

Society for the Protection and Care of Wildlife

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

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

Ms. Vicki Campbell,
BLM DRECP Program Manager
vlcampbell@blm.gov

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

Dear Mr. Bartel and California Energy Commission and Ms. Vicki Campbell:

These comments on the Public Scoping for the Desert Renewable Energy Conservation Plan Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) are being submitted for myself and for the Society for the Protection and Care of Wildlife (SPCW), an organization which I represent. I am a desert resident and have been for almost 20 years. I have served 9 years in prior times as a member of the California Desert Conservation Area Advisory Committee. I have served as a member of all Desert Tortoise Technical Review Teams except for the last one. I have also been a member of the Joshua Tree National Park Advisory Committee. The SPCW has been in existence since 1972 and incorporated in California in March of 1977. Our first effort was to restore the Tule Elk and this has been done.

The SPCW has also been involved in the desert with Water For Wildlife projects, since its inception. The Society for the Protection and Care of Wildlife (SPCW) is an organization which represents many individuals who have joined together to ensure that desert wildlife have sufficient water to prosper. Many hundreds of these wildlife drinkers can be found within the boundaries of the DRECP. It is likely that some wildlife waters (guzzlers and tanks) will have to be relocated. Some of these issues are not addressed and some of these issues are not adequately addressed.

Documents produced for the DRECP acknowledge the need for vehicular access. The potential for alternative energy projects to have a significant impact on access to public land, both directly and indirectly has already been demonstrated with the already approved projects. The footprint created by the individual renewable energy projects will further fragment the existing road and trail system by severing existing routes of travel thus excluding the public from the acres within the project boundaries and the lands near by. These severed roads and trail will deny access to those of us who maintain wildlife waters. The EIR/EIS must look at and the final document provide that each project shall provide the environmental analysis for however many work-arounds as are necessary to reconnect the severed access.

Numerous unique natural features exist on public lands within the DRECP planning area including springs, seeps and tinajas, that cannot be recreated or relocated.

While access roads can be re-routed; natural area features cannot. There are certain corridors utilized by wildlife that are only found in specific locations within the plan area. No practical mitigation is available for loss of access to such areas and the SPCW requests that such locations be excluded from closure or restriction and that motorized access be maintained. (I am a Rock hound and rockhounding gem and mineral areas and the collection of these materials 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 approved project's activities will contribute to a cumulative loss which must be minimized. No project should be approved in or near areas of unique or other important resources. No net loss of access is our goal and one which we require to be included in the end project.

It is impossible to determine the extent of fragmentation of existing roads. There must be a discussion of fixes or opportunities to mitigate this fragmentation.

As whatever vehicle one uses, become an OHV when it hits that dirt road, (usually historic and usually user maintained) replacement of access lost for OHV use, should be considered as part of the analysis of project-specific impacts.

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

The California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) processes and the final Preferred Alternative resulting from these processes must include consideration for the direct, indirect impacts and cumulative impacts, and consequences, whether intended or unintended, of the interactions between the policies and actions established by both the DRECP and the preferred alternative of the PEIA plan currently being developed by the the Office of Energy Efficiency and Renewable Energy, Department of Energy and the Bureau of Land Management, Department of the Interior. The opportunity for additional public review and comment must be granted when the Solar Energy Development DPEIS becomes available.

The SPCW 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 yet available, the SPCW recommends 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 which will or have the potential to affect access. For example, the planned expansion of the Marine Corps Air Ground Combat Center Twentynine Palms, California will certainly remove a large amount of land from public use with all sorts of “take” of various species. 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. Public access should not be curtailed or limited to accommodate the possible loss of species resulting from other activities. The DRECP must fully examine access.

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 uses within the DRECP planning area is essential in developing the plan. The potential impact of the plan on the many and diverse uses cannot be overlooked and must be a consideration when developing the conservation plan. For this reason, the SPCW recommends that the development of the DRECP must include a process by which geographic information reflecting the many and varied interests of 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 .

We oppose all utility-scale “renewable” projects until the grid can fully accommodate its power without siphoning it off due to capacity constraints – decelerating/accelerating base load coal/natural gas/nuclear generation to accommodate it (which increases emissions/wastes power/disrupts systems, etc). Until this is done all that is being accomplished is less and less efficiency.

Access through or around solar facilities should be retained to permit continued use of public lands and non-BLM administered lands.

Replacement of access lost for OHV use should be part of the analysis of project-specific impacts.

The California Energy Commission is a regulatory body and not a land use planning body. We are concerned that the Commission does not have the authority under California law to bring whatever results from the EIR/EIS to fruition.

Maps which adequately reflect the topographic and geographic maps should be made available to the public by the DRECP. These maps must include information reflecting the locations and access utilized by the many and varied activities occurring in the California desert.

The preferred alternative should include a State of California limit on the “incidental take”

The California Desert Conservation Area management plan already zones this land. The EIR/EIS mentions DWMAs, ACECs, ROWs and other generalized areas. It does not integrate these areas within the planning for the entire EIR/EIS.

The proponents of the DRECP must integrate the CDCA management plan which provides guidance for treatment of other important issues into the DRECP. For example, in the CDCA Plan there are notification procedures spelled out for dealing with First Americans and decisions which may impact their lands and religion. The DRECP must comply with these procedures.

The EIR/EIS must address the changes which will have to be made in local government’s general plans, the cost to the local taxpayers for these changes, address the lost property tax revenue from mitigation lands. The DRECP must address those counties which are maxed out on PELT payments. It must attempt to quantify the cost to local government for all of the horrible outcomes predicted to arrive with the “boom”.

There must be adequate discussion of lost recreation opportunities.

The inadequacy of mitigation lands must be a major topic in the EIR/EIS. Especially in the CDCA where there are not enough mitigation lands to mitigate the impacts of existing applications. The numbers of these lands are available from the BLM State or District office. The public needs to know what is proposed if a project cannot be mitigated.

For myself and for the Society for the Protection and Care of Wildlife

H. Marie Brashear, President.