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California Energy Commission
Dockets Unit, MS-4
1516 Ninth Street
Sacramento, CA 95814-5512
RE: Docket No. 09-Renew EO-0 1

Comments on the Preliminary Conservation Strategy for the
Desert Renewable Energy Conservation Plan

The Center for Energy Efficiency and Renewable Technologies (CEERT) and Large-scale Solar Association (LSA) thank the California Energy Commission (CEC) and the Renewable Energy Action Team (REAT) for the opportunity to comment on the Preliminary Conservation Strategy (PCS) for the Desert Renewable Energy Conservation Plan (DRECP).

As legislated by SB2x, California's current Renewable Portfolio Standard (RPS) requires the state to generate 33% of its electrical energy from renewable sources by 2020. In addition to the RPS, California's goal to reduce carbon emissions by 80% by the year 2050 creates a necessary reliance on the renewable energy resources found in California's deserts.

California's deserts have abundant renewable energy resources, while also providing access to the state's large energy markets. The West Mojave Desert, in particular, contains some of the highest measured solar resource in the Northern Hemisphere. And, this resource occurs within a hundred miles of the second largest city in the United States. Therefore this area provides possibly the highest value solar resource in the world.

The DRECP needs to be robust and flexible enough to meet the 2020 goals and comprehensive enough to allow California to stay on the path to achieving its 2050 climate goals. One of the largest challenges will be to address the increasing reliance on intermittent energy, which will require a variety of solutions including a diversity of resources from a diversity of locations, particularly if the need for conventional peakers is to be minimized. This planning process must provide for a variety of possible outcomes and it is better to plan expansively than to plan for less than is needed. We have seen rapid advancements in

energy technologies emerging, and we cannot predict with certainty the precise combination of technologies and transmission that will allow California to realize its climate and other goals in a cost-efficient and timely manner.

The DRECP is tackling the complex challenge of balancing the conservation of the vast amount of biological resources that exist in the deserts with the development of renewable energy projects, which will provide a variety of environmental benefits. The DRECP will also act as a Natural Communities Conservation Plan (NCCP) and a Habitat Conservation Plan (HCP) and will necessarily seek to protect and conserve threatened and endangered desert species and their habitat. While these goals must be realized, we feel that seeking to protect the species should not unnecessarily hinder or complicate the siting of renewable energy projects.

We appreciate all the Renewable Energy Action Team's (REAT's) work on the PCS and the inclusion of a development plan as well as a conservation plan, but we are concerned that in total it is overall PCS deficient. It does not provide the proper trajectory to reach a planning framework for the next 40 years of renewable energy generation in California's deserts. For instance, the development plan does not provide enough land in the proper places for a viable and diverse renewable energy industry.

Not only is a robust development plan important to ensuring that California can reach its climate change goals, it is integral to the development of the conservation strategy itself. Both the NCCP Act and the PCS document agree that the biological goals and objects are proportional to the effects of the proposed development. A development plan therefore should precede the formation of a conservation strategy with its biological goals and objects and reserve design.

Our specific concerns and recommendation for the Development Plan and comments on the conservation strategy are detailed below.

Concerns of CEERT and LSA with the PCS Development Plan

- **The Renewable Energy Study Areas (RESA) fail to include sufficient public lands, particularly, in the West Mojave. The Bureau of Land Management's (BLM) Solar Programmatic Environmental Impact Statement (PEIS) suggests the Desert Renewable Energy Conservation Plan (DRECP) would accomplish this, but has not.**
 - The PEIS removed 185,000 acres of originally proposed 339,000 acres (55%) from solar zones in California. (Attached Map 1)
 - The public lands added by the RESA in the West Mojave are currently hard to develop, because they are either small, disconnected parcels that would likely still require significant private and local government involvement to aggregate into a parcel of sufficient size, or larger contiguous parcels that are on slopes greater than 5%. (Map 2)

- **The REAT does not integrate solar industry comments into the PCS Development Plan.**

- In August, CEERT along with LSA proposed solar development study zones that covered 2.4 million acres. However, large areas of the proposed development plan were not included in the RESAs. And, large areas that were excluded from the proposed development plan were included in the RESAs. Despite the REAT recognizing our proposal, our recommendations were not integrated into the PCS.
- The REAT, after submitting CEERT's and LSA's proposed study zones, requested CEERT to resubmit more focused development areas: CEERT submitted proposed study zones with only 260,000 acres (about 1/10 the area of our original proposal), none of which were included as part of the RESAs.
- The REAT also failed to use industry- suggested criteria to evaluate high-value versus low-value development land.
 - The REAT used simplified criteria for insolation (6 kW/sq meter/day) and slope (10%) to define undevelopable and developable solar resources and suggesting all lands not excluded by criteria are of equal value for solar development.
 - Without properly assigning value to land for development it is impossible to address development goals or reserve design.

- **The RESAs rely heavily on lands not under jurisdiction of the DRECP.**

- Local governments have primary jurisdiction over the majority of the areas in the RESAs that are not already defined by BLM's Solar PEIS and have not yet signed onto the DRECP planning agreement.
- DRECP does not control local tax structures that in the future could render large areas undevelopable from an economic/commercial standpoint. For instance, Riverside County has recently imposed a fee on solar development.
- Public land in RESAs that are in close proximity to existing BLM PEIS solar zones, will likely have been reviewed and avoided by BLM, and it would be unduly optimistic to assume a high likelihood of solar development.

- The Los Angeles Department of Water and Power controls much of the land in as well as the transmission serving the Owens Valley. Thus, if the municipal utility does not proceed with renewable energy development in this area, very little or none of this area will be developed.
- Mitigation requirements applicable to all farmland, as Kern County has proposed, will restrict the development potential on this type of land.
- **The RESAs face significant hurdles before becoming viable solar development zones.**
 - The RESAs have not been studied closely enough to guarantee that additional restrictions or mitigation will not be required after site review.
 - Private land parcelization inhibits the efficient development of solar energy generation within areas of the DRECP.

Recommendations from CEERT and LSA for the PCS Development Plan

- **The REAT should include the High-Value areas with the highest solar radiation as RESAs in the PCS.**
 - The West Mojave Desert, as discussed previously, has arguably the highest value solar resource in the world, considering its high radiation and proximity to load.
 - The DRECP should further study the West Mojave and other High-Value areas to determine if some of these areas can be developed while still meeting conservation goals developed as part of the NCCP and HCP.
 - Therefore, we recommend the West Mojave and other high-value areas be included in a RESA. The West Mojave areas have been excluded on the basis that they have medium-to-high biological values. Specifically they were excluded because development might interfere with the conservation of the Mohave Ground Squirrel (MGS). Important biological studies will soon be completed by Phil Leitner, a preeminent MGS expert, and the USGS that will fill the gaps in knowledge about this species.
- **The REAT should include a wider range of areas as RESAs in the PCS.**
 - A wider range of development areas should be included now so a more diverse range of scenarios can be analyzed in the next stage of the planning process. (Map 4)

- **The RESA should include areas where collocation of different renewable technologies, such as solar and wind, is viable and can be expected to reduce interconnection costs and the carbon footprint of development.**

- **CEERT and LSA recommend that the REAT categorize the variety of differences in development potential across the plan area.**
 - Areas with low development potential should be included as RESAs; however, they should be expected to have less development.

 - Areas included as RESAs that are not well suited for renewable development likely were included as RESAs because they have low biological value. For example, highly parcelized regions may have low biological value, but may also have low development value. We recommend industry supported criteria for ranking development value.

- **The RESA selection criteria need to be quantitative and transparent.**
 - We request that the PCS provide an explanation of the criteria used to determine whether land is classified as a RESA. We note that some of the land classifications in the PCS seem counterintuitive. Specifically, some areas with a high solar resource value were not included as part of a RESA because these areas overlap with moderate-to-high biological value areas, while other lands with lower resource value were included in RESAs, although they also overlapped with a moderate-to-high biological value area.

- **CEERT and LSA recommend that the REAT release the solar, wind, and geothermal RESAs separately to allow comments on each of these areas.**
 - While charts in the PCS section 4.3 separate the different resources, resource-specific maps or GIS data have not been provided to allow comment by the different renewable energy industries on specific areas. Since REAT has asked that each industry produce separate development plans, it would be helpful to have corresponding resource-specific maps in the PCS.

- **CEERT and LSA request that the REAT consider the needs and the siting criteria of different technologies to allow optimal results.**
 - **The optimal siting characteristics, such as slope, parcelization, and insolation, required by different technologies are varied enough that they should all be included in the criteria used by the REAT.**

- **The DRECP needs to integrate transmission data as soon as possible into the development plan.**
 - The REAT should prioritize land within 5 miles of transmission lines - 69 kV and above - for additional study.
 - The REAT should ask utilities to identify costs/challenges of additional transmission upgrades that would be needed for further development in different regions of the DRECP. For example increasing transmission capacity to Riverside East over the level already approved will likely require costly and complex solutions. As a result, solar energy development that would require transmission capacity beyond that which is already approved may be made impractical.
 - The REAT should request that environmental stakeholders identify lands on which it would be controversial to increase transmission capacity.

- **The REAT should ensure flexibility in the DRECP so that state agencies - especially the California Public Utilities Commission (CPUC) and the California Independent System Operators (CAISO) - can more easily find solutions to barriers facing renewable energy development.**
 - The REAT should ensure diverse opportunities for different technologies. We feel this resulting flexibility will foster better technological solutions that will help manage costs for integrating high levels of intermittent energy.
 - The RPS Acreage Calculator is effective in defining the high-level acreage needs for different development scenarios. The most recent calculator scenario suggested the need for up to 100,000 acres of solar thermal development. There was no corresponding effort to include the land in the West Mojave that best suited this technology's need for transmission and high quality solar resource as a RESA.

Comments on the Conservation Strategy

- **The REAT should confirm that there is a proportional relationship between renewable energy development and biological goals and objectives in the PCS.**
 - Section 2.1 of the PCS states that the biological goals and objectives need to be proportional to the effects of the development.

- The NCCP Act “provides a mechanism by which landowners and development proponents can effectively address cumulative impact concerns” and “provides one option for identifying and ensuring appropriate mitigation that is roughly proportional to impacts on fish and wildlife, and promotes the conservation of broad-based natural communities and species diversity.”
- It is important that the REAT clarifies the proportional relationship between development and conservation actions because it will highlight that the PCS’s deficient development plan is also impeding the formation and ultimate success of a clear conservation strategy.
- **Reserve design should include development priorities from the beginning.**
 - Reserve design is focused on efficiently meeting all goals defined in analysis. Excluding development priorities from reserve design analysis would likely result in reserve designs that would create unnecessary conflict.
 - Including development priorities allows for the analysis to find low conflict solutions.
- **The PCS map should distinguish between Moderate and High Biological values.**
 - Section 2.1 of the PCS states that the PCS map should be, “the first preliminary draft of areas where DRECP conservation actions would be focused.”
 - By defining the highest value biological areas, reserve designs can more efficiently meet biological and development goals.
 - We recommend that the agencies share their progress on refining biological values with the stakeholders as early as possible.
- **The GAP Analysis should create separate categories for military and OHV areas.**
 - The GAP analysis should provide a clearer picture of actual protection and mitigation opportunities. Specifically, while military and OHV areas are not conserved, they are not available for development or acquisition for conservation either.

- Additionally, the GAP analysis should also consider the MGS management area as a Category Two region commensurate with the protection under a Desert Wildlife Management Area, as this more properly reflects current conservation levels and conservation opportunities.

Thank you for accepting these comments and recommendations regarding the Preliminary Conservation Strategy. We look forward to working closely with the REAT to ensure that the industries comments and priorities are integrated into the DRECP process. Further we hope these comments can be integrated as soon as possible to allow the formation of a robust and comprehensive conservation strategy. Thank you for your consideration,



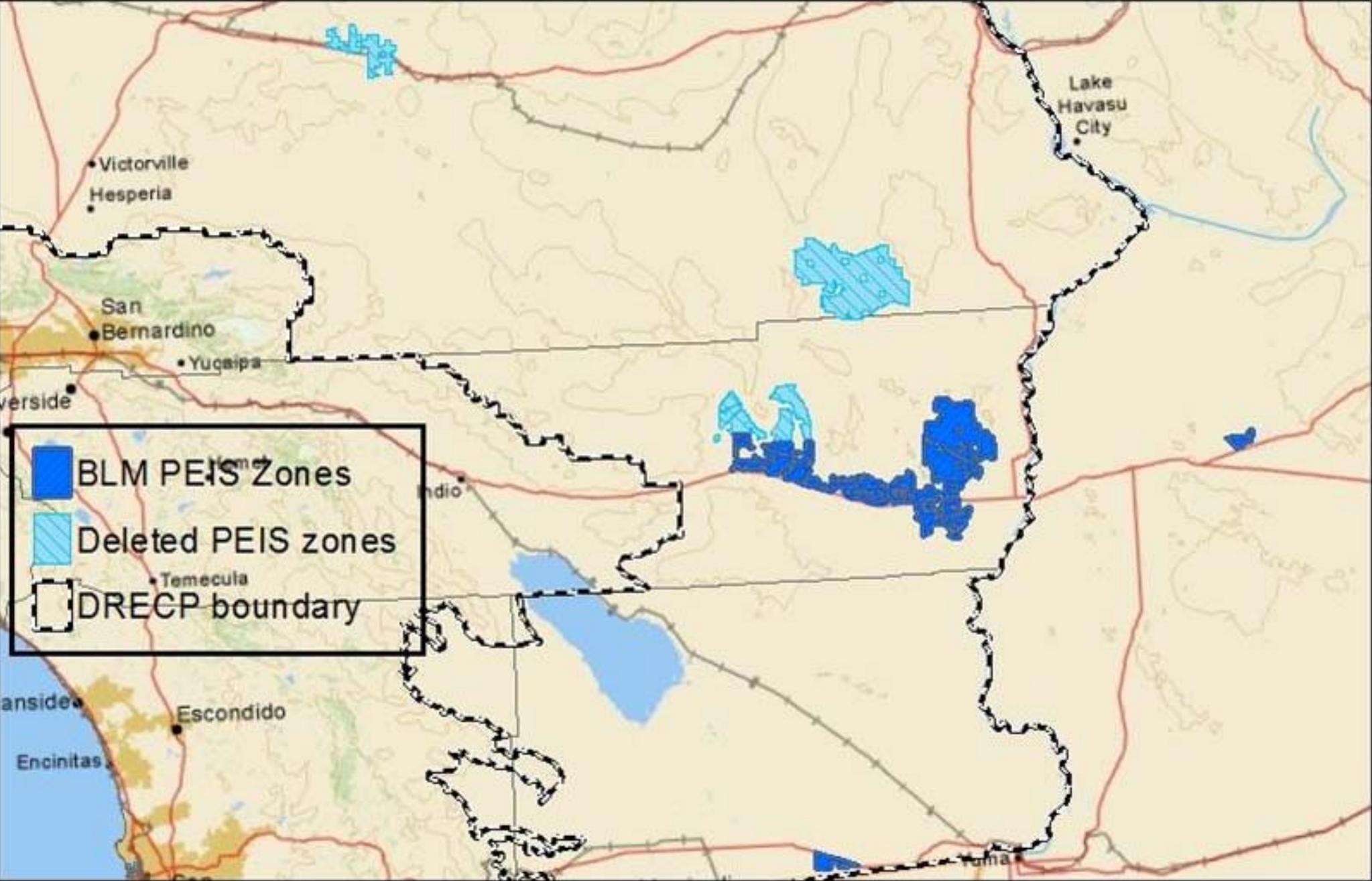
V. John White, Executive Director

Center for Energy Efficiency and Renewable
Technologies



Shannon Eddy, Executive Director

Large-scale Solar Association



BLM PEIS Zones
Deleted PEIS zones
DRECP boundary

