

Executive Summary

More than half of the acreage included in the proposed Draft Desert Renewable Energy Conservation Plan (DRECP) is located within San Bernardino County (County). Given the potential impact of the DRECP on County land use, economic development, and desert communities, the County undertook a review of the DRECP in the context of the County's priorities. This position paper reflects that review. It is not an exhaustive review of our position on every component of the DRECP, neither is it an exhaustive analysis of the environmental, cultural or socioeconomic impacts of the alternatives in the DRECP. Importantly, the goal of this position paper is intended to highlight the County's key priorities in the context of the DRECP and identify the County's position on DRECP land use decisions and implementation measures.

The County's key priorities that pertain to the DRECP were thoughtfully developed via review and analysis of the DRECP, additional GIS analysis conducted directly by the County, and a series of internal focus group meetings and briefings.

Our key priorities are as follows:

- Protect desert community values and economic development opportunities by:
 - Focusing renewable energy development on private land in areas that have marginal economic development potential, have been previously disturbed, or have been contaminated, in addition to federal land in the County
 - Focusing mitigation and conservation on federal land in the County
 - Minimizing mitigation and conservation on private land in the County
- Encourage distributed generation that addresses local needs while allowing excess energy to be sold to the grid
- Maintain County land use authority
- Retain access to and availability of mineral resources in the County
- Seek means to improve economic benefits of renewable energy development to the County, such as:
 - Requiring property tax valuation on solar photovoltaic (PV) projects
 - Assessing fees on renewable energy development in lieu of taxes such as the Payments in Lieu of Taxes (PILT) program
 - Making post-extraction mining land available for renewable energy development
 - Using greenhouse gas (GHG) emissions credits from renewable energy development as incentives to attract and mitigate impacts of GHG-producing uses that create jobs and economic benefits
 - Developing mechanisms for the County and other local governments to utilize renewable energy development to serve local electricity demand
 - Identifying opportunities for the County to partner with renewable energy developers on microgrid projects
 - Developing mechanisms for direct financial benefits to local communities impacted by renewable energy development, such as discounted electricity bill pricing or rebates

The primary DRECP components that the County supports, assuming the italicized conditions are met, are as follows:

- Retention of the County's land use permitting and the California Environmental Quality Act (CEQA) lead agency authority for renewable energy development on private land
- Renewable energy development on private land *in areas that have marginal economic development potential, have been previously disturbed, or have been contaminated*
- Renewable energy development on federal land, *if access to recreational opportunities and mineral resources are not impeded*
- Conservation land as mitigation for renewable energy development on federal land, *as long as conservation on federal land is prioritized first over conservation on private land, grazing allotment relinquishment is voluntary, and a mitigation bank for relinquished grazing allotments is developed such that unused allotments retain future use value*
- The option for the County to participate in a natural community conservation plan (NCCP) under the DRECP that would apply to renewable energy development and non-renewable energy development projects, *without a requirement for the County to prepare its own NCCP*

However, the County has significant concerns regarding the DRECP and cannot support many components as currently drafted. While the proposed DRECP implementation measures could potentially help streamline permitting processes for both renewable and non-renewable energy development, the County cannot support these implementation measures unless the DRECP addresses the County's concerns expressed in this position paper first. The County also finds that the DRECP is lacking in clarity and detailed quantitative analysis in crucial areas.

The primary DRECP components requiring additional clarity that should be addressed before the County can further consider its support of the DRECP are as follows:

- Restrictions, if any, on access to and availability of mineral resources on private and federal land, particularly on proposed Bureau of Land Management (BLM) Land Use Plan Amendment (LUPA) conservation designations and DFA-designated BLM land
- Restrictions, if any, on recreational use and access on proposed BLM LUPA conservation designations and DFA-designated BLM land
- Definition of BLM withdrawal and explanation of withdrawal implementation for BLM DFA-designated and conservation land
- Explanation of the legality of changing BLM lands from multiple use designations to specific types of development
- Explanation of the legality of U.S. Fish and Wildlife Service (USFWS) issuance of take permits under a General Conservation Plan (GCP) rather than a Habitat Conservation Plan (HCP)
- Ability for project-level incidental take permits (ITPs) to apply to renewable energy and non-renewable energy development
- Explanation of how federal, state and local permitting for renewable energy and non-renewable energy development will be streamlined and/or expedited via the DRECP implementation measures

- Explanation of the rank and tenure of the DRECP management structure provided by each agency

The primary DRECP components requiring additional detailed analysis before the County can further consider its support of the DRECP are as follows:

- An updated analysis of the amount of (MW) renewable energy development in the DRECP , taking into account the following information:
 - MW of renewable energy development located in the DRECP Plan Area currently in operation or under construction
 - Implementation of the State's GHG emissions reduction target of 1990 levels by 2020, the Governor's 50% by 2030 renewable energy goal, the State's Long-Term Energy Efficiency Strategic Plan and other related State GHG, renewable energy and energy efficiency policies and initiatives
 - The amount of renewable energy development in the DRECP that is expected to be utility-scale in order to implement State GHG, renewable energy and energy efficiency policies and initiatives versus distributed generation to serve local electricity demand
- The amount of renewable energy development in the DRECP that could serve local electricity demand within each County
- The costs and benefits, and identification of policy strategies—including specific mechanisms such as local agency access to greenhouse gas credits—to improve economic benefits, of renewable energy development in the DRECP on a County-by-County basis
- Funding required and funding resources available for County participation in the DRECP implementation
- The costs and benefits on a County-by-County basis related to changes in authorized use and/or withdrawal associated with the proposed DFA-designated BLM land and proposed BLM LUPA conservation designations
- A view shed analysis of renewable energy development and associated transmission development on DFA designations on private land on a County-by-County basis
- An analysis of how the DRECP may impact future cost-effective maintenance of California Highway 66/National Trails Highway (NTH)
- An update of the soils, wind erosion and geology analysis utilizing data from the County and NRCS

The primary DRECP components that are not currently in alignment with County priorities and therefore should be amended before the County can further consider its support of the DRECP are as follows:

- Development Focus Areas (DFA) and Conservation Planning Area (CPA) designations on private land within the County that has already been identified in a recently completed analysis by the County as prime developable land
 - The DRECP currently proposes 298,700 acres of DFA land and 200,700 acres of CPA land on a total of 600,000 acres of prime developable land identified by the County. This is in addition to 10,400 acres of new transmission development on

prime developable land identified by the County. That is approximately 85% of the County's prime developable land available.

- Lack of quantitative analysis and focus on distributed renewable energy generation for local consumption
- Lack of quantitative analysis and focus on local economic costs and benefits of renewable energy generation or policy strategies to improve local economic benefits
- Lack of a viable option for the County to become a plan participant and participate in the Public Agency Working Group without developing its own plan tiered from the DRECP
- Lack of assurance that the County's interests will be given priority for biological permits

The County respectfully requests that a revised DRECP be issued within 6 months following the February 23, 2015 public comment deadline. This revised DRECP should be amended to be in alignment with the County's priorities and provide the clarification and additional quantitative analysis requested in this position paper. Following the release of the revised DRECP, there should be a second public comment period to respond to the revised DRECP. The County believes this request is reasonable given that the original DRECP development schedule was revised multiple times.