

From: <CourtCoyle@aol.com>

Date: Mon, May 16, 2016 at 4:17 PM

Subject: Notice of ACEC in DRECP proposed LUPA - Kwaaymii Band of Laguna Indians

To: blm_ca_drecp@blm.gov, tjames@blm.gov

Dear Ms. Campbell and Mr. James,

These comments on the Notice of ACEC in the DRECP proposed LUPA, are submitted on behalf of our client Carmen Lucas, Kwaaymii Band of Laguna Indians.

Please explain in more detail the rationale behind ground disturbance caps in ACECs and how tribal cultural resources will still be protected or mitigated?

B1-1

The Notice text and table appear to alternatively use the phrases "cultural resources" and "cultural values". Also, the DRECP Final EIS (page II.3-129) references "Cultural Resources and Tribal Interests." Do each of these phrases have the same or different meaning or management goals and objectives?

B1-2

Regarding the Notice table:

Coyote Mountains Fossil Site: Does this include painted gorge on the east side of the Coyotes? If not, it should.

B1-3

Granite Mountain Wildlife Linkage: If this is near Anza Borrego, cultural values should also be listed in the Relevant and Important Values column.

B1-4

Harper Dry Lake: If this is near Anza Borrego, cultural values should also be listed in the Relevant and Important Values column.

B1-5

Lake Cahuilla: Please explain the significant reduction in acreage from the No Action to the Proposed LUPA. The proposed acreage (8,600) does not appear sufficient: the Relevant and Important Cultural Values run from sacred Signal Mountain to Coachella Valley, in both Imperial and Riverside Counties. It's large area, that has not been thoroughly surveyed or adequately managed to date. This area holds a great deal of antiquity that we are not yet acknowledging; its discussion is timely and needs to occur.

B1-6

Ocotillo: Should also reference Cultural Resources if it means something different than Cultural Values. Should be made clear that this ACEC was mitigation for the Ocotillo Wind Express Project and that the ACEC will be protected from renewable energy development. A management plan for this area that fully protects tribal cultural resources and values must be prioritized, funded and drafted in consultation with affiliated tribes without delay. Given the cultural, biological and other values within this ACEC, allowing for hunting, target shooting, rock hounding etc. would not be compatible uses.

B1-7

Pilot Knob: The current and proposed 900 acre size may be insufficient to protect this sacred area.

B1-8

Salton Seas: This ACEC should include Cultural Values to protect fish traps and Obsidian Butte, an historic property, which must have its National Register nomination completed without further delay.

B1-9

San Sebastian Marsh/San Felipe Creek: Runs through Carrizo Gorge and Fish Creek Mountain with fish traps and ancestral human remains. Is the current and proposed 6,500 acres of sufficient size?

B1-10

For the ACECs created for cultural values, sufficient funding must be provided to support tribal cultural uses and provide for appropriate management by BLM, to include sufficient patrols to ensure resource protection and to control off road vehicles. Consideration must be made to limit OHV activity to existing trails and have sufficient funding to enforce the laws.

B1-11

Regarding the DRECP Final EIS:

Cultural Resources Goals and Objectives:

What does it mean to "identify the full spectrum of cultural resources in the DRECP"? How specifically will this goal be achieved? By what methods, within what timeframes, and how will this effort be funded? How would this effort be more successful than past and current efforts, which have failed to survey the vast majority of BLM lands in the desert? BLM also needs qualified Native American Monitors participating in those surveys. Also, what efforts can be made to achieve a landscape level baseline to measure the effectiveness of federal management? Such baselines should include the use of a long-term aerial photo monitoring program.

B1-12

Objectives related to GIS, mapping and research opportunities, each should reference "in collaboration with affiliated tribal entities."

B1-13

What efforts will be made to consider the compatibility of uses adjacent to ACECs of cultural value? More particularly, how the adjacent uses could negatively affect the values within the ACEC such as visual quality, visibility/air particulate, noise, aesthetic effects and viewshed impacts to tribal ceremonial and other uses?

B1-14

What efforts could be made on a programmatic level to compile the funds necessary for effective management? Also, mitigation for impacts to tribal cultural resources must be relevant to tribes and reflect the priorities and needs of the affected, affiliated tribal entities. A programmatic framework should be developed and supported by BLM so that more expensive tribal priorities can be funded across several projects or undertakings.

B1-15

ACECs should be closed to mining activities.

B1-16

National Scenic and Historic Trails Goals and Objectives:

The section on National Scenic and Historic Trails, should add reference in Goals, second bullet, to prehistory trails and collaboration with affiliated tribal entities. Reference to tribal collaboration and the requirement that prehistory trails should be mapped and protected throughout the desert region should be added to Objectives.

B1-17

Soil, Water, and Water-Dependent Resources Goals and Objectives:

Add requirement that all energy development should first consider the use of reclaimed water, not the use of groundwater.

B1-18

Ms. Lucas would be happy to do a site visit to any of these ACEC areas to make acreage adjustments or to provide additional rationale for their size, protection and management. Efforts to consult with affiliated tribal people on ACEC designations and boundary adjustments should be more robust in the future and BLM should develop a better framework to support those efforts before the desert is irreparably impacted and before individual projects are proposed.

We hope these comments are useful for you and respectfully request they become part of the record for the project, and that a written response will be provided.

Thank you for your consideration,

Courtney Coyle

for

Carmen Lucas

Courtney Ann Coyle
Attorney at Law
Held-Palmer House
1609 Soledad Avenue
La Jolla, CA 92037-3817

"Protecting, Preserving and Restoring Tribal, Cultural, Biological and Park Resource Landscapes"