



January 16, 2015

Via E-mail docket@energy.ca.gov and First Class Mail

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

Re: Draft DRECP document and related Environmental Impact Report/Statement

Dear Sir or Madam:

The Alliance for Desert Preservation is a nonprofit mutual-benefit corporation formed to protect the environmental and economic well-being of the High Mojave Desert and to support a sustainable future, while safeguarding against activities that may harm the High Mojave Desert.

We make two formal requests. First, the public comment process must be restarted because of a substantial defect in the Notice of Availability of the Draft DRECP and Draft EIS/R, published in the Federal Register Volume 79, Number 187 on September 26, 2014. Said Notice identifies the affected area comprising the approximately 22.5 million acres in the DRECP area. This is highly misleading to the public, because in fact the Draft DRECP and Draft EIR/S propose Land Use Plan Amendments to the CDCA Plan, which includes substantial portions of California desert outside the DRECP plan area. The misleading nature of the Notice is compounded by the fact that the Notice states: "The BLM is proposing Land Use Plan Amendments to the CDCA Plan...for the approximately 10 million acres of BLM-managed public lands within the Draft DRECP Planning Area," while neglecting to state that the proposed Land Use Plan Amendment would entirely overhaul and supplant the "MUC" land use designations that have been in place for more than 30 years. The Notice fails to convey in any readily apparent way that a plan for renewable energy in the DRECP planning area is in fact a vehicle for a total restructuring of the land use designations and management approaches for the entire CDCA plan area, applicable to all uses, whether or not related to renewable energy.

This defect undermines principles of due notice and informed public participation, which are at the heart of CEQA and NEPA, and it strikes at the heart of due process principles. Thus, a Record of Decision arising out of the Draft DRECP and Draft EIR/S in their current procedural posture is very likely to be declared voidable. Even more importantly, failure to remedy this

defect now will give rise to an enormous squandering of time, energy, and money by all of the parties involved in this extremely ambitious undertaking.

Our second request is, practically speaking, subsumable in the first request. However, it is of sufficient seriousness to merit separate attention. Specifically, the public comment period on the draft DRECP and draft EIS/R must be extended to a period at least sixty (60) days *after* issuance of the draft WEMO Plan and related draft EIR/S.

Two of the four REAT agencies—the United States Bureau of Land Management and the United States Department of Fish and Wildlife—are parties defendant in Center for Biological Diversity, et al v. US Bureau of Land Management, et al, Case No. C 06-4884 SI in the United States District Court for the Northern District of California. Pursuant to the court’s order on summary judgment dated September 28, 2009, the court held that the BLM’s land management plan for the West Mojave portion of the California Desert Conservation Area (the “WEMO” Plan), and the Final Environmental Impact Statement and Report (“FEIS”) for the WEMO Plan, violated both the Federal Land Policy and Management Act of 1976 (“FLPMA”), 43 U.S.C. §§ 1701-85 and the National Environmental Policy Act of 1969 (“NEPA”), 42 U.S.C. §§ 4321 et seq.

Pursuant to the court’s January 28, 2011 order, the court required that the revised plan and FEIS consider new route designations for motorized vehicle access, as well as additional issues, including special-status species, vegetation communities (including unique plant assemblages), special area designations, air quality, cultural resources, soils, springs and seeps, and Mojave fringe-toed lizard habitat. Pursuant to said orders, as well as other related remedial proceedings, the BLM has been devising a revised West Mojave land management plan and a revised environmental impact statement and report for said revised plan.

While we are aware of no officially announced date for the submission and publication of the revised WEMO Plan and related revised FEIS, our understanding is that the court had initially required that they be released by March 2014, but for whatever reasons this deadline was not met. We are now advised that these documents are fairly imminent, with a release date closely coinciding with the current February 23, 2015 deadline for public comment on the draft DRECP.

The area covered by the anticipated revised WEMO Plan and revised FEIS for that Plan comprises 9.3 million acres, most of which are also part of the 22 million-acre DRECP area. Thus there will be a very substantial overlap of, and interconnection between, the revised WEMO plan and revised FEIS on the one hand, and the draft DRECP and draft EIR/S on the other hand.

Both documents—the draft DRECP and the forthcoming draft revised WEMO Plan—comprise ambitious master plans, covering largely overlapping territories of millions of acres. One has a particular focus on utility-scale renewable energy, and the other has a specific focus

on motorized vehicle access and routes. These two topics—energy development and vehicle routes—have many potential points of conflict. Further, both Plans are required to investigate the environmental repercussions of their proposed plans, to consider various alternatives, and to lay out mitigation and conservation measures. The two Plans will necessarily have hundreds if not thousands of points of interconnection.

To cite one prominent example of the close interconnection between the two Plans, we note that the Draft DRECP relies heavily on approximately 150 proposed new ACECs as a mechanism to conserve important environmental values. However, the worksheets for these proposed ACECs provide no data for access routes. This is understandable; the WEMO Plan and related FEIS have not yet been issued. However, the omission is, practically speaking, fatal, because the absence of any route data in the proposed ACECs makes it impossible to assess how well the proposed ACECs would fulfill their assigned function.

If the February 23, 2015 public comment deadline is not extended for the draft DRECP, the public comments will be irreparably compromised, for in that case there would be no practical way for the public to read, absorb, and critique the interaction between the draft DRECP's treatment of motorized route designations, special-status species, special area designations, air quality, cultural resources, soils, and springs and seeps, and the draft WEMO Plan's approach to these same issues.

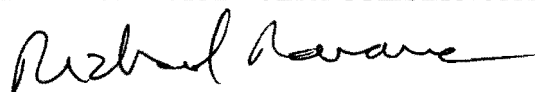
Had the draft DRECP and draft EIR/S made detailed specific reference to the particulars in the forthcoming revised WEMO Plan, then the public comments on the draft DRECP could take these specific comments into account. We appreciate that such an anticipatory treatment by the draft DRECP of a not-yet-issued WEMO Plan may not have been possible or even desirable. However, by the same token, the solution cannot be simply to leave a large void in the public comment process because of the unfortunate timing of the issuance of the WEMO Plan.

Both Plans cover millions of acres of CDCA area, which Congress has termed "fragile, easily scarred, and slow to heal." To be avoided at all costs is an approach to the DRECP public comment process that excludes important and meaningful input. We therefore request that the public comment period be extended to a date that is at least sixty (60) days after the date of the release of the draft revised WEMO Plan and FEIS.

Thank you for your serious consideration of these two important requests.

Very Truly Yours,

ALLIANCE FOR DESERT PRESERVATION



Richard Ravana, President

California Energy Commission

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