

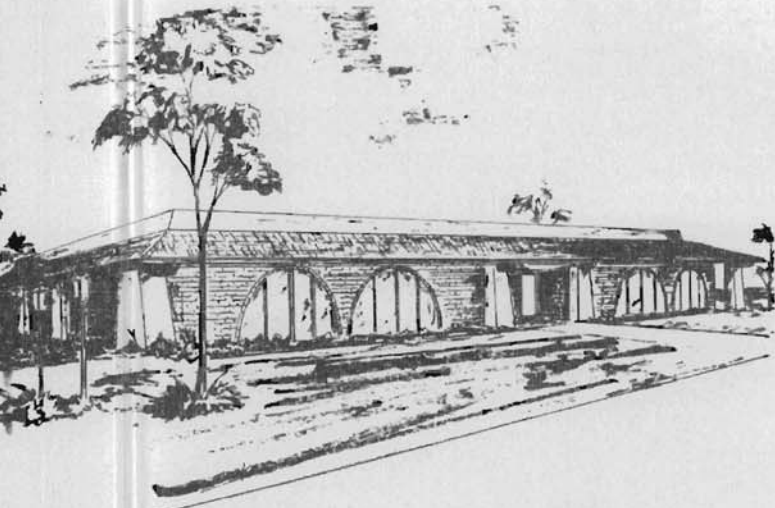
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# City of California City

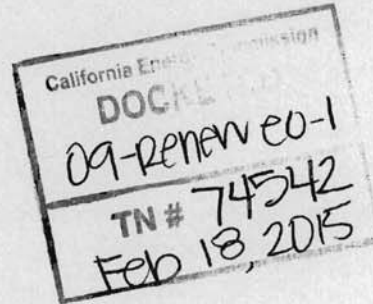
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February 13, 2015



California Energy Commission  
Dockets Office, MS-4  
Docket No. 09-REVIEW E0-01  
1516 Ninth Street  
Sacramento, CA 95814-5512

**Re: DRECP NEPA/CEQA**

The DRECP as it is currently proposed will usurp the authority of local governments to make local land-use decisions in the future. It will act as a zoning overlay on County and City General Plans.

If approved without coordination with local governments, the substantial changes to the land use goals and policies established by such entities to direct growth and ensure economic viability will become secondary to the overreaching and vast bureaucracy of the DRECP.

**SIZE OF THE DRECP**

The 22.5 million-acre DRECP defines the land use of 93 percent of the existing private lands (approximately 4,423,000 acres) within the plan area as either a renewable energy development zone or as part of a vast conservation reserve design.

In total, the DRECP designates approximately 2.2 million acres as Development Focus Areas (DFA) for renewable energy development (of which approximately 1.7 million acres are private lands). According to the DRECP only 177,000 acres will be developed by renewable energy projects.

The DRECP also designates approximately 14.9 million acres as a Reserve Design Envelope (RDE) where mitigation measures are to be implemented (of which approximately 2.7 million acres are private land). Within the RDE, the primary mitigation measure identified is acquisition of private land.

It is not clear why the DRECP chose to site the 177,000 acres of proposed renewable projects on private lands when there are over 13.9 million acres of federal lands (not including federal military lands) within the plan area to accommodate renewable energy projects. These public lands provide the resource agencies with both land use and regulatory authority. By locating renewable projects on private lands DRECP squarely places the burden of renewable energy development on our communities without “streamlining” the process.

The “Taking” of private lands as mitigation also brings in to question the loss of property tax base when these lands are located within municipal boundaries. This issue has not been clearly vetted or coordinated with local governments which would be affected and should be removed from the DRECP proposal.

### **DRECP PREEMPTS LOCAL LAND USE AUTHORITY**

The DRECP falls short in protecting local land use authority because existing laws, regulations, and policies require that all future planning efforts be consistent with established plans. For California City, our second community, which is highlighted for possible mitigation using private lands, would close off areas currently designated as Off Highway Riding Areas that draw close to 100,000 visitors to our deserts annually. Failure to protect this fund source will result in a loss of revenue for the citizens of California City both in retail sales and tax base.

Another example, a standard question in the California Environmental Quality Act (CEQA) process asks whether the proposed project (such as a development project or general plan update) is in conflict with provisions of an adopted Habitat Conservation Plan (HCP) or Natural Conservation Community Plan (NCCP). If the proposed project is in conflict with an adopted plan such as the DRECP, a finding of significant impacts must be made under CEQA. In order for the project to go forward, mitigation must be provided or a statement over-riding considerations must be adopted.

In addition, should a local government choose to develop its own HCP and/or NCCP or seek a “take” permit from the wildlife agencies, existing planning guidance requires that their planning effort be consistent with previously adopted plans, in this case the DRECP.

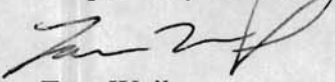
Based on the above, if a local government considers allowing development within a designated conservation area and, possibly, even development within a proposed DFA that is not renewable energy, a case could be made that the project would be in conflict with the DRECP. From this perspective, the 177,000 acres of allowable take under the DRECP could be interpreted as the maximum allowable build out of private land within the entire planning area. This is unacceptable and would prevent local governments from utilizing their authority to implement their general plans, zoning ordinances, and codes.

### **CONCLUSION**

The lack of clarity in the proposed DRECP and EIS/EIR creates many unintended consequences for desert communities. In order to resolve these consequences so the desert can truly thrive, the

DRECP needs meaningful coordination with local government and take the time necessary to find real solutions that can work versus instituting a giant bureaucratic, cumbersome, and duplicative process that covers 22.2 million acres of the desert for the sole purpose of developing 177,000 acres of renewable energy. This will require modification of the existing plan and recirculation of the document.

Respectfully submitted,



Tom Weil  
City Manager

Cc: Commissioner Karen Douglas, *California Energy Commission*  
State Director James Kenna, *Bureau of Land Management*  
Chief Deputy Director Kevin Hunting, *California Department of Fish and Wildlife*  
Alexandra Pitts, Deputy Regional Director, *U.S. Fish and Wildlife Service*