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California Energy Commission

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Thank you for the opportunity to comment on the Draft DRECP EIS/EIR, or at least that portion which I have been able to read in the very limited time allowed for review. I am past president of the National Outdoor Coalition, the California Desert Coalition, and the World Rockhound Association. I served as a member of the California Desert Conservation Area Advisory Committee/Desert District Advisory Committee. I am a founding member of the Desert-Mountain Resource Conservation and Development District which includes within its boundaries over half of the lands for which the DRECP proposes to plan. I have over 40 years experience working and living within the California Desert. I have a degree in Environmental Horticulture. I and a number of my friends have recently formed an Alliance for the California Desert; a group interested in conserving the plant and animal resources of the California Desert while allowing for appropriate access and use. These comments are being submitted for myself and for the newly formed Alliance for the California Desert. Please contact me if you have questions or need clarification.

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The 25 million acre Congressionally-designated California Desert Conservation Area is for the most part the area for which the DRECP purports to plan.

The CDCA PLAN states:

“the use of all California desert resources can and should be provided for in a **multiple use and sustained yield** management plan to conserve these resources for future generations, and to provide present and future use and enjoyment, particularly outdoor recreation uses, including the use, where appropriate, of off-road recreational vehicles;”

The DRECP claims to provide for sustained yield and conservation areas however they seem to have forgotten the first Congressionally designated conservation area; the California Desert Conservation Area. I realize that justifying the dismantling of the

Congressionally designated Conservation Area and the desert plan presents a conundrum. The DRECP is a violation of at least the “sustained yield” portion of the plan and does not give protection to conservation areas; the largest of which is the California Desert Conservation Areas itself. The DRECP has failed to mention the destruction of the California Desert Plan and needs to rectify and re-issue.

The stated reasons Congress established the CDCA were:

(1) the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources that are uniquely located adjacent to an area of large population;

(2) the California desert environment is a total ecosystem that is extremely fragile, easily scarred, and slowly healed;

(3) the California desert environment and its resources, including certain rare and endangered species of wildlife, plants, and fishes, and numerous archeological and historic sites, are seriously threatened by air pollution, inadequate Federal management authority, and pressures of increased use, particularly recreational use, which are certain to intensify because of the rapidly growing population of southern California.

(b) It is the purpose of the Secretary to provide for the immediate and future protection and administration of the public lands in the California Desert with in a framework of multiple use and **sustained yield** and **maintenance of environmental quality**.

BACKGROUND: By 1930, 25 percent of the California desert had become private land – railroad property, towns, farms and ranches. The remaining 75 percent, mostly federal land, (sections 16 and 36 were state school lands) was perceived to have little use and **had little to no restrictions**. By 1976, 25 percent of the California desert was still private and 25 percent was exclusively used by the military or designated as state and national monuments or parks with activities restricted to certain specific uses, leaving 50 percent for limited public use. The Federal Land Policy and Management Act (FLPMA) directed the Bureau of Land Management to develop a management plan for the remaining 50 percent

Following a multi-year planning effort (about 15 years) involving federal, state and local entities and the public, 2.1 million acres of public use lands were designated as wilderness study areas and then as Wilderness, roughly 8 percent. This left 42 percent for other uses. In 1994 additional land was designated as wilderness, national preserves and national parks, increasing the total to 25 percent with 25 percent then designated for other uses. In 2007 the BLM

stipulated in a legal settlement, amendment of the management plan for the remaining 25 percent resulting in specific species protection areas which further limited use and essentially reduced the 25 percent to 12.5 percent.

In 2013 additional acreage was given to the military for their sole use and additional acreage was designated for shared use by the military and recreationists essentially reducing the 12.5 percent to 10.5 percent. *(The military is now seeking additional lands which if approved will further reduce the percentage available for all other uses/resources.)*

The roughly 10.5 percent of limited use areas that remain today are being used by everyone who does anything in the desert. It is this 10.5 percent and the specie conservation areas which the DRECP proposes to impose assorted management strategies. I believe that the following issues have not been adequately addressed or not addressed at all.

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The DRECP is a 10,000 page (plus or minus a few pages) document structured in such a way that the 70 pages (+ or -)per day required reading to get through it all in the allotted time, is an impossible barrier to the “informed public participation” requirements of NEPA, CEQA and FLPMA. These 10,000 pages of material effectively deny the public the ability to effectively participate in the comment process. There should be a realistic extension of the review process. This extension, should be not less than 180 days (6 months).

In a previous “draft DRECP something” there was an alternative which was focused on distributive generation (point of use generation). Over the renditions of the various DRECP plans this alternative disappeared. Possibly there was too much support for it and it had to be eliminated by the framers of the DRECP. I believe this to be an example which demonstrates a preconceived outcome for the process and is a violation of NEPA and CEQA. **This alternative should resurface and become one of those alternatives considered and moved forward.**

The President’s 30,000mw target for locating alternative energy in the desert has already been met by **point of use generation** and the Governor’s 50,000mw target has likely also been met by **point of use generation** by wind or solar or geothermal and is no longer an appropriate goal for the DRECP.

The DRECP does not adequately address projects sited on fallow agriculture fields and other lands closer to distribution points. The DRECP does not adequately or otherwise address the installation of solar or wind by residential, ranching, commercial, municipal and other non-utility scale projects. In other states the Renewable Energy process is reviewing the entire state to find the **appropriate** locations for RE projects. Limiting the review of potential locations outside of the current boundaries of the DRECP is a failure to consider alternatives which may have viable outcomes and is a violation of NEPA and CEQA. The entire state should be looked at.

The DRECP does not adequately or otherwise address the number of current and proposed projects and the potential immediate impacts and cumulative impacts. This needs to be fixed.

The DREPC only shows ERMAS in the preferred alternative. They should show up in one or more or maybe all of the other alternatives. This seems to be another attempt of secure support for only the Preferred Alternative and does not comply with NEPA.

The DRECP claims to embrace wind and solar and geothermal on primarily federal lands yet the entire designation process seems to focus on private property and those federal and private lands intermingled with or surrounding private property. The DRECP's stated planning purpose is not what was announced and therefore does not meet the requirements of NEPA and CEQA.

The DRECP appears to support current technology which is no longer current because there are new variants of generation technologies emerging, as well as new models which improve distribution by minimizing or eliminating most of the current transmission model. The plan needs to be redone to take these current technologies into account.

The framers of the DRECP cannot, as they have done, just say the threshold triggering a socio-economic study has not been reached. They need to provide the public with the data with which they reached their conclusion. There are many reasons which illustrate that the threshold has been reached several times over: The DRECP impacts millions of acres and obviously meets the threshold. Remote, utility-scale projects present a false green economy. Once you factor in the large need for scarce water resources in the California desert to build and maintain these projects, the enormous and ongoing issue of fugitive dust on the sites, new miles and miles of unpaved access and service roads, and the full cost of producing the materials themselves, it would take a team of economists to predict when the projects would honestly reach a break-even point, never mind constituting a true net benefit. And this is WITHOUT ANY CONSIDERATION of environmental effects thus the false green economy.

The draft DRECP does not review the position of Inyo County. There is less than 2 percent of private property in this county. Inyo county should be exempt from all mitigation which requires acquisition of land or any other land right. Nowhere is there even a discussion of this issue. Another major issue not addressed by the Draft.

The DRECP when combined with the PEIS is the effective withdrawal from the mining law of thousands and thousands of acres. Any withdrawal over 5,000 acres requires Congressional approval. I saw no discussion of this issue nor a proposed referral to Congress. The DRECP appears to be exceeding its authority by using the CMAs to repealing the 1872 Mining Laws in the proposed NLCSs and ACECs. The DRECP preparers do not have this authority.

The DREPC does not really deal with the issue of **environmental justice**. Many rural communities are severely economically disadvantaged. Lucerne Valley is a prime example. If the DRECP doesn't trigger the requirement for a socio-economic study, surely the economic impact on these small rural communities would trigger the need for an environmental justice review.

The town of Lucerne Valley met with DRECP team members on the ground and showed them the 5 square miles which the town wanted designated for solar. Something an overwhelming number of town residents supported. When the Draft Plan appeared none of the maps displayed the 5 square miles. When asked the DRECP team members said, "we forgot". This is totally unacceptable. How much more community input has been ignored or forgotten because it didn't fit the DRECP teams preconceived decisions? This too is a violation of NEPA and CEQA.

The DRECP destroys the prior preferential rights of ranchers and others on federal lands and ignores the "Taylor Grazing Act", which protects and stabilizes the livestock industry, especially where it pertains to the protection of the mitigation/compensation values of our ranches and cattle allotments. We join our rancher friends and recommend that the DRECP establish a "mitigation credit pool" which would be managed by each County to track and oversee mitigation credits from grazing permits that have been offered for mitigation. Any residual value from partial relinquishment of grazing rights from a willing ranch participant could be sold for mitigation in the future. A voluntary relinquishment of a portion of an allotment or an allotment's acreage for mitigation/compensation must NOT devalue the remaining portion (permit, acreage or any other ranch assets,) the value of which must remain intact for future projects until the entire cattle operation, private lands, etc. are fully utilized for mitigation. The current DRECP can only be interpreted as a potential "property right taking" of grazing rights.

The DRECP Draft deals with some small issues and ignores others. One of the most significant is when it says that an activity in an ACEC must "enhance" the reason the ACEC was created. This would bring all activity within ACEC's to a halt and open the door to many legal challenges of new activities and already existing challenges. This language needs to be deleted.

The DRECP needs to be recalled and issues addressed and reissued with a review period of at least 10 months.

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