

February 23, 2015

Mojave National Preserve Conservancy
400 South 2nd Avenue
Barstow, CA 92311

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



Re: Docket No. 09-RENEW EO-01; Desert Renewable Energy Conservation Plan

The Mojave National Preserve Conservancy (MNPC) is a non-profit organization created in 2009 as the Friends Group for Mojave National Preserve. Our mission is to protect the remarkable values of this 1.6 million acre national park unit, and connect new audiences to the Preserve. Situated in the eastern Mojave Desert of California, the Preserve is surrounded on all sides by public lands that play an important role in supporting wildlife, historical, cultural and recreation values.

The MNPC supports responsible renewable energy development that avoids destruction of intact desert habitat and reduces or eliminates harm to wildlife. The MNPC urges the Renewable Energy Action Team (REAT) agencies to prioritize incentives for distributed generation and implementation of the California Energy Efficiency Strategic Plan (CEESP) as an alternative that can reduce the need for development focus areas (DFA) in the California Desert.

The MNPC also strongly supports the Department of Interior's designation of National Landscape Conservation System (NLCS) lands in the California Desert, pursuant to the Omnibus Public Lands Management Act of 2009. America's southwestern deserts are an ecologically diverse national treasure, and provide us with varied opportunities for solitude and unconfined recreation.

The MNPC provides the following comments regarding specific resources and land use designations in the draft Desert Renewable Energy Conservation Plan (DRECP):

Soda Mountains and Valley: Pending withdrawal of the proposed Soda Mountain Solar project, the draft DRECP should be revised to classify lands in Soda Mountain valley south of Interstate-15 as an ACEC. The inter-mountain habitat across both north and south of Interstate 15 presents an important opportunity to restore habitat connectivity for the desert bighorn sheep that has since been severed by the highway. Bighorn sheep experts and biologists have commented that "research finds that the Soda Mountains connection is a particularly important restorable corridor in the southeastern desert region of California, where a wildlife overpass would re-establish migration affecting numerous bighorn sheep populations on

either side of I-15.”ⁱ According to biological studies, Interstate 15 has contributed to a decline in genetic diversity in desert bighorn sheep.ⁱⁱ

A separate study concluded based on network analysis “that the North-South Soda Mountain connection is the most important restorable corridor for long-term demographic potential (i.e., population recolonization by ewes) across the entire southeastern Mojave Desert of California, as it would provide the best and only opportunity for movement between bighorn populations in the Mojave National Preserve and the large complex of populations to the north of Interstate 15, and would facilitate gene flow as well resulting in long-term (multi-step) connections with bighorn sheep populations in Death Valley National Park.”ⁱⁱⁱ

The draft DRECP biological goals and objectives identify the inter-mountain habitat between the Soda Mountains and across Interstate 15 as a high priority opportunity to “promote unimpeded movement of desert bighorn sheep across highway infrastructure.”^{iv} This movement and genetic exchange will be critical to maintain wildlife resilience in the face of climate change. Improper management of the valley could result in the loss of a least-cost and critical opportunity to restore a migratory corridor for the bighorn sheep across Interstate 15. Desert bighorn sheep inhabit the portion of the Soda Mountains south of the highway, and can connect with other sheep populations to the north with proper study and investment in a wildlife overpass. Until proper study and consideration of restoring habitat connectivity in valley is complete, the BLM and REAT agencies should not foreclose on this opportunity.

Silurian Valley: The MNPC supports the BLM California Director’s decision to reject Iberdrola’s variance application in the Silurian Valley, and the rationale outlined in that decision.^v For the same reasons, the BLM should revise the draft DRECP to remove the proposed Special Analysis Area in the Silurian Valley. The Special Analysis Area in the Silurian Valley would jeopardize numerous nationally significant ecological and historic resources, and should instead be designated as part of the NLCS. These values are described in a memorandum from the BLM California Deputy Director for State Resources to the State Director dated November 20, 2014 regarding BLM’s decision to reject a solar project within the proposed Special Analysis Area (BLM application number CACA 053865).

These include a least cost, “priority 1” desert tortoise connectivity corridor identified by the Fish and Wildlife Service (also identified in the Record of Decision for the Solar Programmatic Environmental Impact Statement^{vi}), the Old Spanish National Historic Trail, high scenic qualities, and a mineral rich rockhounding area.^{vii} The BLM should protect the relatively undisturbed qualities of the Silurian Valley for the sake of the Old Spanish Historic Trail, which was designated in 2002 as a National Historic Trail, of which a “high potential segment” of the trail passes through the Silurian Valley, according to the BLM variance determination.^{viii} According to the BLM Manual, the BLM should manage high potential historic sites “to interpret the historic significance of the trail during its period of major use and

to identify and protect (NTSA Section 3(a)(3)) the visible historic remnants and scenic quality and to provide relative freedom from intrusion.”^{ix} The National Trails System Act of 1968 (NSTA) charges BLM with protecting the values of this high potential historic segment. Allowing industrial-scale development within the proposed Special Analysis Area would contradict the NSTA and BLM’s own implementing policy.

The Special Analysis Area could also jeopardize resources within the Silurian Valley that are recognized as requiring protection under the draft DRECP biological objectives. For example, wind and solar energy development would pose a threat to migratory birds, which utilize wetland habitat at the Salt Creek Hills ACEC, Saratoga Springs, and occasional wetlands in the Silver Lake after significant precipitation events. Aeolian sand transport also occurs through the Silurian and adjacent Valjean Valley, according to draft DRECP biological objective L2.8 and published research on Aeolian sand transport.^x

Mountain Pass: The Future Assessment Area in the vicinity of Mountain Pass and the Ivanpah Mountains should be removed in its entirety or significantly revised, and appropriate management actions prescribed to ensure that renewable energy development does not impact the visual and ecological resources of the neighboring Mojave National Preserve.

As currently designated, the Future Assessment Area would encourage industrial scale energy development – likely wind energy – that would impact a substantial portion of the Mojave National Preserve viewshed that is currently managed to provide visitors wide-open and natural landscapes. The proposed Future Assessment Area includes ridgelines of the Ivanpah Mountains reaching over 5,600 feet in elevation, and bajada immediately adjacent to primitive backcountry camping areas in the Preserve. Because of the Future Assessment Area’s placement along the ridgelines, future energy development could be visible across well over 100 square miles of the Preserve, including a substantial segment of the Preserve’s most popular touring route along Morning Star Mine Road. Other backcountry camping areas along the New York Mountains and inter-mountain Joshua tree woodland habitat would also be impacted by highly visible industrial energy development.

In addition, the draft DRECP has identified multiple golden eagle nests adjacent to the Future Assessment Area, with one and four-mile territory buffer overlapping with the Future Assessment Area.^{xi} Wind energy in this area probably would pose a mortality threat to golden eagles.

Section 202 of the Federal Land Policy Management Act (FLPMA) requires coordination of land use planning with other Federal agencies, and BLM Manual section 1601 also requires the BLM to coordinate land use planning and management activities with other jurisdictional entities to ensure that such plans are consistent with the plans of neighboring entities. The California Desert

Protection Act of 1994 established the Mojave National Preserve to “ preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes” and “perpetuate in their natural state significant and diverse ecosystems of the California desert.” Energy development within much of the proposed Future Assessment Area near Mountain Pass and the Ivanpah Mountains would pose a significant and immitigable resource conflict, and ignore the responsibilities charged to the Department of Interior by the California Desert Protection Act.

MNPC recommends removing the Future Assessment Area from the draft DRECP. At a minimum, the BLM and REAT agencies should revise the Future Assessment Area to exclude lands where industrial-scale development might be visible from within the Mojave National Preserve. This might amount to redrawing the boundaries of the proposed Future Assessment Area to exclude lands at and south of the Ivanpah Mountains ridgeline.

Sincerely,

David Lamfrom
President, Mojave National Preserve Conservancy

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- ⁱ Wehausen, John and Epps, Clinton, "Protecting desert bighorn sheep migration corridors in Mojave Desert," San Bernardino Sun, January 12, 2015
<<http://www.sbsun.com/opinion/20150112/protecting-desert-bighorn-sheep-migration-corridors-in-mojave-desert-guest-commentary>>
- ⁱⁱ Epps, Clinton, Wehausen, John, "Highways block gene flow and cause a rapid decline in genetic diversity of desert bighorn sheep," *Ecology Letters*, 2005.
- ⁱⁱⁱ Epps, Clinton; Wehausen, John; Monello, Ryan, and Creech, Tyler, "Potential impacts of proposed solar energy development near the South Soda Mountains on desert bighorn sheep connectivity," *Report to the California Department of Fish and Wildlife, National Park Service, and Bureau of Land Management*, 25 February 2013
- ^{iv} Draft DRECP, Appendix C, page C-38.
- ^v Bureau of Land Management, "BLM Rejects Solar Development in Silurian Valley," November 20, 2014,
<<http://www.blm.gov/ca/st/en/info/newsroom/2014/november/siluranvalley.html>>
- ^{vi} Record of Decision for the Resource Management Plan Amendments and Solar Energy Development Policy, Department of Interior, October 2012, page 182.
- ^{vii} Memorandum from Deputy State Director for Resources to the State Director for California, BLM, "Silurian Valley Solar Project Variance Determination," November 20, 2014.
- ^{viii} Bureau of Land Management, "BLM Rejects Solar Development in Silurian Valley," November 20, 2014,
<<http://www.blm.gov/ca/st/en/info/newsroom/2014/november/siluranvalley.html>>
- ^{ix} Bureau of Land Management Manual 6280, "Management of National Scenic and Historic Trails and Trails Under Study or Recommended as Suitable for Congressional Designation (Public)," page 1-21.
- ^x J.C. Dohrenwend, "Aeolian geomorphology of the Devil's Playground, Kelso Dunes, and Silurian Valley, California." *Surficial Geology of the Eastern Mojave Desert, California*, 162-173, Geological Society of America, Boulder, Colorado.
- ^{xi} Draft DRECP, Appendix R2.7, Figure R2.7-1