

# Desert Renewable Energy Conservation Plan

## Key Stakeholder Issues

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The DRECP team wanted to identify early in the planning process concerns and challenges facing the Plan. At the January 2011 Stakeholder Meeting, four breakout sessions were held to generate and prioritize a list of issues to be addressed by the DRECP planning team and REAT agencies during Plan development. Each group identified their Top 10 concerns and reported those back to the larger Stakeholder Committee.

The groups were selected based on primary common interests associated with the DRECP and included:

1. Industry and Utilities – Renewable energy companies, associations and utilities
2. Land Use – federal/state/local government entities having land use authority; landowners and land managers
3. Natural Resources – Environmental organizations, Land Trusts
4. Recreation – Outdoor recreation organizations, State Parks, OHV groups
5. Cultural – Tribal Governments and cultural resource organizations. (This breakout session did not occur due to a scheduling conflict, but development of this list is currently in process).

This table represents each group’s Top 10 list. It identifies the steps in the DRECP development process where each issue will be addressed; the deliverable associated with the identified step, and will provide summary responses from the REAT agencies.

Comment	Process Step*	Deliverable	Summarized Response
<b>NATURAL RESOURCES</b>			
1. Work with counties to address their needs to ensure their participation in the plan as applicants and ultimately as permittees.	Permit applicants should be identified as early as the Regulatory Framework Preliminary Description and prior to the NOI/NOP for the EIS/EIR process.	Preliminary Conservation Strategy & Draft Alt Conservation & Implementation Strategy; NOI/NOP	Most of the counties within the DRECP area are actively participating in the stakeholder committee planning process. The REAT agencies would welcome the counties to become full partners in the planning process with the intent of applying for state and federal incidental take permits, signing an implementing agreement and becoming permit holders. REAT agencies are working with counties to identify their key issues, concerns and needs regarding renewable energy and the DRECP. REAT agencies, working with the DRECP Stakeholder Committee, intend to design the DRECP to address these issues to the extent possible. Decisions will need to be made as soon as possible (by <a href="#">May 2011</a> ) as to whether particular counties prefer to 1) become full partners with intent of ultimately receiving state and federal permits under DRECP, 2) have the plan designed such that a county or other future applicants can choose to tier off of it in the future for a separate permit application and IA, or 3) a combination of both.

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2. The conservation goals must drive the acreage and location of covered activities.	Development of biological goals will serve as input to the Preliminary Conservation Strategy	Preliminary Conservation Strategy	The REAT agencies, working with the DRECP Stakeholder Committee, intend to develop conservation goals, with input from the Stakeholder Committee, that take into account and integrate both conservation principles for covered species and natural communities, and an RPS goal that guides size of areas needed for renewable energy development within DRECP.
3. During the interim, incentivize and direct development towards mapped areas that will not jeopardize the DRECP conservation strategy. Reject projects that do not do this.	Interim Project Review Process	Interim Process Guidance	Under the state Natural Community Conservation Planning Act (NCCPA) interim projects proposed during plan development that potentially conflict with preliminary conservation objectives in the planning agreement are reviewed by the California Department of Fish and Game and the Department recommends mitigation measures or project alternatives that would help achieve the preliminary conservation objectives. The purpose of interim review is to facilitate consultation among applicants and the Department, in consultation with the REAT agencies, to make recommendations that will assist in avoiding conflicts with the preliminary conservation objectives. Approval or denial of project applications, based on site-specific and cumulative project impacts, will occur in the course of the permitting process and will not take place during interim process review. In addition, BLM's new Instructional Memorandum (IM 2011-0061) regarding pre-application and screening of solar and wind applications for low, medium, and high conflict will be a factor in what projects receive approvals in the interim.
4. Require permanent protection of public lands, if they are relied upon for the DRECP conservation strategy. (Mechanisms exist to permanently protect private lands).	Development of conservation strategy	Draft Alternative Conservation & Implementation Strategy	Only if the United States Department of Justice waives federal title regulations can BLM acquire or accept donations of land with permanent protection/encumbrances (e.g. easements, deed restrictions, etc.). To justify a waiver, BLM must demonstrate why acquiring lands with such restrictions would be in the federal public interest. BLM does not have the legal authority to place permanent encumbrances on land administered by BLM; public land management is accomplished through land use planning which embodies an adaptive, multiple use management approach. Permanent encumbrance of public land resides with Congress.

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5. Conserve aerial habitat.	Development of covered species list and biological goals for species	Preliminary Conservation Strategy and Draft Alternative Conservation and Implementation Strategies	The REAT agencies will rely on input of the covered species working group and other sources to identify DRECP area avian and bat species, to which this comment pertains. The conservation strategy will be informed by information on the life histories and species-specific habitat needs of these taxa, including, aerial habitat.
6. Provide ongoing independent science input on more components of the plan than identified on the process flow chart.	See * on DRECP Process Flowchart	Throughout process	The process flow chart identifies numerous areas where outside scientific input will be solicited but does not preclude additional science input at other points during plan development. This chart received widespread review and incorporated stakeholder suggestions as to where science reviews should be included. As the plan progresses, the REAT agencies, with input from the Stakeholder Committee, may identify other specific areas where additional scientific input is solicited.
7. Ensure sufficient and consistent staffing from the Renewable Energy Action Team (REAT) agencies for the DRECP.			Thank you for recognizing that this is a significant workload on agency staff. The REAT agencies have placed very high priority on addressing renewable energy and are continuing to provide and, when possible, add staffing capability in spite of budget concerns.
8. Prioritize data gaps, fill them in, and use the best available data in the interim. (For example, identify the decisions that will be made using the land cover map).	Initial gap analysis included in Framework Conservation Strategy Report (On-going throughout the development process)	Framework Conservation Strategy Report and Preliminary Conservation Strategy	This is and will continue to be an ongoing process. Data gaps will be identified and discussed with the Working Groups and DRECP Stakeholder Committee throughout the development of the DRECP. The Independent Science Advisors Report on the DRECP is a major source of identified data gaps and will continue to be reviewed. An example of a data gap that is being filled to the extent financially feasible is vegetation mapping.

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9. Limit the permit term to 20 or 30 years at most.	Development of preferred strategy	HCP/NCCP Conservation & Implementation Strategy	The REAT agencies have not made a final decision on a permit timeframe. Considerations in establishing permit duration include the level of scientific uncertainty in determining impacts and conservation for the covered species and natural communities, duration of the proposed activities, sophistication of the adaptive management program, funding certainties, etc. As the planning process proceeds the agencies will consider and will discuss with stakeholders whether a 30-year permit term is appropriate given that the DRECP may address RPS goals that extend beyond 30 years. Also, if additional applicants join the planning process, they may have an opinion on permit duration. A preliminary decision on permit duration will be made by <a href="#">December 2011</a> .
10. Provide more transparency in the DRECP process. (For example, the “no regrets” map morphing into a low bio risk map).	Regular Stakeholder Meetings and website postings are opportunities to review and comment on DRECP documents and process.		The REAT agencies are committed to developing the DRECP in as transparent a process as possible and will seek to inform the stakeholder committee and secure stakeholder input throughout the DRECP process. The example given of lack of transparency was a name change the REAT agencies viewed as a minor modification to better reflect the purpose of this particular mapping product, and to minimize different interest groups’ confusion with the use of the term..
<b>LAND USE</b>			
1. If counties are not participating in the DRECP, that is a deal breaker. Issues preventing participation need to be addressed, such as, costs, staff time, resources, etc.	Permit applicants should be identified as early as the Regulatory Framework Preliminary Description and prior to the NOI/NOP for the EIS/EIR process.	Preliminary Conservation Strategy & Draft Alt Conservation & Implementation Strategy; NOI/NOP	The REAT agencies recognize that the permitting of renewable energy projects can be challenging to local government resources, as it is for State and Federal agencies.. See Response 3 below and Natural Resources Response 1.

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2. Impacts to historic and recognized existing land uses (e.g. Off Highway Vehicles [OHV], existing grazing allotments) need to be addressed.	Discussed during development of Land Use and Ownership Preliminary Description, and EIS/EIR Scoping Process	Framework Conservation Strategy & Preliminary Strategy; NOI/NOP and Scoping Report; EIS/EIR	Land use changes having an effect on the plan's conservation goals and strategies will be considered as an ongoing part of developing the DRECP. Addressing these land uses earlier, rather than later, in the planning process should strengthen the overall plan and streamline its implementation. Because the DRECP is primarily a plan to facilitate an NCCP permit, land use and recreational use conflicts will be addressed primarily in the EIS/EIR developed to analyze and inform the decision. If on BLM land, the CDCA amendment process also will address the issue of impacts to existing uses.
3. Local government and Department of Defense (DOD) are not currently part of the Planning Agreement. What does participation in DRECP require (e.g. costs, staff time, resources, processing time) and how will DRECP ensure that financial burden of implementation does not become the responsibility of the local jurisdictions? What about mutual aid agreements and operations and maintenance required for infrastructure to serve these new projects?	Development of preliminary cost and funding analysis	Draft Alt. Conservation & Implementation Strategy  HCP/NCCP Conservation & Implementation Strategy	The financial costs and benefits of plan implementation will be discussed with the Stakeholders, especially local governments, as a part of developing the preliminary cost analysis and funding options, due in <a href="#">summer 2011</a> . The CEC will implement a grant and aid program that local governments can apply for to receive assistance in the environmental review processing of renewable energy projects. Mechanisms for addressing financial burdens placed on counties, such as mutual aid agreements, will be thoroughly explored and carefully considered in selecting a preferred conservation plan in <a href="#">December 2011</a> .  Issues such as mutual aid agreements can be addressed as part of development of the overall implementation strategy and will depend on the regulatory framework ultimately selected for the DRECP, including identification of applicants. It will also depend on siting criteria and avoidance and minimization measures developed for Covered Activities.
4. For planning purposes (now), identify critical local government partners (tied to species) needed for DRECP plan to work. For example, Mojave Ground Squirrel occurs in Kern, Inyo and San Bernardino Counties, but mitigation occurs in Kern County. Current Plan boundary is too big; remove Tejon Ranch. [Side question TBD: What sub-regions are acceptable to the counties?]	Development of biological goals and objectives and preliminary conservation and implementation strategies.	Preliminary Conservation Strategy and Draft Alternative Conservation and Implementation Strategies (ongoing throughout process)	See Natural Resources Comment 1. It is recognized that neither biological resources nor renewable energy resources respect jurisdictional boundaries and that equity issues for applicants bearing the burdens and the potential benefits of the DRECP will need to be addressed as part of the conservation planning process.
5. Consider mitigation alternatives other than just land set-asides, e.g. in lieu fee or other options.	Development of preliminary conservation strategy	HCP/NCCP Conservation & Implementation Strategy	Several mitigation implementation alternatives will be considered through the DRECP, including in lieu fees, conservation on public lands, and acquisition of private lands. Alternative conservation and implementation strategies will be evaluated in <a href="#">late summer 2011</a> . A preferred alternative will be selected by <a href="#">December 2011</a> .

<b>Comment</b>	<b>Process Step*</b>	<b>Deliverable</b>	<b>Summarized Response</b>
6. Does the DRECP reduce local jurisdictions/military discretion or land use authority in any way?	Development of draft alt. conservation & implementation strategy	HCP/NCCP Conservation & Implementation Strategy  Implementing Agreement	The DRECP will not change existing land use authorities. Its implementation may require land use plan amendments by governmental entities electing to participate in plan implementation, but only within existing authorities.
7. What is the local role in implementation and on-going management and adaptive management? Local jurisdictions must be involved and maintain local control.	Development of implementation strategy and adaptive management plan	HCP/NCCP Conservation & Implementation Strategy	The local agency roles will depend on the level of participation of the local government and likely will vary by jurisdiction. In some plans, such as the Coachella Valley Multispecies Conservation Plan, local governments play a leading role in implementation. This type of approach would be the preferred model of implementation for DRECP within the plan area but the level of local government participation will be up to the local governments themselves.
8. R2508 Air Space Complex is 20,000 square miles (includes Edwards AFB, China Lake) with height restrictions. If DRECP creates a situation of having to choose between renewable energy projects and military bases, local jurisdictions will choose military bases because they bring jobs and financial resources to the area.	Development of draft alt. conservation & implementation strategy; EIS/EIR process	HCP/NCCP Conservation & Implementation Strategy; EIS/EIR	This is well understood by all participating agencies and is a key part of why the DOD is intimately involved in assisting us with plan development. This includes high priority consideration of the military obligations and restrictions for the DRECP development and assessment of potential impacts, if any, in full consultation with the DOD.
9. How do Renewable Energy Action Team (REAT) agencies intend to garner participation of other local agencies, e.g. San Diego, Imperial, Inyo and other local municipalities?	Permit applicants should be identified as early as the Regulatory Framework Preliminary Description	Preliminary Conservation Strategy & Draft Alt Conservation & Implementation Strategy	See Natural Resources Response 1 and Land Use Response 3.
10. Encourage renewable energy projects near consumption	Discussed under covered activities list and development of preferred strategy; EIS/EIR alternatives analysis process	HCP/NCCP Conservation & Implementation Strategy; EIS/EIR	It is agreed that locating projects near load areas and/or near transmission is preferred wherever significant conflicts do not occur and is encouraged by applicable state and federal policies. The preferred plan alternative, scheduled for <a href="#">December 2011</a> , likely will reflect this. Consideration of alternatives is also required by NEPA and CEQA and will be addressed in the EIS/EIR.

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<b>INDUSTRY AND UTILITIES</b>			
1. DRECP must provide streamlined permitting; limit survey requirements and provide rational and predictable mitigation.	Development of preferred conservation strategy	HCP/NCCP Conservation & Implementation Strategy	This is a fundamental purpose of DRECP in that permitting for endangered species will be simplified and made more predictable. The DRECP will not address, however, permitting requirements or project impacts unrelated to endangered species, such as air quality.
2. Create a manageable and efficient plan with a rational list of covered species.	Development of covered species list and determination of Plan Area boundary	HCP/NCCP Conservation & Implementation Strategy	A properly selected species list will simplify the planning and permit processes while providing broad conservation for the desert's natural communities. The list must reflect an integration of conservation objectives and permitting efficiency and predictability.
3. Interim Review Process (IRP) has to improve the current permitting process and not make things worse; it needs to be efficient and consistent (e.g., differing sets of maps over time should not be used).	Interim Project Review Process	Interim Process Guidance	That is the purpose of the interim process and the desire of the REAT agencies. The Interim Process is underway and a document explaining the process was be completed. See Natural Resources Response 3.
4. The regulatory framework should involve the counties and there should be a "test drive" of the process to identify endpoints and issues that could arise during the process.	Permit applicants should be identified as early as the Regulatory Framework Preliminary Description	Preliminary Conservation Strategy & Draft Alt Conservation & Implementation Strategy	See Natural Resources Response 1 A "test drive" could occur during a working session with stakeholders in conjunction with the Preliminary Conservation Strategy anticipated during the June 2011 time frame. The "test drive" could take a hypothetical sample project through the DRECP review and permitting process considering a hypothetical project going through the CEC process or through a local jurisdiction approval process.
5. There should be graduated, flexible mapping along the lines of East Contra Costa HCP; the database tool used to develop this should be accessible to all stakeholders.	Development of draft alt. conservation & implementation strategy	HCP/NCCP Conservation & Implementation Strategy	This conservation approach as well as others will be thoroughly considered as we develop alternative conservation and implementation strategies by <a href="#">late summer 2011</a> .

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6. The DRECP must address transmission lines outside of the DRECP plan area (Section 7 nexus); the California Public Utilities Commission (CPUC) and California Independent Service Operators (CAISO) must be involved.	Development of list of covered activities	Draft Alt Conservation & Implementation Strategy; EIS/EIR	Within DRECP boundaries, the Conservation Strategy will address the effects of transmission as part of the covered activities and specify mitigation for the covered species and natural communities. Effects outside of the plan area must be addressed as well, but the specific mitigation required outside of the DRECP plan area will be addressed through the appropriate environmental review process rather than as part of the DRECP. This would be a part of a Federal lead agency permitting process. Also, effects outside the DRECP are subject to consideration as cumulative impacts in the EIS/EIR.
7. The DRECP must recognize the differences between renewable technologies (e.g., wind footprint).	Development of effects analysis approach including identification of avoidance and minimization measures.	Framework Conservation Strategy and Preliminary Conservation Strategy; EIR/EIS	The effects analysis in the EIS/EIR and consideration of covered activities in the conservation strategy clearly will recognize these differences.
8. The DRECP should pool mitigation.	Development of preliminary conservation strategy	HCP/NCCP Conservation & Implementation Strategy	See Land Use Response #5.
9. The DRECP should provide for fully-protected species coverage, including avian species.	Development of covered species list & preliminary biological goals for species.	HCP/NCCP Conservation & Implementation Strategy; EIS/EIR	DRECP can cover fully protected species as species to be conserved under the plan, but cannot under state law authorize take of such species. Potential effects to fully protected species will also be addressed in the EIS/EIR. See Natural Resources Response 5.
10. The DRECP must provide assurances regarding “no surprises.”	Development of Implementation & Assurances section	HCP/NCCP Conservation & Implementation Strategy	The DRECP, once permitted, will provide no surprises assurances consistent with Federal regulations for those non federal entities that are permittees and for those actions that are not subject to section 7 consultation requirements.
<b>RECREATION</b>			
1. Conservation objectives and designated motorized access to recreation are not necessarily incompatible. DRECP should consider this point.	Development of preliminary conservation strategy	HCP/NCCP Conservation & Implementation Strategy	REAT agencies will carefully review how recreation opportunity and conservation strategy goals may be compatible in developing the DRECP

<b>Comment</b>	<b>Process Step*</b>	<b>Deliverable</b>	<b>Summarized Response</b>
2. DRECP process should consider effects to a full range of outdoor recreation activities (see list below for examples).	Development of preliminary conservation strategy	HCP/NCCP Conservation & Implementation Strategy; EIS/EIR	Thank you for helpful range of activities for consideration and evaluation as a part of the conservation plan development process. Potential impacts to the full range of recreation activities will also be addressed in the EIS/EIR.
3. DRECP should consider supporting efforts to promote adherence to designated roads.	Development of avoidance and minimization section and implementation strategy	HCP/NCCP Conservation & Implementation Strategy; EIS/EIR	This can be an important part of the DRECP conservation strategy and funding will be needed to implement the strategy. It can also arise as an environmental feature in the EIS/EIR.
4. DRECP mitigation provisions should not result in elimination or displacement of existing motor-dependent, backcountry, and recreation opportunities.	Development of preliminary conservation strategy	HCP/NCCP Conservation & Implementation Strategy; EIS/EIR	See Land Use Response 2.
5. DRECP should exclude "Off Highway Vehicle (OHV) Open Areas", as designated by Bureau of Land Management (BLM), from renewable energy development and from conservation opportunities.	Development of covered activities list and preliminary conservation strategy	HCP/NCCP Conservation & Implementation Strategy; EIS/EIR	Designated OHV Open Areas represent an important existing recreational use recognized in the California Desert Conservation Area Plan. REAT agencies will carefully evaluate the maintenance of OHV recreation opportunities in pursuing the conservation strategy goals.
6. If no displacement of motor-dependent recreation occurs, where would DRECP mitigation be located, recognizing the widespread nature of recreation opportunities?	Development of preliminary conservation strategy	HCP/NCCP Conservation & Implementation Strategy	REAT agencies will carefully evaluate the conservation strategy goals and the maintenance of recreation opportunity. If the conservation strategy determines that conservation areas need to exclude motor-dependent recreation, the BLM will address the changes in land use through their RMP amendment process.
7. DRECP cannot be a back-door tool for road closures or for eliminating or restricting motorized access to recreation.	n/a	n/a	See comments above. REAT agencies will not use the DRECP for any purposes beyond those agreed to in the plan when complete.
<b>CULTURAL</b>			

