

Energy - Docket Optical System

From:
Sent: Monday, February 23, 2015 6:53 AM
To: Energy - Docket Optical System
Cc:
Subject: Comments on DRECP draft EIR/EIS
Attachments: CORVA Commentrs DRECP February 22.docx

California Energy Commission

DOCKETED

09-RENEW EO-1

TN # 75064

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February 23, 2015
California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512
Re: Draft DRECP and EIR/EIS

To whom it may concern:

Please find attached my comments on the DRECP draft.

Thanks

Bruce Whitcher

February 16, 2015
California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512
Re: Draft DRECP and EIR/EIS

1. I support locating renewable energy projects on private lands wherever possible instead of locating them on public lands. Once irreversibly altered by development projects public lands can never be the same. The use of public lands should be carefully weighed, and in general, preserved for future generations.
2. I support mitigation to maintain routes of travel through Development Focus Areas (DFA) that would be adversely affected by renewable energy projects. An existing designated route of travel is a public resource that should be protected to allow access to destinations beyond a DFA. Existing land use restrictions have already limited travel to a small number of corridors throughout the planning area. Additional barriers imposed by DFA's could make travel throughout the planning area all but impossible.
3. There should be a specific strategy for mitigating routes of travel through DFA's. In some cases this might require a boundary adjustment. Because renewable energy projects will not usually occupy the entire DFA it may be possible to relocate a road or trail within a DFA, but due to the constraints imposed by proper siting and construction of a replacement road or trail this may not be as easily accomplished as might be expected. Specific guidelines for relocating or rerouting roads and trails affected by DFA's, similar to those described in BLM Travel Management, are needed.
4. I support the exclusion of renewable energy development from SRMA's, ERMA's, and OHV open areas. Recreation is an important use of the desert, attracting millions of visitors every year. The projected power generation from DFA's in the Preferred Alternative is sufficient to meet future need. There is no need to locate energy projects on land that has significant value for recreation or conservation purposes.

5. OHV open areas should not allow renewable energy development. These areas were set aside for the purpose of OHV recreation by the CDCA. With the loss of nearly one quarter of the total OHV open acreage due to the expansion of the Twenty-nine Palms Base into Johnson Valley these areas are all that remains for open OHV use. These areas should be protected for use by future generations.
6. I am especially concerned that inclusion approximately 4,400,000 acres of land into the NCL designation has the potential to remove a significant number of roads and trails from public use. Although the DRECP, by itself, does not close any roads or trails, it establishes new conservation areas through designation of NLC lands. The effects of NCL designation on future travel management planning are as yet unknown. Implementation of NCL should be done with great caution lest it lead to unintended consequences such as litigation that imposes closure of access to public lands that was not the original intent of the DRECP.
7. Conservation Management Actions for areas such as SRMA's are described in Appendix L, however these prescriptions are subordinate to Area Wide Plans such as NCL if they are less restrictive than the Area Wide Plan. Because of this the Area Wide Plans could lead to future travel management decisions to close roads and trails in most if not all of the NCL lands in spite of the more detailed CMA's intended to allow motorized use.

For example Comprehensive Trail and Travel Management for the CDCA in NCL areas, as described on page II.3 page 317 states:

"Future travel management planning will emphasize travel on routes that provide for the enjoyment and enhancement of the ecological, cultural, and scientific values for which individual units are designated, or necessary administrative access to conserve, protect and restore area values."

This section, which paraphrases the Omnibus Public Land Management Act of 2009 [PL 111-11, Sec. 2002] and the BLM Manual section 6100, omits the term "recreation" from the values recognized for emphasis in future travel management planning on NLCS lands. This could be misinterpreted to mean *limiting* travel to *only* routes that serve ecological, cultural, or scientific values of the CDCA.

8. I contend that despite omission of the term "recreation" from the language in Public Law 111-11 that recreation is an important value established within the CDCA by FLPMA.

The Omnibus Public Land Management Act of 2009 [PL 111-11, Sec. 2002], which established the NLCS, states in subsection (c) that:

"The Secretary shall manage the system— (1) in accordance with any applicable law (including regulations) relating to any component of the

system included under subsection (b) [NOTE: i.e. FLPMA relating to CDCA]; and
(2) in a manner that protects the values for which the components of the system were designated [NOTE: i.e. CDCA].”

Subsection (d) states that:

(1) IN GENERAL.—Nothing in this subtitle enhances, diminishes, or modifies any law or proclamation (including regulations relating to the law or proclamation) under which the components of the system described in subsection (b) were established or are managed, including—
(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

In establishing the California Desert Conservation Area (CDCA) within the Federal Land Policy and Management Act of 1976 Congress found that:

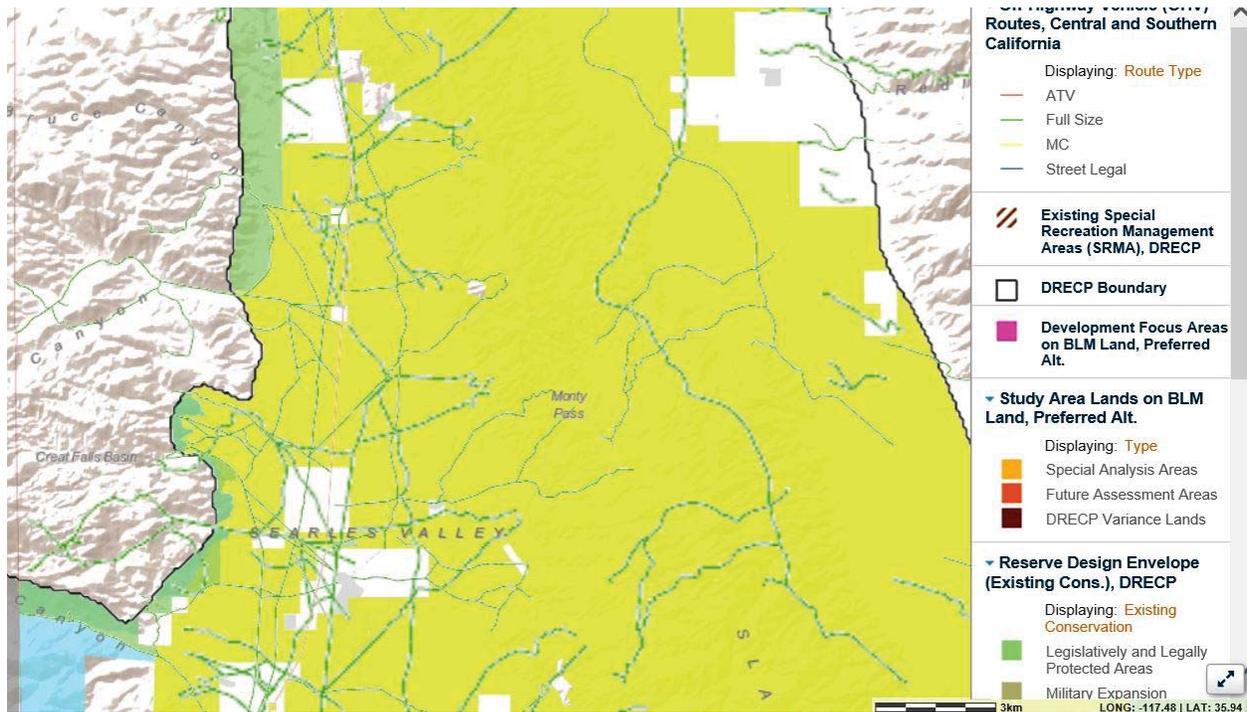
“the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources that are uniquely located adjacent to an area of large population;”.

In this section recreation is a Congressionally recognized value for which the CDCA was designated. Because Public Law 111-11 seeks to protect the values of which NLCS components were originally designated, “recreation” should be added to the values to be emphasized in future travel management planning.

Comprehensive Trail and Travel Management for the CDCA in NCL areas, as described on page II.3 page 317, should instead read:

“Future travel management planning will emphasize travel on routes that provide for the enjoyment and enhancement of the *recreational*, ecological, cultural, and scientific values_for which individual units are designated, or necessary administrative access to conserve, protect and restore area values.”

9. NCLS designation for the Panamint and Argus area is proposed under the Preferred Alternative. We contend that portions of this area do not meet the BLM’s criteria for NCLS designation, which include “intactness of the landscape” due to the presence of an extensive roads network. Please see the screen shot below showing GPS tracks of numerous roads and trails in the area.



11. Recreation within Conservation Planning Areas (CPA's) – Access to recreation sites, including roads and trails, should be preserved if they are located on private land purchased for mitigation purposes with developer fees. With over 1 million acres in privately owned CPA's in the Preferred Alternative fencing and closure of these lands to access via existing designate routes could significantly restrict desert recreation and the connectivity of routes of travel around the planning area.

12. Recreation within ACEC's could be significantly impacted by NLCS designation as well as Conservation Management Actions. We contend that because ACEC's are administratively designated that inclusion of these areas into the NLCS should not change existing uses allowed within these areas. It follows that the CMA's for ACEC's would also allow existing recreational use to continue.

13. The DRECP sets aside a significant amount of land for recreational use in the form of SRMA's, over 3 million acres. We support SRMA designation because it recognizes the importance of the recreation in the desert. This is included in major legislation such as FLPMA and the CDCA which states: "the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources that are uniquely located adjacent to an area of large population;".