



California Program Office

980 Ninth Street, Suite 1730 | Sacramento, California 95814 | tel 916.313.5800
www.defenders.org



DESERT TORTOISE COUNCIL

4654 East Avenue S #257B
Palmdale, California 93552
www.deserttortoise.org

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Crimson Solar Project

Attn: Miriam Liberatore, Project Manager

Bureau of Land Management

3040 Biddle Road

Medford, OR 97504

Via email to: blm_ca_crimsonsolar@blm.gov; miberat@blm.gov

Magdalena Rodriguez, Project Manager

Inland Deserts Region

California Department of Fish and Wildlife

3602 Inland Empire Blvd Suite C-220

Ontario, CA 91764

Via email to: Magdalena.Rodriguez@wildlife.ca.gov

Dear Ms. Liberatore and Ms. Rodriguez;

Thank you for the opportunity to review and provide comments to the Bureau of Land Management (BLM) and the California Department of Fish and Wildlife (CDFW) on the Draft Environmental Impact Statement (DEIS)/Draft Environmental Impact Report (DEIR) for the proposed Crimson solar project (Crimson). This letter contains comments on the Crimson DEIS/DEIR from Defenders of Wildlife (Defenders) and the Desert Tortoise Council (Council).

Defenders has 1.8 million members and supporters in the U.S. including 279,000 in California. Defenders is dedicated to protecting all wild animals and plants in their natural communities. To this end, Defenders employs science, public education and participation, media, legislative

advocacy, litigation and proactive on-the-ground solutions to prevent the extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

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 desert tortoise 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 desert tortoises within their geographic ranges.

Defenders and the California Wilderness Coalition submitted scoping comments on Crimson on April 5, 2018, and the Council submitted scoping comments on April 20, 2018. Comments from Defenders and the Council on the Crimson DEIS/DEIR are as follows:

1. Alternatives to the Crimson project: The DEIS/DEIR includes four alternatives: Alternative A – Proposed Project, Alternative B – Proposed Project with specific Design Features to reduce surface disturbance, Alternative C – Reduced Acreage, and Alternative D – No Project.

In the introduction of the DEIS/DEIR, BLM states, *“The public is encouraged to provide information and comments about the Draft EIS/EIR/PA, including the adequacy and accuracy of proposed alternatives, analysis of respective management decisions, and new information. The BLM may select elements from each of the analyzed alternatives for the purpose of creating a management strategy that best meets the needs of the resources and values in this area under the principals of multiple use and sustained yield.”*

Comment: Defenders and the Council recommend an additional alternative be included and analyzed in the Final EIS/EIR for the Crimson Project that would avoid direct impacts to occupied habitat for the desert tortoise within two separate solar array fields in the southwestern portion of the Project. With slight modification, the project footprint and perimeter fence would avoid at least six desert tortoises encountered during protocol surveys, which are displayed on Figure 3.3-5, Appendix A of the DEIS/DEIR. This slight modification would exclude a relatively small amount of land from the project, not appreciably reduce electricity generation, and decrease direct impacts to the desert tortoise. A map of our recommended changes to the project footprint and perimeter fence location is included in map attached to this letter.

There is an additional reason or incentive to adopting our recommendation to modify the project to avoid at least six known desert tortoises encountered during protocol surveys, namely that a five-year post-translocation effectiveness monitoring program would not be required if the five or fewer subadult and adult desert tortoises were translocated from the Project. Although pre-project survey data indicate that no more than five subadult and adult desert tortoises are expected to be translocated, it is possible that more than five would be found, thus triggering the need for the five-year post-translocation effectiveness monitoring.

2. Desert Tortoise Translocation Plan: Appendix I, the Desert Tortoise Translocation Plan, proposes to translocate desert tortoises from the Project to adjacent habitat on the lower alluvial fans and bajadas of the Mule Mountains, which is called the Primary Recipient Site comprised of approximately 3,500 acres of occupied suitable habitat. The Secondary Recipient Site is the translocation area associated with the Desert Sunlight solar project, which has been designated as a solar project exclusion area by BLM.

Comment: We recommend that the Mule Mountains Recipient Site be used for desert tortoise translocation given that it is immediately adjacent to the Project and would be very similar habitat and that it would preclude the need to translocate individuals approximately 60 kilometers (37 miles) to the northwest at the Desert Sunlight Recipient Site. Studies have shown that shorter translocation distances for this species are more conducive to their survival and establishing home ranges near the release sites. Conversely, longer translocation distances have resulted in some individuals attempting to return to their home location, resulting in higher mortality due to dehydration, becoming disoriented and increased predation.

3. Compensatory Mitigation: Standard compensatory mitigation for unavoidable significant impacts resulting from the Project are included in all alternatives, and cover all sensitive habitats and sensitive/protected species. We appreciate the CDFW being a cooperating agency with BLM in development of the DEIS/DEIR, which has streamlined the compensatory mitigation needed to satisfy BLM and CDFW policies. Compensatory mitigation for unavoidable impacts to the desert tortoise and its habitat is proposed at a ratio of 1:1 for the 2,504 acre project footprint disturbance.

Comment: As in previous comments on solar projects in the Riverside East DFA/Solar Energy Zone, we have recommended that compensatory mitigation requirements be satisfied through acquisition and protective management of high quality habitat rather than through enhancement of habitat on federal land. Habitat enhancement in this arid and hot environment is extremely difficult and with uncertain outcomes, and if successful, would take an extremely long period of time measured in decades or centuries.

We also recommend that compensatory mitigation for loss of habitat occupied by the desert tortoise be at a ratio of 3:1 for the southwestern segments of the project. These project segments are shown on the map attached to this letter, which also include our recommendations for boundary adjustments. We make this recommendation based on the California Endangered Species Act (CESA) requirement that impacts to species listed as threatened or endangered under State law be fully mitigated. We do not consider the proposed 1:1 compensatory mitigation ratio as satisfying this requirement, which is the reason we recommend a 3:1 ratio for loss of occupied desert tortoise habitat. Whether our recommendation to increase the compensation ratio is implemented or not, the compensation lands should be situated within the Chuckwalla Critical Habitat Unit.

4. Project Fence Perimeter Road along Project Fence: The proposed Crimson project includes a perimeter road approximate 12 feet wide on both sides of the fencing around each solar array field to provide for fence construction and maintenance and a fire break around the facility.

Comment: We recommend that the perimeter road is located on the inside of the project perimeter fence rather than on both sides. Given the low vegetation density in the project area, the likelihood of a fire starting and advancing across the landscape is highly unlikely.

5. Conclusion: Defenders and the Council hope that BLM and CDFW adopt our comments and recommendations for the Crimson Project and use them in preparing the Final EIS/EIR. We believe they are realistic, consistent with BLM and CDFW laws, regulations and policies regarding the desert tortoise due to its listing as threatened under both the Federal Endangered Species Act and CESA. If our comments and recommendations are adopted, they will benefit the project developer for reasons stated above, result in a relatively minor reduction in electricity generation from the Project, and hopefully enhance protection of tortoises and their habitats.

Sincerely,



Jeff Aardahl
California Representative
Defenders of Wildlife
46600 Old State Highway, Unit 13
Gualala, CA 95445
jaardahl@defenders.org



Edward L. LaRue, Jr., M.S.
Chairperson, Ecosystems Advisory Committee
Desert Tortoise Council
4654 East Avenue S #257B
Palmdale, California 93552
www.deserttortoise.org
eac@deserttortoise.org

Attachment: map of recommended changes to project footprint