



***via electronic and US mail***

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California Energy Commission  
Attention: Clare Laufenberg Gallardo  
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Sacramento, CA 95814  
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Dear Ms. Laufenberg Gallardo,

The Center for Biological Diversity (“the Center”) submits the following comments in response to the Renewable Energy Transmission Initiative RETI Phase 2A – Draft Report – June 2009. The Center is a non-profit public interest conservation organization dedicated to the protection of native species and their habitats through science, policy and environmental law. The Center has over 60,000 members - many of whom live in the western states including California. These comments are submitted on behalf of our members, staff and members of the public with an interest in renewable energy and its appropriate siting.

The Center has participated in the RETI Environmental Working Group (EWG) and as an environmental expert on the southern California segments. We have also shared numerous Geographic Information System (GIS) layers of data on rare resources that occur in the California deserts with the California Energy Commission. We have provided scientific articles on issues of biological importance and renewable energy to the environmental representatives on the Stakeholder Steering Committee. We have provided comments on both the Phase 1A report, and the two Draft Phase 1B reports, which we incorporate by reference. Many of the issues that we commented previously remain unaddressed and, unfortunately, the new report still misrepresents many of the environmental issues that will need to be addressed as the on-the-ground projects (transmission or renewable energy plant) move forward. We appreciate the opportunity to comment on this draft Phase 2A report.

Global climate change is one of the greatest challenges facing California and the planet. Significant changes in habitats will occur because of impacts of climate change caused by greenhouse gas emissions, further threatening already rare and endangered species.

The transition to renewable energy supplies is critical to achieving the reductions in greenhouse gas emissions in California, the nation, and the world. The Center strongly supports renewable energy development as part of the solution to reduce greenhouse gas emissions, and strongly supports an ambitious and increasing renewable portfolio standard (RPS), along with measures to increase energy conservation in every sector. However, we believe a comprehensive renewable energy development plan must include measures that locate production near the end-

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use consumption; continue to develop improved renewable energy technologies; prioritize siting industrial-scale renewable energy production on previously developed lands over undeveloped lands; and remove carbon emitting sources (like coal plants) as new renewable power generation comes on line.

We also recognize that elimination of large amounts of the remaining intact habitat in California for industrial-scale renewable energy installations could threaten already rare and endangered species. Therefore, our goal is to ensure that, to the extent possible, siting conflicts are avoided between renewable energy projects and the rare and endangered resources that occur in California, particularly in the California deserts where most of the Competitive Renewable Energy Zones (CREZs) are proposed. Those conflicts that cannot be completely avoided must be minimized and any remaining impacts fully mitigated. We believe that this goal is attainable with a careful and thorough evaluation of the resources on the landscape and the thoughtful siting of proposed CREZs, transmission lines, and other associated infrastructure. With that goal in mind many of our comments remain similar to our prior comments because, as noted above, the changes between the 1B report and this draft do not address the concerns that we raised previously. We offer the following comments on the draft Phase 2A report document.

### **Independent Analysis of Siting Still Lacking**

The Phase 2A report continues to base its analysis on pre-identified projects (including projects having “a Power Purchase Agreement, a position in a transmission owner’s interconnection queue, site control or a BLM lease application” (at pg. 1-2)) and proxy projects defined as having “no identified commercial sponsor; they were identified only as sites that could be developed to take advantage of high quality renewable energy resources” (at pg. 1-2). Even according to RETI’s own mapping, some of the pre-identified projects are located in areas with substantial environmental constraints (for example, core areas for Mohave ground squirrel [a state-listed endangered species] inside of the Mohave ground squirrel conservation area, private lands conservation areas [Desert Tortoise Natural Area], Desert Wildlife Management Areas, Significant Ecological Areas as identified by Los Angeles County and others). As we noted previously, these areas are unsuitable for development of industrial scale renewable projects based on the substantial conservation values.

In order to accurately identify areas where proposed CREZs would reduce conflicts between rare resources and development, the analysis needs to begin by identifying the geographic distributions of biological resources and then subsequently evaluating the ability of other lands without such resource conflicts to support large-scale renewable energy in a cost-effective manner. In other words, the environmental “exclusion screens” should be the first step in the analysis, not the presence of pre-identified and proxy projects. The pre-identified and proxy projects should then be evaluated for their consistency with the proposed CREZs with the goal of minimizing development in areas that have rare and endangered resource conflicts. Attachment 1 includes a list of land management overlays that should be off-limits for renewable development. Unfortunately, the results are skewed to accommodate projects into the proposed CREZs by using the pre-identified and proxy projects as a basis for the analysis, resulting in proposed CREZ designations that do, in fact, impact rare and endangered resources.

The process used in the Phase 2A still undermines rational planning. For example, by including and focusing on the pre-identified and proxy projects the proposed CREZs in the report increase fragmentation of the landscape not only from the projects themselves, but also from the additional transmission lines that would ostensibly be needed to move the energy to the existing grid. For example, the proposed 13 “collector” lines in Imperial County that are all proposed to run through a single flat-tailed horned lizard management area, this proposal would undoubtedly increase the fragmentation and impact to this essential habitat area for this rare species. Because habitat fragmentation affects numerous ecological processes across multiple spatial and temporal scales, including changes in abiotic regimes, shifts in habitat use, altered population dynamics, and changes in species compositions (Schweiger et al. 2000), limiting fragmentation is essential to maintain functioning habitats, both within and outside of the CREZ. Some of the proposed CREZ cover long linear expanses to serve proxy projects that to date have even been seen as undesirable from the industry point of view, creating unnecessary fragmentation. These configurations need to be rethought to reduce fragmentation.

In order to achieve the goals of providing sufficient CREZs *and* avoiding and minimizing impacts to rare and endangered resources, the proposed CREZs should look at clustering the renewable energy areas around existing energy corridors instead of creating a series of tentacle-like extensions to each pre-identified and proxy project area. Minimizing the edge-to-area ratio of the proposed CREZs would help to minimize fragmentation of the landscape.

### **Mapping Still Needs Improvements**

Because this document relates to actions that will affect on-the-ground resources, it is essential that the accompanying maps provide adequate information for decision makers and the public to assess the proposal. While the included map is an improvement over the Phase 1B map, discrepancies still exist between the map and the text. For instance, Table 2-1 (at pg. 2-28) does not list the any solar proposals within the Superior-Cronese DWMA, when in fact one is located on the map.

In addition, there are some features on the map that lack legend designation. For instance, there is a linear feature (red line) that goes through several designated wilderness areas and Joshua Tree National Park. The “disturbed areas” also need further additions to fully capture the lands that have been previously developed or disturbed. For instance, the farmlands south of Interstate 8 in the Imperial Valley are not included in the same polygon as the farmlands north of Interstate 8, yet both of these areas have lands that are being fallowed as water resources are transferred to other uses. We believe these areas represent examples of developed lands where the environmental conflicts are low. Including these types of areas that may be available for renewable energy projects would potentially benefit the local economies and steer projects away from intact essential habitat areas.

### **CREZ Locations Incompatible with Current Land Use Designations**

As stated in previous comments, several of the proposed CREZ still remain identified within federally designated critical habitat, Areas of Critical Environmental Concern (including Desert Wildlife Management Areas [DWMAs]) that are established for rare species conservation, wilderness study areas, national park system lands and federally designated wilderness. It is entirely inappropriate to designate proposed CREZ in these areas for the following reasons:

- Future projects in CREZ in critical habitat for endangered or threatened species may destroy or adversely modify critical habitat in violation of the Endangered Species Act. Development in these areas would also prove unmitigable, simply because there is not enough high quality habitat acreage that could be acquired outside of these areas to offset the impacts to critical habitat. Some of the identified CREZ are located within or partially within designated critical habitat for desert tortoise and other species.
- While the document recognizes that the DWMAs and other conservation areas on public lands managed by BLM have a 1% development cap, as stated above, Table 2-1 is flawed in its presentation of the reality on the ground. In addition, it speculatively assumes that wind energy projects on-the-ground impacts are limited to 7.5% of the project area. This scenario fails to take into account the impact of fragmentation, service roads, staging areas, fencing requirements and how those impacts affect species persistence. As with any disturbance to critical habitat, it may prove impossible to mitigate even those impacts on less than 1% of these lands due to the lack of high quality habitat available for acquisition and conservation outside of the DWMAs or conservation areas.
- The National Parks System lands cannot be used for industrial development, yet the Mountain Pass CREZ still includes Mojave National Preserve lands, including lands that are critical habitat for the desert tortoise.
- Federally designated wilderness also cannot be used for industrial development, yet proposed CREZs are still located on wilderness. For example, the Mountain Pass and the San Bernardino-Baker CREZ both include wilderness areas: the Mountain Pass CREZ crosses designated wilderness in the Mojave National Preserve and the San Bernardino-Baker CREZ crosses the Hollow Hills Wilderness.

While we have raised these issues previously in our comment letters, they remain unaddressed. It is inappropriate that any CREZ should be located within critical habitat or areas of critical environmental concern (including DWMAs and conservation areas), based on conflicts with current land management plans and other laws, as well as the inability to adequately mitigate impacts. It is also unacceptable for the proposed CREZs to include national parks lands, federally designated wilderness areas or wilderness study areas.

### **Flaws in the CREZ Refinement Process**

While we appreciate the attempt to refine the CREZ's we are particularly concerned with the failure to address previous comments and concerns raised and to take into account information provided by the Center and others. As a result, the flaws in the process still plague the outcome which once again has failed to accurately capture the environmental costs. As noted in the document, "EWG evaluation cannot, and is not intended to represent the magnitude of

environmental concern or impacts of projects which may be developed within a CREZ” (at pg. 1-3), yet these evaluations are the environmental basis for ranking the CREZ. The bubble chart (Figure 2-4 at pg. 2-29) presents a skewed analysis of the environmental costs, basically because the environmental “score” instead of a stand alone evaluation, was combined with economic factors through the scoring process from Phase 1B and further diluted in Phase 2A by combining the Phase 1B score with additional economic factors. To put it simply, the environmental “forest” has gotten lost in the economic “trees”.

The Center strongly supports the development of renewable energy on previously developed and disturbed lands, closer to the sources of energy consumption. In order to accomplish this, those private lands which have significant prior development or disturbance and which are therefore less environmentally sensitive need to be considered in the RETI process and there should be an “equitable competition” with undisturbed public lands with intact habitats and sensitive environmental resources. While we recognize that there may be some difficulty in dealing with multiple land owners versus a single federal land-management agency in assembling projects, we fail to see the justification for eliminating areas based on the arbitrary maximum limit of 20 parcels per 2 square mile area. For example, privately-owned conservation areas have been assembled with a much greater parcelization ratio (ex. the Desert Tortoise Natural Area).

This report and refinement still inappropriately assembles the CREZ based on the few existing projects but mostly on applications that may or may not ever be developed and refined “proxy” projects which have yet to be of interest to the industry.

### **All Available Data Needs to be Incorporated**

As stated in our prior comments, the Center continues to be dismayed that not all of the available biological data were used in evaluating the proposed CREZ. While the RETI contends that it will use an iterative process, it has utterly failed to do so for the environmental criteria. The refinement process does not appear to recalculate the “score” based on filling in additional data gaps or including new data regarding environmental concerns. In addition to the resources identified in our previous comments, the U.S. Geological Survey recently published desert tortoise habitat data and a model that needs to be incorporated into future CREZ refinements (see <http://www.usgs.gov/newsroom/article.asp?ID=2223> ) along with the other data and information that has been provided but ignored.

### **RETI Needs to Facilitate On-going Planning Processes for Renewable Energy**

One of the recommendations the Phase 2A present is “immediately, per Public Resources Code §25331, to designate additional appropriate corridors, beyond those already established by federal agencies or utilities’ rights of way, to reserve and protect transmission access to areas where renewable energy development is likely to occur, including likely routes for Renewable Foundation lines and Renewable Delivery lines”. This approach puts the cart before the horse.

In order to facilitate permitting to get renewable energy on-line, the RETI process must propose only CREZs and supporting transmission that are actually *feasible*. Some of the CREZ and transmission projects proposed in Phase 2A still have potentially significant environmental impacts that may make them unmitigable and these projects unfeasible. Trying to accommodate these

problematic projects will leave a heavy burden on other permitting agencies which cannot ignore legal standards requiring that significant impacts be avoided (e.g., CEQA), and in fact will slow down the permitting processes for other better designed projects. These proposed projects simply need to be identified for what they are – unsuitable – and the CREZ redesigned to eliminate projects in inappropriate areas.

### **CREZ Combined Energy Score Disenfranchise Environmental Data**

The presentation of material in Appendix B relative to the environmental score and adjusted environmental score is confusing and obfuscating. Then using these data to combine the CREZ energy, CREZ economics, CREZ environmental concerns and CREZ commercial interest seems to heavily weight the resulting “combined energy score” to the economic side of the issue (at pg. 3-47) and further marginalize the potential heavy environmental costs. If RETI is supposed to fairly represent the environmental concerns, a more equitable set of analysis needs to be analyzed and presented.

### **Assurances that Transmission Lines Move Renewable Energy Only**

Notably, page 1-6 states that transmission lines are “likely to be needed to meet growing energy demand regardless of generation source”, and both “renewable foundation lines” and “renewable delivery lines” are not limited to renewable energy (at pg. 1-14). In contrast, the RETI process should commit to only include transmission lines that support renewable energy otherwise this process risks becoming little more than a “greenwash” for additional transmission lines to carry conventional energy. In order to ensure that transmission development in the CREZs achieves the goal of encouraging and facilitating renewable energy production, renewable foundation lines, renewable delivery lines and renewable collector lines must have conditions placed on them to ensure the line is used exclusively for renewable energy. Failure to require the lines to exclusively carry renewable energy will fail to meet RETI objectives.

### **GreenPath North**

The Center is concerned that buried in Appendix G is a diagram of the Greenpath north project (G-18). During transmission rating on the expert panel, this line was not discussed outside of the currently designated transmission corridors. Devers to Devers II and Devers II to Hesperia were also not evaluated, so it is surprising and concerning that they are included here. We oppose the Greenpath north project’s routing options of routes B, C and D. If any new transmission line for Greenpath north is implemented, it needs to be located in the existing designated energy corridor along Interstate 10; that is the corridor that RETI should be considering.

### **Cumulative Impacts Need to be Evaluated**

The important issue of cumulative impacts is still simply not addressed in this document. In order to inform decision makers and the public of the effects of these projects; at a minimum, an overall evaluation of the amount and types of areas with potential to be developed into renewable energy projects must be addressed in the cumulative analysis. Renewable energy

projects are not the only proposed developments in the California deserts, however, and this planning effort cannot occur in a vacuum but instead must include an evaluation of cumulative impacts taking into account all other relevant projects.

## **Conclusion**

The Center appreciates this opportunity to comment on this important effort and submits these comments in the hope that they will assist the RETI in developing a CREZ process that protects California's internationally renowned wildlife, habitat, and natural areas while moving forward on this important effort to address the impacts of global climate change. If you have any questions about these comments, please feel free to contact me at 323-654-5943 or [ianderson@biologicaldiversity.org](mailto:ianderson@biologicaldiversity.org) . We look forward to continuing to work with the RETI process to achieve species conservation and reduction in greenhouse gases.

Best regards,



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