

MBCA



morongo basin conservation association

September 14, 2021

Oberon Renewable Energy Project
Attention: Brandon Anderson
Bureau of Land Management
1201 Bird Center Drive, Palm Springs, CA 92262 Email: BLM_CA_PS_OberonSolar@blm.gov

Dear Mr. Anderson:

The Morongo Basin Conservation Association is responding to the call for comments regarding the Oberon Solar Project. Alternative 2 for the Oberon Solar Project is proposed for 5,000 desert acres in Desert Center within the DRECP East Riverside DFA. The proposal includes 500 MW PV and energy storage with a footprint of 2,500 acres. There will be a 500 kV generation-tie transmission line (~0.5 miles in 175-foot ROW), upgrades to the SCE Red Bluff Substation, and access roads.

The Project is in a designated Development Focus Areas (DFA) as written in the California Desert Conservation (CDCA) Plan as amended. This Alternative does not comply with all the Conservation Management Actions (CMAs) prescribed in the DRECP plan amendment to the CDCA, especially microphyll woodland. The proposed project also does not comply with tortoise exclusion fencing and clearance survey protocols.

The developer, Intersect Power, stated it needs a Land Use Plan Amendment (LUPA) to maintain its 500-megawatt (MW) project as designed, so will need to impact the microphyll woodland. The company is proposing CMAs. The Proposed action includes wildlife permeable fencing.

We turned to Basin and Range Watch to find an accurate description of the landscape Oberon Solar would cover if completed. Following a September visit to the project site a report with compelling photographs of the intact complex desert was published. <https://www.basinandrangewatch.org/Oberon.html>

“The Chuckwalla Valley is full of microphyll woodland, washes, a crucial connectivity corridor for wildlife, archaeological sites, Federally Threatened Agassiz desert tortoise Critical Habitat, and a healthy population of Mojave fringe-toed lizards (Uma scoparia).

The designated tortoise Critical Habitat on the north side of I-10 is well-connected to Critical Habitat and protected ACEC to the south of the highway. This appears to be excellent tortoise habitat on the proposed Oberon Project site, with dense, old growth microphyll woodland, including desert ironwood trees. Mojave desert tortoises dine on fallen ironwood seed pods, so this looks to us like excellent tortoise habitat.

Our site visit revealed that the Oberon Solar Project site has excellent wildlife connectivity across Chuckwalla Valley, through the I-10 highway, with three large highway undercrossings, where tortoise,

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¹burro deer, and bighorn sheep would have no problem crossing under the highway on these large wash underpasses. Summer thunderstorms bring a lot of flash floods, and the highway architects understood this and built very large, wide, deep highway undercrossings."

California Natural Resources Agency and other agencies are responding to the Governor's Executive Order EO-N-82-20 to support the global effort to combat the biodiversity and climate crises. It is the goal of the State to conserve at least 30 percent of California's land and coastal waters by 2030. This falls in line with the federal push to conserve 30 by 30 of U.S. lands and waters by the year 2030.

Climate-smart land management working toward carbon neutrality while building climate resilience while protecting biodiversity includes solar development both at point of use (roof tops everywhere) and at utility scale. Alternative 2 would develop 500MW on a pristine landscape used by multiple species as both live in and pass-through habitat going north from the Chuckwalla Mountains ACECs. See Maps: Figure 2-6 Fencing Plan and Figure 2-8 Resource Avoidance Alternative. This is not biodiversity smart.

Problems for Intersect Power

Intersect Power wants to have the Bureau of Land Management amend the DRECP/CDCA Plan to weaken the Conservation Management Actions (CMAs) in order to build the solar project on more microphyll woodland and wash habitat, which was supposed to be protected in the DFAs under the DRECP. A project-specific Land Use Plan Amendment (LUPA) to the CECA will be required because the project does not fully comply with:

- CMA LUPA-BIO-RIPWET-1: Riparian and Wetland Vegetation Type (resource-specific setbacks)
- CMA LUPA-BIO-3: Resource Setbacks Standards
- CMA LUPA-BIO SVF-6: Microphyll woodland (avoidance)
- CMA LUPA-BIO-IFS-4: Desert Tortoise exclusion fencing and clearance surveys.

Alternative 3 Land Use Compliant Alternative (Maps Figure 2-7) provides a 200-foot buffer around the microphyll woodland. **This alternative would reduce the project from 500 MW down to 375 MW.**

Alternative 4: Resource Avoidance Alternative (Maps Figure 2-8) avoids desert tortoise critical habitat, more microphyll woodland, and the wildlife corridor.

This alternative would reduce the project 500 MW down to 300 MW.

DRECP Solution to Problems

It is not the role of the DRECP to bend to accommodate a project proposal. It is the project proponent's role to accommodate the DRECP.

To protect the California Desert area and streamline the permitting process, the California Energy Commission, the California Department of Fish and Wildlife, the U.S. Bureau of Land Management (BLM), and the U.S. Fish and Wildlife Service developed the Desert Renewable Energy Conservation Plan (DRECP) that identifies areas in the desert appropriate for the utility-scale development of wind, solar, and geothermal energy projects.

Oberon wants the BLM Plan Amendments which ignores the fact that there are another 148,000 acres in the same renewable energy zone to choose from, the vast majority of which do not have microphyll woodlands.

If one project can bend the rules, others will follow, undercutting the carefully crafted protections for sensitive resources on ten million acres of public lands in the DRECP. This would also undermine the DRECP's intent to streamline solar projects in the right places in the right way – setting back progress on important climate goals

EA Pesticide Use Proposal and Roundup

The Pesticide Use Proposal (PUP) lists Glyphosate (Roundup Custom and Roundup PRO Max) for use to control Sahara mustard, Russian thistle, and common annuals, including red brome, redstem filaree, and Mediterranean grass over 2,700 acres as needed.

“The intent of this Pesticide Use Proposal (PUP) is to obtain approvals for use of herbicides for ongoing weed treatment within the Proposed Action area on BLM-administered lands. The desired results of the invasive plant treatments are the minimization of aboveground target nonnative vegetation. The intent of the proposed IPM program is to provide invasive plant treatment within the Project Area to facilitate restoration of temporary impact areas and support O&M weed abatement activities. Nonnative vegetation can outcompete native flora by utilizing available resources for growth (light, soil, etc.), and producing allelopathic chemicals. Therefore, minimization and removal of existing invasive vegetation will ultimately minimize the input of nonnative weed seeds into the soil bank and reduce nonnative plant competition. Over time less competition for resources by nonnative vegetation will promote the establishment and succession of native species. As weed loads are managed, the overall nonnative seed bank will diminish, allowing for the expansion and establishment of native plant communities.”
(Page 4 PUP)

The Classification Reference for Roundup is given as
OSHA Hazard Communication Standard, 29 CFR 1910.1200 (2012) (Attached as a pdf)
Not classified as hazardous.

HOWEVER the only safety precautions referenced are to avoid skin contact and exposure to glyphosate in air, avoid skin contact with all solvents, and wear safety glasses at all times. The recommendation is for further study and their method used should be fully validated. All references are from the 1980s and do not reference field exposures.

The analysis does not reveal or consider that Bayer, after purchasing Monsanto, was sued for the effects of Roundup on users. Bayer agreed to pay more than \$10 billion to settle tens of thousands of claims while continuing to sell the product without adding warning labels about its safety.

After researching *What's the Problem with Roundup?* The Ecology Center has some answers that are attached to this document. In brief:

- Glyphosate, the active ingredient in Roundup, is the third most commonly reported cause of pesticide illness among agricultural workers in California.
- Glyphosate is the most commonly reported cause of pesticide illness among landscape maintenance workers in California.
- The surfactant ingredient in Roundup is more acutely toxic than glyphosate itself and the combination of the two is yet more toxic.
- Glyphosate is suspected of causing genetic damage.
- Glyphosate is acutely toxic to fish and birds and can kill beneficial insects and soil organisms that maintain ecological balance.
- Laboratory studies have identified adverse effects of glyphosate-containing products in all standard categories of toxicological testing,
- Glyphosate residues in soil can persist over a year.

- Glyphosate residues has been found in strawberries, wild blueberries and raspberries, lettuce, carrots and barley.
- Glyphosate has been measured 1,300 – 2,600 feet away from its application site.

Monsanto, manufacturer of Roundup, agreed with the New York Attorney General's office to discontinue their use of the terms "biodegradable" and "environmentally friendly" in ads promoting glyphosate-based products, including Roundup.

Glyphosate, Part 1 and 2: Human Exposure and Ecological Effects by Caroline Cox discusses and provides references for the bullet points above. (PDF Attached)

Based on the information provided by Carolyn Cox, Roundup, in any form, should not be used to eradicate non-native plants on the BLM administered land to be cleared by Oberon, should the project be approved. Especially worrying is the finding that Roundup is acutely toxic to birds and can kill beneficial insects and soil organisms that maintain ecological balance. The residues of glyphosate can persist in soil over a year and have been measured 1,300 – 2,600 feet away from its application. The microphyll woodland drainage pattern will distribute this toxic herbicide over a greater distance than intended. The residue could prevent any recolonization by natives, as desired. AND, documenting the aftereffects of application overtime is not in the work plan so the BLM could be poisoning the surface more than 2,700 acres in complete ignorance.

Carbon Sequestration and Storage

In Appendix R Air Quality/Greenhouse Gas Emissions (page 17) the estimated loss of natural carbon uptake is not expected to exceed 4.31 MTCO₂e per year per acre with a total of 15,085 MTCO₂e per year of sequestration capability being lost. This estimate is based on ground disturbance and removal of some vegetation that naturally provides carbon uptake.

“Ground disturbance and vegetation removal during construction accordingly adds to the GHG impact because a portion of the soils and vegetation on site would no longer be present to sequester CO₂.”

This analysis overlooks the full extent of carbon capture in deserts. Inland deserts account for 10% of the state's total stored carbon. Quoting from the Science Brief prepared by Dr. Lindsay Rosas, Defenders of Wildlife

“Carbon Capture in Deserts

There are several ways in which deserts store carbon. To start, desert plants store carbon in their biomass just as other plants do; through photosynthesis, plants take in CO₂ from the air and convert that into tissue. Many desert plants also have important relationships with underground fungi: roots bond with these fungi in a mutually beneficial relationship. As part of this relationship, the plants transfer carbon to the mycorrhizae, which also store carbon. The majority of stored and sequestered carbon, however, is in soils. Plant or animal excretion and decomposition release some carbon, which reacts with calcium in the desert soil to create calcium carbonate crystals. Since some desert plants' roots grow to over a hundred feet, these crystals, called caliches, can be deep underground. Caliches build into larger chunks over time and create carbon sinks. Additionally, when the root fungi die, they leave behind their waxy coating, which aggregates and helps keep carbon in the soil. For their storage and sequestration potential, arid-semiarid soils are considered the third largest global pool of carbon (Emmerich 2003). (Attached as Appendix B in Letter to Dr. Alan Moreno discussed below.)

The Science Brief was prepared for presentation to the California Natural Resources Board as part of a presentation for their work on the state's 30 by 30 project. In addition a letter with attachments was provided to Dr. Adam Moreno, Lead Natural and Working Lands Climate Scientist to support the state's Implementation of Below Ground Carbon Sequestration Modeling. This letter includes Notes on Models of Carbon dynamics for the California Deserts prepared by Dr. Michael F. Allen, Ph.D., Distinguished Professor Emeritus, Department of Microbiology and Plant pathology, UC Riverside.

The information in the Science Brief and Dr. Michael Allen's Notes are just recently available in this format and provided with our comments in the expectation that the information will be used to account for carbon sequestration and storage in the desert when analyzing utility solar and other projects that disturb intact desert systems. (PDF of letter with Appendices A and B attached)

Thank you for the opportunity to present our concerns on this proposed development. With the effects of climate change becoming increasing apparent on the unique and fragile ecosystem of the California deserts, we urge you to reject Alternative 2 and support **Alternative 4** that serves to protect the ecosystem and the services it performs in support of the diversity of life on our planet.

Sincerely,



Pat Flanagan, director
for the Morongo Basin Conservation Association

PDFs

OSHA Evaluation of Glyphosate

New York Times: Roundup Maker to Pay \$10 Billion to Settle Cancer Suits

So What's the Problem with Roundup? Ecology Center.org

Glyphosate Fact Sheets 1 and 2 Carolyn Cox

CARB Comments with Appendices A_B