

COMMITTEE FOR 245 MILLION ACRES  
3437 Myrtle Avenue Suite 400  
North Highlands, California 95660

February 21, 2015

California Energy Commission <b>DOCKETED</b> <b>09-RENEW EO-1</b>
TN # 75057 FEB 23 2015

Chris Beale,  
DRECP Acting Executive Director  
Desert Renewable Energy Conservation Plan  
Attorney  
Resources Law Group LLP  
555 Capitol Mall, Suite 1090  
Sacramento, California 95814  
cbeale@resourceslawgroup.com

California Energy Commission  
Dockets Office, MS-4  
Docket No. 09-RENEW EO-01  
1516 Ninth Street  
Sacramento, California 95814-5512  
docket@energy.ca.gov

Re: Draft DRECP NEPA/CEQA Comments

Dear Mr. Beale:

The comments by Committee for 245 Million Acres on the Draft Desert Renewable Energy Conservation Plan (DDRECP) are based in significant part on three years of involvement on California's one other development of a major plan, the California Coastal Plan published January 1, 1975. This was my involvement:

- I got to know Mendocino County in detail as a member of the private lands 1967 summer National Continuous Forest Inventory Crew while studying Forestry and Conservation. Then in law school I developed an individualized law and science/environment curriculum. I had a major focus on administrative regulation and the environment including a two quarter paper, Energy Resources Adequacy: A Framework for Analysis. I concluded the paper advocating local energy generation
- 1973-1974: Graduate Legal Assistant, North Coast Regional Commission. I spent about half of this nine month temporary position reviewing and writing reports on permit applications from Mendocino to Del Norte Counties, and about half the time doing land use research that fed into the draft plan. I was the Regional Commission's liaison to local, state and

federal agencies. The drafting table facing mine was occupied by a professional planner who mentored me on land use planning and research.

- 1974: I studied a phased Mendocino Coastal subdivision using a grant from the Lake Merced Preservation Council.
- 1975: I organized support for the Coastal Plan from Sonoma to Del Norte Counties for Citizens for the Coastal Plan, an ad hoc group formed by the people who began the efforts in Sonoma County that led to Proposition 20 that passed in 1972 to create temporary coastal regulation while the plan was being developed for presentation to the legislature.
- 1976: I helped organize and then lobbied for the permanent coastal law for a coast wide coalition, People Access Coastal Environment (PACE), composed of groups that used Proposition 20 regulation to protect diverse including low and moderate income communities, natural areas that were often little known except locally, and renewable natural resources.
- 1977: The new law enhanced coastal planning beyond the proposed plan in a number of ways, such through the ports developing plans instead of local governments, a PACE suggestion

#### The DDRECP is not a land use planning effort or document

Since county, city, special district and other local governments are not involved in the DDRECP, no local land use planning is being formulated. In contrast, appointed locally elected Regional Coastal Commission members, local governments and the public developed regional plans that were assembled and sent to the State Coastal Commission that formed the statewide plan.

The NCCP plan in development for many years in Placer County is an effort of the County.

It's not only local governments missing from DDRECP, but various critical entities. BLM and the California Energy Commission have not engaged or involved in public planning with tribes, the military, the State Lands Commission and so on.

The fact that the public is almost entirely missing is fully documented in the Executive Summary:

The Draft Plan reflects input gathered during more than 40 meetings involving agencies, tribes, scientists, and the public since 2010. Executive Summary page 7.

40 meetings, many in Sacramento, for 22.6 million acres over about five years. The last Stakeholder meeting was July 2012. 13 formal plan-environmental document meetings were held once the plan was out. I went to the last one which was in Sacramento and rushed around to about half a dozen stations and

they wrapped it up before I could ask most of my questions and then said to submit other questions as comments. The great problem with this is that I needed answers so I could comment.

### The DRECP is not a regulatory document

DRECP need to propose and adopt regulations that will protect DRECP desert ecosystems and environment before more projects are considered and before DRECP implementation. This should be a project alternative.

### Inability to get a copy of the 10,000/12,000 page plan and extremely limited opportunities to ask questions disenfranchises me and the public at large

I requested a hard copy of the draft plan during the public comment period at the Energy Commission's January 25, 2015 meeting. Though never denied explicitly, my request has in effect been refused. There is no "no," only offers for DVD copies or how to upgrade my Macbook OSX 5.8 system. I work with paper: color highlighting, notes in margin, page post it tabs, flipping between pages and documents, and so on. A copy will be printed for me at 5 cents a page, which at 10,000 to 12,000 pages would be a \$500 to \$600 cost. I can copy pages at the CEC library which if you print more than seven or 10 pages at a time requires the machine to be shut off and started again. The second time I did this color map pages were distorted beyond use.

I asked for documents leading up to plan preparation in 2012. I never got a verbal denial. I never got them, either.

Paper copies of the four volumes of the plan are available to read at the Energy Commission and other offices, but not the appendixes. This does not allow my process and mark ups.

### **I request a complete paper copy of the DDRECP.**

The DRECP covers over 1/5 of the state. California is about 101,000,000 acres, and the DRECP is 22,585,000 acres, and is over 22% of the state's land area. 13 public meetings? I drove to one in the desert but arrived after it was over due to a 1 ½ hour delay getting past an accident near Pasadena. I was able to listen to the two December 2014 webinars, but could not ask questions because sometime after I participated in the Hidden Hills Hearing by webinar spring 2014, the Energy Commission webinars stopped serving my software.

The last webinar and meeting was December 17, 2014. Then CEC, BLM et al let two more months pass without more meetings before the comment deadline.

One BLM employee complained that few members the public were coming. This is the fault of the DRECP. There were no copies of the Executive Summary at the Energy Commission workshop.

There is no area-specific explanation of why Development Focus Area have been chosen.

Five DFA principles are listed on page 1.3-37. The criteria for and apparently two million acres suggested for DFA's by industry are indicated on pages 1.3-54 to 1.3-55. Then Section 1.3.5.6 on page 1.3-55, it's explained that. "...the planning process centered DFAs on already distrubed and degraded lands." There is some more discussion on page 1.3-62.

**This is a California Public Records Act and also a Federal Freedom of Information Act request to review all of the documents submitted by CEERT, LSA and CalWEA referred to on pages 1.3-54 to 1.3-55.**

The DDTRECP document has identified DFAs without providing specific area analysis of and explanation of why and how DFAs were chosen. This is not a credible document. What the DRECP does is leave it to up to those who comment to guess the basis for each DFA, to study the areas, and to respond. This defies planning and common sense.

A new gold rush fever is infecting industrial scale solar leaders and bureaucrats

Governor Schwarzenegger had it right at the later 2010 groundbreaking for the now failing Ivanpah triple solar thermal gathering tower experimental technology site. He said, "Some people look into the desert and see miles and miles of emptiness, I see miles and miles of gold mine."

The former governor's vision of is apt in a number of ways. During the 1849 gold rush and the ensuing years we have witnessed myriad problems and hazards including massive amounts of debris and mercury. The proposed DRECP is a blueprint for for another golden era of environmental destruction.

Current Federal including BLM, California including CEC, and local government leaders are responsible for initiating the destruction of California's last large area of natural vegetation, the Mojave Desert

The attached vegetation land cover maps that are taken from the book Precious Heritage show the rapid decline of natural vegetation throughout the country. The DDRECP is a California effort to catch up and destroy our heritage too.

From the Nevada boarder to the coastal scrub, biological soil crusts are the unsung sequesters of green house gases

The same leaders are accountable to us for already destroyed arid lands that sequester carbon. Biological soil crusts (BSCs) cover vast areas of the DRECP area. The Governor listed four land uses that need to be managed to sequester carbon, but forgot to mention deserts. Range land is one of the four mentioned, so that's arid land BSC progress. BLM has a BSC manual.

DRECP should convene a BSC symposium, conference or public science forum with a BSC orientation for the entire DRECP area.

Grand Staircase Escalante National Monument held a BSC Public Science Forum in August 2014 with transcripts:

[http://www.blm.gov/ut/st/en/fo/grand\\_staircase-escalante/more/soils\\_hydrology/soil/biological\\_soil\\_crust.html](http://www.blm.gov/ut/st/en/fo/grand_staircase-escalante/more/soils_hydrology/soil/biological_soil_crust.html)

DRECP should require that its staff, its consultants and project applicants use and employ people certified to identify warm and cold desert BSCs.

Before proceeding with the DRECP and project applications in the meantime, DFA's and proposed project lands should be surveyed for BSCs and rules and regulations adopted to protect them

Trent Northen's 11 minute good introduction to BSCs in Secrets of the Soil video at minutes 35:52 to 47:00:

<http://www.uctv.tv/shows/Secrets-of-the-Soil-23269>

DOI/BLM/USGS, Biological and Soil Crusts: Ecology and Management (2001)

[www.blm.gov/nstc/library/pdf/CrustManual.pdf](http://www.blm.gov/nstc/library/pdf/CrustManual.pdf)

Field Guide to Biological Soil Crusts of Western U.S. Drylands

[www.ntc.blm.gov/krc/uploads/258/Field%20Guide%20to%20Biological%20...](http://www.ntc.blm.gov/krc/uploads/258/Field%20Guide%20to%20Biological%20...)

Page 10 levels of darkness photo "key" of good indicators

We would be pleased to assist DRECP with this.

Science including the ecological sciences need to become an integral part of all DRECP related activity

DRECP must build fully adequate science staff and require involvement of the necessary ecology sciences from the very beginning of DRECP development

and implementation, and must require the same involvement starting at the beginning of project location and design. By itself the DRECP method of independent science panels will continue to find scientific failure as have the first two reports.

A DRECP-wide science symposium is essential as soon as possible including a means to incorporate what is learned into a new DRECP

Grand Staircase Escalante National Monument is also demonstrated one means to bring science to the forefront for all involved by holding a science symposium called Learning from the Land November 4-5, 1997 in Cedar City that I attended; a proceedings book was published. DRECP should fund a wide collaboration of universities and colleges to develop and convene this symposium or series of symposiums. The GSENM symposium was largely dominated by only one institution of higher learning, and the few scientists with other affiliations had to find out about the symposium and work their way onto panels.

I do not recognize that a culture of science exists for or is valued by the DRECP. If anything, there seems to be pressure to not discuss anything that could impede projects. It may be that biological and physical science knowledge may is not present, or is not spoken if present, in various parts of the DDRECP process.

I've seen no suggestion that DRECP has either the ability or inclination to engage in conservation-based environmental decision making, including in the area of mitigation.

The mitigation methods used for desert renewable energy should be discarded and established by regulations.

At the first DRECP stakeholder meeting I attended a stakeholder seated with the group lauded the idea of mowing desert vegetation as mitigation. No one said anything about this idea. With a plant physiology course for my forestry education behind me I was stunned both by this unforgettably ludicrous idea and that no one spoke up.

Mitigation has become either a loose invitation to whomever wants to toss out a crazy idea, or, in effect, a boutique industry boondoggle. SB 34 mitigation is a major policy failure. Land trusts and environmental groups buy random land parcels with big energy slush fund cash administered by the state, list all the mitigation-credit species the parcels have, then they are put into a database so that when a project needs milk vetch, tortoise, kit fox, etc. habitat, they go to the database, find the pre-purchased parcels with those species, tack them onto their project, and they are done. If there is a species that is not available in the database, a kind of RFP goes out to the random land trusts to see if anyone has any parcels in mind that they could scoop up.

This is generally unsuitable, but especially so for arid lands and BSCs that can take decades to thousands of years to recover.

The proposed DDRECP Implementation Structure is seriously flawed and unworkable (Executive Summary page 22)

A fundamental problem is readily apparent by asking how the public knows about the meetings, knows what is on the agendas, attends, and comments at the meetings of Executive Policy Group, Coordination Group, Public Agency Working Group and so on. These are essential questions to ask because they apply now to the Renewable Energy Action team (REAT).

At the same time, the structure could be described as a thinly veiled attempt to eliminate public involvement that is now required.

In particular, environmental disclosure as well as science would become buried in a bureaucratic structure that would in effect be a an enclosed bubble.

Imperatives and unclear lines of responsibility would emerge to undermine Energy Commission and State Land Commission responsibilities.

Missing from the DDRECP: history and current status of BLM land solar energy right-of-way rents and Megawatt Capacity Fees

It seems that the first BLM solar energy rental rates were established June 10, 2010, and may be subject to a pending adjustment or other noticed matter at September 30, 2014, 79 Federal register 59022, "Competitive Processes, Terms, and Conditions for Leasing Public Lands for Solar and Wind Energy Development and Technical Changes and Corrections."

The plan and environmental documents need

- Description of these charges
- How these charges relate to energy efficiency
- How these charges relate to GHG reduction
- Comparison of these revenues for each alternative
- The requirement to disclose this information for DRECP area projects
- Description of what happens to these payments and what they are used for, and
- What potential to use these fund for science and other DRECP purposes.

Missing from DDRECP: Fossil fuel production numbers on BLM land (245 million acres) and on land administered by BLM (700 million additional acres of sub-surface mineral estates) implications for DRECP and as alternative sources of GHG reduction.

- The DDRECP needs to describe for BLM land and BLM administered lands how much oil, natural gas, coal, tar sand and other fossil fuel production takes place and the volume of GHG emissions this contributes to
- How much electricity is generated by each of these fossil fuels
- Where this production is shipped
- What BLM plans are to curtail this production
- Comparison of the energy production and GHG emissions from this fossil fuel production and what is proposed in the DRECP, and
- Reduction in this production as an alternative to DRECP energy development.

In conclusion, renewable energy development is marked by large scale renewable energy industry and investors (REII) who have turned away from science, environmental protection, and environmental justice.

In conclusion large scale REII are attempting to capture involved agencies, organizations, and state and federal legislatures.

In conclusion and perhaps with the most problematic implications, these two actions by REII could cloud, if not threaten, the future of renewable energy.

In conclusion, the search for an underlying explanation for this suggests that a hormone driven rush of enthusiasm is propelling solar developers, investors, governments and environmentalists. We trust that this is maturing.

A new draft DRECP needs to be issued with process that allows people to request paper copies of the entire proposal.

Sincerely,

Michael Garabedian

Michael Garabedian  
Co Founder  
916-719-7296

QuickTime™ and a decompressor are needed to see this picture.