

California Energy  
CommissionDepartment of  
Fish and GameBureau of Land  
ManagementU. S. Fish and  
Wildlife Service

## Discussion and Approval

# Best Management Practices and Guidance Manual: Desert Renewable Energy Projects

### Background

On November 17, 2008, Governor Schwarzenegger signed Executive Order S-14-08, in March 2009 United States Department of Interior Secretary Kenneth Salazar issued Secretarial Order 3285, and on October 12, 2009 the Governor and Secretary signed a memorandum of understanding (MOU). The Orders and MOU establish renewable energy priorities and goals, and lay-out planning and conservation processes to accelerate permitting of renewable energy projects. The commitments include establishing a comprehensive and integrated strategy (the Desert Renewable Energy Conservation Plan – DRECP) and preparation of best management practices (BMPs) and other interim guidance to assist project developers in designing and siting projects in an environmentally suitable manner.

*Best Management Practices and Guidance Manual: Desert Renewable Energy Projects* provides recommendations to renewable energy developers, and federal, state, local, and tribal governments for improving the efficiency of the regulatory process in California and protecting environmental and cultural resources, and human health and safety. The California Department of Fish and Game, U.S. Bureau of Land Management, and Fish and Wildlife Service have approved and signed the manual; the next step is Energy Commission approval to complete the signature process. Public discussion and possible approval of the manual will take place in Sacramento, California during the regularly scheduled Energy Commission business meeting on December 15, 2010. The manual is available at <http://www.drecp.org> and meeting logistics information will be available at [http://www.energy.ca.gov/business\\_meetings/index.html](http://www.energy.ca.gov/business_meetings/index.html). This meeting follows public review and extensive public comment periods in 2009 and 2010. The most recent period was September 14 to October 27, 2010.

### BMPs/Guidance Manual Summary and Purpose

The manual recommends strategic actions, a process for initiating permitting discussions, guidance and BMPs for timely processing of desert renewable energy project permits within the established regulatory framework. The manual does not recommend revisions, additions, or deletions to laws, regulations, or agency jurisdictions/responsibilities.

Advice includes voluntary:

- 1) application preparation guidance for renewable energy projects located in the California desert region and
- 2) BMPs for desert renewable energy facility permitting/pre-construction, construction, operation, repowering or retrofitting, and decommissioning phases. The manual also provides suggestions for design features when developing such renewable energy projects.

The manual has been prepared to:

- a) help desert renewable energy project developers understand and meet federal, state and local renewable energy and environmental requirements;
- b) assist in developing renewable energy projects that minimize environmental impacts;
- c) assist developers and agencies with siting projects in environmentally suitable locations;
- d) assist regulatory agencies when reviewing and permitting renewable energy project applications;
- e) accelerate environmental review of renewable energy projects and local, state, and federal permitting processes, and
- f) guide qualified RPS project development and construction pending DRECP completion.

While the pre-application filing guidance and BMPs are specific to renewable energy projects in the California deserts, they may be applicable in other areas of California and states where similar resource issues occur.

Information in the manual is specifically designed to be flexible to accommodate federal, tribal, state, and local concerns. Agencies with project approval authority are encouraged to consider and adapt the guidance and BMPs when permitting and authorizing projects under their respective jurisdictions. The guidance and BMPs are suggestions, not requirements, for project developers and/or public agencies to help reduce permitting timelines and enhance and maximize environmental protections.

Because the manual complements existing National Environmental Protection Act (NEPA) and California Environmental Quality Act (CEQA) guidance, implementing the activities and practices listed in this manual will support efforts to comply with NEPA, CEQA, and other federal, state, and local environmental, energy development, and wildlife laws. Following the suggestions in this manual will facilitate the issuance of required permits for a project and improve the efficiency of the regulatory process.

## **Public Participation**

The manual's publication follows extensive public and stakeholder review during the months of October, November, and December 2009, and January, September, and October 2010. Around 150 individuals representing renewable energy industry, public agency, local government, community, tribal, environmental, and general public interests participated in discussion on the draft manual at an October 13, 2009 public workshop in Victorville, California. REAT also provided the first public written comment period that extended from October 5, 2009 to November 20, 2009. Written comments were received from more than 15 organizations representing the interests listed above.

Nine organizations commented on the revised draft manual published on December 30, 2009 and five comment letters from six organizations were received on the September 2010 version. REAT thanks the organizations and individuals and appreciates the thoughtful and constructive comments. Revisions to the manual reflect careful consideration of the comments and discussions by REAT agencies.

Manual revisions since September 2010 are listed on the attached errata. Some public comments requested changes that would conflict with agency policies, weaken the strategic (formerly critical) actions, guidance, or BMPs, or in the case of requested workshops, unnecessarily delay manual approval. While the REAT agencies incorporated the majority of the requested changes, some were not included for the reasons stated above. Future updates may be prudent and the REAT will revisit the BMPs and Guidance during DRECP development.

Mail Lists: Renewables, Wind, 30%by2020, Siting, Solar PEIS, and RETI

## Best Management Practices and Guidance Manual: Desert Renewable Energy Projects Errata

In response to received public comments and REAT agency discussions the following changes to the manual are incorporated into the text. The text changes are in underline/strike-out format; page numbers/text locations refer to 9/2010 manual. Punctuation, grammatical changes and author changes are not included.

- Abstract, Pages 2, 3, 11,13: “Critical Actions” changed to “Strategic Actions”
- Page 1, new 1<sup>st</sup> paragraph: Copied from Chapter 1.
- Page 2, 2<sup>nd</sup> paragraph: ~~For such projects project developer and agency considerations would likely balance the benefits of using the guidance with timely permit processing.~~
- Page 4: Add **Manual Public Review Process**  
Last paragraph, 1<sup>st</sup> sentence: ~~“Nine organizations provided comments on the revised draft manual and the REAT agencies carefully considered and addressed the comments in this version of the manual and these comments served as the basis for further revisions and REAT agency discussions.”~~  
Addition to last paragraph: “The manual’s September 2010 version included those revisions and the public comment period extended from September 14 to October 27, 2010, and Five comment letters were received and the REAT agencies carefully considered and addressed the comments in the current version of the manual. The REAT agencies...”
- Page 6: Insert 1<sup>st</sup> paragraph from Page 10 and add: “The staff...community, recreational,...”
- Page 8, 3<sup>rd</sup> paragraph: “Wildlife species...off-highway vehicle activity (especially illegal activities),...”
- Page 10, **Public Review Process**, 1<sup>st</sup> paragraph: Move to Page 6.  
2<sup>nd</sup> paragraph, 1<sup>st</sup> sentence: “Publication...and December 2009, and January, September, and October, 2010.”  
3<sup>rd</sup> paragraph: “Nine organizations..., 2009 and five comment letters from six organizations were received commented on the September 2010 version...Revisions to the December 30, 2009 version of the manual...”
- Page 13, 1<sup>st</sup> paragraph, 2<sup>nd</sup> sentence: “Initiation...before submitting permit applications to the agencies.”  
6<sup>th</sup> bullet: “Types...environmental, recreational...”  
8<sup>th</sup> bullet: “Timing ~~submittal~~ of...”  
After bulleted text: Agencies are encouraged to increase coordination, communication, and cooperation to improve on aligning their processes and avoid unnecessary duplication and conflicts. Working within agreed upon permitting schedules will help avoid undue delays. Necessary and anticipated delays should be communicated quickly to project proponents and other agencies.  
Last sentence: “The following...consultations before providing applications to lead agencies.”
- Page 14, 3): “Initiate meetings with the NPS...impact public park resources and uses.” Add at the end of the paragraph: Managers may also advise project developers on recreational user groups likely to be interested in proposed projects. Such groups could include hikers, hunters, photographers, and off-road vehicle users. Contact groups as recommended later in this section in 16).

- Page 15, 10): “Initiate contact with applicable and appropriate local government agencies/companies, including water service entities, agencies/companies, and government offices, for example city and county departments of environmental health and/or protection, fire, transportation, and building and planning departments,…”
- Page 16, 10), add at end: In addition, the Energy Commission is updating its facility siting and permitting guide. A public review draft of the *Energy Aware Facility Siting and Permitting Guide* may be available at the end of 2010 or beginning of 2011. This guide will complement the manual by providing informative background information for local governments on power plant siting state and federal regulatory issues and approaches for addressing those issues within their jurisdictions.  
16): “Meet with interested community, recreational…” Last paragraph, add to end: **Attachment V: Environmental Stakeholders’ Renewable Siting Criteria: California Desert Conservation Area** provides information on solar energy project siting criteria from a broad cross-section of the environmental community.
- Page 23, 1), last paragraph, add after 2<sup>nd</sup> sentence: Project developers are advised that multiple surveys may be requested if initial surveys are incomplete or inadequate.
- Page 24, 5), 2<sup>nd</sup> sentence: “Follow-up surveys may be requested the next year…”
- Page 28, 1), b), add after 1<sup>st</sup> sentence: Agencies may request additional surveying, based on the documentation or past experience working with the resources.
- Page 35, 9), add to end: Develop and carry-out a monitoring plan to determine the diverters’/devices’ effectiveness in reducing bird and bat mortality.
- Page 36, 2): “Site specific surveys and monitoring of known… [Pagel et al. (2010). Interim Golden Eagle Technical Guidance: Inventory and Monitoring Protocols; and Other Recommendations in Support of Golden Eagle Management and Permit Issuance. USFWS, Washington DC]…”
- 4): “Avoid, to the extent needed to comply with state and federal requirements, siting project facilities…”
- Page 38, Desert Tortoise, 1<sup>st</sup> paragraph: “Refer to [http://www.fws.gov/ventura/speciesinfo/protocols\\_guidelines/](http://www.fws.gov/ventura/speciesinfo/protocols_guidelines/) for survey and relocation/translocation guidance…”  
3), 2<sup>nd</sup> sentence: “It is recommended; and that…”
- Page 40, 14): **Cultural Resource Guidance**, 2<sup>nd</sup> paragraph: “After submitting…requests for more surveying and/or…”
- Page 42, 6), last paragraph, add at end: Agencies may request additional surveys especially if initial surveys are incomplete or inadequate.
- Page 45, **Electricity Transmission Guidance**, 1<sup>st</sup> paragraph, 2<sup>nd</sup> sentence: “Generally…state policies (Statutes 1988, Chapter 1457).”
- Pg 46, 1), second sentence): “Include in the interconnection study… impacts to the transmission network system.”
- Page 49, 4), 3<sup>rd</sup> sentence: “Implement…National Pollut~~ation~~ Discharge…”
- Page 52, **Land Use/Agricultural Guidance 6)**: “Refer to **Attachment III** for local zoning ordinances and general plan element examples. Upon publication in 2010/2011, the Energy Commission’s *Energy Aware Facility Siting and Permitting Guide* is expected to assist local governments with developing general plan energy and transmission elements and provide

guidance on electricity generation and transmission planning/ permitting. These resources The information may ~~aid~~ assist understanding of local government issues and concerns.”

11): “Evaluate potential public access and public park land impacts....” Add to end of BMP: Public access and public park uses that could be impacted include dirt and paved roads, ways, routes, trails, and open access areas used for pedestrian, pet, or vehicle access.

**Noise and Vibration Guidance** 1): “Consider locating facilities more than 0.5 mile from...public parks and public recreation...and wildlife/wilderness areas”

- Page 55, **Safety, Health, and Nuisances Guidance**, 2): “Survey...or ~~formerly~~ mally”
- Page 63, **Visual Resources Guidance**, 8): “Evaluate...Trails and related uses, and...”
- Page 70, BMPs, 2): “Monitor...incineration, collision...”
- Page 71, **Wind Energy Power Plant Guidance**, 1<sup>st</sup> paragraph, 2<sup>nd</sup> sentence: “Although Federal agencies are developing guidelines to address projects within their jurisdictions, they may find...”  
4<sup>th</sup> paragraph: “The FWS ~~is~~ will ~~using~~ the recommendations...jurisdictions and, FWS anticipates publishing the guidelines by December 2010 for public comment. State and local agencies... jurisdictions. Project developers are advised to consult the most current guidelines and coordinate early with state/local and federal agencies for prospective projects located within multiple jurisdictions. Specific state and federal guidelines may differ in approach to accommodate the respective policies and early coordination can help avoid, or address as expeditiously as possible, any differences.”
- Page 72, *California Condor*, 1<sup>st</sup> paragraph: “Refer to...the Fish and Game Code, location of FWS designated condor habitat relative to prospective project planning areas, and protections specific to the California condor:
  - <http://www.fws.gov/endangered/index.wildlife.html>”
- Page 73, Visual Resources, 2): “Paint... matching the sky (like ~~light gray~~ or pale blue), while observing air navigational marking regulations and addressing biological resource concerns.”
- Page 89: “MOU”, “National Pollut~~ant~~ion Discharge...”
- Page A-8, 3<sup>rd</sup> paragraph, 3<sup>rd</sup> sentence: “For power plants...and Energy Commission may ~~will~~...”
- Page A-12, **Table A: “Environmental Protection Agency-National Pollut~~ant~~ion...”**  
“**Regional Water Quality Control Boards-National Pollut~~ant~~ion...**”
- Appendix B: Delete figures 9 and 15, change figure 13.
- Add **Attachment V: Environmental Stakeholders’ Renewable Siting Criteria: California Desert Conservation Area**