

Edwards Community Alliance/East Kern Educational Resource Network  
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California Energy Commission  
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1516 Ninth Street  
Sacramento, CA 95814-5512

California Energy Commission

**DOCKETED**

**09-RENEW EO-1**

TN # 75358

FEB 27 2015

**Re: Desert Renewable Energy Conservation Plan (DRECP)**

The Edwards Community Alliance/East Kern Educational Resource Network (ECA/EKERN) was created by the Kern County Board of Supervisors in 2005 to protect the mission of the Air Force Test Center at Edwards Air Force Base and the R-2508 Special Use Airspace Complex from the Department of Defense Base Realignment and Closure (BRAC) process. (ECA/EKERN is a private organization with no legal connection to Edwards Air Force Base, R-2508, or any other military installation).

Our primary mission is to prevent encroachments that could compromise the mission of these two unique and valuable Defense installations. We work closely with local, state, and federal government agencies and the private sector to avoid and prevent problems that could lead to the AFTC and R-2508 losing missions.

For example, we have worked with Kern County planners concerning proposed wind energy projects that seriously impact Air Force radar operations, and on development of the county's landmark "Red, Yellow, Green" map informs all involved agencies of the height of structures that could dangerously impact flight test operations. We constantly monitor planning and development proposals in the region and work with all agencies to minimize any adverse impact on test activities.

From our review of the DRECP it appears that if enacted as proposed it includes several proposals that could serious impact the AFTC and R-2508 missions.

We certainly support renewable energy which has become another vital industry in the region, but we are concerned about proposals, especially wind energy towers and power lines that could negatively impact flight operations from the AFTC, Mojave Air and Space Port, Naval Air Weapons Center China Lake, and other operations in the region.

**Local Government**

The key to preventing encroachments and impacts to the extremely important local missions is the ability of local governments to make decisions affecting planning, land use, and development. The DRECP as it is currently proposed will usurp the authority of local governments to make these decisions in the future as it will act as a zoning overlay on County

and City General Plans.

If approved without substantial changes, the land use goals and policies established by local governments to direct growth and ensure economic viability, and protect the mission of the AFTC and R-2508 airspace will become secondary to the DRECP.

We also support the comments of Kern Planning and Community Development Director Lorelei Oviatt regarding this matter.

### **DRECP size**

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 which could 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 the DRECP squarely places the burden of renewable energy development on our communities without "streamlining" the process.

### **Plan 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 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 collaboration with local government. This would allow 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,



William H. Deaver  
President

Edwards Community Alliance/East Kern Educational Resource Network (ECA/EKERN)

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  
Senator Dianne Feinstein  
Senator Barbara Boxer  
Congressman Kevin McCarthy  
Congressman Steve Knight  
Senator Jean Fuller  
Assemblyman Tom Lackey