

July 2, 2009

To:

California Energy Commission
Docket Unit, MS-4
Re: Docket No. 09-Renew EO-01
1516 Ninth Street
Sacramento, CA 95814-5512

docket@energy.state.ca.us

DOCKET	
09-RENEW EO-1	
DATE	<u>JUL 02 2009</u>
RECD	<u>JUL 02 2009</u>

From:

April Sall, Conservation Director
The Wildlands Conservancy
39611 Oak Glen Rd. #12
Oak Glen, CA 92399

Subject: 09-Renew EO-01; Renewable Energy Executive Order

Attn: Scott Flint, DFG

Attachment: Siting Criteria for RE pilot projects (Consensus Criteria)

Dear REAT members:

Thank you for the opportunity to comment on the Desert Renewable Energy Conservation Plan (DRECP). The Wildlands Conservancy (TWC) is a 501c3 non-profit conservation organization with the dual mission to preserve the beauty and biodiversity of the earth and to fund outdoor education programs for the youth. TWC has preserved more land in California with private funds than any other conservation organization and owns the largest nonprofit preserve system in CA.

TWC is very supportive of renewable energy and eliminating our dependence on fossil fuel energy sources and reducing our carbon footprint. TWC leads by example and our first preserve was established off-the-grid and self-sufficient in 1995. Since that time we have installed photovoltaic solar arrays on the majority of our preserves. TWC has a vested interest in the current renewable energy discussion and corresponding developments being proposed on federal lands within the California desert region.

TWC is passionate about land conservation and preserving functioning ecosystems and initiated the largest private land acquisition project in U.S. History, The Catellus Land Purchase. The purchase of over 600,000 acres in the CA Desert connected Joshua Tree National Park to Mojave National Preserve with public conservation lands. These lands were all gifted to the Department of Interior for management with the understanding that they were purchased for conservation. Just 4 years after the completion of the project, applications for renewable energy development began to cover the CA Desert. We feel it is imperative that the siting of renewable energy projects and the greening of California's energy supply be accomplished while protecting our treasured landscapes and fragile ecosystems.

We have signed onto a group comment letter but would like to offer the following additional comments regarding the DRECP:

- The NCCP should focus on directing development, to the maximum extent feasible, to disturbed and degraded lands to avoid and minimize impacts to wildlife and habitat areas—(see attached *siting renewable energy pilot project siting criteria memo*) The Renewable Energy Transmission Initiative (RETI) failed to identify and utilize degraded and disturbed lands, including fallowed agricultural lands when preparing the Phase 1 and Phase 2 documents. These lands must be identified in the DRECP in order to accomplish the dual purpose of siting renewable energy and protecting sensitive natural resources and conservation lands.
- The NCCP should focus on a landscape-based approach—The NCCP Act already directs planning to a regional conservation approach. This process must consider ecosystem processes (i.e. climate change, primary productivity, hydrological processes, biophysical habitats, interactions between organisms, wildlife movement, and natural disturbance regimes) in order to be successful.
- This HCP needs to be completed, and the 1994 Desert Protection Act needs to be utilized to aid in its completion.
- For the independent scientific panel we suggest utilizing scientists with Mojave and Sonoran desert expertise. We feel the panel should include representatives from entities with such expertise including but not limited to: the University of California and desert research reserves, California Native Plant Society, the Center of Biodiversity, and desert land managing agencies and groups.

- We urge you to utilize studies and findings of South Coast Wildlands' California Habitat Essential Connectivity Project (in progress) and Missing Linkages Reports to aid in the DRECP process.
- We urge that all native species, both vegetation and wildlife, be protected (especially those endemic to the study area).
- The DRECP should include the latest projections on the contributions made to reach the Renewable Energy Portfolio Standards by Photovoltaics (PV) (both commercial and residential), geothermal and wind resources throughout California.
- This DRECP, essentially a desert NCCP, must build upon existing conservation plans and protected areas. Already identified conservation areas should be avoided as well as all lands under conservation easements.
- The DRECP should be an open, transparent and collaborative process. There needs to be inclusion of local interests and local government, especially those with holdings within the planning boundaries. There also needs to be high-level participation by federal land management agencies.
- Ongoing coordination with other processes and conservation planning efforts in both the Mojave and Colorado deserts should be continued.
- Agreement with notion to have all DRECP related workshops in Mojave and Colorado Desert regions, (i.e. those areas directly affected by the renewable energy proposals)..
- The Desert NCCP must incorporate solid biodiversity information such as existing wildlife data, critical habitat, wildlife corridors (SCW linkage data, Center of Biodiversity, etc.)

Thank you for reviewing these additional comments.

Sincerely,

April Sall
Conservation Director, The Wildlands Conservancy

Audubon California
California Native Plant Society * California Wilderness Coalition
Center for Biological Diversity * Defenders of Wildlife
Desert Protective Council * Mojave Desert Land Trust
National Parks Conservation Association
Natural Resources Defense Council * Sierra Club * The Nature Conservancy
The Wilderness Society * The Wildlands Conservancy

Renewable Siting Criteria for California Desert Conservation Area

Environmental stakeholders have been asked by land management agencies, elected officials, other decision-makers, and renewable energy proponents to provide criteria for use in identifying potential renewable energy sites in the California Desert Conservation Area (CDCA). Large parts of the California desert ecosystem have survived despite pressures from mining, grazing, ORV, real estate development and military uses over the last century. Now, utility scale renewable energy development presents the challenge of new land consumptive activities on a potentially unprecedented scale. Without careful planning, the surviving desert ecosystems may be further fragmented, degraded and lost.

The criteria below primarily address the siting of solar energy projects and would need to be further refined to address factors that are specific to the siting of wind and geothermal facilities. While the criteria listed below are not ranked, they are intended to inform planning processes and were designed to provide ecosystem level protection to the CDCA (including public, private and military lands) by giving preference to disturbed lands, steering development away from lands with high environmental values, and avoiding the deserts' undeveloped cores. They were developed with input from field scientists, land managers, and conservation professionals and fall into two categories: 1) areas to prioritize for siting and 2) high conflict areas. The criteria are intended to guide solar development to areas with comparatively low potential for conflict and controversy in an effort to help California meet its ambitious renewable energy goals in a timely manner.

Areas to Prioritize for Siting

- Lands that have been mechanically disturbed, i.e., locations that are degraded and disturbed by mechanical disturbance:
 - Lands that have been “type-converted” from native vegetation through plowing, bulldozing or other mechanical impact often in support of agriculture or other land cover change activities (mining, clearance for development, heavy off-road vehicle use).¹
- Public lands of comparatively low resource value located adjacent to degraded and impacted private lands on the fringes of the CDCA:²
 - Allow for the expansion of renewable energy development onto private lands.
 - Private lands development offers tax benefits to local government.
- Brownfields:
 - Revitalize idle or underutilized industrialized sites.
 - Existing transmission capacity and infrastructure are typically in place.

- Locations adjacent to urbanized areas:³
 - Provide jobs for local residents often in underserved communities;
 - Minimize growth-inducing impacts;
 - Provide homes and services for the workforce that will be required at new energy facilities;
 - Minimize workforce commute and associated greenhouse gas emissions.
- Locations that minimize the need to build new roads.
- Locations that could be served by existing substations.
- Areas proximate to sources of municipal wastewater for use in cleaning.
- Locations proximate to load centers.
- Locations adjacent to federally designated corridors with existing major transmission lines.⁴

High Conflict Areas

In an effort to flag areas that will generate significant controversy the environmental community has developed the following list of criteria for areas to avoid in siting renewable projects. These criteria are fairly broad. They are intended to minimize resource conflicts and thereby help California meet its ambitious renewable goals. The criteria are not intended to serve as a substitute for project specific review. They do not include the categories of lands within the California desert that are off limits to all development by statute or policy.⁵

- Locations that support sensitive biological resources, including: federally designated and proposed critical habitat; significant⁶ populations of federal or state threatened and endangered species,⁷ significant populations of sensitive, rare and special status species,⁸ and rare or unique plant communities.⁹
- Areas of Critical Environmental Concern, Wildlife Habitat Management Areas, proposed HCP and NCCP Conservation Reserves.¹⁰
- Lands purchased for conservation including those conveyed to the BLM.¹¹
- Landscape-level biological linkage areas required for the continued functioning of biological and ecological processes.¹²
- Proposed Wilderness Areas, proposed National Monuments, and Citizens' Wilderness Inventory Areas.¹³
- Wetlands and riparian areas, including the upland habitat and groundwater resources required to protect the integrity of seeps, springs, streams or wetlands.¹⁴
- National Historic Register eligible sites and other known cultural resources.
- Locations directly adjacent to National or State Park units.¹⁵

EXPLANATIONS

¹ Some of these lands may be currently abandoned from those prior activities, allowing some natural vegetation to be sparsely re-established. However, because the desert is slow to heal, these lands do not support the high level of ecological functioning that undisturbed natural lands do.

² Based on currently available data.

³ Urbanized areas include desert communities that welcome local industrial development but do not include communities that are dependent on tourism for their economic survival.

⁴ The term "federally designated corridors" does not include contingent corridors.

⁵ Lands where development is prohibited by statute or policy include but are not limited to:

National Park Service units; designated Wilderness Areas; Wilderness Study Areas; BLM National Conservation Areas; National Recreation Areas; National Monuments; private preserves and reserves; Inventoried Roadless Areas on USFS lands; National Historic and National Scenic Trails; National Wild, Scenic and Recreational Rivers; HCP and NCCP lands precluded from development; conservation mitigation banks under conservation easements approved by the state Department of Fish and Game, U.S. Fish and Wildlife Service or Army Corps of Engineers a; California State Wetlands; California State Parks; Department of Fish and Game Wildlife Areas and Ecological Reserves; National Historic Register sites.

⁶ Determining “significance” requires consideration of factors that include population size and characteristics, linkage, and feasibility of mitigation.

⁷ Some listed species have no designated critical habitat or occupy habitat outside of designated critical habitat. Locations with significant occurrences of federal or state threatened and endangered species should be avoided even if these locations are outside of designated critical habitat or conservation areas in order to minimize take and provide connectivity between critical habitat units.

⁸ Significant populations/occurrences of sensitive, rare and special status species including CNPS list 1B and list 2 plants, and federal or state agency species of concern.

⁹ Rare plant communities/assemblages include those defined by the California Native Plant Society’s Rare Plant Communities Initiative and by federal, state and county agencies.

¹⁰ ACECs include Desert Tortoise Desert Wildlife Management Areas (DWMAs). The CDCA Plan has designated specific Wildlife Habitat Management Areas (HMAs) to conserve habitat for species such as the Mohave ground squirrel and bighorn sheep. Some of these designated areas are subject to development caps which apply to renewable energy projects (as well as other activities).

¹¹ These lands include compensation lands purchased for mitigation by other parties and transferred to the BLM and compensation lands purchased directly by the BLM.

¹² Landscape-level linkages provide connectivity between species populations, wildlife movement corridors, ecological process corridors (e.g., sand movement corridors), and climate change adaptation corridors. They also provide connections between protected ecological reserves such as National Park units and Wilderness Areas. The long-term viability of existing populations within such reserves may be dependent upon habitat, populations or processes that extend outside of their boundaries. While it is possible to describe current wildlife movement corridors, the problem of forecasting the future locations of such corridors is confounded by the lack of certainty inherent in global climate change. Hence the need to maintain broad, landscape-level connections. To maintain ecological functions and natural history values inherent in parks, wilderness and other biological reserves, trans-boundary ecological processes must be identified and protected. Specific and cumulative impacts that may threaten vital corridors and trans-boundary processes should be avoided.

¹³ Proposed Wilderness Areas: lands proposed by a member of Congress to be set aside to preserve wilderness values. The proposal must be: 1) introduced as legislation, or 2) announced by a member of Congress with publicly available maps. Proposed National Monuments: areas proposed by the President or a member of Congress to protect objects of historic or scientific interest. The proposal must be: 1) introduced as legislation or 2) announced by a member of Congress with publicly available maps. Citizens' Wilderness Inventory Areas: lands that have been inventoried by citizens groups, conservationists, and agencies and found to have defined “wilderness characteristics.” The proposal has been publicly announced.

¹⁴ The extent of upland habitat that needs to be protected is sensitive to site-specific resources. For example: the NECO Amendment to the CDCA Plan protects streams within a 5-mile radius of Townsend big-eared bat maternity roosts; aquatic and riparian species may be highly sensitive to changes in groundwater levels.

¹⁵ Adjacent: lying contiguous, adjoining or within 2 miles of park or state boundaries. (Note: lands more than 2 miles from a park boundary should be evaluated for importance from a landscape-level linkage perspective, as further defined in footnote 12).