California Wind Energy Association

March 22, 2018

Jerome E. Perez
California State Director
Bureau of Land Management
2800 Cottage Way, Room W-1623
Sacramento, CA 95825
Via email to BLM_CA_DRECP@blm.gov

Re: Comments on DRECP Land Use Plan Amendments

The California Wind Energy Association (CalWEA) is pleased to submit these comments in response to the February 2, 2018, Notice of Intent (NOI) to amend the California Desert Renewable Energy Conservation Plan Land Use Plan Amendments (DRECP or Plan).[1] CalWEA is a trade association that represents it members in California's policy forums, seeking to encourage and support the production of electricity through the use of wind generators. CalWEA, along with several of its member companies, was an active participant throughout the seven-year process leading up to the Plan. We submitted extensive comments in February 2015 on the draft plan, which at the time addressed both private and public land areas. These comments briefly recap and update our 2015 comments but focus on BLM lands. We address, however, only a subset of the issues raised in our 2015 comments, which we append here in full.

I. SUMMARY

CalWEA addresses two areas noted in the NOI: "potential impacts that land use designations contained in the amended [Resource Management Plans] will have on commercial-scale renewable energy projects" and "increasing opportunities for increased renewable energy development." We focus on these issues as they pertain to wind energy development.

Impacts of the DRECP on wind energy development: The DRECP largely precluded wind energy development in the DRECP area. Approximately a dozen wind energy projects were being pursued at the time that the DRECP effort was announced in late 2008; none of those projects survived the DRECP process and, to our knowledge, no wind energy applications have been filed with the BLM since the DRECP was adopted. CalWEA expects that little development activity will occur in the future because the Plan simply did not seek to preserve high quality wind resource areas for potential development.

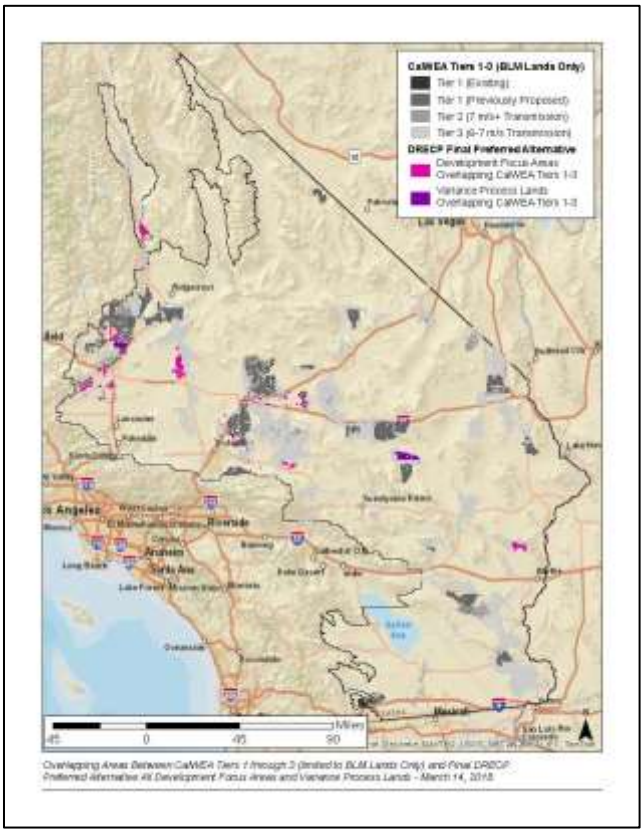
[1] Federal Register, Vol. 83, No. 23, February 2, 2018, "Notice of Intent to Amend the California Desert Conservation Area, Bakersfield, and Bishop Resource Management Plans and Prepare Associated Environmental Impact Statements or Environmental Assessments."

Only a fraction of the Development Focus Areas (DFAs) created by the DRECP contain wind resources of sufficient quality to support commercial wind projects.[2]

Indeed, approximately 96% of the high-quality wind resources on BLM land were permanently put off limits to developers as a result of the new land designations made for conservation. Only 78,779 (4%) of the 2.1 million acres of high-quality wind resource areas that were previously available for potential development on BLM land in the DRECP area remained available under the DRECP, as depicted in **Map 1**. These 78,779 acres – which comprise less than 1% of BLM land in the DRECP area – compare to 3.6 million acres (about 36% of BLM DRECP land) designated for recreational activities – of which approximately 1.5 million acres are accessible to off-highway vehicles and/or 4x4s, and almost 5 million acres (nearly 50% of all BLM DRECP land) designated for conservation.[3] The acreage accessible to OHVs/4x4s represents about 14% of all BLM DRECP land[4] – over 14 times the amount of DFA land containing high-quality wind resources.

Moreover, the designation of DFAs did not come with any assurances regarding the absence of various conflicts that could prevent development within DFAs.

Map 1. High-Quality Wind Resource Areas, DFAs and Variance Lands



In applying wind energy exclusions, the DRECP did not specifically evaluate site-specific conditions for the potential compatibility of wind energy with other DRECP objectives. The Plan did not take into consideration the fact that wind energy projects cause limited ground disturbance and are inherently flexible, allowing careful micro-siting of turbines to avoid potential impacts. This siting flexibility and small footprint makes wind energy inherently compatible with BLM's multiple-use goals, such as providing corridors for imperiled wildlife and backcountry recreation and protecting sensitive vegetation and habitat areas. Conflict was presumed, not demonstrated. As a result, the DRECP provided insufficient acreage to support even the relatively low figure of 3,070 MW of wind energy development activity contemplated in the Plan.

Increasing opportunities for wind energy development: CalWEA recommends that the BLM modify the plan to expand the DFAs to include high-quality wind resource areas (those of 6 meters/second and above) or create such DFAs that are available to wind energy development only. (Ideally, the BLM would

[2] CalWEA's references to DFAs and related acreage figures also include limited "variance" areas on BLM land in which wind energy development is not prohibited, but no permit streamlining is provided.

[3] DRECP, Proposed Land Use Plan Amendment and Final Environmental Impact Statement, Executive Summary at Table 3 (October 2015).

[4] *See ibid* at Table 3 and Table III.18-1 ("BLM Special Recreation Management Areas and Other Areas with a Recreation Emphasis Within the DRECP Area.")

conduct a detailed study of wind resources on its lands.) In addition, categorical prohibitions on wind development should be removed and development caps in Areas of Critical Environmental Concern (ACEC) should be restored to previous (still low) levels. Wind development should be enabled in these areas where compatibility is demonstrated based on current survey results and the ability to resolve conflicts with interested parties.

High-quality wind resource areas constitute 20% of total BLM land in the DRECP area. Even if all of that land were made available for exploration, only a small fraction of that area would ultimately be developed due to lack of sufficient wind resources (assessed on-site vs. modeling estimates) and unresolvable conflicts. Even if the full planning target of 3,070 MW of wind energy were achieved on BLM land, the associated lease area would represent just 1% of BLM land in the DRECP area, and the actual footprint (ground disturbance area) would represent far less than 1%, as depicted in **Map 2**. (Most of the lease area would remain available for conservation or other uses.) The lease-area figure compares, again, to the approximately 14% of BLM land in the DRECP area that is accessible to off-highway vehicles and/or 4x4s.

II. IMPACTS OF THE DRECP ON WIND ENERGY DEVELOPMENT

A. The DRECP Largely Precluded Wind Energy Development in the DRECP Area

The DRECP had a substantial, negative impact on the ability to develop wind energy projects on the 10.8 million acres of BLM land in the DRECP area that were previously potentially available for renewable energy development.[5] The wind resources available on BLM land within the DRECP area are very important to achieving California's long-term renewable energy and greenhouse-gas reduction goals because the state's best wind resources on private lands have largely already been developed. Over 95% of California's 5,600 megawatts (MW) of operating wind energy facilities was built on private land, while the strong wind resources on California's federally owned lands remain almost entirely untapped.

Moreover, because the federal government owns 75% of the land within the 22.5-million-acre DRECP area,[6] local governments have been reluctant to devote their relatively limited private lands to renewable energy development. Indeed, strong local-government opposition caused California officials and the BLM to abandon their initial plan, which covered both private and public lands.[7] Since then, several county governments have adopted zoning rules that severely restrict wind energy development. Thus, little wind energy development can be expected to occur on private lands in the DRECP area.[8]

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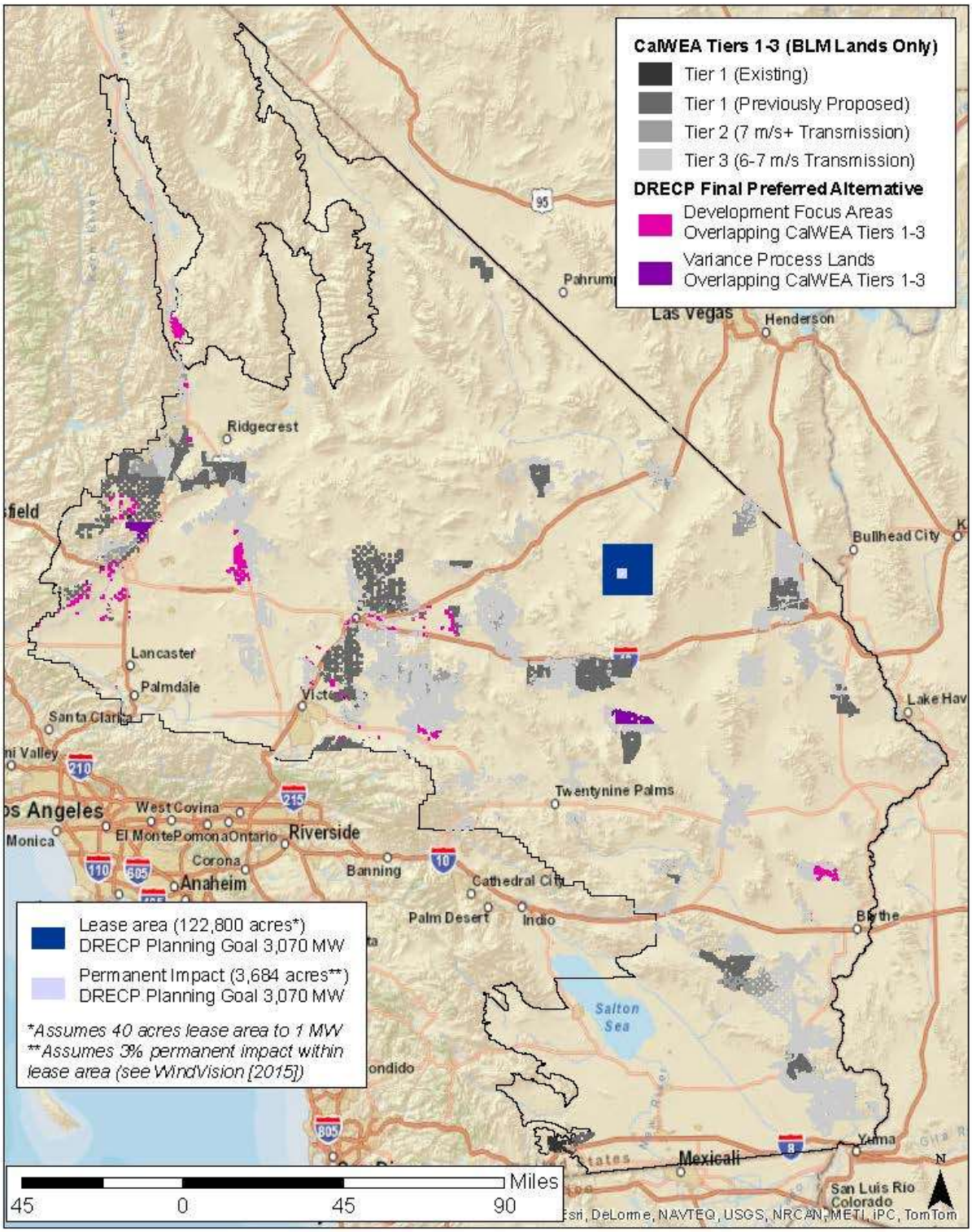
[5] Note 1 *supra* (Federal Register Notice).

[6] Draft DRECP Executive Summary, September 2014, Table 1, p. 7. For example, 80% of the land in Inyo, Riverside and San Bernardino Counties is federal land.

[7] *See* "Desert renewable energy plan is altered to win counties' support," *Los Angeles Times*, March 11, 2015. Available at: http://www.latimes.com/local/california/la-me-0311-desert-20150311-story.html. (The article quotes, e.g., Andy Horne, an Imperial County official, stating that adopting the plan would be "jumping off a cliff with something that doesn't work." The article stated that Imperial County's "big concern is that renewable energy development will displace agriculture.")

[8] In reconsidering the DRECP, the BLM should consider the restrictive decisions made by counties for their private lands since adoption of DRECP. CalWEA's understanding is that wind energy development will be severely restricted under most county plans. The Draft DRECP failed to properly analyze local land use policies and practices and incorrectly assumed that significant development would occur on private lands. *See* CalWEA's February 23, 2015, comments on the Draft DRECP at section 2.c beginning on p. 31.

Map 2. High-Quality Wind Resource Areas, DFAs and Variance Lands + Lease Area and Permanent Disturbance Impact for 3,070 MW of Wind Energy



Overlapping Areas Between CalWEA Tiers 1 through 3 (limited to BLM Lands Only) and Final DRECP Preferred Alternative All Development Focus Areas and Variance Process Lands - March 14, 2018

The DRECP preserved for potential renewable energy development only 800,000 acres (7%) of the 10.8 million acres that were previously potentially available for development on BLM land, of which 388,000 acres (4%) were designated as Development Focus Areas (DFAs).[9] These figures, however, grossly overestimate the land areas of interest to wind energy developers, as only a fraction of these areas contains wind resources of sufficient quality to support a commercial wind project. Indeed, approximately 96% of the land containing high-quality wind resources on BLM land was put off-limits to developers[10] because the DRECP's Land Use Plan Amendments permanently prohibited all renewable energy development within the BLM's conservation designations (ACECs, Wildlife Allocation areas, and newly designated National Conservation Lands which themselves strictly disallow development).[11] Only 78,779 acres of land containing high-quality wind resources remain available for exploration and potential development. This outcome is depicted in Maps 1 and 2.

These categorical prohibitions against wind energy development dramatically reduced the ability of developers to conduct exploration to identify areas that meet all of the many requisite conditions for a commercially feasible wind energy project. Together with private land restrictions on wind development, BLM's prohibitions virtually eliminate the likelihood of achieving the Plan's wind planning figure of 3,070 MW (although that figure was neither a cap nor a floor). Indeed, it is CalWEA's understanding that no applications have been filed with the BLM for wind energy exploration since the DRECP was adopted.[12]

B. The Plan Did Not Seek To, And Largely Did Not, Preserve High Quality BLM Wind Resource Areas for Further Study and Potential Development

1. Preserving high quality wind resource areas was not a priority in developing the DRECP

To support its efforts as a stakeholder-participant in the DRECP process, and because DRECP officials did not evaluate wind resources, CalWEA developed a map depicting potentially viable wind resources in the DRECP area (both public and private lands) located in reasonable proximity to existing transmission corridors.[13] This map excluded areas that would preclude wind development: physical constraints (e.g., urban areas, airports, hydrologic features) and administrative constraints (state and national parks, wilderness areas, refuges, roadless areas, and military lands). CalWEA also depicted existing projects and active wind energy developments and presented a statewide wind resource map demonstrating that most of the state's best remaining (undeveloped) wind resources are concentrated in the DRECP area.[14] The associated GIS shape files were provided to DRECP officials and stakeholders.

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[9] Note 1 *supra.* While the NOI references 800,000 acres of land potentially available for renewable energy development, CalWEA found only approximately 429,000 acres of DFAs and Variance Process Lands in the October 2016 DRECP, GIS layer titled "Major Land Allocations of the BLM Land Use Plan Amendment."

[10] CalWEA calculations based on GIS files provided by the BLM in comparison to CalWEA's Tiers 1-3 (high quality wind resource) as proposed in March 2013.

[11] *See* CalWEA's February 23, 2015, comments on the Draft DRECP (attached hereto) at footnote 108.

[12] *See, e.g.,* "Solar and wind are booming — just not in the California desert," *The Desert Sun*, May 8, 2017. (The article states: "In the eight months since the desert plan was finalized, just one solar company has filed paperwork expressing interest in building in a development zone… and [n]o wind companies have expressed interest.")

[13] Note 11 *supra* (CalWEA's February 23, 2015, comments on the Draft DRECP) at footnote 122.

[14] See, e.g., the U.S. Department of Energy's California 80-Meter Wind Resource Map, available at: https://windexchange.energy.gov/maps-data/12, and *Id.* at Map Sets A & B, p. 15-16.

While it was self-evident that the draft and final DRECP did not prioritize the preservation of these high-quality wind resource areas for exploration and potential development, it became clear in a conversation with the then-California State Director that preserving high-quality wind resource areas was not a priority in developing the plan.[15] Essentially, the DFAs were what was left over after prioritizing all other DRECP objectives. Preserving – let alone increasing – development opportunities for renewable energy was simply not a fixed objective of the planners responsible for the DRECP. Nor did DRECP officials properly evaluate, or evaluate at all, the various proposals put forward by CalWEA over the seven years that the plan was being developed.[16] Moreover, the BLM provides no assurances to developers that the DFAs will be free of conflicts, such as military or avian conflicts.

2. The Plan did not seek to preserve commercially active and other high-quality wind resource areas

CalWEA explained several times during the DRECP stakeholder process that windspeed is critical to a successful wind project, particularly because the power in the wind is a *cubic* function of the wind speed. For example, if the wind speed doubles, energy output will increase by a factor of eight. Even as wind technology improves, more energy can always be extracted from a windier site. Therefore, land areas hosting higher wind speeds are always more desirable.

Solar developers have far greater geographic flexibility to site competitive projects than do wind developers. Wind developers can potentially build a wind project only in the limited areas where high-quality wind resources exist. Therefore, as much as possible of those windy land areas must be preserved for exploration in order to allow wind developers to find sites where various other challenges can be successful addressed.

The GIS map prepared by CalWEA very clearly highlighted the wind resource areas with commercial potential (those with windspeeds of 6-7 meters/second and above) as well as existing-project areas and areas with then-active project applications. Nevertheless, the BLM planners did not seek to preserve these areas for potential development, as noted above. As a result, the DRECP (public lands only) captured just 4% of the wind resource areas of sufficient quality to be potentially commercially feasible (those with windspeeds of 6 m/s and above) and excluded <u>all</u> recently active development areas from proposed DFAs and study areas.

If the BLM had been serious about identifying areas more likely to support project development, it would have sought to preserve areas where the presence of commercial activity had already demonstrated potentially viable project sites and preserved at least a substantial portion of high-quality wind resource areas.

3. The DFAs provided insufficient acreage to achieve the identified planning figures

The DFAs on BLM land capture just 78,779 acres (4%) of the 2.1 million acres of high-quality wind resources on BLM land in the DRECP area. This area represents less than 1% of the 10.8 million acres of BLM land in the DRECP area and compares to 3.6 million acres of BLM land

[15] Telephone conversation between California State Director James Kenna and other DRECP officials, and Nancy Rader and other wind industry participants, June 11, 2016.

[16] Note 11 *supra* (CalWEA's February 23, 2015, comments) at section 3, starting at p. 40.

(36%) devoted to recreation and 4.9 million acres (almost 50%) devoted to conservation under the Plan.

As discussed in detail in CalWEA's 2015 comments on the draft DRECP, the draft DRECP at that time provided only about one-third of the acreage on public and private lands that would be needed even to reach the 3,070 MW planning figure (which was not intended to be either a floor or a ceiling)[17] – i.e., about 1,000 MW at best. The 78,779 acres of high-quality wind resource area that remains available under the BLM's DRECP would support a small fraction of that.

Siting flexibility within sufficient land area is critical given multiple possible development barriers not resolved by the DRECP, including: confirming sufficient wind resource quality;[18] addressing potential military conflicts; securing rights to land to access transmission; the suitability (or lack thereof) of geotechnical conditions for construction; and numerous exclusion areas or setback requirements. Setback requirements address various issues such as avian concerns, terrestrial environmental concerns, cultural resources, transmission lines, aqueducts, residences, streams, and other features of the land.

4. The DRECP did not evaluate site-specific conditions, and site-specific evaluation was permanently precluded

In a planning process that initially covered over 22 million acres of public and private land and extended 25 years into the future, it was not possible to understand and evaluate all of the numerous highly site-specific factors that will determine the extent to which a wind energy project at a particular site might be compatible with other DRECP objectives and general constraints. The same is true with regard to the 10.8 million acres of BLM land that was, at the time, open to wind energy exploration.[19] For this reason, CalWEA repeatedly urged DRECP officials to build substantial siting flexibility into the plan to allow developers to conduct detailed, site-specific studies to determine site compatibility with wind energy projects.

While maps and models – such as the DRECP's DataBasin information repository and related maps – may show the potential for conflict, only detailed studies and careful consideration can determine whether the conflict is real and, if real, whether the impacts can be sufficiently mitigated. Moreover, in many DRECP areas, habitat models that are, in some cases, based on occurrence data that is decades old have never been ground-truthed. To illustrate this issue, CalWEA described the experience of a proposed project in Imperial County called Golden Sun that clearly demonstrated this point.[20]

Like most other areas with high-quality winds, the DRECP categorically prohibited wind energy development in the area of the then-proposed Golden Sun project based on high-level modeling information and limited data points. This determination was made even though considerable actual ground-level investigation had already demonstrated very few, if any conflicts. Namely: the developer resolved a potential conflict with military flight paths by working with the Navy to

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[17] *Id.* (CalWEA's February 23, 2015, comments) at Section 2, generally, and p. 23-25 and Table C, specifically.

[18] Wind models are just that; wind resources must be evaluated with measurement tools on-site to confirm model predictions. Moreover, winds can vary significantly within a site.

[19] Note 1 *supra.* (Federal Register Notice.)

[20] Note 11 *supra* (CalWEA's February 23, 2015, comments) at Exhibit 2.

develop a suitable project layout; golden eagle surveys found no golden eagles or occupied golden eagle nests within a 10-mile buffer area around the project or within the project area; a survey of the Mojave desert tortoise showed a low population density; and a survey of rare plant species showed most species had limited distribution throughout the study area. Additionally, no objections had been raised by local tribes; the project did not require a new access road, and there was a relative lack of archaeological deposits.

Instead of categorically prohibiting wind energy across wide swaths of land, the BLM should instead allow developers to conduct site-specific studies pursuant to the U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines and its Eagle Conservation Plan Guidance for Land Based Wind Energy to determine site compatibility with wind energy projects.

5. The Plan did not specifically evaluate the potential compatibility of wind energy with other DRECP objectives

As CalWEA understands the internal process that went into fashioning the DRECP (which was something of a black box), wind energy was determined to be a conflict with other DRECP objectives virtually whenever models indicated the potential presence of a species of concern or a potential conflict (such as with off-highway vehicles or a wildlife corridor) in the area. Conflict was *presumed* and little, if any, consideration was given to the unique ability of wind projects to carefully micro-site turbines to avoid conflicts.[21] (Again, the Golden Sun example, above, is instructive.) Moreover, little scientific information was (and is) available regarding wind energy impacts in the desert, and the limited available information that was favorable to wind energy was ignored. Thus, the categorical exclusion of wind energy from vast public land areas was arbitrary and not supported by scientific evidence.

a. Wind projects cause limited ground disturbance and are inherently flexible, allowing careful micro-siting

Because the wind resource is above ground, wind projects generally disturb a very limited portion of the land within the project area, i.e., approximately 3% of the project boundary area.[22] Thus, wind turbine siting is very flexible such that turbines can be placed to avoid potential impacts, such as sensitive vegetation, habitat areas, military use, and OHV use. For this reason, wind energy is inherently more compatible with BLM's multiple use goals. In the words of the chair of the first Independent Science Advisory panel to the DRECP:

> [O]bviously, the siting is extremely different between the different technologies. And for example, wind development may be one of those things that is compatible either in reserve areas or in buffer areas…They are compatible with a lot of biological resources …[W]ind turbines might be okay in, for example, linkage areas because they are not cutting off wildlife movement, depending on the specifics of fencing and lighting and all these other things that could influence animal movements.[23]

Unfortunately, no such consideration was made, or analysis conducted, as the Plan was being developed.

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[21] For further discussion, see Note 11 *supra* (CalWEA's February 23, 2015, comments) at section 2.d, starting a p. 35.

[22] U.S. Department of Energy, Wind Vision: A New Era for Wind Energy in the United States (2015), at p. 87.

[23] Dr. Wayne Spencer, DRECP Stakeholder Committee Meeting, August 2010.

b. Little scientific information is available regarding wind energy impacts in the desert, and available favorable information was ignored

Other than limited vegetative mapping that was performed for the DRECP, no new terrestrial data was gathered, nor was research into wind energy's compatibility with terrestrial or avian concerns over millions of acres conducted. Very little scientific research has been conducted regarding wind project impacts in a desert environment. The limited research that was available with regard to the desert tortoise was favorable,[24] yet was not cited in the DRECP.[25] Therefore, limiting wind energy development to DFAs and the categorical exclusion of wind energy from vast public land areas was not supported by scientific evidence.[26]

Moreover, the Plan provides no streamlining in DFAs with regard to the ability to obtain take permits under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. Intensive site-specific studies would still be necessary to determine the presence of avian species and potential impacts, and the ability to obtain a take permit is not assured. Therefore, there is no reason to distinguish between DFAs and non-DFA land when it comes to avian impacts.

c. Conflict was presumed, not demonstrated

Despite CalWEA's consistent calls for an evaluation of the potential compatibility of wind energy in reserve, corridor, buffer and other conservation areas, no such analysis was ever conducted or even discussed in the stakeholder process. Instead, conflict was presumed as wind development was widely prohibited across the plan area, and rigid National Conservation Land designations were made without regard for preserving limited, high-quality wind resource areas for further study and potential development.

Contrary to that presumption, intact areas within wind project boundaries can support viable populations of many sensitive taxa, as well as wildlife movement, presuming careful siting, mitigation and monitoring.[27] Indeed, wind projects can protect the project area from other types of disturbance that affect sensitive species, as has been shown with the desert tortoise.[28] Compared to many other types of energy development, wind energy offers considerably lesser species impacts,[29] and positive population growth is possible for sensitive species in project areas. Again, this compatibility stems from wind energy's small ground-disturbance footprint and the ability to carefully micro-site turbines. The co-location of wind energy projects in reserve design areas could actually facilitate the ability to identify and secure large, contiguous reserve areas while simultaneously preserving high quality wind resource areas for development.

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[24] Note 11 *supra* (CalWEA's February 23, 2015, comments) at footnote 143.

[25] *Id.* (CalWEA's February 23, 2015, comments) at page 49.

[26] For further discussion, see *id.* at p.50-51.

[27] *See, e.g.,* CalWEA comment letter on Notice of Intent and Notice of Preparation for Joint Environmental Impact Statement / Environmental Impact Report for the Desert Renewable Energy Conservation Plan, September 12, 2011, p. 4.

[28] Note 11 *supra* (CalWEA's February 23, 2015, comments) at footnote 143.

[29] *See*, e.g., Newman, J., E. Zillioux, C. Newman, C. Denny, P. Colverson, K. Hill, W. Warren-Hicks, and S. Marynowski. 2009. Comparison of Reported Effects and Risks to Vertebrate Wildlife from Six Electricity Generation Types in the New York / New England Region. New York State Energy Research and Development Authority (NYSERDA), 17 Columbia Circle, Albany, New York, 12203.

Further, it is not clear that all of the land on which wind energy development is proposed to be prohibited are priority conservation areas. Only 20% of the BLM LUPA conservation designations were included in the Plan-Wide Conservation Priority Area.[30] This 20% area includes less than half of CalWEA's high-quality resource wind areas.[31] Thus it is far from clear why wind energy, with its limited disturbance footprint and ability to carefully micro-site turbines, was prohibited from 80% of LUPA areas, without benefit of site-specific analysis. Even with regard to the Conservation Priority Areas, the Plan did not study wind energy projects for potential compatibility with the various conservation goals being addressed, particularly in wildlife corridor and buffer areas.

Had a proper evaluation been done, it is reasonable to expect that wind energy would be found to have fewer wildlife and habitat impacts than other types of development, and that such impacts could be sufficiently low to justify wind development in broader areas.

d. Compatibility may be made possible by future technological advancements

Allowing siting flexibility over the long-term is also warranted given possible technological advancements that could reduce or eliminate conflicts and given future research that could fill present knowledge gaps concerning the compatibility of wind projects with avian and terrestrial species.[32]

Eagle and California condor impacts have been the primary concern in the permitting of over 2,000 MW of wind projects in the DRECP (Tehachapi-Kern County) area since 2010. However, one example of a technological advancement reducing conflicts between wind and condors was developed within the timeframe that it took to develop the Plan. Specifically, a wind project developer devised a technological means of substantially reducing condor risk and, in 2013, the USFWS issued the first-ever incidental take permit for the California condor. Several technology companies are pursuing bird detection and deterrence systems that are already showing promise in reducing avian fatalities. Implementing these types of effective mitigation measures could reduce the general level of conflicts with avian species and enable development at sites that might otherwise have prohibitive conflict levels.[33] It is reasonable to expect that, even in the early years of the Draft Plan's 2040 timeframe, technologies will become available and affordable that can significantly reduce, if not eliminate, the risk of condor, eagle and other avian fatalities.

III. INCREASING OPPORTUNITIES FOR WIND ENERGY DEVELOPMENT

Most of the existing BLM DFA land is not suitable for wind energy, although it may be suitable for solar or geothermal development. CalWEA recommends that the BLM expand the DFAs to include all high-quality wind resource areas (6 meters/second and above, as indicated in Maps 1 and 2) or create such DFAs that are specific to wind energy resources only.[34] In addition, categorical prohibitions on wind

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[30] CalWEA GIS analysis. *See* note 11 *supra* (CalWEA's February 23, 2015, comments) at Exhibit 1.

[31] *Ibid.*

[32] For further discussion, see note 11 *supra* (CalWEA's February 23, 2015, comments) at section 2.e beginning on p. 39.

[33] *Renewable and Sustainable Energy Reviews*, "Mitigating wind-turbine induced avian mortality: Sensory, aerodynamic and cognitive constraints and options," Volume 42, February 2015, Pages 170-181.

[34] CalWEA supplied the BLM with a high-level assessment of commercial-grade wind resources on BLM land based on wind speeds, which could be used for this purpose. In order assure that areas designated for wind energy are actually viable for wind energy, the BLM would ideally commission or otherwise obtain a wind *power* analysis that generates a meso-map of wind …

development should be removed. Wind development should be allowed in these areas where compatibility is demonstrated based on actual, current survey data and where conflicts are resolved.[35]

This proposed approach is consistent with the USFWS's 2012 Wind Energy Guidelines, which are correctly premised on the need for flexibility and site-specific study. This approach best takes into account the realities of wind project development while protecting lands, wildlife, natural resources and other land uses.

A. High Quality Wind Resource Areas Constitute a Relatively Small Fraction of Total BLM Land in the DRECP Area

High quality wind resource areas constitute about 21% of total BLM land in the DRECP area (2.1 million acres), and only a small fraction of that will ultimately be developed. Even if the full DRECP planning target of 3,070 MW of wind energy were achieved on BLM land, the associated lease area would represent just 122,800 acres, or 1% of BLM land in the DRECP area, and the actual footprint (ground disturbance area) would represent just 3,684 acres – far less than 1%, as depicted in Map 2. Again, these figures compare to 50% of BLM land that was designated for conservation and 36% of land designated for recreation – of which approximately 1.5 million acres are accessible to off-highway vehicles and/or 4x4s. The acreage accessible to OHVs/4x4s represents about 14% of all BLM DRECP land[36] – over 14 times the lease area that would be associated with 3,070 MW of wind energy.

B. Access to a Greater Exploration Area Is Necessary to Enable Achievement of the DRECP's Wind Planning Target

As discussed in sections II.A and II.B.3, above, the DRECP provided only about one-third of the acreage that is likely to be needed to reach the DRECP's 3,070 MW planning figure for wind energy (although this was not intended to be a cap on development). Providing siting flexibility within high-quality wind resource areas is necessary to enable developers to navigate numerous siting conflicts that the BLM has not resolved, and to foster development that is compatible with other DRECP goals.

C. The Limited Footprint of Wind Energy Projects, and On-Site Studies, Justifies Wind-Specific DFAs

As discussed in sections II.B.4 and II.B.5 above, wind energy projects are uniquely able to avoid potential impacts within a lease area due to the very limited ground-disturbance footprint associated with wind projects and the flexibility to carefully site wind turbines. That, as well as site-specific survey requirements to determine compatibility with terrestrial and avian species, justifies an expansion of DFAs, or the creation of wind-specific DFAs.

Within wind-DFAs, under CalWEA's proposal, wind project permit streamlining would be subject to studies to determine the compatibility of wind energy with other DRECP objectives. Studies should be

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energy potential at 80-100 meters above ground level. Such an analysis could be conducted under the BLM's Assessment, Inventory, and Monitoring (AIM) Strategy, which provides a framework for the BLM to quantitatively assess the condition, trend, amount, location, and spatial pattern of natural resources on the nation's public lands. The wind power analysis should be conducted by an experienced independent consulting firm with extensive experience in this region, with industry input.

[35] Compatibility with military operations should be determined after site-specific review of projects by the Department of Defense (DoD) Siting Clearinghouse via Section 358 of Public Law 111-383 as well as the FAA Obstruction Evaluation/Airport Airspace Analysis.

[36] Note 4 *supra.*

conducted pursuant to the USFWS' Land-Based Wind Energy Guidelines and its Eagle Conservation Plan Guidance for Land Based Wind Energy. Permit approvals would be subject to resolving any conflicts, whether military, ACEC, OHV or other.

CalWEA's proposal is responsive to the current lack of scientific studies and literature on the compatibility of wind projects with species of concern in each particular ACEC area, and the lack of information generally on a site-specific basis. Results of site-specific studies, and potentially related research, would inform adaptive management of the Plan. Removing wind energy prohibitions also enables additional flexibility that may come from technology advancements relating to impact avoidance, as discussed above.

D. Numerous Changes Would Be Required for the Wind-DFA Areas

Increasing opportunities for wind energy in the DRECP to enable the achievement of the DRECP's wind planning target would require several changes to DRECP amendments that were made to the California Desert Conservation Area, Bishop, and Bakersfield Land Use Plans. However, these changes would need to apply only to the limited high-quality wind resource areas reflected in Maps 1 and 2 above, which would be designated as wind-DFAs.

Specifically, the BLM would need to remove categorical prohibitions on wind energy, remove National Landscape Conservation System classifications in these areas, restore ACEC disturbance caps to previous levels, and review and amend visual management classifications as necessary to enable consideration of wind energy projects.

Regarding ACECs, prior to the DRECP, ACECs enabled wind developments that proved to be consistent with the management prescriptions for each individual ACEC, with mitigation of any site-specific resource conflicts and impacts. In addition, most ACECs contained a disturbance cap limiting the total surface disturbance from all types of development. Even very low disturbance caps, such as 1% of a total ACEC area, would be enough to accommodate significant wind development, given the very limited ground-disturbance impact of wind energy projects.[37] However, the DRECP significantly lowered the disturbance caps in many ACECs, and non-ACEC lands added to the National Landscape Conservation System contained no specific management prescriptions or disturbance caps. These restrictions must be revisited to enable wind energy development.

[37] Typically, at least 40 acres per MW (0.025 MW/acre) must be leased in order to preserve the wind resource supplying a project's wind turbines, and generally only 2%-5% of that area is physically disturbed. See, e.g., *20% Wind by 2030; Increasing Wind Energy's Contribution to U.S. Electric* Supply, U.S. DOE (May 2008) at p. 110 (available at http://www.20percentwind.org/20percent_wind_energy_report_05-11-08_wk.pdf).

IV. CONCLUSION

CalWEA appreciates this opportunity to revisit the DRECP's unreasonable exclusion of wind energy development on BLM lands. We encourage the BLM to include the expansion of DFAs for potential wind energy development as in-scope for the reassessment of this plan, to be addressed in plan amendments. We look forward to working collaboratively with the BLM and others to address these issues.

Sincerely,

Nancy Rader
Executive Director
nrader@calwea.org
(510) 845-5077 x1

Attachment: CalWEA's 2015 Comments on the proposed DRECP, including Exhibits

Attachment:

CalWEA Comment Letter on Draft DRECP and EIR-EIS
(February 23, 2015)