



OFF-HIGHWAY MOTOR VEHICLE RECREATION OHMVR COMMISSION

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February 18, 2015

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| California Energy Commission DOCKETED 09-RENEW EO-1 |
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Renewable Energy Action Team Agencies:

California Energy Commission
 California Department of Fish and Wildlife
 Bureau of Land Management
 U.S. Fish and Wildlife Service
 c/o
 California Energy Commission
 Dockets Office, MS-4
 Docket No. 09-RENEW EO-01
 1516 Ninth Street
 Sacramento, CA 95814-5512
docket@energy.ca.gov

Re: Comment letter on the draft Desert Renewable Energy Conservation Plan and EIR/EIS, Docket No. 09-RENEW EO-01

Dear Commissioner Douglas, Deputy Director Hunting, Director Kenna, and Regional Director Lohofener,

The California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation (OHMVR) Commission appreciates the opportunity to comment on the Draft Desert Renewable Energy Conservation Plan (DRECP) and EIR/EIS. The OHMVR Commission, working with the OHMVR Division, has a legislative mandate to ensure citizens of California have sustainable opportunities for off-highway vehicle (OHV) recreation, and founding legislation directs the OHMVR Division to administer a program to manage and enhance off-highway motor vehicle recreation uses, and motorized off-highway access to non-motorized recreation opportunities.

The OHMVR Commission has had a long-standing cooperative relationship with the Bureau of Land Management, one of the key signatory agencies of the Renewable Energy Action Team (REAT), in support of effectively managed OHV recreation.

Over the past year, the OHMVR Commission has received reports and updates from OHMVR Division staff on the development of the DRECP and its related components; primarily those that concern OHV recreation. The OHMVR Commission also heard numerous public comments and input from OHV stakeholders on the DRECP. Based on the reports and public input, the OHMVR Commission approved a motion authorizing submittal of this comment letter on the Draft DRECP EIR/EIS.

The OHMVR Commission would like to acknowledge the voluminous nature of the DRECP and the collaborative efforts of the REAT and other cooperating planning entities it took to bring forth this document for public review and comment. With that said, the DRECP public draft document is not easy to read, and required much effort and use of investigative approaches to try to understand the concepts the Draft DRECP EIR/EIS is trying to

achieve. It required much “cross referencing” to attempt to understand the bigger picture of how the various components of the DRECP would work together.

One example in particular is in Appendix L (BLM Worksheets). Filing and labeling each BLM Worksheet separately would have made it easier to navigate and cross-reference them with other BLM Worksheets and tables. Comparative evaluation and review was difficult because many of the tables that referenced the BLM Worksheets were in various locations within the Draft DRECP and EIR/EIS. The BLM Land Use Plan Amendment (LUPA) is one of the main components of the document, and the Worksheets are key descriptions making up the various LUPA polygons. Easy access and comparability is very important for reviewers to understand underlying differences, especially in a document of this size. In addition, it is important to correct various boundaries and coding errors on the maps.

Aside from the concerns and recommendations set forth below, the OHVMR Commission appreciates the strong protections the Draft DRECP and EIR/EIS provide for sustainable and responsible OHV recreation, primarily under the BLM proposed LUPAs. Recognizing and providing mitigation for impacts to recreation is a huge step in acknowledging the important role OHV recreation continues to play in today’s society.

The Draft DRECP and EIR/EIS (Volume IV, Section II. 3.2.3), through Conservation Management Actions (CMAs) for recreation, require mitigation by replacement, or compensation for displacement, of recreation opportunities or facilities. The OHMVR Commission appreciates the mitigation assurances, especially knowing that renewable energy development could have a direct impact on approximately 950 miles of designated OHV routes within the proposed Development Focus Areas (DFAs).

The Draft DRECP and EIR/EIS further propose to designate approximately 2.5 million acres as Special Recreation Management Areas (SRMA). The SRMA designation, apart from a couple of exceptions addressed below, will prohibit the development of renewable energy on those lands. The OHMVR Commission acknowledges that the proposed SRMAs are in areas currently managed by BLM for recreational emphasis; however, the SRMA designation would allow for additional protection of those recreation areas.

The OHMVR Commission recognizes the positive steps Director Jim Kenna, and BLM staff have taken to ensure OHV recreation opportunities receive equal priority among the many desert resources and values.

Based on our review and comments provided by OHV stakeholders, the OHMVR Commission sets forth the following recommendations for your consideration:

1. Incompatible Renewable Energy Development in a SRMA:

All action alternatives of the DRECP propose to designate BLM lands within the Ocotillo Wells State Vehicular Recreation Area (OWSVRA) as the Ocotillo Wells East SRMA. The OHMVR Commission appreciates that a SRMA designation will allow the BLM to manage these lands with an emphasis on recreation, and that the existing Memorandum of Understanding (MOU) with State Parks would continue. However, OHV stakeholders and OWSVRA staff are concerned that the action alternatives also propose a geothermal-only DFA overlay across most of the BLM parcels in this proposed SRMA.

The Draft DRECP and EIR/EIS reiterate throughout the BLM SRMA Worksheets and documents that **“renewable energy development is not allowed in a SRMA due to its incompatibility with recreation.”** This statement is contradicted within the Ocotillo Wells East SRMA where it states that: should a geothermal-only DFA overlay a SRMA (as proposed in the Preferred Alternative and Alternatives 1, 3 and 4), geothermal development will be allowed with a “no surface occupancy” restriction. Of concern is that Alternative 2 that allows geothermal energy development on these BLM parcels with surface occupancy. The OHMVR Commission strongly opposes not only any alternative that would allow renewable energy development with surface occupancy within a SRMA, but also any alternative that would allow a DFA within a SRMA or specifically, OWSVRA. The SRMA Worksheets, in which BLM states directly that renewable energy is not an allowable use, show contradictory actions by not only allowing renewable energy development within a SRMA, but also providing for such development within an established, highly valued, State Vehicular Recreation Area. Surface drilling and infrastructure would change the OWSVRA into an industrial landscape that could forever change the visitor experience. In addition, numerous private parcels within OWSVRA and the proposed DFA contain federally designated OHV routes. These private parcels also have high resource values that would be in conflict with renewable energy development.

The OHMVR Commission recommends the Final DRECP and EIR/EIS establish a “no surface occupancy” restriction for geothermal development in the proposed Ocotillo Wells East SRMA.

2. Mapping Errors:

OHMVR Division staff and OHV stakeholders found a number of mapping errors in the Draft DRECP and EIR/EIS that need correction prior to a record of decision for the DRECP and EIR/EIS. We recommend BLM work directly with OHMVR Division staff and OHV stakeholders to reconcile the errors. Errors include, but are not limited to:

- Underlying LUPA designation errors (SRMA and Areas of Critical Environmental Concern (ACEC) overlap)
- Errors on legends and ownership boundaries
- Proposed transmission corridors—although new transmission corridors are “conceptual” in the Draft DRECP and EIR/EIS, the proposed conceptual locations need refinement

3. How are OHV recreation stakeholders assured of having a “collaborative” role in the DRECP implementation plan:

It is vitally important for OHV stakeholders to have an opportunity to provide on-going collaborative input and not just be advised of changes and implementation steps. The proposed framework implementation plan states that this would take place between the Coordination Group and various stakeholder and cooperating agency groups/technical teams. What is missing from this proposed plan are the details of how this would occur and how the decision making process would ensure transparency and inclusiveness. Stakeholders provided input during DRECP scoping and public workshops, but received no “feedback” explaining the decisions, or who made them. Transparency in decision making is imperative for a planning document that involves dozens of stakeholders and cooperating agencies.

4. Overlapping BLM LUPA Designations – Spangler Hills OHV Open Area and Christmas Canyon ACEC:

In 1980, BLM established the Christmas Canyon ACEC, of which approximately 85% is within the Spangler Hills OHV Open Area. BLM currently manages the area for OHV Open Use. The DRECP contains irregularities with regard to the ACEC and the Open Area. The BLM Worksheet in Appendix L for the ACEC clearly states the following:

All Action Alternatives – Remove ACEC from the Open Use Area. Reclassify ACEC as Limited Use Land. Designate routes within this new Limited Use area.

No Action Alternative – Continue the current management of this area. Most of the Christmas Canyon ACEC is within a recreational vehicle Open Use Area. Under the No Action Alternative, open use by vehicles would continue.

Draft DRECP and ER/EIS Mapping Layers – Depict Christmas Canyon ACEC as currently being outside the OHV Open Use Area. Documentation available to the public, or supporting data within the Draft DRECP and EIR/EIS, do not support the assertion by BLM staff that the ACEC has already been removed from the OHV Open Use Area.

The OHMVR Commission recommends BLM staff reconcile the discrepancies in the Draft DRECP and EIR/EIS regarding the status of these overlapping ACEC and OHV Open Use lands. Expanding the Spangler Hills OHV Area to include the lands between its southern boundary and Savoy Road (RM284) could offset any reduction in OHV open use acreage resulting from the removal of the ACEC from the OHV Open Use Area.

5. Closure of Acquired Lands to OHV Recreation:

The DRECP proposes to prioritize the acquisition of private parcels (conservation planning areas) as one component of mitigation for renewable energy development. Public lands with designated motorized route networks surround many of the proposed acquisition parcels. These private parcels are frequently crossed with the roads and trails that connect to recreational destinations such as campsites, hiking paths, and historic mining sites.

If the California Department of Fish and Wildlife purchases and manages these conservation planning areas under the direction of its General Conservation Plan, OHV stakeholders are concerned about the possible closure of designated routes to motorized use. This could cut off key portions of the designated motorized route network within the desert that historically allowed access to numerous key recreation destinations.

The OHMVR Commission recommends that roads and trails on mitigation acquisition lands within these conservation planning areas remain open to the public and continue as designated motorized routes. This is an example where on-going collaborative involvement from the OHV community is imperative to ensure high value motorized routes with access to other recreational opportunities remain intact.

6. Obtaining Special Recreation Permits:

The Draft DRECP and EIR/EIS achieve conservation goals by designating several new or expanded BLM ACECs, and by adding lands to the National Landscape

Conservation System (NLCS). As we understand it, the ACEC and NLCS lands carry a variety of conservation management actions (CMAs) to foster the protection of various species and resources. OHV stakeholders informed the OHMVR Commission that many of these proposed ACEC CMAs would negatively affect the availability of Special Recreation Permits (SRPs) for both competitive and non-competitive OHV recreation events. As Director Kenna is aware, special uses on BLM administered lands has been a long standing historic activity drawing visitors and recreationists from around the country.

The OHMVR Commission recommends examination of the restrictions on the availability of SRPs not only via the Draft DRECP and EIR/EIS proposed LUPA, but also through BLM travel management planning processes. To accomplish this, we suggest continued consultation and dialogue with the OHV recreation stakeholders.

7. **Addition of SRMA/ERMA designations for other highly valued recreation areas:**
Under the Draft DRECP and EIR/EIS action alternatives, existing OHV use areas receive a SRMA designation. In most cases, the SRMA simply overlays the same acreage as the OHV use area; however, the SRMA allows for management and protection of valued OHV recreation which the OHMVR Commission supports. With that said, there are many other areas across the desert that will not receive a SRMA or Extensive Recreation Management Area (ERMA) designation yet are highly valued by OHV and motor dependent recreation communities. One example is the Vinagre Wash area between Yuma and Blythe. ERMAs are proposed only in the Preferred Alternative, and only within the Needles Field Office area, and are absent in all other action alternatives.

The OHMVR Commission recommends expanding SRMAs that overlap OHV use areas to include all access routes to recreational areas, and that areas important to motorized recreation within other BLM Field Office areas receive a SRMA or ERMA designation. ERMA designation, which is currently only proposed in the Preferred Alternative, should be included in one or more of the other action alternatives.

8. **Funding for non-biological activities within the DRECP planning area:**
The Draft DRECP and EIR/EIS establish a funding mechanism through developer fees to mitigate impacts related to the covered activities. The OHMVR Commission, based on feedback from the OHV community, is concerned that DRECP mitigation funding will not support the BLM proposed LUPA; specifically those associated with OHV recreation and proposed SRMAs and ERMAs. With any management changes, such as BLMs' proposed LUPA, funding is a key component for ensuring its sustainability in perpetuity. The Draft DRECP and EIR/EIS provide for developer mitigation fees to support monitoring and adaptive management practices on the biological side; however, the plan falls short of addressing funding mechanisms for monitoring, protection, and resources on the recreation or non-biological components of the plan. Planning for resources associated with travel management, such as signs, maps, training, and law enforcement patrols, is a key component that we recommend BLM addresses. The OHMVR Commission understands that mitigation funding will be made available for displacement of recreation routes and facilities; however, the concern with the OHV community is that without direct funding to support monitoring and support services required to manage the LUPAs, these historical uses could be closed and converted to

other land use designations. The Draft DRECP and EIR/EIS do not disclose the exact mitigation funding priorities between bio and non-bio resources and activities.

It is a concern of the OHMVR Commission that failure of BLM to properly provide for the financial needs of the recreation component of the DRECP LUPA may also put additional strain on the OHMVR Division' Grants and Cooperative Agreements Program.

The OHMVR Commission recommends that the DRECP and EIR/EIS amend the funding structure to ensure funding from developer fees is directed towards monitoring/enforcement, and support services associated with the BLM Travel Management Plan.

9. **Include recreation as an emphasized value in the NLCS:**

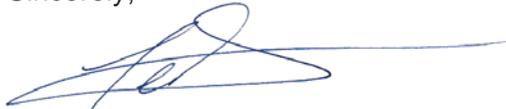
Concerns expressed to the OHMVR Commission indicated that under the BLM LUPA, within the Draft DRECP and EIR/EIS, the NLCS would emphasize routes that support a unit's scientific, educational, and cultural values. In the Draft DRECP and EIR/EIS, this statement omits "recreational" values. Congress created the NLCS designation in its 2009 Omnibus Lands Act. The Act specifically states BLM lands within the California Desert Conservation Area (CDCA) are eligible for inclusion in the NLCS. The act authorizes BLM to manage NLCS lands to protect, preserve and restore the values described in the unit's authorizing language. For the CDCA, "recreation" is a value clearly identified within this management unit. The OHMVR Commission recommends the addition of "recreation" as a value to be emphasized in future route designation efforts on NLCS lands.

The OHMVR Commission encourages the consideration and addition of the above recommendations in the final DRECP and EIR/EIS documents. We also strongly recommend that you work with OHV stakeholders and the OHMVR Division to reconcile data and mapping errors.

The OHMVR Commission appreciates the opportunity to review and provide comments on the Draft DRECP and EIR/EIS, and again, commends the steps taken to protect OHV recreation resources and values in California.

Thank you for your consideration.

Sincerely,



E. Theodore Cabral, Chair
Off-Highway Motor Vehicle Recreation Commission

cc: OHMVR Commission
Christopher C. Conlin, Deputy Director, OHMVR Division
Philip B. Jenkins, OHMVR Division Chief