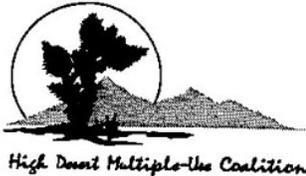




Mojave Trails Group



Friends of El Mirage

Friends of Jawbone

September 12, 2011

Via Email

Mr. Jim Bartel, Field Supervisor
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Rd., Suite 101
Carlsbad, CA 92011

DOCKET

09-RENEW WEO-1

DATE SEP 12 2011

RECD. SEP 13 2011

California Energy Commission
Dockets Office
MS-4, Docket No. 09-RENEW E0-01, Scoping Comments
1516 Ninth St.
Sacramento CA 95814-5512

Re: Public Scoping for the Desert Renewable Energy Conservation Plan EIR/EIS

Dear Mr. Bartel and California Energy Commission:

The Recreational Access Council of California (RACC) is a coalition of individuals and organizations representing various recreational users of public lands(1). The goal of the coalition is to promote and maintain access to public lands in California. This includes the area contained within the boundaries of the Desert Renewable Energy Conservation Plan (DRECP).

Please accept the following as official comments on the Public Scoping for the Desert Renewable Energy Conservation Plan Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) on behalf of the RACC and the organizations and individuals it

1. The Recreational Access Council of California includes the American Lands Access Association, American Motorcycle Association District 37 Off-Road, California Association of 4WD Clubs, Inc., California Off-Road Vehicle Association, California Trail Users Coalition, Death Valley.com, Explore Historic California, Friends of El Mirage, Friends of Jawbone, High Desert Multi-Use Coalition, Mojave Trails Group, National Public Lands News, Partnership for Johnson Valley and Searchers Gem & Mineral Society.

represents. These comments shall in no way prevent other individuals or organizations of RACC from submitting additional comments that shall also become part of the public record.

The May 4, 2011 draft DRECP Conservation Framework Strategy Report recognizes that "The plan area supports a diverse range of outdoor recreation activities and opportunities, including numerous non-motorized and motorized uses over large areas of public lands. Demand for recreation on desert lands in California, especially on BLM and other public lands, is increasing due to several factors and trends, including a growing appreciation of natural, cultural, aesthetic, and other values in desert landscapes, and saturation of other outdoor recreation areas closer to southern California urban centers."

The RACC represents thousands of individuals and families that engage in a broad array of recreational activities on public lands. These outdoor-dependent activities are important to the public and can include the following: backcountry touring, bicycling, botanizing, camping, collecting and trapping, cultural site stewardship, educational enhancement, equestrian staging, gem and mineral collecting, geocaching, guzzler maintenance, hiking and backpacking, history seeking, hunting, model rockets and planes, mushing and carting, off-highway vehicle (OHV)/4WD driving, picnicking, photography, rock climbing, scientific research, solitude seeking, spiritual renewal, sport shooting, star gazing and wildlife watching.

The access required to pursue these and other recreational activities on public lands frequently utilize unimproved routes and are motorized and mechanized dependant. By definition, accessing public land in such a manner falls under the rubric of Off Highway Vehicle (OHV) travel.

The DRECP has the potential to have a significant impact on access to public land, both directly and indirectly, if the plan does not properly address several issues.

First, individual covered activities (renewable energy projects) will create project footprints that will necessarily preclude the use of an area previously available for public use, including recreation. Not only will the project area no longer be accessible, it will also impact the recreational use of lands located nearby. Projects could sever existing routes and block access to other areas and regions, thereby restricting connectivity and compounding the loss of access.

For example, numerous unique natural features exist on public lands within the DRECP planning area that cannot be recreated or relocated, including mineralogical deposits. While access roads can be re-routed, specific rock hounding and natural area features cannot. There are deposits of certain types of minerals or gems that are only found in one specific location within the plan area. No practical mitigation is available for loss of access to such areas, and the RACC requests that such locations be excluded from closure or restriction and that motorized access be maintained. Rock hounding, gem, mineral and paleontological collection often require the use of hand tools and equipment that cannot be packed in or carried long distances and thus are motorized and mechanized dependent.

Each individual project has the potential to result in some loss of access either directly or indirectly. Taken together the covered activities will contribute to a cumulative loss that must

be minimized. To help prevent this from occurring, the RACC recommends that the DRECP incorporate the potentially applicable mitigation measures found in the Solar Energy Development Draft Programmatic Environmental Impact Statement (Solar Energy Development DPEIS) Volume 1, Chapter 5, Section 5.5.3 that states and Appendix A.2.2.6 Design Features for Recreation Impacts that states:

Potentially Applicable Mitigation Measures

- Public access through or around solar facilities should be retained to permit continued use of public lands and non-BLM administered lands.
- Solar facilities should not be placed in areas of unique or important recreation resources.
- Replacement of access lost for OHV use should be considered as part of the analysis of project-specific impacts. Any process for designating a replacement route would include the consideration of the designation criteria for routes as specified in 43 CFR 8342.1, and would be consistent with existing land use plans.

While the Solar Energy Development DPEIS is being developed for solar energy projects, the potential applicable mitigation measures for recreation can also be applied to other types of covered activities the DRECP will address.

Consideration through the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) processes and the final Preferred Alternative resulting from the DRECP must include consideration for the direct and indirect impacts, and consequences, whether intended or unintended, of the interactions between the policies and actions established by both the DRECP and the Solar Energy Development plan currently being developed by the Office of Energy Efficiency and Renewable Energy, Department of Energy and the Bureau of Land Management, Department of the Interior. To fulfill the requirements of CEQA and NEPA, and for affected agencies to understand the public concerns over the interactions between these two plans, the opportunity for additional public review and comment of the DRECP must be granted when the Solar Energy Development DPEIS becomes available.

The RACC also wishes to review and comment on the yet to be released Preliminary Conservation Strategy (PAC) which will be an integral part of the overall DRECP. Since this document is not currently available, RACC recommends that an additional Scoping Period for the DRECP allowing additional public comment lasting at least 30-days be provided following the release of the PAC.

Any additional loss of access and recreational opportunity in the California deserts must be put into perspective. Over the last eight decades various management decisions, legislative actions and litigation have vastly limited the activities allowed on public lands.

Consider the 25 million acre congressionally-designated California Desert Conservation Area as the foundation for this illustration. By 1930, 25 percent of the desert became private land

including towns and farms. The remaining 75 percent, mostly federal land was perceived to have little use and had very few restrictions. By 1976, 25 percent was still private and 25 percent was now exclusively used by the military or designated as state and national parks (activities restricted to certain uses), leaving 50 percent for limited public use. In 1980 the Bureau of Land Management was directed to develop a management plan for the remaining 50 percent.

Following an extensive planning effort involving federal, state and local agencies and the public, 2.1 million acres of land for public use were designated as wilderness (roughly 8 percent). This left 42 percent for other uses. In 1994 additional land was designated as wilderness, increasing the total to 25 percent with 25 percent then designated for other uses. By 2007 the BLM was forced to amend the management plan for the remaining 25 percent resulting in species protection areas that further limited use and essentially reduced the 25 percent to 12.5 percent.

The roughly 12.5 percent of limited-use areas that remain today will be impacted by the DRECP and its implementation. The DRECP must also consider other forthcoming changes that have the potential to affect access and recreational opportunities. For example, the planned expansion of the Marine Corps Air Ground Combat Center Twentynine Palms, California certainly has the potential to remove a large amount of land from public use.

Not only does the potential for significant direct impacts to access and recreation exist, but indirect impacts are also possible. For example, if a covered activity results in the taking of a threatened species, it will increase pressure to identify mitigation necessary to offset the taking. This mitigation should not become the responsibility of other multi-use stakeholders or occur at the expense of other uses. Simply stated, recreation and public access should not be curtailed or limited to accommodate the possible loss of species resulting from other activities.

The DRECP must fully examine recreation, access, and the relationship between the two. A dispersed motorized off-highway route network exists throughout the DRECP planning area and is utilized to pursue and support various activities. For this reason, data and specific information about the extensive recreational uses within the DRECP planning area is essential in developing the plan. The potential impact of the plan on recreation cannot be overlooked and must be a consideration when developing the conservation plan.

For this reason, RACC recommends that the development of the DRECP must include a process by which geographic information reflecting the interests of recreation and public access is gathered and inventoried and made a part of the official map set for the decision making process. Furthermore, this effort must be funded and supported by the DRECP and the Renewable Energy Action Team (REAT). Additionally, the RACC recommends that a funding mechanism to address the impacts to recreation and public access that will be necessary to implement covered projects needs to be examined, developed and included in the Plan.

Recreational activities have been occurring within the DRECP for generations. This historical precedence cannot go unnoticed or be ignored. The DRECP must avoid or minimize any harmful consequences on recreational activities. An examination of the areas where recreation

occurs and the access required to partake in them must be a part of the DRECP planning process.

The RACC appreciates the opportunity to provide these comments on the Scoping for the Desert Renewable Energy Conservation Plan EIR/EIS. RACC is committed to working cooperatively during the development of the DRECP to achieve a meaningful framework and approach that recognizes the importance of recreation and access and one that reduces the potential impact to them moving forward. Please do not hesitate to contact the RACC at recaccesscouncilca@gmail.com if you have any questions or would like additional information. Thank you for your consideration.

Respectfully submitted on behalf of the RACC,

Clayton Miller

www.recaccesscalifornia.com