFWS), and the Bureau of Land Management (BLM). The CEC is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), and the USFWS and BLM are co-lead agencies under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.).

The CSLC has prepared these comments as a responsible and trustee agency because of its leasing jurisdiction over portions of the Project area located on state school lands as well as its trust responsibility for any and all projects that could directly or indirectly affect state owned "sovereign" land and/or school lands, and their resources or uses (pursuant to State CEQA Guidelines[1] §§ 15381, 15386, subd. (b)). The CSLC also supports environmentally responsible use of school lands for renewable energy projects (see the *Resolution By The California State Lands Commission Supporting The Environmentally Responsible Development Of School Lands Under The Commission's Jurisdiction For Renewable Energy Related Projects* [Resolution] adopted by the CSLC on October 16, 2008, at http://www.slc.ca.gov/Renewable_Energy/Documents/Resolution.pdf).

Background and CSLC Jurisdiction

In 1853, the United States Congress granted to California hundreds of thousands of acres of land for the specific purpose of supporting public schools. In 1984, the State

[1] The State CEQA Guidelines are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Legislature passed the School Land Bank Act (Act), which established the School Land Bank Fund (SLBF) and appointed the CSLC as its trustee (Pub. Resources Code § 8700 et seq.). The Act directed the CSLC to develop school lands into a permanent and productive resource base for revenue generating purposes. The CSLC manages approximately 469,000 acres of school lands held in fee ownership by the State and the reserved mineral interests on an additional 790,000± acres where the surfaces estates have been sold. Revenue from school lands is deposited in the State Treasury for the benefit of the Teachers' Retirement Fund (Pub. Resources Code § 6217.5).

On June 29, 2011, the CSLC entered into a Memorandum of Understanding with the Renewable Energy Action Team (REAT) agencies, which include the CEC, USFWS, BLM, and the California Department of Fish and Game (CDFG), for the purposes of forming a cooperative relationship to effectively plan for and promote renewable energy development in California in a way that advances the CSLC's renewable energy development initiatives and statutory directives applicable to school lands managed by the CSLC. The CSLC's direct participation will enhance the development and implementation of the DRECP, through acquisition and sharing of comprehensive environmental baseline data, environmental analyses, impact assessments, renewable energy development, and conservation and mitigation opportunities throughout the DRECP Planning Area. The CSLC's participation in the DRECP is in anticipation of the identification of renewable energy and transmission development opportunities on school lands under the CSLC's jurisdiction and is recognition of the CSLC's interest in being an Implementing Agency of the DRECP upon plan completion.

Project Description

As described in the NOP, the DRECP is intended to comprehensively address how participating entities with jurisdiction over renewable energy and transmission projects and related facilities in the Mojave and Colorado Desert regions of California will conserve natural communities and species pursuant to the California Natural Community Conservation Planning Act (NCCP Act) and the Federal Endangered Species Act (FESA), while also facilitating the timely permitting of renewable energy projects to help meet the State's goal of providing at least 33 percent of electricity generation through renewable energy by 2010 and the Federal government's goal of increasing renewable energy generation on public land. The DRECP is intended to serve as a NCCP under section 2800 et seq. of the California Fish and Game Code and a multi-species Habitat Conservation Plan (HCP) pursuant to section 10(a)(1)(B) of the FESA.

As proposed, approval of the DRECP and associated permits would provide renewable energy developers and entities undertaking DRECP conservation efforts with authorization for the incidental take of certain endangered, threatened and special-status plant and animal species for covered activities (as defined in the DRECP). Broadly defined, covered activities include: exploration, construction, operation, maintenance and decommissioning of public and private utility-scale renewable energy generation and transmission.

As proposed, the DRECP planning area includes potentially hundreds of thousands of acres of fee-owned State school lands. Project proponents under the plan would be required to obtain a lease for all or any portion of the school land parcels on which a project were proposed in order to construct and operate any project-related facilities on the parcel(s).

Environmental Review

CSLC staff offers the following suggestions on the scope of the draft EIR.

Project Description/Range of Activities

Because the DRECP is intended to be a comprehensive planning tool that provides a framework for siting, review, and approval of subsequent, individual projects, the draft EIR should strive to be as specific and comprehensive as possible in regard to the range of activities that are being considered in order to 1) facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives for all of the methods under consideration, and 2) minimize the need for subsequent environmental review. The Project Description should be as precise as possible in describing the details, for example, of the types of equipment or methods that may be used, maximum area of impact or disturbance, seasonal work windows, locations for material disposal, use of blasting, etc., as well as the details of the timing and length of activities. To the extent specific activities or methods are unknown at the program level, the draft EIR should clearly explain all that is feasible, and identify what activities or impacts can be analyzed and mitigated for in the draft EIR and which will require additional analysis or environmental review at the project level. A comprehensive analysis of the range of actions and their potential effect on the environment will also facilitate a more robust analysis of the potential cumulative impacts. 4-1PD

Effects to be Analyzed and Mitigation Measures

1. Significance Criteria: While the NOP recognizes the importance of identifying an accurate environmental baseline as the existing conditions against which the DRECP implementation and its associated physical changes will be measured, the NOP does not provide information related to how significance criteria will be established. As stated above, a necessary consideration for environmental documents prepared for plans rather than projects is that the documents provide the logical connection between the covered activities, the significance of effects caused by implementation of those activities, and how implementation of the conservation strategy will, in fact, avoid or reduce those impacts. While CEQA provides lead agencies broad discretion to define significance thresholds, because CEQA's "substantive mandate" applies to significant project-related impacts, a clearly defined threshold against which the impacts are gauged is necessary. 4-2IM

2. Mitigation Measures: While CSLC staff recognizes that the DRECP is intended to include as a primary component a comprehensive conservation strategy that 4-3IM

provides for the conservation of species and habitats at the landscape level, the draft EIR should attempt to repackage the measures described into a format in the draft EIR that makes clear the connection of any given measure to a specific impact, and should describe exactly how the measure will be monitored and enforced. Additionally, the draft EIR should identify feasible mitigation measures for impacts to resources that may not be included specifically in the biological conservation strategy. These mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines § 15126.4, subd. (b)). Although for CEQA purposes the mitigation measures identified in an EIR need not include all specific details when such specificity is "truly infeasible or impractical" at the time of preparation, the EIR does need to at least: 4-3IM Cont'd

(i) specify performance standards which would ensure the mitigation of the significant effect, and
(ii) disallow the occurrence of physical changes to the environment unless the performance standard is or will be satisfied. (See State CEQA Guidelines § 15126.4.)

3. Sensitive Species: The draft EIR should avoid the mistake of stating that because the DRECP contains a conservation strategy "built in" as part of the plan that no significant impacts to sensitive species would occur. Instead, the draft EIR should provide a thorough analysis of the potential impacts of the *underlying physical changes* to the environment on sensitive species and habitats contemplated by the DRECP, and identify feasible mitigation measures to lessen or avoid such effects. These feasible mitigation measures would reasonably include the identified conservation strategy measures, but may also include additional measures deemed feasible by the lead agency. In short, the draft EIR should serve as the vehicle by which the public is shown the deliberate connection between the covered activities' impacts and the measures proposed to offset those impacts. 4-4BR

4. Climate Change: A greenhouse gas (GHG) emissions analysis consistent with the California Global Warming Solutions Act (AB 32) and required by section 15064.4 of the State CEQA Guidelines should be included in the draft EIR. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and ultimate full implementation of the DRECP, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce or minimize them. The analysis should pay particular attention to the possibility of cumulative impacts of GHG emissions. It is likely that at the Plan, rather than project-specific level, quantitative emissions calculations may be speculative; however, a reasoned qualitative characterization that takes into account not only the direct construction related emissions but also the potential lost carbon sequestration potential of undeveloped desert habitat as compared to the potential emissions savings of renewable energy, is encouraged. 4-5CC

5. Cultural Resources: The draft EIR should mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the sovereign lands of California is vested in the State and under the jurisdiction of the CSLC. Mitigation measures should be developed to address any cultural resources that may be affected by the proposed Project and any unanticipated discoveries during the Project's construction activities. CSLC staff requests that the CEC consult with CSLC staff, should any cultural resources be discovered on sovereign lands during Project construction activities. The draft EIR should also include a summary of the provisions concerning Mitigation Measures Related to Impacts on Historical Resources contained in State CEQA Guideline section 15126.4(b)(1-3). This section specifies the appropriate type of mitigation for archaeological sites that are determined to be historical resources. If any historical resources on State lands under the jurisdiction of the CSLC will be affected by the proposed project, the CEC, as the state lead agency, must consult with the State Historic Preservation Officer as described in State CEQA Guidelines section 15064.5(b)(5). Generally, the state lead agency should request this consultation concurrently with the Section 106 review required of federal agencies under the National Historic Preservation Act to avoid duplication of effort. If human remains are discovered on State-owned lands, then the proper procedure is to follow the steps in the State CEQA Guidelines section 15064.5(e). The draft EIR should include a requirement that CSLC staff be notified within 24 hours of the discovery of Native American human remains on State-owned lands under its jurisdiction. 4-6CR

6. Geology and Mineral Resources: In carrying out its responsibilities related to management of school lands, the CSLC needs to balance alternative energy development not only with protection of biological resources but also use of mineral resources including geothermal and all other resources. The draft EIR should include a discussion of the possible impact of covered projects to mineral resources, including impacts to mineral exploration and development, such as geothermal, rare earths, aggregate, iron ore, precious metals, etc. 4-7G

7. Recreation and Public Access: It is likely that implementation of the DRECP will result in restricted or diminished use and enjoyment of desert lands that may presently be valuable for recreational purposes. The draft EIR should analyze the Project's short-term and long-term impacts on recreation resources, both during construction of individual projects and over the long term as built facilities and transmission may adversely affect the recreation experience. A significance threshold should be identified and the Plan should be compared to this threshold at full build out of facilities; any significant impacts should be associated with mitigation measures that either minimize or reduce the impacts, or otherwise compensate residents and visitors. 4-8OR

8. Environmental Justice: The draft EIR should include a discussion of environmental justice relative to the siting of renewable energy projects under the DRECP. The CSLC has developed and adopted an Environmental Justice Policy to ensure equity and fairness in its own processes and procedures. The CSLC adopted an amended Environmental Justice Policy on October 1, 2002, to ensure "Environmental Justice 4-9SE

Kristy Chew Page 6 September 12, 2011

is an essential consideration in the Commission's processes, decisions and programs and that all people who live in California have a meaningful way to participate in these activities." The policy stresses equitable treatment of all members of the public and commits to consider environmental justice in its processes, decision making, and regulatory affairs, and the policy is implemented, in part, through identification of, and communication with, relevant populations that could be adversely and disproportionately impacted by CSLC projects or programs, and by ensuring that a range of reasonable alternatives is identified that would minimize or eliminate environmental impacts affecting such populations

4-9SE Cont'd

Thank you for the opportunity to comment on the NOP for the Project. As a responsible agency, the CSLC will need to rely on the final EIR for the issuance of any lease or other discretionary action that may be required pursuant to the proposed DRECP, therefore, we request that you consider our comments prior to adoption of the final EIR.

Please send copies of future Project-related documents or refer questions concerning environmental review to Joan Walter, Environmental Scientist, at (916) 574-1310 or via e-mail at joan.walter@slc.ca.gov. For questions concerning CSLC school lands, please contact Jim Porter, Public Land Management Specialist, at (916) 574-1865, or via email at jim.porter@slc.ca.gov.

Sincerely,

Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
J. Porter, SLU, CSLC
J. Walter, DEPM, CSLC
G. Pelka, MRM, CSLC
V. Perez, MRM, CSLC
J. Lucchesi, Legal, CSLC

5

BOARD OF SUPERVISORS
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e-mail: pgunsolley@inyocounty.us

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DOCKET
09-RENEW EO-1
DATE AUG 16 2011
RECD. AUG 23 2011

August 16, 2011

California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512

Jim Bartel, Field Supervisor
Carlsbad Fish and Wildlife Office
U.S. Fish and Wildlife Service
6010 Hidden Valley Road, Suite 101
Carlsbad, CA 92011

Re: Notice of Intent and Notice of Preparation for Joint Environmental Impact Statement/ Environmental Impact Report for Desert Renewable Energy Conservation Plan Docket No. 09-RENEW EO-01

To Whom It May Concern,

On behalf of the Inyo County Board of Supervisors, thank you for the continued opportunity to participate in development of the Desert Renewable Energy Conservation Plan (DRECP). Inyo County has a long history of providing renewable energy generation for California and the nation, and we are proud that our County possesses the resources necessary for future renewable energy production. The Inyo County Board of Supervisors has consistently expressed its support of appropriate renewable energy development, and we hope that Inyo County will be able to participate in DRECP implementation.

Scope of the Environmental Impact Statement/Environmental Impact Report

We are encouraged that the Renewable Energy Action Team (REAT) agencies are engaging in a comprehensive process to streamline renewable energy permitting through the DRECP and the joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR). While we support proper mitigation of potential environmental impacts resulting from renewable energy development, we are discouraged that the DRECP process is considering eliminating more private property in Inyo County, despite the County's previous input. We remind the REAT agencies that more than 98 percent of the County is in public ownership, and 65 percent is designated Wilderness. With this land ownership pattern, every acre or private land that is converted to public ownership is significant and adverse to the people of Inyo County. With this in mind, we offer the following comments on the scope of the EIS/EIR.

Land Use and Planning – the EIS/EIR should address land use and planning issues between the DRECP and the County's planning policies and land use procedures.[1] As previously requested, alternatives to further taking private lands for biology-related mitigation in our County should be considered, including enhancing existing public lands and considering calculating past Wilderness designations for biology-related mitigation. The analysis should include past, present, and reasonably foreseeable future land use actions that have impacted the County's private land base. 5-1PLU

Infrastructure, Services, Housing – the EIS/EIR should evaluate potential impacts on public services, utilities, and housing. Potential impacts to public roads and the County's burden to repair and maintain those roads are of great 5-2PS

[1] Refer to http://inyoplanning.org/general_plan/index.htm regarding the County's General Plan.

California Energy Commission and
Jim Bartel, Field Supervisor, U.S. Fish and Wildlife Service
August 9, 2011
Page TWO

concern. In our County, many of the service providers in the remote areas where renewable energy may be developed may not have the capacity to adequately provide law enforcement and emergency services. The boom-and-bust cycle of resource-driven development may also lead to increased demand for housing, which then may be abandoned after construction due to the relatively low long-term employment opportunities from renewable energy facilities. 5-2PS Cont'd

Recreation – the potential impacts of renewable energy development to recreation should be evaluated. Renewable energy development and potentially biology-related mitigation has the potential to block access to recreation, and mitigation and alternatives to minimize these potential effects should be evaluated. In our County, these impacts should be considered in light of past and continuing efforts to reduce access for motorized recreation. 5-3OR

Socioeconomics – the fiduciary benefits of renewable energy development to local agencies should be compared to the costs of providing infrastructure and services for the development. The analysis should consider the boom-bust cycle of resource-driven development – especially renewable energy development that in most cases does not generate substantial long-term employment locally – as well as the opportunity costs of such development. While it is noble to encourage renewable energy development on private disturbed lands, these areas offer local agencies greater potential revenue generation in the long run through other development opportunities, and the socioeconomic effects of their development with renewable energy facilities and/or dedication to biology-related mitigation could be severe, especially in our County with its skewed land ownership pattern. 5-4SE

Coordination

Based on our preliminary review of the DRECP planning documents, it appears as if the Plan is inconsistent with the Inyo County General Plan, despite the County's previous input. We therefore request continuing and enhanced coordination with the BLM to address and resolve the inconsistencies between the DRECP and the Inyo County General Plan and approved policies. In accordance with 43 C.F.R. 1610.3-1(f), Inyo County hereby informs the BLM of the inconsistencies between Inyo County plans and policies and the DRECP. The County requests staff-to-staff meetings to address these inconsistencies and, ideally, to resolve them. 5-5PLU

Thank you for including Inyo County in this important planning process. Please contact the County's Administrative Officer, Kevin Carunchio, at (760) 878-0292 or by email at kcarunchio@inyocounty.us to schedule coordination or if you have any questions.

Sincerely,

Susan Cash

Susan Cash
Chairperson, Inyo County Board of Supervisors

cc: Kevin Carunchio, CAO
Randy Keller, County Counsel
Joshua Hart, Planning Director
DRECP Stakeholders
Governor Brown
Secretary Salazar, DOI
Bob Abbey, BLM
Dan Ashe, USFWS
Ren Lohefener, USFWS
Gerald Hillier, Quadstate
Regional Council of Rural Counties
California State Association of Counties
National Association of Counties

6

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

AUGUST 31, 2011 **Via Electronic & U.S. Mail**

Jim Bartel, Field Supervisor,
Carlsbad Fish and Wildlife
Office, U.S. Fish and Wildlife Service 6010
Hidden Valley Road, Suite 101
Carlsbad, CA 92011.

To Whom it May Concern:

Notice of Intent (NOI) and Notice of Public Meeting, Desert Renewable Energy Conservation Plan (DRECP), Habitat Conservation Plan (HCP) and Possible Land Use Plan Amendment, Southern California: Environmental Impact Statement/Environmental Impact Report

The Metropolitan Water District of Southern California (Metropolitan) has reviewed the Federal Register [Volume 76, Number 146 (Friday, July 29, 2011)] Notice of Intent to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) of 1969, as amended, for the proposed Desert Renewable Energy Conservation Plan (DRECP). The EIS will be a joint Environmental Impact Statement/ Environmental Impact Report (EIS/EIR), for which the United States Fish and Wildlife Service and the Bureau of Land Management (BLM) will serve as co-Lead agencies for the NEPA process and the California Energy Commission (CEC) will serve as the Lead Agency for the California Environmental Quality Act (CEQA) process. The DRECP will then be prepared to meet the requirements of the Federal Endangered Species Act of 1973, as amended, and the State of California's Endangered Species Act and Natural Communities Conservation Planning Act. The BLM, in compliance with the Federal Land Policy and Management Act, as amended, will consider this NEPA process and the resulting DRECP documents in its analysis toward possible amendment of BLM's California Desert Conservation Area (CDCA) Plan of 1980, as amended.

Background

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies serving more than 19 million people in six counties in Southern California. One of Metropolitan's major water supplies is the Colorado River via Metropolitan's Colorado River Aqueduct (CRA). Metropolitan holds an entitlement to water from the Colorado River. The CRA consists of tunnels, open canals and buried pipelines. CRA-related facilities also include above and below ground reservoirs and aquifers, access and patrol roads, communication facilities, and residential housing sites. The CRA, which can deliver up to 1.2 million acre-feet of water annually, extends 242 miles from the Colorado River, through the Mojave Desert and

Jim Bartel, Field Supervisor
Page 2
August 31, 2011

into Lake Mathews. Metropolitan has five pumping plants located along the CRA, which consume approximately 2,400 gigawatt-hours of energy when the CRA is operating at full capacity.

Concurrent with its construction of the CRA in the mid-1930s, Metropolitan constructed 305 miles of 230 kV transmission lines that run from the Mead Substation in Southern Nevada, head south, then branch east to Parker, California, and then west along Metropolitan's CRA. Metropolitan's CRA transmission line easements lie on federally-owned land, managed by BLM. The transmission lines were built for the sole and exclusive purpose of supplying power from the Hoover and Parker projects to the five pumping plants along the CRA.

Metropolitan's ownership and operation of the CRA and its 230 kV transmission system is vital to its mission to provide Metropolitan's 5,200 square mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Land Use Issues: Potential Impacts on Metropolitan Facilities

Metropolitan currently has a significant number of facilities, real estate interests, and fee-owned rights-of-way, easements, and other properties (Facilities) located on or near BLM-managed land in southern California that are part of our supplemental water distribution system. Metropolitan is concerned with potential direct or indirect impacts that may result from the construction and operation of any proposed renewable energy projects or Habitat Conservation Plans (HCPs) on or near our Facilities. In order to avoid potential impacts, Metropolitan requests that the EIS/EIR and staff assessment include an assessment of potential impacts to Metropolitan's Facilities with proposed measures to avoid or mitigate significant adverse effects. 6-1PLU

Metropolitan is also concerned that locating renewable energy projects or HCPs near or across its electrical transmission system could have an adverse impact on Metropolitan's electric transmission-related operations and Facilities. From a reliability and safety aspect, Metropolitan is concerned with development of any proposed projects and supporting transmission systems that would cross or come in close proximity with Metropolitan's transmission system. Metropolitan requests that the EIS/EIR and staff assessment analyze and assess any potential impacts to Metropolitan's transmission system. 6-2PLU

Water Resources: Potential Impacts on Local Water Supplies

Metropolitan is also concerned about the potential direct and cumulative impacts of renewable energy projects and HCPs on water supplies, specifically potential impacts on Colorado River and local groundwater supplies. Metropolitan holds an entitlement to imported water supplies from the Colorado River. Water from the Colorado River is allocated pursuant to federal law and is managed by the Department of Interior, Bureau of Reclamation (USBR). In order to lawfully use Colorado River water, a party must have an entitlement to do so. See Boulder 6-3W

Jim Bartel, Field Supervisor
Page 3
August 31, 2011

Canyon Project Act of 1928, 43 U.S.C. §§ 1501, et seq.; Arizona v. California, 547 U.S. 150 (2006).

Renewable energy projects in the Mojave Desert previously described in EIRs and EISs proposed to use groundwater during construction and long-term operations, using groundwater within an area that is hydrogeologically connected to the Colorado River, within an area referred to as the "accounting surface." The extent of accounting surface area for the Colorado River was determined by the U.S. Geological Survey (USGS) and USBR as part of an on-going rule-making process. See Notice of Proposed Rule Regulating the Use of the Lower Colorado River Without an Entitlement, 73 Fed. Reg. 40916 (July 16, 2008); USGS Scientific Investigative Report No. 2008-5113. To the extent the Project uses Colorado River water, it must have a documented right to do so. 6-4W

California is using its full entitlement of Colorado River water, meaning that all water is already contracted for and no new water entitlements are available in California. Project proponents would have to obtain any rights to entitlements from existing contract holders. Metropolitan is willing to discuss the transfer or exchange of a portion of its water entitlement subject to any required approvals and so long as the Proponents agree to provide a replacement supply. Proponents must fully address the impacts on Colorado River water resources and provide full mitigation for such impacts, including replacement of supply. 6-5W

Metropolitan requests that the EIS/EIR for the DRECP assess the potential cumulative impacts of the use of the scarce Colorado River and local groundwater supplies in light of other pending renewable energy projects within the Colorado River Basin and the local groundwater regions. Metropolitan requests that the final EIS address the Proponent's water supply rights and any potential direct, indirect, or cumulative impacts from this use. 6-6C

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future environmental and related documentation on this project. If we can be of further assistance, please contact Mr. Michael Melanson at (916) 650-2648.

Very truly yours,

Deirdre West
Manager, Environmental Planning Team

MM:rdl
(J:Environmental Planning-Compliance\COMPLETED JOBS\August 2011\Job No. 2011080301)

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7

COUNTY OF RIVERSIDE

Board of Supervisors

District 1	Bob Buster 951-955-1010
District 2	John F. Tavaglione 951-955-1020
District 3	Jeff Stone 951-955-1030
District 4	John J. Benoit 951-955-1040
District 5	Marion Ashley 951-955-1050

DOCKET
09-RENEW EO-01
DATE Sept 01 2011
RECD. Sept 12 2011

September 1, 2011

California Energy Commission
Dockets Office, MS-4
Docket No. 19-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512
RE: Docket Number 09-RENEW EO-01

Jim Bartel, Field Supervisor
Carlsbad Fish and Wildlife Office
U.S. Fish and Wildlife Service
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011

Re: Docket No. 09-RENEW EO-01
Notice of Intent and Notice of Preparation of a Joint Environmental Impact Statement/Environmental Impact Report for the Proposed Desert Renewable Energy Conservation Plan (DRECP)

To Whom It May Concern:

Riverside County has a long history of protecting natural communities and endangered species through the development and implementation of widely recognized, large habitat conservation plans. The County has been and will continue to actively participate in the DRECP process.

Riverside County provided written comment on the DRECP in the attached letter of February 8, 2011. As stated in the attached letter, while Riverside County supports renewable energy production and acknowledges the positive effect it will have generally, the County also recognizes that renewable energy production and the associated biological conservation required by the DRECP will result in local impacts and that Riverside County will bear a disproportionately heavy burden for renewable energy production because of its desirable location and vast resources.

County Administrative Center ∘ Fifth Floor ∘ 4080 Lemon Street ∘ Riverside, California 92501
Internet – Http://www.countyofriverside.us

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District 3	Jeff Stone 951-955-1030
District 4	John J. Benoit 951-955-1040
District 5	Marion Ashley 951-955-1050

Riverside County appreciates the opportunity to comment and will continue to provide input to the DRECP process through active stakeholder participation. Please feel free to contact Gail Barton, Principal Planner (gbarton@rctlma.org) if you require clarification or additional information.

Sincerely,

Bob Buster

Bob Buster, Supervisor
First District
Chairman of the Board

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Internet – Http://www.countyofriverside.us

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District 5	Marion Ashley 951-955-1050

February 8, 2011
Mr. Dave Harlow
Director, California Desert Renewable Energy Conservation Plan
1516 Ninth Street, MS-46
Sacramento, CA 95814

RE: RIVERSIDE COUNTY'S POSITION ON THE DESERT RENEWABLE ENERGY CONSERVATION PLAN (DRECP)

Dear Mr. Harlow:

Riverside County is a recognized leader in the protection of natural communities and endangered species. It developed both the Coachella Valley and Western Riverside Multi Species Habitat Conservation Plans (HCP) and has been implementing them for over ten years. These HCPs balance environmental protection and economic development objectives, while simplifying compliance with endangered species laws.

Consistent with this leadership role, the County has been actively participating in the DRECP process through our designated representative on the DRECP Stakeholder Committee. Although the County supports renewable energy production and acknowledges the positive effects it will have generally, the County also recognizes that conservation required by the DRECP will result in local impacts in the form of lost economic development potential (jobs, property tax revenue, etc.), lost recreation potential and lost historical resources (farmland, historic sites, etc.) Without appropriate ways to reduce these impacts, Riverside County will bear a disproportionately heavy burden for renewable energy production because it is uniquely suited for the location of such facilities. Before Riverside County can support the DRECP, the County needs to be assured that the following matters will be resolved:

- The DRECP will define the total number of renewable energy projects to be permitted in Riverside County through the Plan, the number that will be located on land within the County's jurisdiction, and the number that will be located on land outside the County's jurisdiction. 7-1PLU
- The DRECP will define the mitigation required for the renewable energy projects to be permitted wherever located. 7-2IM
- In considering mitigation, the DRECP will evaluate options other than land set-asides such as the payment of fees or the cost of making the local workforce employable in the renewable energy industry. 7-3IM
- The DRECP will encourage renewable energy production at or near the point of consumption. 7-4A

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Internet – Http://www.countyofriverside.us

COUNTY OF RIVERSIDE

Board of Supervisors

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District 3	Jeff Stone 951-955-1030
District 4	John J. Benoit 951-955-1040
District 5	Marion Ashley 951-955-1050

- The DRECP will acknowledge that permitted Habitat Conservation Plans will remain intact and that the DRECP will not mandate any additional requirements. 7-5PLU
- In spite of the area encompassed by the DRECP, it will, by design, work to preserve the unique values and character of Riverside County. 7-6PLU
- The DRECP will establish an integral role for Riverside County in the formal implementation process of the DRECP and will in no way impact local land use control. 7-7PLU
- The DRECP will memorialize guarantees to ensure that the burden of acquisition, management, and/or monitoring do not fall on the local jurisdiction(s). 7-8PLU
- The DRECP will ensure that lands conserved within Riverside County are managed by land managers selected and overseen by jurisdiction(s) or entities within the County. 7-9PLU
- Research done on and for projects within Riverside County will be conducted by local entities. 7-10PLU
- The DRECP will ensure that the conservation impacts of renewable energy production are appropriately reduced so that the County does not bear a disproportionate burden of such impacts. 7-11PLU

Riverside County intends to continue to contribute to the DRECP process and anticipates that the final product will meet the broad scale needs of local jurisdictions, facilitate the permitting of quality renewable energy projects, and provide for the protection of the environment. Please feel free to contact Gail Barton, Principal Planner (gbarton@rctlma.org) if you require clarification or additional information.

Sincerely,

Bob Buster

Bob Buster, Supervisor
First District
Chairman of the Board

County Administrative Center • Fifth Floor • 4080 Lemon Street • Riverside, California 92501
Internet – Http://www.countyofriverside.us

8

DOCKET
09-RENEW EO-1
DATE SEP 12 2011
RECD. SEP 12 2011

ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

September 12, 2011

California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512

Jim Bartel, Field Supervisor
Carlsbad Fish and Wildlife Service
6010 Hidden Valley Road, Suite 101
Carlsbad, CA 92101

Re: Comments for Scoping the EIS/EIR for the California Desert Renewable Energy Conservation Plan, 09-RENEW EO-01 Renewable Energy Executive Order

The County of San Diego Department of Planning and Land Use (County) has reviewed the Notice of Preparation (NOP) of an Environmental Impact Report (EIR), the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS), and other available information regarding the California Desert Renewable Energy Conservation Plan (DRECP) and appreciates this opportunity to provide comments. All of the land in the County's portion of the DRECP is unincorporated. The comments below include links to County guidelines and regulations that will be useful in preparing the environmental documents and analyzing the impacts of the proposed project in San Diego County. The County has the following comments:

1. A great deal of collaborative work between the County, U.S. Fish and Wildlife Service, California Department of Fish and Game, independent science advisors, and stakeholders has gone into preparation of a multiple species conservation plan for the eastern part of San Diego County (East County Plan). Approximately 71 animal species and 82 plant species are being evaluated for coverage by the plan; of these, 41 animal and 19 plant species are considered focal species for the plan. A preliminary draft map was released in 2008. Unfortunately, County budget constraints and staffing reductions have caused 8-1PLU

DRECP NOI/NOP Comments 2 September 12, 2011

progress of the East County Plan to slow. Information about the East County Plan, including the preliminary draft map and species being considered, is available at http://www.sdcounty.ca.gov/dplu/mscp/ec_biology.html. The EIS/EIR should evaluate the DRECP's consistency with the draft East County Plan map. 8-1PLU Cont'd

2. The County has developed Guidelines for Determining Significance and Report Format and Content Requirements for several topics. The guidelines are available at http://www.sdcounty.ca.gov/dplu/procguid.html and should be used in analyzing the impacts of the proposed DRECP in San Diego County. 8-2IM/FOR

3. The County Board of Supervisors approved an update to the General Plan in August 2011. The updated General Plan is available at http://www.sdcounty.ca.gov/dplu/generalplan.html and should be used for preparing the San Diego County portions of the EIS/EIR. 8-3PLU

The County of San Diego appreciates the opportunity to participate in the environmental review process for the DRECP. We look forward to receiving and reviewing the environmental documents for this project or providing additional assistance at your request. If you have any questions, please contact Devon Muto, Chief of the Advanced Planning Division, at 858-694-3016 or devon.muto@sdcounty.ca.gov.

Sincerely,

for

Eric Gibson, Director
Department of Planning and Land Use

9

August 10, 2011

To Whom it May Concern:

I am a representative of Southern California Working Snow Dogs. Our group has 907 members in Southern California. We promote dog mushing as a means to a healthier, happier, and more meaningful lifestyle for our beloved canine companions.

We regularly engage in the outdoor recreational activity of dog mushing. Dog mushing includes dog-powered sports such as a team of dogs pulling a wheeled cart, or one to three dogs pulling a driver on a scooter or bicycle. Our group organizes informal fun events such as weekend camping trips which include daytime and nighttime mushing excursions.

We enjoy dog mushing in a variety of locations, such as the western Antelope Valley including Fairview Bluff Trail, and the West Mojave including the Red Mountain and Randsburg area.

In order to access these locations we utilize the designated motorized off-highway route network within the DRECP planning area. Specifically, we travel these routes to access staging areas and camp sites, and for mechanized travel by the dogs and carts. 9-1OR

Our recreational activity, dog mushing, could be significantly and negatively impacted should the DRECP result in the closure of off-highway roads and trails, or other restrictions on recreational access and activities. The areas in which we enjoy dog mushing are unique in that they have cold weather for our sledding breeds, little snow to impede our wheeled carts, well groomed roads and trails, and remote settings to minimize conflicts and contact with high-impact motorized activities.

We urge the DRECP to obtain and consider data specific to our recreational activity so as to avoid or minimize any harmful consequences of the DRECP on our important recreational activity.

Nichole Royer
Event Coordinator, Southern California Working Snow Dogs
41257 50th St. W.
Quartz Hill, CA 93536

Red Mountain camping trip

Fairview Bluff, Lancaster

Fairview Bluff

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10

Jim Woods
President - Simi Valley Honda ~ Sea Doo ~ CanAm
President- California Off-Road Vehicle Association
Email: simihonda@sbcglobal.net

CORVA
CALIFORNIA OFF-ROAD VEHICLE ASSOCIATION
www.corva.org

California Energy Commission
Dockets Unit, MS-4
Re Docket No. 09-Renew EO-01
1516 Ninth Street
Sacramento, CA 95814-5512
docket@energy.state.ca.us

Re: DRECP Scoping Comments
Docket No.09-Renew EO-01

August 13, 2011

Sirs:
Please include the following commentary and suggestions regarding Motorized Off-Road Recreation and Back Country Camping into the Scoping Process for the DRECP.

- The DRECP has erroneously included the physical presence of human beings in nature as a "non-biological" activity. Thus it is denying me and the general public the biological entities of nature which we are, our place inside nature as nature has evolved us. This connection with nature cannot be written into your science based computer models. Off-road recreation, camping, fishing, hunting, and rock-hounding, etc. allow mankind to connect with nature. Therefore, I ask you to consider the value of these experiences that are listed as "recreational" in all your decisions. (Please see the attachment: "The Benefits of Physical Activities" by the National Recreation and Parks Association.) 10-1O

- Before any land is designated for renewable energy all focus and effort should be towards the use of metropolitan buildings *(IE: roof tops in urban areas and major cities)* so that no deserts need to be defaced. Installing these renewable energy structures in our deserts is destructive and will cause major damage to natural resources and natural beauty of our California deserts. Rather, we should focus on building solar plants and transmission lines inside the already developed cities. This would allow us to use areas already urbanized, allow for proper maintenance of solar installations and bring the power closer to the end-user. 10-2

- I also ask that you not remove any more off-road motorized areas we currently have as the public has already lost thousands of miles of OHV access to trails and primitive camping in the last twenty years due to Wilderness Designations. Further closures and overcrowding of our remaining OHV access in the California deserts will damage humans, habitats and natural resources alike!.. 10-3O

Thank You for allowing me to comment on this very important process.

Jim Woods
President – CORVA
Owner/President – Simi Valley Honda
4346 E. Los Angeles Ave.
Simi Valley, CA 93063

Executive Summary

RESEARCH SERIES | 2010

The Benefits of Physical Activity: The Scientific Evidence

GEOFFREY GODBEY

ANDREW MOWEN

National Recreation and Park Association

Executive Summary

In an era in which health costs have become the biggest single expenditure in U.S. society, the central importance of physical activity in preventing and improving a wide variety of health problems is now well understood. As this has happened, public park and recreation services' central role in promoting and providing physical activity has been increasingly documented by scientific research. Public park and recreation services are becoming part of the healthcare system of the United States and are now recognized as such. This paper explains the scientific basis for this change.

To an amazing extent, the role of parks and recreation in providing physical activity health benefits was ignored by the health community until recently, but that has changed. The state of knowledge is now such that park and recreation services must be planned and funded based on the known physical activity health benefits they provide. Close-to-home park and recreation resources result in more physical activity and better health for citizens. The evidence is also clear that the public supports additional spending for park and recreation services and that such additional spending results in higher levels of physical activity health benefits.

Park and recreation services provide opportunities for physical activity during leisure, and recent research shows that leisure, not paid work or housework, is now the part of life where the most physical activity occurs. People move their bodies either because they have to or because they want to. The necessity of moving one's body in daily life has declined dramatically, helping produce an epidemic of obesity.

While many people experiment with forms of physical activity that are good for them but not pleasurable, they tend to stay with activities that they enjoy, often for decades. Such activities include walking, hiking, jogging, running, bicycling, individual and team sports, unstructured and playground play, dancing, water-based recreational activity, bird and other animal watching, wildlife photography, and hunting and fishing. All these activities are commonly provided by park and recreation services at little or no direct cost to users. While paid fitness clubs and prescription exercise are valuable, individuals are generally actively involved for only a short time, often only three to six months.

Government park and recreation services provide close-to-home, no or low-cost, readily available areas, facilities, programs, and instruction, which provide pleasurable physical activity opportunities. These services are used by the vast majority of the public and would be used to an even greater extent if additional investments were made in them. There is evidence that small additional investments would provide substantially more health benefits. A tiny bit of extra spending, even $10 a year per capita, has been shown to provide significantly increased amounts of physical activity. When such an amount is compared to the average cost of a personal trainer for one hour, $60 to $70 (Arria, 2010), or the more than $8,000 per year spent on healthcare per person in the United States, the health contribution of parks and recreation is a rather amazing bargain.

A variety of organizations interested in health, as diverse as the Centers for Disease Control and Prevention, public health departments, the Robert Wood Johnson Foundation, the RAND Corporation, and The Trust for Public Land now recognize parks and recreation as a health service and part of the healthcare system. This has led to the widespread use of health-related partnerships between parks and recreation and a variety of organizations concerned with various aspects of health.

In an era of economic downturn, surveys show that people are more dependent on public park and recreation services for physical activity. A study in 2009 suggests the economic downturn has spurred a sharp increase in public park and playground use among families with kids, especially those with children

younger than 6. Among minority groups, park and recreation services have been identified as the most important outlet for physical activity, in spite of inequities of supply and access.

In the fight to make communities more physically active, then, park and recreation services have a critical role to play. There are currently more than 9,000 local park and recreation departments and organizations that:

- manage more than 108,000 public park facilities and 65,000 indoor facilities
- have access to populations most at risk of being physically inactive
- have a wide range of programs led by skilled program leaders
- have a willingness to partner

The following evidence provides an answer to the question "Who ya gonna call?" to increase physical activity and reduce healthcare costs for the American public.

Physical Activity Benefits Provided by Park and Recreation Services

The vast majority of the public uses park and recreation services, and research suggests an even higher proportion would use them if they were more adequately funded. A growing body of research demonstrates that the cumulative amount of physical activity (exercise) obtained from park and recreation agencies is huge and provides a wide variety of health benefits. At the municipal level, an early national survey found that about four out of five Americans used local government park and recreation services. A recent five-city study of middle-age and older users of local parks found that 85% had visited a local park in the last 12 months. Almost four out of 10 used these services once a week or more, indicating that park and recreation use was part of their lifestyle.

At the federal level, the following percentages of the public participated in outdoor recreation at the following settings for at least once per year: Bureau of Land Management, 9%; Army Corps of Engineers, 14%; U.S. Fish and Wildlife Service, 22%; USDA Forest Service, 28%; and National Park Service, 32%. In terms of state parks, the National Association of State Park Directors reports that state parks received 735 million visitors in 2001, and 67.5 million of these visitors stayed overnight.

People Are Very Often Physically Active When Using Park and Recreation Services

People commonly use park and recreation services in ways that involve physical activity and contribute to their mental and physical health. Several park surveys show that users are physically active during their park visits. Such findings hold true for people of different ages. A study of adult park users in Cleveland, Ohio, for example, found that more than 69% reported moderate or high levels of physical activity. An average visit lasted about two hours, and users spent about half their time walking.

In many of these studies, ethnic minorities constituted an important user group for physical activity. One study, for example, concluded that public parks are critical resources for physical activity in minority communities. However, availability and access to physical activity resources often differ by neighborhood according to the socioeconomic status (SES) of residents. Individuals from lower SES neighborhoods may have limited ability to control their physical activity in the face of inaccessible environments.

The Public Identifies Physical Activity Benefits From Park and Recreation Participation

Research shows the public does not have to be convinced of the physical activity and health benefits provided by park and recreation services, and their belief seems correct. In addition to park use recreation programs, recreation center usage, and other nonpark opportunities provided by park and recreation departments also involve considerable physical activity. Recreation programs and recreation centers add to the physical activity benefits of parks. A large study of middle and high school students, for

instance, concluded that more people used specific recreation areas when they were provided with organized activities, suggesting that increasing the availability of structured, supervised activities will also likely increase park use.

Investing in Park and Recreation Services Increases Physical Activity Benefits

There is a strong relationship between how much money is spent to provide such services and the amount of physical activity health benefits people receive. You get what you pay for. This is true since, on average, more spending means more recreation areas and facilities (as well as proper maintenance for those places), more recreation programs that involve physical activity, more close-to-home opportunities, more provisions for people with disabilities, and higher quality.

The relationship between investment in parks and recreation and the amount of exercise by boys and girls was very clearly identified in a nationwide study using data on high school students from the Youth Risk Behavior Surveillance System. It showed that an extra $10 spent per capita on parks and recreation was associated with one-third of a day more per week of vigorous exercise by girls. State spending on parks and recreation was also associated with more days of strength-building exercise for both sexes.

This study, like several others, directly implies that a small increase per person in spending for parks and recreation may have significant positive effects on amount of physical activity and in health costs savings and human happiness. While the public is still not highly aware of the direct savings in health costs resulting from park and recreation services, about one-third of the public thinks too little is spent on parks and recreation, while only about 6% think too much is being spent.

Since amount of physical activity has been shown to be an important variable in determining the health of individuals, and since the amount of physical activity Americans participate in is considerably less than recommended for good health, spending for parks and recreation may be an extremely cost-effective way to improve health and lower health expenditures by providing diverse opportunities for physical exercise. To put the $10 figure cited above in perspective, healthcare costs per person in the United States topped $8,000 in 2009, with almost none of the money going to prevention. The U.S. Department of Health and Human Services projects that those costs will reach $13,000 in 2018.

In spite of the cost savings on health from increasing physical exercise through parks and recreation, the amount of parkland per resident in the United States has actually declined due to rapid increases in population. Compounding this problem is that the projected shortfall in funding for public parks and recreation is estimated to be a massive $48.17 billion over the next five years. Park and recreation spending may be an easy target for budget hawks, but in reality state spending on parks represents an extremely small part of overall expenditures—0.231% on average across the nation. California's percentage was the highest in the country but was still less than 1% of the state's overall state budget (0.979%). Park and recreation investment needs to be greater at the national, state, and local level.

The Supply of Park and Recreation Resources Is Directly Related to Amount of Physical Activity by People of All Ages

The number of parks and playgrounds in a community and the physical area devoted to them are positively related to physical activity levels. Counties with more facilities and more acreage devoted to recreation have a lower proportion of the population reporting insufficient physical activity. Studies of the impact of parks and recreation on the physical activity of young children show that a 1% increase in park and recreation areas is associated with a 1.2% to 1.4% increase in physical activity. Nonwhite children, however, often do not have access to parks and schoolyards in their communities, and they have less access to cars or a decent transit system to reach neighborhoods where the parks are.

Having Park and Recreation Services Close to Home Increases Use and Physical Activity Benefits

How close a person lives to a park or recreation opportunity (proximity) has a dramatic impact on whether or not he participates and how frequently he participates. Closer is better and more is better. Whether it is a park, recreation center, recreation program, playground, or other recreation amenity, distance from one's home is an important factor in whether or not a person will use it and how often. Various studies show that people who live more than one mile away are less likely to participate than those living one mile away or less. Those a half-mile away are more likely to participate than those further away; and those who are within walking distance are more likely to participate than those who are not.

In summary, the scientific evidence points to the importance of park and recreation services in contributing to leisure-time physical activity behaviors and benefits across a number of contexts. However, the capacity and potential of park and recreation services in creating a more physically active America is not fully realized. A number of strategies should be considered and supported in order to maximize the physical activity benefits of these services. What follows is an overview of potential action steps and examples, which incorporate a variety of environmental, promotional, programmatic, people, partnership, policy, and evaluation strategies.

Increasing Physical Activity Benefits Through Park and Recreation Services

The level of physical activity health benefits provided by park and recreation services is currently both substantial and a huge bargain financially. These benefits, however, could be even greater for the majority of the population at comparatively low cost. Current evidence suggests a number of strategies for increasing their impact.

Get Park and Recreation Services Even Closer to the People and More Accessible

Of all the scientific evidence linking parks to physical activity, the strongest evidence is the relationship between close access (proximity) to parks and physical activity. Ensuring adequate park access and proximity for all Americans should be a top priority. First, there is a need to create new park and recreation facilities in close proximity to where Americans currently live, learn, work, and worship. In some cases, particularly in fast-growing regions of the nation, there is a need to build new park and recreation facilities or new connections to these places.

Next, there is a need to enhance travel connections to new and existing park and recreation facilities. Improving access to known park opportunities could focus on better transit connections in two ways: by creating connector routes (dedicated paths, sidewalks, trails) to parks from residential areas, schools, workplaces, and shopping areas, and by changing policies to allow existing parks and playgrounds to be used by a wider cross section of the population.

Design and Renovate Parks to Increase Physical Activity Across the Life Span

There is a need to ensure that park and recreation facilities can pull in visitors by providing an array of interesting and active recreation opportunities. Existing evidence has demonstrated that the presence of active park features and supports is linked with higher use levels and moderate-to-vigorous physical activity.

Promote Parks and Recreation Services as an Essential Component of the Healthcare System

How park and recreation services are positioned or perceived is ultimately determined by stakeholders in relation to other services. Particularly within municipal and urban contexts, park and recreation agencies

should consider health and active living as the central positioning platform for changing or reinforcing the perceptions of participants, legislative bodies, partners, and staff.

Lack of awareness of local park and recreation opportunities is a reason that people often report for not utilizing these services. To change this, support from prestigious and well-funded business and media partners is needed to convey a unified health and active-living message stating that local park and recreation services are ideal places to be physically active across the life span.

Create More Recreation Programs That Provide Physical Activity

Organized recreation programs are a recommended strategy to increase the nation's physical activity. Eight out of 10 NRPA member agencies offer fitness, sport, and family-youth programs for their constituents at low cost. To expand capacity, park and recreation programming should target a wider cross section of the public and offer a wider menu of programs.

Park and recreation agencies must partner with and promote recreation programs to entire organizations. Traditionally, however, they have promoted their services to individual households, with mixed results. A number of studies show that some segments of the population are unaware or have a minimal knowledge of such services. Lack of awareness is greater among lower-income households, which might benefit the most from increased physical activity.

Make Sure Park and Recreation Providers and Participants Focus on Physical Activity and Health Outcomes

Park and recreation professionals and volunteers could benefit from enhanced training concerning how to maximize physical activity benefits. In many cases, providing physical activity benefits has not been a priority of service providers. This means incorporating physical activity education and training within existing continuing education, park and recreation university curricula, and in school-based physical education programs. Providers from outside the park and recreation field must also be a target of training.

Finally, there is a need to design park and recreation programs and spaces to encourage or provide social support for active recreation behaviors. Social support groups can help others set individual goals, can provide positive encouragement and enforcement, and can help participants sustain their physically active behaviors within park and recreation services and settings.

Enhance Partnership Strategies to Connect With Health-Related Organizations

Stand-alone professionalism is dead. Park and recreation personnel are increasingly engaging in collaborative partnerships, seeking new partners that will assist in communicating, delivering, and evaluating park and recreation services to provide physical activity. Research shows that programming (special events, health fairs and screenings, active programs) is the predominant partnership strategy used to promote physical activity. Future health partnerships must also focus on creating more active park features, on creating activity-friendly policies, and on identifying funding sources for these efforts.

Develop New Policy and Funding Alternatives to Expand the Physical Activity Impact of Parks and Recreation

It is necessary to expand the role of park and recreation policy in shaping physical activity. Policies must be established for ensuring that there are park and recreation facilities within a certain distance of population centers and establishing hours of operation that ensure use across a broad spectrum of the population. Also needed are program policies that incorporate recommended levels or bouts of physical activity provided through park and recreation services. Additional policy areas should include pedestrian and bicycle networks, funding policies to support the capacity of park and recreation agencies in fulfilling

their physical activity goals, promotional and communication policies, health partnerships, evaluation, and training.

Evaluate Park and Recreation Services' Contributions to Physical Activity

While a growing number of studies are documenting the role of park and recreation services in promoting physical activity, there is a need to further substantiate and extend the evidence base at local, state, and national levels using more advanced monitoring tools and systems.

In summary, public park and recreation agencies have been shown, through an emerging body of scientific research, to play an important role in providing for physical activity for a broad cross section of the American public. The potential exists for parks and recreation to play an even larger role in increasing the physical activity of the American public, and at modest cost.

The Benefits of Physical Activity: The Scientific Evidence

Dr. Geoffrey Godbey is the President of Next Consulting, a company concerned with re-positioning leisure and tourism services for the near future as well as Professor Emeritus in the Department of Recreation, Park and Tourism Management at Penn State University. The author of ten books and over 100 articles concerning leisure, work, time use, aging, recreation and parks, tourism, health and the future, he is the past President of the Academy of Leisure Sciences.

Previously a faculty member at the University of Waterloo in Ontario, Canada, Godbey has undertaken research for the American Association of Retired Persons, the US Forest Service, the National Recreation Foundation and the Robert Wood Johnson Foundation. He has been a consultant to the National Science Foundation, State Government of Sao Paulo, Brazil, U.S Department of the Interior, as well as many advertising agencies and public and private recreation, park and tourism organizations. Godbey has testified before committees of the United States Senate and the President's Commission on Americans Outdoors. A frequent public speaker to diverse groups, he has given invited presentations in twenty-four countries.

He also advised and was the spokesperson for Hampton Inn's Year of 1,000 Weekends campaign as well as serving on Hilton Hotel's Leisure Time Advocacy Board. From 2002–2004, Godbey helped develop the LifeTrail, a series of stretching and strengthening stations for older adults, for Playworld Systems, Inc Currently he an advisor on the future of leisure for The Next Thousand Years Project, sponsored by the Foundation for the Future.

Recently, he has conducted research on the impact of ethnic change on outdoor recreation, relations between health and use of leisure, and the impact of changing demographics on the tourism function of the National Park Service.

A book he co-authored with Dr. John Robinson entitled *Time for Life—The Surprising Ways Americans Use Their Time* was published in June 1997 by Penn State Press with an updated edition published in 1999. Godbey is completed a five city study of the relationships between use of leisure and health among older adults. He is also currently at work on a book about the impact of time on consumer purchasing behavior with Paul Nunes and Jim Wilson. Several of his books have been translated into Chinese, Korean, and Spanish.

Godbey has written for or been extensively quoted by a wide variety of academic journals and popular periodicals including *American Demographics, Prevention, Modern Maturity, Issues in Science and Technology, Public Opinion, American Journal of Preventive Medicine, Social Research, The Futurist, Journal of Leisure Research, Leisure Sciences, Annals of Tourism Research, Journal of Travel Research, Leisure Studies, The World and I, American Enterprise, Hospitality Research Journal, Parks and Recreation, World Tennis*, and many others. His poetry has appeared in numerous outlets including *The Nation*.

Interviews and summaries of Godbey's writings have appeared in a number of mass media outlets including *US News* and *World Report, Newsweek, Time, Reader's Digest, The Economist*, The Today Show, Good Morning America, CBS Morning Show, *New York Times, Glamour, Psychology Today, Wall Street Journal, USA Today, Washington Post, Modern Maturity, The Chronicle of Higher Education, Cosmopolitan, Redbook, The Utne Reader*, NBC Evening News with Tom Brokaw, CNN News, The ABC Evening News with Peter Jennings and many others

The Benefits of Physical Activity: The Scientific Evidence

Andrew J. Mowen, Ph.D.

Dr. Andrew Mowen is an Associate Professor in the Department of Recreation, Park and Tourism Management at The Pennsylvania State University. He has evaluated recreation, park and tourism policies and practices for over fifteen years. Dr. Mowen received his Ph.D. in Leisure Studies from Penn State. His doctoral dissertation examined citizen response to corporate partnerships at municipal park and recreation agencies. An article based on this research earned him the *2004 Journal of Park and Recreation Administration Best Paper Award* as judged by the American Academy of Park and Recreation Administrators.

Upon completion of his terminal degree, Dr. Mowen worked as the Research Manager for Cleveland Metroparks, a three-time National Gold Medal Award® winning agency. There, he conducted over twenty studies which evaluated the impact of park programs and policies on the leisure preferences and behaviors of Cleveland area residents. In 2001, he received a grant from the Cleveland Foundation to assess community changes as they related to park use, barriers to use, and citizen attitudes concerning park design. Dr. Mowen also helped to develop a trail and visitor monitoring system for Cleveland Metroparks, which provided recreation and trail counts covering the Park District's entire 20,000 acres and 100+ entrances. This system earned him the *1999 Vision Award of Excellence for Management Processes* and was highlighted at national and international recreation use monitoring conferences.

Since his appointment at Penn State in 2002, Dr. Mowen has focused on understanding the linkages between park settings, physical activity, and health. For example, He conducted a pilot recreation and health campaign evaluation for the Pennsylvania Advocates for Nutrition and Activity. This assessment examined the role of park use and neighborhood walkability upon physical activity and health of key citizen groups. Dr. Mowen also conducted a National Recreation and Park Association (NRPA) study that examined nationwide health partnership practices within the park and recreation profession and served as a Co-Principal Investigator to the 2009-2013 Pennsylvania Outdoor Recreation Plan. Dr. Mowen currently conducts research that links park capacity (e.g., miles of trails, park acreage, park expenditures) with key population health indicators such as physical activity and obesity and is spearheading a research project to evaluate the impact of major park renovations on physical activity and health in Allentown, Pennsylvania. In addition to these health policy studies, Dr. Mowen co-authored a park, recreation, fitness, and sport white paper for the *United States National Physical Activity Plan*, a research synthesis on *Parks, Playgrounds and Active Living* for Active Living Research, and a monograph for NRPA on *The Benefits of Physical Activity Provided by Park and Recreation Services*.

Dr. Mowen has advised a wide variety of public and non-profit agencies including the Pennsylvania Department of Conservation and Natural Resources, Fairfax County Park Authority, the National Park Service, LSU School of Public Health, USDA Forest Service, Rails-To-Trails Conservancy, the Trust for Public Land, Active Living Research, Playworld Systems, Inc., and the Roanoke Rivers Partnership. His research and viewpoints are published in the *Journal of Park and Recreation Administration, Leisure Sciences, Journal of Leisure Research, Parks & Recreation, Journal of Physical Activity and Health, American Journal of Preventive Medicine, the President's Council on Physical Fitness and Sports Research Digest, Preventive Medicine* and the *Journal of Non-profit and Public Sector Marketing*. Andrew currently serves as an Associate Editor for the *Journal of Park and Recreation Administration*, and is a member of the *NRPA Research Advisory Committee* and the *Pennsylvania Parks and Forests Foundation*.

11

DOCKET
9-RENEW EO-1
DATE AUG 13 2011
RECD. AUG 16 2011

Page 1 of 4

TO:
California Energy Commission
Dockets Unit, MS-4
Re Docket No. 09-Renew EO-01
1516 Ninth Street
Sacramento, CA 95814-5512
docket@energy.state.ca.us
Re: DRECP Scoping Comments
Docket No.09-Renew EO-01

From:
David Beaumont
Alternate DRECP Stakeholder representing the California Off Road Vehicle Association (CORVA). Founder of Mojave Trails Group. Life Member of Blue Ribbon Coalition.
Email: savecaliforniasdeserts@gmail.com
Date: August 13th., 2011

Please include the following commentary and suggestions regarding Back Country Camping, into the Scoping Process for the DRECP.

Sincerely,

David Beaumont

First off, let me explain that my primary function and activity in being in the outdoors is that which I label as a "Connection With Nature". I cannot exactly explain this connection, nor can I offer up the results of scientific study by others, but I can guarantee you, it exists inside my being. It is some biological and Spiritual aspect of myself which occurs when I come into contact with the remote regions of nature, it is some process which promotes my health and well being on physical, emotional, and Spiritual levels. It is truly some yet to be identified aspect of the human interconnection with nature.
The DRECP has erroneously included the physical presence of human beings in nature as a "non biological" activity. Thus it is denying me, and those I associate with, as the biological entities of nature which we are, our place inside nature as nature has evolved us. This connection with nature of which I speak and feel, cannot be written into your science based computer models, it is not some quantifiable aspect of the "Self" to be reduced to numbers and data, it is that inner most level of the Self, that which can only be identified and analyzed from a human point of reference and perspective. It is something which I experience simply by being in the presence of more remote areas of nature, it is 11-1O

Page 2 of 4, CORVA/David Beaumont DRECP Scoping Comments.

that which compels me to visit, explore, and spend time in, Back Country Areas.
That we engage in these "recreational" activities is purely incidental in the underlying process, and human need, which is ultimately establishing and maintaining, our personal Connection With Nature. These activities, which I will list below, are essential tools and opportunities, enabling us as human beings to facilitate that process of connecting to nature. It is from this perspective, of affording tools and opportunities to connect with nature, which I ask you to consider the value of these items which are being listed here as "recreational". 11-1O R

As part of the process to develop this submission I will be responding to a few questions as provided by Randy Banis, CORVA Stakeholder and organizer of this effort.

Q1. In what recreational activities do you or your organization engage on public lands in the desert?
Answers:
1a. Motor dependant backcountry camping in small dispersed groups, typically in very primitive campsites.
1b. Hiking on established trails, or cross country in a random manner just to see what might be on the other side of some hill or up some wash. For myself, due to a permanent foot injury, round trip distances of a mile or so. Trail heads are those which are remote enough that they have to be reached by motorized vehicles.
1c. Stargazing and astronomy.
1d. Just relaxing with friends, or in solitude, while escaping the city and soaking up nature.

Q2. Where in the desert do you recreate, in general or specifically? 11-2O
Answers:
2a. Outlying areas of Death Valley National Park, Red Rock Canyon State Park, along power line roads where side roads exist which are long enough to get away from the immediate noise and sight of the power lines, Soda Mountains, Avawatz Mountains.

Q3. How would you or your organization be affected if additional roads were closed and access to public lands further restricted or eliminated?
Answers:
3a. Further alienation from nature and from that aspect of our society which mandates that the full range of humanity does not belong in contact with nature. Expanded closures support an exclusionary concept which essentially states that only those who are young, or in above average physical condition, or financially able to afford horses and the vehicles required to transport them, are entitled to visit remote locations.
3b. Detrimental effects to physical, emotional, and Spiritual, health by way of denied opportunity to experience nature and get physical exercise.

Page 3 of 4, CORVA/David Beaumont DRECP Scoping Comments.

3c. This would continue the process of over crowding the ever shrinking list of places left available for people who rely on motorized vehicles as a means of access to our public lands. Not only does this reduce the personal experience of such activities, but it also concentrates the potential environmental damage. Forcing many people into smaller and smaller areas creates a scenario which is contrary to the conservation aspects of the DRECP in that these areas would be less able to adapt to, and recover from, the effects of concentrated use.

As a suggested solution:

Rather than creating a situation as described above with concentrated use, the conservation aspect of the DRECP should be expanding opportunity in a manner which affords less concentrated impact, a wider range of experience of public lands, and the rotation of areas in and out of public access on a yearly basis to allow areas to recover for a years time before being put back into public use for another year. The concept would be to manage the lands and their amenities and conservation values, rather than just close them permanently. If the access routes and areas for motor dependant recreation activities were expanded appropriately, then rotated in and out of use in a reasonable manner, the overall status of managing areas for increased conservation could be achieved while maintaining a situation where public access is not limited to the point of concentrating potential environmental damage, as well as maintaining a wide diversity of human contact with nature. 11-30

Such a concept would include expanding opportunity by including routes in non critical habitat areas, which had been previously closed, back into the designated route system. This could include routes which were previously closed due to efforts to minimize the number of routes which traveled to the same locations. Then, on an alternating annual basis, one set of routes would be opened, while an equal amount would be closed. In the case of routes which had been closed because they were duplicates which traveled to the same destination, access would switch from one to the other on an annual basis.

To make this an acceptable concept to the motor dependant community, it would have to result in a “no net loss” situation for the number of miles we are able to travel. For example, if the route network opportunity was expanded by 30% through reopening previously closed roads, then only 30% of the entire route system in the DRECP Plan Area could be closed at any one time.

Suggestions To Better Inform The General Public of The Effects of the DRECP Process on Public Access Inside The DRECP Plan Area.

The Preferred Alternative, in both draft and final form, as developed by this Scoping process, must include detailed maps which clearly indicate, closures, restrictions, or elevations of conservation status, of all affected areas of any type or purpose, and routes of travel of any type or purpose, inside the DRECP Plan Area due to the application of the conservation aspect of the DRECP. This request also includes a full disclosure of known, and planned mitigation areas, which have been, or believed will be, established as a result 11-4

Page 4 of 4, CORVA/David Beaumont DRECP Scoping Comments.

of mitigation requirements of the DRECP, or any applicable law, or government agency policy, which requires establishing mitigation lands as a result of renewable energy projects inside the DRECP Plan Area since November of 2008. 11-4A Cont'

END

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California Energy Commission | California Department of Fish and Game | U.S. Bureau of Land Management | U.S. Fish and Wildlife Service

Public Scoping Meeting for the Desert Renewable Energy Conservation Plan EIR/EIS

August 16, 2011, 7:00 p.m. – 9:00 p.m.

SCOPING COMMENTS (Please print clearly and legibly)

Please hand in during the meeting or mail (address on back) or email by ***September 12, 2011****. Those submitting comments electronically should provide them by email in either Microsoft Word format or as a Portable Document Format (PDF) to docket@energy.state.ca.us. Please include your name or organization's name in the file name. We also request that you send* ***one paper copy of your email*** *to the Energy Commission's Docket Unit at the address listed on the back of this form.*

Name: Bill Maddux

Organization (If any): Gear Grinders 4WD club

Address (optional): 2029 So Downs

City, State, Zip: Ridgecrest Ca 93555

E-mail: resdtwap@verizon.net

This comment form is being furnished to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives that will be addressed in the joint EIR/EIS. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

Comments

This plan talks about 22.5 Mil acres. Yet only 10 Mil acres is under the control of the BLM. The plan should only address land that the government has control of. AT The present time the gov has too much control of the public. 12-1PD

Motorized recreation is going to take another big hit. For every mile of ~~road~~ road closed by this plan, a mile of road should be established. Zero net loss of access by the public. 12-2OR

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California Energy Commission | California Department of Fish and Game | U.S. Bureau of Land Management | U.S. Fish and Wildlife Service

Public Scoping Meeting for the Desert Renewable Energy Conservation Plan EIR/EIS

August 24, 2011

SCOPING COMMENTS (Please print clearly and legibly)

Please hand in during the meeting or mail (address on back) or email by ***September 12, 2011****. Those submitting comments electronically should provide them by email in either Microsoft Word format or as a Portable Document Format (PDF) to docket@energy.state.ca.us. Please include your name or organization's name in the file name.*

Name: Julia Souder

Organization (if any): Clean Line Energy Partners

Address (optional):

City, State, Zip: SF CA

E-mail: jsouder@cleanlineenergy.com

This comment form is being furnished to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives that will be addressed in the joint EIR/EIS. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

Comments (Please print clearly and legibly)

thank you so very much for all of the information you shared with me regarding the timeline, species, land use designations and land jurisdictions regarding the DRECP.

I really appreciate all of our dialogue and look forward to more opportunities to work together.

We are very glad to see the inclusion of transmission lines as part of the discussion plan. They are critical components to moving renewable energy to demand centers. 13-1PD

thank you all very much! my time was really well spent with all of you!!!

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California Association of 4 Wheel Drive Clubs
8120 36th Avenue
Sacramento, CA 95824
www.cal4wheel.com

September 6, 2011

Jim Bartel, Field Supervisor
Carlsbad Fish and Wildlife Office
U.S. Fish and Wildlife Service
6010 Hidden Valley Road, Suite 101
Carlsbad, CA 92011

Subject: Docket No. 09-RENEW EO-01/Scoping - Scoping on the Proposed Desert Renewable Energy Conservation Plan EIR/EIS

DRECP Project Coordinator:

These comments are submitted on behalf of the California Association of 4 Wheel Drive Clubs (CA4WDC) and its membership. CA4WDC represents clubs and individuals within the State of California that are part of the community of four-wheel drive enthusiasts. These comments are directed to the *Docket No. 09-RENEW EO-01/Scoping - Scoping on the Proposed Desert Renewable Energy Conservation Plan EIR/EIS*. This document shall not supplant the rights of other CA4WDC agents and organizational or individual members from submitting their own comments and the agency should consider and appropriately respond to all comments received to this EIR/EIS.

While the main focus of CA4WDC is to protect, promote, and provide for motorized recreation opportunities on public and private lands, many of our members participate in multiple forms of recreation; including but not limited to hunting, fishing, camping, hiking, horseback riding, bicycle riding, and gem and mineral collection.

We recognize the positive health and social benefits that can be achieved through outdoor activities. We also recognize that motorized recreation provides the small business owners in the local communities a significant financial stimulus. And, our members are directly affected by management decisions concerning public land use.

Our members subscribe to the concepts of: 1) public access to public lands for their children and grandchildren; 2) condition and safety of the environment; and 3) sharing our natural heritage. The general public desires access to public lands now and for future generations. Limiting access today deprives our children the opportunity to view the many natural wonders of public lands. The general public is deeply concerned about the condition of the environment and personal safety. They desire wildlife available for viewing and scenic vistas to enjoy. They also want to feel safe while enjoying these natural wonders. Lastly, the public desires to share the natural heritage with friends and family today as well as in the future. How can our children learn and appreciate our natural heritage when native species are allowed to deteriorate and historic routes are routinely blocked or eradicated from existence?

CA4WDC supports the concept of managed recreation and believes it is prudent and appropriate management to identify areas where off-highway vehicle use is appropriate. Such

use must be consistent with the public lands management plans, the Plan Standards, and all other requirements found in the Plans, as well as state and federal regulations. Recreation, especially recreation off of paved or gravel roads, is the leading growth in visitors to public lands. Improvements in the planning processes help minimize conflicts and potential resource damage while providing for recreation access to public lands.

The proposed DRECP would establish the structure to integrate renewable energy development and biological resource conservation across the Mojave and Colorado Desert regions encompassing portions of three state: California, Nevada and Arizona.

Pursuant to the National Environmental Protection Act at 42 United States Code section 4371 et. seq. ("NEPA") and its implementing regulations, including 40 Code of Federal Regulations section 1501.7 and 1508.25, this letter is submitted for consideration to determine the range of actions, alternatives, and impacts that require in-depth analysis in the Environmental Impact Report/Environmental Impact Statement ("EIR/EIS"). The comments are extensive, but the complexity and importance of the *Proposed Desert Renewable Energy Conservation Plan EIR/EIS* compel a thorough review of the potential environmental consequences associated with implementation of the project as proposed.

As you know, the EIR/EIS for the *Proposed Desert Renewable Energy Conservation Plan EIR/EIS* (the "Proposed Action") must comply with the provisions of the CEQA/NEPA and its implementing regulations. Those regulations expressly provide that the Proposed Action must evaluate direct, indirect, and cumulative impacts, as well as alternatives to the proposed project that "would avoid or minimize adverse impacts or enhance the quality of the human environment." 40 C.F.R. § 1502.1, 1508.25 (b)(2) and (c).

CA4WDC believes the proposed DRECP should be in compliance with National Environmental Policy Act (NEPA). CA4WDC would like to review NEPA to establish a frame of reference for the comments.

NEPA Review

NEPA imposes a mandatory procedural duty on federal agencies to consider a reasonable range of alternatives to proposed actions or preferred alternatives analyzed during a NEPA process. 40 C.F.R. § 1502.14; 40 C.F.R. § 1508.9. "[A]gencies shall rigorously explore and objectively evaluate all reasonable alternatives." 40 C.F.R. § 1502.14. The alternatives section is considered the "heart" of the NEPA document. 40 C.F.R. § 1502-14 (discussing requirement in [D]EIS context).

The legal duty to consider a reasonable range of alternatives applies to both EIS and EA processes. Surfrider Foundation v. Dalton, 989 F. Supp. 1309, 1325 (S.D. Cal. 1998) (citing Bob Marshall Alliance v. Hodel, 852 F.2d 1223, 1229 (9th Cir. 1988) ("Alternatives analysis is both independent of, and broader than, the EIS requirement.").

A NEPA analysis must "explore and objectively evaluate all reasonable alternatives." 40 C.F.R § 1502.14 (EIS); Id. at § 1508.9 (EA); Bob Marshall Alliance, 852 F.2d at 1225 (applying reasonable range of alternatives requirement to EA). A NEPA analysis is invalidated by "[t]he existence of a viable but unexamined alternative." Resources, Ltd. v. Robertson, 35 F.3d 1300, 1307 (9th Cir. 1993).

The reasonableness of the agency's choices in defining its range of alternatives is determined by the "underlying purpose and need" for the agency's action. City of Carmel-by-the-Sea v. U.S. Dept. of Transportation, 123 F.3d 1142, 1155 (9th Cir. 1997); Methow Valley Citizens Council v. Regional Forester, 833 F.2d 810, 815-816 (9th Cir. 1987), rev'd on other grounds, 490 U.S. 332 (1989). The entire range of alternatives presented to the public must "encompass those to be considered by the ultimate agency decisionmaker." 40 C.F.R. § 1502.2(e).

The agency is entitled to "identify some parameters and criteria—related to Plan standards—for generating alternatives...." Idaho Conservation League v. Mumma, 956 F.2d 1508, 1522 (9th Cir. 1992) (italics in original). However, in defining the project limits the agency must evaluate "alternative means to accomplish the general goal of an action" and cannot "rig" "the purpose and need section" of a NEPA process to limit the range of alternatives. Simmons v. U.S. Army Corps of Engineers, 120 F.3d 664, 669 (7th Cir. 1997) (emphasis added).

An agency must perform a reasonably thorough analysis of the alternatives before it. "The 'rule of reason' guides both the choice of alternatives as well as the extent to which an agency must discuss each alternative." Surfrider Foundation v. Dalton, 989 F. Supp. 1309, 1326 (S.D. Cal. 1998) (citing City of Carmel-by-the-Sea v. United States Dept of Transportation, 123 F.3d 1142, 1154-55 (9th Cir. 1997)). The "rule of reason" is essentially a reasonableness test which is comparable to the arbitrary and capricious standard. Idaho Sporting Congress v. Thomas, 137 F.3d 1146, 1150 (9th Cir. 1998) (quoting Marsh v. Oregon Natural Resources Council, 490 U.S. 360, 377 n. 23 (1989)). "The discussion of alternatives 'must go beyond mere assertions' if it is to fulfill its vital role of 'exposing the reasoning and data of the agency proposing the action to scrutiny by the public and by other branches of the government.'" State of Alaska v. Andrus, 580 F.2d 465, 475 (D.C. Cir. 1978), vacated in part on other grounds, Western Oil & Gas Ass'n, 439 U.S. 922 (1978) (quoting NRDC v. Callaway, 524 F.2d 79, 93-94 (2nd Cir. 1975)).

Additional Scoping Comments:

CA4WDC acknowledges that the public lands within the Mojave and Colorado Desert regions are classified as multiple use lands within applicable land management plans and open to study for conversion to exclusive use or other legislated purposes. However, it should be noted that within the approximately 25 million acre California Desert Conservation Area encompassing the Mojave Desert region, over 50% of the lands are classified through the planning process or legislation for reserved uses; public lands off-limits to public access.

Forest Service and Bureau of Land Management user surveys note an increasing trend for motorized recreation activities such as driving for pleasure and disbursed camping on public lands. The Mojave and Colorado Desert regions of the proposed project area offers excellent opportunities for addressing this growing trend in recreation desires by the public. 14-1OR

CA4WDC recommends that due consideration be afforded continued motorized access to the Mojave and Colorado Desert regions of the proposed project area. The region is a popular destination spot for multiple forms of recreation; including but not limited to, four wheel drive touring/driving for pleasure, rockhounding, photography, and wildlife viewing. These are activities that cannot be enjoyed, or replicated, in that diversity in other regions.

In reviewing the Proposed Action, CA4WDC finds it deficient in its acknowledgement of the importance of recreation to the Mojave and Colorado Desert regions. Specifically, the proposed Proposed Action fails to acknowledge that various recreational activities exist in the proposed project region.

CA4WDC believes that the loss of access to the Mojave and Colorado Desert regions for recreation opportunity is a direct loss. There are also indirect impacts that would result should this Proposed Action be approved and implemented causing displacement of recreational activities. Those cost include, but are not limited to: (1) the increased enforcement required at other sites when displaced recreational users seek out other areas that may be poorly identified as wildlife preserves or other resource-rich areas; (2) the loss of biological resources or habitat at other sites that displaced recreational users may utilize ; (3) the loss of nature education, (4) the loss of outdoor recreation opportunities, (5) the loss of outdoor access and experiences for children in the community; (6) the loss of familial traditions, custom, and culture of recreational and nature-oriented activities in the region; and (7) the loss of the region's history and traditions, specifically with respect to mining and recreational activities. 14-2OR

The Proposed Action should continue to authorize, maintain, and enhance the recreational use of the land included in the Mojave and Colorado Desert regions covered, including motorized recreation, hiking, camping, mountain biking, sightseeing, and horseback riding, as long as such recreational use is consistent with applicable law and existing land use planning documents.

Continued motorized and mechanized access along routes within the Mojave and Colorado Desert regions covered by the Proposed Action must be deemed a valid use of the public lands. The Proposed Action should exercise all applicable authority to maintain and make these routes available to continued public access, and any administrative decisions regulating access along these routes shall not have the effect of prohibiting or unduly restricting travel by any presently-authorized vehicle type. 14-3A

There are competing pressures for use of public lands. The Proposed Action is one of several that cumulatively have a negative impact on the public's ability to partake in recreational opportunities on public lands. The Proposed Action must adequately evaluate and mitigate the cumulative losses of land for recreational opportunities, including but not limited to cumulative closures or limitations on desert lands managed by BLM and on forest lands managed by the U.S. Forest Service. Actions that must be evaluated include, but are not limited to, proposed military base expansion, proposed renewable energy development sites, existing and proposed wilderness areas, existing and proposed critical habitat designations, and other existing and proposed land use designations that encompass restrictions to access, including but not limited to National Landscape Conservation System, National Conservation Areas, National Park, and Areas of Critical Environmental Concern. 14-4C

CA4WDC's position at this point is to continue our strong opposition to the entire proposed project as the loss of recreation opportunity is a significant social and economic impact.

The Proposed Action will serve as a multiple-species Habitat Conservation Plan for California Energy Commission in its application for an incidental take permit under Section 10(a)(1)(B) of the Federal ESA of 1973, as amended (16 U.S.C. 1531 et seq.). The Proposed Action will also serve as a Natural Community Conservation Plan (NCCP) under Section 2800 et seq. of the California Fish and Game Code. The proposed HCP would cover non-Federal lands in the

project area, the proposed NCCP would cover both Federal (to the extent permitted by law) and non-Federal lands, and the possible CDCA Plan amendment would cover BLM-administered lands.

The Proposed Action is intended to advance State and Federal conservation goals in these desert regions while also facilitating the timely permitting of renewable energy projects, and to provide durable and reliable regulatory assurances, as appropriate, under the NCCP and the ESA for renewable energy development on non-Federal land in the Mojave and Colorado Deserts regions. The Proposed Action would help provide for effective protection and conservation of desert ecosystems while allowing the appropriate development of renewable energy projects.

As the proposed project covers non-federal (state and private) and federal lands and would be a stepping stone to application for permits, CA4WDC is concerned about the data that will be incorporated into the analysis of the Proposed Action.

CA4WDC recommends that to preserve data integrity and ensure data quality, all data developed and incorporated into the proposed analysis be collected by State and Federal agencies and maintained within State and Federal databases. Such data must be based on "peer-reviewed" science and reflect current on-the-ground conditions. Data developed as a "computer-model" with the intent to project on-the-ground conditions should not be included as "peer-reviewed" scientific data to be used for recommendations and decision making. Data provided by non-government organizations should not be used to base recommendations and decisions potentially affecting expenditures of public monies. 14-5IM

CA4WDC recommends that impacts on threatened and endangered species and adherence to species mitigation as required for Desert Tortoise recovery and raven predation control be subject to rigorous scientific study and review. 14-6BR

Specifically, the Proposed Action must adequately study the various activities which pose significant threats to the ESA listed species Mojave Desert Tortoise and how the proposed action will adversely impact the Desert Tortoise and other listed species. Such claims of impact and their level of significance must be based on reliable scientific data that are current and supported by standard rules of scientific analysis. That is, studies must: (1) not be biased in their methodology, (2) not draw conclusions based on inadequate sample size, (3) be conducted with sufficient "control" groups, (4) be verified or repeated, and/or (5) not limited to small or localized populations that do not support area-wide or population-wide extrapolations. 14-7BR

The aspects of social, economic, and public health and safety are very important and must be given adequate discussion and analysis. The Proposed Action must contain complete disclosure and analysis of the cumulative loss of recreational access, impacts to public health and safety, and economic impacts of the project on the local and regional communities. 14-8SE/PS/C

In addition to the economic impacts on the local and regional communities, the Proposed Action must analyze and disclose the cost of the proposed action, including the ongoing, perpetual costs of the proposed renewable energy projects. 14-9SE

The U.S. Government is operating at a dangerous deficit that will continue to grow in the next few years as the already-approved economic stimulus packages are implemented and deficits continue to grow. Environmental spending, including land acquisition and renewable energy

subsidies, apart from being a disproportionately large part of the federal budget, are notoriously wasteful. The Proposed Action must demonstrate to an apprehensive public that the costs of the proposed project have been accurately predicted and can be covered without incurring additional public debt. Additionally, they must review the project alternatives to determine whether there are a more fiscally responsible alternatives to the proposed project that meet the stated purpose and need for the Proposed Action.

The Proposed Action must define clear funding associated to implement which is an additional economic impact on the federal budget over life-cycle of potential projects within the Mojave and Colorado Desert regions covered.

Thank-you,

John Stewart
Natural Resources Consultant
California Association of 4 Wheel Drive Clubs

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DOCKET
09-RENEW EO-01
DATE Sept 11 2011
RECD. Sept 12 2011

TO:
California Energy Commission
Dockets Unit, MS-4
Re Docket No. 09-Renew EO-01
1516 Ninth Street
Sacramento, CA 95814-5512
docket@energy.state.ca.us
Re: DRECP Scoping Comments
Docket No.09-Renew EO-01

From:
David Beaumont
Alternate DRECP Stakeholder representing the California Off Road Vehicle Association (CORVA). Founder of Mojave Trails Group. Life Member of Blue Ribbon Coalition.
Email: savecaliforniasdeserts@gmail.com
Date: September 11th., 2011

1. Consider utilizing purchased mitigation lands as reserves for translocated Desert Tortoises. Selection of such lands for appropriate suitability could be a priority. 15-1BR

2. Establish a program to mitigate the recreational uses of public lands. One source of income could be a fee associated with the granting of permits through the DRECP. 15-2OR

3. Full disclosure of the locations of mitigation lands which have already been established, and future mitigation lands as they are purchased. 15-3IM

4. The recreational component of the DRECP Stakeholders Group should be given temporary access to the mitigation lands for the purposes of examining the need for passage around, or across, the mitigation lands. If such lands restrict or eliminate access to surrounding public or private lands, a process should be established to determine the best course of action which maintains access to the surrounding lands. 15-4OR

5. The conservation status of lands should not be elevated to that which equates to that of Wilderness. Only Congress can elevate lands to such a status. 15-5PLU

6. An Impact Statement which jointly addresses the full cumulative impact to recreation of all the individual projects permitted by the DRECP must be conducted. 40 C.F.R. §1508.25 15-6C

7. An Impact Statement which jointly addresses the full cumulative impact to recreation of the DRECP, the Marine Corp annex of Johnson Valley, and the California component of the Federal six state solar program, must be conducted. 40 C.F.R. §1508.25 15-7C

David Beaumont
Mojave Trails Group

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Society for the Protection and Care of Wildlife
P. O. Box 97
Johannesburg, CA 93528-0097
760.590.0471
waterforwildlife@gmail.com

DOCKET
09-RENEW EO-1
DATE
RECD. SEP 13 2011

Mr. Jim Bartel, Field Supervisor
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Rd., Suite 101
Carlsbad, CA 92011

California Energy Commission
Dockets Office
MS-4, Docket No. 09-RENEW E0-01, Scoping Comments
1516 Ninth St.
Sacramento CA 95814-5512

Ms. Vicki Campbell,
BLM DRECP Program Manager
vlcampbell@blm.gov

Re: Public Scoping for the Desert Renewable Energy Conservation Plan EIR/EIS

Dear Mr. Bartel and California Energy Commission and Ms. Vicki Campbell:

These comments on the Public Scoping for the Desert Renewable Energy Conservation Plan Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) are being submitted for myself and for the Society for the Protection and Care of Wildlife (SPCW), an organization which I represent. I am a desert resident and have been for almost 20 years. I have served 9 years in prior times as a member of the California Desert Conservation Area Advisory Committee. I have served as a member of all Desert Tortoise Technical Review Teams except for the last one. I have also been a member of the Joshua Tree National Park Advisory Committee. The SPCW has been in existence since 1972 and incorporated in California in March of 1977. Our first effort was to restore the Tule Elk and this has been done.

The SPCW has also been involved in the desert with Water For Wildlife projects, since its inception. The Society for the Protection and Care of Wildlife (SPCW) is an organization which represents many individuals who have joined together to ensure that desert wildlife have sufficient water to prosper. Many hundreds of these wildlife drinkers can be found within the boundaries of the DRECP. It is likely that some wildlife waters (guzzlers and tanks) will have to be relocated. Some of these issues are not addressed and some of these issues are not adequately addressed.

Documents produced for the DRECP acknowledge the need for vehicular access. The potential for alternative energy projects to have a significant impact on access to public land, both directly and indirectly has already been demonstrated with the already approved projects. The footprint created by the individual renewable energy projets will further fragment the existing road and trail system by severing existing routes of travel thus excluding the public from the acres within the project boundaries and the lands near by. These severed roads and trail will deny access to those of us who maintain wildlife waters. The EIR/EIS must look at and the final document provide that each project shall provide the environmental analysis for however many work-arounds as are necessary to reconnect the severed access. 16-1OR

Numerous unique natural features exist on public lands within the DRECP planning area including springs, seeps and tinajas, that cannot be recreated or relocated.

While access roads can be re-routed; natural area features cannot. There are certain corridors utilized by wildlife that are only found in specific locations within the plan area. No practical mitigation is available for loss of access to such areas and the SPCW requests that such locations be excluded from closure or restriction and that motorized access be maintained. (I am a Rock hound and rockhounding gem and mineral areas and the collection of these materials often require the use of hand tools and equipment that cannot be packed in or carried long distances and thus are motorized and mechanized dependent.) Each approved project's activities will contribute to a cumulative loss which must be minimized. No project should be approved in or near areas of unique or other important resources. No net loss of access is our goal and one which we require to be included in the end project. 16-2OR 16-3OR

It is impossible to determine the extent of fragmentation of existing roads. There must be a discussion of fixes or opportunities to mitigate this fragmentation.

As whatever vehicle one uses, become an OHV when it hits that dirt road, (usually historic and usually user maintained) replacement of access lost for OHV use, should be considered as part of the analysis of project-specific impacts.

While the Solar Energy Development DPEIS is being developed for solar energy projects, the potential applicable mitigation measures for all activities can also be applied to other types of covered activities the DRECP will address. 16-4IM

The California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) processes and the final Preferred Alternative resulting from these processes must include consideration for the direct, indirect impacts and cumulative impacts, and consequences, whether intended or unintended, of the interactions between the policies and actions established by both the DRECP and the preferred alternative of the PEIA plan currently being developed by the the Office of Energy Efficiency and Renewable Energy, Department of Energy and the Bureau of Land Management, Department of the Interior. The opportunity for additional public review and comment must be granted when the Solar Energy Development DPEIS becomes available. 16-5PRO

The SPCW wishes to review and comment on the yet to be released Preliminary Conservation Strategy (PAC) which will be an integral part of the overall DRECP. Since this document is not yet available, the SPCW recommends an additional Scoping Period for the DRECP; allowing additional public comment lasting at least 30-days be provided following the release of the PAC. 16-6PRO

Any additional loss of access and recreational opportunity in the California deserts must be put into perspective. Over the last eight decades various management decisions, legislative actions and litigation have vastly limited the activities allowed on public lands.
Consider the 25 million acre congressionally-designated California Desert Conservation Area as the foundation for this illustration. By 1930, 25 percent of the desert became private land including towns and farms. The remaining 75 percent, mostly federal land was perceived to have little use and had very few restrictions. By 1976, 25 percent was still private and 25 percent was now exclusively used by the military or designated as state and national parks (activities restricted to certain uses), leaving 50 percent for limited public use. In 1980 the Bureau of Land Management was directed to develop a management plan for the remaining 50 percent.

Following an extensive planning effort involving federal, state and local agencies and the public, 2.1 million acres of land for public use were designated as wilderness (roughly 8 percent). This left 42 percent for other uses. In 1994 additional land was designated as wilderness, increasing the total to 25 percent with 25 percent then designated for other uses. By 2007 the BLM was forced to amend the management plan for the remaining 25 percent resulting in species protection areas that further limited use and essentially reduced the 25 percent to 12.5 percent. The roughly 12.5 percent of limited-use areas that remain today will be impacted by the DRECP and its implementation.

The DRECP must also consider other forthcoming changes which will or have the potential to affect access. For example, the planned expansion of the Marine Corps Air Ground Combat Center Twentynine Palms, California will certainly remove a large amount of land from public use with all sorts of "take" of various species. 16-7C If a covered activity results in the taking of a threatened species, it will increase pressure to identify mitigation necessary to offset the taking. This mitigation should not become the responsibility of other multi-use stakeholders or occur at the expense of other uses. Public access should not be curtailed or limited to accommodate the possible loss of species resulting from other activities. The DRECP must fully examine access. 16-8OR

A dispersed motorized off-highway route network exists throughout the DRECP planning area and is utilized to pursue and support various activities. For this reason, data and specific information about the extensive uses within the DRECP planning area is essential in developing the plan. The potential impact of the plan on the many and diverse uses cannot be overlooked and must be a consideration when developing the conservation plan. For this reason, the SPCW recommends that the development of the DRECP must include a process by which geographic information reflecting the many and varied interests of public access is gathered and inventoried and made a part of the official map set for the decision making process. Furthermore, this effort must be funded and supported by the DRECP . 16-9OR

We oppose all utility-scale "renewable" projects until the grid can fully accommodate its power without siphoning it off due to capacity constraints – decelerating/accelerating base load coal/natural gas/nuclear generation to accommodate it (which increases emissions/wastes power/disrupts systems, etc). Until this is done all that is being accomplished is less and less efficiency. 16-10PD

Access through or around solar facilities should be retained to permit continued use of public lands and non-BLM administered lands. 16-11OR

Replacement of access lost for OHV use should be part of the analysis of project-specific impacts. 16-12OR

The California Energy Commission is a regulatory body and not a land use planning body. We are concerned that the Commission does not have the authority under California law to bring whatever results from the EIR/EIS to fruition. 16-13PD

Maps which adequately reflect the topographic and geographic maps should be made available to the public by the DRECP. These maps must include information reflecting the locations and access utilized by the many and varied activities occurring in the California desert.
The preferred alternative should include a State of California limit on the "incidential take" 16-14OR

The California Desert Conservation Area management plan already zones this land. The EIR/EIS mentions DWMAs, ACECs, ROWs and other generalized areas. It does not integrate these areas within the planning for the entire EIR/EIS.

The proponents of the DRECP must integrate the CDCA management plan which provides guidance for treatment of other important issues into the DRECP. For example, in the CDCA Plan there are notification procedures spelled out for dealing with First Americans and decisions which may impact their lands and religion. The DRECP must comply with these procedures. 16-15PLU

The EIR/EIS must address the changes which will have to be made in local government's general plans, the cost to the local taxpayers for these changes, address the lost property tax revenue from mitigation lands. The DRECP must address those counties which are maxed out on PELT payments. It must attempt to quantify the cost to local government for all of the horrible outcomes predicted to arrive with the "boom". 16-16PLU

There must be adequate discussion of lost recreation opportunities.

The inadequacy of mitigation lands must be a major topic in the EIR/EIS. Especially in the CDCA where there are not enough mitigation lands to mitigate the impacts of existing applications. The numbers of these lands are available from the BLM State or District office. The public needs to know what is proposed if a project cannot be mitigated. 16-17IM

For myself and for the Society for the Protection and Care of Wildlife

H. Marie Brashear, President.

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17

AMERICAN BIRD CONSERVANCY

Shaping the future for birds

September 12, 2011

Attention: Jim Bartel, Field Supervisor
Carlsbad Fish and Wildlife Office
U.S. Fish and Wildlife Service
6010 Hidden Valley Road, Suite 101
Carlsbad, CA 92011
FW8DRECP@fws.gov
(760) 431-5902 fax

Sent via email and facsimile

Subject: Scoping Comments on the Environmental Impact Statement for the Desert Renewable Energy Conservation Plan and Associated Documents

Dear Mr. Bartel:

Thank you for the opportunity to provide scoping comments on the Environmental Impact Statement for the Desert Renewable Energy Conservation Plan and associated documents. American Bird Conservancy (ABC) is a 501(c)(3) non-profit organization dedicated to the conservation of native birds and their habitats throughout the Americas.

Although wind power could be an important part of the solution to global climate change, wind development can impact birds -- including eagles, songbirds, sage grouse, and endangered species -- through collisions with turbines and associated power lines, and through loss of habitat. By 2030, there are expected to be more than 100,000 wind turbines in the United States, and these are expected to kill at least one million birds each year -- possibly significantly more. Terrestrial wind farms are also expected to impact almost 20,000 square miles of bird habitat, some of it critical to threatened species.

ABC believes that birds and wind power can co-exist if wind projects conform to bird-smart principles. Bird-smart wind power employs careful siting, operation and construction mitigation, bird monitoring, and compensation to reduce and redress any unavoidable bird mortality and habitat loss. 17-1BR

Regarding the Desert Renewable Energy Conservation Plan, ABC offers the following comments and questions:

1731 Connecticut Avenue, NW, 3rd Floor • Washington, D.C. 20009
Tel: 202-234-7181 • Fax: 202-234-7182 • abc@abcbirds.org • www.abcbirds.org

General Comments:

It is important that Incidental Take Permits (ITPs) not be offered for all of the areas in the plan area because some are inappropriate for wind energy development. These include areas identified as important in state wildlife action plans and by ABC as Globally Important Bird Areas. (See *The American Bird Conservancy Guide to the 500 Most Important Bird Areas in the United States,* Random House Publ.)

Areas known to be migration bottlenecks for birds that are protected under the Migratory Bird Treaty Act (MBTA) should also be noted in the EIS and on the plan area maps. Wind projects that kill MBTA-protected birds violate federal law whether they kill one bird or 10,000. By noting areas that are obviously important for MBTA-protected birds, the participating agencies can help wind developers avoid violating federal law. The same should be done for areas that are known to have high concentrations of Bald or Golden Eagles, again with the purpose of helping wind developers avoid violating federal law. 17-2A

There is a substantial problem in the United States with access to bird mortality data from wind energy projects. Not only do many projects not collect mortality data at all, those that do collect the data often refuse access to it. This problem makes it difficult for the federal government, charged with upholding the law and protecting species, as well as conservation organizations like ABC to fully measure the impact of wind energy projects on birds.

If wind energy is to be built out in an environmentally friendly fashion, much more mortality data need to be accessible to researchers, developers, federal and state agencies, NGOs, and the general public. Thus, as a precondition for receiving Incidental Take Permits associated with the Desert Renewable Energy Conservation Plan, mortality data should be both collected under approved post-construction mortality study protocols *and* made readily available to the public.

If take permits are offered for long periods such as 30 years, how will compliance with permit requirements be ensured? There is precedence to believe this could be a problem. At the Kaheawa Wind facility on Maui, which received Incidental Take Permits for four threatened and endangered species, basic requirements that were to have been implemented during the first year of operation remained unfulfilled after four and a half years. As a result, ABC urges that take permits be limited to five years of that if permits are longer that there be automatic five-year reviews built in from the start and that that the EIS details the mechanism that will provide adequate funding for agency staff to make those reviews. 17-3A

Species Comments:

Below are ABC's comments on the bird species that were identified in the Federal Register notice for the EIS, plus an additional species that was listed in the Desert Renewable Energy Conservation Plan's draft Baseline Biology Report but not in the Federal Register notice.

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American Peregrine Falcon:

The American Peregrine Falcon is listed in the Federal Register notice for the DRECP's EIS but not analyzed in the draft Baseline Biology Report. If the falcon is not going to be included in the Baseline Biology Report, why was it in the Federal Register notice? 17-4BR

Bald Eagle:

The Federal Register notice for the DRECP's EIS states that Bald Eagles are a non-federally listed species that will be covered in the DRECP. However, take of Bald Eagles by wind farms is currently subject to the eagle take rule published in 2009 (50 CFR Parts 13 and 22) and the draft Eagle Conservation Plan Guidance. Given that existing rule for conservation of eagles in regard to wind development, please explain what is meant by having Bald Eagles be a "covered species" for the DRECP. Are changes in Bald Eagle management intended? 17-5BR

Burrowing Owl:

The EIS should address ways that wind energy construction can avoid inadvertently creating suitable nesting habitat for Burrowing Owls where there currently is none. The history of Altamont Pass shows that wind turbines can be very dangerous for Burrowing Owls. Two studies have analyzed mortality data and extrapolated for the entire Altamont Pass Wind Area, and found as many as 737-1488 Burrowing Owls are killed annually (See Smallwood, K. S., and C. G. Thelander. 2008. "Bird Mortality in the Altamont Pass Wind Resource Area, California." *Journal of Wildlife Management*. 72:215-223. See also Smallwood, K.S.; Karas, B. 2009. "Avian and bat fatality rates at old-generation and repowered wind turbines in California." *Journal of Wildlife Management.* 73: 1062–1071.) 17-6BR

California Condor:

The draft Baseline Biology Report indicates that endangered California Condors use the far western edges of the plan area. As condor numbers have increased in recent years, the use of foraging habitats in the Eastern Sierras has increased dramatically (See Johnson, M,; Kern, J., and Haig, S.M. 2010. "Analysis of California Condor (*Gymnogyps californianus*) use of six management units using location data from global positioning system transmitters, southern California, 2004–09." *Initial report: U.S. Geological Survey Open-File Report*. 1287.)

GPS locations of individual condors demonstrate an expansion into the Tehachapi wind area in 2009, and should be included in the HCP analysis. In 2009, 51,036 locations of Condors were recorded for 14 condors equipped with GPS transmitters. Twelve of the 14 condors ventured northeast of the Tejon Ranch into the Tehachapi wind area. In 2008 only three of 13 condors ventured to the northeast of the Tejon Ranch border. As the condor population expands, and new birds begin to explore into the historic range of condors, these curious birds almost certainly will be attracted to wind turbines, just as condors have explored communications towers and oil production installations. In addition, a California Condor from the reintroduction effort in Mexico has already crossed into San Diego County near planned wind energy facilities, and it is reasonable to expect that more will do the same. It is important to point out that both juvenile and adult condors have participated in this range expansion, with older birds leading the return to historic areas. 17-7BR

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The EIS should consider the cumulative effects of reasonably foreseeable wind energy and power line development not just in the seven counties of the plan area but in Baja California as well. Hundreds of wind turbines are proposed in the Sierra Juarez area, which will have a cumulative impact when added to the wind projects proposed in eastern San Diego County (e.g., Tule Wind and Ocotillo Express). In addition, the Energia Sierra Juarez transmission line that would link to those Baja wind turbines is currently undergoing permitting and the nearby Sunrise Powerlink transmission line in eastern San Diego County is already under construction.

ABC is concerned that lethal take of condors by wind projects may be authorized without adequate measures to ensure that the condor population will not be jeopardized. The goal of an HCP for ITPs for California Condors must be at a minimum NO NET LOSS of condors, and preferably, a NET BENEFIT for the species. Captive rearing can replace lost individuals, but cannot replace the complex behavioral interactions and knowledge of the ecosystem retained by adult condors and taught to juveniles in the wild. Incidental take of condors should be avoided to the greatest extent possible, including operational mitigation through curtailment, if necessary. If authorized lethal incidental take is going to be contemplated by FWS, it should only be after all other practicable options are exhausted. Wind project developers should be required as a condition of the ITP to contribute proportionally to the infrastructure and continued maintenance of the condor captive breeding and reintroduction program. The contributions should enable the reintroduction of at least 4 condors for every lethal take, to compensate for juvenile mortality and delayed breeding of captive reared birds.

In addition, if FWS considers granting ITPs for condors that include lethal take, how will FWS ensure that permit conditions are properly carried out over time and recoup the public's substantial investment in the conservation of condors? ABC's experience with ITPs for wind projects suggests that monitoring of permit implementation is challenging for government agencies. Any compensatory mitigation funding as part of an HCP should include adequate funding for permit implementation monitoring. 17-7BR Cont'd

Lead poisoning is a major cause of condor debilitation and mortality, and comes from ammunition fragments in hunter-shot game. Mitigation measures for the condor should move far beyond chelation therapy and research and take concrete steps towards removing lead from the condors' environment, such as as programs for hunters to exchange lead ammunition for non-lead ammunition. Under no circumstances should research be considered appropriate mitigation for lethal take of condors; only measures that directly result in population increase should be considered.

ABC recommends that state-of-the-art measures be taken to protect condors. All captive-reared condors carry multiple radio transmitters, and many are now fitted with GPS units. Information from transmitters such as these could be utilized by wind energy companies to provide warnings of approaching condors, and the sophisticated electronic controllers at wind installations should be programmed to curtail power generation if a condor approaches. This could be done for individual turbines, as has been accomplished in Europe. (See Davenport, J. et al. 2011. "Implementation of Avian Radar-SCADA Interface to Mitigate Avian Mortality at Windfarms." *Norwegian Institute for Nature Research Proceedings Conference on Wind Energy and Wildlife Impacts 2-5 May 2011, Trondheim, Norway*.)

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Wind projects putting Condors at risk should be required to assist with telemetry costs as well as implementation of operational mitigation as part of their HCP and ITP. While no wind developer likes the idea of turbine curtailment that may lower revenue power production revenue, according to the draft Baseline Biology Report, more than $20 million dollars has been spent on condor conservation since WWII, an estimate that is probably low. That financial investment needs to be protected. 17-7BR Cont'd

Golden Eagle:

The Federal Register notice for the DRECP's EIS states that Golden Eagles are a non-federally listed species that will be covered in the DRECP. However, take of Golden Eagles by wind farms is currently subject to the eagle take rule published in 2009 (50 CFR Parts 13 and 22) and the draft Eagle Conservation Plan Guidance. Given the existing rule and guidance for conservation of eagles in regard to wind development, please explain what is meant by having Golden Eagles be a "covered species" for the DRECP. Are changes in Golden Eagle management intended?

ABC understands that preconstruction studies for some wind facilities have not accurately predicted the mortality risk to Golden Eagles, for instance at the Pine Tree wind facility near Mojave, California. If mitigation measures for Golden Eagles are included in the EIS, it should describe how they will be adjusted if Golden Eagle mortality at wind facilities in the plan area is greater than anticipated. 17-8BR

More recent Golden Eagle population data than that in the Baseline Biology Report needs to be included in the EIS. For instance, the Baseline Biology Report's assertion that in the plan area, the Golden Eagle population is "apparently stable" cites a 1978 source even though there has been significant added development and human disturbance in the plan area since 1978. (See, for example, Kochert, M. and Steenhof, K. 2002. "Golden Eagles in the U.S. and Canada: Status, Trends, and Conservation Challenges" Available at http://fresc.usgs.gov/products/papers/1092_Kochert.pdf.)

In addition, how will the DRECP be adapted if Golden Eagles were to be listed as threatened or endangered during the life of the Plan period? The draft Baseline Biology Report states that Golden Eagles are not expected to undergo listing status change during the permit period, but since the Report is relying on a 1978 source to state that the Golden Eagle population is stable, the expectation of no Golden Eagle federal listing over the life of the Plan may be incorrect.

Greater Sandhill Crane:

The Greater Sandhill Crane is listed in the Federal Register notice for the DRECP but not analyzed in the draft Baseline Biology Report. Why was the Greater Sandhill Crane included in the Federal Register notice? 17-9BR

Southwestern Willow Flycatcher

The Southwestern Willow Flycatcher is analyzed in the draft Baseline Biology Report but was not included in the Federal Register notice. Please clarify whether the EIS will include the flycatcher. 17-10BR

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Swainson's Hawk:

The Baseline Biology Report discusses Swainson's Hawk breeding in the Antelope Valley, Owens Valley, Central Valley, and Mojave National Reserve. Because Swainson's Hawks have been killed by wind turbines, in addition to considering breeding locations, the EIS should address use of other parts of the plan area by Swainson's Hawk, such as the migration corridors across the Tehachapi Mountains and throughout southern California (e.g., Borrego Valley area). 17-11BR

In closing, thank you for this opportunity to comment. Please add ABC to the notification list for this process, using the name and address below.

Sincerely yours,

Kelly Fuller
Wind Campaign Coordinator
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18

California Wind Energy Association

September 12, 2011

Jim Bartel, Field Supervisor
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Rd., Suite 101
Carlsbad, CA 92011
Via email to: fw8drecp@fws.gov

California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW E0-01
Scoping Comments
1516 Ninth St., Sacramento CA 95814-5512
Via email to: docket@energy.state.ca.us

Re: Notice of Intent and Notice of Preparation for Joint Environmental Impact Statement / Environmental Impact Report for the Desert Renewable Energy Conservation Plan

To Whom It May Concern:

The California Wind Energy Association ("CalWEA") is a trade association supported by 30 member companies actively developing wind projects both within and outside of California to help meet California's statutory renewable energy goals. CalWEA continues to appreciate the opportunity to participate in the development of the Desert Renewable Energy Conservation Plan ("DRECP") as an active member of its Stakeholder Committee. This letter includes CalWEA's comments in response to the Notice of Intent and Notice of Preparation for Joint Environmental Impact Statement/Environmental Impact Report ("EIS/EIR") for the DRECP, for inclusion in the public record.

To meet its ambitious goal of reducing greenhouse gas emissions 80 percent below 1990 levels by 2050, California must develop its renewable energy resources. The DRECP provides a means for developing these resources in a comprehensive, environmentally responsible manner while expediting and reducing the cost of obtaining necessary environmental permits. We provide suggestions on the scope of topics and alternatives to be addressed in the DRECP's EIS/EIR that will contribute toward the success of the DRECP in its dual objectives of protecting the desert environment and facilitating conscientious renewable energy development in the southern California desert region.

CalWEA's comments present views shared by many members of the California wind energy community, whose efforts are integral to the successful implementation of the DRECP and to California's renewable energy future. These comments make specific suggestions about ways in which the EIS/EIR should address the regulatory

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challenges faced by the wind energy community in renewable energy development, for example by streamlining permit issuance under the DRECP. CalWEA has previously made many of these recommendations in Stakeholder Committee meetings, through participation in DRECP working groups, and through written comments.

1. Preserve high-quality wind resource areas for development, with appropriate mitigation

CalWEA has provided to the DRECP agencies and stakeholders a Priority Wind Resource Area ("PWRA") map indicating development areas that are or will be commercially feasible well within the expected 2050 timeframe of the DRECP. That analysis shows that, unconstrained, about 70% of the DRECP area contains commercially viable wind resources. After removing physical and administrative constraints (such as military bases and National Park Service managed lands), only 43% of the DRECP area remains with good quality wind resources. Once additional factors are taken into consideration, the commercially viable area will be further reduced. CalWEA therefore recommends that the EIS/EIR preserve as much of the PWRA as possible to ensure that wind resources are available to meet renewable energy goals while balancing natural resource conservation.

Several site-specific factors are not under consideration in the DRECP process that will reduce the wind resources indicated as commercially viable within the PWRA. These factors include: (1) confirmation of local wind resources. Wind resource maps are based on models for area blocks, rather than meteorological measurements at specific points, and thus are not always precise. It is not uncommon to find differences of 1 to 2 meters/second between the estimates of wind speed on a general map and actual measurements by instruments at specific locations on met towers; (2) interference with military radar and flight patterns. In many cases, discussion and mitigation on a site-specific basis is required to determine potential compatibility and mitigation; (3) the ability to lease land rights, including rights to land providing transmission access; and (4) geotechnical studies to determine feasibility of construction. 18-1A

The land remaining available for development under the DRECP should reflect the fact that it will not be possible, in a planning process that covers tens of thousands of square miles, to understand these and other site-specific factors that will determine the ability to develop an energy project at a particular site.

Within the PWRA area, the desert renewable energy plan should indicate areas of lesser and greater environmental sensitivity (including wind-specific concerns), along with associated conservation/mitigation ratios. Such a plan will provide incentives for developers to focus on the areas of lesser concern. If a developer should choose to pursue a higher-impact area, the higher mitigation requirements would be warranted by superior site characteristics (e.g., resource quality, proximity to transmission lines, avoidance of military radar interference, and willing land owners). Preserving the entire PWRA for potential development will avoid arbitrary restrictions on project development sites, foster competition and enable Renewables Portfolio Standard ("RPS") goals to be met at least cost.

Conversely, if the EIS/EIR alternatives remove portions of the PWRA (and likewise for other forms of renewable energy), each alternative should be analyzed for its impact on the market, as it can be expected that shrinking the available resource would eliminate promising renewable energy development areas, reduce competition, and thus raise renewable energy prices. Increased prices will, in turn, raise the cost of achieving California's renewable energy and greenhouse-gas reduction goals.

2. Revise DRECP Boundary to Exclude Small Portion of Condor Historic Range

CalWEA recommends the reduction of the DRECP area to exclude the region that overlaps the California condor (*Gymnogyps californianus*) historic range for several important reasons.

First, the overlap between the DRECP planning area and the condor historic range is very small: the 707,812 acres of the DRECP area that overlaps the historic range of the condor constitutes just 4.3% of the 16,555,000 acres of the known historic range where the species is currently being managed (see map shown in Appendix). Conversely, more than 97% of the DRECP area is not within the historical range of the California condor. The development of a comprehensive or effective conservation plan for the condor through the DRECP, therefore, will not be possible because the overwhelming majority of the historic condor range falls outside the DRECP. Moreover, because DRECP-area renewable energy projects developed outside of the condor historic range will not affect the species (or at least the likelihood of impact is greatly reduced), requiring these projects to contribute to a condor conservation plan would be unwarranted and burdensome.

Second, the state of knowledge regarding condor mortality risk from wind turbines is currently poor. The condor-wind-risk science occurring under the auspices of the California Condor Wind Energy Work Group (a subgroup of the California Condor Recovery Team) is not complete and will not be ready until late in the DRECP timeframe at best. Addressing condor avoidance and mitigation techniques will be more appropriate and effective when the science has improved. 18-2A

Third, the inclusion of mountainous regions is not consistent with the DRECP. The overlap between the DRECP area and the condor historic range consists entirely of ridges and elevated areas of the Tehachapi Mountains. Elevations rise to as much as 7,000 feet above sea level. This area is not "desert" land. The DRECP, by design, is intended to address desert regions, not mountains, thus inclusion of this overlap with the condor historic range is not consistent with DRECP aims.

For these reasons, CalWEA recommends that the western boundary of the DRECP be realigned to exclude the historic range of the California condor. The resources and focus of the DRECP should concentrate on the immense California desert region. Scaling back the range of the DRECP to exclude the California condor's historic range will enable the DRECP to focus limited resources on achieving otherwise still-very-ambitious goals and to complete the plan within the intended timeline.

3. Calculate Wind Energy Impacts by Area Actually Disturbed

The EIS/EIR should calculate the terrestrial impacts of wind energy projects based on the area of ground actually disturbed by wind energy projects, rather than the entire leased area. Typically, 40 acres per MW (0.025 MW/acre) must be leased in order to preserve the wind resources supplying the project's wind turbines. Only a small fraction of the lease area –generally only 2%-5% -- represents the area actually disturbed.[1] This disturbance area includes all Covered Activities such as roads, turbine pads, maintenance and storage facilities, and electrical substations. 18-3IM

[1] See, e.g., *20% Wind by 2030; Increasing Wind Energy's Contribution to U.S. Electric* Supply, U.S. DOE (May 2008) at p. 110 (available at http://www.20percentwind.org/20percent_wind_energy_report_05-11-08_wk.pdf).

The EIS/EIR should also distinguish between major, long-term surface disturbance and less extensive, short-term surface disturbances that can be restored. Wind energy developments include both relatively permanent surface disturbance (e.g., turbine pads and roads) and temporary disturbances (e.g., temporary staging areas, widening of existing roads) that, depending on the geological conditions and restoration methods used at the site, can be successfully restored to recreate habitat that is suitable for the species historically present at the site. 18-3IM Cont'd

4. Recognize that Wind Projects are Potentially Compatible with Planning Goals

The EIS/EIR should take into account the fact that wind energy projects are potentially compatible in some reserve, corridor and buffer areas, and project areas can support viable populations of many sensitive taxa, as well as wildlife movement, presuming careful siting, mitigation and monitoring. This stems from wind energy's small ground disturbance footprint and the ability to carefully micro-site turbines. Compared to many other types of development, wind energy projects offer considerably lesser impacts, and positive population growth may be possible for sensitive species in project areas. The co-location of wind energy projects and sensitive species or ecological communities could facilitate the ability to identify and secure large, contiguous reserve areas while simultaneously preserving high quality wind resource areas for development. 18-4PLU

5. Plan for All Realistic Renewable Energy Development Scenarios through 2050

The EIS/EIR should plan for a wide range of realistic desert renewable energy development scenarios through 2050, the time frame for achieving California's ambitious greenhouse gas reduction goals. It is impossible to predict the many factors that will influence the need to draw upon California's desert renewable energy resources over such a long period. Renewable energy policies that the state and federal government may adopt, technology advancements, raw materials prices, growth in demand for electricity, and the degree to which the electric sector is electrified, for example, cannot be predicted over a period of 40 years.

Therefore, the DRECP should plan for the possible development of a reasonable upper bound estimate of the amount of renewables that may be needed, including a variety of possible technology mixes within that total. In planning for these scenarios, the EIS/EIR should not assume technology-specific estimates that could translate into technology-specific caps under the final plan. The EIS/EIS should also make clear that, in planning for an upper-bound scenario, it is in no way mandating such an outcome; rather, a variety of policy, technology, market and other factors will determine the extent to which renewable energy resources in the desert are needed to achieve the state's broader environmental and energy goals. 18-5A

6. Achieve Permit Streamlining: Regulatory Context

Along with providing effective conservation strategies for covered species, the EIS/EIR should adequately address the regulatory assurances to be provided to the wind energy industry regarding development impacts on avian and bat species in order to achieve the DRECP's goal of streamlining the permit process. CalWEA recommends the following permitting structure for wind energy projects in the DRECP area: 18-6PD

a. **Develop an Appropriate and Manageable Set of Covered Species.** CalWEA has provided DRECP officials with a list of 17 covered species that are relevant to wind projects within the proposed permit area boundaries. Per discussion of the California condor, above, CalWEA recommends that this species not

be addressed as part of the DRECP by means of a limited change to the DRECP boundary lines. It is expected that wind energy project impacts on other species currently being considered for inclusion as covered under the DRECP would be avoided through careful micro-siting or otherwise addressed through minimization and compensatory mitigation measures. For the DRECP overall, the EIS/EIR should provide coverage for an appropriate suite of sensitive species without burdening the plan with an overly expansive list of species for which adequate data do not exist or which would unduly complicate, or increase the cost of implementing, the conservation strategy. Attempting to cover too many species will jeopardize successful completion of the DRECP altogether and frustrate the goal of permit streamlining.

b. **Establish predictable avoidance and minimization strategies specific to wind energy.** These should include management practices tailored for the region to limit impacts on covered species including avian species. Scientifically defensible limitations on the need for extensive on-site species-specific protocol surveys should be considered in the interest of keeping wind energy development compliant with wildlife rules and regulations while streamlining the development process. The DRECP should strive to minimize or eliminate the need for presence-absence surveys and to limit pre-construction surveys.

c. **Establish an in-lieu-fee-based mitigation strategy** to address avian and other impacts, reflecting the low-density terrestrial impact footprint of wind (see comment numbers 3 and 4 above). Credit against fees should be given where on-site conservation can be accomplished consistent with wind development. In-lieu fee mitigation programs should be available to projects that are permitted during the development of the DRECP, particularly those requiring timely completion in order to qualify for federal tax benefits.

18-6PP Cont'd

d. **Provide for county permitting with "no surprises."** The permit structure should provide for permit issuance through the desert counties, rather than the California Energy Commission or directly from the wildlife agencies, and "no surprises" assurances should be provided at the local, state and federal levels.

e. **Provide permit terms consistent with wind project life, and consistent with the state's long-term greenhouse-gas-reduction targets.** The timeframe of the overall plan should be consistent with California's statute for greenhouse gas reductions through the year 2050. The term of permits for wind projects that are permitted during the timeframe of the DRECP should cover the construction of wind projects and extend for the operational life of the project (i.e., 25-30 years from construction), and through repowering (if any) or decommissioning.

f. **Provide permit streamlining under other natural resource laws as follows:**

   i. Provisions for take of state fully protected covered species should be provided as part of the NCCP permit (requiring a state-law change);

   ii. The DRECP should provide programmatic compliance for streambed alteration agreements under Fish and Game Code Section 1602 and Regional Water Quality Control Board permits (Porter-Cologne);

iii. An Avian and Bat Protection Plan ("ABPP") or other negotiated framework should provide coverage under the Bald and Golden Eagle Protection Act ("BGEPA"), Migratory Bird Treaty Act ("MBTA") and state-level requirements for raptors and other avian species. These requirements should constitute implementation of the elements of the national BGEPA Guidelines now under development, as applicable to the DRECP region. Avian take coverage should be retroactive for *existing or interim projects* (i.e., projects permitted while the DRECP is being developed) that meet specified standards. 18-6PP Cont'd

g. **Address the golden eagle as follows:** While it is possible to address population level impacts on a project-specific basis, the DRECP provides a unique opportunity to address local eagle populations on a more comprehensive regional level. The DRECP also provides an opportunity for the development of a strategy to address golden eagle issues in a manner tailored effectively for the California desert regions. The regulatory components of this strategy should include:

- As indicated above in comment 6.e for application more generally, the DRECP should establish a permit term for eagle take that covers the operational life of any wind project permitted within the initial term of the DRECP, and the DRECP should provide regulatory assurances relative to golden eagle consistent with USFWS's "No Surprises" policies, which assurances should not be undermined by an unnecessarily open-ended adaptive management program;
- The DRECP should provide programmatic golden eagle permit coverage for all projects within the permit area, requiring only that applicants submit project-tailored avian and bat protection plans consistent with the conservation strategy established for the DRECP; 18-7BR
- Consistent with comment 1 above, the DRECP should allow project developers the choice of where to site projects and should require minimization and mitigation tailored to the project area and activities;
- Given the information currently available and being collected regarding region-wide population trends on golden eagles, the DRECP should not require individual project developers to perform duplicative surveys or risk analyses in connection with their projects; and
- When an existing project has complied with the DRECP and coordinated with USFWS, the potential for requirements to modify operations or shutdown should be limited.

CalWEA looks forward to continued engagement in this important planning process.

Sincerely,

Nancy Rader
Executive Director

CalWEA Comments on DRECP NOI/NOP - APPENDIX

FIGURE 3-1
California Condor Historical Range and
Desert Renewable Energy Conservation Plan Area

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EAST COUNTY renewables COALITION

DOCKET
09-RENEW EO-1
DATE Sept 12 2011
RECD. Sept 12 2011

September 12, 2011

Mr. Jim Bartel
Field Supervisor
Carlsbad Fish and Wildlife
6010 Hidden Valley Rd., Suite 101
Carlsbad, CA 92011

California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW E0-01
Scoping Comments
1516 Ninth St.
Sacramento, CA 95814-5512

Dear Mr. Bartel and Commission:

We appreciate the opportunity to comment on the Desert Renewable Energy Conservation Plan (DRECP), and support this effort to streamline the environmental permitting process for renewable energy projects here in California. We recommend that the DRECP boundaries be expanded to cover a greater portion of San Diego County, specifically desert and high desert areas east of the Cleveland National Forest boundaries, to the Riverside & Imperial County lines and to the Mexican border. We believe that these areas represent some of the best opportunities in the Southwest for solar projects in particular, as outlined by the California Energy Commission's report on California solar resources and participation in the DRECP could address both direct and indirect cumulative impacts. We also urge the Service and California Department of Fish and Game to develop an interim take process for certain listed species similar to that utilized under Section 4-D for the California gnatcatcher while NCCP plans were under development for urbanized San Diego County. 19-1A 19-2BR

We look forward to continuing to engage with the resource agencies as this important process moves forward. Please do not hesitate to call if you have any questions.

Sincerely,

James E. Whalen
Executive Director

Cc: John Gibson, ECRC President
Devon Muto, County of San Diego

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Via Email and Fed Ex

DOCKET
09-RENEW EO-01
DATE Sept 12 2011
RECD. Sept 12 2011

9/12/2011

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

Jim Bartel, Field Supervisor
Carlsbad Fish and Wildlife Office
U.S. Fish and Wildlife Service,
6010 Hidden Valley Road, Suite 101,
Carlsbad, CA 92011.
FW8DRECP@fws.gov

Re**: Scoping Comments on the Notice of Intent/Notice of Preparation (NOI/NOP) of the Desert Renewable Energy Conservation Plan (DRECP) and Environmental Impact Statement and Environmental Impact Report (EIS/R) 76 Fed. Reg. 45606**

To whom it concerns:

On behalf of the Center for Biological Diversity (Center) and our over 320,000 members and on-line activists, we are writing to provide scoping comments on the state and federal agencies intent to prepare an Environmental Impact Statement and Environmental Impact Report (EIS/R) for the proposed Desert Renewable Energy Conservation Plan (DRECP) that will involve public and private lands in Kern, Los Angeles, San Bernardino, Inyo, Riverside, Imperial, and San Diego Counties, in California, and a possible amendment to the California Desert Conservation Area Plan (CDCA Plan) which is intended to be both a Natural Communities Conservation Plan (NCCP) and a Habitat Conservation Plan (HCP). In addition, the Center provides these scoping comments to address the parallel process undertaken by the Bureau of Land Management (BLM) for the DRECP (see 74 Fed. Reg. 60291 (November 20, 2009)) which the BLM now states will be joined to the EIS/R process for the NCCP and HCP1.

The Center is a stakeholder in the DRECP public process and has provided and will continue to provide comments and feedback to the ongoing planning process. Many of the

1 The earlier BLM scoping notice was issued at a time when many of the conservation groups including the Center were literally overwhelmed responding to site specific proposals for renewable projects on public lands and as a result were unable to provide comments at that time. We appreciate that BLM has now decided to join the EIS with the EIS/R for the DRECP as a whole.

Arizona • California • Nevada • New Mexico • Alaska • Oregon • Washington • Illinois • Minnesota • Vermont • Washington, DC

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Center's members and on-line activists reside in southern California, including the counties that will be affected by the proposed DRECP. The Center's members and staff regularly visit the desert lands in California for purposes of research, photography, hiking, enjoyment of desert areas and other recreational, scientific, and educational activities.

The development of renewable energy is a critical component of efforts to reduce greenhouse gas emissions, avoid the worst consequences of global warming, and to assist California in meeting emission reductions goals. The Center strongly supports the development of renewable energy production. However, like any projects, proposed solar, wind and geothermal power projects should be thoughtfully planned to minimize impacts to the environment. In particular, renewable energy projects should avoid impacts to sensitive species and habitats, and should be sited in proximity to the areas of electricity end-use in order to reduce the need for extensive new transmission corridors and the efficiency loss associated with extended energy transmission. Only by maintaining the highest environmental standards with regard to local impacts, and effects on species and habitat, can renewable energy production be truly sustainable. In that context, the DRECP has the opportunity to secure robust conservation through a landscape level NCCP and HCP for the California deserts while also allowing for appropriate development of renewable energy in the California deserts.

At this time, we do not know to what degree serious consideration is being given to solar, wind and geothermal energy development on degraded or disturbed lands by the DRECP. We are certain, however, that an unprecedented effort by industry and government agencies in California, is focused on the development, evaluation, and making decisions on numerous utility-scale solar and wind project proposals on public lands. To date, we find it unfortunate that many of the current renewable energy projects are proposed to be constructed on undisturbed public lands containing highly significant biological resources and values.

While some utility-scale renewable energy projects can be accommodated on public lands in the California Desert Conservation Area, they must be carefully designed and located in areas that avoid degrading and destroying what remains of our relatively intact desert landscape and its associated biological resources and values. The urgency for crafting and implementing a sound and effective DRECP could not be greater: the BLM is currently processing approximately 66 right of way applications for various forms of wind and solar energy projects involving over 540,000 acres of public lands in the California Desert Conservation Area2 in addition to the seven permitted projects on public lands that already cover more than 25,000 acres. A number of projects are proposed on private lands within the proposed planning area including at least two solar projects that were relatively well sited on previously disturbed lands. To date, some of the most resource impactful projects on public lands have been permitted, although few of those have actually been constructed yet.

The following issues need to be clearly addressed in the DRECP and the NEPA/CEQA analysis in the EIS/R:

2 http://www.blm.gov/ca/st/en/fo/cdd/alternative_energy/SolarEnergy.html ; http://www.blm.gov/ca/st/en/fo/cdd/alternative_energy/WindEnergy.html

I. The EIS/R Must Analyze the Impacts of the DRECP in the Context of FLPMA On Public Lands.

As part of Federal Lands Policy Management Act (FLPMA), Congress designated 25 million acres of southern California as the California Desert Conservation Area ("CDCA"). 43 U.S.C. § 1781(c). Congress declared in FLPMA that the CDCA is a rich and unique environment teeming with "historical, scenic, archaeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources." 43 U.S.C. § 1781(a)(2). Congress found that this desert and its resources are "extremely fragile, easily scarred, and slowly healed." *Id.* For the CDCA and other public lands, Congress mandated that the BLM "shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands." 43 U.S.C § 1732(b).

The DRECP and associated EIS/R must take into account any proposed amendments to the CDCA plan from the BLM as well. Given the potential impact of the proposed action on other multiple uses of public lands as well as other aspects of the bioregional planning, it is clear that DRECP will need to evaluate the impacts of potential amendments to *other parts* of the CDCA plan beyond the renewable energy element, as well and look at additional and/or different amendments as part of the alternatives analysis. 20-1PLU

While the Center supports additional protections for species and habitats on public and private land that could accrue, we have several concerns with any proposed land use amendments in the respect that they must accurately address the limits of those protections on the ground under the current regulatory and statutory framework that applies to public and private lands. For example, some public lands that might be excluded from solar development areas under the DRECP are MUC class M and L lands that would under the CDCA plan remain open to multiple other uses that threaten species and habitats including mining, livestock grazing and off road vehicle use. Without further changes to the public land management plans and possibly new federal legislation, for the DRECP to rely on conservation on public lands under the current MUC class designations may in fact result in diminished conservation values over all. The DRECP must clearly address the direct, indirect and cumulative impacts of land management designations (both existing and potentially proposed) based on how they will affect any proposed conservation/development strategy.

A. The DEIS/R Must Adequately Address the Plan Amendment in the Context of the CDCA Plan.

While we recognize that the DRECP will undoubtedly involve a new CDCA Plan amendment, the EIS/R must adequately consider the impacts of the proposed plan in the context of FLPMA and the existing CDCA Plan as amended. FLPMA requires that in developing and revising land use plans, the BLM must consider many factors and "use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences . . . consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values." 43 U.S.C. § 1712(c). As stated clearly in the CDCA Plan: 20-2PLU

> The goal of the Plan is to provide for the use of the public lands, and resources of the California Desert Conservation Area, including economic, educational, scientific, and recreational uses, in a manner which enhances wherever possible—and which does not diminish, on balance—the environmental, cultural, and aesthetic values of the Desert and its productivity.

CDCA Plan at 5-6. The CDCA Plan also provides several overarching management principles:

> MANAGEMENT PRINCIPLES
>
> The management principles contained in the law (FLPMA)—*multiple use, sustained yield, and the maintenance of environmental quality*—are not simple guides. Resolution of conflicts in the California Desert Plan requires innovative management approaches for everything from wilderness and wildlife to grazing and mineral development. These approaches include:
>
> —Seeking simplicity for management direction and public understanding, avoiding complication and confusing in detail which would make the Plan in comprehensive and unworkable.
>
> —Development of decision-making processes using appropriate guidelines and criteria which provide for public review and understanding. These processes are designed to help in allowing for the use of desert lands and resources while preventing their undue degradation or impairment.
>
> *—Responding to national priority needs for resource use and development, both today and in the future, including such paramount priorities as energy development and transmission, without compromising the basic desert resources of soil, air, water, and vegetation, or public values such as wildlife, cultural resources, or magnificent desert scenery. This means, in the face of unknowns, erring on the side of conservation in order not to risk today what we cannot replace tomorrow*.
>
> *—Recognizing that the natural patterns of the California Desert, its geological and biological systems, are the basis for planning*, and that human use patterns, from freeways to fence lines, define its boundaries. Only in this way can the public resources can be understood and protected by the Plan that can be publicly comprehended, accepted, and followed.

CDCA Plan 1980 at 6 (first emphasis in original, second emphasis added).

The CDCA Plan anticipated that there would be multiple plan amendments over the life of the plan and provides specific requirements for analysis of Plan amendments. Those requirements include determining "if alternative locations within the CDCA are available which would meet the applicant's needs without requiring a change in the Plan's classification, or an amendment to any Plan element" and evaluating "the effect of the proposed amendment on BLM management's desert-wide obligation to achieve and maintain a balance between resource use

20-2PLU Cont'd

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and resource protection." CDCA Plan at 121. EIR/EIS needs to take this portion of the CDCA into account in order to comply with the required CEQA and NEPA analyses and alternatives analysis. Looking at the CDCA Plan requirements in context with the CEQA and NEPA review it is clear that the EIR/S will need to analyze not only whether alternative locations are available that would not require a plan amendment, but also how the proposed amendment would affect desert-wide resource protection and whether alternative locations and alternative plan amendments would avoid or lessen those impacts.

The CDCA Plan includes the Energy Production and Utility Corridors Element which is focused primarily on utility corridors with brief discussion of powerplant siting. Even in 1980 the CDCA Plan contemplated that alternative energy projects would likely be developed in the future but did not expressly provide planning direction for the large scale energy production now contemplated. Nonetheless, the overarching principles expressed in the Decision Criteria are also applicable to the DRECP here including minimizing the number of separate rights-of-way, providing alternatives for consideration in the EIS/R, and "avoid[ing] sensitive resources wherever possible." CDCA Plan at 93. The DEIS/R needs to show that all of the agencies have considered the landscape level issues and management objectives or alternatives to the proposed plan amendment *in the DEIS/R*.

20-2PLU Cont'd

In addition, the DEIS/R should consider the impacts to public lands across several scales including, for example: each of the bio-regions identified by BLM in the CDCA planning documents, in the CDCA as a whole, and in adjacent desert areas (including for example, Anza Borrego Desert State Park, the Owens Valley as a whole, the southern Sierra Nevada mountains, and the transverse ranges).

II. The DEIS Must Comply with NEPA.

NEPA is the "basic charter for protection of the environment." 40 C.F.R. § 1500.1(a). In NEPA, Congress declared a national policy of "creat[ing] and maintain[ing] conditions under which man and nature can exist in productive harmony." *Or. Natural Desert Ass'n v. Bureau of Land Mgmt.,* 531 F.3d 1114, 1120 (9th Cir. 2008) (quoting 42 U.S.C. § 4331(a)). NEPA is intended to "ensure that [federal agencies] … will have detailed information concerning significant environmental impacts" and "guarantee[] that the relevant information will be made available to the larger [public] audience." *Blue Mountains Biodiversity Project v. Blackwood,* 161 F.3d 1208, 1212 (9th Cir. 1998).

Under NEPA, before a federal agency takes a "'major [f]ederal action[] significantly affecting the quality' of the environment," the agency must prepare an environmental impact statement (EIS). *Kern v. U.S. Bureau of Land Mgmt.,* 284 F.3d 1062, 1067 (9th Cir. 2002) (quoting 43 U.S.C. § 4332(2)(C)). "An EIS is a thorough analysis of the potential environmental impact that 'provide[s] full and fair discussion of significant environmental impacts and … inform[s] decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.'" *Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt.,* 387 F.3d 989, 993 (9th Cir. 2004) (citing 40 C.F.R. § 1502.1). An EIS is NEPA's "chief tool" and is "designed as an 'action-forcing device

to [e]nsure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government.'" *Or. Natural Desert Ass'n,* 531 F.3d at 1121 (quoting 40 C.F.R. § 1502.1).

An EIS must identify and analyze the direct, indirect, and cumulative effects of the proposed action. This requires more than "general statements about possible effects and some risk" or simply conclusory statements regarding the impacts of a project. *Klamath Siskiyou Wildlands Center v. BLM,* 387 F.3d 989, 995 (9th Cir. 2004) (citation omitted); *Oregon Natural Resources Council v. BLM,* 470 F.3d 818, 822-23 (9th Cir. 2006). Conclusory statements alone "do not equip a decisionmaker to make an informed decision about alternative courses of action or a court to review the Secretary's reasoning." *NRDC v. Hodel*, 865 F.2d 288, 298 (D.C. Cir. 1988).

NEPA also requires the action agency (here both FWS and BLM) to ensure the scientific integrity and accuracy of the information used in its decision-making. 40 CFR § 1502.24. The regulations specify that the agency "must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential." 40 C.F.R. § 1500.1(b). Where there is incomplete information that is relevant to the reasonably foreseeable impacts of a project and essential for a reasoned choice among alternatives, the FWS and BLM must obtain that information unless the costs of doing so would be exorbitant or the means of obtaining the information are unknown. 40 C.F.R. § 1502.22. In the context of the DRECP, some necessary additional information has already been identified and funding for collecting data and other information has been allocated. Additional funds may be needed to ensure the agencies have a robust set of data as a basis for the planning and the EIS. Moreover, the DRECP must include and evaluate all available information including for example, information on Unusual Plant Assemblages, riparian areas, species, information collected from permitted projects, and gray literature. Even in those instances where complete data is unavailable, the EIS also must contain an analysis of the worst-case scenario resulting from the proposed project. *Friends of Endangered Species v. Jantzen*, 760 F.3d 976, 988 (9th Cir. 1985) (NEPA requires a worst case analysis when information relevant to impacts is essential and not known and the costs of obtaining the information are exorbitant or the means of obtaining it are not known) *citing Save our Ecosystems v. Clark*, 747 F.2d 1240, 1243 (9th Cir. 1984); 40 C.F.R. § 1502.22. 20-3IM

A. Purpose And Need and Project Description Need to be Broadly Construed

The purpose and need statement cannot be narrowed to fit only the proposed DRECP plan and then shape the findings to approve that plan without a "hard look" at the environmental consequences. To do so would allow an agency to circumvent environmental laws by simply "going-through-the-motions." It is well established that NEPA review cannot be "used to rationalize or justify decisions already made." 40 C.F.R. § 1502.5; *Metcalf v. Daley*, 214 F.3d 1135, 1141-42 (9th Cir. 2000) ("the comprehensive 'hard look' mandated by Congress and required by the statute must be timely, and it must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision

already made.") As Ninth Circuit noted an "agency cannot define its objectives in unreasonably narrow terms." *City of Carmel-by-the-Sea v. U.S. Dept. of Transportation*, 123 F.3d 1142, 1155 (9th Cir. 1997); *Muckleshot Indian Tribe v. U.S. Forest Service*, 177 F. 3d 900, 812 (9th Cir. 1999). The statement of purpose and alternatives are closely linked since "the stated goal of a project necessarily dictates the range of 'reasonable' alternatives." *City of Carmel*, 123 F.3d at 1155. The Ninth Circuit recently reaffirmed this point in *National Parks Conservation Assn v. BLM*, 586 F.3d 735, 746-48 (9th Cir. 2009) (holding that "[a]s a result of [an] unreasonably narrow purpose and need statement, the BLM necessarily considered an unreasonably narrow range of alternatives" in violation of NEPA).

The requirement that the purpose and need statement not be unreasonably narrow, and NEPA in general serves, in large part, to "guarantee[ ] that the relevant information will be made available to the larger audience that may also play a role in both the decision-making process and the implementation of that decision." *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989). The agencies cannot camouflage their analysis or avoid robust public input, because "the very purpose of a draft and the ensuing comment period is to elicit suggestions and criticisms to enhance the proposed project." *City of Carmel-by-the-Sea*, 123 F.3d at 1156. The lead agencies cannot circumvent relevant public input by narrowing the purpose and need so that no alternatives can be meaningfully explored or by failing to review a reasonable range of alternatives.

In the discussion on the need for renewable energy production, the EIS/R must address risks associated with global climate change in context of including both the need for climate change mitigation strategies (e.g., reducing greenhouse gas emissions) and the need for climate change adaptation strategies (e.g., conserving intact wild lands and the corridors that connect them). All climate change adaptation strategies underline the importance of protecting intact wild lands and associated wildlife corridors as a priority adaptation strategy measure. 20-4PD

The habitat fragmentation, loss of connectivity for terrestrial wildlife, and introduction of predators and invasive weed species associated with the renewable energy development that would be facilitated by the proposed plan may run contrary to an effective climate change adaptation strategy. As a result, careful consideration of siting renewal development zones to minimize impacting ecologically functioning ecosystems, occupied habitat and important habitat linkage areas, major washes and other fragile desert resources is needed to avoid undermining a meaningful climate change adaptation strategy with a poorly executed climate change mitigation strategy. Moreover, the renewable energy projects will emit greenhouse gases during construction and manufacturing in particular and the EIS/R should contain a discussion of ways to avoid, minimize or off-set these emissions. The way to maintain healthy, vibrant ecosystems is not to fragment them and reduce their biodiversity. 20-5PD 20-6CC

B. The DEIS/R Needs to Adequately Describe Environmental Baseline

Both CEQA and NEPA require the agencies to describe the environmental baseline and the environmental setting. While these requirements are somewhat different under state and federal law, the baseline description and environmental setting description should be fully

coordinated in the EIR/S. In *Half Moon Bay Fisherman's Marketing Ass'n v. Carlucci*, 857 F.2d 505, 510 (9th Cir. 1988), the Ninth Circuit states that "without establishing . . . baseline conditions . . . there is simply no way to determine what effect [an action] will have on the environment, and consequently, no way to comply with NEPA." Similarly, without a clear understanding of the current status of resources at issue in the DRECP on both public and private lands the agencies cannot make a rational decision regarding proposed NCCP/HCP. *See Center for Biological Diversity v. U.S. Bureau of Land Management, et al*., 422 F. Supp. 2d 1115, 1166-68 (N.D. Cal. 2006) (holding that it was arbitrary and capricious for BLM to approve a project based on outdated and inaccurate information regarding biological resources found on public lands).

The DEIS/R needs to provide adequate baseline information and description of the environmental setting in many areas including in particular the status of rare plants, animals and communities including desert tortoise, golden eagles, rare plants, riparian resources, and sand transport corridors. 20-7IM/BR

C. The DRECP Must Be Coordinated With BLM's Renewable Energy PEISs

Because the BLM has already completed a Programmatic Environmental Impact Statements (PEISs) for wind and geothermal energy and is in the midst of developing the PEIS for Solar Energy, we strongly urge that these federal efforts be included in the development of the DRECP and accompanying EIS/R documents. The DRECP should identify how these efforts integrate into the DRECP and provide a more detailed and long-term conservation strategy that allows for the development of properly sited renewable energy projects in the California Desert Conservation Area and adjacent areas. 20-8PD

Because the Solar PEIS is still a draft document, the DRECP must clearly explain how the proposed plan would interface with the Solar PEIS process. The EIS/R must also take a coordinated look at all of the covered activities and explain how environmental review will occur for any related projects that are not "covered" but which may be needed to get the produced energy onto the grid. The Center believes that the DRECP can and must solve the current piecemeal approach to project review in support of a "bioregional" approach in support of conservation and the fundamental planning principles of FLPMA.

The EIR/S should also clearly address how the BLM DRECP process will be coordinated with the NCCP/HCP process. Because much of the conservation is likely to take place on public lands managed by the BLM, this coordinated approach is essential to ensure that the eventual conservation strategy set forth in the DRECP (and upon which an NCCP and HCP take permit will be based), will be carried out. Given that the vast majority of land within the DRECP planning area is owned and managed by the BLM, the DRECP cannot go forward in a piecemeal fashion but must ensure that if conservation on public lands is a component of the plan, the necessary land use plan changes and management efforts will be undertaken by the BLM. Therefore, we strongly urge that the BLM coordinate its DRECP EIS process with DRECP the California Environmental Quality Act (CEQA) and NEAP process undertake for the NCCP/HCP. 20-9PD

The DEIS/R Must Identify a Reasonable Range of Alternatives to Analyze as Part of the NEPA/CEQA Process.

A Notice of Intent under NEPA must include a description of the alternatives that the agency is considering as part of the preparation of the EIS. The NOI for the DRECP does not include any information about what the agencies are considering to be the range of alternatives to the DRECP. We strongly urge that the agencies present information on what its possible alternatives may include, and suggest that they look at alternatives that include phasing of renewable energy development at different scales, different levels of development set by different levels of energy need, a low impact alternative, and other appropriate alternatives. 20-10A

THE DRECP Process Needs to Provide a More Detailed Description of the Public Process and Decision-Making.

Currently, the DRECP is being conducted as a joint effort between the state of California Energy Commission, California Department of Fish and Game, U.S. Fish and Wildlife Service and the BLM. Under the state NCCP Act, there are strong requirements for an open public process. With the federal agencies coordinating its NEPA and any Land Use Plan amendment public process with the state CEQA process, we provide the following recommendations for this public process that we urge the DRECP to adopt and support:

- The DRECP should create a balanced Steering Committee comprised of the plan participants (as discussed above) in addition to the Renewable Energy Action Team (REAT) as well as other interested parties such as conservation non-profit organizations, tribes, and representatives of the renewable energy industry. This Steering Committee should follow the format used by Steering Committees in other NCCP planning efforts such as the Contra Costa County NCCP. 20-11PRO

- The DRECP should set forth a comprehensive process for public participation, including public workshops, availability of information, and making Steering Committee meetings and other technical meetings largely open to the public. We believe an open, transparent process will lead to greater success and less opposition to a final product.

We are concerned that under the current structure for the DRECP, the development of the plan has occurred within the state and federal agencies where the agencies are issuing products for review and comment by stakeholders with very little time to respond and that many of those comments do not appear to be taken into account as the planning moves forward. This kind of unbalanced approach affords only limited opportunity for the development of a collaborative plan as stakeholders parties are asked only to react to products, but not allowed to develop them along the way.

We strongly urge that the DRECP planning process work more collaboratively with the stakeholder groups to ensure a robust process, and a well balanced plan.

Comments on the Planning Goals for the DRECP:

Our comments on the Planning Goals for the DRECP, as stated in the Federal Register Notice (76FR45608), are as follows:

a. Provide for the long-term conservation and management of identified species in the planning area:

The "identified species in the planning area" needs to be clearly defined and refined. At a minimum, we recommend the species addressed in the plan should be most all those listed or proposed to be listed under the Endangered Species Act and the California Endangered Species Act, candidates for proposed listing should also be included, as well as all BLM designated Sensitive Species and California Native Plant Society List 1B plants in the planning area. The Independent Science Advisors made strong recommendations for additional species that needed to be included in the DRECP. The DRECP should address these species as well.

Equally important to identification of species to be addressed is development of an effective means of providing long-term conservation for the target species and their remaining habitats. Reserve-level conservation management should be the foundation for the plan rather than uncertain or unspecified conservation goals based on subjective determinations and future studies, research and determinations. The existing species and habitat protection commitments in the CDCA Plan (ex. DWMAs, ACECs, Mohave Ground Squirrel Conservation Area) must not be compromised through BLM participation in the DRECP effort. Rather, species and habitat protection commitments in the CDCA Plan and other in-place conservation investments (State and Federal parks etc.) should be used as a starting point for the DRECP and then strengthened as a result of the DRECP. 20-3PD Cont"d

Finally, we have found during the course of evaluating individual energy projects on public and private lands that there is a need to conduct additional survey work to inventory the resources on desert lands. There is insufficient survey information in the desert to understand completely the level of resources in specific areas. We urge the participating agencies to conduct additional on-the-ground surveys for those areas identified to be developed and for those areas identified for conservation purposes. Without these detailed data, areas thought not to contain important resources may mistakenly be offered up as development areas, exacerbating conflict and undermining the conservation goals of the plan.

b. Preserve, restore, and enhance natural communities and ecosystems that support identified species in the planning area:

These goals for natural communities and ecosystems need to be defined in a manner that provides reserve-level conservation management over broad regions of the proposed DRECP plan area. Maintaining healthy, viable populations of the target species of plants and animals throughout their natural ranges is essential. As noted above, as part of the coordinated DRECP, the BLM may need to amend the CDCA Plan in order to eliminate certain multiple use activities where natural communities and ecosystems will require preservation, restoration and 20-13PD

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enhancement on public lands. We urge the agencies participating in the DRECP effort, to identify potentially incompatible land uses in areas as early in the planning process as possible.

The first priority must be to effectively preserve all remaining natural communities that are relatively free of deleterious multiple use impacts or can be restored. Restoration and enhancement may be necessary in some areas where the extent of remaining natural communities in healthy condition is limited. Restoration and enhancement could include removing certain traditional multiple use activities that are know to contribute to loss of species and their habitats over significant portions of their range on the public lands. Two such uses are livestock grazing and off-road vehicle use, especially in areas established for long-term conservation such as the DWMAs and other Areas of Critical Environmental Concern including the Mohave Ground Squirrel Conservation Areas. 20-13PD Cont'd

We also urge the DRECP to plan for conservation across land ownerships and include private lands as well as military lands. The DRECP should include all public and private lands in the planning area in order to provide for the ecosystem conservation required under the state NCCP Act.

c. <u>Build on the Competitive Renewable Energy Zones identified by the State's Renewable Energy Transmission Initiative that depict areas where renewable energy generation project permitting may be expedited:</u>

We do not support this proposed planning goal, as stated, because based on our analysis, the Competitive Renewable Energy Zones (CREZs) were identified based on hypothetical applications for generation and transmission of renewable energy with inadequate consideration given of impacts to at-risk species and their habitats, habitat connectivity and species movements, and impacts to relatively intact natural communities. 20-14PD

We recommend that the DRECP abandon the existing CREZs. Indeed, we believe the DRECP needs to conduct its own analysis of the planning area to determine the best areas to facilitate development with a focus on already disturbed areas that will avoid important resource areas. The DRECP should only identify areas that would serve to facilitate renewable energy development in identified disturbed areas, most of which are on private land that were formerly used for agriculture. These lands occur extensively in the Antelope Valley, southeastern Fremont Valley, Daggett "triangle", Blythe area, and portions of the Imperial and Coachella Valleys.

d. <u>Identify the most appropriate locations in the planning area for the development of utility-scale renewable energy projects, taking into account potential impacts to threatened and endangered species, sensitive natural communities, and cultural resources</u>: 20-15PD

Appropriate locations for utility-scale renewable energy projects can only be identified after the biological resources conservation goals, objectives and reserves are identified. It becomes essentially a step-down or filtering process, with identification of the biological

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conservation strategy taking priority over identification of where utility-scale energy projects may be located.

As discussed above, we strongly urge development to occur in currently or historically environmentally degraded and disturbed areas. The conservation community has developed criteria to assist in the identification of appropriate areas for renewable energy development. These criteria are attached as Attachment 1. 20-15PD Cont'd

e. Coordinate and standardize mitigation and compensation requirements for renewable energy activities in the planning area:

Since the DRECP will be a developed as a state NCCP and federal HCP, the standard for compensation and mitigation must mesh with the requirement that the overall plan provides for the conservation (i.e., recovery) of covered species and natural communities. All impacts associated with development must be "fully mitigated" due to the statutory significance of the CDCA and surrounding lands and the long-term cumulative adverse impacts that affect the region and its biological resources, and must result in long-term conservation of desert resources. The priority in developing the DRECP should be identification of potential project areas where avoidance of impacts to sensitive biological resources can be largely assured, thus minimizing the need for requiring mitigation and compensation 20-16PD

In contrast, identifying areas for development where substantial mitigation and compensation requirements will be needed should be avoided or considered solely for later phases of development. Project development in such areas would only contribute to the long term cumulative loss of natural communities and sensitive species that inhabit them. These areas should be avoided to the maximum extent possible.

f. Develop an efficient process for authorizing renewable energy projects in the planning area that results in greater conservation values than the process provided by project-by-project or species-by-species reviews:

This goal can only be achieved if projects are largely located in previously disturbed and degraded lands and avoid intact natural biological communities. We support the concept of accelerated issuance of permits for projects that are located in such disturbed and degraded habitats, provided those projects are based on the best available technology, avoid use of groundwater for cooling and panel washing, and are sustainable. 20-17PD

We do not support a streamlined permitting process for any projects that would result in the destruction of intact biological communities or significant populations of at-risk species. The DRECP should result in a renewable energy project plan that avoids destruction of intact biological communities and at-risk species.

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g. Additional issues to be addressed:

The DRECP should also address issues including: a) Continued loss and fragmentation of natural biological communities throughout the California deserts from all types of projects and multiple uses; b) Protection of all naturally occurring seeps, springs, and groundwater, both fresh and brackish; c) Species viability and population connectivity issues; d) Development and implementation of effective, long term strategies for conservation of remaining natural communities throughout the California deserts; e) Opportunities for energy conservation, small-scale generation facilities near cities and towns within the CDCA and distributed generation at the site of energy consumption. 20-18PD

COMMENTS ON THE PRELMINARY ISSUES IDENTIFIED BY THE NOI/NOP:

We also provide the following additional comments and recommendations:

1. Planning Area: The DRECP planning area should include the California Desert Conservation Area (CDCA), and build upon the significant conservation designations and policies for public and private lands across the entire CDCA. For BLM managed lands, the CDCA Plan, as amended (amendments include those for the Northern and Eastern Colorado Desert, Western Colorado Desert, Northeastern Mojave Desert, Western Mojave Desert, and Coachella Valley) should be used as a foundation to build a strong DRECP for multiple species on an ecosystem or landscape level that includes conservation strategies to assure the long term survival and viability of biological diversity on both federal and private lands with significant biological resources and values. All lands acquired by the federal and state government, as well as non-governmental organizations, for conservation purposes must also be part of the DRECP, with particular emphasis given to such lands acquired by the Department of Fish and Game and BLM. The latter two agencies have acquired considerable land through acquisition from the Catellus Development Corporation and by donation from The Wildlands Conservancy. Finally, as discussed above, the DRECP should encompass private lands as well as public in order to meet the state NCCP standards for the DRECP. 20-19A

The boundaries need to be extended to include the very important western end of the Antelope Valley in Los Angeles and Kern Counties. These lands currently have some proposals for renewable energy projects, but would provide opportunities for conservation of unique resources including rare species, locally rare species, rare plant communities including state-recognized rare wildflower fields[3], and essential connectivity at the convergence of four ecoregions[4] (Mojave Desert, Sierra Nevada, Great Central Valley and South Coast ecoregions).

2. Scope: The DRECP should cover all aspects of renewable energy development including siting, best management practices, site development, power generation, transmission, facility decommissioning, and site rehabilitation. In order to consider the entire California Desert through a unified process, the DRECP must meet the requirements for a federal Habitat Conservation Plan (HCP) and a state Natural Communities Conservation Plan (NCCP). 20-20PD

3 CDFG 2003
4 CBI 2003

Combined, these plans must ensure conservation of delicate desert ecosystems while facilitating streamlined incidental take permits for state and federal listed species for projects occurring on private and public lands, and allowing renewable energy projects to be fully permitted in a minimum amount of time. 20-20PD Cont'd

3. Project Specific Survey Protocols As part of the DRECP, a requirement for thorough, seasonal surveys be performed for sensitive plant species and vegetation communities, and animal species under the direction and supervision of the resource agencies such as the US Fish and Wildlife Service and the California Department of Fish and Game is still required for all projects proposed on undisturbed habitat. Full disclosure of survey methods and results to the public and other agencies without limitations imposed by the applicant must be implemented to assure full NEPA/ESA compliance. This request is based on the fact that the California deserts are incompletely surveyed and acquisition of important information is essential to developing an adaptive management that achieves the conservation goals ultimately laid out in the DRECP.

Confidentiality agreements should not be allowed for the surveys in support of the proposed project. Surveys for the plants and plant communities should follow California Native Plant Society (CNPS) and California Department of Fish and Game (CDFG) floristic survey guidelines[5] and should be documented as recommended by CNPS[6] and California Botanical Society policy guidelines. A full floral inventory of all species encountered needs to be documented and included in the EIS. Surveys for animals should include an evaluation of the California Wildlife Habitat Relationship System's (CWHR) Habitat Classification Scheme. All rare species (plants or animals) need to be documented with a California Natural Diversity Data Base form and submitted to the California Department of Fish and Game using the CNDDB Form[7] as per the State's instructions[8]. 20-21BR

Vegetation maps should be produced at a large enough scale to be useful for evaluating the impacts. Vegetation/wash habitat mapping should be at such a scale to provide an accurate accounting of wash areas and adjacent habitat types that will be directly or indirectly affected by the proposed activities. A half-acre minimum mapping unit size is recommended, such as has been used for other development projects. Habitat classification should follow CNPS' Manual of California Vegetation (Sawyer et. al. 2009).

Adequate surveys must be implemented, not just a single season of surveys, in order to evaluate the existing on-site conditions. Due to unpredictable precipitation, desert organisms have evolved to survive in these harsh conditions and if surveys are performed at inappropriate times or year or in particularly dry years many plants that are in fact on-site may not be apparent during surveys (ex. annual and herbaceous perennial plants).

5 http://www.cnps.org/cnps/rareplants/inventory/guidelines.php and http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols_for_Surveying_and_Evaluating_Impacts.pdf
6 http://www.cnps.org/cnps/archive/collecting.php
7 http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDB_FieldSurveyForm.pdf
8 http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp

4. <u>Global Climate Change Adaptation</u>: Average temperatures in the Southwestern U.S. are projected to rise from four to as much as 10 Fº over the baseline years (1960 – 1979) by the year 2090.[9] An increase of between seven and 10 Fº associated with the higher greenhouse gas emission scenario is more likely than the lower range of temperature increase associated with the lower emissions.

The DRECP must address the projected effects of global climate change on plants, animals, their habitats and connectivity throughout the planning area as part of the environmental baseline. Opportunities for species to adapt to environmental changes will be essential components of the plan. Such changes include, for example, movement of certain species to higher elevations as temperatures increase, plant communities undergo species composition shifts, and precipitation patterns change. The baseline condition should account for the existing impacts to species adaptation opportunities such as habitat lost and fragmented by highways, canals, fences and general urban development. 20-22CC

Maintaining opportunities to allow for species adaptation in response to climate change essentially means maintaining sufficient natural communities to allow for species movements and colonization of habitats within their range of tolerance as those ranges move in continuing response to climate change.[10]

4. <u>Biological Resources Conservation Strategy</u>: Maintaining the abundance, diversity and viability of naturally occurring biological resources in the California deserts should be the basic goal of the planning process. This goal necessitates that conservation strategies be developed and applied on a landscape basis rather than on a single species approach. The California deserts have a rich assemblage of animals and plants that has undergone significant degradation over the past 150 years, beginning with excessive livestock grazing, then progressing to privatization and development, followed by expansion of transportation and utilities systems that supported growth of urban and industrial areas. Some plant and animal populations have suffered under the pressure of human development and their viability and long-term existence is questionable in the absence of strong conservation intervention. The number of plant and animal species listed as threatened or endangered, being considered for such listing, or otherwise considered species of concern, is a strong indicator that considerable portions of the California deserts ecosystems are failing. We urge the DRECP to use this planning process to significantly stabilize and improve the overall ecosystem and health of plant and animal populations while allowing for environmentally compatible renewable energy development.

The DRECP should be based on landscapes or ecosystems within the California deserts that are sufficient in size, number and configuration to accommodate all species, allow for continuation of ecosystem processes, and include a conservation strategy sufficiently robust to withstand the effects of climate change. Non-listed, native species need to be treated as essential components of the California deserts' landscape along with those that are at-risk. 20-23BR

9 U.S. Global Climate Change Research Program. 2009.
10 Kelly and Goulden 2008

We urge the DRECP to pay particular attention to the adequacy of conservation for the following species and habitat types:

a. Desert Tortoise: Desert Tortoise populations have declined alarmingly over the past 30 years throughout most of the California deserts, especially in the Mojave region. Unfortunately, despite current conservation measures that have been put in place, the populations continue to decline. Long term persistence of this species in the various recovery units and its ability to respond to climate change are two critical issues that need to be addressed. We strongly recommend the DRECP address habitat connectivity between Desert Tortoise Critical Habitat Units, DWMAs and other areas of known importance to desert tortoise including those areas identified for inclusion in the DWMA in the 1994 Recovery Plan that were left out of the BLM's initial DWMA designations. Major highways, fences and canals have effectively blocked desert tortoise movements and gene flow between core population areas, and the plan should address mitigation of these known, existing impediments to movements and gene flow.

The Center strongly encourages the DRECP to evaluate the ecological importance of suitable habitat for the desert tortoise as a basis for identifying potential habitat connectivity corridors in the California deserts. Based on recent desert tortoise surveys performed in Ivanpah Valley and the area immediately south of the Cady Mountains near Pisgah Crater that have documented relatively high density, successfully reproducing tortoise populations, we believe that important populations likely occur over much larger areas than previously known, and that these populations are as ecologically important as populations within designated critical habitat – indeed they are crucial for the species genetic connectivity and survival.

We recommend that all self-sustaining desert tortoise populations or subpopulations and connectivity habitats be excluded from all utility-scale renewable energy development.

20-24BR

b. Mohave Ground Squirrel: The Mohave ground squirrel (MGS) was listed in 1971 by the California Fish and Game Commission due to concerns about habitat and population loss in the Antelope Valley region. This species occurs only in suitable habitat within a portion of the Western Mojave Desert – a very limited range for this endemic mammal.

The 2006 West Mojave amendments to the California Desert Conservation Area (CDCA) Plan established the MGS Wildlife Habitat Management Area, known during the multi-jurisdictional planning process as the MGS Conservation Area. The conservation provisions for this species for public land administered by BLM are substantial; a 5:1 ratio for habitat loss compensation and a one-percent development cumulative habitat impact limit for projects proposed within the designated management area. The one-percent cumulative impact limit has been used by the BLM to deny several large scale solar and wind energy project proposals within the designated MGS management area in compliance with BLM's land use plan.

We urge the DRECP to keep these essential conservation requirements in place and furthermore, the preferred locations of where the 1% development could occur. The DRECP should identify and designate habitat areas within the MGS management area that need to be off-limits to any renewable energy project and associated infrastructure and transmission systems.

20-25BR

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At a minimum, these areas would include but not be limited to: Rose Valley, southern Indian Wells Valley, Jawbone-Butterbredt ACEC, Dixie Wash, lands surrounding the El Paso Mountains; Rademacher Hills to Searles Valley; and all habitats within the Fremont-Kramer and Superior-Cronese Desert Tortoise DWMAs/ACECs. 20-25BR Cont'd

c. Desert Bighorn Sheep: The CDFG in conjunction with other research biologists have recently reviewed the status of various populations of desert bighorn sheep (DBS) throughout the California Desert. Through their Resource Assessment Program, CDFG and others have characterized bighorn herds occupying the numerous mountain ranges as metapopulations, or physically distinct subpopulations that are essential components of the larger population. Subpopulations or herds occupying mountain ranges are biologically linked to varying degrees depending on availability of movement corridors. These corridors are described by CDFG as "… vast open areas of alluvial fans and vast, dry expanses of relatively flat terrain."[11] The metapopulation model for DBS recognizes that metapopulations may persist for varying periods of time involving generations of individuals, or may become extirpated for various reasons, but over time they are recolonized by animals moving from other subpopulations across landscape corridors. Great public expense has been incurred for re-introduction of bighorn herds into former habitat where they have been extirpated.

We strongly urge the DRECP to address the conservation of DBS through protection of metapopulations and their subpopulations in various mountain ranges, their movement corridors between mountain ranges and their lower-elevation winter foraging areas at a landscape level. The model being developed by CDFG biologists should be used in the planning effort, and we urge the DRECP to establish a goal of strict protection of movement corridors and lower elevation foraging areas to preserve viable metapopulations and subpopulations throughout the range of this species in the California deserts[12]. The need to provide for movement corridors across strategic portions of Interstate Highways 10, 40 and 15 should also be addressed and planned. 20-26BR

The endangered Peninsular bighorn sheep population must also be conserved. The Center is concerned that proposals now being considered, such as the Ocotillo Express wind project, are inconsistent with the long-term conservation of this species which must be ensured under the DRECP. 20-27-BR

d. Raptors: Numerous species of raptors occur in the California deserts either permanently or seasonally. Raptor nesting and foraging areas are particularly important to conserve because many of these species return to the same nesting and foraging sites over multiple years. Viable nesting and foraging areas in the California deserts have been impacted by highways, mining, off-road vehicle use, urban development, etc.

Most, if not all, raptors in the California deserts are designated Sensitive Species and warrant special protective management under a variety of laws and policies (ex. Bald and Golden Eagle Act, BLM's Special Status Species Management Policy (Manual 6840)). The BLM

11 CDFG 2005
12 Epps et al. 2005

conducted desert-wide raptor nesting surveys in the early stages of the California Desert Planning process beginning in about 1977 and the California Desert Conservation Area Plan of 1980 identifies raptor nesting and foraging areas (CDCA Plan, Map No. 4). Subsequently, project specific surveys for golden eagles have documented not only eagle nests but other raptors' nests within a ten-mile radius of proposed projects. The DRECP should address permanent protection needs for nesting and key foraging areas for all raptors including but not limited to the golden eagles, Swainson's hawks prairie falcon and red-tailed hawks etc.

The Center is concerned that proposals now being considered for wind projects throughout the DRECP planning area and in adjacent areas are inconsistent with the long-term conservation of golden eagles and migratory birds and could quickly undermine conservation of these species in the region. The DRECP must address these critical issues as well. 20-28BR

e. Sand Transport Corridors, Stabilized and Active Dunes

While generally poorly documented for their biological resources in the past, sand transport corridors, stabilized and active dunes have the potential to host a suite of rare endemic species including but not limited to fringe-toed lizards and endemic plants. Blockage of any part of a sand transport corridor will have down-wind effects far beyond the project footprint impact. Based on the uniqueness of this habitat type and the complex processes required to maintain a functioning sand transport corridor, sand transport corridors and the stabilized and active dunes that they support should not be considered for any type of development. 20-29BR

5. Address Other Factors With Potential to Compromise Conservation

a. Greenhouse Gas Emissions and Biomass

The Center opposes any inclusion of biomass as a so-called "renewable" energy resource that could be a covered activity under the DRECP. The Center has participated in the covered activities stakeholder sub-group which has discussed these issues in depth. Simply put, 1)there is no truly renewable source of "biomass" in the DRECP region that would justify including any biomass projects, 2) there is already sufficient capacity in existing power plants to burn any agricultural biomass in the region (and those plants also now burn scrap wood and other biomass trash from the Los Angeles region as well as petroleum coke—thereby creating a very large source of greenhouse gas emissions in the planning area) and 3) the DRECP region includes air several basins with extremely impaired air quality that should not be subject to additional air quality impacts from burning biomass. 20-30PD

The construction of all of the proposed facilities will also increase greenhouse gas emissions and those emissions should be quantified and off-set. This would include the manufacture and shipping of components of the project and the car and truck trips associated with construction. In addition, some of the projects (such as solar thermal and biomass if it were included) may have significant operational greenhouse gas emissions that should be analyzed, minimized, and off set. Construction will also impact air quality and traffic in the area and these impacts should be disclosed, minimized and mitigated as well. . For some projects as discussed 20-31CC

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above, operations may also adversely impact air quality and traffic (depending on the number of employees needed for operations) and those impacts must be fully evaluated. For mobile sources, since consistency with the AQMP will not necessarily achieve the maximum feasible reduction in mobile source greenhouse emissions, the EIS/R should evaluate specific mitigation measures to reduce greenhouse emissions from mobile sources 20-31CC Cont'd

b. Fire Impacts

Because of the catastrophic threat that wildfire has to desert ecosystems[13], the DRECP needs to include a review and analysis of the potential impact from renewable energy projects and transmission. It must include a strategy for decreasing the potential for human-caused fire to occur on site, fire prevention including best management practices must be addressed and clearly identified in the EIS/R - not only on-site protection of resources, but also preventing fire from moving into the adjacent lands. 20-32PS

c. Non-Native Plants

The DRECP must identify and evaluate impacts to species and ecosystems from invasive exotics species. Many of these species invade disturbed areas, and then spread into wildlands. Fragmentation of intact, ecologically functioning communities further aides the spread and degradation of plant communities[14]. These factors for wildland weeds are present in the DRECP planning area and their affect must be evaluated in the EIS/R. Additionally, landscaping with exotic species is often the vector for introducing invasive exotics into adjacent habitats. Invasive landscape species displace native vegetation, degrade functioning ecosystems, provide little or no habitat for native animals, and increase fire danger and carrying capacity[15] and should be prohibited for projects covered under the plan. 20-33BR

6. <u>Areas Potentially Suitable for Energy Development</u>: We have discussed this topic with other conservationists, agency planners and biologists and have developed what we believe are appropriate criteria for use in identifying areas potentially suitable for renewable energy project development. (See attached list). These criteria include the following:

- Maximize the use of available, degraded private lands located near the periphery of the California deserts, or near population centers. Degraded lands are generally those that have been mechanically altered, such as abandoned or idle agricultural areas, abandoned industrial sites, etc. Such areas basically include sites that no longer support naturally occurring vegetation. 20-34A

- Strongly consider isolated or scattered lands public lands (generally the Unclassified lands in CDCA Plan) and public lands immediately adjacent to or near degraded private lands located near the periphery of the California deserts or near population centers.

13 Brooks and Draper 2006
14 Bossard et al 2000
15 Brooks 2000

- Strongly consider Intensive Use Class public lands in the CDCA Plan as amended.
- Strongly consider lands directly adjacent to federally designated utility corridors in the CDCA Plan as amended and adjacent to major transportation routes, but outside of designated conservation areas.

20-34A Cont'd

6. <u>Areas Essential for Long-term Conservation to Maintain Biological Diversity</u>: California desert lands possessing or supporting the following characteristics, or designations should identified in the DRECP as necessary for long-term conservation and be off-limits to renewable energy development:

- Designated and proposed critical habitat for federal endangered and threatened species.
- State and federal park and preserve lands and habitat adjacent to and near these critical areas already designated for preservation.
- Habitat for State threatened, endangered and proposed species determined essential for long term persistence and viability throughout their ranges.
- Habitat for federal threatened, endangered, proposed and candidate species considered essential for long term persistence and viability throughout their ranges.
- Habitat for BLM designated sensitive species determined essential for long term persistence and viability throughout their ranges.
- BLM identified Wildlife Habitat Management Plan Areas identified in the CDCA Plan as amended.
- BLM Areas of Critical Environmental Concern identified in the CDCA Plan as amended.
- All BLM identified Unusual Plant Assemblages designated in the CDCA Plan as amended.
- Upland habitat adjacent to seeps, springs or wetlands that supports high wildlife species diversity or values. We consider upland habitat with native vegetation based on watershed consideration of seeps, springs or wetlands to be in this category.
- Wildlife and plant movement and linkage corridors required to maintain viable populations of various wide-ranging species throughout their ranges especially in light of ongoing climate change. See discussion of conservation and protection movement corridors for species occurring in metapopulations, above.

20-35A

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Conclusion

We appreciate the opportunity to provide these comments in the DRECP scoping process. We will continue to remain actively involved throughout all phases of the planning effort. Our goal in this regard is to assist the DRECP in developing the best possible plan in a timely manner that provides effective, long-term protective policies for preserving our biological resources in the California deserts while streamlining the permitting process for renewable energy projects that are proposed in environmentally suitable areas. If you have questions or concerns about our comments please do not hesitate to contact us.

Sincerely,

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References: (provided on CD except for the book)

Bossard, C.C., J.M. Randall and M.C. Hoshovsky. 2000. Invasive Plants of California's Wildlands. University of California Press. Berkeley, CA. Pgs. 360.

Brooks, M. L. 2000. Competition between alien annual grasses and native annual plants in the Mojave desert. Am. Midl. Nat. 144:92–108.

Brooks, M.L. and J.V. Draper 2006. Fire effects on seed banks and vegetation in the eastern Mojave desert: Implications for post-fire management. extended abstract, U.S. Geological Survey, Western Ecological Research Center, Henderson, Nevada, pg. 3. Available at http://www.nps.gov/moja/naturescience/upload/Fire%20congress%202006_brooks%20and%20draper_extended%20abstract.pdf

California Department of Fish and Game

2003. List of California Terrestrial Natural Communities Recognized by The California Natural Diversity Database. Wildlife and Habitat Data Analysis Branch. September 2003 Edition. Pgs. 77

2005. Resource Assessment Project Status Summary - Linking California's desert mountain ranges: metapopulations of bighorn sheep. Resource Assessment Program http://www.dfg.ca.gov/rap/summary_desert.html

Conservation Biology Institute (CBI) 2003. Conservation Significance of Tejon Ranch, A biogeographic crossroads. Prepared for Environment Now. August 2003. Pgs. 51.

Epps, C. W. P. J. Palsbøll, J.D. Wehausen, G.K.Roderick, R.R.Ramey II, and D.R.McCullough 2005. Highways block gene flow and cause a rapid decline in genetic diversity of desert bighorn sheep. Ecology Letters 8: 1029–1038.

Kelly and Goulden 2008. Rapid shifts in plant distribution with recent climate change. Publications of the National Academy of Sciences 105 (33): 11823–11826.

U.S. Global Climate Change Research Program 2009. Global Climate Change Impacts in the U.S.; Southwest Region. http://www.globalchange.gov/publications/reports/scientific-assessments/us-impacts/full-report/regional-climate-change-impacts/southwest

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California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW E0-01
Scoping Comments
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET
09-RENEW EO-01
DATE Sept 12 2011
RECD. Sept 12 2011

Subject: **Pacific Gas and Electric Company's Comments on the Scope of the proposed Desert Renewable Energy Conservation Plan (DRECP) EIR/EIS to evaluate renewable energy development**

Dear Sir or Madam,

Pacific Gas and Electric Company, a subsidiary of PG&E Corporation (PG&E), is one of the largest combined natural gas and electric utilities in the United States. Based in San Francisco, with 20,000 employees, the company delivers some of the nation's cleanest energy to 15 million people in northern and central California.

PG&E maintains a firm commitment to environmental stewardship and to addressing issues of climate change. PG&E is working to procure power from new sources of wind, solar, and other renewable resources while protecting sensitive habitat and species in California. We support a balanced approach to developing responsible well-sited solar energy projects throughout California and beyond. Since 2002, PG&E has entered into contracts for more than 8,000 megawatts of renewable power. PG&E is also looking to develop and operate its own renewable resources, utilizing a range of renewable energy technologies. Much of the state's renewable power will be developed within the DRECP boundary.

We appreciate the leadership of the Renewable Energy Action Team (REAT) agencies in addressing renewable development in the DRECP planning area and the opportunity to provide comments on the scope of the Environmental Impact Report and Environmental Impact Statement (EIR/EIS). We continue to commend the collaborative efforts and work of the administration and state and federal agencies in proactively addressing complex issues associated with achieving not only the 20% by 2010 Renewable Portfolio Standard (RPS) mandate, but also 33% by 2020, approved earlier this year. PG&E looks forward to continued participation in the development of the DRECP and to working with the REAT agencies.

I. Scope of the EIR/EIS

PG&E supports the REAT's holistic evaluation of the environmental impacts and benefits of utility-scale renewable energy development in southern California. We understand that the DRECP will contribute to the conservation of Covered Species while streamlining listed species permitting for renewable energy development and transmission projects. We recognize that

promoting development in appropriately identified areas provides meaningful benefits to all stakeholders by reducing the uncertainties about the viability of projects to be successfully permitted, the impacts those projects could have, and by creating an atmosphere that facilitates success.

PG&E believes that the DRECP offers an excellent opportunity to: improve upon the efficient and orderly development of renewable energy resources on public and private lands throughout the Mojave and Colorado Desert regions of southern California; help develop a wide range of renewable technologies on public and private lands; and facilitate the reduction of greenhouse gas emissions while maintaining energy capacity.

PG&E supports the development of an EIR/EIS that focuses on, as stated in the Notice of Intent (NOI) to prepare the Environmental Impact Statement and Notice of Preparation (NOP) of an Environmental Impact Report and the DRECP Planning Agreement, the following objectives:

- Provide for the longer term conservation and management of Covered Species within the DRECP plan area;
- Preserve, restore, and enhance natural communities and ecosystems that support Covered Species within the DRECP area;
- Build on the competitive renewable energy zones identified by the Renewable Energy Transmission Initiative;
- Further identify the most appropriate locations within the DRECP area for the development of utility-scale renewable energy projects, taking into account potential impacts to threatened and endangered species and sensitive natural communities;
- Provide a means to implement Covered Activities[1] in a manner that complies with the Endangered Species Act (ESA), California Endangered Species Act (CESA), Natural Community Conservation Planning Act (NCCPA), National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), and other relevant laws;
- Provide a basis for the issuance of take authorizations allowing the lawful take of Covered Species incidental to Covered Activities;
- Provide for issuance of take authorizations for other Covered Species that are not currently listed but which may be listed in the future;
- Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements for Covered Activities within the plan area;
- Provide a framework for a more efficient process by which proposed renewable energy projects within the plan area may obtain regulatory authorizations, and which results in greater conservation values than would a project-by-project, species-by-species review; and
- Identify and incorporate climate change adaptation research, management objectives, and policies into the final plan document.

[1] The NOI states that Covered Activities are defined broadly as the exploration, pre-project activities (geotechnical borings, site reconnaissance, and, depending on the type of project, installation of temporary meteorological stations or test drilling and trenching), site preparation and construction, related infrastructure requirements, operations and maintenance, monitoring, and future decommissioning of public and private utility-scale renewable energy generation and transmission in the plan area. The activity types covered by the DRECP are expected to include transmission facilities that support renewable energy development, solar (photovoltaic and thermal) projects, wind projects, geothermal projects, and conservation actions.

In addition to the above goals articulated in the NOI/NOP and the Planning Agreement, PG&E urges the REAT agencies to consider provision for the following during development of the EIR/EIS:

1. **Activities to increase the efficient and orderly development of lands for renewable energy development.** Development of streamlined permitting process for future projects that are sited in preferred development areas, including interagency agreements for coordination and information sharing to help ensure that staff has consistent information necessary for review and approval of projects. We recommend that statutory provisions for the permitting of private and public renewable energy projects in the desert be reviewed for consistency and streamlined to align across agencies, complement other government efforts, and avoid duplicative permitting requirements. Recognizing that the planning processes for the Bureau of Land Management (BLM)'s Solar PEIS and the DRECP are on overlapping schedules, the two processes should be highly coordinated such that they present a consistent approach to guiding development toward appropriate locations within the southern California deserts. Finally, the plan should standardize review measures for site evaluation, including clear siting criteria.

2. **The need for an appropriate review of potential transmission upgrades that may result from utility-scale renewable energy development.** To a great extent, the presence or absence of existing transmission infrastructure with available capacities is the leading constraint for development of renewable projects in the desert. The REAT should consider how the impacts of the new renewable energy generation-driven transmission development can be most appropriately evaluated within the EIR/EIS, given the uncertainty surrounding load and resource demand. PG&E is working collaboratively with key stakeholders both in California and in the western United States to lay the foundation for a reliable transmission system that will—over time—provide core infrastructure for the delivery of clean and sustainable energy supplies. New transmission lines, often in remote locations, are needed to accommodate new and anticipated renewable energy development. PG&E works with regulators, environmental organizations, government agencies and other stakeholders to support timely construction of transmission lines and permitting of proposed project sites. Generally, we support the flexibility to develop renewable energy facilities in proximity to existing transmission infrastructure. As discussed below, additional analysis of transmission issues should be included in the EIR/EIS. We recommend that consideration be given to projected resource needs and the extent of the development that will be utilized. We encourage the REAT agencies to work with PG&E and other stakeholders on this issue, and to coordinate with the California Transmission Planning Group. As part of this planning process, the REAT agencies should consider the adequacy of existing linear right-of-way corridors and whether the width of corridors should be expanded, especially if anticipated transmission lines traverse proposed renewable energy development areas. 21-1PD

3. **The existing and future renewable technologies likely to be deployed through a forward looking review that gives consideration to differences among technologies.** PG&E supports that the EIR/EIS describe and evaluate a range of renewable technologies

and configurations that are currently in operation worldwide. The EIR/EIS should proceed under the assumption that the technology's resources, needs, effects, costs and efficiencies differ substantially and therefore developers may require a range of options depending on specific site constraints. A review of the current technologies and configurations from an overall efficiency perspective is warranted since current and future technologies have and are likely to have a measurable impact on required land areas as well as resources that will be required to support these emerging technologies. The renewable technology market is quickly evolving and we anticipate continued changes in technology and in economic efficiency over the next several years. Accordingly, PG&E suggests that the EIR/EIS evaluate flexibility to accommodate changes in technology through provisions for periodic re-assessment of the Covered Activities throughout the life of the plan.

21-1PD Cont'd

4. **The identification and integration of effective, flexible mitigation.** Mitigation is only effective if the measure can be implemented adequately in the field. We recognize the need to develop robust measures that will sufficiently mitigate impacts; however, not every mitigation measure is applicable to every situation. Therefore, the EIR/EIS should address mitigation measures that provide flexibility so that they can be applied strategically to a specific project requirement or resource impact. In addition, as we learn more about renewable energy development, the application of specific best management practices (BMPs) needs to be continually re-examined, and the process should allow for modifications as needed.

II. Alternatives to be considered under the EIR/EIS

The NOI and NOP describe alternatives to be considered under the EIR/EIS, including the following:

- The Proposed Action Alternative;
- No Action/No Project Alternative; and
- A reasonable range of alternatives that address different scenarios of renewable energy development and species conservation on both Federal and non- Federal land.

PG&E recommends the following modifications to the alternatives, as presented:

1. The Proposed Action Alternative should consider the issuance of take authorizations consistent with the proposed DRECP under the NCCPA and Section 10 of the FESA for both generation and transmission components of development.
2. The No Action/No Project Alternative, which would involve no approval of the DRECP, Federal permit issuance, and CDCA amendment, should evaluate environmental, air quality, and greenhouse gas emission impacts that would occur in the absence of the development that may otherwise occur without State CESA and Federal ESA permit issuance;
3. The range of alternatives should take into consideration the fact that the maximum and likely build out will be based on, among other things: cost to developers; market conditions; and other factors. The REAT agencies should consider alternatives that vary the locations, amount, and type of conservation and development areas in addition to variations in permit duration.

21-2A

4. Alternatives evaluated in the EIR/EIS should retain flexibility to incorporate changes in the evolving regulatory procedures (such as pending legislation) and broad-scale planning projects associated with permitting renewable energy projects in the California desert.
5. Alternatives evaluated in the EIR/EIS should include a range of incentives to encourage and promote voluntary agreements between developers and agencies, such as Safe Harbor Agreements, that would allow renewable energy developers to safely maintain and operate energy facilities while enhancing habitat. The REAT agencies should assure that projects sited in development areas benefit from incentives, such as priority application processing and tiered compliance with state and federal environmental laws, while at the same time allowing development to occur in other economically viable and environmentally sound areas. 21-2A

III. Evaluation of Covered Activities in the EIR/EIS

PG&E supports the broad definition of covered activities as exploration, construction, operation, maintenance, and decommissioning of public and private utility-scale renewable energy generation and transmission in the Planning Area, as defined in the NOP. The NOP states that the DRECP will cover specific Pre-project activities (geotechnical borings, site reconnaissance, and, depending on the type of project, installation of temporary meteorological stations or test drilling and trenching), Site preparation and construction, Related infrastructure requirements, Operations and maintenance, Monitoring, and Decommissioning of Solar (photovoltaic [PV] and thermal) projects, Wind projects, Geothermal projects, Transmission facilities that support renewable energy development, and DRECP conservation actions. We understand that a stakeholder working group is exploring this topic in-depth and support the collaborative effort to thoughtfully define the range and types of covered activities.

IV. Evaluation of Covered Species and Natural Communities in the EIR/EIS

PG&E supports the evaluation of a wide range of sensitive species for which conservation actions will be implemented and for which participating entities will seek authorization for take under the NCCP Act and Section 10 of the FESA, listed in the NOP/NOI:

Federal and State Listed Species	State and Federal Unlisted Species
Amargosa River vole	California leaf-nosed bat
Mohave ground squirrel	Mojave river vole
Peninsular bighorn sheep	Pallid bat
California condor	Townsend's big-eared bat
Swainson's hawk	American peregrine falcon
arroyo toad	Bald eagle
desert tortoise	burrowing owl
Amargosa niterwort	golden eagle
Peirson's milk-vetch	Greater sandhill crane
Triple-ribbed milk-vetch	flat-tailed horned lizard
Lane Mountain milk-vetch	Mojave fringe-toed lizard
	Barstow woolly sunflower
	Desert cymopterus
	Mojave monkeyflower

21-3PD

PG&E supports flexibility in the DRECP for the addition or removal of species as more is learned about the nature of Covered Activities and their impact on native species within the plan

21-3PD Cont'd

area. We understand that a stakeholder working group is exploring this topic in-depth and support the collaborative effort to thoughtfully define the covered species for the DRECP.

V. Conclusion

PG&E thanks the REAT agencies for the opportunity to provide scoping comments on this proposed EIR/EIS. We would like to reiterate our support of the REAT agencies in continuing to work collectively to improve the timing and efficiency of the permitting process for renewable energy projects in the California desert.

PG&E greatly appreciate your consideration of our remarks. We look forward to continued participation in the development of the DRECP.

Respectfully submitted,

Diane Ross-Leech

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DOCKET
09-RENEW EO-01
DATE Sept 12 2011
RECD. Sept 12 2011

12 September 2011

Via Email and U.S. Mail

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U.S. Fish and Wildlife Service
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Carlsbad, CA 92011
FW8DRECP@fws.gov (Scoping Comments)

California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-1
1516 Ninth Street, Sacramento, CA 95814-5512
docket@energy.state.ca.us (Docket No. 09-RENEW EO-1)

Re: Environmental Impact Statement and Environmental Impact Report for the Proposed Desert Renewable Energy Conservation Plan and Possible California Desert Conservation Area Plan Amendment

To Whom It May Concern:

The Desert Tortoise Council ("Council") appreciates the opportunity to provide comments and information to assist the U.S. Fish and Wildlife Service (USFWS) and the California Energy Commission to define the scope of the joint Environmental Impact Statement/Environmental Impact Report ("EIS/EIR") for the proposed Desert Renewable Energy Conservation Plan ("DRECP") and possible amendment of the California Desert Conservation Area ("CDCA") Plan of 1980.

The 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.

Our comments are organized by topics. Listed under each topic are questions that we believe the EIS/EIR should address. The Council's recommendations are highlighted in bold print. Most of our comments, understandably, are focused on the desert tortoise. We raise, as well, issues with respect to the Mohave ground squirrel ("MGS"), a threatened species listed under the California Endangered Species Act. The MGS should be a DRECP covered species and measures for its protection should be analyzed in the EIS/EIR.

Desert Tortoise Recovery

The Council is reassured that one of the planning goals of the DRECP is to potentially conserve and manage up to approximately ninety "covered" species. **The desert tortoise must be included as a covered species in that it is a "threatened" species under both Federal and California law.** However, conserving the species is not sufficient. The goals of the DRECP as a conservation plan must be to both conserve *and* recover the desert tortoise. Therefore, the EIS/EIR must address the question of

> How will the DRECP facilitate recovery of the Mojave population of the desert tortoise (*Gopherus agassizii*)?

22-1BR

The answer to this question, we believe, is that **the DRECP must be reconciled with the Revised Recovery Plan for the Mojave Population of the Desert Tortoise (2011)**. In other words, desert tortoise recovery should be a planning goal of the DRECP process. More specifically, the EIS/EIR should incorporate actions identified in the Revised Recovery Plan to recover *Gopherus agassizii* within the DRECP planning area. Actions that would "protect existing populations and habitat" are detailed on pages 67 to 78 of the Revised Recovery Plan.

Habitat

The deterioration, fragmentation, and loss of habitat as a result of human activities were primary reasons for the USFWS determination in April 1990 that the Mojave population of the desert tortoise is "threatened" with extinction. Today, the loss or degradation of habitats continues to place the desert tortoise at risk. Therefore, protecting extensive, unfragmented habitats is essential to the conservation and recovery of the desert tortoise.

In the considered judgment of the Council, **the following lands must be protected to ensure extensive, unfragmented habitats for the tortoise: (1) the Desert Tortoise Research Natural Area (DTRNA); (2) Joshua Tree National Park and the southern portion of Death Valley National Park; (3) all lands designated as critical habitat in 1980 and 1994; (4) all private lands that are in-holdings in the DTRNA, Joshua Tree National Park (tortoise habitat only), and within critical habitat; (5) lands not included within the 1980 and 1994 critical habitat designations but subsequently found to support significant populations of tortoises; (6) lands adjacent to critical habitat and for which development would have moderate to severe adverse impacts; (7) lands that serve to connect the DTNRA, critical habitat or parts of critical habitat, or the National Parks as "connecting corridors" with similar habitats; and (8) lands at elevations of 3,800-5,000+ feet outside critical habitat and currently with low densities of tortoises as these lands are likely to contain suitable habitat in the next 50**

22-2A

to 100 years with climate change.

The Council feels strongly that the DRECP should consider these important habitats when designing and determining the best placement of renewable energy facilities; such habitats should be avoided during future development. Any plan that would facilitate development of the above habitats would detract from the recovery of the desert tortoise and would be considered a CEQA-significant impact. 22-2A Cont'd

In addition to incorporating the above land protections, the EIS/EIR should address these questions with respect to habitat:

How will the DRECP ensure that renewable energy and related transmission projects do not jeopardize the desert tortoise by fragmenting critical and occupied habitats? 22-3BR

Will the BLM's proposed amendment to CDCA Plan prohibit placement of solar and other large-foot-print renewable energy development on public lands inside Desert Wildlife Management Areas (DWMAs)? 22-4BR

How can the DRECP regulate large scale renewable resource energy development on *private* lands inside DWMAs or inside the MGS Conservation Area?

How will the DRECP affect BLM's one percent "allowable ground disturbance" in DWMAs and in the MGS Conservation Area? 22-5BR

Will the DRECP facilitate development of linear facilities outside existing BLM utility corridors? The Council feels strongly that long, linear facilities should conform to existing utility corridors, particularly those situated parallel to highways and freeways. **We strongly discourage designation of any new utility corridors than those already identified in the CDCA Plan.** 22-6BR

Take Authorizations and Mitigation

The Council recognizes that the DRECP will provide for issuance of take authorizations for covered species incidental to covered activities. Nonetheless, **the stipulations for take authorizations must be formulated so as to minimize incidental take**. The construction of renewable-energy and related electric-transmission projects will invariably lead to the death of some number of the covered species. This is an issue of particular concern with respect to desert tortoises as human and human-related mortality is a principal cause of the decline in desert tortoise numbers across the desert. It is not sufficient to meet the minimum requirement of Section 10 of the ESA that any proposed take "cannot appreciably reduce the likelihood of the survival and recovery of the species in the wild." **Any stipulations regarding take authorizations must be formulated so as to reduce the number of tortoises that might be harassed, harmed or killed.** In addition, the EIS/EIR should answer these questions with respect to the administration of take authorizations and mitigation: 22-7BR

Which local government agency or other entity will be responsible for implementing the take program under authority of federal section 10(a) and state section 2081 permits?

What will be the fee structure for issuing incidental take permits? How many dollars per acre of lost habitat will be collected to offset impacts? How will these fees be collected and spent to offset impacts? **Development of both occupied *and* unoccupied habitats must be compensated given the potential to fragment habitats that may not be currently occupied.**

22-7BR Cont'd

How will the DRECP meet the "fully mitigate" standard mandated by California law and administered by California Department of Fish and Game? How will the DRECP ensure the level of take is concomitant with the level of mitigation for direct *and* indirect impacts resulting from implementation of the plan?

Cumulative Impacts

The cumulative environmental impacts of the construction, operation, and decommissioning of renewable energy and related electric transmission projects within the DRECP area must be evaluated as fully as direct environmental impacts. Specifically, **given the recent expansion of Fort Irwin onto lands with large desert tortoise populations and the Marine Corp Air Ground Combat Center Twentynine Palms' intent to expand into occupied desert tortoise habitat, cumulative impacts must be assessed in the DRECP**. And this question should be addressed:

What is the relationship of these and other military-institution management plans with the DRECP?

Assuming the DRECP does facilitate approval of renewable energy projects,

22-8C

How do the agencies intend to track growth-inducing impacts and indirect effects resulting from those approvals within the regional action area?

Will the DRECP result in increased vehicular access to tortoise habitats that are not currently accessible by existing roads. In other words, will the plan result in any new roads within the planning area that will further impact tortoises and result in more degraded habitats?

In addition to direct loss of habitats within the development footprint, new energy will predictably result in more development and more uses of habitats outside the direct impact footprint.

How will the DRECP analyze and propose to offset these indirect, growth-inducing, cumulative impacts?

Alternatives

There are two contingencies that the EIS/EIR should anticipate: (1) a change in the federal status of *Gopherus agassizii* from "threatened" to "endangered" and (2) federal listing of the MGS. The identification of a new species of desert tortoise (*Gopherus morafkai)* by Murphy, et al. (2011) reduces the distribution of *Gopherus agassizii* to about 30 percent of its former range. Because the reduction carries implications for species conservation, the authors argue that the Agassiz's desert tortoise may require a higher level of protection under the Endangered Species Act to ensure the level of management that would maximize its chances of survival. In April 2010, the USFWS announced that it would review the status of the MGS and possibly increase its protections under the Endangered Species Act. A higher level of protection for *Gopherus agassizii* and listing of the MGS by the Federal government are likely (or, possible) after DRECP approval. While these are not "alternatives" in the typical sense, the potential changes should be planned for to ensure appropriate protection for each species. 22-9BR 22-10BR

The rules for preparing an EIS/EIR require that the "No Action Alternative" be addressed in the environmental documents. Given this,

> What is the DRECP alternative that actually considers less use of energy (renewable or otherwise) within the regional action area, an alternative requiring no action? 22-11A

The DRECP should fully analyze the alternative of placing facilities, particularly solar panels, in existing urban areas (e.g., on roof tops) rather than in covered species habitats. The Council feels that placing panels in residential and commercial areas, such as shade structures in parking areas, is highly preferred to developing such facilities in native desert habitats, whether occupied by tortoises or not. 22-12A

We urge, in conclusion, that full consideration be given to the recommendations of the Independent Science Advisors to the Renewable Energy Action Team for the California DRECP (2010). Each recommendation of this group of eminent scientists should be carefully considered for inclusion in the EIS/EIR. We urge, as well, that the EIS/EIR incorporate the "no regrets" strategy advocated by the independent science advisors, "*such as siting developments in already disturbed areas*" in the near term until more refined analyses become available to guide more difficult decisions (2010, iii).

Sincerely,

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References:

Independent Science Advisors. 2010. Recommendations of Independent Science Advisors for The California Desert Renewable Energy Conservation Plan (DRECP).

Murphy RW, Berry KH, Edwards T, Leviton AE, Lathrop A, Riedle JD. 2011. The dazed and confused identity of Agassiz's land tortoise, *Gopherus agassizii* (Testudines, Testudinidae) with the description of a new species, and its consequences for conservation. ZooKeys 113: 39–71.

U.S. Fish and Wildlife Service. 2011. Revised Recovery Plan for the Mojave Population of the Desert Tortoise (*Gopherus agassizii*). Sacramento, California: U.S. Fish and Wildlife Service, Pacific Southwest Region.

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Defenders of Wildlife
Natural Resources Defense Council
Sierra Club
Audubon California

September 12, 2011

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Carlsbad, CA 92011
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and

California Energy Commission
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Sacramento CA 95814-5512
Attn: Kristy Chew
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Re: **Desert Renewable Energy Conservation Plan, Habitat Conservation Plan and Possible Land Use Plan Amendment, Southern California: Environmental Impact Statement**

Dear Mr. Bartel and Ms. Chew:

Our organizations, all of which are Stakeholders in the Desert Renewable Energy Conservation Plan (DRECP) effort, appreciate the opportunity to provide issue scoping comments for use by the action and cooperating agencies in preparing the draft DRECP, including the range of alternatives and the required analysis of environmental impacts. Our scoping comments are intended to assist the agencies in ultimately developing and approving an environmentally responsible and legally sufficient plan that is based on consideration of a range of alternatives that provide lasting, effective and timely conservation of our remaining biological resource heritage in the planning area, while concurrently providing opportunities for and facilitating renewable energy generation and transmission in appropriate locations.

These comments are in addition to, and incorporate by reference, all of the comments submitted by our organizations as part of the DRECP process, including comment submitted as part of the

previous Notice of Intent, Federal Register: November 20, 2009 (Volume 74, Number 223) [Page 60291-60292]; the three workgroups (Mapping, Covered Species, and Covered Activities; the DRECP Stakeholder process; and on the various draft documents previously issued for comment (e.g., the Covered Species list, Proposed Species Habitat Modeling Approach, DRECP Science Input, DRECP Subarea Options, Proposed Approach to the DRECP Effects Analysis, and Approach to Structuring the Preliminary Conservation Strategy).

Our issue scoping comments on the DRECP follow, by subject:

1. General

We wish to emphasize, and will do so in other sections of our letter, that the DRECP planning area is, for the most part, within the California Desert Conservation Area (CDCA), a special area established under federal law in 1976 for the immediate and lasting protection of sensitive natural, cultural, scenic and other resources occurring on public lands administered by the Bureau of Land Management (BLM). We are strong advocates for maintaining and enhancing conservation of natural biological communities and landscapes in the planning area, especially considering that the CDCA Plan has proven to be inadequate in protecting various at-risk species and their habitats on public lands from significant incremental and cumulative loss due to industrial-scale solar and wind energy developments. The DRECP should be a conservation-driven process, with the various alternatives formulated around a range of conservation opportunities or alternatives. The renewable energy development opportunities can then be derived for each alternative in a manner that is easy to analyze, understand and describe. The Independent Science Advisors to the DRECP should be fully involved in analyzing the effects and adequacy of alternatives that will be considered in the planning process and their findings should be incorporated into the draft and final NEPA/CEQA analysis for public review. 23-1A

In our comments we emphasize the importance of the DRECP in achieving lasting, effective and timely conservation of remaining natural habitats for the numerous species covered under the plan by applying the necessary legal and regulatory standards of the Endangered Species Act (ESA), the California Endangered Species Act (CESA), the Natural Communities Conservation Planning (NCCP) Act, the California Fish and Game Code, and the Federal Land Policy and Management Act (FLPMA). Once a DRECP is finalized, we have high expectations the BLM will adopt its provisions in a manner that augments, rather than diminishes, the existing conservation provisions of the CDCA Plan.

We support conservation actions targeting essential habitats for at-risk species on private lands that are deemed essential in meeting the conservation standards of the NCCP Act and the Fish and Game Code, and we strongly recommend that timely, effective and lasting conservation activities on these lands target, at a minimum, the following species; 1) Desert tortoise, 2) Mojave fringe-toed lizard, 3) Flat-tailed horned lizard, 4) California condor, 5) Golden Eagle, 6) Swainson's hawk, 7) 23-2PD

Willow flycatcher, 8) Mohave ground squirrel, 9) Desert bighorn sheep, and 10) Peninsular ranges bighorn sheep. We support the covered species list set forth in the notice of intent, but urge the inclusion of Willow flycatcher and Desert bighorn sheep as covered species. 23-2PD Cont'd

The DRECP will also identify lands, public and private, where renewable energy project development is appropriate and will facilitate such development by making available programmatic incidental take authorizations or permits to participating agencies at the local, state and federal levels, and subsequently to project applicants, for various species protected under state and federal laws, noted above, and also those protected under the California Fish and Game Code, Migratory Bird Treaty Act, and Bald and Golden Eagle Protection Act. We believe the DRECP can provide reasonable opportunities for renewable energy development that will contribute significantly in meeting, and possibly exceeding, state and federal standards for the generation and utilization of electrical energy derived from solar, wind and geothermal energy sources. We also believe that facilitating such development, through the issuance of programmatic incidental take permits and authorizations, and other mechanisms, (e.g., consolidation of parcelized private lands in appropriate development areas through local, state and federal initiatives), will provide opportunities for timely and efficient development of renewable energy while maintaining and enhancing conservation of various at-risk species and their habitats on a landscape scale throughout the planning area.

We also recognize that the DRECP planning area extends outside of the CDCA in some areas, such as within the Owens Valley and along the Colorado River.

The DRECP must address the projected effects of global climate change on plants, animals and their habitats throughout the planning area as part of the environmental baseline. Opportunities for species to adapt to environmental changes will be essential components of the plan. Such changes include, for example, movement of certain species to higher elevations as temperatures increase, shifts in species composition of various plant communities, and precipitation patterns. The baseline condition should account for the existing impacts to species adaptation opportunities such as habitats lost and fragmented by highways, canals, fences and general urban development. Maintaining opportunities to allow for species adaptation in response to climate change essentially means maintaining sufficient natural communities to allow for species movements and colonization of habitats within their range of tolerance. 23-3CC

2. <u>National Environmental Policy Act (NEPA/California Environmental Quality Act (CEQA)-Range of Alternatives</u>

Because of the large amount of land affected by the DRECP, and the legal and regulatory standards that must be met with regard to the range of alternatives analyzed, we strongly recommend that all the alternatives analyzed under NEPA and CEQA conform to a framework that is consistent with the following: 23-4IM

A. Public Lands under BLM jurisdiction

- The statutory and regulatory requirements for management of public lands as contained in the Federal Land Policy and Management Act and expressed in the California Desert Conservation Area Plan, as amended (including regulatory standards for achieving healthy rangelands in compliance with 43 CFR 4180, the Vegetation Element, and the Wildlife Element).
- The statutory requirements placed on Federal agencies by the Endangered Species Act to 1) prevent jeopardizing the continued existence of listed species or adversely modifying or destroying their critical habitats, and 2) recover or conserve threatened or endangered species through deliberate actions, such as through implementation of recovery plans, for example.
- Executive Orders placed on federal agencies: 1) 11514 – Protection and Enhancement of Environmental Quality, 2) 11990 – Protection of Wetlands, 3) 13186 - Responsibilities of Federal Agencies to Protect Migratory Birds.
- National policy requirements for BLM administration of public lands contained in various BLM Manuals: 1) 1601 – Land Use Planning, 2) 4180 – Land Health, 3) 6500 – Wildlife and Fisheries Management, and 4) 6840 – Special Status Species Management.
- CDCA public land management standards contained in the CDCA Plan, as amended for the Northern and Eastern Mojave Planning Area; the Northern and Eastern Colorado Desert Planning Area; and the West Mojave Planning Area.

23-4IM Cont'd

B. Private Lands under jurisdiction of local agencies and State lands under jurisdiction of State agencies (e.g., State Lands Commission, California Department of Parks and Recreation, California Department of Fish and Game

- Fish and Game Code provisions: 1)Section 2805(f) states: 'Conserve,' 'conserving,' and 'conservation' mean to use, and the use of, methods and procedures within the plan area that are necessary to bring any covered species to the point at which the measures provided pursuant to [CESA] are not necessary, and for covered species that are not listed pursuant to [CESA], to maintain or enhance the condition of a species so that listing pursuant to [CESA] will not become necessary, 2) Section 2800, et seq. requires the DRECP to conform to the standards of the NCCP Act, which is the only conservation planning statute in current law that sets forth strong strong standards for conservation, independent science, collaboration, and public participation.
- NCCP Act provisions: The NCCP Act definition of conservation requires the use of all methods and procedures within a plan area necessary to recover a covered species or ensure that a covered species will not be listed as endangered or threatened. This standard is broader and more protective than the incremental "contribute to survival and recovery." Therefore, we would urge the DRECP planning agreement use the

actual definitions of conservation found in the NCCP Act rather than reinterpretations of law that do not fully reflect what is required in the NCCP Act.

C. Requirements common to all lands

- Bald and Golden Eagle Protection Act: This act prohibits take, including harm, of Bald and Golden Eagles, and the Fish and Wildlife Service (FWS) has determined it will not issue incidental take permits for individual renewable energy projects, but may do so in the future for programmatic incidental take. The latter will require "no net loss" in Golden eagles, which could be achieved through programmatic conservation or protection plans that would place specific requirements on individual energy projects.

  Although it is relatively easy to survey for Golden eagle nests using recommended survey protocols developed by the FWS, it is much more difficult to accurately identify nesting and foraging territories due to general lack of behavioral information for this species. Golden eagle foraging territories in the planning area are unknown and, due to the arid nature of the region, they may be much larger than in more mesic regions where the prey base is larger and more consistent. With this in mind, we strongly recommend the DRECP provide protection of the largest foraging territories anticipated in the desert region. 23-4IM Cont'd

- Fully Protected Species as per California Fish and Game Code: Various sections of the Fish and Game code prohibit issuing permits allowing for the "take" of fully protected animals except under limited circumstances involving scientific research in support of conservation. The following Fish and Game Code Sections, and their associated fully protected species are known or likely to occur in the DRECP planning area are as follows:

  1. Section 3511 (Birds): American peregrine falcon, Brown pelican, California black rail, California clapper rail, California condor, California least tern, Golden eagle, Light-footed clapper rail, Southern bald eagle, White-tailed kite, Yuma clapper rail.
  2. Section 4700 (Mammals): Bighorn sheep (except for authorized hunting of Nelson bighorn), Ring-tailed cat.
  3. Section 5050 (Reptiles and Amphibians): None in planning area
  4. Section 5515 (Fishes): Mohave chub, Owens River pupfish.

  The agencies need to be aware that the law prohibiting "take" of fully protected species my change on January 1, 2012, if Governor Brown signs Senate Bill 618, which was passed by the California Legislature on September 10, 2011. If that bill becomes law, take of fully protected species may occur within an NCCP as long as the fully protected species is "covered," as defined by the state NCCP Act.

- California-listed Endangered, Threatened or Candidate Species as per Fish and Game Code: Section 2081 of the Fish and Game Code allows incidental take permits to be issued for California-listed Endangered, Threatened and Candidate species, but only in circumstances where the impacts of the authorized take are minimized and fully mitigated.
- Endangered Species Act (ESA). The ESA prohibits the take of threatened or endangered species on private land except when authorized through an incidental take permit and an associated Habitat Conservation Plan. The ESA also prohibits federal agencies from authorizing the adverse modification or destruction of designated critical habitat, which may occur on both federal and private lands.

23-4IM Cont'd

D. Reasonable Range of Alternatives

Opportunities for development of renewable energy under each of the conservation-based alternatives should also reflect accurate renewable energy generation projections for the entire state, and a reasoned analysis of the contribution that could come from the planning area. Analysis of the adequacy of energy generation opportunities under each alternative in achieving the minimum standards for California should be part of the NEPA/CEQA analysis.

We also strongly support DRECP provisions that would greatly facilitate the development of small to medium scale solar and wind projects and maximize opportunities for distribution through existing utility distribution systems, including substation tie-in. In addition, we urge that all of the alternatives provide opportunities for or facilitate development in those portions of the Imperial Valley and Eastern Riverside zones identified in the BLM's Solar Programmatic Environmental Impact Statement, and the proposed West Chocolate Mountains renewable energy zone, that are found to have low biological resources and conservation values. These zones have been supported by our organizations as most appropriate for development (with some additional refinement to address local environmental impacts). In particular, we believe that the alternatives should look at development primarily in the Imperial Valley, West Chocolate Mountains, Eastern Riverside area, and West Mojave. Finally, we strongly urge that all alternatives provide that development is prioritized to occur in degraded and disturbed areas. The conservation community has developed criteria to assist in the identification of appropriate areas for renewable energy development. These criteria are attached.

23-5A

3. Environmental Baseline

The environmental baseline should consider the existing ecological condition and trend of 1) plant and animal communities, 2) plant and animals populations, especially those that are listed by BLM as Special Status Species, and State-listed endangered and threatened species. The environmental baseline should also consider 1) current land uses allowed under various federal, state and local

23-6BR

agency land management plans, 2) the degree to which these plans have allocated certain lands for conservation of biological resources, and 3) the effectiveness of conservation allocations in these plans in ensuring lasting and effective conservation of biological resources, and especially Special Status Species and State-listed endangered and threatened species. 23-6BR Cont'd

We raise the above issues because of our concern that the various land management plans of federal, state and local agencies, except in certain situations, do not provide a level of protection of biological resources sufficient to ensure their long-term conservation.

4. Recovery of Federally Listed Endangered and Threatened Species

The DRECP presents a unique opportunity to make significant progress in the recovery of threatened and endangered species as mandated by Section 7(a)(1) of the Endangered Species Act. This opportunity is especially critical for the Desert tortoise, which continues to decline over much of its range despite its listing as threatened in 1990 and the subject of a recovery plan since 1994. We recommend incorporation of conservation recommendations contained in various biological opinions from the FWS for proposed renewable energy projects and land use plans. Recent examples of the former are included in biological opinions for the Ivanpah, Calico, Desert Sunlight, Palen, Genesis and Blythe solar projects.

Existing recovery plans for threatened and endangered species occurring within the planning area should be used in developing conservation strategies in the DRECP. Such plans cover the following species: 1) Amargosa vole, 2) Arroyo southwestern toad, 3) California condor, 4) Coachella Valley fringe-toed lizard, 5) Desert pupfish, 6) Desert slender salamander, 7) Least Bell's vireo, 8) Light-footed clapper rail, 9) Owens Basin Wetland and Aquatic Species, 10) Peninsular Ranges bighorn sheep, 11) Inyo California towhee, 12) Mojave tui chub, 13) Quino checkerspot butterfly, 14) Desert tortoise, 15) San Bernardino Mountains carbonate endemic plants, 16) Southwestern willow flycatcher, and 17) Yuma clapper rail. Additional conservation actions are contained in regional amendments to the CDCA Plan (i.e., West Mojave, Northern and Eastern Colorado, Northern and Eastern Mojave regions). 23-7BR

5. Habitat conservation in the DRECP planning area

Our organizations have given considerable thought and consideration of what lands should be included in a conservation strategy within the planning area, and we believe the conservation lands should not be subject to renewable energy development. We believe conservation lands should include the following: 23-8A

- Areas of Critical Environmental Concern (ACECs)on public lands designated by BLM
- Wildlife Habitat Management Plan areas on public lands designated by BLM
- Critical habitats designated by FWS not otherwise included in ACECs

- Golden eagle nesting territories
- Desert bighorn sheep permanent ranges and their intermountain connectivity habitats
- Sensitive and Highly Sensitive Unusual Plant Assemblages designated by BLM
- Lands acquired by BLM through purchase, exchange or donation for conservation purposes
- Lands acquired by the U.S. Army to mitigate the impacts activities associated with the expansion of Ft. Irwin
- Lands identified by the FWS in conservation recommendations contained in various biological opinions for exclusion from renewable energy development
- Connectivity habitats identified in the California Essential Habitat Connectivity Project
- Lands identified as Ecologically Core and Ecologically Intact by The Natural Conservancy
- Habitats supporting known concentrations of plants included on List 1.B. of the California Native Plant Society (these are also BLM designated Sensitive Species)
- Sand transport and dune systems occupied by Mojave fringe-toed lizards and other sand-dependent species
- Los Angeles County Significant Ecological Areas
- Audubon Society Important Bird Areas

23-8A Cont'

6. The BLM's Land Use Plan Amendment must be subjected to the federal ESA's Section 7 consultation process.

Similar to our comments on the BLM's Solar Energy PEIS, we urge the BLM to conduct formal consultation under the ESA with the U.S. Fish and Wildlife Service. Section 7 of the ESA requires that each federal agency insure that any action authorized, funded or carried out by that agency is not likely to jeopardize the continued existence of any threatened or endangered species or result in the destruction or adverse modification of critical habitat for any threatened or endangered species. 16 U.S.C. §1536(a)(2). In meeting this duty, an agency shall consult with the appropriate Secretary so that the Secretary can determine if the action will jeopardize the species or cause adverse modification or destruction of critical habitat. Id. at §1536(b)(3). An agency shall review its actions at the earliest possible time to determine if the action may affect listed species or critical habitat. 50 C.F.R. 402.14.

Since the DRECP will likely result in a proposal and decision to amend the CDCA Plan, which may affect listed species and critical habitat, we urge BLM and the U.S. Fish and Wildlife Service to enter into consultation as early in the planning process as possible so that the formal consultation process under Section 7 is as efficient and streamlined as possible. If the DRECP as it pertains to public lands is based on a strong conservation strategy, and builds upon the current conservation commitments in the CDCA Plan, BLM could potentially complete its Section 7 responsibilities with a proposed plan amendment that would be entirely beneficial to federally listed species and thus simply seek a letter of concurrence from the U.S. Fish and Wildlife Service.

23-9PD

This concludes our issues scoping comments on preparation of a combined NEPA/CEQA analysis for the DRECP. Please contact us if you have questions or would like any additional information.

Sincerely,

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Scoping Comments of BrightSource Energy, Inc. on the Notice of Intent for the Desert Renewable Energy Conservation Plan, Habitat Conservation Plan and Possible Land Use Plan Amendment, Southern California: Environmental Impact Statement

BrightSource Energy, Inc. ("BrightSource") is pleased to have this opportunity to provide its comments on the Notice of Intent/Notice of Preparation to prepare an Environmental Impact Report / Environmental Impact Statement for the Desert Renewable Energy Conservation Plan, Habitat Conservation Plan and Possible Land Use Plan Amendment, Southern California (the "NOI/NOP"). BrightSource commends the federal and state agencies, including the Bureau of Land Management ("BLM"), the California Energy Commission ("CEC"), the California Department of Fish & Game ("CDFG") and the U.S. Fish & Wildlife Service ("FWS"), that are working on the Desert Renewable Energy Conservation Plan ("DRECP"). As noted by the NOI/NOP, the Secretary of the Interior and the former Governor of California issued orders intended to attain national and state renewable energy goals, reduce barriers to renewable energy development, and simultaneously protect the precious natural resources threatened by climate change. For the DRECP to be successful as an essential element of the work to fulfill those orders, it—and the agencies responsible for it—must enhance, rather than complicate or obstruct, the development of renewable energy and associated energy within the nearly 23 million acre planning area. BrightSource stands ready to assist the federal and state agencies to achieve the DRECP's important goals, and to realize the promise of the federal and state orders underlying it.

BrightSource generally supports the structure for the DRECP and the approach to conducting an environmental review for it that the BLM, CDFG, CEC, FWS and BLM have described in the NOI/NOP. To achieve the laudable goals set forth in the policies cited in the NOI/NOP, the DRECP must take into account a wider range of concerns. Among the most critical elements to success of the DRECP is the necessary flexibility to allow for sound siting decisions that can reasonably satisfy development needs, conservation and environmental concerns, and other stakeholder interests.

A. Flexibility Is Essential to Adapt to Evolving Information & Needs

Our understanding of the best locations for solar energy generation will continue to evolve as renewable energy generation and transmission technology, as well as environmental science and cultural assessments, are further refined. The accuracy of our data regarding technical and environmental conditions will develop over time as we gather new information, as new infrastructure is developed, and as conditions on the ground respond to climate change and other environmental factors. To serve as the durable and reliable regulatory tool it is intended to provide, the DRECP must have built-in flexibility that will allow adaptive management and enable development and conservation activities to be fine-tuned to meet changed circumstances while retaining the essential "no surprises" 24-1PD

characteristic of Habitat Conservation Plans ("HCPs") and Natural Community Conservation Plans ("NCCPs").

The numerous changes and events that have significantly impacted our understanding of best practices for renewable energy siting over the past few years, while this industry is still in its infancy, further illustrate that flexibility will be a critical component of any renewable energy planning tool—with respect to siting for generation and transmission, as well as to projected system needs.

1. Flexibility is Required for Generation & Transmission Project Siting

Generation and transmission siting needs cannot be fully assessed without site-specific information, which is too resource-intensive and expensive to reasonably accommodate within the DRECP process. Satellite insolation data, for example, is regularly off by as much as 30%. Development projects are commonly reconfigured to adjust to site-specific technical and environmental data, at the developers' initiative or in response to stakeholder concerns. Transmission projects, including their configurations and timelines, are often subject to change. And, of course, habitat and migration patterns are subject to change, and are increasingly expected to do so with changes in climate. Any presumption that we can neatly plan exactly where renewable energy generation and associated transmission can and should go is certain to need significant adjustment based on the facts on the ground. Any plan intended to provide for the renewable energy generation and transmission needed to accomplish California's and the nation's goals must therefore allow such adjustment. 24-1PD Cont'd

2. Flexibility is Required to Meet Evolving System Needs

System needs for a renewable energy-based infrastructure also require great flexibility. Recent experiences demonstrate that system reliability will require increased grid redundancy as well as significant geographical and generation diversity. The extensive blackouts in Southern California in early September of this year, which resulted from a simple error that cascaded due to insufficient redundancy; the system emergencies faced by Texas over recent years, including this summer, resulting from unanticipated under-generation due to insufficient geographical and resource diversity; and the curtailments of wind power in the Northwest in Spring 2011, which could also have been minimized with increased transmission and resource diversity, are clear indicators that we have much to learn about how to build out our future energy system. Simply put, we cannot definitively plan now for everything we will need in the future, and any "hard-line" limits will build in assumptions that will need correction. As we learn more about the operations of the grid under changing conditions and with a changing generation fleet, we will again need to make adjustments to attain the environmental, reliability and cost objectives of the California Renewables Portfolio Standard and national clean energy goals.

3. Early Designation of Priority Areas While Allowing Activities in Other Areas

We do believe that existing data, augmented by ongoing assessments, may allow early designation of initial priority areas for development and conservation, provided that those areas are not exclusive and that other areas appropriate for development or conservation can be put to use to achieve the DRECP goals as data is developed and needs are determined. For example, where transmission capacity exists in close proximity to areas that appear to provide strong development potential, or where critical habitat and identified migration pathways may be located, areas may be appropriately designated by the plan for development or conservation, respectively. However, such "hard-line" designations cannot be expected to provide the sole opportunity for development or conservation, in part due to the vast expanse of the 23 million acre planning area and the relative lack of data within it, as well as for the reasons discussed above with respect to the flexibility required to meet changing system and project-specific needs. Development and conservation needs can and should be expected to evolve, and even within "hard-line" areas some need for flexibility should be anticipated. To ensure a robust plan that will remain relevant throughout its intended time horizon, the DRECP must take a flexible approach and allow site specific determinations as circumstances arise, enabling development where it is environmentally appropriate, and providing protection in parallel for evolving conservation priorities. 24-1PD Cont'd

Again, building flexibility into the DRECP will allow its usefulness to survive any number of changes in circumstances, some of which were already identified above. From the developer's perspective, we cannot say with certainty where transmission lines will be located in the future and how congestion on transmission will constrain, or create incentives for, siting decisions. In addition, as more renewable energy generation comes on line, our understanding of where to site new projects to ensure that facilities are geographically diverse enough to allow the system to respond to changes in availability of renewable energy— due to weather, grid conditions, or other factors—will also change. Finally, we simply cannot study the entire Plan Area in sufficient detail before issuing the DRECP. Areas that lack sufficient studies should not shelved; rather, as data is developed and needs determined, they should be made available for development or conservation as appropriate. The most sensible approach to these areas would be to allow for the flexibility discussed above, providing incentive for stakeholders to contribute to the evolving knowledgebase and fill in the gaps of our understanding of both development and conservation needs.

B. ESA Considerations

1. General Considerations with "Third Party" HCPs/NCCPs

For purposes of future ESA compliance, the use of the DRCEP to meet the requirements of a section 10 HCP, the California ESA ("CESA"), and the National Communities Conservation Planning Act ("NCPPA") holds great promise to provide an effective and efficient mechanism to conserve affected species and promote the timely development of renewable energy resources. We commend BLM, the CDFG, CEC and FWS for developing this innovative approach under the ESA, CESA and NCPPA. To be successful, however, several important threshold issues need to be addressed as part of this effort. In addition, it is essential that BLM, FWS, CEC, and CDFG work very closely with the solar industry and its individual member companies whose proposed plans would be affected by the DRCEP to ensure that the HCP in fact meets the needs of the companies implementing the projects that will make it possible to achieve the Administration's renewable energy goals.

The NOI/NOP appears to adopt a correct approach for defining the affected geographic area and the covered species, with some modifications. We agree that the DRECP should address a broad list of species so as to give greatest effect to the DRECP's renewable energy and conservation goals. Similarly, as another means of "provid[ing] durable and reliable regulatory assurances" in accordance with the goals of the DRECP, the plan should include an expansive list of Covered Activities. The DRECP should also identify mitigation priorities and enable landscape-level, coordinated mitigation measures that complement each other. Lastly, the DRECP should consider the potential conservation and development use of military lands, other federal (Bureau of Reclamation, Department of Energy, etc.) lands and state lands. Expanding the process to include these additional agencies and lands will serve to enhance development and conservation opportunities and increase the range of available conservation resources. These approaches will enhance benefits to renewable energy development and to species, and should result in more expedited and successful renewable energy deployment and species recovery efforts, relative to no action.

24-2IM

24-3A

In addition, the DRCEP, EIR/EIS, and HCP/NCCP should take into account both conservation and solar project developments occurring outside of the plan area. Doing so is not only important for environmental compliance purposes, but to ensure that the effect of conservation activities outside the plan area are considered, and that solar projects in such areas are not in some way precluded or made subject to unanticipated restrictions due to actions undertaken through the DRCEP. In other words, the DRECP should be viewed within the larger context of conservation activities and solar energy development within the ranges of the covered species. In addition, the DRCEP and the HCP/NCCP should be developed so as to allow the list of covered species to be amended over time. During the

24-4C

24-5PD

course of a 40-year plan, it may be appropriate to add or remove species from the scope of the HCP, and a mechanism should be available for that purpose. 24-5PD Cont'd

While the NOI/NOP is sufficient for the area and species covered, it remains to be determined whether the scope of the DRECP and its ESA/CESA/NCCPA coverage will address the needs of project developers. For this reason, close coordination with industry and individual companies like BSE will be needed.

HCP/NCCPs are voluntary, applicant-driven processes. The resulting incidental take permit ("ITP") and implementing agreement must be tailored to meet the needs of the applicants and their development interests. When a third-party HCP/NCCP such as the one envisioned by the DRECP is involved, where individual project proponents are to be covered by a comprehensive plan and ITP, care must be taken to ensure that those parties are integrally involved in plan development. The HCP and ITP will not meet their goals if site-specific development needs, and species considerations, are not taken into account and made the focal point of the planning process, permit issuance, and subsequent implementation. 24-6PD

To address this concern, the federal and state agencies involved in the DRECP need to acknowledge that the ultimate recipients of the incidental take authorizations will be considered partners in the HCP and NCCP. An MOU or similar agreement should be developed with such parties to define how they will be involved in plan development, and ultimate recognition must be given to the fundamental principles underlying ESA Section 10 that HCPs are completely voluntary administrative tools designed to ensure species conservation within the context of private and nonfederal resource development activities.

2. HCP/NCCP Applicant & Authorizations

With these general principles in mind, there are several specific issues that need to be addressed to ensure that the ESA compliance mechanism implemented through the DRECP will be effective. The current proposal is for the CEC to be the HCP applicant. Careful consideration should be given to whether other entities need to be identified as the ITP holder, such as an industry association, a nonprofit established for that purpose, or other governmental entities. Related to this question is the need to define the mechanism that will be used to allocate the incidental authorizations to the parties involved in the covered activities. This mechanism should be efficient in application, but also equitable in scope and usage so that all parties to be covered are treated fairly. Finally, a procedure is needed to guarantee that the regulatory assurances that have become the hallmark of the HCP/NCCP processes remain intact and fully extended to the parties that will ultimately be conducting the covered activities. For example, "no surprises" assurances need to be applied at the site-specific level so that individual solar energy project developers and those implementing conservation activities can be assured the HCP/NCCP measures they adopt are not changed without consent and in accordance, with respect to the HCP, with 24-7PD

the requirements of 50 C.F.R. § 17.32(b)(5). If these general concerns are addressed through a planning and decision-making framework for the DRECP that incorporates participation from affected stakeholders, the proposal discussed in the NOI/NOP will be a very effective and successful means for promoting properly-sited solar energy projects while also advancing species conservation.

C. Recognition of the Positive Impacts of Renewable Energy on the Human and Natural Environment

As a final matter, BrightSource requests that future notices about activities related to the preparation of the DRECP recognize that renewable energy, unlike many other development activities, provides positive environmental impacts with respect to climate, air and water emissions, and reduction of other negative environmental impacts associated with the conventional energy infrastructure. An important goal of the DRECP is to promote biological resource conservation—something that we will achieve through traditional conservation measures *and* through the development of new renewable energy resources. Without significant change in our energy infrastructure, the status quo—the "no action alternative"—will lead to a worsening of the quality of the human and natural environment. Statements that suggest that the environmental impact of development under the DRECP will have only negative environmental impacts that must be minimized or mitigated are therefore misleading. *See, e.g.*, 76 Fed. Reg. 45,606, 45,609 (July 29, 2011) ("The Service and the BLM will use all practicable means, consistent with [National Environmental Policy Act (NEPA)] and other essential considerations of national policy, to avoid or minimize significant effects of their actions upon the quality of the human environment."). In this instance, the FWS and BLM must *take* action to have a positive effect, and must seek to *enhance*, rather than minimize, the positive environmental impacts of renewable energy development. 24-8IM

We again appreciate the opportunity to provide comments on the DRECP NOI/NOP. Please let us know if you have any questions about the points made in this letter or require further information or explanation.

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Re: Public Scoping for the Desert Renewable Energy Conservation Plan EIR/EIS

To whom it may concern:

I have been commenting on public land issues in the California Desert since 1970 as a citizen and recently as Vice-Chair of National Public Lands News (NPLNews is a non-profit public education organization).

NPLNews has been providing reliable and timely information about public lands to citizens since 1999.

The following constitutes our comments:

1. We are requesting an extension on this comment period, as the BLM/NREL Solar PEIS has not issued a formal ROD, which could possibly re-write this effort. 25-1PRO
2. Who is the NEPA lead? Since federal lands are involved, it must be a federal agency with jurisdiction over the lands. It cannot be both the California Energy Commission (CEC) – since it is not a federal land management agency and does not have a legal mandate from the American people. The US Constitution (Article IV section 3) vests the power for disposition of the public lands to Congress.

Congress passed and the President signed the Federal Land Policy and Management Act in 1976 (FLPMA) and mandated the Secretary of the Interior the responsibility for management of the public lands. The mission of the Department of the Interior (and its agencies) is to manage, conserve and preserve the land and the resources under its jurisdiction. 25-2PD

Besides the lack of legal basis for the CEC to take the lead is the fact that the CEC is a permitting agency not an allocation and management agency. In other words it has a single

mission and focused on issuing a permit while BLM has a multiple -use mandate directed by FLPMA to balance the use and the conservation of the resources.

It is more appropriate for the CEC to be a cooperative agency under NEPA since it does have a permitting component of the project. 25-2PD Cont'd

3. There is a fundamental flaw in the process.

This is really a resource management planning (RMP) process not ONLY a NEPA process. It is a mega RMP since we are talking about a huge area. It will trigger land-use plan amendments to California Desert Plan (CDP).

In other words, the federal action involves millions of acres of public lands that are currently governed by their respective land use plan/RMP that speak for the disposition of those lands under the CDP, tribal and military jurisdictions. 25-3PLU

The DRECP cannot possibly address all of the complex issues that will result if the federal action is implemented, since millions of acres are involved. The DRECP will not serve a practical purpose on the ground because it is structurally flawed from the outset.

DOI and DOE does not have a good track record in this area. In 2005-2006 the Wind PEIS was completed and after 4 years of field experience, it has been totally ineffective in managing wind energy Type II and Type III applications on public lands.

So what is the purpose of doing this DRECP? It seems to be just another regulatory burden on top of the many that businesses and citizens have to deal with? We are all overregulated already.

The US Constitution delegates the disposition of public lands to Congress not the Executive Branch (see my earlier comment). The administration should not allocate public land resources without congressional approval or without going thru the RMP amendment process with full disclosure. 25-4PD

In FLPMA, there is an entire section on the California Desert, which was to be managed as a single unit called the CDCA - in order to balance the conservation and use of the public lands. The California Desert Plan (CDCA Plan or Desert Plan) was completed in September of 1980 in conformance with the Congressional intent.

The Desert Plan outlined certain processes and procedures for all to follow in order to keep with the letter and spirit of FLPMA.

For example, in the CDCA Plan of 1980, the 2nd management element was in regards to coordination with the Native Americans.

"Chapter 3 of the Desert Plan Native American Element" 25-5CR

Prominent features of the CDCA landscape, wildlife species, prehistoric and historic sites of occupation, worship, and 'domestic activities, and many plant and mineral resources are of traditional cultural value in the lives of the Desert's Native people. In some cases these resources have a religious value. Specific sites or regions may be important because of their role in ritual or the mythic origin of an ethnic group. These values will be considered in all CDCA land- use and management decisions. The outline for this element is as follows:

GOALS

The Native American Element addresses both the contemporary and traditional concerns of Native Americans and organized tribal governments. The Plan inventory has attempted to identify the full spectrum of Native American cultural values. The element deals with these values in two distinct contexts: those values associated with traditional heritage and religious concerns: and values and concerns which arise from the long-range goals and planning efforts of reservation governments in, or adjacent to the California Desert Conservation Area (CDCA). The goals of this program are to:

25-5CR Cont'd

(1) Achieve the full consideration of Native American values in all land-use and management decisions. The BLM will seek to manage and protect these values, wherever possible and feasible. Guidance is provided through this element to insure that this management is consistent not only with the applicable legislation but also with the concerns and cultural values of the appropriate Native American group(s).

(2) Provide guidance for contact and consultation with tribal organizations and reservation governments as specified in the Memorandum of Agreement between BLM and the California State Native American Heritage Commission (NAHC). Inconsistencies in the manner and degree of involvement of these organizations in projects adjacent to Federal lands has often reflected an absence of effective channels of communication between the Federal Government and representative Native American government organizations.

This element seeks to correct these inadequacies within the CDCA by:

(1) identifying regional tribal governments, associations, and inter-tribal government organizations;

(2) identifying the National Environmental Policy Act notice responsibilities of the BLM and Native American Heritage Commission, relative to the Native American community and setting these forth in a Memorandum of Agreement (appendix VIII to the Proposed Plan, October 1980) ;

(3) providing an outline for contact procedures and the identification of ' "appropriate and informed" tribal groups.

25-5CR Cont'd

During the Solar PEIS Barstow public meeting, the Chairman of the Chemeuvi Indian Tribe expressed his deep disappointment in the lack of consultation by the lead federal agencies with the affected tribes by the Solar PEIS. In the previous meeting held In Indian Wells, on February 8, 2011 the Native American Tribes that spoke out against this plan was not properly recorded under the clear intent of NEPA. To date, these comments have not been documented on the PEIS Website nor has final decisions been made in regards to this.

It is clear that the CEC, BLM and Fish & Wildlife Services did not conduct adequate consultation with the tribes in accordance with federal laws and regulations. The scoping meetings were held in Ontario and Sacramento without native representation.

25-6CR

Making the CEC lead gives a question that is not clearly addressed. I was not aware that the State of California, specifically the CEC, has the right to enter into agreements with other nations, such as Tribal.

25-7PD

Specifically, in the California Desert Conservation Area (where the Solar PEIS is proposing to designate SEZ areas), the BLM and NREL failed to comply with the letter and spirit of the Native American Element (Chapter 3) goals and objectives just as this DRECP is:

(1) Achieve the full consideration of Native American values in all land-use and management decisions. The BLM will seek to manage and protect these values, wherever possible and feasible. Guidance is provided through this element to insure that this management is consistent not only with the applicable legislation but also with the concerns and cultural values of the appropriate Native American group(s).

(2) Provide guidance for contact and consultation with tribal organizations and reservation governments as specified in the Memorandum of Agreement between BLM and the California State Native American Heritage Commission (NAHC). Inconsistencies in the manner and degree of involvement of these organizations in projects adjacent to Federal lands has often reflected an absence of effective channels of communication between the Federal Government and representative Native American government organizations.

25-8CR

The CDCA Plan provides the overall guidance for federal land-use decisions. Chapter 7 of the CDCA Plan outlines the amendment process and how citizens, organizations and state and local government can bring land management issues to the BLM for inclusion in the consideration for periodic amendments to the CDCA Plan.

25-9PD

The California Desert Conservation Plan already has "land management zones" and other designations. The DRECP is regulatory initiative that qualifies as an amendment to the existing framework and therefore requires full disclosure and public ratification. 25-10PLU

For example, the DRECP has ignored the possible impacts of the acquisition and protection of compensatory habitat. The DRECP only analyzes the effects on recreation directly where the projects are sited. Places that will be acquired and set aside as compensatory habitat will likely be restrictive or will likely be places that had considerable conservation opportunity. People who enjoy the desert for recreation regularly use those places. Those recreation activities may be motorized, motor dependent, or non-motor dependent. These are activities such as back-country touring, bicycling, camping, collecting and trapping, cultural site stewardship, educational enrichment, equestrian staging, gem and mineral collecting, hunting, model rocketry, even dog mushing and carting. Yes. There is general OHV driving, four-wheel drive touring, picnicking and photographs, rock climbing, solitude seeking, spiritual renewal. All of these activities have/can have a motor-dependent aspect to it." 25-11OR

Many of existing roads, trails and highways in the CDCA are subject to Revised statute 2477, which does not include a legal right of way to access and use.

Section of Highway 395 and 190 are examples of RS 2477 routes without a FLPMA right of way. 25-12OR

We have great concern that as these routes are acquired on a piece by piece, the designated motorized route network will be destroyed.

Regarding mineral resources under the DRECP: The compensation for lost mineral deposits has not been clearly addressed. Mineral deposits typically cannot be moved to compensate lands even if there was enough land for all the other compensation that will have to be dealt with. A complete socio-economics has not been evaluated for all the multiple uses that will be compromised in this DRECP. 25-13G 25-14SE

Regarding the SEZ areas under the Solar PEIS, again, these are land-use designations under FLPMA and it is legal or appropriate to use the NEPA process to conduct and resource management land-use designation with a DRECP. 25-15PLU

It is not clear if the DRECP affects PELT (Payment in Lieu of Taxes) and have the counties affected by these designations been consulted regarding that matter? 25-16PLU

Not only are recreational, but water, socio-economics and other existing rights are left out entirely leaving the public sorely lacking in being informed, a clear violation of NEPA.

By limiting access to many of these SEZ zones, many wildlife areas will be severely impacted. Guzzlers, seeps, springs, etc. will no longer get the attention that they need for maintenance and repairs. These special areas cannot be moved. 25-17BR

The map that is on the website is not at a scale that the American Public can readily read and interpret whether mitigation is of significant distance to require additional review. 25-18PD

We could not find any mention of the appeals process. This should be better documented. The public cannot be expected to comment on an inadequate process. The CEC/BLM/F&W cannot just say that they will give their information to the final DRECP and then sign the ROD. They have already proven that they have excluded tribal commentaries at the Ontario and Sacramento Meeting. Will the general public commentaries be excluded at the end? 25-19PRO

An alternative that was never mentioned in this DRECP was using private land roof-tops closer to the energy usage and not desecrating scenic vistas and precious water basins. 25-20A

In closing, it is disappointing to see how the State and Federal government wastes precious taxpayer dollars on a flawed process. Providing each BLM field office the funds to amend their respective RMP and deal with the local issues as they are presented could have better spent the dollars. One-size fits all cookie cutter DRECP is misguided the wrong approach and above all does a disservice to the public lands. Americans deserve better from their government.

One item that should be closely inspected is the actual language of the BLM's Rights of Way Program:
Authority: 43 U.S.C. 1733, 1740, 1763, and 1764.
Source: 70 FR 21058, Apr. 22, 2005, unless otherwise noted.
Subpart 2801—General information
§ 2801.2 What is the objective of BLM's right-of-way program?

It is BLM's objective to grant rights-of-way under the regulations in this part to any qualified individual, business, or government entity and to direct and control the use of rights-of-way on public lands in a manner that:

(a) Protects the natural resources associated with public lands and adjacent lands, whether private or administered by a government entity; 25-21PLU

(b) Prevents unnecessary or undue degradation to public lands;

(c) Promotes the use of rights-of-way in common considering engineering and technological compatibility, national security, and land use plans; and

(d) Coordinates, to the fullest extent possible, all BLM actions under the regulations in this part with state and local governments, interested individuals, and appropriate quasi-public entities.

Additional language that needs close inspection:

The NCCP Act states that the Department of Fish and Game must approve any NCCP (F&G Code §2820(a)). The NCCP Act also provides that the Department may enter into a planning agreement with any person or public entity, "in cooperation with a *local* agency that has land use permit authority over the activities proposed to be addressed in the plan." Section 2820(f) then allows the department discretion in providing regulatory assurances to plan participants (which apparently may be persons, public entities, etc.) Finally, Section 2835 provides that the department may authorize "by permit" "the taking of any covered species whose conservation and management is provided for in a natural community conservation plan approved by the department." However, a total take for the State of California needs to be imposed because each project has the reality of taking 1400 per project.

Regarding the May 4, 2011 draft DRECP Conservation Framework Strategy Report recognizes that "The plan area supports a diverse range of outdoor recreation activities and opportunities, including numerous non-motorized and motorized uses over large areas of public lands. Demand for recreation on desert lands in California, especially on BLM and other public lands, is increasing due to several factors and trends, including a growing appreciation of natural, cultural, aesthetic, and other values in desert landscapes, and saturation of other outdoor recreation areas closer to southern California urban centers."

25-22OR

The DRECP has the potential to have a significant impact on access to public land, both directly and indirectly, if the plan does not properly address several issues.
First, individual covered activities will create project footprints that will necessarily preclude the use of an area previously available for public use, including recreation. Not only will the project area no longer be accessible, it could also impact the recreational use of lands located nearby.

Projects could sever existing routes and block access to other areas and regions; thereby restricting connectivity and compounding the loss of access. Each individual project has the potential to result in some loss of access either directly or indirectly. Taken together the covered activities will contribute to a cumulative loss that must be minimized. To help prevent this from occurring, we recommends that the DRECP incorporate the potentially applicable mitigation measures found in the Solar Energy Development Draft Programmatic Environmental Impact Statement Volume 1, Chapter 5, Section 5.5.3 that states:

25-23C

Potentially Applicable Mitigation Measures
• Public access through or around solar facilities should be retained to permit continued use of public lands and non-BLM administered lands.
• Solar facilities should not be placed in areas of unique or important recreation resources.
• Replacement of access lost for OHV and other uses should be considered as part of the analysis of project-specific impacts. Any process for designating a replacement route

would include the consideration of the designation criteria for routes as specified in 43 CFR 8342.1, and would be consistent with existing land use plans. 25-3C Cont'

Any additional loss of access and recreational opportunity in the California deserts must be put into perspective. Over the last eight decades various management decisions, legislative actions and litigation have vastly limited the activities allowed on public lands. 25 million acres were congressionally designated the California Desert Conservation Area. In 1976, 25 percent was still private and 25 percent was now exclusively used by the military or designated as state and national parks (activities restricted to certain uses), leaving 50 percent for limited public use. In 1980 the Bureau of Land Management was directed to develop a management plan for the remaining 50 percent. The imbalance in the desert is favoring closed access at a ratio of 9:1 (9 acres closed for each one acre open) - not fair and balanced by any standard of measurement. 25-24C

The roughly 12.5 percent of limited-use areas that remain today will be impacted by the DRECP and its implementation. The DRECP must also consider other forthcoming changes that have the potential to affect access and recreational opportunities. For example, the planned expansion of the Marine Corps Air Ground Combat Center Twenty-Nine Palms, California certainly has the potential to remove a large amount of land from public use.

The potential significant direct impacts to access and recreation exist, but indirect impacts are also possible. For example, if an activity results in the taking of a threatened species, it will increase pressure to identify mitigation necessary to offset the taking.

This mitigation should not become the responsibility of other multi-use stakeholders or occur at the expense of other uses. Simply stated, recreation and public access should be curtained or limited to accommodate the possible loss of species resulting from other activities. 25-25OR

The DRECP must fully examine recreation, access, and the relationship between the two. A disbursed motorized off-highway route network exists throughout the DRECP planning area and is utilized to pursue and support various activities. For this reason, data and specific information about the extensive recreational uses within the DRECP planning area is essential in developing the plan. The potential impact of the plan on recreation cannot be overlooked and must be a consideration when developing the conservation plan. 25-26OR

We recommend that the development of the DRECP must include a process by which geographic information is gathered and inventoried for the decision making process.

Recreational activities have been occurring within the DRECP for generations. An examination of the areas where recreation occurs and the access required partaking in them must be a part of the DRECP planning process.

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1516 Ninth St.
Sacramento, CA 95814-5512

Re: Public Scoping for the Desert Renewable Energy Conservation Plan EIR/EIS

Dear Mr. Bartel and California Energy Commission:

Please accept this letter as official comments on the Public Scoping for the Desert Renewable Energy Conservation Plan Environmental Impact Report Environmental Impact Statement (EIR) and Environmental Impact Statement (EIS) on behalf of myself, on behalf of the American Lands Access Association for whom I serve as the Southern California Representative, and on behalf of rockhounds (rock, gem and mineral collectors) everywhere.

The purpose of the American Lands Access Association ("ALAA") is to promote and ensure the rights of amateur fossil and mineral collecting, recreational prospecting and mining, and the use of public and

private lands for educational and recreational purposes; and to carry the voice of all amateur collectors and hobbyists to our elected officials, government regulators and public land managers.

The Searchers is one of the largest, most progressive rockhound clubs in Southern California and perhaps the whole country. It typically has 150-200 members join/rejoin every year to share in the rockhound experience. It is a 501(c)(3) organization which means it is tax exempt due to it's educational status. It's members volunteer at the Long Beach VA Hospital and teach veterans new and marketable lapidary and jewelry making skills, teach classes at local schools, and host demonstrations available for the public to see every week of the year. It has monthly meetings, door prizes, field trips, workshops, rock swaps and educational programs from guest speakers from within and outside of the club. Some of the past programs have included presentations on petrified wood, coining, cutting fire agate, casting, silversmithing, wire wrapping, gold panning, Topaz Mtn, The Oceanview Mine, pegmatite minerals, Owens Valley minerals, field trips, videos related to the hobby, geology, and much more. It is a member of the California Federation of Mineralogical Societies and the American Federation of Mineralogical Society. The Searchers would be directly affected by loss of access to rock, gem, mineral and fossil collecting locations because those activities are central to its purpose.

For purposes of this letter, use of the term "rockhound" refers to persons who collect rocks, gems, minerals and/or fossils. When used herein, the term "we" refers to myself, the American Lands Access Association ("ALAA"), the Searchers, and rockhounds everywhere (as rockhounds from all over the United States, and all over the world, come to Southern California to collect the unique and wonderful rocks, gems, minerals and fossils found here). These comments shall in no way prevent other individuals or organizations I represent from submitting additional comments that shall also become part of the public record.

The May 4, 2011 draft DRECP Conservation Framework Strategy Report recognizes that "The plan area supports a diverse range of outdoor recreation activities and opportunities, including numerous non-motorized and motorized uses over large areas of public lands. Demands for recreation on desert lands in California, especially on BLM and other public lands, is increasing due to several factors and trends, including a growing appreciation of natural, cultural, aesthetic, and other values in desert landscapes, and saturation of other outdoor recreation areas closer to Southern California urban centers."

The ALAA represents tens, if not hundreds, of thousands of individuals and families that engage in rock, gem, mineral and fossil collecting and other recreational activities on public lands. The access required to pursue these and other recreational activities on public lands nearly always utilizes unimproved routes and are motorized and mechanized dependent, which form of access necessaraily falls under Off Highway Vehicle (OHV) travel. It also requires continued access to many areas of public lands where the rocks, gems, minerals and fossils are located.

The DRECP has the potential to have a significant impact on access to public land, both directly and indirectly, if the plan does not properly and adequately address several issues.

Renewable energy projects covered by the DRECP will have footprints that will undoubtedly preclude use of areas that were formerly available for public use, including recreational purposes such as rockhounding. Not only will the project area no longer be accessible, but existing routes will likely also be severed resulting in blocked access to other routes and the areas and regions that they serve, including the spur roads close to the collecting areas used by rockhounds. 26-1OR

We ask the DRECP to also keep in mind the fact that some of the amenities and features offered by our public lands are irreplaceable. While roads and campsites can be relocated, items such as 26-2OR

specific rock hound areas cannot. Mineralogical deposits occur where nature has very uniquely placed them. Unlike some other uses of public lands, rockhounds utilize mineralogical deposits which cannot be relocated or replaced. Most rock, gem, mineral and fossil collecting locations have unique deposits that are unique to that location and are not found elsewhere. No practical mitigation is available for loss of access to such areas, therefore we request that such locations be excluded from closure or restriction and that motorized access, including spur roads serving those locations, be maintained. Rock, gem, mineral and fossil collection typically requires the use of hand tools and equipment that cannot be packed in or carried long distances and are therefore motorized and mechanized dependent. In addition, many rockhounds are elderly or handicapped and unable to travel much of any distance or carry weight very far in any event. 26-2OR Cont'd

In the past, rockhounds have been forgotten or neglected and impacts to access for this type of recreational activity have been ignored at best. This has resulted in losses of vast areas that were formerly collection sites with no mitigation whatsoever. Because of this, rockhounds are paying attention when government action would take away yet more access to rock, gem, mineral and fossil collecting areas. In addition, it is important that the cumulative effects of past government actions, whatever they may be, have deprived rockhounds of former collecting locations.

Replacement of access lost for recreational and all the varied public use purposes, including Mechanized and Motorized Dependant Recreational Activities, must be considered on a overall view basis of the entire DRECP Plan Area with regard to the effects resulting from the past, present and potential future renewable energy facilities as well as any and all types of conservation efforts applied to the Plan Area that have or will affect the public's use. To consider only such loses on a project-specific basis denies all parties involved the opportunity to evaluate the cumulative losses for the Plan Area as is required by NEPA and our expectations. The application of NEPA with respect to analyzing cumulative effects is clear, it can and should apply to entire regions such as the DRECP Plan Area. Also, the requirement that the mitigation afforded must fit the situation being analyzed has been historically established. 26-3OR

To mitigate the potential loss of access that will potentially result from the covered activities that will contribute, either directly or indirectly, to a cumulative loss of access that must be minimized, we recommend that the DRECP incorporate the potentially applicable mitigation measures found in the Solar Energy Development Draft Programmatic Environmental Impact Statement (Solar Energy Development DPEIS) Volume I, Chapter 5, Section 5.5.3, and Appendix A.2.2.6 Design Features for Recreation Impacts that state:

Potential Applicable Mitigation Measures

- Public access through or around solar facilities should be retained to permit continued use of public lands and non-BLM administered lands,
- Solar facilities should not be placed in areas of unique or important recreation resources,
- Replacement of access for lost OHV use should be considered as part of the analysis of project-specific impacts. Any process for designating a replacement route would include the consideration of the designation criteria for routes as specfified in 43 CFR 8342.1 and would be consistent with existing land use plans.

25-4OR

While the Solar Energy Development DPEIS is being developed for solar energy projects, the potential applicable mitigation measures for recreation can also be applied to other covered activities the DRECP will address.

Consideration through the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) processes and the final Preferred Alternative(s) resulting from the DRECP must include consideration for the direct and indirect impacts, and consequences, whether intended or unintended, of the interactions between the policies and actions established by both the DRECP and the Solar Energy Development plan currently being developed by the Office of Energy Efficiency and Renewable Energy, Department of Energy and the Bureau of Land Management, Department of the Interior. To fulfill the requirements of CEQA and NEPA, and for affected agencies to understand the public concerns over the interactions between these two plans, the opportunity for additional public review and comment must be ranted when the Solar Energy Development DPEIS becomes available.

We also wish to review and comment on the yet to be released Preliminary Conservation Strategy (PCS) which will be an integral part of the overall DRECP. Since this document is not currently available, we recommend that an additional Scoping Period for the DRECP allowing additional public comment lasting at least 30 days be provided following the release of the PCA.

Any additional loss of access and recreational opportunity in the California deserts must be put into perspective. Over the last eight decades various management decisions, legislative actions and litigation have vasty limited the activities allowed on public lands. The 25 million acre congressionally –designated California Desert Conservation Area is a relevant illustration. By 1930, 25% of the desert became private land, including famrs and towns,. The remaining 75% , mostly federal land, was considered to have little use and had very few restrictions affecting it's use. By 1976, 25% was still private and 25% was now used exclusively by the military or designated as state and/or national parks, which restricted use on that land to certain uses, leaving only 50% for limited public use. In 1980, the Bureau of land Management was directed to develop a management plan for the remaining 50%.

After a significant planning effort involving federal, state and local agencies and the pubic, 2.1 million acres (approximately 8%) of land formerly used by the public was designated as wilderness, leaving only 42% for other uses. By 2007, the BLM was forced to amend management plans for the remaining 25% which resulted in species protection aareas that further limited use and effectively reduced the 25% to approximately only 12.5%.

The remaining 12.5% (approximately) of limited-use areas that remain today will be significantly impacted by the DRECP and implementation thereof. The DRECP must additionally consider other upcoming changes that will potentially affect access and recreational opportunities such as the proposed Marine Corps 29 Palms Air Ground Combat Center expansion which also has the potential to remove a large amount of land from public use.

Among the potential indirect impacts of concern is the possibility that covered activities may result in the taking of threatened species that will increase pressure to identify mitigation necessary to offset such taking. This mitigation should not be allowed to authorize further "take" of public access for purposes such as rockhounding, OHV access and other forms of recreation. Recreation and public access should not be limited or curtailed to accommodate the possible loss of species resulting from other activities as that would result in additional "taking" of public

access for recreational purposes. It is time to start considering the human impacts of government actions and to stop taking access to public lands from it's owners. 26-8OR Cont'd

The DRECP must fully examine recreation, including rockhounding, access, and the relationship between them. A dispersed motorized off-highway reoute network exists throughout the DRECP planning area and is utilized to pursue and support various activities including rockhounding. For this reason, data and specific information about the extensive recreational uses within the DRECP planning area is essential to developing the plan. The potential impact of the plan on recreation broadly, and rockhounding specifically, must be a consideration when developing the conservation plan.

For this reason, we recommend that the DRECP must include a process by which geographic information reflecting the interests of rockhounding, other forms of recreation, and public access is gathered and inventoried and made a part of the official map set for the decision making process. Furthermore, this effort must be funded and supported by the DRECP and the Renewable Energy Action Team (REAT). We further recommend that a funding mechanism to address the impacts to rockhounding, recreational generally, and public access that will be necessary to implement covered projects must be examined, developed and be included in the Plan. We know that rockhounds want to contribute to this effort, but do not have the resources to map the information themselves, nor should they be assigned the burden to do so. Since the BLM is responsible for mining claims, they have a database of known mineral locations. In addition, they have information regarding rocks, gems, minerals and fossils found in their areas which they offer to the public on their websites. Books have been published by authors such as Mary Francis Armstrong that identifies rocks, gems, minerals and fossils found in the Southern California deserts and the locations in which they are found. The CFMS has member clubs such as the Searchers all over the state with field trip records identifying collecting locations and would be happy to help. All of these sources should be utilized by the DRECP in identifying collecting locations and the routes needed to access them so that potential impacts to the public's access to the can be considered and avoided or mitigated. 26-9OR

The costs associated with mitigation for recreational and all the varied public use purposes, including Mechanized and Motorized Dependant Recreational Activities, should be covered by the renewable energy companies who have been permitted by the DRECP process to construct projects in the Plan Area. 26-10OR

Emphasis should be placed on locating as much of the required renewable energy facilities as possible on private lands which have been previously disturbed and in close proximity to the point of use which the facilities are serving. 26-11A

We appreciate the opportunity to provide these comments on the Scoping for the DRECP EIR/EIS. We are committed to working cooperatively during the development of the DRECP to achieve a meaningful approach that recognizes the importance of rockhounding, recreation and access, and that reduces the potential of further losses to public access to collecting locations. Please do not hesitate to contact us if you have any questions or would like additional information.

Sincerely,

Kim Campbell
Rockhound Activist
Southern California Representative, ALAA
Director, The Searchers Gem and Mineral Society

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Los Angeles, California 90064
310 841 0920 Telephone
310 841 0915 Facsimile

SOLUTION STRATEGIES

DOCKET
09-RENEW WEO-1
DATE SEP 12 2011
RECD. SEP 13 2011

September 12, 2011

Mr. Jim Bartel
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92001

Re: Comment on the scope of issues and alternatives addressed in the Desert Renewable Energy Conservation Plan, Habitat Conservation Plan, and Possible Land Use Amendment, Southern California: Environmental Impact Statement

Dear Mr. Bartel:

The Town of Apple Valley (Town) appreciates this opportunity to provide comments to the U.S. Fish and Wildlife Service on the Notice of Intent for the Desert Renewable Energy Conservation Plan (DRECP), Habitat Conservation Plan (HCP), and Possible Land Use Plan Amendment Environmental Impact Statement (EIS) (collectively referred to herein as the DRECP).

The Town has been working with the US Fish and Wildlife Service-Ventura Office to develop a 285-square mile (170,000 acres) Multi-Species Habitat Conservation Plan (MSHCP) for the Town's limits and Sphere of Influence. The Town is developing the MSHCP to implement its General Plan and achieve its over-arching vision that the Town's quality of life is tied to its rural character, which needs to be preserved and protected for the long-term health of the community.

Because the MSHCP includes both incorporated and County lands, the Town is looking at implementing several conservation strategies that have been identified as important in wider regional planning efforts, including the DRECP. Due to the inclusion of these regional strategies, the Town's MSHCP effort is well supported by the County of San Bernardino (County) and other local stakeholders.

Mr. Jim Bartel
U.S. Fish & Wildlife Service
Comments re: Scope of DRECP EIS
Page 2 of 3
September 12, 2011

Recently, County Supervisor Brad Mitzelfelt hosted a meeting for the Town with CEC Commissioner Karen Douglas and key DRECP staff, key County staff, USFWS, and CDFG on August 3, 2011 to discuss the MSHCP and DRECP efforts. At that meeting, the Town shared that its planning effort is based on a regional conservation strategy that protects key linkages in the high desert. At the conclusion of this meeting, it was agreed by all participants that a working group should be formed to discuss how to build on the synergy between the two planning efforts.

Specifically, the MSHCP is looking at protecting two critical regional linkages, the Wild Wash Linkage and the San Bernardino-Granite Mountains Linkage. Both of these linkages pass through the Town's planning area. By identifying and protecting these linkages, the Town's MSHCP integrates well with the goals and objectives of larger conservation planning efforts taking place in the Mojave Desert, including the DRECP.

To preserve the two key regional linkages identified, the Town's MSHCP looks to build on the existing network of Bureau of Land Management (BLM) lands, a total of approximately 55,250 acres, within its planning area. These nearly contiguous blocks of federal lands provide important landscape level connections between the coastal and desert mountains and the Ord-Rodman and Freemont-Kramer Desert Wildlife Management Areas (DWMA). Its value should be recognized by the DRECP planning effort. As you are aware, the DWMAs were established by the West Mojave Plan to protect the desert tortoise and its critical habitat. The West Mojave Plan also notes the future need to provide linkages between the DWMAs. 27-1A

The Town is requesting that large-scale renewable energy development be excluded from the regional linkages identified by the MSHCP. To date, the DRECP documents do not recognized either of these linkages. It is a priority to both the Town and the region that these linkages are completed.

The Town is committed to ensuring that the MSHCP is consistent with the DRECPs planning effort. We believe that Town's effort to establish the regional linkages identified will not only enhance the DRECP but will increase the region's resiliency to the uncertain effects of Climate Change.

Thank you again for this opportunity to provide comments to the DRECP. We look forward to working with the DRECP Team on this planning effort through the establishment of the working group. For additional information on the Town's MSHCP, please contact Lori Lamson, Assistant Director of Community Development, at (760) 240-7000, extension 7200.

SOLUTION strategies inc

Mr. Jim Bartel
U.S. Fish & Wildlife Service
Comments re: Scope of DRECP EIS
Page 3 of 3
September 12, 2011

We look forward to working with the Service on this project.

Sincerely,

Heidi Brannon
Vice President, Director of Projects

cc: Lori Lamson, Assistant Director Community Development

Solution Strategies, Inc. (SSI) is consulting for the Town of Apple Valley on the development of its MSHCP. SSI also represents the Town at the DRECP stakeholder meetings.

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Mojave Trails Group

Friends of El Mirage

Friends of Jawbone

September 12, 2011

DOCKET
09-RENEW WEO-1
DATE SEP 12 2011
RECD. SEP 13 2011

Via Email

Mr. Jim Bartel, Field Supervisor
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Rd., Suite 101
Carlsbad, CA 92011

California Energy Commission
Dockets Office
MS-4, Docket No. 09-RENEW E0-01, Scoping Comments
1516 Ninth St.
Sacramento CA 95814-5512

Re: Public Scoping for the Desert Renewable Energy Conservation Plan EIR/EIS

Dear Mr. Bartel and California Energy Commission:

The Recreational Access Council of California (RACC) is a coalition of individuals and organizations representing various recreational users of public lands(1). The goal of the coalition is to promote and maintain access to public lands in California. This includes the area contained within the boundaries of the Desert Renewable Energy Conservation Plan (DRECP).

Please accept the following as official comments on the Public Scoping for the Desert Renewable Energy Conservation Plan Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) on behalf of the RACC and the organizations and individuals it

1. The Recreational Access Council of California includes the American Lands Access Association, American Motorcycle Association District 37 Off-Road, California Association of 4WD Clubs, Inc., California Off-Road Vehicle Association, California Trail Users Coalition, Death Valley.com, Explore Historic California, Friends of El Mirage, Friends of Jawbone, High Desert Multi-Use Coalition, Mojave Trails Group, National Public Lands News, Partnership for Johnson Valley and Searchers Gem & Mineral Society.

represents. These comments shall in no way prevent other individuals or organizations of RACC from submitting additional comments that shall also become part of the public record.

The May 4, 2011 draft DRECP Conservation Framework Strategy Report recognizes that "The plan area supports a diverse range of outdoor recreation activities and opportunities, including numerous non-motorized and motorized uses over large areas of public lands. Demand for recreation on desert lands in California, especially on BLM and other public lands, is increasing due to several factors and trends, including a growing appreciation of natural, cultural, aesthetic, and other values in desert landscapes, and saturation of other outdoor recreation areas closer to southern California urban centers."

The RACC represents thousands of individuals and families that engage in a broad array of recreational activities on public lands. These outdoor-dependent activities are important to the public and can include the following: backcountry touring, bicycling, botanizing, camping, collecting and trapping, cultural site stewardship, educational enhancement, equestrian staging, gem and mineral collecting, geocaching, guzzler maintenance, hiking and backpacking, history seeking, hunting, model rockets and planes, mushing and carting, off-highway vehicle (OHV)/4WD driving, picnicking, photography, rock climbing, scientific research, solitude seeking, spiritual renewal, sport shooting, star gazing and wildlife watching.

The access required to pursue these and other recreational activities on public lands frequently utilize unimproved routes and are motorized and mechanized dependant. By definition, accessing public land in such a manner falls under the rubric of Off Highway Vehicle (OHV) travel.

The DRECP has the potential to have a significant impact on access to public land, both directly and indirectly, if the plan does not properly address several issues. 28-1OR

First, individual covered activities (renewable energy projects) will create project footprints that will necessarily preclude the use of an area previously available for public use, including recreation. Not only will the project area no longer be accessible, it will also impact the recreational use of lands located nearby. Projects could sever existing routes and block access to other areas and regions, thereby restricting connectivity and compounding the loss of access.

For example, numerous unique natural features exist on public lands within the DRECP planning area that cannot be recreated or relocated, including mineralogical deposits. While access roads can be re-routed, specific rock hounding and natural area features cannot. There are deposits of certain types of minerals or gems that are only found in one specific location within the plan area. No practical mitigation is available for loss of access to such areas, and the RACC requests that such locations be excluded from closure or restriction and that motorized access be maintained. Rock hounding, gem, mineral and paleontological collection often require the use of hand tools and equipment that cannot be packed in or carried long distances and thus are motorized and mechanized dependent. 28-2OR

Each individual project has the potential to result in some loss of access either directly or indirectly. Taken together the covered activities will contribute to a cumulative loss that must

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be minimized. To help prevent this from occurring, the RACC recommends that the DRECP incorporate the potentially applicable mitigation measures found in the Solar Energy Development Draft Programmatic Environmental Impact Statement (Solar Energy Development DPEIS) Volume 1, Chapter 5, Section 5.5.3 that states and Appendix A.2.2.6 Design Features for Recreation Impacts that states:

Potentially Applicable Mitigation Measures

- Public access through or around solar facilities should be retained to permit continued use of public lands and non-BLM administered lands.

- Solar facilities should not be placed in areas of unique or important recreation resources.

- Replacement of access lost for OHV use should be considered as part of the analysis of project-specific impacts. Any process for designating a replacement route would include the consideration of the designation criteria for routes as specified in 43 CFR 8342.1, and would be consistent with existing land use plans.

While the Solar Energy Development DPEIS is being developed for solar energy projects, the potential applicable mitigation measures for recreation can also be applied to other types of covered activities the DRECP will address. 28-3OR

Consideration through the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) processes and the final Preferred Alternative resulting from the DRECP must include consideration for the direct and indirect impacts, and consequences, whether intended or unintended, of the interactions between the policies and actions established by both the DRECP and the Solar Energy Development plan currently being developed by the Office of Energy Efficiency and Renewable Energy, Department of Energy and the Bureau of Land Management, Department of the Interior. To fulfill the requirements of CEQA and NEPA, and for affected agencies to understand the public concerns over the interactions between these two plans, the opportunity for additional public review and comment of the DRECP must be granted when the Solar Energy Development DPEIS becomes available. 28-4PRO

The RACC also wishes to review and comment on the yet to be released Preliminary Conservation Strategy (PAC) which will be an integral part of the overall DRECP. Since this document is not currently available, RACC recommends that an additional Scoping Period for the DRECP allowing additional public comment lasting at least 30-days be provided following the release of the PAC. 28-5PRO

Any additional loss of access and recreational opportunity in the California deserts must be put into perspective. Over the last eight decades various management decisions, legislative actions and litigation have vastly limited the activities allowed on public lands.

Consider the 25 million acre congressionally-designated California Desert Conservation Area as the foundation for this illustration. By 1930, 25 percent of the desert became private land

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including towns and farms. The remaining 75 percent, mostly federal land was perceived to have little use and had very few restrictions. By 1976, 25 percent was still private and 25 percent was now exclusively used by the military or designated as state and national parks (activities restricted to certain uses), leaving 50 percent for limited public use. In 1980 the Bureau of Land Management was directed to develop a management plan for the remaining 50 percent.

Following an extensive planning effort involving federal, state and local agencies and the public, 2.1 million acres of land for public use were designated as wilderness (roughly 8 percent). This left 42 percent for other uses. In 1994 additional land was designated as wilderness, increasing the total to 25 percent with 25 percent then designated for other uses. By 2007 the BLM was forced to amend the management plan for the remaining 25 percent resulting in species protection areas that further limited use and essentially reduced the 25 percent to 12.5 percent.

The roughly 12.5 percent of limited-use areas that remain today will be impacted by the DRECP and its implementation. The DRECP must also consider other forthcoming changes that have the potential to affect access and recreational opportunities. For example, the planned expansion of the Marine Corps Air Ground Combat Center Twentynine Palms, California certainly has the potential to remove a large amount of land from public use.

Not only does the potential for significant direct impacts to access and recreation exist, but indirect impacts are also possible. For example, if a covered activity results in the taking of a threatened species, it will increase pressure to identify mitigation necessary to offset the taking. This mitigation should not become the responsibility of other multi-use stakeholders or occur at the expense of other uses. Simply stated, recreation and public access should not be curtailed or limited to accommodate the possible loss of species resulting from other activities. 28-6OR

The DRECP must fully examine recreation, access, and the relationship between the two. A dispersed motorized off-highway route network exists throughout the DRECP planning area and is utilized to pursue and support various activities. For this reason, data and specific information about the extensive recreational uses within the DRECP planning area is essential in developing the plan. The potential impact of the plan on recreation cannot be overlooked and must be a consideration when developing the conservation plan. 28-7OR

For this reason, RACC recommends that the development of the DRECP must include a process by which geographic information reflecting the interests of recreation and public access is gathered and inventoried and made a part of the official map set for the decision making process. Furthermore, this effort must be funded and supported by the DRECP and the Renewable Energy Action Team (REAT). Additionally, the RACC recommends that a funding mechanism to address the impacts to recreation and public access that will be necessary to implement covered projects needs to be examined, developed and included in the Plan.

Recreational activities have been occurring within the DRECP for generations. This historical precedence cannot go unnoticed or be ignored. The DRECP must avoid or minimize any harmful consequences on recreational activities. An examination of the areas where recreation

occurs and the access required to partake in them must be a part of the DRECP planning process.

The RACC appreciates the opportunity to provide these comments on the Scoping for the Desert Renewable Energy Conservation Plan EIR/EIS. RACC is committed to working cooperatively during the development of the DRECP to achieve a meaningful framework and approach that recognizes the importance of recreation and access and one that reduces the potential impact to them moving forward. Please do not hesitate to contact the RACC at recaccesscouncilca@gmail.com if you have any questions or would like additional information. Thank you for your consideration.

Respectfully submitted on behalf of the RACC,

Clayton Miller

www.recaccesscalifornia.com

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CORVA
CALIFORNIA OFF-ROAD VEHICLE ASSOCIATION
www.corva.org

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Phone : 800-436CORVA : Facsimile : 805-526-4574 : www.corva.org

TO:
California Energy Commission
Dockets Unit, MS-4
1516 Ninth Street
Sacramento, CA 95814-5512
docket@energy.state.ca.us

DOCKET
09-RENEW WEO-1
DATE
RECD. SEP 13 2011

Re: DRECP Scoping Comments
Docket No.09-Renew EO-01

From:
David Beaumont, Alternate DRECP Stakeholder representing the California Off Road Vehicle Association (CORVA). Founder of Mojave Trails Group. Life Member of Blue Ribbon Coalition.
Email: savecaliforniasdeserts@gmail.com
Date: September 11th., 2011

1. Consider utilizing purchased mitigation lands as reserves for translocated Desert Tortoises. Selection of such lands for appropriate suitability could be a priority. 29-1BR

2. Establish a program to mitigate the recreational uses of public lands. One source of income could be a fee associated with the granting of permits through the DRECP. 29-2OR

3. Full disclosure of the locations of mitigation lands which have already been established, and future mitigation lands as they are purchased. 38-3IM

4. The recreational component of the DRECP Stakeholders Group should be given temporary access to the mitigation lands for the purposes of examining the need for passage around, or across, the mitigation lands. If such lands restrict or eliminate access to surrounding public or private lands, a process should be established to determine the best course of action which maintains access to the surrounding lands. 29-4OR

5. The conservation status of lands should not be elevated to that which equates to that of Wilderness. Only Congress can elevate lands to such a standing. 29-5PLU

David Beaumont
For the California Off Road Vehicle Association

"Dedicated to protecting our lands for the people, not from the people."

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(8/9/2011) Docket Optical System - Scoping Comments

30

DOCKET
09-RENEW EO-01
DATE Aug 08 2011
RECD. Aug 08 2011

From: Dan Perkins <perkydanp@yahoo.com>
To: <docket@energy.state.ca.us>
Date: 8/8/2011 2:06 PM
Subject: Scoping Comments

8/8/2011

Re: Public Input Wanted for California's
Largest Habitat Conservation Plan

Dear California Energy Commissioners and DRECP Affiliates,

First
we need energy efficiency and local urban generation in lieu of large renewable sites and power lines constructed in eco-sensitive areas.

Residential and commercial facilities can save as much as 40% of their energy by doing EE. Time of Use meters can have a huge impact on how much energy is being used and at what time it is being used.
On site generation using solar (thermal and electric), fuel cells as well as wind needs full deployment before considering new power lines that may become obsolete.

30-1A

The
Effort:

Virtual
Net Metering (VNM) should allow for off site generation on rooftops or vacant land regardless of the proximity to the demand site. All with credit to the customer and RPS credit to the utilities. The REC's to be determined.

Feed
in Tariffs designed specifically for urban area renewables should be installed on appropriately zoned vacant land or on rooftops. It must be cost effective and may require subsidizing. Credit the utilities for the RPS. The REC's to be determined.

Time

of Use (TOU) meters will need a lot of public education. Designing TOU tariffs for demand response (DR) that can be an incentive for customers to implement DR. Subsidize education programs with penalties designed for DR failure.

Net
Zero buildings by 2020 will stabilize demand and will require stronger Title 24 guidelines.

Manufacturing
equipment can be improved with energy efficiency and new technologies such as nanotechnology as well as membranes used for filtering. Look at Art Rosenfeld's successful CFL project.

Fuel
cells using hydrogen as well as hydrogen production should be a California program regardless of the federal stand on this technology. Storage for intermittent renewable energy shortfall should also be on the front burner.

Financing:

30-1A Cont'd

The
Energy Efficient Mortgage (EEM) should be implemented at Time of Sale for all homes purchased including new construction, re: New Homes Solar Program.

HERS
Ratings need "action taken" not just another piece of paper of things to do in a drawer.

On
Bill Financing (OBF) should be available by all the Utilities with reasonable simple payback periods

Subsidizing/buying
down interest rates using Stimulus funds creating a positive cash flow or insuring loan loss is prudent.

Professional
Administrative Companies that understand how to manage the complex EE process,

financing, incentives, rebates and installations will be needed at both the residential and commercial levels. They can administer ratings/bench-markings; bids, cash flow, funding and rebate documentation that often overwhelms lenders and especially new property owners.

We
are not being assertive in making all of the above happen. We need to do more than just talk about it. Stimulus funds can be used in many of these programs but will not come into play unless up-front financing is available. The EEM does that.

30-1A Cont'd

Dan Perkins VP - National Preservation PartnersBuild It Green Certified Fuel Cell ConsultantBenchmarking - Retro-CommissioningETC (Energy Transaction Coordinator)Dan@EnergySmartHomes.netwww.EnergySmartHomes.net760-315-2055

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California Energy Commission | California Department of Fish and Game | U.S. Bureau of Land Management | U.S. Fish and Wildlife Service

Public Scoping Meeting for the Desert Renewable Energy Conservation Plan EIR/EIS

August 16, 2011, 7:00 p.m. – 9:00 p.m.

SCOPING COMMENTS (Please print clearly and legibly)

Please hand in during the meeting or mail (address on back) or email by ***September 12, 2011****. Those submitting comments electronically should provide them by email in either Microsoft Word format or as a Portable Document Format (PDF) to docket@energy.state.ca.us. Please include your name or organization's name in the file name. We also request that you send* ***one paper copy of your email*** *to the Energy Commission's Docket Unit at the address listed on the back of this form.*

Name: Michael Weber

Organization (if any):

Address (optional): 9063 Kennebec Street

City, State, Zip: Ventura, CA 93004

E-mail: michael.weber@stantec.com

This comment form is being furnished to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives that will be addressed in the joint EIR/EIS. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

Comments

Verbal comments not heard. Stood in line for 30+ minutes @ 2 stations without being provided opportunity to discuss issues. Felt more like a stakeholder meeting rather than a public scoping meeting. The public wants to be heard, not asked to write comments. Generally dissatisfied. 31-1PRO

More space on back

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DOCKET
09-RENEW EO-1
DATE Aug 22 2011
RECD. Aug 22 2011

Docket Optical System - scoping comments/docket no. 09-RENEW EO-01

From: Pam Nelson <pamela05n@yahoo.com>
To: "FW8DRECP@fws.gov" <FW8DRECP@fws.gov>, "docket@energy.state.ca.us" <docket@energy.state.ca.us>
Date: 8/22/2011 8:26 AM
Subject: scoping comments/docket no. 09-RENEW EO-01

Thank you for your efforts to make an efficient process for alternative energy facilities in our California deserts. It is my hope that this process will not result in too speedy of a method that will result in the poor biological review we saw for the Ivanpah/Bright source project where too many desert tortoises are being sacrificed in the name of the public good. 32-1BR

We support alternative energy and are self-sufficient at our own home with a wind turbine, windmills for water pumping and PV panels. Therefore we know that on-site generation is the most efficient and easily-generated power that should the primary source of energy used by Californians or anyone. Our comments are based on this premise.

Please prioritize and set critieria for new energy facilities in our deserts by:
--siting facilities close to population centers
--promote small distribution facilities that support the "roof top" theme of population centers
--use brown fields or other types of "spent" lands, not functioning desert habitats
--site facilities next to or near existing transmission lines. Do not create new transmission line paths 32-2A

--conduct complete biological, hydrological and other studies that are specific to desert habitats to avoid the outcome of the Ivanpah tortoise killings and other scientific oversights. 32-3BR

Thank you,
Pam and Greg Nelson
38723 Hwy 79
Warner Springs, CA 92086
951 767-2324

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Sep 19 2011 4:45PM DIXIE WARD 760-431-9618 p.2

33

August 28, 2011

Jim Bartel, Field Supervisor, Carlsbad Fish and Wildlife Office;

The focus of the DRECP executive summary recommendation is to avoid, minimize and mitigate adverse ecological impacts and contribute to the conservation of imperiled native species while accommodating energy development in appropriate areas.

The recommendation to place energy projects in already disturbed areas should be this agencies US Fish and Wildlife Service (FWS) prime directive but instead a "no regrets" strategy will take precedent and the resulting destruction of native species such as the Desert Tortoise and other flora/fauna will happen. This is in direct conflict with DRECP recommendations and FWS mission statement . 33-1PD

Since the general public is often denied public access to environmentally sensitive areas, how can you now allow access to sensitive habitat areas by the solar industry and not think that adverse effects will be mitigated? You know that keeping intact large contiguous stretches of land is what is necessary for species survival.

As the former Mayor and City Councilman from Murrieta as well as serving on the Western Riverside County Regional Conservation Authority (RCA) as chairman, and with my current position as Board Member of the Elsinore - Murrieta - Anza Resource Conservation District, I've worked with you and the Carlsbad office on advancing the Multi Species Habitat Conservation Plan (MSHCP) goals and policies in promoting development in disturbed habitat areas while protecting and accumulating contiguous habitat land areas. You and I both know that saving all pieces of habitat is impossible nor needed, but quality high value landscape must be protected from this "huge environmental experiment." 33-2PLU

Common sense tells me that installing solar panels on all roof tops within metropolitan areas will avoid this fragmentation of our desert landscape and still achieve our Energy Independence. The Bureau of Land Management, (BLM) has given out too many land leases to solar companies with no adaptive management and monitoring plans in place to know if this experiment will work. With no actual projects in place accumulating scientific information, this Washington/Sacramento Directive only looks good on paper. This rush to meet some political time line is preposterous. 33-3A

Let's stop the Urban Sprawl in our desert,

Gary Thomasian
23512 Spindle Way
Murrieta, CA 92562
(909) 730-1987 cell

Gary Thomasian
gTomato@People PC.Com

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(9/12/2011) Docket Optical System - Docket No. 09-RENEWEO-01/Scoping

34

DOCKET
09-RENEW EO-01
DATE Sept 11 2011
RECD. Sept 12 2011

From: frazier haney <frazier26@gmail.com>
To: <docket@energy.state.ca.us>
Date: 9/11/2011 4:29 PM
Subject: Docket No. 09-RENEWEO-01/Scoping

September 11, 2011

Comments on the Desert Renewable Conservation Plan

Submitted by:

Frazier Haney

9160 Whitewater Canyon Road

Whitewater, Ca 92282

760-864-1909

I appreciate the opportunity to comment on the Desert Renewable Energy Conservation Plan. I am a California native, I grew up in the community of Joshua Tree, and returned to the desert after college. I currently manage the Whitewater Preserve for the Wildlands Conservancy near Palm Springs, California.

1. I would like to voice my support for the recommendations of the DRECP Independent Science Advisors (ISA) panel. I appreciate that we are building a process with the DRECP that is focused on the conservation of our natural resources.

a. What we have in the California Desert is irreplaceable. While I believe the Plan represents the best hope to date to balance renewable energy development with conservation across the California Desert, I am worried it will do little until it is finished to guide the current projects, which could be several more years. I encourage the permitting agencies to follow the suggestion of the ISA and adopt a “No Regrets”* *policy for current and new projects until the plan is finished. This policy should respect the intent of the DRECP to conserve our desert resources on a landscape level until the Plan can be implemented. 34-1PD

b. As for timelines with regard to Permit Term, calculation of acreages needed for the RPS, and other long range planning schedules, I think the plan should cover terms of not more than thirty years at a time. Because of the pace of changing technology in the renewable energy field, the ongoing effects of climate change on species distribution, and other unforeseeable factors, planning for more than a thirty year period will introduce too much future uncertainty and undermine the importance of reassessing ground conditions. Please follow the ISA panel reccomendation that any permit issued have a duration of not more than thirty years, and that on the ground conditions, species distributions, and other pertinent conditions are re-assessed every ten years. 34-2A

2. I would also like to suggest that the panel find ways to incentivize the counties in the planning area to sign on to the permit. I believe incorporating county support is the single best way to maximize the participation of private lands throughout the planning area. Small and mid-scale projects placed on disturbed lands near load centers and existing transmission lines create less environmental impact, speeding up the permitting process, and directly benefiting the local communities in the area. The planning process for public lands incentivizes large scale projects, which are harder to fit on disturbed land near load centers. Incentivizing county participation in the DRECP will help create opportunities for these small to mid scale projects. 34-3

For those of us who live in the desert, the big, empty, pristine spaces of the California desert are some of the most important places on earth. I love my lifestyle and my community. Advancing solar development without damage to these amazing landscapes is of tremendous importance to me.

3. I would also like to suggest that the state create a clearing house, or nexus, for *all *ongoing renewable energy projects, be it power plants, transmission lines for carrying the power, or other new infrastructure necessary for renewable energy projects. A single master list would allow more transparency for the public to better understand the big picture of renewable energy development across the state. I was able to find a clear list created by the Solar Energy Industries Association of all projects, but would like to see the agencies handle this. 34-4

DOCKET 35
09-RENEW EO-01
DATE Sept 12 2011
RECD. Sept 12 2011

Penelope LePome
635 N. Rio Bravo Street
Ridgecrest CA 93555
760 375-5287
Email: plepome@earthlink.net

September 12, 2011

Jim Bartel, Field Supervisor
Carlsbad Fish and Wildlife Office,
6010 Hidden Valley Rd., Suite 101,
Carlsbad, CA 92011

RE: DRECP Scoping Comments
Docket No. 09-RENEW EO-01/Scoping

Mr. Bartel:

The Desert Resource Energy Council Plan must limit areas of development to: 35-1A

1. Current transmission lines
2. Disturbed land

- The Desert Resource Energy Council Plan must NOT endanger threatened or endangered species. The "taking" of species is not successful. 35-2BR
- The Desert Resource Energy Council Plan must NOT destroy desert habitat.
- The Desert Resource Energy Council Plan must NOT use precious water in our arid land. 35-3W

Sincerely,

Penelope LePome

cc: Kristy Chew

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DOCKET
09-RENEW WEO-1
DATE SEP 12 2011
RECD. SEP 13 2011

September 12, 2011

California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
Scoping Comments
1516 Ninth Street
Sacramento, CA 95814-5512

Submitted via e-mail to: docket@energy.state.ca.us and U.S. mail

RE: SCOPING COMMENTS FOR THE DRECP EIR/EIS

The following scoping comments are submitted by Ron Schiller, 1156 N. Thorn St., Ridgecrest, CA 93555.

COMMENT 1

On August 16, 2011, six people traveled nearly 300 miles to provide scoping comments for the DRECP EIS/EIR only to be told that they would not be allowed to provide verbal comments during the meeting. Furthermore, the audience was not even allowed to ask questions after the initial presentations by the various agency representatives. It seems to be very evident that the agencies involved in this planning effort are not really interested hearing the concerns of the public who will be directly affected by the outcome of this plan.

There is a very high potential for the various energy projects to adversely affect access to public land that is important to local custom, culture, and traditional recreational access. Therefore, future public meetings should allow for accepting verbal public comments. 36-1PRO

COMMENT 2

The format used for the Ontario scoping meeting is very objectionable because it involved the implementation of a variation of the "Delphi Technique", a tactic developed for the military by the Rand Corporation. It is often unethically used to manipulate the public involvement to support a predetermined outcome and discredit opponents. Subsequent public meetings regarding the draft EIS/EIR should allow for the public to make verbal comments for consideration during the development of the final environmental documents.

COMMENT 3

It is not fair for the agencies to hold a single scoping meeting in a distant location from the public who is directly affected by the proposed projects. The Ontario meeting was held on a Monday evening at a great distance from the actual area that will be adversely affected by the various energy projects. Because of the great distance and the fact that it was held on an evening during the work week, most people who had to work the following day could not attend. Future public meetings should be held in major communities centrally located within the boundaries of the DRECP planning area. At a minimum, public meetings should be held in a major city 36-2PRO

located in the northern and southern portions of the planning area after the public has an opportunity to review the draft EIS/EIR. 36-2PRO Cont'd

COMMENT 4

Over the last 35 years the amount of public land readily available to the public for recreational purposes has greatly diminished because of restricted access caused by Federal and State legislation, endangered plants and animals, areas of critical environmental concern, Federal conservation planning actions, and various other reasons. As a result, the only remaining areas suitable for development for alternate energy production are either private land or public land that is very crucial for continued recreational activities such as gem and mineral collecting, equestrian activities, hunting, wildflower viewing, astronomy, historical society outings, and other activities that make up the custom, culture, and tradition of local communities within the boundaries of the planning area. The EIS/EIR must include provisions to mitigate these important activities. In cases where existing roads and trails can be rerouted around the energy project to destinations beyond the project and the EIS/EIR must make allowances to do so. However, in many instances it will not be possible to avoid unique recreational attractions. Every project will in some way diminish local recreational access which must be mitigated. This could be accomplished by reevaluating existing historic routes that were closed by previous land management activities by the BLM. There are many of these routes in the rural backcountry that led to areas with significant importance that could be simply redesignated to allow public access. 36-3OR

The EIS/EIR must encourage the use of private land such as fallow field or similar large tracts of non-public land to the maximum extent possible. 36-4A

Thank you for this opportunity to express concerns regarding this issue of great importance to local residents. For additional clarification of these comments, please use the contact information provided below.

Sincerely,

Ron Schiller
1156 N. Thorn St.
Ridgecrest, Ca 93555
Phone: 760-608-3327

37

7/12/2011

From: Don and Judie Decker
Ridgecrest, CA, 93555

DOCKET
09-RENEW EO-1
DATE
RECD. SEP 12 2011

To:Jim Bartel
Carlsbad Fish and Wildlife Office
Carlsbad, CA, 93555
FW8DRECP@FWS.gov

California Energy Commission Docket Unit
Docket@energy.state.ca.us

Subj: DRECP Scoping comments, CEC Docket No. 09-RENEW EO-01/Scoping

Ref:1) State of California Natural Resources Agency News release dated July 28, 2011
2) Recommendations of Independent Science Advisors for the California Desert Renewable Energy Conservation Plan (DRECP
3) California Energy Commission Docket Number 09-AFC-9, "Solar Millennium, Ridgecrest Solar Power Project"

This comment letter contains both general comments and comments specific to the Docket Number 09-AFC-9, "Solar Millennium, Ridgecrest Solar Power Project"

General comments.

1) n spite of its arid status and harsh conditions the desert environment is fragile. It is a place of little water- both surface and ground water. The plant and animal ecology is closely tied to water availability. In many desert valleys the available groundwater is leftover remnants from earlier (Pleistocene) wetter geological times and there is little or no available recharge to replenish any losses. 37-1W
2) These facilities require too much land for the amount of power they produce. What happens to all this land if the operators quit? The learned body of scientific advisers who have many correct observations and recommendations need to advise the legislators that "green" projects are really not environmentally sound projects. 37-2PD
3) The California desert should not become a "dumping" ground for things not wanted in the urban areas of the state. These areas only want the positive results they think they will achieve. Most of the environmentally sensitive plants and animals cannot be relocated. They will die. With our changing climate it will be very difficult if not impossible to re-establish habitat to its former condition. In other words the area in question will have its habitat permanently destroyed. To have this happen over many thousands of acres of desert lands is unconscionable. 37-3BR
4) **The Science Advisors report (ref 2) above should be followed as closely as possible in the DRECP draft EIR/EIS.** The recommendation that maximum use of already disturbed sites is paramount. It is not possible to mitigate for lost habitat not only including endangered species but the myriad of rare plants and animals that are not listed. 37-4PD
The Principles for Siting and Designing Renewable Energy Projects needs to be adopted in its entirety and used as a guide to the construction of the detailed EIR/EIS (summarized on p vi of ref 2). Likewise the Principles for Mitigating Impacts 37-5IM

(summarized on p vii of ref 2) must be incorporated. Of special note are the comments made on page vii of the futility of attempts to use translocation as a mitigation. 37-5IM Cont'd

5) Unfortunately, the DRECP guidance is very late in coming forth. As a consequence many of the fast track projects are already underway in the construction phase. Much of the environmental analysis that was done in support of these projects was faulty and very superficial. As an example of an egregious environmental violation created by the fast track process, compounded by a politically motivated CEC Commission, we submit the Ivanpah Solar Project (Docket 07-AFC-5). **The errors that were made during the fast track process must never be repeated.** 37-6PD
6) **It is essential that a very thorough environmental review be made of each and every proposed project site.** Many rare minor species are being ignored (desert banded gecko, for example). The environmental reviews so far have given only cursory examination of the water supply issues, soil disturbance and dust issues, impacts of changing watercourse routes and viewscape impacts. Especially serious has been the very weak evaluation of cultural resources at many project sites. It is not sufficient to just review the National Register but detailed on the ground evaluation also must be done. Many sites have not only the easily recognizable artifact assemblages of Clovis or more modern cultures, but early man as well. It is essential that the literature be thoroughly examined as well as field evaluation by personnel familiar with the more primitive artifacts of the Mojave culture. It is impossible to recover or to mitigate archeological materials that are destroyed in site preparation. Curating what materials that can be found as the site is graded off is woefully adequate. More and more realization of the presence of early man (Pleistocene) on the Mojave and Colorado deserts is clear in the published record. **This aspect (presence of early man in the Mojave and Colorado deserts) must be incorporated in the EIR/EIS process that the DRECP is creating**. 37-7IM 37-8CR

Comments specific to the Ridgecrest Solar Power Project (RSPP) site (09-AFC-9) (ref 3 above)

1) Much can be learned from the abortive attempt by Solar Millennium to site a solar power plant in the southwest area of the Indian Wells Valley. The main argument offered by that company for the site chosen is that the Indian Wells valley has be highest isolation of any site in the continental US and perhaps in the world (source: Scott Galati, Solar Millennium General Counsel, at early workshops and later hearings). This claim may be useful to encourage investors but is technically bogus. The old insolation data supporting this idea was limited and not representative of modern weather patterns in the summer in the Indian Wells Valley.
2) Furthermore, Solar Millennium was forced to give up wet cooling since the Indian Wells Valley is in serious long term groundwater overdraft, so the slightly higher total energy output from the supposed higher insolation was buried in the loss of efficiency in going to dry cooling. Far more attention needs to be paid to the water supply issues for these projects- specifically for the Ridgecrest project. It is completely unreasonable and against California water law to support a new user at the expense of the existing users. In an overdrafted basin, all water savings from conservation must accrue to the existing users not to a new user (e.g., a solar power project). 37-9N
3) The site chosen for the RSPP lies adjacent or within the El PasoWash. This wash drains an area of about 40 square miles of substantially volcanic mountains. The soil derived 37-10BR

from the erosion of the basalts of the the El paso Mountains yields an especially fertile soil. Even in today's drier climate there is a very obvious orogenic effect from these mountains yielding a greater rainfall in the area. **These observations are not included specifically in the RSPP EIR/EIS but there is mention in the biological assessment that there is "something special" about the site.** Indeed there is- both biologically and culturally. 37-10BR Cont'd

4) The El Paso wash drains in a north- northeast direction ending at China Lake (now dry most of the year). There was no discussion in the cultural section of the RSPP EIR/EIS of the relationship of the southern portion of the wash (El Paso Mountains and the RSPP site) and the Federally listed petroglyph sites just north of China Lake. In fact, there are many Coso style petroglyph sites near the RSPP. **The El Paso wash not only provides for high quality habitat today, but in earlier times provided for a well watered travel route for early man and later Indians.**

5) A paper published in January 2011, in the Pacific Coast Archeological Society Quarterly, vol 43 nos 1 and 2 describes an early man site on the east shore of Pleistocene China Lake. In fact, there is Mojave culture evidence for most if not all of the El Paso wash. None of this was described in the EIR/EIS. If the RSPP were to actually be revitalized, the early man site impacts will become part of the revised record. Although most of the recognized early man sites are at or near water, the early man evidence will ultimately be found to be more diffuse and widespread than is currently realized. This reality must be incorporated into the DRECP guidance in general. **It is obvious that early man evidence is far more valuable to our cultural understanding than later and much more prevalent archeological materials.** 37-11CR

6) The RSPP EIR/EIS was deficient in many areas including those just discussed. However, the biological assessment was far more thorough than for virtually any other California desert project. The credit for this necessarily goes to the CEC staff and to the knowledgeable local citizens who provided key inputs and motivation to set the record straight. It is unfortunate that other project sites did not receive the same scrutiny. **The DRECP guidelines must provide the motivation for thorough environmental evaluation otherwise missing.** 37-12IM

7) It must always be kept in mind the renewable energy projects that are being discussed and built on the California Desert are in no way "green". They are in fact destructive in every way possible to the local habitat, cultural values, viewscape and often to local scarce water supplies. **It is not possible to mitigate for the losses inherent in these projects. The DRECP guidance will necessarily have an inherent assumption of project value that will not be based on fact. The lessons learned for the RSPP must be incorporated into the DRECP guidance.** Our natural world cannot speak out for itself. That is our job. 37-13PD

Signed, Don and Judie Decker

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Irene Fisher
Shield F Ranch
PO Box 1837
Barstow, CA 92312

September 12, 2011

Mr. Jim Bartel, Field Supervisor
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Rd., Suite 101
Carlsbad, CA 92011

Dear Mr. Bartel:

I would like to comment on the proposed Environmental Impact Statement for the Desert Renewable Energy Conservation Plan (DRECP). The public notice requesting comment states that the DRECP aims to balance desert conservation and renewable energy development in the California desert.

As the owner of Shield F Ranch and holder of the Ord Mountain Allotment, I would like to state that for as long as we have run cattle on the allotment my family has been a good steward of the land. Throughout the years we have been ranching in the Mojave Desert we have restored and enhanced the natural communities that are found on our property and the allotment. Our hard work has benefited cattle and wildlife alike, including bighorn sheep and countless other species. I am convinced that it is because of our diligence at restoring and developing waters throughout our ranch that bighorn sheep have returned in number to the Ord Mountains.

I am concerned about the scope of the DRECP. Over the many years that we have ranched our lands, many have tried to challenge our right to graze cattle on the allotment. While they have not been successful, I am worried that the DRECP will affect my family's ability to continue its way of life into the future. I am opposed to the presence of large-scale renewable energy projects (wind or solar) within the boundaries of our ranching operations. My family is also concerned that the DRECP will be used as another tool to challenge our right to use the allotment.

Therefore, on behalf of my family, I request that the DRECP honors the hard work that we have put into our land and does not site any large renewable energy project that impact our on-going operations or place any restrictions on our ability to use our property and the allotment. We have and continue to be good stewards of both our lands and the BLM lands that make up the Ord Mountain Allotment. We have contributed a great deal to the health of the Mojave Desert and want certainty that we can continue our good work in the future.

38-1A

Sincerely,

Irene Fisher

Irene Fisher

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39

Preserving America's Heritage

September 13, 2011

Mr. Jim Bartel
Field Supervisor, Carlsbad Fish and Wildlife Office
U.S. Fish and Wildlife Service
6010 Hidden Valley Road, Suite 101
Carlsbad, CA 92011

Dear Mr. Bartel:

It has come to our attention that the United States Fish and Wildlife Service (FWS) is working with a California state agency to establish priority areas in the California desert for renewable energy development through the Desert Renewable Energy Conservation Plan (DRECP). We understand that evaluation of sites under the National Environmental Policy Act (NEPA) is ongoing, in order to identify appropriate areas for renewable energy development. In order to take into account effects on historic properties, it is important that the FWS also evaluate potential sites in accordance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, "Protection of Historic Properties" (36 CFR 800).

The NHPA's Section 106 process is designed to take effects on historic properties into account and encourages federal agencies to coordinate NEPA compliance with Section 106. While the NEPA process may result in the identification of areas with the fewest impacts to natural resources, it is also important to consider the potential effect of energy development in these areas on historic properties. Identification of "priority areas" for renewable energy projects implies that the agency has considered potential impacts to historic properties and determined that the selection of these areas was made with a balanced review of all potential environmental impacts, including those that may occur to historic properties. Therefore, it is vital that evaluation of historic properties, as well as natural resources, be undertaken early in the process to identify priority areas.

We understand that a Cultural Resource Committee has been established to address the consideration of historic properties within the DRECP. Because of the importance of this committee's work, we would appreciate further information on the mission of the committee, their role in the process of identifying priority areas and the anticipated outcomes of their work. We recommend that the committee contact the California State Historic Preservation Officer (SHPO), to apprise him of the status of the DRECP and to seek guidance regarding historic properties. Given our experience working with renewable energy development projects nationwide and our participation in such initiatives as the President's Renewable Energy Rapid Response Team, we also offer our assistance to this committee and would welcome the opportunity to participate in their work, as appropriate.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

2

We look forward to your response and to working with your agency, the California SHPO, Indian tribes, and other consulting parties to address the effects of the development and implementation of the DRECP on historic properties within the California desert. Our participation in this matter is being handled by Nancy J. Brown, ACHP liaison to the BLM, who can be reached at 202.606-8582 or nbrown@achp.gov.

Sincerely,

Reid J. Nelson
Director
Office of Federal Agency Programs

40

September 14, 2011

California Energy Commission
Dockets Unit, MS-4
1516 Ninth Street
Sacramento, CA 95814-5512
RE: Docket No. 09-Renew EO-0 1

Jim Bartel, Field Supervisor
Carlsbad Fish and Wildlife Office
U.S. Fish and Wildlife Service
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011

Scoping Comments on the Notice of Intent for the
Desert Renewable Energy Conservation Plan, Habitat Conservation Plan and Possible Land Use Plan Amendment Environmental Impact Statement

The Center for Energy Efficiency and Renewable Technologies would like to thank the California Energy Commission (CEC) and the Renewable Energy Action Team (REAT) for the opportunity to comment on the Notice of Preparation (NOP) for the Desert Renewable Energy Conservation Plan (DRECP) Environmental Impact Statement and Environmental Impact Report (EIS/EIR) and possible amendment to the California Desert Conservation Area (CDCA).

California's current Renewable Portfolio Standard (RPS) goal of generating 33% of electrical energy from renewable sources by 2020, as legislated by SB2x, as well as California's trajectory to reduce carbon emissions by 80% by the year 2050 creates a necessary reliance on the renewable energy resources found in California's desert. The DRECP covers one of the most critical hotspots of renewable energy potential in the entire United States. This is due not only to the vast resource potential and proximity to large metropolitan load centers, but the variety of renewable resources and the large market in California for these resources. The DRECP needs to be robust and flexible enough to not only meet the 2020 goals, but comprehensive enough to allow California to stay on the path to the 2050 climate goals. This plan needs to also address the increasing reliance on energy that is intermittent by nature and

requires a different set of transmission grid characteristics than that of the traditional energy generation. Although we do not know what combination of technology and transmission solutions will be employed in realizing California's goals, the process must address a variety of feasible outcomes.

This problem is only made more complex by the vast amount of ecological resources that also exist in the desert. The DRECP will act as a Natural Communities Conservation Plan (NCCP) and a Habitat Conservation Plan (HCP) and necessarily seek to protect and conserve threatened and endangered species and habitats that exist in the desert. While these two goals must both be realized, seeking to protect the species should not unnecessarily hinder or complicate the siting of renewable energy projects.

Traditionally NCCPs and HCPs have been driven by developers that know where they want to develop. The DRECP however is driven by state and federal agencies that want to streamline permitting and promote responsible renewable energy development. CEERT asks that the DRECP accomplish its goals by clearly defining the mitigation costs but ultimately allowing the industry the freedom to choose sites that are best suited to development. CEERT echoes the concern that if large areas are placed into "go" or "no-go" hard lined zones, this will restrict flexibility, and these areas may prove to be either undevelopable or ecologically unimportant with further site specific review.

Despite this lack of data CEERT recognizes the need for Development Zones; Development Zones are needed for transmission and resource planning. It is therefore incumbent for REAT to develop the best possible zones where the best possible information is available, where the most regulatory certainty exists, where the optimum renewable resources are available, and where development is worth the environmental controversy that accompanies any development area. Beyond these well informed hard line zones, we need to maximize flexibility to allow data, as it is gathered, to inform developers and environmentalist where is best and where is not best to develop.

Therefore it is CEERT's recommendation that the EIS and EIR of the DRECP should address the following:

Flexibility - During the life of this plan the solar industry will develop to a mature sector and over the next 20-30 years the needs of the solar community will change. California will rely on this industry and other renewable energy industries to replace large amounts of fossil fuel driven energy sources, and the industries will rely on this plan to determine where to develop.

In the EIS and EIR alternatives larger amounts of renewable energy should be considered as the conservative case to insure the needed flexibility.

Transmission and system needs integrated into plan – Transmission and system needs (such as RA and Flexible Capacity) integration into planning should be a project objective. A comprehensive and flexible plan is needed to ensure that the proper transmission solutions and all system needs can be addressed in this plan.

Preserve the best land available for solar - CEERT and LSA (Large Solar Association) identified 2 million acres of land as priority land for solar development. This represents only 9% of the total area. As for the

remaining public lands, most, which has not already been identified by BLM's existing PEIS, is in the West Mojave due to high radiation and transmission access. However, the reason no zone has been identified in this region is due to the failure of the state and federal agencies to consider the value of the solar resource potential during the development of the West Mohave Plan and their hesitation to allocate the 1% of development allowed under that plan. CEERT has played an integral part in securing funding for further study to allow a more informed decision. A decision must be made to overcome this failure and facilitate development in the most optimum solar radiation area in the United States. The land with the highest solar resources should be made available to develop to the maximum extent possible; this will maximize the efficiency (Mw/hours) of solar development. CEERT is committed to further study to reduce the number of high insolation acres to be added to a zone in the West Mohave.

DRECP process -The NOI should outline stakeholder involvement. Currently there is no systematic way in which information is shared with stakeholders, whom often receive the information at the same time as the general public. The whole process will benefit from a more thorough engagement of the stakeholders and outlining the process more fully in the scoping document will set the ground work for better participation going forward.

Local Government - Local governments have not signed the DRECP planning agreement. If the local governments do not sign or participate more fully in these plans the DRECP will not adequately integrate local plans for renewable energy development. If this does not happen consideration should be given to limiting the DRECP to federal lands.

Thank you for your consideration,

V. John White.

Executive Director

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