



California Office

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May 20, 2010

Greg Thomsen
Bureau of Land Management
California Desert District Office
22835 Calle San Juan de Los Lagos
Moreno Valley, CA 92553
Via email to LucerneSolar@blm.gov

Re: Comments on the Draft Environmental Impact Statement for the Proposed Chevron Energy Solutions Lucerne Valley Solar Project and Draft California Desert Conservation Area Plan Amendment, 75 Fed. Reg. 6057 (Feb. 5, 2010)

Dear Mr. Thomsen:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the proposed Chevron Energy Solutions Lucerne Valley Solar project. These comments are submitted on behalf of Defenders of Wildlife (Defenders), a non-profit public interest conservation organization with more than 1,000,000 members and supporters nationally, 200,000 of whom reside in California.

Defenders is dedicated to protecting all wild animals and plants in their natural communities. To this end, we employ science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions in order to impede the accelerating rate of extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

Defenders strongly supports the emission reduction goals found in the Global Warming Solutions Act of 2006, AB 32, including the development of renewable energy in California. We also recognize that to succeed in meeting State and Federal mandates for generation and utilization of renewable energy, some priority projects will be located on public lands managed by the Bureau of Land Management (BLM). We urge that in seeking to meet our renewable energy portfolio standard in California, project proponents locate and design their projects in the most sustainable manner possible. Thus, renewable energy projects should be placed in the least environmentally harmful locations, near existing transmission lines and on or adjacent to already disturbed lands including idle agricultural fields, industrial sites, previous mining sites and lands with little or no long-term potential for sustaining healthy biological resources. Based on our review of the project site and the DEIS, we believe this project meets many of these "sustainability" criteria.

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Proposed Project Description¹

Chevron Energy Solutions applied to the Bureau of Land Management (BLM) for a right-of-way on public lands to construct a solar photovoltaic power plant facility on approximately 516-acres of BLM managed land eight miles east of the community of Lucerne Valley. When completed the facility will generate 45 megawatts of electricity. The project proponent appears to have identified a site with excellent solar resources, close to existing transmission and other infrastructure, and with limited biological conflicts. Chevron should be commended for their efforts in working closely the BLM staff in identifying this “sustainable” site for their proposed project.

Comments on the Proposed Project and Draft Environmental Impact Statement (DEIS)

Based on our field inspection of the proposed project site, an in-depth knowledge of the California Desert Conservation Area Plan, as amended, and review of the DEIS, we considers Alternative 3 (Proposed Action) or Alternative 4 (Modified Site Layout) appropriate. Either of these alternatives would result in an environmentally acceptable and sustainable project that generates electrical power using solar energy, and would contribute to the State and Federal mandates for generation and utilization renewable energy.

The proposed project is located on a relatively small and isolated parcel of public land surrounded on three sides by private land. Paved Highway 247 and an existing SCE transmission line is very near the proposed project area. We noticed that public lands within the project boundary east of the Santa Fe Fire Road have been mechanically altered in several areas, probably associated with former mining claim assessment work.

With regard to species and habitat, the proposed project site supports a natural plant and animal community comprised largely of common species of plants animals, with a relatively low number of BLM sensitive or special status species. The threatened Desert Tortoise occurs in the area in low densities, and one Desert Tortoise was observed within the extreme southeastern corner of the proposed project area, and a few Desert Tortoises were observed in this same general area but outside the project boundary within the surveyed buffer zone. We do not consider this an insurmountable issue for the project developer. It is essential, however, that the BLM consult with the U.S. Fish and Wildlife Service pursuant to section 7 of the Endangered Species Act, 16 U.S.C. § 1536(a)(2), and if necessary obtain an incidental take permit. Avoidance of Desert Tortoises in this area by a slight modification of the project layout may prove advantageous because it may preclude the need for their relocation or translocation.

In addition to the slight modification to avoid direct impact to the Desert Tortoise, the modified layout described in Alternative 4 may be advantageous to the project proponent as a means of reducing dust accumulation on PV panels generated from vehicles using the Santa Fe Fire Road, and also in providing a visual screen of natural vegetation around the perimeter of the project. We urge BLM to perform a site specific needs-analysis before determining whether or not a realignment of the Zircon trail is warranted.

¹ The proposed action by BLM includes an amendment to the California Desert Conservation Area Plan (CDCA) that would designate the proposed site as suitable for solar energy generation.

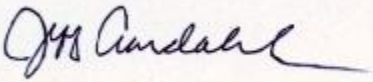
Though we are supportive of this project, we are concerned about the DEIS' purpose and need and alternatives analysis pursuant to the National Environmental Policy Act (NEPA). ~~See~~ 40 C.F.R. § 1502.13; 40 C.F.R. § 1502.14. To ensure reasoned decision-making and expedited project permitting, we ask that the BLM provide a broader purpose and need statement, and determine whether or not the alternatives presented and analyzed in the DEIS constitute a reasonable range of alternatives that satisfies applicable legal requirements.

Instead of the current purpose and need statement focusing on the BLM responding to a right of way application under Title V of the Federal Land Policy and Management Act, we would recommend that the purpose and need statement focus on the need to generate and greater amounts of electrical energy from renewable energy sources so that dependency on carbon-based fuels is reduced, and to contribute to the requirement to generate certain minimum amounts of renewable energy to comply with State and federal standards.

In addition, considering the relatively small size of the proposed project (516 acres) and the relatively large amount of potentially suitable and available private and public lands necessary to support the project, we recommend that the BLM re-examine its decision to categorically determine that private land alternatives are categorically unreasonable for BLM to consider and analyze. Instead, we would recommend that the BLM examine a private lands alternative.

Thank you for considering our comments. If you have any questions, please contact me at (916) 313-5800 x110 or via email at jaardahl@defenders.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Aardahl", written over a light-colored rectangular background.

Jeff Aardahl
California Representative