



DESERT TORTOISE COUNCIL

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RE: Comments on San Bernardino County's Renewable Energy and Conservation Element Framework: Purpose, Values and Standards (Framework)

The Desert Tortoise Council (Council) is a private, non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of this species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council regularly provides information to individuals, organizations and regulatory agencies on matters potentially affecting the desert tortoise within its historical range.

General Observations

We very much appreciate that one of the Framework's goals is to "Conserve and sustain sensitive natural resources and habitats." This is very much in line with our own goal of promoting the conservation of tortoises. We are equally appreciative that San Bernardino County (County) is taking a very thoughtful, less impactful approach to locating renewable energy development in those areas that are already disturbed, including distributed rooftop solar. So much of the county is comprised of habitats occupied by the desert tortoise; it seems that the County's Framework would, insofar as possible, avoid much of these pristine desert habitats. This is based on the statement on page 2 of the Framework that the County would focus renewable energy development in "less environmentally sensitive" areas.

Sadly, tortoises have been removed from much of the westernmost parts of San Bernardino County, including all but the northern portions of Victor Valley, southern Adelanto and Apple Valley, all of Hesperia, and developed portions of Lucerne Valley. Yet the county also comprises some of the very best remaining tortoise habitats, such as Water Valley and Mud Hills located northwest of Barstow, the Ord-Rodman area, northern parts of Morongo Basin, and Pinto Basin, just to name a few, and many acres of which are designated as desert tortoise critical habitats.

The Council was very concerned, and mostly disappointed, with the substantial changes proposed in the Draft EIR/EIS for the Desert Renewable Energy Conservation Plan (DRECP). Every one of the alternatives identified lands, sometimes substantial areas, of desert tortoise critical habitat for development. We are pleased to see that the County is considering an alternative to the DRECP approach; namely, encouraging solar development in residential areas, like rooftops, and avoiding pristine desert habitats, including tortoise critical habitats. As a 25-year resident of San Bernardino County, I am very fortunate to live within an hour of numerous places in the county where the desert is wild, untrammled, and suitable habitat for desert-adapted plants and animals.

There were reportedly 10,000 comment letters on the DRECP; in all that we reviewed, the commenters were very concerned about how that plan would promote loss of wildlife habitat. Only a few of our own 364 submitted comments were favorable. Like the County proposes in the Framework, we advised the Renewable Energy Action Team (REAT) on several occasions to situate renewable energy development on degraded, disturbed habitats that no longer support most native wildlife and plant species. We appreciate that the County's Framework seeks to locate renewable energy on disturbed lands.

Under the County's current management, consultants are able to determine what constitutes "disturbed habitats," and to help County planners identify those lands most suitable for renewable energy development. It is our suggestion that renewable energy proponents identify several different sites that are not likely to support tortoises, and abandon any sites showing any evidence of desert tortoises. If several sites are considered and one of them determined to be occupied and another unoccupied by tortoises, the proponent would be able to develop the unoccupied one using existing environmental documents.

We have already lost too many tortoises and acres of occupied habitat; the revised General Plan is an excellent opportunity to direct renewable energy proponents to primarily locate solar on rooftops and secondarily develop lands that are determined to be degraded and devoid of tortoises. The EPA, in its RE-Powering America's Lands Initiative, recommends siting renewable energy on potentially contaminated lands, landfills, and mine sites. According to Adam Klinger, of the RE-Powering America program, there are 383 suitable brown field sites in San Bernardino County, alone.

Specific Recommendations

The following comments follow the outline of the Framework, beginning with Core Values and Goals on the title page to Conclusions on pages 4 and 5:

1. In the fourth and final bullet under Core Values and Goals, the Framework promotes: "Sustainable development that is complementary to the natural environment and to existing communities." With regards to the last two words, "existing communities," does this refer to *human* communities or *natural* communities? We ask that this be clarified in the final iteration of the Framework. This should also be clarified in Location Standard b, on page 2, which states "Respect established land uses and *communities*..."

2. We are a bit concerned that the first Location Standard given on page 2 of the Framework seeks to “Locate renewable energy generation facilities in a Resource Conservation district or other non-residential districts to preserve neighborhood integrity.” We have not had the benefit of seeing any maps that may show the locations of Resource Conservation districts; however, the name seems to imply that such areas would encompass resources that are to be conserved. Where may we find maps showing Resource Conservation districts? And is renewable energy development within them contrary to the Framework’s goal to preserve natural communities and avoid environmentally sensitive areas, including tortoise critical habitats?

3. Four different Location Standards (c, d, d.i, and d.ii) state that renewable energy should be established in disturbed areas, which we applaud (see also Conservation & Environmental Standard a). Location Standard d.ii indicates that the County intends to identify these lands and have them mapped. As an Interested Party to the San Bernardino County Partnership for Renewable Energy and Conservation (SPARC), we ask that the Council has an opportunity to review these maps once they are developed, and to provide input at the appropriate time.

4. We request that you coordinate with The Nature Conservancy, which has been working to map brown fields and other previously disturbed lands for potential renewable energy development for several years. You will find valuable data available at the following website: <http://www.nature.org/newsfeatures/pressreleases/producing-power-protecting-wildlife.xml>.

5. We appreciate that Location Standard d.iii indicates that renewable energy should be located proximate to existing transmission corridors. The California Desert Conservation Area (CDCA) Plan of 1980 and its amendments identify corridors in which the Bureau of Land Management (BLM) is encouraged to locate transmission corridors. We would encourage the County to consider these corridors as well and to restrict development of new transmission lines to them, particularly those having existing powerlines.

6. With regards to Location Standard e, “Prohibit renewable energy production in areas identified as critical habitat or as a wildlife corridor for species of special concern as defined in the Conservation Element, without comprehensive and feasible mitigation or avoidance of potential impacts,” we recommend that the final clause be dropped. As it is, it could render critical habitat available for development if a naïve proponent judges that proposed mitigation is feasible, which is too subjective.

7. Following Location Standard e, we would recommend that a new Location Standard (or similar wording) be inserted: “Prohibit renewable energy on lands where U.S. Fish and Wildlife survey protocols identify any tortoise sign.” Adopting these or similar words will support the County’s goal to conserve natural communities and avoid renewable energy development in environmentally sensitive areas.

8. We really appreciate that the following wording in Conservation & Environmental Standard c: “Require land preparation methods for renewable energy generation facilities to minimize ‘scraping’ of previously undisturbed soil. All reasonable methods should be adopted to eliminate unnecessary soil and vegetation disturbance, leaving root structures in place whenever feasible.” This measure should facilitate decommissioning, as envisioned at the end of Standard f.

9. Please be sure that future environmental documents consider indirect impacts and that mitigation measures are implemented to minimize dust deposition, in particular. It does help that Conservation & Environmental Standard d (“Construction and other land disturbances that may result in significant dust generation should not be allowed during peak wind events”) is included, however we find that simply accessing the site, regardless of wind conditions, is a major impact. The Abengoa solar project at Harper Lake is a primary example of devastating dust deposition in the region, particularly downwind to the east, throughout the several years of continuous construction. As stated, there is no way that Standard d would have addressed that problem. For several years, the thousands of employees accessing the site, particularly along Helendale Road and Harper Lake Road, neither of which is paved, resulted in hundreds of square miles being subjected to dust deposition. Other measures need to be identified and implemented on a case-by-case basis.

10. In the Conclusion section, we strongly encourage the County to include the following or similar wording: “Do not allow renewable energy development that results in the displacement and forced translocation of tortoises from occupied habitats into adjacent areas where resident tortoise may also be affected.”

11. Finally, unless the DRECP changes in significant ways, we encourage the County to not sign-on to that plan; but rather, develop renewable energy in a less impactful manner, as it seems to be promoting in the Framework. If implemented as envisioned, the Council believes the Framework is a much more acceptable approach than that given in the DRECP.

We are very pleased that the County’s Framework is considering environmental impacts associated with renewable energy and has identified both general and specific measures to avoid or minimize those impacts. As an Interested Party, we look forward to continuing to provide input to the County as you refine the Framework, collect and provide specific data (particularly the locations of disturbed habitats), and begin to implement protective measures. At a minimum as an Interested Party, we would like to be informed of the County’s progress in these efforts.

Regards,

A handwritten signature in blue ink, appearing to read "Edward L. LaRue, Jr.", is written over a light blue rectangular background.

Edward L., LaRue, Jr., M.S.

Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson