

**Audubon California ~ Amargosa Conservancy ~ California Native Plant Society
CalWild ~ Center for Biological Diversity ~ Defenders of Wildlife
Natural Resources Defense Council ~ Sierra Club ~ The Wilderness Society**

September 12, 2015

Via Electronic Mail

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Re: Recommendations for the Final Desert Renewable Energy Conservation Plan (DRECP) Land Use Plan Amendment (LUPA)

Dear Jim:

We are writing to you to follow up on the September 8, 2015, meeting with Bureau of Land Management (BLM) staff and some of our organizations to provide the discussed recommendations in writing. As you know, we fully support of the efforts by the BLM and partner agencies and their staff to identify areas suitable for utility-scale wind development, and to develop a plan to balance renewable energy generation with conservation of large intact landscapes and species' habitats. We believe the Desert Renewable Energy Conservation Plan (DRECP or Plan), which builds upon the Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States (Solar PEIS,) can help California transition to renewable energy without sacrificing the high quality habitat, key wildlife linkages and important conservation and wilderness values on public lands in the California desert.

To ensure this important energy transition directs development to lower conflict areas, while providing lasting and comprehensive conservation for desert wildlife and landscapes, we have identified below a set of outstanding issues, with associated recommendations, for the BLM to incorporate into the final DRECP. These recommendations mirror those made our recent meeting as well as in a June 3, 2015, letter to you.

- **BLM must ensure that lands in the West Mojave expected to safeguard and provide climate refugia for desert species are designated for conservation:** Climate research funded by the California Energy Commission has shown that the lands in the West Mojave are likely to provide important climate refugia for many desert species, including the threatened desert tortoise.¹ It is critical therefore that land included in the DRECP Land Use Plan Amendment (LUPA) conservation designations safeguard not only species'

¹ Davis F, Soong O, Stoms D, Dashiell S, Schloss C, Hannah L, Wilkinson W, Dingman J. 2015. Cumulative Biological Impacts Framework for Solar Energy Projects in the California Desert. California Energy Commission. Forthcoming.

conservation, but their ability to adapt to climate change. We believe that the following areas that were identified in the draft DRECP as potentially open for renewable energy development must be designated as conservation lands:

- Rose Valley: This proposed Development Focus Area (DFA) should be significantly reduced in size to match the County of Inyo's Renewable Energy General Plan Amendment approved by the Board of Supervisors earlier this year. All other public lands should be designated for conservation, including those modeled as containing suitable habitat for the Mohave ground squirrel (MGS), desert tortoise and other imperiled species, and protection of the important cultural and archeological values of the area..
- North of Kramer Junction: This Special Analysis Area included lands also identified as a proposed MGS Area of Critical Environmental Concern (ACEC). The proposed MGS ACEC should be adopted and conflicting designations, such as DFA, should be rejected for these lands in the final plan.
- Desert Tortoise Research Natural Area (DTRNA) and Fremont Valley: The entire DTNA including adjacent lands in Fremont Valley within the Western Rand Mountains ACEC should be designated as conservation lands (National Conservation Land (NCL)/ACEC) – dual protective designations that capture different and important aspects for conservation.
- Indian Wells Valley: The public lands in this area should not be considered as a DFA and should instead be designated for conservation.
- Silurian Valley: The entire valley previously identified as a Special Analysis Area should be designated as conservation lands.
- Soda Mountain: This area was identified in the preferred alternative as a mix of ACEC and Undesignated lands. This area should be designated as conservation lands (NCL/ACEC) in the final DRECP LUPA as it was identified by The Nature Conservancy as “biologically core” habitat. It also contains land critical to the continued expansion of desert bighorn sheep populations in the area and future conservation efforts to restore movements of sheep north and south across Interstate 15.
- The “Future Assessment Area” in the southern Sierra Nevada Mountains should be eliminated. This area is a key Pacific flyway thread for migratory birds, supports numerous desert golden eagle territories, and provides habitat for numerous imperiled terrestrial plants and animals. It is also headwaters to numerous west-east running waterways that hydrate this edge of the western Mojave desert. It is a key area as climate refugia for species as the effects of climate change manifest.
- All existing Conservation Areas as designated in the existing West Mojave Plan should be retained as such. All existing federally designated critical habitat should be included as conservation in the LUPA.

- Pahrump Valley: This proposed Development Focus Area (DFA) should be significantly reduced in size to match the County of Inyo’s Renewable Energy General Plan Amendment approved by the Board of Supervisors earlier this year. All public lands should be designated for conservation, including management for desert tortoise, bighorn sheep connectivity and other imperiled species.
 - “Future Assessment Area” directly adjacent to the Mojave National Preserve should be eliminated, because projects in this area would have direct impacts on the Preserve, as well as the local wildlife including bighorn sheep, and a variety of raptors.
- **Undesignated Lands should have sufficient management prescriptions and, if previously excluded from development in the Solar PEIS, should have sufficient analysis to justify inclusion as areas potentially open to development.** Lands identified in the draft LUPA as Undesignated, but having scenic, biological, cultural and natural qualities, including previous designation as Unique Plant Assemblages and Wildlife Habitat Management Areas, should be protected through conservation designation in the Final DRECP. Further, undesignated lands in the DRECP that were previously excluded from development in the Solar PEIS should remain excluded from development unless there is sufficient analysis to support their removal from exclusion. Finally, any lands left as “Undesignated” must have sufficient and clear prescriptions to provide guidance in how these lands are to be managed in their new designation.
 - **The DRECP must clearly articulate that NLCS lands are not subject to removal through future land use planning:** The designation of lands as part of the National Landscape Conservation System (NLCS) is an important outcome of the final plan. As part of this system, these lands are intended to be permanently protected. The final plan should clearly state that these lands are not subject to adjustment or removal in any future land use planning process and will remain part of this system. Further, the DRECP should provide a clear pathway for withdrawing these lands from mineral entry.
 - **The DRECP should retain ACEC designations and names:** The Final LUPA should retain ACEC designations where they overlap with NCLs. If previously designated ACECs are to be subsumed in new NLCS designations, the existing ACEC name, plans and other management requirements should be retained.
 - **The BLM should ensure that subsequent Land Use Plans are compatible with the final Plan:** The BLM should ensure that subsequent regional BLM plans within the desert, such as the West Mojave Plan amendments, are based upon and compatible with the conservation designations and actions of the final DRECP LUPA.
 - **The BLM must maintain existing compensatory mitigation requirements for habitat loss for the following species.** The draft DRECP encompassed conservation on both public and private lands, which resulted in lower mitigation requirements due to the increase in lands available for conservation for declining species. Without any final plan in place involving legally-binding conservation commitments on private lands, the DRECP LUPA

may only rely on the conservation value provided by BLM commitments. Therefore, the DRECP LUPA should include the following mitigation requirements:

- Desert tortoise (5:1 ratio) in ACECs for desert tortoise conservation (currently Desert Wildlife Management Areas (DWMA)).
- Mohave ground squirrel (5:1 ratio) in the Mohave ground squirrel conservation area.²
- Flat-tailed horned lizard (FTHL) in the management areas identified in the Rangewide Flat-tailed Horned Lizard Management Strategy. Additional conservation will likely be required for the FTHL based on its updated State status as a candidate for listing under the California Endangered Species Act (“CESA”).

It is also essential that, upon issuance of the final DRECP LUPA, the BLM clearly commits to integrating its plan with the county renewable energy and conservation plans currently under development, as well as articulates its role and responsibilities in the ongoing implementation of Phase 2 of the DRECP. In particular, the BLM should commit to continue its coordination with local and state agencies after the final plan is issued to ensure integration of the LUPA with county plans and the final Plan-wide conservation strategy. We strongly suggest that the California Department of Fish and Wildlife (CDFW), the California Energy Commission, the BLM, the U.S. Fish and Wildlife Service, and the U.S. Department of Defense renew and update the 2011 DRECP Memorandum of Understanding in which the agencies set forth the next steps to carry out the DRECP on non-federal lands as well as continuing the commitment to the DRECP Conservation Strategy and the coordinate of monitoring and assessment currently ongoing in the desert.

Finally, we understand that the BLM and CDFW are close to finalizing a statewide Memorandum of Understanding (MOU) on the use of BLM lands to help provide durable mitigation. The agreement must provide mechanisms for durable conservation on BLM land that would meet statutory conservation standards for ACECs and NCLs, clarify how the proposed actions will provide additional mitigation value, whether the public land mitigation is being utilized only after considering whether higher priority private land mitigation opportunities are available, and how it would facilitate effective mitigation of impacts from projects through compensatory mitigation to meet the NCCP Act and CESA standards. Further, data and activities related to the implementation, monitoring and funding of any use of a durability agreement to meet mitigation requirements must be made transparent to the public to provide for ongoing engagement by the public, and these agreements must ensure adequate and assured funding for monitoring and reporting to ensure all obligations are met long-term.

² It is particularly important that habitats supporting known MGS core populations and the key linkages that connect them remain fully functional and in excellent ecological condition. Indeed, the USFWS relied heavily on sufficient protections for MGS on BLM lands, including the 5:1 mitigation ratio, to reject a petition to list the MGS under the Endangered Species Act, given the lack of protection for MGS on private lands. In light of the lack of any final private land conservation plan/permit under the DRECP, the BLM lands must be the primary means to achieve lasting protection of the MGS and its habitat.

Thank you for considering these important recommendations as the BLM finalizes the DRECP LUPA.

Sincerely,



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cc: Commissioner Karen Douglas, California Energy Commission
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