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California Energy Commission  
Dockets Office, MS-4  
Docket No. 09-RENEW EO-01  
1516 Ninth Street  
Sacramento, CA 95814-5512  
[docket@energy.ca.gov](mailto:docket@energy.ca.gov)

**Re: Draft DRECP NEPA/CEQA EIR/EIS**

The Desert Renewable Energy Conservation Plan represents an innovative landscape level approach to utility scale renewable energy development in the California Desert. The projects envisioned will be so significant as to affect all federal, state and local land use policy throughout the 22 million acre planning area. Regrettably the impressive size of this effort requires a length and complexity within the planning documents rarely seen by members of the general public. Although what is presented is indeed a well ordered document it has nonetheless been a challenge to those wishing to review and comment in a meaningful manner.

Founded in 1924, the AMA is the premier advocate of the motorcycling community. Our members are interested in any action that may affect their enjoyment of off-highway and dual sport motorcycles or all-terrain vehicle (ATV) recreation. Our mission is to promote the motorcycle lifestyle and protect the future of motorcycling. However, this submission shall not preclude other individual AMA members, clubs or district organizations from submitting their own additional comments

**1. Process Issues**

The time allotted for the general public to analyze and comment effectively (150 days) has not been sufficient. Over 14,329 miles of routes are identified within the planning area. Additionally, this process will result in 143 new de-facto management plans for ACEC's identified on the worksheets in Appendix L. Normally any new ACEC alone would necessitate a minimum 30 day comment period for the public to evaluate and respond. Yet under this proposal the public is expected to review and comment on 143 unit level management plans within a very compressed time period.

Given the scope of the situation we respectfully request an additional 45-day extension to the public comment be granted. As you are well aware the federal Bureau of Land Management's own Desert Advisory Council has recommended a similar time (180 days) be provided for this important process.

**2. Public Meetings**

The DRECP planners have made a significant effort to hold numerous public meetings throughout not only the desert communities within the planning area but indeed statewide. The use of stenographers to capture the public's

comments was welcome and undoubtedly will increase the scope and significance of the issues examined during the comment review period.

Unfortunately, many of the meetings were held very early in the comment period and, as a result, made it difficult for participants to ask meaningful questions because they were just familiarizing themselves with the proposal. Though subsequent webinars were helpful, some public meetings should have been scheduled for later in the comment period. If the previously requested extension is granted plans for additional public meetings should also be announced immediately. An engaged and informed public is critical for a successful outcome to this process.

### **3. Alternatives**

The six alternatives presented represented a reasonable cross section of potential outcomes. Nevertheless, Extensive Recreation Management Areas (ERMAs) are offered only in the Preferred Alternative. This significant omission fails to allow a proper analysis to be conducted on a wide enough range of alternatives. Simply put, ERMAs should have been analyzed in more than one alternative. Consequently, we request a Supplemental Draft EIR/EIS with additional ERMAs identified to be analyzed and offered in more than one alternative. Short of that, it is important that the EMRAs concept be included in to the Final EIR/EIS.

### **4. Recreation Mitigation**

The proposed mitigation requirements for adverse impacts to recreation resulting from DRECP related renewable energy projects are critical. Mitigation requirements for losses to motorized and motor dependent recreation must include re-routing of roads, trails and open areas, as well as re-establishing any displaced campsites and other improvements. Loss of trailheads/staging areas and other important infrastructure and site improvements must be given full consideration prior to the approval of any new project, and mitigation efforts must include equivalent facilities and opportunities. It is also vital that these mitigation efforts are fully implemented prior to the loss of existing opportunities. The needs of the recreating public should be first and foremost whenever a new project is considered or proposed.

### **5. Private vs. Public Lands**

The development of commercial, utility-scale renewable energy projects on private lands is another significant concern. Development within the existing Solar Energy Zones identified by the 2012 Solar PEIS should remain. Loss of federal lands to new projects should be weighted carefully, and there should be no new Development Focus Areas established for solar energy development on federal lands given the previously identified available private property within adjacent desert lands. Likewise, wind energy development should be focused within DFA's only on nonfederal lands.

### **6. Development Focus Areas (DFA's)**

- The DFA in Alternative 2 that straddles Highway 14 north of Red Rock Canyon contains important recreational values that are incompatible with utility-scale renewable energy development.
- The DFA in the Preferred Alternative that encroaches on the Mountain Pass Dinosaur Trackway ACEC is incompatible due to existing identified values in the area.
- The proposed DFA's that overlaps SRMAs and ERMAs, (for example, the incursion on the Stoddard/Johnson SRMA in the Preferred Alternative and Alternatives 3 and 4), are inappropriate. This also includes eliminating

exceptions in all action alternatives that allows geothermal energy development in the Ocotillo Wells East SRMA.

- The Brown Buttes/Lonely Buttes gem and mineral collecting sites, east of Mojave and south of Highway 58, need to be excluded from the DFA.

## **7. National Landscape Conservation System (NLCS) - Route Designation**

The suggested CMAs for NLCS lands in the alternatives are overly broad and nonspecific with respect to the proposed restrictions on motorized and motor dependent recreation. Most troubling is the analysis in II.3-317 that reads: "Future travel management planning will emphasize travel on routes that provide for the enjoyment and enhancement of the ecological, cultural, and scientific values for which individual units are designated, or necessary administrative access to conserve, protect and restore area values."

It is unacceptable that motorized recreation was omitted from the array of values recognized for emphasis in future travel management planning on NLCS lands. There is a strong likelihood that this could be misconstrued and used to limit travel to specific routes that serve ecological, cultural, or scientific values of the CDCA and ignore the long held-desire of the public to simply visit and experience many of these areas. Motor touring and OHV recreation must be included as an identified value within the NLCS.

## **8. National Landscape Conservation System - Special Recreation Permits**

Special Recreation Permits as identified in the Preferred Alternative is overly and unnecessarily restrictive. We request that the Final EIR/EIS reflect the guidelines proposed in the SRP's that is proposed in either Alternatives 1 or 2. Additional restrictions on Special Recreation Events are unwarranted and redundant.

SRPs are already identified by the BLM as authorizations that allow specific recreational uses of the public lands and related waters. Recreation permits are already managed in a manner which is consistent with management objectives determined in Resource Management Plans, Recreation Area Management Plans, or in their absence, through recreation management objectives resulting from analysis of resources and visitor use in each area. Creating an additional layer of review or cost for these permittees is not appropriate within the DRECP.

## **9. National Landscape Conservation System - Panamint Valley**

As they are written and proposed in the Preferred Alternative there is a strong likelihood that the CMAs for NLCS lands when applied to the Panamint Valley unit would prohibit the continuance of Panamint Valley Days, an annual event conducted by the California Association of Four Wheel Drive Clubs under an SRP issued by the BLM.

Also, as written and proposed in the Preferred Alternative, there is a strong likelihood that these CMAs would also cause closure in the future of designated motorized routes in and around the Argus Mountains and Slate Range that are of high importance to recreational users. One route at particular risk of closure through these CMAs would be the recently designated Nadeau National Recreation Trail because "recreation" is not stated as a value for emphasis in future route designation. Another is Manly Pass across the Slate Range into southern Panamint Valley. We request that the Panamint Valley NLCS unit be deleted from this plan.

## **10. Conservation Planning Areas**

Some recreation sites and their access roads may be located on private property within proposed Conservation Planning Areas (CPAs). If such lands are acquired for conservation using developer fees, these recreation sites and

their access roads may be closed by state or federal wildlife management agencies that administer the CPAs. Therefore, when private land is acquired in Conservation Planning and Priority Areas, it is vital that existing OHV routes that tie into adjacent designated routes on public lands should be automatically designated open until a public review process is undertaken and a determination is made regarding continued access to these historically enjoyed routes.

## **11. Areas of Critical Environmental Concern (ACECs)**

Conservation Management Actions (CMAs) for some ACECs may negatively affect even casual recreational use by the public, for example hunting, rockhounding, and OHV touring. CMAs for the Bristol Mountains ACEC propose the “issuance of Special Recreation Permits for recreational travel along roads and trails designated open in the land use or accompanying activity level plans.” Casual use such as recreational touring require must not require a SRP. This is a dangerous, precedent setting measure that is antithetical to travel management in the rest of the planning area. Therefore this CMA must be rescinded in the Final EIR/EIS. Casual use of public lands must not be negatively impacted by proposed CMAs for the ACECs.

ACEC worksheets also call for “limited off-highway vehicle use” without punctuating with “on designated routes.” One result of this language could likely be the closure of roads and trails that are currently open for motorized use. All BLM Worksheets for ACEC’s should include the term “on designated routes” and not be used as an excuse to limit OHV access. Many of the ACEC worksheets propose radical CMA’s that should be better disclosed to the public. Instead, they are buried deep within the appendices.

## **12. Special and Extended Recreation Management Areas (SRMA’s / ERMA’s)**

The Preferred Alternative doubles the amount of lands managed for recreation emphasis from 1.5 million acres currently to 3 million acres under the DRECP, and protects them from renewable energy development. We support plans to increase lands managed for recreation emphasis and exclude them from renewable energy development through the designation of Special and Extended Recreation Management Areas and request that these proposed designations from the Preferred Alternative be carried over to the Final EIR/EIS.

We support the use of SRMAs and ERMAs in the Preferred Alternative to exclude renewable energy development from high value recreation lands, particularly as an overlay to the OHV Open Areas. However, some OHV Open Areas require access roads across public lands, such as Rasor and Dumont Dunes, and these, too, should be protected from renewable energy development. Therefore we request that SRMA’s be expanded with corridors that include access roads to OHV Open Areas. Additionally several known recreation sites are not located within a proposed SRMA or ERMA. Some of these recreational sites may be located within ACEC's or on NLCS lands that afford protections from renewable energy development, but the CMA's for these designations may restrict or preclude some activities such as organized events and must be identified and included in the final plan.

## **13. DRECP & BLM Route Designations**

Although DRECP's CMA's may yield new sideboards for future route designations efforts, DRECP should in no way trigger new BLM route designations. We recommend that the Final EIR/EIS incorporate and recognize the NEMO, WECO, NECO and WEMO route designations for the entirety of the DRECP.

## **14. Use and User Conflicts**

Many OHV Open Areas will see adjacent newly created ACEC and NLCS designations that could result in unintended conflicts between users and management objectives that do not currently exist. The DRECPs CMAs

should include measures to assist OHV operators and others to clearly distinguish between open and limited use areas with designated trails, including proper signage, fencing, maps (printed and digital) and educational programs. Likewise visitors should be made familiar with the other permissible user types they may encounter in these areas. Education and a clear expectation of the visitor experience prior to interaction between recreationalists will go a long way towards heading off potential disagreements and conflict.

The AMA appreciates the opportunity to be involved in this important public planning process. Please do not hesitate to contact me at any time regarding this or any other related issues.

Sincerely,

A handwritten signature in dark ink, appearing to read "Nick Haris". The signature is fluid and cursive, with the first name "Nick" and last name "Haris" clearly distinguishable.

Nicholas Haris  
Western States Representative