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State of California
DEPARTMENT OF JUSTICE



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VIA E-MAIL AND FACSIMILE

Ms. Teresa Hall, NEPA Planner
Naval Facilities Engineering Command Southwest
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RE: Draft Environmental Assessment for the Proposed Expansion of the Navy's Remote Training Site Warner Springs, California

Dear Ms. Hall:

The Attorney General of the State of California submits these comments to the United States Department of the Navy ("Navy") in response to its Draft Environmental Assessment ("DEA") for the Proposed Expansion of the Remote Training Site Warner Springs ("RTSWS").¹

We commend the Navy for the breadth of its efforts to seek comments on environmental and other issues to address in the DEA, including mitigation measures, in compliance with the National Environmental Policy Act ("NEPA") of 1969, 42 U.S.C. §§ 4321 *et seq.* (West 2003). We write, however, to urge the Navy, in preparing the final Environmental Assessment, to address its coordination with all the agencies and parties involved in planning for the future of California's public lands – particularly those that may play a role in meeting the state's greenhouse gas reduction and renewable energy objectives.

Many of California's public lands, particularly in the southern part of the state, are expected to play a critical role in developing the renewable energy sources California needs to comply with the California Global Warming Solutions Act of 2006, CAL. HEALTH & SAFETY

¹ The Attorney General submits these comments in his independent capacity, in furtherance of the public interest, and pursuant to his responsibility to protect the natural resources of the State from pollution, impairment, or destruction. *See* Cal. Const. art. V. § 13; CAL. GOV'T CODE, §§ 12511, 12600-12612 (Deering's 1997); *D'Amico v. Bd. Of Medical Exam'rs*, 11 Cal.3d 1, 14-15 (1974).

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CODE §§ 38500 *et seq.* (Deering's Supp. 2009), Executive Order No. S-03-05, which sets a target of reducing GHG emissions in California to 80% below 1990 levels by 2050, and to meet California's goal of achieving 33% renewables by 2020. The rapid, scaled-up development of renewable energy projects and associated transmission are critical to California's ability to comply with mandated renewable portfolio standards and combat climate change.²

As you know, California has implemented a planning process for identifying cost-effective large scale renewable resources and associated transmission projects, the Renewable Energy Transmission Initiative ("RETI").³ Given the importance of areas with renewable resources, including potentially wind and geothermal resources in and around the Warner Springs and Cleveland National Forest areas, to the achievement of California's renewable energy goals, agencies like the Navy proposing development or expansion projects in such areas should address in their environmental documents how the project fits in with RETI planning. In addition, the final Environmental Assessment should evaluate whether, and to what extent, land used for military training purposes also could be used for renewable energy generation and/or associated transmission – or whether, as mitigation, other sections of RTSWS (or other military facilities) not suitable for training could be so used.

Global warming presents California – and the U.S. generally – with one of its greatest challenges. The Navy has the opportunity to help address the problem of climate change and to help advance the opportunities posed by renewable energy development, while educating the public and decision-makers. We urge the Navy to meet the challenge with its final Environmental Assessment. Please do not hesitate to contact us if the Attorney General's Office can be of any assistance.

Sincerely,

/s/

LAURA J. ZUCKERMAN
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

Cc: Don Smith, Director of Water Resources, Vista Irrigation District (via e-mail)
William Metz, Forest Supervisor, United States Forest Service (via facsimile)
Janaye Byergo, San Diego Project Manager, Bureau of Land Management (via e-mail)

² See generally Exec. Order No. S-14-08, available at <http://gov.ca.gov/executive-order/11072/>.

³ See <http://www.energy.ca.gov/reti> (last visited July 28, 2009).