

1 U.S. DEPARTMENT OF THE INTERIOR  
 2 BUREAU OF LAND MANAGEMENT  
 3 CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL

8 REPORTER'S TRANSCRIPT OF PROCEEDINGS

12 LOCATION: BLM NEEDLES FIELD OFFICE  
 13 1303 S. Highway 95  
 14 Needles, California  
 15 DATE AND TIME: Saturday, September 29, 2007  
 16 9 a.m. to 3:07 p.m.  
 17 REPORTED BY: JUDITH W. GILLESPIE, CSR, RPR  
 18 (No. 3710)  
 19 JOB NO.: 66621JG

25 GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC. 1

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1 A P P E A R A N C E S

2 MEMBERS PRESENT: REPRESENTING  
 3 CHAIRMAN WILLIAM PRESCH Public-at-Large  
 4 GEARY HUND National/Regional  
 5 Environmental  
 6 TOM DAVIS Public-at-Large  
 7 SHERI DAVIS Public-at-Large  
 8 BILL BETTERLEY Public-at-Large  
 9 DON MABEN Elected Official  
 10 THOMAS ACUNA Transportation/Rights of  
 11 Way Non-Renewable  
 11 HOWARD BROWN Resources  
 12 ROY DENNER Off-Highway Vehicle  
 12 Use  
 13 RON SCHILLER Public-at-Large  
 14 RONALD VERNON JOHNSTON Public-at-Large  
 15 TOM SCOTT Wildlife  
 16 BOB RICHARDS (Absent) Public-at-Large  
 17 RICHARD RUDNICK Renewable Resources

18 STAFF PRESENT:  
 19 DIRECTOR STEVE BORCHARD, California Desert District  
 19 BRUCE SHAFFER, Associate District Manager, CDD  
 19 STEVE RAZO, Deputy District Manager, CDD  
 20 ALAN STEIN, Deputy District Manager, Resources  
 20 JENNIFER WOHLGEMUTH, Staff Assistant, CDD  
 21 LYNETTE ELSER, Barstow Field Office Recreation Chief  
 21 STERLING WHITE, Needles Field Office Manager  
 22 HECTOR VILLALOBOS, Ridgecrest Field Office Manager  
 22 VICKI WOOD, El Centro Field Office Manager  
 23 MIKE BENNETT, Palm Springs/South Coast Lands,  
 23 Minerals & Recreation Supervisor  
 24 MICHAEL AHRENS, Needles Field Office Recreation  
 24 Staff Supervisor

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1 Riverside, CA Saturday, September 29, 2007

3 P-R-O-C-E-E-D-I-N-G-S

08:59:21 4  
 09:01:34 5  
 09:01:37 6 CHAIRMAN PRESCH: I would like to call  
 09:01:38 7 the meeting of the Desert Advisory Council to order.  
 09:01:43 8 Welcome to the Needles Field Office. And I will say  
 09:01:46 9 now and we will remind you continually, we don't have  
 09:01:49 10 any mikes in front of us so that Judy can hear our  
 09:01:55 11 comments. And if there is anybody you can't hear,  
 09:01:59 12 throw something at them and we will get their  
 09:02:03 13 attention. So we will begin with the agenda and a  
 09:02:06 14 pledge of allegiance.  
 09:02:14 15 (Pledge of allegiance.)  
 09:02:28 16 CHAIRMAN PRESCH: I then would like to  
 09:02:38 17 review the agenda, and I would like to make two  
 09:02:42 18 comments about it.  
 09:02:42 19 One, I think it's imperative that we insert  
 09:02:46 20 a public comment period at about 11:45 so that we have  
 09:02:51 21 two public comments, one for the morning and then  
 09:02:54 22 comments for the later afternoon. Having been at the  
 09:02:58 23 Desert Advisory meetings for National Park Service, by  
 09:03:04 24 3:30 in the afternoon everyone has forgotten what went  
 09:03:09 25 on, and the comments generally aren't very helpful.

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09:03:12 **1** So I would like to make that change.

09:03:14 **2** And it's also been pointed out to me that

09:03:17 **3** there is no place close by or convenient for lunch to

09:03:23 **4** go for and come back. So it's been suggested that we

09:03:26 **5** order pizzas that can be brought in. And that we then

09:03:31 **6** take a break and have pizza and drinks here for about

09:03:37 **7** half an hour. That way we might be able to move the

09:03:40 **8** meeting along and get out of here by 3:00 or 3:30. I

09:03:45 **9** know there are a number of individuals, including

09:03:47 **10** myself, that are going back to L.A. tonight. It's a

09:03:51 **11** long drive.

09:03:52 **12** Does anybody have any other changes that

09:03:55 **13** they would like to -- is the pizza thing all right

09:04:00 **14** with the DAC? You guys okay with that? So you want

09:04:03 **15** to take care of that? Okay. Thank you.

09:04:05 **16** Any other comments or modifications,

09:04:08 **17** changes to the agenda?

09:04:11 **18** Do I hear a motion for approval of the

09:04:16 **19** agenda as so modified?

09:04:18 **20** UNIDENTIFIED SPEAKER: So moved.

09:04:19 **21** MEMBER SCOTT: Second.

09:04:21 **22** CHAIRMAN PRESCH: All in favor? So

**23** moved.

09:04:23 **24** Okay. Approval of the March 10th minutes,

09:04:27 **25** but I think it's supposed to be the June 23rd minutes.

**5**

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09:04:34 **1** Everybody should have received that by e-mail. No?

09:04:43 **2** They were sent out about three and a half weeks after

09:04:46 **3** the June meeting. Some people got them and some

09:04:50 **4** people didn't. So I don't know. It may have to do

09:04:58 **5** with the size of the document. Lots of people's

09:05:02 **6** account limits our reached quickly in an e-mail and

09:05:08 **7** the information then is not -- is not received. Some

09:05:13 **8** of us don't have to worry about that, but others do.

09:05:17 **9** MEMBER SCOTT: Can we put it off to

09:05:20 **10** another meeting?

09:05:23 **11** CHAIRMAN PRESCH: Okay. Motion to table

09:05:25 **12** the approval of the minutes to next meeting?

09:05:30 **13** MEMBER SCOTT: So moved.

**14** UNIDENTIFIED SPEAKER: I'll second.

09:05:32 **15** CHAIRMAN PRESCH: All in favor? All

09:05:33 **16** opposed? So accepted.

09:05:36 **17** DIRECTOR BORCHARD: I think next set of

09:05:41 **18** minutes we will request a response when we send them

09:05:45 **19** out for a positive receipt bounce-back from you all so

09:05:50 **20** if we don't get that, we will contact you via other

09:05:55 **21** media.

09:05:58 **22** MEMBER RUDNICK: You don't trust us

09:06:00 **23** anymore.

09:06:07 **24** CHAIRMAN PRESCH: Sorry for the mix-up.

09:06:08 **25** CHAIRMAN PRESCH: The next item is

**6**

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09:06:10 **1** summary of the field tour. Can you tell us about the

09:06:14 **2** bus breakdown?

09:06:16 **3** DIRECTOR BORCHARD: Sure. I have kind

09:06:17 **4** of taken the pulse and measured how the field tour was

09:06:22 **5** received yesterday. And I get a lot of positive

09:06:24 **6** responses, even though it was an adaptive management

09:06:28 **7** exercise. We prevailed and a good time was had by

09:06:33 **8** all.

09:06:34 **9** MEMBER BETTERLEY: We cleaned up a hell

09:06:36 **10** of a lot of the highway.

09:06:38 **11** DIRECTOR BORCHARD: We did. We visited

09:06:42 **12** the Viceroy mine and learned about the previous gold

09:06:48 **13** mining there and the restoration of -- what appeared

09:06:55 **14** to be restoration actions going on there. We had a

09:07:02 **15** real nice tour and lunch at the Walking Box Ranch and

09:07:11 **16** learned about the future plans of BLM and University

09:07:17 **17** of Las Vegas together for the future of that historic

09:07:20 **18** site.

09:07:21 **19** We stopped and looked at the cornucopia of

09:07:28 **20** activities that BLM is working on and the variety of

09:07:32 **21** demands that are being placed on the Ivanpah Valley

09:07:37 **22** area. I think we can be assured that it's never going

09:07:41 **23** to look the same as it does right now in the future.

09:07:45 **24** Then we wrapped or worked our way up to an

09:07:51 **25** unplanned site at Mountain Pass, I think, where Lloyd

**7**

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09:07:57 **1** led us on a cleanup exercise along the tour, and there

09:08:02 **2** were many conversations about issues and ideas that

09:08:05 **3** were carried out along there. I think everybody made

09:08:08 **4** good use of the time there and exchanged ideas.

09:08:13 **5** Then we wrapped it up. Ron Kemper, our

09:08:19 **6** former DAC chair, hosted a barbecue at BLM's new

09:08:25 **7** Kingston Campground, and a good time was had by all

09:08:29 **8** there.

09:08:30 **9** And a late trip home at night. So I would

09:08:35 **10** like to thank the Needles field office staff and

09:08:38 **11** manager for their efforts at putting together and

09:08:42 **12** hosting a great field trip. That's it.

09:08:50 **13** CHAIRMAN PRESCH: Okay. We move on to

09:08:55 **14** public comment for items not on the agenda that the

09:08:59 **15** public might have something to indicate at the moment

09:09:02 **16** or wait until the public comment time. John.

09:09:07 **17** MR. STEWART: Good morning, Council.

09:09:09 **18** I'm John Stewart, California Association of Four-Wheel

09:09:14 **19** Drive Clubs.

09:09:15 **20** The meeting notice: I am kind of

09:09:21 **21** distressed to find that -- trying to get accurate

09:09:25 **22** time, dates and place location for this meeting. In

09:09:29 **23** looking for the Federal Register and noting that other

09:09:33 **24** BLM offices seem to provide very accurate descriptions

09:09:39 **25** about agendas and times and meeting places 30 days in

**8**

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09:09:43 **1** advance. I started looking.  
09:09:45 **2** One of the things that the Desert District  
09:09:47 **3** with this particular meeting has not been very  
09:09:51 **4** diligent about is providing 30-day-in-advance public  
09:09:56 **5** notice for these meetings, along with an agenda, and  
09:10:00 **6** more importantly, a location for the meeting and  
09:10:03 **7** lodging arrangements.  
09:10:05 **8** Also, I am noting that trying to find  
09:10:11 **9** access to documents presented to this forum, according  
09:10:19 **10** to ^ check VAK and other regulations, they are  
09:10:22 **11** supposed to be made readily available to the public.  
09:10:25 **12** The Council has a Web page where they claim that  
09:10:29 **13** agendas and minutes of previous meetings are supposed  
09:10:35 **14** to be available. They are not. And I would like to  
09:10:37 **15** see that these do come up and are available to the  
09:10:41 **16** public when they are made available to everyone else  
09:10:45 **17** in a due-time, action-timely manner so we have a  
09:10:48 **18** chance to look at it and be prepared for these  
09:10:50 **19** meetings.  
09:10:51 **20** In looking through this morning the  
09:10:55 **21** reports, I do note that there was one admission that  
09:10:58 **22** this was an issue brought to the Council a year ago.  
09:11:04 **23** California Four-Wheel had a protest before the IBLA  
09:11:07 **24** within the western RAMP. The action was kicked back  
09:11:10 **25** to the BLM to look at that and do the analysis for a

9

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09:11:15 **1** project in that area to work on the travel management  
09:11:21 **2** in that region.  
09:11:22 **3** A TRT was set up at that time. Since then,  
09:11:26 **4** there has been no report from that TRT nor any other  
09:11:31 **5** indication from the Ridgecrest field office that any  
09:11:33 **6** action has pursued on that. And I'd like to see that  
09:11:36 **7** that be put up and actually addressed at some point.  
09:11:39 **8** Thank you.  
09:11:40 **9** DIRECTOR BORCHARD: I have noted all  
09:11:42 **10** your concerns, and since our DAC guy just walked out  
09:11:46 **11** the door --  
09:11:49 **12** MS. WOLGEMUTH: He went to go see if in  
09:11:51 **13** fact the minutes are posted on the BLM Web site. He  
09:11:55 **14** believes they are.  
09:11:57 **15** MR. STEWART: They weren't two weeks  
09:11:58 **16** ago.  
09:11:58 **17** DIRECTOR BORCHARD: We will work on  
09:12:01 **18** those issues.  
09:12:03 **19** CHAIRMAN PRESCH: Ed, do you have a  
09:12:05 **20** brief comment at this time?  
09:12:08 **21** MR. WALDHEIM: I have three issues to  
09:12:10 **22** bring to you. I can split them out, part now, part at  
09:12:14 **23** 10:30, part at 11:30.  
09:12:17 **24** CHAIRMAN PRESCH: Why don't we do that  
09:12:19 **25** at 11:45.

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09:12:23 **1** MR. WALDHEIM: I would like to just  
09:12:26 **2** follow up. My name is Ed Waldheim. I am with CORVA,  
09:12:29 **3** Friends of Jawbone and Friends of El Mirage. I would  
09:12:31 **4** like to follow up, so I don't have to waste my time  
09:12:34 **5** later on, with what Mr. John Stewart brought up. The  
09:12:40 **6** DAC, the sub-TRT on the West Rands has been meeting,  
09:12:44 **7** contrary to the belief that it has not. Mr. Don Maben  
09:12:49 **8** is now in place of Jon McQuiston. McQuiston was the  
09:12:52 **9** one who was dealing with it before.  
09:12:56 **10** Randy Banis has been working on the project  
09:12:58 **11** to get the plan, based on the West Mojave Plan, in  
09:13:03 **12** place. We have Friends of Jawbone. I have spent  
09:13:05 **13** 21,000 dollars. We have spent 21,000 dollars to come  
09:13:09 **14** up with an educational program, to come up with a Web  
09:13:13 **15** site to implement the West Mojave Plan for the West  
09:13:14 **16** Rands.  
09:13:17 **17** Friends of Jawbone have spent 300,000  
09:13:17 **18** dollars to build a fence corridor in R-50 and R-5 so  
09:13:24 **19** they can go through the West Rands, not open the West  
09:13:27 **20** Rands, just have a corridor on an existing route so  
09:13:30 **21** that we can have access, north-south access and  
09:13:35 **22** east-west access. I am waiting for Mr. Hector  
09:13:36 **23** Villalobos who closed the area on a simple letter, to  
09:13:37 **24** open it up again on a simple letter because no  
09:13:41 **25** off-road travel will take place. It's fenced. We

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09:13:44 **1** spent 300,000 dollars to put in a fence. It's been  
09:13:48 **2** there since June, and I'm desperately waiting for the  
09:13:51 **3** BLM to get that opened up because the public wants to  
09:13:54 **4** see some action being done on it.  
09:13:57 **5** Mr. Villalobos has a draft plan from Randy  
09:14:00 **6** Banis working on that. So does Ron Lewis as chief  
09:14:04 **7** ranger is working on that. So we are definitely  
09:14:07 **8** making advances on it. Is it on the Web site? I have  
09:14:11 **9** no clue how you communicate with the rest of you, but  
09:14:15 **10** we are working on it.  
09:14:16 **11** DIRECTOR BORCHARD: The usual  
09:14:21 **12** communication route on TRT activities is the TRT chair  
09:14:25 **13** is asked to provide an update at these meetings. We  
09:14:31 **14** don't have any formal -- that's about as formal as our  
09:14:36 **15** reporting-out requirement is.  
09:14:39 **16** MR. WALDHEIM: Friends of Jawbone, the  
09:14:41 **17** third Wednesday of every month, we discuss all those  
09:14:44 **18** issues. So the forum is in place. And those folks  
09:14:47 **19** who participate with it with the supervisor, most  
09:14:49 **20** supervisors of Kern County are always represented at  
09:14:53 **21** these meetings. So that's where we have been bringing  
09:14:57 **22** all those issues up.  
09:14:59 **23** MEMBER SCHILLER: I would like to thank  
09:15:02 **24** John and Ed for bringing up the Rands TRT. That's a  
09:15:05 **25** little sore spot with me. I was appointed to the TRT

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09:15:07 **1** by the DAC. And as far as I'm concerned, there hasn't  
09:15:12 **2** been a meeting yet. I learned of a meeting by chance  
09:15:16 **3** at our last steering committee meeting held in  
09:15:20 **4** Ridgecrest, California, when it was brought up by a  
09:15:25 **5** presentation given by the recreation officer that the  
09:15:30 **6** steering -- or the technical review team had been  
09:15:34 **7** meeting.  
09:15:35 **8** After calling around and checking, I  
09:15:40 **9** understood Jon McQuiston still is under the impression  
09:15:44 **10** that he is the chair, as far as I know. Before our  
09:15:50 **11** last DAC meeting, Hector had asked that we meet  
09:15:56 **12** several times, and I agreed to, just to let me know.  
09:16:01 **13** At some point I found that the DAC or the  
09:16:07 **14** TRT has been meeting, and I totally wasn't aware of  
09:16:13 **15** it. And I would just like to request that if there is  
09:16:17 **16** any further meetings of that TRT, I certainly would  
09:16:20 **17** like to be involved because that is an area very close  
09:16:23 **18** to where I reside. And our local individuals have an  
09:16:30 **19** interest in that area and would like to participate in  
09:16:32 **20** that process. I would very much like to be informed  
09:16:35 **21** of any future meetings.  
09:16:37 **22** DIRECTOR BORCHARD: We will make sure  
09:16:41 **23** that you are aware of any scheduled meetings.  
09:16:45 **24** MEMBER SCHILLER: Thank you.  
09:16:46 **25** DIRECTOR BORCHARD: Hector is here.

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09:16:50 **1** He's got it.  
09:16:52 **2** MR. VILLALOBOS: I will share with the  
09:16:54 **3** folks at my field manager's report time what we are  
09:16:58 **4** doing and why there is confusion on the TRT and the  
09:17:02 **5** progress that's been made.  
09:17:07 **6** CHAIRMAN PRESCH: Other comments? Then  
09:17:09 **7** we will move to Council member reports. And we will  
09:17:13 **8** start with Roy. We started at the other end last  
09:17:18 **9** time.  
09:17:19 **10** MEMBER DENNER: Roy Denner, recreation  
09:17:23 **11** representative.  
09:17:24 **12** As everybody knows, I'm the DAC  
09:17:26 **13** representative on the Imperial Sand Dunes Recreational  
09:17:31 **14** TRT, also known as Glamis TRT. Vicki must have left  
09:17:36 **15** the room. I assume she is going to report on the  
09:17:39 **16** management changes being proposed there.  
09:17:41 **17** There are some significant differences  
09:17:43 **18** being considered about how that kind of a recreation  
09:17:46 **19** area is managed, which if Vicki doesn't report, I will  
09:17:51 **20** jump in because I think it's something that DAC should  
09:17:54 **21** know about it. If it works, it could apply to other  
09:17:58 **22** recreation areas as well.  
09:17:59 **23** As far as the new management plan, as I  
09:18:03 **24** think everybody on the DAC realizes, that we had  
09:18:06 **25** developed a very comprehensive management plan that

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09:18:08 **1** was thrown out by a judge in San Francisco who didn't  
09:18:13 **2** like the conditions proposed therein. And the BLM and  
09:18:18 **3** the Imperial Sand Dunes RA is now in the process of  
09:18:22 **4** planning to develop a new management plan. It's a  
09:18:25 **5** long, drawn-out thing and to try to satisfy  
09:18:28 **6** everybody -- Vicki is back.  
09:18:31 **7** Vicki may talk some more about that. But  
09:18:33 **8** it's going to be a long, drawn-out process to develop  
09:18:36 **9** a new management plan. I don't envy Vicki's position  
09:18:43 **10** on it. There are some new considerations about how to  
09:18:47 **11** manage that area in terms of the bids you are going  
09:18:50 **12** out for and all that. I assume you are going to talk  
09:18:52 **13** about that in your report.  
09:18:54 **14** A peripheral issue that could have a  
09:18:57 **15** serious impact on recreation in places like Glamis and  
09:19:03 **16** Dumont Dunes is the fact that the California Air  
09:19:06 **17** Resources Board is putting an extreme amount of  
09:19:09 **18** pressure on the people that build sand rails, the  
09:19:14 **19** recreation that's used in those areas. They  
09:19:17 **20** originally came out with a report that estimated the  
09:19:21 **21** amount of pollution those cars put into the atmosphere  
09:19:24 **22** based on 1500-hours-a-year usage, which is like your  
09:19:29 **23** daily driver. I mean, if those cars put on more than  
09:19:33 **24** 150 hours a year, typically, people use them maybe  
09:19:37 **25** four or five weekends a year and at the most, 100, 150

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09:19:43 **1** hours is what you would expect from them.  
09:19:45 **2** And equally important, they run those cars  
09:19:47 **3** in an area -- areas that do not have smog problems.  
09:19:52 **4** They were towed from the inner city out to Dumont  
09:19:56 **5** Dunes or the desert, and that's not where we have a  
09:19:58 **6** serious smog problem in the state of California.  
09:20:01 **7** So we are mounting a major effort to try to  
09:20:06 **8** educate the CARB people about just how minimal the  
09:20:11 **9** impact these vehicles have on pollution and certainly  
09:20:16 **10** little or no pollution in high pollution areas.  
09:20:20 **11** The possible -- the potential impact of  
09:20:26 **12** CARB's efforts if they continue in the direction they  
09:20:28 **13** are going would be to shut down the sand car industry.  
09:20:32 **14** And these are not General Motors. These are guys that  
09:20:38 **15** put out a few cars a month. People use them for  
09:20:41 **16** recreation. The CARB people need to learn that this  
09:20:44 **17** is not a major pollution problem in the state of  
09:20:47 **18** California, at least we don't believe it is.  
09:20:49 **19** So we are working very hard to educate CARB  
09:20:52 **20** about the fact that this is a recreation device only  
09:20:56 **21** used on weekends in an area that's not a problem.  
09:20:59 **22** Hopefully, we will be able to make them understand  
09:21:02 **23** where we are coming from because the only other  
09:21:04 **24** alternative is for each of these builders to provide  
09:21:09 **25** CARB certified turnkey vehicles, which means not only

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09:21:13 **1** the engine has to satisfy the requirements, but every  
09:21:17 **2** single different type of frame they put it into has to  
09:21:22 **3** be tested for its pollution effect as well, which is  
09:21:26 **4** prohibitively expensive.  
09:21:27 **5** These sand car manufacturers aren't big  
09:21:31 **6** companies. They are little guys building a handful of  
09:21:35 **7** cars a year. If that industry goes out of business,  
09:21:39 **8** places like Dumont Dunes and Glamis won't have to  
09:21:43 **9** worry about problems because there won't be anybody  
09:21:46 **10** there. So that's the major issue on the table for the  
09:21:50 **11** off-road community right now.  
09:21:53 **12** CHAIRMAN PRESCH: Don.  
09:21:57 **13** MEMBER MABEN: No reports.  
09:22:00 **14** CHAIRMAN PRESCH: Ron.  
09:22:01 **15** MEMBER SCHILLER: Yes. I have a letter  
09:22:04 **16** that was given to me just as I was leaving by Dave  
09:22:08 **17** Matthews. He made a number of copies, so I will pass  
09:22:13 **18** them out. They are essentially addressed to Steve and  
09:22:17 **19** the Desert Advisory Council, and I will pass them out.  
09:22:21 **20** And he asked that I read it into the record.  
09:22:25 **21** "To BLM Desert District Office, Desert  
09:22:32 **22** Advisory Council, All Members. Attention:  
09:22:36 **23** Dr. William Presch, Chairman of the DAC, Steve  
09:22:39 **24** Borchard, District Manager, California Desert  
09:22:42 **25** District via Ron Schiller, Member of the DAC.

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09:22:45 **1** "Ladies and gentleman: I am sending this  
09:22:47 **2** letter via Mr. Schiller because once again I'm  
09:22:51 **3** unable to attend in person. There are multiple  
09:22:54 **4** reasons for this. Paramount among them is the fact  
09:22:57 **5** that recently you have been scheduling the DAC  
09:23:00 **6** meeting for the third Friday and Saturday of the  
09:23:03 **7** month. This is not convenient for me and other  
09:23:06 **8** interested people in the Ridgecrest area because the  
09:23:10 **9** Ridgecrest field office steering committee meets on  
09:23:13 **10** the third Thursday of the month. These last late,  
09:23:19 **11** and that is not convenient for traveling long  
09:23:22 **12** distances to an early Friday field trip.  
09:23:25 **13** "I am reminding you that the DAC meetings  
09:23:28 **14** are public meetings, and every effort should be  
09:23:31 **15** taken to facilitate public attendance. Therefore, I  
09:23:36 **16** respectfully request that as much as possible, you  
09:23:40 **17** do not schedule future meetings on the third  
09:23:43 **18** weekends of the month. I must point out that as of  
09:23:47 **19** this date, there has not been any convenient posting  
09:23:51 **20** or notification to the public of a meeting agenda.  
09:23:56 **21** This has been true for several past meetings. I  
09:24:00 **22** would think that this is in the violation of some  
09:24:08 **23** law or regulation. However, I am not able to cite  
09:24:12 **24** one at this time.  
09:24:13 **25** "If nothing else, it's a blatant disregard

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09:24:17 **1** for the public, which is a very important  
09:24:19 **2** stakeholder on what goes on in these meetings. I  
09:24:23 **3** have been able to obtain copies of recent agendas  
09:24:27 **4** through the courtesy of Ron Schiller. In the past I  
09:24:30 **5** have received agendas by e-mail from the Desert  
09:24:33 **6** District office. I see no reason why that practice  
09:24:36 **7** cannot continue, although that does not give notice  
09:24:40 **8** to other members of the public.  
09:24:42 **9** "I recently checked the schedules of other  
09:24:45 **10** California Desert -- other California Resource  
09:24:50 **11** Advisory Councils. Some have meetings scheduled  
09:24:54 **12** well into October and already have agendas published  
09:24:57 **13** on the BLM Web site. I assure you I will file a  
09:25:01 **14** formal complaint to the national BLM office if  
09:25:04 **15** agendas are not available to the public at least 10  
09:25:08 **16** days prior to the next scheduled DAC meeting.  
09:25:12 **17** "David A Matthews."  
09:25:14 **18** Dave is not the only one that expressed his  
09:25:17 **19** concern to me. Several others in Ridgecrest, Sophia  
09:25:21 **20** Merck (as pronounced) being one of them, and the  
09:25:24 **21** trouble of obtaining information related to the Desert  
09:25:28 **22** Advisory Council meetings. And as I get the  
09:25:31 **23** information, I send it out to a list of people who I  
09:25:35 **24** know are interested there locally in Ridgecrest. And  
09:25:41 **25** oftentimes even I get them late, or I'm away or

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09:25:44 **1** something and I don't get them out to them as fast as  
09:25:48 **2** it would be convenient.  
09:25:49 **3** So I just agreed with Dave that I would  
09:25:53 **4** include this in the record for him, and here's the  
09:25:56 **5** original for you.  
09:26:02 **6** That's all I really have.  
09:26:04 **7** CHAIRMAN PRESCH: Okay. Thank you. We  
09:26:06 **8** all know Dave, I'm sure. I remember who he is. He  
09:26:10 **9** has been coming to DAC as long as I have been on DAC.  
09:26:14 **10** And so we'll make an effort to make sure that he gets  
09:26:18 **11** information. And maybe we could make sure that he  
09:26:21 **12** gets the mailing. But as far as the agenda goes, I  
09:26:27 **13** think DAC and Steve and I need to work on that and get  
09:26:29 **14** it out much earlier than we have been. We are  
09:26:33 **15** admittedly amiss in that area. Thank you, Ron.  
09:26:38 **16** Richard.  
09:26:39 **17** MEMBER RUDNICK: I have no complaints.  
09:26:43 **18** But as most of you know, the desert has suffered an  
09:26:48 **19** extreme drought, especially this last year. And with  
09:26:53 **20** some light summer rains, it's starting to come back to  
09:26:56 **21** life. And I think we saw a very good representation  
09:26:59 **22** of grazing on the desert yesterday at Ron Kemper's, a  
09:27:06 **23** caring and responsible rancher, and how he survived  
09:27:09 **24** the drought and his practices to help the range and  
09:27:15 **25** help his operation. And he had great tri-tip for us

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09:27:20 **1** also.  
09:27:24 **2** The desert in general in the western Mojave  
09:27:28 **3** where I run, we pretty much pulled off all the cattle.  
09:27:37 **4** It was that extreme. And a lot of the plants and  
09:27:39 **5** brush didn't even come out of dormancy for the year.  
09:27:43 **6** But now we have received close to an inch of rain here  
09:27:47 **7** in the last couple weeks and things are starting to  
09:27:50 **8** revive, as it always does. That's really all I have.  
09:27:59 **9** Thank you.  
09:28:00 **10** CHAIRMAN PRESCH: Sheri.  
09:28:01 **11** MEMBER DAVIS: You often wonder when you  
09:28:06 **12** come to these meetings how filming fits in with all of  
09:28:10 **13** the DAC activity. But I have to thank, because I  
09:28:13 **14** cross over -- my activity crosses over a lot of people  
09:28:17 **15** sitting here and a lot of people have been very  
09:28:19 **16** helpful for us. Richard helped with the location  
09:28:22 **17** manager. If you have seen these big commercials with  
09:28:25 **18** the big steal girders over the Grand Canyon or the big  
09:28:33 **19** teeter-totter or see-saw with the Toyota Tundra,  
09:28:36 **20** Richard was very helpful. I sent them to Howard  
09:28:41 **21** Brown. Ron Kemper has been helpful. It's just a  
09:28:44 **22** great crossover of activity from everybody here. So I  
09:28:47 **23** want to thank you all publicly for helping me do my  
09:28:52 **24** job.  
09:28:52 **25** I do the California-On-Location awards.

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09:28:55 **1** I'm the founder of it, and it's an award that  
09:28:59 **2** recognizes this industry for staying and filming in  
09:29:03 **3** California. And this year it's October 14th. And I'm  
09:29:05 **4** really pleased because I have a lot of federal people  
09:29:10 **5** that have gotten into the finalists, and that's a  
09:29:13 **6** credit to the BLM because, guess what, you had lots of  
09:29:17 **7** competition.  
09:29:18 **8** We had an Elaine Hansen out of Ridgecrest  
09:29:22 **9** this year and Larry Blaine out of Barstow. So it's  
09:29:27 **10** really a thrill to have the BLM recognized at a forum  
09:29:31 **11** that the industry comes to and recognizes you for your  
09:29:35 **12** consideration in making their jobs easier.  
09:29:37 **13** And then on top of everything, the first  
09:29:40 **14** district supervisor out of San Bernardino County, Brad  
09:29:45 **15** Mitzelfelt, has given a commitment of \$150,000 to open  
09:29:50 **16** up land which currently has other use on it, so it's  
09:29:55 **17** not virgin use; it's land that has other multiple use  
09:29:59 **18** on it. And that will open up probably 20-plus  
09:30:02 **19** areas for us to film on.  
09:30:04 **20** This helps, again, to make us a little  
09:30:07 **21** competitive with the states that are border to us that  
09:30:10 **22** give all kinds of film incentives that we don't have  
09:30:13 **23** in California. Some of that land is going to be  
09:30:16 **24** opened up in the Needles area, and the rest of it will  
09:30:20 **25** be the Barstow field area. So I want to thank you on

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09:30:23 **1** the record, the supervisor, for stepping forward with  
09:30:27 **2** that. It's now going through the process of awarding  
09:30:31 **3** the funding inside the county. I have no idea how  
09:30:34 **4** long that process takes, but hopefully it will be  
09:30:39 **5** through in a hurry, and we will be moving right along  
09:30:41 **6** and pushing for more filming out in this area.  
09:30:47 **7** CHAIRMAN PRESCH: My report deals with  
09:30:49 **8** the same old kinds of things: Fringe-toed Lizard work  
09:30:54 **9** since in the Death Valley, Ibex, Dumont Dunes and  
09:30:58 **10** Coyote Hole. We are in off season for the animal, and  
09:31:03 **11** we are doing all the GPS and plotting maps. And I  
09:31:06 **12** have to say that wherever we go, we find them if you  
09:31:09 **13** know what the habitat is. There seems to be a lot of  
09:31:12 **14** them running around.  
09:31:14 **15** Needles biologist ^ check Collin was out a  
09:31:19 **16** couple weeks ago in September and found a couple of  
09:31:23 **17** them in Coyote Hole though he was not sure of the  
09:31:25 **18** temperature. We need to buy a thermometer. So we are  
09:31:30 **19** not really sure what the sand temperature really was  
09:31:34 **20** when these guys were out there, but they are there.  
09:31:35 **21** Fish and Wild Life was with him and Lorenzo  
09:31:39 **22** from Barstow. And hopefully, there is going to be  
09:31:41 **23** some movement on the petition for Fringe-toed Lizard  
09:31:45 **24** work that the Fish and Wildlife will put out an  
09:31:49 **25** opinion as to whether or not the petition is viable or

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09:31:52 **1** not. If not, it's over. If it is -- well, so goes  
09:31:56 **2** the Court, I suppose. If it is viable, then they will  
09:32:01 **3** begin a year's study.  
09:32:03 **4** We have sufficient funding to, I think, do  
09:32:06 **5** another season. Funding is provided by BLM through  
09:32:10 **6** the grant money. And we still have enough of that I  
09:32:13 **7** think to do next year's season. So we will get  
09:32:16 **8** another year of data. And the data currently is being  
09:32:19 **9** worked up by my graduate student, Jeff Jarvis, and he  
09:32:26 **10** has two years of data, his data this past year and our  
09:32:30 **11** effort the first year on these lizards. So we are  
09:32:33 **12** moving forward on that.  
09:32:34 **13** Second part of my report deals with the  
09:32:37 **14** Dumont Dunes Technical Review Team, which I am the  
09:32:40 **15** chairman of. And we meet -- too often. We have been  
09:32:46 **16** meeting at least once a month, if not in some cases  
09:32:50 **17** twice a month. And much of what we have  
09:32:52 **18** accomplished -- and I'm very pleased to say I think  
09:32:55 **19** the TRT has made a valuable contribution to Barstow's  
09:33:00 **20** work in Dumont. We have been responsible for,  
09:33:05 **21** approved of, talked about the redefining of the road,  
09:33:10 **22** the resurfacing of the road, the ongoing problems with  
09:33:13 **23** that project, and now mechanisms to fix that project  
09:33:17 **24** and get more of the material to put on the road, the  
09:33:20 **25** asphalt.

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09:33:21 **1** It will be coming from I-40 when they begin  
09:33:24 **2** that project in, I guess, March. They will be  
09:33:28 **3** beginning to resurface I-40. So a lot of that  
09:33:32 **4** material will be available. We just have to pay the  
09:33:35 **5** trucking cost and not for the material.  
09:33:36 **6** The road, though, was I think improved.  
09:33:39 **7** Although I understand some of my friends that use  
09:33:43 **8** Dumont Dunes are still complaining about the big rigs.  
09:33:48 **9** But it's a whole lot better than it was. We have also  
09:33:51 **10** been able to widen and pay for the widening the  
09:33:55 **11** crossing from one lane to three lanes across the  
09:33:59 **12** Amargoso River, which you get to not have a big  
09:34:02 **13** bottleneck there.  
09:34:02 **14** We have talked about new ways to collect  
09:34:06 **15** fees for the use of Dumont Dunes. We have proposed a  
09:34:11 **16** new schedule of fees for Dumont Dunes, and we have  
09:34:15 **17** begun to experience the state's recreational TRT,  
09:34:20 **18** which must approve all of these proposals, even though  
09:34:25 **19** they are only an advisory group, and they can say no  
09:34:28 **20** and then you can go ahead and do it anyhow. But we  
09:34:32 **21** still have to wait. And their meeting is now  
09:34:34 **22** scheduled for November. So we are somewhat in a bind  
09:34:38 **23** financially for Dumont Dunes. We are going to go in  
09:34:41 **24** the hole until we can start charging these new fees  
09:34:44 **25** and hope that we can recoup that after Thanksgiving,

25

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09:34:48 **1** one of the big holidays.  
09:34:50 **2** In the report that you received, there are  
09:34:53 **3** pictures of the concrete pour that came out very nice.  
09:34:58 **4** They did a really great job. And also there is the  
09:35:00 **5** proposal of the new fees which you can see there. And  
09:35:04 **6** there is a picture of the particular kind of post and  
09:35:09 **7** cable fencing that we have talked about with the TRT  
09:35:13 **8** around the Sperry Wash area to try to keep some of the  
09:35:17 **9** people out of the wilderness area. And it's my  
09:35:20 **10** understanding that that fencing may go all the way  
09:35:23 **11** down along the TNT railway berm, and that's dependent  
09:35:29 **12** on the funding.  
09:35:30 **13** And of course, Monday is the new fiscal  
09:35:33 **14** year and Congress hasn't given anybody any money, so  
09:35:37 **15** we are all broke again. So that's pretty much what we  
09:35:41 **16** are doing. And we have another meeting scheduled here  
09:35:43 **17** in another -- the 26th of October now with the TRT to  
09:35:51 **18** continue our discussion.  
09:35:52 **19** We are getting good responses from the  
09:35:54 **20** users because they are actually seeing changes on the  
09:35:58 **21** ground. And we push very hard for them to understand  
09:36:01 **22** that that is money that has come from their user fee.  
09:36:05 **23** So you are paying the money, and now you are seeing  
09:36:08 **24** stuff on the ground. And there are additional plans  
09:36:13 **25** for a heliport concrete landing strip and a new

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09:36:19 **1** trailer out there and a number of things that I'm sure  
09:36:22 **2** will be covered later on in the report.  
09:36:28 **3** Bill.  
09:36:30 **4** MEMBER BETTERLEY: Bill Betterley,  
09:36:32 **5** member-at-large. I really haven't a report, but I  
09:36:35 **6** want to thank Sterling again for a great tour  
09:36:40 **7** yesterday which showed quite a bit of the Desert  
09:36:46 **8** District to all of the DAC members. Thank you,  
09:36:49 **9** Sterling. It was beautiful. I have nothing further.  
09:36:53 **10** CHAIRMAN PRESCH: Harold.  
09:36:55 **11** MEMBER BROWN: Harold Brown,  
09:36:56 **12** nonrenewable resources. My report is pretty short.  
09:37:01 **13** I read in one of the reports that the  
09:37:03 **14** Mesquite Mine is starting up again. I think that's  
09:37:08 **15** good since gold production has dwindled to a pittance  
09:37:14 **16** of its former self in previous years. Also, from what  
09:37:18 **17** we saw yesterday and heard about the Viceroy mine  
09:37:23 **18** reclamation, it's encouraging to see responsible  
09:37:27 **19** mining companies are working toward acceptable  
09:37:32 **20** reclamation.  
09:37:33 **21** And just remember, if you can't grow it,  
09:37:35 **22** you have to mine it. That's my report.  
09:37:39 **23** CHAIRMAN PRESCH: Dave.  
09:37:41 **24** MEMBER CHARLTON: Dave Charlton,  
09:37:44 **25** renewable resources. Because of the drought, not much

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09:37:49 **1** has been happening with the California Plant Society,  
09:37:51 **2** but I have been attending meetings for Water  
09:37:55 **3** Management in the Antelope Valley. And I just got  
09:38:00 **4** back from the Wildlife Society in Tucson, and spent  
09:38:00 **5** one day attending talks on global warming. I thought  
09:38:04 **6** I would just summarize very quickly that the climate  
09:38:10 **7** models are showing a slight increase in temperature in  
09:38:14 **8** the Southwest, which will mean that there will be an  
09:38:17 **9** increase in evapotranspiration on the plants out  
09:38:23 **10** there. So drought stress similar to the conditions  
09:38:27 **11** that have been caused in the Owens Valley and have  
09:38:30 **12** been studied for numerous years by plant physiologists  
09:38:36 **13** in Inyo County and L.A. County.  
09:38:39 **14** There will be a slight increase in  
09:38:41 **15** temperature in the future. Rainfall is expected to be  
09:38:45 **16** slightly below normal, with an increase in summer  
09:38:50 **17** rainfall and a decrease in winter rainfall. And as  
09:38:55 **18** far as water supply, many of you are aware that local  
09:39:02 **19** areas are getting less water from the canals, and  
09:39:11 **20** growth continues to increase in the area. So we are  
09:39:13 **21** going to be forced to do more with less or rely in  
09:39:19 **22** pumping more water out of the ground. And we are  
09:39:23 **23** trying to move towards water banking, but if we are  
09:39:26 **24** not going to have much of a source of water from snow  
09:39:29 **25** packs, then it's going to be very difficult to water

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09:39:33 **1** bank water in the future. So that's the end of my  
09:39:38 **2** report.  
09:39:40 **3** CHAIRMAN PRESCH: Geary Hund.  
09:39:42 **4** MEMBER HUND: Geary Hund representing  
**5** conservation groups.  
09:39:44 **6** I just have a couple things. One is the  
09:39:47 **7** entity that I -- state agency that I work for, the  
09:39:51 **8** Coachella Valley Mountains Conservancy, has -- one of  
09:39:55 **9** the primary things we do is acquire lands for  
09:39:58 **10** conservation. And we often do that by making grants  
09:40:01 **11** to nonprofits and other entities to acquire land from  
09:40:06 **12** willing sellers to get inholdings or adjacent lands to  
09:40:14 **13** existing public lands.  
09:40:15 **14** And one piece of land that is currently in  
09:40:20 **15** escrow that the Friends of the Desert Mountains are  
09:40:23 **16** purchasing using in part funds granted by the  
09:40:27 **17** Conservancy is a parcel within Martinez Canyon in the  
09:40:33 **18** Santa Rosa National Monument which is a portion of the  
09:40:38 **19** National Monuments within the California Desert  
09:40:43 **20** Conservation Area. And Martinez Canyon, this  
09:40:46 **21** particular parcel helps to ensure continued vehicle  
09:40:49 **22** access into the lower part of the canyon. And it's  
09:40:52 **23** also where the road ends and the Cactus Springs Trail  
09:40:57 **24** begins. So it's a really great acquisition in terms  
09:41:01 **25** of providing for recreation in the future in the

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09:41:05 **1** southern San Jacinto Mountains.  
09:41:08 **2** We have also been working in partnership  
09:41:11 **3** with the BLM, Forest Service, Wilderness Society, my  
09:41:15 **4** former employer, and the Agua Caliente Band of the  
09:41:22 **5** Cahuilla Indians to develop a trail map and a  
09:41:25 **6** brochure, the brochure being a separate product from  
09:41:28 **7** the trail map, for the Santa Rosa/San Jacinto National  
09:41:31 **8** Monument. And the Agua Caliente have been providing  
09:41:35 **9** all the GIS services, which is a real cost savings.  
09:41:39 **10** And we anticipate in the next six months having final  
09:41:43 **11** products out. And it's going to be a great brochure  
09:41:48 **12** for users of the Santa Rosa/San Jacinto National  
09:41:56 **13** Monument.  
09:41:56 **14** MEMBER SCOTT: Wildlife. Out of  
09:41:59 **15** deference to Ron Denner and everybody else going to  
09:42:03 **16** Los Angeles, I will just hold my remarks.  
09:42:07 **17** MEMBER ACUNA: Tom Acuna, transportation  
09:42:09 **18** and rights-of-way. There is going to be a little more  
09:42:13 **19** discussion this afternoon on the energy strike force  
09:42:17 **20** team that's being led by Bruce Shaffer, so I won't say  
09:42:21 **21** too much except that at the last meeting, I was  
09:42:25 **22** assigned the task to participate in those meetings.  
09:42:28 **23** And what I have found out is this group  
09:42:31 **24** that Bruce is leading has been doing a very consistent  
09:42:34 **25** job at working with state and federal regulators to

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09:42:38 **1** resolve long-term energy issues for the Desert  
09:42:41 **2** Conservation area. I'm pretty impressed by that.  
09:42:45 **3** Some points I would make are that I know we  
09:42:48 **4** talked about mapping, where are these energy  
09:42:51 **5** applicants proposing their sites? There is some  
09:42:56 **6** mapping now available that we may get a chance to look  
09:43:00 **7** at that show those proposed sites, that shows the wind  
09:43:04 **8** and solar applications. There is a Web link now  
09:43:08 **9** available to us, and it identifies the applicants, the  
09:43:14 **10** number of acres, and where their application is.  
09:43:20 **11** And there also is a process chart that's  
09:43:23 **12** been developed by BLM on how the CEC and BLM process  
09:43:29 **13** NECO and CEQA for these projects, which is pretty  
09:43:33 **14** good. It makes things simpler for those proposing  
09:43:37 **15** projects.  
09:43:37 **16** I think that in my opinion, if I was going  
09:43:40 **17** to sum up one thing, I think I had a big concern that  
09:43:44 **18** a lot of these applicants were in remote sites, not  
09:43:48 **19** near major electric transmission corridors. And when  
09:43:51 **20** you look at the map -- and it's just my opinion --  
09:43:53 **21** when you look at the map, I didn't see that. I mean,  
09:43:56 **22** there still needs to be links built to these points,  
09:44:00 **23** but it wasn't like they were hundreds of miles away  
09:44:05 **24** from those major corridors. So I'm sure Bruce will be  
09:44:08 **25** able to give us some more insight on that. And I

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09:44:11 **1** appreciate the opportunity being on that committee  
09:44:14 **2** with them and participating with them. Thank you.  
09:44:18 **3** CHAIRMAN PRESCH: Ron, we are doing  
09:44:20 **4** Council member reports. Would you like to say  
09:44:24 **5** anything at this time?  
09:44:25 **6** MEMBER JOHNSTON: Only that I apologize  
09:44:27 **7** for being tardy. Didn't plan on the travel time being  
09:44:32 **8** quite what it was.  
09:44:44 **9** CHAIRMAN PRESCH: Thank you all for your  
09:44:45 **10** points.  
09:44:46 **11** State director's report, Jan Bedrosian will  
09:44:48 **12** make a presentation.  
09:45:01 **13** MS. BEDROSIAN: Mike Pool, state  
09:45:01 **14** director, sends his regards. I'm Jan Bedrosian,  
09:45:05 **15** deputy state director, external affairs.  
09:45:05 **16** Mike was so pleased to get to come down  
09:45:08 **17** with you and celebrate your 40th anniversary of the  
09:45:11 **18** CDCA and this Council. We were trying to figure, but  
09:45:14 **19** I think for sure that you are the oldest multiple use  
09:45:19 **20** council in BLM we have. We had grazing boards before  
09:45:21 **21** that. We are so pleased to be able to come down and  
09:45:24 **22** join and learn what you all are doing.  
09:45:27 **23** We do have some new issues. I will give  
09:45:31 **24** you a highlight of some national and statewide things.  
09:45:34 **25** If I could, I will give you a new bios of our

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09:45:39 **1** brand-new directors who have been confirmed. Jim  
09:45:41 **2** Caswell is from Idaho. He has an excellent  
09:45:45 **3** background. He's been with BLM, Forest Service,  
09:45:48 **4** Bonneville Power, and very close associate of  
09:45:51 **5** Secretary Dirk Kempthorne, which has to be good for  
09:45:54 **6** the BLM in terms of access to the department.  
09:45:57 **7** His most recent job is to show his  
09:46:00 **8** diversity as Idaho Director of the Office of Species  
09:46:05 **9** Conservation, so he did tackle those tough issues that  
09:46:08 **10** we are here, as well. He replaces Kathleen Clarke,  
09:46:11 **11** who retired back to Utah.  
09:46:13 **12** We also have as of Friday a brand-new  
09:46:16 **13** deputy director for policy and programs, Jim Hughes,  
09:46:20 **14** long-term director did retire. And Luke Johnson, who  
09:46:26 **15** is from Utah, was the chief of staff to Director  
09:46:30 **16** Clarke, has now been appointed to that position.  
09:46:33 **17** Mr. Caswell has indicated in several times with all  
09:46:37 **18** employees that he has four major priorities that he is  
09:46:40 **19** setting for the Bureau, which do impact us here in  
09:46:43 **20** California, of course.  
09:46:44 **21** He wants to promote the Healthy Lands  
09:46:49 **22** Initiative, which has been focused mostly on the Rocky  
09:46:55 **23** Mountain West, in balancing energy development with  
09:46:56 **24** wildlife, conservation and other issues. But we are  
09:46:57 **25** hoping to also get some of that program focus here in

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09:47:00 **1** California, particularly up north where we have state  
09:47:06 **2** route problems and things like that.  
09:47:07 **3** He also wants to promote the Managing For  
09:47:09 **4** Excellence Initiative, which of course is -- that's  
09:47:14 **5** basically going back to our three-tier organization in  
09:47:17 **6** the Bureau nationwide, as you already have here in the  
09:47:19 **7** desert, so it won't affect you. But we will be, of  
09:47:22 **8** course, putting together a National Operation Center  
09:47:25 **9** in Denver where we will be focusing some of our human  
09:47:29 **10** resources and information technology people, and that  
09:47:33 **11** should help save some money.  
09:47:35 **12** He said he does wish also to promote the  
09:47:38 **13** National Land Conservation System. You have many  
09:47:43 **14** units of the NLCS. There is a bill pending in  
09:47:48 **15** Congress to codify the NLCS. And he also wishes that  
09:47:52 **16** he would like to finish the revision of the grazing  
09:47:54 **17** regulations that were begun early in this  
09:47:57 **18** administration. And it got challenged in court, and  
09:48:00 **19** he would like to bring that to conclusion before he  
09:48:02 **20** leaves.  
09:48:02 **21** On the budget, we have a new fiscal year  
09:48:06 **22** starting Monday. I didn't check the paper this  
09:48:08 **23** morning, but I hope the president signed a continuing  
09:48:11 **24** resolution so we can all report to work. That's the  
09:48:13 **25** good news. The bad news is we don't know when the

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09:48:17 **1** Interior Appropriations Bill is likely to come up.  
09:48:21 **2** There is still hope it will be approved by the Senate.  
09:48:25 **3** It has some good stuff for us.  
09:48:28 **4** But in the meantime, while the continuing  
09:48:30 **5** resolution is in place, we have to not start any new  
09:48:34 **6** projects. It's keeping us in limbo. The CR right now  
09:48:40 **7** runs through November 16, so the clock is ticking for  
09:48:43 **8** all the appropriations bills.  
09:48:45 **9** Another legislation, there have been some  
09:48:48 **10** hearings recently on the Energy Policy Acquisition,  
09:48:52 **11** the Mine Law Reform revision issues, nothing that  
09:48:54 **12** anybody expects to be enacted probably by the end of  
09:48:57 **13** this year.  
09:48:57 **14** And then we do have some California  
09:49:00 **15** specific bills pending. We still have the Pechanga  
09:49:04 **16** Land Transfer, which passed the House and is awaiting  
09:49:07 **17** Senate approval. Thursday, California Desert and  
09:49:10 **18** Mountains Heritage Act, introduced jointly by Senator  
09:49:15 **19** Boxer and Representative Bono, which would propose to  
09:49:18 **20** designate somewhere in the realm of 200,000 acres of  
09:49:23 **21** new wilderness in the desert. Park Service, BLM,  
09:49:26 **22** Forest Service, all involved in that. And six Wild  
09:49:29 **23** and Scenic River new designations or additions, and  
09:49:32 **24** also for expansions of the Santa Rosa/San Jacinto  
09:49:36 **25** National Monument.

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09:49:39 **1** CHAIRMAN PRESCH: Do you have a number  
09:49:40 **2** for that bill?  
09:49:42 **3** MS. BEDROSIAN: I do. Joint  
09:49:44 **4** introduction by Mrs. Boxer and Mrs. Bono. No word  
09:49:48 **5** yet -- no word yet on when we will get hearings on  
09:49:52 **6** that.  
09:49:52 **7** MEMBER HUND: If people want details, I  
09:49:55 **8** have a summary of the bill with me today, including  
09:49:58 **9** proposed acreages and all that good stuff.  
09:50:01 **10** CHAIRMAN PRESCH: That would be great.  
09:50:05 **11** MEMBER BROWN: Could we have it printed?  
09:50:08 **12** MEMBER HUND: Yeah. I could e-mail it  
09:50:10 **13** around to the group.  
09:50:14 **14** MS. BEDROSIAN: Or I could read it on my  
09:50:18 **15** Blackberry.  
09:50:18 **16** On the State BLM management side, we are  
09:50:21 **17** fully full of all of our 16 managers in place. No  
09:50:25 **18** vacancies, which is very nice to see for a change. We  
09:50:29 **19** did just go through a once-every-decade-long general  
09:50:31 **20** management evaluation, which is done on state offices  
09:50:34 **21** by other state offices and the Washington office. And  
09:50:37 **22** I think some of you may have been interviewed. The  
09:50:41 **23** state director involved was from Wyoming. He  
09:50:44 **24** interviewed about 50 of our public and got the  
09:50:46 **25** impression of how we are doing.

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09:50:48 **1** A lot of good things, but I think what was  
09:50:51 **2** most gratifying to me, both our employees as well as  
09:50:54 **3** our partners all said how well we try to work  
09:50:58 **4** together, and there is a partnership effort in  
09:51:00 **5** California. And the state director from Wyoming was  
09:51:05 **6** very impressed with that.  
09:51:07 **7** Last, but not least, I have been reporting  
09:51:09 **8** to you on the progress or lack thereof of the  
09:51:11 **9** Recreation Resource Advisory Councils. Those were  
09:51:15 **10** created under the Recreation Enhancement Act or REA.  
09:51:19 **11** And I'm very pleased to announce that we got four of  
09:51:22 **12** our Advisory Council members throughout the state on  
09:51:26 **13** that Council, including your own Roy Denner. And we  
09:51:30 **14** also have Don Klusman, Tom McFarland and Bob Warren  
09:51:36 **15** being able to represent BLM on that Council, which I  
09:51:39 **16** think that will be very important. And they will be  
09:51:41 **17** meeting early part of November in Sacramento. And we  
09:51:46 **18** hope to get Dumont Dunes quickly taken care of.  
09:51:50 **19** That's it from the national and state  
09:51:51 **20** level. If anybody has any questions.  
09:51:54 **21** MEMBER HUND: Jan, just before I left,  
09:51:58 **22** the Wilderness Society was involved briefly with  
09:52:01 **23** pending legislation to codify (unintelligible), and  
09:52:05 **24** there was some debate back in D.C. whether or not to  
09:52:09 **25** include the California Desert Conservation Area

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09:52:11 **1** because of its unique nature with more multiple use  
09:52:16 **2** and things like solar energy and wind energy  
09:52:19 **3** development within its boundaries.  
09:52:21 **4** And I, for one, in our office was a  
09:52:23 **5** proponent of it being part of the National Landscape  
09:52:29 **6** Conservation System, because of being part of a larger  
09:52:31 **7** system, it would benefit from funding and in other  
09:52:36 **8** ways. The whole desert would benefit if it were part  
09:52:40 **9** of the system. So I just wondered where things  
09:52:43 **10** currently stand. I was going to check in with my old  
09:52:47 **11** colleagues, and I haven't yet, and I wondered if you  
09:52:49 **12** could report on that.  
09:52:51 **13** MS. BEDROSIAN: That has been an issue  
09:52:53 **14** cooking now for a couple of months. The BLM at the  
09:52:56 **15** national level did issue an opinion, so to speak, a  
09:53:00 **16** position that if the NLCS bill as it's currently  
09:53:04 **17** written that is pending before Congress was enacted as  
09:53:08 **18** is, that the California Desert Conservation Area would  
09:53:12 **19** not automatically be part of the NLCS. Part of the  
09:53:15 **20** discussion actually goes back to the legislative  
09:53:18 **21** history in 1976 in arguing whether the word "national"  
09:53:23 **22** was included or not for a reason.  
09:53:25 **23** We are still awaiting some word on that.  
09:53:27 **24** In other words, the Bureau has basically told Congress  
09:53:30 **25** if you wish to include the CDCA in the codified NLCS

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09:53:36 **1** system, it must be dealt with by Congress. So that is  
09:53:40 **2** still under consideration by those that are sponsoring  
09:53:43 **3** that legislation.  
09:53:46 **4** MEMBER DENNER: We respect the newly  
09:53:49 **5** appointed director's position on continuing his  
09:53:52 **6** efforts regarding conservation. I don't see any  
09:53:56 **7** comments about his position on recreation. Have you  
09:53:59 **8** heard where he stands on those issues, or is that just  
09:54:03 **9** lost in the noise?  
09:54:04 **10** MS. BEDROSIAN: I don't think it's lost  
09:54:05 **11** in the noise; it's part of the -- as we discussed last  
09:54:09 **12** night, it's part of the Healthy Lands Initiative how  
09:54:13 **13** you deal with recreation access and sportsmen's use in  
09:54:16 **14** areas where you have development like the Rocky  
09:54:19 **15** Mountain oil and gas. It's not as controversial as  
09:54:23 **16** some of the other issues he is focusing on, and the  
09:54:26 **17** NLCS has a lot of recreation issues attached to it. I  
09:54:31 **18** think his heart is there. I think it's part of those  
09:54:35 **19** overall issues that he is approaching.  
09:54:38 **20** MEMBER DENNER: Kathleen Clarke as you  
09:54:40 **21** know, was a big supporter of multiple use and  
09:54:43 **22** protecting the environment at the same time, as we  
09:54:45 **23** are. But she made it clear and it was part of her  
09:54:50 **24** platform that multiple use was equally important as  
09:54:53 **25** significant conservation.

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09:54:55 **1** And the new people that are moving into  
09:54:57 **2** Washington don't seem to want to put their name on the  
09:55:01 **3** line for having that approach as a major effort that  
09:55:05 **4** seems, like you said, of four points he said he stands  
09:55:10 **5** for, it seems like three of the four are all about  
09:55:13 **6** conservation and nothing about multiple use of public  
09:55:16 **7** lands.  
09:55:17 **8** I would certainly expect the recreationists  
09:55:23 **9** to make sure that the new director is aware of the  
09:55:26 **10** fact that we play a major role on public lands as  
09:55:29 **11** well.  
09:55:30 **12** MS. BEDROSIAN: If it makes you feel any  
09:55:32 **13** better, they asked us for potential venues for the new  
09:55:36 **14** director to come out. We listed wouldn't it be  
09:55:39 **15** interesting to have him come to the Imperial Sand  
09:55:42 **16** Dunes in Thanksgiving and see what recreation is like  
09:55:44 **17** in California. Probably a little different than it is  
09:55:47 **18** in Idaho. So we look forward to having him out.  
09:55:52 **19** MEMBER DENNER: Kathleen went there, and  
09:55:56 **20** her whole attitude about what the recreation is  
09:55:57 **21** changed overnight.  
09:55:58 **22** MS. BEDROSIAN: So maybe we can get him  
09:56:00 **23** out soon.  
09:56:01 **24** MEMBER DENNER: That would be great.  
09:56:05 **25** MEMBER SCOTT: Forgive me for something

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09:56:07 **1** that's not anything that you mentioned. It's a  
09:56:09 **2** question maybe for next meeting.  
09:56:11 **3** Could you give us a rundown of the  
09:56:14 **4** education partnership that BLM has with universities?  
09:56:17 **5** This comes out of some comments on the field trip,  
09:56:20 **6** people basically talking about the age of their staff  
09:56:23 **7** at BLM. And I know that there used to be some pretty  
09:56:27 **8** good partnerships to try to co-opt some of the young  
09:56:31 **9** minds to join the agency. And I guess I'm a little  
09:56:34 **10** concerned as I look ten years down the road when all  
09:56:37 **11** of us are starting to retire. And that big fat cohort  
09:56:41 **12** you expect to have behind us really isn't there.  
09:56:44 **13** Maybe you could do a report.  
09:56:46 **14** MS. BEDROSIAN: We will get some  
09:56:47 **15** information for you. We do have some things going on.  
09:56:52 **16** MEMBER BETTERLEY: A lot of us have been  
09:56:54 **17** worried about that for 20 years.  
09:56:57 **18** MS. BEDROSIAN: And we are a little  
09:56:59 **19** closer than ten years to retirement.  
09:57:03 **20** CHAIRMAN PRESCH: Thank you.  
09:57:33 **21** We will move on to the field manager's  
09:57:37 **22** summary reports. And I want to remind the field  
09:57:40 **23** managers that we have all your paper reports, and we  
09:57:43 **24** have all read them, hopefully. And so it will be more  
09:57:46 **25** of a question-and-answer-type forum as opposed to you

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09:57:51 **1** standing there rereading the report to us. And I  
09:57:55 **2** think Steve has a comment to make.  
09:57:57 **3** DIRECTOR BORCHARD: I want to steal a  
09:58:00 **4** little bit of my field managers' time by replying to  
09:58:04 **5** the information adequacy questions that have been  
09:58:06 **6** brought up to let you know that I heard your concerns  
09:58:11 **7** loud and clear and recognize that we can go a long  
09:58:14 **8** ways in improving the timeliness and completeness that  
09:58:20 **9** we are sharing information about our agendas, our  
09:58:24 **10** activities, our schedules, our meetings in which we  
09:58:28 **11** expect both the public and the DAC to participate in.  
09:58:31 **12** I realize you can't plan and participate if  
09:58:33 **13** you don't know far enough in advance of those meetings  
09:58:36 **14** and you don't know the subject of those meetings, what  
09:58:41 **15** will be discussed. So I will ask my staff to focus  
09:58:46 **16** more effort on getting a good supply of information  
09:58:52 **17** out in a timely fashion so you can plan your schedules  
09:58:56 **18** and be informed of what we are going to discuss and  
09:58:59 **19** what we want your inputs on.  
09:59:01 **20** I think the only deal -- I'm not big on  
09:59:05 **21** excuses, but I feel like I have to say something here  
09:59:08 **22** because as I read through my field managers' reports,  
09:59:12 **23** I'm so impressed with the variety and volume of  
09:59:17 **24** activities that my staff takes on.  
09:59:21 **25** I applaud them for their efforts and feel

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09:59:26 **1** like it could be myself and my district staff that are  
09:59:32 **2** maybe stumbling on not being after them about getting  
09:59:36 **3** information out. So I'm going to personally do  
09:59:40 **4** more -- place more effort on that and impose a little  
09:59:45 **5** on them, on their busy schedules and a little sooner,  
09:59:49 **6** and get the information out a little better. So hear  
09:59:53 **7** you loud and clear. We are going to work on it.  
09:59:58 **8** CHAIRMAN PRESCH: All right. We will  
10:00:02 **9** take reports.  
10:00:07 **10** MR. HILLIER: Jerry Hillier, San  
10:00:08 **11** Bernardino County. I had a question. As we go into  
10:00:12 **12** the field managers' reports and after the Council  
10:00:14 **13** finishes with any questions and discussions that they  
10:00:17 **14** have, will you allow an opportunity for the public to  
10:00:20 **15** ask any questions? Or do we have to wait until the  
10:00:22 **16** close of the session at 3 o'clock this afternoon?  
10:00:26 **17** CHAIRMAN PRESCH: We have them at 11:45,  
10:00:30 **18** as well, now so we can do it at that time.  
10:00:39 **19** MS. ELSER: Did you have questions that  
10:00:41 **20** you want to ask?  
10:00:43 **21** CHAIRMAN PRESCH: I kind of summarized  
10:00:45 **22** your report for you.  
10:00:47 **23** MEMBER DENNER: I just wanted to remind  
10:00:48 **24** you, the Chair, that we had some lengthy discussions  
10:00:53 **25** in the past about when people are allowed to ask

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10:00:56 **1** questions. And we had concluded a couple of times  
10:00:58 **2** that it makes sense to let the public ask their  
10:01:01 **3** questions immediately following the presentation of a  
10:01:04 **4** subject because by the time we get to public comment,  
10:01:08 **5** you know, everybody forgets what it was all about. So  
10:01:10 **6** I just want to remind you that we did discuss that and  
10:01:14 **7** come up with that agreement.  
10:01:16 **8** CHAIRMAN PRESCH: There is your answer,  
10:01:18 **9** Jerry. We will go through that as we go through the  
10:01:20 **10** reports. Thank you for reminding us.  
10:01:23 **11** MS. ELSER: A quick summary, or did you  
10:01:26 **12** just want to ask questions?  
10:01:28 **13** CHAIRMAN PRESCH: Council has copies and  
10:01:30 **14** have looked at it or read it. So unless you have  
10:01:34 **15** something that you want to specifically stress very  
10:01:37 **16** quickly, and then if anybody has any questions.  
10:01:41 **17** MEMBER BETTERLEY: I do have a question.  
10:01:43 **18** I don't know if it's the last page of your field  
10:01:49 **19** report, you tell us how busy you have been with 43  
10:01:54 **20** right-of-way applications -- in the last page of the  
10:02:06 **21** Barstow report, they have the processing 43  
10:02:11 **22** right-of-way applications for wind and solar energy  
10:02:15 **23** testing and development. But you list wind, 32  
10:02:18 **24** applications of 236,969 acres. And solar, 11  
10:02:26 **25** application of 84,065 acres. Do any of those 300 --

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10:02:35 **1** 400,000 acres come out of the recreation area, or is  
10:02:40 **2** that out of some other areas that are not being used?  
10:02:44 **3** MS. ELSER: Some of them are definitely  
10:02:47 **4** in OHV and some in limited use areas. Stoddard and  
10:02:52 **5** Johnson are very big OHV areas, and there are  
10:02:56 **6** definitely applications in those areas.  
10:03:02 **7** MEMBER BETTERLEY: I just think  
10:03:04 **8** personally that we have got apples and oranges, and  
10:03:10 **9** this isn't going to balance when we get all through.  
10:03:13 **10** And I hope that -- of course, I understand the  
10:03:19 **11** transmission lines are a big plus or minus for an  
10:03:27 **12** area. But I don't like to see recreation lands be  
10:03:32 **13** depleted because you have so many other areas that are  
10:03:37 **14** equally as good that probably they don't know of.  
10:03:41 **15** MS. ELSER: Well, the earlier applicants  
10:03:44 **16** that came in, we tried to direct them into areas that  
10:03:47 **17** would have less impacts on recreation. And so early  
10:03:51 **18** on we could take the applicants and tell them that's a  
10:03:54 **19** good area, but if you go over here, you will have less  
10:03:58 **20** concerns when we get to the NEPA.  
10:04:00 **21** But then as we got further along, there  
10:04:03 **22** weren't those areas we could redirect people to. So  
10:04:06 **23** now the applicants that are coming in, they are  
10:04:08 **24** looking for blocks of land that don't already have  
10:04:11 **25** applications.

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10:04:12 **1** So some of our applicants do actually cut  
10:04:16 **2** our OHV areas in two. That's where we are at now.  
10:04:21 **3** The applicants are still taking land that's available.  
10:04:26 **4** As we go through the NEPA process, we will be  
10:04:30 **5** analyzing what is the impact on everything,  
10:04:33 **6** biological, cultural and recreation. And that's where  
10:04:36 **7** the field manager has to make a decision.  
10:04:38 **8** MEMBER BETTERLEY: Well, I certainly  
10:04:40 **9** hope that you will take that into consideration. But  
10:04:42 **10** I -- with the expansion of California and Southern  
10:04:47 **11** California in the recreation areas, I don't know that  
10:04:51 **12** we -- I personally as a board member here would want  
10:04:56 **13** to see any -- you have cut enough of the recreation  
10:04:59 **14** areas out already, and I sure hope you give that  
10:05:02 **15** serious consideration not to do any more.  
10:05:05 **16** MS. ELSER: Maybe that's something for a  
10:05:07 **17** future meeting, we can get one of these large maps and  
10:05:11 **18** put on the OHV open areas and show the applications on  
10:05:15 **19** it. We have one in our office that is just for our  
10:05:23 **20** office where the open areas are and the applications,  
10:05:26 **21** and it does show you that there could be some  
10:05:29 **22** potentially very big impacts from it.  
10:05:35 **23** MEMBER BETTERLEY: Well, I don't have  
10:05:37 **24** anything more to say on that, Mr. Chair, but I hope  
10:05:41 **25** they take that into consideration because it's too big

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10:05:44 **1** of a loss to be infringing upon the recreation.  
10:05:49 **2** MR. STEIN: Alan Stein, BLM. Both of  
10:05:52 **3** these, the wind and the solar, do have the open OHV  
10:05:57 **4** areas. So we can look at it just from these. And  
10:06:01 **5** that will be something that will be evaluated in any  
10:06:05 **6** environmental document, but they are on these maps.  
10:06:11 **7** MEMBER ACUNA: When they are evaluated,  
10:06:14 **8** is it going to be kind of just a rubber stamp that we  
10:06:18 **9** evaluated it and we are going to take the land?  
10:06:22 **10** MR. STEIN: It will be given equal  
10:06:24 **11** weight in terms of analysis to every other conflict  
10:06:28 **12** that may be present with regard to energy development,  
10:06:32 **13** every other conflict, every other impact. So it will  
10:06:36 **14** all be in the analysis. And then it will be up to the  
10:06:41 **15** decision maker and the decision document to reflect  
10:06:45 **16** what analysis took place and what rationale went  
10:06:49 **17** behind making the decision.  
10:06:53 **18** MEMBER ACUNA: One question, AI. So  
10:06:55 **19** much of what decisions are made are based on policy  
10:06:58 **20** and guidelines that are within the plan. And if the  
10:07:02 **21** plan doesn't currently have suggestions that OHV is  
10:07:08 **22** important and it shouldn't be replaced, the applicant  
10:07:11 **23** should be responsible for that, then when the decision  
10:07:14 **24** comes along if that wording is not there, it's quite  
10:07:17 **25** possible you won't have the tools you need to enforce

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10:07:20 **1** that with an applicant.  
10:07:23 **2** MR. STEIN: Not based on the existing  
10:07:26 **3** plan, but under the current California Desert  
10:07:30 **4** Conservation Area Plan, each of these development  
10:07:32 **5** projects will require a plan amendment. So we will  
10:07:38 **6** have to reflect what is actually happening out there.  
10:07:45 **7** If we are making a reduction to an OHV open area to  
10:07:51 **8** accommodate an energy development proposal, that  
10:07:56 **9** information will be available to the public and will  
10:07:58 **10** be part of our decision, whether we choose to allow  
10:08:03 **11** that accommodation and that reduction in OHV or  
10:08:07 **12** whether we require the applicant to have a smaller  
10:08:10 **13** proposal so that the OHV open area is not affected.  
10:08:17 **14** CHAIRMAN PRESCH: Ron.  
10:08:19 **15** MEMBER JOHNSTON: AI, just on these  
10:08:21 **16** proposed plans, we have had discussions at the last  
10:08:26 **17** two meetings about how many of these applications that  
10:08:30 **18** are being proposed are duplicative where, in fact,  
10:08:34 **19** they have come in and applied for two or three sites  
10:08:38 **20** in hopes they get one. Do we have any kind of idea  
10:08:42 **21** what kind of duplication is involved here?  
10:08:46 **22** MR. STEIN: Sometimes we have multiple  
10:08:48 **23** applicants for the same site, so they are overlaid.  
10:08:51 **24** So what you may see on the table, the table that shows  
10:08:55 **25** on our Web site that describes all these applications,

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10:09:00 **1** you may see some that say, this is the second in time  
10:09:07 **2** or the second or third in time or such.  
10:09:09 **3** There are some applications where the total  
10:09:12 **4** acreage is larger than what they really want. Until  
10:09:18 **5** they finalize that application and with concentrating  
10:09:23 **6** solar power systems, until they file an application  
10:09:27 **7** for certification with the California Energy  
10:09:31 **8** Commission, we really don't know what that final  
10:09:35 **9** application is going to be.  
10:09:39 **10** So we have kind of a first stage right now.  
10:09:43 **11** But when we get to a point where we are working on an  
10:09:46 **12** environmental document with the California Energy  
10:09:49 **13** Commission, that will be what their proposal is, and  
10:09:53 **14** the surplus lands will be sifted out.  
10:09:58 **15** CHAIRMAN PRESCH: Sheri.  
10:10:01 **16** MEMBER DAVIS: I would like to echo the  
10:10:03 **17** concerns about the recreational area. And when I  
10:10:06 **18** first came on this DAC board, I never considered my  
10:10:11 **19** industry connected with the OHV group because we  
10:10:13 **20** didn't use dune buggies and sand rails. And Roy  
10:10:19 **21** kindly told me that we are. The minute we leave a  
10:10:22 **22** major highway, we become part of an OHV user.  
10:10:27 **23** So I have a real concern if this land is  
10:10:30 **24** going to be used, taken away for any reason, because I  
10:10:33 **25** have a supervisor in the First District committing to

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10:10:37 **1** look at a lot of the land and to spend money to open  
10:10:41 **2** it up for filming, only to have it taken back away.  
10:10:45 **3** So for most of you, this industry puts a lot of  
10:10:49 **4** money -- it's probably in the top four engines in the  
10:10:52 **5** state of California and also one of our driving  
10:10:55 **6** engines, economic engines out here. So I really have  
10:10:59 **7** a concern if there is a loss of that land both for  
10:11:03 **8** recreation and my industry.  
10:11:07 **9** MEMBER SCOTT: I wanted to echo Tom's  
10:11:09 **10** comments. The feeling you get from standing outside  
10:11:13 **11** and looking at the process, it seems like that the  
10:11:16 **12** people that are developing the plans are developing  
10:11:18 **13** them based on solar kind of in a vacuum with other  
10:11:23 **14** resources. And I'm sort of worried they are going to  
10:11:25 **15** go headlong into recreation, and then there will be  
10:11:28 **16** some remuneration -- something will take place to  
10:11:31 **17** correct that.  
10:11:32 **18** Is there any way to get a best management  
10:11:36 **19** practices for solar or some way to sort of try to get  
10:11:38 **20** recreation integrated into these plans before they are  
10:11:41 **21** actually presented as permits?  
10:11:46 **22** MR. STEIN: I will try and respond to  
10:11:49 **23** that. Essentially, the plan that we have right now  
10:11:54 **24** for the California Desert Conservation Area doesn't  
10:11:57 **25** allow us any kinds of tools to make those decisions.

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10:12:02 **1** So they are going to have to be made on a case-by-case  
10:12:06 **2** basis and project-by-project basis. And that's the  
10:12:10 **3** best we can do at this point, unless we went in and  
10:12:13 **4** tried to amend the whole Desert Plan to set up a whole  
10:12:17 **5** new scheme of toolbox to make those decisions. And we  
10:12:22 **6** are really not in a position right now with all these  
10:12:25 **7** applications sitting before us to do that.  
10:12:30 **8** MEMBER SCOTT: But there are ways to  
10:12:32 **9** develop best management practices and things like  
10:12:34 **10** that, maybe not through the regulatory avenue. But  
10:12:38 **11** the same thing as we have range advisors who work with  
10:12:41 **12** ranchers, there is kind of a partnership there that it  
10:12:44 **13** seems like there ought to be some avenue, maybe not  
10:12:47 **14** the regulatory, to create lines of communication  
10:12:49 **15** between recreation and the folks putting these things  
10:12:52 **16** on the ground before we actually come to a  
10:12:56 **17** confrontation, which the smoke is on the horizon.  
10:13:00 **18** MR. STEIN: I hesitate to call it  
10:13:03 **19** confrontation. But I think some of this is going to  
10:13:07 **20** be in the processing of the application. The first  
10:13:14 **21** application that comes by is a totally new thing. We  
10:13:18 **22** have not been an energy district here in Southern  
10:13:22 **23** California. Now we are. And we are making different  
10:13:25 **24** kinds of trade-offs among resource uses.  
10:13:30 **25** The first project that comes down the line

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10:13:33 **1** is really going to be the test case as to how well we  
10:13:38 **2** can do that and how well we can make those decisions,  
10:13:42 **3** take into account public input, public comment,  
10:13:47 **4** concerns, and make a decision that really makes some  
10:13:51 **5** sense. As we do that, we are going to develop, or we  
10:13:54 **6** hope we will develop through the learning process --  
10:13:58 **7** we will make mistakes. We will try to fix them. And  
10:14:02 **8** as we go through that, hopefully we will be able to  
10:14:05 **9** develop some kinds of best management practices, ways  
10:14:09 **10** to do things, ways not to do things that will take us  
10:14:13 **11** down the road to processing the subsequent  
10:14:16 **12** applications that we get.  
10:14:19 **13** MEMBER SCOTT: Just thinking ahead of  
10:14:21 **14** the curve. Like yesterday, we had this graphic image  
10:14:24 **15** of the solar unit in the basin. And I was looking at  
10:14:28 **16** this, and you couldn't create a better system to  
10:14:30 **17** intercept roads. It was sort of this linear feature.  
10:14:35 **18** And I'm showing my ignorance here -- I'll be happy to  
10:14:37 **19** do this for everybody -- but I would have put them all  
10:14:39 **20** together. Clustered three squares together rather  
10:14:42 **21** than laid them out in a line if I didn't want to  
10:14:44 **22** intercept recreation. So it seems like maybe there is  
10:14:47 **23** a third party that ought to get involved in this. I  
10:14:51 **24** don't know if that's possible, but to have some kind  
10:14:54 **25** of education or connection.

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10:14:57 **1** MR. STEIN: Well, I understand what you  
10:15:00 **2** are trying to get at. But part of that is that what  
10:15:04 **3** we are reacting to at this point is an application.  
10:15:08 **4** DIRECTOR BORCHARD: In an ideal planning  
10:15:12 **5** scenario, BLM would have had the crystal ball if we  
10:15:19 **6** knew this kind of interest for use of the public lands  
10:15:25 **7** was coming at us at some point in the future. And we  
10:15:28 **8** would have asked for money to carry out a programmatic  
10:15:36 **9** analysis districtwide and have evaluated all the  
10:15:41 **10** potential conflicts and demands and values that we  
10:15:46 **11** manage for through a public planning and analysis  
10:15:51 **12** process. And identified areas where we felt that both  
10:15:56 **13** solar and wind uses were compatible with all the other  
10:16:01 **14** values that we manage for and demands that are placed  
10:16:05 **15** on the desert.  
10:16:06 **16** However, we didn't have that foresight. We  
10:16:10 **17** don't have the \$3 million or the two and a half years  
10:16:14 **18** to carry out that exercise. And this is some of the  
10:16:19 **19** thought process we went through a year ago. And we  
10:16:23 **20** kind of said, okay, we've got two options. We can  
10:16:28 **21** take on a programmatic job right now and divert  
10:16:34 **22** 10 percent of our districtwide budget to it and cut  
10:16:39 **23** our programs everywhere else. Or we can try and  
10:16:46 **24** develop some districtwide guidance and policy by  
10:16:53 **25** establishing an Energy Strike Team.

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10:16:59 **1** And through that process of developing that  
10:17:03 **2** guidance, develop a standardized way to handle  
10:17:07 **3** individual applications and work with both public and  
10:17:10 **4** proponents on providing adequate analysis and public  
10:17:17 **5** involvement in the decision making processes as we  
10:17:21 **6** process each one of those applications individually  
10:17:24 **7** and have the project proponents pay all those costs.  
10:17:29 **8** It's kind of our second choice of how we  
10:17:32 **9** are going to get through this. It was not our first  
10:17:35 **10** choice of how we are going to get through this. And  
10:17:40 **11** that's kind of the decision, the way that we made at  
10:17:45 **12** that time to move forward with all these applications  
10:17:47 **13** and handle this workload. So I could say in the  
10:17:52 **14** perfect world we would have been able to carry out a  
10:17:56 **15** programmatic analysis and got through this and  
10:17:59 **16** identified areas where we thought the conflicts  
10:18:02 **17** between uses and values could be adequately mitigated.  
10:18:06 **18** Instead, we chose the route of putting  
10:18:08 **19** together a team of people and working out a process  
10:18:12 **20** that we felt that we could kind of arrive at that same  
10:18:16 **21** goal while working with each individual application.  
10:18:23 **22** MR. STEIN: As these proposals came in,  
10:18:26 **23** the field offices did try to apply a course filter.  
10:18:30 **24** And the really -- the conflicts that were essentially  
10:18:35 **25** fatal flaws, they tried very hard -- and succeeded in

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10:18:39 **1** all cases, I think -- to eliminate those really fatal  
10:18:44 **2** flaws.  
10:18:45 **3** Other conflicts haven't been eliminated,  
10:18:48 **4** but they haven't been analyzed. But one of the  
10:18:53 **5** interesting things to go along with some of what you  
10:18:55 **6** are saying, Tom, is that Congress this summer, the  
10:18:58 **7** House, passed an energy bill that called for the  
10:19:01 **8** establishment of solar energy reserves on public  
10:19:06 **9** lands. So we are beyond that point because we've got  
10:19:10 **10** those solar energy reserves, and we have applications  
10:19:14 **11** on all of them and more than all of them.  
10:19:17 **12** So that's one of the reasons why we made  
10:19:19 **13** that. And I think Congress would like to see that  
10:19:23 **14** happen, but that's a little bit behind where solar  
10:19:27 **15** energy companies are. They have already established  
10:19:30 **16** what they want to do.  
10:19:33 **17** MEMBER BETTERLEY: You know, to get away  
10:19:36 **18** from energy and go to mining. If I had found gold in  
10:19:41 **19** Amboy, I sure as hell wouldn't want to put my plant to  
10:19:45 **20** process in Baker. And I think that's what we are  
10:19:47 **21** trying to make sure that we don't infringe on  
10:19:50 **22** something else to gain something here. And I think  
10:19:55 **23** that's really a thing the Bureau really has to look at  
10:20:01 **24** awfully hard, especially in this sports area.  
10:20:03 **25** MR. STEIN: You are right. You are

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10:20:04 **1** exactly right. But it's something that at this point,  
10:20:08 **2** as Steve was mentioning, we have got two choices. One  
10:20:12 **3** is to either do that as we look at an individual  
10:20:15 **4** application or take a step back and look at all the  
10:20:20 **5** areas and do a plan amendment that looks at the entire  
10:20:24 **6** district and says these areas are suitable for solar  
10:20:27 **7** and wind energy. These areas are not suitable for  
10:20:31 **8** solar and wind energy. That would take a long time.  
10:20:35 **9** And we can't make those decisions right now.  
10:20:40 **10** MEMBER HUND: This question I guess is  
10:20:42 **11** for Steve and Al.  
10:20:44 **12** Steve, you mentioned the development of  
10:20:47 **13** standard practices and policies which effectively, I  
10:20:51 **14** think, will become your best management practices for  
10:20:54 **15** these projects. And is it possible to involve the DAC  
10:21:01 **16** and the public in the development of those, for one,  
10:21:05 **17** by sharing with the DAC some drafts so that the DAC  
10:21:09 **18** can give input on those standards and policies that  
10:21:13 **19** will be used throughout the district for energy  
10:21:17 **20** projects?  
10:21:18 **21** And then, two, the group had previously  
10:21:22 **22** asked for maps of these areas. And I very much  
10:21:28 **23** appreciate that you have prepared them and have them  
10:21:30 **24** up here today. But is there a way that you could  
10:21:34 **25** provide DAC members with reasonable-sized copies of

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10:21:39 **1** these so we could actually take a look at them after  
10:21:42 **2** today in order to evaluate them?  
10:21:47 **3** DIRECTOR BORCHARD: Your first question  
10:21:49 **4** was about DAC involvement on these processes for best  
10:21:52 **5** management practices we develop. Certainly we can do  
10:21:55 **6** that. In fact, I think we have to some degree because  
10:21:59 **7** on the Web site we have placed the Memorandum of  
10:22:06 **8** Understanding and the process flow chart between BLM  
10:22:11 **9** and California Energy Commission.  
10:22:14 **10** And that largely outlines the process of  
10:22:18 **11** how those two entities are going to cooperate and the  
10:22:23 **12** sequence of events that will occur that will lead to  
10:22:26 **13** flow-through from the receipt of the application to  
10:22:32 **14** the processing and analysis of the application by both  
10:22:38 **15** CEC and BLM and lays out how we are going to work  
10:22:44 **16** together and the schedule and how it will work. So  
10:22:48 **17** those documents are posted right now.  
10:22:51 **18** As well as your second question was, can we  
10:22:56 **19** give you a map? These maps you see on the wall, the  
10:23:01 **20** two on the right -- I'm sorry, the left, the solar  
10:23:06 **21** energy project applications and the wind energy  
10:23:09 **22** project applications, both those maps are posted on  
10:23:13 **23** the Web as pdf files that you can blow up on your  
10:23:18 **24** screen and look at it in any scale you want or print  
10:23:23 **25** out on your printer at home. Those maps include each

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10:23:29 **1** individual project site posted on the map. And there  
10:23:33 **2** are instructions there for how you can get to a Web  
10:23:37 **3** site and look up a whole bunch of information that's  
10:23:43 **4** housed in our LR-2000 database that gives you a whole  
10:23:49 **5** bunch of specific information about each individual  
10:23:52 **6** project.  
10:23:54 **7** The second BMP or process that we are  
10:24:01 **8** working on developing that we have talked about  
10:24:05 **9** involving both the public and can also involve the DAC  
10:24:09 **10** is I have asked the Energy Strike Team, specifically  
10:24:13 **11** our National Environmental Policy Act coordinators  
10:24:18 **12** from each field office as well as state and national  
10:24:21 **13** office, to work out a process, outline a process of  
10:24:27 **14** how we are going to go about doing cumulative effects  
10:24:30 **15** analysis, because that has been brought up at DAC  
10:24:36 **16** meetings here in the past. And I zeroed in on that as  
10:24:39 **17** a critical element, kind of a critical element in lieu  
10:24:44 **18** of a programmatic analysis that I mentioned would have  
10:24:48 **19** been ideal, in my previous explanation.  
10:24:53 **20** So our NEPA coordinators at field office,  
10:24:59 **21** state and national office level, have begun that  
10:25:02 **22** process of defining the cumulative analysis effects  
10:25:12 **23** kind of framework that we would use. And I think the  
10:25:16 **24** next step is once we get a draft process defined, we  
10:25:21 **25** would share that with you all and any other interested

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10:25:25 **1** stakeholders and get feedback on it.  
10:25:29 **2** I feel that this is a critical step we need  
10:25:32 **3** to take because it is an issue that's been brought up.  
10:25:36 **4** It is a concern of mine that when we go through  
10:25:40 **5** individual sites and analyze their individual impacts,  
10:25:45 **6** that that's not adequate. That we need to look at  
10:25:48 **7** each of those individual sites and how they fit into  
10:25:51 **8** the big picture of their impacts. And I know that's a  
10:25:56 **9** grave concern of many individual stakeholders and the  
10:26:00 **10** issues that they stand for.  
10:26:02 **11** So I feel that it's appropriate to define a  
10:26:06 **12** framework and a process that we are going to do that,  
10:26:09 **13** a draft, put that out to our stakeholders, and get  
10:26:13 **14** feedback on whether they feel it adequately frames a  
10:26:22 **15** cumulative effects analysis for the individual issue  
10:26:25 **16** they represent or groups of issues that they are  
10:26:27 **17** concerned about.  
10:26:32 **18** MEMBER DENNER: I wasn't going to bring  
10:26:33 **19** this up in the meeting because the record will show  
10:26:35 **20** it's clearly a waste of words. But in my opinion, we  
10:26:39 **21** just heard a tremendous amount of wasted words dancing  
10:26:41 **22** around the issue that Mr. Betterley opened the door  
10:26:44 **23** for.  
10:26:44 **24** And since he opened the door, I want to  
10:26:46 **25** remind the DAC that over the years -- I have been on

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10:26:50 **1** the Council for eight years -- and if you look at last  
10:26:53 **2** meeting's minutes -- you can just repeat that, you can  
10:26:55 **3** rest your fingers because I'm going to say the same  
10:26:58 **4** thing, but it doesn't mean anything. All the way back  
10:27:01 **5** to the first meeting Mike Pool ever attended when he  
10:27:03 **6** became the state director, the various members of the  
10:27:06 **7** Council over those years have changed significantly,  
10:27:10 **8** but we have gotten at least I want to say four or five  
10:27:15 **9** high majority votes from all of the various Council  
10:27:18 **10** groups -- fortunately this is my last year so you  
10:27:21 **11** won't have to put up with this much longer -- but we  
10:27:25 **12** have gotten votes in huge majorities that the BLM  
10:27:28 **13** needs to consider mitigating impacts to recreation and  
10:27:32 **14** other uses like mining. Howard, if you remember, at  
10:27:36 **15** that one meeting, until I included mining in my  
10:27:40 **16** recommendation, you said it's not just recreation,  
10:27:43 **17** it's other uses that are impacted as well.  
10:27:46 **18** And the votes have always been that we  
10:27:49 **19** cannot lose other access, we cannot lose recreation,  
10:27:53 **20** we cannot lose access to mining claims and various  
10:27:55 **21** activities like that. The BLM needs to rank that as  
10:27:58 **22** important as mitigating impacts on the environment.  
10:28:01 **23** So we all voted several times. Most of you people on  
10:28:05 **24** this Council have at least gone through one or two of  
10:28:09 **25** those votes. So we get all these votes that the BLM

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10:28:12 **1** needs to look at mitigating impacts on recreation and  
10:28:15 **2** other things.  
10:28:15 **3** Not once, not in any of the plans or  
10:28:18 **4** proposals by private companies, not in any of the  
10:28:22 **5** rhetoric we hear from the BLM does anybody ever say,  
10:28:25 **6** Well, we are at least looking at mitigating. We found  
10:28:29 **7** an area. If this solar plant takes up some of our OHV  
10:28:34 **8** recreation open area there, we are looking into a  
10:28:37 **9** place we can expand this open area over there to  
10:28:43 **10** mitigate that impact. Or if it closes off access to  
10:28:45 **11** one of these mines, we are going to open another whole  
10:28:48 **12** area there for mining exploration or whatever.  
10:28:52 **13** Not once have we heard the question of  
10:28:54 **14** mitigating impacts addressed. You can go on and on  
10:28:57 **15** and talk all around it and talk about all the problems  
10:29:00 **16** with management practices and how you have overlapping  
10:29:03 **17** proposals and all that sort of thing. Nobody would  
10:29:08 **18** even dream of putting an energy project in the  
10:29:12 **19** wilderness area, God forbid. Yet you will take away  
10:29:16 **20** our OHV areas without even giving it a second thought.  
10:29:20 **21** And when people ask me is this DAC  
10:29:23 **22** Council -- you have been on it a long time; have you  
10:29:24 **23** been effective? -- I point to this example and I say  
10:29:29 **24** not only don't they do anything about it, they don't  
10:29:32 **25** even mention it. Nothing says anything about

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10:29:35 **1** mitigating impacts.  
10:29:36 **2** So I think all this rhetoric is wonderful,  
10:29:38 **3** but it isn't taking us anywhere. It's clear to me as  
10:29:42 **4** these for-profit companies come on line, we are going  
10:29:45 **5** to lose more and more and more access, period, because  
10:29:47 **6** you guys aren't going to do anything about it.  
10:29:53 **7** (Applause from the audience.)  
10:29:53 **8** MR. WHITE: Sterling White, Needles  
10:29:56 **9** field office.  
10:29:57 **10** To the last point, I think we did talk  
10:30:00 **11** about the issue yesterday in the field when we were  
10:30:04 **12** talking about the Ivanpah Valley to have an impact and  
10:30:12 **13** mitigating measure such as what we saw yesterday. I  
10:30:16 **14** think it is what we do and what we need to analyze.  
10:30:23 **15** Mike stood there and said we have routes through this  
10:30:26 **16** area. Before we allow those areas to be impacted, we  
10:30:33 **17** are going to think about how to mitigate or improve a  
10:30:38 **18** route around these sites so that the recreationists  
10:30:42 **19** can still carry on.  
10:30:43 **20** MEMBER DENNER: I'm sorry, Sterling.  
10:30:45 **21** Nobody used the word "mitigate." You said "minimize."  
10:30:49 **22** I appreciate that "minimize the impact." But we can  
10:30:52 **23** minimize ourselves out of business. This is typical  
10:30:55 **24** of the rhetoric we have gotten for years. We should  
10:30:59 **25** be happy. You didn't take that much. You only took

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10:31:03 **1** that much. Well, hey, wonderful. That's a win?  
**2** That's not a win. We are going to "win" our way out  
**3** of existence that way.  
10:31:05 **4** We keep losing little chunks. You didn't  
10:31:07 **5** say "I assure that we will guarantee that no matter  
10:31:11 **6** what, you guys are going to continue to have those  
10:31:14 **7** important open routes." You said, "Well, we will take  
10:31:16 **8** a look at it. We may have to reroute it, but we will  
10:31:18 **9** certainly minimize the impacts." Minimize doesn't get  
10:31:21 **10** the job done. I'm sorry.  
10:31:24 **11** MEMBER BROWN: Well taken.  
10:31:25 **12** MR. WHITE: I will consider that as we  
10:31:26 **13** move forward.  
10:31:27 **14** DIRECTOR BORCHARD: You know, I have  
10:31:31 **15** been sitting here debating whether I am going to say  
10:31:35 **16** anything or not. And I just --  
**17** MR. WHITE: I have one other thing --  
10:31:39 **18** DIRECTOR BORCHARD: You can finish and  
10:31:40 **19** then I'm going to say something.  
10:31:43 **20** MR. WHITE: I have staff working on the  
10:31:45 **21** sites that we saw yesterday on best management  
10:31:48 **22** practices, Geary. And those include the best  
10:31:53 **23** management practices that were brought forward in the  
10:31:58 **24** programmatic EIS for wind energy. They include a fire  
10:32:02 **25** management plan; they include an invasive or noxious

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10:32:07 **1** weed plan. There is a whole host of things that if  
10:32:11 **2** you crack open the wind energy EIS on best management  
10:32:15 **3** practices. And staff is looking at that, and we are  
10:32:19 **4** going to apply those as we move forward in these  
10:32:22 **5** projects and the cumulative effects analysis.  
10:32:26 **6** MEMBER HUND: Great.  
10:32:27 **7** DIRECTOR BORCHARD: This is a frank and  
10:32:29 **8** open exchange, so I'm going to be frank and open. I  
10:32:32 **9** have to reply, Roy, because I have to give you an  
10:32:38 **10** example in our defense.  
10:32:40 **11** It's a case where BLM -- I can draw upon  
10:32:43 **12** this as a specific example of where BLM mitigated any  
10:32:48 **13** impact to a recreation site. You all know, our  
10:32:53 **14** Ridgecrest field office has just been burdened with  
10:32:57 **15** the weight of dealing with many AML issues recently.  
10:33:02 **16** And they have been there for a long time and the ebb  
10:33:05 **17** and flow, but they are on front and center for the  
10:33:09 **18** Ridgecrest field office to deal with right now.  
10:33:11 **19** And specifically they have been spending a  
10:33:14 **20** tremendous amount of time struggling with and working  
10:33:17 **21** through, managing hazardous and risky situations at  
10:33:23 **22** Red Mountain where we have arsenic concentrations and  
10:33:31 **23** mill tailings that have been sitting on the surface of  
10:33:34 **24** the ground for a long time. And those mill tailing  
10:33:39 **25** piles coincide with recreation, OHV activities going

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10:33:44 **1** on there.  
10:33:47 **2** To set the stage here for you, any time a  
10:33:52 **3** risk is identified by this, boy, everybody in BLM  
10:33:57 **4** comes out of the woodwork. Our solicitors in  
10:34:02 **5** Washington, our AML leaders in Washington, our  
10:34:05 **6** toxicologists and our Denver Service Center all jump  
10:34:10 **7** up and down and wave and try to tell the local field  
10:34:13 **8** manager that they have to -- My God, you have to close  
10:34:17 **9** this area right now. We are putting the public at  
10:34:20 **10** risk and you can't go on doing this for all these  
10:34:23 **11** various reasons the individual things they focus on,  
10:34:24 **12** like liability or health or whatever issue it is.  
10:34:29 **13** Well, both Hector and I and Mike Pool took  
10:34:34 **14** a lot of heat from all these people demanding that we  
10:34:38 **15** close a very important route, very important to the  
10:34:42 **16** recreation community, Route 110. Well, instead of  
10:34:46 **17** closing it, we stationed our employees out there over  
10:34:50 **18** a holiday weekend and talked with the public and tried  
10:34:53 **19** to direct them away from the shared information.  
10:34:56 **20** People spent their weekends out there doing that.  
10:35:00 **21** We took \$40,000 of our budget that was  
10:35:03 **22** directed to address physical and chemical hazards out  
10:35:09 **23** there, and we built a new route around that discarded  
10:35:16 **24** tailings pile as a way of mitigating the loss of that  
10:35:24 **25** route. Had we followed the direction of many of our

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10:35:27 **1** national office and technical advisories, we would  
10:35:31 **2** have closed that route and shut the OHV community out  
10:35:35 **3** of it. Instead of that, leadership in BLM at state  
10:35:39 **4** office, district office and field office took risks,  
10:35:42 **5** went ahead and rerouted that route.  
10:35:45 **6** And that's an example of the mitigation and  
10:35:49 **7** where we dropped everything, spent weekends out there  
10:35:53 **8** working on that and being responsive and respectful of  
10:35:58 **9** our recreation community and their rights to the  
10:36:02 **10** public land. And we protected that right to the  
10:36:05 **11** public land.  
10:36:05 **12** And so, you know, it kind of hurts my  
10:36:09 **13** feelings when you say we have done nothing. That's an  
10:36:12 **14** example of something where we stepped forward and took  
10:36:16 **15** a risk. And let me tell you, the DOI inspector  
10:36:22 **16** general's office right now is kicking the snot out of  
10:36:25 **17** us for doing that.  
10:36:27 **18** MEMBER DENNER: And I commend you for  
10:36:27 **19** doing that. That's an example of how it should be  
10:36:30 **20** done. I'm glad you brought up the Ridgecrest area.  
10:36:33 **21** Let's talk about the 10,000 miles of four-  
10:36:37 **22** wheel drive trails we used to have up there reduced  
10:36:40 **23** down to 1200. And because of some complaints from the  
10:36:44 **24** off-road community, they closed another 150 acres of  
10:36:48 **25** that. We have about this much area to run four-wheel

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10:36:52 **1** drive vehicles in that beautiful scenic area which  
10:36:55 **2** used to be a popular spot.  
10:36:57 **3** Also, this is probably -- Mr. Chairman, if  
10:37:00 **4** you will allow it, this is a good time to hear  
10:37:03 **5** Mr. Waldheim talk about what is going on in the  
10:37:06 **6** Ridgecrest area to counterbalance the fact that you  
10:37:09 **7** redirected one route. I do appreciate it. We all do  
10:37:13 **8** appreciate it. That's the way it's supposed to work.  
10:37:15 **9** But you bringing up the Ridgecrest area,  
10:37:19 **10** over the years we can talk about closures in the  
10:37:22 **11** Ridgecrest areas which have been huge. And Ed has  
10:37:26 **12** some situations right now from what we can tell,  
10:37:30 **13** unauthorized closures, no public notice, no nothing.  
10:37:33 **14** They are just putting up fences across routes in the  
10:37:37 **15** Ridgecrest area for no reason at all. Are we supposed  
10:37:41 **16** to get really excited and pat you on the back because  
10:37:44 **17** you rerouted one trail? The fact is that you are  
10:37:47 **18** putting illegal closures over all the rest of the  
10:37:49 **19** trails in Ridgecrest. Do you want to tell about it,  
10:37:52 **20** Ed?  
10:37:53 **21** MEMBER MABEN: I would like to -- I  
10:37:56 **22** think we got a little off track. I don't think the  
10:37:58 **23** Bureau has anything to do with that particular  
10:38:02 **24** closure.  
10:38:02 **25** MR. WALDHEIM: Part of it they are.

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10:38:04 **1** They did it. They did it.  
10:38:08 **2** CHAIRMAN PRESCH: Not part of the  
10:38:10 **3** Barstow report. Let's finish the Barstow report.  
10:38:13 **4** MEMBER MABEN: Just segueing off the  
10:38:15 **5** Barstow report, I'm becoming disturbed that it appears  
10:38:20 **6** that somewhere in the Bureau's policy, public use is  
10:38:23 **7** down towards the middle of the bottom. This is an  
10:38:27 **8** appearance. It may not be true. Mitigation is fine  
10:38:32 **9** when something is best for the public-at-large. It  
10:38:36 **10** has to be done on the public benefit. Then you have  
10:38:40 **11** to mitigate. But mitigating for private companies or  
10:38:44 **12** some other use that takes away from the public's use  
10:38:47 **13** disturbs me greatly. What is the Bureau's policy  
10:38:51 **14** regarding public use of public lands?  
10:38:53 **15** DIRECTOR BORCHARD: The Bureau's policy  
10:38:57 **16** is to retain public use of public lands. It's my job  
10:39:01 **17** to manage public lands so that they are available for  
10:39:04 **18** the public for a variety of uses. I mean, it's as  
10:39:10 **19** simple as that. That's the policy.  
10:39:13 **20** MEMBER MABEN: Okay. So when the energy  
10:39:14 **21** companies come, and they are going to go over  
10:39:17 **22** something that's obviously been designated for  
10:39:19 **23** recreational use, they should just be told no, go  
10:39:25 **24** somewhere else. Why is it so difficult to get them to  
10:39:28 **25** go to lands that aren't being used by the public

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10:39:33 **1** versus trying to take prime land that obviously  
10:39:36 **2** policies and procedures have been developed over the  
10:39:39 **3** years to allow the public to use that?  
10:39:42 **4** MS. ELSER: Can I answer that, Steve, a  
10:39:44 **5** little bit?  
10:39:45 **6** When we first started getting applicants,  
10:39:48 **7** they came in and they met with us and we would tell  
10:39:51 **8** them, this is a wilderness area, you can't go there.  
10:39:54 **9** This is a wilderness study area, this is a DWMA for  
10:39:58 **10** tortoises. This is a recreation area. These are the  
10:39:59 **11** areas left for you. And those areas all got filled up  
10:40:04 **12** with applicants.  
10:40:05 **13** Then when people came in later, we couldn't  
10:40:07 **14** say, this is an area that's good because there is no  
10:40:08 **15** use for it. Those areas were taken. So we would say  
10:40:11 **16** this is critical habitat or these are the DWMA's, this  
10:40:18 **17** is a recreation area. The applicants would choose a  
10:40:20 **18** habitat area or recreation area. Most of the  
10:40:22 **19** applicants would rather choose a recreation area  
10:40:27 **20** rather than an area involving endangered species.  
10:40:29 **21** But we did try our best to keep people out  
10:40:32 **22** of the recreation areas, out of the areas that we  
10:40:35 **23** thought we would have problems or concerns with during  
10:40:38 **24** the NEPA process. But those areas all have applicants  
10:40:42 **25** now, so when the new applicants come in, there is no

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10:40:45 **1** area to direct them to that doesn't have some sort of  
10:40:49 **2** issues.  
10:40:50 **3** MEMBER MABEN: I appreciate you telling  
10:40:52 **4** them that's a recreation area. But I don't appreciate  
10:40:56 **5** the fact -- can't you tell them no, you can't apply  
10:41:00 **6** there?  
10:41:00 **7** MS. ELSER: We don't have that  
10:41:02 **8** authority.  
10:41:02 **9** MEMBER MABEN: That's what I say. How  
10:41:04 **10** do we get that authority and put something in place  
10:41:07 **11** that protects the public from the exploiters that are  
10:41:11 **12** coming in and writing this energy policy?  
10:41:13 **13** DIRECTOR BORCHARD: Through a planning  
10:41:15 **14** decision. As I expressed before, the preference would  
10:41:19 **15** have been to have gone through a planning process and  
10:41:22 **16** a programmatic way to look at the entire districtwide  
10:41:27 **17** area and reviewed alternatives as to where this use  
10:41:33 **18** was compatible with all the other uses. We didn't  
10:41:37 **19** have that option.  
10:41:41 **20** MEMBER MABEN: How do we get you that  
10:41:43 **21** option, we as the public? I know you guys are stuck.  
10:41:48 **22** CHAIRMAN PRESCH: That's a two and a  
10:41:50 **23** half year and 2.5 million dollars timetable.  
10:41:53 **24** MEMBER MABEN: If it takes five years, I  
10:41:55 **25** personally don't care. My thing is for the future,

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10:41:58 **1** for California, the population is going to add another  
10:42:01 **2** 30 million people. We need areas for them to  
10:42:05 **3** recreate, not to get sunburned from solar plants.  
10:42:10 **4** CHAIRMAN PRESCH: I'm going to cut  
10:42:11 **5** discussion of this particular topic at the moment.  
10:42:15 **6** Judy, I think her fingers are tired, and we  
10:42:18 **7** should take a break of about ten minutes. And when we  
10:42:20 **8** come back, we will pick up with the Ridgecrest report.  
10:55:41 **9** (Brief recess was taken.)  
10:57:39 **10** CHAIRMAN PRESCH: Can we pick up our  
10:57:41 **11** discussions with Ed's report?  
10:57:48 **12** MR. WALDHEIM: I have a question for  
10:57:50 **13** Barstow.  
10:57:51 **14** In your report, Council members, you have  
10:57:53 **15** on the page there El Mirage. I do not want you to  
10:57:57 **16** leave this room feeling that all is well in El Mirage.  
10:58:01 **17** We are in desperate straits. We have no staff coming  
10:58:06 **18** except a part timer. There is nobody from the BLM  
10:58:10 **19** managing El Mirage, and we have a big problem with  
10:58:13 **20** that.  
10:58:13 **21** We want to thank Mike Pool for getting the  
**22** extra money out of Boone Road for helping us get our  
10:58:16 **23** visitors' center done. We are working on that. And  
10:58:18 **24** I'm disappointed to no end that the Barstow field  
10:58:23 **25** office hasn't put a single dollar for O&M for El

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10:58:27 **1** Mirage into the next grant process. I'm absolutely  
10:58:29 **2** furious and upset about that, so furious I am probably  
10:58:31 **3** going to negotiate with the Department of Parks and  
10:58:32 **4** Recreation and maybe take El Mirage away from BLM and  
**5** give it to the Department of Parks and Recreation, the  
10:58:38 **6** OHV division, and let them run it.  
10:58:39 **7** The lake got filled with water. Nobody  
10:58:42 **8** from BLM even came and knew that we had water. We put  
10:58:47 **9** volunteers to close the lake. But we are volunteers,  
10:58:51 **10** not law enforcement, so we got shut out.  
10:58:52 **11** In this report it talks about a fence. We  
10:58:54 **12** are implementing the plan. We are talking about a  
10:58:57 **13** 10-year-old, 15-year-old management plan. Plans  
10:58:59 **14** change, uses changes. We have to use adoptive  
10:59:03 **15** management and not to put our head on an old plan  
10:59:06 **16** because now they are trying to get into legal issues  
10:59:10 **17** with visitors on the west side who have traditionally  
10:59:14 **18** used the lake for access on that side, and now BLM is  
10:59:18 **19** not going to let them come in any more.  
10:59:21 **20** So now we are in bad shape. We have  
10:59:23 **21** problems out on that area. We meet now -- for eight  
10:59:25 **22** years, ten years, we have been meeting every single  
10:59:28 **23** month with everybody. So we have a very viable good  
10:59:33 **24** TRT and El Mirage group going there, and we want to  
10:59:35 **25** help. We want to be part of it.

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10:59:37 **1** Over \$500,000 we have raised already to  
10:59:40 **2** help the BLM in El Mirage. And personally, I'm very  
10:59:43 **3** upset that we are not getting the due from BLM to help  
10:59:48 **4** El Mirage. It can not be abandoned. Right now we are  
10:59:49 **5** totally being abandoned by the agency for whatever A,  
10:59:53 **6** B, C reason is it. It's not acceptable to us. Thank  
10:59:57 **7** you.  
10:59:58 **8** CHAIRMAN PRESCH: Thank you, Ed.  
10:59:59 **9** MS. ELSER: We do have five open areas  
11:00:01 **10** in our office. And we do not staff the open areas  
11:00:05 **11** full-time and especially during the summer. This last  
11:00:08 **12** summer most of my staff were working off the  
11:00:10 **13** restoration grants because we needed to make payroll.  
11:00:14 **14** And so we had paid volunteers at El Mirage that were  
11:00:19 **15** doing the bathrooms and picking up trash, and we pay  
11:00:22 **16** them a stipend for doing that. And we took the person  
11:00:27 **17** normally there as a full-time maintenance person -- we  
11:00:30 **18** had no more funding -- and we put her on a restoration  
11:00:35 **19** grant.  
11:00:36 **20** We make those decisions so we can maintain  
11:00:38 **21** our budget and not go over budget. We will be putting  
11:00:43 **22** people back at El Mirage, but not people there  
11:00:46 **23** permanent full-time at the level that some desire  
11:00:48 **24** because until we start collecting fees there, we will  
11:00:51 **25** not have the budget to be able to do that.

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11:00:54 **1** I have \$211,000 for the entire field office  
11:00:58 **2** for recreation. And all of that doesn't go to  
11:01:00 **3** recreation. Some of that also has to pay for the  
11:01:02 **4** administrative staff. With \$211,000, that does not  
11:01:08 **5** manage five OHV open areas with full-time staff. It  
11:01:13 **6** just doesn't do it.  
11:01:16 **7** We will have staff full-time permanent on  
11:01:19 **8** weekends at Dumont, and that's because we are doing  
11:01:21 **9** the fee collection ourselves and because we have a fee  
11:01:24 **10** site there. Other than that, we don't have a budget  
11:01:26 **11** to maintain all of the open areas with permanent  
11:01:30 **12** staff. That's just kind of the way it is right now.  
11:01:32 **13** CHAIRMAN PRESCH: Thank you. Let's move  
11:01:36 **14** on to the Ridgecrest report. Does the Council have  
11:01:40 **15** any comments or questions of Hector on the report?  
11:01:42 **16** MEMBER BROWN: I do.  
11:01:43 **17** CHAIRMAN PRESCH: Okay.  
11:01:45 **18** MEMBER BROWN: I'll get mine in first  
11:01:47 **19** before everybody else does.  
11:01:50 **20** Howard Brown, nonrenewable resources.  
11:01:53 **21** I'm looking at your report on the minerals  
11:01:56 **22** program updates and you are talking about mine land  
11:02:02 **23** hazards in the Randsburg area and Ruth Mine area and  
11:02:07 **24** Darwin area. And for nongeological people, most  
**25** mining areas, particularly metal mining areas, are

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11:02:14 **1** surrounded by a halo of indicator minerals, like  
11:02:18 **2** arsenic and antimony, which form a target which makes  
11:02:24 **3** it easier to find these deposits. If you go to  
11:02:26 **4** basically every mining area in Inyo County or the  
11:02:30 **5** world, you will find elevated indicator elements.  
11:02:35 **6** So I wonder how much of this is a contrived  
11:02:39 **7** issue, A. And B, how much of this ultimately as you  
11:02:43 **8** go from district to district to district and find  
11:02:46 **9** these things is going to result in restricted access  
11:02:49 **10** to these areas for recreational use and/or mineral  
11:02:53 **11** collecting, particularly specifically to Darwin, which  
11:02:57 **12** is a known famous area for collecting minerals.  
11:03:03 **13** MR. VILLALOBOS: Howard, you are exactly  
11:03:05 **14** right on that, that arsenic and other heavy minerals  
11:03:11 **15** are signatures of mineralization and occur in these  
11:03:15 **16** areas. Often background is high in those kinds of  
11:03:22 **17** elements that are there. And it's a way of -- for the  
11:03:28 **18** prospector to go out there and do geochemical  
11:03:32 **19** sampling. I did that myself in Arizona and Nevada for  
11:03:36 **20** the U.S. Geological Survey, collected samples in  
11:03:40 **21** streams and drainages and watersheds and made  
11:03:46 **22** discoveries of mineralizations that were going on.  
11:03:49 **23** And arsenic was one of those anomalies that we looked  
11:03:55 **24** for, especially when it's high. So it's there.  
11:03:58 **25** The problem that we have in some of these

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11:04:01 **1** mine sites is that there have been a certain amount of  
11:04:05 **2** old mining that occurred in these places, and they  
11:04:07 **3** haven't been reclaimed, basically. They were left out  
11:04:11 **4** there underneath the mining law the way it was. And  
11:04:15 **5** perhaps even the state mining regulations allows for  
11:04:22 **6** some of these deposits or some of these mine wastes to  
11:04:26 **7** be left on the public land.  
11:04:27 **8** And there has been a lot of increased  
11:04:30 **9** interest, especially because we have real communities  
11:04:33 **10** now that have grown around some of the old mining  
11:04:38 **11** camps, basically. And so we've got people living in  
11:04:42 **12** the area and then we've got people that are recreating  
11:04:45 **13** in the area. So that's raised a concern of the BLM  
11:04:50 **14** about exposure to the mining wastes that are there.  
11:04:53 **15** Basically, what happened there is as they  
11:04:56 **16** mined stuff, they concentrated the waste, so it got  
11:05:02 **17** higher and higher in that content of arsenic. So it's  
11:05:11 **18** a mandate and a responsibility that we have under  
11:05:16 **19** CERCLA to deal with those wastes.  
11:05:18 **20** To the extent it's going to affect the  
11:05:20 **21** public and their recreation, rock hounding, for  
11:05:24 **22** example, I haven't closed these areas to access by  
11:05:33 **23** rock hounds. There isn't anything that I put out  
11:05:37 **24** there that says you can't go over there and rock  
11:05:39 **25** hound. We put warning signs around letting people

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11:05:43 **1** know, like warning signs on a package of cigarettes,  
11:05:46 **2** that there is arsenic out there and beware that it may  
11:05:52 **3** be bad for your health. And that's what we have done.  
11:05:55 **4** We have closed a lot of -- not closed.  
11:05:59 **5** Basically there were routes that were unauthorized.  
11:06:03 **6** They are not designated. And so those undesignated  
11:06:10 **7** routes we have posted with carsonite signs saying this  
11:06:15 **8** is not a designated route, basically. So, yeah,  
11:06:20 **9** motorized access has been affected because of the  
11:06:24 **10** concern we have for the public getting into these  
11:06:26 **11** areas and playing around with them. But again, they  
11:06:30 **12** were never designated routes.  
11:06:32 **13** Again, Steve pointed out that there was a  
11:06:35 **14** designated route that we are aware of that went right  
11:06:38 **15** up the side of a mill tailings, the discarded mill  
11:06:45 **16** tailings, and that's probably the highest  
11:06:48 **17** concentration of arsenic that we found out there. And  
11:06:51 **18** you should see some pictures of folks driving through  
11:06:54 **19** this corridor that we had open. There was dust -- you  
11:06:59 **20** couldn't see in front of you for all the dust that was  
11:07:03 **21** being kicked up by folks.  
11:07:05 **22** So we rerouted that route and made it  
11:07:09 **23** actually safer for people to drive on. And they still  
11:07:14 **24** have access around the mine waste and not through the  
11:07:19 **25** mine waste. And so that's -- yeah, I hope that gives

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11:07:25 **1** you some comfort in knowing that the closures are --  
11:07:29 **2** MEMBER BROWN: I understand that you are  
11:07:31 **3** trying to do a good thing. But are you going to go to  
11:07:37 **4** every mining district and do this and keep everyone  
11:07:40 **5** employed and spend a lot of money for centuries to  
11:07:43 **6** come? I mean, I know it's outside the desert area,  
11:07:47 **7** but like the Clear Creek Management Area in San Benito  
11:07:53 **8** County, they are worried about asbestos from the  
11:07:56 **9** serpentine. You have thousands of square miles of  
11:07:59 **10** serpentine. Are you going to get everybody freaked  
11:08:04 **11** out about serpentine, arsenic? You are afraid to go  
11:08:10 **12** out of your house or prohibited for going out of the  
11:08:15 **13** house. I think it's out of proportion for what the  
11:08:17 **14** real issues are. The real issues are access.  
11:08:23 **15** MR. VILLALOBOS: What we really want to  
11:08:26 **16** do -- I will use the example we saw yesterday at the  
11:08:31 **17** Viceroy Mine -- is to put in place good management  
11:08:34 **18** practices that when a mining company gets done mining  
11:08:39 **19** in an area, they put the place back in order the way  
11:08:43 **20** it should be, and it's safer for the public to be  
11:08:46 **21** around it.  
11:08:47 **22** MEMBER BROWN: That's good. But a lot  
11:08:49 **23** of these are pre-1898 or pre-SMARA, and it was okay to  
11:08:55 **24** do it at that time. It's not okay to do it at this  
11:08:59 **25** time, so the rest of the world is having to live with

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11:09:02 **1** the burden of what was okay in the past. But I don't  
11:09:07 **2** think we should fence them off or prohibit people.  
11:09:11 **3** Put up the sign "Enter At Your Own Risk" and that's  
11:09:14 **4** the end of it.  
11:09:15 **5** MR. VILLALOBOS: I'm going to have to  
11:09:17 **6** fence some of these off. But basically that's what we  
11:09:21 **7** want to do, Howard, is work towards -- we want Rands  
11:09:25 **8** to become another Viceroy down the road and to have  
11:09:28 **9** that place cleaned up and made safe for people to live  
11:09:32 **10** around it and make it safe for people to recreate  
11:09:36 **11** there. And basically we are just starting from this  
11:09:41 **12** point on. It should have -- if I would have been able  
11:09:47 **13** to -- if we would have had appropriate knowledge  
11:09:55 **14** and -- the appropriate knowledge of this arsenic  
11:09:58 **15** problem out there, probably the reclamation would have  
11:10:02 **16** been done there a long time ago. And we did have some  
11:10:04 **17** active mining going on still at the Rands, which is  
11:10:08 **18** just beginning to shut down. And they are starting  
11:10:12 **19** their reclamation program. And we want to just get  
11:10:17 **20** the old stuff that is there creating the same problem.  
11:10:22 **21** MEMBER BROWN: Preregulation.  
11:10:24 **22** MR. VILLALOBOS: And that's the same  
11:10:26 **23** time we want to do with some of these major sites. We  
11:10:28 **24** prioritize them using Washington office directives.  
11:10:33 **25** And they basically told us if there is an area that's

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11:10:37 **1** got some people living around it or if there is an  
11:10:40 **2** area and/or if there is an area that has got a lot of  
11:10:45 **3** recreation activity, then we need to start being  
11:10:48 **4** responsible to reclaim the area. We mediate some of  
11:10:52 **5** the hazards that are there.  
11:10:54 **6** Again, a benefit of this whole thing is  
11:10:59 **7** that we put fences around, like, for example, 42 mine  
11:11:04 **8** shafts out there that are open. Anybody could have  
11:11:07 **9** walked into them, driven through them or into them,  
11:11:13 **10** and they were a hazard for the recreating public. And  
11:11:17 **11** I'm really proud that we were able to get at least 42  
11:11:23 **12** of these dangerous mine shafts at least fenced.  
11:11:28 **13** And then we've got another 80 hazardous  
11:11:34 **14** mine features that were either prospect pits or  
11:11:39 **15** trenches or shallow shafts backfilled. And they are  
11:11:44 **16** no longer a hazard to the public. Hopefully they will  
11:11:50 **17** stay on the designated routes. And that's what will  
11:11:53 **18** help a lot to make sure that they are safe. Because  
11:11:55 **19** if they are out there driving cross-country and some  
11:11:59 **20** of these holes, you can't see them until you are  
11:12:02 **21** almost a couple feet away from them.  
11:12:05 **22** CHAIRMAN PRESCH: We actually saw those  
11:12:07 **23** the last time we were up on the field trip with you.  
11:12:11 **24** MEMBER MABEN: Apparently I was in error  
11:12:13 **25** when I said that the BLM wasn't involved with the road

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11:12:18 1 closure. Hector has presented this picture at half  
2 time that shows the closure of Compton Road in  
11:12:23 3 California City. It looks like a BLM sign on it. So  
11:12:26 4 that's your district. What happened?  
11:12:30 5 MR. VILLALOBOS: That's probably the  
11:12:31 6 area right next to the DTNA.  
11:12:35 7 MEMBER MABEN: It's DTNA on one side and  
11:12:37 8 Fish and Game on the other side.  
11:12:40 9 MR. VILLALOBOS: Is that the BLM sign on  
11:12:42 10 it?  
11:12:44 11 MEMBER MABEN: Would you take that over  
11:12:46 12 to him, please? It looks like a BLM sign.  
11:12:50 13 MR. VILLALOBOS: Yeah, it is a BLM sign.  
11:12:55 14 MEMBER MABEN: The question is --  
11:12:59 15 MR. VILLALOBOS: The Desert Tortoise  
11:13:01 16 Natural Area acquired some property.  
11:13:03 17 MEMBER MABEN: If they acquired property  
11:13:05 18 my question is, That's a public access easement.  
11:13:08 19 MR. VILLALOBOS: It's not a BLM  
11:13:11 20 designated road.  
11:13:13 21 MEMBER MABEN: That was private property  
11:13:14 22 before it was acquired, and it's a road that services  
11:13:18 23 other properties. What authority do you have to close  
11:13:21 24 a public access easement that's authorized by both the  
11:13:24 25 County and the City? That's my question.

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11:13:27 1 MR. VILLALOBOS: We will have to look  
11:13:28 2 into that. But that's one road that, as I understood  
11:13:32 3 it, is a private road. It's not BLM, and I think it's  
11:13:36 4 DTNA property.  
11:13:38 5 MEMBER MABEN: But these are public  
11:13:41 6 access easements. They are recognized as legitimate  
11:13:46 7 roads within the County, they are just not maintained.  
11:13:49 8 And the closure requires a legal process. And as far  
11:13:53 9 as I know, the City or the County has not received any  
11:13:56 10 notice on that.  
11:13:58 11 MR. VILLALOBOS: To the best of my  
11:14:00 12 knowledge, this is private property.  
11:14:02 13 MEMBER MABEN: There's no question on  
11:14:05 14 that. It's private. But all the roads -- see it  
11:14:09 15 going over the horizon? That's all private property  
11:14:12 16 on both sides of it.  
11:14:15 17 MR. VILLALOBOS: I didn't close it. The  
11:14:17 18 DTNA closed it.  
11:14:19 19 MEMBER MABEN: Okay. Can you confirm  
11:14:21 20 that?  
11:14:22 21 MR. VILLALOBOS: They told us that  
11:14:24 22 basically they acquired this property. It's their  
11:14:27 23 property. It's not BLM's property. To the best of my  
11:14:31 24 knowledge, I haven't gotten any patents for that  
11:14:34 25 property.

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11:14:35 1 MEMBER MABEN: Even though you own the  
11:14:36 2 property, if you were a private party and bought the  
11:14:39 3 property, you couldn't close the road.  
11:14:42 4 MR. VILLALOBOS: That's the DTNA folks,  
11:14:45 5 again. I am trying to make it clear, it's not a  
11:14:49 6 parcel of BLM land, to the best of my knowledge. It's  
11:14:53 7 private property that was acquired by the Desert  
11:14:58 8 Tortoise Preserve Council or committee, and they  
11:15:05 9 closed this road. They informed us that they were  
11:15:09 10 going to close this road, and I couldn't say one thing  
11:15:13 11 or another because I don't own the property and it's  
11:15:17 12 not a designated BLM route.  
11:15:19 13 MEMBER MABEN: If you could give me a  
11:15:21 14 contact that I could have my people go after them, I  
11:15:24 15 would appreciate that.  
11:15:28 16 MEMBER BETTERLEY: Take a bulldozer with  
11:15:30 17 you.  
11:15:31 18 MR. WALDHEIM: Mr. Chairman, could I  
11:15:31 19 answer that?  
11:15:31 20 I passed out a picture to you.  
11:15:36 21 Mr. Villalobos is correct, it's private property. But  
11:15:39 22 he is incorrect on where the private property is. On  
11:15:41 23 the left side of the picture, that is Cal Fish and  
11:15:44 24 Game. They bought a section of land from Mr. Quiggle  
11:15:45 25 (as pronounced). I tore out the fence when they went

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11:15:48 1 to the DTNA fence. I called Cal Fish and Game and  
11:15:49 2 said you guys are crazy. You are going to get a  
11:15:52 3 lawsuit and kill somebody. I tore it up; I told them  
11:15:55 4 about it.  
11:15:55 5 They realized the error of their ways and  
11:15:57 6 they went and they put the first fence, leaving the  
11:16:00 7 road between the DTNA and Cal Fish and Game fenced.  
11:16:04 8 Everything was cool.  
11:16:05 9 Five days ago, this deliberate five seven  
11:16:08 10 pole fence appeared and a double fence, Cal Fish and  
11:16:13 11 Game put one here, the new people put a fence right  
11:16:16 12 next to it, one foot. So now we have two fences going  
11:16:19 13 side by side a whole mile. That is not tortoise  
11:16:23 14 habitat. It's a road. Whoever is doing that is out  
11:16:27 15 of their bloody mind. Nobody was notified. BLM plays  
11:16:31 16 ignorant. They say they didn't do it.  
11:16:34 17 They are responsible for DTNA. They own  
11:16:37 18 that land. That does not belong to the tortoise  
11:16:41 19 folks. It belongs to the BLM. It's public land. I  
11:16:43 20 personally run that fence all the time patrolling it.  
11:16:47 21 There are no intrusions taking place. We are doing a  
11:16:48 22 lot better than we have ever done before.  
11:16:50 23 Why are we closing a road? It doesn't make  
11:16:53 24 any sense. There are plenty areas that could use  
11:16:57 25 money or the Bureau's money or whoever's money to

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11:16:57 **1** protect. A road that has absolutely zero tortoise  
11:17:02 **2** habitat ability. It doesn't make any sense. And the  
11:17:05 **3** other pictures in there are on the east side of the  
11:17:08 **4** Tortoise Preserve. Again, they closed another road.  
11:17:13 **5** Heck, if they want to close a road, we will  
11:17:13 **6** make a new road. So you tell me who is the worst for  
11:17:16 **7** the environment. They closed a perfectly good road.  
11:17:20 **8** A fence on both sides, one mile long. I really don't  
11:17:23 **9** understand what is going on. No one will fess up to  
11:17:26 **10** it. They totally lost their minds.  
11:17:32 **11** CHAIRMAN PRESCH: Thank you. Geary.  
11:17:35 **12** MEMBER HUND: Mr. Chairman, I just  
11:17:36 **13** wanted to say that if this is private land, then this  
11:17:42 **14** is really not an issue for the DAC. If there is -- if  
11:17:46 **15** the County has accepted an easement by resolution and  
11:17:53 **16** that's on record, then a private party organization  
11:17:57 **17** has a right to go to the County supervisor or even  
11:18:00 **18** file a lawsuit to ask that that gate be taken down, if  
11:18:05 **19** it's a public access easement. It doesn't need to be  
11:18:08 **20** a maintained road. As Don was saying, it could just  
11:18:12 **21** be a public access easement and it's not maintained.  
11:18:16 **22** But I think until such time as we -- if  
11:18:21 **23** it's verified at some point that it is public land, I  
11:18:24 **24** think the DAC should further discuss it; otherwise, I  
11:18:29 **25** think we should table it.

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11:18:32 **1** MEMBER SCHILLER: I disagree. If the  
11:18:33 **2** BLM is giving somebody signs that clearly say it's  
11:18:37 **3** Department of Interior on it, it's a BLM issue. They  
11:18:42 **4** were not supposed to be closing roads with signs.  
11:18:47 **5** MR. VILLALOBOS: I'm not sure we  
11:18:50 **6** provided it. I will look into it. But to the best of  
11:18:54 **7** my knowledge, this is private property. I don't have  
11:18:56 **8** authorization over private property. And the DTNA is  
11:19:01 **9** on one side, private property is on the other side.  
11:19:04 **10** And as far as I know, that's the -- I don't have any  
11:19:09 **11** jurisdiction on it. That sign, if we inadvertently --  
11:19:15 **12** I know we didn't pay for this fencing, for sure.  
11:19:21 **13** MR. WALDHEIM: Cal Fish and Game built  
11:19:23 **14** their sign on the left side of the road. Private  
11:19:26 **15** property. One section of land. We were fine for  
11:19:29 **16** eight months. In one week now, somebody had it in  
11:19:34 **17** their head that they wanted to close the road.  
11:19:37 **18** Now, it is a public issue. It's not a  
11:19:39 **19** question of private property. It's somebody  
11:19:42 **20** deliberately trying to make a statement within the  
11:19:44 **21** Bureau or somebody is trying to make a statement.  
11:19:47 **22** CHAIRMAN PRESCH: We need some  
11:19:49 **23** clarification as to whether or not this is private  
11:19:52 **24** land or not, and whether or not it is truly a BLM  
11:19:55 **25** sign. The picture is really nice. The sign is kind

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11:19:58 **1** of blurry. I don't think BLM signs look like that in  
11:20:02 **2** my experience. But I agree with Geary that we need to  
11:20:05 **3** move on and get some answers about whose land that is  
11:20:09 **4** and what's going on. And if it is BLM land, then the  
11:20:14 **5** DAC can revisit it.  
11:20:17 **6** MR. HILLIER: Jerry Hillier, San  
11:20:21 **7** Bernardino County.  
11:20:21 **8** There are two other situations there that  
11:20:23 **9** would need to be a part of the clarification. First  
11:20:26 **10** off, the County wouldn't necessarily have to have been  
11:20:29 **11** directly involved or even have made it a dedicated  
11:20:33 **12** road. It could fall under the state prescriptive  
11:20:36 **13** easement laws there in which if the public was using  
11:20:41 **14** the road for seven years without closure, you can  
11:20:44 **15** go -- any group of people can go to court and get that  
11:20:48 **16** easement reestablished and reopened. But it does take  
11:20:52 **17** a court action. It does take a declaration and court  
11:20:55 **18** action to do that. And whether the County would be  
11:20:58 **19** involved or not would be certainly up to Kern County.  
11:21:01 **20** MR. WALDHEIM: It's a section line.  
11:21:03 **21** MR. HILLIER: The other aspect of this  
11:21:05 **22** is if the road does provide access to a combination of  
11:21:08 **23** public and private lands in the area, then I would say  
11:21:12 **24** BLM probably did have a stake in the outcome of  
11:21:14 **25** whatever kind of prescriptive easement process was

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11:21:19 **1** initiated. But if a road has been open for seven  
11:21:23 **2** years in California, the private landowner can't just  
11:21:27 **3** close it. Or if the private landowner opts to close  
11:21:34 **4** it, there are avenues that can be used to reopen that  
11:21:36 **5** access.  
11:21:39 **6** CHAIRMAN PRESCH: Thank you for the  
11:21:41 **7** clarification.  
11:21:42 **8** Does Council have any questions of the  
11:21:43 **9** Ridgecrest report?  
11:21:45 **10** MEMBER ACUNA: Yes. When is the  
11:21:45 **11** appropriate time to talk about the El Mirage issue  
11:21:49 **12** that Ed brought up? Is that going to be addressed  
11:21:53 **13** later in the public comment period? I don't want to  
11:21:56 **14** start something again so we can't move on.  
11:21:58 **15** So the question is, All I know is that I  
11:22:01 **16** saw 1.8 million dollars of Greensticker funding coming  
11:22:06 **17** forth or being applied for by BLM. And then I heard  
11:22:11 **18** Mr. Waldheim say he would encourage that no more grant  
11:22:17 **19** funding would go to El Mirage. So I think it's  
11:22:20 **20** serious, and we need to talk about it a little bit  
11:22:23 **21** more. And I want to know, when will we do that?  
11:22:27 **22** Later or now?  
11:22:31 **23** MR. WALDHEIM: Sorry, Bill.  
11:22:33 **24** CHAIRMAN PRESCH: Well, I don't know.  
11:22:40 **25** I'm not quite sure how to proceed on this particular

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11:22:44 **1** issue. I think that in my view, Ed has some strong  
11:22:50 **2** considerations and has some strong arguments and feels  
11:22:55 **3** slighted by BLM.  
11:22:56 **4** On the other hand, standing on the other  
11:22:59 **5** side with Lynette, I understand the financial problems  
11:23:02 **6** and burden, because we have the same thing with the  
11:23:05 **7** Dumont Dunes TRT, which Ed is a member of. So it's  
11:23:08 **8** kind of the same boat that we are involved in here.  
11:23:13 **9** And it seems to me that the DAC, if the DAC chooses,  
11:23:18 **10** we can talk about it. But it seems to me that this is  
11:23:21 **11** a discussion that needs to take place between El  
11:23:24 **12** Mirage and Ed and BLM Barstow office as well as to  
11:23:30 **13** staffing or grants that are going to be applied for as  
11:23:35 **14** opposed to DAC.  
11:23:36 **15** I think it's a much more restricted issue  
11:23:38 **16** than it is for DAC, which we are supposed to deal with  
11:23:42 **17** the entire desert. And we have a number of other  
11:23:46 **18** districts that we need to talk about. So I think this  
11:23:49 **19** is something that Roxie and Ed need to sit down and  
11:23:53 **20** talk about.  
11:23:54 **21** MR. WALDHEIM: And Steve.  
11:23:56 **22** CHAIRMAN PRESCH: I'm sorry? And Steve.  
11:24:00 **23** MEMBER ACUNA: So I think what you are  
11:24:01 **24** saying is that we don't want to address it. And if  
11:24:05 **25** that's the case, all I would like to say is that

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11:24:12 **1** lawlessness and insecurity is happening in the El  
11:24:15 **2** Mirage. The volunteers don't have the support because  
11:24:18 **3** of lack of funding. It's a \$200,000 budget issue. I  
11:24:22 **4** understand you don't have the resources, but if you  
11:24:24 **5** are going to lose potentially \$1.8 million next year  
11:24:30 **6** in grant funding, maybe we would want to encourage the  
11:24:34 **7** BLM to kind of re-examine what is going on at El  
11:24:39 **8** Mirage and help them somehow take care of the security  
11:24:42 **9** for the recreational users. That's what I think we  
11:24:45 **10** should do.  
11:24:46 **11** CHAIRMAN PRESCH: We will work with  
11:24:47 **12** that. Thank you, Tom. Ron.  
11:24:51 **13** MEMBER SCHILLER: Ridgecrest field  
11:24:54 **14** office report. I have several. I will take the  
11:24:58 **15** easier ones first.  
11:25:01 **16** I just wanted to follow up on Howard's  
11:25:04 **17** comment. Being the vice president of the local Gem  
11:25:09 **18** and Mineral Society, we have some concerns about the  
11:25:14 **19** mine reclamation. We don't -- aren't really concerned  
11:25:19 **20** about the open straight-down vertical shafts being  
11:25:23 **21** plugged and closed. We see that as a hazard.  
11:25:27 **22** However, what concerns us is the closing of  
11:25:31 **23** the horizontal shafts and the adits without public  
11:25:36 **24** notice. There seems to be no notice of which ones are  
11:25:39 **25** being considered. The public has no way of knowing

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11:25:42 **1** which ones are being considered for closure. And some  
11:25:45 **2** of those in the area up around Ridgecrest are very  
11:25:50 **3** important for gem and mineral specimen collecting.  
11:25:54 **4** Some of those areas have some actually pretty valuable  
11:25:57 **5** prized specimens available, both in the adit and the  
11:26:03 **6** tailing pile.  
11:26:04 **7** So I would like to make note that we would  
11:26:06 **8** like to see more public notice of which ones are being  
11:26:11 **9** considered so we could work with the BLM and see if  
11:26:14 **10** there is some way we can allow on the certain ones  
11:26:17 **11** that are more valuable an opportunity to participate  
11:26:20 **12** in the process.  
11:26:22 **13** The second issue I would like to ask about  
11:26:25 **14** is Furnace Creek. I recently have requested copies of  
11:26:29 **15** some -- of a few of the more significant of the nearly  
11:26:36 **16** 200 protests that have been received. I haven't  
11:26:40 **17** really received a response yet on those protests,  
11:26:43 **18** request for copies of the protests. Are those public  
11:26:47 **19** information once protests or comments like that are  
11:26:53 **20** filed with the BLM? Are they public information?  
11:26:58 **21** MR. VILLALOBOS: I don't know. Ron, we  
11:27:00 **22** can find out.  
11:27:02 **23** MEMBER SCHILLER: Secondly, do you  
11:27:03 **24** anticipate any litigation regarding the Furnace Creek?  
11:27:09 **25** MR. VILLALOBOS: Yeah.

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11:27:10 **1** MEMBER SCHILLER: You do anticipate?  
11:27:14 **2** MR. VILLALOBOS: One way or the other.  
11:27:18 **3** MEMBER SCHILLER: That's important. I  
11:27:20 **4** would like to know if you do anticipate it.  
11:27:23 **5** MR. VILLALOBOS: Yes. I certainly do,  
11:27:25 **6** especially because we got probably one of the most  
11:27:29 **7** highly protested proposed decisions in the Bureau,  
11:27:36 **8** according to the Washington office.  
11:27:39 **9** MEMBER SCHILLER: Okay. Next, I would  
11:27:41 **10** like to comment on the grant requests. I have a lot  
11:27:49 **11** of concerns about the grant requests. I have attended  
11:27:52 **12** the meetings. In fact, I have attended the meetings  
11:27:55 **13** for the last three years.  
11:27:57 **14** What disturbs me is that the BLM only asks  
11:28:01 **15** requests for O&M's, only for Jawbone, Butterbredt and  
11:28:06 **16** the Rands. And we have a lot of other stakeholders  
11:28:12 **17** who contribute to that OHV funds that use other areas  
11:28:18 **18** of the resource area. But we can never seem to get  
11:28:23 **19** any grant requests from the BLM to help maintain some  
11:28:27 **20** of those roads that are important to the gem and  
11:28:31 **21** mineral collectors, the hunters and the many other  
11:28:34 **22** interests out there outside of those areas.  
11:28:36 **23** I have pointed out that now as more and  
11:28:40 **24** more of those areas in the Rands, in the Jawbone and  
11:28:44 **25** Butterbredt, we see as more and more of those areas

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11:28:48 **1** are restricted, we are seeing a lot more use in the El  
11:28:52 **2** Pasos. Some of those roads -- I have asked  
11:28:55 **3** specifically Craig Beck for three years running about  
11:28:58 **4** two little roads in the El Pasos, very, very important  
11:29:02 **5** for gem and minerals. Most of the members are in  
11:29:07 **6** their 70s, some a little older. But I would say the  
11:29:12 **7** vast majority of the members are in their 70s and they  
11:29:16 **8** don't have the ability to walk a long way. And I have  
11:29:18 **9** just talked to Craig about two roads, and he has  
11:29:23 **10** promised me every year, don't worry about that. We  
11:29:27 **11** will take care of that with other funding. They are  
11:29:30 **12** very close to town. They could do both of them in  
11:29:35 **13** less than a day's time.  
11:29:36 **14** Three years running I get the same answer,  
11:29:39 **15** but nothing is ever done. So I'm very concerned about  
11:29:44 **16** being a contributor to that fund and never receiving  
11:29:47 **17** any direct support from the BLM for O&M money that  
11:29:57 **18** would support the other users.  
11:29:59 **19** The other thing that bothers me about the  
11:30:04 **20** OHV grants is in a lot of cases, things are done  
11:30:10 **21** without public notice with that money. Fences -- I  
11:30:15 **22** recall several fences that have been put up in the  
11:30:18 **23** Rands without public notice, without public input or  
11:30:21 **24** public involvement. I have been contacted by several  
11:30:24 **25** people from the equestrian community who have had

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11:30:28 **1** their access blocked off by those fences, and so there  
11:30:34 **2** is no way to get around them except with a lot of  
11:30:38 **3** travel.  
11:30:39 **4** It would be an easy thing to install some  
11:30:46 **5** of the barriers that does exclude motorized access,  
11:30:50 **6** while allowing equestrian access, but without any  
11:30:54 **7** opportunity to participate from the public, then those  
11:30:56 **8** issues never get heard.  
11:30:59 **9** And I would ask in the future when you do  
11:31:03 **10** get those grants to install blockades and close roads,  
11:31:08 **11** that more public information be solicited and more  
11:31:14 **12** public notice advertised. And that's pretty much it  
11:31:17 **13** for me.  
11:31:18 **14** CHAIRMAN PRESCH: Other questions?  
11:31:20 **15** MR. VILLALOBOS: I believe I had a  
11:31:22 **16** question that involved the TRT for the Rands at the  
11:31:29 **17** beginning. And I would like to clarify a little bit  
11:31:32 **18** on that. And I wanted to clarify that I chose to  
11:31:36 **19** involve certain stakeholders in helping with the TRT  
11:31:41 **20** effort that includes the Friends of Jawbone. And a  
11:31:47 **21** person that's working -- that is with the Friends of  
11:31:51 **22** Jawbone and also with our steering committee, Randy  
11:31:55 **23** Banis -- and I want to publicly thank them for their  
11:32:00 **24** effort to help me address the opening of the Rands.  
11:32:07 **25** Basically, they have basically come up with

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11:32:12 **1** a real good -- I haven't thoroughly reviewed it yet, a  
11:32:22 **2** brochure that's going to be a public education  
11:32:25 **3** brochure that we intend to hand out to thousands of  
11:32:28 **4** riders with the backing of the Friends of Jawbone.  
11:32:32 **5** They are paying for it. They also paid for a corridor  
11:32:36 **6** fence along R-5 and R-50, and that was installed last  
11:32:46 **7** spring.  
11:32:47 **8** MR. WALDHEIM: We finished it in June.  
11:32:50 **9** MR. VILLALOBOS: Finished in June. And  
11:32:51 **10** that kind of sets up the stage for opening R-5 and  
11:32:55 **11** R-50 in the Rands. We intend to put a public notice  
11:33:00 **12** in the Federal Register announcing that we are going  
11:33:07 **13** to open it. And we will be handing out this rider  
11:33:11 **14** education brochure once it's completed, and it's  
11:33:16 **15** pretty well along its way.  
11:33:18 **16** So that's what I wanted to clarify for the  
11:33:22 **17** TRT; however, that they have been working at this.  
11:33:26 **18** They rolled up their sleeves and have been working at  
11:33:29 **19** it, and they got the mockup put together a couple of  
11:33:33 **20** weeks ago. And I had a chance to start reviewing it.  
11:33:38 **21** And it looks real good so far. So I wanted to tell  
11:33:43 **22** you basically that now is the time for the  
11:33:46 **23** stakeholders that we have involved in this process to  
11:33:48 **24** get together formally. Because if we wouldn't have  
11:33:51 **25** gotten together a couple of months ago, we wouldn't

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11:33:54 **1** have had hardly anything to share with you. But I  
11:33:58 **2** think we've got something to share with you, and I'm  
11:34:00 **3** going to try to get something going here so you know  
11:34:03 **4** what the stakeholders have done for us so we can start  
11:34:07 **5** setting the stage to open the Rands.  
11:34:10 **6** Anyway, that, I hope, kind of clarifies and  
11:34:14 **7** addresses some of the questions on it.  
11:34:18 **8** CHAIRMAN PRESCH: John, you have a  
11:34:20 **9** comment?  
11:34:20 **10** MR. STEWART: While it attempts to  
11:34:23 **11** address the issue, it actually provides more questions  
11:34:28 **12** than answers. Cal Four Wheels' involvement on that  
11:34:33 **13** was based on four-wheel drive access to routes in  
11:34:37 **14** there which are also open to ATVs and dirt bikes.  
11:34:42 **15** From your comments, you are saying that everything now  
11:34:44 **16** is predicated on use for ATV and dirt bikes. My  
11:34:49 **17** concern is that four-wheel drive vehicles will still  
11:34:52 **18** be provided within that scope.  
11:34:55 **19** MR. VILLALOBOS: Uh-huh. This is a  
11:34:58 **20** multipurpose route.  
11:35:01 **21** MR. STEWART: My concern is the  
11:35:03 **22** terminology you used in the rider education brochure  
11:35:07 **23** is limiting in its aspect.  
11:35:11 **24** MR. VILLALOBOS: Yeah. I will tell you  
11:35:12 **25** why. I will give you -- it's slanted towards the ATV

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11:35:17 **1** and motorcycle rider because the compliance issues are  
11:35:24 **2** attributed mostly to ATV and motorcycles. You know,  
11:35:28 **3** to begin with, I never had much of a problem with  
11:35:32 **4** four-wheel drive folks other than people running over  
11:35:35 **5** the fence with a four-wheel drive vehicle. But other  
11:35:39 **6** than that, the compliance was pretty doggone good by  
11:35:46 **7** four-wheel drive vehicles.  
11:35:47 **8** The issues, the rider education program  
11:35:50 **9** that we are putting together is slanted towards the  
11:35:53 **10** ATVs and motorcycles because that's the one that 90  
11:35:58 **11** percent of the -- I can't measure it, but --  
11:36:03 **12** MR. STEWART: Within the terminology and  
11:36:05 **13** the scope being applied and defined is that the rules  
11:36:10 **14** and regulations get written to address that particular  
11:36:14 **15** compliance with ATVs and dirt bikes. And any trail  
11:36:20 **16** design, fencing, or management descriptions applied  
11:36:24 **17** will actually be for that and actually remove the  
11:36:27 **18** four-wheel drive opportunity.  
11:36:29 **19** MR. VILLALOBOS: That's not our intent.  
11:36:32 **20** MR. STEWART: I'm expressing our  
11:36:34 **21** concern.  
11:36:34 **22** MR. VILLALOBOS: Let me clarify even  
11:36:37 **23** further that as we progress in this process -- and I'm  
11:36:40 **24** not sure, but this will be something that the TRT will  
11:36:44 **25** help us and stakeholders will help us -- that

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11:36:46 **1** basically if we move forward towards a permit program  
11:36:50 **2** in that area, I'm hoping that we can exclude  
11:36:53 **3** four-wheel drive vehicles.  
11:36:55 **4** MR. STEWART: From the area?  
11:36:58 **5** MR. VILLALOBOS: From having to have a  
11:37:00 **6** permit. From having to have a permit. It's  
11:37:04 **7** basically --  
11:37:08 **8** MR. STEWART: Choose your words  
11:37:10 **9** carefully.  
11:37:11 **10** MR. VILLALOBOS: Help me. I didn't mean  
11:37:13 **11** that at all. Exempt. What it means is exempt them  
11:37:18 **12** from requiring somebody, a hunter that's out there  
11:37:21 **13** going out hunting, for example, or a rock hounder who  
11:37:27 **14** has a pickup truck that's driving through the area, I  
11:37:31 **15** believe that they should be exempt from having to have  
11:37:33 **16** a permit to ride around in the area. Again, this is a  
11:37:36 **17** question for the TRT that we can work through as we  
11:37:41 **18** move forward.  
11:37:43 **19** CHAIRMAN PRESCH: Other questions? Yes,  
11:37:46 **20** Ron.  
11:37:46 **21** MEMBER SCHILLER: I would like to  
11:37:48 **22** respond. At several steering committee meetings,  
11:37:51 **23** Hector, you asked me about the TRT meeting. And I  
11:37:55 **24** said, sure, give me a call. I will be available at  
11:37:58 **25** any time, thinking that you would give me a call when

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11:38:03 **1** we had -- at the last DAC meeting before the meeting  
11:38:06 **2** you asked me to ask you about the DAC TRT, I mean the  
11:38:10 **3** Rand TRT. But you never really presented the  
11:38:14 **4** opportunity during the field office report.  
11:38:17 **5** I would like to just point out that while  
11:38:19 **6** you have gone ahead and worked with the Friends of  
11:38:22 **7** Jawbone and Randy and others, that doesn't constitute  
11:38:26 **8** public involvement when you start taking actions on  
11:38:28 **9** the ground. And I think that the public should be  
11:38:32 **10** aware when you are going to install fences and have  
11:38:35 **11** some ability to at least raise an issue of access for  
11:38:42 **12** equestrian uses or whatever. And I will let it go at  
11:38:46 **13** that and hope to be included in the future in  
11:38:50 **14** notification of when the TRT will be convening.  
11:38:56 **15** MR. VILLALOBOS: Again, I didn't have  
11:38:57 **16** much to share with folks until at this point. I  
11:39:00 **17** really think that we have hit a milestone, and I think  
11:39:05 **18** it's time to start working these details up.  
11:39:10 **19** CHAIRMAN PRESCH: Geary, do you have a  
11:39:12 **20** question?  
11:39:12 **21** MEMBER HUND: I just had a comment  
11:39:14 **22** related to the Ridgecrest office resource management  
11:39:19 **23** and actually wanted to compliment them on their  
11:39:23 **24** management and monitoring efforts for the management  
11:39:29 **25** of both wilderness and ACECs within the district. And

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11:39:34 **1** you have obviously been making a concerted effort, and  
11:39:38 **2** it's much appreciated. So thank you.  
11:39:41 **3** CHAIRMAN PRESCH: Yes, Ed.  
11:39:43 **4** MR. WALDHEIM: I would like to shed some  
11:39:45 **5** light on this, if I may, because I'm Friends of  
11:39:48 **6** Jawbone. I'm Ed Waldheim. We have been meeting every  
11:39:52 **7** month for 15 years, 15 years, every month, just like  
11:39:55 **8** El Mirage. All the stakeholders come into that area.  
11:39:59 **9** Mr. Hector has been AWQL quite a bit, and I hope he  
11:40:03 **10** starts getting back into it.  
11:40:07 **11** The fencing that we are talking about on  
11:40:09 **12** the West Rands was initiated by Mr. Hector Villalobos.  
11:40:12 **13** Yes, it's totally fenced in. You cannot get in unless  
11:40:16 **14** you want to break the fence. The fence that we spent  
11:40:19 **15** \$300,000 to put in is to open a corridor. Right now  
11:40:21 **16** you can't get in. For four years, all we are doing is  
11:40:26 **17** opening a corridor, a link, so the equestrians and the  
11:40:29 **18** motorized recreation folks can go from Camp C down to  
11:40:32 **19** Muncy Road from the middle of 5 to 50 to 43 and head  
11:40:36 **20** towards Randsburg.  
11:40:37 **21** The fences that you are alluding to about  
11:40:39 **22** closing -- and I have to go to Hector Villalobos'  
11:40:40 **23** defense -- he has nothing to do with the fences that  
11:40:42 **24** are being cut out of the equestrian people. Cal Fish  
11:40:46 **25** and Game has received 4,300 acres in mitigation from

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11:40:51 **1** the Hyundai test track. They have totally locked us  
 11:40:54 **2** out in corridors from Silver Saddle for the equestrian  
 11:40:59 **3** folks to enter the Rands. Those are not  
 11:41:01 **4** Mr. Villalobos' responsibility. Cal Fish and Game has  
 11:41:03 **5** done that.  
 11:41:03 **6** Also, Center for Biodiversity in a  
 11:41:07 **7** settlement with California City on the Hyundai test  
 11:41:10 **8** track turned over Camp C to Center for Biodiversity.  
 11:41:15 **9** Now two weeks ago, it's fenced on both sides of  
 11:41:16 **10** Chrysler Road. You are correct; the equestrian folks  
 11:41:19 **11** are livid because they do not have an access to get to  
 11:41:23 **12** the area. But it's not Hector's responsibility. It's  
 11:41:28 **13** California Fish and Game who is totally shutting the  
 11:41:29 **14** public out, period. And that's a whole different  
 11:41:31 **15** issue.  
 11:41:33 **16** MEMBER SCHILLER: Briefly, in response,  
 11:41:35 **17** Ed, with due respect, you say that all the  
 11:41:38 **18** stakeholders are included in the Friends of Jawbone  
 11:41:41 **19** meeting. I disagree. Those meetings are held on a  
 11:41:45 **20** Wednesday morning in the middle of the week when  
 11:41:47 **21** people cannot attend from work. And so they are very  
 11:41:52 **22** difficult for the average person to attend. And I  
 11:41:54 **23** would not say that all the stakeholders are there.  
 11:41:57 **24** One of the fences that I'm referring to was  
 11:42:00 **25** from quite some time ago, and it was down low in the

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11:42:06 **1** area of the Rand Mountains on the north side. And  
 11:42:10 **2** that was the fence that I'm referring to. I'm not  
 11:42:13 **3** referring to the Department of Fish and Game fences.  
 11:42:15 **4** I'm referring to the fence that was funded by OHV  
 11:42:20 **5** funds and installed quite some time ago.  
 11:42:23 **6** CHAIRMAN PRESCH: I will let you guys  
 11:42:24 **7** fight that out at lunch.  
 11:42:26 **8** MR. WALDHEIM: Sir, I would like to say  
 11:42:27 **9** that the Friends of Jawbone -- and I get upset with  
 11:42:30 **10** the reports -- that the reports that the agencies pass  
 11:42:33 **11** only one little line is talked about maintenance. Not  
 11:42:37 **12** a word about the work that the volunteers are doing.  
 11:42:40 **13** We have collected -- we have already secured \$1.5  
 11:42:45 **14** million from Friends of Jawbone to help the BLM office  
 11:42:49 **15** in Ridgecrest.  
 11:42:50 **16** And I get really upset, just as Mr. Steve  
 11:42:54 **17** Borchard gets upset. You did a fantastic job on R-10.  
 11:42:58 **18** You literally saved the town of Randsburg by doing it.  
 11:43:05 **19** You just need to finish the other side on R-10. But  
 11:43:05 **20** he did save it, and they did a great job. But I wish  
 11:43:08 **21** the agencies, when they have volunteers, that they  
 11:43:11 **22** talk a little more about that so the public  
 11:43:14 **23** understands that it's not only BLM out there working;  
 11:43:17 **24** right now, I worked on the tractor all last week. The  
 11:43:20 **25** tractor rented by Friends of Jawbone is being run by

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11:43:24 **1** BLM staff. So we are right there with the agencies  
 11:43:27 **2** working to make sure we keep access to our public  
 11:43:30 **3** lands open. So we don't want to miss that out.  
 11:43:34 **4** MR. VILLALOBOS: May I just finish the  
 11:43:36 **5** comments?  
 11:43:37 **6** I have to thank Ed because he does get  
 11:43:39 **7** behind the wheel of heavy equipment and does work for  
 11:43:43 **8** us. And they have volunteers out there helping us,  
 11:43:47 **9** for example, building little parking areas around  
 11:43:50 **10** Bickel Camp and the post office. And it was with  
 11:43:53 **11** their efforts that they helped do that stuff. And I  
 11:43:59 **12** appreciate that work, and I'm sorry that sometimes I  
 11:44:02 **13** don't get a chance to highlight those things in our  
 11:44:06 **14** manager's report. But they are very important to us  
 11:44:09 **15** and without that kind of help, we would be -- I would  
 11:44:13 **16** be up there.  
 11:44:17 **17** CHAIRMAN PRESCH: Thank you. Let's move  
 11:44:20 **18** father south. Let's go to Palm Springs.  
 11:44:24 **19** MR. BENNETT: Good morning. I'm Mike  
 11:44:27 **20** Bennett. I'm from Palm Springs, acting for Jon  
 11:44:30 **21** Kalish. And any questions and concerns I will be glad  
 11:44:33 **22** to address.  
 11:44:33 **23** CHAIRMAN PRESCH: Any questions about  
 11:44:34 **24** the Palm Springs report from the DAC?  
 11:44:41 **25** MR. VILLALOBOS: How about from us?

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11:44:46 **1** CHAIRMAN PRESCH: No. You got your own  
 11:44:49 **2** problems. If there is no --  
 11:44:54 **3** MEMBER HUND: I have a comment, again,  
 11:44:57 **4** on the initiation of the riparian assessments. I  
 11:45:04 **5** think it's a great thing to be doing, riparian  
 11:45:07 **6** assessments. It states here that approximately 2,000  
 11:45:11 **7** acres are annually inventoried for ecological  
 11:45:25 **8** condition in stream corridors and oases and desert  
 11:45:29 **9** riparian communities.  
 11:45:31 **10** And I know that that program has only been  
 11:45:33 **11** underway for a short time, and I just want to  
 11:45:37 **12** encourage you to continue -- to compliment you and to  
 11:45:40 **13** encourage other districts to work with you to see what  
 11:45:46 **14** protocols you have developed and to implement them to  
 11:45:49 **15** the extent possible in other districts.  
 11:45:52 **16** MR. BENNETT: Thank you.  
 11:45:54 **17** CHAIRMAN PRESCH: All right. Then we  
 11:45:56 **18** will go to the El Centro field report.  
 11:46:02 **19** MS. WOOD: I have an update for the  
 11:46:05 **20** Truckhaven that I will pass around. I don't think it  
 11:46:08 **21** got in your packets, but this is -- John Dalton  
 11:46:12 **22** prepared this. It's just a little more information  
 11:46:15 **23** for you.  
 11:46:19 **24** MEMBER DENNER: We got it, Vicki.  
 11:46:20 **25** MS. WOOD: Then it doesn't need to go

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11:46:26 **1** around any farther than David, if you have already got  
11:46:29 **2** it.  
11:46:33 **3** MEMBER HUND: I have got a couple  
11:46:35 **4** questions.  
11:46:36 **5** Vicki, I was curious about this geothermal  
11:46:41 **6** leasing. This geothermal leasing -- do you have a  
11:46:51 **7** sense or an expectation of what amount of surface  
11:46:55 **8** disturbance is likely to occur in the development of  
11:46:59 **9** these facilities, you know, percentagewise for the  
11:47:03 **10** total acreage of land that's within the permit area?  
11:47:07 **11** And then my second question is, In the  
11:47:10 **12** Truckhaven area, as I believe you know, I used to work  
11:47:14 **13** with State Parks out of Ocotillo Wells State  
11:47:19 **14** Recreation Area. And we had flat-tailed horned  
11:47:23 **15** lizards in some parts of the recreation area. And I  
11:47:27 **16** was wondering if part of the project, pre-project work  
11:47:31 **17** if there were -- was there potentially suitable  
11:47:36 **18** habitat for the lizards, and if so, were those areas  
11:47:40 **19** surveyed and there were mitigation procedures  
11:47:46 **20** developed to provide for their protection?  
11:47:49 **21** MS. WOOD: I would have to ask Daniel  
11:47:52 **22** about the last part of that. But as far as the  
11:47:55 **23** footprint in the plan, in the EIS, there is a  
11:47:59 **24** reasonable foreseeable future in there, and I don't  
11:48:02 **25** have the exact acreage, but it does go into

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11:48:06 **1** something --  
11:48:08 **2** DIRECTOR BORCHARD: 500 acres is the  
11:48:10 **3** answer to your question. 500 acres potential actual  
11:48:14 **4** ground disturbance within the 14,000-acre leasing  
11:48:19 **5** area.  
11:48:24 **6** MEMBER HUND: Does that include access  
11:48:26 **7** roads?  
11:48:26 **8** DIRECTOR BORCHARD: Yeah, it does.  
11:48:29 **9** There has been confusion about terminology by the term  
11:48:33 **10** Truckhaven. The actual leasing area is south of R-22.  
11:48:38 **11** MEMBER HUND: That's what I thought.  
11:48:39 **12** DIRECTOR BORCHARD: And everybody calls  
11:48:41 **13** Truckhaven that newly acquired parcel north of I-22,  
11:48:46 **14** with the exception of the geothermal company that  
11:48:50 **15** originally named it 15 years ago. So we called it  
11:48:55 **16** Truckhaven, and it's part of Ocotillo Wells OHV area.  
11:49:02 **17** MEMBER HUND: Thank you for clarifying  
11:49:04 **18** that.  
11:49:04 **19** DIRECTOR BORCHARD: So the leasing area  
11:49:07 **20** doesn't go north of I-22.  
11:49:10 **21** MEMBER HUND: I wouldn't think so.  
11:49:14 **22** MEMBER JOHNSTON: Vicki, in your report,  
11:49:18 **23** not to have it just go unnoticed, the Sunrise Power  
11:49:25 **24** Link Project is mentioned again. And being from San  
11:49:32 **25** Diego, San Diego Gas and Electric gets a lot of press

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11:49:38 **1** within the local newspapers as well as discussion  
11:49:41 **2** groups. And the Sunlight Power Project came up very  
11:49:45 **3** pointedly the end of July when we had at least what  
11:49:50 **4** was pronounced by San Diego Gas and Electric a  
11:49:54 **5** potential brownout or electricity stoppages because of  
11:49:59 **6** high electrical power use and how that exemplified the  
11:50:05 **7** need for the power link.  
11:50:07 **8** Well, subsequent to that announcement by  
11:50:10 **9** San Diego Gas and Electric, it was discovered by the  
11:50:15 **10** new Public Utilities Commissioner in the State of  
11:50:19 **11** California, who is appointed by Governor  
11:50:24 **12** Schwarzenegger, Dian Grueneich, that that was a total  
11:50:31 **13** misstatement. There was no threat of brownouts or  
11:50:34 **14** anything even close to it. And the California Energy  
11:50:38 **15** Commission said there was no threat of brownouts,  
11:50:40 **16** there was no strain on the grid that would even come  
11:50:43 **17** close to causing it.  
11:50:44 **18** And the San Diego Gas and Electric had  
11:50:46 **19** initially inflated that to try to steer support for  
11:50:50 **20** the power link project. That's all a matter of the  
11:50:53 **21** public record. If someone would like a copy of the  
11:50:58 **22** article, I can get it. Further, San Diego Gas and  
11:51:02 **23** Electric has justified this project by claiming it's  
11:51:04 **24** going to save the public money. In fact, the  
11:51:08 **25** commissioner from the PUC, and I quote, says,

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11:51:10 **1** "Delaying the power line until 2013 or '16 would  
11:51:15 **2** result in savings for customers rather than putting it  
11:51:18 **3** in with the 2010 deadline San Diego Gas and Electric  
11:51:22 **4** has been pushing for. Further, the utility has argued  
11:51:26 **5** Sunrise is needed by 2010 to guarantee electrical  
11:51:33 **6** reliability to provide access to renewable energy  
11:51:33 **7** projects expected in the Imperial valley."  
11:51:35 **8** All the solar projects that we are talking  
11:51:38 **9** about is one of the justifications they are using.  
11:51:41 **10** Well, in fact, the Public Utility Commission says that  
11:51:45 **11** that's what they are claiming, but in fact, there is  
11:51:48 **12** no truth to that. In fact, the real motive for the  
11:51:52 **13** Sunrise Project is not to service those networks.  
11:51:55 **14** According to Michael Shames, executive  
11:51:59 **15** director of the Utility Consumer's Action Network, in  
11:52:02 **16** fact the whole purpose of the Sunrise Project is not  
11:52:05 **17** about renewables, but about sending power not to San  
11:52:09 **18** Diego, but to Edison's power territory for  
11:52:13 **19** distribution in the Los Angeles and Orange County  
11:52:15 **20** market.  
11:52:16 **21** So I think this Power Link Project which  
11:52:19 **22** continues to pop up now and then and gets a lot of  
11:52:22 **23** positive input given to us by San Diego Gas and  
11:52:26 **24** Electric's representatives, they are the only ones  
11:52:30 **25** that are putting out positive pronouncements about it.

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11:52:34 **1** The State surely doesn't seem to feel that way.  
11:52:39 **2** MEMBER BETTERLEY: They haven't taken a  
11:52:41 **3** position on that. It's just one commissioner.  
11:52:44 **4** MEMBER JOHNSTON: Well, they are not the  
11:52:46 **5** only one, though, on the State Commission. This is  
11:52:48 **6** the newest commission.  
11:52:49 **7** MEMBER BETTERLEY: I'm very aware of  
11:52:51 **8** that, but that's still just one commissioner, not the  
11:52:55 **9** whole commission.  
11:52:57 **10** MEMBER ACUNA: I hear where you are  
11:52:59 **11** coming from, Ron, and there is certainly different  
11:53:03 **12** views. And the whole project, we have to understand,  
11:53:06 **13** is going before the California Public Utilities  
11:53:10 **14** Commission for decision. Everything about the project  
11:53:12 **15** is being disclosed publicly. That decision still  
11:53:16 **16** remains. No one is saying that the project is going  
11:53:19 **17** to get approved or disapproved.  
11:53:23 **18** So, you know, I hear what you are saying.  
11:53:27 **19** I think what you are bringing to the group here is  
11:53:29 **20** that perhaps it's your opinion that we shouldn't  
11:53:33 **21** support the project. I'm of the opinion that we  
11:53:36 **22** should see what the CPUC says after they have done  
11:53:40 **23** their full, complete analysis of the project.  
11:53:45 **24** MEMBER BETTERLEY: What effect it has on  
11:53:46 **25** the grid.

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11:53:47 **1** MEMBER ACUNA: The grid is very  
11:53:49 **2** important. And independent system operators, they  
11:53:53 **3** look at California's grid and they make decisions that  
11:53:56 **4** aren't necessarily popular in one part of the state  
11:54:00 **5** for the benefit of others. So that's a part that you  
11:54:02 **6** have to consider.  
11:54:06 **7** CHAIRMAN PRESCH: We don't need to deal  
11:54:08 **8** with that issue now. It's DAC. Any other comments  
11:54:11 **9** for EI Centro?  
11:54:16 **10** MR. HOLIDAY: My name is Dick Holiday.  
11:54:16 **11** The Mesquite Landfill that's going into service in the  
11:54:21 **12** Imperial Valley there, this is not really an issue.  
11:54:25 **13** It kind of has an issue for BLM, but they are trying  
11:54:29 **14** to change their conditional use permit. The original  
11:54:34 **15** EIS, they were going to bring trash to this dump by  
11:54:37 **16** train. And they are trying to change their  
11:54:40 **17** conditional use permit to allow them to bring by truck  
11:54:46 **18** because they are having a hard time getting the train  
11:54:48 **19** lines in with the railroad.  
11:54:54 **20** What this is going to affect is on Highway  
11:54:57 **21** 78 through the Dunes there, they are looking at 200  
11:54:59 **22** trucks a day or 400 trucks traffic a day to bring  
11:55:04 **23** trash to this dump. We have had some discussions with  
11:55:08 **24** them as far as mitigating somewhat the days they will  
11:55:13 **25** be running, but that's still going to be a real safety

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11:55:16 **1** issue for the dune users and for the people that are  
11:55:19 **2** using the BLM land there when we start looking at 400  
11:55:24 **3** loads of trucks going up and down that road every day.  
11:55:27 **4** That's just something that I would like you guys to be  
11:55:30 **5** aware of.  
11:55:33 **6** MR. STEWART: There is an additional  
11:55:35 **7** energy geothermal project proposed in the EI Centro  
11:55:39 **8** area that the Navy and BLM are working on the EIS for  
11:55:46 **9** the Superstition Mountains area. Is there an update  
11:55:49 **10** to that as to when that EIS is expected?  
11:55:52 **11** MS. WOOD: The kickoff meeting I believe  
11:55:55 **12** is scheduled for next week, so just the normal process  
11:55:58 **13** it will be doing. And we will be a cooperating agency  
11:56:03 **14** on that EIS.  
11:56:08 **15** MEMBER DENNER: Vicki, would you tell  
11:56:10 **16** the DAC a little bit about the concession RFP that you  
11:56:14 **17** are going out with, because it's a whole new  
11:56:17 **18** management concept. And I would think these people  
11:56:20 **19** would be interested in what you are doing. It's a  
11:56:22 **20** pioneering effort.  
11:56:24 **21** MS. WOOD: We had a TRT meeting two  
11:56:27 **22** weeks ago, not very long ago, however long, and we had  
11:56:31 **23** Mike Ayers from the state office come down and talk to  
11:56:34 **24** you about general policies about concessionaire  
11:56:37 **25** program and the fact that we would like to see how

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11:56:40 **1** that would work. And we put a team together to talk  
11:56:43 **2** about how this will work.  
11:56:45 **3** We have had meetings with Mike Pool in the  
11:56:48 **4** district office of all the different opportunities,  
11:56:51 **5** possibilities and goods and bads and indifferences  
11:56:55 **6** about doing a concessionaire program. So it's on our  
11:56:59 **7** radar screen to look and see about putting a proposal  
11:57:04 **8** together. Right now it's wide open as far as we do a  
11:57:07 **9** little bit, we do only certain areas, and we will be  
11:57:12 **10** asking for lots of help from the TRT to figure out how  
11:57:17 **11** that's going to work.  
11:57:18 **12** MEMBER DENNER: What this concessionaire  
11:57:21 **13** program involves is to have a private company come in  
11:57:24 **14** and issue a proposal to manage the Imperial Sand Dunes  
11:57:29 **15** Recreation Area, either completely or chunks out of  
11:57:33 **16** it, to take that job out from under the BLM. And  
11:57:36 **17** there are pros and cons, obviously, so we will keep  
11:57:39 **18** you posted on it.  
11:57:42 **19** MEMBER HUND: Yeah. I wanted to make a  
11:57:44 **20** comment related to wildfire occurrences -- wildfire  
11:57:48 **21** occurrences, banner fire on page 3, and first I wanted  
11:57:51 **22** to -- it relates to the use of water bars to prevent  
11:57:57 **23** erosion. And I wanted to say, first, I appreciate the  
11:57:59 **24** fact that an effort was made after the fire to do  
11:58:06 **25** rehabilitation to counter the sometimes negative

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11:58:12 **1** effects of fire suppression activities.  
11:58:15 **2** However, I did want to encourage both your  
11:58:18 **3** field office and the Desert District in general and  
11:58:21 **4** the BLM to, as much as possible, to recontour the  
11:58:29 **5** slopes that have been bulldozed as opposed to using  
11:58:33 **6** water bars.  
11:58:34 **7** I worked for nearly ten years as an  
11:58:37 **8** ecologist with California State Parks and was a fire  
11:58:41 **9** manager and was involved in a number of post fire  
11:58:46 **10** restoration projects. And I also made a number of  
11:58:50 **11** observations in the field of the effects of past fire  
11:58:55 **12** suppression activities. And what we found is that  
11:59:00 **13** bulldozer lines, because they create pretty good-sized  
11:59:04 **14** berms, if those berms are not knocked down, if it's  
11:59:08 **15** not recontoured, they can permanently alter drainage  
11:59:12 **16** patterns which can have some real negative effects on  
11:59:16 **17** habitat. And water bars oftentimes are not effective  
11:59:21 **18** in preventing that alteration of drainage patterns and  
11:59:25 **19** erosion.  
11:59:26 **20** What I experienced was when we pulled the  
11:59:31 **21** berms back in and there was like crushed vegetation in  
11:59:36 **22** that material, within a year or two in many places you  
11:59:39 **23** could not even tell that a dozer had been through  
11:59:43 **24** there. Contrary to that, in other places, dozer lines  
11:59:49 **25** still looked like they had been cut the week before,

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11:59:53 **1** ten years later. For example, wildfire went through  
11:59:57 **2** an area and we discovered a dozer line that we weren't  
12:00:00 **3** able to see previously. And there it was, looking  
12:00:03 **4** just like it had been cut in the past very recently.  
12:00:08 **5** So what we did find is that we requested  
12:00:12 **6** fire suppression agencies keep equipment on the site.  
12:00:17 **7** What they tend to do as soon as the incident is  
12:00:21 **8** determined to be under control, they ship those dozers  
12:00:25 **9** out. But if your field staff request they keep a  
12:00:30 **10** dozer on-site and pull those berms in, that can be a  
12:00:35 **11** great benefit to the landscape. So I wanted to make  
12:00:38 **12** that suggestion.  
12:00:39 **13** CHAIRMAN PRESCH: Okay. We will move to  
12:00:42 **14** the final -- to look at Needles highlights that we saw  
12:00:47 **15** most of it yesterday.  
12:00:52 **16** Any questions of the Needles field  
12:00:55 **17** office report that we didn't get to ask yesterday or  
12:00:58 **18** earlier?  
12:00:59 **19** MEMBER SCOTT: Just one other -- these  
12:01:02 **20** are numbers. You can't put numbers in a report and  
12:01:05 **21** not trigger somebody to ask. You have 860 responses  
12:01:10 **22** on the guzzlers. Can you tell us what the split was  
12:01:14 **23** pro and con?  
12:01:26 **24** MR. WHITE: The number was weighed very  
12:01:30 **25** heavy against guzzlers on the wilderness. And that

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12:01:34 **1** weight I would say was because most of the letters we  
12:01:37 **2** received were received as form letters. Basically  
12:01:45 **3** somebody typed up a form letter and they sent it out  
12:01:48 **4** to all their constituents and said sign this, fill it  
12:01:54 **5** in. We were monitoring blogs and people were saying  
12:02:00 **6** take this form letter, change it up, and make it  
12:02:02 **7** personal. That didn't happen.  
12:02:05 **8** The form letters were signed and mailed  
12:02:07 **9** back in or e-mailed back in. We also took e-mails and  
12:02:15 **10** we compiled them all. We have an administrative  
12:02:19 **11** record on this project that is very deep. We have a  
12:02:22 **12** notebook with all of these. And staff painstakingly  
12:02:28 **13** went through each one to make sure there was nothing  
12:02:32 **14** personal in each of those form letters. And then they  
12:02:35 **15** grouped and segregated the letters. And as stated  
12:02:41 **16** here, we took the ones with substance and those were  
12:02:45 **17** the ones that we addressed. And when we addressed  
12:02:49 **18** those, we then went back and asked ourselves, did this  
12:02:53 **19** take care of the rest of the questions? And it did.  
12:03:04 **20** MEMBER SCOTT: I'm only responding to  
12:03:06 **21** the tone of the remarks about the pro and con and just  
12:03:09 **22** trying to figure out just the metric of what the  
12:03:12 **23** public wants so that it's -- I understand that a form  
12:03:18 **24** letter may be easy for some of the -- but at least  
12:03:22 **25** there is an individual out there who did send it.

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12:03:25 **1** I mean, in terms of just reporting, not  
12:03:28 **2** what you might do to alter a guzzler but just the  
12:03:32 **3** concept of how many people want to have guzzlers in  
12:03:35 **4** the desert relative to how many people don't want to  
12:03:38 **5** have guzzlers in the desert, that was what I was  
12:03:41 **6** trying to get at. I think that all people -- do you  
12:03:45 **7** think that more people want them than don't want them?  
12:03:50 **8** MR. WHITE: I think it's a philosophical  
12:03:53 **9** question I cannot answer. Because if we took -- if we  
12:04:00 **10** weighted things, there were some heavy hitters both  
12:04:04 **11** for and against. And I would probably say that the  
12:04:10 **12** heaviest hitter, that is Congress, in my opinion,  
12:04:18 **13** clearly defined what our intent was when they wrote  
12:04:22 **14** and signed the California Desert Protection Act. When  
12:04:28 **15** I issued the decision to the San Diego guzzler, it was  
12:04:33 **16** based on weighing out what was said in the Wilderness  
12:04:36 **17** Act, what was said in the Desert Protection Act. I  
12:04:44 **18** think Congress speaks the heaviest for the public.  
12:04:48 **19** MEMBER SCOTT: Not to have you repeat  
12:04:50 **20** what Congress has said, but that's in the Web page;  
12:04:54 **21** right?  
12:04:55 **22** MR. WHITE: Yes, everything is there.  
12:05:01 **23** MR. MABEN: I just want to thank Needles  
12:05:04 **24** for hosting this meeting and the brand-new nice  
12:05:07 **25** facility. Congratulations on a building well-built.

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12:05:11 **1** MR. WHITE: I have staff available.  
12:05:14 **2** Betty and Dave and Murl were running around the  
12:05:19 **3** office. If during the lunch break you would like a  
12:05:22 **4** tour of the facility, please grab them and they will  
12:05:26 **5** show you the entire facility.  
12:05:34 **6** MEMBER SCHILLER: When I received the  
12:05:35 **7** field office report, I started looking on the Internet  
12:05:38 **8** for the environmental documents. I found the press  
12:05:42 **9** release, and it was a link. But I never did find the  
12:05:46 **10** environmental documents, the EA decision notice or  
12:05:49 **11** anything that you referred to. So I just wanted to  
12:05:53 **12** make that note.  
12:05:55 **13** MR. WHITE: It's running. We had a  
12:05:57 **14** problem a week and a half or a week ago on our master  
12:06:05 **15** Internet site that controls all of the Web pages for  
12:06:10 **16** the BLM. And the systems administrator for all the  
12:06:16 **17** BLM went through and cleaned up some errors and  
12:06:20 **18** problems, and then it brought everything back on line.  
12:06:23 **19** So there was a little bit of a time period in there  
12:06:26 **20** when everything was down.  
12:06:29 **21** MR. SCHILLER: Okay. Because I could  
12:06:32 **22** get to the Needles but not the EA or any of the  
12:06:37 **23** documents.  
12:06:38 **24** CHAIRMAN PRESCH: Seeing no more  
12:06:40 **25** questions, I'm going to call a break.

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12:06:42 **1** DIRECTOR BORCHARD: One more question.  
12:06:46 **2** CHAIRMAN PRESCH: After Jerry.  
12:06:49 **3** MR. HILLIER: I did have one question.  
12:06:53 **4** Jerry Hillier, San Bernardino County.  
12:06:54 **5** You have reference to Molycorp, and I  
12:07:00 **6** suspect you might have talked about it extensively  
12:07:04 **7** yesterday. You have a statement under the status  
12:07:06 **8** project field work scheduled to begin in early fall  
12:07:09 **9** 2007. Can you share with me what that project work is  
12:07:13 **10** going to consist of, and do you have any indication  
12:07:17 **11** from the company when -- what their time line is for  
12:07:22 **12** actually reopening operation of the plant?  
12:07:28 **13** MR. WHITE: We did cover this  
12:07:30 **14** extensively yesterday, and if it would be okay, I  
12:07:33 **15** would cover that with you on a one-to-one.  
12:07:36 **16** MR. HILLIER: Okay. That's fine.  
12:07:38 **17** CHAIRMAN PRESCH: We will take a half  
12:07:40 **18** hour and reconvene at 12:40. And we will have lunch.  
12:07:48 **19** Okay? We will come back at 12:40 and try to get back  
12:07:57 **20** to our business.  
12:53:52 **21** (Lunch recess taken.)  
12:53:52 **22** CHAIRMAN PRESCH: We are going to pick  
12:53:54 **23** up on the agenda. And next topic is Supplemental  
12:54:00 **24** Rules Committee update. Vicki is going to bring us up  
12:54:03 **25** to date on what that is. I don't know that everybody

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12:54:06 **1** here knows what the supplemental rule committee is. I  
12:54:10 **2** do because I have been working on it through Barstow.  
12:54:15 **3** But tell them what that is for and then give us a  
12:54:20 **4** summary.  
12:54:21 **5** MS. WOOD: How I got involved with the  
12:54:24 **6** Supplemental Rules Committee was through my boss. He  
12:54:27 **7** would like to see no nails in firewood districtwide  
12:54:32 **8** rule and wanted me to explore the possibilities of  
12:54:36 **9** that happening and what the reaction would be. And we  
12:54:38 **10** started out with a fairly large team. We had all the  
12:54:42 **11** law enforcement chiefs on this committee, and we had  
12:54:46 **12** biweekly meetings in order to discuss our supplemental  
12:54:49 **13** rules. The supplemental rules are or can be special  
12:54:54 **14** rules for special areas that are above and beyond the  
12:54:58 **15** CFR or any other regulations that are policy that we  
12:55:02 **16** had in place already.  
12:55:03 **17** Of course, Glamis has a lot of supplemental  
12:55:09 **18** rules because they have lots of things going on out  
12:55:13 **19** there, and Dumont Dunes has got quite a few. And I  
12:55:18 **20** sat down with all the rangers on the committee and I  
12:55:21 **21** said, everybody pull their supplemental rules today  
12:55:25 **22** because nobody could come up with the book. I ended  
12:55:28 **23** up with a book of supplemental rules and from that, we  
12:55:31 **24** decided, okay, we know we want no nails in firewood.  
12:55:35 **25** What other rules could we put districtwide that allow

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12:55:40 **1** the users to know consistently what they could do from  
12:55:44 **2** one area to the next across the district.  
12:55:46 **3** And we started out with 69 rules and  
12:55:51 **4** everybody weighed in. We ended up with three. And  
12:55:54 **5** the three rules that we would like to propose for  
12:55:57 **6** districtwide acceptance are the metal in firewood, no  
12:56:04 **7** glass beverage container allowed, possession or use;  
12:56:08 **8** and no person shall operate or use any audio device,  
12:56:11 **9** including but not limited to radio, television,  
12:56:15 **10** musical instrument, other noise producing device and  
12:56:19 **11** motorized equipment between the time of 10 p.m. and  
12:56:24 **12** 6 a.m. in a manner that makes unreasonable noise or  
12:56:30 **13** disturbs other visitors. So those are the three  
12:56:33 **14** districtwide.  
12:56:33 **15** MEMBER MABEN: When you say "no nails,"  
12:56:36 **16** does that include wood screws?  
12:56:41 **17** MS. WOOD: I already brought that up  
12:56:43 **18** last night. No person shall use as firewood any wood  
12:56:49 **19** containing nails, screws or other metal hardware,  
12:56:54 **20** including, but not limited to, wood pallets and/or  
12:56:54 **21** construction debris.  
12:57:01 **22** MEMBER BROWN: I may be ignorant of the  
12:57:03 **23** whole thing. The "no unreasonable noise." This is in  
12:57:05 **24** campgrounds or anywhere in a public access area in the  
12:57:09 **25** desert?

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12:57:10 **1** MS. WOOD: This would be BLM-managed  
12:57:13 **2** lands in CCD.  
12:57:15 **3** MEMBER BROWN: So if I go out in a  
12:57:17 **4** wilderness area or in an area where I'm the only one  
12:57:22 **5** around for miles and I want to start jumping up and  
12:57:25 **6** down and screaming, that's illegal?  
12:57:28 **7** MS. WOOD: Who is going to see you do  
12:57:30 **8** it?  
12:57:34 **9** MR. STEIN: Reread the last phrase.  
12:57:37 **10** MEMBER BROWN: To what extent?  
12:57:41 **11** MS. WOOD: It's at the discretion of the  
12:57:44 **12** officer and also if anybody complained against you.  
12:57:48 **13** MEMBER BROWN: Someone has to hear it.  
12:57:50 **14** DIRECTOR BORCHARD: If a tree falls in  
12:57:54 **15** the woods.  
12:57:55 **16** CHAIRMAN PRESCH: I would think the same  
12:57:57 **17** thing that the glass container or somebody comes in in  
12:58:01 **18** a big RV and they have a bottle of Ketchup or salad  
12:58:05 **19** dressing, that's fine. You are talking about  
12:58:07 **20** essentially description of the officers if you have a  
12:58:12 **21** beer bottle or coke bottle or any other kind.  
12:58:15 **22** MS. WOOD: And the pickle jar came up.  
12:58:18 **23** So we said no glass beverage container. And I had to  
12:58:23 **24** remind Sterling that in the south we do drink pickle  
12:58:26 **25** juice, but that's another story.

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12:58:29 **1** CHAIRMAN PRESCH: We do that in Southern  
12:58:31 **2** California, too.  
12:58:33 **3** MR. WHITE: You told me it was fickle  
12:58:37 **4** juice, not pickle juice.  
12:58:41 **5** MS. WOOD: As part of the supplemental  
12:58:43 **6** rules, to continue, there is a Federal Register notice  
12:58:47 **7** in order to get these out into the public and get  
12:58:50 **8** comments on them. So the group decided there were  
12:58:53 **9** some other rules they wanted to look at too. And  
12:58:56 **10** Barstow proposed for Dumont Dunes, El Mirage, Stoddard  
12:59:05 **11** Valley, Johnson and Razor OHV: No person shall place  
12:59:08 **12** upon or pound into the ground any nonflexible object  
12:59:12 **13** as, but not limited to, metal or wood stakes, poles or  
12:59:15 **14** pipes, with the exception of a small tent or awning  
12:59:19 **15** stake, of whatever nature within the boundaries of  
12:59:21 **16** Dumont Dunes, so on and so forth.  
12:59:23 **17** And I already had a comment about that. So  
12:59:26 **18** I will be going back to the ranger on that one to see  
12:59:29 **19** if that's really what he meant.  
12:59:33 **20** CHAIRMAN PRESCH: That refers to people  
12:59:35 **21** who were taking out campgrounds on some of the hidden  
12:59:39 **22** areas and you come up over the dune and all of a  
12:59:42 **23** sudden you are on a top of rebar sticking out in the  
12:59:45 **24** sand. It's not fun to look at. We are just waiting  
12:59:49 **25** for somebody to impale themselves on some of these

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12:59:52 **1** things.  
12:59:54 **2** MEMBER SCHILLER: You say not mounted  
12:59:56 **3** into the ground, any metal object. Maybe some  
13:00:01 **4** clarification. Some of those areas include rock hound  
13:00:06 **5** use. We use gads to drive in and break out rocks.  
13:00:11 **6** Although we don't normally leave them, but if you said  
13:00:14 **7** you can't drive it into the ground at all, that may  
13:00:18 **8** have some --  
13:00:21 **9** MS. WOOD: Once again, so if somebody  
13:00:23 **10** came and talked to you, and you explained that you are  
13:00:26 **11** going to take them with you when you go, that would be  
13:00:29 **12** fine.  
13:00:30 **13** CHAIRMAN PRESCH: It's leaving them  
13:00:32 **14** overnight that the problem is.  
13:00:34 **15** MR. SCHILLER: But if you say you can't  
13:00:36 **16** drive anything into the ground --  
13:00:39 **17** MS. WOOD: Here is a second one for the  
13:00:41 **18** Barstow office: No person shall park, place, fifth  
13:00:45 **19** wheel camper or other similar vehicle or structure  
13:00:48 **20** within the areas commonly known as Competition Hill  
13:00:51 **21** Corridor, Competition Hill located within the Dumont  
13:00:56 **22** Dunes OHV area.  
13:00:57 **23** And the third one there is reservation or  
13:01:00 **24** saving of camping space for another is prohibited in  
13:01:04 **25** Johnson Valley and Razor OHV. Okay?

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13:01:10 **1** MEMBER BETTERLEY: I think that explains  
13:01:12 **2** it -- oh, forget it.  
13:01:14 **3** MS. WOOD: And then finally the third  
13:01:17 **4** part of this Federal Register notice that we were  
13:01:19 **5** working on is there were some three supplemental rules  
13:01:23 **6** that were introduced and never finalized for Glamis.  
13:01:26 **7** And we are going to announce these as final.  
13:01:30 **8** And that's public nudity; unauthorized,  
13:01:33 **9** unorganized events, including musical events, band  
13:01:38 **10** concerts, shows, organized parties. And the third  
13:01:41 **11** one, riding in open truck beds or other situations  
13:01:44 **12** where there is not proper means of securing  
13:01:47 **13** passengers. And that's going to be the extent of our  
13:01:52 **14** Federal Register notice. We are still working on a  
13:01:54 **15** couple of sections. And every time I hand it to  
13:01:58 **16** somebody, I get something different. So at some point  
13:01:59 **17** in time we are going to say this is it and send it  
13:02:03 **18** forward.  
13:02:03 **19** MEMBER BROWN: What was the next-to-last  
13:02:05 **20** one? Something about musical --  
13:02:08 **21** MS. WOOD: Unauthorized, unorganized  
13:02:11 **22** events, including musical events, band concerts,  
13:02:15 **23** shows, organized parties within the Imperial Sand  
13:02:19 **24** Dunes, so you can get a special recreation permit and  
13:02:22 **25** do those things.

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13:02:23 **1** MEMBER BROWN: But "unauthorized" was  
13:02:25 **2** the key word.  
13:02:26 **3** MR. WALDHEIM: Vicki, are you going to  
**4** address people sitting in the back of the bed of a  
13:02:30 **5** truck?  
13:02:30 **6** We now have these rhinos and these new  
13:02:35 **7** golf cart things where we have eight people sitting in  
13:02:40 **8** the vehicle, no constraints whatsoever. Can we add on  
13:02:42 **9** there that they must have seat belts, especially on  
13:02:46 **10** the sit-ins? We already have the law on quads, unless  
13:02:50 **11** it's built for two, it can only be for one. People  
13:02:54 **12** are buying these rhinos and big mules, and they have  
13:02:58 **13** sometimes eight people in it, four kids sitting in the  
13:03:01 **14** back, and they bounce all over the place. And we are  
13:03:05 **15** losing lots of arms already, but they should have  
13:03:08 **16** straps with them.  
13:03:10 **17** CHAIRMAN PRESCH: When we were talking  
13:03:12 **18** about these things at the TRT, and there was a feeling  
13:03:14 **19** by the ranger at that time that those are motor  
13:03:18 **20** vehicle requirements and that falls under the Motor  
13:03:22 **21** Vehicle Code in the State of California.  
13:03:25 **22** MR. WALDHEIM: It doesn't address it.  
13:03:29 **23** MEMBER SCOTT: So does public nudity  
13:03:33 **24** fall within the Civil Code.  
13:03:37 **25** CHAIRMAN PRESCH: The party thing on the

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13:03:40 **1** Competition Hill, we have people that are actually  
13:03:43 **2** getting the trailer away from the camp area and they  
13:03:46 **3** light up the dunes at night with torches along the  
13:03:50 **4** side, driving things into the ground. And we have had  
13:03:53 **5** a couple of occasions where a pickup truck has a very  
13:03:59 **6** nice pole in the back with a certain type of mammal  
13:04:03 **7** wrapping around it and driving around as money is  
13:04:06 **8** thrown into the back. So that's an event.  
13:04:09 **9** MEMBER ACUNA: That's recreation.  
13:04:12 **10** MEMBER SCOTT: Aren't there already laws  
13:04:15 **11** to take care of this, rather than cumbersomely  
13:04:20 **12** creating BLM standards?  
13:04:21 **13** CHAIRMAN PRESCH: No, there are not,  
13:04:23 **14** because this pole was in a vehicle that was moving.  
13:04:25 **15** And that's a different situation. The codes are  
13:04:29 **16** written very tightly, so, no, we needed that kind of  
13:04:33 **17** stuff to stop that.  
13:04:37 **18** MEMBER BETTERLEY: Ordinances by  
13:04:39 **19** counties can do that, but that doesn't affect them in  
13:04:42 **20** the BLM.  
13:04:43 **21** CHAIRMAN PRESCH: Our other comment was  
13:04:45 **22** to try to make Dumont Dunes camp area into a township  
13:04:49 **23** by some mechanism that then we could regulate speed  
13:04:53 **24** limits. But we have to define what the township would  
13:04:57 **25** be with maps and GPS and all that kind of stuff. So

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13:05:00 **1** we kind of backed off.  
13:05:03 **2** MEMBER BETTERLEY: You would have to go  
13:05:04 **3** through LAFCO anyway on that.  
13:05:07 **4** MS. WOOD: I want to mention finally  
13:05:09 **5** that this is being looked at more widely than just  
13:05:12 **6** within BLM. The Public Safety Committee of the -- our  
13:05:18 **7** TRT is going to be looking at it. The chairman has  
13:05:21 **8** already looked at it. Dick looked at it on the bus  
13:05:26 **9** the other day and generally agreed, I think. And then  
13:05:29 **10** we are going to go a little wider after that before it  
13:05:32 **11** goes out to the Federal Register notice. But we are  
13:05:35 **12** trying to get it as good as we can get it before we  
13:05:39 **13** put it out there to like CORVA, ORVA and all of those  
13:05:45 **14** groups out there.  
13:05:51 **15** MR. HOLIDAY: I think that falls within  
13:05:53 **16** the bed of the pickup truck. There is some California  
13:05:56 **17** Vehicle Code rules I believe that if there is a seat  
13:06:00 **18** put in the back and there is restraints, seat belts  
13:06:04 **19** and things, then that's legal for them because some of  
13:06:07 **20** those --  
13:06:09 **21** MEMBER BETTERLEY: But that's only on a  
13:06:12 **22** state or county highway.  
13:06:15 **23** MR. HOLIDAY: They are using those rules  
13:06:17 **24** at Glamis as far as in the back of a pickup truck if  
13:06:21 **25** they have a seat mounted to the frame and you have

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13:06:25 **1** seat belts, that's a legal thing. If you are riding  
13:06:28 **2** in the back unrestrained, not legal.  
13:06:30 **3** MEMBER BETTERLEY: I don't know -- I  
13:06:33 **4** don't know what law wouldn't or would cover that,  
13:06:39 **5** because the law is a state law and that only has to do  
13:06:45 **6** with state highways or county highways. It doesn't  
13:06:49 **7** have to do with private easements or private -- or  
13:06:54 **8** public property. I don't think that would affect it.  
13:07:00 **9** MR. HILLIER: They could be applied, but  
13:07:02 **10** the BLM rangers of San Bernardino County have the  
13:07:06 **11** problem in that the chair canceled the MOU that gives  
13:07:10 **12** the rangers authority to -- cancels that authority on  
13:07:15 **13** state lands. I have opened up a dialogue with Sheriff  
13:07:22 **14** Penrod, and I can't really say one way or the other  
13:07:24 **15** how that is going to play out, but at least there is  
13:07:27 **16** some conversation taking place to restore that.  
13:07:32 **17** MEMBER BETTERLEY: I sit on his  
13:07:33 **18** commission, and if you would like some time to meet  
13:07:36 **19** with them --  
13:07:37 **20** MR. HILLIER: Thank you, Bill. The  
13:07:41 **21** dialogue is open, and it was friendly and cordial.  
13:07:45 **22** And I have a fair degree of confidence. But the point  
13:07:47 **23** of it is to make it absolutely clear that there is a  
13:07:51 **24** set of rules for federal lands which give the rangers  
13:07:57 **25** something that they can enforce, with or without the

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13:07:59 **1** MOU.  
13:08:01 **2** MEMBER BETTERLEY: When you cover four  
13:08:03 **3** different counties, too, because each one of them has  
13:08:06 **4** a different set of guidelines.  
13:08:08 **5** CHAIRMAN PRESCH: There are some  
13:08:10 **6** statements in the CFRs, if I'm not mistaken, that  
13:08:14 **7** cover some of these issues as well. So there are some  
13:08:17 **8** things that can be used by the rangers and law  
13:08:21 **9** enforcement using those statutes.  
13:08:24 **10** MR. HOLIDAY: I would also like to  
13:08:26 **11** comment on this whole process here. One of the issues  
13:08:29 **12** that we kind of brought up was that the  
13:08:33 **13** inconsistencies among the areas, at Glamis you can  
13:08:37 **14** burn pallets and at Dumont you couldn't. And I know I  
13:08:41 **15** pick up pails of nails, so we have kind of encouraged  
13:08:44 **16** the BLM to do this. We don't really want to see any  
13:08:48 **17** more rules than necessary. We think that the rules  
13:08:52 **18** that are available are sufficient to take care of most  
13:08:55 **19** of our problems. But this is just a consistency  
13:08:58 **20** issue, so if somebody goes from one place to another  
13:09:02 **21** at least within the CDD, they ought to have the same  
13:09:06 **22** rules.  
13:09:07 **23** MEMBER JOHNSTON: Bill, I concur. We  
13:09:11 **24** just seem to be codifying ourselves into boxes. But  
13:09:16 **25** then we wonder down the road how we can get out of the

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13:09:21 **1** box because now it doesn't work anymore. A thought  
13:09:24 **2** that might simplify the things that were brought up,  
13:09:28 **3** like the nudity at the back of the truck, is aimed  
13:09:31 **4** really at one specific thing. If in fact the rules  
13:09:35 **5** were to state no unrestrained persons in the back of  
13:09:40 **6** motor vehicles, that's going to cover that. You don't  
13:09:44 **7** need to have a rule just for that particular violation  
13:09:48 **8** or a perceived violation by some people.  
13:09:54 **9** MEMBER DENNER: So the pole dancer wears  
13:09:57 **10** a seat belt. I like that.  
13:10:01 **11** CHAIRMAN PRESCH: Any other comments  
13:10:02 **12** from the Council?  
13:10:03 **13** Thank you, Vicki, for your update. We will  
13:10:06 **14** move on now to Bruce, who will give us an update on  
13:10:10 **15** Energy Strike Team.  
13:10:31 **16** MR. SHAFFER: Bruce Shaffer. A copy of  
13:10:40 **17** this briefing -- this information briefing is going  
13:10:44 **18** around to each of the Council members.  
13:10:46 **19** For those in the public, if you want a  
13:10:49 **20** copy, they are in that front chair. It's a copy of  
13:10:52 **21** this briefing. This is just an information brief.  
13:10:55 **22** It's an update, what has transpired since our last bit  
13:11:04 **23** of information that we put out for the Council.  
13:11:08 **24** If there is more specific things the  
13:11:11 **25** Council would like to see as we go from meeting to

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13:11:14 **1** meeting in these briefings, please let me know that,  
13:11:20 **2** and we can kind of address that at the end.  
13:11:22 **3** The topics I'm going to cover today is,  
13:11:30 **4** again, I will give you a quick summary of the status  
13:11:33 **5** of the applications, how many we have and the  
13:11:37 **6** categories of them. I will talk a little bit specific  
13:11:39 **7** to this latter part of '07 and '08. What you are  
13:11:46 **8** hearing from the applicants as what they, the  
13:11:49 **9** applicant, intends to do as far as continuing to do  
13:11:54 **10** the other filings of their application to the other  
13:11:58 **11** appropriate regulatory agencies, whether it be the  
13:12:03 **12** California Energy Commission, Cal-ISO, the independent  
13:12:06 **13** system operators, or any other permits they need to  
13:12:09 **14** get.  
13:12:10 **15** I'm going to give you an update on our  
13:12:12 **16** consultation agreement with U.S. Fish and Wildlife.  
13:12:16 **17** We are real close. We have a draft of our agreement.  
13:12:19 **18** I will talk about some of the topics that the strike  
13:12:22 **19** team itself are addressing weekly.  
13:12:25 **20** We still pretty much meet almost every  
13:12:27 **21** week, every Thursday at 10 o'clock, we get on a  
13:12:31 **22** conference call and we chat. And the group that gets  
13:12:34 **23** on that call varies from week to week, but the  
13:12:38 **24** consistent folks that are on that call, because it's a  
13:12:41 **25** requirement, is the realty leads and the NEPA folks

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13:12:46 **1** from each of the five field office are on the call  
13:12:50 **2** every week because we are there to vet through issues  
13:12:53 **3** and policies and things that were coming through.  
13:12:55 **4** I will talk about some emerging topics  
13:12:59 **5** which I hope gives some of you both in the audience  
13:13:02 **6** and the Council maybe a sense of just how big and how  
13:13:07 **7** many players that are in energy. There is really a  
13:13:09 **8** lot going on out there, and so I just want to kind of  
13:13:13 **9** whet your appetite and then, of course, we will finish  
13:13:17 **10** off with some questions.  
13:13:18 **11** I hope this chart is not too busy. Like  
13:13:22 **12** anything, I heard somebody say numbers always generate  
13:13:26 **13** questions, so I'm really going to focus you on this  
13:13:29 **14** bottom line. The top line you can ask lots of  
13:13:33 **15** questions on, but this gives us an idea of how many  
13:13:37 **16** companies -- and again, this kind of varies from week  
13:13:39 **17** to week. We have some applicants that will come in  
13:13:43 **18** and they will want to change company names and stuff  
13:13:45 **19** like that. So we are always kind of trying to keep  
13:13:48 **20** track of this. But right now this tells you how many  
13:13:51 **21** different companies are out there that have filed  
13:13:54 **22** either wind or solar applications. I haven't put  
13:13:58 **23** geothermal on here. I can add that.  
13:14:00 **24** And again, on wind, we always are  
13:14:03 **25** segmenting between those that are testing and really

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13:14:08 **1** haven't moved forward to actual plan of development  
13:14:12 **2** and they aren't getting real serious. They are just  
13:14:15 **3** testing. So you can see in most of our wind  
13:14:18 **4** applications, they are out there testing to see what  
13:14:21 **5** potential they have out there.  
13:14:23 **6** On our solar, because in the IM, the  
13:14:27 **7** memorandum, Instruction Memorandum, there was no  
13:14:30 **8** requirement for testing, although we do have some  
13:14:34 **9** applicants in solar that do want to do testing,  
13:14:37 **10** whether it be for the actual intensity of the solar  
13:14:40 **11** resource and/or water, if their particular application  
13:14:46 **12** requires water. And as you can see, in the solar we  
13:14:49 **13** only have one application that's proposing to do  
13:14:52 **14** testing at this point. There may be a few more as  
13:14:55 **15** they come along.  
13:14:56 **16** We are up to about 54 applications right  
13:14:59 **17** now. And again, that's only 25 different companies,  
13:15:02 **18** 54 applications. So obviously, there are some  
13:15:05 **19** applicants or folks that have filed duplicate or  
13:15:09 **20** multiple applications. So we fully expect that this  
13:15:14 **21** number, if in fact there really was, in 15, 20 years,  
13:15:20 **22** how many plants are we going to see out there? It's  
13:15:23 **23** going to be a fraction of that number, nowhere close  
13:15:26 **24** to that number, because a lot of those applications  
13:15:29 **25** will fall out.

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13:15:30 **1** And in fact, just from the last time I  
13:15:32 **2** reported, although I think we reported 51 and we are  
13:15:36 **3** up by three, but we also had three applicants  
13:15:40 **4** withdraw. So that continues to be a dynamic number.  
13:15:44 **5** And as you can see, most of the applications are for  
13:15:47 **6** the concentrating solar, not the PV, photovoltaic.  
13:15:58 **7** You can see the acreage, and that's in thousands. So  
13:16:01 **8** we are just a little over 600,000 acres of  
13:16:04 **9** applications or the applications are proposing about  
13:16:08 **10** 600,000 acres on solar.  
13:16:13 **11** And you see there on wind. Those are going  
13:16:16 **12** to adjust because that's what they applied for, but  
13:16:19 **13** the guidance we put out to the field office, until  
13:16:23 **14** they file the application with the California Energy  
13:16:26 **15** Commission, by the time they file with the Energy  
13:16:31 **16** Commission, they are going to be down to the plant  
13:16:34 **17** footprint. So that acreage will go way down because  
13:16:37 **18** some of these applications do have 10 or 20,000 acres.  
13:16:42 **19** But we are seeing the power plants, they were 3, 5, 8,  
13:16:47 **20** very few get up to 8,000 acres. And again, it depends  
13:16:51 **21** on how many megawatts they are proposing. And you can  
13:16:55 **22** see there at the end if you added all these up, that's  
13:16:58 **23** how many megawatts all these add up to is 27,000  
13:17:09 **24** megawatts.  
13:17:09 **25** MEMBER DENNER: This is what we asked

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13:17:12 **1** for. I would like to see geothermal. And secondly,  
13:17:17 **2** are you planning to just give us an update on this at  
13:17:21 **3** DAC meetings, or will you be updating us on a regular  
13:17:26 **4** basis?  
13:17:27 **5** MR. SHAFFER: You can all ask and we can  
13:17:30 **6** see again with our staff and where our center of  
13:17:33 **7** effort is to stay on top of this stuff. And that's  
13:17:36 **8** what I am hoping you will see by the end of this  
13:17:38 **9** brief. We are trying to stay on top of a big picture  
13:17:41 **10** as well as flushing out the nuts and bolts of  
13:17:46 **11** processing applications. For the most part, we talk  
13:17:49 **12** every week. I can update it. It doesn't take me  
13:17:52 **13** long, just a few minutes. And if there is something  
13:17:55 **14** you want e-mailed to the DAC members, we can e-mail  
13:18:00 **15** it.  
13:18:01 **16** MEMBER DENNER: I would like that.  
13:18:04 **17** MEMBER RUDNICK: The number in  
13:18:07 **18** parentheses just means it's a real estimate?  
13:18:11 **19** MR. SHAFFER: On the wind, they are not  
13:18:13 **20** telling us how many megawatts until they finish the  
13:18:17 **21** testing piece. They really don't know, and so that's  
13:18:20 **22** why I did that. Good question. Thank you for asking.  
13:18:25 **23** MEMBER BETTERLEY: Just suggested on the  
13:18:30 **24** geothermal, how would you go about testing geothermal?  
13:18:33 **25** Would you allow them to drill a hole to get the

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13:18:36 **1** temperature?  
13:18:38 **2** MR. SHAFFER: Let me ask the field  
13:18:40 **3** office that's actually got the applications how are  
13:18:43 **4** they addressing those.  
13:18:44 **5** MR. VILLALOBOS: In Ridgecrest area  
13:18:47 **6** there is a right-of-way that we issue for the  
13:18:50 **7** construction of a road to a section of state land  
13:18:56 **8** where they are proposing to drill geothermal  
13:19:00 **9** exploratory wells. They may drill around four of  
13:19:07 **10** them.  
13:19:07 **11** MEMBER BETTERLEY: But that's on state  
13:19:09 **12** land. That really isn't an application to you except  
13:19:14 **13** for the roadway.  
13:19:15 **14** MR. VILLALOBOS: Correct. And a  
13:19:16 **15** pipeline.  
13:19:17 **16** MEMBER BETTERLEY: Yeah.  
13:19:19 **17** MR. VILLALOBOS: Generally, if they are  
13:19:21 **18** going into a new field that might be what they will do  
13:19:25 **19** is look at exploratory, geothermal wells. However, on  
13:19:32 **20** BLM lands they would have to go through a permit  
13:19:34 **21** process to get those permitted. And right now if they  
13:19:38 **22** are in a KGRA or a Known Resource Area For Geothermal,  
13:19:47 **23** KGRA, they could get an application because it's  
13:19:54 **24** already been analyzed through an EIS. I don't know  
13:19:58 **25** about El Centro and what their process is. But

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13:20:02 **1** generally, that's the process is that they put in for  
13:20:05 **2** a permit to drill on federal land. It would be much  
13:20:11 **3** easier to do that within a Known Geothermal Resource  
13:20:16 **4** Area already classified and analyzed through an EIS.  
13:20:21 **5** Outside of that, it would be more difficult  
13:20:23 **6** because we may have to look outside that KGRA, which  
13:20:27 **7** is going to be the example in Ridgecrest because the  
13:20:31 **8** KGRA is already under development. And there is no  
13:20:37 **9** exploration going on right there. It's basically  
13:20:39 **10** development.  
13:20:40 **11** MEMBER BETTERLEY: In that particular  
13:20:42 **12** drilling, what do you require for the spoil that comes  
13:20:46 **13** out?  
13:20:47 **14** MR. VILLALOBOS: It would be analyzed  
13:20:49 **15** through the approval of permit to drill and there  
13:20:54 **16** would be conditions of approval. The spoils -- you  
13:20:57 **17** mean the cuttings?  
13:20:58 **18** MEMBER BETTERLEY: Cuttings; right.  
13:21:00 **19** MR. VILLALOBOS: Cuttings would be --  
13:21:02 **20** wet.  
13:21:02 **21** MEMBER BETTERLEY: You would analyze  
13:21:04 **22** those to see if they are going to be laid on top of  
13:21:07 **23** the ground to have some kind of pollution factor?  
13:21:10 **24** MR. VILLALOBOS: Generally have pretty  
13:21:12 **25** much of a closed system when they are drilling for

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13:21:14 **1** geothermal. They may have a pit that they have to put  
13:21:19 **2** their cuttings in.  
13:21:20 **3** MEMBER BETTERLEY: Standard oil pumped  
13:21:24 **4** into a pit.  
13:21:25 **5** MR. VILLALOBOS: There would be a waste  
13:21:27 **6** pit they would be collecting stuff in, either fluids  
13:21:31 **7** or cuttings. And they would line the pit so it  
13:21:34 **8** doesn't contaminate the area underneath that pit.  
13:21:37 **9** MEMBER BETTERLEY: All I'm suggesting is  
13:21:39 **10** if they do that, they will line the pit and  
13:21:42 **11** everything, but if that well is not successful and  
13:21:45 **12** doesn't have the heat that they are required,  
13:21:48 **13** somewhere in your permit, do you have that they must  
13:21:54 **14** do something with that spoil?  
13:21:56 **15** MR. VILLALOBOS: They have to plug it.  
13:21:59 **16** MEMBER BETTERLEY: I understand that,  
13:22:00 **17** but I'm talking about the pit, in and of itself.  
13:22:03 **18** MR. VILLALOBOS: They have to reclaim  
13:22:04 **19** the pit. Yeah.  
13:22:09 **20** MEMBER SCOTT: You have all the acreages  
13:22:12 **21** on the wall here. Is there anything that limits the  
13:22:15 **22** number of acres one person can apply for?  
13:22:21 **23** MR. SHAFFER: Well, no. No. There is  
13:22:27 **24** not. But like I said, and I think most of the field  
13:22:33 **25** offices are reporting the applicants are being very,

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13:22:37 **1** very cooperative in getting the application down.  
13:22:42 **2** They understand that if they are asking for lots of  
13:22:45 **3** acreage, there is due diligence. Like I said, some of  
13:22:49 **4** the applicants we have sent deficiency letters to  
13:22:54 **5** because they are not showing progress. Everyone  
13:22:57 **6** initially, we give them 30 days from the day they file  
13:23:03 **7** to get the information, in some instances 60 days.  
13:23:06 **8** If they are not showing progress, we issue  
13:23:11 **9** them a deficiency letter and withdraw the application.  
13:23:16 **10** There are some applicants that they file an  
13:23:18 **11** application and they are asking for or proposing both  
13:23:22 **12** types of technology, the concentrating solar and the  
13:23:26 **13** PV. So that just triggers right away they are  
13:23:30 **14** speculating, they have no intentions of being an  
13:23:34 **15** operator. Those applicants, even though they may be  
13:23:38 **16** first in line, if they are not showing due diligence,  
13:23:41 **17** we are not seeing them file with the CEC, all the  
13:23:46 **18** different indicators that they are being diligent to  
13:23:50 **19** stay up with those, then we pull their application.  
13:23:55 **20** Understand that the PV -- and that's one of  
13:23:57 **21** the reasons I listed, I didn't break it out on acreage  
13:24:01 **22** on PV -- but for the most part the folks on PV are  
13:24:05 **23** going for a lot more acreage than the concentrating  
13:24:09 **24** solar, because megawatt PV does take a bigger  
13:24:14 **25** footprint than the concentrating solar.

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13:24:17 **1** In fact, working with Fish and Wildlife,  
13:24:19 **2** and they have been doing with State Fish and Game --  
13:24:22 **3** and we have two different types of survey protocol for  
13:24:26 **4** a PV plant versus a concentrating solar plant. And  
13:24:31 **5** it's because of the bigger footprint and the modeling  
13:24:35 **6** Fish and Wildlife felt comfortable with.  
13:24:39 **7** MEMBER RUDNICK: Did the number of acres  
13:24:41 **8** double since two meetings ago?  
13:24:44 **9** MR. SHAFFER: I think our initial  
13:24:46 **10** meeting we said somewhere around 300,000, so it's kind  
13:24:51 **11** of doubled.  
13:24:52 **12** MEMBER RUDNICK: So in just a few  
13:24:54 **13** months, you have that many more applications?  
13:24:57 **14** MR. SHAFFER: Now I think we were in the  
13:25:02 **15** high forties or fifty numbers, so we haven't come up  
13:25:06 **16** that much in application. We did have more PV come  
13:25:11 **17** in, so that's why we are seeing the larger acreage,  
13:25:14 **18** because the PV does ask for more acreage.  
13:25:22 **19** MEMBER SCOTT: Just to finish up on the  
13:25:24 **20** questions. They are not going to develop 609,000  
13:25:29 **21** acres.  
13:25:30 **22** MR. SHAFFER: No.  
13:25:32 **23** MEMBER SCOTT: So what happens then at  
13:25:33 **24** some point? That land goes back out? They can't  
13:25:37 **25** continue to hold this an entire year.

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13:25:42 **1** MR. SHAFFER: They will relinquish the  
13:25:45 **2** land so somebody else could apply for the plant next  
13:25:48 **3** to it. That would be an avenue to collect these guys  
13:25:52 **4** in the places we want to have them.  
13:25:55 **5** MR. HUND: When you say "in an area  
13:25:57 **6** where we want to have them," you know, that's, I  
13:26:02 **7** think, the big question that I think when you see is,  
13:26:05 **8** okay, well, who is "we"? First of all, is it BLM? Is  
13:26:10 **9** it the power companies? The transmission folks?  
13:26:13 **10** Well, maybe they don't want all the power in one place  
13:26:17 **11** along the grid. Maybe they want it spread out along  
13:26:22 **12** various places.  
13:26:22 **13** When you look at all these transmission  
13:26:24 **14** lines, so there are lots of players that are going to  
13:26:27 **15** be saying, where do they want it? Where we want it.  
13:26:37 **16** At the last meeting we were told there are certain  
13:26:40 **17** areas or types of land designations where we are not  
13:26:45 **18** accepting applications. Does that still hold, because  
13:26:48 **19** Lynette's comments got me thinking that somebody had  
13:26:52 **20** shifted in that regard. I may have misunderstood what  
13:26:56 **21** she said. But I just wanted to clarify and have you  
13:26:59 **22** reiterate that.  
13:27:02 **23** MR. SHAFFER: Let me start with just a  
13:27:04 **24** real general. As a rule, again, our guidance to the  
13:27:07 **25** staff is guide the applicants out of wilderness

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13:27:11 **1** because wilderness is simple. DWMA's are a little  
13:27:17 **2** hard. There is no rule that says they can't file in a  
13:27:21 **3** DWMA. The practicality of that is where do you think  
13:27:25 **4** you are going to find mitigation for a DWMA? And then  
13:27:29 **5** we explain to them the ratio and all that. And then  
13:27:33 **6** most of them, the light bulb goes on and they go okay.  
13:27:38 **7** I won't apply there.  
13:27:39 **8** But what we are seeing in some of these  
13:27:41 **9** later numbers, you are getting the folks to say, I  
13:27:46 **10** realize I'm way at the back end. I'm late. I didn't  
13:27:49 **11** get myself in line. I'm going to take the risk  
13:27:52 **12** anyway. I'm going to go ahead and apply in a DWMA or  
13:27:56 **13** an OHV area, even though you are telling me it's going  
13:28:00 **14** to be controversial. I'll take my risk.  
13:28:03 **15** So we are telling the staff, make sure they  
13:28:06 **16** know there is no guarantee. Good luck in finding  
13:28:10 **17** mitigation for DWMA's, but there is no regulation that  
13:28:14 **18** says I can deny them to file the application. I can't  
13:28:20 **19** say no, you can't do it, because they could challenge  
13:28:23 **20** me. And I would rather take their application and  
13:28:26 **21** say, okay, you are taking a lot of risk and you need  
13:28:31 **22** lots of money. But there is nothing that says I can  
13:28:34 **23** prevent you from filing.  
13:28:37 **24** UNIDENTIFIED SPEAKER: But generally  
13:28:38 **25** they are staying out of the DWMA's and ACECs and that

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13:28:44 **1** is in a lot of the field offices they are avoiding  
13:28:47 **2** those areas.  
13:28:51 **3** MR. WHITE: There is not a week that  
13:28:53 **4** goes by that my staff is not looking for a new  
13:28:56 **5** application that comes into the office. And Bruce,  
13:29:00 **6** I'm running a little bit of risk management with our  
13:29:03 **7** Needles team and having them work with the applicants.  
13:29:08 **8** And the first thing they do is come look at this  
13:29:11 **9** conflict management map that's here on the wall. Take  
13:29:16 **10** a look at where that application is at and find out if  
13:29:20 **11** it, first, is within a wilderness area; second, if  
13:29:23 **12** it's within critical habitat; third, if it's within  
13:29:28 **13** DWMA's.  
13:29:33 **14** UNIDENTIFIED SPEAKER: That's the same  
13:29:34 **15** thing Palm Springs is doing.  
13:29:36 **16** MR. WHITE: The fourth thing is the area  
13:29:39 **17** of critical land use concern in our land use  
13:29:42 **18** documents. And when you come in here and take a look  
13:29:45 **19** at this map, there is a lot of stuff that's going on  
13:29:50 **20** layerwise with this map. So each time my realty staff  
13:29:54 **21** first comes in here and looks to see where they are  
13:29:57 **22** filing and the applicant is strongly encouraged that  
13:30:01 **23** if it's in one of those four areas, to reconsider. If  
13:30:05 **24** you look at our report, I have actually rejected some  
13:30:12 **25** based on some risk management that they were within

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13:30:16 **1** one of those four areas.  
13:30:21 **2** MEMBER HUND: Just to follow up, this  
13:30:23 **3** permitting list, even though you have received  
13:30:26 **4** significant encouragement and directives from the  
13:30:33 **5** federal government to make these leases because of the  
13:30:40 **6** "energy crisis," it's still discretionary on BLM's  
13:30:46 **7** part. And also getting to the "we" I think that Tom  
13:30:49 **8** was talking about, a number of us represent different  
13:30:56 **9** interests in the California desert, natural and  
13:31:00 **10** cultural resources, recreational resources, that are  
13:31:07 **11** of -- we are representing thousands and millions of  
13:31:11 **12** citizens that have an interest in seeing those areas  
13:31:16 **13** maintained and protected and managed into perpetuity.  
13:31:20 **14** Certainly they continue to want energy, but  
13:31:22 **15** I don't think they want those values to be compromised  
13:31:25 **16** in the process of obtaining more renewables. So to  
13:31:31 **17** me, it's part of BLM's mission to try to concentrate  
13:31:35 **18** these things and to place them where they are going to  
13:31:41 **19** do the least harm. I mean, it's my understanding that  
13:31:47 **20** you don't -- the federal government isn't requiring  
13:31:50 **21** BLM to just go carte blanche in this process. I'm not  
13:31:57 **22** saying that you are being that way, but it seems to me  
13:32:00 **23** like you do have that discretionary power to say, no,  
13:32:05 **24** we are not going to be accepting applications in a  
13:32:08 **25** particular area because it would impact the other side

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13:32:11 **1** of our mission.  
13:32:13 **2** MR. SHAFFER: Maybe I will let one of  
13:32:16 **3** the other folks correct me. You said two words that I  
13:32:20 **4** think are not correct. First of all, a lot of what we  
13:32:24 **5** do, we don't do in perpetuity. Some things. And then  
13:32:28 **6** second is that when you say discretion, our discretion  
13:32:32 **7** has to be based on law, rule or regulation. And what  
13:32:36 **8** I tried to communicate and maybe if we need to drill  
13:32:40 **9** into a separate time is, you know, when we do tell an  
13:32:46 **10** applicant, whether it was an environmental group, a  
13:32:48 **11** developer, when we do say no, we say, here is why.  
13:32:52 **12** And that's what I'm saying is that we can say a lot of  
13:32:55 **13** the reasons why we want to guide and direct these  
13:32:59 **14** folks into areas that are reasonable to look at and  
13:33:02 **15** reasonable to analyze and what their risk is. We  
13:33:11 **16** can't say no, you can't apply there. The answer is  
13:33:15 **17** no, we don't just have discretion to say no, I'm not  
13:33:19 **18** going to let you put it there, unless we can point to  
13:33:24 **19** certain things.  
13:33:26 **20** MEMBER HUND: It seems like at some  
13:33:28 **21** point in the process there is a lot of rationale out  
13:33:32 **22** there for not allowing them to be developed in certain  
13:33:35 **23** areas and for concentrating development away from  
13:33:38 **24** sensitive resources. And regardless of whether or not  
13:33:41 **25** the power companies would prefer to have them spread

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13:33:43 **1** out over the landscape because it's in their interest  
13:33:46 **2** for some reason, but it's not in the public interest  
13:33:51 **3** to have them not concentrated.  
13:33:54 **4** MR. SHAFFER: To me that's part of the  
13:33:56 **5** process. If you have gone onto the link -- in fact,  
13:34:01 **6** let me grab my sheet of paper. One of the things that  
13:34:06 **7** I'm hoping you are finding on the link, and if there  
13:34:09 **8** is more information we need to put on the link, but  
13:34:13 **9** because we have actually posted the flow chart and it  
13:34:20 **10** shows the process, we have developed to do this. This  
13:34:24 **11** should give the public interested groups,  
13:34:28 **12** stakeholders, the understanding of where is -- where  
13:34:31 **13** your opportunity is to comment. And this is going to  
13:34:33 **14** be -- here's the process and how we are going to work  
13:34:39 **15** through the public review of all these applications.  
13:34:44 **16** What role the counties will play in reviewing these,  
13:34:47 **17** and other public entities within our jurisdiction.  
13:34:51 **18** And so it should be at least that level of  
13:34:54 **19** comfort we are following our regulations, CEC is  
13:34:58 **20** following their regulations, Fish and Wildlife  
13:35:01 **21** Service, we are all following our regulations. Here  
13:35:05 **22** is how the public gets to participate, comment and  
13:35:07 **23** help the decision makers, field managers, district  
13:35:11 **24** managers, state director, when it comes down to saying  
13:35:14 **25** we are going to authorize this plant here.

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13:35:17 **1** MEMBER BETTERLEY: But the whole process  
13:35:19 **2** goes through that same thing.  
13:35:21 **3** MR. SHAFFER: That's correct.  
13:35:23 **4** MEMBER SCOTT: What would it take to  
13:35:24 **5** restrict the size of an application to a realistic  
13:35:29 **6** footprint with some margin of error where it might  
13:35:33 **7** move it around? Is that an act of Congress?  
13:35:39 **8** MR. SHAFFER: I don't even think you  
13:35:41 **9** need to go there. Here is where I think you get into  
13:35:46 **10** the -- that you drill down into the details of the  
13:35:48 **11** discretionary authority. You look at a power plant  
13:35:51 **12** and then, we have lots of experts, the Energy  
13:35:55 **13** Commission, BLM has a contract with the National  
13:35:59 **14** Renewable Energy Lab, Department of Energy, to help us  
13:36:03 **15** get smart on solar power plants. And because there  
13:36:07 **16** are not a lot of them, at least in the United States,  
13:36:10 **17** a lot more of them oversees in Europe and stuff, you  
13:36:15 **18** look at the power plant: What is the reasonable  
13:36:19 **19** footprint on that?  
13:36:19 **20** So you may have an applicant that has asked  
13:36:22 **21** for 10,000 acres or we know or are learning that a  
13:36:26 **22** good footprint for a 3, 4, 500 megawatt plant, they  
13:36:33 **23** are going to be in that range of 3, 4, 5, 6,000 acres.  
13:36:37 **24** So at some point that 20,000-acre application is going  
13:36:43 **25** to spring down. And this is what we are saying: By

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13:36:46 **1** the day they file, at least for the concentrating  
13:36:50 **2** solar, the day they file with the Energy Commission,  
13:36:53 **3** they are only going to be talking about the footprint.  
13:36:57 **4** MEMBER BETTERLEY: It might be in that  
13:36:59 **5** 20,000 acre somewhere?  
13:37:01 **6** MR. SHAFFER: That's correct.  
13:37:02 **7** MEMBER SCOTT: My point is just if a  
13:37:04 **8** citizen can file for the entire desert for their solar  
13:37:09 **9** power plant, there is nothing intrinsically wrong with  
13:37:13 **10** it. There ought to be something that limits. 20,000  
13:37:16 **11** acres seems almost the way of pushing the market of  
13:37:21 **12** excluding competitors and these sorts of things we may  
13:37:26 **13** not think is true capitalism.  
13:37:28 **14** MR. SHAFFER: They may file, but we are  
13:37:31 **15** not going to set them and hold that acreage more than  
13:37:35 **16** 30, 60 days. We are saying you better start showing  
13:37:38 **17** us progress how you are going to right-size that  
13:37:42 **18** application. And at some point it's going to narrow  
13:37:45 **19** down to the footprint of the project. So that's our  
13:37:49 **20** current process in eliminating people, as you say,  
13:37:52 **21** going out and I will just file for this whole valley.  
13:37:56 **22** Although I know you have seen some applications that  
13:38:01 **23** look pretty good, those will quickly flush themselves  
13:38:05 **24** out.  
13:38:08 **25** MEMBER BETTERLEY: No different than

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13:38:09 **1** buying a lotto ticket.  
13:38:12 **2** MEMBER SCOTT: Except you are keeping me  
13:38:14 **3** from buying a lotto ticket.  
13:38:20 **4** CHAIRMAN PRESCH: You can file on the  
13:38:21 **5** same property.  
13:38:24 **6** MR. SHAFFER: Yes. Then if he drops out  
13:38:26 **7** because he is not doing his or her part to progress,  
13:38:29 **8** his application is going to fall and you will drop  
13:38:33 **9** right in line.  
13:38:36 **10** MEMBER JOHNSTON: Just a question I'm  
13:38:39 **11** sure you know the answer to, and I've been curious  
13:38:44 **12** about it.  
13:38:44 **13** All these for-profit companies want to use  
13:38:47 **14** public lands, and there has to be a reason why. And  
13:38:50 **15** that is it has to be cheaper than using private lands,  
13:38:53 **16** or at least I presume that. What is the average cost  
13:38:56 **17** per acre for the right-of-way on public land in  
13:38:59 **18** California versus private land?  
13:39:05 **19** MR. STEIN: The answer is right now we  
13:39:08 **20** don't know. Part of this process is going to evolve.  
13:39:12 **21** Before we get to the point of granting a right-of-way,  
13:39:15 **22** we will have to request -- and we have in the  
13:39:18 **23** Department of Interior, we have appraisers. And we  
13:39:21 **24** have a process to go through to request an appraisal  
13:39:25 **25** for the right-of-way. So that appraisal will be

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13:39:28 **1** conducted under standard -- by a certified appraiser  
13:39:33 **2** under standard appraisal practices. And that  
13:39:37 **3** right-of-way, the value of that right-of-way will be  
13:39:40 **4** appraised, and that will be turned into the rental on  
13:39:45 **5** the right-of-way.  
13:39:46 **6** MEMBER BETTERLEY: That's the same thing  
13:39:47 **7** on private lands, too, because that person who owns  
13:39:50 **8** that private land is going to get an appraisal of what  
13:39:54 **9** his land is worth too.  
13:39:56 **10** MR. STEIN: I would expect that's what  
13:39:58 **11** would happen. But at this point the only thing we can  
13:40:01 **12** do is ask an appraiser to say what is the value.  
13:40:06 **13** MR. SHAFFER: I'm going to show  
13:40:08 **14** something that is really going to open up when you see  
13:40:12 **15** who else is going to get in the game of renewable  
13:40:17 **16** energy.  
13:40:17 **17** MEMBER HUND: Is the BLM aware of  
13:40:20 **18** applicants that are currently before the BLM that are  
13:40:24 **19** also proposing a project or a portion of their project  
13:40:29 **20** on private lands in the desert?  
13:40:32 **21** MR. SHAFFER: I will talk about that in  
13:40:35 **22** a minute.  
13:40:36 **23** MR. HILLIER: I think there is an easy  
13:40:39 **24** answer to his question. One of them is in the desert  
13:40:42 **25** in the area that has solar potential, there are not

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13:40:45 **1** big enough blocks of remaining private lands to elicit  
13:40:50 **2** an application. And very often an applicant will try  
13:40:54 **3** to deal with a private landowner if there is. And  
13:40:57 **4** some of the places like around California City where  
13:41:00 **5** there might be tremendous solar potential, the private  
13:41:03 **6** land is divided and subdivided into so many small  
13:41:07 **7** parcels and you have so many owners that it makes it  
13:41:11 **8** impossible to deal and acquire rights-of-way from each  
13:41:14 **9** individual owner.  
13:41:15 **10** So really, the only practical lessee or  
13:41:19 **11** lessor is the federal government with the public land  
13:41:22 **12** patterns you have in the desert. I was wondering,  
13:41:25 **13** though, a question where you have overlapping  
13:41:28 **14** applications. Does the BLM have any system in place  
13:41:33 **15** yet or have they looked at it, where they have  
13:41:37 **16** competing applications, of establishing a competitive  
13:41:40 **17** bid system then? Because if there is multiple  
13:41:43 **18** interest in the same piece of land, obviously it's a  
13:41:46 **19** way to maximize cash flow return to the feds.  
13:41:51 **20** MR. SHAFFER: What we have worked as a  
13:41:53 **21** group following the Washington IM, we have had  
13:41:57 **22** probably every scenario, where you had an application  
13:42:01 **23** the size of my hand and here is another applicant.  
13:42:05 **24** Versus when we have two applicants, one with a parcel  
13:42:08 **25** configuration like this and the other one wants to ask

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13:42:12 **1** for the same thing. The process we have is first in  
13:42:16 **2** time, first in line with a complete application.  
13:42:19 **3** Going back to the 30-60 days, we will give  
13:42:23 **4** them up to 60 days to perfect the application. If the  
13:42:26 **5** person first in line does not perfect in that time  
13:42:29 **6** line, then the person under them, if they are like  
13:42:33 **7** this, what we have been able to do -- and I don't  
13:42:37 **8** think we have any cases I know of -- I think all the  
13:42:39 **9** applicants moved off and they don't have applications  
13:42:44 **10** where they have a portion of it overlapping. So so  
13:42:47 **11** far, we haven't needed to address that issue. We have  
13:42:51 **12** been able to work with the applicants, guide them, and  
13:42:54 **13** get them off that.  
13:42:56 **14** CHAIRMAN PRESCH: Bruce, can you  
13:42:58 **15** continue the presentation and hold the questions out  
13:43:02 **16** at the end?  
13:43:05 **17** MR. SHAFFER: Please don't take to heart  
13:43:08 **18** too much of the numbers, but I do want to give you a  
13:43:12 **19** flavor for what the applicants are telling us because  
13:43:15 **20** this is kind of a crystal ball slide. But I at least  
13:43:20 **21** want to again show you that it is a gold rush for  
13:43:24 **22** requests. But once these applicants file, then the  
13:43:28 **23** process starts to really bog down for them. To date,  
13:43:34 **24** of all those 54 applications, only one application has  
13:43:37 **25** filed with the California Energy Commission. And

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13:43:40 **1** that's the one we went and looked at yesterday.  
13:43:42 **2** That's the only applicant that has filed to date.  
13:43:45 **3** The other applicants are still out there  
13:43:48 **4** doing surveys. They are still out there kind of  
13:43:52 **5** playing around. Do I want this much acreage? I think  
13:43:55 **6** I'm going to drop this application and go over here.  
13:43:58 **7** So there is a lot of jockeying going on with the other  
13:44:01 **8** applicants as well as because the protocol process  
13:44:05 **9** with Fish and Wildlife Service, some of the applicants  
13:44:09 **10** that -- they were waiting for that dust to settle on  
13:44:12 **11** the protocols. And so we think in late '07, there are  
13:44:18 **12** two other applicants, actually three applicants, one  
13:44:21 **13** in Barstow and two in Ridgecrest, that think they will  
13:44:25 **14** go forward and actually -- I think the ones in  
13:44:27 **15** Ridgecrest are PV. They are not concentrating solar.  
13:44:35 **16** So what do all these numbers mean? We  
13:44:38 **17** think we have the concentrating solar project  
13:44:41 **18** application process nailed. And that's what's on  
13:44:44 **19** line. What we don't have nailed down because the  
13:44:47 **20** different counties are struggling internally to decide  
13:44:52 **21** what their role is, Kern County has told us they want  
13:44:55 **22** to participate. We want to be informed. We will do  
13:44:59 **23** that. San Bernardino County, we are talking with  
13:45:02 **24** their planning staff trying to decide how they want to  
13:45:05 **25** play in the PV projects. Imperial and Riverside

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13:45:09 **1** County, I have meetings scheduled in the next two  
13:45:12 **2** weeks to meet with their planning directors. We are  
13:45:15 **3** going to sit eyeball-to-eyeball and talk with these  
13:45:20 **4** directors and ask them what role do you feel you need  
13:45:23 **5** to play?  
13:45:23 **6** Some of the counties are saying I don't  
13:45:26 **7** know what my role is. Concentrating solar, no  
13:45:30 **8** question. We know that process. On PV, a whole  
13:45:34 **9** different story. CPUC doesn't regulate it. CEC  
13:45:38 **10** doesn't regulate it, based on current regulations. So  
13:45:42 **11** potentially -- and this is what we have to work out  
13:45:45 **12** and that's why we are actively working with the  
13:45:47 **13** planning directors. Sterling is talking to San  
13:45:50 **14** Bernardino; Barstow is talking and Mike and the folks  
13:45:53 **15** in Riverside, we are vetting through that with the  
13:45:58 **16** counties so we can come back to you and say here is  
13:46:01 **17** the process on PV projects. Right now we just have  
13:46:04 **18** the applications for PV.  
13:46:06 **19** There has been no movement forward on the  
13:46:09 **20** PV ones because we are still trying to vet how that's  
13:46:13 **21** going to happen and who else gets to play, because  
13:46:16 **22** most of the counties don't have a mechanism to have  
13:46:19 **23** any kind of permitting say, if you will, over PV  
13:46:23 **24** plants unless that PV plant would be on county land or  
13:46:27 **25** in a city that would be under county jurisdiction.

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13:46:32 **1** MEMBER RUDNICK: I guess I missed it.  
13:46:34 **2** What is PV?  
13:46:41 **3** MR. SHAFFER: Photovoltaic, passive  
13:46:45 **4** system.  
13:46:47 **5** Early '08, mid and late '08 are some of the  
13:46:51 **6** other applications. So you can see -- and I'm kind of  
13:46:54 **7** playing around with this chart because I would like to  
13:46:57 **8** get a sense. This is where we are internally trying  
13:47:00 **9** to work at workload and staffing levels. Where do I  
13:47:04 **10** need to get center of effort first to get staff going.  
13:47:09 **11** Again, I've got the draft agreement.  
13:47:12 **12** Again, it's going to be a cost reimbursement. Fish  
13:47:15 **13** and Wildlife is going to pass their costs onto the  
13:47:19 **14** applicant. We have already let the applicants know  
13:47:22 **15** that. They are going to have to pay. Fish and  
13:47:25 **16** Wildlife have committed to streamline their review for  
13:47:28 **17** their biological opinion that they give us. It's our  
13:47:32 **18** biological opinion, but we are going to charge the  
13:47:35 **19** applicant to do that.  
13:47:36 **20** And then we hope to have that consultation  
13:47:39 **21** agreement signed by the middle of October. These are  
13:47:43 **22** the topics that we continue to deal with. Some of you  
13:47:47 **23** brought it up, the issue of project appraisals. Right  
13:47:51 **24** now what we believe the trigger point is to start is  
13:47:55 **25** the date the applicant files with the Energy

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13:47:57 **1** Commission. As for PV, we will probably do that once  
13:48:01 **2** we find that process as to when we start the  
13:48:05 **3** appraisals, but we talked to Washington and they  
13:48:08 **4** understand.  
13:48:10 **5** Wind testing areas, again, some of the  
13:48:12 **6** applicants are asking for larger test areas than, say,  
13:48:17 **7** other applicants. And we are trying to find what  
13:48:20 **8** might be our protocol or standards, because right now,  
13:48:24 **9** there is really no standard for how many test sites.  
13:48:29 **10** Acreage criteria, what is the right size for 100  
13:48:32 **11** megawatt, 200 megawatt 300 megawatt? And we are  
13:48:35 **12** working with the DOE, Enrail and CDC to refine that  
13:48:41 **13** number.  
13:48:41 **14** We have already notified most of our  
13:48:44 **15** tribes. We have sent out a letter. We are trying to  
13:48:47 **16** get ahead of this. Let them know, hey, here is what  
13:48:50 **17** is coming. So they are seeing these numbers and  
13:48:53 **18** locations that you all are seeing. And again, we are  
13:48:55 **19** pretty much holding hands with these two organizations  
13:49:01 **20** to we can make sure we understand so when we say to  
13:49:04 **21** the applicant, go out and survey, but don't come back  
13:49:07 **22** and fight over the survey protocol.  
13:49:09 **23** Staffing analysis: We now have a program  
13:49:12 **24** manager that's being assigned out of Washington. That  
13:49:12 **25** individual will be here the week of October 22nd, and

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13:49:15 **1** that's just one piece of our staffing question to help  
13:49:19 **2** us get staffed. And some folks consider the person we  
13:49:24 **3** are getting as the best right-of-way person BLM has.  
13:49:27 **4** We are also looking at term, contract, and permanent  
13:49:31 **5** employees. We have a staffing plan and the management  
13:49:34 **6** group here we are getting together to vet through  
13:49:36 **7** that.  
13:49:37 **8** Cost estimates: I have most of the cost  
13:49:40 **9** estimates in. Right now, of the applicants we have  
13:49:44 **10** actually done cost estimates on -- and this is  
13:49:47 **11** probably about a third of the applications -- Fish and  
13:49:52 **12** Wildlife Service is estimating \$61,000 to do the  
13:49:57 **13** biological opinion on these applications. So the  
13:50:00 **14** total amount of money that so far these applicants  
13:50:03 **15** will be sending us checks for -- and Steve, it went up  
13:50:08 **16** from when I talked to you the other day -- were right  
13:50:09 **17** at \$3.6 million that these various applicants will be  
13:50:15 **18** sending us money for cost recovery.  
13:50:18 **19** MEMBER BETTERLEY: You are going to weed  
13:50:20 **20** out a lot of them.  
13:50:21 **21** MR. SHAFFER: Yes, because when they see  
13:50:24 **22** the big bucks they've got to pay, the little ones will  
13:50:27 **23** go away. As I mentioned, we are continuing to  
13:50:32 **24** collaborate with local counties. I hope all of you  
13:50:35 **25** have been able to get to the Web page to look at the

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13:50:38 **1** information. Real interesting things here. The  
13:50:42 **2** California Energy Commission, because of this large  
13:50:45 **3** influx of applications, the California State Office --  
13:50:49 **4** not BLM, but for the State of California, about three  
13:50:53 **5** weeks ago I got a call from one of their IG starting  
13:50:57 **6** to do an audit. They have asked us for just about  
13:51:00 **7** everything, because I think what's going to happen,  
13:51:03 **8** the audit is going to make the recommendation that the  
13:51:06 **9** California Energy Commission start charging for  
13:51:09 **10** applications. These applicants don't pay a penny to  
13:51:13 **11** file that application with the Energy Commission.  
13:51:16 **12** The environmental document that the Energy Commission  
13:51:18 **13** prepares for them is free. It doesn't cost the  
13:51:22 **14** applicant a penny.  
13:51:23 **15** So I think that process could change. But  
13:51:25 **16** they have been asking how many applications? Where  
13:51:28 **17** are they? They have been asking us everything.  
13:51:31 **18** Enhanced Use Lease and Solar Energy  
13:51:36 **19** Association: I'm going to touch on those. Enhanced  
13:51:40 **20** Use Lease. I would encourage you to go take a look at  
13:51:44 **21** this and go to that Web site. The Air Force had a  
13:51:48 **22** forum Wednesday and Thursday of this week. The Air  
13:51:53 **23** Force, the other services will probably follow suit --  
13:51:56 **24** they are actually going to go out with RFO's and they  
13:52:01 **25** are going to invite renewable energy companies to come

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13:52:05 **1** and build power plants inside the military boundaries.  
13:52:09 **2** That is huge.  
13:52:11 **3** Right now the Air Force is proposing a  
13:52:13 **4** little over 12 different military installations in the  
13:52:16 **5** Southwest. Most of these military bases are probably  
13:52:21 **6** going to look towards solar. Solar has less of an  
13:52:24 **7** impact than wind. And of course, most military bases,  
13:52:28 **8** some do, but very few have geothermal. But wind and  
13:52:33 **9** solar, but most of it's going to be solar. To me  
13:52:36 **10** that's somewhat good news for us, because when you  
13:52:39 **11** look at the bases, it may take pressure off public  
13:52:43 **12** land. So follow that. That's a good thing.  
13:52:46 **13** The only questions we have from a  
13:52:48 **14** procedural standpoint is the whole issue of military  
13:52:51 **15** withdrawal lands and withdrawal regulations. What is  
13:52:56 **16** BLM's role if military puts a power plant within the  
13:53:00 **17** boundary? And they are not talking about power plants  
13:53:03 **18** that just provide power to the base. They are  
13:53:05 **19** actually saying, if you want to put 1,000 megawatts on  
13:53:09 **20** my base, put it there and the power can go to the  
13:53:12 **21** community. That's a huge change.  
13:53:17 **22** This group, I met with them in Long Beach  
13:53:20 **23** earlier this week. This is the group that lobbies  
13:53:23 **24** Congress for change in legislation. Here are the  
13:53:28 **25** priorities that they are going to be taking back to

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13:53:31 **1** Congress probably in the next few weeks. These are  
13:53:34 **2** the topics that they feel are the top priority to get  
13:53:37 **3** over some of the Achilles heels out there complicating  
13:53:42 **4** the solar industry from being able to move forward  
13:53:45 **5** effectively, efficiently and costwise.  
13:53:49 **6** And most of them all agree this is the main  
13:53:52 **7** piece right here: Utility transmission fees. And  
13:53:55 **8** specifically here in California, that is the Achilles  
13:53:59 **9** heel. Regardless of what you think of the process to  
13:54:02 **10** approve the project, this is the long pole in the  
13:54:07 **11** tent, as I call it right here.  
13:54:09 **12** CEERT: This group called us about three  
13:54:16 **13** weeks ago. They are behind AB 32. I don't know if  
13:54:20 **14** any of you have been following that. But it's a  
13:54:24 **15** greenhouse gas bill. But they have requested some  
13:54:28 **16** collaboration, and they want us to work with them, and  
13:54:30 **17** we will meet with them.  
13:54:32 **18** Our associate, Jim Abbott, he is now  
13:54:34 **19** sitting on this group. They have the one meeting.  
13:54:37 **20** What is the purpose of this group? I put pretty much  
13:54:41 **21** what that group's intent is. And again if you look at  
13:54:44 **22** it, it gets right back to the issues this committee  
13:54:47 **23** talked about: Zoning. Where should all this stuff  
13:54:50 **24** go? Priority planning, that kind of stuff. So there  
13:54:55 **25** are lots of other bigger organizations that are out

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13:54:58 **1** there trying to address this.  
13:54:59 **2** But remember, all this is going to take  
13:55:01 **3** either state or federal laws to change. Until then,  
13:55:05 **4** we play in the sandbox we have. We play with the  
13:55:08 **5** rules we have and try to do it as smartly and  
13:55:12 **6** efficiently as we can until the rules change.  
13:55:15 **7** Questions.  
13:55:20 **8** CHAIRMAN PRESCH: John.  
13:55:21 **9** MR. STEWART: Earlier you talked a  
13:55:24 **10** little bit about footprints. I am concerned, and I  
13:55:31 **11** would like some clarification of a definition of what  
13:55:34 **12** you call a "footprint." A plant footprint or a  
13:55:38 **13** facilities footprint? In other words, a plant  
13:55:41 **14** footprint, is that just the physical structure on the  
13:55:44 **15** land that it occupies? But when you look at  
13:55:49 **16** facilities footprint, does that also include parking  
13:55:54 **17** space, any other land associated with it?  
13:55:57 **18** MR. SHAFFER: Everything. Parking,  
13:55:59 **19** buffer zones -- it's whatever becomes the project  
13:56:03 **20** development boundary.  
13:56:07 **21** MR. STEWART: So you are being inclusive  
13:56:09 **22** when you talk about plant footprint.  
13:56:10 **23** MR. SHAFFER: Yes, sir.  
13:56:10 **24** MEMBER ACUNA: Under the MOU, are you  
13:56:12 **25** including the gentime (as pronounced) transmission

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13:56:16 **1** component as part of the project description? You  
13:56:19 **2** have footprint of the renewable source, but now you  
13:56:23 **3** are going to include a transmission component. Is  
13:56:26 **4** that part of your MOU? You are going to include in  
13:56:37 **5** your project description when you process the  
13:56:37 **6** applications with the CEC and with Fish and Wildlife?  
13:56:37 **7** MR. STEIN: Let me expand on that. In a  
13:56:42 **8** traditional mode, if BLM is analyzing a power  
13:56:47 **9** generation facility -- and I have done a number of  
13:56:49 **10** them over the years -- we do tie it to the  
13:56:53 **11** transmission needs. Where it's going, what it's going  
13:56:58 **12** to look like, the route, and all that.  
13:57:00 **13** In this instance, we have so many proposals  
13:57:03 **14** for new generation facilities that it's very, very  
13:57:07 **15** difficult to really look at any one generation  
13:57:10 **16** facility and say these are the lines that are going to  
13:57:13 **17** be needed for that generation facility because there  
13:57:16 **18** will be others that need those same lines. And they  
13:57:19 **19** may have to be upgraded beyond what would be needed  
13:57:23 **20** for one individual line.  
13:57:24 **21** So it's not quite so isolated as if we were  
13:57:28 **22** analyzing one facility at a time. Part of the process  
13:57:33 **23** that you will see on the Web site in terms of the flow  
13:57:38 **24** chart includes an element called Facility Impact  
13:57:42 **25** Study, which is a somewhat complex process which deals

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13:57:49 **1** with what kinds of upgrades the transmission lines  
13:57:54 **2** downstream are going to need. And it goes all the way  
13:57:58 **3** down to determining how much it's going to cost and  
13:58:00 **4** all that.  
13:58:01 **5** Well, that's not what we need for the  
13:58:03 **6** impact analysis, but we do have to make some general  
13:58:07 **7** assumptions. And perhaps -- we haven't quite gotten  
13:58:12 **8** there, but we have gotten to the talking stage.  
13:58:15 **9** Perhaps we will have to do something similar to a  
13:58:18 **10** reasonably foreseeable development scenario. If this  
13:58:22 **11** project goes on, these are the kinds of things we may  
13:58:25 **12** see downline in the transmission facilities. If we  
13:58:32 **13** have more information, we will use it. But if we  
13:58:35 **14** don't, we may have to approach it that way.  
13:58:43 **15** CHAIRMAN PRESCH: Other questions?  
13:58:45 **16** MR. WALDHEIM: Bruce, is there any  
13:58:49 **17** particular reason that when these applications come  
13:58:53 **18** in, that you are so free to tell the applicants this  
13:58:59 **19** is wilderness, I'm sorry, you can't go in there. This  
13:59:03 **20** is DWMA. I'm sorry you can't go in there. But over  
13:59:06 **21** here, we have recreation. It's almost like you guys  
13:59:11 **22** are giving a carte blanche saying we have gone through  
13:59:14 **23** all the West Mojave and all the five management plans.  
13:59:17 **24** We have given blood. We lost 9 million acres of  
13:59:21 **25** wilderness. Why don't you say, why don't you contact

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13:59:25 **1** your Mr. Congressman and have them make an exception  
13:59:28 **2** to put the solar in the wilderness area and put it in  
13:59:33 **3** there?  
13:59:33 **4** I don't get it why you are even thinking,  
13:59:36 **5** as Lynette said, well, you can go over here. I am  
13:59:40 **6** tired of giving up our public lands for what? Right  
13:59:45 **7** now we have a West Mojave Plan. Do you know that the  
13:59:50 **8** cities and counties today are still having to do  
13:59:53 **9** mitigation just as before, and I wonder why did I give  
13:59:56 **10** up 8,000 miles of trails? The West Mojave, why did it  
14:00:00 **11** get saddled with DWMA's? Something is terribly wrong.  
14:00:07 **12** Why are you guys so eager to give up our recreational  
14:00:12 **13** land and the access to our public lands? I just don't  
14:00:16 **14** get it.  
14:00:17 **15** MR. SHAFFER: If I said something, I  
14:00:20 **16** don't -- at least on our conference calls, it is not  
14:00:23 **17** that we were eager at all and we don't communicate  
14:00:28 **18** eagerness. What we communicate again is what our  
14:00:32 **19** current regulations, what our current plans say. And  
14:00:37 **20** we are actually -- we tell them very soberly,  
14:00:43 **21** regulation doesn't prohibit you from filing for an  
14:00:48 **22** application for renewable energy in an OHV area.  
14:00:52 **23** However -- and we make that very clear and very  
14:00:56 **24** stern -- that's going to be very controversial. The  
14:01:02 **25** current plan does say that it can be considered there,

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14:01:08 **1** underline the word "considered." But we are not  
14:01:10 **2** certainly carte blanche. We are certainly not  
14:01:13 **3** advocating. And we are certainly not directing them  
14:01:18 **4** to go there. We are doing just the opposite. Please  
14:01:22 **5** don't locate there, but I can't stop you. I can't  
14:01:25 **6** stop you from applying there, but you have to  
14:01:29 **7** understand there is going to be a lot of controversy  
14:01:32 **8** if you do.  
14:01:33 **9** MEMBER HUND: As you know, the  
14:01:35 **10** programmatic EIS for wind energy has specific  
14:01:38 **11** prohibitions on locating wind energy projects in  
14:01:43 **12** certain areas like ACECs, so that's what I am trying  
14:01:48 **13** to look toward. And it kind of speaks to what Ed is  
14:01:51 **14** saying as well.  
14:01:52 **15** At some point in the process is there not a  
14:01:56 **16** mechanism where the BLM can, in developing its  
14:02:00 **17** standards or policies, come up with -- make some sort  
14:02:06 **18** of decision that they are not going to allow solar  
14:02:10 **19** energy development in an open riding area or ACEC?  
14:02:14 **20** What stops the BLM from doing that? You have a  
14:02:17 **21** mandate to facilitate renewable energy, but also to  
14:02:25 **22** provide for natural resources and recreation. So in  
14:02:29 **23** striking that balance, could the BLM make a decision  
14:02:32 **24** like that at some point regarding solar, wind and  
14:02:36 **25** geothermal?

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14:02:36 **1** MR. WHITE: I would like to ramp up  
14:02:41 **2** that. Mike AHRENS, my recreation and wilderness  
14:02:45 **3** branch chief, sits in and can you give him a couple of  
14:02:49 **4** minutes to respond?  
14:02:52 **5** MR. AHRENS: Well, just that a couple of  
14:02:54 **6** things, Ed. First off, Lynette actually in her  
14:02:59 **7** defense has said numerous times that Barstow started  
14:03:03 **8** really directing solar folks away from recreation  
14:03:06 **9** areas. So I don't think it's quite fair the way you  
14:03:10 **10** presented that, and Bruce, as well, through this  
14:03:13 **11** discussion.  
14:03:13 **12** However, having said that, I agree with  
14:03:15 **13** you. That there is a two-fold problem for recreation  
14:03:19 **14** when it comes to these kinds of proposals. First one  
14:03:22 **15** being that Congress has seen fit to protect air,  
14:03:27 **16** water, old stuff, species, wilderness by statute.  
14:03:34 **17** They have not done that for recreation. Therefore,  
14:03:37 **18** there is no legal mandate for us to do so. It's a  
14:03:40 **19** matter of footing, a matter of -- when we go talk to  
14:03:45 **20** proponents, it's a matter of our own authorities to  
14:03:48 **21** tell them there frankly isn't.  
14:03:52 **22** Secondly, in the California Desert Plan, we  
14:03:57 **23** identify the multiple use classes you are familiar  
14:04:01 **24** with, Class I, intensive, at least partially so that  
14:04:06 **25** we could have OHV open areas. Intensively used areas

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14:04:11 **1** by OHV, and we have all grown to love those. The fact  
14:04:15 **2** that those are set aside in the land use plan as  
14:04:20 **3** intensive use makes them ripe for other uses as well.  
14:04:23 **4** And we have seen that where other mining  
14:04:27 **5** operations and what have you have been authorized for  
14:04:31 **6** those. There is no compensation, no species, and all  
14:04:34 **7** that kind of stuff. It's just a much cleaner process.  
14:04:38 **8** So there is a deficiency, if you will. It's easier,  
14:04:44 **9** certainly, from a planning standpoint to locate these  
14:04:47 **10** type of things in recreation areas. And it is an  
14:04:50 **11** impact on recreation and it's something that we are  
14:04:53 **12** certainly considering and will continue to consider  
14:04:55 **13** and are not afraid to talk to proponents about  
14:05:00 **14** mitigation. As Roy said, as those discussions become  
14:05:06 **15** ripe, that certainly is going to come up.  
14:05:11 **16** MEMBER BETTERLEY: But there is still  
14:05:13 **17** nothing prohibiting going back to Congress and trying  
14:05:18 **18** to get the wilderness area open, either.  
14:05:21 **19** MR. AHRENS: That's not something we do.  
14:05:23 **20** DIRECTOR BORCHARD: Unless you look at  
14:05:27 **21** the history. You would be the first.  
14:05:30 **22** MR. AHRENS: That's a pretty uphill  
14:05:33 **23** battle.  
14:05:34 **24** MEMBER DENNER: Especially with the  
14:05:35 **25** current Congress.

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14:05:37 **1** MR. STEWART: Quick comment here that  
14:05:39 **2** some of this on a discussion with recreation is  
14:05:43 **3** focused on the OHV areas. I would like to make it  
14:05:47 **4** sure that it's pointed out that recreation occurs not  
14:05:51 **5** only in the OHV areas, the OHV open areas. There are  
14:05:56 **6** many areas out there right now that have recreational  
14:06:00 **7** opportunity through some of the prime areas proposed  
14:06:06 **8** through the energy projects that will have an impact.  
14:06:09 **9** Different types of recreation activity.  
14:06:11 **10** And I know some of them. One big thing is  
14:06:15 **11** some of the hunting and the rockhounding issues. Now,  
14:06:18 **12** when you are looking at the hunting issues, you start  
14:06:21 **13** looking at other habitat issues there. When you are  
14:06:26 **14** looking at solar, one of the real critical things for  
14:06:30 **15** solar is they need water. Such time as you start  
14:06:33 **16** having an impact on the water resources and the  
14:06:36 **17** groundwater resources, what kind of impact are you  
14:06:39 **18** going to have on the surrounding springs? Is there  
14:06:42 **19** any mitigation for that? If that mitigation is in  
14:06:46 **20** there, why can it not be put back in if it's to  
14:06:50 **21** supplement a Bighorn Sheep herd? Why can't a similar  
14:06:54 **22** one come back in to provide for recreational  
14:06:58 **23** opportunity in some way?  
14:07:00 **24** MR. AHRENS: It certainly can, but none  
14:07:02 **25** of us are precluding that in any way. The discussion

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14:07:07 **1** isn't ripe yet. We are just barely getting the  
14:07:10 **2** proposals. We are going to have to do analysis and  
14:07:13 **3** impacts and --  
14:07:17 **4** MR. STEWART: The scoping yet to do.  
14:07:20 **5** MR. AARON: -- the first step actually  
14:07:22 **6** in the NEPA process is our Notice of Intent, and we  
14:07:27 **7** haven't gotten there yet.  
14:07:28 **8** MEMBER HUND: So the reason why -- in  
14:07:31 **9** the case of programmatic wind energy EIS, they  
14:07:36 **10** identified some areas where wind energy development  
14:07:41 **11** would be prohibited. And the reason why they were not  
14:07:45 **12** able to do that and operate under those uses is  
14:07:49 **13** because the land use plans were amended to incorporate  
14:07:52 **14** that, the provisions of the wind energy EIS?  
14:07:58 **15** MR. SHAFFER: Well, again, here in  
14:08:00 **16** California, we did not adopt -- California did not  
14:08:03 **17** adopt the programmatic EIS for wind.  
14:08:08 **18** MEMBER HUND: But some aspects of it do  
14:08:10 **19** apply to California. Some aspects of it do apply. I  
14:08:16 **20** know they all don't, but some do.  
14:08:18 **21** But what I am getting at, it seems like you  
14:08:21 **22** could do something similar with solar energy where you  
14:08:25 **23** could go through a planning process and decide that  
14:08:28 **24** certain areas you would not have that development, and  
14:08:30 **25** then you could somehow make that into a regulation.

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14:08:39 **1** MS. ELSER: That would have been the  
14:08:41 **2** programmatic that Steve was talking about earlier on  
14:08:44 **3** that had we known that two years ago, but now we have  
14:08:49 **4** that application sitting before us and it's hard to  
14:08:52 **5** say no, now, after the fact.  
14:08:53 **6** DIRECTOR BORCHARD: Actually, I just had  
14:08:57 **7** a mini-epiphany. Recently over in Mendocino County,  
14:09:08 **8** BLM just had a congressionally designated national  
14:09:13 **9** recreation area. Howell Mountain National Recreation  
14:09:21 **10** Area. So that's something that hasn't been put on the  
14:09:24 **11** table yet.  
14:09:26 **12** MEMBER DENNER: It has been. We  
14:09:30 **13** considered that for the Imperial Sand Dunes RA, and  
14:09:33 **14** when we looked into it, it looked like even more  
14:09:36 **15** nightmarish.  
14:09:37 **16** DIRECTOR BORCHARD: That was because of  
14:09:41 **17** Pierson's Milkvetch and the history of being in court.  
14:09:44 **18** We don't have that history in the other open areas. I  
14:09:51 **19** know those were a couple of the issues. The  
14:09:57 **20** litigation and current ongoing and the existence of a  
14:10:00 **21** special status species that was felt like it's an  
14:10:04 **22** uphill battle for ISDRA. But we don't have those two  
14:10:09 **23** things in the other open areas.  
14:10:12 **24** MEMBER DENNER: Terrific shot.  
14:10:14 **25** MEMBER MABEN: Definitely worth a shot.

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14:10:16 **1** MEMBER DENNER: You couldn't pull it off  
14:10:22 **2** in time for having any impact on diverting these  
14:10:22 **3** energy facilities up.  
14:10:23 **4** DIRECTOR BORCHARD: Well, it might.  
14:10:25 **5** It's certainly worth learning more about.  
14:10:28 **6** MR. AHRENS: There has been some few  
14:10:30 **7** pieces of legislation attempted over the years to  
14:10:34 **8** codify, if you will, recreation in kind of a general  
14:10:37 **9** but specific sense where you could identify its value  
14:10:41 **10** and in a regulatory sense, similar to a Wilderness  
14:10:47 **11** Bill. But identifying areas that would be sort of set  
14:10:50 **12** aside for recreational or those recreational uses or  
14:10:56 **13** emphases. At this point, it's not through.  
14:11:05 **14** MR. HILLIER: Yeah, Jerry Hillier, San  
14:11:08 **15** Bernardino County. One question. And then something  
14:11:11 **16** Bruce just said prompted another one.  
14:11:14 **17** You mentioned mitigation. And the fact  
14:11:19 **18** there that because of the normal compensation 5 to 1  
14:11:23 **19** comes into play, at what point is BLM going to  
14:11:27 **20** implement that part of the West Mojave decision  
14:11:31 **21** relevant to payment of fees for mitigation on the 5 to  
14:11:34 **22** 1 as opposed to an applicant having to go find private  
14:11:39 **23** acres? And I know that WEMO and NECO are litigating.  
14:11:44 **24** Is that what is holding you up, because you are not  
14:11:47 **25** under an injunction that you couldn't proceed in that

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14:11:51 **1** regard. The counties, of course, have a concern about  
14:11:54 **2** continued flow of private land into federal ownership.  
14:11:57 **3** And having an applicant write a check at 5 to 1 would  
14:12:01 **4** be a lot better than acquiring land. But at what  
14:12:05 **5** point do you see moving ahead on that sort of  
14:12:07 **6** mitigation?  
14:12:07 **7** DIRECTOR BORCHARD: We are actually  
14:12:08 **8** looking at it right now.  
14:12:11 **9** MR. HILLIER: The second question is you  
14:12:14 **10** said California did not adopt the national  
14:12:17 **11** programmatic wind. Why was that?  
14:12:22 **12** MR. SHAFFER: I don't know, Jerry. I  
14:12:24 **13** don't know the actual reasons why. My understanding,  
14:12:28 **14** that was a decision that was made by the state  
14:12:33 **15** management team, but I can find out. I will find out.  
14:12:39 **16** MEMBER SCHILLER: Ron Schiller. I  
14:12:40 **17** wanted to respond back to what Steve had mentioned  
14:12:43 **18** about not having a designation for recreation,  
14:12:50 **19** specifically by Congress.  
14:12:52 **20** There is a group working very hard to do  
14:12:56 **21** just that. There has been some interest expressed by  
14:13:00 **22** some of the representatives, but more information on  
14:13:04 **23** that is on a Web site for a group called APPL, I think  
14:13:09 **24** it's .org. I have worked closely with them, and  
14:13:16 **25** that's exactly what is being asked for is

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14:13:19 **1** congressional recognition of a semi-primitive  
14:13:23 **2** recreational experience. So if you are more  
14:13:27 **3** interested, you can go to that Web site and look.  
14:13:43 **4** CHAIRMAN PRESCH: Let's go to Howard  
14:13:45 **5** Brown's presentation on CDD guzzler status.  
14:13:49 **6** MEMBER BROWN: Basically in the last  
14:13:51 **7** meeting, there was some discussion of the proposed  
14:13:54 **8** guzzler out in the Sheep Hole Mountains. And that  
14:13:59 **9** began some discussion and ultimately turned into an  
14:14:02 **10** agenda item. And the earlier versions of the agenda  
14:14:07 **11** indicated there would be some presentation on policy.  
14:14:11 **12** But subsequent to the last meeting, I know there has  
14:14:14 **13** been a decision made on the guzzler out in the Sheep  
14:14:20 **14** Hole Mountains. So while that was going on, I thought  
14:14:22 **15** I will throw in my two cents worth about the guzzlers  
14:14:26 **16** that I know about and noncontroversial situations.  
14:14:30 **17** So this will be pretty quick and mostly  
14:14:33 **18** photographs. If you just want to change slides.  
14:14:36 **19** Basically in the San Bernardino Mountains, we have 25  
14:14:41 **20** or 30 Bighorn Sheep living on the north slope, and  
14:14:45 **21** there are several large mining companies that are also  
14:14:49 **22** operating there. And the sheep have been seen for  
14:14:53 **23** years and years. And the mining companies have either  
14:14:56 **24** volunteered or been required to make some habitat  
14:15:01 **25** improvements for them, including drinkers.

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14:15:05 **1** So the companies operating are Onya, which  
14:15:10 **2** is my employer, Specialty Minerals, and Mitsubishi.  
14:15:14 **3** And they have all installed drinkers. I will talk  
14:15:18 **4** about Onya's.  
14:15:19 **5** We see the Bighorn Sheep quite often in the  
14:15:22 **6** mining area. Here is a typical picture. They like to  
14:15:26 **7** hang out and watch the equipment operating. We have  
14:15:30 **8** installed a guzzler in what we call the Central  
14:15:35 **9** Quarry. It's fed by a 10,000 gallon tank we fill once  
14:15:39 **10** a year, and it flows by gravity to the drinkers. And  
14:15:43 **11** we have installed a motion detector camera, digital  
14:15:48 **12** camera with a one gigabyte chip in it so we take lots  
14:15:54 **13** of photographs.  
14:15:55 **14** Here is a few of them of the animals using  
14:15:58 **15** it. Some are in the dark; some are during the day.  
14:16:02 **16** You can see the colors on them. They have tags on  
14:16:05 **17** their ears and two or three collars and antennas. And  
14:16:09 **18** it's a wonder they can even walk anymore. But it's a  
14:16:13 **19** lot of information we are getting from tracking them.  
14:16:17 **20** We also get other animals that are  
14:16:21 **21** photographed, like golden eagles, foxes and coyotes  
14:16:27 **22** and other animals. And here is basically we are  
14:16:31 **23** hoping that the next generation will survive due to  
14:16:35 **24** the efforts of the mining company.  
14:16:36 **25** Out in the Bristol and Marble Mountains,

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14:16:41 **1** which are out in the center of the Mojave, there are  
14:16:44 **2** about 50 Bighorn Sheep living out there. And it's  
14:16:47 **3** pretty desolate and dry. And they get an inch of rain  
14:16:52 **4** in a good year. In the Bristol Mountain, there is a  
14:16:58 **5** natural water source at Miller Springs, and the  
14:17:00 **6** Bighorn Sheep people, when they do their inventories,  
14:17:03 **7** have noticed that there have been some mortalities  
14:17:07 **8** prior to drinker installations. Here is a picture of  
14:17:11 **9** one of them I didn't take. It was provided to me.  
14:17:15 **10** So the Bighorn Sheep Society had decided to  
14:17:21 **11** put in some drinkers, one at Miller Springs and  
14:17:25 **12** another at the Onya quarry this year. The one at the  
14:17:31 **13** Onya quarry is located on private land. It's existing  
14:17:37 **14** disturbance in a permitted quarry area. There are a  
14:17:41 **15** lot of Bighorn Sheep signs. They were approached by  
14:17:46 **16** Bighorn Sheep Society if we would want to work with  
14:17:50 **17** them to get a guzzler. And from the time they asked  
14:17:53 **18** us to the time it was functional was about three  
14:17:56 **19** weeks. We expedited the process here.  
14:18:01 **20** And here are a couple of pictures of the  
14:18:03 **21** installation of the box. Most of the people are very  
14:18:11 **22** dedicated and want to do this type of work. Basically  
14:18:14 **23** you dig a hole and you fill it in and fill it with  
14:18:18 **24** water. Pretty straightforward. And while we don't  
14:18:24 **25** have pictures of sheep drinking out of it yet, this is

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14:18:29 **1** the one at Miller Springs. We do have the Bighorn  
14:18:35 **2** Sheep signs in the areas, so they are using it.  
14:18:39 **3** There are a few photos of the Bighorn out  
14:18:43 **4** in the Bristol Mountains, so hopefully what we are  
14:18:47 **5** doing out there will make life a little easier for  
14:18:50 **6** them, and we will see the next generation surviving  
14:18:53 **7** into the future.  
14:18:54 **8** And so I'm very much in favor of having  
14:18:57 **9** them if it will help the animals survive in the  
14:19:03 **10** climate. And that's all we have today, so that's  
14:19:05 **11** basically what I wanted to say. It's pretty much  
14:19:09 **12** feel-good stuff. I don't know if that's going to  
14:19:13 **13** spawn any more discussion or not.  
14:19:20 **14** MEMBER MABEN: I have a question. Are  
14:19:23 **15** there any historical questions on sheep or water holes  
14:19:27 **16** that sheep have used that have disappeared because of  
14:19:31 **17** human interference because of pumping?  
14:19:37 **18** CHAIRMAN PRESCH: Not in our part of the  
14:19:39 **19** East Mojave. We are unaware of any kind of that  
14:19:41 **20** activity. That would be on the Mojave National  
14:19:46 **21** Preserve.  
14:19:49 **22** MR. STEWART: The Nature Conservancy has  
14:19:51 **23** published a study from 2001-2003 time frame of where  
14:19:56 **24** they have looked at documenting all the water sources.  
14:19:59 **25** Part of this goes back to try and look at some of the

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14:20:03 **1** older records of known springs. So from the future  
14:20:07 **2** conservancy side, they have one effort underway.  
14:20:11 **3** Also, the Society for Conservation of  
14:20:14 **4** Bighorn Sheep is working on a sheep atlas, of which  
14:20:21 **5** part of that is -- they went through the Department of  
14:20:26 **6** the Fish and Game. They have a lot of records of  
14:20:31 **7** springs that existed in the area. This is going back  
14:20:35 **8** to World War II. And they even have some records  
14:20:39 **9** where Patton ordered some of the springs actually  
14:20:43 **10** diverted in order to reduce the availability of water  
14:20:46 **11** for his troops. But the society is starting to look  
14:20:50 **12** at documents and make sure they have a physical  
14:20:52 **13** location. And through this they are looking actively  
14:20:57 **14** at the springs, what do they have nowadays? So it's  
14:21:00 **15** an ongoing process. Reports are far from complete,  
14:21:03 **16** but contacting the Society for Conservation of Bighorn  
14:21:08 **17** Sheep, you can probably get that answered.  
14:21:10 **18** CHAIRMAN PRESCH: I will modify my  
14:21:13 **19** answer. Dried up due to human impact. I'm not aware  
14:21:17 **20** of any of those, but in my 35 years running, yes,  
14:21:22 **21** there are springs that were present, were flourishing  
14:21:25 **22** and are now gone. And this is due to geologic  
14:21:29 **23** activity, earthquake activity. After an earthquake  
14:21:34 **24** event, we noticed changes in flow both up and down.  
14:21:39 **25** There have been some springs on the Mormon Trail which

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14:21:42 **1** are now dry, which is due to geologic earthquake-like  
14:21:48 **2** activities.  
14:21:48 **3** So the histories are nice that the sheep  
14:21:50 **4** people are doing, but until they correlate any dried  
14:21:55 **5** up one with the geologic activity of the last several  
14:21:59 **6** hundred years, you really won't know if there was a  
14:22:02 **7** human impact unless there is some kind of human  
14:22:06 **8** association very close by.  
14:22:07 **9** So the answer is no and yes on that. There  
14:22:14 **10** are some studies we noticed that we had a couple -- at  
14:22:17 **11** least one or two sheep coming across. We think they  
14:22:22 **12** came across from either the Old Dad Mountains or  
14:22:26 **13** Bristols about five years ago. And they would show up  
14:22:29 **14** and drink water along Zzyzx road because water comes  
14:22:34 **15** up through the old beach sands that are there and some  
14:22:39 **16** ponds and areas that are essentially wet all year.  
14:22:42 **17** And now over the last four or five years  
14:22:45 **18** those two individuals that show up every once a year  
14:22:48 **19** or so now have -- there are 24 of them. We have two  
14:22:54 **20** males. We have two herds now. The initial herd has  
14:22:58 **21** been divided into two, two dominant males. There is  
14:23:02 **22** 11 in one and 7 or 8 in the other. We have young.  
14:23:07 **23** At that time and a year and a half ago, we  
14:23:10 **24** have a Lake Tunedae, which is a manmade lake that  
14:23:16 **25** holds the Mojave tui chub, which is an endangered

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14:23:20 **1** species of fish. And I took the west end of that pond  
14:23:24 **2** and cleared out all the plants and bullrushes in hopes  
14:23:28 **3** that this would be a water source for the Bighorn  
14:23:31 **4** Sheep. And indeed, it turns out they do. We have  
14:23:36 **5** pictures of them drinking out of the lake we maintain  
14:23:39 **6** for fish. So there is always water there. And that's  
14:23:42 **7** working very well, and they are getting used to people  
14:23:45 **8** going up and down the road.  
14:23:46 **9** So now we are posting signs: "Stop, slow  
14:23:51 **10** down, Bighorn Sheep crossings," and many times you  
14:23:56 **11** have to wait before you can go down the road now. So  
14:23:59 **12** that's worked out very well, and we are hoping that  
14:24:02 **13** this will prevent having to put a guzzler in as the  
14:24:07 **14** herd continues to grow. So they do wander around the  
14:24:10 **15** Center, and we find them under some of the palm trees.  
14:24:13 **16** And it's run-of-the-mill now. They were very common  
14:24:19 **17** for us that are there all the time. So that's worked  
14:24:22 **18** out very well.  
14:24:23 **19** We don't know exactly where they came from.  
14:24:25 **20** We are trying to get fresh scats so we can do DNA  
14:24:30 **21** analysis to see where they come from. Patrick Gruen,  
14:24:42 **22** Bighorn Sheep Society, is in the process of  
14:24:45 **23** cataloguing all the springs that are still available  
14:24:48 **24** in the Mojave Desert. And so far as activities from  
14:24:54 **25** humans that have deterred sheep from their traditional

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14:25:01 **1** mountain ranges connecting mountain ranges, Highway 40  
14:25:06 **2** is one of them right there. They only have certain  
14:25:09 **3** amount of spots that they can cross underneath Highway  
14:25:13 **4** 40. So sometimes you need a guzzler because they can  
14:25:20 **5** only travel a certain amount of miles without water.  
14:25:24 **6** And so their routes have been limited.  
14:25:28 **7** MEMBER RUDNICK: Same problem with I-15.  
14:25:32 **8** UNIDENTIFIED SPEAKER: And 62 and so  
14:25:35 **9** forth.  
14:25:36 **10** MEMBER RUDNICK: Let's don't forget,  
14:25:40 **11** too, the water developments along with Zzyzx. All the  
14:25:45 **12** livestock waters that have been developed, both  
14:25:49 **13** springs and wells, that have access to wildlife and  
14:25:52 **14** Bighorn Sheep included. So over the years and with  
14:25:57 **15** grazing on a decline in the California desert, you  
14:26:01 **16** will see probably a lot of those waters not maintained  
14:26:04 **17** now and less available for wildlife.  
14:26:09 **18** CHAIRMAN PRESCH: In some places they  
14:26:11 **19** have been taken out.  
14:26:14 **20** MR. WHITE: We have an active  
14:26:16 **21** monitoring, spring monitoring program in place here in  
14:26:19 **22** this office where since the designation of wilderness,  
14:26:24 **23** what we are doing is we are recruiting young people  
14:26:27 **24** with fresh legs that will hike in and take pictures  
14:26:29 **25** and fill out forms for us. And there is a checklist.

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14:26:34 **1** There is a basic species. This last year we  
14:26:42 **2** documented over 20 -- in the high 20 number of  
14:26:48 **3** springs.  
14:26:49 **4** I concur with you, Richard. Some of those  
14:26:52 **5** springs that were maintained once by ranchers are no  
14:26:56 **6** longer maintained. And so the water source, the  
14:26:59 **7** pipeline, some of that stuff is now in a degraded  
14:27:04 **8** state and something that we are looking at and trying  
14:27:08 **9** to figure out how to address. The issue with that is  
14:27:12 **10** is now there are 8 to 10, maybe 12 miles between  
14:27:17 **11** wilderness boundary and getting back into some of  
14:27:20 **12** those places.  
14:27:22 **13** CHAIRMAN PRESCH: Other comments?  
14:27:24 **14** MEMBER SCOTT: I brought up this issue,  
14:27:26 **15** and it has nothing to do with whether sheep are good  
14:27:30 **16** or anything else. It just had to do, it's more sort  
14:27:34 **17** of a housekeeping issue. Where do we put guzzlers,  
14:27:38 **18** how many do we need, where are they, and are they  
14:27:42 **19** functional? And what is the cost associated with  
14:27:45 **20** them?  
14:27:45 **21** It seems to me that for a very long time we  
14:27:49 **22** didn't even know where all the guzzlers had been put  
14:27:52 **23** in. So the thing that I wanted to try to establish is  
14:27:56 **24** are they effective? How many do we need? And there  
14:28:00 **25** are a lot of environmental groups who have very strong

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14:28:03 **1** feeling about these and don't believe that guzzlers  
14:28:06 **2** should be put in. So I think before the idea of  
14:28:10 **3** another guzzler going in, there ought to be an  
14:28:13 **4** assessment: Is it worthwhile? Does it serve a  
14:28:16 **5** function? And if we can't identify a function and it  
14:28:18 **6** is going into a wilderness area, that's the moment  
14:28:21 **7** where you say, well, maybe this is something that  
14:28:25 **8** needs to be refined and looked at.  
14:28:29 **9** CHAIRMAN PRESCH: Well, I know  
14:28:30 **10** personally all our guzzlers are maintained. And I  
14:28:35 **11** have been with the organization for 20 years. And in  
14:28:39 **12** that 20 years they have always been maintained. And  
14:28:42 **13** some people confuse Bighorn Sheep guzzlers with trail  
14:28:49 **14** guzzlers, which have been neglected. But now most of  
14:28:54 **15** them are back in order.  
14:28:55 **16** And also, there was rumors years ago that  
14:28:59 **17** tortoise were dying in guzzlers. But they are making  
14:29:03 **18** no -- they weren't differentiating between Bighorn  
14:29:10 **19** Sheep guzzlers where the drinkers are two feet off the  
14:29:15 **20** ground, and quail guzzlers. And the quail people, to  
14:29:19 **21** their credit, they have corrected this by putting in  
14:29:23 **22** tortoise ramps where tortoise can grab onto something  
14:29:27 **23** and not drown.  
14:29:29 **24** But some environmental groups were still  
14:29:32 **25** saying it was Bighorn Sheep guzzlers that the tortoise

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14:29:37 **1** were drowning in. And they were also saying like he  
14:29:40 **2** is saying, that they didn't even know where they were.  
14:29:46 **3** That was quail guzzlers; that wasn't Bighorn Sheep  
14:29:50 **4** guzzlers.  
14:29:53 **5** MR. JONES: I'm Conrad Jones, State  
14:29:55 **6** Water -- Desert Water Coordinator for the Department  
14:29:59 **7** of Fish and Game.  
14:30:00 **8** And addressing your comments, I agree that  
14:30:04 **9** there have been some problems, but kind of along the  
14:30:08 **10** lines of what Lloyd has mentioned. There are a lot of  
14:30:12 **11** questions or people don't realize that there are  
14:30:17 **12** different types of guzzlers. There are different  
14:30:19 **13** designs of guzzlers. That are different mortalities  
14:30:22 **14** for the various wildlife species associated with the  
14:30:25 **15** different designs.  
14:30:26 **16** And I agree that a lot of the problems that  
14:30:30 **17** may arise with guzzlers are real, but some of those  
14:30:35 **18** problems are maintenance associated. And maintenance  
14:30:38 **19** itself is an issue because of wilderness designations  
14:30:43 **20** in a lot of cases now. So obviously, in my position I  
14:30:48 **21** feel that water within a desert environment are  
14:30:52 **22** critical. I do agree that there could be better  
14:30:57 **23** communication as far as how many are out there.  
14:31:01 **24** But as far as some of the most recent work,  
14:31:05 **25** in particular the SD Guzzler Environmental Assessment,

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14:31:09 **1** a lot of your questions, I feel, were answered and  
14:31:12 **2** will continue to be answered in any proposed guzzler  
14:31:17 **3** from this time onward. So I think a lot of your  
14:31:22 **4** questions have been answered.  
14:31:26 **5** MEMBER SCOTT: I would say they haven't  
14:31:28 **6** been so far, and I think the reason is that -- I used  
14:31:31 **7** to put in guzzlers. I'm not -- I used to be involved  
14:31:35 **8** in this process.  
14:31:37 **9** MR. JONES: What kind of guzzlers.  
14:31:40 **10** MEMBER SCOTT: Primarily the quail. But  
14:31:44 **11** the concept of guzzlers has evolved from people going  
14:31:49 **12** out in the desert on a weekend and saying, gee, let's  
14:31:51 **13** put a guzzler in and wouldn't these mountains be  
14:31:51 **14** better with a guzzler? And that was kind of the  
14:31:53 **15** perspective of where we started from.  
14:31:55 **16** And I think things have gotten better. But  
14:31:57 **17** it's still the concept if you are going to have a plan  
14:32:01 **18** for watering sheep in the desert, then you pick your  
14:32:04 **19** points where you are going to do it and you have  
14:32:06 **20** priorities and say this is where we are going to do  
14:32:09 **21** this. And this year we have achieved this guzzler.  
14:32:12 **22** And I don't feel that that's there yet. Maybe it is,  
14:32:15 **23** but it doesn't seem that's what you guys have come  
14:32:19 **24** forward with. So until I see a plan where you have a  
14:32:22 **25** goal: How many sheep are you going to save by putting

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14:32:25 **1** these guzzlers in?  
14:32:28 **2** MEMBER BETTERLEY: If you save just one,  
14:32:30 **3** you are doing all right.  
14:32:31 **4** MEMBER SCOTT: Well, if you put it in  
14:32:33 **5** the wilderness area and you have people saying there  
14:32:36 **6** are animals dying, or you establish possums in a  
14:32:39 **7** wilderness area because they can get to guzzlers as a  
14:32:42 **8** year-round source? There are some consequences of  
14:32:46 **9** guzzlers. And I don't want to sound like a fly in the  
14:32:49 **10** ointment. I don't say we stop putting guzzlers in. I  
14:32:53 **11** just want to make sure there is a plan and goal, and  
14:32:56 **12** we can achieve these goals and that it's  
14:32:58 **13** straightforward.  
14:33:02 **14** MEMBER SCHILLER: I belong to the local  
14:33:06 **15** Quail Unlimited. And prior to that being established  
14:33:09 **16** in Ridgecrest, we were asked to take care of and  
14:33:13 **17** maintain a number of the old quail guzzlers. And at  
14:33:18 **18** the time they were put in -- I know personally some of  
14:33:20 **19** the oldtimers in the early fifties who put them in --  
14:33:23 **20** and they were put in willy-nilly, so to speak. That  
14:33:29 **21** was a different time.  
14:33:30 **22** I don't know of a one being established  
14:33:34 **23** without going through a process with the BLM in a  
14:33:38 **24** long, long time. But, you know, we have developed a  
14:33:45 **25** lot of cities and more and more private land that is

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14:33:52 **1** taking water away from the wildlife. If you look at  
14:33:56 **2** where our cities are built, they are built where there  
14:34:00 **3** is water along the Amargoso, along springs. Indian  
14:34:05 **4** Wells Valley. Those guzzlers mitigate that loss, in  
14:34:09 **5** my opinion. And I see absolutely no problem with  
14:34:13 **6** those guzzlers staying there.  
14:34:16 **7** MEMBER SCOTT: Nor do I.  
14:34:17 **8** MEMBER SCHILLER: But I hear in the  
14:34:18 **9** wilderness areas, I hear they are intrusive into my  
14:34:22 **10** wilderness experience because I can see them and  
14:34:25 **11** people calling for those to be removed. And I would  
14:34:27 **12** like to say that those guzzlers do mitigate what we  
14:34:32 **13** have taken away through our developments.  
14:34:36 **14** MEMBER SCOTT: If we can prove these  
14:34:37 **15** things, great, let's do it. But the point is we have  
14:34:41 **16** to start from a point of saying what do we need, what  
14:34:45 **17** damage have we done, how are we going to replace the  
14:34:49 **18** damage? And that's something that needs to be defined  
14:34:52 **19** rather than saying --  
14:34:54 **20** MEMBER SCHILLER: Can you explain the  
14:34:55 **21** damage?  
14:34:56 **22** MEMBER SCOTT: You just identified it.  
14:34:59 **23** MEMBER SCHILLER: Can you identify the  
14:35:01 **24** damage that's being caused by a guzzler being put in  
14:35:04 **25** through the process we have today?

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14:35:06 **1** MEMBER SCOTT: I don't have a problem  
14:35:09 **2** with it for the most part. And I think just at the  
14:35:12 **3** same time, people who think the guzzlers shouldn't go  
14:35:15 **4** in should be willing to say what the problems are. I  
14:35:19 **5** can identify some of them theoretically, but at the  
14:35:22 **6** same time it's kind of theoretical whether you are  
14:35:25 **7** going to be protecting five or one sheep.  
14:35:29 **8** MEMBER BETTERLEY: Even if you have just  
14:35:30 **9** one, it should be --  
14:35:34 **10** MEMBER SCOTT: The point is that there  
14:35:36 **11** are lots of things to say about why guzzlers are bad  
14:35:40 **12** and why guzzlers are good, but let's go through the  
14:35:43 **13** exercise.  
14:35:44 **14** MR. HILLIER: The problem is that Tom's  
14:35:48 **15** questions are absolutely right, but I'm not so sure  
14:35:51 **16** that they aren't about 30 years late. And I'm not  
14:35:54 **17** sure how you quantify all that.  
14:35:56 **18** I think anecdotally we know several areas  
14:36:03 **19** where guzzlers were placed, the resident population  
14:36:08 **20** increased to the point, as you described, they come  
14:36:11 **21** down to Zzyzx. And previous to that, they formed the  
14:36:15 **22** basis for translocating Bighorn Sheep and repopulating  
14:36:21 **23** areas in which the sheep had died out. And a guzzler  
14:36:24 **24** in the new area provided a source of water so that the  
14:36:28 **25** translocated sheep could survive.

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14:36:31 **1** How you document and quantify all that is  
14:36:33 **2** at this late stage of the game I think somewhat  
14:36:38 **3** difficult. I think there is a general sense that  
14:36:41 **4** while there may be conflicts with wilderness, by the  
14:36:46 **5** same token, one of the good wilderness experiences is  
14:36:50 **6** the presence of Bighorn Sheep out there. And the real  
14:36:52 **7** problem is once you have the guzzlers, you develop not  
14:36:56 **8** only a maintenance workload with, but you have a  
14:36:59 **9** dependence factor on, and you have maintenance in  
14:37:03 **10** perpetuity. You have a maintenance problem in  
14:37:14 **11** perpetuity, which is either a cost or volunteer  
14:37:17 **12** project. Somebody has to care enough to go do it.  
14:37:19 **13** And that's a cost I don't think we can overlook and  
14:37:22 **14** not shake off and say people can take care of it.  
14:37:27 **15** So your questions are valid and well  
14:37:29 **16** raised. I just don't know how you want to clarify it.  
14:37:33 **17** MEMBER SCOTT: Just tell me how many  
14:37:35 **18** guzzlers are you going to put in the desert? How many  
14:37:39 **19** sheep guzzlers? We know the desert is not going to  
14:37:44 **20** change. How many more do we want to put in?  
14:37:46 **21** MR. STEWART: Tom, the one thing I  
14:37:47 **22** think, if you look at the time -- I mentioned earlier  
14:37:49 **23** the Society For Conservation of Bighorn Sheep is  
14:37:53 **24** working on a sheep atlas. That is just in the  
14:37:54 **25** beginning stages of a study that is looking to

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14:37:56 **1** quantify what you are talking about. They want to and  
 14:38:00 **2** they have started asking themselves the question: Are  
 14:38:03 **3** these guzzlers in the proper locations? So they are  
 14:38:07 **4** going back to look at the guzzlers that are in there,  
 14:38:09 **5** what kind of use do we have, working with the  
 14:38:12 **6** California Department of Fish and Game, to make sure  
 14:38:16 **7** they have good solid data there.  
 14:38:19 **8** Then if they are not in appropriate  
 14:38:21 **9** locations, what is one? This is something they figure  
 14:38:26 **10** is going to take them four or five years. So the  
 14:38:29 **11** answer to your question will probably come in another  
 14:38:33 **12** four to five years, so it's being looked at.  
 14:38:36 **13** MEMBER SCOTT: That was the presentation  
 14:38:38 **14** we called for. That's what we wanted to hear. That's  
 14:38:41 **15** what the DAC needs to sink its teeth in -- no offense  
 14:38:45 **16** to Howard. But we were going to get something a  
 14:38:48 **17** little bit more meaty.  
 14:38:51 **18** CHAIRMAN PRESCH: Data is not there yet.  
 14:38:55 **19** MR. JONES: The sheep don't know the  
 14:38:57 **20** difference between wilderness and not wilderness.  
 14:39:01 **21** They are not going to go by the signs. So that's why  
 14:39:05 **22** sometimes the guzzlers in wilderness is good.  
 14:39:08 **23** CHAIRMAN PRESCH: The Truckhaven, which  
 14:39:12 **24** really isn't Truckhaven, geothermal update. We  
 14:39:16 **25** already had that, essentially. So all right.

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14:39:25 **1** So agenda item, Council roundtable and  
 14:39:31 **2** meeting summary and your selection of the next  
 14:39:34 **3** location. Dates and agenda topics.  
 14:39:42 **4** MR. STEWART: Public comment period?  
 14:39:47 **5** DIRECTOR BORCHARD: Do you want to  
 14:39:48 **6** address that?  
 14:39:50 **7** MR. RAZO: We were thinking of late  
 14:39:53 **8** January, early February. We do have a nomination  
 14:39:56 **9** process in progress right now. We do have some  
 14:39:59 **10** nominees and some more to come. Nominations close on  
 14:40:03 **11** the 30th for the five that are departing. However,  
 14:40:07 **12** for you five that are departing, we are asking as we  
 14:40:10 **13** have others in the past that you continue on until  
 14:40:13 **14** those nominees are in place. So more than likely we  
 14:40:18 **15** would ask that you be at the February meeting because  
 14:40:21 **16** that would be pretty quick to have the nominees all  
 14:40:30 **17** vetted by the Secretary by then.  
 14:40:33 **18** MEMBER DENNER: You said they close on  
 14:40:34 **19** the 30th?  
 14:40:37 **20** MR. RAZO: October 30. I picked it by  
 14:40:39 **21** just the date, not necessarily the day of the week.  
 14:40:42 **22** October 30. And there are seven in at this point. We  
 14:40:47 **23** were thinking Ridgecrest. We haven't been to  
 14:40:50 **24** Ridgecrest in a while as a possible meeting place in  
 14:40:56 **25** February?

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14:40:59 **1** CHAIRMAN PRESCH: Has it snowed yet?  
 14:41:04 **2** MEMBER RUDNICK: I love Ridgecrest.  
 14:41:08 **3** MR. SCHILLER: Ron, you and me both.  
 14:41:11 **4** MR. RAZO: So thoughts on the Council on  
 14:41:14 **5** Ridgecrest.  
 14:41:15 **6** CHAIRMAN PRESCH: Anybody have any  
 14:41:17 **7** discussion or comment about Ridgecrest, then, as the  
 14:41:21 **8** next DAC meeting site? Everybody is -- any problems  
 14:41:28 **9** to that on the Council? Do I hear a motion?  
 14:41:32 **10** MR. RAZO: Date? Considering a previous  
 14:41:38 **11** letter that was read, we want to avoid, I guess, the  
 14:41:43 **12** third weekend of the month.  
 14:41:45 **13** MEMBER BETTERLEY: Not in Ridgecrest.  
 14:41:47 **14** That's where he is. He doesn't have to drive very  
 14:41:51 **15** far.  
 14:41:52 **16** MR. RAZO: Since it's in Ridgecrest, it  
 14:41:54 **17** might not matter. I don't know.  
 14:41:59 **18** MR. VILLALOBOS: You might keep it in  
 14:42:01 **19** mind, because I have always tried to kind of have a  
 14:42:04 **20** meeting where if folks wanted to get there early on  
 14:42:08 **21** Thursday, they could participate in our steering  
 14:42:12 **22** committee meeting on Thursday.  
 14:42:15 **23** MR. RAZO: Which meets on which  
 14:42:16 **24** Thursday?  
 14:42:19 **25** MR. VILLALOBOS: The third Thursday.

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14:42:21 **1** MEMBER RUDNICK: What about the first  
 14:42:23 **2** part of February?  
 14:42:24 **3** MR. RAZO: February 1 and 2 is the first  
 14:42:27 **4** part.  
 14:42:28 **5** MEMBER DENNER: The Off-Road Business  
 14:42:30 **6** Association will be holding a major world-class  
 14:42:32 **7** off-road show the first weekend in February at the Del  
 14:42:34 **8** Mar Fairgrounds, so the off-road communities will be  
 14:42:41 **9** unable to attend -- oh, February 9th and 10th. The  
 14:42:43 **10** second weekend. So --  
 14:42:47 **11** MR. RAZO: Then 1st and 2nd is not good?  
 14:42:49 **12** MEMBER DENNER: Because everybody is in  
 14:42:52 **13** preparation for that big show. But that could work to  
 14:42:57 **14** everybody's advantage if we couldn't be there.  
 14:43:02 **15** MR. RAZO: There is still January 25 and  
 14:43:05 **16** 26. There are actually four weeks in January. So the  
 14:43:09 **17** fourth -- the last 25th, 26th January is possible.  
 14:43:17 **18** But that's a week after Hector's meeting.  
 14:43:21 **19** MEMBER SCHILLER: What's wrong with the  
 14:43:23 **20** second week of February?  
 14:43:28 **21** MEMBER DENNER: The show. Early  
 14:43:29 **22** February. The show is 9th and 10th.  
 14:43:32 **23** MEMBER RUDNICK: The 1st and 2nd  
 14:43:33 **24** wouldn't work?  
 14:43:35 **25** MEMBER SCHILLER: The 1st and 2nd is

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14:43:38 **1** Saturday.  
14:43:39 **2** MEMBER DENNER: It would make it open  
14:43:40 **3** for a lot of OHV people, but I won't be there.  
14:43:44 **4** CHAIRMAN PRESCH: I have another board I  
14:43:46 **5** have to be at.  
14:43:48 **6** MR. RAZO: How about the 15th?  
14:43:51 **7** MR. HILLIER: DSE Board of Governors,  
14:43:57 **8** Dominguez Hills. February 15 and 16.  
14:44:02 **9** MR. RAZO: That's the third one.  
14:44:05 **10** MEMBER HUND: Is that Valentine's Day?  
14:44:08 **11** MEMBER MABEN: 13th and 14th.  
14:44:11 **12** CHAIRMAN PRESCH: 15th and 16th.  
14:44:17 **13** MR. WALDHEIM: 16th is Sunday, according  
14:44:19 **14** to 2008 calendar.  
14:44:19 **15** MR. RAZO: Let's do it in El Centro.  
14:44:31 **16** MEMBER BETTERLEY: I will recover from  
14:44:32 **17** the gambling debt by then.  
14:44:37 **18** CHAIRMAN PRESCH: The 25th, 26th of  
14:44:39 **19** January?  
14:44:45 **20** MR. RAZO: That was the -- the only  
14:44:47 **21** problem was that we wouldn't match --  
14:44:51 **22** MR. VILLALOBOS: Again, we are talking  
14:44:53 **23** about Dave Matthews. He would be able to make the  
14:44:56 **24** steering committee meeting on Thursday and others.  
14:44:59 **25** And I would extend an invitation to anyone that comes

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14:45:03 **1** early to Ridgecrest on Thursday to attend the Friday  
14:45:08 **2** field trip and Saturday meeting to participate.  
14:45:14 **3** MEMBER BETTERLEY: What time is the  
14:45:15 **4** meeting?  
14:45:16 **5** MR. VILLALOBOS: Steering committee open  
14:45:19 **6** house at 6:30.  
14:45:24 **7** MEMBER HUND: What day?  
14:45:25 **8** MR. VILLALOBOS: On Thursday. I don't  
14:45:27 **9** have a calendar.  
14:45:29 **10** MR. RAZO: The 17th would be the  
14:45:31 **11** Thursday and then 18, 19.  
14:45:34 **12** MR. WALDHEIM: No. The steering  
14:45:36 **13** committee is on the 24th. It's always on the fourth,  
14:45:41 **14** not the third. It's the fourth Thursday of every  
14:45:44 **15** month. It's the 24th -- Ridgecrest steering committee  
14:45:50 **16** is on the 24th. If you have that, then you can do DAC  
14:45:53 **17** on the 25th and 26th. Tour on the 25th and meeting on  
14:45:57 **18** the 26th.  
14:45:58 **19** CHAIRMAN PRESCH: All right. So the  
14:46:00 **20** motion is to hold the next DAC meeting January 25, 26,  
14:46:07 **21** in Ridgecrest. And those who can arrive 24th early to  
14:46:13 **22** go to the steering committee meeting at 6:30 at BLM  
14:46:18 **23** Ridgecrest at the office. That's my motion. Do I  
14:46:22 **24** hear a second?  
14:46:24 **25** MEMBER BETTERLEY: I'll second.

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14:46:25 **1** CHAIRMAN PRESCH: All in favor say aye.  
14:46:27 **2** Opposed?  
14:46:28 **3** MR. SCHILLER: Me, Ron.  
14:46:31 **4** CHAIRMAN PRESCH: And any abstentions?  
14:46:34 **5** Sorry, Ron, it passes.  
14:46:36 **6** MR. RAZO: May I duly note that that  
14:46:39 **7** will be posted on the California Web site under  
14:46:42 **8** Advisory Council next week. And whatever agenda  
14:46:47 **9** topics we do come up with, I will go ahead and throw  
14:46:52 **10** them up there as tentative so at least the public has  
14:46:55 **11** an idea of what we might be discussing.  
14:47:04 **12** CHAIRMAN PRESCH: Is there any  
14:47:06 **13** suggestion of a topic that might be put on the agenda  
14:47:11 **14** that we need to consider for that meeting from the DAC  
14:47:14 **15** board?  
14:47:20 **16** MEMBER ACUNA: How about some of those  
14:47:22 **17** closed route issues in the Ridgecrest area that are  
14:47:25 **18** seemingly at issue right now. Is that a possibility  
14:47:28 **19** we can do that?  
14:47:29 **20** MR. WALDHEIM: Mr. Chairman, I would  
14:47:31 **21** strongly suggest we work on a tour of the area. We  
14:47:35 **22** can get you on rails and get you out of the comfort of  
14:47:37 **23** some cars and take you into the back country. Richard  
14:47:42 **24** Rudnick, he can show us some of the areas of concern  
14:47:45 **25** he has, all the trail maintenance we need to do, and

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14:47:49 **1** some of the closed routes that are not part of the  
14:47:52 **2** system. So it could be a very informative tour.  
14:47:57 **3** MEMBER RUDNICK: I would love to do  
14:47:59 **4** that.  
14:47:59 **5** MR. WALDHEIM: We can have lunch at  
14:48:02 **6** Jawbone Visitor Center and go over and see the Rands  
14:48:05 **7** afterwards, and from there go to Randsburg and go  
14:48:08 **8** home. You can see the new road that Steve and Hector  
14:48:12 **9** built in Randsburg.  
14:48:15 **10** MEMBER BETTERLEY: Can we see the fence,  
14:48:17 **11** the one a foot from the other?  
14:48:20 **12** CHAIRMAN PRESCH: We can talk about that  
14:48:22 **13** for the field trip. We will sit down -- Steve and I  
14:48:26 **14** will sit down and try to figure out items for the  
14:48:29 **15** agenda.  
14:48:31 **16** MEMBER HUND: This is related to what  
14:48:35 **17** someone suggested so far.  
14:48:37 **18** I would like to look at those areas where  
14:48:40 **19** there are some management issues related to the  
14:48:44 **20** proximity of wilderness areas and OHV riding areas and  
14:48:49 **21** look at what the district is doing to address those.  
14:48:53 **22** MEMBER RUDNICK: That would all be  
14:48:54 **23** included in the tour.  
14:48:56 **24** MR. WALDHEIM: The DAC in the past has  
14:48:58 **25** toured some of those areas where we had it in the

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14:49:01 **1** Kieva Wilderness when we showed you what we have done.  
14:49:03 **2** But that we take out of Ridgecrest and go all the way  
14:49:08 **3** down Jawbone, go through the new corridor in the  
14:49:12 **4** Rands -- West Rands closed areas, and take you to  
14:49:15 **5** Ridgecrest and show you the routes.  
14:49:17 **6** But on the agenda, I would like to propose  
14:49:20 **7** you put some serious consideration on recreation  
14:49:23 **8** management, how do we recreate. And invite Daphne  
14:49:30 **9** Greene to explain to you exactly what the new bill, SB  
14:49:35 **10** 742 will do to the BLM and the Forest Service. What  
14:49:40 **11** ramifications do we have in the new bill for the  
14:49:43 **12** grants coming from State of California OHV program.  
14:49:46 **13** Those are things we can invite Daphne to be part of  
14:49:51 **14** the meeting and talk to you about that. It's time you  
14:49:52 **15** meet with them. It's time you get to know what in the  
14:49:56 **16** world are they doing up there. So two subjects.  
14:50:01 **17** MEMBER RUDNICK: We could throw in a  
14:50:04 **18** little grazing issues with the off-road vehicles.  
14:50:10 **19** It's all right there.  
14:50:11 **20** MR. WALDHEIM: Relationship of grazing  
14:50:14 **21** with recreation, definitely, in the wilderness areas.  
14:50:19 **22** MEMBER DENNER: And energy.  
14:50:20 **23** CHAIRMAN PRESCH: It would seem that the  
14:50:23 **24** theme of the agenda would have to do with recreational  
14:50:27 **25** issues in a number of different views. So that may be

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14:50:30 **1** the backbone of what we can put together as an agenda.  
14:50:34 **2** MR. RAZO: Also the Palm Springs office  
14:50:37 **3** has requested to present a South Coast Plan Update.  
14:50:44 **4** We will add that.  
14:50:46 **5** MEMBER ACUNA: Can we have an energy  
14:50:48 **6** update, too?  
14:50:49 **7** MR. RAZO: That will be continuing.  
14:50:52 **8** CHAIRMAN PRESCH: We have a lot of  
14:50:54 **9** energy.  
14:50:54 **10** MEMBER ACUNA: Want to make sure.  
14:50:56 **11** CHAIRMAN PRESCH: Let's not have snow.  
14:50:59 **12** It's nice, but --  
14:51:00 **13** MEMBER RUDNICK: Go to the geothermal if  
14:51:04 **14** it snows.  
14:51:06 **15** MEMBER SCHILLER: I would like to say  
14:51:08 **16** something.  
14:51:14 **17** It seems like we always go to the same  
14:51:16 **18** place, the Rands and the OHV areas when we go to  
14:51:20 **19** Ridgecrest. And it should be noted that there is a  
14:51:23 **20** lot of recreation out there for people who don't want  
14:51:26 **21** to go to the high use intense areas.  
14:51:31 **22** And I would just like to say that people  
14:51:33 **23** should realize that there is other areas in the  
14:51:36 **24** Ridgecrest Resource Area where a vast majority of  
14:51:40 **25** people go to get away from all the intense use areas.

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14:51:46 **1** I just want to state that for the record, because we  
14:51:49 **2** always seem to --  
14:51:51 **3** MEMBER RUDNICK: How about the area  
14:51:53 **4** around Red Rock Area?  
14:51:57 **5** MR. SCHILLER: You have Inyo Mountains.  
14:51:59 **6** There is a lot of areas where a lot of people go to  
14:52:03 **7** recreate and don't want to go to OHV open areas. And  
14:52:08 **8** that's fine.  
14:52:11 **9** MR. RAZO: Hector and I were discussing  
14:52:13 **10** that very subject. And I would suggest that you, Bill  
14:52:16 **11** and I and Hector, as we plan this out, and Steve get  
14:52:20 **12** together. And we will address that. I'm sure we can  
14:52:26 **13** fit that in. Does that sound okay?  
14:52:29 **14** CHAIRMAN PRESCH: Yeah, that sounds  
14:52:31 **15** fine. And we will work out the details.  
14:52:33 **16** Any other business for the Council? Any --  
14:52:40 **17** I have two public comment cards, both of you have  
14:52:43 **18** already talked multiple times. If you have anything  
14:52:47 **19** else that you want to say --  
14:52:52 **20** MR. WALDHEIM: If I may.  
14:52:53 **21** My name is Ed Waldheim. I'm president of  
14:52:56 **22** CORVA. And for you guys that don't know this, I quit  
14:53:01 **23** racing my motorcycle when President Nixon passed the  
14:53:03 **24** California Desert Conservation Bill. Neil Houk(as  
14:53:05 **25** pronounced) was working as manager at that time for

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14:53:07 **1** the place. And I have been involved for 35 years as a  
14:53:09 **2** volunteer -- nobody pays me; do it all out of my own  
14:53:14 **3** pocket because, thank God, I have a good son who is  
14:53:18 **4** running my janitorial company, Shop-At-Home Depot,  
14:53:19 **5** because those are the people that are paying my bills  
14:53:23 **6** every day. I had to add that.  
14:53:24 **7** But I also want you to know that I have  
14:53:26 **8** been given an award by the BLM for volunteer service  
14:53:29 **9** in the Washington, D.C. office and Department of  
14:53:32 **10** Interior in the top floor conference room. I have  
14:53:36 **11** been given an award of Off-Road Hall of Fame and the  
14:53:40 **12** Motor Sports Hall of Fame in Reno, Nevada. And next  
14:53:43 **13** weekend I'm going to the American Motorcycle  
14:53:46 **14** Association and getting an award for -- a Hall of Fame  
14:53:52 **15** award from the American Motorcycle Association.  
14:53:56 **16** I'm bring that up to you because I'm not  
14:53:56 **17** somebody out here just shooting off his mouth because  
14:53:59 **18** I want to talk about it. I am very, very, very  
14:54:02 **19** concerned about the direction that we are taking, you  
14:54:04 **20** as a DAC and the BLM in general, as far as recreation  
14:54:07 **21** is concerned.  
14:54:08 **22** When you go through all the reports, there  
14:54:11 **23** is very little about recreation. There is very, very  
14:54:14 **24** little about recreation. Yet recreation is one of the  
14:54:17 **25** most important things here in Southern California we

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14:54:20 **1** have. We have millions of folks coming to the desert  
14:54:23 **2** to recreate, and we are giving it hardly any ink  
14:54:27 **3** whatsoever.  
14:54:28 **4** Even the steering committee meeting in  
14:54:30 **5** Ridgecrest, hardly ever is there an agenda item about  
14:54:34 **6** recreation. There hardly ever is any. You look at  
14:54:37 **7** the reports from the field manager. Hardly ever is  
14:54:40 **8** there anything. You hardly ever give us any credit  
14:54:43 **9** for the millions and millions of dollars that we have  
14:54:47 **10** pumped into the BLM for the California State  
14:54:50 **11** Off-Highway Program.  
14:54:51 **12** And what do I have to show for it? I don't  
14:54:51 **13** have anything to show for it. Our trails are in the  
14:54:55 **14** worst condition ever. They are deplorable. One of my  
14:54:59 **15** friends said, "Ed, I am riding over my comfort zone,  
14:55:02 **16** I'm going home." He left. He turned around and went  
14:55:04 **17** home. He said, "I'm not going to ride on this junk  
14:55:06 **18** anymore."  
14:55:07 **19** So what I am asking you folks to do,  
14:55:10 **20** please, you've got to elevate recreation on top of  
14:55:14 **21** your agenda. You have to help BLM. I'm doing -- and  
14:55:17 **22** Steve, you know I'm doing everything in my power to  
14:55:19 **23** work out there. You guys are my friends. I work with  
14:55:22 **24** you. But by golly, I can't do it by myself; the  
14:55:24 **25** Friends of Jawbone can't do it; CORVA can't do it; Cal

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14:55:27 **1** Four-Wheel can't do it; we can't do it by ourselves.  
14:55:30 **2** There are fantastic people from the Bureau working.  
14:55:34 **3** You guys as an Advisory Council need to get  
14:55:39 **4** hold of your congressional delegation and say, Guys,  
14:55:42 **5** Lynnette getting \$280,000 for recreation, it's an  
14:55:47 **6** insult. It's more than an insult. It's ridiculous.  
14:55:50 **7** Last year I personally could not get money  
14:55:53 **8** for O&M for El Mirage because every year, BLM made it  
14:55:57 **9** clear, we don't have money to make this an OHV area.  
14:56:02 **10** We were going to pay for it. I have been able to  
14:56:04 **11** provide money through the grants program as a  
14:56:04 **12** commissioner, off the commission, doesn't make any  
14:56:06 **13** difference. I still push my way around up in  
14:56:09 **14** Sacramento.  
14:56:11 **15** But last year the commission totally went  
14:56:12 **16** south on us and they denied 33 O&M grants; nobody got  
14:56:15 **17** them. This year we are in big trouble. Next year I  
14:56:19 **18** hope we will do better. But I can't do better because  
14:56:22 **19** the Bureau decided not to apply for O&M. The  
14:56:28 **20** Bureau -- Palm Springs, Needles, Barstow -- did not  
14:56:31 **21** ask for O&M. Now, you go try and figure out that  
14:56:34 **22** logic. \$5.5 million is available for O&M, and the  
14:56:39 **23** areas that have the highest areas of concentration  
14:56:42 **24** recreation asked for no O&M. I just don't get it,  
14:56:45 **25** Steve. Something is totally drastically wrong here.

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14:56:48 **1** So I'm asking both the agency and up in  
14:56:51 **2** Sacramento, Mr. Mike Pool -- and she left now so she  
14:56:55 **3** didn't get the message to him. We need to bring back  
14:56:59 **4** what are we doing to manage recreation? We have to  
14:57:03 **5** manage. Trust me, the folks are going to continue to  
14:57:05 **6** come. You can hide your head in the sand. You can  
14:57:08 **7** say I don't care. They are still going to come. And  
14:57:11 **8** they are coming at the highest level ever.  
14:57:14 **9** Yes, we concentrate on the areas where the  
14:57:17 **10** people come. But Ron, if we didn't do that, it would  
14:57:21 **11** be more chaos in those areas that you love to keep by  
14:57:22 **12** yourself. I just assume keep them where they are now.  
14:57:25 **13** Keep them under control. I maintain the trails so  
14:57:28 **14** that you folks who love to go back in the yonder back  
14:57:33 **15** country don't have to deal with those people who come  
14:57:35 **16** from the south and recreate like crazy. I want to  
14:57:37 **17** maintain the trails. I'm working like crazy to do it.  
14:57:40 **18** The next issue I have is a letter from  
14:57:49 **19** District 37. District 37 has sent a letter to the BLM  
14:57:53 **20** about opening up the C Trails. I'm an officer for  
14:57:59 **21** District 37, AMA, America Motorcycle Association.  
14:58:02 **22** They want to have the C trails opened up. They sent a  
14:58:05 **23** petition a year ago and never received a single answer  
14:58:07 **24** from them. So I think they deserve some type of  
14:58:10 **25** answer. So if Steve can take care of it or Sacramento

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14:58:13 **1** or director can take care of it, I would appreciate  
14:58:16 **2** it.  
14:58:16 **3** The last thing I have -- what I am talking  
14:58:18 **4** about here, folks, I provided to you in these maps of  
14:58:22 **5** the roads. That's in the front. The gist of my  
14:58:25 **6** thing.  
14:58:25 **7** I am very upset about the tortoise program  
14:58:28 **8** that we are doing. Right now in Reno, Nevada, you are  
14:58:31 **9** spending millions of dollars for tortoise recovery.  
14:58:34 **10** It's the biggest scam, the biggest highway robbery of  
14:58:38 **11** public money I have ever seen in my life. My attorney  
14:58:42 **12** said, when he saw the continuation -- we are not going  
14:58:47 **13** to hear about the open houses -- you know, he said,  
14:58:48 **14** it's outright criminal what they are doing.  
14:58:51 **15** Tortoises are living well. Go back in the  
14:58:53 **16** office here and see all the new ones they have. We  
14:58:57 **17** shouldn't have put the female and male together. They  
14:59:01 **18** breed like rabbits. We can bring tortoises into the  
14:59:05 **19** wild just like that. Every household in Ridgecrest,  
14:59:08 **20** just about, has a tortoise. Robin has four new little  
14:59:12 **21** tortoises every year -- our manager for the Jawbone  
14:59:15 **22** station. There is no problem with the tortoise.  
14:59:18 **23** Things changes. Evolution changes. The tortoises are  
14:59:20 **24** doing well. They can even have them walk inside in  
14:59:23 **25** here. All we are getting excuse of is closing more of

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14:59:28 **1** our access to our public lands. That's what this  
14:59:31 **2** whole tortoise thing is getting to be. I'm very upset  
14:59:34 **3** and something has to be done. So I appreciate you  
14:59:36 **4** letting me talk. Thank you.  
14:59:39 **5** MEMBER SCHILLER: Quick response for Ed.  
14:59:42 **6** Ed, I realize what you are saying about the  
14:59:44 **7** open areas; however, a lot of us who visit the back  
14:59:50 **8** country contribute to the fund as well. And we have  
14:59:53 **9** situations -- for example, Pleasant Canyon. Pleasant  
14:59:58 **10** Canyon is a mess. That's being addressed now by the  
15:00:01 **11** miner. The miner up there is doing -- is going to be  
15:00:05 **12** doing the road.  
15:00:06 **13** But the point is if we let those roads  
15:00:09 **14** deteriorate, we are going to have another Furnace  
15:00:12 **15** Creek lawsuit over Pleasant Canyon. We will have  
15:00:16 **16** another Surprise Canyon. That's exactly what happens  
15:00:19 **17** when we neglect those back county roads. And they are  
15:00:23 **18** very important for a lot of other folks in the Jeep  
15:00:26 **19** Clubs and Cal Four-Wheel and rock hounds and hunters  
15:00:30 **20** and so on and so forth. So I'm not asking for a whole  
15:00:33 **21** lot. I'm just asking for a road here and there.  
15:00:36 **22** The second thing is that I am repeatedly  
15:00:39 **23** told by the agencies when I bring these up, every year  
15:00:42 **24** at the grant meetings, they say, We have been told not  
15:00:45 **25** to submit grants for these type of O&M roads because

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15:00:51 **1** the OHV Commission ain't going to fund them anyway. I  
15:00:55 **2** have been told that by more than one agency or office.  
15:00:59 **3** They have been sent the word not to bother to apply  
15:01:03 **4** for them because they are not going to be funded. The  
15:01:05 **5** problem with that is they are certainly not going to  
15:01:08 **6** be funded if they are not requested.  
15:01:10 **7** MR. WALDHEIM: For everybody's  
15:01:13 **8** edification: The off-highway vehicle program has  
15:01:15 **9** conditions on money. Any money that you ask from  
15:01:17 **10** them, they have conditions. One of the conditions  
15:01:19 **11** says that you have to have a soils standard. You have  
15:01:22 **12** to have monitoring. You have to have wildlife habitat  
15:01:25 **13** and vegetation standards. You have to do the CEQA  
15:01:28 **14** documentation on those roads.  
15:01:30 **15** So if you sometimes find us not working in  
15:01:32 **16** an open area with Greensticker funds, it's because we  
15:01:36 **17** do not do those levels of review that the Off-Highway  
15:01:40 **18** Vehicle Commission has placed on us. So therefore,  
15:01:43 **19** that is why you will find sometimes certain things of  
15:01:46 **20** that money not being used.  
15:01:47 **21** Now, that's the answer on the Greensticker  
15:01:49 **22** program. However, what I told Ron is there is  
15:01:52 **23** absolutely no reason that Ron has to sit for three  
15:01:55 **24** years asking for a road to be fixed. That is  
15:01:57 **25** intolerable. What is Friends of Jawbone doing? We

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15:01:59 **1** go, we rent the tractor. We tell Hector or his  
15:02:04 **2** employees, we are going to work on this type of trail.  
15:02:06 **3** You want to come with us or do you want to help us or  
15:02:09 **4** do you want to do it?  
15:02:09 **5** This works great. So I'm suggesting to  
15:02:12 **6** him, I'll go rent the tractor. I will let Randy know,  
15:02:16 **7** hey, we're going to go fix Ron's trail. Bingo, we  
15:02:17 **8** will go get it done. I had no clue that he was still  
15:02:19 **9** fighting that. But it's a question of scheduling.  
15:02:22 **10** Each agency can schedule and do it. If there is a  
15:02:26 **11** will, there's a way to get it done. Friends of  
15:02:27 **12** Jawbone get the job done. El Mirage gets the job  
15:02:29 **13** done. I would suggest to you that we get together and  
15:02:32 **14** we'll make it happen, with or without BLM. We have to  
15:02:36 **15** have their concurrence, but we can do it. There is  
15:02:37 **16** always a way to do that.  
15:02:39 **17** MR. SCHILLER: Let me ask you one  
15:02:40 **18** question.  
15:02:41 **19** CHAIRMAN PRESCH: You guys go ahead and  
15:02:43 **20** argue about that after the meeting.  
15:02:46 **21** MR. STEWART: John Stewart, California  
15:02:48 **22** Association of Four-Wheel Drive Clubs.  
15:02:52 **23** We have had a lot of good information here  
15:02:55 **24** today. It brought up a couple of concerns that I have  
15:02:57 **25** as we go forward and look for the next meeting. I

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15:02:59 **1** would like to make sure that they are addressed and  
15:03:02 **2** people keep them in mind.  
15:03:05 **3** Earlier there was discussion about  
15:03:07 **4** cumulative impacts when looking at the energy issue.  
15:03:11 **5** Please, look at cumulative impacts of not only energy  
15:03:14 **6** on recreation, but also look at the cumulative impacts  
15:03:19 **7** of where your archaeological issues are going to come  
15:03:23 **8** in, where your wilderness issues, where your ACECs.  
15:03:26 **9** All of these are cumulative impacts that need to be  
15:03:29 **10** looked at and be part of the equation as we move  
15:03:33 **11** forward for recreation.  
15:03:34 **12** And as we move forward -- again, you heard  
15:03:37 **13** Ed Waldheim expound upon this quite a bit. The people  
15:03:41 **14** are coming. You are not going to stop them. If they  
15:03:47 **15** don't have a place to go to recreate, they will create  
15:03:50 **16** their own space for recreation. At the tour yesterday  
15:03:56 **17** we saw what Needles has done, what a fantastic job of  
15:04:01 **18** a nice, little dispersed campground. That's the kind  
15:04:04 **19** of thing that a lot of people are looking at now.  
15:04:04 **20** They want the back country experience. They want to  
15:04:08 **21** get out there and tool around. Small dispersed camp  
15:04:12 **22** sites like that, terrific opportunities and  
15:04:15 **23** destination for people. We need more of them. And I  
15:04:19 **24** applaud Needles for getting that going, and I would  
15:04:20 **25** like to see more of them happen.

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15:04:22 **1** Finally, when we look at the issue of  
15:04:28 **2** funding for the agency, we know that the agency is  
15:04:31 **3** being hammered at the budget cycle every year. And  
15:04:37 **4** always funding becomes an issue. But when you go down  
15:04:40 **5** through the mandates that the agency is supposed to  
15:04:44 **6** do, they are supposed to do wildlife studies; they are  
15:04:47 **7** supposed to do wildlife monitoring; archaeological  
15:04:51 **8** studies and others. These are studies they have to  
15:04:55 **9** do. They were required by Congress to do.  
15:04:57 **10** And yet continually we find that when a  
15:05:01 **11** recreation group comes in for a special recreation  
15:05:05 **12** permit, that permit is being held hostage because the  
15:05:10 **13** required study was not done.  
15:05:13 **14** And case in point, recently has been  
15:05:16 **15** archaeological studies in the Yuha Desert in Imperial  
15:05:21 **16** County out of the El Centro field office. Recreation  
15:05:24 **17** is being asked to fund archaeological studies in that  
15:05:28 **18** area. These are studies that the agency is required  
15:05:31 **19** to do by Congress. They should not be put back onto  
15:05:35 **20** the recreation community in order to fund those  
15:05:38 **21** studies in order to have and host a recreation event  
15:05:42 **22** in an OHV open area.  
15:05:44 **23** So somewhere in this, we have got to come  
15:05:47 **24** up with a better look at cumulative impacts. This is  
15:05:51 **25** what the real impacts are. And as we go forward with

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15:07:38 **1** CHAIRMAN PRESCH: Do I hear a motion for  
15:07:40 **2** adjournment?  
15:07:42 **3** MEMBER BETTERLEY: So moved.  
15:07:45 **4** MEMBER MABEN: Second.  
15:07:47 **5** CHAIRMAN PRESCH: All in favor?  
15:07:48 **6** (Unanimous aye.)  
**7** (The proceedings were concluded at 3:07 p.m.)  
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15:05:54 **1** these energy development projects, especially in the  
15:05:57 **2** Truckhaven area and in the Superstition area for the  
15:06:00 **3** geothermal projects down there and for the solar  
15:06:04 **4** projects up in the rest of the desert, we are going to  
15:06:08 **5** have a lot of issues to look forward to. From  
15:06:13 **6** Cal-Four Wheel's position, we would like to work with  
15:06:15 **7** the agency and make recommendations and do what we can  
15:06:20 **8** to keep them open for the public.  
15:06:23 **9** DIRECTOR BORCHARD: Quickly, I need to  
15:06:25 **10** inform DAC members when a statement is made that's  
15:06:29 **11** inaccurate. And the statement was just made that  
15:06:33 **12** Congress directs BLM to conduct studies. For the  
15:06:38 **13** types of events John is talking about, special  
15:06:41 **14** recreation permitted events, congress does not direct  
15:06:45 **15** the BLM to conduct studies to support activities that  
15:06:54 **16** would occur under a special recreation permit. They  
15:06:58 **17** do not.  
15:07:01 **18** MR. STEWART: Archaeological studies  
15:07:03 **19** must be done, whether that event is held or not.  
15:07:07 **20** DIRECTOR BORCHARD: Show me the  
15:07:09 **21** direction.  
15:07:12 **22** MR. STEWART: Out of the Heritage --  
15:07:18 **23** National Historic Preservation Act.  
15:07:21 **24** DIRECTOR BORCHARD: You are not  
15:07:25 **25** interpreting the act correctly. That's it.

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1 R E P O R T E R ' S C E R T I F I C A T E  
2  
3 I, Judith W. Gillespie, a certified  
4 shorthand reporter, do hereby certify that the  
5 foregoing pages comprise a full, true and correct  
6 transcription of the proceedings had and the testimony  
7 taken at the hearing in the hereinbefore-entitled  
8 matter of September 29, 2007.  
9 Dated this 15th day of October, 2007, at  
10 Riverside, California.  
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JUDITH W. GILLESPIE, CSR No. 3710

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