

From: Miner, Karen@Wildlife [<mailto:Karen.Miner@wildlife.ca.gov>]
Sent: Thursday, March 03, 2016 4:18 PM
To: Kathleen Hayden
Subject: RE: CA data base of special concern mammals.

Interesting theory.

When and if available scientific information convinces the experts that determine the checklist of native species to North America that *Equus caballus* should be considered as an indigenous species, they will make the change in the next revision to the list, and then we would take that fact into consideration for inclusion on our state animal lists.

Thanks

From: Kathleen Hayden [<mailto:kats@ehayden.org>]
Sent: Wednesday, March 02, 2016 10:26 PM
To: Miner, Karen@Wildlife
Subject: RE: CA data base of special concern mammals.

Karen,

Thank you very much for replying to me.

Have you taken into consideration the following information written by *Jay F. Kirkpatrick, a Ph.D. in reproductive [physiology](#) and director of the Science and Conservation Center at Zoo Montana, in Billings, and, Patricia M. Fazio, Ph.D. in environmental history from Texas A&M University and the evolution of equids.*

In recent years, molecular biology has provided new tools for working out the relationships among species and subspecies of equids. For example, based on mutation rates for mitochondrial DNA (mtDNA) Ann Forstén, of the Zoological Institute at the University of Helsinki, has estimated that *E. caballus* originated approximately 1.7 million years ago in North America. More to the point is her analysis of *E. lambei*, the Yukon horse, which was the most recent *Equus* species in North America prior to the horse's disappearance from the continent. Her examination of *E. lambei* mtDNA (preserved in the Alaskan permafrost) has revealed that the species is genetically equivalent to *E. caballus*. That conclusion has been further supported by Michael Hofreiter, of the [Department](#) of Evolutionary Genetics at the Max Planck Institute in Leipzig, Germany, who has found that the variation fell within that of modern horses.

These recent findings have an unexpected implication. It is well known that domesticated horses were introduced into North America beginning with the Spanish conquest, and that escaped horses subsequently spread throughout the American Great Plains. Customarily, such wild horses that survive

today are designated "feral" and regarded as intrusive, exotic animals, unlike the native horses that died out at the end of the Pleistocene. But as *E. caballus*, they are not so alien after all. The fact that horses were domesticated before they were reintroduced matters little from a biological viewpoint. Indeed, domestication altered them little, as we can see by how quickly horses revert to ancient behavioral patterns in the wild.

Consider this parallel. To all intents and purposes, the Mongolian wild horse (*E. przewalskii*, or *E. caballus przewalskii*) disappeared from its habitat in Mongolia and northern China a hundred years ago. It survived only in zoos and reserves. That is not domestication in the classic sense, but it is captivity, with keepers providing food and veterinarians providing health care. Then surplus animals were released during the 1990s and now repopulate a portion of their native range in Mongolia and China. Are they a reintroduced native species or not? And how does their claim to endemism differ from that of *E. caballus* in North America, except for the length and degree of captivity?

The wild horse in the United States is generally labeled non-native by most federal and state agencies dealing with wildlife management, whose legal mandate is usually to protect native wildlife and prevent non-native species from having ecologically harmful effects. But the two key elements for defining an animal as a native species are where it originated and whether or not it coevolved with its habitat. *E. caballus* can lay claim to doing both in North America. So a good argument can be made that it, too, should enjoy protection as a form of native wildlife.

From: Miner, Karen@Wildlife [<mailto:Karen.Miner@wildlife.ca.gov>]
Sent: Wednesday, March 02, 2016 5:48 PM
To: Kathleen Hayden; Wildlife SWAP
Cc: Applebee, Daniel@Wildlife; Senator Joel Anderson
Subject: RE: CA data base of special concern mammals.

Hello,

I have conferred with our Lead Scientist in our California Natural Diversity Database Program regarding how the Department determines if a species is considered native to California, and specifically regarding wild horses.

For a mammal, inclusion on the CNDDDB Special Animals List (http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp) is determined by review of mammal conservation and native status by leading taxonomic and biological experts. As such we incorporate species onto the Special Animal List as indicated by: designation as a Mammal Species of Special Concern by CDFW, a NatureServe or IUCN rank indicating conservation concern, listing under the

Federal or California Endangered Species Acts, and based on review of published scientific literature, including The American Society of Mammalogists:

<http://www.mammalsociety.org/publications/mammalian-species> and Baker, R.J., L.C. Bradley, R.D. Bradley, J.W. Dragoo, M.D. Engstrom, R.S. Hoffman,

C.A. Jones, F. Reid, D.W. Rice, & C. Jones. 2003. Revised Checklist of North American Mammals North of Mexico, 2003. Museum of Texas Tech University Occasional Papers 229:1-23. Available at: <http://www.nsr.ttu.edu/publications/opapers/ops/op229.pdf>

The population of horses to which you refer is *Equus caballus*. This species is considered to be non-native to North America on the Checklist of North American Mammals. Therefore inclusion of this feral population of a non-native species on the CNDDDB Special Animals List would not be appropriate. Only native species are eligible to be considered for inclusion as a California Mammal Species of Special Concern, or to receive protection under the California Endangered Species Act. The State's Wildlife Action Plan defines Species of Greatest Conservation Need as native species meeting certain criteria, and wild horses, therefore, would not meet the definition for inclusion in that plan either.

The California Department of Fish and Wildlife has no authority to address the issues you raised regarding wild horse populations or the issues surrounding the specific herd to which you refer. These issues are best addressed under the federal Free Roaming Wild Horse and Burro Act or other similar laws and regulations.

Thank for you inquiry,

Karen L. Miner

Environmental Program Manager I

Nongame Wildlife Program

Department of Fish and Wildlife

From: Kathleen Hayden [<mailto:kats@ehayden.org>]

Sent: Wednesday, February 24, 2016 2:44 PM

To: Wildlife SWAP

Cc: Miner, Karen@Wildlife; Applebee, Daniel@Wildlife; Senator Joel Anderson

Subject: CA data base of special concern mammals.

Armand Gonzalez

SWAP@wildlife.ca.gov

California Department of Fish and Wildlife 1416 Ninth Street, 12th Floor Sacramento, CA 95814.

Karen Miner Environmental Program Manager Karen.Miner@wildlife.ca.gov

Danile Applebee Recovery Coordinator Daniel.Applebee@wildlife.ca.gov

Dear Mr. Gonzales

This is a request to incorporate California's rare and endangered Coyote Canyon wild horse herd into the state's data base of special concern mammals.

AS co-founder of Coyote Canyon Caballos d' Anza Inc. nonprofit, (CCCdA) I, Kathleen Hayden am taking the opportunity again to provide California Fish and Wildlife with information that, by fossil evidence, wild horses are indigenous to California; they evolved as a reintroduced native species of special interest into distinct population segments since 1769. They contribute to the natural diversity of California. They are rare, threatened, endangered, and listed as a federal protected species under the 1971 Free Roaming Wild Horse and Burro Act PRIOR to the 1973 Endangered Species Act.

BACKGROUND

Wild horses originated in North America and migrated over the Bering Land bridge about 20,000 years ago. Wild horse became domesticated about 5000 years ago in Europe. Those released into the wild quickly revert to their wildlife instincts. While the Lakota people insist that their herds never left this continent, it is generally accepted that the equus species was reintroduced by the Spanish in the 1500s. None the less the species is native to CA based on CA fossil evidence they should be listed in the CA inventory of non-game Special Status Species.

While California's Coyote Canyon Wild Horse herd is a Federally protected species, the herd is also native to Ca. based on the discovery of equus fossils in the Anza Borrego Desert State Park. The following fossils are listed in the Anza Borrego Desert State Park inventory .

<https://www.utep.edu/leb/pleistnm/sites/anzaborrego.htm>

† *Equus enormis*—Enormous Horse (Murray 2008)

† *Equus francescana**—Francescan Horse (Murray 2008: cf.)

† *Equus pacificus*—Pacific Horse (Murray 2008: ?)

† *Equus simplicidens*—American Zebra (Murray 2008: cf.)

† *Hippidion* sp.—Hippidion Horses (Murray 2008: cf. gen.)

The Coyote Canyon wild horse herd qualifies as Ca. non game native wildlife that was segregated from other herds after the 1850 Gara Revolt at Warner Springs CA. More documentation is available upon request.

In 1971 the herd became protected under the federal Free Roaming Wild Horse and Burro Act, and habitat was designated in perpetuity as the Coyote Canyon Herd Area. Much more of the CA historic habitats are documented in [“Born of Horses:” Missionaries, Indigenous Vaqueros, and Ecological Expansion during the Spanish Colonization of California](#) by Paul Albert Lacson (<http://www.sandiegohistory.org/node/58209>)

In 2003 The herd was removed by the Anza Borrego Desert State Park by circumvention of FLPMA, CEQA, NEPA, CESA, NHPA sec 106. To date the agencies have not provided a deed of transfer of the Federal Coyote Canyon Herd Area to the State, yet the State is claiming ownership of this herd’s critical habitat designated by federal law. The herd is now extinct in the wild except for the rare few in captivity, and must be restored genetic viability and posterity.

According to CA law, species of greatest conservation need are eligible for and considered as priorities for conservation funding via state wildlife grant funds whose funds are linked to State Wildlife Action Plans.(WAP) Revisions to the WAPs include threat assessments for current SSCs and their habitats, and will change conservation actions and priorities accordingly. This issue is an emergency measure for the Coyote Canyon herd to prevent extinction of the few animals captured and held in captivity for the sole purpose of rewilding to genetic viability.

In spite of previous notifications to Wildlife Services the Coyote Canyon Wild horse herd has not been included , and extinction in the wild has been a result of multiple state and federal agency oversight. I believe the CA wildlife agency, as a result of my multiple notices, should have notified me of the opportunity to comment on the 2015 update :<https://www.wildlife.ca.gov/SWAP>. None the less it is not too late to correct to oversights to include the Coyote Canyon herd into the state's data base of [Species of Special Concern](#) and listed under the criteria as stated in <https://www.dfg.ca.gov/wildlife/nongame/ssc/> and the California Endangered Species Act (CESA) (Fish & Game Code 2050, *et seq.*) http://ceres.ca.gov/wetlands/permitting/cesa_summary.html

Unlike its Federal counterpart, CESA applies the take prohibitions to species petitioned for listing (state candidates).86 of the Fish and Game Code defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

Consultation Oversight : State and federal lead agencies are required to consult with DFG and tribes to ensure that any action it undertakes is not likely to jeopardize the continued existence of any endangered or threatened species or result in destruction or adverse modification of essential habitat.

- A "lead agency" is defined under the California Environmental Quality Act as the public agency which has principal responsibility for carrying out or approving a project that may have a significant effect on the environment. (Pub. Res. Code 21067)

The Natural Community Conservation Planning Act (NCCP Act) was added to CESA in 1991. (Fish & Game Code 2800-2840). These provisions provide for voluntary cooperation among DFG, landowners, and other interested parties to develop natural community conservation plans which provide for early coordination of efforts to protect listed species **or species that are not yet listed. The primary purpose of the NCCP Act is to preserve species and their habitats, while allowing reasonable and appropriate development to occur on affected lands.** There are private property owners that are interested in participating in these conservation plans to ensure continuity of CA. herds.

www.all-creatures.org/alert/alert-20140611.pdf , The USFWS found that the petition, did not present substantial information that the North American wild horse may be markedly separate from other populations of horse as a consequence of behavioral differences. However the consequence of the federal petition does not affect the eligibility of CA herds, specifically the. Coyote Canyon Wild Horse Herd' s, for incorporating the herd into the state's data base of [Species of Special Concern , working with Conservation Biology Institute \(CBI\) to conduct analyses of the status of California's native land mammals; to revise MSSC documents, incorporate into CDFW's CNDDDB or BIOS databases, and recording in one of the cooperating collections in the MaNIS system.,](#)

The consequences of not listing the Coyote Canyon herd will deprive the citizens of Ca. of a valued and irreplaceable unique wildlife and historic resource. Extinction is not an option.

Please reply as soon as possible as to the steps you will take to restore this resource.

Thank you,

Kathleen Hayden

POB 236, Santa Ysabel, Ca. 92070

<Dr. King to USFWS Jane Hendron Sec 106 consultation.doc>

<Dr. Cothran 2005 analysis of Coyote Canyon Stallions.txt>

From: **Mark Algazy** <mark_algazy@hotmail.com>

Date: Tue, May 3, 2016 at 7:23 AM

Subject: ACEC Comment Letter

To: Vicki Campbell <vlcampbell@blm.gov>, "blm_ca-drecp@blm.gov" <blm_ca-drecp@blm.gov>, Teri Raml <traml@blm.gov>, Steve Razo <srazo@blm.gov>, Carl Symons <csymons@blm.gov>, Katrina Symons <ksymons@blm.gov>, "tzale@blm.gov" <tzale@blm.gov>

Here is my comment letter. Thank you for the opportunity.

May 3rd, 2016

To: Vicki Campbell,

DRECP Program Manager

2800 Cottage Way

Suite W-1623

Sacramento, CA 95825

Dear Ms Campbell

This purpose of this letter is to provide formal comment on the proposed ACECs in the DRECP. For all of the following reasons [as well as others not appropriate for public comment] I do not feel that the ACECs should be designated at this time.

1. The ACECs were never properly noticed in the DRECP process. The procedural requirements are clear, and I put them in my protest letter. "The statutory authority covering the designation of ACECs can be found at 43 CFR 1610.7-2.

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D2-1

The relevant subsection for discussion here is subsection(b) This subsection requires the State Director to "publish a notice in the Federal Register listing each ACEC proposed and specifying the resource limitations.... The notice shall provide a 60-day period for public comment on the proposed ACEC designation." The word "designation" is used in the singular for a very specific reason. The requirement is clear: one Federal Register notice for EACH ACEC. In contrast, the Federal Register notice that was finally provided still does not list them as separate notices; it is still a defective notice.

D2-1
Cont.

2. The ACECs were not adequately addressed by the DRECP process.

a. They should not have been handled in bulk. As addressed in my original comment letter, ACECs have historically been generated at a rate of a handful per year, allowing for careful, deliberate consideration and planning. It is implicit in the Federal Register notice requirement that the ACECs be individually noticed that it would not be an onerous burden because it was never contemplated that the Bureau would attempt to designate 134 of them simultaneously.

b. They should not have been handled as an 'also-ran' sidebar buried in an appendix. The bulk of the DRECP, and the bulk of what the participating public focused on, was and is the science that informed the conservation measures that would allow for designating DFAs. While the DRECP was and is a convenient platform for moving several management proposals forwards, it is not an appropriate one in every case, and especially in the case of the ACECs.

D2-2

c. The NEPA violation of designating ACECs by this process can be proven not just as a procedural flaw, but a violation in fact; the administrative record will bear out the fact that area-specific ACEC comments to the DEIS were virtually nonexistent. Most people did not even know this was happening.

3. The majority of the ACECs as described in the DRECP-DEIS [the public comment phase] were inherently defective from the standpoint that they contained virtually no route information.

a. The heart of the ACEC designation is asset protection.

b. You cannot begin to develop a plan for protecting an asset without knowing what its vulnerabilities are. Points of ingress and egress ARE the major vulnerabilities.

D2-3

c. While it could be argued that route designation within ACECs can be postponed to the implementation phase, it belies the fact that without being able to compare and contrast assets to vulnerabilities, neither the Bureau or the public can even assess whether the SIZE and SHAPE of the ACEC is adequate to the task. Sizing an ACEC requires an understanding of BOTH assets and risks.

4. The majority of the ACECs presented in the DRECP-DEIS were dependent on the route network provided for in the 2006 WEMO FEIS. After all, those route maps were the only ones available at the time the DEIS was being crafted [2009-

D2-4

2012]. Therefore it is safe to assume they were the basis on which the ACEC sizes and shapes were crafted.

5. There was no reason to believe at the time the DEIS was being crafted that the BLM would detour in any significant way from the 2006 WEMO FEIS, even though the summary judgement in the case basically ordered the Bureau to conduct a new route inventory.
6. Even after the publicly-generated results of the WMRNP were submitted, the Bureau maintained the position that it was enforcing the 2006 WEMO FEIS as a matter of consistent policy.
7. Therefore, the public commenting on the DRECP DEIS would have had NO OTHER BASIS on which to provide comments on the ACECs, had they the wherewithal to discover the footnoted mass designations, than to supply all the missing route information from the Appendix maps [which was not a fair burden in the first place] using the WEMO FEIS maps, THE ONLY OFFICIALLY SANCTIONED MAPS available.
8. Public review and comment on the DRECP DEIS closed February 23, 2015. This date is significant.
9. Over one year later, on March 11, 2016, the BLM reopened the comment period on the ACECs. The official press release regarding the reopening of the comment period treated this as only a correction of a ministerial error regarding publication in the Federal Register.
10. What neither the Federal Register notice or the Press Release for the reopening of the comment period addressed is the fact that in the meantime, on March 6, 2015, two weeks AFTER THE PUBLIC COMMENT PERIOD ON THE DEIS of the DRECP CLOSED, the BLM released the SEIS for WEMO. Without any hint of its coming, the BLM released to the public FOR THE FIRST TIME as a Preferred Alternative a Route Network of 15,000 miles. For those of you who are not math majors, that's approximately THREE TIMES as many routes as were in the 2006 WEMO FEIS, the 'most reliable' source of information on which the public could have used for reference in making comments on the proposed ACECs.
11. This leaves an unavoidable conclusion. The ill-prepared ACECs, which never should have been proposed for formal designation THAT REQUIRES PUBLIC REVIEW without any route information now, after the ability for public comment has passed, are in fact potentially subject to THREE TIMES as many vulnerabilities. This new and substantial information completely undercuts and undermines the adequacy of AND and ALL determinations as to the size and shape of the ACECs within the WEMO planning area. *If you weren't sure if the size and shape of an ACEC was adequate to the task before, now you have the unenviable position of being three times as unsure!*
12. This post-public review release of the WEMO SEIS itself is exactly the type of 'significant new circumstances or information' contemplated by 40CFR section

D2-4
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D2-5

1502.9[c] in requiring the agency to make an analysis and determination of whether an SEIS needs to be prepared on the ACECs.

13. The Federal Register notice failed to even acknowledge the WEMO SEIS.
14. Therefore, it is reasonable to infer that no analysis of the significance of the expanded route network's effects on the ACECs was done.
15. A. Proposing ACECs without known routes of travel is simply an untenable position.
B. Asking the public for reasoned comments and analysis on them without providing route information is a violation of NEPA. NEPA contemplates opinions, not guesses.
C. Proceeding to designation with maps which are now VASTLY different to the ones the public had access to during the comment period is just a suicidal violation of due process.
D. The lack of basic and critical information required for establishing meaningful participation required by NEPA has been compounded by the Bureau's insistence on closing public input without integrating this new and vital information.
16. To the idea that the routes identified in the SEIS are not relevant until an ROD, I would point out that the Bureau has already embraced them as a 'done deal' in other planning efforts. At the April 21st, 2016 meeting of the Consulting Parties to the Section 106 Programmatic Agreement, I specifically asked Bureau personnel if 106 planning efforts were made based on 2006 FEIS route inventory or the new SEIS inventory. The response was that all planning assumptions were made based on the SEIS inventory. Therefore, it would be disingenuous, hypocritical and just untrue for the Bureau to say that the SEIS was important enough to form the baseline for analysis in one setting and yet have no bearing on the public's opportunity to provide meaningful comments in another.
17. Due Process and NEPA requirements are clear. The public must be provided legally sufficient notice regarding proposed action and a meaningful opportunity to be heard. For that opportunity to be meaningful in a legal sense requires many elements, the most fundamental of which is SUFFICIENT information on which to provide meaningful comments. ACECs that lack the most fundamental information, that regarding the rationale for the choice of size and shape [which in turn are predicated on non-existent route networks] simply does not qualify as legally sufficient. IT IS DEFICIENT AS A MATTER OF LAW.
18. The NEPA issue with the ACECs of the DRECP is compounded by the fact that this is not an opportunity that can be made up for and/or corrected thru later proceedings. The NEPA analysis also considers how and where the public has opportunities for input. One of the main arguments offered by the BLM regarding the public's concerns over the designation of the DFAs is that the DRECP is a "programmatically" plan which does not approve ANY specific projects, and that the

D2-5
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D2-6

D2-6.1

D2-7

public will still have opportunity for review of individual projects. However, this 'post-designation' logic DOES NOT APPLY to the ACECs.

Historically, the management of ACECs has been an exclusively ministerial function that the BLM carries out internally, making management decisions and adjustments as circumstances warrant. The public often does not even find out about them until months or years after the fact. This scenario is NOT LIKELY TO IMPROVE as a result of the BLM's 2.0 Planning efforts. One of the 2.0 Planning effort's stated goals is to streamline review processes across the board. This specifically includes ACECs.

Therefore, RIGHT NOW, the time before the final designation of the ACECs is made, is qualitatively the ONLY time at which the public will have a meaningful opportunity for input on the overall framework of these designations. In the context of understanding and appreciating that this is the public's ONLY MEANINGFUL OPPORTUNITY to provide comment, it underscores how the lack of critical information negates NEPA compliance.

D2-7
Cont.

19. What is the answer?

20. Take this car off the train: Postpone the designation of the ACECs.

21. Postpone does not mean eliminate. Postpone means allow the WEMO process to proceed to a Record of Decision. Once the ROD is signed, the route inventory of the new SEIS will have the same force as that of the 2006 FEIS. The Bureau can proceed with a new, robust consideration of ACECs, even though the ROD is bound to be tied up in litigation just as its predecessor was. From an adjudicatory perspective, the postponement will probably prove a safer harbor in the long run for the ACEC process than the litigation that will follow the signing of the DRECP.

22. In the meantime, the pre-designation status of the ACECs as proposed in the FEIS will still act as a 'place-holder' that earmarks this land for management consistent with the conservation goals for which it was earmarked, in exactly the same way WSAs are managed, until a final determination is made.

D2-8

23. The Bureau should in all fairness give due consideration that with the haste of helping carry the DRECP to its conclusion gone, that the ACEC process can be extended over the course of a few years to allow for the kind of robust public participation the public has come to expect in this process and implicit in the CFR's requirement that they be individually noticed.

24. As a second alternative, which is still subject to judicial scrutiny for due process concerns, the Bureau could consider postponing ONLY THOSE ACECs which were put in indeterminate status by the lack of WEMO mapping information. Should there be ACECs for which route networks WERE adequately provided [something of which I lack personal knowledge] then conceivably those ACECs could be moved forward. I still maintain that the public processes of the DRECP were

D2-9

insufficient for NEPA standards. At least there was SOME route information, as opposed to NONE!

25. Lastly, postponing official designation of the ACECs will allow the Bureau the opportunity to revisit the wisdom of proposing a blanket one percent disturbance cap on all of the ACECs. In all other respects, the DRECP was created to be an adaptive management tool that allows for feedback from the field to inform management direction and the flexibility to implement changes over time. In the face of this adaptive management paradigm, the fixed target of the disturbance cap is not only NOT ADAPTIVE, but unduly restrictive. While some areas may already be near the one percent goal, others could be extremely far off, requiring severe and draconian measures to reach this target.

Some of the ACECs are proposed and designed to protect assets specifically associated with recreation. Here the disturbance cap would work at clear cross purposes to the reason for creating the ACEC in the first place by a prejudicial assumption that any routes in excess of the disturbance cap are inherently bad or otherwise unnecessary. In others, it could be readily found that adaptive management calls for more narrowly tailoring the boundaries of the ACEC to balance the needs for access and the ability to provide enforceable regulations against protection of the asset[s]. In those cases, the 'bright line' of the disturbance cap is the equivalent of the tail wagging the dog. While this may be a cute attribute for a domestic animal, it has no place in an adaptive management plan for our desert.

As a final thought on the blanket imposition of the one percent disturbance cap, I would like to share with the Bureau an apropos observation. As the philosopher Ralph Waldo Emerson put it two hundred years ago, "A foolish consistency is the hobgoblin of little minds."

Thank you in advance for your careful consideration of my comments. If you or anyone else in the Bureau have questions or concerns about them you or they would like to discuss, I will be more than happy to do so after the comment period has ended.

Sincerely,

Mark Algazy, Esq.

↑ D2-9
Cont.

D2-10

RUTH HIDALGO
2844 Brookhurst Court
Palmdale, California 93551
661-946-1722

May 4, 2016

To: Vicki Campbell
DRECP Program Manager
2800 Cottage Way
Suite W-1623
Sacramento, Ca 95825

RE: DRECP ACEC Comment

Dear Ms. Campbell:

Kindly consider this formal comment with respect to the proposed ACECs in the DRECP. I do not feel the ACECs as per final draft of the DRECP should be designated for the following reasons:

1. The ACECs in the draft plan contained worksheets for the ACECs. The worksheets became Management Plans in the final plan absent any input or proper notice. Each ACEC should be notice separately allowing public input on each one.
2. The ratio of new ACECs acreage to the actual footprint of DFA/VPL is excessive.
3. The ACECs were buried in massive plan that very few, if anyone, could actually grasp the entirety of. They were not properly addressed by the DRECP process to designate them thereby.
 - a. Meaningful public input is part of the legal requirements in designating a ACEC. A worksheet absent any routes or boundries buried in the massive DRECP plan is not designed to elicit meaningful public input.
4. The final plan threw in disturbance caps for the ACECs that were not part of the DRECP draft. The public was not given adequate notice, information or opportunity to address the issues with disturbance caps.
 - a. No OHV area within an ACEC should be subject to a disturbance cap.
 - b. Routes or baseline disturbance caps were not provided for public input.
 - c. The disturbance caps are arbitrary and should be calculated for each ACEC with proper notice on each ACEC and then a management plan created for each ACEC.

D3-1

D3-2

D3-3

D3-4

The DRECP was my first experience with the NEPA process. It is bewildering and overwhelming to those of us that just recreate in the desert. Do not designate a bunch of ACECs without giving us the chance to provide meaning input on the management of those public lands. Break it down with respect to the

Page 2

ACECs. Give all the information we need on each on to provide meaningful input. Give us notice on each one and time to properly respond to each one.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruth Hidalgo". The signature is fluid and cursive, with the first letter of the first name being a large, stylized capital 'R'.

Ruth Hidalgo

May 5, 2015
Ridgecrest, CA

To: Vicki Campbell,
DRECP Program Manager
2800 Cottage Way
Suite W-1623
Sacramento, CA 95825

Re: Notice of Areas of Environmental Concern on Public Lands under the DRECP

Program Manager,

I must take issue with regard to the inclusion of any portion of the proposed ACEC area designations in the Final EIS of the DRECP. The purported purpose of the DRECP was to justify areas of the desert with specific management plans for best land use. It was stated that the DRECP would close no roads or trails and was not to be a travel management plan.

1. The proposed ACEC's as defined in Appendix L are nothing but vague bullet points and boilerplate wish lists, with no boundaries, roads, trails, or other features to help determine resources to include in an ACEC, and how each would be managed. How can we make comments on such an indistinguishable outline?
2. Not making useable maps available at the onset to help develop quality comments and visions of the ACEC's being proposed is absurd. My first thought on seeing the Draft was a mistake had been made. When the same happened in the Final and then again in this Supplement Comment Period, I was astounded! I get the impression the BLM isn't taking the public's participation seriously! Some ACEC's as originally presented could not be identified without consulting a different map. This is disingenuous at best and intentionally deceptive at worst.
3. Adding an arbitrary 1% disturbance cap without some idea of how much disturbance is already on site is bad management and will be prone to massive disagreements of quantity and quality of the area. Disturbance caps mentioned in the Draft were indicated as going forward from the ROD. Caps proposed in the Final would include past, present and future. Some areas would already exceed



the specified cap. This is why public input is so important for the designation of any ACEC. This should not be done in one massive action!

4. As presented in the DPECP, the process of adding multiple ACEC's appears to be an afterthought, not appearing in the document itself, but only in Appendix L. 75% of the public not directly involved in the process have no idea what's in Appendix L and what it will do to the future of our desert.
5. If you compare the Draft to the Final you get the feeling of Bait and Switch being applied to the ACEC process. With little fanfare and public notice, the wording is quite different and the potential loss of routes and features to the recreating public is potentially massive.

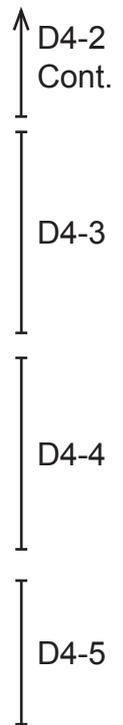
ACEC's should be assessed one at a time with valid and consistent public input as the process is completed. Adding bulk ACEC's with little public involvement is/and would be a travesty.

I would like to go on record in fully supporting two written comment documents that will be submitted before the May 9 deadline.

1. I am a voting member of the Public Lands Roundtable of Ridgecrest and fully support the comments being submitted by the Chairman Randy Banis. This consensus letter better explains my position.
2. I also fully support comments being submitted by Mark Algazy; Esq. Mark has really helped my understanding of the importance of getting this right. There will be plenty of time to do the ACEC's when it becomes necessary. Trying to do it all in one big bite, will give everybody indigestion.

Therefore I support withdrawing the entire ACEC process as outlined in the Final and each ACEC considered individually as necessary.

James Kenney
200 E Rader Ave
Ridgecrest CA 93555
j.kenney@verizon.net



From: **Mayank Keshaviah** <mkeshaviah@gmail.com>
Date: Thu, May 5, 2016 at 11:22 AM
Subject: Desert Renewable Energy Conservation Plan (DRECP)
To: vlcampbell@blm.gov, blm_ca_drecp@blm.gov

Dear Ms. Campbell,

As a resident of California, I am writing to express my concerns over the 1,300-megawatt power plant proposed for the Eagle Mountain area. I believe the project, while attempting to generate power in a less polluting way than fossil fuel sources, will nonetheless destroy the area's ecosystem through its excessive use of groundwater in the desert region.

I believe that you should allow Joshua Tree National Park to annex 25,070 acres immediately surrounding the hydropower project site, land which is controlled by the BLM. The BLM should also not permit Eagle Crest Energy a right-of-way to build power lines and water pipelines, a ban that would effectively end a project which has the potential to cause much ecological damage.

Eagle Mountain is prime habitat for bighorn sheep, golden eagles and desert tortoises, all of which have seen their habitats destroyed as development has crept deeper into previously untouched desert. Please do not allow this project to go forward, as it will destroy this natural resource, one that could provide benefits for Californians for decades to come if left undisturbed. Clean energy can be generated in other ways using methods that do not harm the environment. Let's explore those instead and not build Eagle Mountain power plant.

Sincerely,

Mayank Keshaviah

May 5, 2016

Vicki Campbell
DRECP Program Manager
2800 Cottage Way Ste W-1623
Sacramento, CA 95825

RE: McCoy Wash ACEC

Other proposed ACEC's may have more significant identified values, but because this important wildlife corridor is surrounded by your largest Solar Energy Zone, the preservation of the McCoy Wash ACEC is critical. Due to the concentration of present and future solar development in this SEZ, a significant power grid has been developed with more planned. This power grid has attracted increased solar development plans on the private lands in this area, some of which are in the vicinity of the wash. Because of the development in the SEZ and on private property surrounding this ACEC, it is critical that the McCoy Wash ACEC be of high priority to preserve this critical corridor of desert dry wash woodland habitat by acquiring the adjacent private lands and developing a plan addressing any conflicting uses.

Because of the amount of solar development and the disking of private lands preparing for solar development, Off Highway Vehicles have been "pushed" into and along the edges of McCoy Wash. This is why this ACEC is so critical. An initial disturbance cap of 0.10%, as I interpret it, has likely been exceeded. A higher cap must be accepted to preserve this corridor.

Very truly yours,

Sally Peterson

D6-1

May 9, 2016

Bureau of Land Management
DRECP Program Manager
2800 Cottage Way, Suite W-1623
Sacramento, CA 95825

Re: Notice of Areas of Environmental Concern on Public Lands under the DRECP

Dear DRECP Program Manager,

Kindly find my comments below on the BLM’s March 11, 2016, *Notice of Areas of Environmental Concern on Public Lands under the DRECP* (“Notice”).

Insufficient Time, Lack of Data

The National Environmental Policy Act (NEPA) requires a threshold level of information to be provided to the public in order to comply with the legal requirements for meaningful public participation. Specifically, 40 CFR 1500.1(b) provides that “the information must be of high quality” and that “public scrutiny (is) essential to implementing NEPA.” Furthermore, 40 CFR 1500.2 and 1502.8 both call for the environmental analysis to be “clear” and written so “the public can readily understand them.”

I found that sixty days was not nearly enough time to evaluate the BLM’s proposal to designate 134 new or expanded ACEC’s. Previously the BLM has offered the public at least 60 days to comment to designate just one ACEC. The materials provided by the BLM lacked the detail and completeness to conduct a competent public review of the ACEC’s.

The documentation fails to provide adequate landmarks and location information to determine the location of the proposed ACEC’s. Instead of depicting polygons, the ACEC worksheets Subregion map shows each ACEC as a single tiny square regardless of its size, and the placement of each poorly approximates the location. Even the location descriptions within the body of each ACEC outline document are often vague and lacking sufficient specificity for the public to clearly ascertain the actual location of each ACEC.

The unit maps were terrible for approximating location. Only the most major of freeways and highways are depicted rendering the actual location of the more remote ACEC’s impossible to determine. Rather than utilize the standard 1:24,000 USGS topographic backgrounds that the vast majority of the desert public understands, the background layers are unprofessionally vague, ghosted, and of too low a resolution to determine the ACEC’s location. The topographic features on the ACEC map background layers are indistinct and entirely unhelpful in ascertaining location.

Members of the public have asked BLM repeatedly to make its maps using 1:100,000 or 1:24,000 USGS topography. However, it seems that BLM’s GIS professionals keep wanting to use their label-free and featureless terrain layers.

D7-1

Please, once again — BLM must direct its GIS staff to use background map layers with more identifying features. In order to review these ACEC proposals, we need maps that show washes and springs, roads (both designated open and closed), topographic contours, place names, boundaries, and the other clearly identifiable data.

Most disappointing, however, was that BLM refused to provide me the GIS files that would have allowed my comments to be substantive. BLM project managers cut corners on the public comment process by merging together all 134 ACEC polygons into one single polygon for the DataBasin repository. As a result, the public can't see ACEC boundaries, nor can we search to find an individual ACEC that we can't locate due to the above problems with the unit maps and documents.

I understand the bandwidth concerns with serving 134 individual polygons through the DataBasin repository, which is why I asked for the GIS layer for the ACEC's. However, the refusal of the DRECP Project Manager to provide me a GIS file with the 134 ACEC polygons is in direct violation of the Open Data Policy set forth in President Obama's Executive Order "Making Open and Machine Readable the New Default for Government Information."

Therefore, I repeat here my request here the GIS file with polygons for the 134 ACEC's, and that I be granted an additional 60-days to complete my public review under the Notice. I also similarly request a copy of the BLM's Marxan file so that I can validate the variables and methodology that optimized the plan's results.

Inconsistent Language

Across the 134 ACEC management summaries is inconsistent language with respect to motorized travel. The terms "existing routes," "designated routes," "new routes," "unauthorized routes," "closed routes," and "undesignated routes" are often used interchangeably and are not defined in the Glossary.

These terms have specific meanings in travel management planning and in too many cases the authors failed entirely to understand them the same. Therefore, I offer the following definitions for the Glossary, and ask that all 134 unit management summaries be reviewed for the consistent application of these terms:

Existing Route

An **existing route** is a linear ground disturbance that is or has been utilized by motor vehicles as a route of travel, excluding singular incursions, and may or may not be designated for motorized use.

New Route

A **new route** is a linear ground disturbance that is or has been utilized by motor vehicles as a route of travel that did not exist prior to the prior baseline inventory of motor vehicle routes.

Unauthorized Route / Undesignated Route

An **unauthorized route** or **undesignated route** is an *existing route* that has not been designated for motorized use through a travel management process.

D7-1
Cont.

D7-2

Designated Route / Open Route

A **designated route** is an *existing route* that has been formally identified as allowable for motorized travel. A designated route may be restricted to certain vehicle types, seasonal usage, or administrative and specially permitted uses.

Closed Route

A **closed route** is an *existing route* that has not been formally identified as allowable for motorized travel. A closed route can be a *new route*, an *unauthorized route*, an *undesignated route*, or a route that was previously a *designated* or *open route*.

Regardless of the final definitions, the 134 management outlines need to be reviewed and revised so that the use of these terms is consistent throughout. I would also ask that the management outlines be run through a spell check to correct the high prevalence of typographical errors.

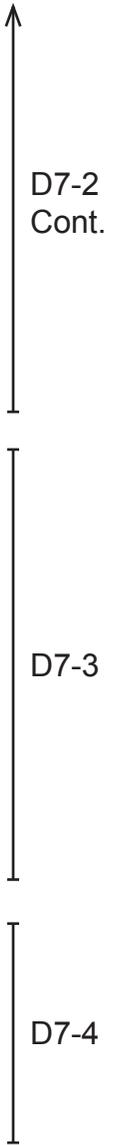
Disturbance Caps

The assignment of disturbance caps is arbitrary. Each of the 134 management outlines need to provide the formulas and calculations that were used to arrive at the various disturbance cap levels. The public was not provided any information that would allow them to evaluate and comment on whether a 0.25% value is appropriate in order to meet the stated Overarching Goals — or 0.5%, or 1% or 2%. Regardless, there is no documentation explaining how BLM arrived at these disturbance cap values, and no description of the rounding methodology.

I also question the need to round given today’s computerization. Rounding is intended to allow approximations for quick calculations in one’s head. If a disturbance cap value of 0.6823 is determined by calculation to be optimal for the efficacy of results, rounding to 0.5% will risk success, and to 1.0% will result in unnecessary and harmful restrictions. This is not the 1950’s and the BLM no longer works with slide rules. Disturbance caps that are presented as rounded integers or halves and quarters appear to be pulled out someone’s imagination rather than derived from a thorough calculation. Without seeing such calculations, I have to assume these disturbance cap values were simply made up.

Biased Against Recreation

The tone of language, and the apparent haste and lack of care in the writing of many of the *Recreation* and *Trails and Travel Management* sideboards shows a bias against motorized and motor-dependent uses. The management prescriptions are inconsistent, vague, and in some cases are clearly written by conservationists with too little understanding of recreation planning. I ask that the 134 ACEC management outlines be rewritten by a neutral writer rather than by resource specialists, who are not trained in effective writing, so that they read more clearly and less biased.

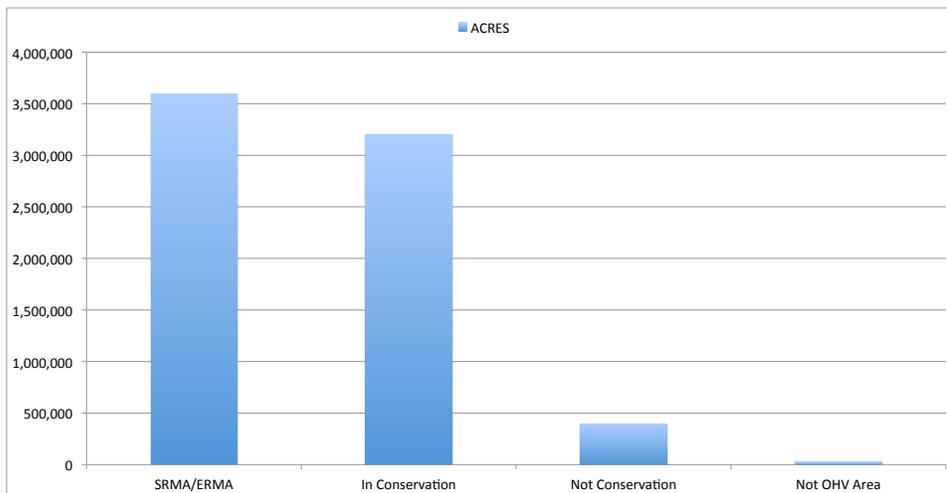


Conservation Out of Balance

The ACEC management outlines fail to justify the doubling of ACEC acreage, and they do not adequately explain why a radically high 60:1 ratio is necessary to offset the projected renewable energy footprint of just 81,000 acres, particularly when the DFA's are located where there are the lowest biological values, and they avoid migration corridors and other sensitive habitat.

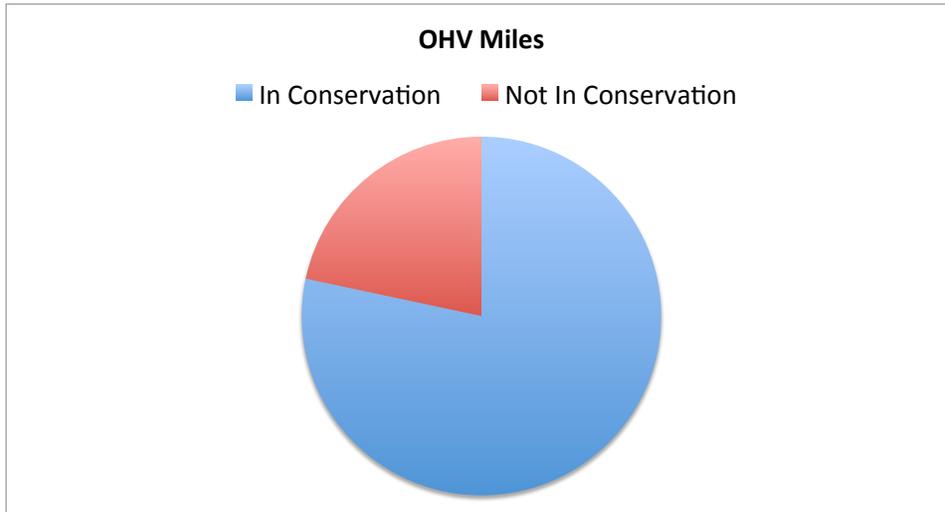
Furthermore, the slathering of ACEC's across virtually each and every acres of SRMA/ERMA lands completely neuters any and all benefits of these designations to recreation. That 78% of all designated routes will be subject to closure by the draconian, anti-recreation CMA's for the ACEC's is a total violation of the assurances given to recreation that the DRECP would not close roads.

	ACRES	% IN SRMA/ERMA	% IN LUPA
SRMA/ERMA	3,597,000	100.00%	33.09%
In Conservation	3,200,451	88.98%	29.45%
Not Conservation	396,549	11.02%	3.65%
Not OHV Area	27,549	0.77%	0.25%
* OHV Areas	369,000	10.26%	3.39%
* LUPA Total	10,869,000	33.09%	100.00%



D7-5
Cont.

	OHV Miles	Percent
In Conservation	11,420	78%
Not In Conservation	3,157	22%
Total	14,577	100.00%



D7-5
Cont.

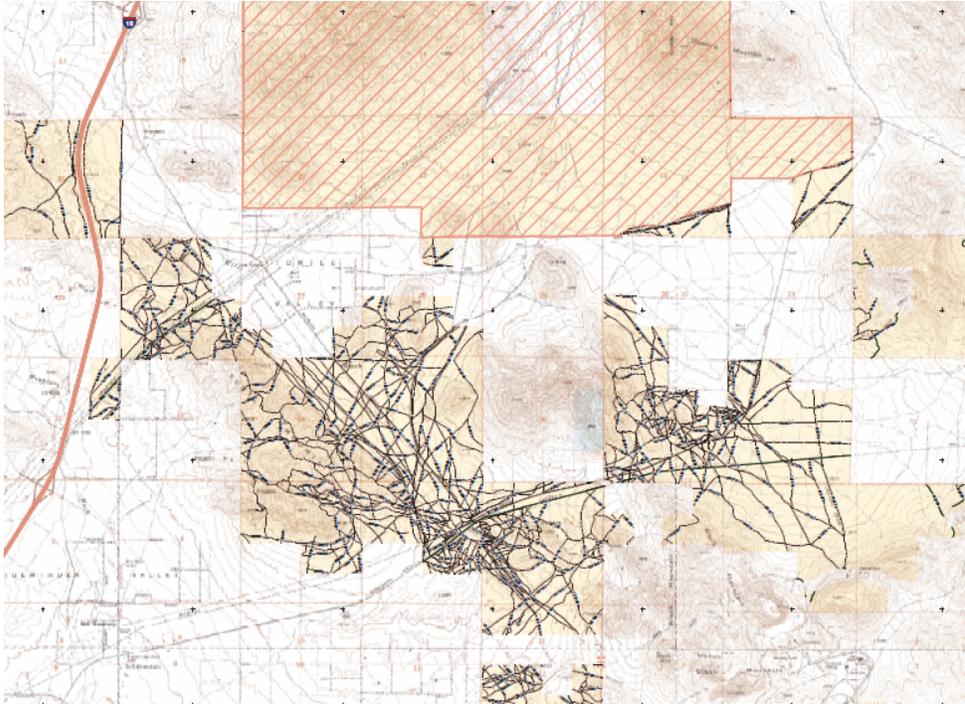
The DRECP Project Manager used me to court the support or silence of OHV leadership, then went back on their assurance. At meeting after meeting, the DRECP Project Manager stated to OHV leaders from all of the desert groups that the DRECP would not close roads, yet the proposed CMA's for the 134 ACEC's will do just that.

D7-5.1

All one needs to do is look at the proposed WEMO route designations for south of the Stoddard OHV Area (see figure below). These few hundred acres lack any remaining biological value (per USFWS & CADFW) and contains hundreds of miles of decades old, popular and regularly used OHV roads and trails — virtually all of which emanate out of backyards in the town of Apple Valley. Yet the preferred alternative for WEMO, which is supposedly consistent with the DRECP (even though it is does not have an ROD), closes every road and trail — except for one utility road, because of one's hubris decision to expanded ACEC into an OHV area that is all but denuded.

D7-5.2

Figure: WEMO Map 8-8, Preferred Alternative



D7-5.2
Cont.

Management Plans Require Fleshing Out

The documents referred to as Unit Management Plans are merely assemblages of skeletal bullet points that do not meet the bar of being “management plans.” These stark outlines still require considerable fleshing out to be actual management plans. In the draft documents these were called “worksheets,” which is a more appropriate description for them. These management priority bullets are far from being cohesive and comprehensive Unit Management Plans. I ask that each of the 134 management summaries be actually written — with full and complete sentences, no bullet points, so as to minimize the risk of conflicts over interpretation in the future.

D7-6

OHV Open Areas in ACEC’s

OHV Open Areas that exist within ACEC’s should be removed, i.e. Jawbone, Dove Spring, Olancho Dunes. OHV Open Areas are incompatible with ACEC’s and should be discrete and separate units. At a minimum, OHV Open Areas should be excluded from ACEC disturbance cap calculations, as should all designated motorized routes.

D7-7

Northern Lucerne Wildlife Linkage

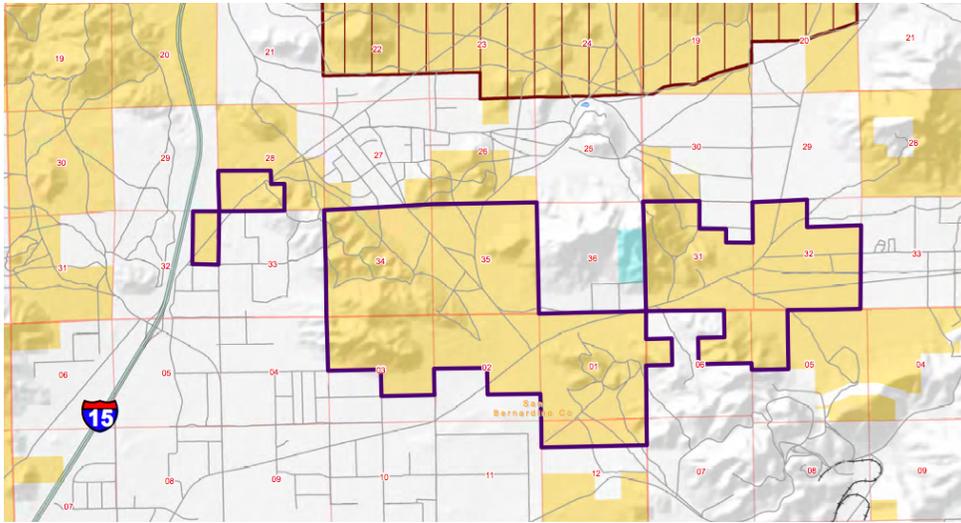
This ACEC must be eliminated or scaled back to exclude the acreage south of the Stoddard OHV Area and east of I-15. USFWS and CADFW do not view this ACEC as necessary to the health of the covered species. The western parcels of this ACEC are all disturbed lands with extremely low biological

D7-8

value and poor quality habitat. There are hundreds of miles of existing roads and trails here. The disturbance is so high here that every single road except one is proposed for closure in the WEMO Preferred Alternative in order to meet the arbitrary, unachievable, unreasonable and unrealistic disturbance cap of 0.5%.

This area is the subject of a proposed transfer of ownership to Apple Valley under HR 3668 to assist them in creating their own MSHCP/GCP. The BLM should do all that it can to assist progressive desert communities seeking to do the right thing by devising their own HSHCP/GCP's. However, in this case, by creating this only marginally justifiable ACEC the BLM is actually standing squarely in the way of Apple Valley's efforts to plan for conservation and growth in their community.

I urge the BLM to eliminate or scale back the Northern Lucerne Wildlife Linkage ACEC so that it does not contain the parcels in the figure below depicted for transfer to Apple Valley in HR 3668.



D7-8
Cont.

Other Specific ACEC Comments

Kindly refer to Attachment 1 for comments specific to the ACEC management summary bullets.

Regards,

Randy Banis
44404 16th St. W., Ste. 204
Lancaster, CA 93534
(661) 942-2429

Region Basin and Range

ACEC: Ayer's Rock

General

Cultural

Where is this "National Register District?" Are there currently designated routes in the "National Register District?" I was entirely unable to assess and comment on the impacts of management action because the "National Register District" is not depicted on the map. nor is its location described. Such restrictions must NOT be out in place until

|
D7-9
|

**Trails & Trav
Mgmt**

Recreation

Region Basin and Range

ACEC: Cerro Gordo Wilderness Study Area

General

Congress declined to designate this area as conservation when it purposefully omitted it from the 1994 DPA. This area should instead be designated a Special Recreation Management Area to better achieve the stated Overarching Goals, particularly with respect to recreation. Management protocols of SRMA would be identical to ACEC, including an exclusion from renewable energy development.

|
D7-10
|

Cultural

**Trails & Trav
Mgmt**

Recreation

Region Basin and Range, Mojave and Silurian Valley

ACEC: Death Valley 17 Wilderness Study Area

General

Cultural

**Trails & Trav
Mgmt**

This area is very important to recreation, including the popular destinations of Salt Basin and Denning Spring, and potentially to Sheep and Anvil Canyons. Therefore, this Management Plan requires a recognition of the NEMO designated route network, and the historic and diverse recreational uses, including hunting, rockhounding and OHV touring.

|
D7-11
|

Recreation

See above.

Region Basin and Range

ACEC: Olancha Greasewood

General

The 1,665 acres that overlaps the Olancha SRMA needs to be withdrawn from this proposed new ACEC. The SRMA Management Plan can adequately meet the Overarching Goals of the ACEC, and it would also excludes renewable energy development. Avoid future management conflicts, including potential disturbance caps calculations, by removing the Olancha SRMA from the ACEC.

|
D7-12
|

Cultural

**Trails & Trav
Mgmt**

Recreation

Region Not in CDCA

ACEC: Owens Lake

General

Cultural

**Trails & Trav
Mgmt**

Recreation

There are recreational concerns for protecting access to Dirty Socks Spring, and to the "Old Road" along the lake bed that parallels Hwy 136. There needs to be some recognition of the recreational uses of these and other areas in this proposed new ACEC.

| D7-13

Region Basin and Range

ACEC: Trona Pinnacles National Natural Landmark

General

The Management Plan states that the ACEC overlaps with the Red Mountain SRMA. However, the map for the Red Mountain SRMA depicts the ACEC as being carved out. This needs to be corrected -- does it overlap or not?

|
D7-14
|

Cultural

**Trails & Trav
Mgmt**

Recreation

Region Basin and Range

ACEC: White Mountain City

General

Cultural

**Trails & Trav
Mgmt**

Recreation

BLM should provide an appropriate campsite before it implements a camping closure.

┌ D7-15

Region Basin and Range

ACEC: White Mountain Wilderness Study Area

General

The narrative fails to discuss the Special Designations/Management Plan/Date which describes how and when the WSA came to be.

Cultural

**Trails & Trav
Mgmt**

Should be a Trails and Travel Management analysis for this area with significant motor vehicle use.

| D7-16

Recreation

Region Kingston-Amargosa

ACEC: Amargosa North

General

The expansion of this ACEC is too large and will have too great an impact on recreation unless there occurs a specific and localize public planning process for the expansion. I do not support expanding this ACEC.

| D7-17

Cultural

**Trails & Trav
Mgmt**

Recreation

Region Kingston–Amargosa and Mojave and Silurian Valley

ACEC: Amargosa South

General

The expansion of this ACEC is too large and will have too great an impact on recreation unless there occurs a specific and localize public planning process for the expansion. I do not support expanding this ACEC.

┌ D7-18

Cultural

**Trails & Trav
Mgmt**

Recreation

Proposed Management Action #3 needs to take place within a separate and subsequent public NEPA process. This Plan does not authorize a closure -- only an evaluation.

┌ D7-19

Region Kingston-Amargosa

ACEC: Ivanpah

General

I do not support the expansion of this ACEC. BLM does not need to expand the ACEC to manage the area in accordance with the Desert Tortoise Recovery Plan. Because of the overlapping SRMA and ERMA, the area already enjoys a exclusion from renewable energy development.

| D7-20

Cultural

**Trails & Trav
Mgmt**

Recreation

Region Basin and Range, Mojave and Silurian Valley

ACEC: Christmas Canyon

General

Remove the ~3,000 acres of the Spangler OHV Open Area that was absorbed by China Lake NAWS in the 2015 NDAA.

Cultural

**Trails & Trav
Mgmt**

Recreation

|
D7-21
|

Region Mojave and Silurian Valley

ACEC: Cronese Basin

General

Cultural

**Trails & Trav
Mgmt**

Should also read: Limit motor vehicle travel to designated routes.

Recreation

| D7-22

Region Mojave and Silurian Valley

ACEC: Denning Spring

General

Cultural

**Trails & Trav
Mgmt**

Should recognize motor vehicle travel on designated routes.

Recreation

Should contain a statement on allowable uses including camping.

|
D7-23
|

Region Mojave and Silurian Valley

ACEC: Soda Mountain Expansion

General

Cultural

**Trails & Trav
Mgmt**

Motor vehicle access to the WSA is limited to a few important roads and trails. It is important to mention this network here.

Recreation

|
D7-24
|

Region Pinto Lucerne Valley and Eastern Slopes; West Desert and Eastern Slopes

ACEC: Northern Lucerne Wildlife Linkage

General

This ACEC is a perfect example of how an ACEC that overlaps an SRMA can cause drastic road closures. The WEMO Preferred Alternative designates just one road through this ACEC when currently there are dozens of open roads here. A SRMA is supposed to protect recreational activities, but due to the overlapping ACEC, the SRMA designation lends absolutely NO value to recreation whatsoever. This is a scenario that will be reproduced all across the 5 million acres of ACEC's -- roads will be closed like never before seen.

D7-25

I oppose creating this new ACEC. The overlapping SRMA will exclude renewable energy development from this region, and both the USFWS and CADFW do not view this ACEC as necessary to the health of the covered species.

Cultural

**Trails & Trav
Mgmt**

Recreation

No need for interpretive signs or educational campaign because the WEMO Preferred Alternative proposes to designate only one road in the entire ACEC.

D7-26

Region West Desert and Eastern Slopes

ACEC: Barstow Woolly Sunflower

General

Cultural

**Trails & Trav
Mgmt**

There is a robust and popularly used designated motorized route network throughout the ACEC. There needs to be recognition of this network in a Trails & Travel Management section.

Recreation

| D7-27

Region West Desert and Eastern Slopes

ACEC: Big Rock Creek Wash

General

Appears that there is a desert dumping site along the dirt road on the east boundary.

Cultural

**Trails & Trav
Mgmt**

Recreation

| D7-28

Region West Desert and Eastern Slopes and Basin and Range

ACEC: Eagles Flyway

General

This ACEC should be withdrawn. The exact same protections are available to these acres through the overlapping NLC and SRMA designations. There is no need for this overlapping designation and it will complicate management in the region.

| D7-29

Cultural

**Trails & Trav
Mgmt**

Recreation

Region Basin and Range, Mojave and Silurian Valley, West Desert and Eastern Slopes

ACEC: El Paso to Golden Valley Wildlife Corridor

General

This new ACEC provides no further real benefits than those afforded under the overlapping SRMA and, therefore, should be withdrawn as redundant and unnecessary.

| D7-30

Cultural

**Trails & Trav
Mgmt**

Recreation

Region Not in CDCA

ACEC: Horse Canyon

General

If this ACEC does overlap the Middle Knob SRMA, the ACEC should be withdrawn as redundant. The stated threats, i.e. renewable energy and housing development, rockhounding, can all be address just as well through the SRMA Management Plan.

| D7-31

Cultural

**Trails & Trav
Mgmt**

Recreation

Statement that the ACEC is "not within a designated Recreation Management Area" contradicts the section Recreation Area that states that "the unit overlaps with the Middle Knob SRMA." This needs to be resolved. Prior to an outright ban on collecting, the BLM should work cooperatively with established rockhounding stakeholders (i.e. CFMS) to put in place an education program to address degradation of cultural resources and values and the unauthorized collection of vertebrate fossils.

| D7-32

Region Not in CDCA

ACEC: Independence Creek Wilderness Study Area

General

Portions of this ACEC that overlap the Alabama Hills SRMA should be removed from the ACEC as redundant. The SRMA provides adequate assurances for the stated Overarching Goals of the proposed new ACEC.

| D7-33

Cultural

**Trails & Trav
Mgmt**

Recreation

Region West Desert and Eastern Slopes

ACEC: Jawbone/Butterbredt

General

Both the Jawbone OHV Area and the Dove Springs OHV Area should be carved out and removed entirely from the ACEC boundaries. These incompatible designations will skew future disturbance cap calculations for the entire ACEC.

Cultural

**Trails & Trav
Mgmt**

Recreation

Camping should not be restricted to designated camp areas unless and until such actually exists.

|
D7-34
|

Region Not in CDCA

ACEC: Manzanar

General

Cultural

**Trails & Trav
Mgmt**

Motorized travel on designated routes occurs within this proposed new ACEC and should be recognized and allowed to continue.

| D7-35

Recreation

Region West Desert and Eastern Slopes

ACEC: Middle Knob

General

The CMA for this ACEC will mute if not mask any benefits of the overlapping Middle Knob SRMA.

Cultural

**Trails & Trav
Mgmt**

Recreation

| D7-36

Region Basin and Range, Mojave and Silurian Valley, West Desert and Eastern Slopes

ACEC: Mohave Ground Squirrel

General

Cultural

**Trails & Trav
Mgmt**

Recreation

Allowable Uses should include: OHV touring

| D7-37

Region West Desert and Eastern Slopes

ACEC: Sierra Canyons

General

This proposed new ACEC is redundant because the overlapping SRMA provides much if not all of the protections of the ACEC.

| D7-38

Cultural

**Trails & Trav
Mgmt**

Recreation

Region Mojave and Silurian Valley, West Desert and Eastern Slopes

ACEC: Western Rand Mountains

General

The .5% Disturbance cap is too low to allow for a reasonable and efficient motor vehicle route network to exist in this ACEC. Given that this ACEC has a Management Plan and a designated route network, the designated routes should here should be excluded from disturbance cap calculations.

| D7-39

Cultural

**Trails & Trav
Mgmt**

Recreation

Irene Fisher
Shield F Ranch
PO Box 1837
Barstow, CA 92312

May 9, 2016

Via Email blm_ca_drecp@blm.gov and First Class Mail

Ms. Vicki Campbell
DRECP Program Manager
2800 Cottage Way
Suite W-1623
Sacramento, CA 95825

Re: Areas of Critical Environmental Concern in the Desert Renewable Energy Conservation Plan
Proposed Land Use Plan Amendment, California

Dear Ms. Campbell:

As noted in my previous comment letters and protest to the DRECP, I am the owner and operator of the Shield F Ranch, located southeast of Barstow, California. I own 3,146 acres in fee and hold the lease to the Ord Mountain Grazing Allotment. My family has been ranching these lands for over 40 years and we are good stewards of the lands entrusted to us.

I firmly believe that our stewardship of the lands we hold has maintained and enhanced the high biological values found on our ranch. The importance of these values is highlighted in the DRECP through the designation of several ACECs and protected areas over our ranch and allotment. These ACECs are Ord-Rodman, Daggett Ridge Mojave Monkeyflower, and Rodman Mountain Cultural Area.

Many of our management activities and rangeland improvements, including the development and maintenance of waters, have benefited wildlife as much as they have benefited our cattle. For example, when we began ranching these lands bighorn sheep were not present in the area. Bighorn sheep did not repopulate the area until after our family began to actively maintain waters on the ranch and allotment 40 years ago. Today, there are breeding herds of bighorn sheep present on the ranch that rely on the waters we maintain for our cattle.

Given the benefits of our management activities, I continue to find it difficult to understand why development of rangeland improvements and any additional waters would require mitigation under the ACEC disturbance cap program. It would be helpful if BLM would explain the rationale for their inclusion or eliminate these activities from the types of actions requiring disturbance mitigation. I am attaching my December 14, 2015 protest letter where I provided extensive comment on the problems with the proposed disturbance cap program.

Sincerely,



Irene Fisher
Owner, Shield F Ranch
Phone: (760) 252-1350

D8-1

Attachment — December 14, 2015 Protest Letter

cc: Katrina Symons
Field Manager
Bureau of Land Management
Barstow Field Office
2601 Barstow Road
Barstow, CA 92311

Irene Fisher
Shield F Ranch
PO Box 1837
Barstow, CA 92312

December 14, 2015

Via Federal Express Overnight Delivery and Email

Director (210)
Attn: Protest Coordinator
20 M Street SE, Room 2134LM
Washington, D.C. 20003

Dear Director,

In accordance with 43 CFR §1610.5-2, I am submitting this protest regarding the Proposed Land Use Plan Amendment (LUPA) and Final Environmental Impact Statement (FEIS) for the Desert Renewable Energy Conservation Plan (DRECP). Specifically, I am protesting the disturbance cap provisions cited in chapter II.3 pages II.3-21 and -22 that includes the following wording: “(however, water developments or other range improvements requiring an Environmental Assessment or Environmental Impact Statement would be subject to the disturbance calculation and mitigation requirements).”

I am the owner of the Shield F Ranch (Ranch), a historic cattle ranch located in the West Mojave Desert southeast of Barstow, California. My Ranch is made up of 3,146 acres that I own in fee and I hold the lease to the Ord Mountain Grazing Allotment. For over 40 years my family has been ranching these lands. We are good stewards of these lands. We have developed waters and springs for cattle and wildlife. In fact, we did not see bighorn sheep in the Ord Mountains until we began maintaining the waters that we continue to use today. After my husband passed away, I have continued to manage the Ranch to maintain range health standards and for conservation including reducing the number of cattle I graze to conserve the land during this extended period of drought in California.

The Shield F represents a viable cattle ranch producing natural range fed beef. I am working with the BLM Barstow Field Office staff on updating the Ranch management plan to further enhance land health and biodiversity through innovative and proven ranching and conservation practices. I am submitting this protest because I believe my Ranch, my livelihood, and my stewardship of federal lands will be adversely affected by the disturbance caps policies in the proposed BLM LUPA and Final Environmental Impact Statement (FEIS) for the DRECP.

As background to this protest, I previously submitted extensive comments to DRECP Draft Environmental Impact Statement (DEIS) on February 23, 2015. A copy of this comment letter with the resulting agency responses are attached for your information.

The DEIS did not include any discussion on the use of disturbance caps in permitted livestock grazing programs. I am protesting this inclusion of any aspect of the livestock grazing program in the disturbance caps based on the following compliance issues under the National Environmental Policy Act of 1969 (NEPA).

Failure for Public Disclosure and the Lack of Opportunity for Public Comment

I have thoroughly reviewed the DRECP DEIS and cannot identify any notification or disclosure that the BLM rangeland management program or the involved agency permitting for livestock grazing and new rangeland developments had relevance or application to the land disturbance cap program developed under the Preferred Alternative in the proposed BLM LUPA and FEIS. Not knowing or understanding this relationship between the disturbance caps and range improvements, I did not comment on this vague and ill-conceived proposal in my previously submitted comments to the DEIS.

In addition, I have no way of knowing if disturbance caps apply only to new projects or to maintenance, management, or modification of existing rangeland management improvements as well. There is nothing in the language or any analysis to tell me.

The failure in the DEIS to disclose that agency approval of new rangeland improvements would be included in the proposed disturbance cap requirements precluded my opportunity to publicly comment to this proposed action as allowed under 40 CFR §1503.

Undisclosed Impacts to Livestock Grazing

Also in my reviews of both the DRECP DEIS and proposed BLM LUPA and FEIS, I can find no discussion or disclosure on what the expected impacts would be from adoption of this provision on the costs or the feasibility of permitting new rangeland improvements as authorized under 43 CFR 4120.3-1. I do not believe this current deficiency in the document is in compliance with the Council on Environmental Quality guidance provided at 40 CFR §1502.16.

One might take the position that including new rangeland improvement projects in the land disturbance cap program does not represent a significant effect to the human environment as defined by NEPA because it affects so few individuals, or the expected disturbance level is small and minuscule from a programmatic perspective. If the later argument is indeed true, then why would the DRECP propose saddling an already heavily regulated land use (e.g., permitted livestock grazing) with added permitting requirements and increased costs when the proposed action is not expected to have a significant effect in the conservation of resources in the California Desert Conservation Area (CDCA)?

The siting and development of needed rangeland improvements, especially water improvements, represent one of few options available to livestock producers to address and resolve animal distribution and rangeland health issues in a cost-effective and responsible manner. These water improvements are also critical for the maintenance of wildlife populations, such as bighorn sheep. Most existing rangeland improvements in the CDCA were funded by private investment from the involved rancher(s). This important management tool could be easily lost if the agency

permitting requirements for installing needed rangeland improvements are too burdensome, exceed the expected rate of return for the private investment, or exceeds our ability to pay the added upfront agency permitting costs.

The importance of and reliance on the future development of new rangeland improvements becomes even more evident when one considers expanded impacts that will result from the increased human presence and disturbance attributed to the numerous special land designations from the proposed BLM LUPA and FEIS that encumber the Ord Mountain Allotment.

The proposed BLM LUPA and FEIS encourage added human presence in the area through increased public recreation allowed by the proposed Special Recreation Management Area (SRMA) designation. With the Stoddard Valley and Johnson Valley Open Off-Highway Vehicle (OHV) Areas abutting the allotment immediately to the west and south, I am particularly concerned that the added OHV travel, access, and the associated land disturbances in the Ord Mountain Allotment will affect my existing ranching operation and the Desert Wildlife Management Area (DWMA) and Area of Critical Environmental Concern (ACEC) designations that are in-place for the conservation of the desert tortoise and other wildlife. As experienced in the past it is highly likely that the Ord Mountain Allotment will be used as a public causeway for OHV travel between the Stoddard Valley and Johnson Valley open OHV Areas. The development of future rangeland improvement facilities may represent my only option for continuing a viable ranching operation on the Ord Mountain Allotment based on the increased human impacts resulting from the proposed BLM LUPA and FEIS.

Due to the lack of information in the proposed BLM LUPA and FEIS on the expected effects resulting from this provision on public land ranching, I am extremely concerned that this provision has the very real potential to adversely affect the future viability of my existing public land grazing permit and the source of my livelihood. This fear also extends to include my neighbors who also hold and depend on their public land grazing permits for their livelihoods. There is no information presented in the proposed BLM LUPA and FEIS that I can rely on that will help me determine if this concern represents a reality or not.

Based on the lack of disclosure, I have to conclude that there is not enough information for the government to make a decision.

Requested Relief

In terms of requested relief, I can visualize only two options to resolve this protest. The BLM should either:

1. Include specific language in the Record of Decision that would exempt all actions pertaining to the BLM livestock grazing program, including the permitting and development of new rangeland improvements and maintenance and modification of existing range improvements, from the land disturbance cap program proposed in the proposed BLM LUPA and FEIS.

Or

2. Prepare a supplemental EIS (SEIS) that clearly informs the interested publics and agency decision makers how this proposed BLM LUPA and FEIS provision would realistically affect the permitting costs and the future use of new rangeland improvements to help implement livestock grazing practices designed to achieve rangeland health standards in the CDCA.

Thank you for your consideration of this protest to the proposed BLM LUPA and FEIS. I look forward to receiving your response and I am happy to meet with you to work out a resolution.

Sincerely,



Irene Fisher
Owner, Shield F Ranch
Phone: (760) 252-1350

Attachment — Appendix F DRECP FEIS Response to Comment Letter F165

cc: Katrina Symons
Field Manager
Bureau of Land Management
Barstow Field Office
2601 Barstow Road
Barstow, CA 92311

Comment Letter F165

Irene Fisher
Shield F Ranch
PO Box 1837
Barstow, CA 92312

February 21, 2015

Via E-mail docket@energy.ca.gov and First Class Mail

California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512



RE: Draft DRECP NEPA/CEQA Document and Draft Environmental Impact Report/Statement

Dear DRECP REAT Agencies,

As the owner of the Shield F Ranch (Ranch), I am providing comment on the Draft Desert Renewable Energy Conservation Plan (DRECP) and Draft Environmental Impact Statement/Environmental Impact Report (dEIS/EIR), California, 79 Fed. Reg. 57971 (September 26, 2014).

Our Ranch is a historic cattle ranch located in the West Mojave Desert southeast of Barstow, California. Our Ranch is made up of 3,146 acres that we own in fee and we hold the lease to the Ord Mountain Allotment, which is a 150,000-acre Bureau of Land Management (BLM) Cattle Grazing Allotment.

My family has been ranching these lands for over 40 years but cattle grazing has occurred on this land for more than 100 years. We are good stewards of the lands entrusted to us because the only way we know how to make a living off this land is by taking care of it — for both our cattle and the wildlife that thrive here. Our Ranch is a viable cattle ranch, raising natural range-fed beef. In the years we have been ranching these lands, we have developed waters and springs throughout the allotment that benefited cattle and wildlife alike, including bighorn sheep and countless other species. In fact, we did not see bighorn sheep in any number in the Ords until we began maintaining the waters when we began ranching here. My family and I are convinced that our work and maintenance of these waters has allowed bighorn sheep to return in number to the Ord Mountains.

What very few people seem to realize in this desert is just how much work ranching families do for the lands. We pick up the slack when BLM doesn't receive funds or have

F165-1

DRECP Comment Letter
Page 2 of 8

the staff necessary to do the actions they are required to do to manage the lands. We are the ones managing these lands. We are the ones fixing fences. We are the ones stopping trespass. We are the ones taking off cattle in bad years. We are the ones maintaining waters. We are the ones who know this land inside and out. And as a result, we manage our lands and allotments better than anyone else can and in a way that benefits all species.

The fact that we are good stewards should be evident by the fact that our Ranch is located in the Ord-Rodman Desert Wildlife Management Area (DWMA). This DWMA is a designated critical habitat unit for desert tortoise and has some of the highest desert tortoise populations in the West Mojave Desert, and the highest of the DWMA's. Time and time again, people whose goal is to protect the tortoise have tried to take away our ability to ranch these lands, but we have proven each and every time that cattle grazing is not detrimental to tortoise.

We have a long history of leadership and involvement in desert land use planning efforts including the Desert Protection Act and BLM's 2006 West Mojave Plan (WEMO). We strongly support the guiding principle of these plans to ensure that no one group of desert users is singled out and disproportionately bears the burden of their implementation.

While the 2006 WEMO isn't perfect, it recognized our allotment as an approved land use and gave us the right to continue our livelihood. We have been subject to several Environmental Assessments, the most recent being BLM's 2007 Environmental Assessment for Livestock Grazing Authorization (CA-680-06-78) for the Ord Mountain — which included a Section 7 consultation between BLM and the U.S. Fish and Wildlife Service (USFWS), and several lawsuits from various groups that would like to see our way of life put to an end. The result of all of the reviews by the agencies and the courts is that our ranching activities are not harming the land or the tortoise and we have the right to continue ranching.

DRECP Is Overwhelming and Confusing

Now comes the DRECP trying yet again to get my family off this land. The draft document in circulation is the biggest and absolutely most confusing and disjointed desert land use planning effort my family has ever seen. I wasn't able to read the whole document. To just get through the Plan, I would have had to read roughly 75 pages a day — with no time to figure out what it all meant.

This planning effort — which has been in process 6 years — has not sought out public input until NOW. There may have been meetings but nearly everyone I've talked to feels like the DRECP didn't care to listen or figure out what works. The DRECP affects everyone who lives and works in the desert. It isn't just about renewable energy. It is the entire California desert, all 22.5 million acres. And you've only defined a use for a small piece of it — just 177,000 acres for solar and wind — and then you practically designate

F165-1
Cont.

F165-2

everything else for conservation to keep people out. Never mind all the other land uses and ways all the rest of us, who live and work here, make a living in this desert. We are clearly not important to this planning effort. Frankly, the 151-day comment period is unacceptable. People have to work and earn a living. How are they supposed to read the DRECP? The comment period needs to be extended so we can understand what the document says and how it's going to affect our lives.

No Common Sense

The DRECP acknowledges that the best tortoise habitat in the West Mojave Desert is in the DWMA and allotment. This is not a mere coincidence. As I said before, *we are good stewards of our lands*. Studies on the effects of light and moderate grazing within desert environments indicate that it has no significant impact to the ecosystem and may actually benefit it. I suggest that you review these studies before you continue with the DRECP effort and wipe cattle grazing off of desert lands.

Despite the fact that the DRECP says it wants to protect the tortoise, it proposes to swap our cows, which do not harm tortoise or the environment, for off roaders, who do far more damage than my cows ever could.

DRECP Proposed Land Use for DWMA

As far as I can understand, the DRECP's Preferred Alternative does the following:

1. Designates the DWMA as National Landscape Conservation System (NLCS), which does not appear to provide any more protections than are there now. As stated above, the area is already a DWMA and critical habitat unit.
2. Designates our Ranch as a priority for acquisition so the allotment is retired (which will end our management activities).
3. Opens the majority of the DWMA/NLCS designated areas to off-road vehicle use by putting a Special Recreation Management Area (SRMA) designation on top of everything.
4. Designates a Future Assessment Area (FAA) over the southwestern corner of the allotment and then designates a Development Focus Area (DFA) right next to the western boundary of the DWMA.

In my mind, the DRECP can't do all these things that will negatively affect the land I spent the last 40 years ranching with my family — to the benefit of all species found here — and then tell me that it is my cattle and my way of life that need to go.

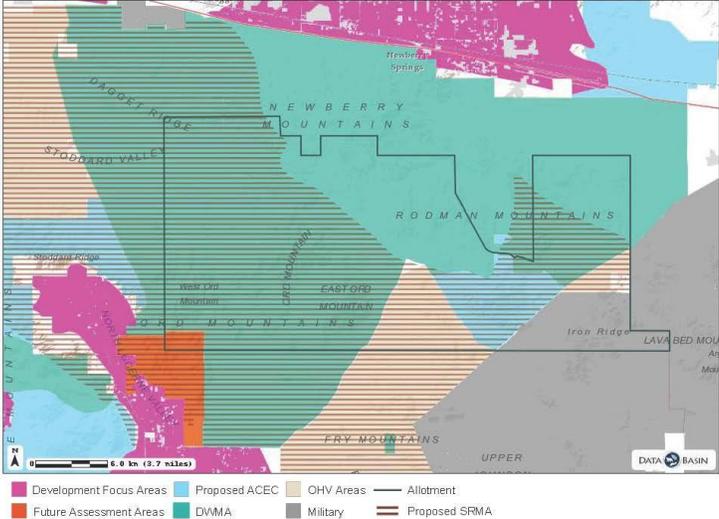
↑ F165-2
Cont.

F165-3

F165-4

F165-5

Ord Rodman DWMA – Preferred Alternative



F165-5
 Cont.

I have lived and worked on this land for over 40 years. I know how special it is and what it takes to keep it that way. I know how hard it is to manage trespass and vandalism. We are the ones doing the work on this land each and every year, maintaining springs and other water sources, fencing, and encouraging the public to use the land correctly. And now you want to take us off, to open it up to off-road vehicle use and put solar and wind development right up against the DWMA.

All of this makes no sense to me!

How is allowing off-road vehicle use of this area more protective of its resources than allowing cattle grazing?

What is the benefit of taking away the management we provide of this area? The DRECP is undoing all the values created and protected by our Ranch.

Where is the analysis to support changing and intensifying land uses in a DWMA?

Elimination of Grazing

The DRECP appears to be trying to make the case that most of the problems now facing the desert are due to grazing and the way to correct the problem is to totally eliminate this activity. In fact, it eliminates 16 grazing allotments in the planning area (Chapter III.16, page 5).

While the Ord Mountain Allotment is not identified to be terminated, it is a priority acquisition target (Appendix H, Table H-10). The DRECP seems to want to remove our grazing without any analysis as to what would happen if the allotment is terminated. It only makes the assumption that termination would be a good thing for the desert tortoise in the Ords. From being on this land for as long as I have, nothing I have seen or experienced on our Ranch supports this assumption.

Rather, this assumption is not reasonable for the current situation or for the future. It doesn't address the value of the habitat currently present or how future management will be provided. Who will manage this land when we're no longer present? The BLM isn't able to do it now, and I can't find anything in the document that indicates this fact is going to change. They're underfunded and understaffed. What's going to happen in the future when the climate changes that you're predicting will make the desert grassier and more fire prone? How are these grassy areas to be managed — through the use of herbicides? Are you going to send people out to pull weeds? Do you know how tough that will be to do? It seems short-sighted that the future use of cattle grazing as a management method is not being considered.

The DRECP also takes a blanket approach that all grazing is bad grazing. This simply isn't true. Part of the analysis that needs to be done for grazing by the DRECP should include how different livestock graze and how different grazing management programs work. Studies done for the desert seem to start off with a bias and don't take into account that cattle do not eat plants all the way down to the ground; they leave forage for desert tortoise and other species. While in most areas of the state, grazing is considered a working landscape and included in conservation strategies. The DRECP should also include in their grazing analysis the role grazing can play in land health. In many places, goats are used for naturally clearing land of invasive weeds (versus using toxic herbicides) prior to habitat restoration. My understanding is that this method is actually preferred by wildlife agencies.

F165-5
Cont.

F165-6

Analysis of Grazing

Grazing has occurred in this desert for over 150 years. It has evolved from the wild west cattle barons portrayed in westerns into an important sector of our economy. Our ranches are run like a business. The health of our cattle depends on the health of our land.

Ranchers don't graze as they please; there are rules, regulations, and conditions we must adhere to. The DRECP acknowledges this. What is not discussed is that to be successful, ranchers must respect the land. Having overseen our operations for the last 40 years, I believe the high habitat values of the Ranch that are so highly prized by the wildlife agencies are due to grazing and our presence on the land.

I find it surprising that at this time when Americans are looking to local food sources, family farms and ranches, natural and organic beef, working landscapes, and sustaining local economies, the DRECP is blindly going backwards. The Natural Resources Defense Council (NRDC) has information on their website, www.nrdc.org, about how well-managed grazing operations generate environmental and economic benefits.

Since the creation of the Desert Protection Act, many allotments in the desert have been retired. Has it worked? Have all the unmanaged retired allotments solved the problem? Is the desert tortoise recovering? No. It hasn't. Instead the livestock industry within the County has been decimated and millions if not billions in revenue may have been lost to our local economy because more than cattle were lost. All the businesses and industries that were supported by our animals have been lost too and so are the dollars that all those businesses and their employees put back into our communities. All this is lost because it seems it's too difficult for regulatory agencies to take the enlightened approach and see that there are benefits to grazing. That it can be done right in the desert. We've been doing it right for 40 years to the entire desert's benefit.

I agree and recognize that conservation and protection of the desert is of paramount importance and I want to continue to support that effort. The ranchers shouldn't be the enemy here — we should be partners in landscape conservation. One industry shouldn't be sacrificed for the benefit of another — in this case ranching for renewable energy development.

DRECP and WEMO

To further complicate the public's review from what I can tell, the decision being made on grazing is being divided up between two plans, the DRECP and the yet to be released update of WEMO. It is impossible to know how my Ranch will be impacted, let alone provide my comments, without being able to review both plans. Frankly, it is upsetting to be attacked from all sides and then only be given partial information to respond to. I cannot believe that CEQA and NEPA even allow for such a thing to happen.

F165-7

F165-8

The BLM is required to consult with ranchers and apply the four C's (Carefully Considered, Consultation, Coordination, and Cooperation) when making any decisions in regards to plans that will affect our grazing operations. This consultation is required by NEPA and I do not think it's been applied by the DRECP.

The public comment period for the DRECP should remain open until the public has the opportunity to see and review the draft WEMO Plan and the BLM has consulted with the ranchers.

County Position Paper

Thankfully, San Bernardino County recognizes the importance of ranching per its February 3, 2015 "County of San Bernardino Position Paper on the Draft Desert Renewable Energy Conservation Plan."

"The primary DRECP components that the County supports, assuming the italicized conditions are met, are as follows (page 2, bullet 3): *Conservation land as mitigation for renewable energy development on federal land, as long as conservation on federal land is prioritized first over conservation on private land, grazing allotment relinquishment is voluntary, and a mitigation bank for relinquished grazing allotments is developed such that unused allotments retain future use value."*

I support the County's position. But, based on my family's experience in the Ords, ranchers should also be allowed to provide mitigation opportunities without relinquishing their allotments if they propose a grazing management plan that aids in maintaining ecosystem values.

In closing, my husband loved to ranch and be on this land. He saw the need to protect and manage the lands for the wildlife and native species long before the environmental movement became popular.

Our family is here now and we are committed, but — just like we valued conservation before it was the "in" thing to do — we are realizing that the model in the desert isn't working — it's time for a new model — we can't keep repeating the same actions over and over again — we can't just keep acquiring land when we can't manage what we have — we can't just keep saying BLM will do it when we know they won't have the resources to do so.

We who live here, who work here — the people of this 22.5 million acre Plan Area — deserve something better, something that actually reflects who we are and where we live. And while the DRECP may have started with good intentions, right now it is just a giant stack of paper that changes nothing in a positive way. It will just end up being another

F165-8
Cont.

F165-9

F165-10

DRECP Comment Letter
Page 8 of 8

giant bureaucracy filled with a lot of old ideas that doesn't reflect the people or communities it's making decisions for. It is time to take a breather and get it right.

In closing, I make the following recommendations for grazing allotments:

- Grazing should not be eliminated from the Plan Area.
- BLM should work with ranchers to develop ranch management plans that continue grazing and land management for native species.
- The DRECP should create the real biological credit value for allotment lands. The higher the biological value of the lands, the more credits should be provided.
- The DRECP should not ignore existing legislation on the voluntary relinquishment of grazing allotments

Like my husband, I love this land and I want to continue to manage it for conservation and protect the Ord Rodman DWMA from intense OHV uses and renewable energy development that could destroy its natural resource values.

So that I can better understand what is going to happen to my family and our livelihood, I request that the next draft of the DRECP address all of my concerns in a thorough, clear, and concise manner. This may mean that some additional analysis needs to be completed.

Thank you for this opportunity to provide comments.

Sincerely,



Irene Fisher
Owner, Shield F Ranch

cc: Karen Douglas
Commissioner
California Energy Commission
1516 9th Street, MS-31
Sacramento, CA 95814

James Kenna
State Director
Bureau of Land Management
2800 Cottage Way, Suite W-1623
Sacramento, CA 95825

Ren Lohofener
Regional Director, Region 8
U.S. Fish and Wildlife Service
2800 Cottage Way
Sacramento, CA 95825

Charlton H. Bonham
Director
California Department of Fish and Wildlife
1416 Ninth Street
Sacramento, CA 95814

↑ F165-10
Cont.

F165-11

F165-12

Response to Comment Letter F165

Irene Fisher
February 21, 2015

- F165-1** Thank you for your comments. While they have not resulted in a change in the document, the BLM has taken them into consideration. BLM records indicate that you have a grazing lease on 136,188 acres of BLM lands. The Ord Mountain Allotment #08005 also contains 18,660 acres of private lands.
- F165-2** The BLM has taken this comment into consideration in developing the BLM LUPA and Final EIS. As described in Chapter I.1; Phase I of the DRECP is the BLM LUPA and Final EIS that addresses activities on BLM-administered lands only. See also Volume II which includes revised descriptions and mapping for the range of alternatives considered for the BLM LUPA.
- F165-3** The Draft DRECP and EIR/EIS had a 5-month comment period (9/23/14 through 2/23/15), which included one extension.
- F165-4** The BLM has taken this comment into consideration in developing the BLM LUPA and Final EIS. See also Volume II which includes revised descriptions and mapping for the range of alternatives considered for the BLM LUPA. Recreation designations (i.e., SRMAs and ERMAs) provide guidance for recreational management and formalize already existing recreational use; these designations to not create additional areas for recreation or modify recreational routes or access.
- F165-5** This comment has not resulted in a change to the document but the BLM has taken it into consideration.
- F165-6** This comment has not resulted in a change to the document but the BLM has taken it into consideration. The 16 allotments mentioned in the comment are in the final Land Use Planning steps for permanent closing. Many of these allotments were purchased by Fort Irwin as mitigation for the expansion of their activities. Two others were purchased by other nonprofit organizations many years ago and have been waiting for the BLM to finally close them.
- Congress has provided Public Law 112-74 that does not give the BLM an option to refuse the relinquishment of any allotments that are offered.
- F165-7** This comment has not resulted in a change to the document but the BLM has taken it into consideration. The BLM appreciates that you have 3,632 animal unit months (AUMS) and have only used an average of 348 AUMs per year over the last several years.
- F165-8** The DRECP is not a grazing document. It only addresses the public Resource Advisory Council's proposed Standards and Guidelines that were brought

forward about 10 years ago and it completes the relinquishment process on 16 allotments. It carries forward the decisions made in all of the other Land Use Plans and amendments made over the last 25 plus years.

The BLM is coordinating the WEMO and DRECP LUPAs to ensure consistency between the two decisions. Additional information on the relationship between the two decisions has been added to Volume I.

F165-9 This comment is not relevant to the LUPA and will be addressed in Phase II of the DRECP, as described in Volume I of this Final EIS.

F165-10 The BLM has taken this comment into consideration in developing the BLM LUPA and Final EIS.

F165-11 See responses F165-6 and F165-8.

F165-12 The Final EIS includes changes in response to public comments.

From: **Russell, David** <David.Russell@norfolk.gov>
Date: Mon, May 9, 2016 at 9:54 AM
Subject: Eagle Crest Hydropower Plant
To: "blm_ca_drecp@blm.gov" <blm_ca_drecp@blm.gov>

As a former resident of 29 Palms, I oppose the granting of permits for the creation of the Eagle Crest Hydropower Plant near the Joshua Tree National Park, as it amounts to an illegal taking of lands. The original contract with Henry Kaiser was specific in that the lands would revert to the National Park Service if the mine remained unused for more than seven years. It has remained unused for 30 years. It should be returned to NPS.

David Russell, GySgt, USMC (Ret.)

3127 Racine Avenue

Norfolk, VA 23509

From: **Scott Stephenson** <macsteps@gmail.com>
Date: Mon, May 9, 2016 at 10:20 AM
Subject: Desert Renewable Energy Conservation Plan (DRECP)
To: blm_ca_drecp@blm.gov
Cc: SCOTT STEPHENSON <macsteps@gmail.com>

Hi Vicky,

I just wanted to take a moment to say that as a Joshua Tree resident, I do not believe the proposal to build a plant that uses the water underneath Joshua Tree National Park should be approved. Desertification of Earth is happening fast enough. I understand that hydro plants are cleaner than other energy plants; however, water is so scarce and solving an immediate problem with a solution that could have a disastrous long-term impact on, not only the park and its inhabitants, but potentially residents in the area does not seem to be a wise choice.

Thank you,

Scott Stephenson

vlcampbell@blm.gov

To: Vicki Campbell or whom it may concern,

Federal Register Notice: **Bureau of Land Management**
[LLCA932000.L13400000.DP0000.LXSSB 0020000.16X] Notice of Areas of Critical
Environmental Concern in the Desert Renewable Energy Conservation Plan
Proposed Land Use Plan Amendment, California

ACECs – Non-Site Specific from Federal Register Notice

Special Unit Management Plans were developed specific for each ACEC and are contained in Appendix L of the DRECP Proposed LUPA and Final EIS. The BLM evaluated each proposed and existing ACEC within the DRECP to determine if special management was needed for the following resources and uses:

- Soil, water, air;
- Vegetation—including special status species;
- Fish and wildlife—including special status species;
- Cultural resources;
- Paleontology;
- Trails and travel management;
- Recreation;
- Land tenure;
- Rights of way;
- Minerals (including locatable minerals, mineral materials, and non-energy leasables); and
- Wild horses and burros.

Comment-1: The above bulleted list from the most recent Federal Register Notice (above) does not contain “Visual Resources” as part of the criteria for ACECs. under the proposed LUPA.

ALSO: While looking for the visual resource criteria in the DRECP FEIS I found the following.

III.20.3.11 CDCA Area Outside the DRECP Boundary

The LUPA Decision Area includes lands outside the CDCA boundary, where no ecoregion subareas have been defined. The visual resources elements in these areas are shown in **Table III.20-15**, including lands that BLM has classified as VRI classes I-IV, segments of *(remainder will not copy/paste)*

Comment-2: Table listed above does not exist in the DRECP FEIS

Comment-3: The “ecoregion subareas” have been defined and in this case is the “Basin and Range Subregion” for the Bishop Resource Management Plans (RMPs and other sites outside the CDCA within Inyo County.

Reference: “Volume II and Appendix L of the Draft DRECP” \0a_ACEC_Overview_Map.pdf & 0a_ACEC_TOC.pdf

Comment-4: Whether this omission was intentional or not is debatable. In my opinion it is another defective Federal Register Notice – again.!

D11-1

D11-1.1

Comment-5: Maps in the DRECP FEIS referenced include ALL alternatives, major existing disturbance elements and geographic points are not labeled with the exception of major highways. **Maps for the “Preferred Alternative”** should have been put in a separate file with an Internet link included within the “Federal Register Notice” to help you with your express intent to further “streamline” the process with better transparency and speedy public review of your notices. It might behoove upper level management to identify and remove any circumstances of incompetence which might cause any continuance of multiple refileings of Federal Register Notices thus further delaying any programmatic part of the DRECP.

D11-2

“• Trails and travel management;”

Comment-6: Your maps do not show travel routes and the current level of disturbance should include the total area of these already existing elements as part of the total disturbance area or raise the disturbance level to match that of the prescribed disturbance level and **allow no more disturbance at all**. WEMO maps provide already existing route and labels of landmarks data previously surveyed, ROW widths are defined, and designated route areas are easily able to be determined. It is a simple math operation involving already existing GIS data linkable to the DRECP shape files !!

D11-3

Comment-7: According to public knowledge the WEMO SEIS has been finalized with the ROD pending. FINISH WEMO and let’s all move forward !!

D11-3.1

ACECs – Site Specific

White Mountain City / Trails and Travel Management

Objective: Protect cultural and historic resources while providing visitor access to the area.

Allowable Uses: Motorized, non-motorized, non-mechanized, etc. including casual as well as permitted use.

Management Action: Close all routes leading off main road. Place road closure signs and boulder barricades

Management Action:

Limit vehicle use on branch routes from Wyman Creek road

Close, restore and/or rehabilitates translinear disturbance routes

Sign designated routes and boundaries of ACEC

Comment-8: See Comments 6 and 7 above.

Comment-9: All ACECs out side the CDCA footprint which are included within this notice should follow the WEMO rules for route designations.

D11-4

III.20 VISUAL RESOURCES

III.20.3.5 Owens River Valley Ecoregion Subarea

III.20.4.1 Transmission Lines

Comment-10: No new transmission lines west of highway 395 from N’ly boundary of DRECP southerly to highway 136. This would include “Independence Creek”, “Manzanar”, “Symmes Creek” and “Crater Mountain”.

D11-5

Comment-11: While we are commenting on “Independence Creek”. I suggest you hire a new geographer who knows their business. Independence Creek is 10 miles North of this location. The narrative in DRECP correctly identifies the water shed as “George Creek”. Note: It also may contain parts of “Hogback Creek” but the maps a so non-specific I can not tell for sure.

D11-5.1

Comment-12: No new transmission lines. This would include “White Mountain” and “White Mountain”, which are in the “Basin and Range Ecoregion Subarea”. (See also comment #3)

D11-5.2

Conclusions: As a member of the public I am unable to make any further objections, recommendations or factual conclusions from the materials as presented due to the poor quality of the maps presented and the lack of other supporting information. I also feel as though hit by a shotgun. As I recall these designations were to be handled individually Federal Register Notices not by the hundred.

D11-5.3

Thank you for this opportunity to comment and I wish you all well and eagerly await any response that I might receive from you regarding the matters commented upon above..

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