



Hyun, Karen <karen_hyun@ios.doi.gov>

wall street journal article

Peter Umhofer <pumhofer@e2strategic.com>
To: karen_hyun@ios.doi.gov

Fri, Jul 22, 2016 at 3:17 PM

7/22/16 Wall Street Journal

BUSINESS: Pumped Up: Renewables Growth Revives Old Energy-Storage Method
Moving water uphill lets producers of solar and wind power bank energy for use when it is needed most

By Rebecca Smith

Forget about [Tesla Motors Inc. TSLA0.76 %](#) 's batteries: The hottest way to store energy in the electricity business today is a century-old technology that involves moving water to stash power.

Known as pumped storage, the giant facilities push large volumes of water uphill when there is surplus electricity, and then let gravity move it back down through turbines to generate hydroelectric power when extra kilowatts are needed. Newer technologies for energy storage—including batteries, flywheels, compressed air and ice—are under development, but the proven, old-school solution of storing water as a proxy for power is attracting renewed respect from utilities and environmentalists aiming to fight climate change. It helps solve a big problem as power companies invest in renewable energy, which doesn't always produce electricity when it is most needed.

California, for example, set a record for solar-power production in early July. But peak demand for electricity comes in the early evening, long after solar production has peaked. Pumped storage gives producers a way to bank energy for future use.

"We're seeing just a huge resurgence of interest," says Jeff Leahey, deputy director of the National Hydropower Association.

Renewable-energy sources produced 10% of the nation's power last year, and are growing so fast that they are now expected to overtake nuclear energy by 2021 and coal by 2030, according to the Energy Information Administration. Even at existing levels, excess renewable output is disrupting electricity markets, flooding the wires with power during certain times of day and sending wholesale power prices plunging.

When [PG&E Corp. PCG 1.09 %](#) and environmentalists brokered a deal last month to shut down the Diablo Canyon nuclear plant by 2025, green activists weren't just looking to close California's last remaining nuclear facility and replace it with renewable energy. They also wanted the nuclear plant's pumped-storage "battery pack" to be even more available for green energy.

Known as the [Helms Pumped Storage Plant](#), the facility built in 1985 consists of two reservoirs linked to a 1,200-megawatt hydroelectric powerhouse in the Sierra Nevada mountains.

"I don't think people know what a big deal pumped storage is," says S. David Freeman, a former general manager of the Los Angeles Department of Water and Power who is a senior adviser to Friends of the Earth, one of the environmental groups involved in the deal. "It's by no means a futuristic thing. It's been around for decades

Helms is one of 42 pumped storage plants in the U.S. Combined, they have a capacity of 23,000 megawatts, equal to about 20 reactors, according to the Energy Department. That may nearly double in coming years: Proposals to add 18,000 megawatts of pumped-storage capacity are currently before the Federal Energy Regulatory Commission. Pumped-storage facilities are expensive to build. Still, they remain the cheapest form of large-scale electricity storage according to the Energy Department, which estimates they make up about 99% of such storage world-wide.

On the surface, pumped storage makes no sense—there is a net loss of energy from moving water uphill and then generating power. It often takes five units of electricity to pump water that makes four units of power.

But for decades, pumped storage was a cost-effective way to store surplus energy from nuclear plants—which produce the same amount of electricity at all times of day—and convert it into electricity for peak demand during the day.

Now it is increasingly being used to even out peaks and valleys of renewable production. And unlike fossil-fuel or nuclear plants—which often take hours or even days to reach full output from a dead stop—hydroelectric plants hit peak production in minutes, a big asset to grid operators trying to keep electric systems running smoothly.

[CMS Energy Corp. CMS 0.93 %](#), a Michigan-based utility, now sees its Ludington, Mich., pumped-storage facility on Lake Michigan as "truly, the crown jewel of power plants here," says plant manager Bill Schoenlein.

Built in the early 1970s as a sidekick to coal and nuclear plants, it is midway through an \$800 million upgrade to boost production. It is helping integrate 14,000 megawatts of wind capacity into the electric grid from 15 states.

Among the new pumped-storage projects is [Eagle Crest](#), a proposed facility east of Palm Springs, Calif., that would use abandoned mining pits as reservoirs to hold water pulled from arsenic-laced aquifers. It was licensed by federal regulators in 2014 and is currently seeking financing and customers.

Steve Lowe, president of Eagle Crest Energy Co., estimates he needs six years and \$2 billion to get it built. He hopes it will serve as the battery pack for nearby wind turbines whose production peaks at night. [NextEra Energy Inc.](#) [NEE](#) 1.23 % of Juno Beach, Fla., the biggest owner of renewable generation in the U.S., is a minority investor.

A new role for pumped storage is winning it new allies. The Natural Resources Defense Council was created in 1970 to fight a pumped-storage proposal in New York.

"Our views, over time, have become somewhat more nuanced," says Ralph Cavanagh, co-director of NRDC's energy program. "We still don't want it at a place of breathtaking beauty like overlooking the Hudson River, but we're open to it at other sites, particularly ones that are already degraded."



Hyun, Karen <karen_hyun@ios.doi.gov>


eagle crest letter to depsec

Hyun, Karen <karen_hyun@ios.doi.gov>

Wed, Oct 21, 2015 at 6:29 PM

To: Michael Bean <michael_bean@ios.doi.gov>, Edward Boling <ted.boling@sol.doi.gov>, Terri Johnson <terri_johnson@ios.doi.gov>

Attached.

 **ece ltr to doi 102115.pdf**
151K

3000 Ocean Park Blvd. Suite 1020
Santa Monica, CA 90405
Tel: (310) 450-9090
Fax: (310) 450-9494
www.EagleCrestEnergy.com



Eagle Crest
Energy Company

October 21, 2015

The Honorable Michael Connor
Deputy Secretary
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Re: Meeting Request of Eagle Crest Energy

Dear Deputy Secretary Connor:

I am writing to request a meeting with you regarding the Eagle Crest Energy (ECE) hydroelectric pumped storage project in Desert Center, California. The project would provide 1,300 megawatts of clean electricity, act as storage for solar and wind power generated nearby at off peak times, and help meet national and state renewable energy goals. ECE has been engaged with National Park Service (NPS) and the Bureau of Land Management (BLM) on various aspects of the project but progress has stalled with the bureaus.

There are several agency actions that require departmental attention and approval including:

- Since February, ECE has worked to conclude an agreement with NPS but after seven months, there has been minimal progress towards conclusion.
- BLM's notice of intent to commence the environmental review of the transmission and pipeline right-of-way has been under more than two months of review at the Department. The notice needs to be published in the Federal Register this month.
- NPS is conducting a boundary study for Joshua Tree National Park (JOTR) and the potential for certain lands adjacent to the project to become part of the park. The ECE project should be correctly described and handled in compliance with the Federal Power Act during this process.
- The segregation and withdrawal process of certain BLM lands near JOTR and the project has been proposed and we understand there is a Federal Register notice ready regarding the segregation. ECE is concerned the process will cause more delays.

ECE is prepared to: transfer all non-project land to JOTR, commit that no extractive mining will occur at the site, establish a mitigation trust fund, and agree to additional mitigation enhancements along with the FERC required mitigation measures. We remain concerned with the continued delay to reach agreement with NPS and to initiate the BLM permitting process for what has been described as a “win-win” for the Administration’s renewable energy and conservation goals.

Thank you for your attention to this matter and I look forward to meeting with you this month.

Sincerely,



Steve Lowe

- Cc: Elizabeth Klein
Michael Bean
Karen Hyun
James Lyons
Neil Kornze
Linda Lance
Jon Jarvis
Jack Haugrud
Ted Boling




Hyun, Karen <karen_hyun@ios.doi.gov>

letter

Peter Umhofer <pumhofer@e2strategic.com>
To: karen_hyun@ios.doi.gov

Wed, Oct 21, 2015 at 6:23 PM

Attached is a letter from eagle crest energy to doi for your review.

 **ece ltr to doi 102115.pdf**
151K

3000 Ocean Park Blvd. Suite 1020
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Hyun, Karen <karen_hyun@ios.doi.gov>

status

Peter Umhofer <pumhofer@e2strategic.com>
To: karen_hyun@ios.doi.gov

Wed, Oct 21, 2015 at 11:49 AM

Here are the most recent e-mails below regarding the ECE project and MOU.

From Goodyear, Barbara (barbara.goodyear@sol.doi.gov) Sent: Fri 10/16/2015 8:01 PM

To: Rebecca Watson

Cc: Boling, Edward; Peter Umhofer (pumhofer@e2strategic.com)

Subject: Red: status

Hi Rebecca,

David's statement was broader than that. He did mention that NPS and ECE have been meeting and trying to reach resolution about the NPS's concerns and that he was hoping that an agreement could be reached rather than litigating.

Barbara

On Fri, Oct 16, 2015 at 3:20 PM, Rebecca Watson <RWatson@wsmtlaw.com> wrote:

Dear Ted- Eagle Crest Energy remains optimistic that we can reach an agreement in a timely manner although the last NPS redraft was very far off the mark. Our subsequent conversation with you restored our optimism that an agreement could be reached, but this continued delay for your next revision and this news of David Smith's statement on appeal is not helpful. Given our discussions and the VERY generous offer by Eagle Crest on the table I think it is disappointing and not in the spirit of our discussions to have Smith make that statement without mentioning that NPS and Eagle Crest are working hard to address the NPS concerns. Without such a statement you leave your partner in these discussions Eagle Crest looking uncooperative when they are anything but that. I would prefer David say nothing than to state NPS is considering an appeal. In my opinion it serves NO positive purpose for the Park.

Sent from my iPhone

On Oct 16, 2015, at 3:10 PM, Boling, Edward <ted.boling@sol.doi.gov> wrote:

Rebecca,

I expect that NPS (Superintendent Smith) will be quoted in the press as indicating that the Park remains concerned about the Eagle Crest Project and is considering its options for appeal of the FERC denial of our rehearing request. I'm writing to tell you that we will be briefing the Director next week. Until we receive his direction, I am proceeding on the assumption that we can get an agreement concluded before the timeframe for appeal of the FERC decision. Please let me know if your clients regard the potential for agreement otherwise.

Regards,

Ted Boling

Deputy Solicitor -- Parks & Wildlife

U.S Department of the Interior

1849 C Street NW

Washington, DC 20240

202-208-4423 (main)

202-208-3125 (direct)

202-208-5584 (fax)

Ted.Boling@sol.doi.gov

On Wed, Oct 14, 2015 at 10:40 PM, Rebecca Watson <RWatson@wsmtlaw.com> wrote:

Dear Ted - thanks for this late hour update. Just a little concerned with the delays due to repeated circling back with the Park and Region. My understanding is that there is a recognition at higher levels of Interior (and WH) that this agreement provides a win win for the administration's clean energy agenda and conservation of land important to NPS. The Park and Region's interests are understandably parochial. I am certain that in your position at the Department you have a bigger picture understanding of the value of this agreement to this administration's clean energy policies. There is a time for local input and then there is a time for Department policy makers to make the decision and get the deal done. We are at that point in my opinion. Regards, Rebecca

Rebecca W. Watson, Colorado

On Oct 14, 2015, at 8:15 PM, Boling, Edward <ted.boling@sol.doi.gov> wrote:

Rebecca - It's a little late to call, but I can report that Barbara is going to get me her drafting tomorrow and I'll go over it with NPS leadership when it comes in. I'll be with the Deputy Director all day tomorrow and will loop in the Director when it's ready.

Regards,

Ted Boling
Deputy Solicitor -- Parks & Wildlife
U.S Department of the Interior
1849 C Street NW
Washington, DC 20240
202-208-4423 (main)
202-208-3125 (direct)
202-208-5584 (fax)
Ted.Boling@sol.doi.gov

On Tue, Oct 13, 2015 at 1:01 PM, Rebecca Watson <RWatson@wsmtlaw.com> wrote:

Thanks Ted. Rebecca

From: Edward Boling [mailto:ted.boling@sol.doi.gov]
Sent: Monday, October 12, 2015 8:04 PM
To: Rebecca Watson
Cc: Peter Umhofer (pumhofer@e2strategic.com)
Subject: Re: status

Rebecca - Barbara and I went over the remaining issues in the agreement on Friday and found that she still had a few aspects to check on with the park. Also, we need to run it past Jon Jarvis. I expect that we will be able to get that all done this week. If we haven't gotten it to you by Wednesday I will call you to explain.

Regards,

Ted

Sent from my iPad

On Oct 12, 2015, at 4:45 PM, Rebecca Watson <RWatson@wsmtlaw.com> wrote:

Dear Ted – Just a quick check-in on the status of the NPS comments/revisions to the Draft Agreement. When we spoke last week, you had hoped to receive it from CA on TH and have it on its way Friday or Monday. Since your Monday is drawing to a close, I thought I would check to see what your current schedule is for sending us the NPS revisions. Regards, Rebecca



Hyun, Karen <karen_hyun@ios.doi.gov>

FW: status

Peter Umhofer <pumhofer@e2strategic.com>
To: karen_hyun@ios.doi.gov

Fri, Oct 16, 2015 at 5:43 PM

If you have some time next week, I would like to discuss the e-mail below. Here is a some context and link to an article on the FERC denial.

<http://www.desertsun.com/story/news/environment/2015/10/15/eagle-mountain-hydropower-project-clears-another-hurdle/74002092/%20news%20story>

From: Boling, Edward [mailto:ted.boling@sol.doi.gov]
Sent: Friday, October 16, 2015 5:10 PM
To: Rebecca Watson
Cc: Peter Umhofer (pumhofer@e2strategic.com); Barbara Goodyear
Subject: Re: status

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Joshua Tree can't stop Eagle Mountain hydropower plant

Sammy Roth, The Desert Sun 7:14 p.m. PDT April 27, 2016



(Photo: Jay Calderon/The Desert Sun)

Joshua Tree National Park is working to annex more than 25,000 acres of important wildlife habitat to protect it from potential development, even as it appears increasingly likely those lands will surround a massive hydropower plant.

Park officials and conservation groups still oppose the 1,300-megawatt power plant proposed for the Eagle Mountain area, which they say would diminish an underground water supply critical to the national park and harm several at-risk species, including desert tortoises and bighorn sheep. But the project's developer has overcome most of the legal barriers to construction, forcing park officials to mull a future in which the facility gets built.

The National Park Service began studying the possibility of adding lands in the Eagle Mountain area to Joshua Tree last year. The park service has completed its study, and it's holding [four public meetings](http://parkplanning.nps.gov/meetingNotices.cfm?projectID=59291) this week and next to solicit feedback. The study's conclusion: The park should annex 25,070 acres immediately surrounding the hydropower project site, most of which are already controlled by the federal Bureau of Land Management.

If everything goes as planned, the bureau could transfer 22,515 acres of public land to the National Park Service this summer, Joshua Tree Superintendent David Smith said. Those lands would immediately become part of the park.

"It's a step in the right direction — protecting these areas from future development," Smith said. "The character of the area will definitely change when the (hydropower) project moves forward, but by not protecting those areas — by not protecting those public lands that are adjacent — those areas become an opportunity to do further development."

THE CURRENT: [Sign up for The Desert Sun's water and energy newsletter \(/featured-newsletter/the_current/\)](#)

Congress carved the Eagle Mountain area out of Joshua Tree National Monument — the predecessor to the national park — more than 60 years ago, so that the industrialist Henry Kaiser could build an iron mine. The mine shut down in the early 1980s as steel production waned, leaving a mostly intact ghost town in its wake. The crumbling ruins have been rented out for film shoots, including scenes for the "Terminator" franchise.

Buy Photo



The deteriorating infrastructure at the old Eagle Mountain iron mine has been used as a movie set. Some observers believe the former mining boomtown — which is now a ghost town — could be a major draw for Coachella Valley residents, and for tourists who might not otherwise visit Joshua Tree National Park. (Photo: Jay Calderon/The Desert Sun)

For years, the Kaiser subsidiary that still owned the site wanted to sell it to the Sanitation Districts of Los Angeles County, which would have turned it into a massive garbage dump. But that plan got tied up in court, and in 2013 the sanitation districts backed out. Last year, Kaiser agreed to [sell the land \(/story/news/environment/2015/07/01/eagle-mountain-hydropower-plant-takes-big-step-forward/29597953/\)](#) to the Santa Monica-based Eagle Crest Energy Company, which had been pushing its hydropower proposal for more than two decades.

READ MORE: [In shadow of Joshua Tree, debating an old mine's future \(/story/news/environment/2014/11/20/eagle-mountain-mine-joshua-tree-future/70013970/\)](#)

In some ways, the Eagle Mountain saga appears to be nearing its conclusion. The Federal Energy Regulatory Commission approved Eagle Crest's hydropower proposal in June 2014, and last October it [rejected appeals \(/story/news/environment/2015/10/15/eagle-mountain-hydropower-project-clears-another-hurdle/74002092/\)](#) from the National Park Service and the Desert Protection Society, a local conservation group. Park officials now believe there's little they can do to stop the energy project from moving forward.

Still, Eagle Crest has yet to secure a contract to sell the electricity its project would generate to Southern California Edison or another utility. The energy regulatory commission agreed last month to push back the company's construction start deadline from June 2016 to June 2018. If and when Eagle Crest secures a utility contract, environmental groups could file a lawsuit to block the project's construction.

A lawsuit is "very much on the table for us, and there are a lot of other folks who feel similarly," said David Lamfrom, California desert program director for the nonprofit National Parks Conservation Association.

Proponents say the project would help California meet its 50 percent clean energy target, a key component of the state's efforts to fight climate change. Right now the state gets about a quarter of its electricity from zero-carbon sources like solar and wind, but getting to 50 percent will be increasingly difficult without new strategies, because the sun doesn't always shine and the wind doesn't always blow.

READ MORE: [Climate activists fight fossil fuel extraction \(/story/news/environment/2016/04/13/climate-change-fossil-fuels-rallying-cry-keep-ground/81926856/\)](#)

The Eagle Crest project could help California boost its clean energy supplies by "storing" excess electricity generated by solar and wind farms when supply exceeds demand. The "pumped storage" hydropower plant would use that excess energy to move water from a lower reservoir to a higher reservoir. When demand exceeds supply, the water would be allowed to flow back down to the lower reservoir, generating electricity.

"As Riverside County continues to increase its role in delivering renewable power to the rest of California, we need to find ways to store energy for use at times when solar and wind are not generating power," county Supervisor John Benoit said in a statement last year. "This project helps make renewable energy sources more viable, and in an environmentally sensitive manner."

Buy Photo



Open desert surrounds the 550-megawatt Desert Sunlight solar project outside Desert Center, in eastern Riverside County, near the Eagle Mountain area. (Photo: Jay Calderon/The Desert Sun)

Opponents, though, say the project would be anything but.

The hydropower plant's reservoirs would be filled with 9 billion gallons of groundwater pumped from the underground aquifer beneath the Chuckwalla Valley. Factoring in evaporation, the project's developer says it would use about 32.6 billion gallons over 50 years — enough to supply 4,000 typical Coachella Valley households over that time period. The aquifer in question is connected to groundwater basins beneath Joshua Tree National Park, and park officials fear that tapping that aquifer would harm ecosystems in the park, diminishing springs that are oases for wildlife.

The Eagle Mountain area is also prime habitat for bighorn sheep, golden eagles and desert tortoises, all of which have seen their habitats fractured and destroyed as human civilization has crept deeper into previously untouched desert. Critics say the Eagle Crest project would continue that destruction. On top of that, they say, the large reservoirs could attract predators like ravens, which would feed on young desert tortoises.

"After decades of fighting the landfill, this project would (cause) many of the very same impacts," said Lamfrom, from the National Parks Conservation Association.

READ MORE: [How climate change is accelerating the global extinction crisis \(/story/news/environment/2016/04/07/extinction-crisis-warming-world/82642298/\)](https://www.desertsun.com/story/news/environment/2016/04/07/extinction-crisis-warming-world/82642298/)

Buy Photo



This massive pit in the Eagle Mountain area was once used for iron ore mining. (Photo: Jay Calderon/The Desert Sun)

Over the last few months, a group of conservation-minded Palm Springs residents have rallied against the Eagle Crest project. That group includes Nate Otto, who founded the local solar installer Hot Purple Energy. Otto criticized Eagle Crest for pitching its hydropower plant as a renewable energy project, saying there are other, less environmentally damaging ways to integrate more solar and wind into California's energy supplies.

"They're using a bunch of water in an area that's water-starved. There's nothing renewable about that," Otto said. "To me, for a for-profit company to go in and use our natural resources for their gain is a sin."

READ MORE: [What global warming means for our water supplies \(/story/news/environment/2016/04/14/climate-change-snowpack-water-supplies/82631192/\)](https://www.desertsun.com/story/news/environment/2016/04/14/climate-change-snowpack-water-supplies/82631192/)

Palm Springs residents opposed to the project have met with Rep. Raul Ruiz, D-Palm Desert, as well as Mayor Rob Moon and Councilmember Geoff Kors, Otto said. Kors plans to bring the issue before the rest of the City Council at its May 18 meeting, in hopes that the council will approve a letter or resolution opposing the project.

Kors criticized Eagle Crest's proposal, saying it would waste precious groundwater. Like many of the project's opponents, he wants to see the entire Eagle Mountain area — including the historic mining town — added to the national park, which he believes would boost tourism. More than 2 million people visited Joshua Tree last year, [spending nearly \\$100 million \(/story/news/national-parks/2016/04/26/joshua-tree-national-park-economic-impact/83512084/\)](https://www.desertsun.com/story/news/national-parks/2016/04/26/joshua-tree-national-park-economic-impact/83512084/) in and around the park. Both numbers were records.

Palm Springs "is increasingly moving to be a model city for sustainability," Kors said. "We have to be really conscious about our groundwater, as well as protecting the desert environment surrounding where we live."

In its recently completed [boundary study](http://parkplanning.nps.gov/document.cfm?parkID=310&projectID=59291&documentID=71932) (<http://parkplanning.nps.gov/document.cfm?parkID=310&projectID=59291&documentID=71932>), the National Park Service considered the possibility of adding the whole Eagle Mountain area — all 31,500 acres of it — to Joshua Tree. But park officials say that probably won't be possible, since the Federal Energy Regulatory Commission has approved the pumped storage project and Eagle Crest isn't willing to sell. The park service instead hopes to pursue a more limited 25,070-acre plan, which doesn't include the lands owned by Eagle Crest. Smith, Joshua Tree's superintendent, called that option "the most reasonable and realistic approach."

Eagle Mountain mine

The Eagle Mountain iron mine was built in 1948 and closed in 1982. Today, some conservationists believe the old mine should become part of Joshua Tree National Park, which surrounds it on three sides. Eagle Mountain is just miles from the 550-megawatt Desert Sunlight solar plant, which is set to come fully online in January, and the small town of Desert Center.



Map: Robert Hopwood, The Desert Sun

Still, Smith reiterated his concerns with the hydropower project, saying park officials "will continue to work with Eagle Crest Energy to protect the park as much as possible." He didn't criticize Eagle Crest explicitly, but he indicated the company refused to grant the park service access to the project site while it was conducting its boundary study.

"We hoped that was something we would be able to do, but it hasn't come to pass," Smith said.

Asked why he wouldn't give the park service access, Eagle Crest President Steve Lowe said in an email that his company is "eager to reach an agreement with (the National Park Service) that outlines how we work together going forward including access to the site for members of the Park Service and the possibility of donating non-project lands that we own to NPS."



A Joshua tree at Joshua Tree National Park, seen on July 22, 2011. (Photo: Jay Calderon/The Desert Sun)

Eagle Crest needs one more legal approval before its project can go forward: a right-of-way from the Bureau of Land Management to build power lines and water pipelines. The power lines would carry electricity to Southern California Edison's nearby Red Bluff substation, which was built to accompany the 550-megawatt Desert Sunlight solar farm. The pipelines would carry groundwater, pumped from wells, to the power plant's reservoirs.

Having failed to block the project at the Federal Energy Regulatory Commission, conservationists hope to convince the Bureau of Land Management not to grant the right-of-way. But that strategy seems unlikely to succeed. Bureau officials say they're only analyzing the environmental impacts of the proposed power lines and pipelines, not the potential impacts of the larger pumped storage facility.

The bureau's California Desert District solicited public comments on the project infrastructure in December and is now preparing an environmental assessment, Deputy District Manager Greg Miller said. The agency does not plan to hold any public meetings once the environmental assessment is finished, Miller added, although it will ask for public comments before finalizing the document.

Lamfrom slammed the agency for not considering the project's larger implications in its environmental analysis. That decision is especially puzzling, Lamfrom said, given that the Bureau of Land Management is part of the Interior Department — the same department that vocally opposed the hydropower project at the Federal Energy Regulatory Commission, on behalf of one of its other agencies, the National Park Service.



Transmission lines funnel energy from the Desert Sunlight solar farm to the Red Bluff substation near Desert Center, about an hour east of the Coachella Valley, on Aug. 20, 2014. (Photo: Crystal Chatham/The Desert Sun)

At the energy regulatory commission, Interior officials said the hydropower project would "adversely impact park resources" and criticized the commission's environmental impact statement as relying on "stale data." Conservation groups have described the environmental analysis as basically meaningless, since Kaiser — which owned the project site at the time — opposed the hydropower project and never let commission staff onto its property. As a result, the analysis was based almost entirely on aerial surveys and publicly available information.

Now, the Bureau of Land Management is relying on that same environmental analysis as it evaluates the project's proposed power lines and water pipelines.

"Think about the double standard, for them to go on the record and say the science is bad, and then to use that science," Lamfrom said. "We are, as always, yelling at the BLM and saying, 'Hey, what are you guys doing?' You guys are (Interior) as well, and (Interior) has said this is stale data."

Asked why the bureau is using the allegedly flawed data, Miller noted that the Federal Energy Regulatory Commission approved the environmental analysis over Interior's objections.

"It survived its process and we're moving forward," he said.

It'll be at least a few months before the bureau makes a final decision on the Eagle Crest infrastructure. That's because the agency's state office still hasn't issued a "record of decision" on the Desert Renewable Energy Conservation Plan, which would designate lands surrounding the Eagle Crest project site — where the power lines and water pipelines would be built — as part of an "area of critical environmental concern," or ACEC.

READ MORE: [After 7 years, desert renewable energy plan finalized \(/story/tech/science/energy/2015/11/10/after-7-years-desert-renewable-energy-plan-finalized/75468628/\)](http://story/tech/science/energy/2015/11/10/after-7-years-desert-renewable-energy-plan-finalized/75468628/)

The Bureau of Land Management is accepting public comments on proposed ACECs (<https://www.federalregister.gov/articles/2016/03/11/2016-05562/notice-of-areas-of-critical-environmental-concern-in-the-desert-renewable-energy-conservation-plan>) through May 10, although agency spokesperson Martha Maciel said she isn't sure how soon after that the designations will take effect. Miller said his office is waiting for the ACECs to become official before deciding what types of environmental mitigation measures to require of Eagle Crest, should it approve the project infrastructure.

While the bureau doesn't plan to hold public meetings on Eagle Mountain, the National Park Service is hosting an [online meeting this Friday \(http://parkplanning.nps.gov/meetingNotices.cfm?projectID=59291\)](http://parkplanning.nps.gov/meetingNotices.cfm?projectID=59291) to get feedback on its plan to expand Joshua Tree, as well as [three in-person meetings \(http://parkplanning.nps.gov/meetingNotices.cfm?projectID=59291\)](http://parkplanning.nps.gov/meetingNotices.cfm?projectID=59291) next week (in Desert Center and Palm Desert on Tuesday, and in the town of Joshua Tree on Wednesday). The park service is [soliciting comments \(http://parkplanning.nps.gov/document.cfm?parkID=310&projectID=59291&documentID=71932\)](http://parkplanning.nps.gov/document.cfm?parkID=310&projectID=59291&documentID=71932) through May 27.

Interior Secretary Sally Jewell will ultimately decide whether to transfer 22,515 acres from the Bureau of Land Management to the National Park Service, Smith said. The park service would also work to acquire 2,230 acres of privately owned land west of the hydropower project site, including some lands that Eagle Crest has indicated a willingness to donate after construction is finished, according to the boundary study. Another 325 acres would need to be acquired from the California State Lands Commission.

Sammy Roth writes about energy and water for The Desert Sun. He can be reached at sammy.roth@desertsun.com, (760) 778-4622 and [@Sammy_Roth](https://twitter.com/Sammy_Roth) (https://twitter.com/Sammy_Roth).

To print the document, click the "Original Document" link to open the original PDF. At this time it is not possible to print the document with annotations.

[Read the document in a new window » \(https://www.documentcloud.org/documents/2815301-Joshua-Tree-National-Park-Boundary-Study.html#p=1\)](https://www.documentcloud.org/documents/2815301-Joshua-Tree-National-Park-Boundary-Study.html#p=1)

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DESERT LEXUS JAZZ
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Saturday, May 7, 2016
Indian Wells, CA

Brian Culbertson
Mindi Abair And
The Boneshakers

Buy Now



Bean, Michael <michael_bean@ios.doi.gov>

Fwd: FW: status

1 message

Hyun, Karen <karen_hyun@ios.doi.gov>

Fri, Oct 16, 2015 at 9:09 PM

To: Michael Bean <michael_bean@ios.doi.gov>, Terri Johnson <terri_johnson@ios.doi.gov>

FYI - for the NPS weekly.

—— Forwarded message ——

From: **Peter Umhofer** <pumhofer@e2strategic.com>

Date: Fri, Oct 16, 2015 at 5:43 PM

Subject: FW: status

To: karen_hyun@ios.doi.gov

If you have some time next week, I would like to discuss the e-mail below. Here is a some context and link to an article on the FERC denial.

<http://www.desertsun.com/story/news/environment/2015/10/15/eagle-mountain-hydropower-project-clears-another-hurdle/74002092/%20news%20story>

From: Boling, Edward [mailto:ted.boling@sol.doi.gov]**Sent:** Friday, October 16, 2015 5:10 PM**To:** Rebecca Watson**Cc:** Peter Umhofer (pumhofer@e2strategic.com); Barbara Goodyear**Subject:** Re: status

Rebecca,

I expect that NPS (Superintendent Smith) will be quoted in the press as indicating that the Park remains concerned about the Eagle Crest Project and is considering its options for appeal of the FERC denial of our rehearing request. I'm writing to tell you that we will be briefing the Director next week. Until we receive his direction, I am proceeding on the assumption that we can get an agreement concluded before the timeframe for appeal of the FERC decision. Please let me know if your clients regard the potential for agreement otherwise.

Regards,

Ted Boling

Deputy Solicitor -- Parks & Wildlife
U.S Department of the Interior
1849 C Street NW
Washington, DC 20240
202-208-4423 (main)
202-208-3125 (direct)
202-208-5584 (fax)
Ted.Boling@sol.doi.gov

On Wed, Oct 14, 2015 at 10:40 PM, Rebecca Watson <RWatson@wsmtlaw.com> wrote:

Dear Ted - thanks for this late hour update. Just a little concerned with the delays due to repeated circling back with the Park and Region. My understanding is that there is a recognition at higher levels of Interior (and WH) that this agreement provides a win win for the administration's clean energy agenda and conservation of land important to NPS. The Park and Region's interests are understandably parochial. I am certain that in your position at the Department you have a bigger picture understanding of the value of this agreement to this administration's clean energy policies. There is a time for local input and then there is a time for Department policy makers to make the decision and get the deal done. We are at that point in my opinion. Regards, Rebecca

-

Karen Hyun, Ph.D.

Deputy Assistant Secretary for Fish and Wildlife and Parks

Room 7257, Department of the Interior

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

karen_hyun@ios.doi.gov

Eagle Mountain hydropower project clears another hurdle

Sammy Roth, The Desert Sun 1:36 p.m. PDT October 15, 2015

The huge power plant would draw billions of gallons of groundwater from a desert aquifer.



(Photo: Jay Calderon/The Desert Sun)

Federal officials rejected two appeals to a planned hydropower plant near Joshua Tree National Park on Thursday, bringing the much-maligned project one step closer to reality.

The 1,300-megawatt power plant would draw about nine billion gallons of groundwater from an aquifer beneath the Chuckwalla Valley, which critics say would harm threatened species, disrupt fragile ecosystems and damage a critical water supply. The project's proponents counter that it would help California build more clean energy by banking excess electricity generated by solar and wind farms when supply exceeds demand, and then releasing that electricity when demand exceeds supply.

The Federal Energy Regulatory Commission [granted a license \(/story/news/environment/2014/06/20/eagle-mountain-hydroelectric-plant/11033841/\)](#) for the hydroelectric plant in June 2014, but the National Park Service and a local group known as the Desert Protection Society quickly petitioned for a rehearing and a stay of the decision. After more than a year of silence, the commission threw out those appeals on Thursday, rejecting claims that its environmental analysis was inadequate.

"This area is very important for the desert tortoise, for golden eagles, and for bighorn sheep," said David Lamfrom, California desert program director for the nonprofit National Parks Conservation Association. "Nobody's denying that this area is incredibly important."

The Current: Want to stay updated on water and energy news? (<http://view.exacttarget.com/?j=fe4f117770630d7b7c14&m=fe6015707d66067b7c17&ls=fdc51573726d067d751c717d67&l=fe8a13787066007b70&s=fe2d1c717563007a741674&jb=ffcf>)

Critics have long maintained that the commission's environmental review process was insufficient, because for years, the company that owned the land wouldn't let the company proposing the hydropower project onto its property. As a result, the environmental analysis was based entirely on aerial surveys and publicly available information.

"The entire review was done without anybody stepping foot on the property, which is a grave mistake," Lamfrom said. "How do you know what's there if you haven't been there? How do you know what rare plants are in the ground if you haven't walked the ground?"

Buy Photo



The foothills of Eagle Mountain can be seen from the edge of Joshua Tree National Park on Nov. 18, 2014. (Photo: Jay Calderon/The Desert Sun)

The regulatory commission pushed back against those arguments in its decision Thursday, writing in part that the National Park Service "provides the basis for its claim that it will suffer irreparable harm in the absence of further environmental analysis." The agency also said the project is in the public interest since it would "provide a dependable source of electrical energy for the region."

The Los Angeles-based Eagle Crest Energy Company first proposed the project more than two decades ago. The company has insisted the hydropower plant wouldn't harm the aquifer below the Chuckwalla Valley since it would only remove 1 percent of the recoverable water in the basin over the next 50 years.



DESERT SUN

[In shadow of Joshua Tree, debating an old mine's future](#)

<http://www.desertsun.com/story/news/environment/2014/11/20/eagle-mountain-mine-joshua-tree-future/70013970/>

Some clean energy advocates support the hydropower project, too.

The question of how to ramp up intermittent renewables like solar and wind — which only generate electricity when the sun shines or the wind blows — has long been a major challenge for California policymakers. Since Gov. Jerry Brown signed a 50 percent clean energy mandate into law earlier this month, that challenge has become more pressing.

Buy Photo



A row of solar panels reflects clouds overhead at the 550-megawatt Desert Sunlight solar farm in Riverside County. It's one of more than 50 large-scale renewable energy projects on federal land approved by President Barack Obama's administration. (Photo: Crystal Chatham/The Desert Sun)

Right now, utility companies generally turn to natural gas-fired power plants, which contribute to climate change, to help integrate more solar and wind onto the grid. Some renewable energy experts say "pumped storage" projects like Eagle Mountain can help reduce the need for natural gas.

"As Riverside County continues to increase its role in delivering renewable power to the rest of California, we need to find ways to store energy for use at times when solar and wind are not generating power," county Supervisor John Benoit [said in a statement \(/story/news/environment/2015/07/01/eagle-mountain-hydropower-plant-takes-big-step-forward/29597953/\)](#) earlier this year. "This project helps make renewable energy sources more viable, and in an environmentally sensitive manner."

The Eagle Mountain area was carved out of the southeast corner of the then-Joshua Tree National Monument more than 60 years ago to allow for industrialist Henry Kaiser to build an iron mine and a town. The mine was shut down in the early 1980s, and for more than 25 years, the Kaiser subsidiary that still owned the site supported a plan to turn it into a massive garbage dump for Los Angeles.

That plan got tied up in court, and eventually Los Angeles backed off. For several years, Kaiser officials still wouldn't sell the land to Eagle Crest. But the two sides struck a deal earlier this year, with Kaiser retaining the right to sell rock and iron ore tailings from the site.



DESERT SUN

Eagle Mountain hydropower plant takes big step forward

(<http://www.desertsun.com/story/news/environment/2015/07/01/eagle-mountain-hydropower-plant-takes-big-step-forward/29597953/>)

While Eagle Crest now owns the land and has a federal license to build the hydropower plant, several obstacles remain.

For one, the company still needs approval from the federal Bureau of Land Management to build transmission lines across public lands. The agency's Palm Springs office didn't immediately respond to a request for comment on the status of that process Thursday afternoon.

Buy Photo



A rail car is believed to have been used at the Eagle Mountain mine (Photo: Jay Calderon/The Desert Sun)

That process could give the National Park Service another venue to press the arguments that the Federal Energy Regulatory Commission rejected. The park service also said earlier this year that it would study whether parts of the Eagle Mountain area should be added to Joshua Tree National Park. The results of that study could inform the Bureau of Land Management's decision, Lamfrom said.

"What we will see is that the very concerns raised by the park service are likely going to be addressed in that study," he said. "We have the opportunity to have a more educated discussion, and we have to make sure we do that."



DESERT SUN

National Park Service looks at expanding Joshua Tree

(<http://www.desertsun.com/story/news/environment/2015/08/07/national-park-service-looks-expanding-joshua-tree/31322315/>)

Even if the Bureau of Land Management approves the transmission lines, local activists and national parks advocates could try to keep the hydroelectric plant tied up in court. Parts of Eagle Mountain are designated for conservation under the Desert Renewable Energy Conservation Plan, an ongoing state-federal effort that would lay the ground rules for the next 25 years of clean energy development and conservation across California's deserts.

Eagle Crest submitted comments (http://www.drecp.org/draftdrecp/comments/Eagle_Crest_Energy_Company_comments_2-15-02-20.pdf) to the Bureau of Land Management asking it to reverse those designations.

Sammy Roth writes about energy and water for The Desert Sun. He can be reached at sammy.roth@desertsun.com, (760) 778-4622 and [@Sammy_Roth](https://twitter.com/sammy_roth) (https://twitter.com/sammy_roth).

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Gas price decline slows, not done yet

[\(/story/news/traffic/2015/10/18/gas-prices-winter-blend/74173704/\)](/story/news/traffic/2015/10/18/gas-prices-winter-blend/74173704/)

[\(/story/news/traffic/2015/10/18/gas-prices-winter-blend/74173704/\)](/story/news/traffic/2015/10/18/gas-prices-winter-blend/74173704/)

Oct. 18, 2015, 3:06 p.m.



Ribs rule at Coachella Que and Brew

[\(/story/news/local/coachella/2015/10/18/ribs-rule-coachella-que-and-brew/74148606/\)](/story/news/local/coachella/2015/10/18/ribs-rule-coachella-que-and-brew/74148606/)

[\(/story/news/local/coachella/2015/10/18/ribs-rule-coachella-que-and-brew/74148606/\)](/story/news/local/coachella/2015/10/18/ribs-rule-coachella-que-and-brew/74148606/)

Oct. 17, 2015, 9:11 p.m.



9 Things You Probably Didn't Know about Cancer in Men

[\(/story/sponsor-story/desert-regional-medical-center/2015/10/16/nine-things-cancer-obesity-prostate/74083788/\)](/story/sponsor-story/desert-regional-medical-center/2015/10/16/nine-things-cancer-obesity-prostate/74083788/)

Oct. 16, 2015, 4:15 p.m.

[center/2015/10/16/nine-things-cancer-obesity-prostate/74083788/\)](/story/sponsor-story/desert-regional-medical-center/2015/10/16/nine-things-cancer-obesity-prostate/74083788/)

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Eagle Crest
Energy Company

October 21, 2015

The Honorable Michael Connor
Deputy Secretary
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Re: Meeting Request of Eagle Crest Energy

Dear Deputy Secretary Connor:

I am writing to request a meeting with you regarding the Eagle Crest Energy (ECE) hydroelectric pumped storage project in Desert Center, California. The project would provide 1,300 megawatts of clean electricity, act as storage for solar and wind power generated nearby at off peak times, and help meet national and state renewable energy goals. ECE has been engaged with National Park Service (NPS) and the Bureau of Land Management (BLM) on various aspects of the project but progress has stalled with the bureaus.

There are several agency actions that require departmental attention and approval including:

- Since February, ECE has worked to conclude an agreement with NPS but after seven months, there has been minimal progress towards conclusion.
- BLM's notice of intent to commence the environmental review of the transmission and pipeline right-of-way has been under more than two months of review at the Department. The notice needs to be published in the Federal Register this month.
- NPS is conducting a boundary study for Joshua Tree National Park (JOTR) and the potential for certain lands adjacent to the project to be become part of the park. The ECE project should be correctly described and handled in compliance with the Federal Power Act during this process.
- The segregation and withdrawal process of certain BLM lands near JOTR and the project has been proposed and we understand there is a Federal Register notice ready regarding the segregation. ECE is concerned the process will cause more delays.

ECE is prepared to: transfer all non-project land to JOTR, commit that no extractive mining will occur at the site, establish a mitigation trust fund, and agree to additional mitigation enhancements along with the FERC required mitigation measures. We remain concerned with the continued delay to reach agreement with NPS and to initiate the BLM permitting process for what has been described as a "win-win" for the Administration's renewable energy and conservation goals.

Thank you for your attention to this matter and I look forward to meeting with you this month.

Sincerely,



Steve Lowe

- Cc: Elizabeth Klein
Michael Bean
Karen Hyun
James Lyons
Neil Kornze
Linda Lance
Jon Jarvis
Jack Haugrud
Ted Boling

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September 17, 2015

The Honorable Jon Jarvis
Director, National Park Service
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Director Jarvis:

As you know, Eagle Crest Energy (ECE) has been engaged with the National Park Service (NPS) and Department of the Interior officials on completing a settlement agreement to address the NPS claims concerning Joshua Tree National Park (Park) in the Federal Energy Regulatory Commission (FERC) ECE license. We met with you on February 25, 2015 and proposed an agreement that included a mitigation fund and a property transfer, at the end of Project life, of the Project and Kaiser lands, in exchange for the NPS withdrawal of its petition for reconsideration pending before FERC. We are concerned with the pace and content of our NPS discussions and would like to meet with you.

Since February, ECE has worked to conclude an agreement with NPS, but after six months, we are disappointed with the minimal progress. Several key issues that were identified at our first meeting in San Francisco remain unresolved:

- NPS requests that ECE renegotiate its agreement with Eagle Mountain Mining and Railroad Company, LLC (EMMR) to terminate their right to mine aggregate after 50 years. In that agreement, ECE secured the elimination of 1872 mining rights and limited aggregate mining to 100 years, we can do no more.
- NPS seeks immediate (0-2 years) transfer of 15,000 acres in the western portion of the property; ECE could agree to a transfer at the start of construction.

- NPS seeks transfer of *all* lands after 50 year license term. This would be an impossible commitment for ECE to give because FERC controls the use of the Project lands for Federal Power Act purposes. ECE can agree to transfer the lands after the project's useful life.
- NPS wants ECE to spend an additional \$2+ million for a groundwater study. We are unable to agree for financial and legal reasons.
- Some NPS mitigation enhancement requests ignore FERC's superior authority over the Project and the substantial role NPS has under the FERC license.

Moreover, NPS is not prepared to commit to the timing of the withdrawal of its FERC petition. While these negotiations seem stuck on some fundamental disagreements about what is possible, NPS has moved rapidly to conduct a Park boundary study and prepare a segregation order each of which administrative actions is focused on the subject property. As we discussed in February, ECE is prepared to fund a mitigation trust fund for NPS and transfer all non-Project land as soon as possible consistent with Project needs. And, ECE has stated it is supportive of some conservation enhancements in addition to the FERC required mitigation measures. We would like to conclude an agreement with NPS along these lines and need your direction. If you have any questions, please do not hesitate to contact me at 310-450-9090. Thank you and we look forward to meeting with you soon.

Sincerely,



Steve Lowe
Eagle Crest Energy Company

Cc: Michael Connor, Deputy Secretary, DOI
Michael Bean, Acting Assistant Secretary for Fish, Wildlife and Parks, DOI
James Lyons, Deputy Assistant Secretary for Lands and Minerals, DOI
Neil Kornze, Director, Bureau of Land Management
Linda Lance, Deputy Director, Bureau of Land Management
Ted Boling, Deputy Solicitor for parks and wildlife, DOI
Patricia Neubacher, Acting Regional Director, NPS
Barbara Goodyear, Field Solicitor, DOI
David Smith, Superintendent, Joshua Tree National Park, NPS

TO: Karen Hyun
FAX: 202-208-4684
PAGES: 3

*MB - FYI
FROM PETER J.*

Attached is a letter from the State Building Trades supporting the pumped storage project. This afternoon, NPS sent a new draft mou-mitigation agreement. Trying to work through it but some provisions would give NPS veto over the project.

State Building and Construction Trades Council of California

ROBBIE HUNTER
PRESIDENT

J. TOM BACA
SECRETARY-TREASURER

Established 1901
Chartered by
BUILDING AND CONSTRUCTION TRADES
DEPARTMENT
AFL - CIO

August 21, 2015

The Honorable Sally Jewell
Secretary of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary Jewell:

On behalf the State Building and Construction Trades Council of California and the 400,000 construction workers that we represent, I am writing to state our strong support for Eagle Crest Energy's pumped storage hydroelectric project in Desert Center, California that would create more than 2,280 jobs. As the California economy continues to improve, the Council stands ready to provide the numerous construction and skilled workers for the project and has seen impressive job growth in the renewable energy sector.

The project helps meet the Obama Administration's and the state goals to increase the use of renewable energy and reduce greenhouse gas emissions. The project would provide 1,300 megawatts of environmentally friendly power through a pumped storage hydroelectric facility at an abandoned mine and industrial site. Construction of the project would cost \$1.5 billion and includes upper and lower reservoirs, an interconnecting tunnel system and powerhouse.

This project will provide reliable electricity to the state, new jobs, extensive environmental mitigation measures, and help meet the state's renewable and greenhouse gas standards. The Southern California region is facing unique electricity challenges in the near term for 20 million residents and this project can stabilize the grid by producing electricity on short notice while supporting the integration of significant renewable energy generation that produces intermittent power. By 2020, there are predicted periods of renewable over generation in the afternoon hours followed by electricity needs during the evening hours. The project can ramp up quickly and help optimize the electrical grid.

Last year, Eagle Crest Energy has received a project license from the Federal Energy Regulatory Commission and is now working to receive the necessary right of way approvals from the



Re: Eagle Crest Energy
August 18, 2015
Page 2

Bureau of Land Management. I urge the Department and the bureaus to fully consider ECE's project and thank you in advance for your attention to this important renewable energy project.

Sincerely,



Robbie Hunter
President State Building and Construction Trades Council of California

RH:kt
opeiu#29/afl-cio

Cc:
The Honorable Michael Connor, Interior Deputy Secretary
The Honorable Neil Kornze, Director, Bureau of Land Management
The Honorable Jon Jarvis, Director, National Park Service

TO: Michael Bean
Karen Hyun

FROM: Peter Umhofer

FAX: 202-208-4684

PAGES: 2

Attached is a letter to Director Jarvis regarding the Eagle Crest pumped storage project. If you have any questions, please feel free to contact me at 202-262-3578.



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Energy Company

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July 22, 2015

The Honorable Jon Jarvis
Director, National Park Service
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Director Jarvis:

Thank you again for taking the time to meet on February 25, 2015 regarding the Eagle Crest Energy (ECE) pumped storage hydroelectric project near Desert Center, California and Joshua Tree National Park (JOTR). Since that time, ECE has regularly engaged with National Park Service (NPS) officials and Department of the Interior (DOI) officials on a completing a memorandum of understanding and with the Bureau of Land Management on the right of way permit.

At the June 30 meeting with NPS and DOI officials, ECE raised concerns about the JOTR boundary study and how the project and existing rights are described in the study. The next day, ECE was provided a draft of public scoping notice and invited to comment. ECE promptly returned revisions which were ignored. On July 2, an e-mail was sent NPS and DOI officials with suggested changes to the boundary study public scoping notice but none of the changes were included in the final notice. This is extremely disappointing because this public scoping notice and maps do not accurately describe the project lands and existing rights. In the notice, the Federal Energy Regulatory Commission-licensed project is identified in the description and map in Option #1 but it is not identified in Options #2 and #3, which could create confusion with the public. ECE is pleased that the project description was included in the press release (dated July 13) but requests that the NPS issue a revised public scoping document that includes the necessary edits to accurately reflect the ECE project in the text and maps and existing rights and that all future documents recognize the ECE project in the text and maps.

I look forward to continuing to work with you, NPS, and DOI.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lowe', is written over a white background.

Steve Lowe
Eagle Crest Energy Company



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, DC 20240

Memorandum

MAY 18 2015

To: Assistant Secretary for Land and Minerals Management
Michael Zisca

Through: Principal Deputy Assistant Secretary for Fish and Wildlife and Parks

From: Director *Jenatha S. Yarnin*

Subject: Petition/Application for Withdrawal of Certain Public Lands Adjacent to Joshua Tree National Park

The December 18, 2014, entry of a Final Judgment and Order of Dismissal in the decades-long challenges to the Kaiser Eagle Mountain Landfill, and resulting return to federal ownership of public lands that had been conveyed to Kaiser to support the proposed landfill project, provides the Department with an unique opportunity to initiate a landscape-scale conservation and restoration initiative adjacent to Joshua Tree National Park (Park). Accordingly, as authorized by provisions of the Land and Water Conservation Fund Act¹ and the Federal Land Policy and Management Act² (FLPMA), the National Park Service (NPS) requests the withdrawal of certain public lands adjacent to the Park, subject to valid existing rights, and the transfer of jurisdiction over those lands from the Bureau of Land Management (BLM) to the NPS.

Consistent with 43 C.F.R. § 2310.1-3(e), the NPS is requesting Secretarial approval of its petition for withdrawal and publication of a notice of withdrawal proposal in the Federal Register. The attached petition/application seeks the withdrawal of 22,462 acres of BLM-managed public lands (which are surrounded on three sides by the Park) from settlement, sale, location, and entry under the public land laws, location and entry under the mining laws, and from disposition under the mineral and geothermal leasing laws. The petition/application also seeks transfer of those lands to the NPS for administration as part of the Park. These lands were included within the original boundary of Joshua Tree National Monument (Monument) in 1936 but were removed from the Monument in 1950 for iron ore development. In the California Desert Protection Act of 1994 (CDPA), when Congress expanded and re-designated the Monument as a Park, Congress expressly found that "the monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archeological, paleontological, cultural, historical, and wilderness values."³ In legislative history

¹ The Land and Water Conservation Fund Act authorizes the Secretary to accept an administrative transfer of lands from another federal agency for inclusion with an adjacent national park unit. *See* 54 U.S.C. § 100506(c)(1)(B) (formerly found at 16 U.S.C. § 4601-9(c)(1)(ii)).

² The Federal Land Policy and Management Act authorizes the Secretary to transfer jurisdiction over federal lands from one federal agency to another. *See* 43 U.S.C. §§ 1702(j) and 1714 and 43 C.F.R. § 2310.1-2.

³ *See* 16 U.S.C. § 410aaa-21.

for the CDPA, the House Committee on Natural Resources stated its intention that the CDPA not have any effect on the future development of the proposed Eagle Mountain solid waste disposal facility.⁴ The eventual return of these public lands to national park status will effectuate Congressional intent in expanding the Park without contravening any direction to allow the re-development of the defunct Kaiser iron ore mine as a solid waste disposal facility because the landfill project has been abandoned.

Consistent with 43 C.F.R. §§ 2310.1-2(c)(8) and 2310.2(a), the NPS is requesting that the public lands described in the withdrawal application be segregated for a period of two years from the date of publication of the notice of the withdrawal proposal in the Federal Register. To allow for the negotiation of a mitigation program with Eagle Crest Energy, the Federal Register notice should exempt public lands that are subject to the existing Federal Power Act withdrawal and allow BLM to process the pending right-of-way applications filed by Eagle Crest Energy to implement its pumped storage project. 43 C.F.R. § 2310.2(c). During this period and as part of its consideration of any licenses, permits, cooperative agreements, or other discretionary land use authorizations, BLM should work with the NPS to reach agreement on ways to minimize to the greatest extent possible impacts to national park values present in the lands proposed for withdrawal. BLM should also work with the NPS to ensure that agreed-upon mitigation measures are fully incorporated into discretionary land use authorizations and that such measures are enforceable.

The segregation would prevent the location of new mining claims or disposal of the lands under the public land laws pending final action on the withdrawal proposal. During the segregation period, the NEPA processes required for the proposed withdrawal and Park boundary adjustment will enable an evaluation of a landscape-scale conservation and restoration initiative that preserves the natural, cultural and public recreational values of the segregated public lands. This area is a key building block for landscape-scale conservation in the California desert. Its connectivity and relationship to other desert areas make it a critical component for a larger scale desert-protection strategy. New legislation is not needed as a transfer of administrative jurisdiction can be accomplished within the Secretary's existing legal authorities.

Background to Eagle Mountain Landfill Project

The Monument was established by Proclamation in 1936.⁵ Like many other national monuments created in that time period, it included lands encumbered by patented and unpatented mining claims. In 1950, Congress removed approximately 31,043 acres of land from the Monument's Eagle Mountain region and re-opened the lands to mineral exploration.⁶ Kaiser Steel Corporation (Kaiser) had already begun to acquire patented lands and mining claims in the Eagle

⁴ House Report No. 103-498 (1994)

⁵ Proclamation No. 2193, 50 Stat. 1760 (Aug. 10, 1936)

⁶ Act of September 25, 1950, Pub. L. No. 81-837, 64 Stat. 1033.

Mountain area and soon began large scale iron ore mining.⁷ Kaiser's patented lands, together with approximately 2,400 acres of adjacent public lands encumbered by Kaiser's mining and mill site claims, formed what is known as the Eagle Mountain Mine. Today the former mine site consists of three large open pits located on Kaiser patented land, the largest of which is 800 feet deep and more than 1.5-miles long, as well as tailings piles, roads, buildings, related mining infrastructure, houses and a school.

The Eagle Mountain Mine was actively mined until 1983. Kaiser entered bankruptcy in 1987 and emerged as Kaiser Ventures and a wholly-owned subsidiary called Kaiser Eagle Mountain, Inc.⁸ In 1989, Kaiser proposed a land exchange with BLM under which Kaiser would obtain fee title to 3,481 acres of public land surrounding its privately owned mining pits, which together would be used to create the nation's largest municipal solid waste landfill. At full operation, the landfill would have received approximately 20,000 tons of refuse per day from Los Angeles and Riverside counties.

After completing a NEPA process in October 1999, BLM issued patents to Kaiser for 3,481 acres of federal land surrounding the mine pits. Shortly thereafter, the National Parks Conservation Association, local farmers Larry and Donna Charpiel, and other public interest groups filed suit in federal court.⁹ After years of litigation, the Ninth Circuit ruled in favor of the plaintiffs in 2010. The U.S. Supreme Court declined to review the matter in 2011, and the case was remanded to the district court.

The Department, Kaiser, and the plaintiffs to the federal litigation subsequently engaged in court-ordered settlement discussions and agreed to settle the litigation in late 2014. The settlement, in the form of a Stipulated Judgment, was entered as an order of the district court in December 2014. The Stipulated Judgment voided the patents issued to Kaiser for the 3,481 of exchange lands around the mining pits and restored those lands to public land status as if the exchange never happened. Kaiser also agreed to donate to the United States the lands it had previously conveyed to the United States as part of the voided land exchange. In return, the Stipulated Judgment restored Kaiser's mining and mill site claims over approximately 2,400 acres of the former exchange lands around the mine pits.¹⁰ Kaiser, which is now in liquidation,

⁷ As a result of the landfill litigation settlement, Kaiser holds title to mining and mill site claims affecting approximately 2,400 acres of land around the mine pits. In addition, approximately 2,242 acres of land was patented to Kaiser's predecessors prior to the Monument's establishment in 1936. Kaiser acquired additional patented lands after that date and currently owns approximately 5,000 acres in fee. Kaiser acquired a patent for the 465 acre townsite in 1955 pursuant to the Act of July 8, 1952, Priv. L. No. 790, 66 Stat. A130.

⁸ Since the 1990s, Kaiser has changed corporate names several times. For ease of reference, this memo refers to all these entities as Kaiser.

⁹ While the litigation was pending, Kaiser entered into a contract to sell the landfill to the Los Angeles County Sanitation Districts, contingent on a favorable resolution of the lawsuit. Over time however, Los Angeles County re-evaluated its landfill needs and decided in May, 2013 to terminate its contract with Kaiser.

¹⁰ The remaining 1,083 acres that were included in the voided exchange are undisturbed. These lands are not encumbered by mining or mill site claims.

has indicated that it plans to divest itself of its patented lands and mining claims in the Eagle Mountain region once it finds a buyer.¹¹

Purpose of the Proposed Withdrawal and Transfer of Jurisdiction to NPS

The NPS has preliminarily identified natural and cultural resources in the Eagle Mountain area that warrant study to identify opportunities for landscape-scale conservation and possible transfer of administrative jurisdiction to the NPS. In particular, the Eagle Mountain area provides key habitat linkages for two herds of bighorn sheep that inhabit the Eagle and Coxcomb Mountain areas of the Park. Published research has shown that there is genetic reproduction between these herds and that they utilize lands in the Eagle Mountain area. Desert tortoise habitat is also present in the Eagle Mountain area and, if preserved, could provide a corridor of continuous habitat linking habitat in the Park to the north with that in the Orocopia and Coxcomb Mountains to the south. Understanding the opportunities for conservation in this area will serve the greater coordination of landscape-scale conservation across the California desert. There are also a large number of cultural resources associated with mining activity that could be used to interpret the important mining history of the area. The lands also possess unique opportunities for recreation and the interpretation of post-World War II industry and mining.

Absent the withdrawal, existing land use plans are insufficient to protect the national monument values that remain in these public lands. BLM's 1980 land management plan for the California Desert Conservation Area (CDCA) classifies lands in the Eagle Mountain area as Class M (moderate use) and Class I (intensive use). The CDCA plan provides that areas designated as Class M or Class I "will be acquired, disposed of, or exchanged in accordance with FLPMA and other applicable Federal laws and regulations, to assure more efficient management of the public lands and to reduce conflicts with other public and private landowners to provide more consistency and logic in desert-wide land use patterns." (CDCA Plan, § II.B.11.) BLM's recently issued Draft EIS for the Desert Renewable Energy Conservation Plan (DRECP) did not propose to change the status of the lands in this area.

Upon the publication of the withdrawal proposal in the Federal Register, the NPS is poised to initiate a NEPA process to evaluate the proposed withdrawal and Park boundary adjustment. NPS intends to complete the NEPA process in approximately eighteen months.

Eagle Crest and Other Projects

The proposed withdrawal area excludes lands that have been withdrawn under the Federal Power Act for the Eagle Crest Energy Company's (Eagle Crest) Eagle Mountain Pumped Storage Project. This project received a 50-year license from the Federal Energy Regulatory Commission (FERC) in June 2014. As permitted, the project is authorized to occupy 1,147 acres of public land and 1,320 acres of Kaiser patented land (a total footprint of 2,527 acres) and would be

¹¹ Kaiser's Board of Managers approved a Dissolution Plan on May 22, 2013. The company, which has been re-named CIL&D, is now officially dissolved and is in the process of winding up its business and liquidating its assets. (CIL&D letter to Securities and Exchange Commission, August 9, 2013)

surrounded by the Park on three sides.¹² These areas and associated rights-of-way contain important wildlife habitat that is linked to habitat in the surrounding Park lands. Construction of industrial scale projects like the Eagle Crest project (without additional mitigation) could threaten the viability of these important habitat linkages.

The NPS has strong reservations about the project as approved by FERC, but has recently begun discussions with Eagle Crest to determine whether additional mitigation measures can be developed to reduce impacts of the project on nearby NPS lands and resources to acceptable levels. In the meantime, the Department's Petition for Rehearing and Stay, which was filed on July 21, 2014, is pending before FERC.¹³

In order to construct the project, Eagle Crest needs to obtain three FLPMA rights-of-way from BLM: two for transmission corridors and one for water pipeline structures and other infrastructure for the facility. Eagle Crest's right-of-way applications are pending before BLM, and BLM has indicated that supplemental environmental analysis (likely in the form of an EA) will be needed. If the Park boundary is expanded to include all lands proposed for withdrawal, three sides of the Eagle Crest project will abut the new Park boundary. Given the possibility that the primary agency to be affected by the Eagle Crest project will be the NPS, BLM should work with the NPS to ensure that the impacts of the project on national park values and resources are fully evaluated, to reach consensus with NPS on measures to minimize impacts to park values to the greatest extent possible, and to ensure the incorporation and enforceability of agreed-upon mitigation measures in any rights-of-way issued to Eagle Crest.

BLM has also received an application from LH Renewables for a wind energy project in the southern part of the Eagle Mountain area. BLM has indicated that it views this project as high-conflict and low-priority because of its proximity to the existing Park boundary. Although the project is listed as "pending" on the BLM website, the company is not actively seeking to advance the project. BLM would not be able to process this, or any other discretionary application, during the segregation period for the proposed withdrawal without prior coordination with the NPS to ensure protection and consideration of national park values. 43 C.F.R. § 2310.2(d).

Private and State School Lands Not Affected

¹² The reversal of the land exchange, pursuant to the December 2014 Stipulated Judgment, increased the public land portion of the project by 448 acres. The primary physical features associated with the Eagle Crest project are two large reservoirs, with surface areas of 163 and 191 acres each. The reservoirs would be located in Kaiser's privately owned mining pits. The project also consists of a powerhouse, four turbines, spillways, tunnels, a 15-mile water pipeline, a 13-mile transmission line, six miles of roads, and associated infrastructure. Although the project is deemed financially viable and would generate approximately 1,300 megawatts of energy, there is a net energy loss associated with the project because it will require more energy to return the water to the upper reservoir than generated during daily operations.

¹³ Among the NEPA deficiencies identified in the Department's Rehearing Petition are the failure to obtain adequate baseline data for the project area, reliance on stale data, failure to adequately evaluate the effects of the project on bighorn sheep which use the central project area, failure to evaluate the effects of project brine ponds on birds, and failure to address the need to treat and dispose of acid mine drainage that will result from filling the iron ore mine pits with water. Petitions for rehearing were also submitted by Kaiser and the Desert Protection Society, which was one of the plaintiffs to the landfill litigation.

Neither the segregation nor, if it is made, the withdrawal would affect private or state property rights in the area. Segregation and withdrawal of the public lands is subject to valid existing rights and thus does not apply to patented or state school lands or to any valid unpatented mining and mill site claims. It therefore will not impose any limitation on private or state rights to sell any or all remaining land holdings in the Eagle Mountain area. Kaiser may argue that a segregation or withdrawal of surrounding lands, while not affecting their mining rights, could diminish the value for potential sale. However, even without the proposed withdrawal, Kaiser has been unsuccessful in finding purchasers for the mine site. Kaiser is now in negotiations with Eagle Crest.

Attachments

attached to Jarvis
email of 6/17/15

**ATTACHMENT 1
EAGLE MOUNTAIN BRIEFING**

INFORMATION MEMORANDUM FOR THE SECRETARY

DATE: June 17, 2015
FROM: Jonathan B. Jarvis, Director, National Park Service
SUBJECT: Eagle Mountain Segregation/Withdrawal Application

I. INTRODUCTION

The National Park Service (NPS) has submitted a Segregation and Withdrawal Application which includes approximately 22,462 acres of public lands in Riverside County adjacent to Joshua Tree National Park, California. The area included in the application is part of an ongoing Boundary Adjustment Study being conducted by the NPS with public input. Depending on the outcome of the study, the NPS could request that all or a portion of these lands be withdrawn for eventual inclusion in an expanded Joshua Tree National Park boundary. Segregation of these areas would halt any additional development to the public lands pending completion of the study in spring 2016. This application does not include any private land, patented mining claims or public land rights of ways related to a Federal Regulatory Energy Commission (FERC) license for a pumped storage hydro project managed by Eagle Crest Energy that is directly adjacent to the lands included in this application.

The petition/application for the withdrawal of these lands was submitted to the Assistant Secretary for Land and Minerals Management on May 18, 2015.

II. BACKGROUND

When Joshua Tree National Monument was established in 1936, it included lands encumbered by patented and unpatented mining claims. Kaiser Steel Company (KSC) had begun to acquire these patented lands and other mining claims, and began mining for iron ore in 1948. In 1950, Congress removed 265,000 acres from the Joshua Tree National Monument boundary, since active and robust mining on the land conflicted with its designation of a national monument. This included the approximately 32,000 acres in the Eagle Mountain area. These lands were then returned for public use and opened for mineral exploration. In 1955, the Department of the Interior issued a land patent to KSC for approximately 465 acres of land at Eagle Mountain for

an iron mine and camp (Priv. L. No. 66 Stat. A130). In 1956, pursuant to the Act of July 8, 1952, the Department issued KSC a patent for a railroad. Over the years, KSC obtained patents for additional property. The mine expanded and the camp turned into a bustling company town of 4,000 people with housing, community and recreation facilities, churches, schools, and emergency services. KSC's patented lands, together with approximately 2,000 acres of adjacent public lands encumbered by Kaiser's mining and mill site claims, comprise the Eagle Mountain Mine.

The mine closed in 1983. Kaiser entered bankruptcy in 1987 and emerged as Kaiser Ventures and a wholly-owned subsidiary called Kaiser Eagle Mountain, Inc. In 1989, Kaiser issued a 100-year lease to Mine Reclamation Corporation to develop a landfill at the mine site. At full operation, the landfill would have received approximately 20,000 tons of garbage per day from the Los Angeles area via Kaiser's railroad line. More acreage was needed for the project, and Kaiser proposed a land exchange to the Bureau of Land Management (BLM) so they could acquire additional land needed for the landfill. The BLM agreed and issued patents to Kaiser for 3,481 acres of federal land surrounding the mine pits. The BLM received 10 separate parcels totaling 2,846 acres. In 2013, after years of controversy and litigation, the landfill project was abandoned. In 2014, the issue was settled in the form of a Stipulated Judgment. The Stipulated Judgment voided the patents issued to Kaiser for the 3,481 acres of exchange lands around the mining pits and restored those lands to public land status. Kaiser also agreed to donate to the United States the lands it had previously conveyed as part of the voided land exchange (1,083 acres). In return, the Stipulated Judgment restored Kaiser's mining and mill site claims over approximately 2,400 acres of the former exchange lands around the mine pits. Kaiser, which is now in liquidation and renamed CIL&D, has indicated that it plans to divest itself of its patented lands and mining claims in the Eagle Mountain region once it finds a buyer.

On June 19, 2013, FERC issued a 50-year license to the Eagle Crest Energy Company (ECE) for the Eagle Mountain Pumped Storage Project (PSP). ECE has two years to commence construction and five years to acquire fee title (or sufficient perpetual rights) to Kaiser's private lands. ECE is proceeding with plans for construction to begin in 2017. Currently, ECE is in negotiations with CIL&D to purchase the patented mining claims within the Eagle Mountain area necessary for the PSP to proceed. Although the ECE project has the potential for considerable environmental impact to park resources, mitigation efforts by ECE as well as adaptive use management applied to the monitoring of both water and wildlife resources could greatly reduce the effects. As part of the mitigation package discussions between ECE and the NPS, ECE would donate all private lands and public land right of ways in the Eagle Mountain area to the NPS at the termination of the FERC license. The mitigation efforts would guarantee an infusion of funds from ECE to the NPS to help monitor the project as well as begin the process of rehabilitating the former Kaiser mining properties.

The NPS is preparing a Boundary Adjustment Study and Environmental Assessment for Joshua Tree National Park (the national monument was redesignated as a national park under the 1994 Desert Protection Act). The study examines approximately 32,000 acres of land adjacent to the eastern border of the national park boundary in the Eagle Mountain area. This area includes all of the Eagle Mountain property that was formerly withdrawn from the national monument. Although the Boundary Expansion Study includes both private and public land within the Eagle

Mountain area, the study is a planning tool to determine the suitability and feasibility of the acquisition of these lands.

While some portions of the study area have been disturbed as a result of mining operations, most of the properties within the study area remain undeveloped and in federal ownership. The Eagle Mountain area contains resources and values fundamental to the established purpose of Joshua Tree National Park. Such resources and values include: desert tortoise habitat and other habitat types important for maintaining biological diversity and healthy ecosystem function; interconnectivity of California desert lands; wilderness values and accessibility; dark night skies; hydrological resources; desert landforms; and recreational opportunities. Historic resources associated with the Eagle Mountain Mine and townsite, the Colorado River Aqueduct, and General Patton's World War II training camp provide excellent opportunities to expand the rich history interpreted at Joshua Tree National Park. The NPS has undertaken this boundary study of the Eagle Mountain area to consider whether to include additional properties within the national park boundary and develop alternatives that would protect related cultural, natural, and scenic resources.

The Eagle Crest Energy pump storage project will proceed independent of either the Segregation and Withdrawal application or the Boundary Expansion Study. As a FERC licensed project on public land, all public land rights of way on public lands are by law excluded from segregation or withdrawal. The NPS is currently negotiating a mitigation package with ECE that would allow for the transfer of all land involved in the ECE project to the NPS at the termination of the FERC license.

III. POSITION of INTERESTED PARTIES

National Park Service – The return of the Eagle Mountain lands to Joshua Tree National Park has been a bureau goal since the withdrawal of the lands took effect in 1950. The pristine nature of the public lands outside of the former mining area complements the surrounding wilderness inside the current park boundary. Biologically, the connectivity for large wildlife between the Cottonwood and the Eagle Mountains with the Coxcomb Mountains to the north was severed during the Kaiser Steel period. Bighorn sheep populations have slowly recolonized the area following the termination of mining operations in the 1980s. The threat of additional energy development in this area would be a severe setback to the reestablishment of these migration corridors.

Since the land was originally removed from NPS management, development within the Eagle Mountain area has posed a constant threat to the resources on the adjacent park land. The original mining operations disrupted both the migration and nesting habits of a variety of sensitive wildlife species. The proposed landfill project provided a unique threat to the desert tortoise population that had the potential to affect animals throughout the eastern half of the park. Recently, a proposal for a windmill project on the park's eastern boundary posed a significant risk to birds of prey and other avian species. Due to the nature of the original withdrawal and the resulting boundaries causing an island of potential development extending over ten miles into the

park's interior, the bureau believes acquisition of this property to be essential for the protection of the park.

Bureau of Land Management – The BLM has been the primary administrator of the Eagle Mountain property since its original withdrawal. During that time, the area has been managed for maximum public benefit for mineral exploration, as a public landfill, as a prison site, and finally for renewable energy development. The drop in the price for iron ore has made further steel mining uneconomical. Public outcry due to the environmental consequences of the landfill made further development of that project politically untenable. Problems with inmate safety and control led to the closure of the prison site. Although a number of firms showed initial interest in development of wind and solar in the area, no firms are currently actively engaged in project development. The area included in the withdrawal contains a number of unpatented mining claims throughout the Eagle Mountain area. Although none of these claims are currently active, the BLM contends that as part of its Federal Land Policy and Management Act mandate, these areas should stay open for potential mineral use. The BLM has proposed a greatly reduced segregation and withdrawal that would exclude any of the unpatented mining claims and follow the established section boundary divisions as best as possible.

Tribal Governments – The NPS has been in consultation with five of the local tribes that have cultural affiliation to Joshua Tree National Park and an interest in the final disposition of the Eagle Mountain lands. During discussions, they have all voiced concerns that they have not been part of consultations with the BLM regarding the development of the Eagle Mountain area. They have asked that the NPS continue to work with them as interested parties in the protection and preservation of the land and biological resources in the Eagle Mountain area and, in the event of segregation and withdrawal, that they play a fully active consultative role.

Eagle Crest Energy – Although the NPS has been in negotiations with ECE regarding mitigations for the pump storage project, they have not stated an interest in the segregation and withdrawal. The application specifically excludes any of the public lands necessary for the implementation of this project.

CIL&D, LLC (f/k/a Kaiser Ventures LLC) – As a liquidation company, CIL&D chief purpose is the final disposition of all lands associated with the former Kaiser Steel properties in the Eagle Mountain area. The NPS has not been in discussions with CIL&D and they have not stated an opinion on the segregation and withdrawal application. As the holder of patented mining claims, CIL&D would not be affected by the land transfer of the public lands immediately adjacent to their property. The transfer of unpatented mining claims from the BLM to the NPS could potentially limit their ability to use these properties and pose a negative financial impact to the corporation.

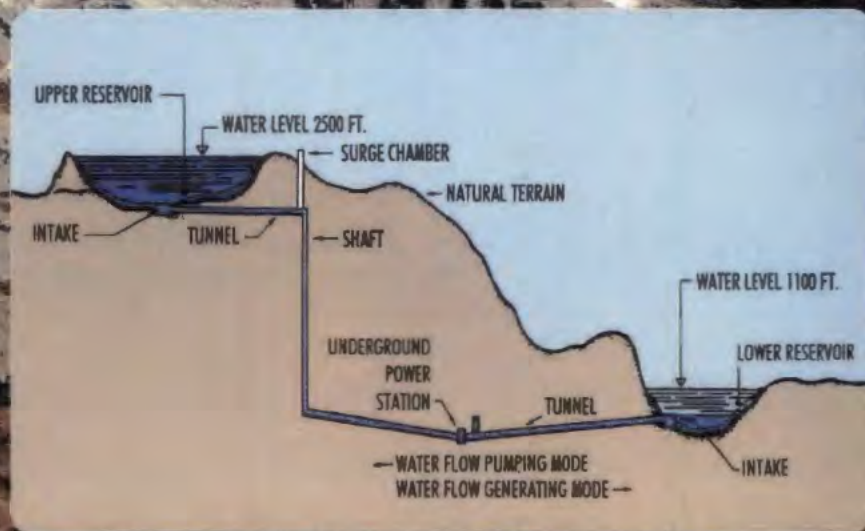
Local Residents (Desert Center, Lake Tamarisk, Chiriaco Summit) – Currently, there are very few year-round residents in the communities within 30 miles of the Eagle Mountain area. As part of the public outreach and comment period for the Boundary Adjustment Study, NPS staff will hold a public meeting in Lake Tamarisk to assess public support for park expansion. There is general interest in the community for any type of development that might provide economic stimulus for the town sites.



Eagle Crest
Energy Company

Eagle Mountain Pumped Storage Hydroelectric Project

Eagle Crest Energy Company





Making Renewable Energy Dependable

One of the greatest challenges facing the electric power industry is how to deliver the immense potential of intermittent renewable energy resources, like wind and solar, in a highly reliable, delivered-as-needed product in the most environmentally aware state in the United States.

The Eagle Mountain Pumped Storage Project will play a key role in meeting this challenge.

- ✓ *1300 MW of Environmentally friendly power for energy storage and generation*
- ✓ *Enables integration of renewable resources including wind and solar energy*
- ✓ *Significant economic benefits for Riverside County and California*
- ✓ *Expect all regulatory permits and approvals by 2014; construction 2016-2021*
- ✓ *Extensive environmental mitigation measures adopted to protect water, biological, and cultural resources and air quality*

The Eagle Mountain Pumped Storage Project will be an integral component of California's renewable energy policies, and its goals for reduction of greenhouse gas emissions. It will play a major role in satisfying peak energy demands, integration of renewable energy resources located in the California desert, and management of the regional transmission grid so that on-demand reliable energy can be delivered throughout southern California. The project will generate significant economic benefits to California and Riverside County, including construction expenditures of over \$1.5 billion, resulting in thousands of new jobs.

The project has been subjected to many years of rigorous scientific investigations, resulting in more than 100 environmental mitigation measures adopted to ensure long term protection of the local aquifer and environmental resources. The Eagle Crest Energy Company has committed to the implementation of all required environmental protection measures, and to maintaining the highest possible environmental standards through development and operations, for the life of the Project.





The Project

The Eagle Mountain Pumped Storage Project is a closed loop, off-stream hydroelectric power project capable of producing up to 1,300 megawatts of power. It is located in the desert in Southern California close to the regional transmission grid that supplies power to more than 20 million people; (see figures 1 and 2). The project is unique in that it will be developed within a historic mining site, utilizing existing mine pits to create the upper and lower reservoirs. The power house and tunnels connecting the reservoirs will be located deep underground. The mine site has been denuded of vegetation and has little, if any, value to wildlife or native species. No recreational activities are allowed at the site. The Eagle Mountain Project's use of existing mining pits and groundwater as the reservoir fill source eliminates impacts to streams, fisheries

resources, wetlands, and other aquatic ecosystems that are commonly associated with hydroelectric development.

The central project works include the upper and lower reservoirs, an interconnecting tunnel system, and the powerhouse. Three wells in the Chuckwalla Valley will supply water through a buried pipeline for the initial fill of the lower reservoir (about 30,000 acre-feet), and one well will supply approximately 1,800 acre-feet of water annually to make up for evaporation losses over the remaining life of the project. A 500 kV transmission line (approximately 16 miles total) will be the only project feature visible from the ground, and only the two small water bodies (about 125 acres surface area each) will be visible from a flyover viewpoint.

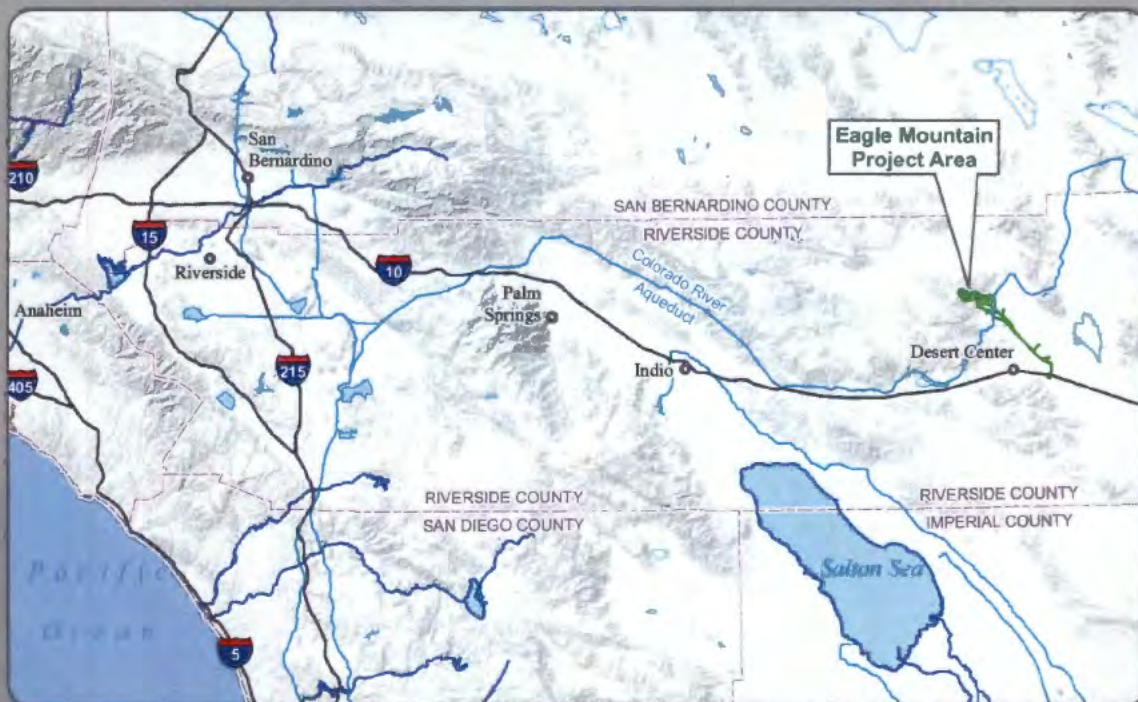


Figure 1. Eagle Mountain Project Location



Figure 2. Eagle Mountain Transmission and Water Line



Figure 3. Eagle Mountain Central Project Area

Energy System Benefits

The Eagle Mountain Project will be capable of providing 1,300 MW of electrical generating capacity, with an energy storage volume capable of providing maximum generating discharge for 18.5 hours. Water stored in the upper reservoir will provide approximately 22,000 megawatt hours of on-peak generation.

The project operates as a giant battery (*energy storage*) – once the lower reservoir is filled, the water is pumped to the upper reservoir where it is held until energy is needed to meet electrical demand (*capacity*) and/or to support stable and reliable grid operations (*ancillary services*, including *spinning reserves*, *voltage support*, *load following*, and *black start capacity*).

The Project will be an integral component of solving Southern California's unique energy challenges over the next fifty years. The ability of the project to ramp its electrical generation up or down *on-demand* is a key feature for supporting both reliable operation of the regional transmission grid, and to support integration of significant renewable energy generation projects that produce power intermittently (requiring grid stabilization) and that are less reliable (requiring back-up generation sources). This is particularly important now and for the future as California strives to meet ambitious renewable energy portfolio goals of 33 percent renewable energy by 2020, and at least 50 percent by 2050.

Storage offers the unique benefit of being able to capture energy during off-peak periods or during periods of renewable overgeneration and to use that energy to provide on-peak power to balance supply and demand and to optimize grid operations and dispatch. See Figure 4, below. In 2020 there are predicted to be periods of renewable over-generation in the afternoon hours, followed by peak load resource needs during the evening hours. The Project's high ramp rate, broad operating range, and fast start times make it a uniquely flexible resource on the California grid. A resource with the ability to offer flexible load to the system has an inherent advantage in future high renewable scenarios, since it avoids the need to curtail significant amounts of valuable renewables.

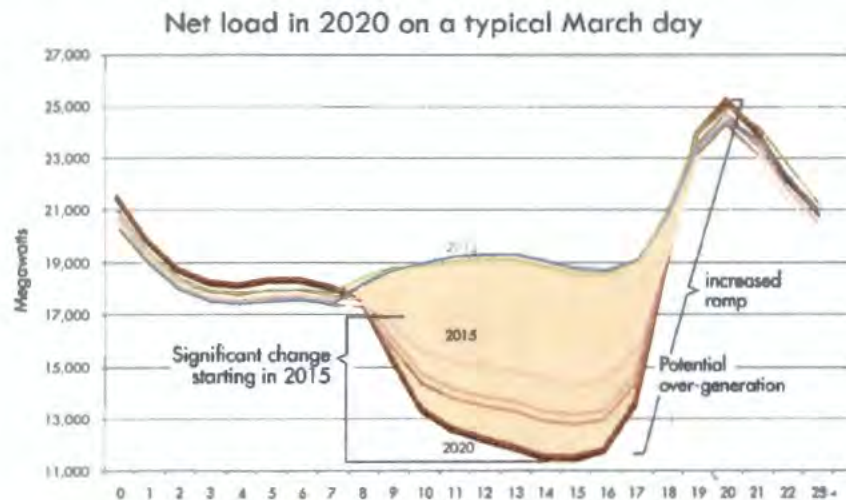


Figure 4. CAISO chart shows ramping and potential over generation conditions on a typical March day

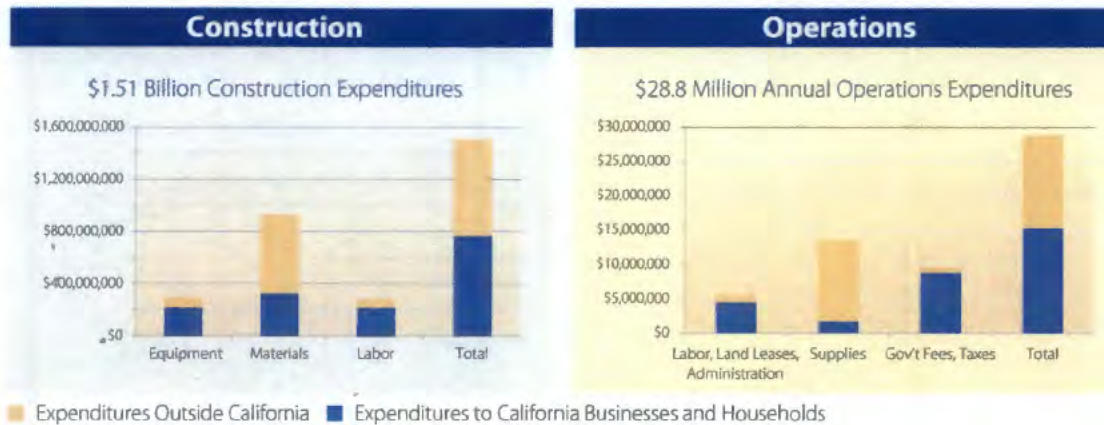
Economic Benefits

The project will generate significant economic benefits to California and Riverside County.

Project construction is estimated to result in expenditures of over \$1.5 billion, while Project operations are estimated to require ongoing

annual expenditures (expected to last for at least 50 years) of approximately \$29 million.

Summarized below are estimates of employment, labor income, and tax benefits (including only property, sales/use, and income taxes) to California and Riverside County supported by the Project.



Construction Effects (Annual, for 4 Years)

Riverside Households

Employment: 760 jobs (full and part-time)
(170 Project jobs, 590 jobs in other sectors)

Income: \$50.1 million
(\$25.1 million to Project employees, \$25.0 million to other sectors)

County Taxes: \$0.1 million (sales tax)

California Households, Including Riverside

Employment: 2,280 jobs (full and part-time)
(340 Project jobs, 1,940 jobs in other sectors)

Income: \$170.2 million
(\$51.2 million to Project employees, \$119.0 to other sectors)

State of California Taxes: \$8.9 million
(\$6.7 million state sales/use tax and \$2.1 million state income tax, plus \$0.1 million county sales tax)

Operations Effects (Annual, to 2062)

Riverside Households

Employment: 160 jobs (full and part-time)
(30 Project jobs, 130 jobs in other sectors)

Income: \$8.9 million
(\$1.8 million to Project employees, \$7.1 million to other sectors)

County Taxes: \$11.2 million (average property tax)

California Households, Including Riverside

Employment: 260 jobs (full and part-time)
(40 Project jobs, 220 jobs in other sectors)

Income: \$18.4 million
(\$3.7 million to Project employees/landowners, \$14.7 million to other sectors)

State of California Taxes: \$11.5 million
(\$0.3 million state sales/use tax and \$0.1 million state income tax, plus \$11.2 million county taxes)

PROJECT LIFE Present Value of Labor Income and Taxes

Riverside County

\$361.9 million income, \$224.0 million taxes

California, including Riverside County

\$1,012.5 million income, \$260.5 million taxes

Project Approvals and Permits

The project has received most of its required local, State and federal permits, and is expected to receive all required permits by 2014. These permits and licenses include:

- Water Quality Certification from the State Water Resources Control Board (SWRCB), including Final Environmental Impact Report (FEIR).
- Federal Biological Opinion from the U.S. Fish and Wildlife Service (USFWS).
- California Endangered Species Act (CESA) Consistency Determination from the California Department of Fish and Wildlife (CDFW).
- State Historic Preservation Office (SHPO) Programmatic Agreement for cultural resources.
- The License from the Federal Energy Regulatory Commission (FERC) is in final stages of approval, expected to be issued in the first quarter of 2014.
- The Right-of-Way from the U.S. Bureau of Land management (BLM) is also in final processing, expected to be completed late 2013 or early 2014.

Final engineering and project construction will extend from 2014 through 2021, and the project will be in operation for at least 45 years thereafter.



Environmental Mitigation

The Project has undergone environmental review by federal and State agencies for the past five years, including preparation of an Environmental Impact Statement (EIS) by the Federal Energy Regulatory Commission (FERC), and independently, an Environmental Impact Report (EIR) by the State Water Resources Control Board (SWRCB, or Water Board). The Project has also obtained a Biological Opinion (BO) from the U.S. Fish and Wildlife Service, and a Consistency Determination from the California Department of Fish and Wildlife to satisfy conditions of federal and State endangered species acts, and a Programmatic Agreement (PA)

has been developed between the State Historic Preservation Office (SHPO) and FERC to satisfy requirements of the National Historic Preservation Act. Each of these environmental review processes included participation of federal and state resource management and environmental protection agencies, a variety of interested stakeholders, members of the local community, and the public in general.

As a result of these comprehensive processes, a wide range of environmental issues have been analyzed and mitigation measures adopted as conditions of approval for the Project. These include measures applicable to design and construction, and to long term operations throughout the life of the Project.

Key resource areas for the Eagle Mountain Project include:

Water Resources

- The permitting process has required consideration of surface and groundwater resources, including water supply, water quality, and construction disturbance for protection of an ephemeral channel within the mine site and desert dry washes.
- Potential effects on the Chuckwalla Valley Groundwater Basin were studied exhaustively by both FERC and the SWRCB. In each case, FERC and the SWRCB concluded that the project would use less than one percent of the total Chuckwalla Valley aquifer volume – assuming no natural recharge – over the life of the Project, and determined that on a project-specific basis, this use of groundwater would not have a significant effect on the aquifer.
- Projected drawdown attributable to the Project's water use is about 4 feet over the 50 year license period, with aquifer recovery over the following period of about 17 years.
- Mitigation has been adopted to protect neighboring wells. In addition, a reservoir lining and reverse osmosis water treatment system will minimize water needs and protect long term groundwater quality. Erosion controls will be applied during construction and for the life of the project. Mitigation also includes installation of a comprehensive network of seepage monitoring and pump-back recovery wells, and long-term monitoring of the Chuckwalla Valley aquifer.

Biological Resources

- The project will be required to implement various measures for protection of biological resources, including desert tortoise, bighorn sheep, eagles and other raptors, and desert vegetation that will be affected by trenching for the buried water supply pipeline, and installation of transmission towers.
- Mitigation includes selection of an alternative transmission route to completely avoid a Desert Wildlife Management Area (DWMA), replacement of nearly 200 acres of desert tortoise habitat, fencing of reservoirs to prevent bighorn sheep and other wildlife access, and transmission line design to avoid bird deaths. Mitigation also includes comprehensive monitoring during construction, and long term monitoring and protection of wildlife at the two reservoirs and netting to prevent bird access to the evaporation ponds that are part of the water treatment system.

Cultural Resources

- The project will be required to implement various measures for protection of cultural resources related to the World War II Desert Training Center and the historic mine operations of the Kaiser Eagle Mountain Mine, identified by SHPO as an Historic Mining District. The environmental review process included comprehensive consultation with local and regional Native American tribes.
- Mitigation requirements include routing of the water supply pipeline and transmission line to avoid sensitive resources, a comprehensive inventory of the historic Town of Eagle Mountain mine-worker housing area, and monitoring throughout all construction phases of the Project.

Air Quality and Greenhouse Gases (GHG)


- The project's air emissions from construction exceed Air District standards for a 3-4 year period. Beyond the construction period, the Project has net air quality benefits to the air basin and the State over the life of the project by contributing to a net reduction in emissions from regional energy generation, and for contributing to the integration of a higher percentage of renewable energy generation sources.
- Mitigation for construction related emissions includes multiple requirements for minimizing construction equipment emissions, and use of electric-powered equipment where feasible.
- The Project provides a net long-term air quality benefit for contributing to a reduction in regional and State GHG production by reducing reliance on natural gas-fired peaking power plants for peak power demands and grid support operations.

Aesthetics and Visual Resources

- Applying the Bureau of Land Management's Visual Resource Assessment methods, the Project was determined to have unavoidable impacts related to the visual intrusion of the transmission line that will be highly visible where it must cross Interstate 10 to connect with the regional grid.
- The effects have been minimized to the extent feasible by selection of the preferred alternative. The preferred alternative will require rerouting a major portion of the proposed transmission line to route parallel to an existing transmission corridor at a distance not visible from the I-10 corridor for most of its length, and crossing the I-10 in a transmission corridor adjacent with local solar power projects perpendicular to the roadway.

Land Use Compatibility

- The project permitting process considered potential conflicts with adjacent and nearby land uses, including the Joshua Tree National Park, three solar projects in close proximity to the Project's water supply pipeline and transmission line corridors, a federally designated desert tortoise wildlife management area (DWMA), federal lands administered by the Bureau of Land Management (BLM) for which the Project must obtain a right-of-way, the private community of Lake Tamarisk, and the future Eagle Mountain Landfill (which is no longer proposed).
- Mitigation includes transmission and pipeline routing to avoid the DWMA and Lake Tamarisk community, participation with the USFWS, CDFW and National Park Service (NPS) to control ravens around the reservoirs, and installation of limited security lighting to avoid visual intrusion on the NPS wilderness areas located approximately 1.5 miles from the nearest Project boundaries.



Among the greatest challenges facing the electric power industry worldwide are the ability to harness immense renewable energy resources, and to deliver them in a useable form as a higher-value product.

**Eagle Mountain
Pumped Storage
accomplishes both.**

For more information, contact:
info@EagleCrestEnergy.com

3000 Ocean Park Blvd. #1020
Santa Monica, CA 90405
Tel: (310) 450-9090

www.eaglecrestenergy.com



Eagle Crest
Energy Company

Eagle Crest Energy
Eagle Mountain Pumped Storage Project

Existing Mitigation and Commitments

- Night sky minimization measures
- Groundwater (monitoring wells, seepage management)
- Water quality (treatment with reverse osmosis, monitoring system, erosion control)
- Impaired wells repaired or replaced
- Desert tortoise protection plan (surveys, fencing, monitoring, 200 acre acquisition)
- Predator control plan
- Avian protection plan
- Air quality measures for dust control, vehicles and equipment
- Fencing of reservoirs
- Special status plants protection plan
- Invasive species monitoring and control plan
- Historic properties management plan and agreement with SHPO and FERC

Additional Mitigation Proposals

- Support for immediate Joshua Tree National Park acquisition of lands not necessary for the Project and post-Project JTNP acquisition of Project lands
- Assistance in acquiring Park inholdings in Joshua Tree NP and Mojave NP
- Water offset plan
- Other mitigation and commitments including:
 - Fund endowment for Mojave NP desert tortoise research center
 - Transmission line along I-10 upgrade portion with lights and radio signals
 - Public interpretation kiosks of historic mining town



On June 19, 2014, Eagle Crest Energy Company (Eagle Crest Energy) received a FERC license to develop a pumped storage hydroelectric project at Eagle Mountain, CA, at the site of a former iron mine. This Project will provide 1,300 megawatts in energy storage capacity, enabling a critical component for the integration of intermittent renewable power sources for California residents. Project construction will begin as early as 2017, creating 500 construction jobs for four years and 50 permanent jobs once the Project is in operation.

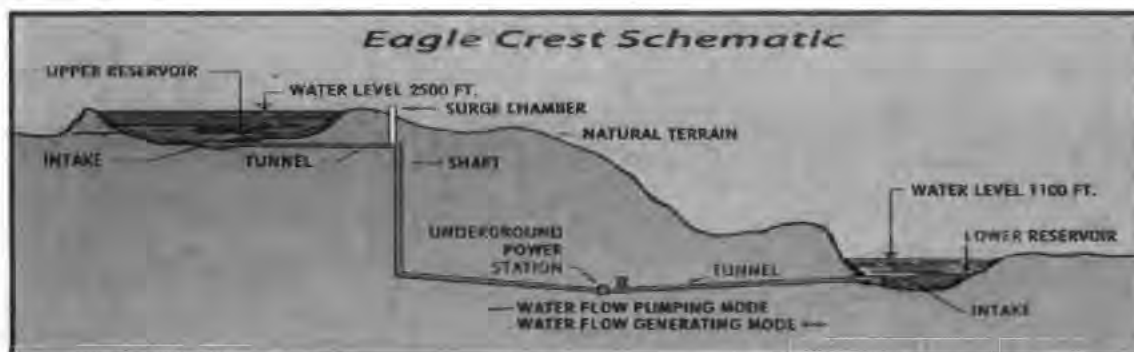
The Need for Energy Storage

Renewable energy sources, like wind and solar, are intermittent, and ensuring their reliability and capability to meet peak demand represents one of the key goals of the U.S. Department of Energy. In 2010, California enacted energy storage procurement legislation (AB 2514) and in 2013 the CPUC responded by directing the state's utilities to provide 1.3 gigawatts of energy storage by 2020. Energy storage is critical for integrating renewables as reliable baseload energy sources.

Specifics of Eagle Crest Pumped Storage Project

The previously disturbed iron ore mining site offers a unique opportunity. Perfectly situated existing reservoirs provide the necessary hydro-storage while avoiding the need for extensive surface construction. The environmental impact will be minimal, as access roads, temporary housing, and transmission access are already in place. .

By using surplus power that is generated at night, Eagle Crest Energy will help with the integration of renewable energy from wind and solar sources. The Project is located in an area that has existing wind and solar projects and the existing transmission line can move energy from Southern California to the Project site. As much as 70 percent of wind power is generated off-peak (nights and weekends) and 28 percent of solar energy is generated off-peak (weekends). It is anticipated that a majority of the energy needed to power the Eagle Mountain Project will come from this excess renewable energy. The Project will store some 23,000 MWh of energy, dispatchable in seconds to meet peak loads. An added benefit is the Project removes generation demand from the peak demand period which can help to take peaking power plants (natural gas-fired) offline (if consumption levels remain constant), or prevent the need for the construction of new fossil-based peaker power plants. Either option results in carbon dioxide emissions savings of up to 1.1 million tons annually.



Pumped Storage is a Proven Technology with Continued Innovation

Pumped storage is a proven technology. Water is pumped through reversible turbines from the lower reservoir to the upper reservoir when electricity demand is low. The power needed for pumping will be provided by renewable energy sources like wind and solar when their generation exceeds customer demand at night and on weekends. Then, during periods when electricity demand is high, the stored water is released through the turbines, generating electricity for use when it is needed most. The closed-loop system will help Southern California utilities meet peak electricity demand with clean energy. Pumped storage equipment providers are currently developing technology innovations that would improve cycle efficiency while increasing flexibility of equipment during part-load operations.

Additional Energy Storage Needed

The State of California and the nation have a great need for the development of energy projects that are large in scale, reliable, and have as minimal an impact as possible on the environment. .

California has established a Renewable Portfolio Standard (RPS) requiring utilities to get 33 percent of their electricity from renewable sources by 2020. This will require a significant amount of renewable energy, like that from wind and solar sources, to come online in the next decade. The State has also set an energy storage procurement target for 2020 of 1.2 gigawatts. The Eagle Mountain Project can act as storage for wind and solar power generated at off peak times, to be dispatched when the power is actually needed.

Further, the Project would use a previously disturbed iron ore mining and industrial site. The use of previously disturbed areas to site renewable energy projects is strongly encouraged by federal and state governments. The desert Project location enjoys the unique benefit of being near a transmission line, limiting the need for costly infrastructure buildout.

The Eagle Mountain project represents one of the single best opportunities to bring 1,300 megawatts of electric energy storage online in an area of high demand while solving the challenge of renewable intermittency. For more information on the project or on Eagle Crest Energy, please contact Doug Divine at ddivine@eaglecrestenergy.com or 310-450-9090.

Eagle Crest Energy Company

3000 Ocean Park Boulevard, Suite #1020

Santa Monica, CA 90405

Main: 310.450.9090, Fax: 310.450.9494

Embargoed until 2pm EST



July 1, 2015

Contact: Steve Lowe
info@eaglecrestenergy.com

Renewable Energy Storage Project Near Desert Center Advances

Eagle Crest Energy affiliate buys Kaiser Eagle Mountain Mine as part of a proposal to convert the site into an environmentally friendly energy storage project.

An energy storage project that would support renewable energy, reduce greenhouse gases, create hundreds of jobs and add millions to the local economy moved forward today under an agreement by Eagle Mountain LLC (an affiliate of Eagle Crest Energy) to buy the Kaiser Eagle Mountain mine near Desert Center from CIL&D (formerly known as Kaiser Ventures).

Eagle Crest Energy plans to transform the site into a pumped storage electricity station that can bank energy from solar, wind and geothermal power plants for release during times of peak demand and to maintain grid stability. The proposal calls for converting two of the mine's vacant pits into reservoirs that transfer water back and forth through a state-of-the-art underground turbine system that can produce up to 1,300 megawatts of electricity – enough to power nearly 1 million homes.

"This project would save ratepayers money and help California meet its renewable energy goals in an environmentally friendly manner that protects water resources and wildlife, creates hundreds of jobs and infuses the local economy with millions of dollars," Eagle Crest Energy CEO Doug Divine said.

The proposal was licensed in 2014 after rigorous environmental reviews by various state and federal energy and wildlife agencies, including the Federal Energy Regulatory Commission, the U.S. Fish & Wildlife Service, and the California State Water Resources Control Board.

Eagle Crest Energy has worked closely with regulators to ensure the project preserves and protects local wildlife, cultural resources, Joshua Tree National Park and local water supplies.

Pumped storage technology, whose supporters include Nobel Prize-winning physicist and former Secretary of Energy Steven Chu, is considered one of the most viable solutions for renewable energy storage needs. More than 300 pumped storage facilities operate around the globe (including about 40 in the U.S.), making it the most widely used large-scale energy storage method on the planet.

"As Riverside County continues to increase its role in delivering renewable power to the rest of California, we need to find ways to store energy for use at times when solar and wind are not generating power. As vice-chair of the Senate Energy Committee, I championed pumped storage as just such a

storage solution," Riverside County Supervisor John Benoit said. "This project helps make renewable energy sources more viable, and in an environmentally sensitive manner."

Assemblymember Eduardo Garcia said, "With the challenges California is facing in providing power to meet growing demands, the Eagle Crest Energy power-storage project represents a step in the right direction not only for our region but for the entire state as a whole. Pumped storage is reliable and will reduce the need for less efficient, fossil-fueled alternatives, which in the end will significantly contribute to utilities achieving their mandated renewable energy supply goals."

CIL&D Chairman Richard E. Stoddard agreed, saying, "We've been part of this community for many years and wanted to leave a legacy that would benefit the region for decades to come."

The sale agreement between Eagle Mountain LLC and CIL&D covers about 9,500 acres of land and mining claims. Of that, roughly 2,500 acres would be occupied by the energy storage facility. CIL&D, through a subsidiary, will retain the railroad and the right to sell iron ore tailings and rock from the property.


Based in Santa Monica, Eagle Crest Energy Co. is a private entity committed to the development of renewable energy resources that reduce the need for less efficient fossil-fuel alternatives. For more information on the proposed Eagle Mountain Pumped Storage Project, visit eaglecrestenergy.com.

WestlawNext

National Parks & Conservation Ass'n v. Bureau of Land Management

United States Court of Appeals, Ninth Circuit. November 10, 2009. 586 F.3d 735. 69 ERC 1737. 09 Cal. Daily Op. Serv. 13, 631. 2009 Daily Journal 13, 631. (approx. 31 pages)

 **Opinion Amended and Superseded by** National Parks & Conservation Ass'n v. Bureau of Land Management, 9th Cir.(Cal.), May 19, 2010

 Original Image of 586 F.3d 735 (PDF)

SELECTED TOPICS
Environmental Law

Assessments and Impact Statements

Agency Decision Under the National
Environmental Policy Act

586 F.3d 735

United States Court of Appeals,
Ninth Circuit.

NATIONAL PARKS & CONSERVATION ASSOCIATION, Plaintiff-
Appellee,

v.

BUREAU OF LAND MANAGEMENT; United States Department of
Interior, Defendants,

and

Kaiser Eagle Mountain, Inc.; Mine Reclamation Corporation, Defendants-
Appellants.

Donna Charpied; Laurence Charpied; Desert Protection Society; Center for
Community Action and Environmental Justice; Plaintiffs-Appellees,

v.

United States Department of Interior, Defendant,

Bureau of Land Management; National Park Service; Bruce Babbitt, in his
official capacity as Secretary of the Interior; Tom Fry, in his official
capacity as Acting Director of the Bureau of Land Management; Al Wright,
in his official capacity as Acting California State Director of the Bureau of
Land Management; Tim Salt, in his official capacity as Bureau of Land
Management California Desert District Manager; Robert Stanton, in his
official capacity as Director of the National Park Service, Defendants,

and

Kaiser Eagle Mountain, Inc.; Mine Reclamation Corporation, Defendants-
Appellants.

National Parks & Conservation Association, Plaintiff-Appellee,

v.

United States Department of Interior, Defendant-Appellant,
Bureau of Land Management, Defendant-Appellant,

and

Kaiser Eagle Mountain, Inc.; Mine Reclamation Corporation, Defendants.
Donna Charpied; Laurence Charpied; Desert Protection Society; Center for
Community Action and Environmental Justice, Plaintiffs-Appellants,

v.

United States Department of Interior; Kaiser Eagle Mountain Inc.; Mine
Reclamation Corporation; Bureau of Land Management; National Park
Service; Bruce Babbitt, in his official capacity as Secretary of the Interior;
Tom Fry, in his official capacity as Acting Director of the Bureau of Land
Management; Al Wright, in his official capacity as Acting California State
Director of the Bureau of Land Management; Tim Salt, in his official
capacity as Bureau of Land Management California Desert District
Manager; Robert Stanton, in his official capacity as Director of the
National Park Service, Defendants-Appellees.

Nos. 05-56814, 05-56815, 05-56843, 05-56832, 05-56908. Argued and Submitted Dec. 6,
2007. Filed Nov. 10, 2009.

Synopsis

Background: Conservation association and two individuals brought action challenging Bureau of Land Management's (BLM) approval of developer's request to exchange certain private lands for several parcels of surrounding BLM-owned land. The United States District Court for the Central District of California, Robert J. Timlin, J., held for the association on some, but not all, claims, and both sides appealed.

Holdings: The Court of Appeals, Pregerson, Circuit Judge, held that:

- 1 BLM should have taken the reasonably probable use of public lands for a landfill into consideration as part of the highest and best use analysis;
- 2 BLM did not consider several alternatives that would have been responsive to the need to meet long-term landfill demand in sufficient detail; and
- 3 environmental impact statement (EIS) insufficiently addressed the potential for eutrophication.

Affirmed in part and reversed in part.

Trott, Senior Circuit Judge, filed dissenting opinion.

Attorneys and Law Firms

*737 Leonard J. Feldman, Heller Ehrman LLP, Seattle, WA, for defendant-appellants Kaiser Eagle Mountain, LLC and Mine Reclamation, LLC.

Tamara N. Rountree, United States Department of Justice, Environment and Natural Resources Division, Washington, DC, for federal government defendant-appellants.

Deborah Sivas and Noah Long, Stanford Environmental Law Clinic, Stanford, CA, for plaintiff-appellee National Parks Conservation Association.

Stephan C. Volker, Law Offices of Stephan C. Volker, Oakland, CA, for plaintiffs-appellees Donna and Laurence Charpied.

Appeal from the United States District Court for the Central District of California, Robert J. Timlin, District Judge, Presiding. *738 D.C. Nos. CV-00-00041-RT, CV-99-00454-RT.

Before: HARRY PREGERSON, STEPHEN S. TROTT and RICHARD A. PAEZ, Circuit Judges.

Opinion

Opinion by Judge PREGERSON; Dissent by Judge TROTT

PREGERSON, Circuit Judge:

Kaiser Eagle Mountain, Inc. ("Kaiser") seeks to build a landfill on a former Kaiser mining site near Joshua Tree National Park ("Joshua Tree"). As part of its landfill development plan, Kaiser sought to exchange certain private lands for several parcels of land surrounding the mine site and owned by the Bureau of Land Management ("BLM"). Several parties, including the National Parks Conservation Association ("Conservation Association") and Donna and Laurence Charpied ("the Charpieds"), challenged the land exchange. Nevertheless, the BLM approved the land exchange, as did the Interior Board of Land Appeals ("Appeals Board").

The Conservation Association and the Charpieds pursued challenges in district court on several grounds, including violations of the Federal Land and Policy Management Act ("Management Act") and National Environmental Policy Act ("NEPA"). The district court held for the Conservation Association and Charpieds on the Management Act claims and some, but not all, of the NEPA claims. We have jurisdiction under 28 U.S.C. § 1291 and affirm in part and reverse in part.

I. Background

Kaiser owned and operated an iron ore mine near the Eagle Mountain range in Riverside County, California from 1948 to 1983. The mine area covered over 5,000 acres and included four large open pits. The mine area also included a 429-acre "Townsite," which housed mine workers and support personnel, and over which the United States owns a reversionary interest. Though Kaiser currently leases the Townsite for use as a correctional facility, the majority of the mine site lies dormant. The disturbed lands, which contain large quantities of mine tailings, have not been reclaimed.

his constitutional rights were violated in the process.

Given that Schad had notice during post-conviction proceedings of the need to develop facts about his family background to support his claim of ineffective assistance of sentencing counsel, and the information available at the time, together with the opportunity afforded to develop that information in four years, with thirty-four extensions and with all the funding requested, I agree with the district court that Schad failed to show he was diligent in efforts to investigate and present those facts in state court.

The district court properly applied the governing standard from *Williams v. Taylor*: whether Schad made "a reasonable attempt, in light of the information available at the time, to investigate and pursue" his constitutional claim. 529 U.S. at 435, 120 S.Ct. 1479. Its analysis did not stop with the predicate question whether the factual basis was actually developed in state court. Rather, its focus was on the notice, information, time and resources available to Schad, as well as on the causes for delay. I would not remand for an evidentiary hearing on diligence that was neither requested nor required. As Schad did not develop the factual basis for his ineffective assistance claim in state court proceedings, no evidentiary hearing on the merits of that claim may be held. I would, therefore, affirm.



**NATIONAL PARKS & CONSER-
VATION ASSOCIATION,
Plaintiff-Appellee,**

v.

**BUREAU OF LAND MANAGEMENT;
United States Department of
Interior, Defendants,**

and

**Kaiser Eagle Mountain, Inc.; Mine
Reclamation Corporation,
Defendants-Appellants.**

**Donna Charpied; Laurence Charpied;
Desert Protection Society; Center for
Community Action and Environmen-
tal Justice, Plaintiffs-Appellees,**

v.

**United States Department of
Interior, Defendant,**

**Bureau of Land Management; National
Park Service; Bruce Babbitt, in his
official capacity as Secretary of the
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and

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National Parks & Conservation
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Appellee,

v.

United States Department of Interior,
Defendant-Appellant,

Bureau of Land Management,
Defendant-Appellant,

and

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05-56832, 05-56908.

United States Court of Appeals,
Ninth Circuit.

Argued and Submitted Dec. 6, 2007.

Filed Nov. 10, 2009.

Amended May 19, 2010.

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demand in sufficient detail; and
- (3) environmental impact statement (EIS)
insufficiently addressed the potential
for eutrophication.

Affirmed in part and reversed in part.

Trott, Senior Circuit Judge, filed dissent-
ing opinion.

Opinion, 586 F.3d 735, amended and super-
seded.

1. United States ¶58(8)

Record of Bureau of Land approving
proposed land exchange never became ef-
fective and was not the final agency action
for purposes of Administrative Procedure
Act (APA) where Interior Board of Land
Appeals Board granted a stay; therefore,
Appeals Board decision, which incorporat-
ed environmental impact statement (EIS),
was the final agency action for purposes of
review. 5 U.S.C.A. § 704; 43 C.F.R.
§ 4.21(a)(2).

2. Administrative Law and Procedure ¶669.1

As a general rule, court will not con-
sider issues not presented before an ad-

R11E

Eagle Mountain Land Exchange

R14E

R15E

T3S

Joshua Tree National Park

T3S

T4S

Lands Conveyed to Kaiser

T4S

T5S

GROUP D

T5S

T6S

GROUP C

T6S

T7S

GROUP B

T7S

T8S

GROUP A

T8S

Chocolate Mountain Aerial Gunnery Range

T9S

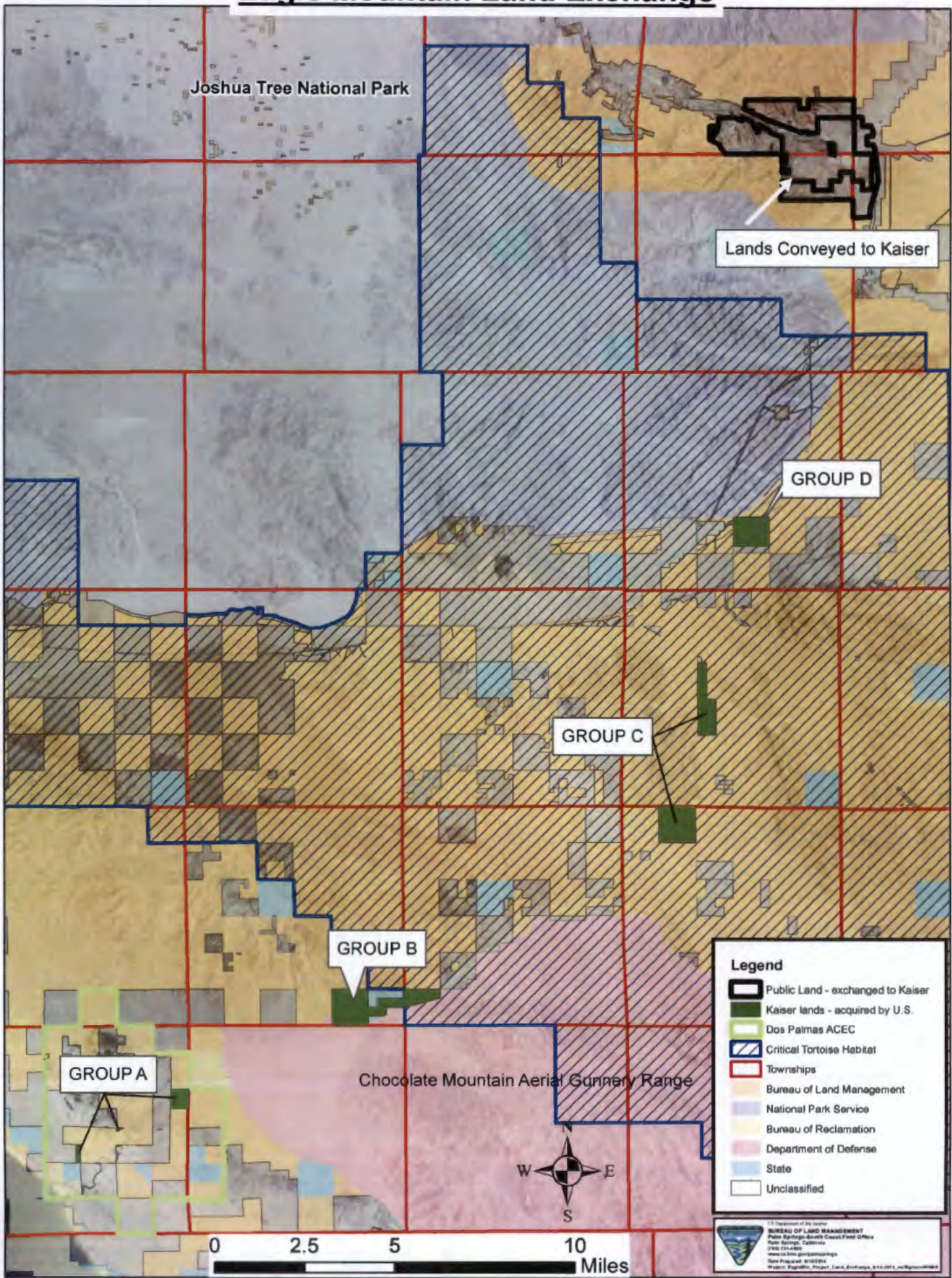
R11E

R12E

R13E

R14E

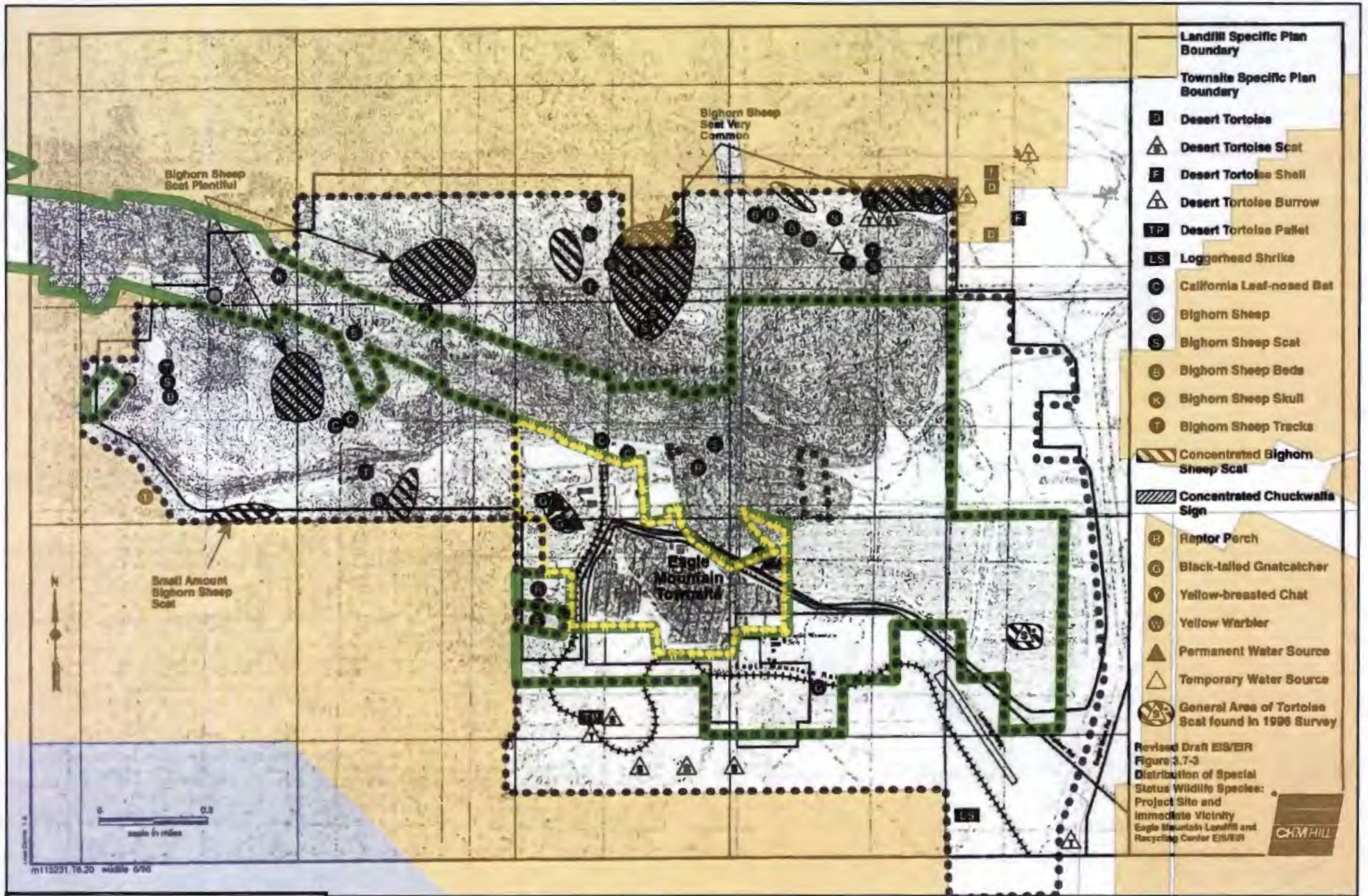
R15E



Legend

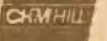
- Public Land - exchanged to Kaiser
- Kaiser lands - acquired by U.S.
- Dos Palmas ACEC
- Critical Tortoise Habitat
- Townships
- Bureau of Land Management
- National Park Service
- Bureau of Reclamation
- Department of Defense
- State
- Unclassified

U.S. Department of the Interior
BUREAU OF LAND MANAGEMENT
 Palm Springs-South Coast Field Office
 Palm Springs, California
 0760 (11-1-00)
 www.blm.gov/palmsprings
 Date Prepared: 01/10/04
 Project: Eagle Mtn. Project Land Exchange, 011-0011, 10/02/00-01/04/04



- Landfill Specific Plan Boundary**
- Townsite Specific Plan Boundary**
- D** Desert Tortoise
 - △** Desert Tortoise Scat
 - F** Desert Tortoise Shell
 - △** Desert Tortoise Burrow
 - TP** Desert Tortoise Pallet
 - LS** Loggerhead Shrike
 - C** California Leaf-nosed Bat
 - G** Bighorn Sheep
 - S** Bighorn Sheep Scat
 - E** Bighorn Sheep Beds
 - K** Bighorn Sheep Skull
 - T** Bighorn Sheep Tracks
 - ▨** Concentrated Bighorn Sheep Scat
 - ▨** Concentrated Chuckwalla Sign
 - R** Raptor Perch
 - G** Black-tailed Gnatcatcher
 - Y** Yellow-breasted Chat
 - W** Yellow Warbler
 - △** Permanent Water Source
 - △** Temporary Water Source
 - ⊙** General Area of Tortoise Scat found in 1996 Survey
- Revised Draft EIS/ER
 Figure 3.7-3
 Distribution of Special Status Wildlife Species:
 Project Site and Immediate Vicinity
 Eagle Mountain Landfill and Recycling Center EIS/ER

- Legend**
- Lands Conveyed to Kaiser
 - Bureau of Land Management
 - Eagle Mountain Townsite
 - National Park Service
 - Other Kaiser Private Land
 - State
 - Unclassified





Bean, Michael <michael_bean@ios.doi.gov>

Desert Sun Editorial: Make Eagle Mountain part of Joshua Tree park

1 message

Neal Desai <ndesai@npca.org>

Mon, Jan 12, 2015 at 10:45 AM

To: "tommy_beaudreau@ios.doi.gov" <tommy_beaudreau@ios.doi.gov>, "Buffa, Nicole" <nicole_buffa@ios.doi.gov>, "michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>, "llance@blm.gov" <llance@blm.gov>, "jon_jarvis@nps.gov" <jon_jarvis@nps.gov>, "Ray_Sauvajot@nps.gov" <Ray_Sauvajot@nps.gov>, "michael_bean@ios.doi.gov" <michael_bean@ios.doi.gov>, "peggy_o'dell@nps.gov" <peggy_o'dell@nps.gov>
Cc: Theresa Piemo <tpiemo@npca.org>, Ron Sundergill <rsundergill@npca.org>, David Lamfrom <diamfrom@npca.org>

Now that the longstanding lawsuit is settled, local residents and the region's largest newspaper (The Desert Sun) are calling on the Interior Department to permanently protect the critically important Eagle Mountain region, surrounded on three sides by Joshua Tree NP wilderness. Such action by this Administration would be a widely celebrated conservation achievement for Joshua Tree NP in advance of the NPS Centennial.

"We call on all sides to use this latest milestone as impetus to work toward a deal that makes Eagle Mountain a new piece of Joshua Tree National Park, creating a vibrant tourist attraction celebrating the area's colorful and important mining past and relinking habitat for important desert species."

<http://www.desertsun.com/story/opinion/editorials/2015/01/10/voice-eagle-mountain-joshua-tree/21566721/>

Desert Sun (Palm Springs, CA)

Saturday, January 10, 2015

Our Voice: Make Eagle Mountain part of Joshua Tree park

The settlement of a longstanding legal fight over land around the Eagle Mountain iron mine has many hoping the mine site is moving closer to inclusion in Joshua Tree National Park.

Count us among that number.

Nothing about the recent legal settlements between Kaiser Eagle Mountain, which owns the mine, and those who challenged a land swap between Kaiser and the federal government 15 years ago necessarily indicates that the mine and adjacent ghost town are poised to become part of the park.

Kaiser continues its efforts to sell the site to another mining company. And a separate company continues to push its plan to build a hydroelectric power plant using the massive pits dug out over decades in the desert east of Indio.

Regulators, meanwhile, say the recent legal settlement doesn't affect Kaiser's right to mine the lands it holds.

"If the park service is interested in the future in pursuing (absorption of Eagle Mountain), then we'd need to cross that bridge when we get to it," Bureau of Land Management spokeswoman Dana Wilson told The Desert Sun's Sammy Roth.

But within the settlement are hints that our preferred outcome of the site becoming a historic piece of Joshua Tree National Park — where visitors could learn about its mining and steelmaking past — is not so farfetched.

Kaiser spent years in court fighting the land swap challenges from local activist Donna Charpiéd and the National Parks Conservation Association. It's unclear what prompted Kaiser to agree to the settlement late in 2014.

While it's true that Kaiser's actions are an effort to smooth the way for a possible sale to another firm, the settlement included Kaiser's agreement to let the federal government keep lands it gave up in the 1999 exchange that spurred the lawsuits.

Those lands are seen as critical habitat for at-risk desert species such as the desert tortoise, the flat-tailed horned lizard and the Yuma clapper rail.

We agree with Charpiéd that the government should move quickly now to protect those areas.

"We just knocked one of the heads off the hydra," Charpiéd says. "Time to get that land back to the park now. There's no reason not to."

The settlement also might serve as a chess move of sorts blocking Eagle Crest Energy Company's proposed hydroelectric plant at Eagle Mountain.

Eagle Crest has secured a license for the plant from the Federal Energy Regulatory Commission even though Kaiser has refused to sell it the land.

The land that Kaiser ceded to the government in the settlement might be vital to the hydroelectric plant project, so its loss theoretically could scuttle, or at least complicate, Eagle Crest's plan.

Kaiser has been against the power plant plan since it was first floated two decades ago at a time when the mining company was pushing for the site to become a regional "super landfill." That plan, which would have had the Sanitation Districts of Los Angeles County buy the site and build the landfill, had been endorsed by The Desert Sun due to its promise of 1,300 jobs and \$20 billion of economic activity over 20 years.

The U.S. Fish and Wildlife Service and the South Coast Air Quality Management District also supported the landfill idea, which finally died in May 2013 when the Los Angeles Sanitation Districts' Board ceased negotiations on the plan.

The hydroelectric plant idea also deserves to die.

Eagle Crest says the facility would require an estimated 28,000 acre-feet pumped from the Chuckwalla Valley aquifer over four years. That's 9 billion gallons, which is enough water to satisfy 40,000 homes a year.

With evaporation, more than 100,000 acre-feet would be needed for the plant over the next 50 years.

Steve Lowe, president of Eagle Crest Energy, has said that's less than 1 percent of what the Chuckwalla Valley aquifer contains. But let's be clear: This commitment would be foolhardy considering that California is suffering its worst drought in a generation, with signs pointing to a future of similar drought-fueled water shortages.

We call on all sides to use this latest milestone as impetus to work toward a deal that makes Eagle Mountain a new piece of Joshua Tree National Park, creating a vibrant tourist attraction celebrating the area's colorful and important mining past and relinking habitat for important desert species.

DRAFT for Director's Signature

Reviewed and approved on 5/6/15 by:

- *JOTR Supt. David Smith*
- *Chief, Pacific Land Resources Greg Gress*
- *PWR SOL Barbara Goodyear*
- *PWR Acting Regional Director Patty Neubacher (5/7/15)*

Memorandum

To: Deputy Secretary
Assistant Secretary for Land and Minerals Management

Through: Principal Deputy Assistant Secretary for Fish and Wildlife and Parks

From: Director, National Park Service

Subject: Application and Petition for Withdrawal of Certain Public Lands Adjacent to Joshua Tree National Park

The December 18, 2014 entry of a Final Judgment and Order of Dismissal in the decades-long challenges to the Kaiser Eagle Mountain Landfill, and resulting return to federal ownership of public lands that had been conveyed to Kaiser to support the proposed landfill project, provides the Department with an unique opportunity to initiate a landscape-scale conservation and restoration initiative adjacent to Joshua Tree National Park (Park). Accordingly, as authorized by provisions of the Land and Water Conservation Fund Act¹ and the Federal Land Policy and Management Act² (FLPMA), the National Park Service (NPS) requests the withdrawal of certain public lands adjacent to the Park and the transfer of jurisdiction over those lands to the NPS.

Consistent with 43 CFR § 2310.1-3(e), the NPS is requesting Secretarial approval of its Petition and publication of a withdrawal proposal in the Federal Register. The attached Petition/ Application seeks the withdrawal of 22,462 acres of BLM-managed public lands (which are surrounded on three sides by the Park) from settlement, sale, location, and entry under the public land laws, location and entry under the mining laws, and from disposition under the mineral and geothermal leasing laws. The application also seeks transfer of those lands to the NPS for administration as part of the Park. These lands were included within the original boundary of Joshua Tree National Monument (Monument) in 1936 but were removed from the Monument in

¹ The Land and Water Conservation Fund Act authorizes the Secretary to accept an administrative transfer of lands from another federal agency for inclusion with an adjacent national park unit. *See* 54 U.S.C. § 100506(c)(1)(B) (formerly found at 16 U.S.C. § 4601-9(c)(1)(ii)).

² The Federal Land Policy and Management Act authorizes the Secretary to transfer jurisdiction over federal lands from one federal agency to another. *See* 43 U.S.C. §§ 1702(j), 1714 and 43 C.F.R. § 2310.1-2.

1950 for iron ore development. In the California Desert Protection Act of 1994 (CDPA), when Congress expanded and re-designated the Monument as a Park, Congress expressly found that "the monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archeological, paleontological, cultural, historical, and wilderness values."³ In legislative history for the CDPA, the House Committee on Natural Resources stated its intention that the CDPA not have any effect on the future development of the proposed Eagle Mountain solid waste disposal facility.⁴ The eventual return of these public lands to national park status will effectuate Congressional intent in expanding the Park without contravening any direction to allow the re-development of the defunct Kaiser iron ore mine as a solid waste disposal facility because the landfill project has been abandoned.

Consistent with 43 C.F.R. §§ 2310.1-2(c)(8) and 2310.2(a), the NPS is requesting that the public lands described in the withdrawal application be segregated for a period of two years from the date of publication of the notice of the withdrawal proposal in the Federal Register. To allow for the negotiation of a mitigation program with Eagle Crest Energy, the Federal Register notice should exempt public lands that are subject to the existing Federal Power Act withdrawal and allow BLM to process the pending right-of-way applications filed by Eagle Crest Energy to implement its pumped storage project. 43 CFR 2310.2(c). During this period and as part of its consideration of any licenses, permits, cooperative agreements, or other discretionary land use authorizations, BLM should work with the NPS to reach agreement on ways to minimize to the greatest extent possible impacts to national park values present in the lands proposed for withdrawal. BLM should also work with the NPS to ensure that agreed-upon mitigation measures are fully incorporated into discretionary land use authorizations and that such measures are enforceable.

The segregation would prevent the location of new mining claims or disposal of the lands under the public land laws pending final action on the withdrawal proposal. During the segregation period, the NEPA processes required for the proposed withdrawal and Park boundary adjustment will enable an evaluation of a landscape-scale conservation and restoration initiative that preserves the natural, cultural and public recreational values of the segregated public lands. This area is a key building block for landscape-scale conservation in the California desert. Its connectivity and relationship to other desert areas make it a critical component for a larger scale desert-protection strategy. New legislation is not needed as a transfer of administrative jurisdiction can be accomplished within the Secretary's existing legal authorities.

Background to Eagle Mountain Landfill Project

The Monument was established by Proclamation in 1936.⁵ As with other national monuments in that time period, it included lands encumbered by patented and unpatented mining claims. In

³ See 16 U.S.C. § 410aaa-21.

⁴ House Report No. 103-498 (1994)

⁵ Proclamation No. 2193 (50 Stat. 1760; Aug. 10, 1936)

1950, Congress removed approximately 31,043 acres of land from the Monument's Eagle Mountain region and re-opened the lands to mineral exploration.⁶ Kaiser Steel Corporation (Kaiser) had already begun to acquire patented lands and mining claims in the Eagle Mountain area and soon began large scale iron ore mining.⁷ Kaiser's patented lands, together with approximately 2,400 acres of adjacent public lands encumbered by Kaiser's mining and mill site claims, form what is known as the Eagle Mountain Mine. The mine site consists of three large open pits located on Kaiser patented land, the largest of which is 800 feet deep and more than 1.5-miles long, as well as tailings piles, roads, buildings, related mining infrastructure, houses and a school.

The Eagle Mountain Mine was actively mined until 1983. Kaiser entered bankruptcy in 1987 and emerged as Kaiser Ventures and a wholly-owned subsidiary called Kaiser Eagle Mountain, Inc.⁸ In 1989, Kaiser proposed a land exchange with BLM under which Kaiser would obtain fee title to 3,481 acres of public land surrounding its privately owned mining pits, which together would be used to create the nation's largest municipal solid waste landfill. At full operation, the landfill would have received approximately 20,000 tons of refuse per day from Los Angeles and Riverside counties.

After completing a NEPA process in October 1999, BLM issued patents to Kaiser for 3,481 acres of federal land surrounding the mine pits. Shortly thereafter, the National Parks Conservation Association, local farmers Larry and Donna Charpiet, and other public interest groups filed suit in federal court.⁹ After years of litigation, the Ninth Circuit ruled in favor of the plaintiffs in 2010. The U.S. Supreme Court declined to review the matter in 2011.

The Department, Kaiser and the plaintiffs to the federal litigation engaged in settlement discussions for several years and finally agreed to settle the litigation in late 2014. The settlement, in the form of a Stipulated Judgment, was entered as an order of the District Court in December 2014. The Stipulated Judgment voided the patents issued to Kaiser for the 3,481 of exchange lands around the mining pits and restored those lands to public land status as if the exchange never happened. Kaiser also agreed to donate to the United States the lands it had previously conveyed to the United States as part of the voided land exchange. In return, the Stipulated Judgment restored Kaiser's mining and mill site claims over approximately 2,400 acres of the former exchange lands around the mine pits.¹⁰ Kaiser, which is now in liquidation,

⁶ Act of September 25, 1950, (Pub. L. No. 81-837, 64 Stat. 1033).

⁷ As a result of the landfill litigation settlement, Kaiser holds title to mining and mill site claims affecting approximately 2,400 acres of land around the mine pits. In addition, approximately 2,242 acres of land was patented to Kaiser's predecessors prior to the Monument's establishment in 1936. Kaiser acquired additional patented lands after that date and currently owns approximately 5,000 acres in fee. Kaiser acquired a patent for the 465 acre townsite in 1955 pursuant to the Act of July 8, 1952, (Priv. L. No. 790, 66 Stat. A130).

⁸ Since the 1990s, Kaiser has changed corporate names several times. For ease of reference, this memo refers to all these entities as Kaiser.

⁹ While the litigation was pending, Kaiser entered into a contract to sell the landfill to the Los Angeles County Sanitation Districts, contingent on a favorable resolution of the lawsuit. Over time however, Los Angeles County re-evaluated its landfill needs and decided in May, 2013 to terminate its contract with Kaiser.

has indicated that it plans to divest itself of its patented lands and mining claims in the Eagle Mountain region once it finds a buyer.¹¹

Purpose of the Proposed Withdrawal and Transfer of Jurisdiction to NPS

The NPS has preliminarily identified natural and cultural resource values in the Eagle Mountain area that warrant study to identify opportunities for landscape-scale conservation and possible transfer of administrative jurisdiction to the NPS. In particular, the Eagle Mountain area provides key habitat linkages for two herds of bighorn sheep that inhabit the Eagle and Coxcomb Mountain areas of the Park. Published research has shown that there is genetic reproduction between these herds and that they utilize lands in the Eagle Mountain area. Desert tortoise habitat is also present in the Eagle Mountain area and, if preserved, could provide a corridor of continuous habitat linking habitat in the Park to the north with that in the Orocopia and Coxcomb Mountains to the south. Understanding the opportunities for conservation in this area will serve the greater coordination of landscape scale conservation across the California desert. There are also a large number of cultural resources associated with mining activity that could be used to interpret the important mining history of the area. The lands also possess unique opportunities for recreation and the interpretation of post-WWII industry and mining.

Absent the withdrawal, existing land use plans are insufficient to protect the national monument values that remain in these public lands. BLM's 1980 land management plan for the California Desert Conservation Area (CDCA) classifies lands in the Eagle Mountain area as Class M (moderate use) and Class I (intensive use). The CDCA plan provides that areas designated as Class M or Class I "will be acquired, disposed of, or exchanged in accordance with FLPMA and other applicable Federal laws and regulations, to assure more efficient management of the public lands and to reduce conflicts with other public and private landowners to provide more consistency and logic in desert-wide land use patterns." (CDCA Plan, § II.B.11.) BLM's recently issued Draft EIS for the Desert Renewable Energy Conservation Plan (DRECP) did not propose to change the status of the lands in this area.

Upon the publication of the withdrawal proposal in the Federal Register, the NPS is poised to initiate public involvement in a NEPA process to evaluate the proposed withdrawal and Park boundary adjustment. NPS intends to complete the NEPA process in approximately eighteen months.

Eagle Crest and Other Projects

The proposed withdrawal area excludes lands that have been withdrawn under the Federal Power Act for the Eagle Crest Energy Company's (Eagle Crest) Eagle Mountain Pumped Storage

¹⁰ The remaining 1,083 acres that were included in the voided exchange are undisturbed. These lands are not encumbered by mining or mill site claims.

¹¹ Kaiser's Board of Managers approved a Dissolution Plan on May 22, 2013. The company, which has been re-named CIL&D, is now officially dissolved and is in the process of winding up its business and liquidating its assets. (CIL&D letter to Securities and Exchange Commission, August 9, 2013)

Project. This project received a 50-year license from the Federal Energy Regulatory Commission (FERC) in June 2014. As permitted, the project is authorized to occupy 1147 acres of public land and 1,320 acres of Kaiser patented land (a total footprint of 2,527 acres) and would be surrounded on three sides by the Park.¹² These areas and associated rights-of-way contain important wildlife habitat that is linked to habitat in the surrounding Park lands. Construction of industrial scale projects like the Eagle Crest project (without additional mitigation) could threaten the viability of these important habitat linkages.

The NPS has strong reservations about the project as approved by FERC, but has recently begun discussions with Eagle Crest to determine whether additional mitigation measures can be developed to reduce impacts of the project on NPS resources to acceptable levels. In the meantime, the Department's Petition for Rehearing and Stay, which was filed on July 21, 2014, is pending before FERC.¹³

In order to construct the project, Eagle Crest needs to obtain three FLPMA rights-of-way from the BLM: two for transmission corridors and one for water pipeline structures and other infrastructure for the facility. Eagle Crest's right-of-way applications are pending before BLM, and BLM has indicated that supplemental environmental analysis (likely in the form of an EA) will be needed. If the Park boundary is expanded to include all lands proposed for withdrawal, the Eagle Crest project will abut the new Park boundary on three sides. Given the possibility that the primary agency to be affected by the Eagle Crest project is the NPS, the BLM should work with NPS to ensure that the impacts of the project on national park values and resources are fully evaluated, to reach consensus with NPS on measures to minimize impacts to park values to the greatest extent possible, and to ensure the incorporation and enforceability of agreed-upon mitigation measures in any rights-of-way issued to Eagle Crest.

BLM has also received an application from LH Renewables for a wind energy project in the southern part of the Eagle Mountain area. BLM has indicated that it views this project as high-conflict and low-priority because of its proximity to the existing Park boundary. Although the project is listed as "pending" on the BLM website, the company is not actively seeking to advance the project. BLM would not be able to process this, or any other discretionary application, during the segregation period for the proposed withdrawal without prior

¹² The reversal of the land exchange, pursuant to the December 2014 Stipulated Judgment, increased the public land portion of the project by 448 acres. The primary physical features associated with the Eagle Crest project are two large reservoirs, with surface areas of 163 and 191 acres each. The reservoirs would be located in Kaiser's privately owned mining pits. The project also consists of a powerhouse, four turbines, spillways, tunnels, a 15-mile water pipeline, a 13-mile transmission line, six miles of roads, and associated infrastructure. Although the project is deemed financially viable and would generate approximately 1,300 megawatts of energy, there is a net energy loss associated with the project because it will require more energy to return the water to the upper reservoir than generated during daily operations.

¹³ Among the NEPA deficiencies identified in the Department's Rehearing Petition are the failure to obtain adequate baseline data for the project area, reliance on stale data, failure to adequately evaluate the effects of the project on bighorn sheep which use the central project area, failure to evaluate the effects of project brine ponds on birds, and failure to address the need to treat and dispose of acid mine drainage that will result from filling the iron ore mine pits with water. Petitions for rehearing were also submitted by Kaiser and the Desert Protection Society, which is one of the plaintiffs to the landfill litigation.

coordination with the National Park Service to ensure protection and consideration of national park values. 43 CFR 2310.2(d).

Private and State School Lands Not Affected

Neither the segregation, nor if it is made, the withdrawal, would affect private or state property rights in the area. Segregation and withdrawal of the public lands is subject to valid existing rights and thus does not apply to patented or state school lands or to any valid unpatented mining and mill site claims. It therefore will not impose any limitation on private or state rights to sell any or all remaining land holdings in the Eagle Mountain area. Kaiser may argue that a segregation or withdrawal of surrounding lands, while not affecting their mining rights, could diminish the value for potential sale. However, even without the proposed withdrawal, Kaiser has been unsuccessful in finding purchasers for the mine site. Kaiser is now in negotiations with Eagle Crest.

Attachments:

LegalandMap_2nd_PSL of Joshua Tree National Park_revised 20150430.pdf
Legaldescrip_2nd_PSL of Joshua Tree National Park_revised 20150430.docx
Map_JOTR_MapEagleMtn_v20150501.pdf
Overlapping Withdrawals_Final.xlsx
Segregation_Petition_2015_05_05
Segregation_NPS Transmittal Memo

**Petition/Application for Withdrawal
Eagle Mountain Region
California**

Items required by 43 CFR 2310.1-2(c) and 43 CFR 2310.1-3:

1. Name of Applicant

National Park Service
Pacific West Region
333 Bush Street, Suite 600
San Francisco, California 94104

2. Non-Interior Delegation of Authority

Not applicable.

3. Consent of Head of Non-Interior Agency

Not applicable.

4. Type of Withdrawal

This application requests a withdrawal of public lands from settlement, sale, location, and entry under the public land laws, location and entry under the mining laws, and from disposition under the mineral and geothermal leasing laws. Consistent with the authority of the Secretary pursuant to 54 USC 100506(c)(1)(B) (formerly found at 16 USC 460/-9(c)(1)(ii)) to acquire lands by transfer from another Federal agency, this application also requests transfer of jurisdiction from the Bureau of Land Management (BLM) to the National Park Service (NPS). See 43 USC 1714 and 43 CFR 2310.1-2.

5. Legal Description

All the public lands identified in the townships below, excluding any public lands that are subject to the Federal Power Act withdrawal for Federal Energy Regulatory Commission Project No. 13123-002, located between the current boundary of Joshua Tree National Park and the western boundary of the Metropolitan Water District lands, in Twp. 3S., Rgs. 13, 14, & 15 E., and Twp. 4S., Rgs. 13, 14, & 15 E., as generally depicted on the attached map entitled "**Joshua Tree National Park, Lands within the Eagle Mountain Area Segregation Boundary**," said map is also available from the BLM Palm Springs South Coast Field Office and the NPS Pacific West Regional Office.

Public lands:

San Bernardino Meridian, California

Portions of:

Township 3 South, Range 13 East,

Township 3 South, Range 14 East,

Township 3 South, Range 15 East,

Township 4 South, Range 13 East,

Township 4 South, Range 14 East,

Township 4 South, Range 14 East,

more particularly described in the attached legal description entitled "**Joshua Tree National Park, Lands within Eagle Mountain Area Segregation Boundary, Legal Description.**"

The areas described contain approximately 22,462 acres of public lands in Riverside County adjacent to Joshua Tree National Park, California.

6. **Overlapping Withdrawals**

See attached list entitled "Joshua Tree NP, Eagle Mountain Segregation Area – Overlapping Withdrawals." This application recognizes the existence of a withdrawal under the Federal Power Act for FERC Project No. 13123-002 for the Eagle Mountain Pumped Storage Project.

7. **Purpose of the Withdrawal**

Consistent with the authority of the Secretary pursuant to 54 USC 100506(c)(1)(B) to acquire by transfer from any other Federal agency lands that are adjacent to a national park, the purpose of the proposed withdrawal is to transfer jurisdiction over certain public lands from the BLM to the NPS to be administered as part of the Joshua Tree National Park in accordance with the NPS Organic Act and other applicable laws. See 43 USC 1714 and 43 CFR 2310.1-2. Most of the lands within the proposed withdrawal boundary are untrammeled and retain the characteristics that led to their inclusion in the original boundary of the former Joshua Tree National Monument in 1936. In particular, the area contains valuable habitat for desert species, including important habitat linkages for bighorn sheep, and provides landscape-scale conservation and restoration opportunities. The lands also possess unique opportunities for recreation and the interpretation of post-World War II industry and mining.

8. **Extent of Withdrawal/Segregation**

All the public lands described in 5 above are requested to be withheld from all forms of settlement, sale, location and entry under the public land laws, from location and entry under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing. This application further requests the transfer of jurisdiction over such lands to be administered by the NPS as part of the Joshua Tree National Park. Consistent

with 43 CFR 2310.2, a segregation period of 2 years from the date of publication in the Federal Register of is requested.

9. Land Use Permitted

Licenses, permits, cooperative agreements, or other discretionary land use authorizations, including those related to FERC Project No. 13123-002, may be allowed during the temporary segregative period, after coordination with the National Park Service to ensure protection and consideration of national park values.

10. Analysis of Alternatives

Subject to analysis under the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, the NPS is not aware of any alternatives to restoring these lands to NPS administration that would meet the purpose and need for the proposed withdrawal. Use of a right-of-way, interagency or cooperative agreements (or other permit or use agreements), or surface management by the BLM under 43 C.F.R. 3715 and 3809 regulations would not transfer administration to the NPS and would not adequately protect the national park values of these lands because the lands would remain subject to disposal and extractive uses.

11. Duration of the Withdrawal

The duration of the withdrawal requested is 20 years, the maximum allowable under the Federal Land Policy and Management Act for withdrawals aggregating more than 5000 acres. At the end of any withdrawal period, an evaluation would be made concerning the desirability or need of extending the withdrawal.

12. Alternative Sites

Subject to analysis under the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, the NPS is not aware of any alternatives to restoring these lands to NPS administration that would meet the purpose and need for the proposed withdrawal.

13. Water Requirements

At this time, the uses contemplated by the NPS would not require water to fulfill the purposes of the requested withdrawal action.

14. Location of Records

Records relating to this application can be examined by interested parties at the following locations:

Bureau of Land Management
Palm Springs South Coast Field Office

National Park Service
Pacific West Region

1201 Bird Center Drive
Palm Springs, California 92262

333 Bush Street, Suite 600
San Francisco, California 94104

15. Preliminary Identification of Mineral Resources

There are known iron ore deposits within the proposed segregation boundary. Kaiser Eagle Mountain, LLC (or its successors in interest) owns patented lands in the area as well as 466 unpatented mining and millsite claims affecting approximately 2,400 acres of public land. In total, Kaiser owns lands and interests in lands affecting approximately 5,000 acres. BLM approved Kaiser's Plan of Operations (CACA-55612) for these claims in 1981 and considers the plan in effect today, subject to compliance with current financial guarantee requirements.

Memorandum

To: Assistant Secretary for Land and Minerals Management

Through: Principal Deputy Assistant Secretary for Fish and Wildlife and Parks

From: Director

Subject: Petition/Application for Withdrawal of Certain Public Lands Adjacent to Joshua Tree National Park

The December 18, 2014, entry of a Final Judgment and Order of Dismissal in the decades-long challenges to the Kaiser Eagle Mountain Landfill, and resulting return to federal ownership of public lands that had been conveyed to Kaiser to support the proposed landfill project, provides the Department with an unique opportunity to initiate a landscape-scale conservation and restoration initiative adjacent to Joshua Tree National Park (Park). Accordingly, as authorized by provisions of the Land and Water Conservation Fund Act¹ and the Federal Land Policy and Management Act² (FLPMA), the National Park Service (NPS) requests the withdrawal of certain public lands adjacent to the Park, subject to valid existing rights, and the transfer of jurisdiction over those lands from the Bureau of Land Management (BLM) to the NPS.

Consistent with 43 C.F.R. § 2310.1-3(e), the NPS is requesting Secretarial approval of its petition for withdrawal and publication of a notice of withdrawal proposal in the Federal Register. The attached petition/application seeks the withdrawal of 22,462 acres of BLM-managed public lands (which are surrounded on three sides by the Park) from settlement, sale, location, and entry under the public land laws, location and entry under the mining laws, and from disposition under the mineral and geothermal leasing laws. The petition/application also seeks transfer of those lands to the NPS for administration as part of the Park. These lands were included within the original boundary of Joshua Tree National Monument (Monument) in 1936 but were removed from the Monument in 1950 for iron ore development. In the California Desert Protection Act of 1994 (CDPA), when Congress expanded and re-designated the Monument as a Park, Congress expressly found that "the monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archeological, paleontological, cultural, historical, and wilderness values."³ In legislative history

¹ The Land and Water Conservation Fund Act authorizes the Secretary to accept an administrative transfer of lands from another federal agency for inclusion with an adjacent national park unit. *See* 54 U.S.C. § 100506(c)(1)(B) (formerly found at 16 U.S.C. § 4601-9(c)(1)(ii)).

² The Federal Land Policy and Management Act authorizes the Secretary to transfer jurisdiction over federal lands from one federal agency to another. *See* 43 U.S.C. §§ 1702(j) and 1714 and 43 C.F.R. § 2310.1-2.

³ *See* 16 U.S.C. § 410aaa-21.

for the CDPA, the House Committee on Natural Resources stated its intention that the CDPA not have any effect on the future development of the proposed Eagle Mountain solid waste disposal facility.⁴ The eventual return of these public lands to national park status will effectuate Congressional intent in expanding the Park without contravening any direction to allow the re-development of the defunct Kaiser iron ore mine as a solid waste disposal facility because the landfill project has been abandoned.

Consistent with 43 C.F.R. §§ 2310.1-2(c)(8) and 2310.2(a), the NPS is requesting that the public lands described in the withdrawal application be segregated for a period of two years from the date of publication of the notice of the withdrawal proposal in the Federal Register. To allow for the negotiation of a mitigation program with Eagle Crest Energy, the Federal Register notice should exempt public lands that are subject to the existing Federal Power Act withdrawal and allow BLM to process the pending right-of-way applications filed by Eagle Crest Energy to implement its pumped storage project. 43 C.F.R. § 2310.2(c). During this period and as part of its consideration of any licenses, permits, cooperative agreements, or other discretionary land use authorizations, BLM should work with the NPS to reach agreement on ways to minimize to the greatest extent possible impacts to national park values present in the lands proposed for withdrawal. BLM should also work with the NPS to ensure that agreed-upon mitigation measures are fully incorporated into discretionary land use authorizations and that such measures are enforceable.

The segregation would prevent the location of new mining claims or disposal of the lands under the public land laws pending final action on the withdrawal proposal. During the segregation period, the NEPA processes required for the proposed withdrawal and Park boundary adjustment will enable an evaluation of a landscape-scale conservation and restoration initiative that preserves the natural, cultural and public recreational values of the segregated public lands. This area is a key building block for landscape-scale conservation in the California desert. Its connectivity and relationship to other desert areas make it a critical component for a larger scale desert-protection strategy. New legislation is not needed as a transfer of administrative jurisdiction can be accomplished within the Secretary's existing legal authorities.

Background to Eagle Mountain Landfill Project

The Monument was established by Proclamation in 1936.⁵ Like many other national monuments created in that time period, it included lands encumbered by patented and unpatented mining claims. In 1950, Congress removed approximately 31,043 acres of land from the Monument's Eagle Mountain region and re-opened the lands to mineral exploration.⁶ Kaiser Steel Corporation (Kaiser) had already begun to acquire patented lands and mining claims in the Eagle

⁴ House Report No. 103-498 (1994)

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⁶ Act of September 25, 1950, Pub. L. No. 81-837, 64 Stat. 1033.

Mountain area and soon began large scale iron ore mining.⁷ Kaiser's patented lands, together with approximately 2,400 acres of adjacent public lands encumbered by Kaiser's mining and mill site claims, formed what is known as the Eagle Mountain Mine. Today the former mine site consists of three large open pits located on Kaiser patented land, the largest of which is 800 feet deep and more than 1.5-miles long, as well as tailings piles, roads, buildings, related mining infrastructure, houses and a school.

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The Department, Kaiser, and the plaintiffs to the federal litigation subsequently engaged in court-ordered settlement discussions and agreed to settle the litigation in late 2014. The settlement, in the form of a Stipulated Judgment, was entered as an order of the district court in December 2014. The Stipulated Judgment voided the patents issued to Kaiser for the 3,481 of exchange lands around the mining pits and restored those lands to public land status as if the exchange never happened. Kaiser also agreed to donate to the United States the lands it had previously conveyed to the United States as part of the voided land exchange. In return, the Stipulated Judgment restored Kaiser's mining and mill site claims over approximately 2,400 acres of the former exchange lands around the mine pits.¹⁰ Kaiser, which is now in liquidation,

⁷ As a result of the landfill litigation settlement, Kaiser holds title to mining and mill site claims affecting approximately 2,400 acres of land around the mine pits. In addition, approximately 2,242 acres of land was patented to Kaiser's predecessors prior to the Monument's establishment in 1936. Kaiser acquired additional patented lands after that date and currently owns approximately 5,000 acres in fee. Kaiser acquired a patent for the 465 acre townsite in 1955 pursuant to the Act of July 8, 1952, Priv. L. No. 790, 66 Stat. A130.

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¹⁰ The remaining 1,083 acres that were included in the voided exchange are undisturbed. These lands are not encumbered by mining or mill site claims.

has indicated that it plans to divest itself of its patented lands and mining claims in the Eagle Mountain region once it finds a buyer.¹¹

Purpose of the Proposed Withdrawal and Transfer of Jurisdiction to NPS

The NPS has preliminarily identified natural and cultural resources in the Eagle Mountain area that warrant study to identify opportunities for landscape-scale conservation and possible transfer of administrative jurisdiction to the NPS. In particular, the Eagle Mountain area provides key habitat linkages for two herds of bighorn sheep that inhabit the Eagle and Coxcomb Mountain areas of the Park. Published research has shown that there is genetic reproduction between these herds and that they utilize lands in the Eagle Mountain area. Desert tortoise habitat is also present in the Eagle Mountain area and, if preserved, could provide a corridor of continuous habitat linking habitat in the Park to the north with that in the Orocopia and Coxcomb Mountains to the south. Understanding the opportunities for conservation in this area will serve the greater coordination of landscape-scale conservation across the California desert. There are also a large number of cultural resources associated with mining activity that could be used to interpret the important mining history of the area. The lands also possess unique opportunities for recreation and the interpretation of post-World War II industry and mining.

Absent the withdrawal, existing land use plans are insufficient to protect the national monument values that remain in these public lands. BLM's 1980 land management plan for the California Desert Conservation Area (CDCA) classifies lands in the Eagle Mountain area as Class M (moderate use) and Class I (intensive use). The CDCA plan provides that areas designated as Class M or Class I "will be acquired, disposed of, or exchanged in accordance with FLPMA and other applicable Federal laws and regulations, to assure more efficient management of the public lands and to reduce conflicts with other public and private landowners to provide more consistency and logic in desert-wide land use patterns." (CDCA Plan, § II.B.11.) BLM's recently issued Draft EIS for the Desert Renewable Energy Conservation Plan (DRECP) did not propose to change the status of the lands in this area.

Upon the publication of the withdrawal proposal in the Federal Register, the NPS is poised to initiate a NEPA process to evaluate the proposed withdrawal and Park boundary adjustment. NPS intends to complete the NEPA process in approximately eighteen months.

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The proposed withdrawal area excludes lands that have been withdrawn under the Federal Power Act for the Eagle Crest Energy Company's (Eagle Crest) Eagle Mountain Pumped Storage Project. This project received a 50-year license from the Federal Energy Regulatory Commission (FERC) in June 2014. As permitted, the project is authorized to occupy 1,147 acres of public land and 1320 acres of Kaiser patented land (a total footprint of 2,527 acres) and would be

¹¹ Kaiser's Board of Managers approved a Dissolution Plan on May 22, 2013. The company, which has been re-named CIL&D, is now officially dissolved and is in the process of winding up its business and liquidating its assets. (CIL&D letter to Securities and Exchange Commission, August 9, 2013)

surrounded by the Park on three sides.¹² These areas and associated rights-of-way contain important wildlife habitat that is linked to habitat in the surrounding Park lands. Construction of industrial scale projects like the Eagle Crest project (without additional mitigation) could threaten the viability of these important habitat linkages.

The NPS has strong reservations about the project as approved by FERC, but has recently begun discussions with Eagle Crest to determine whether additional mitigation measures can be developed to reduce impacts of the project on nearby NPS lands and resources to acceptable levels. In the meantime, the Department's Petition for Rehearing and Stay, which was filed on July 21, 2014, is pending before FERC.¹³

In order to construct the project, Eagle Crest needs to obtain three FLPMA rights-of-way from BLM: two for transmission corridors and one for water pipeline structures and other infrastructure for the facility. Eagle Crest's right-of-way applications are pending before BLM, and BLM has indicated that supplemental environmental analysis (likely in the form of an EA) will be needed. If the Park boundary is expanded to include all lands proposed for withdrawal, three sides of the Eagle Crest project will abut the new Park boundary. Given the possibility that the primary agency to be affected by the Eagle Crest project will be the NPS, BLM should work with the NPS to ensure that the impacts of the project on national park values and resources are fully evaluated, to reach consensus with NPS on measures to minimize impacts to park values to the greatest extent possible, and to ensure the incorporation and enforceability of agreed-upon mitigation measures in any rights-of-way issued to Eagle Crest.

BLM has also received an application from LH Renewables for a wind energy project in the southern part of the Eagle Mountain area. BLM has indicated that it views this project as high-conflict and low-priority because of its proximity to the existing Park boundary. Although the project is listed as "pending" on the BLM website, the company is not actively seeking to advance the project. BLM would not be able to process this, or any other discretionary application, during the segregation period for the proposed withdrawal without prior coordination with the NPS to ensure protection and consideration of national park values. 43 C.F.R. § 2310.2(d).

Private and State School Lands Not Affected

¹² The reversal of the land exchange, pursuant to the December 2014 Stipulated Judgment, increased the public land portion of the project by 448 acres. The primary physical features associated with the Eagle Crest project are two large reservoirs, with surface areas of 163 and 191 acres each. The reservoirs would be located in Kaiser's privately owned mining pits. The project also consists of a powerhouse, four turbines, spillways, tunnels, a 15-mile water pipeline, a 13-mile transmission line, six miles of roads, and associated infrastructure. Although the project is deemed financially viable and would generate approximately 1,300 megawatts of energy, there is a net energy loss associated with the project because it will require more energy to return the water to the upper reservoir than generated during daily operations.

¹³ Among the NEPA deficiencies identified in the Department's Rehearing Petition are the failure to obtain adequate baseline data for the project area, reliance on stale data, failure to adequately evaluate the effects of the project on bighorn sheep which use the central project area, failure to evaluate the effects of project brine ponds on birds, and failure to address the need to treat and dispose of acid mine drainage that will result from filling the iron ore mine pits with water. Petitions for rehearing were also submitted by Kaiser and the Desert Protection Society, which was one of the plaintiffs to the landfill litigation.

Neither the segregation nor, if it is made, the withdrawal would affect private or state property rights in the area. Segregation and withdrawal of the public lands is subject to valid existing rights and thus does not apply to patented or state school lands or to any valid unpatented mining and mill site claims. It therefore will not impose any limitation on private or state rights to sell any or all remaining land holdings in the Eagle Mountain area. Kaiser may argue that a segregation or withdrawal of surrounding lands, while not affecting their mining rights, could diminish the value for potential sale. However, even without the proposed withdrawal, Kaiser has been unsuccessful in finding purchasers for the mine site. Kaiser is now in negotiations with Eagle Crest.

Attachments

Conversation Contents

Clip: Desert Dispatch: Our View: DRECP needs a little fine-tuning

"Duran, Leah" <leah_duran@ios.doi.gov>

From: "Duran, Leah" <leah_duran@ios.doi.gov>
Sent: Wed Feb 24 2016 15:24:18 GMT-0700 (MST)
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To:
Subject: Clip: Desert Dispatch: Our View: DRECP needs a little fine-tuning

Our View: DRECP needs a little fine-tuning

By Desert Dispatch Editorial Board

Posted Feb. 24, 2016 at 8:54 AM

The long process of putting together the Desert Renewable Energy Conservation Plan, or DRECP, has been almost wondrous to behold.

We've seen numerous government agencies working with conservation groups and mining groups. We've seen environmentalists recognizing the needs of business are important to this plan, and vice versa.

We've seen average High Desert residents take the time to comment on what they'd like to see from the plan and what they wouldn't, just as elected officials from here to Sacramento to Washington, D.C., have done.

And we've watched the Bureau of Land Management thoughtfully consider the volumes of vital input and express genuine concern for getting the DRECP right.

It has been a tall order, to be sure, as the DRECP covers 22.5 million acres, about half of that total in San Bernardino County alone. But the hard, necessary work will pay off for generations of Americans if this plan does what it is supposed to do — protect desert lands that are state and national treasures while at the same time allocating other lands for renewable energy and mining interests.

The BLM has been a good partner in this process and it is with that in mind that we suggest it consider these changes to the Phase 1 of the DRECP: 1) Ensure permanently protected conservation areas are not exposed to new mining development, just as places designated for mining or renewable energy

projects will not be available for conservation; 2) Tweak the plan so it will provide specifics about how to withdraw National Conservation Lands from mining while honoring existing valid claims.

3) Include the Big Maria Mountains northwest of Blythe, Lower Centennial Flat north of China Lake and Bristol Valley east of Amboy in the National Conservation Lands.

We believe it is imperative that conservation lands be maintained as such and that new mining claims won't be allowed to be filed on those lands.

We expect the BLM to make its record of decision soon, which will usher in the start of Phase 1 of the DRECP. We urge the BLM to thoughtfully consider these recommendations, which we believe will be in the best interests of all Californians, but particularly the hundreds of thousands here and elsewhere who call the desert their home.

On Thu, Dec 17, 2015 at 5:16 PM, Duran, Leah <leah_duran@ios.doi.gov> wrote:

RENEWABLE ENERGY:

Greens protest potential 'loophole' in BLM Calif. desert plan

Scott Streater, E&E reporter

Published: Thursday, December 17, 2015

National conservation groups are challenging a potential "loophole" in a sweeping federal plan designed to guide commercial-scale wind, solar and geothermal power projects across the Southern California desert that could open nearly 1 million acres of public land to new development.

At issue is the Bureau of Land Management's Desert Renewable Energy Conservation Plan (DRECP), which proposes to designate specific "development focus areas" across 10 million acres of federal desert land where utility-scale renewable energy projects will be encouraged. The DRECP would also designate areas where development will not take place in an effort to protect wildlife habitat and existing recreational sites.

BLM last month released a final **environmental impact statement** (EIS) and proposed land-use plan amendment for the federal portion of the plan covering public lands in the Mojave, Colorado and Sonoran deserts. The plan is expected to be finalized in a record of decision as early as next month.

But at least six conservation groups -- including the Natural Resources Defense Council, Sierra Club, Wilderness Society and National Parks Conservation Association -- filed formal protests with BLM this week challenging, among other things, a provision in the final EIS that would designate 802,000 acres in the planning area as "unallocated" lands -- meaning they don't qualify as focus areas for development or conservation but would be open for renewable energy projects.

The groups say that some of these unallocated parcels include important wildlife habitat and migration corridors for sensitive species like desert tortoise and bighorn sheep. They want BLM to re-evaluate the natural resource values of these lands and to designate at least some of the parcels as conservation areas before finalizing the plan next year.

They note that the draft DRECP unveiled by Interior Secretary Sally Jewell last year stated that "electrical generation facilities" would not be permitted on lands with the unallocated designation. But the final EIS last month dropped that language, stating that project applications would be "considered" on these designated lands.

"The concern among the groups, Defenders, the Sierra Club and NPCA, is that this 802,000 acres of unallocated lands is a loophole" for development without a clearly stated process for how project applications will be processed on unallocated lands, said Kim Delfino, California program director for

Defenders of Wildlife.

Defenders of Wildlife's 42-page [protest letter](#) recommends making the unallocated lands off-limits to renewables projects until the development focus areas are built out and there's a demonstrated need for the unallocated lands to be developed.

Others are asking BLM not to process applications on these lands until the California Energy Commission and individual counties in the planning area finalize their portion of the DRECP next year regarding renewables development on 5.5 million acres of private and other nonfederal lands.

"We don't know how many acres on private lands will be allowed for development" in the nonfederal phase of the DRECP, said Helen O'Shea, director of NRDC's Western Renewable Energy Project. "That process needs to move forward before we can evaluate what additional lands are needed."

Not doing so, she said, will "create uncertainty and potentially lead to conflicts over development proposals. It undermines the concept of guided development."

NPCA's 16-page [protest letter](#) suggests BLM's decision not to close unallocated areas to renewable energy projects was made to benefit two proposed projects opposed by NPCA and other groups that would sit near the Mojave National Preserve and Joshua Tree National Park, respectively.

"This plan does a number of really positive things on the conservation side, but it also does a lot of things we think are questionable," said David Lamfrom, NPCA's California desert program director. "They're saying we're not going to make any designation on nearly 1 million acres, and whatever happens happens. From our perspective, that's something that needs to be resolved."

The concerns about unallocated land designations are among an estimated 30 formal protests BLM has received so far by the Monday deadline to file protests.

While the conservation groups say they enthusiastically support the DRECP process, the unallocated lands issue is a serious sticking point that they want BLM to address before the plan is finalized.

"We all want to see the DRECP get done," Delfino said. "But this is the last opportunity to tell BLM that these are some areas of concern that need to be fixed."

BLM response

BLM officials in California say they have not reviewed the protest letters, which are being sent to the agency's Washington, D.C., headquarters. A team of agency experts will be appointed to review the protests and recommend revisions, if any, to the final DRECP in the record of decision, said Dana Wilson, an agency spokeswoman.

But BLM defended the plan and said the intent of the unallocated designations was not to establish a loophole where large projects could be located.

Mike Sintetos, BLM California's renewable energy program manager in Sacramento, said the unallocated lands were closely evaluated and it was determined they didn't fit within the 388,000 acres of "development focus areas" where development would be encouraged, or within any of the conservation or recreation management units in the plan.

That's because these lands are smaller parcels spread across 10 million acres of federal land. Some already have existing mining activity or are surrounded by private lands that would make development difficult. And some of the unallocated lands are parcels literally under the Salton Sea, Sintetos said.

"On many of those lands, it wouldn't be feasible" to develop commercial-scale wind, solar or geothermal projects, he said.

The parcels in question also do not have the characteristics to be included in the 3.6 million acres that the DRECP proposes to place within BLM's National Landscape Conservation System, he said.

"Some parties have other opinions about that. But we took a hard look at that, and we feel those lands don't have the conservation values to be put into one of our conservation designations," Sintetos said.

Instead, he said the unallocated parcels will be managed like any other multiple-use lands. If the agency receives applications to develop these parcels, it has added into the plan "conservation and management actions" that forbid projects that harm areas designated for conservation or that interfere with projects in a development focus area.

"We're not anticipating really much interest in the unallocated areas given the scattered nature of the parcels and little expressed interest [from industry] in those areas during the planning process," he said.

Controversial projects

But two renewable energy projects, including one fiercely opposed by many of the conservation groups filing protests, are proposed to be built on parcels that have been designated unallocated.

The projects of concern are the 294-megawatt Soda Mountain Solar Project in San Bernardino County, which is proposed to sit less than a mile from the Mojave National Preserve, and Eagle Crest Energy Co.'s Eagle Mountain pumped storage hydroelectric project on 2,700 acres in Riverside County near Joshua Tree National Park.

BLM released a final EIS for the Soda Mountain project last summer; the agency announced last month it will conduct an environmental assessment related to the Eagle Mountain project, which is proposed to be built on private lands but needs to string about 12 miles of transmission lines across BLM lands.

BLM in the final EIS scaled back the size of the Soda Mountain project -- to 1,923 acres of federal land from 2,557 acres -- by removing a proposed array of solar panels on the east end of the project site and north of Interstate 15. The more than 500 acres removed from the project footprint is proposed to be designated as conservation as part of the DRECP.

The south end, where the project would be built, was designated as unallocated. The parcels south of I-15 "share many of those same values" as the region north of the interstate "and are incorrectly and arbitrarily designated" as unallocated, according to NPCA's protest letter written by Lamfrom.

"That proposed designation was based on the fact that there is an active solar proposal there that the Administration has not made a final decision on," the protest letter states.

The same is true with the Eagle Mountain location, which the NPCA protest letter says "is rich with known natural resources and cultural history."

The decision to designate the federal lands north and south of the proposed project site as unallocated "appears (geographically) to have a correlation to the Eagle Crest Pumped Storage project."

"We believe that the designation of lands with known important conservation, especially the Soda Mountain and Eagle Mountain regions, are flawed designations and are not supported by science, research, or policy," the letter states.

Sintetos said the unallocated designation for the Soda Mountain project site was based on its proximity to the highway, as well as pipelines and transmission lines already on the site.

The same reasoning applied to the Eagle Mountain project site, which has a long history of mining activity, he said.

"We were looking to conserve intact landscapes with high cultural and natural resource values," he said. "Lands with pipelines, transmission lines and highways often didn't meet the criteria."

On Wed, Nov 25, 2015 at 9:41 AM, Duran, Leah <leah_duran@ios.doi.gov> wrote:

[California's energy goals collide with the desert tortoise](#)

By Ted Nordhaus and Marian Swain November 24, 2015

Federal officials announced earlier this month that 400,000 acres of public land in California's Mojave Desert would be designated for possible renewable energy development as part of the Desert Renewable Energy Conservation Plan. The plan represents a laudable effort to balance California's long-standing commitment to the preservation of its natural heritage with its more recent commitments to address climate change. But it also reveals some hard truths about the environmental trade-offs inherent in the state's commitment embodied in SB350 to generate 50 percent of its electricity with renewable energy by 2030.

Seven years in the making, the plan considered wildlife habitat, hydrology, Native American interests and a raft of further considerations to identify areas where renewable energy projects might be profitably developed with the least impact on California's fragile desert ecosystems. However, development of large-scale renewable energy projects in California in recent years has brought with it significant impacts on wildlife habitat. The enormous Ivanpah solar thermal power plant in the Mojave, for example, cleared critical habitat for the endangered desert tortoise.

These impacts were not simply the result of poor siting decisions. Sunny deserts and windy ridge lines that represent good places for wind and solar farms also tend to be environmentally sensitive areas. A study from Berkeley researcher Rebecca Hernandez and colleagues found that big solar development in California has consistently come at the expense of natural ecosystems and previously undeveloped habitat. Another study found that when areas of high conservation value are excluded, the efficiency of potential renewable energy development is significantly reduced.

In response to the mounting evidence of significant environmental impacts associated with the state's still modest wind and solar developments, renewable energy advocates have argued that, with better planning, many of those impacts could be significantly mitigated if not eliminated altogether. But a careful look at the Desert Renewable Energy Conservation Plan suggests this is unlikely to be the case.

If the entire 400,000 acres designated as "Development Focus Areas" under the plan were blanketed with highly efficient solar panels, it would likely be enough to get California to 50 percent renewable electricity. But nobody expects that anything close to the entire area will be converted for clean energy projects. Some areas may prove, upon further investigation, to be unsuitable to renewables development. Each individual project will still have to go through the normal permitting processes. The new plan simply seeks to provide renewable developers with guidance ahead of time so as to minimize environmental conflicts.

But already it is clear that the areas included in the Development Focus Areas still will have significant conservation value. The plan, Ileene Anderson, a scientist with the Center for Biological Diversity told The Chronicle, "still contain[s] highly sensitive habitat and key movement corridors for listed species that are already struggling for survival."

Many desert conservation advocates would prefer that the state meet its renewable energy targets through accelerated deployment of rooftop solar panels. But every serious look at what it will take to meet the state's renewable energy mandates has concluded that doing so will require large-scale development in the California desert, a point on which government officials, the state's utilities, and California's major environmental groups all agree.

All this points to difficult trade-offs associated with achieving California's twin goals of 50 percent renewable energy and 80 percent lower carbon emissions. The latter task is made all the more difficult due to adamant environmental opposition to nuclear energy. Under pressure from environmental groups, Southern California Edison closed the San Onofre Nuclear Power station in 2012. Anti-nuclear groups are now pressing to shut down the state's only remaining nuclear power facility, Diablo Canyon, which quietly produces 20 percent of the state's carbon-free electricity on a 100-acre parcel near the central California town of San Luis Obispo. Meanwhile, the state has maintained a moratorium on construction of new nuclear power plants until a permanent depository for the state's nuclear waste has been established.

Ultimately, something will have to give.

Either the state will have to accept destruction of fragile desert habitats on a large scale in order to meet its climate commitments, it will have to scale back those commitments, or it will have to reconsider the ban on new nuclear energy. When it comes to energy and the environment, there is no free lunch. All energy technologies have environmental impacts. Having an honest conversation about the tradeoffs associated with the state's renewable energy commitments and its nuclear energy moratorium will be necessary if we hope to meet the state's climate commitments while minimizing associated impacts on the natural environment.

Ted Nordhaus is the co-founder and Marian Swain is a conservation analyst at Breakthrough Institute. To comment, submit your letter to the editor at www.sfgate.com/submissions.

On Fri, Nov 20, 2015 at 9:29 AM, Duran, Leah <leah_duran@ios.doi.gov> wrote:

[Opinion: Desert Plan Balances Renewables and Conservation](#)

by Sally Miller, The Wilderness Society November 19, 2015 1:15 PM

Where I live, in a mountainous community on the eastern slope of the Sierra Nevada, we were harvesting red ripe tomatoes in late October. It was a subtle reminder that we live in a different era than when I moved here thirty years ago. Climate change is moving closer to home for many of us in California and beyond, manifesting in warmer, drier winters, drought-stressed gardens and altered growing seasons.

California recently adopted a goal to get 50 percent of our electricity from renewable energy sources by 2030. SB-350, the Clean Energy and Pollution Reduction Act of 2015, was signed into law in October by Governor Brown at Griffith Park. This ambitious legislation puts California at the forefront of the global effort to combat the impacts of climate change.

If we really want to reduce consumption of polluting energy sources like coal, oil and gas,

we need enough renewable energy to power our homes and California's economy and it must be captured in many ways - on rooftops, through increased energy efficiency and conservation, through emerging technologies that will improve how we generate and store energy and through intelligently designed large-scale wind, solar and geothermal production. An "all of the above" clean energy strategy is needed to accomplish California's trend-setting climate goals.

STORY CONTINUES BELOW

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That doesn't mean we should stand by and allow a chaotic rush of renewable energy projects to set up shop on our most cherished public lands. Our nation has a long history of clashes between conservation efforts and energy development projects on public lands. But there is progress on that front. The U.S. Department of the Interior is moving from a project-by-project approach, which has led to siting projects in locations rife with conflict, to smarter, wide-scale planning that safeguards our most important lands and facilitates development in the most appropriate places. Large-scale power plants should be steered toward already disturbed lands, both public and private. They also need to capture power where it's generated, which points to mountain passes for wind and deserts for solar.

In California, our desert regions contain some of the best solar resources in the world; but solar energy production brings environmental impacts and must be sited cautiously to avoid harming wildlife and wild lands. Public lands managed by the U.S. Bureau of Land Management (BLM) can help accommodate our need for clean energy. The BLM has just released a plan, covering 10 million acres of the California desert, to do just that, balancing energy development with the conservation of places important to wildlife and people alike.

The Desert Renewable Energy Conservation Plan (DRECP), a landmark collaborative effort nine years in the making, was issued in near-final form on November 10. The DRECP identifies not only public lands that could host large-scale renewable energy facilities, but it also sets aside nearly 4 million acres of public lands for permanent conservation, because of their natural, geological and cultural values. These treasured lands will become part of BLM's National Landscape Conservation System, which will forever preserve the desert's wide open spaces, starry night skies and opportunities for recreation -- from hiking and camping, to four-wheel drive touring on back roads.

Places like the Amargosa River country, jewel of the Mojave Desert, and the extensive Colorado desert that covers Chuckwalla Bench east of Palm Springs and is home to colorful ocotillo and palo verde trees will be permanently protected -- along with the remote Silurian Valley, a historical and scenic treasure that lies between Death Valley

National Park and Mojave National Preserve. These and other conservation lands will help ensure that desert plants and animals survive, with pathways for migration and enough space to adapt to this era of climate change.

While the BLM's plan is a great improvement over earlier drafts, it is not perfect and should be improved before it is finalized in 2016. The DRECP currently leaves about 800,000 acres of public lands in limbo -- not slated for development and not slated for conservation, either. This includes scenic and undeveloped public lands like the Owens Valley. The BLM should decide the fate of these lands so that nearby residents, local business owners, visitors, energy companies and other stakeholders have clarity on how the desert's public lands will be managed into the future.

The DRECP is only the first phase of planning for the future of the California desert. The California Energy Commission, the BLM and desert counties are working on similar plans covering private lands. When these "Phase II" plans are completed, the BLM and California will be able to claim a "first" for one of the largest landscape-level plans in the United States -- one that can provide much-needed clean energy and preserve our desert legacy for generations to come.

Commentaries are the opinions of their authors, and do not necessarily reflect the views of KCETLink.

On Thu, Nov 12, 2015 at 5:37 PM, Duran, Leah <leah_duran@ios.doi.gov> wrote:

[Obama's Solar Power Plan For The California Desert](#)

Think Progress // NIDHI THAKAR // November 12, 2015

On Tuesday, the Obama administration released the first phase of a plan that will boost renewable energy in the solar-rich California desert while protecting millions of acres of sensitive land from development. The land management plan, known as the Desert Renewable Energy Conservation Plan (DRECP), prescribes which federal and state lands in a 22.5-million-acre area of the California desert will be available for renewable energy development and which will be set aside to preserve the unique and valuable desert ecosystem. The first phase of the plan, outlined in a final environmental impact statement released Tuesday by Interior Department's Bureau of Land Management (BLM), provides a 25-year blueprint for the management of 10 million acres of federally-owned public lands from Death Valley to San Diego County, spanning seven counties. Phase two of the plan, which covers non-federal lands, is still under review.

[This Map Shows Where the Next Clean Energy Gold Mine Is](#)

Mother Jones // Tim McDonnell // November 11, 2015

The desert in Southern California could be in for a climate-friendly makeover, after the Obama administration released its plans to develop more renewable energy projects on federally owned land. On Tuesday the Interior Department released the final version of a plan that would open up about half a million non-contiguous acres—half the size of Rhode Island—for projects such as wind and solar farms in the Mojave Desert and surrounding areas. It would also more than double the amount of land dedicated to protecting delicate desert ecosystems that are home to vulnerable species, including the desert tortoise. The Mojave Desert, which stretches across most of Southern California, is a potential gold mine for clean energy. Earlier this year, the world's largest solar farm opened there, near Joshua Tree National Park.

[California opens up public land for renewable energy generation](#)

PV Magazine // EDGAR MEZA // November 11, 2015

State and federal authorities have unveiled an ambitious plan that advances conservation goals in California's desert regions. The Desert Renewable Energy Conservation Plan would introduce a streamlined permitting process, facilitating approval of applications for renewable energy projects. California is set to open up vast tracts of public desert land for renewable energy projects. The U.S. Department of the Interior and the California Natural Resources Agency joined forces to develop and the ambitious Desert Renewable Energy Conservation Plan (DRECP) plan, which would pave the way for renewable energy development and conservation on some 10 million acres (4 million hectares) of federal public lands in the California desert managed by the Interior Department's Bureau of Land Management (BLM) in the California desert.

[California Renewable Energy Conservation Plan finalised](#)

PV-Tech // Conor Ryan // November 12, 2015

US Secretary of the Interior Sally Jewell and California Secretary for Natural Resources John Laird have announced the final environmental review for the first phase of the Desert Renewable Energy Conservation Plan (DRECP). The DRECP — an extensive plan designed to spur renewable energy development and conservation on over four million hectares of federal land in the California desert — will feature an initial phase that will be led by the Bureau of Land Management. Jewell noted: "Using a landscape-level perspective, unprecedented collaboration and extensive public engagement, this phase of the Desert Renewable Energy Conservation Plan will facilitate clean energy development, creating new jobs while cutting carbon pollution.

[Feds Release New Version of Desert Energy Plan](#)

KCET // Chris Clarke // November 10, 2015

A massive plan to coordinate renewable energy development across 22 million acres of the California Desert is back, or at least part of it is. Under the plan, permitting for solar, wind, and geothermal development would be streamlined across an area of the California desert the size of Los Angeles and Bakersfield combined. A much larger area of almost 5 million acres would be protected more or less permanently for conservation under the plan. That news comes with the release Tuesday of a major portion of the Desert Renewable Energy and Conservation Plan (DRECP), which has been in the works since 2008. The portion released this week bears the unwieldy name of the Final Environmental Impact Statement (FEIS) for Phase 1 of the DRECP. Primarily drawn up by the Bureau of Land Management, the document proposes establishing renewable energy Development Focus Areas (DFAs) on 388,000 acres of public land in the California desert. That's around 606 square miles, approximately the size of Los Angeles and Bakersfield combined.

[Desert Energy Plan Could 'Dramatically Limit' California Wind Growth](#)

North American Windpower // November 11, 2015

The U.S. Department of the Interior (DOI) and California Natural Resources Agency have announced the final environmental review of a land-use plan meant to expedite the permitting process for renewable energy development and support conservation on 10 million acres of federal public lands in the California desert. The release of the final environmental impact statement for Phase I of the Desert Renewable Energy Conservation Plan (DRECP) comes after the agencies revealed their draft plan in September 2014 and held a public-comment period. Having spoken out about concerns for wind power development when the draft was released, the California wind industry maintains its reservations.

[Millions of acres of California desert are now closer to protection](#)

SCPR // Jed Kim // November 10, 2015

Millions of acres of California desert would be permanently protected from development under

a plan released on Tuesday by the Bureau of Land Management (BLM). The proposed plan also designates 388,000 acres of land as "development focus areas" for possible wind, solar and geothermal projects. "This plan will bring increased certainty to developers and communities, achieving a thoughtful balance between development and conservation," said U.S. Secretary of the Interior Sally Jewell. Jewell said the balanced approach taken in developing the plan would give clearer guidelines for those seeking to develop projects within the desert.

On Tue, Nov 10, 2015 at 4:22 PM, Duran, Leah <leah_duran@ios.doi.gov> wrote:

[BLM advances federal portion of massive Calif. desert plan](#)

Scott Streater, E&E reporter

Published: Tuesday, November 10, 2015

The Obama administration today advanced the federal portion of a major plan designed to guide commercial-scale wind, solar and geothermal power development across millions of acres of Southern California desert.

Interior Secretary Sally Jewell announced completion of a final **environmental impact statement** (EIS) and three proposed land-use plan amendments covering about 10 million acres of federal lands as part of the first phase of implementation of the Desert Renewable Energy Conservation Plan (DRECP).

The overall DRECP unveiled in draft form last year called for establishing "development focus areas" deemed suitable for commercial-scale renewables development, as well as areas to be protected or managed for their recreational values, within a 22.5 million-acre planning area that includes federal, state, county and private lands in the Mojave, Colorado and Sonoran deserts.

Today's final EIS and proposed land-use plan amendments cover only 10 million acres of federal lands within the planning area. The Bureau of Land Management and California Energy Commission (CEC) decided last spring that they were going to phase in major components of the DRECP, and today's announcement does not address renewables development on 5.5 million acres of private and other nonfederal lands within the massive planning area (**Greenwire**, March 10).

But Jewell today called completion of the final EIS "another major milestone in our ongoing efforts to support renewable energy on public lands." And BLM Director Neil Kornze, California Secretary for Natural Resources John Laird and others said in a conference call with reporters that the federal portion of the plan provides a foundation that will allow state and county leaders to complete the plan that envisions 20,000 megawatts of new renewable energy will be developed within the boundaries of the planning area by 2040.

Jewell touted the federal portion of the DRECP as advancing President Obama's Climate Action Plan for combating climate change unveiled in 2013. Among other things, the climate plan challenged Interior to approve 20,000 MW of renewable energy projects on public lands by 2020.

She said the final EIS and land-use plan amendments were being released today as part of "the run-up" to Obama's appearance at the upcoming international climate negotiations beginning this month in Paris.

"Public lands administered by Interior's Bureau of Land Management play a key role, not only in President Obama's Climate Action Plan to approve 20,000 MW of renewable energy on public land by 2020, but also in helping California meet its goal to achieve 50 percent of its energy from renewable sources by 2030," Jewell said.

Laird noted during the conference call that the DRECP also dovetails with California's ongoing efforts to meet state goals to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030.

"This effort and this announcement," he said of the federal portion of the DRECP, "helps California on the path to meet those goals."

Mixed reviews

The final EIS evaluates the proposal to amend three BLM land-use plans for the California Desert Conservation Area and the Bakersfield and Bishop resource management plans to establish the development focus areas on 388,000 acres where BLM will encourage utility-scale solar, wind and geothermal power projects. Proposed projects in these designated areas would undergo a streamlined environmental review because the focus areas have already been surveyed and studied, and mitigation requirements already established as part of the conservation plan.

The plan would also add a total of 3.6 million acres to the National Landscape Conservation System, and 1.3 million acres to proposed or existing "areas of critical environmental concern" (ACECs) that have been designated to protect the California condor, desert bighorn sheep and burrowing owl, among others. An additional 18,000 acres would be managed for their wilderness characteristics and not be available for renewables development, according to the final EIS.

The plan says it would also add 287,000 acres to the National Landscape Conservation System and ACECs outside the DRECP planning areas.

Kornze said a record of decision formally approving the federal portion of the DRECP should be issued by early next year.

The final EIS and proposed land-use plan amendments would also establish 3.7 million acres of recreation management areas on BLM lands, both inside and outside the DRECP planning area. The agency would not accept renewable project applications on lands inside either the conservation or recreation designated areas, except for some geothermal activity in the recreation areas as long as there is no surface occupancy.

The federal portion of the plan would also establish about 40,000 acres of so-called variance process lands that are "potentially available for renewable energy development," but that would require more review and "would not receive the [streamlined review] incentives that apply" to projects in the development focus areas, according to the final EIS.

The plan outlined in the final EIS drew cautious support today from conservation groups that have followed the issue closely.

"The Desert Renewable Energy Conservation Plan provides a solid blueprint for carefully balancing public land conservation with renewable energy development in the California desert," said Ken Rait, director of the U.S. public lands program at the Pew Charitable Trusts. "Pew applauds the Bureau of Land Management for making permanent the protections for the areas it is now designating as National Conservation Lands, thus adding them to the agency's premier network of safeguarded areas across the country."

Kim Delfino, California program director for Defenders of Wildlife, echoed Rait's comments.

"There is much to celebrate as the DRECP plan reflects the Obama administration's commitment to finding lower conflict sites for renewable energy development while protecting our wildlife legacy," Delfino said.

But Delfino also cautioned that the final plan opens up areas, particularly in the West Mojave Desert region, that could imperil desert tortoise and the Mohave ground squirrel.

"We urge the BLM to improve protections for desert wildlife in the Fremont Valley, Rose Valley, North of Kramer area and the Pisgah Valley in its final plan," she said.

Similar concerns were expressed last year when the draft plan drew 16,000 public comments, some of which were sharply critical of aspects of the plan.

Kornze said the final plan was "shaped" by those public comments. Indeed, the final plan addresses some of these concerns, including removing from development a section in the Silurian Valley that some complained included sensitive wildlife habitat that should not be open for development.

David Lamfrom, director of the California Desert and Wildlife Program for the National Parks Conservation Association, applauded the "common-sense decision to protect the remarkable Silurian Valley in the final DRECP."

But Lamfrom also noted that the final plan does not appear to address two proposed renewable energy projects that he said could undermine the entire DRECP process.

The projects of concern are the 358-MW Soda Mountain Solar Project in San Bernardino County, which is proposed to sit less than a mile from the Mojave National Preserve, and Eagle Crest Energy Co.'s Eagle Mountain pumped storage hydroelectric project on 2,700 acres in Riverside County near Joshua Tree National Park.

"In the end, the final plan advances renewable energy and some important protections for desert ecosystems but does not remove real and immediate threats to desert national parks that could forever change the lands the plan seeks to steward," he said.

Incomplete plan

Another concern is that the final EIS and proposed land-use plan amendments represent just one part of the three-part plan unveiled last year that is supposed to guide commercial-scale solar, wind and geothermal power development across the entire 22.5 million-acre planning area.

And even though the vast majority of the planning area -- 17 million acres total -- is on federal lands, there are millions of acres of highly developable state, county and private lands in the planning area not covered by the final EIS and proposed land-use plan amendments.

BLM and the CEC made the decision last spring to delay the nonfederal portion of the plan because many of the public comments on the draft plan raised substantive concerns about how it will affect local county authority over projects on private lands.

The seven counties in the DRECP planning area -- Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino and San Diego counties -- have jurisdiction over renewables permitting on private lands, and they are currently working on their own renewable energy and conservation plans.

At least five counties complained that the DRECP does not conform to their previously established or developing renewable energy plans. The counties asked BLM and the state for more time to ensure that the local plans they are working to finalize align with DRECP objectives, and that process remains ongoing.

Karen Douglas, a commissioner with the CEC, said in an interview that the county portion of

DRECP covering private and other nonfederal lands likely will be phased in "over the coming years."

But Douglas said having the BLM plan in place "will provide certainty for assisting developers with where they can go" in the meantime and "provides a really needed foundation for local government and stakeholders and the public as we continue to move forward and address the issues of renewable energy development on private lands."

In the meantime, some counties have moved quickly to finish their renewable energy plans.

Inyo and Imperial counties have finished their renewable energy plans, and "large parts of the planning area are already relatively clear" on the issue of where renewable energy should go, said Jim Kenna, who until retiring last month was the BLM California state director who helped develop the plan over the past five years.

Kenna has stayed on at BLM to serve in an advisory role until the DRECP is completed, he said.

But Kern and San Bernardino counties, which includes nearly 12 million acres within the DRECP planning areas, "are not far along" in their planning yet, he said.

Rait said the "county-by-county decisions on what nonfederal lands will be made available for such development are a critical component in striking the right balance in the desert" and will be key in judging the ultimate merits of the plan.

Meanwhile, Douglas said, "We fully expect development to move forward on public and private land. The phasing-in of the DRECP does not stop development on private lands."

More unfinished business

There are other sections of the overall DRECP that also remain unfinished.

Federal and state regulators last spring agreed to delay completing an overarching conservation strategy covering the entire 22.5 million-acre planning area that is designed to protect and enhance 37 sensitive species and their habitat, including the Mojave fringe-toed lizard, California condor, desert bighorn sheep and burrowing owl.

In addition, the Fish and Wildlife Service has also slowed development of a "General Conservation Plan" that would allow the service to streamline the permitting process for renewable energy projects on nonfederal lands in the planning area, including incidental take permits involving endangered or threatened species for renewable energy or transmission projects as long as the project backers agree to the conditions outlined in the DRECP.

In both cases, FWS and the California Department of Fish and Wildlife said they want to work with counties to address concerns about how these plans would affect renewables development on private lands within their jurisdictions.

Douglas said the CEC and BLM by the end of the year are working to publish a list of the conservation goals covering the entire 22.5 million-acre planning area that were outlined in the draft document last year, showing what's been achieved on the conservation side by adopting the BLM portion of the plan, and what still needs to be done.

"We are continuing to work to establish a framework to ensure that the planwide conservation vision across the public and private lands designated in the draft DRECP continues to move forward," she said.

On Tue, Nov 10, 2015 at 3:08 PM, Duran, Leah <leah_duran@ios.doi.gov> wrote:
[After 7 years, desert renewable energy plan finalized](#)

Sammy Roth, The Desert Sun 11:45 a.m. PST November 10, 2015

State and federal officials released a sweeping plan for the future of California's deserts Tuesday, designating areas for renewable energy development, conservation and recreation across 10 million acres overseen by the Bureau of Land Management.

The plan will encourage energy companies to build solar, wind and geothermal power plants on 388,000 acres of federally managed land, although only a portion of that land is likely to be developed. The plan also sets aside 5.3 million acres for conservation and 3.8 million acres for recreation, virtually all of which would be closed to energy development.

The Current: [Sign up for email updates on all things water and energy](#)

Officials said the plan features major changes from a draft released last year, which spurred [12,000 public comments](#) and [came under fire](#) from energy companies, conservation groups and [county governments](#). The changes include new designations for several contested areas:

- The Silurian Valley, between Death Valley National Park and the Mojave National Preserve, has been designated for conservation. Officials had previously delayed giving the area a firm designation, although the Bureau of Land Management [rejected a solar proposal](#) there last year.
- Parts of the Cadiz Valley and the Eagle Mountain area, which in the draft were not given designations, have been marked for conservation. It's unclear how the Eagle Mountain designation will impact [a proposed hydroelectric power plant](#), which would be built largely on private land. The federal lands are home to a concentration of golden eagles.
- The Palen Dunes, which provide sandy habitat for the Mojave fringe-toed lizard, have been removed from a development area in eastern Riverside County. Other parts of the development area have also been removed and designated for conservation, to protect Native American cultural resources.
- In a small victory for the wind industry — which was [one of the draft plan's harshest critics](#) — scattered parcels in the Tehachapi area have been added to a development zone. But officials cautioned that future development in the windy area will depend on decisions made by Kern County governing private land.
- An area north of Kramer Junction, for which officials had also put off a hard decision, has been designated for energy development. The Searles Lake area, on the border of San Bernardino and Inyo counties, has also been added to a development zone.

The Providence Mountains in the Mojave Desert.

The Providence Mountains in the Mojave Desert. (Photo: Jay Calderon, Jay Calderon/The Desert Sun)

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In another change from the draft plan, officials clarified that 3.9 million acres being added to the National Landscape Conservation System will receive permanent protection. Environmental groups had worried that the protection would be fleeting. Officials said the final plan also creates new incentives for energy companies to build in the development areas, while simplifying a permitting process that developers said would be confusing and burdensome.

"We took the comments we received very seriously. We went out and looked at stuff on the ground, we pulled up maps, we checked data, we talked to people," Jim Kenna, who until last month led the Bureau of Land Management's California branch, said in an interview. "We did make changes based on what people said in their comments, to try and get to the best possible plan."

▫ [DESERT SUN](#)
Energy plan under fire from developers, green groups

The finalized plan could have a major impact on California's ability to meet the [50 percent clean energy mandate](#) that Gov. Jerry Brown signed into law last month. Previously, the state had been working toward a 33 percent target.

"We're moving to meet higher renewable energy standards, and of course this is what we anticipated with the (desert plan), that we were not going to be done at 33 percent," Karen Douglas, a member of the California Energy Commission, said in an interview. "In order to meet our long-term climate goals, we really needed to take on a planning effort that would look long-term."

A wash can be seen snaking its way through the Mojave



A wash can be seen snaking its way through the Mojave Desert landscape northeast of the Coachella Valley. (Photo: Jay Calderon/The Desert Sun)

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The Desert Renewable Energy Conservation Plan was a long time coming.

Former Gov. Arnold Schwarzenegger [first called for such a plan](#) in November 2008, citing the budding conflict between energy development and ecosystem protection in the desert. But the process took several years longer than expected, thanks in large part to the unprecedented size of the planning area: 22.5 million acres across seven counties.

▫ [DESERT SUN](#)
Desert Renewable Energy Conservation Plan released

Despite those challenges, Interior Sec. Sally Jewell called the plan a model for other states to follow. In a conference call Tuesday, Jewell touted the plan's "landscape-level blueprint" for the desert, which she said is preferable to planning clean energy projects — and figuring out how to mitigate their environmental impacts — on a project by project basis.

"I think this will be the wave of the future of planning," Jewell said. "We can plan a lot smarter. Companies don't end up getting involved in long, laborious processes only to get their project turned down because it was in a sensitive area. And those who pay attention to species diversity and outdoor recreation don't feel like they have to fight for everything."

Secretary of the Interior Sally Jewell announces the

Secretary of the Interior Sally Jewell announces the preliminary version of the Desert Renewable Energy Conservation Plan at a wind farm in Palm Springs on Sept. 23, 2014. *(Photo: Jay Calderon/The Desert Sun)*

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State and federal officials released a draft last year, in a [high-profile event that brought Jewell](#) to the Palm Springs area. But the draft was met with a torrent of criticism, including complaints from county governments, which said it conflicted with their own priorities for several million acres of private land. County governments are generally responsible for private land, meaning their opposition could have sunk the overall plan.

So the plan's authors said in March they would [split the plan in two](#), dealing with federal land first and addressing private land later. That will give county governments time to figure out which areas they want to designate for energy development and conservation.

Conversation Contents

Clip: SF Chronicle: California's energy goals collide with the desert tortoise

"Duran, Leah" <leah_duran@ios.doi.gov>

From: "Duran, Leah" <leah_duran@ios.doi.gov>
Sent: Wed Nov 25 2015 07:41:09 GMT-0700 (MST)
Press_Review <press_review@ios.doi.gov>, Jeff Krauss <jkrauss@blm.gov>, Craig Leff <cleff@blm.gov>, Anita Bilbao <abilbao@blm.gov>, Janice Schneider <janice_schneider@ios.doi.gov>, Gavin Shire <gavin_shire@fws.gov>, Frank Quimby <frank_quimby@ios.doi.gov>, Karen Hyun <karen_hyun@ios.doi.gov>, Betsy Hildebrandt <betsy_hildebrandt@fws.gov>, James Anderson <jeanderson@blm.gov>
To:
Subject: Clip: SF Chronicle: California's energy goals collide with the desert tortoise

[California's energy goals collide with the desert tortoise](#)

By Ted Nordhaus and Marian Swain November 24, 2015

Federal officials announced earlier this month that 400,000 acres of public land in California's Mojave Desert would be designated for possible renewable energy development as part of the Desert Renewable Energy Conservation Plan. The plan represents a laudable effort to balance California's long-standing commitment to the preservation of its natural heritage with its more recent commitments to address climate change. But it also reveals some hard truths about the environmental trade-offs inherent in the state's commitment embodied in SB350 to generate 50 percent of its electricity with renewable energy by 2030.

Seven years in the making, the plan considered wildlife habitat, hydrology, Native American interests and a raft of further considerations to identify areas where renewable energy projects might be profitably developed with the least impact on California's fragile desert ecosystems. However, development of large-scale renewable energy projects in California in recent years has brought with it significant impacts on wildlife habitat. The enormous Ivanpah solar thermal power plant in the Mojave, for example, cleared critical habitat for the endangered desert tortoise.

These impacts were not simply the result of poor siting decisions. Sunny deserts and windy ridge lines that represent good places for wind and solar farms also tend to be environmentally sensitive areas. A study from Berkeley researcher Rebecca Hernandez and colleagues found that big solar development in California has consistently come at the expense of natural ecosystems and previously undeveloped habitat. Another study found that when areas of high

conservation value are excluded, the efficiency of potential renewable energy development is significantly reduced.

In response to the mounting evidence of significant environmental impacts associated with the state's still modest wind and solar developments, renewable energy advocates have argued that, with better planning, many of those impacts could be significantly mitigated if not eliminated altogether. But a careful look at the Desert Renewable Energy Conservation Plan suggests this is unlikely to be the case.

If the entire 400,000 acres designated as "Development Focus Areas" under the plan were blanketed with highly efficient solar panels, it would likely be enough to get California to 50 percent renewable electricity. But nobody expects that anything close to the entire area will be converted for clean energy projects. Some areas may prove, upon further investigation, to be unsuitable to renewables development. Each individual project will still have to go through the normal permitting processes. The new plan simply seeks to provide renewable developers with guidance ahead of time so as to minimize environmental conflicts.

But already it is clear that the areas included in the Development Focus Areas still will have significant conservation value. The plan, Ilene Anderson, a scientist with the Center for Biological Diversity told The Chronicle, "still contain[s] highly sensitive habitat and key movement corridors for listed species that are already struggling for survival."

Many desert conservation advocates would prefer that the state meet its renewable energy targets through accelerated deployment of rooftop solar panels. But every serious look at what it will take to meet the state's renewable energy mandates has concluded that doing so will require large-scale development in the California desert, a point on which government officials, the state's utilities, and California's major environmental groups all agree.

All this points to difficult trade-offs associated with achieving California's twin goals of 50 percent renewable energy and 80 percent lower carbon emissions. The latter task is made all the more difficult due to adamant environmental opposition to nuclear energy. Under pressure from environmental groups, Southern California Edison closed the San Onofre Nuclear Power station in 2012. Anti-nuclear groups are now pressing to shut down the state's only remaining nuclear power facility, Diablo Canyon, which quietly produces 20 percent of the state's carbon-free electricity on a 100-acre parcel near the central California town of San Luis Obispo. Meanwhile, the state has maintained a moratorium on construction of new nuclear power plants until a permanent depository for the state's nuclear waste has been established.

Ultimately, something will have to give.

Either the state will have to accept destruction of fragile desert habitats on a large scale in order to meet its climate commitments, it will have to scale back those commitments, or it will have to reconsider the ban on new nuclear energy. When it comes to energy and the environment, there is no free lunch. All energy technologies have environmental impacts. Having an honest conversation about the tradeoffs associated with the state's renewable energy commitments and its nuclear energy moratorium will be necessary if we hope to meet the state's climate commitments while minimizing associated impacts on the natural environment.

Ted Nordhaus is the co-founder and Marian Swain is a conservation analyst at Breakthrough Institute. To comment, submit your letter to the editor at www.sfgate.com/submissions.

On Fri, Nov 20, 2015 at 9:29 AM, Duran, Leah <leah_duran@ios.doi.gov> wrote:

[Opinion: Desert Plan Balances Renewables](#)

and Conservation

by Sally Miller, The Wilderness Society November 19, 2015 1:15 PM

Where I live, in a mountainous community on the eastern slope of the Sierra Nevada, we were harvesting red ripe tomatoes in late October. It was a subtle reminder that we live in a different era than when I moved here thirty years ago. Climate change is moving closer to home for many of us in California and beyond, manifesting in warmer, drier winters, drought-stressed gardens and altered growing seasons.

California recently adopted a goal to get 50 percent of our electricity from renewable energy sources by 2030. SB-350, the Clean Energy and Pollution Reduction Act of 2015, was signed into law in October by Governor Brown at Griffith Park. This ambitious legislation puts California at the forefront of the global effort to combat the impacts of climate change.

If we really want to reduce consumption of polluting energy sources like coal, oil and gas, we need enough renewable energy to power our homes and California's economy and it must be captured in many ways - on rooftops, through increased energy efficiency and conservation, through emerging technologies that will improve how we generate and store energy and through intelligently designed large-scale wind, solar and geothermal production. An "all of the above" clean energy strategy is needed to accomplish California's trend-setting climate goals.

STORY CONTINUES BELOW

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That doesn't mean we should stand by and allow a chaotic rush of renewable energy projects to set up shop on our most cherished public lands. Our nation has a long history of clashes between conservation efforts and energy development projects on public lands. But there is progress on that front. The U.S. Department of the Interior is moving from a project-by-project approach, which has led to siting projects in locations rife with conflict, to smarter, wide-scale planning that safeguards our most important lands and facilitates development in the most appropriate places. Large-scale power plants should be steered toward already disturbed lands, both public and private. They also need to capture power where it's generated, which points to mountain passes for wind and deserts for solar.

In California, our desert regions contain some of the best solar resources in the world; but solar energy production brings environmental impacts and must be sited cautiously to avoid harming wildlife and wild lands. Public lands managed by the U.S. Bureau of Land Management (BLM) can help accommodate our need for clean energy. The BLM has just released a plan, covering 10 million acres of the California desert, to do just that, balancing energy development with the conservation of places important to wildlife and people alike.

The Desert Renewable Energy Conservation Plan (DRECP), a landmark collaborative effort nine years in the making, was issued in near-final form on November 10. The DRECP

identifies not only public lands that could host large-scale renewable energy facilities, but it also sets aside nearly 4 million acres of public lands for permanent conservation, because of their natural, geological and cultural values. These treasured lands will become part of BLM's National Landscape Conservation System, which will forever preserve the desert's wide open spaces, starry night skies and opportunities for recreation -- from hiking and camping, to four-wheel drive touring on back roads.

Places like the Amargosa River country, jewel of the Mojave Desert, and the extensive Colorado desert that covers Chuckwalla Bench east of Palm Springs and is home to colorful ocotillo and palo verde trees will be permanently protected -- along with the remote Silurian Valley, a historical and scenic treasure that lies between Death Valley National Park and Mojave National Preserve. These and other conservation lands will help ensure that desert plants and animals survive, with pathways for migration and enough space to adapt to this era of climate change.

While the BLM's plan is a great improvement over earlier drafts, it is not perfect and should be improved before it is finalized in 2016. The DRECP currently leaves about 800,000 acres of public lands in limbo -- not slated for development and not slated for conservation, either. This includes scenic and undeveloped public lands like the Owens Valley. The BLM should decide the fate of these lands so that nearby residents, local business owners, visitors, energy companies and other stakeholders have clarity on how the desert's public lands will be managed into the future.

The DRECP is only the first phase of planning for the future of the California desert. The California Energy Commission, the BLM and desert counties are working on similar plans covering private lands. When these "Phase II" plans are completed, the BLM and California will be able to claim a "first" for one of the largest landscape-level plans in the United States -- one that can provide much-needed clean energy and preserve our desert legacy for generations to come.

Commentaries are the opinions of their authors, and do not necessarily reflect the views of KCETLink.

On Thu, Nov 12, 2015 at 5:37 PM, Duran, Leah <leah_duran@ios.doi.gov> wrote:

[Obama's Solar Power Plan For The California Desert](#)

Think Progress // NIDHI THAKAR // November 12, 2015

On Tuesday, the Obama administration released the first phase of a plan that will boost renewable energy in the solar-rich California desert while protecting millions of acres of sensitive land from development. The land management plan, known as the Desert Renewable Energy Conservation Plan (DRECP), prescribes which federal and state lands in a 22.5-million-acre area of the California desert will be available for renewable energy development and which will be set aside to preserve the unique and valuable desert ecosystem. The first phase of the plan, outlined in a final environmental impact statement released Tuesday by Interior Department's Bureau of Land Management (BLM), provides a 25-year blueprint for the management of 10 million acres of federally-owned public lands from Death Valley to San Diego County, spanning seven counties. Phase two of the plan, which covers non-federal lands, is still under review.

[This Map Shows Where the Next Clean Energy Gold Mine Is](#)

Mother Jones // Tim McDonnell // November 11, 2015

The desert in Southern California could be in for a climate-friendly makeover, after the Obama administration released its plans to develop more renewable energy projects on federally owned

land. On Tuesday the Interior Department released the final version of a plan that would open up about half a million non-contiguous acres—half the size of Rhode Island—for projects such as wind and solar farms in the Mojave Desert and surrounding areas. It would also more than double the amount of land dedicated to protecting delicate desert ecosystems that are home to vulnerable species, including the desert tortoise. The Mojave Desert, which stretches across most of Southern California, is a potential gold mine for clean energy. Earlier this year, the world's largest solar farm opened there, near Joshua Tree National Park.

[California opens up public land for renewable energy generation](#)

PV Magazine // EDGAR MEZA // November 11, 2015

State and federal authorities have unveiled an ambitious plan that advances conservation goals in California's desert regions. The Desert Renewable Energy Conservation Plan would introduce a streamlined permitting process, facilitating approval of applications for renewable energy projects. California is set to open up vast tracts of public desert land for renewable energy projects. The U.S. Department of the Interior and the California Natural Resources Agency joined forces to develop and the ambitious Desert Renewable Energy Conservation Plan (DRECP) plan, which would pave the way for renewable energy development and conservation on some 10 million acres (4 million hectares) of federal public lands in the California desert managed by the Interior Department's Bureau of Land Management (BLM) in the California desert.

[California Renewable Energy Conservation Plan finalised](#)

PV-Tech // Conor Ryan // November 12, 2015

US Secretary of the Interior Sally Jewell and California Secretary for Natural Resources John Laird have announced the final environmental review for the first phase of the Desert Renewable Energy Conservation Plan (DRECP). The DRECP — an extensive plan designed to spur renewable energy development and conservation on over four million hectares of federal land in the California desert — will feature an initial phase that will be led by the Bureau of Land Management. Jewell noted: “Using a landscape-level perspective, unprecedented collaboration and extensive public engagement, this phase of the Desert Renewable Energy Conservation Plan will facilitate clean energy development, creating new jobs while cutting carbon pollution.

[Feds Release New Version of Desert Energy Plan](#)

KCET // Chris Clarke // November 10, 2015

A massive plan to coordinate renewable energy development across 22 million acres of the California Desert is back, or at least part of it is. Under the plan, permitting for solar, wind, and geothermal development would be streamlined across an area of the California desert the size of Los Angeles and Bakersfield combined. A much larger area of almost 5 million acres would be protected more or less permanently for conservation under the plan. That news comes with the release Tuesday of a major portion of the Desert Renewable Energy and Conservation Plan (DRECP), which has been in the works since 2008. The portion released this week bears the unwieldy name of the Final Environmental Impact Statement (FEIS) for Phase 1 of the DRECP. Primarily drawn up by the Bureau of Land Management, the document proposes establishing renewable energy Development Focus Areas (DFAs) on 388,000 acres of public land in the California desert. That's around 606 square miles, approximately the size of Los Angeles and Bakersfield combined.

[Desert Energy Plan Could 'Dramatically Limit' California Wind Growth](#)

North American Windpower // November 11, 2015

The U.S. Department of the Interior (DOI) and California Natural Resources Agency have announced the final environmental review of a land-use plan meant to expedite the permitting process for renewable energy development and support conservation on 10 million acres of federal

public lands in the California desert. The release of the final environmental impact statement for Phase I of the Desert Renewable Energy Conservation Plan (DRECP) comes after the agencies revealed their draft plan in September 2014 and held a public-comment period. Having spoken out about concerns for wind power development when the draft was released, the California wind industry maintains its reservations.

[Millions of acres of California desert are now closer to protection](#)

SCPR // Jed Kim // November 10, 2015

Millions of acres of California desert would be permanently protected from development under a plan released on Tuesday by the Bureau of Land Management (BLM). The proposed plan also designates 388,000 acres of land as "development focus areas" for possible wind, solar and geothermal projects. "This plan will bring increased certainty to developers and communities, achieving a thoughtful balance between development and conservation," said U.S. Secretary of the Interior Sally Jewell. Jewell said the balanced approach taken in developing the plan would give clearer guidelines for those seeking to develop projects within the desert.

On Tue, Nov 10, 2015 at 4:22 PM, Duran, Leah <leah_duran@ios.doi.gov> wrote:

[BLM advances federal portion of massive Calif. desert plan](#)

Scott Streater, E&E reporter

Published: Tuesday, November 10, 2015

The Obama administration today advanced the federal portion of a major plan designed to guide commercial-scale wind, solar and geothermal power development across millions of acres of Southern California desert.

Interior Secretary Sally Jewell announced completion of a final **environmental impact statement** (EIS) and three proposed land-use plan amendments covering about 10 million acres of federal lands as part of the first phase of implementation of the Desert Renewable Energy Conservation Plan (DRECP).

The overall DRECP unveiled in draft form last year called for establishing "development focus areas" deemed suitable for commercial-scale renewables development, as well as areas to be protected or managed for their recreational values, within a 22.5 million-acre planning area that includes federal, state, county and private lands in the Mojave, Colorado and Sonoran deserts.

Today's final EIS and proposed land-use plan amendments cover only 10 million acres of federal lands within the planning area. The Bureau of Land Management and California Energy Commission (CEC) decided last spring that they were going to phase in major components of the DRECP, and today's announcement does not address renewables development on 5.5 million acres of private and other nonfederal lands within the massive planning area ([Greenwire](#), March 10).

But Jewell today called completion of the final EIS "another major milestone in our ongoing efforts to support renewable energy on public lands." And BLM Director Neil Kornze, California Secretary for Natural Resources John Laird and others said in a conference call with reporters that the federal portion of the plan provides a foundation that will allow state and county leaders to complete the plan that envisions 20,000 megawatts of new renewable energy will be developed within the boundaries of the planning area by 2040.

Jewell touted the federal portion of the DRECP as advancing President Obama's Climate Action Plan for combating climate change unveiled in 2013. Among other things, the climate plan challenged Interior to approve 20,000 MW of renewable energy projects on public lands by 2020.

She said the final EIS and land-use plan amendments were being released today as part of "the run-

up" to Obama's appearance at the upcoming international climate negotiations beginning this month in Paris.

"Public lands administered by Interior's Bureau of Land Management play a key role, not only in President Obama's Climate Action Plan to approve 20,000 MW of renewable energy on public land by 2020, but also in helping California meet its goal to achieve 50 percent of its energy from renewable sources by 2030," Jewell said.

Laird noted during the conference call that the DRECP also dovetails with California's ongoing efforts to meet state goals to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030.

"This effort and this announcement," he said of the federal portion of the DRECP, "helps California on the path to meet those goals."

Mixed reviews

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The final EIS and proposed land-use plan amendments would also establish 3.7 million acres of recreation management areas on BLM lands, both inside and outside the DRECP planning area. The agency would not accept renewable project applications on lands inside either the conservation or recreation designated areas, except for some geothermal activity in the recreation areas as long as there is no surface occupancy.

The federal portion of the plan would also establish about 40,000 acres of so-called variance process lands that are "potentially available for renewable energy development," but that would require more review and "would not receive the [streamlined review] incentives that apply" to projects in the development focus areas, according to the final EIS.

The plan outlined in the final EIS drew cautious support today from conservation groups that have followed the issue closely.

"The Desert Renewable Energy Conservation Plan provides a solid blueprint for carefully balancing public land conservation with renewable energy development in the California desert," said Ken Rait, director of the U.S. public lands program at the Pew Charitable Trusts. "Pew applauds the Bureau of Land Management for making permanent the protections for the areas it is now designating as National Conservation Lands, thus adding them to the agency's premier network of safeguarded areas across the country."

Kim Delfino, California program director for Defenders of Wildlife, echoed Rait's comments.

"There is much to celebrate as the DRECP plan reflects the Obama administration's commitment to finding lower conflict sites for renewable energy development while protecting our wildlife legacy," Delfino said.

But Delfino also cautioned that the final plan opens up areas, particularly in the West Mojave Desert region, that could imperil desert tortoise and the Mohave ground squirrel.

"We urge the BLM to improve protections for desert wildlife in the Fremont Valley, Rose Valley, North of Kramer area and the Pisgah Valley in its final plan," she said.

Similar concerns were expressed last year when the draft plan drew 16,000 public comments, some of which were sharply critical of aspects of the plan.

Kornze said the final plan was "shaped" by those public comments. Indeed, the final plan addresses some of these concerns, including removing from development a section in the Silurian Valley that some complained included sensitive wildlife habitat that should not be open for development.

David Lamfrom, director of the California Desert and Wildlife Program for the National Parks Conservation Association, applauded the "common-sense decision to protect the remarkable Silurian Valley in the final DRECP."

But Lamfrom also noted that the final plan does not appear to address two proposed renewable energy projects that he said could undermine the entire DRECP process.

The projects of concern are the 358-MW Soda Mountain Solar Project in San Bernardino County, which is proposed to sit less than a mile from the Mojave National Preserve, and Eagle Crest Energy Co.'s Eagle Mountain pumped storage hydroelectric project on 2,700 acres in Riverside County near Joshua Tree National Park.

"In the end, the final plan advances renewable energy and some important protections for desert ecosystems but does not remove real and immediate threats to desert national parks that could forever change the lands the plan seeks to steward," he said.

Incomplete plan

Another concern is that the final EIS and proposed land-use plan amendments represent just one part of the three-part plan unveiled last year that is supposed to guide commercial-scale solar, wind and geothermal power development across the entire 22.5 million-acre planning area.

And even though the vast majority of the planning area -- 17 million acres total -- is on federal lands, there are millions of acres of highly developable state, county and private lands in the planning area not covered by the final EIS and proposed land-use plan amendments.

BLM and the CEC made the decision last spring to delay the nonfederal portion of the plan because many of the public comments on the draft plan raised substantive concerns about how it will affect local county authority over projects on private lands.

The seven counties in the DRECP planning area -- Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino and San Diego counties -- have jurisdiction over renewables permitting on private lands, and they are currently working on their own renewable energy and conservation plans.

At least five counties complained that the DRECP does not conform to their previously established or developing renewable energy plans. The counties asked BLM and the state for more time to ensure that the local plans they are working to finalize align with DRECP objectives, and that process remains

ongoing.

Karen Douglas, a commissioner with the CEC, said in an interview that the county portion of DRECP covering private and other nonfederal lands likely will be phased in "over the coming years."

But Douglas said having the BLM plan in place "will provide certainty for assisting developers with where they can go" in the meantime and "provides a really needed foundation for local government and stakeholders and the public as we continue to move forward and address the issues of renewable energy development on private lands."

In the meantime, some counties have moved quickly to finish their renewable energy plans.

Inyo and Imperial counties have finished their renewable energy plans, and "large parts of the planning area are already relatively clear" on the issue of where renewable energy should go, said Jim Kenna, who until retiring last month was the BLM California state director who helped develop the plan over the past five years.

Kenna has stayed on at BLM to serve in an advisory role until the DRECP is completed, he said.

But Kern and San Bernardino counties, which includes nearly 12 million acres within the DRECP planning areas, "are not far along" in their planning yet, he said.

Rait said the "county-by-county decisions on what nonfederal lands will be made available for such development are a critical component in striking the right balance in the desert" and will be key in judging the ultimate merits of the plan.

Meanwhile, Douglas said, "We fully expect development to move forward on public and private land. The phasing-in of the DRECP does not stop development on private lands."

More unfinished business

There are other sections of the overall DRECP that also remain unfinished.

Federal and state regulators last spring agreed to delay completing an overarching conservation strategy covering the entire 22.5 million-acre planning area that is designed to protect and enhance 37 sensitive species and their habitat, including the Mojave fringe-toed lizard, California condor, desert bighorn sheep and burrowing owl.

In addition, the Fish and Wildlife Service has also slowed development of a "General Conservation Plan" that would allow the service to streamline the permitting process for renewable energy projects on nonfederal lands in the planning area, including incidental take permits involving endangered or threatened species for renewable energy or transmission projects as long as the project backers agree to the conditions outlined in the DRECP.

In both cases, FWS and the California Department of Fish and Wildlife said they want to work with counties to address concerns about how these plans would affect renewables development on private lands within their jurisdictions.

Douglas said the CEC and BLM by the end of the year are working to publish a list of the conservation goals covering the entire 22.5 million-acre planning area that were outlined in the draft document last year, showing what's been achieved on the conservation side by adopting the BLM portion of the plan, and what still needs to be done.

"We are continuing to work to establish a framework to ensure that the planwide conservation vision across the public and private lands designated in the draft DRECP continues to move forward," she said.

On Tue, Nov 10, 2015 at 3:08 PM, Duran, Leah <leah_duran@ios.doi.gov> wrote:
[After 7 years, desert renewable energy plan finalized](#)

Sammy Roth, The Desert Sun 11:45 a.m. PST November 10, 2015

State and federal officials released a sweeping plan for the future of California's deserts Tuesday, designating areas for renewable energy development, conservation and recreation across 10 million acres overseen by the Bureau of Land Management.

The plan will encourage energy companies to build solar, wind and geothermal power plants on 388,000 acres of federally managed land, although only a portion of that land is likely to be developed. The plan also sets aside 5.3 million acres for conservation and 3.8 million acres for recreation, virtually all of which would be closed to energy development.

The Current: [Sign up for email updates on all things water and energy](#)

Officials said the plan features major changes from a draft released last year, which spurred [12,000 public comments](#) and [came under fire](#) from energy companies, conservation groups and [county governments](#). The changes include new designations for several contested areas:

- The Silurian Valley, between Death Valley National Park and the Mojave National Preserve, has been designated for conservation. Officials had previously delayed giving the area a firm designation, although the Bureau of Land Management [rejected a solar proposal](#) there last year.
- Parts of the Cadiz Valley and the Eagle Mountain area, which in the draft were not given designations, have been marked for conservation. It's unclear how the Eagle Mountain designation will impact [a proposed hydroelectric power plant](#), which would be built largely on private land. The federal lands are home to a concentration of golden eagles.
- The Palen Dunes, which provide sandy habitat for the Mojave fringe-toed lizard, have been removed from a development area in eastern Riverside County. Other parts of the development area have also been removed and designated for conservation, to protect Native American cultural resources.
- In a small victory for the wind industry — which was [one of the draft plan's harshest critics](#) — scattered parcels in the Tehachapi area have been added to a development zone. But officials cautioned that future development in the windy area will depend on decisions made by Kern County governing private land.
- An area north of Kramer Junction, for which officials had also put off a hard decision, has been designated for energy development. The Searles Lake area, on the border of San Bernardino and Inyo counties, has also been added to a development zone.

The Providence Mountains in the Mojave Desert.

The Providence Mountains in the Mojave Desert. (Photo: Jay Calderon, Jay Calderon/The Desert Sun)

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In another change from the draft plan, officials clarified that 3.9 million acres being added to the National Landscape Conservation System will receive permanent protection. Environmental groups had worried that the protection would be fleeting. Officials said the final plan also creates new incentives for energy companies to build in the development areas, while simplifying a permitting process that developers said would be confusing and burdensome.

"We took the comments we received very seriously. We went out and looked at stuff on the ground, we pulled up maps, we checked data, we talked to people," Jim Kenna, who until last month led the Bureau of Land Management's California branch, said in an interview. "We did make changes based on what people said in their comments, to try and get to the best possible plan."

▫ [DESERT SUN](#)
Energy plan under fire from developers, green groups

The finalized plan could have a major impact on California's ability to meet the [50 percent clean energy mandate](#) that Gov. Jerry Brown signed into law last month. Previously, the state had been working toward a 33 percent target.

"We're moving to meet higher renewable energy standards, and of course this is what we anticipated with the (desert plan), that we were not going to be done at 33 percent," Karen Douglas, a member of the California Energy Commission, said in an interview. "In order to meet our long-term climate goals, we really needed to take on a planning effort that would look long-term."

A wash can be seen snaking its way through the Mojave



A wash can be seen snaking its way through the Mojave Desert landscape northeast of the Coachella Valley. (Photo: Jay Calderon/The Desert Sun)

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The Desert Renewable Energy Conservation Plan was a long time coming.

Former Gov. Arnold Schwarzenegger [first called for such a plan](#) in November 2008, citing the budding conflict between energy development and ecosystem protection in the desert. But the process took several years longer than expected, thanks in large part to the unprecedented size of the planning area: 22.5 million acres across seven counties.

- [DESERT SUN](#)
Desert Renewable Energy Conservation Plan released

Despite those challenges, Interior Sec. Sally Jewell called the plan a model for other states to follow. In a conference call Tuesday, Jewell touted the plan's "landscape-level blueprint" for the desert, which she said is preferable to planning clean energy projects — and figuring out how to mitigate their environmental impacts — on a project by project basis.

"I think this will be the wave of the future of planning," Jewell said. "We can plan a lot smarter. Companies don't end up getting involved in long, laborious processes only to get their project turned down because it was in a sensitive area. And those who pay attention to species diversity and outdoor recreation don't feel like they have to fight for everything."

Secretary of the Interior Sally Jewell announces the

Secretary of the Interior Sally Jewell announces the preliminary version of the Desert Renewable Energy Conservation Plan at a wind farm in Palm Springs on Sept. 23, 2014. (Photo: Jay Calderon/The Desert Sun)

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State and federal officials released a draft last year, in a [high-profile event that brought Jewell](#) to the Palm Springs area. But the draft was met with a torrent of criticism, including complaints from county governments, which said it conflicted with their own priorities for several million acres of private land. County governments are generally responsible for private land, meaning their opposition could have sunk the overall plan.

So the plan's authors said in March they would [split the plan in two](#), dealing with federal land first and addressing private land later. That will give county governments time to figure out which areas they want to designate for energy development and conservation.

- [DESERT SUN](#)
County governments criticize renewable energy plan

Jewell predicted the next landscape-level planning effort, whether in California or elsewhere, "will be a lot smoother."

"There have to be pioneers," she said. "It's a lot easier to learn from an experience that has been done."

The Desert Renewable Energy Conservation Plan would

The Desert Renewable Energy Conservation Plan would promote solar, wind and geothermal development across the desert. *(Photo: Jay Calderon/The Desert Sun)*

[Buy Photo](#)

In the meantime, it's still not clear that the California desert plan will work as intended.

Renewable energy groups have argued that splitting the plan in half was a dangerous decision, because it won't be clear until the counties make their decisions how much land is available for development. Conservation groups, meanwhile, are worried the counties' conservation designations won't link up with the same on federal land, which is important because at-risk species roam freely between private and public lands.

- [DESERT SUN](#)
Desert clean energy plan still not inspiring confidence

The plan's authors, though, are confident that county-level decisions will eventually be incorporated into the overall plan, in a way that provides enough space for energy development while protecting at-risk species.

"The counties have stepped up and made the effort to work with us as we brought this to a final, proposed plan," said Kenna, who retired last month but has stayed at the Bureau of Land Management as a special advisor on the desert energy plan. "Over the next couple of years, you'll see the desert-wide map continue to improve."

Jim Kenna and Karen Douglas discuss the finalized Desert



Jim Kenna and Karen Douglas discuss the finalized Desert Renewable Energy Conservation Plan. (Photo: Lucas Esposito/The Desert Sun)

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Two state and two federal agencies worked on the plan: the California Energy Commission, the California Department of Fish and Wildlife, the federal Bureau of Land Management and the U.S. Fish and Wildlife Services. They released a revised environmental impact analysis Tuesday, and they expect to publish a "record of decision" finalizing the plan early next year.

Check back for updates.

Sammy Roth writes about energy and water for The Desert Sun. He can be reached at sammy.roth@desertsun.com, (760) 778-4622 and [@Sammy_Roth](https://twitter.com/Sammy_Roth).

On Mon, Nov 9, 2015 at 3:03 PM, Duran, Leah <leah_duran@ios.doi.gov> wrote:

[Final desert renewable energy plan coming Tuesday](#)

Sammy Roth, The Desert Sun 11:42 a.m. PST November 9, 2015

The long-awaited day has finally arrived.

State and federal officials plan to release part one of the Desert Renewable Energy Conservation Plan on Tuesday, nearly seven years to the day after then-Gov. Arnold Schwarzenegger [called for such a plan](#). The document will designate clean energy development zones and conservation areas across 10 million acres of California desert, on land overseen by the federal Bureau of Land Management.

A draft document released last year covered 22.5 million acres of land, but a [torrent of criticism](#) from [renewable energy developers](#), conservation groups and [county governments](#) forced the plan's authors to reevaluate. They said earlier this year they would [split the plan in two](#), dealing with federal land first and addressing private land later, after county governments have time to complete their own planning processes.

▫ [DESERT SUN](#)
Desert clean energy plan still not inspiring confidence

The finalized plan could have a major impact for California's ability to meet its ambitious climate targets, especially now that Gov. Jerry Brown has signed a [50 percent clean energy mandate](#) into law. Energy companies said the draft plan might have made it harder, not easier, to build solar, wind and geothermal plants in the desert.

Conservation groups largely support the plan, but they've argued that certain areas that were marked as development zones in the draft [should be protected instead](#). The plan will set the tone for the future of conservation in California's deserts, with potentially wide-ranging implications for at-risk species like desert tortoises, bighorn sheep and golden eagles.

Interior Sec. Sally Jewell, who [came to the desert last year](#) to announce the draft plan's release, will speak to reporters on a press call at 10 a.m. Tuesday. John Laird, California Secretary for Natural Resources, will also be on the call, as will Bureau of Land Management Director Neil Kornze and California Energy Commission Karen Douglas.

Follow along on Twitter [@Sammy_Roth](#) for live updates on Tuesday.

Sammy Roth writes about energy and water for [The Desert Sun](#). He can be reached at sammy.roth@desertsun.com and (760) 778-4622.

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Conversation Contents

Clip: KCET: Opinion: Desert Plan Balances Renewables and Conservation

"Duran, Leah" <leah_duran@ios.doi.gov>

From: "Duran, Leah" <leah_duran@ios.doi.gov>
Sent: Fri Nov 20 2015 07:29:06 GMT-0700 (MST)
Press_Review <press_review@ios.doi.gov>, Jeff Krauss <jkrauss@blm.gov>, Craig Leff <cleff@blm.gov>, Anita Bilbao <abilbao@blm.gov>, Janice Schneider <janice_schneider@ios.doi.gov>, Gavin Shire <gavin_shire@fws.gov>, Frank Quimby <frank_quimby@ios.doi.gov>, Karen Hyun <karen_hyun@ios.doi.gov>, Betsy Hildebrandt <betsy_hildebrandt@fws.gov>, James Anderson <jeanderson@blm.gov>
To:
Subject: Clip: KCET: Opinion: Desert Plan Balances Renewables and Conservation

[Opinion: Desert Plan Balances Renewables and Conservation](#)

by Sally Miller, The Wilderness Society November 19, 2015 1:15 PM

Where I live, in a mountainous community on the eastern slope of the Sierra Nevada, we were harvesting red ripe tomatoes in late October. It was a subtle reminder that we live in a different era than when I moved here thirty years ago. Climate change is moving closer to home for many of us in California and beyond, manifesting in warmer, drier winters, drought-stressed gardens and altered growing seasons.

California recently adopted a goal to get 50 percent of our electricity from renewable energy sources by 2030. SB-350, the Clean Energy and Pollution Reduction Act of 2015, was signed into law in October by Governor Brown at Griffith Park. This ambitious legislation puts California at the forefront of the global effort to combat the impacts of climate change.

If we really want to reduce consumption of polluting energy sources like coal, oil and gas, we need enough renewable energy to power our homes and California's economy and it must be captured in many ways - on rooftops, through increased energy efficiency and conservation, through emerging technologies that will improve how we generate and store energy and through intelligently designed large-scale wind, solar and geothermal production. An "all of the above" clean energy strategy is needed to accomplish California's trend-setting climate goals.

STORY CONTINUES BELOW

That doesn't mean we should stand by and allow a chaotic rush of renewable energy projects to set up shop on our most cherished public lands. Our nation has a long history of clashes between conservation efforts and energy development projects on public lands. But there is progress on that front. The U.S. Department of the Interior is moving from a project-by-project approach, which has led to siting projects in locations rife with conflict, to smarter, wide-scale planning that safeguards our most important lands and facilitates development in the most appropriate places. Large-scale power plants should be steered toward already disturbed lands, both public and private. They also need to capture power where it's generated, which points to mountain passes for wind and deserts for solar.

In California, our desert regions contain some of the best solar resources in the world; but solar energy production brings environmental impacts and must be sited cautiously to avoid harming wildlife and wild lands. Public lands managed by the U.S. Bureau of Land Management (BLM) can help accommodate our need for clean energy. The BLM has just released a plan, covering 10 million acres of the California desert, to do just that, balancing energy development with the conservation of places important to wildlife and people alike.

The Desert Renewable Energy Conservation Plan (DRECP), a landmark collaborative effort nine years in the making, was issued in near-final form on November 10. The DRECP identifies not only public lands that could host large-scale renewable energy facilities, but it also sets aside nearly 4 million acres of public lands for permanent conservation, because of their natural, geological and cultural values. These treasured lands will become part of BLM's National Landscape Conservation System, which will forever preserve the desert's wide open spaces, starry night skies and opportunities for recreation -- from hiking and camping, to four-wheel drive touring on back roads.

Places like the Amargosa River country, jewel of the Mojave Desert, and the extensive Colorado desert that covers Chuckwalla Bench east of Palm Springs and is home to colorful ocotillo and palo verde trees will be permanently protected -- along with the remote Silurian Valley, a historical and scenic treasure that lies between Death Valley National Park and Mojave National Preserve. These and other conservation lands will help ensure that desert plants and animals survive, with pathways for migration and enough space to adapt to this era of climate change.

While the BLM's plan is a great improvement over earlier drafts, it is not perfect and should be improved before it is finalized in 2016. The DRECP currently leaves about 800,000 acres of public lands in limbo -- not slated for development and not slated for conservation, either. This includes scenic and undeveloped public lands like the Owens Valley. The BLM should decide the fate of these lands so that nearby residents, local business owners, visitors, energy companies and other stakeholders have clarity on how the desert's public lands will be managed into the future.

The DRECP is only the first phase of planning for the future of the California desert. The California Energy Commission, the BLM and desert counties are working on similar plans

covering private lands. When these "Phase II" plans are completed, the BLM and California will be able to claim a "first" for one of the largest landscape-level plans in the United States -- one that can provide much-needed clean energy and preserve our desert legacy for generations to come.

Commentaries are the opinions of their authors, and do not necessarily reflect the views of KCETLink.

On Thu, Nov 12, 2015 at 5:37 PM, Duran, Leah <leah_duran@ios.doi.gov> wrote:

[Obama's Solar Power Plan For The California Desert](#)

Think Progress // NIDHI THAKAR // November 12, 2015

On Tuesday, the Obama administration released the first phase of a plan that will boost renewable energy in the solar-rich California desert while protecting millions of acres of sensitive land from development. The land management plan, known as the Desert Renewable Energy Conservation Plan (DRECP), prescribes which federal and state lands in a 22.5-million-acre area of the California desert will be available for renewable energy development and which will be set aside to preserve the unique and valuable desert ecosystem. The first phase of the plan, outlined in a final environmental impact statement released Tuesday by Interior Department's Bureau of Land Management (BLM), provides a 25-year blueprint for the management of 10 million acres of federally-owned public lands from Death Valley to San Diego County, spanning seven counties. Phase two of the plan, which covers non-federal lands, is still under review.

[This Map Shows Where the Next Clean Energy Gold Mine Is](#)

Mother Jones // Tim McDonnell // November 11, 2015

The desert in Southern California could be in for a climate-friendly makeover, after the Obama administration released its plans to develop more renewable energy projects on federally owned land. On Tuesday the Interior Department released the final version of a plan that would open up about half a million non-contiguous acres—half the size of Rhode Island—for projects such as wind and solar farms in the Mojave Desert and surrounding areas. It would also more than double the amount of land dedicated to protecting delicate desert ecosystems that are home to vulnerable species, including the desert tortoise. The Mojave Desert, which stretches across most of Southern California, is a potential gold mine for clean energy. Earlier this year, the world's largest solar farm opened there, near Joshua Tree National Park.

[California opens up public land for renewable energy generation](#)

PV Magazine // EDGAR MEZA // November 11, 2015

State and federal authorities have unveiled an ambitious plan that advances conservation goals in California's desert regions. The Desert Renewable Energy Conservation Plan would introduce a streamlined permitting process, facilitating approval of applications for renewable energy projects. California is set to open up vast tracts of public desert land for renewable energy projects. The U.S. Department of the Interior and the California Natural Resources Agency joined forces to develop and the ambitious Desert Renewable Energy Conservation Plan (DRECP) plan, which would pave the way for renewable energy development and conservation on some 10 million acres (4 million hectares) of federal public lands in the California desert managed by the Interior Department's Bureau of Land Management (BLM) in the California desert.

[California Renewable Energy Conservation Plan finalised](#)

PV-Tech // Conor Ryan // November 12, 2015

US Secretary of the Interior Sally Jewell and California Secretary for Natural Resources John Laird have announced the final environmental review for the first phase of the Desert Renewable Energy Conservation Plan (DRECP). The DRECP — an extensive plan designed to spur renewable energy

development and conservation on over four million hectares of federal land in the California desert — will feature an initial phase that will be led by the Bureau of Land Management. Jewell noted: “Using a landscape-level perspective, unprecedented collaboration and extensive public engagement, this phase of the Desert Renewable Energy Conservation Plan will facilitate clean energy development, creating new jobs while cutting carbon pollution.

[Feds Release New Version of Desert Energy Plan](#)

KCET // Chris Clarke // November 10, 2015

A massive plan to coordinate renewable energy development across 22 million acres of the California Desert is back, or at least part of it is. Under the plan, permitting for solar, wind, and geothermal development would be streamlined across an area of the California desert the size of Los Angeles and Bakersfield combined. A much larger area of almost 5 million acres would be protected more or less permanently for conservation under the plan. That news comes with the release Tuesday of a major portion of the Desert Renewable Energy and Conservation Plan (DRECP), which has been in the works since 2008. The portion released this week bears the unwieldy name of the Final Environmental Impact Statement (FEIS) for Phase 1 of the DRECP. Primarily drawn up by the Bureau of Land Management, the document proposes establishing renewable energy Development Focus Areas (DFAs) on 388,000 acres of public land in the California desert. That's around 606 square miles, approximately the size of Los Angeles and Bakersfield combined.

[Desert Energy Plan Could 'Dramatically Limit' California Wind Growth](#)

North American Windpower // November 11, 2015

The U.S. Department of the Interior (DOI) and California Natural Resources Agency have announced the final environmental review of a land-use plan meant to expedite the permitting process for renewable energy development and support conservation on 10 million acres of federal public lands in the California desert. The release of the final environmental impact statement for Phase I of the Desert Renewable Energy Conservation Plan (DRECP) comes after the agencies revealed their draft plan in September 2014 and held a public-comment period. Having spoken out about concerns for wind power development when the draft was released, the California wind industry maintains its reservations.

[Millions of acres of California desert are now closer to protection](#)

SCPR // Jed Kim // November 10, 2015

Millions of acres of California desert would be permanently protected from development under a plan released on Tuesday by the Bureau of Land Management (BLM). The proposed plan also designates 388,000 acres of land as “development focus areas” for possible wind, solar and geothermal projects. “This plan will bring increased certainty to developers and communities, achieving a thoughtful balance between development and conservation,” said U.S. Secretary of the Interior Sally Jewell. Jewell said the balanced approach taken in developing the plan would give clearer guidelines for those seeking to develop projects within the desert.

On Tue, Nov 10, 2015 at 4:22 PM, Duran, Leah <leah_duran@ios.doi.gov> wrote:

[BLM advances federal portion of massive Calif. desert plan](#)

Scott Streater, E&E reporter

Published: Tuesday, November 10, 2015

The Obama administration today advanced the federal portion of a major plan designed to guide commercial-scale wind, solar and geothermal power development across millions of acres of Southern California desert.

Interior Secretary Sally Jewell announced completion of a final **environmental impact statement** (EIS) and three proposed land-use plan amendments covering about 10 million acres of federal lands as part of

the first phase of implementation of the Desert Renewable Energy Conservation Plan (DRECP).

The overall DRECP unveiled in draft form last year called for establishing "development focus areas" deemed suitable for commercial-scale renewables development, as well as areas to be protected or managed for their recreational values, within a 22.5 million-acre planning area that includes federal, state, county and private lands in the Mojave, Colorado and Sonoran deserts.

Today's final EIS and proposed land-use plan amendments cover only 10 million acres of federal lands within the planning area. The Bureau of Land Management and California Energy Commission (CEC) decided last spring that they were going to phase in major components of the DRECP, and today's announcement does not address renewables development on 5.5 million acres of private and other nonfederal lands within the massive planning area ([Greenwire](#), March 10).

But Jewell today called completion of the final EIS "another major milestone in our ongoing efforts to support renewable energy on public lands." And BLM Director Neil Kornze, California Secretary for Natural Resources John Laird and others said in a conference call with reporters that the federal portion of the plan provides a foundation that will allow state and county leaders to complete the plan that envisions 20,000 megawatts of new renewable energy will be developed within the boundaries of the planning area by 2040.

Jewell touted the federal portion of the DRECP as advancing President Obama's Climate Action Plan for combating climate change unveiled in 2013. Among other things, the climate plan challenged Interior to approve 20,000 MW of renewable energy projects on public lands by 2020.

She said the final EIS and land-use plan amendments were being released today as part of "the run-up" to Obama's appearance at the upcoming international climate negotiations beginning this month in Paris.

"Public lands administered by Interior's Bureau of Land Management play a key role, not only in President Obama's Climate Action Plan to approve 20,000 MW of renewable energy on public land by 2020, but also in helping California meet its goal to achieve 50 percent of its energy from renewable sources by 2030," Jewell said.

Laird noted during the conference call that the DRECP also dovetails with California's ongoing efforts to meet state goals to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030.

"This effort and this announcement," he said of the federal portion of the DRECP, "helps California on the path to meet those goals."

Mixed reviews

The final EIS evaluates the proposal to amend three BLM land-use plans for the California Desert Conservation Area and the Bakersfield and Bishop resource management plans to establish the development focus areas on 388,000 acres where BLM will encourage utility-scale solar, wind and geothermal power projects. Proposed projects in these designated areas would undergo a streamlined environmental review because the focus areas have already been surveyed and studied, and mitigation requirements already established as part of the conservation plan.

The plan would also add a total of 3.6 million acres to the National Landscape Conservation System, and 1.3 million acres to proposed or existing "areas of critical environmental concern" (ACECs) that have been designated to protect the California condor, desert bighorn sheep and burrowing owl, among others. An additional 18,000 acres would be managed for their wilderness characteristics and not be available for renewables development, according to the final EIS.

The plan says it would also add 287,000 acres to the National Landscape Conservation System and ACECs outside the DRECP planning areas.

Kornze said a record of decision formally approving the federal portion of the DRECP should be issued by early next year.

The final EIS and proposed land-use plan amendments would also establish 3.7 million acres of recreation management areas on BLM lands, both inside and outside the DRECP planning area. The agency would not accept renewable project applications on lands inside either the conservation or recreation designated areas, except for some geothermal activity in the recreation areas as long as there is no surface occupancy.

The federal portion of the plan would also establish about 40,000 acres of so-called variance process lands that are "potentially available for renewable energy development," but that would require more review and "would not receive the [streamlined review] incentives that apply" to projects in the development focus areas, according to the final EIS.

The plan outlined in the final EIS drew cautious support today from conservation groups that have followed the issue closely.

"The Desert Renewable Energy Conservation Plan provides a solid blueprint for carefully balancing public land conservation with renewable energy development in the California desert," said Ken Rait, director of the U.S. public lands program at the Pew Charitable Trusts. "Pew applauds the Bureau of Land Management for making permanent the protections for the areas it is now designating as National Conservation Lands, thus adding them to the agency's premier network of safeguarded areas across the country."

Kim Delfino, California program director for Defenders of Wildlife, echoed Rait's comments.

"There is much to celebrate as the DRECP plan reflects the Obama administration's commitment to finding lower conflict sites for renewable energy development while protecting our wildlife legacy," Delfino said.

But Delfino also cautioned that the final plan opens up areas, particularly in the West Mojave Desert region, that could imperil desert tortoise and the Mohave ground squirrel.

"We urge the BLM to improve protections for desert wildlife in the Fremont Valley, Rose Valley, North of Kramer area and the Pisgah Valley in its final plan," she said.

Similar concerns were expressed last year when the draft plan drew 16,000 public comments, some of which were sharply critical of aspects of the plan.

Kornze said the final plan was "shaped" by those public comments. Indeed, the final plan addresses some of these concerns, including removing from development a section in the Silurian Valley that some complained included sensitive wildlife habitat that should not be open for development.

David Lamfrom, director of the California Desert and Wildlife Program for the National Parks Conservation Association, applauded the "common-sense decision to protect the remarkable Silurian Valley in the final DRECP."

But Lamfrom also noted that the final plan does not appear to address two proposed renewable energy projects that he said could undermine the entire DRECP process.

The projects of concern are the 358-MW Soda Mountain Solar Project in San Bernardino County, which is proposed to sit less than a mile from the Mojave National Preserve, and Eagle Crest Energy Co.'s Eagle Mountain pumped storage hydroelectric project on 2,700 acres in Riverside County near Joshua Tree National Park.

"In the end, the final plan advances renewable energy and some important protections for desert ecosystems but does not remove real and immediate threats to desert national parks that could forever change the lands the plan seeks to steward," he said.

Incomplete plan

Another concern is that the final EIS and proposed land-use plan amendments represent just one part of the three-part plan unveiled last year that is supposed to guide commercial-scale solar, wind and geothermal power development across the entire 22.5 million-acre planning area.

And even though the vast majority of the planning area -- 17 million acres total -- is on federal lands, there are millions of acres of highly developable state, county and private lands in the planning area not covered by the final EIS and proposed land-use plan amendments.

BLM and the CEC made the decision last spring to delay the nonfederal portion of the plan because many of the public comments on the draft plan raised substantive concerns about how it will affect local county authority over projects on private lands.

The seven counties in the DRECP planning area -- Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino and San Diego counties -- have jurisdiction over renewables permitting on private lands, and they are currently working on their own renewable energy and conservation plans.

At least five counties complained that the DRECP does not conform to their previously established or developing renewable energy plans. The counties asked BLM and the state for more time to ensure that the local plans they are working to finalize align with DRECP objectives, and that process remains ongoing.

Karen Douglas, a commissioner with the CEC, said in an interview that the county portion of DRECP covering private and other nonfederal lands likely will be phased in "over the coming years."

But Douglas said having the BLM plan in place "will provide certainty for assisting developers with where they can go" in the meantime and "provides a really needed foundation for local government and stakeholders and the public as we continue to move forward and address the issues of renewable energy development on private lands."

In the meantime, some counties have moved quickly to finish their renewable energy plans.

Inyo and Imperial counties have finished their renewable energy plans, and "large parts of the planning area are already relatively clear" on the issue of where renewable energy should go, said Jim Kenna, who until retiring last month was the BLM California state director who helped develop the plan over the past five years.

Kenna has stayed on at BLM to serve in an advisory role until the DRECP is completed, he said.

But Kern and San Bernardino counties, which includes nearly 12 million acres within the DRECP planning areas, "are not far along" in their planning yet, he said.

Rait said the "county-by-county decisions on what nonfederal lands will be made available for such development are a critical component in striking the right balance in the desert" and will be key in judging the ultimate merits of the plan.

Meanwhile, Douglas said, "We fully expect development to move forward on public and private land. The phasing-in of the DRECP does not stop development on private lands."

More unfinished business

There are other sections of the overall DRECP that also remain unfinished.

Federal and state regulators last spring agreed to delay completing an overarching conservation strategy covering the entire 22.5 million-acre planning area that is designed to protect and enhance 37 sensitive species and their habitat, including the Mojave fringe-toed lizard, California condor, desert bighorn sheep and burrowing owl.

In addition, the Fish and Wildlife Service has also slowed development of a "General Conservation Plan" that would allow the service to streamline the permitting process for renewable energy projects on nonfederal lands in the planning area, including incidental take permits involving endangered or threatened species for renewable energy or transmission projects as long as the project backers agree to the conditions outlined in the DRECP.

In both cases, FWS and the California Department of Fish and Wildlife said they want to work with counties to address concerns about how these plans would affect renewables development on private lands within their jurisdictions.

Douglas said the CEC and BLM by the end of the year are working to publish a list of the conservation goals covering the entire 22.5 million-acre planning area that were outlined in the draft document last year, showing what's been achieved on the conservation side by adopting the BLM portion of the plan, and what still needs to be done.

"We are continuing to work to establish a framework to ensure that the planwide conservation vision across the public and private lands designated in the draft DRECP continues to move forward," she said.

On Tue, Nov 10, 2015 at 3:08 PM, Duran, Leah <leah_duran@ios.doi.gov> wrote:

[After 7 years, desert renewable energy plan finalized](#)

Sammy Roth, The Desert Sun 11:45 a.m. PST November 10, 2015

State and federal officials released a sweeping plan for the future of California's deserts Tuesday, designating areas for renewable energy development, conservation and recreation across 10 million acres overseen by the Bureau of Land Management.

The plan will encourage energy companies to build solar, wind and geothermal power plants on 388,000 acres of federally managed land, although only a portion of that land is likely to be developed. The plan also sets aside 5.3 million acres for conservation and 3.8 million acres for recreation, virtually all of which would be closed to energy development.

The Current: [Sign up for email updates on all things water and energy](#)

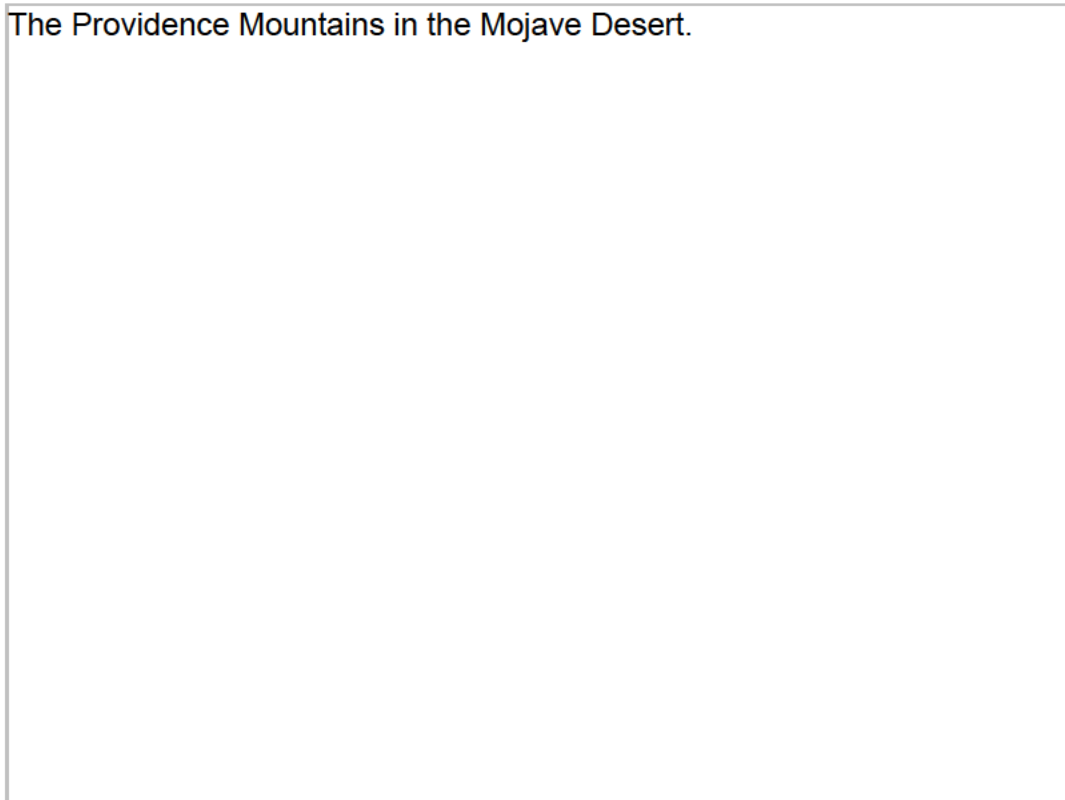
Officials said the plan features major changes from a draft released last year, which spurred [12,000 public comments](#) and [came under fire](#) from energy companies, conservation groups and [county governments](#). The changes include new designations for several contested areas:

- The Silurian Valley, between Death Valley National Park and the Mojave National Preserve, has been designated for conservation. Officials had previously delayed giving the area a firm designation, although the Bureau of Land Management [rejected a solar proposal](#) there last year.
- Parts of the Cadiz Valley and the Eagle Mountain area, which in the draft were not given designations, have been marked for conservation. It's unclear how the Eagle Mountain

designation will impact [a proposed hydroelectric power plant](#), which would be built largely on private land. The federal lands are home to a concentration of golden eagles.

- The Palen Dunes, which provide sandy habitat for the Mojave fringe-toed lizard, have been removed from a development area in eastern Riverside County. Other parts of the development area have also been removed and designated for conservation, to protect Native American cultural resources.
- In a small victory for the wind industry — which was [one of the draft plan's harshest critics](#) — scattered parcels in the Tehachapi area have been added to a development zone. But officials cautioned that future development in the windy area will depend on decisions made by Kern County governing private land.
- An area north of Kramer Junction, for which officials had also put off a hard decision, has been designated for energy development. The Searles Lake area, on the border of San Bernardino and Inyo counties, has also been added to a development zone.

The Providence Mountains in the Mojave Desert.



The Providence Mountains in the Mojave Desert. (Photo: Jay Calderon, Jay Calderon/The Desert Sun)

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In another change from the draft plan, officials clarified that 3.9 million acres being added to the National Landscape Conservation System will receive permanent protection. Environmental groups had worried that the protection would be fleeting. Officials said the final plan also creates new incentives for energy companies to build in the development areas, while simplifying a permitting process that developers said would be confusing and burdensome.

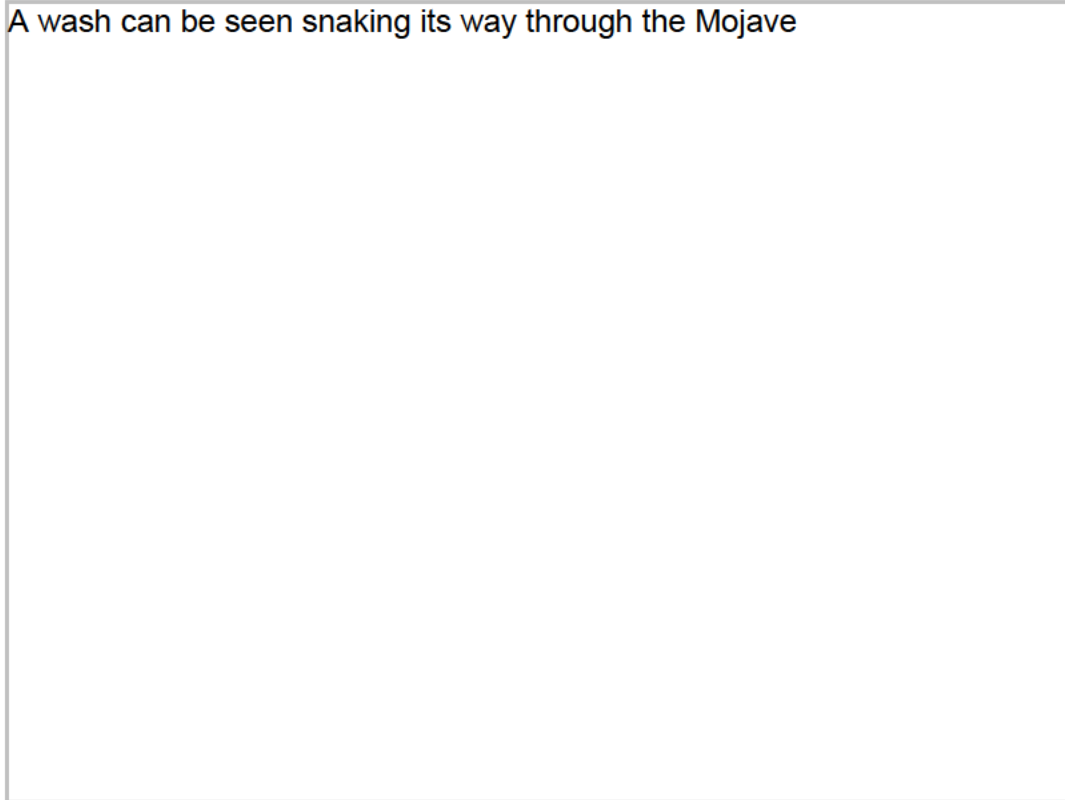
"We took the comments we received very seriously. We went out and looked at stuff on the ground, we pulled up maps, we checked data, we talked to people," Jim Kenna, who until last month led the Bureau of Land Management's California branch, said in an interview. "We did make changes based on what people said in their comments, to try and get to the best possible plan."

Energy plan under fire from developers, green groups

The finalized plan could have a major impact on California's ability to meet the [50 percent clean energy mandate](#) that Gov. Jerry Brown signed into law last month. Previously, the state had been working toward a 33 percent target.

"We're moving to meet higher renewable energy standards, and of course this is what we anticipated with the (desert plan), that we were not going to be done at 33 percent," Karen Douglas, a member of the California Energy Commission, said in an interview. "In order to meet our long-term climate goals, we really needed to take on a planning effort that would look long-term."

A wash can be seen snaking its way through the Mojave



A wash can be seen snaking its way through the Mojave Desert landscape northeast of the Coachella Valley. (Photo: Jay Calderon/The Desert Sun)

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The Desert Renewable Energy Conservation Plan was a long time coming.

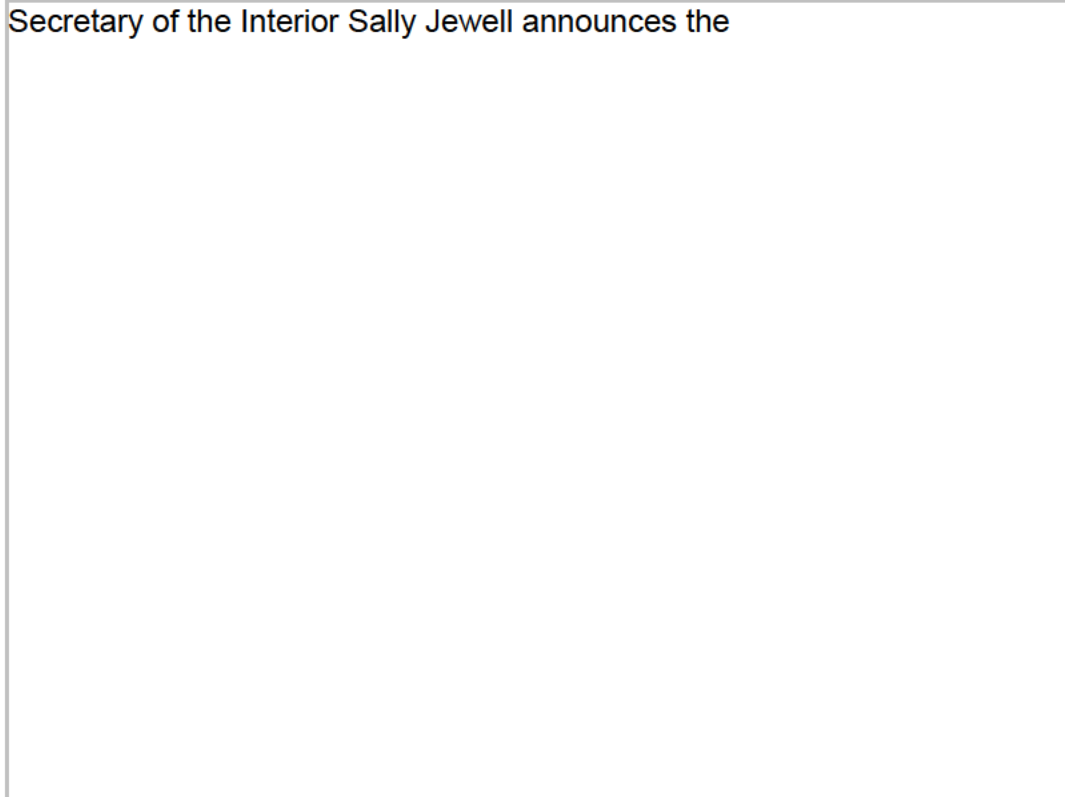
Former Gov. Arnold Schwarzenegger [first called for such a plan](#) in November 2008, citing the budding conflict between energy development and ecosystem protection in the desert. But the process took several years longer than expected, thanks in large part to the unprecedented size of the planning area: 22.5 million acres across seven counties.

▣ [DESERT SUN](#)
Desert Renewable Energy Conservation Plan released

Despite those challenges, Interior Sec. Sally Jewell called the plan a model for other states to follow. In a conference call Tuesday, Jewell touted the plan's "landscape-level blueprint" for the desert, which she said is preferable to planning clean energy projects — and figuring out how to mitigate their environmental impacts — on a project by project basis.

"I think this will be the wave of the future of planning," Jewell said. "We can plan a lot smarter. Companies don't end up getting involved in long, laborious processes only to get their project turned down because it was in a sensitive area. And those who pay attention to species diversity and outdoor recreation don't feel like they have to fight for everything."

Secretary of the Interior Sally Jewell announces the



Secretary of the Interior Sally Jewell announces the preliminary version of the Desert Renewable Energy Conservation Plan at a wind farm in Palm Springs on Sept. 23, 2014. (Photo: Jay Calderon/The Desert Sun)

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State and federal officials released a draft last year, in a [high-profile event that brought Jewell](#) to the Palm Springs area. But the draft was met with a torrent of criticism, including complaints from county governments, which said it conflicted with their own priorities for several million acres of private land. County governments are generally responsible for private land, meaning their opposition could have sunk the overall plan.

So the plan's authors said in March they would [split the plan in two](#), dealing with federal land first and addressing private land later. That will give county governments time to figure out which areas they want to designate for energy development and conservation.

▫ [DESERT SUN](#)
County governments criticize renewable energy plan

Jewell predicted the next landscape-level planning effort, whether in California or elsewhere, "will be a lot smoother."

"There have to be pioneers," she said. "It's a lot easier to learn from an experience that has been done."

The Desert Renewable Energy Conservation Plan would

The Desert Renewable Energy Conservation Plan would promote solar, wind and geothermal development across the desert. *(Photo: Jay Calderon/The Desert Sun)*

[Buy Photo](#)

In the meantime, it's still not clear that the California desert plan will work as intended.

Renewable energy groups have argued that splitting the plan in half was a dangerous decision, because it won't be clear until the counties make their decisions how much land is available for development. Conservation groups, meanwhile, are worried the counties' conservation designations won't link up with the same on federal land, which is important because at-risk species roam freely between private and public lands.

▣ [DESERT SUN](#)
Desert clean energy plan still not inspiring confidence

The plan's authors, though, are confident that county-level decisions will eventually be incorporated into the overall plan, in a way that provides enough space for energy development while protecting at-risk species.

"The counties have stepped up and made the effort to work with us as we brought this to a final, proposed plan," said Kenna, who retired last month but has stayed at the Bureau of Land Management as a special advisor on the desert energy plan. "Over the next couple of years, you'll see the desert-wide map continue to improve."

Jim Kenna and Karen Douglas discuss the finalized Desert

Jim Kenna and Karen Douglas discuss the finalized Desert Renewable Energy Conservation Plan. (Photo: Lucas Esposito/The Desert Sun)

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Two state and two federal agencies worked on the plan: the California Energy Commission, the California Department of Fish and Wildlife, the federal Bureau of Land Management and the U.S. Fish and Wildlife Services. They released a revised environmental impact analysis Tuesday, and they expect to publish a "record of decision" finalizing the plan early next year.

Check back for updates.

Sammy Roth writes about energy and water for The Desert Sun. He can be reached at sammy.roth@desertsun.com, (760) 778-4622 and [@Sammy_Roth](https://twitter.com/Sammy_Roth).

On Mon, Nov 9, 2015 at 3:03 PM, Duran, Leah <leah_duran@ios.doi.gov> wrote:

[Final desert renewable energy plan coming Tuesday](#)

Sammy Roth, The Desert Sun 11:42 a.m. PST November 9, 2015

The long-awaited day has finally arrived.

State and federal officials plan to release part one of the Desert Renewable Energy Conservation Plan on Tuesday, nearly seven years to the day after then-Gov. Arnold Schwarzenegger [called for such a plan](#). The document will designate clean energy development zones and conservation areas across 10 million acres of California desert, on land overseen by the federal Bureau of Land Management.

A draft document released last year covered 22.5 million acres of land, but a [torrent of criticism](#) from [renewable energy developers](#), conservation groups and [county governments](#) forced the plan's authors to reevaluate. They said earlier this year they would [split the plan in two](#), dealing with federal land first and addressing private land later, after county governments have time to complete their own planning processes.

▫ [DESERT SUN](#)
Desert clean energy plan still not inspiring confidence

The finalized plan could have a major impact for California's ability to meet its ambitious climate targets, especially now that Gov. Jerry Brown has signed a [50 percent clean energy mandate](#) into law. Energy companies said the draft plan might have made it harder, not easier, to build solar, wind and geothermal plants in the desert.

Conservation groups largely support the plan, but they've argued that certain areas that were marked as development zones in the draft [should be protected instead](#). The plan will set the tone for the future of conservation in California's deserts, with potentially wide-ranging implications for at-risk species like desert tortoises, bighorn sheep and golden eagles.

Interior Sec. Sally Jewell, who [came to the desert last year](#) to announce the draft plan's release, will speak to reporters on a press call at 10 a.m. Tuesday. John Laird, California Secretary for Natural Resources, will also be on the call, as will Bureau of Land Management Director Neil Kornze and California Energy Commission Karen Douglas.

Follow along on Twitter [@Sammy_Roth](#) for live updates on Tuesday.

Sammy Roth writes about energy and water for [The Desert Sun](#). He can be reached at sammy.roth@desertsun.com and (760) 778-4622.

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Conversation Contents

Clips: Obama's Solar Power Plan For The California Desert

"Duran, Leah" <leah_duran@ios.doi.gov>

From: "Duran, Leah" <leah_duran@ios.doi.gov>
Sent: Thu Nov 12 2015 15:37:24 GMT-0700 (MST)
Press_Review <press_review@ios.doi.gov>, Jeff Krauss <jkrauss@blm.gov>, Craig Leff <cleff@blm.gov>, Anita Bilbao <abilbao@blm.gov>, Janice Schneider <janice_schneider@ios.doi.gov>, Gavin Shire <gavin_shire@fws.gov>, Frank Quimby <frank_quimby@ios.doi.gov>, Karen Hyun <karen_hyun@ios.doi.gov>, Betsy Hildebrandt <betsy_hildebrandt@fws.gov>, James Anderson <jeanderson@blm.gov>
To:
Subject: Clips: Obama's Solar Power Plan For The California Desert

[Obama's Solar Power Plan For The California Desert](#)

Think Progress // NIDHI THAKAR // November 12, 2015

On Tuesday, the Obama administration released the first phase of a plan that will boost renewable energy in the solar-rich California desert while protecting millions of acres of sensitive land from development. The land management plan, known as the Desert Renewable Energy Conservation Plan (DRECP), prescribes which federal and state lands in a 22.5-million-acre area of the California desert will be available for renewable energy development and which will be set aside to preserve the unique and valuable desert ecosystem. The first phase of the plan, outlined in a final environmental impact statement released Tuesday by Interior Department's Bureau of Land Management (BLM), provides a 25-year blueprint for the management of 10 million acres of federally-owned public lands from Death Valley to San Diego County, spanning seven counties. Phase two of the plan, which covers non-federal lands, is still under review.

[This Map Shows Where the Next Clean Energy Gold Mine Is](#)

Mother Jones // Tim McDonnell // November 11, 2015

The desert in Southern California could be in for a climate-friendly makeover, after the Obama administration released its plans to develop more renewable energy projects on federally owned land. On Tuesday the Interior Department released the final version of a plan that would open up about half a million non-contiguous acres—half the size of Rhode Island—for projects such as wind and solar farms in the Mojave Desert and surrounding areas. It would also more than double the amount of land dedicated to protecting delicate desert ecosystems that are home to vulnerable species, including the desert tortoise. The Mojave Desert, which stretches across most of Southern California, is a potential gold mine for clean energy. Earlier this year, the world's largest solar farm opened there, near Joshua Tree National Park.

[California opens up public land for renewable energy generation](#)

PV Magazine // EDGAR MEZA // November 11, 2015

State and federal authorities have unveiled an ambitious plan that advances conservation goals in California's desert regions. The Desert Renewable Energy Conservation Plan would introduce a

streamlined permitting process, facilitating approval of applications for renewable energy projects. California is set to open up vast tracts of public desert land for renewable energy projects. The U.S. Department of the Interior and the California Natural Resources Agency joined forces to develop and the ambitious Desert Renewable Energy Conservation Plan (DRECP) plan, which would pave the way for renewable energy development and conservation on some 10 million acres (4 million hectares) of federal public lands in the California desert managed by the Interior Department's Bureau of Land Management (BLM) in the California desert.

[California Renewable Energy Conservation Plan finalised](#)

PV-Tech // Conor Ryan // November 12, 2015

US Secretary of the Interior Sally Jewell and California Secretary for Natural Resources John Laird have announced the final environmental review for the first phase of the Desert Renewable Energy Conservation Plan (DRECP). The DRECP — an extensive plan designed to spur renewable energy development and conservation on over four million hectares of federal land in the California desert — will feature an initial phase that will be led by the Bureau of Land Management. Jewell noted: "Using a landscape-level perspective, unprecedented collaboration and extensive public engagement, this phase of the Desert Renewable Energy Conservation Plan will facilitate clean energy development, creating new jobs while cutting carbon pollution.

[Feds Release New Version of Desert Energy Plan](#)

KCET // Chris Clarke // November 10, 2015

A massive plan to coordinate renewable energy development across 22 million acres of the California Desert is back, or at least part of it is. Under the plan, permitting for solar, wind, and geothermal development would be streamlined across an area of the California desert the size of Los Angeles and Bakersfield combined. A much larger area of almost 5 million acres would be protected more or less permanently for conservation under the plan. That news comes with the release Tuesday of a major portion of the Desert Renewable Energy and Conservation Plan (DRECP), which has been in the works since 2008. The portion released this week bears the unwieldy name of the Final Environmental Impact Statement (FEIS) for Phase 1 of the DRECP. Primarily drawn up by the Bureau of Land Management, the document proposes establishing renewable energy Development Focus Areas (DFAs) on 388,000 acres of public land in the California desert. That's around 606 square miles, approximately the size of Los Angeles and Bakersfield combined.

[Desert Energy Plan Could 'Dramatically Limit' California Wind Growth](#)

North American Windpower // November 11, 2015

The U.S. Department of the Interior (DOI) and California Natural Resources Agency have announced the final environmental review of a land-use plan meant to expedite the permitting process for renewable energy development and support conservation on 10 million acres of federal public lands in the California desert. The release of the final environmental impact statement for Phase I of the Desert Renewable Energy Conservation Plan (DRECP) comes after the agencies revealed their draft plan in September 2014 and held a public-comment period. Having spoken out about concerns for wind power development when the draft was released, the California wind industry maintains its reservations.

[Millions of acres of California desert are now closer to protection](#)

SCPR // Jed Kim // November 10, 2015

Millions of acres of California desert would be permanently protected from development under a plan released on Tuesday by the Bureau of Land Management (BLM). The proposed plan also designates 388,000 acres of land as "development focus areas" for possible wind, solar and geothermal projects. "This plan will bring increased certainty to developers and communities, achieving a thoughtful balance between development and conservation," said U.S. Secretary of the Interior Sally Jewell. Jewell said the balanced approach taken in developing the plan would give clearer guidelines for those seeking to

develop projects within the desert.

On Tue, Nov 10, 2015 at 4:22 PM, Duran, Leah <leah_duran@ios.doi.gov> wrote:

BLM advances federal portion of massive Calif. desert plan

Scott Streater, E&E reporter

Published: Tuesday, November 10, 2015

The Obama administration today advanced the federal portion of a major plan designed to guide commercial-scale wind, solar and geothermal power development across millions of acres of Southern California desert.

Interior Secretary Sally Jewell announced completion of a final **environmental impact statement** (EIS) and three proposed land-use plan amendments covering about 10 million acres of federal lands as part of the first phase of implementation of the Desert Renewable Energy Conservation Plan (DRECP).

The overall DRECP unveiled in draft form last year called for establishing "development focus areas" deemed suitable for commercial-scale renewables development, as well as areas to be protected or managed for their recreational values, within a 22.5 million-acre planning area that includes federal, state, county and private lands in the Mojave, Colorado and Sonoran deserts.

Today's final EIS and proposed land-use plan amendments cover only 10 million acres of federal lands within the planning area. The Bureau of Land Management and California Energy Commission (CEC) decided last spring that they were going to phase in major components of the DRECP, and today's announcement does not address renewables development on 5.5 million acres of private and other nonfederal lands within the massive planning area ([Greenwire](#), March 10).

But Jewell today called completion of the final EIS "another major milestone in our ongoing efforts to support renewable energy on public lands." And BLM Director Neil Kornze, California Secretary for Natural Resources John Laird and others said in a conference call with reporters that the federal portion of the plan provides a foundation that will allow state and county leaders to complete the plan that envisions 20,000 megawatts of new renewable energy will be developed within the boundaries of the planning area by 2040.

Jewell touted the federal portion of the DRECP as advancing President Obama's Climate Action Plan for combating climate change unveiled in 2013. Among other things, the climate plan challenged Interior to approve 20,000 MW of renewable energy projects on public lands by 2020.

She said the final EIS and land-use plan amendments were being released today as part of "the run-up" to Obama's appearance at the upcoming international climate negotiations beginning this month in Paris.

"Public lands administered by Interior's Bureau of Land Management play a key role, not only in President Obama's Climate Action Plan to approve 20,000 MW of renewable energy on public land by 2020, but also in helping California meet its goal to achieve 50 percent of its energy from renewable sources by 2030," Jewell said.

Laird noted during the conference call that the DRECP also dovetails with California's ongoing efforts to meet state goals to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030.

"This effort and this announcement," he said of the federal portion of the DRECP, "helps California on the path to meet those goals."

Mixed reviews

The final EIS evaluates the proposal to amend three BLM land-use plans for the California Desert Conservation Area and the Bakersfield and Bishop resource management plans to establish the

development focus areas on 388,000 acres where BLM will encourage utility-scale solar, wind and geothermal power projects. Proposed projects in these designated areas would undergo a streamlined environmental review because the focus areas have already been surveyed and studied, and mitigation requirements already established as part of the conservation plan.

The plan would also add a total of 3.6 million acres to the National Landscape Conservation System, and 1.3 million acres to proposed or existing "areas of critical environmental concern" (ACECs) that have been designated to protect the California condor, desert bighorn sheep and burrowing owl, among others. An additional 18,000 acres would be managed for their wilderness characteristics and not be available for renewables development, according to the final EIS.

The plan says it would also add 287,000 acres to the National Landscape Conservation System and ACECs outside the DRECP planning areas.

Kornze said a record of decision formally approving the federal portion of the DRECP should be issued by early next year.

The final EIS and proposed land-use plan amendments would also establish 3.7 million acres of recreation management areas on BLM lands, both inside and outside the DRECP planning area. The agency would not accept renewable project applications on lands inside either the conservation or recreation designated areas, except for some geothermal activity in the recreation areas as long as there is no surface occupancy.

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"The Desert Renewable Energy Conservation Plan provides a solid blueprint for carefully balancing public land conservation with renewable energy development in the California desert," said Ken Rait, director of the U.S. public lands program at the Pew Charitable Trusts. "Pew applauds the Bureau of Land Management for making permanent the protections for the areas it is now designating as National Conservation Lands, thus adding them to the agency's premier network of safeguarded areas across the country."

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"There is much to celebrate as the DRECP plan reflects the Obama administration's commitment to finding lower conflict sites for renewable energy development while protecting our wildlife legacy," Delfino said.

But Delfino also cautioned that the final plan opens up areas, particularly in the West Mojave Desert region, that could imperil desert tortoise and the Mohave ground squirrel.

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Incomplete plan

Another concern is that the final EIS and proposed land-use plan amendments represent just one part of the three-part plan unveiled last year that is supposed to guide commercial-scale solar, wind and geothermal power development across the entire 22.5 million-acre planning area.

And even though the vast majority of the planning area -- 17 million acres total -- is on federal lands, there are millions of acres of highly developable state, county and private lands in the planning area not covered by the final EIS and proposed land-use plan amendments.

BLM and the CEC made the decision last spring to delay the nonfederal portion of the plan because many of the public comments on the draft plan raised substantive concerns about how it will affect local county authority over projects on private lands.

The seven counties in the DRECP planning area -- Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino and San Diego counties -- have jurisdiction over renewables permitting on private lands, and they are currently working on their own renewable energy and conservation plans.

At least five counties complained that the DRECP does not conform to their previously established or developing renewable energy plans. The counties asked BLM and the state for more time to ensure that the local plans they are working to finalize align with DRECP objectives, and that process remains ongoing.

Karen Douglas, a commissioner with the CEC, said in an interview that the county portion of DRECP covering private and other nonfederal lands likely will be phased in "over the coming years."

But Douglas said having the BLM plan in place "will provide certainty for assisting developers with where they can go" in the meantime and "provides a really needed foundation for local government and stakeholders and the public as we continue to move forward and address the issues of renewable energy development on private lands."

In the meantime, some counties have moved quickly to finish their renewable energy plans.

Inyo and Imperial counties have finished their renewable energy plans, and "large parts of the planning area are already relatively clear" on the issue of where renewable energy should go, said Jim Kenna, who until retiring last month was the BLM California state director who helped develop the plan over the past five years.

Kenna has stayed on at BLM to serve in an advisory role until the DRECP is completed, he said.

But Kern and San Bernardino counties, which includes nearly 12 million acres within the DRECP planning

areas, "are not far along" in their planning yet, he said.

Rait said the "county-by-county decisions on what nonfederal lands will be made available for such development are a critical component in striking the right balance in the desert" and will be key in judging the ultimate merits of the plan.

Meanwhile, Douglas said, "We fully expect development to move forward on public and private land. The phasing-in of the DRECP does not stop development on private lands."

More unfinished business

There are other sections of the overall DRECP that also remain unfinished.

Federal and state regulators last spring agreed to delay completing an overarching conservation strategy covering the entire 22.5 million-acre planning area that is designed to protect and enhance 37 sensitive species and their habitat, including the Mojave fringe-toed lizard, California condor, desert bighorn sheep and burrowing owl.

In addition, the Fish and Wildlife Service has also slowed development of a "General Conservation Plan" that would allow the service to streamline the permitting process for renewable energy projects on nonfederal lands in the planning area, including incidental take permits involving endangered or threatened species for renewable energy or transmission projects as long as the project backers agree to the conditions outlined in the DRECP.

In both cases, FWS and the California Department of Fish and Wildlife said they want to work with counties to address concerns about how these plans would affect renewables development on private lands within their jurisdictions.

Douglas said the CEC and BLM by the end of the year are working to publish a list of the conservation goals covering the entire 22.5 million-acre planning area that were outlined in the draft document last year, showing what's been achieved on the conservation side by adopting the BLM portion of the plan, and what still needs to be done.

"We are continuing to work to establish a framework to ensure that the planwide conservation vision across the public and private lands designated in the draft DRECP continues to move forward," she said.

On Tue, Nov 10, 2015 at 3:08 PM, Duran, Leah <leah_duran@ios.doi.gov> wrote:

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Sammy Roth, The Desert Sun 11:45 a.m. PST November 10, 2015

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The Providence Mountains in the Mojave Desert.

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In the meantime, it's still not clear that the California desert plan will work as intended.

Renewable energy groups have argued that splitting the plan in half was a dangerous decision, because it won't be clear until the counties make their decisions how much land is available for development. Conservation groups, meanwhile, are worried the counties' conservation designations won't link up with the same on federal land, which is important because at-risk species roam freely between private and public lands.

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Jim Kenna and Karen Douglas discuss the finalized Desert

Buy Photo

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Two state and two federal agencies worked on the plan: the California Energy Commission, the California Department of Fish and Wildlife, the federal Bureau of Land Management and the U.S. Fish and Wildlife Services. They released a revised environmental impact analysis Tuesday, and they expect to publish a "record of decision" finalizing the plan early next year.

Check back for updates.

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Interior Sec. Sally Jewell, who [came to the desert last year](#) to announce the draft plan's release, will speak to reporters on a press call at 10 a.m. Tuesday. John Laird, California Secretary for Natural Resources, will also be on the call, as will Bureau of Land Management Director Neil Kornze and California Energy Commission Karen Douglas.

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Conversation Contents

Clip: The Desert Sun: After 7 years, desert renewable energy plan finalized

"Duran, Leah" <leah_duran@ios.doi.gov>

From: "Duran, Leah" <leah_duran@ios.doi.gov>
Sent: Tue Nov 10 2015 13:08:35 GMT-0700 (MST)
Press_Review <press_review@ios.doi.gov>, Jeff Krauss <jkrauss@blm.gov>, Craig Leff <cleff@blm.gov>, Anita Bilbao <abilbao@blm.gov>, Janice Schneider <janice_schneider@ios.doi.gov>, Gavin Shire <gavin_shire@fws.gov>, Frank Quimby <frank_quimby@ios.doi.gov>, Karen Hyun <karen_hyun@ios.doi.gov>, Betsy Hildebrandt <betsy_hildebrandt@fws.gov>, James Anderson <jeanderson@blm.gov>
To:
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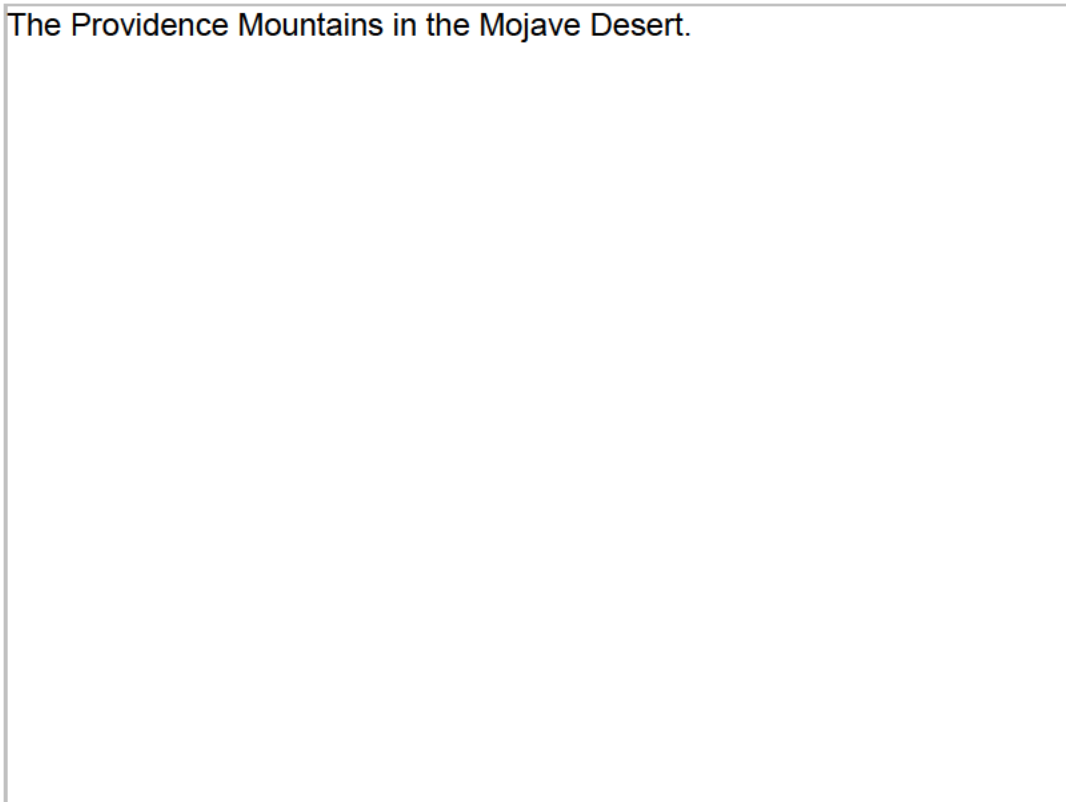
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Conversation Contents

List

/7. List/1.1 Strickland - Files for Storage - Log Sheets.docx

"Johnson, Terri" <Terri_Johnson@ios.doi.gov>

From: "Johnson, Terri" <Terri_Johnson@ios.doi.gov>
Sent: Wed Aug 08 2012 09:45:26 GMT-0600 (MDT)
To: "Deen, Donna" <Donna_Deen@ios.doi.gov>
Subject: List
Attachments: Strickland - Files for Storage - Log Sheets.docx

Here's the file log!

Ter

"Deen, Donna" <Donna_Deen@ios.doi.gov>

From: "Deen, Donna" <Donna_Deen@ios.doi.gov>
Sent: Wed Aug 08 2012 10:19:17 GMT-0600 (MDT)
To: "Johnson, Terri" <Terri_Johnson@ios.doi.gov>
Subject: RE: List

Thanks Terri!

Donna Deen

Staff Assistant - Immediate Office of the Secretary

Department of the Interior

Room 5150, MS 7328

202-208-4025

202-513-0340 (fax) (call before faxing)

donna_deen@ios.doi.gov

From: Johnson, Terri
Sent: Wednesday, August 08, 2012 11:45 AM
To: Deen, Donna
Subject: List

Here's the file log!

Ter



Conversation Contents

Eagle Mountain Mine

"Wills, Nicholas J" <NWILLS@ios.doi.gov>

From: "Wills, Nicholas J" <NWILLS@ios.doi.gov>
Sent: Mon Jun 13 2011 09:10:45 GMT-0600 (MDT)
To: "Sisk, Jennifer R" <Jennifer_Sisk@ios.doi.gov>, "Johnson, Terri" <Terri_Johnson@ios.doi.gov>, "Cousins, Debbie" <Debbie_Cousins@ios.doi.gov>
Subject: Eagle Mountain Mine

This message has been archived. [View the original item](#)

Conversation Contents

Eagle mountain

Sue_Husari@nps.gov

From: Sue_Husari@nps.gov
Sent: Thu Feb 04 2010 17:03:09 GMT-0700 (MST)
To: "Sauer, Curt" <Curt_Sauer@nps.gov>, "Messaros, Karin" <Karin_Messaros@nps.gov>
CC: "Smeck, Woody" <Woody_Smeck@nps.gov>, "Allen, David M." <David_Allen@nps.gov>, "Bates, Susie" <Susie_Bates@nps.gov>, "Johnson, Terri" <Terri_Johnson@ios.doi.gov>
Subject: Eagle mountain

This message has been archived. [View the original item](#)

Sue_Husari@nps.gov

From: Sue_Husari@nps.gov
Sent: Thu Feb 04 2010 17:09:53 GMT-0700 (MST)
To: "Johnson, Terri" <Terri_Johnson@ios.doi.gov>
Subject: Re: Eagle mountain

This message has been archived. [View the original item](#)

Conversation Contents

Eagle Mountain

Attachments:

/10. Eagle Mountain/1.1 @

"Koenigsberg, Melissa" <Melissa_Koenigsberg@ios.doi.gov>

From: "Koenigsberg, Melissa" <Melissa_Koenigsberg@ios.doi.gov>
Sent: Wed Feb 03 2010 16:58:34 GMT-0700 (MST)
To: "Johnson, Terri" <Terri_Johnson@ios.doi.gov>
Subject: Eagle Mountain
Attachments: @

This message has been archived. [View the original item](#)

Attachments:

Kaiser Eage Mountain summary 2-1.docx	(28 KB)
Draft Eagle Mountain DOJ letter - Feb 1 2010.doc	(61 KB)



Padilla, Joan <joan_padilla@ios.doi.gov>

FWS Weekly Secretarial Reports - Dec 12, 2013

1 message

Chandler, Sabrina <sabrina_chandler@fws.gov>

Thu, Dec 12, 2013 at 9:13 AM

To: James Anderson <james_anderson@ios.doi.gov>, James Anderson <jeanderson@blm.gov>, Joan Padilla <joan_padilla@ios.doi.gov>, Jorge Silva-Banuelos <jorge_silva-banuelos@ios.doi.gov>, Katherine Rupp <katherine_rupp@ios.doi.gov>, Michael Bean <michael_bean@ios.doi.gov>, Weekly Reports OS <weeklyreports@ios.doi.gov>


Cc: Betsy Hildebrandt <betsy_hildebrandt@fws.gov>, Dan Ashe <d_m_ashe@fws.gov>, Emily Porcari <emily_porcari@fws.gov>, Gary Frazer <gary_frazer@fws.gov>, Roslyn Sellars <Roslyn_Sellars@fws.gov>, Rowan Gould <r_w_gould@fws.gov>, Stephen Guertin <Stephen_Guertin@fws.gov>, Thomas Irwin <thomas_irwin@fws.gov>


Please let me know if you have any questions.

Sabrina_Chandler@fws.gov | Special Assistant - Office of the Director - Fish & Wildlife Service

1849 C Street NW | Room 3348 | Washington, DC 20240 | ☎ 202.208.3843

2 attachments

 **FWS Secretarial Week Ahead Report 12-12-13.docx**
39K

 **FWS Secretarial Weekly Report 12-12-13.docx**
39K

Week Ahead Report
U.S. Fish and Wildlife Service
December 12, 2013

Bi-State DPS of Greater Sage Grouse Public Comment Extension: The October government shut down hindered a timely release of the proposal following outreach. We have received numerous requests to extend the comment period on the proposed listing, special 4(d) rule, and proposed critical habitat for Bi-State DPS of greater sage-grouse. We will extend the comment period by 45 days which would move the comment deadline to February 10, 2014. This could be a question at the Western Governors Association meeting.

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Chokecherry Sierra Madre Wind Project (WY) – The proposed Power Company of Wyoming's (PCW) wind project is a 1000 turbine National Priority Project within DOI that will likely affect golden eagles. The FWS held a very positive meeting December 5 with PCW for the purposes of agreeing upon strategies to avoid and minimize take as part of their project configuration. We expect PCW to submit an Eagle Conservation Plan based on that jointly developed approach. Next steps are to hold scoping meetings for our EIS, complete take analysis for this project design, and discuss compensatory mitigation.

Montana Bison: FWS staff met recently with Montana Fish Wildlife and Parks (FWP) as well as other stakeholders to discuss respective interests and concerns about potential future bison management, including a test project of FWP managing bison as wildlife. The intent was only to provide a discussion opportunity to better inform and clarify interests and concerns about bison on the landscape. The group discussed a possible test project for a number of bison to be managed as wildlife by FWP within a defined management area using a clear set of management criteria. As we have previously stated in our FWS Comprehensive Conservation Plan, if the state of Montana decides to move forward with such an effort around the CMR NWR, we stand ready to cooperate and coordinate to help ensure a successful project. No such decisions have been made. MT FWP together with the Governor are considering options for their future direction.

FWS's Southwest Region to accept donated lands for the Valle de Oro NWR – In the next several weeks, the FWS's Southwest Region Valle de Oro National Wildlife Refuge (Refuge) in central New Mexico will receive a donation of 56 acres. Funds for the \$1,114,500 acquisition were provided by the New Mexico State Legislature to Bernalillo County. The County will purchase the

land and donate it to the FWS in a simultaneous transaction, while retaining a conservation easement for the full donation. After this transaction, only 82 acres and 114 acre-feet of senior water rights will be needed to complete all approved acquisitions for the Refuge.

Public Comment Period on Bay-Delta Conservation Plan and Related Documents: California released the draft BDCP and the associated DEIR/DEIS with a "soft" roll out on December 9th. On the same day, NOAA, Reclamation, and the FWS will jointly release a news statement describing the public comment period and inviting comment on the BDCP and EIR/S. No events or news conferences are planned during the week. California Department of Water Resources will host press briefings if they are requested. The public review period will officially begin on December 13 when the EPA's notice of availability appears in the *Federal Register*, and will end on April 14, 2014.

Klamath Basin Agreement in Principle: In negotiations largely driven by Oregon's recognition of Klamath Tribes' water rights, the Upper Klamath Basin irrigators and the Klamath Tribes have signed off on a tentative deal that could provide water for ranching operations and meet the Tribes' concerns for environmental needs. The target deadline for a final agreement is the end of January. In the AIP, the Klamath Tribes will not call on their senior water rights if at least 75 percent of irrigators above Upper Klamath Lake undertake permanent in-stream and riparian restoration. The AIP calls for the retirement of 30,000 acre-feet of water (about 18,000 acres of agriculture land). Senator Wyden said he will introduce legislation to implement this agreement as soon as it is final and that the legislation would authorize the Klamath Basin Restoration Agreement and the Klamath Hydroelectric Settlement Agreement.

**Weekly Report to the Secretary
U.S. Fish and Wildlife Service
December 12, 2013**

I. Personal Message to the Secretary:

II. Highlights of Travel, Meeting, Speeches, and other Public Events:

Director Ashe will travel to Okefenokee NWR in Folkston, GA to Chair the NAWPA Agency Heads meeting next week. He will be in the office on Thursday and Friday.

III. Potential or Expected Legislative, Legal, and Policy Issues:

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Padilla, Joan <joan_padilla@ios.doi.gov>

FWS Weekly Secretarial Reports - December 19, 2013

1 message

Chandler, Sabrina <sabrina_chandler@fws.gov>

Thu, Dec 19, 2013 at 10:15 AM

To: James Anderson <james_anderson@ios.doi.gov>, James Anderson <jeanderson@blm.gov>, Joan Padilla <joan_padilla@ios.doi.gov>, Jorge Silva-Banuelos <jorge_silva-banuelos@ios.doi.gov>, Katherine Rupp <katherine_rupp@ios.doi.gov>, Michael Bean <michael_bean@ios.doi.gov>, Weekly Reports OS <weeklyreports@ios.doi.gov>

Cc: Betsy Hildebrandt <betsy_hildebrandt@fws.gov>, Dan Ashe <d_m_ashe@fws.gov>, Emily Porcari <emily_porcari@fws.gov>, Gary Frazer <gary_frazer@fws.gov>, Roslyn Sellars <Roslyn_Sellars@fws.gov>, Rowan Gould <r_w_gould@fws.gov>, Stephen Guertin <Stephen_Guertin@fws.gov>, Thomas Irwin <thomas_irwin@fws.gov>

Please let me know if you have any questions. WE will not have a weekly report again until the Week of January 6.

Sabrina_Chandler@fws.gov | Special Assistant - Office of the Director - Fish & Wildlife Service

1849 C Street NW | Room 3348 | Washington, DC 20240 | ☎ 202.208.3843

2 attachments

FWS Secretarial Week Ahead Report 12-19-13.docx
38K

FWS Secretarial Weekly Report 12-19-13.docx
39K

Week Ahead Report
U.S. Fish and Wildlife Service
December 19, 2013

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Injurious Wildlife: The FWS's Fish and Aquatic Conservation program is scheduled to reopen (within the month) the comment period for the *Notice of Proposed Addition to Categorical Exclusion for Injurious Wildlife* because of unanticipated difficulties in using a FWS email address to receive public comments. Therefore, the FWS is reopening the comment period and directing the public to use www.regulations.gov. This will offer the opportunity to provide meaningful comment to anyone unable to do so, previously. There is no need for previously submitted comments to be resubmitted. The notice will reopens the comment period for 30 days. This is in addition to the original 30-day comment period and the first 60-day reopening, totaling 120 days for comment on the Notice.

Columbian White-Tailed Deer Translocation: In early 2013, an emergency translocation of 37 endangered Columbian white-tailed deer (CWTD) from the Julia Butler Hansen Refuge for the Columbian White-tailed Deer to Ridgefield National Wildlife Refuge occurred to limit the potential adverse effects a dike failure would have on the deer subpopulation. The translocation created a nascent subpopulation in the Ridgefield area while reducing the subpopulation on the JBH Refuge. The Ridgefield subpopulation currently contains very low deer numbers and is unlikely to increase to a viable and sustainable population without further translocation efforts. Therefore, FWS proposes to translocate up to 35 deer from Puget Island, WA to the Ridgefield NWR and the JBH Refuge starting in January 2014 and an additional 10 to 20 deer to Ridgefield NWR in 2015. The public comment period on the Environmental Assessment to evaluate these proposed actions closes January 12, 2014.

Affects of Wildfire on Aquatic Snakes: The FWS's Southwest Region is teaming with the U.S. Geological Survey to provide the first scientific assessment analyzing the effects of wildfires on

declining aquatic snake populations. Most climate change scenarios predict that the frequency of wildfires is increasing in the arid west. These fires affect not only terrestrial species, but also impact aquatic species including the narrow-headed gartersnake, a species currently proposed as threatened under the Endangered Species Act. The assessment team will also evaluate potential management actions that could be effective in responding to future large, catastrophic wildfires.

Red Wolf/Human Conflicts: Increased numbers of the Red Wolf Nonessential Experimental Population in eastern North Carolina also have increased the conflicts with private landowners. This, coupled with other challenges, like increased mortality possibly due to efforts to control coyotes, may impact the overall recovery effort of the species. The FWS and the North Carolina Wildlife Resources Commission (NCWRC) are working to broaden our collaboration in the conservation and management of all canid species, including red wolves, in eastern North Carolina and have jointly developing specific actions categorized into the following five areas: collaboration, research, outreach, regulatory, and enforcement. Several environmental groups recently filed suit against NCWRC alleging the state's violation of the ESA; the FWS is likely to be called as a witness and could be named in the future.

Fort Irwin National Training Center Solar Facility Project - In September 2012 the Army requested an expedited formal consultation regarding the proposed development of an alternative energy project at the National Training Center at Fort Irwin Military Reservation in San Bernardino, California. We provided the Army with a draft biological opinion (BO) on December 3, 2012 and nearly a year later, the Army responded and requested consultation on a revised project. The revised project will require revised documentation and more time. We prefer to use a programmatic approach and the Fort's staff support a programmatic approach. Agreement from the Army's headquarters is required.

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