



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

California Desert District

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In Reply Refer To:

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California Energy Commission DOCKETED 11-AFC-4 TN # 68807 DEC -3 2012
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Memorandum

To: California Energy Commission Dockets Unit MS-4, 1516 Ninth Street, Sacramento CA 95814-5512

From: Gregory P. Miller, Supervisory Projects Manager, Renewable Energy, California Desert District Office

Subject: BLM comments on the Preliminary Staff Assessment Part-B for the Rio Mesa solar project, Docket No. 11-AFC-04

Greg Miller

The Bureau of Land Management (BLM), California Desert District Office, is providing comments on the Preliminary Staff Assessment (PSA) Part B for the Rio Mesa solar project:

Section 4.2, page 3

If herbicide use is proposed as part of the Integrated Weed Management Plan, a site- and herbicide-specific analysis of impacts to the environment, including potential project related impacts of herbicide use to wildlife and plants, should be conducted.

Section 4.2, page 63

Creation of wetland habitat is not often successful and not a preferred approach to mitigating impacts to jurisdictional waters of the U.S. by the U.S. Army Corps of Engineers. Any attempt to create wetland habitat in the desert is likely to fail. Mitigation, preferably in the form of enhancement, should only be considered after impacts have been avoided and minimized to the fullest extent.

Section 4.2, pages 65-66

Please add a sentence that indicates that BLM requires impact avoidance for Special Status plant species.

Section 4.2, page 68

BLM recommends a minimum buffer distance of 300 feet around each population of *Eriastrum harwoodii*.

Section 4.2, page 69; pages 177-178

The alternative mitigation measures proposed (salvage, horticultural propagation and reintroduction, off-site habitat enhancement), for sensitive plants are often ineffective in mitigating impacts to plants. As

stated above, BLM requires avoidance of Special Status plants.

Section 4.2, page 179, #4 Conformance with BLM Plant Protection Policies

Please clarify that BLM may require salvage of cactus and succulents from a project site or require monetary compensation for destruction of these plants (see BLM Instruction Memorandum No. CD-2011-007, attached). Monetary compensation should be added to the list of options related to the disposition of cacti and succulents on project sites.

Thank you for the opportunity to provide comments on the PSA for the Rio Mesa solar project. If you have any questions regarding these comments please contact Kim Marsden, Natural Resource Specialist, California Desert District Office, at (951) 697-5223 or at Kim_Marsden@blm.gov.



United States Department of the Interior



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January 12, 2011

In Reply Refer To:
5400 (CA930)P

EMS TRANSMISSION: 1/12/11
Instruction Memorandum No. CA-2011-007
Expires: 09/30/2012

To: District and Field Managers
Attn: Foresters, Forestry Leads, and Botanists

From: Acting State Director

Subject: Disposal of Forest Products and Other Vegetative Resources

Program Area: Forest Management

Purpose: This Instruction Memorandum provides direction in four areas concerning the disposal of forest and other vegetative products: 1) Disposal of forest products including minimum appraised prices; 2) policy guiding Road Maintenance Funds; 3) policy concerning Free Use; and 4) the Extension in Time for Cutting and Removal. This direction is intended to bring consistency within the state. The individual Land Use Plans should provide additional forest and other vegetative product guidance.

Policy/Action:

1. The current policy for the sale of vegetative resources is found at 43 CFR 5420.0-6. This policy states that all timber or other vegetative resources to be sold shall be appraised and in no case shall be sold at less than the appraised value. Measurement shall be by tree cruise, log scale, weight, or such other form of measurement as may be determined to be in the public interest. (Note that product prices listed should be considered as the state's minimum values only and may be adjusted upward when the specific field office appraisal justifies an increase).

The local forest/vegetative products appraiser may establish an appraised value by using 10 percent of the local market selling price for low valued products such as, but not limited to, firewood, posts, poles, nuts, berries, cones, transplants, and boughs. For higher valued products, such as sawtimber, an analytical, transaction evidence, or comparable sales appraisal must be used. The appraisal method based on comparable sales data is the preferred method. All product appraisals must be documented in the official case file for the

project.

Minimum Price List

Product	Unit of Measure	Minimum Price
Fuelwood:		
a. Softwood	Cord	\$5.00
b. Hardwood	Cord	\$10.00
c. Pre-cut/stacked	Cord	\$30.00
Post & Poles:		
a. Line and Corner (7-8 ft)	Number (each)	\$0.40
b. Poles (standard -16 ft)	Number (each)	\$0.50
c. Poles (other size option)	Lineal Foot	\$0.05
Fence stays	Number (each)	\$0.10
Woody Biomass:		
a. Other (limbs, tops, etc)	Green ton	\$0.05
Christmas trees	Number (each)	\$3.00
Wildings (live transplants):		
a. Up to 6 feet in height	Number (each)	\$3.00
b. 6 to 10 feet	Number (each)	\$6.00
c. Over 10 feet	Number (each)	\$10.00
Burls	Pound	\$0.20
Pine nuts	Pound	\$0.25
Dry cones (no seed in cone)	Bushel	\$0.20
Mushrooms (all species):		
a. Gallon rate	Gallon	\$0.25
b. Day rate	3 days	\$15.00
c. Day rate	30 days	\$100.00
d. Weekly rate	1 week	\$25.00
Boughs	Pound	\$0.05
Floral & Greenery:		
a. Beargrass	Pound	\$0.20
b. Greenery	Pound	\$0.10
c. Stems (creosote, etc)	Number (each)	\$0.10
Mosses	Pounds	\$0.35

Notes for above table:

- Burls – If tree will be killed, sell entire tree by MBF.
- Various products – Above rates apply to commercial and personal use sales. Some products for personal use may also be free (see table below on free use quantities – section 3).
- Biomass - The sale and utilization of forest biomass is highly encouraged throughout the state. Wasting biomass (burning on site) will be the last alternative.
- Wildings – includes any vegetative material that is being purchased for transplanting. Cactus, yucca, shrubs, trees, etc., are included in this category.

Native and Other Seed

For seed pricing, utilize the Native Plant Seed Collection Pricing Table that is posted on the ESR website at <http://web.blm.gov/internal/wo-200/wo-220/ESR/seed/index.htm> . This table will be

updated each spring and fall to maintain current pricing. For species not listed on that table, determine the appraised price for a particular species by obtaining at least two wholesale prices, averaging those prices, and setting the BLM charge rate at ten percent of the averaged wholesale price.

Note: 1) Refer to specific guidance in your Resource Management Plans concerning sale areas, and species offered for sale (disposal). 2) Wilderness areas, wilderness study areas, campgrounds, and other specially designated lands are usually excluded from most vegetation removal (pine nuts and other seed collection may be allowed in these areas) – check your Resource Management Plans for specific guidance.

2. The following is the policy concerning the collection, deposit, and use of Road Maintenance Funds for forest and other vegetative products disposed of from BLM administered lands within the State of California.

A. Collection of Road Maintenance Funds

1. Road maintenance funds may be collected for all vegetative products sold. The road maintenance fee collected is twenty percent of the total product value (rounded to the closest dollar). Examples: A two cord firewood contract sold at \$5.00 per cord would have \$2.00 deposited into the road maintenance account; a \$3.00 Christmas tree tag would have \$1.00 deposited in the road maintenance account. Road maintenance funds are in addition to the product value (i.e., a \$10 firewood contract with a \$2 road maintenance charge equals a \$12 total contract value).

B. Deposits of Road Maintenance Funds

1. Road maintenance funds are to be deposited into the L91200000 road maintenance fee account. Those funds deposited come back to the office that deposited the funds minus a surcharge that is taken off to manage the account.

C. Use of Road Maintenance Funds (L91200000)

1. The functional area L91200000 funds are derived primarily from the sale of forest/vegetative products, and are only to be used for the repair or maintenance of roads that service forest/vegetative product harvest areas.
2. The L91200000 road maintenance functional area is to be managed by the Field Office Forester/Forestry Program Lead.
3. The Field Office Forester/Forestry Program Lead will annually prioritize any forest product access roads requiring maintenance and provide the list to the appropriate management staff in a timely manner.

3. The following is the policy concerning free use for forest and other vegetative products disposed of from BLM administered lands within the State of California.

- A. The objective of the free use and non-sale disposal authorities is to provide reasonable quantities of timber and other vegetative resources free of charge to qualified individuals, nonprofit associations or corporations, and Federal, State and local government agencies, when it can be demonstrated that such disposal will also benefit management of the public lands.
- B. Free use of forest and other vegetative products may be authorized to nonprofit organizations and governmental units, as authorized under the appropriate delegation of authorities (43 CFR 5510.0-3.b).
- C. In special circumstances, where it serves the interest of the government, and where an attempt has been made to dispose of forest and other vegetal products at minimum value, free use permits may be granted to the general public. In this situation, written documentation signed by the field office or district manager must clearly state the circumstances leading to the issuance of a free-use permit, including efforts taken to obtain the minimum value, and why the minimum value could not be obtained. This documentation will be attached to the file copy of the free-use permit and will be included in the project folder.
- D. Traditional native cultural gatherers or practitioners may be allowed free use, without permit, for culturally important plants using traditional native cultural gathering techniques. Local agreements are encouraged to support such gathering. Culturally important plants as used here includes a variety of flora, such as mosses, fungi and vascular, nontimber plants, including, but not limited to sedge, willow, hazel, redbud, agave, yucca, and sumac.
- E. The only form authorized for issuing free use permits is BLM Form 5510-1, Free Use Application and Permit.
- F. Free use permits issued to governmental units have no dollar limit per calendar year, but the vegetative materials must be used for a public project.
- G. Free use permits issued to nonprofit organizations have a dollar limit of \$100 worth of vegetative material during any one calendar year.
- H. The time limit or expiration time for any free use permit may not exceed six (6) months from the effective date of the permit.
- I. Under no circumstances will the products obtained under a free use permit be sold or bartered.

Free Use Quantity List

Product	Unit of Measure	Amount Per Year
Firewood	N/A	Unlimited for camping on Public Lands.
Pine nuts	Pounds	25
Berries – All Species	Gallon	3 per Species
Mushrooms – All Species	Gallon	5 per Species
Cones – With or without seed	Bushel	5
Greenery	Pound	10
Moss	Pound	10

Notes for above table:

- No permit or contract is required for personal, non-commercial uses of these renewable resources. (43CFR 8365.1-5) This section allows for the collection of reasonable amounts of commonly available, renewable resources such as flowers, berries, nuts, seeds, cones and leaves for noncommercial use. This table establishes the reasonable quantities for each product.
- Firewood – this is for firewood collected in the same general area it is to be utilized in.
- Pine nuts – this is a “per family” rate.

4. The following is the policy concerning the Extension of Time for Cutting and Removal.

- A. An extension of time for cutting and removing vegetative resources may be approved if a written request for extension is delivered to the appropriate BLM office prior to the expiration date for cutting and removal. Such request shall be attached to the original contract and retained for record.
- B. If the purchaser shows that the delay in cutting and removal was due to causes beyond their control and without their fault or negligence, the contracting officer may grant an extension of time. Such extension will not exceed one year (43 CFR 5473.4 (a)).

Timeframe: Effective immediately.

Budget Impact: None expected, however; the field should be more efficient when issuing contracts and permits with established procedures.

Background: There is no recent guidance for the state concerning the sales of forest and other vegetative products and there has been considerable turnover with both forestry and management staff. Updated direction is necessary in order to provide for a statewide standardized sales program.

Manual/Handbook Sections Affected: 43 CFR Subpart 5400 – Sales of Forest Products, 43 CFR 5510.0-3.b Nonsale Disposals and 43 CFR 8365.1-5 Property and Resources. This IM provides for establishment of a minimum acceptable price schedule for commonly used forest/vegetative products from California forest and range lands.

Coordination: This IM was coordinated with the BLM California foresters, forestry leads and the state botanist. Both the road maintenance fund and free use sections were also coordinated with the WO-270 forestry staff.

Contact: Questions pertaining to the sale of vegetative products should be directed to Skip Ritter, forestry program lead at (916) 978-4672; or Christina Lund, State Botanist, at (916) 978-4638.

Signed by:
James Wesley Abbott
Acting State Director

Authenticated by:
Richard A. Erickson
Records Management

Distribution

WO-270 (Attn: Jon Menten)