

SANTA MONICA MOUNTAINS CONSERVANCY

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DRAFT

October 24, 2011

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Los Angeles Department of Regional Planning
Zoning Permits North Section
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Los Angeles, California 90012-3225

**Blue Sky Wind Energy Project Notice of Preparation Comments
Project No. R2011-00408-(5)**

Dear Mr. Curzi:

The Santa Monica Mountains Conservancy (Conservancy) offers the following Notice of Preparation comments on the above referenced 225-megawatt renewable energy project spread over 7,500 acres of the western Sierra Pelona Mountains and Liebre Mountain. The Rim of the Valley Trail Corridor abuts the southern toe of the Sierra Pelona range. The ecological capacity of this range has a direct bearing on the medium and long-term viability of animal populations in the entire of the Santa Monica Mountains Conservancy and Rim of the Valley Trail Corridor Zones located southward. The Conservancy can support renewable energy projects in open space if the project shows strong adherence to ecological constraints, includes the permanent protection of significant open space, includes open space maintenance funding, and is designed to maximize the protection of (avoid) key open space areas and sensitive resources.

It is rare that 95 percent of a proposed development project is within County-designated Significant Ecological Area (SEA) (Portal Ridge-Liebre Mountain). Furthermore the proposed SEA expansion area includes a broad band of land around the proposed project meshing with the Angeles National Forest. Both the project being located in the epicenter of an SEA and the presence of many unique vegetation communities in the project boundary are indicative of a natural area of State-wide significance. It is not clear in the Initial Study if a portion of the proposed project is located in the national forest boundary in an area not owned in fee simple by the Federal government. It is imperative that the Draft Environmental Impact Report fully analyze how to integrate the proposed project, and all of the project alternatives, with the many different public ownerships both abutting the project boundaries and a short distance away. For example the Mountains Recreation and Conservation Authority owns several parcels that abut, or almost abut, the northeastern project corner.

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The Conservancy urges the County to shape the subject Draft Environmental Impact Report (DEIR) to include numerous alternative projects that maximize the permanent protection of core habitat, habitat linkages across the California aqueduct to the State Parks Antelope Valley Poppy Preserve core habitat area, and sensitive onsite plant communities with significant buffer area. A project of this scale intruding into pristine core habitat has no prior precedent in Los Angeles County. The balance of habitat loss and preservation and the level of mitigation required by the County and Responsible agencies will set an enduring benchmark.

Approximately 90 percent of the site is located in either core habitat of the Sierra Pelona/Liebre Mountain range or fully contiguous with core habitat. The exceptions are the parcels located north of the California Aqueduct and parcel between the aqueduct and Fairmont Reservoir. However, wildlife appears to have full access through the site to lands on the opposing side of the aqueduct via a broad land bridge located due east of the Fairmont Reservoir. There appear to be at least two other underground aqueduct wildlife crossings where the subject property abuts the aqueduct rights-of-ways. All of these crossings are key resources for wildlife movement between the Sierra Pelona range and the Antelope Valley. The DEIR must address both the presence of these and other potential animal crossings under and over the aqueduct and how they relate to the proposed project and its parcels. We urge that the design of project alternatives address creating maximum habitat connectivity between habitat south of the subject 7,500 acres and most of identified good aqueduct crossings.

The DEIR must show the proposed routes of all proposed and potential underground and above ground electrical lines. Most specifically it is important to show, and for the DEIR to analyze, all potential trench and utility pole sub connections between the wind towers and the power collection areas. For that matter, the DEIR should explicitly state whether or not all electrical connections will be located with the exact footprints of the proposed access road system or not. In the later case more impacts will be generated.

Based on a significant pool of data from wind farms in California's transverse ranges, large (120 meter-plus-tall) wind turbines will kill a significant number of raptors and other birds. As stated in the Initial Study, the subject range is probably a significant flyway. If the

project and most alternatives would result in such an unavoidable significant adverse ecological impact, the DEIR must include mitigation measures to permanently protect and steward portions of the subject ridgeline between State Route 14 and Interstate 5. Some aspects of the flyway may also include the more gently sloping terrain in the northern one third of the project. The flyway impact assessment must also include potential scenarios for Element Power's Healy Ranch proposed renewable project, the adjacent, multi-thousand-acre project that connects to State Park's Antelope Valley Poppy Preserve. That is particularly the case if the flyway is found to be more concentrated at lower elevations. The cumulative potential ecological impacts of two adjacent multi-thousand-acre projects between the Angeles National Forest and the Poppy Preserve would be considerable.

The proposed project extends the location of the proposed road system and turbine pads to virtually every far corner of the project boundary. The end result of such a project or near-equivalent project is that core habitat values would be diminished over the entire 7,500-acre site. That is a significant unavoidable ecological impact.

To partially offset an approved project's ecological impacts at least two steps are mandatory. The first step is that the applicant must acquire additional property on the subject ridge system prior to receiving any permits or causing any ground disturbance. The second step is that the project must generate a land acquisition and stewardship fund to facilitate ongoing land protection with adequate stewardship funding. The DEIR should address both of these steps and include actual required acreage and dollar figures. The end result should be a minimum of 3500 acres protected offsite with adequate inflation adjusted funding for a full time ranger or maintenance person with an onsite or nearby living quarters. For a 200 megawatt project generating 40 million dollars of revenue annually to generate 1.5 million dollars a year in acquisition funding seems proportionate.

To ensure that the conversion of the site to renewable energy generation is not piecemealed over the course of decades, it is imperative that the applicant be required to voluntarily agree to a condition for conservation easements over all parts of the project located twenty feet beyond the approved project direct disturbance footprint.

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Said conservation easements cannot be subordinate to any construction loans or liens to guarantee their efficacy and permanence. To address the applicant's concerns about the need for future project changes and major maintenance repairs, the conservation easements as a collective should be structured such that for any new area the applicant/owner needs to impact that an equivalent no conservation easement area be simultaneously put into a conservation easement. That new conservation easement must also be restored at the owner's expense. Said conservation easements must be recorded prior to the issuance of any turbine installation permits. It is understood that until final road construction occurs that exact disturbance boundaries cannot be plotted. In all cases it is imperative that the project perimeters where animals can move not be fenced.

The conservation easement must be accompanied by a modest monitoring and legal defense fund that would last the life of the project. Both the MRCA and Desert and Mountain Conservation Authority (DMCA) would likely accept such conservation easements.

The DEIR must include all correspondence between SEATAC and the applicant for full disclosure of ecological impact avoidance.

The project alternatives should include a potential public trail through the property with a minimum two-mile length.

Please address any questions and all future correspondence to Paul Edelman of our staff at the above letterhead address, by phone at (310) 589-3200 ext. 128, and by email at edelman@smmc.ca.gov.

Sincerely,

ANTONIO GONZALEZ
Chairperson