

**Amargosa Conservancy * California Wilderness Coalition * Desert Tortoise Council *
The Wildlands Conservancy * Mojave Desert Land Trust * Morongo Basin Conservation Association *
San Bernardino Valley Audubon Society * Archaeological Heritage Association * Tourism Economics
Commission * Newberry Springs Community Services District * Baker Community Services District *
Death Valley Chamber of Commerce * Mojave National Preserve Conservancy * Alliance for Desert
Preservation * Mojave Communities Conservation Collaborative**

November 7, 2014

Senator Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

RE: Soda Mountain Solar and Silurian Valley Solar Project

Dear Senator Feinstein:

The undersigned organizations respectfully request that you take a position opposing the Soda Mountain Solar and Silurian Valley Solar Projects BLM on the grounds that these projects violate:

- The goals and recommendations of the formal independent scientific panel to the Desert Renewable Energy Conservation Plan (DRECP)
- The intent of the Solar Programmatic Environmental Impact Statement (Solar PEIS)
- The Secretary of the Interior's order 3330 and the public's substantial investment in trust resources.

Independent Science Panel and Secretarial Order 3330

The recommendations from the DRECP's formal panel of Independent Science Advisors states that, "Habitat fragmentation and impediments to wildlife movements are among the greatest threats to desert communities and species and maximizing habitat connectivity is essential to climate change adaptation." The Panel also states that, "The plan should embrace the primary goal of avoiding and minimizing any additional habitat loss or fragmentation" and that agencies should, "Avoid any developments within critical habitats for federal and state listed; threatened and endangered species; candidate species for federal or state listing; sensitive habitats, core areas and important linkages, migration corridors or habitat connectivity areas." (DRECP Independent Science Advisors, p. 6,7,75). Finally, both the Silurian and Soda Mountain projects undermine the Secretary of the Interior's Order 3330, which states that, "The Department of the Interior seeks to avoid potential environmental impacts from projects through steps such as advanced landscape level planning that identifies areas suitable for development because of low or relatively low natural and cultural resource conflicts" (Department of Interior, 2013).

Silurian Valley Solar Project

The Silurian Valley Solar Project constitutes a threat to trust resources such as migrating and special status birds, golden eagles and the federally threatened desert tortoise (USFWS, 2014, p.1). The proposed project would be located in an area that has several active golden eagle nests within a ten mile radius; proximity to the Salt Creek Hills Area of Critical Environmental Concern (ACEC), Death Valley National Park's Saratoga Springs and the Amargosa River that provide resting and refueling stops for migrating and special status birds; is habitat and a major linkage for desert tortoise and overlaps with a proposed ACEC identified in the current draft preferred alternative for the DRECP (USFWS, 2014, p2). Both the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) recommend that the Bureau of Land Management reject the variance application for this project with the USFWS stating that, "We cannot envision how a redesigned project or a project at a different location within the Silurian Valley could avoid the sorts of impacts to trust resources described above."(CDFW, 2014, p.3)(USFWS, 2014, p.4). The CDFW correctly states that the applicant will likely not be able to document that the project is within an area with, "low or comparatively low resource conflicts, that the proposed project will be located in an area identified as suitable for solar energy development in an applicable BLM land use plan and/or by another related process such as DRECP, that the proposed project will minimize adverse impacts on important fish and wildlife habitats and migration corridors and that the proposed project will minimize impacts on lands with wilderness characteristics and the values associated with these lands(CDFW, p.3). The aforementioned criteria are outlined for variance applications in section B.5.3 of the BLM's Solar PEIS (CDFW, p.3). The development of these two projects, which are very much in conflict with the BLM's own criteria, would erode public trust in implementation of the further implementation of the Solar PEIS and future implementation of the DRECP

Soda Mountain Solar Project

The proposed Soda Mountain Solar Project, among other significant impacts, would jeopardize landscape level conservation in the Mojave Desert by precluding the reestablishment of a critical bighorn sheep movement corridor. The report *Potential Impacts of Proposed Solar Energy Development near the South Soda Mountains on Desert Bighorn Sheep Connectivity's* network analysis demonstrated that, "the North-South Soda Mountain Connection is the most important restorable corridor for long term demographic potential across the entire southeastern Mojave Desert of California as it would provide the best and only opportunity for movement of 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 as resulting in long term connections with bighorn sheep populations in Death Valley National Park" (Epps et al, 2013, p.1). Moreover, the Soda Mountain Solar draft EIR/EIS examination of alternative locations for the project on private lands, EPA brownfields and highly disturbed BLM lands, as well as the potential to reach renewable energy goals by distributed means, was woefully inadequate and should be remedied by the BLM and project proponent reexamining these topics and expanding the scope of the alternative lands search.

Studies by Peter Woodman (Kiva Biological Consulting 2013) found tortoises in a few places south of Interstate 15 in the proposed East Array area, prompting him to recommend that half of that area not be developed. Although less common north of the interstate, where five carcasses were found, other studies documented in Panorama Environmental, Inc. (2013) found tortoises there, and it is also considered suitable, relatively undisturbed tortoise habitat (LaRue, personal observation). Finally, the analysis by Nussear *et al.* (2009) produced a habitat rating of 0.6 to 0.8, which is relatively high given

that 1.0 is the highest rating. Given these observations, it is strongly recommend that the proposed Soda Mountain Solar Project be abandoned or relocated to another area where tortoise impacts would be minimized or, preferably, avoided.

In closing, the undersigned organizations respectfully request that you urge the BLM to reject the variance application for the Silurian Valley Solar project and work to relocate the Soda Mountain Solar project to an area that does not jeopardize natural and cultural resources, archaeological sites and communities because they undermine the goals and recommendations outlined in the DRECP, Solar PEIS and the Secretary of the Interior's order 3330, while jeopardizing trust resources that are important to all Americans.

Sincerely,

**Jordan Kelley, Executive Director
Amargosa Conservancy
Shoshone, CA**

**Monica Argandona, Southern California Conservation Director
California Wilderness Coalition
Oakland, CA**

**Ed. L. LaRue, Jr., MS., Ecosystem Advisory Committee Chairperson
Desert Tortoise Council
Palmdale, CA**

**April Sall, Conservation Director
The Wildlands Conservancy
Oak Glen, CA**

**Frazier Haney, Conservation Director
Mojave Desert Land Trust
Joshua Tree, CA**

**Sarah Kennington, President
Morongo Basin Conservation Association
Joshua Tree, CA**

**Drew Feldmann, Conservation Committee Chair
San Bernardino Valley Audubon Society
San Bernardino, CA**

**Ruth Musser Lopez, Principal
Archaeological Heritage Association
Tourism Economics Commission
Needles, CA**

**Le Hayes
Newberry Springs Community Services District**

Newberry Springs, CA

**Jacob Overson, General Manager
Baker Community Services District
Baker, CA**

**Nancy Good, President
Death Valley Chamber of Commerce
Tecopa, CA**

**Michael Gordon, Director
Mojave National Preserve Conservancy
Barstow, CA**

**Rich Ravana, President
Alliance for Desert Preservation
Apple Valley, CA**

**Lorrie Steeley, Lead Organizer
Mojave Communities Conservation Collaborative
Apple Valley, CA**

**Paul Smith
Tourism Economics Commission
Twentynine Palms, CA**

References

Acting Field Supervisor, Ventura Fish and Wildlife Office. (2/6/14). Letter- "Variance Application- Proposed Silurian Valley Solar Project, San Bernardino, CA (CACA-53865).

DRECP Independent Science Advisors. (October 2010). Recommendations of Independent Science Advisors for the California Desert Renewable Energy Conservation Plan (DRECP). Conservation Biology Institute.

Epps, C., Wehausen, J., Monello, R. and Creech, T. (2013). Potential Impacts of Proposed Solar Energy Development near the South Soda Mountains on Desert Bighorn Sheep Connectivity. Oregon State University, University of California and the National Park Service.

Jewell, Sally. (10/31/2013. Secretarial Order 3330- "Improving Mitigation Policies and Practices of the department of the Interior. Department of the Interior. Washington, DC.

Kiva Biological Consulting. 2013. Protocol desert tortoise survey for Soda Mountains Solar Project, Spring 2013. Unpublished report produced by Peter Woodman on behalf of Panorama Environmental and BLM. Ridgecrest, CA.

Nussear, K.E., Esque, T.C., Inman, R.D., Gass, Leila, Thomas, K.A., Wallace, C.S.A., Blainey, J.B., Miller, D.M., and Webb, R.H. 2009. Modeling habitat of the desert tortoise (*Gopherus agassizii*) in the Mojave

and parts of the Sonoran Deserts of California, Nevada, Utah, and Arizona: U.S. Geological Survey Open-File Report 2009-1102, 18 p.

Panorama Environmental, Inc. 2013. Biological resources technical report, Soda Mountain Solar Project, San Bernardino County, CA, BLM Case Number CACA 49584. Submitted by Solar Mountain LLC. Frederick, MD.

Sickler, Heidi. (2/28/14). Letter- "Variance Application- Proposed Silurian Valley Solar Project, San Bernardino, CA (CACA-53865).