



DESERT TORTOISE COUNCIL

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Via email only

24 December 2017

Mr. Gary Hatch, Environmental Public Affairs
Bldg. 1405 Room 400,
Edwards Air Force Base, CA 93524
412tw.pae@edwards.af.mil

Ms. Janice Mayes, Kern County Planning
and Natural Resources Department
2700 M Street, Suite 100
Bakersfield CA, 93301
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RE: Notice of Intent to Prepare an Environmental Impact Statement and Environmental Impact Report for the Edwards Air Force Base Solar Enhanced Use Lease Project

Dear Mr. Hatch, Ms. Mayes,

The Desert Tortoise Council (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 routinely provides information to individuals, organizations, and regulatory agencies on matters potentially affecting the desert tortoise within its geographic range.

Based on the Notice of Preparation (NOP) dated 27 November 2017, we understand that the various alternatives may affect between 1,500 and 4,000 acres of non-excess property on the northwestern corner of Edwards Air Force Base (EAFB), and that the associated Gen-tie line would be 10 to 14 miles long, running westward towards Tehachapi. To effectively define the full range of issues to be evaluated in the Environmental Impact Statement (EIS) to be completed by the U.S. Air Force (Air Force) and Environmental Impact Report (EIR) by the Kern County Planning and Natural Resources Department (County), the Air Force and County, respectively, will determine the scope of the analysis by soliciting comments from interested local, state and federal elected officials and agencies, as well as interested members of the public and others.

For the Affected Environment section, we request that the Air Force and County include information on the status of:

- Existing conditions in the project area that quantifies areas with natural vegetation;
- Agassiz's desert tortoise (*Gopherus agassizii*) populations, as well as populations of other special-status species, including (but not limited to) Mohave ground squirrel (*Xerospermophilus mohavensis*), burrowing owl (*Athene cunicularia*), desert cymopterus (*Cymopterus deserticola*), Barstow wooly sunflower (*Eriophyllum mohavense*), and near the western terminus of the Gen-tie line, Bakersfield cactus (*Opuntia basilaris* var. *treleasei*), which is listed as a Federally Endangered species;
- suitable and occupied habitats for the desert tortoise, Mohave ground squirrel, burrowing owl, and other rare plant and animal species of concern;
- use of the area by common ravens (*Corvus corax*) and other predators of the desert tortoise;
- areas previously disturbed by human development/use (including past and ongoing grazing by domestic sheep, existing structures and facilities, etc.); and
- presence of any hazardous materials.

Regarding alternatives to the proposed action, we urge the Air Force and County to develop an alternative that has a minimum impact footprint on the natural environment by limiting surface disturbance activities within the proposed project for the conservation of the desert tortoise and other rare plant and animal species. This alternative would possibly provide the Air Force with a means to meet its mission and comply with Section 7(a)(1) of the Federal Endangered Species Act.

The Environmental Effects section should include a description and locality information that quantifies:

- Changes to current natural vegetation;
- populations of Agassiz's desert tortoise, Mohave ground squirrel, burrowing owl, and other rare plant and animal species of concern;
- changes in habitats for Agassiz's desert tortoise, Mohave ground squirrel, burrowing owl, and other rare plant and animal species of concern;
- anticipated change in use of the area by common ravens and other predators of the tortoise; and
- new activities that will result in surface disturbance and construction of, or modifications to, structures and facilities.

Based on the locations of the various alternatives for both the solar fields and Gen-tie lines, we conclude that all project components are found within suitable habitats for both the Agassiz's desert tortoise and Mohave ground squirrel. Baseline data for the occurrence of these two species must be obtained by performing protocol surveys for both the tortoise [U.S. Fish and Wildlife Service (USFWS) 2017a] and the Mohave ground squirrel [California Department of Fish and Game (CDFG, currently CDFW) 2003 (revised 2010)] throughout all alternative solar fields and Gen-tie lines. Before a given alternative is chosen, the results of these surveys must be considered and applied to ascertain impacts and select project component locations associated with each alternative. Additionally, the Air Force and County must consider other alternatives other than those proposed in the NOP based on the results of field surveys should an alternative not currently identified accommodate development and facilitate reduced impact levels.

In addition to protocol surveys for these two listed species, we expect that the Air Force and County will require that requisite inventory surveys be completed for burrowing owl (CDFW 2012), special status plant species (CDFW 2009), and given the location in Kern County, Swainson's hawk (*Buteo swainsoni*) (CDFG 2010).

The latest version of the California Natural Diversity Data Base (likely CDFW 2018) must be accessed to determine the rare plant and animal species reported from the region that would then be included in the EIR/EIS so that a full impacts analysis can be completed and pertinent mitigation measures identified.

We recognize that the Air Force and EAFB have conducted extensive resource inventories throughout the base since the early 1990's, up through the spring of 2016 when desert tortoise surveys were performed. As such, there is an excellent opportunity for the status and trends of biological resources to be summarized and pertinent results documented in the EIR/EIS for the northwestern portion of EAFB where the project is proposed. In particular, given the 51% decline of tortoises in the Western Mojave Recovery Unit between 2004 and 2014 (USFWS 2017b), what are the trends in tortoise populations at EAFB? Have similar declines been noted, is the population stable, or increasing? How would the proposed project contribute to tortoise population decline or growth on the base in the context of recent trends?

With regards to desert cymopterus, which is designated as a List 1B.2 species [i.e., List 1B.2 plants are rare, threatened, or endangered in California and elsewhere; and, specifically, fairly threatened in California (moderate degree/immediacy of threat)], we understand that the USFWS was petitioned to list desert cymopterus under the Federal Endangered Species Act. Because the Air Force and Bureau of Land Management (BLM) were committed to managing for desert cymopterus and its habitat at EAFB and on public lands, respectively, in 2004 the USFWS determined that the listing was not warranted at the time. How would the various alternatives affect the Air Force's protection and management of desert cymopterus? If focal surveys for desert cymopterus have not been completed in the vicinity of the proposed alternatives, they must be performed and discussed in the EIR/EIS relative to the 2004 USFWS decision.

The proponent must indicate the relationship of this project with the latest Integrated Natural Resources Management Plan (INRMP) completed at EAFB. Did the INRMP foresee or does it facilitate solar development in the proposed areas? It is important that the next INRMP developed by the Air Force for EAFB address this and potential future renewable energy development on the base. We also ask the Air Force to list the Council as an Affected Party when the next draft INRMP is developed so that we may have input into its development.

The EIR/EIS must analyze if this new use would result in an increase of common ravens and other predators of the desert tortoise in the region. Future operations must include provisions for monitoring and managing raven predation on tortoises as a result of the proposed action. The monitoring and management plan must include reducing human subsidies for food, water, and sites for nesting, roosting, and perching to address local impacts. The responsible party must contribute to the National Fish and Wildlife Foundation's Raven Management Fund for regional and cumulative impacts. It is very important that for any of the Gen-tie options the project should use transmission towers that prevent raven nesting. For example, the tubular design with insulators on horizontal cross arms is preferable to lattice towers, which should not be used.

The Council on Environmental Quality's National Environmental Policy Act (NEPA) Guidelines (40 CFR 1506.1) state limitations on actions during the NEPA process, which includes limiting the choice of reasonable alternatives. We note that the Air Force appears to have already chosen locations for the installation and placement of solar panels and Gen-tie lines. We believe that locations of facilities must be planned using the best available environmental baseline data, which is extensive at EAFB. Therefore, the EIR/EIS, using existing baseline data and new data collected specifically for this project, must analyze why this particular location is preferred over other locations both inside and outside EAFB where fewer rare biological resources may occur.

We request that the EIR/EIS address the effects of the proposed action on global warming and the effects that global warming may have on the proposed action. For the latter, we recommend including: an analysis of habitats within the project that may provide refugia for tortoise populations; an analysis of how the proposed action would contribute to the spread and proliferation of nonnative invasive plant species; how this spread/proliferation would affect the desert tortoise and its habitats (including the frequency and size of human-caused fires); and how the proposed action may affect the likelihood of human-caused fires. We strongly urge the Air Force to develop and implement a management and monitoring plan using this analysis and other relevant data that would reduce the transport to and spread of nonnative seeds and other plant propagules within the project area and eliminate/reduce the likelihood of human-caused fires. The plan should integrate vegetation management with fire management and fire response.

When the Air Force is discussing its development of mitigation and monitoring of impacts to Agassiz's desert tortoise in the EIS, we recommend that this discussion include explicit details of the actions that the Air Force will carry out to implement its Section 7(a)(1) responsibilities under the Federal Endangered Species Act.

Finally, with regards to cumulative effects, the EIR/EIS must list and discuss all project impacts within the region including future state, federal, and private actions affecting listed species on state, federal, and private lands. In particular, we ask that the relationship between this proposed project and the Desert Renewable Energy Conservation Plan (DRECP) be analyzed, as the project area does not appear to be in a designated Development Focused Area (DFA) identified in the final Record of Decision by the BLM for the DRECP (BLM 2016).

Herein, we ask that the Desert Tortoise Council be identified as an Affected Interest for this project, and that any subsequent environmental documentation (including future INRMPs developed by the Air Force for EAFB) be provided to us for an opportunity to provide additional input.

Regards,



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

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