

Electronic Mail (with Hard Copy to follow)

Karen Douglas
Commissioner
California Energy Commission
1516 9th Street, MS-31
Sacramento, CA 95814

January 22, 2015

James Kenna
State Director
Bureau of Land Management
2800 Cottage Way, Suite W-1623
Sacramento, CA 95825

Kevin Hunting
Chief Deputy Director
California Department of Fish and Wildlife
1416 9th Street, 12th Floor
Sacramento, CA 95814

Alexandra Pitts
Deputy Regional Director
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825

Re: Desert Renewable Energy Conservation Plan

Dear Commissioner Douglas, Director Kenna, Deputy Director Hunting, Deputy Regional Director Pitts:

On behalf of the California Desert Renewable Energy Working Group, we are writing to follow up on the meeting we had with you on December 16 about our joint concerns regarding the recently released Draft Desert Renewable Energy Conservation Plan (DRECP or Plan) and Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), California, 79 Fed. Reg. 57971 (September 26, 2014) and to reiterate our request that you articulate the process you will use to address these concerns.

It has been, and remains, our collective hope that the DRECP – once completed – will lead to more opportunity and certainty for renewable energy project proponents as well as for conservation efforts and that it will result in a more efficient permitting process for renewable energy projects. However, based on our individual and joint reviews of the draft DRECP to date, we have identified some common significant concerns that we believe the agencies must address in order to develop and adopt final plans that meet the needs of industry and provide for critically needed conservation better than the *status quo* permitting options. With fewer than five weeks left in the comment period for the draft DRECP, we feel very strongly that time is of the essence in identifying potential remedies for these significant shortcomings.

While we have listed a number of key issues below, it is our intent to provide you with additional joint input as part of the ongoing dialogue between your agencies and ourselves and as part of the formal public comment process.

Key Issues

We recognize that the DRECP consists of three separate, but coordinated, planning efforts—a set of BLM land use plan amendments, a Federal general conservation plan and incidental take permit issued to the California Energy Commission (and possibly other State agencies or subdivisions), and a California Natural Community Conservation Plan. We also recognize that meshing these three separate planning processes is not a simple matter.

However, as we have conveyed previously in stakeholder webinars and public meetings with agency leaders and staff, both industry and environmental stakeholders have found a pervasive lack of clarity in the draft DRECP documents that makes it very difficult to provide meaningful comments. Internal inconsistencies within the draft Plan, the absence of critical information, errors in mapping, and other key information present significant obstacles to understanding the content of the document and providing accurate and meaningful comments, even for highly experienced professionals. The extremely complex framework and confusing organization of the draft DRECP has made it exceedingly time consuming and difficult to comprehend even the most basic information necessary to understand the draft Plan (such as the baseline used for analysis and the no action alternative).

We also have significant concerns related to some of the fundamental components of the draft Plan, which are identified below. Without a clear sense of how these core issues will be addressed and how the Plan will be implemented, it is extremely challenging to provide recommendations for improving the draft Plan. Below, we have identified some of the issues that we find most challenging and requiring additional explanation, information, and opportunity for input.

- Development pathways and permitting requirements are unclear, making it impossible to determine whether the Plan would provide any financial or time savings for developers over the *status quo*, or whether it instead imposes additional costs and delays to project development.
- The legal and governing structure of the Plan is only provided at the most general level and is missing critical information about how implementation of the Plan will occur.
- The level of funding required to successfully implement the Plan, and funding sources are not clearly identified, nor is the method or rationale to allocate proportional costs to specific development projects.
- Many of the Development Focus Areas are inconsistent with regional and local land use designations. Additionally, it is unclear which lands are actually available for development within the DFAs or how non-DFA, non-reserve areas will be treated. The resulting miscalculation and lack of clarity makes it more difficult to understand whether and how the Plan will meet its stated energy goals.
- The Conservation Strategy, which is intended to meet state and federal endangered species requirements, is vague and does not appear to provide the level of conservation for covered species upon which endangered species permits may be issued.

- Conservation designations on BLM lands are not consistent and do not provide clear, measurable commitments as to either necessary durability or as to the specific contributions areas make to the conservation strategy.

We would like to discuss how these shortcomings in the draft Plan and supporting documents will be remedied as soon as possible. We appreciate that you have scheduled a workshop on January 28 to allow DRECP staff to review some of the details of the Plan and that you have agreed to schedule a follow up meeting with us the week of February 9, but given that so little time remains in the comment period, we do not believe these efforts will be sufficient to remedy our concerns.

We believe that at a minimum the agencies will need to extend the comment period while further clarity is provided through meetings or workshops. Further, the agencies will probably need to issue a supplement to the draft Plan. The workshops and/or supplemental draft should address all of the issues identified above as well as other issues raised by the public during the current comment period. While we understand this will take additional time and resources by the agencies, we believe these steps are necessary to garner the support needed for a successful DRECP from the renewable energy industry, environmental stakeholders, local and regional governments, and local citizens. We look forward to meeting with you to discuss these issues as soon as possible.

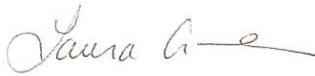
Sincerely,



Lisa Belenky
Center for Biological Diversity



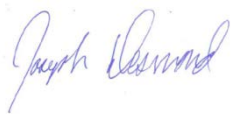
Barbara Boyle
Sierra Club



Laura Crane
The Nature Conservancy



Kim Delfino
Defenders of Wildlife



Joseph Desmond
BrightSource Energy



Pamela Pride Eaton
The Wilderness Society



Shannon Eddy
Large-scale Solar Association



Garry George
Audubon California



Jesse Gronner
Iberdrola Renewables



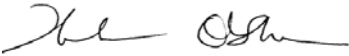
Arthur Haubensstock



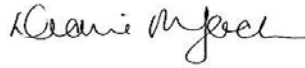
Raymond Kelly
NRG Renew, LLC



Rick Miller
EDF Renewable Energy



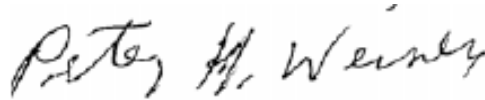
Helen O'Shea
Natural Resources Defense Council



Diane Ross-Leech
Pacific Gas and Electric Company



Thomas J. Starrs
SunPower Corporation, Systems



Peter Weiner
Paul Hastings



V. John White
Center for Energy Efficiency
and Renewable Technologies



James Woodruff
First Solar, Inc.

Cc: Elizabeth Klein
Ken Alex