



THE WILDERNESS SOCIETY

California/Nevada Regional Office

Clare Laufenberg Gallardo
California Energy Commission
1516 Ninth St, MS 46
Sacramento, CA 95814

November 19, 2008

Dear Ms. Gallardo,

RE: Comments on the Phase 1B – Draft Report

Please accept and fully consider these scoping comments on behalf of The Wilderness Society. The Wilderness Society's more than 300,000 members and supporters nationwide care deeply about the management of our public lands. Founded in 1935, our mission is to protect wilderness and inspire Americans to care for our wild places.

Thank you for your efforts to ensure that environmental issues are given equal consideration with economic (and other) issues in California's Renewable Energy Transmission Initiative. If the goals of this effort are to be achieved, environmental considerations must be fully integrated and the environment cannot be "an add on." We strongly support evaluating environmental factors equally with economic and other factors. It is important that the ranking of California Renewable Energy Zones (CREZs) accurately represent environmental and land use implications of renewable energy development.

I would like to reiterate The Wilderness Society's strong support for the use of renewable energy as a critical part of our nation's effort to address the impacts of global climate change. We also recommend that any energy policy must first look at enacting additional conservation measures, implementing more efficient technologies, and the use of locally generated renewable power before turning to utility-scale projects and long-distance transmission on undisturbed lands. Given the vast scale of this development, it will be essential to site and configure new energy infrastructure to minimize environmental impacts. America has a unique natural heritage and, for over a century, has prioritized protection of the integrity of America's wildlands and the biodiversity these lands support.

I am writing to comment on several continuing concerns with the data used and process undertaken by the Environmental Working Group and the RETI.

A. Restricted Areas, Category 2 Lands, and Proxy Projects

As you know, the Environmental Working Group (EWG) has taken steps to develop screening criteria to determine available renewable resources as well as appropriate sites for generation and transmission. EWG's development of the list of Category 1 and 2 lands is critical to understand important land use limitations as determined by law or

policy. It is our assertion that every effort must be made to ensure that Category 1 and 2 lands are excluded from renewable energy development.

The Phase 1B Draft Report states that for “Category 2 Lands, potential development has been limited to pre-identified projects which are assumed, for purposes of this analysis only, not to conflict with the policies governing these areas” (pg. 287, 2-1).

It is important to point out that this assumption is not accurate and to explain why. The Phase 1B draft acknowledges that “this assumption in fact over-estimates the amount of development allowable in “desert wildlife management areas” designated by the BLM in the California Desert Conservation Area” (pg. 287, 2-1). The EWG conducted no analysis on whether pre-identified projects within Category 2 Lands conflict with restrictions on development within Areas of Critical Environmental Concern (ACECs) and Desert Wildlife Management Areas (DWMAs). Nor did the EWG analyze whether pre-identified projects would exceed the 1% development cap within some of these areas. Because this type of analysis was not performed, including all pre-identified projects in Category 2 areas is almost certainly over estimating the renewable energy potential of CREZs that include these areas. The BLM should provide specific guidance on the development limits and guidelines for these sensitive areas so that Black & Veatch can produce a more sophisticated analysis and accurately represent the limits to development in these areas.

In addition, the BLM has consistently requested that renewable energy developers avoid both ACECs and DWMAs. The BLM’s Solar Programmatic Environmental Impact Statement (Solar PEIS) is currently being developed. The Solar PEIS will identify BLM-administered land that may be environmentally suitable for solar development and land that would be excluded from such development. The Solar PEIS will not include lands within the National Landscape Conservation System (NLCS) nor any lands that BLM has previously identified in its RMPs as environmentally sensitive, such as ACECs or other special management areas, that are inappropriate for or inconsistent with extensive, surface-disturbing uses.

The BLM Wind Programmatic Environmental Impact Statement (Wind PEIS) excluded ACECs from consideration for wind development. The BLM Record of Decision (ROD) for the Wind PEIS, states that “existing land use plans will be amended, as appropriate, to (1) adopt provisions from the BLM’s Wind Energy Development Program, (2) identify land considered to be available for wind energy development, and (3) identify land that will not be available for wind energy development.” This should happen whenever plans are being updated in accordance with the BLM Land Use Planning Handbook or when a project requires it. Some plans in California that have been updated since the ROD have already adopted the management guidance and Best Management Practices (BMPs) for wind development included in the ROD (See Alturas and Eagle Lake Resource Management Plans). In addition, the Wind Energy Development Program developed by the Wind PEIS and the subsequent policy guidance on implementing the ROD (IM 2006-216) both say that “The proposed program establishes policies and BMPs to mitigate impacts that will apply to all wind energy development projects on BLM-administered lands.” The BLM should not develop any new projects in ACECs – “new” meaning at least since the passage of the policy guidance on August 24, 2006.

A clarification of the policy could potentially allow wind development in ACECs subject to their individual constraints. However, since ACECs were excluded from the Wind PEIS,

the BLM could not tier future projects to the Wind PEIS and would have to perform a new NEPA analysis before this could occur.

B. Land Disturbance

Although the EWG agreed in principle that development on "disturbed lands" was preferable to development on non-disturbed lands, the definition for disturbed lands is currently limited to areas that have been mined, drilled, or are Superfund sites. We strongly encourage the use of a criterion that would reward renewable energy development on a broader range "disturbed lands" – disturbed lands should include land that have undergone intensive human activity such as brownfield and mining sites, but should also include former industrial sites and agricultural and ranching lands.

The Phase 1B Draft Report states that data on "vacant or disturbed" land is being mapped by the state Department of Conservation (DOC) (pg. 298, 3-3). However, the DOC has only complete four counties, none of which are in high priority renewable resource areas. The report states "the absence of usable data on 'disturbed' lands led the EWG to adopt instead a criterion which rewards development on what are being called 'degraded lands' – those which have been mined or drilled, or are Superfund sites (pg. 298, 3-3)."

Gathering comprehensive data on disturbed lands suitable for renewable energy development should be a high priority for the state. The state should also consider developing incentives for projects located on disturbed lands versus previously undisturbed lands.

Renewable energy development on lands that have already been subjected to intensive human activity -- i.e., that are already disturbed – is greatly preferable to development on lands that are not. Agricultural lands certainly meet this definition. A broad disturbed land criterion with comprehensive supporting data is essential to prevent pristine/undisturbed lands from being targeted for development even more than they already are.

Thank you for your consideration and for the opportunity to provide comments. Please contact me if you have any questions about my comments.

Sincerely,

Alice Bond
Public Lands Associate