

**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

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| Renewable Energy |) | Docket No. |
| Executive Order |) | 09-Renew EO-01 |

**COMMENTS OF THE
CALIFORNIA WIND ENERGY ASSOCIATION
DRAFT RECOMMENDATIONS OF THE INDEPENDENT SCIENCE ADVISORS
FOR THE DESERT RENEWABLE ENERGY CONSERVATION PLAN (DRECP)**

The California Wind Energy Association (“CalWEA”) has reviewed the August 2010 Draft *Recommendations of Independent Science Advisors for the California Desert Renewable Energy Conservation Plan (DRECP)*, prepared by the DRECP Independent Science Advisors (ISA) for the Renewable Energy Action Team. CalWEA also participated in the August 11, 2010, DRECP stakeholders’ meeting at which the ISA Lead Advisor Wayne Spencer discussed this draft report.

CalWEA appreciates the tremendous effort that went into this report in a relatively short amount of time. We believe that the report will serve as a very valuable input and guidance to the DRECP process, as the process grapples with many additional complex considerations. We particularly appreciate the report’s and Dr. Spencer’s emphasis on the need:

- for transparency in the analysis of desert ecosystems,
- to avoid simple maps that conflate many complex data layers,
- to review each data layer for its quality,
- to look more carefully at the specific conditions within each particular area rather than relying on larger, coarser resolutions,
- for more sophisticated analytic and planning tools, and
- to identify large, interconnected reserve and connectivity areas rather than focusing on one species at a time.

All of this is consistent with how CalWEA is approaching its own environmental analysis of the DRECP area to determine the degree of compatibility of wind development within the area and to help identify the areas that would be most valuable to preserve.

We request only the following limited clarifications and modifications to the report.

1. Recognize the potential compatibility of development and conservation goals in certain locations.

At the August DRECP meeting, we appreciated the response of Dr. Spencer to a question regarding the need to avoid painting all renewable technologies and projects with the same broad brush, just

as we need to do a fine-grained analysis of desert ecosystems. Dr. Spencer agreed, stating that, indeed, wind energy projects are potentially compatible in some reserve, corridor and buffer areas, and could support biological resources and wildlife movement in those areas, presuming careful siting, mitigation and monitoring. We would appreciate a statement to this effect being made in the report, as recognition of this point could facilitate the ability to identify and secure large, contiguous reserve areas while simultaneously preserving high quality wind resource areas for development. This point could be made in the overview section (1.2) as a new bullet on page 5, and within the report as a new subsection within the Reserve Design Process section (4.2) and/or in the subsections within that section.

2. **Abandon the attempt to coarsely summarize impacts by technology.** Consistent with our previous point, Table 3 -- which is largely incomplete in the draft report and therefore will not be subject to review and comment -- is at odds with the ISA's recommendation that the DRECP's scientific analysis should be done carefully and should avoid overly broad generalizations. We recommend removing it.
3. **Recognize the difference between major, long-term surface disturbance and less extensive, short-term surface disturbances that can be restored.** The report (p. 3) makes the statement that *"ecological impacts of projects that alter surficial geology should be presumed permanent, despite any good intentions or promises to decommission renewable energy projects at the end of their useful life and restore what came before... such actions can never be assumed to replicate original nature, and therefore cannot be considered full mitigation for the original impact."* (Emphasis in original.) Wind developments involve some relatively permanent surface disturbance – turbine pads and roads, etc., but also include temporary disturbances (e.g., temporary staging areas, widening of existing roads) that, depending on the geological conditions and restoration methods used at the site, can be successfully restored to recreate habitat that is suitable for the species that historically used the site. "Replicating original nature" may be an unduly high standard. We would therefore appreciate some modification of the unduly categorical language in the statement quoted.
4. **Recognize that lattice turbine towers are no longer industry practice.** On page 45, the report states, "Turbine towers can also be used for perching and nesting by raptors and thus may elevate predation levels on nearby prey species." This statement refers to lattice turbine-towers, which generally are no longer used in wind energy developments. As the report notes later on (p. 74), single pole turbine tower structures have reduced perching and nesting by birds, reducing mortality rates. We recommend, therefore, that the statement on p. 45 be removed, or that it be revised to specify that only lattice turbine towers provide perching and nesting for birds, and that the use of lattice turbine towers is not a current industry practice.
5. **Recognize condor research underway.** Regarding the California condor, the report states (p. 45) "We fear there is a high probability of condor mortalities by turbine collisions during the permit duration." The state has convened a Condor Working Group to evaluate the potential risk of wind developments to the condor. As this work is in its early stages, and conclusions about the probability of mortality cannot be made without a science-based analysis, we

recommend replacing sentence quoted with “Research is underway to determine the risk of condor mortalities from turbine collisions during the permit duration.”

6. **Recommend surveys as appropriate.** On page 45, the report discusses two rare rodents occurring within areas of high wind potential on the slopes of the southern Sierra Nevada, Tehachapi, and Transverse Ranges and states, “The rarity of these species suggests that intensive surveys should be performed to identify and avoid occupied or potential habitat areas for direct impacts of wind-farm developments (including roads, etc.). Turbines and other facilities should be designed to eliminate perching by raptors, to avoid elevated predation pressure on these nocturnal rodents, especially by owls.”

Even if intensive surveys are performed, the results are often not construed as absence of species presence. In such cases, presence may be presumed and measures taken to intensively survey the area that will be disturbed to ensure absence of presence in those areas and to minimize indirect impacts. Avoiding *potential* habitat areas (unless narrowly defined) would be unduly restrictive in wide swaths of wind resource areas. Moreover, surveys and mitigation should be informed by the regulatory status of the species.

In consideration of this, we recommend that the quoted statement be modified to read: “The rarity of these species suggests that intensive surveys should be performed in the areas to be disturbed to identify occupied areas and to avoid direct impacts and minimize indirect impacts of wind-farm developments (including roads, etc.) to those species. Turbines and other facilities should be designed to eliminate perching by raptors near these areas, to avoid elevated predation pressure on these nocturnal rodents, especially by owls.”

7. **Avoid over-generalizations.** On page 74, the report states: “Avoiding the siting of turbines in ridge saddles or other terrain features that tend to concentrate flight paths can also reduce impacts”. Such areas should be studied to determine whether, in fact, they contain concentrated flight paths. We recommend replacing the words “tend to concentrate,” with “demonstrated to concentrate.”

Sincerely,



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