

**SANTA MONICA MOUNTAINS CONSERVANCY**

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**DRAFT**

January 23, 2012

Los Angeles Department of Regional Planning  
Anthony Curzi  
Zoning Permits North Section  
320 West Temple Steet  
Los Angeles, California 90012-3225

**Element Wildflower Green Energy Farm Notice of Preparation Comments  
Project No. R2010-00256-(5)**

Dear Mr. Curzi:

The Santa Monica Mountains Conservancy (Conservancy) offers the following Notice of Preparation comments on the above referenced, proposed 300-megawatt renewable energy project spread over 3,708 acres located along the southern and western boundaries of the Antelope Valley Poppy Preserve at the northern toe of the Sierra Pelona range. This project proposes up to 50 wind turbine generators and 100 solar arrays, an access road system, and substantial maintenance facilities.

The Rim of the Valley Trail Corridor zone 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.

In addition the Conservancy is part of two Joint Powers Authorities that own open space directly abutting, or close to, the subject project. The Mountains Recreation and Conservation Authority (MRCA) owns two parcels internal to the proposed Southern Energy Farm. The MRCA also owns 120 acres including Fairmont Butte that abut the eastern boundary of the proposed Northern Energy Farm and 10 acres just west of 170 Street W, with W Avenue F as a northern boundary. The Desert and Mountain Conservation Authority (DMCA) owns over 410 acres between Highway 138 and the Poppy Preserve between 155<sup>th</sup> Street W and 150<sup>th</sup> Street W. The MRCA and the DMCA are acquiring property in and around the proposed project area to protect key ecological

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resources, maintain regional habitat linkages, protect SEAS and buffer the Poppy Preserve. It is imperative that the Draft Environmental Impact Report (DEIR) 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.

The proposed project, centered on the former Healy Ranch property, is located in the heart of the most ecologically important open space block in the Antelope Valley east of State Route 14. The proposed project with hundreds of acres of continuous fields of 15-foot-tall photovoltaic arrays and broadly dispersed 500 foot tall (50 story building) wind turbines would result in unavoidable significant adverse visual and ecological impacts. As with the AV Solar Ranch 1 project to north, the County will have issue a statement of overriding considerations for all but an extremely pared down alternative. We urge the County to shape the project as much as possible to further reduce ecological and visual impacts and to require the permanent protection of additional offsite open space using the mode of the AV Solar Ranch 1 conditions of approval and Final EIR mitigation measures.

The DEIR must explain why the proposed project only includes 3,708 acres and not the 4,191 acres in the biological studies. This explanation must include why the omission of this acreage can not ever lead to project piece-mealing.

The DEIR must address the total cumulative ecological and visual impacts of the proposed project, the proposed Blue Sky wind farm project and the approved AV Solar Ranch 1 project. The cumulative potential ecological and visual impacts of two adjacent multi-thousand-acre projects between the Angeles National Forest and the Poppy Preserve would be considerable.

The DEIR must show the proposed routes of all proposed and potential underground and 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.

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### **Wind Turbine Bird Impacts**

Based on a significant pool of data from wind farms in California's transverse ranges, large (150 meter-plus-tall) wind turbines will kill a significant number of raptors and other birds. As stated in the Initial Study for the adjacent proposed Blue Sky wind energy project (Project No. R2011-00408-(5)), a portion of the site is probably part of, or adjacent to, a significant flyway between State Route 14 and Interstate 5. Based on information circulated with the Blue Sky project, the most probable project location for the proposed wind turbines to intersect with the flyway is the portion south of Lancaster Road. If the project and most alternatives would result in unavoidable significant adverse ecological impacts to birds, the DEIR must include mitigation measures to permanently protect and steward enough of the flyway in the immediate area to compensate for the projected losses of various bird species.

The DEIR flyway impact assessment must address how the potential development of wind turbines on the Blue Sky site could steer bird flight patterns into the subject former Healy Ranch property and how the two multi-thousand acre wind farm projects could cumulative impact the loss of birds. As stated by SEATAC, the attraction of water fowl to the aqueduct and the vast mixed onsite grasslands being key foraging grounds for raptors, further add to the need for extensive proof that bird kill will be at an acceptable level to wildlife agencies.

This letter provides recommendations on how to shape both project alternatives and mitigation measures if a project is approved.

The proposed project, and any DEIR alternative that includes development north of Broad Canyon wash and south of San Francisquito Road, will only offer "chopped up" habitat and no real large, undisturbed areas. A project with 4,145,000 cubic yards of grading and 900 acres of permanent land conversion must offer a large permanently protected open space area to offset this level of impact. Even if all the onsite land located north of Broad Canyon wash and south of San Francisquito Road were dedicated in fee simple open space, the ratio of development of sensitive lands to permanently protected open space would be insufficient. The only solution if a project is to go forward is addition offsite land acquisition. This land acquisition must achieve the goal of providing habitat connectivity

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and preempting future development near the Poppy Preserve and its above described sister open space owned by the DMCA and the MRCA. The County's model used with AV Solar Ranch 1 to guarantee offsite open space was successful.

So as not to degrade the existing public investment in existing public open space lands, the Conservancy recommends that the project be conditioned to preclude any development other than underground utilities and access roads within 1,000 feet of said public parklands.

### **Wildlife Corridors**

The most obvious omission in the Initial Study and supporting documents was consideration of habitat linkages directly west of the subject project headed to the Ripley Preserve. The DEIR will be deficient without such an analysis. That analysis must look at ownerships and parcels sizes.

The current lack of vegetation cover on disturbed lands is not a valid reason to dismiss habitat connectivity across any area of the Antelope Valley. Vegetation will return over decades and bio-diversity will also increase.

The DEIR must address how well the proposed open space areas on the Blue Sky project match up with what is offered in the proposed project and each of its DEIR alternatives.

The proposed substation on the north side of the key Munz Road aqueduct animal crossing may degrade its effectiveness for regional wildlife movement. The DEIR must address this potential impact in detail and offer detailed mitigation measures.

Because of the attenuated ownership of the proposed project, there is not a guaranteed protected habitat linkage from the northern openings of either the Munz Road or Fairmont Reservoir aqueduct crossings to the Poppy Preserve. The proposed onsite wildlife corridors lose significant ecological effect if these connections cannot be made permanent. The applicant should acquire additional land to make one of these connections permanent prior to circulating the DEIR. The conditions of approval must include guaranteed connectivity to one of these two major crossings through some mechanism.

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The proposed onsite multi-thousand-foot-long 300-foot-wide wildlife corridors are not wide enough. Major portions need to be widened to 1000 feet. Occasional constrictions to 300 are ecologically functional. All wildlife corridors in the project boundaries must be permanently protected with conservation easements.

The DEIR must be much more specific and include detailed figures showing where any fencing is proposed for the project.

### **Alternatives**

The Initial Study and its supporting documentation correctly identify three onsite land connections for animals over the California Aqueduct. Because of these crossings and a lack of intervening development, the subject Healy Ranch property is fully accessible, and greatly integrated to the Angeles National Forest core habitat. The DEIR must fully describe the condition of each of these cross-aqueduct habitat linkages. 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 these crossings and both the Poppy Preserve and Broad Canyon Wash.

The subject project area is located in the hub of several SEAS. It is imperative that the proposed project, and every development alternative, distinctly show how they provide for landscape linkage quality habitat connections between the local SEAS to the extent possible within the ownership controlled by the project applicant. For the DEIR to be adequate, it must provide some parcel level information and analysis on what additional land/habitat resources must be permanently protected to complete the connections to the north, south and west.

The DEIR should include at least two feasible development alternatives that include no development in any portion of any County-designated Significant Ecological Area (SEA) except as necessary to make underground power connections between two project development areas.

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There is no public policy justification to locate any development in the portion of the site at the northeast corner of Lancaster Road and 160<sup>th</sup> Street W. That portion of the site abuts the Poppy Preserve on two sides and is directly visible from the areas main roads.

The DEIR should include at least two feasible development alternatives that include no wind turbines located north of the section of Lancaster Road between 170<sup>th</sup> Street W and 160 Street W because of their potential impact both to views from public lands to the east and from Lancaster Road.

The DEIR should include at least two feasible development alternatives that include no wind turbines or solar arrays located either north of Broad Canyon Wash or south of San Francisquito Road.

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 to and from the California aqueduct and 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 critical habitat on the northern toe of the Sierra Pelona Mountains has no prior precedent in unincorporated 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.

### **Open Space Protection and Management Mitigation**

Too partially offset, an approved project's ecological impacts, two steps are mandatory. The first step is that the applicant must acquire additional property 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 750 acres protected offsite plus an inflation adjusted funding mechanism for a full time park ranger or natural resources management

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trained maintenance person with the provision of an onsite or nearby living quarters with all utilities provided. The fee simple open space land must be dedicated to public agency so no future development can ever occur on the property and so that it can be managed by a public resource agency.

For a 300 megawatt project generating 60 million dollars of revenue annually, these are small costs to balance out unprecedented significant unavoidable impacts to an area of Statewide significance.

To ensure that the conversion of the site to renewable energy generation is not piecemealed with incremental expansion 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. A mechanism to adjust said conservation easements at the applicant's request to accommodate a project issue that fully benefit the Public Trust should be included.

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 simultaneous 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 or solar array installation permits. It is understood that until final road construction occurs that exact disturbance boundaries cannot be plotted.

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.

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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](mailto:edelman@smmc.ca.gov).

Sincerely,

ANTONIO GONZALEZ  
Chairperson