



DESERT TORTOISE COUNCIL

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Tracy Creason, Senior Planner
County of San Bernardino, Land Use Services Department
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RE: Scoping comments on the Lucerne Valley Solar One Project

Dear Mr. Creason,

First, let me thank you on behalf of the Desert Tortoise Council (Council) for allowing us to submit comments after the deadline of 13 June 2015. It was very understanding of you to recognize that due to an old address we did not receive the Notice of Preparation until 6 June 2015 and were therefore unable to meet the scoping comment deadline. In an earlier email, you indicated that (a) the Council will continue to be considered an interested party and (b) you will inform the project consultant that our mailing address, shown above, will be used when the Draft Environmental Impact Report (DEIR) is distributed for public comment.

The Council is a 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.

(1) It appears from the Initial Study (11 May 2015) that no biological studies have been performed to date on the 310-acre subject property. As per Comment 2 on the next page, we stress that it is imperative that the entire 310 acres and peripheral areas be surveyed as per U.S. Fish and Wildlife Service (USFWS 2010) protocol-level surveys to determine if tortoises are present, and if so, to document their relative abundance and distribution. The results of this survey should then be used to locate the 190-acre site so as to reduce or avoid impacts to tortoises and occupied habitats. To be in compliance with the protocol, these surveys must be in April-May or September-October of a given year.

(2) We understand from the Initial Study that a total of 190 acres of the 310-acre site could be developed. Assuming that tortoises are not distributed throughout the site, we strongly advise that knowledgeable biological consultants conducting the surveys help the proponent locate the 190-acre development footprint in such a way that will have the fewest impacts to tortoises, or avoid them if possible. The consultant should produce maps that show the distribution of tortoise sign and demonstrate how the impact footprint avoids any tortoise concentration areas.

(3) Given the location of the site, there is potential for Cushenbury milk-vetch (*Astragalus albens*) to be located throughout the subject property and for Parish's daisy (*Erigeron parishii*) to occur in the various washes. Since these are annual plants that may only be identified in the spring after sufficient winter rainfall, please be sure that a qualified biological consultant performs focused botanical surveys in the spring to determine presence-absence of these and other special status plant species (see California Department of Fish and Game 2009 for an appropriate survey protocol). This is important as both Cushenbury milk-vetch and Parish's daisy are listed as Federally Endangered. As with tortoise, if these species are present, maps should be produced showing how the impact footprint would be located to avoid concentrations of any listed plant species that may occur.

(4) In addition to desert tortoise and special status plant species, please be sure that the biological consultant performs a California Department of Fish and Wildlife (CDFW 2012) protocol-level survey for burrowing owl (*Athene cunicularia*). As given above, any sign should be mapped and occupied burrows avoided if at all possible.

(5) Although the site is located outside the known range of Mohave ground squirrel (*Xerospermophilus mohavensis*), it is in the vicinity of Rabbit Springs where the species was first identified in the late 1800's. We ask that the biological consultant contact the appropriate CDFW wildlife biologist and ask if it would be prudent to perform protocol trapping (CDFW 2003 revised 2010) to see if Mohave ground squirrels or hybrids with round-tailed ground squirrels (*Spermophilus tereticaudis*) occur. Please note that a special provision is required on the CDFW's memorandum of understanding for the authorized trapper to collect tissue and have it analyzed to determine hybridization.

(6) We understand that larger creosote bush (*Larrea tridentata*) rings occur throughout the area and may occur on the subject property. In fact, the world's largest creosote ring, known as "King Clone" is nearby, off Bessemer Mine Road. As with the recommendations given above (but not if it adversely affects tortoises or other listed species), please have the proponent locate the 190 acres on the part of the site with the fewest impacts to this State-protected resource.

(7) At least two recent analyses (i.e., the Draft Desert Renewable Energy Conservation Plan [DRECP] and the Draft West Mojave Route Network Project Land Use Plan Amendment/Draft EIS) mentioned habitat connectivity, or "linkages," exist within the respective project's planning area. These analyses, however, failed to adequately analyze potential impacts to these linkages. In her comments on the Draft DRECP on behalf of SC Wildlands, Kristeen Penrod provided a detailed analysis of habitat connectivity impacts. We request that the DEIR being prepared properly analyze these potential impacts using an approach similar to that provided by Kristeen Penrod for the Draft DRECP, which can be found online here: http://www.drecp.org/draftdrecp/comments/SC_Wildlands_comments_2015-02-23.pdf.

(8) Finally, we also request a rigorous analysis of cumulative impacts. For example, what other development or restoration projects are occurring within desert tortoise habitat within the applicable desert tortoise recovery unit and how might these impacts cumulatively affect long-term recovery of the tortoise within the recovery unit? Additionally, how would these projects cumulatively impact genetic or habitat connectivity (or linkages; see Comment 7 above) of the region?

We believe that conscientious implementation of the above studies and considerations will help, in part, to ensure that a good biological baseline will be produced, so that the County can then make an informed decision if significant impacts will occur should the proposed project be developed. We look forward to reviewing the DEIR when available.

Regards,



Edward L., LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

Literature Cited

California Department of Fish and Game. 2003 (revised 2010). Mohave ground squirrel survey guidelines. Unpublished guidelines produced by CDFG (currently CDFW = California Department of Fish and Wildlife). Sacramento, CA.

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U.S. Fish and Wildlife Service. 2010. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). USFWS Desert Tortoise Recovery Office. Reno, NV.