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California Energy Commission

DOCKETED

09-RENEW EO-1

TN # 75285

FEB 23 2015

Subject: DRECP NEPA/CEQA Comments

To Whom It May Concern:

I support San Bernardino's County's comments and position paper regarding the DRECP and request for additional analysis and review of the DRECP. I also request that the DRECP should be amended to provide additional analysis and clarifications, particularly in the area of Outdoor Recreation. I also request that a revised DRECP and second review and comment period provided.

The discussion and analysis in Volume IV focuses to a significant extent on the impacts of renewable energy, however, renewable energy development is projected to cover less than one percent (1%) of the plan area (177,000 acres of the total 22.5 million acres of the DRECP area). Inadequate information, discussion, identification of impacts, or analysis are provided for the other DRECP components, particularly the designation of an additional 7.5 million acres of land for conservation and the resulting impacts of this designation and management policies and actions for this land.

Section II.3.2.3.8.2, commencing on page II-398 of the DRECP, discusses Conservation and Management Actions (CMAs) for management of BLM lands and makes general reference to maintaining the recreation setting characteristics and on the top of page II-399 even refers to such a matrix. However, little context or information is provided regarding these actions and how they would be applied. Reference is also made to Appendix L. However, this Appendix L is so poorly presented and organized, that information is virtually inaccessible. Nearly 150 worksheets are provided in this appendix only labeled by a number, such as ACEC part 10.1, with no other identification or key to locating the worksheet for a particular area. Nor, do these worksheets include a reference or discussion of the recreation setting characteristics matrix. The discussion of CMAs are so vague and general, it is almost as if someone was trying to obscure the purpose, intent, and operation of these CMAs. It even appears that the preparers of the environmental documentation in Volume IV were unable to adequately identify, discuss, or analyze potential impacts and mitigation in this area and merely repeated the information provided. There is an obscure footnote on page IV.18-30 that links to such a matrix, which does not appear to actually be a part of the DRECP document. However, the identification, discussion, analysis, or provisions of potential and available mitigation for the CMAs in this area are incomplete and inadequate and render the environmental documents inadequate. At the top of page 3 of this letter, I have provided a specific modification to the CMAs that are applicable to all areas to preserve existing access of vehicular routes in the all of the DRECP area.

The Recreation Setting Characteristics Matrix referenced in a footnote on page IV.18-30 (see Attachment 1 to this letter) limits group size to 3 or fewer people in the primitive classification. So, if I take my wife and two children on a hike (as I do) to view and explore petroglyphs, intaglios, ancient Indian trails, rock-hounding, gem collecting, exploring the Old Spanish Trail, or other historical, cultural, geological, or biological resources, we would be in violation. I shudder to think when I now take my children's family and my grandchildren on such a hike, all seven of us are in violation. Or, if I join a hike

with the Desert Peaks Section of the Sierra Club with more than 3 people, again, we would be in violation. It appears that the preparers of this matrix do not live, work, recreate, or play in the desert and have anti-social tendencies, or they simply failed to adequately consider the implications of what they wrote. Many have written or commented about the desire to preserve the desert for future generations, veterans, or various other groups. The key is that these are groups of people who enjoy the desert and its many resources. Please preserve access to desert values by groups of people who live, work, recreate, and otherwise enjoy the desert. The desert is not a place just for plants and animals, but has provided areas for homes, work, travel, recreation and enjoyment throughout the history of this country, as well as for many people even before the founding of this country. The Recreation Setting Characteristics Matrix needs substantial review, discussion, and modification if it is to be used in managing lands in the California desert.

Section 15140 of the CEQA Guidelines require that “EIRs shall be written in plain language . . . so that decision makers and the public can rapidly understand the documents”. Unfortunately, the DRECP and the supporting environmental documents fail this requirement. Impacts, particularly in Outdoor Recreation, are not clearly and plainly stated, adequately identified, or appropriately quantified. Furthermore, Section 15003(e) of the CEQA Guidelines requires that the EIR process will enable the public to determine environmental and economic values. There is not adequate analysis and quantification of information regarding economic values, especially relating to economic and fiscal impacts of the proposed by the DRECP, particularly regarding the removal of 1.4 million acres of private lands (this includes 284,000 acres for impacts compensation) from the tax rolls. Nor is there adequate disclosure and analysis of the of the social and economic values relating to outdoor recreation and the loss of tax revenues to the State and County associated with the significant adverse impacts identified to Outdoor Recreation.. Section 15003(j) of the CEQA Guidelines further “requires that the discussion be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement”. The DRECP and supporting documents fails these purposes and policies by not providing adequate analysis or disclosure, particularly relating to Outdoor Recreation and its failure to adequately disclose or address adequate and available mitigation for the impacts on Outdoor Recreation.

Section IV.18 discusses effects on Outdoor Recreation, which includes foot, mechanized, and motorized vehicle routes. The RECREATION SETTING CHARACTERISTICS MATRIX is only discussed in a footnote on page IV.18-30, and does not otherwise appear to be a part of the document, but appears to be critical to the discussion of impacts, analysis, or mitigation. Section IV.18 discusses effects of development within Development Focus Areas and provides Conservation and Management Actions, however actions are limited and do not adequately address and reduce impacts. Pages IV.18-29 through 33 discuss “Conservation and Management Actions” (CMAs) that would reduce the impacts of the Preferred Alternative. However, these are largely a mere repetition of the discussion in Volume II. Adequate identification of impacts, analysis, or mitigation are not provided. A Conservation Management Action (CMA) is identified for renewable energy development for trails, but not for conservation actions, especially the last “bullet” on page IV.18-31. Furthermore, where recreation designated areas overlap conservation areas, conservation guidance will prevail (DRECP, page IV.18-34 as an example, but also in Volume II).

To adequately address the impacts on recreational trails and remain consistent with the mandate to BLM to manage lands for multiple uses, it is imperative to adequately address impacts, that this (CMA)

item be strengthened and moved to the section on page IV.18-29, under CMA's (Conservation and Management Actions) Applicable to the Entire Planning Area. This revised CMA also needs to be added and incorporated into Volume II and other places that discuss these CMAs. The revised Conservation and Management Action applicable to all DRECP Areas should read:

If existing designated vehicle routes are directly impacted by development or DRECP activities, including conservation actions (including modification of existing routes and restricted access or full closure of designated route to the public), mitigation shall include the development of alternative routes to allow for continued vehicular access, with similar recreation experience. In addition to continued access, mitigation shall include construction of an OHV touring route which circumvents any closed area and allows for directional and interpretive signs to be placed at strategic locations along the route.

This revised action (CMA) would allow the millions of people annually to continue to access, use, and enjoy the desert areas of California, rather than be shut out. Many enjoy exploring the rich historical, cultural, rock-hounding, geological, and biological resources of the California deserts. Almost everyone who uses the desert, arrives and accesses areas by vehicle, including accessing trailheads. Please require that this access be protected!

Prohibiting or limiting vehicular access in the desert would have very significant economic and fiscal impacts, especially to Counties, but also to the State. Consideration should be given, including in the environmental analysis of the millions of dollars that are spent annually by the millions of people who live, work, travel, recreate, and otherwise enjoy activities in the desert. The sale of 4-wheel drive vehicles, off-highway vehicles, recreational vehicles, toy haulers, trailers, special equipment, and supplies, including gasoline, generates millions of dollars annually in sales and use taxes. Activities are not limited to OHV areas, but many explore and enjoy the varied resources all areas of the desert. The environmental documents are deficient and inadequate by not discussing, identifying, quantifying, or providing adequate and available mitigation.

Consideration of travel routes should not be limited to off-highway routes. In order to accommodate growth in this country, travel and commerce must also be considered. Critical highway; rail; and utility corridors, including, electrical, gas, water, and communications (telephone and internet) cross the California desert. California agriculture supplies a large part of the country. Provisions need to be included in the DRECP to accommodate or allow future growth and maintenance of these vital linkages. The present documents are inadequate and deficient in not discussing, identifying impacts, or potential mitigation in these areas.

Mining has also been critical in supplying resources for the growth and development of this country. These mineral resources should also be discussed. The present documents are inadequate and deficient in not discussing, identifying impacts, or potential mitigation in these areas, including economic impacts.

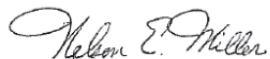
With respect to development of renewable energy additional discussion, identification of impacts, and appropriate and available mitigation for the impacts of erosion, particularly wind erosion, should be provided. Conservation and Management Actions (CMAs) should be identified and provided to reduce impacts related to dust resulting from clearing and maintenance of land in renewable energy projects. Using precious water (especially during this extreme California drought) to regularly water disturbed lands for dust control is not very effective or appropriate. An excellent CMA would involve minimizing disturbance to the existing vegetation and requiring solar panels to be installed over the existing vegetation. We have creosote bushes that are nearly 11,000 years old (oldest living plant, King Clone

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creosote, Johnson Valley OHV area, Lucerne Valley) as an example of just how unique and extraordinary the desert resources are. The Mojave Desert Air Quality Management District estimates that over sixty percent (60%) of the PM-10 and PM-2.5 in the air basin results from dust. Appropriate CMAs for this significant impact relating to renewable energy should be identified in the DRECP. Furthermore, when rain does occur in the desert, it is often in the form of short, very intense and concentrated bursts resulting in significant localized flooding and erosion. This is yet another reason to emphasize minimizing disturbance of the land for construction of renewable energy projects. These impacts should also be identified in the DRECP. Of course, this suggests that distributed generation and use of already disturbed and developed lands should receive greater emphasis in California's renewable energy efforts. Why is the government subsidizing the destruction of the desert? Rather, why not provide greater emphasis to subsidize renewable energy on existing and proposed buildings and parking lots? Even further expansion of Title 24 Energy requirements for new buildings of all types could be required to provide renewable energy and further require conservation of energy at the point of use, especially for non-residential buildings.

Thank you for the opportunity to review and comment on the DRECP and for consideration of these comments. However, I do request that the DRECP be amended to address these comments and the many other comments, especially from San Bernardino County, and that further consideration, review and comment be provided prior to the adoption of the DRECP.

Sincerely,

A handwritten signature in cursive script that reads "Nelson E. Miller".

Nelson E. Miller

Attachment 1: Recreation Setting Characteristics Matrix, referenced in footnote on page IV.18-30

RECREATION SETTING CHARACTERISTICS MATRIX

PHYSICAL COMPONENT – Qualities of the Landscape

	<i>Primitive Classification</i>	<i>Back Country Classification</i>	<i>Middle Country Classification</i>	<i>Front Country Classification</i>	<i>Rural Classification</i>	<i>Urban Classification</i>
Remoteness (approx. distance from routes)	More than ½ mile from either mechanized or motorized routes.	Within ½ mile of mechanized routes.	Within ½ mile of four-wheel drive vehicle, ATV and motorcycles routes.	Within ½ mile of low-clearance or passenger vehicle routes (includes unpaved County roads and private land routes).	Within ½ mile of paved/primary roads and highways.	Within ½ mile of streets and roads within municipalities and along highways.
Naturalness (landscape texture form, line, color)	Undisturbed natural landscape.	Natural landscape with any modifications in harmony with surroundings and not visually obvious or evident (e.g. stock ponds, trails).	Character of the natural landscape retained. A few modifications contrast with character of the landscape (e.g. fences, primitive roads).	Character of the natural landscape partially modified but none overpower natural landscape (e.g. roads, structures, utilities).	Character of the natural landscape considerably modified (agriculture, residential or industrial).	Urbanized developments dominate landscape.
Facilities	No structures. Foot/horse and water trails only.	Developed trails made mostly of native materials such as log bridges. Structures are rare and isolated.	Maintained and marked trails, simple trailhead developments and basic toilets.	Rustic facilities such as campsites, restrooms, trailheads, and interpretive displays.	Modern facilities such as campgrounds, group shelters, boat launches, and occasional exhibits.	Elaborate full-service facilities such as laundries, restaurants, and groceries.

SOCIAL COMPONENT – Qualities Associated with Use

	<i>Primitive Classification</i>	<i>Back Country Classification</i>	<i>Middle Country Classification</i>	<i>Front Country Classification</i>	<i>Rural Classification</i>	<i>Urban Classification</i>
Contacts (avg. with any other group)	Fewer than 3 encounters/day at camp sites and fewer than 6 encounters/day on travel routes.	3–6 encounters/day off travel routes (e.g., campsites) and 7–15 encounters/day on travel routes.	7–14 encounters/day off travel routes (e.g., staging areas) and 15–29 encounters/day on travel routes.	15–29 encounters/day off travel routes (e.g., campgrounds) and 30 or more encounters/day on travel routes.	People seem to be generally everywhere.	Busy place with other people constantly in view.
Group Size (average - other than you own)	Fewer than or equal to 3 people per group.	4–6 people per group.	7–12 people per group.	13–25 people per group.	26–50 people per group.	Greater than 50 people per group.
Evidence of Use	No alteration of the natural terrain. Footprints only observed. Sounds of people rare.	Areas of alteration uncommon. Little surface vegetation wear observed. Sounds of people infrequent.	Small areas of alteration. Surface vegetation showing wear with some bare soils. Sounds of people occasionally heard.	Small areas of alteration prevalent. Surface vegetation gone with compacted soils observed. Sounds of people regularly heard.	A few large areas of alteration. Surface vegetation absent with hardened soils. Sounds of people frequently heard.	Large areas of alteration prevalent. Some erosion. Constantly hear people.

OPERATIONAL COMPONENT – Conditions Created by Management and Controls over Recreation Use

	<i>Primitive Classification</i>	<i>Back Country Classification</i>	<i>Middle Country Classification</i>	<i>Front Country Classification</i>	<i>Rural Classification</i>	<i>Urban Classification</i>
Access (types of travel allowed)	Foot, horse, and non-motorized float boat travel.	Mountain bikes and perhaps other mechanized use, but all is non-motorized.	Four-wheel drives, all-terrain vehicles, dirt bikes, or snowmobiles in addition to non-motorized, mechanized use.	Two-wheel drive vehicles predominant, but also four wheel drives and non-motorized, mechanized use.	Ordinary highway auto and truck traffic is characteristic.	Wide variety of street vehicles and highway traffic is ever-present.
Visitor Services (and information)	No maps or brochures available on-site. Staff rarely present to provide on-site assistance.	Basic maps, staff infrequently present (e.g. seasonally, high use periods) to provide on-site assistance.	Area brochures and maps, staff occasionally (e.g. most weekends) present to provide on-site assistance.	Information materials describe recreation areas & activities, staff periodically present (e.g. weekdays & weekends).	Information described to the left, plus experience and benefit descriptions, staff regularly present (e.g. almost daily).	Information described to the left, plus regularly scheduled on-site outdoor demonstrations and clinics.
Management Controls	No on-site posting/signing of visitor regulations, interpretive information or ethics. Few use restrictions.	Basic user regulations at key access points. Minimum use restrictions.	Some regulatory and ethics signing. Moderate use restrictions. (e.g. camping, human waste).	Rules, regulations and ethics clearly posted. Use restrictions, limitations and/or closures.	Regulations strict and ethics prominent. Use may be limited by permit, reservation, etc.	Enforcement in addition to rules to reduce conflicts, hazards, and resource damage.

NOTE: This matrix can be customized to meet particular planning needs: 1) classes can be added, split, or merged; 2) characteristics can be added or deleted; 3) class names can be changed; and 4) the text can be modified. However, the concept of a spectrum must remain intact.