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California Desert District Advisory Council

Reporter's Transcript of Proceedings
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BUREAU OF LAND MANAGEMENT CALIFORNIA DESERT DISTRICT
ADVISORY COUNCIL AT 901 NORTH CHINA LAKE BOULEVARD,
RIDGECREST, CALIFORNIA, COMMENCING AT 8:10 A.M. ON
SATURDAY, JUNE 8, 2013, BEFORE DIANE CARVER MANN,
CSR NO. 6008.

APPEARANCES

MEMBERS PRESENT: REPRESENTING:
RANDY BANIS, CHAIRPERSON PUBLIC AT LARGE
APRIL SALL, VICE CHAIR PUBLIC AT LARGE
DON HOUSTON NONRENEWABLE RESOURCES
PAUL R. O'BOYLE TRANSPORTATION/RIGHTS-OF-WAY
AL MUTH WILDLIFE
KIM CAMPBELL ERB RECREATION
RONALD V. JOHNSTON PUBLIC-AT-LARGE/CDD
DINAH O. SHUMWAY NONRENEWABLE RESOURCES
ZACHARY SCRIVNER ELECTED OFFICIAL
RICHARD RUDNICK RENEWABLE RESOURCES
JESSICA M. REILLY RENEWABLE ENERGY INDUSTRY
SETH SHTEIR ENVIRONMENTAL PROTECTION

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APPEARANCES CONTINUED

BLM STAFF PRESENT:

TERI RAML, DISTRICT MANAGER (CDD)

STEPHEN RAZO, EXTERNAL AFFAIRS DIRECTOR

DAVID BRIERY, EXTERNAL AFFAIRS STAFF

TOM ZALE, ASSOCIATE FIELD MANAGER, EL CENTRO

CARL SYMONS, FIELD MANAGER, RIDGECREST

KATRINA SYMONS, FIELD MANAGER, BARSTOW

RUSTY LEE, FIELD MANAGER, NEEDLES

CHERYL NABAHE, LAND MINERAL RECREATION SUPERVISOR, PALM SPRINGS SOUTH COAST

ROBERT PAWLEK, BRANCH CHIEF OF RESOURCES, RIDGECREST
AGENDA ITEM:

FOCUS TOPIC - WEMO

WELCOME/PLEDGE, INTRODUCTIONS, APPROVAL OF FEBRUARY 2013 MEETING TRANSCRIPT, REVIEW OF AGENDA AND PROCEDURES FOR PUBLIC COMMENT

STATE DIRECTOR/CDD DISTRICT MANAGER REPORT

ADVISORY COUNCIL MEMBER REPORTS AND CHAIR CLOSEOUTS FROM PREVIOUS MEETING(S), DRECP/JOHNSON VALLEY

PUBLIC COMMENT ON ITEMS NOT ON AGENDA, INCLUDING REQUESTS FOR DAC TO CONSIDER ITEMS FOR FUTURE AGENDAS

FOCUS TOPIC BRIEFING: WEMO SUBGROUP REPORT

MORNING BREAK

DAC DISCUSSION ON WEMO SUBGROUP REPORT

PUBLIC COMMENT ON WEMO SUBGROUP REPORT

LUNCH

EL CENTRO FIELD OFFICE ISDRA BUSINESS PLAN/RAMP UPDATE BRIEFING

DAC DISCUSSION OF ECFO UPDATE BRIEFINGS

AFTERNOON BREAK

PUBLIC QUESTIONS/COMMENTS ON ECFO UPDATE BRIEFINGS

REPORT FROM ISDRA SUBGROUP

REPORT FROM DUMONT DUNES SUBGROUP

REPORT FROM SRP SUBGROUP

PUBLIC QUESTIONS/COMMENTS ON SUBGROUP REPORTS
AGENDA ITEM: COUNCIL QUESTIONS/COMMENTS ON SO/DM/FO REPORTS 225
AGENDA ITEM: PUBLIC QUESTIONS/COMMENTS ON SO/DM/FO REPORTS 247
AGENDA ITEM: WRAP-UP AND SUMMARY, INCLUDING DISCUSSION OF THEME AND AGENDA TOPICS FOR NEXT MEETING 260
AGENDA ITEM: ADJOURNMENT 262
AGENDA ITEM: MOTIONS 263
CHAIRPERSON BANIS: Good morning, everybody. I call the meeting to order at 8:10 this morning. I'm going to pick on one of our new members, if I may. Seth, would you do us the privilege of leading us in the pledge of allegiance for today, please.

MEMBER SHTEIR: Sure.

CHAIRPERSON BANIS: Thank you. Would everyone rise, carefully, please, slowly.

(Pledge of Allegiance was recited.)

CHAIRPERSON BANIS: Well, thank you, everybody, for coming to the meeting, and thank you for waiting for us with this delay this morning, but we're ready to roll.

And first thing I'd like to do is to go around the table and have our DAC members introduce themselves. So I'd like to start today to my left and at the end of the table, Dinah.

MEMBER SHUMWAY: Dinah Shumway, nonrenewable
resources. I'm the principal geologist at TerraMins, Incorporated, and I've been on the DAC four and a half years.

CHAIRPERSON O'BOYLE: My name is Paul O'Boyle. I'm a land-use environmental attorney, and I represent the right-of-way.

MEMBER JOHNSTON: My name is Ron Johnston, and I represent the public at large. I've been on the DAC -- this will be my sixth year, so I will be terming out at the end of this year.

MEMBER HOUSTON: Good morning, everyone. My name is Don Houston. I represent nonrenewable resources, and this is my third meeting as a DAC member.

MEMBER RUDNICK: Hi. I'm Richard Rudnick, and I'm renewable resources, and this is my 12th year.

DIRECTOR RAML: Good morning. I'm Teri Raml. I'm the California Desert District Manager and the designated federal official for this meeting.

MEMBER SALL: Good morning. April Sall, public at large. I think I'm on three and a half years with the DAC.

MEMBER SHTEIR: Good morning. Seth Shteir, environment, and I'm a new DAC member.

MEMBER MUTH: Al Muth, representing wildlife that consists of about a year now. Seems longer.
CHAIRPERSON BANIS: The last.

MEMBER ERB: Kim Campbell Erb. I represent recreation. This is my second year on the DAC.

MEMBER REILLY: Good morning. I'm Jessica Reilly. I'm a grad student at the Energy and Resources Group at Berkeley, and I represent renewable energy.

CHAIRPERSON BANIS: Thank you. My name is Randy Banis, resident of Leona Valley, California. I represent the public at large, and today I'll be chairing the meeting.

And I'd like to move on to the next item, which is Review of our February, 2013 Meeting Transcripts. They've been out for a little over a month, and I hope everyone has had a chance to look at them. Reminder for some of our new members, the easiest way to view transcripts is to do a find for your name and just look for stuff you said and see if it looks good to you. There's no need to really read through the whole meeting from start to finish, unless you really like that kind of thing. So therefore I'm assuming everyone has had a chance to look at the transcripts.

Do we have a motion to approve the transcripts?

I have a correction from Don.

MEMBER HOUSTON: I've got one minor correction, and I have to admit it was my mistake, not the
recorder's. Page 137, substitute the word "policy" for the word "planning" in the phrase "Federal Land Policy and Management Act."

CHAIRPERSON BANIS: Very good. Others? Any other corrections or changes? Do we have a motion to approve with the correction?

MEMBER MUTH: So moved.

MEMBER RUDNICK: Second.

CHAIRPERSON BANIS: Motion to approve with the correction. Moved by Al, seconded by Richard. Any discussion? Those in favor, say "Aye." Opposed?

(Voice vote taken.)

CHAIRPERSON BANIS: Transcripts are approved.

I'd like to review the agenda. Take a moment, and take a look at the agenda that's in front of you. You've seen this. Is there anything we need to add or delete or change at this moment?

Hearing, seeing none, any objections to moving forward with the agenda today? Very good. This will be our agenda.

Procedures for public comment. We have numerous public comment periods today that are scheduled. I would ask those who would request to speak to the DAC obtain a speaker card from the front table from Dave, and they'll bring the card up to me. And we
have two kinds of comments. The first comment period
this morning will be for items not on the agenda. And
the remaining public comments will have to do with our
agenda items and our business today.

My only request is that I'd like to have
speaker cards turned in for the comment period before we
start the comment period so that way I can gauge how
many speakers we have and better allocate the time.
It's hard for me to allocate time to speakers during
these comment periods when cards keep trickling in. So
if you'd like to speak, please have that card in before
the start of that comment period.

Restrooms are outside in the hall. And I'd
like everybody to take a moment and switch their phone
to silent, or, heck, be brave; turn the whole thing
right off. Very good.

The next item on the agenda is the
State Director CDD Manager's Report, Teri Raml.

DIRECTOR RAML: Good morning. I'll make a
couple of comments. One is, thank you for tolerating
tight quarters. I know it feels tight and cramped and
uncomfortable, and that wasn't our intent, but here we
are. And I know we're hardy westerners, so I apologize
in advance. If it gets too warm, let us know. We're
going to try to keep it cool. If it gets too cold, your
neighbor is probably thankful.

So with that, the other thing is, I would also
like to thank those of you who came yesterday.
Yesterday's meeting and today's meeting is kind of the
sausage-making part of the advisory council process in
that we're learning lots about our operations. And then
today there's a -- I'm trying to slow down for our court
reporter. Today is a culmination of a lot of other work
that's been done between meetings, so it's not kind of
our normal fare, but I think it will be a productive
meeting.

I'll start by introducing the BLM staff and
managers in the room. I'll start with Steve and kind of
work this way.

MR. RAZO: Steve Razo, External Affairs
Director, Desert District.

MR. BRIERY: David Briery, External Affairs.

MR. ZALE: Tom Zale, Field Manager for
El Centro.

MS. NABAHE: Cheryl Nabahe, BLM Palm Springs
for John Kalish, Field Manager.

MS. SYMONS: Katrina Symons, Barstow Field
Manager.

MR. SYMONS: Carl Symons, Ridgecrest Field
Manager.
MR. LEE: Rusty Lee, Needles Field Manager.

MR. PAWELEK: Robert Pawelek, Branch Chief of Resources at Ridgecrest.

DIRECTOR RAML: Thanks to all of you. And, yes, when you heard Tom Zale introduce himself as field manager, I'm pleased to announce he has been selected as El Centro field manager. He's been a familiar face to all of us, and this is his permanent seat in that job. So congratulations, Tom, and welcome as the field manager.

I refer you to the field manager and State Director reports. They are thorough. I have very little of substance to add to the good work you'll see in those reports, so please take a look at them. And you can take an opportunity during breaks, during lunch and of course during the official time to talk with field managers about anything that interests you in those reports.

Also there's the State Director's Report in there, and you'll see that he addresses things such as sequestration and his work across the state. The work in Southern California will be kind of addressed today while we meet.

What we've been working and on and focused on in the Desert District is probably no surprise to all of
you. It has to do with what you're working on, which is the DRECP, the Desert Renewable Energy Conservation Plan. Stakeholders and those following the process know -- we call it the planning effort -- has kind of gone dark. The work is being done internally within the agencies, and I can tell you that the BLM resources staff are very much involved now in reviewing allocations, reviewing rule sets and kind of trying to make sure, ground-truthing all the planning being done by the interagency team, and that is a tremendous effort, and all of us look forward to that document. The draft is coming out, I'll say, in the fall.

The other part we're working very hard on at least two field offices and the district field office is WEMO, and I know we will spend quite a bit of time today as the DAC working on WEMO.

Switching on what's happening out on the ground, I know -- and Richard alluded to it yesterday -- we have every expectation that this is going to be quite a dramatic fire season, probably the earliest fire start in -- I don't know what the years will be history. But anyway, so the fire season started early. BLM lands, managed lands are ripe for burning, and we've had numerous small fires. And what tends to happen for us is, fires start on other lands, come across BLM, move on
to other lands. But we expect a very busy fire season, and we've spent quite a bit of time in the last couple of weeks getting prepared for fire season. Our fire crews are on board late, so we're also working very hard to make sure they're trained and ready to report the fires.

I know the State Director had some remarks about sequester. Kind of an unusual situation. You know, my other part of my life, personal life, someone came up to me and said something about, well, the sequester certainly isn't affecting all of us, because all we're hearing about is FFA and other things. But I can tell you that the sequester is affecting all federal agencies, including the BLM. And when the sequester actually hit, there was a lot of internal discussions on how the BLM would respond to what is a fairly -- we've been experiencing budget decreases over several years, and so this was just one more in a series of them.

And we determined not to furlough employees, and that sounds like -- that had to be a thoughtful decision to make sure we take care of our on-board employees first. So therefore we've had to really take a close look at other things because we want to make sure that we take care of the current BLM employees.

And so hiring is to a standstill. Awards are
not going to be given this fiscal year. Travel is greatly diminished. But meanwhile a lot of good work is getting done, and the employees that are employed are working hard and continuing to work closely with us to prioritize and work on the most important things and things that are being funded.

I guess that's kind of the -- I'm always surprised when people -- it's that people think it's not making any difference. It is. We're trying not to be obsessed with it, but we certainly are feeling the effects of the furlough.

Lastly I wanted to thank Richard for his hospitality last night. For those who were able to go to Onyx, it's always a treat, and thank you to Mark for providing welcome entertainment. That's the end of my report.

CHAIRPERSON BANIS: Thank you, Teri. The next item is Advisory Council Member Reports. I'm going to start this time on the right, and I'm going to start with our new member. Jess, you probably don't have much to report, but I'm going to start on the right because, if we end up on the left-hand side, we're going to have a longer discussion once we end up with Dinah. So anything you'd like to share with us.

MEMBER REILLY: I'm a brand-new member, and so
I don't have a whole lot to share but interested to hear what everybody else can provide. I pass.

MEMBER ERB: I don't really have much of a report. I did want to thank the El Centro Field Office for revising their Business Plan responsive to some of our comments at the last meeting. Thank you.

CHAIRPERSON BANIS: Could you hit the switch? Al?

MEMBER MUTH: Uncharacteristically quiet this morning. Nothing to report.

CHAIRPERSON BANIS: Saving it for later. Hi, Seth. Welcome back.

MEMBER SHTEIR: Good morning. I'd like to thank you for convening us. I have one request for a future agenda item, if this time is appropriate, and that's that we have a briefing on the Questar project. That's a pipeline.

CHAIRPERSON BANIS: Thank you. April.

MEMBER SALL: Good morning. Yes, I wanted to also extend my gratitude for our hospitality last night for the lovely barbecue and to Ed and Jawbone Station for the meeting yesterday and also to the BLM and the staff, who provided us with some updates that the DAC has been requesting. The renewable energy maps were very helpful, and I understand we'll have some
geothermal reps today to be able to answer questions 
from previous meetings. And the updates were really 
helpful, so thank you, staff, for providing those. And 
I think I'll save my other comments for later.

CHAIRPERSON BANIS: Richard?

MEMBER RUDNICK: Well, after the barbecue my 
mind went blank, so I have nothing to report.

CHAIRPERSON BANIS: Quite all right. Thank 
you. Hi, Don.

MEMBER HOUSTON: Hi, Mr. Chairman. I have 
nothing to report.

CHAIRPERSON BANIS: Very good. Ron?

MEMBER HOUSTON: And Mr. Chairman, I have 
nothing new and exciting to report either, so far.

CHAIRPERSON BANIS: Quite all right. Paul?

CHAIRPERSON O'BOYLE: I'll pass as well.

CHAIRPERSON BANIS: Before I move to Dinah, I'm 
going to actually going to let Dinah close the show. 
You can tag team off of me. I'm going to set you up 
with your discussion.

MEMBER SHUMWAY: Set me up?

CHAIRPERSON BANIS: Yes. I'm going to jump in 
and deliver a report of the chair, and the last item I 
touched on, Dinah will take it from there and present 
her report.
The first thing I'd like to do is, I'd like to thank the Ridgecrest Field Office for hosting our meeting. Carl, your first staff meeting. Very good. I appreciate everything you did to set this up and find us a place and a time. And the best part is for me is, Ridgecrest Field Office is sort of my home area, and I'd like to welcome all my friends and colleagues here in the audience from the public and welcome you here today. It's really nice to see you all. You're one of the more active and involved communities in the Desert District, and I always love bringing the DAC meetings back to Ridgecrest whenever we can.

I'd like to thank the BLM, too, on a personal note. A couple of weeks ago while California City and Ridgecrest and most of the desert was engulfed in smoke, my neighboring communities of Lake Hughes and Lake Elizabeth were under assault from the Powerhouse fire. I live in the canyon just one to the east, and fortunately wind was in our favor, meaning it was blowing away from us.

Nonetheless, in order for all the firefighters and emergency support vehicles to access the fire scene and offer their services to those who desperately needed it during that troubling time, all of the vehicles had to pass through my little main street,
four-way-stop-sign town of Leona Valley. My wife and I
took dinner at the Mexican restaurant De Casa on the
porch, on the patio. And watching all the vehicles come
through coming from the Palmdale direction were
emergency vehicles of all colors, of all sizes and
natures, with all kinds of names on the side from
forests and places I've never heard of.

But when the BLM trucks rolled through the
valley to head in there too, I felt a personal sense of
pride in working with the BLM to see that they're part
of that team too. And, sure, the BLM anchorage in my
area is minimal. Nonetheless, they joined the team, and
I appreciate all the efforts of the BLM and its
interagency work with the fire fighting all across the
desert. It came really close to home a couple of weeks
ago, so thanks to all the brave and hardworking
firefighters with the BLM and everything they do to keep
us safe.

At the last DAC meeting we discussed the issue
of the expansion of the 29 Palms Marine Training Center
into the Johnson Valley Off-Highway Vehicle Open Use
Area. This is an ongoing issue. The DAC has heard
presentations on it from as far back as March of 2011.
Over the course of the last couple of years those who
have followed it have found the issue has morphed.
Those proposing the expansion have had their ebbs and flows in terms of the support among the public and other agencies. But toward the end the DAC weighed in at our last meeting and passed a resolution requesting that the BLM encourage the Marine Corps to look at a modified alternative similar to their Alternative 4, which would have scaled back -- which would have affected the acquisition in two ways.

One, it would have required the Marines to -- they would get an expansion, a portion of the expansion would occur transferring a portion of the Johnson Valley area of BLM lands to the Marine Corps for their full-time, permanent use. But there was another middle area that was proposed for expansion, and it had been talked about as a dual-use zone with some live fire.

And the DAC suggested that the training operations redirect the flow of the exercises so that the live fire occurs on Marine Corps land and not on the current BLM-managed lands that were slated for joint use; and, two, that the Marines use that area as needed under permit from the BLM just as the military has successfully launched other projects in the desert under BLM permit, such as project Scimitar and many of the DARPA autonomous vehicle tests.

So the DAC passed that resolution. We were
about the last people to weigh in before all the comment
was closed and the Marines released their final report.

Unfortunately, although our sentiment was not
accepted and expressed in the Marines final report, it
did join a chorus of considerable number of voices that
have been saying essentially the same. And so our voice
to this chorus helped drive in a small way a bill
introduced by Congressman Cook, the HR1676, and this
bill goes somewhat along the lines of the resolution
that we passed, certainly not to take credit for it but
just to help you in understanding it.

This bill would allow for some expansion of the
permanent Marine base. It would also allow for some use
under permit. But that which remains would become the
first national off-highway vehicle recreation area in
the State of California and maybe in the country.

As you know or may not know, off-highway
recreational vehicle areas are designated based on a
management plan determination. It's a plan level. It's
a signature of a manager. And those off-highway vehicle
enthusiasts are fortunate to have those large areas that
are managed for OHV use, but there's no permanent
protections on any of those OHV recreation areas. This
bill would provide that first permanent protected OHV
area. So I'm just bringing that to the DAC's attention
that our voice has joined the chorus and there's legislation moving forward reflecting our sentiment and the broader sentiment of much of the OHV community going forward.

Last thing on this, it's always important to have the support of key players in Washington, and one of those is the chairman of the House Defense Committee, and that's Congressman McKeon. Congressman McKeon supports the Cook Bill, so that's a very important aspect to this bill. And we'll continue to keep you posted on the progress there.

I did something a little out of order, as I do want to throw the Johnson Valley issue to Dinah. But I did have one other item, I'm afraid, on my report, because I'm not sure -- no. That's good. That's going to be a DRECP issue. Thank you. With that I'm going to conclude my report, and I'm going to turn the floor to Dinah for her report, and she may have more to add. Thanks for bearing with me.

Dinah.

MEMBER SHUMWAY: Thank you for setting me up, Randy.

CHAIRPERSON BANIS: Enjoy it.

MEMBER SHUMWAY: The comments I'm going to make came from a recent paper we published in the Desert
Symposium this last April. But in the interest of full disclosure --

MEMBER MUTH: You may need to use the mic.

MEMBER SHUMWAY: Oh, I need the mic. In the interest of full disclosure, my husband worked for 20-something -- I don't know how many years -- for Mitsubishi Cement, and my partner, Paul Morton, did a lot of work on iron before we partnered up together.

Do you want me to tell you anything else?

DIRECTOR RAML: No.

MEMBER SHUMWAY: Okay. For those of you who don't know me and for those new DAC members who may not be aware of the importance of mining, I know a lot of people, when they say mining, their eyes cross, and they think, oh, my God, degradation, raping the earth. But think about this. Everything you see in this room, everything in your house, everything out on the street comes from minerals. There are no exceptions to that rule. We need minerals, and communities need access to resources not only for now but for the future.

So my business is thinking about where these resources are going to come from in the future, and my clients are the people who develop the minerals not only now but for the future.

So I'm going to make this kind of brief, but we
need iron because we use it not only for making steel but cement. There's a lot of people looking for iron right now, especially the Chinese, because their steel industry is expanding, since our Kaiser Steel plant closed, Eagle Mountain closed, and we do not have any major iron mines that serve the steel business in the American U.S. However we do have lots of cement plants. And to make cement, you need five-percent iron by weight. So if you have 20 million tons of cement, you need at least five percent, a million tons annually to make cement. There are only two iron mines in California right now. One is the Baxter, which is near Cave Mountain on the 15, and the other is at Silver Lakes, which is cherry-stemmed into the Ft. Irwin Army base that's going to be closing in less than ten years. The economy, the slow economy has really guaranteed that that mine will close with some resources left. But by agreement with the Army base, that's what's going to happen. That means there's one privately owned, won't-play-with-others cement resource left for the mining industry. Okay. So iron content comes from two minerals, magnetite and hematite. One is 72-percent iron, and one is 69-percent iron, so every ton of cement requires three to five percent, which in most iron that the
cement plants use, it's about 50-percent iron. And that can be upgraded by using magnetics and things like that. Next slide.

So here's what we're talking about. For those of you in the back, I'm sure you can't see it. But if you know Bessemer Mine Road, the Emerson Fault break, it's in that area along the Camp Rock Fault. Next slide. I told you this would be fast.

Okay. So there's known iron deposits in the Camp Rock area, and how do we know that? Well, early on the U.S. Bureau of Mines -- does anybody remember the U.S. Bureau of Mines? -- the U.S. Bureau of Mines ran an extensive study in the 1940s on iron. U.S. Steel and Kaiser Steel also ran extensive surveys. They were looking for iron for steel for the war effort. It eventually culminated in the establishment of the Kaiser Steel plant in Fontana. Everybody know why that's where it is? It's because it's beyond the range of the Japanese guns. They wanted to put it in Long Beach originally.

So the result of that was that it generated -- people can look at this during our break. But these are huge magnetic anomalies identifying iron resources in the Camp Rock Valley. So in the mid 1990s my future partner, Paul Morton, was asked by Mitsubishi Cement to
look for alternative iron resources because of knowing that there was only really one source of iron for their plant. And at the time the cement industry in California was booming. We were making 20-plus million tons of cement and importing from China, from Spain, from Indonesia just to fill the consumption of California's growth at that time.

Since 2006, of course, the situation has changed. But Paul accumulated a vast amount of data of iron resources in the western U.S., and I pride myself that my company probably has the largest database and document base of iron resources in the western U.S. at this time.

So when I read Cook's bill and realized it said closed to mineral entry, this raises a lot of red flags for me because, does anybody know where the next closest iron resource for California would be? Anybody have an idea?

UNIDENTIFIED SPEAKER: Minnesota.

UNIDENTIFIED SPEAKER: China.

UNIDENTIFIED SPEAKER: Johnson Valley.

MEMBER SHUMWAY: Cedar City, Utah. There's lots of interest in Cedar City right now, trust me. We actually had a job there. So that's the next resource. Now, if you are an environmentalist and you want your
town to build the next -- I don't know -- town hall, road, whatever and you need concrete and that plant that you're going to get the cement from needs iron and they're going to have to mine it in Utah and truck it all the way to California at huge expense. Iron is an industrial mineral, so that means bulkwise it's cheap, but the transportation overtakes it after about 50 miles for iron, because it's a little higher priced than aggregate, but still. So that's the next source. So next slide, please, Steve.

Oh, I'm sorry. Stay there. Okay. So all of these deposits are along here. And I'm going to give you some numbers before you can see the map on the screen. So total Camp Rock Valley, there's about 330 million tons. That's a huge resource. The only one that's currently permitted are the Morris Lode, which is very nice because it's pretty much near the surface. We estimate ten million tons. And the New Bessemer is currently being developed, I think, by the Chinese, but I don't really know.

The Mann deposit is the largest. It's at this end. The shallower ones are at the southeast part. The deeper ones are here. These two, the Mann deposit and the Fry, are huge, but they're deep. These are replacement deposits, which means they are limestone and
dolomite that have been intruded by igneous rocks. Those fluids have formed these iron deposits. They're like pods. So we know about how big they are because of the anomaly. Mitsubishi Cement drilled every one of these during the 1990s, and so we have a pretty good estimate of how much resource is there. Next slide.

Now you can do the next slide.

Okay. So here's a map. Can everybody see this? The Camp Rock Fault isn't really that wiggly, but in nature nothing is straight anyway, but that's the best I can do on the screen. We've get the Emerson Fault. You can barely see the Bessemer Mine Road. Those of you who recognize the terrain can recognize Galway Lake, the Morris Lode, Bessemer Mine. That's the old property that Kaiser originally developed until Eagle Mountain came online, and then there's the Camp Rock Fault.

So these deposits are oriented along that linear feature, the Camp Rock Fault, which has something to do with the control of where they are, because some of these are split. And you can look at this top map that shows some of them have actually been probably controlled by the fault and also split by the fault. Next slide, please, Steve.

So all the iron in Johnson Valley is around 45
to 50 percent, which is the industry standard. It can still be upgraded with magnetics. It would have to be selective mining, maybe for the deeper ones underground mining. The Morris Lode has the most potential because it's close to the surface. It still has about ten million tons. It's privately owned.

Currently only two deposits in Southern California are active, and Silver Lakes will be closing within ten years. The next closest iron resource is Cedar City, Utah. I think that might be the last slide.

This is my conclusion. I have to read this so I don't forget. The Camp Rock iron deposits are in urgent need of examination and consideration for special resource zoning by the County of San Bernardino and the Bureau of Land Management. Such zoning might protect this resource from encroachment by the proposed expansion of 29 Palms Marine Base. The exact boundary of the expansion is not known at this time. However, if the expansion continues as expected, it is entirely likely that the resources of the Camp Rock area will be completely inaccessible to development. Moreover, if Representative Cook's bill passes as it is today, closing the Johnson Valley to mineral entry, these iron resources will be lost.

Morton's study identified the valley along the
Camp Rock as the most significant of the areas to conduct further iron resource investigations. It is the opinion of the investigator -- that would be me -- that the deposits of the Camp Rock area are in need of consideration for special resource zoning status.

Such zoning really would not preclude using the area for OHV recreation during exploration activities or even later if mining commences. Mining is an interim land use, and mining sites can be reclaimed to incorporate recreational activities.

I'm done, unless there's questions. Yes.

MEMBER SHTEIR: Question. How does the reopening of the Iron Age Mine fit into all this?

MEMBER SHUMWAY: The Iron Age Mine is a very old property that's in the Coxcomb Mountains, and it is east of the Dale District. How else can I explain it? Off of Highway 68?

MR. BUDLONG: The north end of Joshua Tree National Park.

MEMBER SHUMWAY: The way north end. It was more or less high graded. Have you been there? The road is all washed out now. It was more or less high graded, and there's still a lot of overburden. To reopen that mine would be an incredible expense on the part of the developer. I've looked at that mine twice
now for clients. We don't recommend that you try to
open it. It's still a resource, and it's patented
claims, so I would recommend we still keep that
available. But as far as developing it, it would still
be at considerable expense because of the required
mining.

It would have to be really selectively mined,
and there's a lot of overburden, because mining methods
are much better now, and it's just the way that the
deposit is geometrically. Okay? So it's still a
resource.

MEMBER SHTEIR: Thank you.

MEMBER SHUMWAY: But the access to that place,
I mean, it would be an incredible capital investment
just to redo the road, if you've been in there.

MEMBER SHTEIR: Yes. Thank you very much.

MEMBER HOUSTON: Dinah, when you characterize
one of these mines as privately owned, what do you mean
by that? Is the underlying land privately owned?

MEMBER SHUMWAY: Yes. They're patented claims,
so they're private land, and the lead agency would be
the County.

MEMBER HOUSTON: So the Cook Bill affects
privately owned lands as well as BLM land?

MEMBER SHUMWAY: No, it won't. But they would
have to cherry-stem the Morris Lode. The other ones are not patented. The only one that's patented is the New Bessemer and the Morris Lode, which are here (pointing). All of these, which are the really big deposits, but they're deep, are on BLM land.

MEMBER HOUSTON: So the privately owned mines aren't subject to the base expansion?

MEMBER SHUMWAY: No. But the problem is, the BLM will only give like a one-year right-of-way until all of this is settled. So if you only have a one-year right-of-way for the road, it's nearly impossible to do anything of substance. I mean, to expend capital to develop a property, you need to at least know that you have access to develop it, because it takes more than a year to get things up to speed. Does that answer your question?

MEMBER HOUSTON: Yes. Thank you.

MEMBER SHUMWAY: Any other questions or comments?

MEMBER O'BOYLE: I had a question.

MEMBER SHUMWAY: Sure.

MEMBER O'BOYLE: My understanding of the Cook Bill was to basically open up the Johnson Valley for OHV. And I understand your concern was that it would preclude --
MEMBER SHUMWAY: He specifically says closed to mineral.

MEMBER O'BOYLE: Preclude minerals. So my question for you is, what are you proposing, and how would that impact the OHV? I mean, I'm just throwing something out there. Are you proposing having it for mining for next 30 years then converting it to OHV, or would it be at the same time? Can they co-exist?

MEMBER SHUMWAY: No. From what we know, they're deep, they're big. We have one or two drill holes for each of these deposits, so that's all we have. Nobody in their right mind would start developing something on such little data. However what we're proposing is that the area be considered at the least as a reserve, encouraging further development of data, so exploration, just that it doesn't close it to mineral entry in the future.

That doesn't mean -- in this economy in real terms, if you're practical, you're not going to recommend that anybody go in right now and start drilling with the idea they're going to develop that mine and sell products in five to ten years. That's about how long it takes to get something permitted in California, seven to ten years. It's closer to ten now because of the economy. However I don't think it's
logical for a community to automatically close to mineral entry forever resources that could be really important in the future simply because of their size and limited access, limited supplies right now. Yes?

MEMBER MUTH: Question. I believe you said that the ore, if it was not up to whatever some trigger was, could be augmented with magnetics?

MEMBER SHUMWAY: Yes.

MEMBER MUTH: What does that mean?

MEMBER SHUMWAY: Generally they'll upgrade it a little bit, crush it up then they take all the non-magnetic stuff out. It's really just a dilution kind of thing. I'm not an ore chemist. But 50 percent is what the industry -- is kind of the minimum of what the industry works with. However the cement industry being such as it is, is an incredible opportunity to recycle materials because they can use lesser grades as long as it has other stuff.

For example, they use slag from Arizona that goes to the shipyards that's used to blow paint off the ships. You have to recover it. You can't let it go into the harbor. And then California brings it in, and they use it for their iron and silica source. So that's triple recycling. That's really low-grade iron, but it's just enough so they combine it with other things.
MEMBER MUTH: Final question. What do you want from us? What would you like the DAC to do?

MEMBER SHUMWAY: I would request that the DAC amend their resolution in support of Cook's bill to support an establishment of a mineral reserve, a mineral resource reserve for that area of the Camp Rock to ensure that it does not be taken permanently out of the mineral entry. That would be my suggestion. I don't know if there's precedent anywhere. There should be, but, there isn't.

MEMBER REILLY: You had mentioned that the Silver Lakes was being closed because of economic hardship?

MEMBER SHUMWAY: No. It's been closed because the military is requiring it. They had an agreement they would be allowed to mine for another ten years or something like that.

MEMBER REILLY: So if economic hardship keeps coming up in the discussion, why is this a good investment for you to explore?

MEMBER SHUMWAY: You mean to preserve?

MEMBER REILLY: Yeah.

MEMBER SHUMWAY: Do you think the economy won't come back?

MEMBER REILLY: It was a question. Why do you
think this is a good move to explore?

MEMBER SHUMWAY: I think in the future communities need -- let me back up.

Mining is a depletion business. Everybody who knows me has heard me say that. We mine stuff to make things. So with iron, we usually make steel out of it, or we make cement. Those are the two major uses of iron. When something is mined, it means you're taking it out, you're using it, and so there's nothing left, so it's depletion.

So it's logical for communities -- and of course companies do this all the time. When they're mining the one deposit, they're always looking for the next deposit, so you always have to keep something in the pipe. With our long permitting timelines, a smart company, even in bad times, continues to identify, to look for and get in the permitting train so that, when this deposit is depleted or when the quality depletes for some reason or when one of their market requires something else, they can jump on the other deposit they've already got in the pipeline.

Since we do not mine without community consent, this requires collaboration with communities and lead agencies, because you can't just find the deposit and say, "I'm going to mine this one." That's not the way
it happens, so you have to constantly be identifying future resources.

So from our perspective, if the economy comes back, that means cement production will also come back because the economy, what it has done, which is kind of an advantage to the mineral extraction industry, is that it's lengthened the timeframe for most of the life of a lot of these properties, because at 20 million tons -- and we're still importing cement. We haven't imported cement in California since probably 2009. So that means that deposits that are already there being mined actually have a longer life. That's the upside.

And the same thing is with Silver Lakes, but the Silver Lakes, even though those resources will have a longer timeline because we haven't been using as much, they have an agreement with the military. So it's still going close, no matter what, so that means the only source is the Baxter, which is owned by CalPortland, and it's a huge market advantage. They're not going to sell it to anybody else. Why would they? If I owned it, I wouldn't sell to anybody else.

So anyway, did that answer your question?

MEMBER REILLY: Yeah. Thank you.

MEMBER O'BOYLE: My question to you is, it would seem to me, if you're wanting to preserve the
minerals for future exploration in the future --

MEMBER SHUMWAY: Right, if possible possible.

MEMBER O'BOYLE: Yeah, if Possible. And I get

that. You're going to have to set that land aside in

perpetuity, for lack of a better term, and you're going
to take it away from OHV use.

MEMBER SHUMWAY: No.

MEMBER O'BOYLE: So you think you can use it

for --

MEMBER SHUMWAY: No, no. This works -- until

anything happens or until somebody comes in -- let's say

that in five years the economy changes. If you're

optimistic, the economy is going to change. Somebody

comes in and says, hey, let's do some further

exploration on this. This is highly recommended. So

they come in, and they bring a couple of drilling rigs,

and they drill, and they get their data and everything.
The only thing that would be closed to off-road at that
time would be the area right around the drill rigs.

So it's just like if you're mining a claim on

Public Lands. If you are actually working it, you are
going to protect that land, and it's illegal for someone
to come in and sabotage your equipment.

MEMBER O'BOYLE: I understand what you're

saying. Right now it's just for testing and everything
else, but it's open to riding, so people are going to be riding over there.

MEMBER SHUMWAY: Oh, yes.

MEMBER O'BOYLE: Sometime in the future when the economy turns around and you do want to start mining that, you're going to have to put that land off limits to the free riding.

MEMBER SHUMWAY: Oh, yes, but it would only be that property. It wouldn't be the whole area.

MEMBER O'BOYLE: And I get that.

MEMBER SHUMWAY: Right.

MEMBER O'BOYLE: I'm just saying in general human nature is that, once you have something, you feel like you own it. So if you give people the right to ride there now, whether it be five years, ten years or if it's longer, probably even worse, people are going to be going riding out there, and now you want to mine it. I mean, I almost think you almost have to set it aside now on limited open-ride area so that people don't feel entitled to it.

MEMBER SHUMWAY: You know, I agree with you that there are a lot of people like that. However I am also optimistic enough to think that education does work. One of the things that Utah does in their northern section is, as you're driving along the Utah
highways, there's signs that are for your information, "Dinosaurs walked here," in so many million years, "Oil comes from these rocks." I mean, that's the kinds of thing along the BLM you could have -- if we decided to propose something like that, I could imagine that somewhere along the road, there would be a BLM kiosk informational thing that says, "Potential huge iron resources underground," or something like that.

Good players in the desert and the OHV community, I think, can support me in this too. They know what the rules are. I think that if everybody knows that in the future there could be some iron mines here, I don't think that would preclude making it a reserve. I'm against sitting it aside. It's public land. It's unpatented.

It's like having a claim. If I have a claim, I have the exclusive right to conduct exploration activities on that claim, but that doesn't mean you can't go on it, camp on it, even collect some rocks on it. You just can't conduct exploration activities on that land, but you still own it.

MEMBER O'BOYLE: You can still use it.

MEMBER SHUMWAY: Yes, you can still use it.

CHAIRPERSON BANIS: Any other questions from the DAC? To clarify just something, Paul, and for
others --

MEMBER O'BOYLE: Yes.

CHAIRPERSON BANIS: -- the area is already being used by OHV.

MEMBER SHUMWAY: Right.

CHAIRPERSON BANIS: So those areas are already being driven on and have been driven on for many, many, many, many years. And as it stands right now, those same areas are open to filing of a claim. So if the Cook Bill didn't exist or it goes nowhere, a mining operation can go in and file a claim right on that spot as it is today. What Dinah is suggesting is that they be continued to allow to have that claim there, even under a National Recreation Area and so on and so forth.

Before I go on, I did want to put in -- Rusty had a hand. Did you want to add something in there too, please.

MR. LEE: Yes. Just some factual information for Don's question. The Marine Corps has assessed the value of private inholdings within their proposed base boundary. So if there are patented claims in there, they do not intend to keep those in private hands. I just wanted to make sure that was clear.

MEMBER SHUMWAY: No, or force a buyout.

MR. LEE: It would be considered separate.
They'd have to get an appropriation to do that. But I spent time with them assessing where they had patented lands, the majority which were mining related and trying to give them a feel for the cost of that. They needed those cost estimates for their evaluation.

MEMBER SHUMWAY: Thanks, Rusty.

CHAIRPERSON BANIS: And Gerry, I'm going to bring you up first on the public comment next. Then maybe you can tie in on that. It's the very next thing. I just want to wrap up here and see, is there a sentiment on this or a comment? Yes.

MEMBER SALL: I guess one of the questions I have in looking at this with the timing is that, because the DAC didn't specifically -- since there was no Cook Bill, "A," when we made our recommendation, but "B," since we didn't make a specific recommendation about the Cook Bill, I'm wondering if it would be appropriate to have an agenda item about the mineral resources for our next meeting, the working landscape, and table this decision until we can get more information and our new DAC members can get up to speed on this a little bit. Just something to consider.

CHAIRPERSON BANIS: I think you see the interest here. I think people have taken the bite, and they want to know more. Just we might want to move the
rest of the discussion to the next meeting. The topic
is the working landscape, and, boy, this fits well.

    MEMBER SALL: Really great presentation,

though.

    MEMBER SHUMWAY: Thanks.

    CHAIRPERSON BANIS: Would that be all right?

    MEMBER SHUMWAY: Yeah, I think that would work
because it fits better in working landscapes, but we
wanted to get on this because Cook's office -- somebody
saw our presentation at the symposium, and they were
working on this, and they called us, and I expressed my
concerns.

Similarly the people from the cement mining
industry, of course, have been contacting Cook also, and
I think Robert Lovingood with the County and Ramos are
pretty much on board with the industry on this
particular issue. So I don't know how fast this bill
will be through Congress. I think we probably have
until then, but he already knows that there are some
concerns about this, and there's other -- citizens'
group, the right word, like the Lucerne Valley people
are pretty much on board with it as well. They're
concerned because mining is a big part of that
community.

    MEMBER SALL: Great. Thank you.
MEMBER SHUMWAY: Thanks.

CHAIRPERSON BANIS: Very good. Thank you, Dinah. Thank you very much. Before I do move into the next item, I saw there was one -- there's always one more thing for my report, but this is important, please.

In September of 2011 the Desert Advisory Council urged the BLM to seek National Recreation Trail status for one or more trails in the California Desert. National Recreational Trail Program is administered by the National Parks Service, and each year annually land managers and citizens nominate trails with special recreational qualities for inclusion into this National Recreation Trails Program. The California Desert District did not have any designated National Recreation Trails in September of 2011, and despite the heavy workload of renewable energy and WEMO and the like, Teri was gracious enough find a way to work this request of the DAC into the flow of things.

And I worked with the BLM closely through 2011, and when all was said and done, as I reported to the DAC, that we selected one trail, the Nadeau Trail in Panamint Valley here in the Ridgecrest Field Office, as a candidate for a National Recreation Trail status. We submitted the application.

We're fortunate to have received a tremendous
number of letters of support. We received support from
city council members of Ridgecrest, from many people
here in this audience, the Ridgecrest Roundtable. We
had support from Historic Cabin Stewards, from various
friends-of groups, support from the resort in the Death
Valley area. We even had a letter of support from Death
Valley National Park itself for the National Recreation
Trail designation.

Last week the secretary announced the results
that she has designated, that Secretary Jewell has
designated 42 recreation trails, National Recreation
Trails across the country this year. And the Nadeau
Trail is one of them. So congratulations to the BLM and
to the DAC, the Ridgecrest Field Office and the citizens
who helped work on this project, that the California
Desert District has its first National Recreation Trail,
the Nadeau National Recreation Trail. So
congratulations to us. Thank you, everybody.

DIRECTOR RAML: I have to comment on this too.
This will be one of the model accomplishments of the DAC
for this particular trail. The reaction of the BLM when
this idea came up was, we have other priorities. We
don't have time for this. I'm serious. That was our
reaction. But through Randy's persistence, we did set
aside just really minimal staff time, and this ball was
totally carried by the DAC and the citizens. And it's not just the first National Recreation Trail for the Desert District; it was the only one designated in the bureau and BLM.

We have a few people that can take credit within the Bureau, but by and large this was a citizen-initiated, driven and accomplished initiative. So if you started to wonder once in a while, what can the DAC do? when Randy was talking at the meeting yesterday, you can set an agenda. That's kind of what he did with this trail. And we are very proud of that accomplishment.

CHAIRPERSON BANIS: Thanks kindly, Teri.

That's very nice. I appreciate that.

UNIDENTIFIED SPEAKER: You deserve a big hand.

(Appplause.)

CHAIRPERSON BANIS: Thank you, David. Thanks kindly, David.

MEMBER RUDNICK: Randy, is this a motorized trail?

CHAIRPERSON BANIS: Yes, it is. It is a motorized recreation trail 28 miles in length from approximately the foot of Slate Ranch Crossing north all the way almost all the way to Panamint Springs, virtually the entire length of southern Panamint Valley.
DIRECTOR RAML: The emblems are on their way. The other thing they told us after the announcement is that they put the emblems in our box and they are headed for our office to be put on signs.

MEMBER SHUMWAY: So when will those emblems be set in?

DIRECTOR RAML: That's Carl.

MEMBER SHUMWAY: It might be nice to have a nice little field trip event. Doesn't have to be expensive.

DIRECTOR RAML: A designation.

MEMBER SHUMWAY: Whoever can show up shows. So keep us informed, please.

CHAIRPERSON BANIS: The last closeout that we have before we move into public comment, which I've guaranteed Gerry that first slot so he can continue the discussion on Dinah's topic. But the last item is our discussion on DRECP.

Now, last meeting was a discussion focused on the Desert Renewable Energy Conservation Plan with a special emphasis on the role of the counties. We heard presentations from representatives of Kern County, representatives of San Bernardino County and representatives of Riverside County. And we learned a lot. We learned that the counties have very much in
common, and yet there are several points that set them aside. And today I'd like -- those of you who are here can recollect that conversation and our discussions on DRECP.

Is there anything that the DAC would like to offer along the lines of closing action or closing recommendations on that issue of DRECP? April and Seth? April first. Oh, and then Al.

MEMBER SALL: Thank you, Randy. Yes, I would like to propose a motion that, when the draft DRECP document is released, there are public meetings that are advertised and noticed within some of the desert cities in the DRECP. And we could either propose a list of cities or use BLM field offices. But that way members of the public are aware of the exact time of the draft release and when the comment period is and have an opportunity to engage in this really critical process.

CHAIRPERSON BANIS: I have a motion to request that the DRECP agencies conduct public meetings within the planning area in the desert cities. Do I have a second?

MEMBER REILLY: Second.

CHAIRPERSON BANIS: I have a second. Do we have discussion? Any comments? Anybody who would like to talk on this?
MEMBER HOUSTON: Yeah.

CHAIRPERSON BANIS: Don?

MEMBER HOUSTON: Who is the lead on this, April, the CEQA lead?

MEMBER SALL: There's three agencies that make up the DRECP planning team -- well, the REAT agencies. It's the BLM, the CEC, the Department of Fish and Wildlife for California and the U.S. Fish and Wildlife. So the CEC, and Department of Fish and Wildlife are the State. California Energy Commission. Sorry.

CHAIRPERSON BANIS: One of the things driving this, if I may, is that those who have followed the Desert Renewable Energy Conservation Plan planning process, it involved a long interaction with a stakeholder committee that held regular monthly meetings, and those monthly meetings were almost all in the urban area down in Ontario, reason being for those who were coming in and flying in, it was a quick and easy airport to get in and out of, and the hotel was right across the street, they didn't have to rent cars and so on and so forth.

But that didn't sit well for many of the residents of desert communities for which this plan would have a big impact on. And it wasn't until much along the line of this process that many of the
residents found out about this and started attending. And it was one of those processes where the first stakeholder meeting the audience was a ghost town, and by the time the stakeholder committee and a year and a half went by, you couldn't get a standing-room place in the meeting room. There was that much interest.

And during the scoping periods the citizens who attended the DRECP scoping did say, "We want meetings in our communities in the places that are affected by it." And that's what's driving this discussion, I think.

Forgive me if I'm putting words in your mouth. Feel free to take the mic and clarify. And if we have any other comments.

MEMBER SALL: No, thank you, Mr. Chairman. That's helpful. And I think just a little more perspective for those in the audience is probably the first almost six months or more of the DRECP planning process, the meetings were actually in Sacramento, and then they moved them to Ontario after a number of comments that a desert planning process should not occur several hundred miles away for public involvement. So there has been progress in getting more availability to the meetings.

But anyone who has attended the stakeholder meetings for the DRECP probably knows that it is not
necessarily a public forum in terms of a great opportunity to give public comment. As Randy indicated, they're stakeholder meetings. You have to have a seat at the table. Then public comment is at the very end of the meeting, around 4:00 or 5:00 p.m. before everyone departs. So we're trying to get an opportunity for residents and users of the desert to have some more direct voices besides their written comments and to have notice that they need to write written comments. Thank you.

CHAIRPERSON BANIS: Don?

MEMBER HOUSTON: Randy, I'm just thinking how this is going to work. So we're going to request the BLM to reach out to the Energy Commission and to service to establish these meeting locations? Is that what we're doing?

CHAIRPERSON BANIS: Yes. Very good. Friendly amendment accepted?

MEMBER SALL: Yes.

CHAIRPERSON BANIS: So to restate, we request the BLM work with the REAT agency to plan public meetings for the DRECP draft document in the planning area in the desert cities.

MEMBER REILLY: May I add another --

CHAIRPERSON BANIS: Please.
MEMBER REILLY: Sort of a way to implement this is that I notice the in the El Centro district there is a renewable energy project calendar that is distributed to the tribes. And I feel like a similar calendar would be very useful for all of the districts for all of the BLM to keep public informed as to date, location and deadlines that have to be met for both the DRECP and also for other development projects regardless of the nature of the project.

CHAIRPERSON BANIS: Don? No further discussion? We have a motion and a second. Need to restate? Everybody clear on the motion? Those in favor, raise your hand. Opposed? Abstentions?

(Vote taken.)

CHAIRPERSON BANIS: Motion carries. Thank you, April.

MEMBER SHUMWAY: Question, Randy.

CHAIRPERSON BANIS: Dinah.

MEMBER SHUMWAY: So this will be just like a letter or resolution or request to Teri essentially to set this up? Is it good enough now? Do we need to write a letter?

DIRECTOR RAML: No.

CHAIRPERSON BANIS: The transcript is our letter.
MEMBER SHUMWAY: Good.

DIRECTOR RAML: One thing I would ask the DAC to consider as the draft gets closer is -- and we've talked about this in the DAC meetings before -- how the DAC interacts with something that has a public process.

I'm wondering if maybe we could convene -- one of the things that you can be very helpful for is making sure that our documents, our news releases, make sense to people. And maybe we can employ your assistance in how these workshops can come in, because, you know, there are people that have been very invested in the process. They're called stakeholders. They know the lingo. I mean, you know, we don't even say what the DRECP is anymore.

So now we're going to come out to the desert, and we're going to hold meetings in places that may or may not be at all invested. And I would really like to have the DAC not necessarily -- I mean, you're going to weigh in anyway, hopefully, on what you think of the plan, but also to help us translate this planning process so it's in English for people new to it. And I think you could really help us on that. So when it gets closer, maybe we can convene and talk about how that might happen. We've got educators and people with a lot of knowledge that we can call on to help us.
CHAIRPERSON BANIS: Very good. Thank you. A last update on a DRECP-related item I'd like to share is a concern that's come up in the general Ridgecrest area.

MEMBER MUTH: Mr. Chairman?

CHAIRPERSON BANIS: Please. Oh, Seth. So I skipped Seth, and I skipped Al. Pretty good, huh? I'm sorry, Seth. The floor is yours.

MEMBER SHTEIR: Thank you, Mr. Chairman. The resolution I would like to make is regarding the Desert Renewable Energy Conservation Plan. And it relates to the importance of having the DRECP draft report contained in a comprehensive section on how the DRECP might impact communities in the desert, particularly in terms of regional tourism and socioeconomic impacts.

And the justification for that is pretty simple. In 2003 outdoor recreationists of the Mojave Desert spent 230 million in local communities, and a similar report in 2010 for Joshua Tree National Park indicated that visitors to Joshua Tree National Park, who came from all over the world, valued unobstructed views more than anything else, followed closely behind by wildlife.

And so these are the very things that can be impacted by inappropriately sighted renewable energy development. So many of the businesses that I know in
my communities in the Morongo Basin depend on regional
tourist economy and people coming from all over the
world to see Joshua Tree National Park. And I think it
behooves us to really examine how the DRECP might impact
communities in terms of regional tourism.

CHAIRPERSON BANIS: Seth, would you kindly
restate a motion.

MEMBER SHTEIR: Yeah. Motion to make a
recommendation to the Desert Renewable Energy
Conservation Plan and California Energy Commission to
include a comprehensive analysis of socioeconomic
impacts, particularly as they relate to regional tourism
in the draft DRECP report so that we can understand
better how it might impact our regional tourism economy.

CHAIRPERSON BANIS: Do I have a second?

MEMBER JOHNSTON: Second.

CHAIRPERSON BANIS: Seconded by Ron. Thank you
for your prelude. Was that Al who wanted to comment on
this? I still have you on my speakers' list, but you
have something different.

MEMBER MUTH: Discussion with the motion.

Isn't there an economic analysis that comes into this
under NEPA? I think NEPA has to be invoked at some
point along the line, or would that not be covered in
the economic analysis in NEPA?
CHAIRPERSON BANIS: The impacts on recreation are assessed in one of the appendices. Don?

MEMBER HOUSTON: Yeah. I don't question the need for that type of analysis, but I think that ship has sailed. Usually the extent of the analysis is that those kinds of comments occur during the scoping period. Now, when the draft comes out, then we can comment on the adequacy of the analysis on that specific subject. But in terms of adding it to the extent of the analysis or as a component of the analysis, really, that should occur during the scoping period and not at this place in the process.

CHAIRPERSON BANIS: Any further comments?

MEMBER JOHNSTON: Randy, yeah. And I understand where you're coming from on that, Don, but this has been a rather closed shop, where they have been holding meetings in Sacramento, and it's only now that it's being brought out to the public for public comment by the communities in which it's going to be impacted. And so this is really a disclosure document to the public that hasn't been heretofore widely circulated.

CHAIRPERSON BANIS: Well, the draft hasn't been released yet. We're waiting for that draft.

MEMBER SHUMWAY: Right.

CHAIRPERSON BANIS: And a recreation and
socioeconomic analysis is a component of that planning
document. You're right.

MEMBER SHUMWAY: May I?

CHAIRPERSON BANIS: Let's keep rolling and see
if we can roll this to a conclusion.

MEMBER SHUMWAY: I just want to ask a question
for those of you who follow this closely. Has there
been discussion at the meetings about the economic
impacts?

CHAIRPERSON BANIS: Absolutely.

MEMBER SHUMWAY: Okay. So we already know it's
going to be part of the final document?

CHAIRPERSON BANIS: There's -- how do I say
this? It's kind of an outline. There's already an
outline available through the draft discussion
documents, and you can see the section numbers and all
of the paragraphs and points that they're talking on,
and those are included in them. They're being fleshed
out more and more and more. Some sections of the
planning document are more fleshed out than others.

I don't want to nitpick about whether it's been
circulated or part of the public, but we don't have a
draft document to review yet. There isn't anything for
the public to comment on yet. I know that's strange,
because here we are commenting on a plan, but there is
no draft yet. It's really more of what the DRECP planners have done is to release discussion documents periodically through the process. Each one gets filled out a little more, a little more and a little more in an attempt to flush out the comments from the stakeholders and from the public. And each draft generally reflects some of those changes as it moves forward through this draft.

So this draft has been well-vetted through stakeholders. I won't say to the point of consensus or agreement or anything of that nature. They've had many -- the stakeholders have spent much time on it. The public yet really hasn't had their whack at it. So I guess my point is, I'm trying find a way to -- I'm trying to instead maybe negotiate your motion into a strengthening of the socioeconomic analysis, in particular, recreation, as opposed to merely including it, because it is included, be it strong, be it whatever other adjectives that might be appropriate to describe your sentiment.

MEMBER SHTEIR: Thank you, Mr. Chairman. And thanks for the comments on this. You know, I know that a certain aspect of this is included in the NEPA process and would like to acknowledge normally these things should come up during scoping, but again the public has
been -- not participated, and so these local communities
that have been business that depend on recreational
tourism have not been included in the scoping process
necessarily because a large part of those meetings were
held in Ontario.

So perhaps that would be a better wording, a
strengthening of the economic impacts, to look at the
economic impacts on, you know, communities that depend
on parks, wilderness and other protected lands.

CHAIRPERSON BANIS: Is that acceptable to the
seconder of the motion?

MEMBER JOHNSTON: Yes.

CHAIRPERSON BANIS: Does that sound a little
better here? Don?

MEMBER HOUSTON: Well, I'm just questioning the
timing. I mean, we have that opportunity during the
public comment period after the draft comes out.

MEMBER SHUMWAY: Mr. Chairman, perhaps Seth
could amend his proposal to make sure that we look at
it, and then the draft -- look at the draft, and then
the DAC can maybe formulate a letter or, yes, a letter
that would point out some of the deficiencies that we
may find. In other words, maybe we should postpone it
until after the draft comes out.

MEMBER REILLY: Is the idea to be more
proactive about your comments while the writing process is taking place?

    MEMBER SHTEIR: Yes, that's correct. And I think that -- while the suggestion is a really good one, I think it's really important to be proactive in this sense. You know, I think we've all experienced this, that by the time the draft report comes out, we have a limited window of opportunity to really influence things. So by making the recommendation before the draft comes out, we can still submit specific comments about what comes out in the report, but I think it also behooves us to make this request in anticipation of the draft.

    DIRECTOR RAML: So one of the things -- I saw the letter from Dave Harlow in the CEC that there were going to be workshops held this summer. And I don't know what those look like, and I don't know where. So there is going to be action on the DRECP in the desert communities this summer, so timingwise we may not have to wait until the draft because the draft is not coming out until the fall, and they're planning on workshops in the summer. So --

    MEMBER SHTEIR: Great.

    DIRECTOR RAML: Yes. So your motion might carry more because it might not have to wait.
CHAIRPERSON BANIS: How about this. I'm sorry.
I'm weighting into this now. How about the DAC will be
particularly attentive to the comprehensive analysis on
socioeconomic impacts, so on and so forth? The DAC
expects a comprehensive analysis. The DAC expects a
comprehensive analysis of the socioeconomic impacts.
The DAC looks forward to a comprehensive analysis.

MEMBER MUTH: The DAC recommends it.

CHAIRPERSON BANIS: Maybe we're right back to
where we were with "the DAC recommends." Maybe we
talked our way right back to that. I think what we've
heard is, this is an appropriate insertion point. I
think we're trying to couch the right phrase. Don?

MEMBER HOUSTON: Do we have a motion?

CHAIRPERSON BANIS: We do have a motion and a
second.

MEMBER HOUSTON: Let's call for the question.

CHAIRPERSON BANIS: We'll call for the
question, and it stands as it did. The DAC recommends
there be a comprehensive analysis of socioeconomics,
including recreation. Is that good for a summary?

MEMBER SHTEIR: Sure.

MEMBER RUDNICK: And tourism.

CHAIRPERSON BANIS: The exact wording is in the
transcripts. Those in favor raise, your hand. Those
opposed? Any abstentions?

(Vote taken.)

CHAIRPERSON BANIS: The motion did pass. Thank you for everybody's participation. Thank you, Seth.

Al, do you have another contribution on this?

MEMBER MUTH: Not on this particular --

CHAIRPERSON BANIS: DRECP.

MEMBER MUTH: Yes.

CHAIRPERSON BANIS: Closing DRECP discussion from last month. You have the last one.

MEMBER MUTH: Yes. This goes back to Gerry Hillier, Page 47 on the February transcripts. There was a discussion of how the Desert Tortoise Recovery Implementation Team was going to produce a revised Desert Tortoise Recovery Plan, how that had an impact on the Desert Renewable Energy Conservation Plan, the DRECP. And Gerry brought up the subjects of there's a BLM Rapid Ecoregional Assessment and a Landscape Conservation Cooperative from the Bureau of Reclamation that will also feed back into the DRECP. And while all that is going on, the West Mojave Plan, the Northeastern Colorado Plan and the Northeastern Mojave Plan are all going to have to be incorporated into the DRECP.

I'm thoroughly confused about how all this works. And we discussed a flowchart, and there was a
lot of discussion from Teri in the transcript saying, well, we couldn't put a flowchart together because it's essentially a group of themes, and it just didn't work. I understand that.

But can we take this small section and produce something that shows how this stuff interdigitates, how it all works? And maybe Gerry can explain it in his three minutes.

You ready, Gerry?

MR. HILLIER: That's a challenge.

MEMBER MUTH: So duly noted?

DIRECTOR RAML: Duly noted.

CHAIRPERSON BANIS: Thank you, Al. Do you have a comment?

DIRECTOR RAML: I can comment on that. We are still internally working on how all these planning efforts are interconnected, and I know that that seems odd, considering how they're moving. But the planning team continues to kind of like work on, you know, how did the allocations look? What are the rules that's associated with them? And then meanwhile over here all of us have our beloved 1980 California Conservation Area Plan.

And we are right now -- you know, like in the last couple of weeks I've been involved in conference
calls, where we're actually trying to figure out, look at even the mechanics of when the DRECP comes out, is the old CDCA and its 183 amendments -- is it still a document we look at or -- we don't know yet, but I will tell you right now we're more than in the realtime of it because we're actually trying to figure out how the DRECP will amend the CDCA when the CDCA is a very amended plan. So keep pushing. We're pushing. We're trying to get to closure on it.

CHAIRPERSON BANIS: April?

MEMBER SALL: Yeah, just a follow-up on that. Being that I think this question or a similar one with a different theme has come up at every DRECP meeting I've ever been at, maybe it would be helpful if the BLM and the REAT agencies could put on a little presentation about this very topic at one of the workshops that will be scheduled this summer. Maybe that would be helpful.

DIRECTOR RAML: And the other thing that I can comment, the transition -- so how the DRECP started out is, you know, is a Habitat Conservation Plan and an NCPP. You know, at the outset of the planning effort there wasn't -- you know, the decision to amend the CDCA wasn't made immediately, and so how we transitioned when BLM kind of announced that, okay, yes, we will use this planning effort to amend the California Desert Plan, we
didn't really do all the staff work. We didn't, say what does that actually mean?

And as you know now, all that planning effort, the REAT agencies, they don't have the California Desert Plan in front of them, and that's what's happening now. You know, now that the planning effort is back out in the Desert District and the field office employees are looking at it, they're looking at it with the framework of the CDCA. But the planning effort started.

And they were actually quite pleased that they started with a blank sheet of paper. They didn't look at the CDCA and say, how do we need to amend it? They started with, this is the desert, this is the landscape, these are the biological species, these are the covered activities. And then we went along for -- what? -- almost one and a half to two years before the decision to amend the CDCA was made. So now what? And we're still in the "now what?" So April, your suggestion is a great one.

CHAIRPERSON BANIS: Very good. Thank you, everybody. I'm sorry. I have a DRECP issue also to bring up. I know we're not running on time, but I'm going not going to receive a motion on this, so I want to bring this to the attention of the BLM, if I could.

There's been a little bit of a wake-up call for
recreation enthusiasts in the Ridgecrest area.

Renewable energy development projects permitted by Kern County, part of the mitigation requirements required acquisition of private property for conservation lands for mitigation. And the partners that Kern County is involved in in permitting these projects, the state agencies and everyone who's involved, through the course of the permitting of a certain number of projects, a set of properties were purchased at the foot of the El Paso Mountains along the Garlock Road, and fences were installed around each of those parcels.

Nearly each of those parcels contained -- although private property -- it's private property that was purchased for mitigation. Although private property, it is alongside the road and is where all of the motorized trails and motorized roads go into the El Paso Mountains. They originate from Garlock Road and pass through those small private property parcels.

And when this fencing took place, it was a surprise to some recreationists who would all of a sudden come up to a fence that wasn't there before, where many in the local community were grateful to the BLM Ridgecrest Field Office for working with that contractor to negotiate a way through virtually all of
these parcels.

   It was approximately maybe eight to ten routes that were affected by this that were blocked off. And the BLM was fortunate enough to work out corridors, fenced corridors, in all but one of those parcels. One of the parcels would have required a mile-and-a-half-long corridor fenced on each side. And I understand that due to the expense of that, that particular accommodation was -- they passed on that. But all of the roads except for that one were made into corridors.

   Great. Thank you, Carl. Great. But then what woke me up as a DRECP enthusiast -- is that a way to put it?

   MEMBER SALL: No.

   CHAIRPERSON BANIS: Gee, that's not so good. But being familiar with DRECP, that a light went off in my head, because I've been trying to follow this process of documents and players and tried to predict the future essentially for members people who are interested in this. And one thing I never thought of is the potential of massive and large amounts of fencing in the conservation or reserve areas throughout the back country of the desert that contain very popular, well-used roads and trails.
And so this -- again it was kind of a wake-up call. The Kern County issue was a wake-up call to me to look at the DRECP to -- I won't say seek assurances, because that's a little over used. April laughed at me yesterday when I used that word. She says, "Join the club. We're all trying to seek assurances." But to seek some statements as to what part fencing will take place in these private parcels in the DRECP planning area and what role it will play in conservation, if any. So that's just an issue I want to bring up.

Fencing in the middle of nowhere across designated routes and trails could be something that recreation enthusiasts come across as a result of these plans. So just putting that forward and ask the BLM's help in clarifying that point. Thank you.

Richard.

MEMBER RUDNICK: What's your solution to this problem? Or do you perceive it as a problem?

CHAIRPERSON BANIS: As the DRECP being a 20-plus-million-acre plan involving both public and private lands that's going to extend into the next 30 years, I would like to see it reach a conservation development balance that doesn't involve fencing off of acreage in the back country of the desert. That's what I'd like to see, a balanced proposal that doesn't
involve massive fencing.

MEMBER RUDNICK: I agree.

CHAIRPERSON BANIS: Thanks. Dinah?

MEMBER SHUMWAY: Mr. Chairman, not only does it cut off access roads but also, so much for your open landscape views. All it takes is a fence across the road to change everything.

CHAIRPERSON BANIS: So I just bring that little education, things we learn, light bulbs go off. Keep your eyes open, learn, listen. Thank you.

We'll move on to learn and listen some more from the members of the public, unless there's a last comment. Oh, Zach, please.

MEMBER SCRIVNER: Thank you Mr. Chairman. Our planning director, Lorelei Oviatt, is here with us, and I'd like to have her to come up and make some comments regarding this fencing issue. She and I have been engaged, and I think that there are some points that need to be clarified. So if I may ask the chairman if Ms. Oviatt can comment.

CHAIRPERSON BANIS: Absolutely.

MEMBER SCRIVNER: Thank you so much.

CHAIRPERSON BANIS: Absolutely. In the DRECP process, I can say this is one person I've learned more from in this process than maybe anyone who else has sat
at that table. Thank you, Lorelei.

MS. OVIATT: Thank you very much. Again, Lorelei Oviatt, Planning Director for Kern County.

Thank you, supervisor. Thank you, DAC members. It's nice to be here today.

I do want to broaden this conversation, however. That particular piece of property was a private piece of property. This is not a BLM renewable energy project. There are no BLM renewable energy projects except for the Alta East project that is a Kern County project. They were told to go as by mitigation land by the wildlife agencies. They went out and negotiated with a private property owner. Many of those trails were illegal trespassed trails across private property you all have been using for years. However that doesn't mean they were actually designated trails on private property.

The property owner was -- then sold it for mitigation land. Mitigation land has to be managed a particular way in order to be mitigation land. The BLM and other trail users were consulted. They had numerous meetings out there. If the renewable energy person didn't call the right people, there are lots and lots and lots of OHV users that are interested in these kinds of things. They did negotiate certain trails, and we
did protect the BLM.

I just want to be cautious here. Private land is private land, and you certainly wouldn't as an OHV owner want somebody showing up and saying, "I'd like to have a barbecue in your backyard." So we are challenged in the desert, as we have been for the last 40 years, at trying to work out this issue of the checkerboarded private land and the BLM designated trails.

Whether they're fenced off or not, I want to be clear, the Kern County Board of Supervisors didn't direct this to be fenced off. However wildlife agencies have to have assurances that they're not going to have trespasser camping or other sorts of things that are going to degrade the biological uses for this.

These developers have paid good money to a private property owner, so I do not want the renewable energy developers to be vilified for merely doing what they were told to do by State wildlife agencies. And our renewable energy developers in Kern County are great neighbors with OHV. We have had many, many instances of them providing access where there really was no public access so that people who owned property could OHV. And I don't know how it is in the rest of the desert, but we're certainly in Kern County still committed to this balance.
Lastly Kern County is the only county who has not signed an MOU on the Desert Renewable Energy Conservation Plan. We have permitted over 8,050 megawatts of renewable energy without the plan. We are still engaged in the plan. The board of supervisors has directed me to continue to discuss with the plan proponents what are the advantages for our renewable energy developers if we signed on for the plan? And that's what we're still trying to work on.

So when you mention Ridgecrest, if the Kern County does not sign off for the plan, the private properties around Ridgecrest would not be subject to the plan. So I just want to clarify all of that because the BLM is somewhat not really -- they're kind of blameless in this whole situation. In fact I think everybody is blameless.

I think it is an issue, and I look forward to when the West Mojave route discussion comes up. One of the issues that the subgroup brought up was this issue of private public trails, and I think that's where the conversation should move into. So thank you for letting me clarify that for the supervisor. I appreciate it.

CHAIRPERSON BANIS: Thanks from us to you.

Thank you, Lorelei, for doing that. And I think we do see how this leads to the broader, the DRECP picture,
which is what we discussed last month. So thank you and Zach for bringing that up. Much obliged.

And I'd like to with that close the discussion on the advisory council reports. We're going to take a five-minute break for the stenographer and others who need to take a quick five-minute break then start off the public comment with Gerry Hillier when we get back.

(A brief recess was taken.)

CHAIRPERSON BANIS: Thank you, ladies and gentlemen. We are reconvened at 10:04. We are on the next item on the agenda, public comments on items not on the agenda. Next up, thank you, Gerry Hillier. I promised, and I delivered. And the floor is yours.

Thanks, Gerry.

MR. HILLIER: Good morning, Mr. Chairman and the council. Pleasure to be here with you today. I had a question during Dinah Shumway's presentation, and I also had a comment there, and if I can get them within the three minutes, I will.

The question related to the fact that most legislation that provides for withdrawals of public land usually contains boiler-plate language that makes the withdrawal subject to valid existing claims.

CHAIRPERSON BANIS: Yes.

MR. HILLIER: Or valid existing rights.
CHAIRPERSON BANIS: That's the VER.

MR. HILLIER: And I suspect that it's in this case too. So the question is, was the core drilling sufficient to determine whether there was a valuable resource that could be claimed, and have claims been filed, because if they have, then the withdrawal then becomes academic because it would be subject to any claims that were made in the past.

CHAIRPERSON BANIS: Right.

MR. HILLIER: And I don't know whether you want Dinah to answer on the clock or whether I'll go on to my next comment there, which is unrelated to that. I just wanted to get on the record to have her have an opportunity to get on the record.

CHAIRPERSON BANIS: You bet. Why don't you continue, and I'll start the clock for her later.

MR. HILLIER: Okay. The other issue I wanted to bring up is one I have brought up before. And Alan Muth already touched on part of it, and that is the Recovery Action Plan the Fish and Wildlife Service is undertaking in the desert and how that fits together. And while BLM had a general discussion of that some two years or so ago, it was long before the actual planning process went on. My organization, Quadstate Local Governments Authority, raised several issues with Fish
and Wildlife Service about the conduct and the use of those plans. And one point they agreed with me on, at least verbally and actually in writing, was that the recovery action plans as they now stand should be viewed as draft or proposed or both, with one or both terminologies.

At this point I am very concerned how that's going to tie into the DRECP, if the DRECP is going to pick up some of those at mitigation proposals and operational proposals before they have had management review. I'm very concerned, and I think the DAC ought to be very concerned.

The second issue is the role of the BLM and the advisory councils are going to play in that. And in a discussion that I had with Fish and Wildlife Service in Reno, I raised the issue, do you know how the agencies are going to conduct management review? And he said, "No. That's up to them."

CHAIRPERSON BANIS: You can continue.

MR. HILLIER: Thank you, Mr. Chairman. And so I think that it would be well -- and I ask the BLM to at some point have a further discussion with the council in terms of how they intend to approach the management review, and it should be occurring really this spring, if it hasn't already, and into the summer to input into
this draft before the recovery action plans become final. And the reason for this is because probably 75 percent to 90 percent of the recovery actions proposed will occur on Public Lands.

The next question that I asked Fish and Wildlife Service was, what do you see the role of the advisory councils in terms of helping BLM undertake this management review? And that led to a conversation about BLM advisory councils, because Fish and Wildlife has no counterpart and is unfamiliar with it.

He thought that -- Ted Koch up in Reno thought that would be an excellent idea, gosh, if they have a group like that that they could interface with. Unfortunately he didn't pursue it in the letter he wrote to me, and I'm going to pursue the question some more, but it didn't seem to be off the table.

The CDCA Desert Advisory Council is obviously one body. Southern Nevada has a RAC. Arizona has a RAC too, and so at least those three states should be engaged in this, and we certainly advocate that there be a full management review before the adoption before a draft comes off of those documents.

But I think it's something there that the council -- certainly BLM, if nothing else, needs to publically say how they are going to perform that
management review of the action recovery plans.

CHAIRPERSON BANIS: Thank you, Gerry. Thanks very much.

MR. HILLIER: Thank you for the extra time.

CHAIRPERSON BANIS: Of course. April, the DRECP put out documents recently, driving species, certain indicators, and relative to the paper on the tortoise conservation it did introduce polygons from the U.S. Fish and Wildlife Tortoise Recovery Plan. Do you recall that?

MEMBER SALL: I haven't looked at it.

CHAIRPERSON BANIS: Al, is that ringing a bell at all? Recent DRECP key driving species and the tortoise recovery polygons within the tortoise analysis? And that is happening. It is being put in now.

MEMBER MUTH: It's a loud thud in the background. I did see a document along those lines, but I don't recall anything about it other than I did see something.

CHAIRPERSON BANIS: Yeah. The tortoise recovery polygons are being integrated within the tortoise recovery conversations and planning for the DRECP.

MEMBER SALL: BLM or someone may want to comment on that, but my understanding was -- and I
haven't read the recent documents yet. But what they released was an updated covered species list, and they showed a few example species of how some of the biological goals and objectives for the Desert Renewable Energy Conservation Plan might play out. So it was somewhat of a theoretical, here are some examples of how this might go. So I don't think it's something specifically -- I mean, some of the groups are commenting on that document, but it's not yet a snapshot, I guess, that is anything that speaks to the issue that was brought up.

CHAIRPERSON BANIS: I guess I would just summarize and conclude that, yes, those ingredients that have been predicted as being tossed in the pot are starting to indeed be stirred into the mix.


MS. WILDER: Hi.

CHAIRPERSON BANIS: Jenny Wilder of the Friends of Juniper Flats.

MS. WILDER: Thank you, everybody.

CHAIRPERSON BANIS: Nice to see you.

MS. WILDER: Thank you for all your work that you're doing, and it's hugely complicated. And for this reason I'm talking today because in my experience all the subregions, all the areas in the desert have
specific qualities, resources and problems. The Juniper Flats area, for instance, or the Juniper subregion, has been a historic area with cattle grazing and supporting historic and prehistoric sites, peoples living there. There is mining. There's shooting, target shooting. There's hunting. There's hiking. There's equestrian use. There's an apiary. There's wind-testing sites. It's on a U.S. boundary.

And so anyway all of the subregions are the same, except they have different resources and qualities. And for this reason, if the public doesn't know about all of those activities in the area, they can't make informed choices or informed comments about the area or the trail or whatever it is.

And I think that the BLM could possibly look at providing websites for each subregion where you would know what is going on in that particular subregion and what is being proposed for that subregion so that, when you're looking at your favorite trail, you know what's there. It could have all kinds of things included, including a map with layers.

The other thing that -- the first thing that was here was the flora and fauna and sustainable communities of people. And then, of course we came with all this other stuff. Well, I haven't seen yet a
documentary on hardly any of the wildlife in the desert that would show a story of how these critters live and what they eat and how they survive. If we had that, for instance, we might know more about the value of the washes for wildlife and how they are not appropriate use -- that an appropriate use wouldn't be for off-roading.

And so I would suggest two things: the website with the subregions separated so that you can go to your subregion, like Juniper subregion or whichever one you like, and find out more about that and make your informed comments.

And the other one is for the BLM to think about the value of creating some really good documentaries about the wildlife in the desert so we know about the value of the desert as it used to be, not just renewable energy and so forth. Thank you.

CHAIRPERSON BANIS: Thank you, Jenny. And also thanks for coming to so many of the WEMO planning meetings too. It was nice to have you participating.

Thank you.

Next I have John Stewart. But I'd like to give a heads-up to Sam Merk in the back that she be going next, if she wants to get ready and make her way. Thanks.
Hi, John. Go ahead.

MR. STEWART: Good morning, council.

John Stewart with the California Association of
Four-Wheel-Drive Clubs. My topic was introduced by
Seth. And thank you, Seth, as that socioeconomic
impacts are extremely important. NEPA does require that
while the agency looks, one of the things agencies are
supposed to look at is the social and economic impacts
of man's interaction with the environment.

Some of the discussion was -- it was framed
this morning while you were talking about it -- is
looking at the economic impact of either implementing or
not implementing an action. What you are omitting is
the social impact of the action, social interaction with
the human and how the humans now interact with the
resources with the land.

All the discussions and previous NEPA
documentation have been very shy on the social impacts
and the cumulative effects and not only of the present
but the future cumulative effects of the social aspects.

Now, from that frame of reference, there's also
the economic impacts. When the economic impacts are
discussed, the economic impacts are again on the present
and either implementing or not implementing the action
and basically to keep the status quo, which is the most
economical, rather than implementing an action. That is not within the intent of NEPA of where it is supposed to look at the overall social and economic impacts, which is more than just the present. It is the future cumulative impacts to the human environment. And part of that human environment is the humans themselves and how they are going to interact with the resource and how they are going to be affected by that consequence of that action.

Now, one of the things that the agencies, whether it be the Forest Service or BLM, are very lax at is accounting for the numbers of human visitors to Public Lands. Yes, you have counting information that is available for Glamis and Imperial Sand Dunes, but there is a lack of visitation counts that are given or taken and published for the rest of the Desert District.

Somehow as this DRECP moves forward as the WEMO planning moves forward, I would challenge the BLM to start publishing more numbers about the visitors and the types of visitors that are come to Public Lands. This is something that you cannot wait until the document comes out. You have to start doing that now because it takes time to accumulate those numbers. So thank you.

CHAIRPERSON BANIS: Thank you. That was helpful. Hi, Sam.
MS. MERK: Hi. My name is Sophia Merk. Everybody calls me "Sam." I live here in Ridgecrest. I would like to welcome all the new members to the DAC and especially Dinah's presentation. That was awesome.

I would like to see a little bit more diversification on the DAC. I would like to see tribal representation on the DAC also. And I would also like the agenda to be made public at least ten days prior to the meetings so that people that come long distances can plan to attend the meeting or parts of the meeting.

And I also heard that everybody was talking about amending the Desert Plan again. And I'd like to see that everybody is aware of Chapter 7 and the public notification that is supposed to be happening to the public that in the past six to eight years has not been happening to the public.

And I also would like to thank Kern County for their little talk about the fencing problem, because a lot of people were not made aware of what was happening, and I would really, really like to thank Lorelei for clarifying it. Thank you.

CHAIRPERSON BANIS: Thank you kindly, Sam. I have Christopher Lesso. And after Chris will be David Matthews.

MR. LESSO: Good morning, Mr. Chairman and
council members. This is the first time I came out, but
as a new mineral claim holder, the BLM actions are very
important to me. I've been a rockhound for many years,
and access to our desert lands is really important to me
and my family. And I would like you, the council here,
to consider, you know, keeping our roads open for people
to be able to go out there and explore and to, you know,
partake in recreational and economic activity.

    Just like Dinah here mentioned that without
miners there's so much of our stuff that we just won't
have, you know. If you can't eat it, we have to dig it.
So that's all I have to say, and thank you very much.

    CHAIRPERSON BANIS: Thank you. Very helpful.
These things that are on our desk are evidence of
mining.

    MEMBER SHUMWAY: Yep.

    CHAIRPERSON BANIS: Dave, you're next. And
following Dave, Ed Waldheim. Please.

    MR. MATTHEWS: Yes. Thank you. Good morning.
I only got three minutes? Gee, city council gives me
five.

    MEMBER SHUMWAY: Not our city council.

    MR. MATTHEWS: In that case I guess I'll have
to make it more brief than I thought I would. First of
all, welcome to Ridgecrest. We are currently
celebrating our 50th anniversary, which is going to be held in the first part of November. So either as a council or as an individual, come on back and see what's happening. Help us celebrate. Believe it or not, I've been here 45 of those years, too.

I was going to suggest that maybe you're holding your meeting in the wrong place. You should have gone to Palm Springs. Maybe you would have got a few comments from our illustrious leader. But then again, you might have got shot at too. In case you haven't been keeping up with the news, go look it up.

Thursday was the anniversary of D-Day, the invasion of Normandy in France in World War II. I am not a member of the greatest generation, as Tom Brokaw calls them, but I was the understudy generation, I guess you could call us. And that was a very moving day to us. We knew something was coming. We didn't know when. And I was delivering morning papers at the time, and believe me, I really went through my route that morning.

I grew up in a town that was a steel town. I also had relatives that worked in coal mines. So I was very interested in what Dinah had to say this morning, because therein lies some of the comments that I wanted to point out to this committee.

And that is, if we didn't have those steel
mills and coal mines back then in World War II, we probably wouldn't have one. We might be speaking German or probably Japanese out here on the West Coast, and those people died to help us with our freedoms. And here in 2010 I look around me, and I think we are way overregulated, way, way overregulated, and some of them are infringing on our rights, the Bill of Rights, and others just make it hard to make a living.

And there was an article just the other day I ran across, and I meant to print it out and bring it to distribute to some of you. California is one of the most overregulated states in the nation. And if I can maybe get home for lunch, maybe I can print that article out and at least bring it in for some of you to peruse.

But on the other hand just go to KFI's web page on the internet and do a search for "California overregulation" or something like that. You'll find it. It's there. And go to the link, because it's quite an interesting article.

And my point in referring you to that is, be aware when you are making decisions here that we have enough regulations as it is. Teri was alluding to it going through the revisions of the Desert Protection Act or whatever it was, and that thing is just out of hand already. Anyhow, thank you.
CHAIRPERSON BANIS: Thanks for coming, Dave.

Thank you very much.

Ed? Good morning, Ed. And after Ed will be

Tom Budlong.

MR. WALDHEIM: Good morning, ladies and
gentlemen. Thank you for coming to this area. Thank
you for being at Jawbone Station. The price is right.
I hope you come back again. We also have a visitor
center in El Mirage. Thank you for being here.

The state director -- the deputy director
yesterday honored us with his visit and Colonel
Christopher Conlin. He likes to be called Chris. I was
delighted he talked to our staff for 30 minutes. He
went and toured. He came back, and he addressed the
DAC. He is also your representative on DRECP, so I
would like to make sure that -- please make sure that
you dialogue with Chris very closely on what is
happening. Our OHV grants funding, $10 million. A lot
of us got no money. BLM, zero; Barstow, zero;
Ridgecrest, nothing for O and M.

We need you to please get hold of your
legislators and ask them to put additional money into
our grants so we can operate. If we cannot operate, we
are going to be in big, big trouble. We have no money
for the visitor service staff in Jawbone. We have no
visitor money for El Mirage either.

    In the past, Zach -- we've had people -- the counties saved us two years in a row. They saved us when we didn't have money, but we hope we don't have to come begging to you for that.

    Johnson Valley. I apologize. Said we were part of the group working with Congressman Cook on the minerals. We agree 100 percent with Dinah. There never was an intention to leave mining out. There is absolutely no conflict between the mining and the off-road community. So we want to do everything possible that whatever monument comes in, that mining is not excluded, so we will work on that very, very hard.

    The fencing issue is a question of semantics. We have the Fish and Game to make a decision that we need to fence everything. We need somehow get hold of that Fish and Game people, somebody from higher up, higher than my pay grade, and give them the reality of life. If our trails are signed properly, they are maintained properly, they are managed and patrolled properly, there is no need for fencing. The last thing we want to see is our California Desert polluted with fences everywhere. There's absolutely no reason for that.

    We have companies who have mitigation land. We
are signing the trails, and they are not fencing it, so there's precedence on that. So we're in good shape, so please work on that.

And the last thing. We have the acquisition property of the Jawbone area. The State of California wants to make it an SVRA. No way does east Kern need an SVRA within an inholding in Jawbone Canyon. So I would strongly suggest that maybe you make a motion we let the deputy director of Parks and Recreation know there should be no SVRA in east Kern. Thank you.

(Timer buzzed.)

CHAIRPERSON BANIS: Thank you, Ed. He's good. He's really, really good.

Hi, Tom. Welcome, Tom Budlong.

MR. BUDLONG: Hello, Randy. Simple comment here. I'm going through the Ridgecrest Field Office report, and I come to mining, and it looks awfully thin to me. It mentions only the Searles operation and the very thin one on COSO Geothermal. And I know there's a lot more going on in there, and I wonder if I could ask that the Ridgecrest Field Office report be updated to include -- Briggs is out there. It's a big operation. There's a lot going on, and I know they struck water in one of the pits, and that's an interesting thing. And who knows what else is going on there? I think a report
there would be nice.

    I know there's some pumice interest going on in
the Cosos. I know definitely there's some more drilling
going on just south of -- not going on but proposed
south of the Briggs Mine by an outfit called Bronco. So
there's more going on there than is reported here. And
I think maybe it would be brought up to date, that part
of the report.

    CHAIRPERSON BANIS: Very good. Thanks, Tom.
    MR. BUDLONG: That's it for now.
    CHAIRPERSON BANIS: You bet. We'll have more.
I'd like to share a comment, please, from a
Pamela Keiser, K-e-i-s-e-r, president of the Rand
Communities Water District Board. She's also a resident
in the Rand Mining Historic District. Her comment is,
please, "I was unable to stay today. I as a resident of
the RCWD and other residents are in favor of restoring
R-50 and R-5" -- those are two trails -- "in order to
secure local access to historic road usage. Also please
clarify recent notification on WEMO so that the public
clearly understands the process."

    I think what that was regarding was an amended
notice on WEMO that there were some questions about.
Perhaps we can clarify that in our WEMO discussions,
perhaps. And that concludes the public comments for
items not on the agenda.

Dinah.

MEMBER SHUMWAY: I would like to respond to Gerry Hillier's comments.

CHAIRPERSON BANIS: Yes, please.

MEMBER SHUMWAY: Okay. I only get three minutes. Gerry, you're right. There is preexisting rights in the bill. It's the boiler-plate language, however, and I'm not going to pretend that I know what all claims are in the hugest outfits. Now, the Morris Lode and the Bessemer already have development rights, and they're being developed. The Morris Lode is actually permitted. There's claims in the Bessemer area. There's claims surrounding the private lands on Morris Lode and claims surrounding the New Bessemer. I have not personally worked on these, so I don't know what the claims are.

But my point would be the validity exam would have to be at the time the claims were established. And the reality is that these deposits could not be argued that there is a market for them right now and that they are economic. So they're resources. They're not a deposit in the legal term. They're a resource. However it's a huge resource.

And even though there may not be existing
claims that cover this entire area, I think it behooves communities to make sure that we have access to future resources that we will need for establishment of our communities and to keep everything going. Like Randy said, that phone he held up, you don't have mining, you don't have a phone. You don't have mining, you don't have roads. You certainly won't have cement if you don't have access to iron resources in the future. So I'm looking at ways to conserve future resources so we don't totally take them out of the mix. Thank you.

Thank you.

CHAIRPERSON BANIS: You bet, Dinah. Pardon me. Mark, I have you under the WEMO comments, Federal Register, WEMO scoping. Is this your general comment?

MR. ALGAZY: Well, the amended Registered Notice is not part the WEMO discussion.

CHAIRPERSON BANIS: We're going to roll all the WEMO -- all the West Mojave Route Designation into the WEMO topic, including the subgroup report. So I'll give you time there.

MR. ALGAZY: This is a comment that Marie asked me to submit.

CHAIRPERSON BANIS: Oh, thank you. Then in that case, Marie Brashear, a regular participant unable to attend today, health concerns. We wish her the best.
And I'd like to allow Mark to make a statement for Marie under the items not on the agenda. Thanks for bearing with, me everyone.

And then I'll have you in still under WEMO.

MR. ALGAZY: Okay. First of all I apologize because I'm not totally organized. I didn't get this e-mail from Marie until early this morning. So I don't exactly have the most concise language, but I'll do my best. I don't think Marie did a great job of the e-mail of expressing herself either, and some of her language is not exactly what I would choose to repeat verbatim. So I'm going to try and paraphrase it. And third, I want you to make sure that you understand these are Marie's opinions and not mine. I have similar opinions but not identical.

First Marie has a fundamental objection with the idea that the amended Federal Register Notice gave the public 30 days to comment on additional scoping but the public was not given the benefit of the new maps that the subgroup generated for a large portion of that time, which greatly undercut their ability to make useful comments that incorporated the use of those new maps.

The second thing is that the new register notice doesn't explain exactly what happened with all
the comments that happened during the original scoping, so this leaves a lot of the public with the impression that once again their comments during the initial scoping may have been relegated to some bin other than being put to use, because they're being asked to provide comment on scoping again. So the lack of discussion as to how this is different from the first round of scoping doesn't give the BLM good P.R. with the public.

The third is the lack of mentioning the work that has been done by the subgroup. There's no mention of the subgroups by specific reference in the Federal Register report, which also gives the public concern that the input they made to the subgroup is somehow being marginalized in all this whole process, because it wasn't recognized in the register notice.

And finally as a result of those three previous things, she would like to see the Federal Register Notice be corrected to explain all of those three things better so it doesn't appear that scoping has been short circuited in any way with the past and, because of the lack of the maps being available, that the public comment period be reopened for an additional 90 days.

Thank you.

CHAIRPERSON BANIS: Thanks very much, Mark.

Thanks very much for that. The next item on the agenda
will be our focus topic briefing, which is the WEMO subgroup report. Turning it back over to Dinah.

MEMBER SHUMWAY: Am I making the initial comment?

CHAIRPERSON BANIS: Can we run that PowerPoint.

The first page is mine.

MEMBER SHUMWAY: You're doing the history, and I'm making comments then talking about recommendations, and I'm introducing the members. Am I introducing the members, or are you?

CHAIRPERSON BANIS: You.

MEMBER SHUMWAY: That's where my part will start.

CHAIRPERSON BANIS: I've got the names right on the slides for you.

MEMBER SHUMWAY: Yes. Thanks for that.

CHAIRPERSON BANIS: Thank you. Dinah and I are going to tag team a little bit here to help with this report. We have a couple of slides to help you follow along with us, please. This is just a brief history of where we are today with the Desert Advisory Committee's West Mojave Route Designation subgroup. The U.S. District Court remanded route designations in the 2006 West Mojave Plan, and the BLM must complete new route designations by end of March, 2014.
The DAC authorized the formation of a WEMO route designation subgroup in its December, 2011 meeting, and the DAC approved a mission statement and appointed members to the subgroup in February of 2012. This subgroup met at least 11 times over 15 months in public settings.

MEMBER SHUMWAY: And hundreds of e-mails.

CHAIRPERSON BANIS: Hundreds of e-mails. And during the subgroup meetings the subgroup members themselves would mark up large-format printed maps that showed designated routes and undesignated routes across the West Mojave planning area. The maps -- wow -- are on that chair.

MEMBER SHUMWAY: All of them are right there. Those are the original maps.

CHAIRPERSON BANIS: The subgroup also convened five task group meetings. Those were remote meetings to engage the public and to collect data from the public. So to clarify, the subgroup meetings collected data from the subgroup members. The task group meetings collected data from the public.

Over 275 data records were collected from the public through those five task group meetings, and the entire process we had 450 to 500 people from the public participating through the course of all those meetings.
After all of the meetings were done, the subgroup members were provided scans of all of the maps that they marked up, and they were given the reports and maps of all of the task-group-collected public data. Numerous drafts were circulated for comments, and the subgroup solicited documents from the appendices.

The final report was e-mailed to the DAC and subgroup members on Friday, May the 24th and was posted to the BLM website shortly thereafter. And appendices were provided to DAC for download and to subgroup members on Monday, June 3rd. It's going to be some work. BLM is working to properly encode those digital files for public distribution to the BLM website.

The DAC members who received this report in advance were encouraged to reach out to Dinah directly if they had questions, comments, or change requests and, if there were any changes, that Dinah would either agree to or consult with the subgroup to reach an agreement on, we would have considered those friendly amendments today. And as I understand --

MEMBER SHUMWAY: None of the DAC members have responded.

CHAIRPERSON BANIS: The final report remains unamended and in its current form. And I think the next slide is where Dinah takes over. And I'd like for Dinah
to introduce and thank the subgroup members.

MEMBER SHUMWAY: First I'm going to preview my introductions with some brief comments. In my next life I'm going to be six-feet tall, but I'm going to weigh the same.

All right. I kind of have my comments prepared, because otherwise I'll talk forever. Those of you who know me know I can talk forever. My thesis advisor, John Lyons, used to caution me when I was getting a little carried away about the implications of my thesis that, in the end, he said, you can provide good data to the database. If you can do that, then that is a great thing in itself, to provide good data, regardless of the conclusions that you may make or somebody else may make, because that data is going to be good data, no matter what.

I think that that's what we set out to do. And we collected a lot of good data in this effort. We collected data about how the public uses the desert, who uses the desert, what management strategies seem to actually work as far as route networks. We're only talking about route networks here.

And what we provided is a pretty long list of recommendations to the BLM. They're friendly recommendations, but they're compiled from our
experience and from the comments from the public. Some
of them are redundant, but we think that they're good
ways for the BLM to think about the future in managing
transportation.

Volunteers. The BLM likes to talk a lot about
volunteers. From our discussion yesterday and our
discussion in the WEMO subgroup, I've got to say if
there was ever evidence that the public is more than
willing to volunteer their time, in the case of the
WEMO, hundreds of hours, thousands of miles, hours not
only at meetings but in perusing e-mails and getting
back. I mean, this is an example of how the public is
there to volunteer.

So in our last meeting of the year, we're going
to talk about volunteers. And I think we should take
our subgroup -- not just WEMO, all the subgroups -- as
evidence that the public is willing to volunteer their
efforts to work on a task.

Our mission statement. You have to be patient
with me and technology. I'm not really good at it. Our
mission statement involved -- what you didn't say,
Randy, is that we did that mission statement in about a
week. We had no idea what we would be able to work
with. And then when we first convened in February, we
found out that the mission statement that we had set for
ourselves, which is actually the one on the website, was practically unworkable, given our timeframe that we needed to have a report to the BLM in early 2013 so that they could use our recommendations to complete their own report, which has to go to the judge in April of 2014.

So the mission statement we modified, and it became one of collecting data, setting public meetings and primarily writing a report with recommendations for route networks. We had the advantage that the scoping session did not have, and that was that we had the GTLF maps, ground linear.

CHAIRPERSON BANIS: Transportation.

MEMBER SHUMWAY: Ground transportation linear features maps, which are GIS based, which means, one, they're GIS based, and they're new. And the nice thing about GIS, for everybody who uses it, is, first it can be edited, and you can have layers. So we had those maps. It caused a lot of confusion from the public because during the scoping they had only the 2006 maps, and the nomenclature was not the same, so you had to have people to be able to look at maps. We had that advantage.

Okay. So when we started writing this document, we immediately saw from our mission that we would have to start generating recommendations. Thank
goodness we had such a wonderful group with a lot of
variety. I'm not an OHV person, but I think I know
quite a bit about OHV people now. But on the other hand
OHV people didn't know much about minerals or mining or
resources, so I think we had an incredible variety of
people.

And as I say, I know about the one thing. I'm
focused. I know I'm narrowly focused. I realize it.
But I'm an amateur compared to the people on that
committee who knew -- I mean, we would pull out a map,
and people would know exactly where they were and what
they were talking about and where this route goes, and
it dead-ends here, and it loops here, and by the way, it
connects over here, and wait, this is wrong; it should
be this way instead.

These were people who intimately knew this
transportation system. So I think we had ample
opportunity to peruse these maps and determine where
some of the issues were. So our list of recommendations
came from actually looking at these maps and saying,
well, this doesn't really work here. Maybe we should do
this. Maybe we should recommend this.

So our report went from a really badly
organized, ugly outline into a pretty streamlined
document with Bob Reynolds and Mark Algazy doing pretty
much the final writing with me and Bob doing the final editing. So what you see here is a report that came from something hugely amorphous.

Could we have done more? Oh, yeah. With a lot of time we could have done a lot more. One reason we didn't spend a lot of time on generating alternatives was because the BLM was already doing this as well, so we looked at our report as sort of support for that effort.

I cannot say how much I have appreciated working with the WEMO people. This was a wonderful experience for me. I don't want to do it again, though. And I'd like to reiterate all of this was volunteer time. I mean, we worked with BLM staff, and there was a lot of frustration with getting the maps to us on time. Here, we're volunteers. We're driving for hundreds of miles, and we find out the day before we might not have the maps. The maps were our major tool. So there was a lot of frustration there between the philosophies of the people volunteering for the WEMO and the BLM staff.

Edy Seehafer was a great -- when we had a problem, she made sure it was solved. So I just can't thank everybody, all the people who came. We sure saw a lot of managers during that process. The Barstow people were changing all the time. We never had the same
Barstow person.

CHAIRPERSON BANIS: Or Ridgecrest.

MEMBER SHUMWAY: Or Ridgecrest. That's right.

But Edy Seehafer was there met pretty much the whole time, so I appreciate that.

And with that I'd like to introduce our members. Me, you know, of course. Mark Algazy, public at large. Stand up, Mark. Mark will be talking. He has a minority report. Randy Banis, oh, you know him. Jill Bays. Jill is not here. Jill Bays was our biological resources, so she was kind of our private land interface person because she's dealing with this person all the time. Tom Budlong. Tom, you're reporting as well; right?

MR. BUDLONG: Yes.

MEMBER SHUMWAY: Kim Erb, Jim Kenney.

Jim Kenney will be making some comments. Next page. I don't trust myself to remember everybody. Tom Laymon will be making comments. He's our wrap-up guy.

MR. LAYMON: Good morning.

MEMBER SHUMWAY: Bill Maddux. Where's Bill? Ron Schiller, who's not here. Ed Waldheim and Jim Wilson, who was planning to be here, but he had some severe health issues at the time. And Edy, who I thought would be here.
With that I'd like to invite Mark. Are you making comments?

MR. ALGAZY: If you'd like me to do that now, I will.

CHAIRPERSON BANIS: What I'd like to do with regard to comment is give first crack at comments with our subgroup members then public comments. Then the DAC can have a discussion, and we'll see where we go from there. Is that okay with you?

MR. ALGAZY: I honestly think DAC should have public comments before we go.

CHAIRPERSON BANIS: Why don't you lead, if you'd like.

MEMBER SHUMWAY: Why don't you make your comments?

MR. ALGAZY: I think the DAC should take first crack at it.

CHAIRPERSON BANIS: Can we run through just the rest of the slides. These are the recommendations. And what you're going to do is read them, read the recommendations so they have them all. Then we'll take the comment on the recommendations. Thank you.

MEMBER SHUMWAY: Yeah. I'm sorry. Thank you. I forgot about that. I'm nervous when I get up here.

Okay. Next slide.
Recommendations for management from the WEMO.

TMAs, travel management areas, and Jenny was talking about subregions. Each travel management area has several subregions, and they're supposed to be interconnected.

Okay. For keeping routes open, links between routes, continued maintenance of open routes. This was a very big deal, having links between routes. Routes education, signage, maps, on-ground signing, implement FOJs Jawbone, resource management strategies.

Isn't that right?

CHAIRPERSON BANIS: Good.

MEMBER SHUMWAY: Open routes, kiosks at main entries. I mentioned earlier Utah has signage along their highways. I think this would be really useful within the WEMO to have signs telling about certain areas. Jenny's suggestion that certain areas have certain things would be really nice, just informational things along the way. Okay. Next slide. Please, Steve.

Criteria for expanding limited access. So this would be resource management by permits, fieldwork authorizations, like paleontologists, geologists, maintaining guzzlers, mining, wind energy, private property access, biologic and geologic studies and
nonrenewable resources, so this could be a lot of reasons to expand limited.

Closed routes. This was a very big recommendation from the WEMO almost from the beginning and from experience too. Most of us have had experience in the desert. Closed routes not designated as open or limited should be marked closed. I realize that's an issue. It might even be a cost issue, but it's a practical issue. Not everybody who goes to the desert accesses through one of the BLM kiosks. And when you see a road that looks like it's a road, most people will think it's a road.

Okay. Personal individual health and safety, new technology versus GPS using navigational devices. Now we have access via iPads and even our phones, so encouraging the use of GPS to get around in the desert is one of our recommendations.

Recommendations. Promote volunteerism, public volunteerism. I think we have already done that. Develop resource polygons as layers to show where the resources are. One of the huge appendices shows resource polygons. Integrate GIS data with GTL, RF-based data. Now with the word "GIS-based" in the BLM, I think this is a doable thing. You can get locations and follow it on the internet. Our report on
is on the internet, by the way.

MR. LIEBSCHER: What's the URL?

MEMBER SHUMWAY: URL?

MR. LIEBSCHER: The address where we can get the information.

MEMBER SHUMWAY: Oh, the internet. Can we get you that at the break?

Provide and maintain route access to resource areas, including sensitive areas, guzzlers, mining claims for resource inventory, monitoring maintenance and other studies. Next slide, please, Steve. I think we have two more.

Private versus public land. This is a big issue. We've heard about it today. Clarify responsibilities, BLM managers must clarify responsibilities for routes that cross private lands. It's so easy to say, but in practice it really has to be in cooperation with the private land owners and the habitat. As Ed has just said, there are ways to manage these things without putting up fencing, but it requires continuous monitoring and, well, continuous monitoring. That's about it. And enforcement.

No buffer zones. Seth won't like this. There should be no buffer zones around wilderness, wilderness study areas or areas of critical environmental concern.
It causes a lot of confusion sometimes when you come to a CEC or a wilderness area, fenced or not, and there's a road along it. A road is a road. A boundary is a boundary. Unfortunately in our political life that's what it is.

Consistent management policies. Policies within the WEMO planning area should be consistent over all BLM districts throughout the west -- that's supposed to be in California. I'll have to change that. Next slide, please.

DIRECTOR RAML: We'll take your honor. We're fine.

MEMBER SHUMWAY: I also work in Nevada, and working in Nevada and California is totally different.

CHAIRPERSON BANIS: That's true.

MEMBER SHUMWAY: Ample notification of changes. I think this is something that is common that everybody knows. This is common sense. We've had it right here from the DAC. Early notification. Maintain roads created for sustenance living, which is mining, farming and grazing, which grazing is less now than it used to be. Next slide, please, Steve.

Now we're in the "B" section. Route signage. Once again I told you these were redundant. All routes must be signed and posted within current stated open,
limited, or closed. Apply continual maintenance along routes. Continual maintenance requires field time, so on the BLM's site and maybe volunteers too, this requires a field commitment from the BLM. Be there.

Implement persistent monitoring strategies to determine the effectiveness of existing strategies. And throughout our document we've recommended Jawbone-type management strategies. These work. Anybody who has been to Jawbone or been on a tour to Jawbone know that they work, but they work because there's continuous maintenance and field presence.

Funding commitments to maintenance. Funding commitments to field monitoring and maintenance should be a priority. Permit systems should be considered as a general management tool. We already have permit systems, but they should encourage resource management through special use permits, limited access permits and seasonal closures.

Proliferation is a very big issue, especially if we want to keep the routes we want for access. But it means to -- what did we call them? Outlaws, to corral the outlaws, so to speak, so they follow the rules. Avoid proliferation by route design when alternatives are available.

Single-track trails. There is quite an issue
within the WEMO group about single-track trails, those
who ride just a motorcycle, and we have a minority
report too that says don't classify a walking trail --
hiking trail? Tom, is that what it is's called? -- with
a motorcycle route. Motorcycle routes used to be
specially designated on the maps.

Protect historic foot trails. Ensure that
historic foot trails are protected from motorized
incursion. That's a big thing, because those of us who
hike, whether it's in the wilderness area or not, I
personally don't like horses or bikes on my foot trails
because they tear up the trail.

Partnerships for monitoring routes and erosion
within TMA. This would be where volunteerism comes in.
Partnerships for monitoring nonrenewable resources,
volunteerism again. Partnerships for monitoring
biologic populations, volunteerism again, and establish
a standing DAC/WEMO implementation subgroup to monitor
implementation of the new, or modify WEMO plan additions
as they develop. And this subgroup could be intimately
working with the BLM to sort of continue some kind of
dialogue with the DAC to go eventually to the BLM. This
is what we talked about earlier about establishing more
of a standing subgroup that would be strictly devoted to
monitoring the progress with managing transportation
routes in the WEMO. I think that's the last one. Thank
goodness.

Okay. So now I'd like to invite our subgroup
members to come up and present. We have two minority
reports and some other comments. We had a variety of
experiences, so we didn't always agree. We fought a lot
like kids.

MR. ALGAZY: With all due deference I'd like
the council to actually consider changing the course a
little and have their discussion first, because I'm sure
you have your own questions coming into this, and I
wouldn't want to prematurely start redirecting what your
thoughts may already be. It might be easier for us to
provide certain comments to help answer specific
questions you have without prematurely focusing your
direction away from the thoughts you have.

CHAIRPERSON BANIS: What I think would be the
next course for the very next step would be for all of
us to hear from any dissents or minority report or
something first so that we have it all on the table.
Then we can discuss all of those documents, formulate
our questions.

So yesterday there was a brief minority report
submitted by -- Ed, you submitted a paper.

MEMBER SHUMWAY: Yes, Ed.
CHAIRPERSON BANIS: And we all have that.

MEMBER SHUMWAY: Right.

CHAIRPERSON BANIS: Mark, did you submit?

MR. ALGAZY: I have copies here.

CHAIRPERSON BANIS: We can pass that around too, if you'd like, to just briefly walk us through while you're here. And we'll make sure we have the minority statements here first. Then we can make a discussion and take more comments. That's what I'd like to do.

MR. ALGAZY: Okay. Well, by and large the presentation is really, really accurate. We did a lot of work, and we generated a lot of data, and that data is a really useful component for the BLM to use moving forward. I just don't believe that it constitutes everything we were asked to do. It does constitute what we were able to accomplish in the time we had, but I don't think that we fully fulfilled our mission, and that's what the gist of my report boils down to.

There are significant short comments in specific areas, and I'm outlining them in the report. I don't want to go through them all individually, but there were opportunities that we didn't take that should have been taken. A couple of them occurred almost in hindsight, and I blame myself a little bit for not
having thought of some of them sooner.

And it's also very important to note that the report often indicates consensus where consensus did not really exist, and there should be a disclaimer to the effect that not everybody agreed on everything that's said in that report. And that's really what I had to say in a nutshell, my comments. You can go through them more extensively, and if you have any specific questions, I'll be happy to come up and address them.

CHAIRPERSON BANIS: You know, Mark, I'm glad you brought that up. Very true statement. There wasn't a consensus. I think what could have at some point, you know, be interesting would be to go through the finding points and do a poll of each finding point, see what we had -- eight in favor, three dissent; seven in favor of this one, four dissents. That could be interesting to see. It could also be interesting to -- well, if we had all our subgroup members here, to do some kind of a poll there too.

But it was not a consensus document. I'm not sure if it was ever envisioned as a consensus document, though you always hope you get there. But I think that some points had stronger support, and some points did not. That's true, very true. So those recommendations that everybody saw, that's not a consensus report, but I
would say -- I could say -- I'm going to go out on a
limb here. I'm going to go out on a limb and estimate
that I believe that those findings by and large had a
majority support. By and large I think those findings
did.

MEMBER SHUMWAY: I'll agree.

CHAIRPERSON BANIS: But they were far from
consensus. Good point. Thank you.

MR. ALGAZY: Members have any questions right
now?

CHAIRPERSON BANIS: If I could, Mark, let me
hear for a minute from Ed on this too. We'll call you
back for public comments.

MEMBER HOUSTON: We can bring him back.

CHAIRPERSON BANIS: We can bring him back. If
you had a minute or two to summarize key points, we'd be
grateful.

MR. WALDHEIM: Ed Waldheim, Friends of Jawbone
and part of the subgroup. The bottom line, folks, is
that we want to retain our access to our public land.
That's the total driving force.

This morning I talked with Ileene, talked with
Katrina, and I sent an e-mail to Teri Raml also that we
need to get a group together to make sure that whatever
system we use, whatever you recommend when we finish up
with the presentation, that we all retain our access of Public Lands. That is the bottom line, is what we're looking for, no matter what the report says, no matter what my report -- I really don't care. I just want to make sure we're on the same page. We do everything we're supposed to by law and make sure it stands up in court, stands up with all parties involved. That's where I'm coming from.

We are not there. We have some problems with a release that was just put out. We don't understand it, and so a lot of stuff in this report of mine talks about that. And I had Bruce Whitcher help me because I'm not that learned at that. I'll sign the California Desert. Whatever you send me, I'll sign the living heck out of the desert. But give me these paperwork, and it drives me nuts.

There's a few things in there, the terminologies we use, passive and aggressive. I hate that word. There's no thing -- I can be an aggressive rider on the single track but a passive rider in the open area. That means absolutely nothing to me.

The other thing is the designation of the routes. We went around and around with Ileene. R-5 and R-50 opened up. I want to make sure we do not miss out on that. So there's some terminologies that for some
reason motorcycles are more destructive than passive hikers. That's totally untrue. It's not proven. A hiker, an equestrian person leaves a crack on the ground just as much as I do on my motorcycle. A track is a track. It's ruined. Any way you look at it, it is utilized. And so we accept the use of vehicles of hikers and equestrians. There's an impact no matter who rides it. So there's some terminologies in there I didn't agree with.

So basically, Mr. Chairman, you're 100-percent correct. We worked cooperatively. God only knows we cried a lot. We ate food in her house. There's nobody who worked harder than Dinah, and I want to give her a hand and congratulate her for everything she does, how she opened her heart to all of us.

(Applause.)

MEMBER SHUMWAY: I'd just like to make one comment. Bob Reynolds and I agonized over this aggressive versus passive. I don't know why we didn't think about it. It was so obvious. We already had a motor-dependent representative on the DAC, Ron Schiller, and he would have pointed out that earlier instead of aggressive and -- what did we have? Aggressive and non-aggressive? Passive. We should have had motorized recreation and motor-dependent recreation.
And Bob and I intend to go back after this meeting. Bob Reynolds is a member of our group and BLM volunteer too. We'll go back and do the final edits for this. And that's one of the things that we'll change is to change that terminology from passive and aggressive to motorized and motor dependent, which is more accurate. I mean, this is just one of those brain things. It was so obvious.

CHAIRPERSON BANIS: Just for a moment I'm going to pass around to the DAC members one of the recommendations alluded to using technology and new tools. And I wanted to illustrate. One of the points that was brought up was a thing called the Owlshead GPS project. I'm going to pass out a couple of GPS's that show what the Owlshead GPS project looks like on GPS.

Also we have a thing called the Friends of Jawbone OHV map. That's now an iPhone application. I'm going to pass the iPhone app around this way so that folks can see how that works. It can be used for iPhone and Android.

And we also have maps, CT UC maps and FOJ maps are now also available for purchase on a program called PDF Maps, PDF Maps. And you can see this is neat because it has all the text on the map as well. I'm going to pass this around. This is another way in which
technology can be used to keep people on the trail.

Thank you. Are there other --

MEMBER SHUMWAY: Tom Budlong.

CHAIRPERSON BANIS: Tom, do you have a few

statements on the WEMO, please?

MR. BUDLONG: A few.

CHAIRPERSON BANIS: You bet.

MEMBER SHUMWAY: And then Jim Kenney, and Tom

is a wrap-up.

MR. BUDLONG: I'm Tom Budlong, member of the

WEMO subgroup. People stumbling around here. I presume

everybody knows now that a subgroup is a subgroup of the

DAC, and the DAC was asked by the BLM to help them with

this court order that came down, so we don't need to go

through that.

This is what I would call a dissenting report

rather than a minority report, or you could call it a

minority of one, because I haven't collaborated with

anybody else on my thoughts on this. I don't have

anything written to hand out to you. I haven't had a

chance to examine the appendices which are part of the

report and the maps, and that will take me some time to

do that. So eventually I will come up with a dissenting

report that will be passed around to all of you.

The report that came out as a final report came
out a week earlier as a draft report. I dissented from
that in my comments on that, dissented in my comments,
and I didn't see any of them reflected in the final
report. So I want to tell you why I disapprove here of
this report.

This is all the result of a challenge suit that
went through courts, and the court then emphasized that
what the BLM had not done was really follow -- follow me
here, and pardon me, please. There's 43CFR8342.1,
Paragraphs A, B, C and D. And that talks a lot about
minimization. It talks about -- to paraphrase it,
you've got to be nice to the landscape, the animals and
the plants and living things that are out there, and you
must minimize conflicts between OHV and other
recreational users out there.

And that's really, if you want to boil it down,
what we're supposed to be doing with respect to the
court remand, that's it. There are other things in the
big remand order that we're not involved in.

So the BLM went to the DAC. The DAC created
the subgroup. They put down a mission statement, which
you can get off the web right now, saying that what you
want to do, please, subgroup, is identify a range of
alternatives, collect data, motorized data and
not-motorized data, and most importantly include
strategies that meet the minimization criteria which the
court found the BLM did not meet.

Now, the subgroup looked at this and said,
we're about a dozen volunteers part-time, unpaid,
non-professional managers. We can't do alternatives.
We can do alternative, maybe.

MEMBER SHUMWAY: And we only have a year.

MR. BUDLONG: And we only have a year; right.
And that just wasn't going to happen. Collected data.
Collected a lot of data. Minimization criteria.
There's nothing about minimization criteria in the final
report, and that's really the crux of the whole thing,
and the report doesn't talk about that, and the subgroup
didn't talk about that very much either.

So what did the subgroup come up with?
Identified users and groups and user groups, which was
interesting, collected a lot of data, identified maybe
one route network through the maps, which are the maps
of what the BLM knew and the maps of what all the people
who showed up in the subgroup and helped mark on the
map.

That's not necessarily a route network, a
considered route network. It's really a collection of
what all the people who were there said, "I want a route
here. I want a route there. I want a route over here."
And in a few cases, "There isn't no route over there. What's the matter with you?" So I don't call that a route network, which is really what they wanted to come up with. Again nothing about minimization criteria.

Identifying users in user groups. I'll pull a few quotes out of the report. In the executive summary it says, "Much of the public and even lead agencies consistently fail to recognize that most of the public conduct professional and recreational actives where motorized vehicles are used as a secondary support."

I don't know where that statement came from, because I don't remember seeing any data to support that. I don't remember any attempt to get data to support a statement like that.

"Subgroup finds that the high-profile OHV activities" -- this is the ones that annoy us all, especially Ed -- "generally associated with motorized recreation of desert do not properly reflect how the vast majority of people use the desert."

And I don't know how they came up with -- the final report came up with that statement. Certainly there are no statistics in the report to back it up.

MEMBER SHUMWAY: That's true.

MR. BUDLONG: And I didn't see any statistics during the subgroup meting. It looks to me like it's
pure opinion that came in from somewhere.

The report talks about a lot of polygons, and I
don't quite know how these polygons are going to be
used, but I get to be a little suspicious about it.
"Polygons defined for paleontology, for education, for
sheep lambing, for hobby collecting, for mineral
exploration, for research, for cultural."

I'm suspicious that these polygons are going to
eventually be used to allow limited public access,
motorized limited access. It doesn't state that
specifically there, but it doesn't state specifically as
far as I can see what they are going to be used for, and
I don't quite understand their purposes.

Now we get into some other details in here,
things that you can pick out of the report. There's a
recommendation that sustenance roads not be anonymized
for minimization, that they be left open no matter what.
A sustenance road is a road created for grazing and
farming and mining. Independent of when it was made,
that should remain open.

And the best I can figure out from clues in the
report are that that comes from back to 8342.1,
Paragraph -- I think it is "C," where it says it should
minimize conflict between recreational users. And the
word "recreation" in there is used to say, oh, we're
only dealing now with recreation roads. Sustenance roads are not recreation roads, so they are exempt. I think that's really reaching -- really, really reaching.

Talk about mining claims. "Access to active mining claims should be maintained as open even if on a limited or a permit basis."

The BLM needs to revise its criteria describing whether a plan of operations is needed to develop vehicular access to routes to recently located mining claims. Right now if you want to go into your mining claim and dig around in there, you have to submit a plan of operations to the BLM.

MEMBER SHUMWAY: Not for every claim. But if they're in an ACEC, or generally you can get an exploration. It depends on the permit -- it depends on the BLM office.

MR. BUDLONG: "Subgroup recommendations regarding resource management. Provide and maintain route access to resource areas, including mining claims."

To me that says, okay. If you have a mining claim, you can have a right to have a road to it, access to the mining claim. Mining claim is a resource. We're looking for resources. The argument there is, and if you have a mining claim, you should be able to put a
road in there. Ignored is the obvious, unintended consequence of, if I want a road someplace, I put a mining claim in there, and then I can make a road to it.

And the report really gives no deference to the BLM's really very carefully, a long time, worked-out procedures on mining claims, considering all of their other responsibilities with respect to the land.

The report talks about washes. And in several places it says that washes are self-healing things. "Washes are self-healing with each rainy season, and if travel is restricted to the wash roads slope and riparian degradation is minimal."

There's something about self-healing wash bottoms, the bottoms of a wash, stipulation that access be along self-restoring drainages, single routes along self-repairing drainages, as opposed to cutting slopes, will reduce erosion and landscape degradation.

All through here there is nothing to recognize that washes are really very often biological islands in and of themselves, and they're really special biological places that grow plants and that support animals and not in other parts, and if you use them for OHV travel, you're really impacting those ecological isolates.

Call for more roads. "The more closed routes there are, the higher the impact will be on the
remaining routes because all traffic will be diverted to fewer open routes." If you follow that to its end, you cover the desert with routes, and each one will have minimal impact, but you've got lots and lots of them.

Same thing, that if there are greater number of miles over which to disperse recreational travel, the impacts on an area are likely to decline. What that means is more roads in the desert.

There's talk of a classification of land called conditional limited access, and in several places it says, "Conditional limited access should be reviewed and expanded. The criteria for limited administrative access needs to be revisited and expanded. The subgroup strongly recommends that the category of conditional limited access be reviewed and expanded."

Reviewed, revisited, reviewed, and what after that? Expanded. This is like, okay, judge, we'll give them him a fair trial, and then we'll hang them. Don't bother with review. It says right there in three places "to be expanded" after the review. It seems to me the review is superfluous.

Roads in wilderness. There's a clear prohibition in the 8342 reg that says trails should not be located in officially designated wilderness, yet what does the report say? "Nonrenewable resources within
wilderness need inventory and management. Limited access for management must be provided," and access, we know, means roads.

Not only would lands become more accessible for recreation under Alternative A, but also for "wilderness studies that cannot currently be properly conducted because of poor access." So we need road access of the wilderness so that we can study the wilderness.

"These activities include vehicle-assisted botanic, zoologic, paleontologic, geologic and mineral resource studies and terrain and slope preservation/stabilization, motorized access to wilderness." This is a congressional act. The report is asking Congress to change their policy.

So how did all this happen? Again my suspicions arise because I look at the makeup of the group, and if you can categorize them into two categories, one category is people who want lots of motorized access in the access groups and the people who want motorized access and the people who are much more interested in maintaining the integrity of the desert. It comes out 80 percent to 20 percent. I think this is an unbalanced subgroup membership, and I don't think the DAC should allow that to happen again. Go through a list of the members, and if you know them, you're going
to come out 80 percent to 20 percent.

So let's give it a little review of this of the features. We have roads to active mining claims. That seems to be a right. We have sustenance roads, whether they're used or not, which are exempt from all this. We have limited use roads for all sorts of number of purposes, and it's unspecific as to how these are going to be used. And with this 80-20 percent makeup I'm very suspicious.

We have roads in wilderness. We have a statement, one where hikers need more roads to get to hiking places. More roads means less damage to the roads that are there. And the minimization thing, the crux of the whole exercise appears totally absent.

I did on a final report a little computer search of key words, and for instance, I looked for "paleontology" in the report or "paleontologist." I find 32 references, which sound to me like quite a bit; "geology," "geologic" and all those things, 27 references; "volunteer," there's a lot of emphasis on volunteers in this report, 40 references. And that's excluding the references that say the subgroup is made up of volunteers. "Polygon" I find 13 references, and "access," that wonderful code word, which means we really want more, 111 references.
So I personally I feel this is a disguised effort to get more roads in the wilderness -- not in the wilderness, in the WEMO area. To me that's what it represents. The report is very unspecific to actual things and what to do and how to use these polygons and who gets to use this limited access. And I can imagine a system being put together where there are a lot more roads and more people riding on the roads and looking at the document saying, well, this could be authorized by this document. So I am a dissenting member.

CHAIRPERSON BANIS: Very good.

MR. BUDLONG: Thank you.

CHAIRPERSON BANIS: Thank you. On behalf of everybody, thanks for that comment. Very good. Are there others you'd like to call that might be able to add to what we've heard? I want to make sure that we're adding as opposed to being redundant.

MEMBER SHUMWAY: Jim Kenney was making comments.

CHAIRPERSON BANIS: Good.

MEMBER SHUMWAY: Jim, just wait one second. I want to make a comment on two things.

The polygons. For those of you who will go to the appendices, the appendices include maps of polygons that were developed by San Bernardino Valley College
geography and geology professors and students. And these are polygons of resources both geologic, paleontologic. One of our members was Bob Reynolds, and he's a paleontologist, archeologist, geologist. His knowledge of the desert is encyclopedic. But they developed certain polygons where there's iconic and famous mineral-collecting areas.

Rather than having just a point, which isn't very useful, especially if you're a geologist, you don't just say, "I'm going to go to this road cut." You say, "I'm going to go to this unit." So that's where the polygon idea came from. And it came from a suggestion a long time ago about how the DRECP was looking at areas by using use of polygons. If you want to be more informed in that, then go to that appendices, and look at the polygon use maps. Thanks.


MR. KENNEY: Okay. I would like to address a couple of frustrations we had with the group. Talked about minimization, and Tom brought that up early on, and we were informed that the BLM would not supply us with cultural, archaeological or biological information in any form. They either didn't have it, or wasn't going to give it to us, so we had no real good way to make the connection with some of these routes using
minimization. It would have been a lot more thorough if we would have been able to have access to at least some of that, because we don't know -- the volunteers don't exactly know what it is they use as criteria for not leaving a route where it is or rerouting or what the situation is. So we basically just used our knowledge of the routes as we had seen it.

It would have been interesting, especially for some of the arch sites that are really special, prehistoric and so forth, that we knew at least where they were so we could direct routes away from those sites, but we weren't given that information.

The other thing was, a lot of times we didn't have the information until the night of the meeting. So some of us who are not familiar with all seven of the TMA's had no way to really preview what was there before we got to the meeting. So we showed up at 5:00, and that's when we get to see the maps for the first time. A couple of times we weren't sure we were even going to see the maps at all. If we hadn't picked them up ourselves, we wouldn't have had them, and that was frustrating, as a volunteer, to have done some of this.

I personally ran probably 1,500 miles, not counting getting to the meetings, running routes especially in TMA-2, which is vastly under reported as
the amount of routes out there. They just missed them because no one ever saw them. Darwin Centennial Flats, a huge area, lot of roads. A lot of those roads have been there for 150 years, but they never appeared on any maps that the BLM gave us. So it was frustrating in that sense that we weren't getting the support that we thought we needed to make some of these decisions, so some of the reports is vague on some stuff because we never had the information in the first place to consider it. Thank you.

MEMBER SHUMWAY: Thank you.

CHAIRPERSON BANIS: Thanks for filling in that hole, Jim. Thank you.

MEMBER SHUMWAY: I think our last speaker would be Tom Laymon, who came the furthest. He made every single meeting except for our very, very last extra meeting.

MR. LAYMON: And I wish I would have made it.

MEMBER SHUMWAY: And he lives in Palos Verdes, so imagine that.

MR. LAYMON: Good morning. I have written responses. I'm not going to rebut anything that was previously said. My name is Tom Laymon, and I represent the public at large. I also represent the large public rather well.
I believe that my past experience is a good match for the role of what I presented and represented on the subgroup. I'm an avid four-wheeler. I own dirt bikes. I rockhound. I enjoy shooting sports. I own a mining claim. I own land within one of the TMA's. I've been on a permitted paleo dig. I love to camp, hike, explore, and I love photographing the West Mojave area.

I would like to sum up the public's interest and wants for West Mojave route in the following way: number one, we want to enjoy the unspoiled and untramped vista and pristine landscapes that the desert has to offer. We want the biological and botanical resources not to just survive but also to thrive. We want to enable and encourage scientific research in all the disciplines, and at the same time we wanted to preserve the paleo and cultural resources that the desert has.

We want to be able to recreate by rockhounding, hobby collecting, motorcycle riding, including single tracks. We want to go four-wheeling. We want to go hunting, and we want to do dirt biking, mountain bicycling. We want to take hikes on historic trails in the quiet of the desert. We want to camp. We want to photograph. We want to hold equestrian events. We want to prospect and mine. We want to just go out and enjoy the beauty of the great outdoors in the Western Mojave.
So as the public, we want it all, and not just what I mentioned but even more than that. More importantly we want a route network of roads and trails that supports the maximum public access to Public Lands. But it has to be a balance with the preservation of these same resources. Based on everything I've heard in the last several months in all the subgroup meetings and in discussions with the public through the various task force, I can sum it up into five key points or key strategies that I would recommend to the BLM going forward.

First, education so the public knows how the area is supposed to be managed. We talked a lot about that today: kiosks, maps, web contact, GPS, signage so the folks know how to comply with that management. So we need to sign both open and closed routes and limited routes.

Third, containment to help encourage proper behavior that is expected of those people in the area, so the Friends of Jawbone has very well-modeled plans and methods to accomplish that.

Fourth, minimization, minimization but with access, especially in high-value areas needed to protect fauna and flora, cultural and scientific as well as the majestic landscapes and vistas that we have in the
And fifth and one of the most important is enforcement for the mischief makers who choose not to live within the law. We need to make sure that they are brought face to face with the long arm of the law.

Now to the DAC members, I thank you for your time today, and I strongly encourage you to approve this report as written. Even with the limitations that were outlined in the report and the limitations that the other subgroup members so eloquently presented to you today, I believe that the report captures the essence of the topics that we wrestled with as well as the spirit with which we addressed them.

I believe that there's great value to the BLM in making sure that they have understood what we've gathered and what we've learned. There is even greater value, I believe, in continuing this group or a group of a similar nature so that in the future the public interests and open access to the desert is visible to the BLM.

Now, specifically to the members of BLM management who are here today, I would like to say that many in the public recognize and appreciate the confines of a large government bureaucracy, the budget and head-count limitations, as well as the quagmire of
regulations and laws that you live with every day, which
Tom Budlong so eloquently put. However, I want to
encourage you not to hide behind those limitations but
rather shake off the bureaucratic dust, instill the
passion and instill the professionalism in your people
to make the West Mojave the best-managed public land in
the country. And quite honestly, from the general
public's point of view, you have the resources to do
that, and that at the minimum is what we expect.

Now I'd like to thank Edy of BLM. She just did
a fantastic job. She was there when we needed it, and
she pulled out a lot of last-minute rabbits out of the
hat. I want to especially thank Dinah Shumway, chairman
of the subgroup, for her leadership in guiding the group
and helping us stay the course over the last few months.
And finally to my subgroup members who brought me fresh
awareness that there are other members in the public
that share my love of the desert and truly thank them
for helping to preserve both the desert that we love as
well as the open access that we need for our future
generations. So as far as I'm concerned for all of you
in the room, I think it's mission accomplished, and I
thank you.

CHAIRPERSON BANIS: Thank you kindly, Tom.

Very nice. With that, ladies and gentlemen, I'd like to
throw the discussion into the DAC's hands. We may not
get our whole discussion before lunch, but let's open up
the door and get this rolling. Are there any DAC
members who have comments, discussions at this time?

Might I just offer first, I'm thinking -- what
I'm trying to think of is two things. One is the
comments on the work product, and two is, where do we go
from here? And those are the two things I think I'd
like to talk about. I'd like to frame the second one,
where do we go from here? The BLM is deeply engaged in
designated routes now, and the longer this report or a
report stays in our hands and is not in their hands is
going to be harder for the BLM to incorporate that the
longer we wait. So I do think time is of the essence
for us to act. I'm sorry.

On the other hand we want to make sure that the
DAC's advice is reflected in this report. I guess I'm
just going to put on hindsight glasses for a minute. I
think if we do this exercise again, maybe an idea might
be to also convene a DAC subcommittee. We don't really
use DAC subcommittees. I've mentioned that. There's a
little hard thing about DAC subcommittees, because those
are essentially DAC meetings. They need to be Federal
Register noticed. There's a lot of ground. It's a lot
of organizing and more care and feeding than even a
subgroup meeting.

But it could have been interesting perhaps to have the subgroup work on all of its work, get all of that great stuff together then maybe a subcommittee of some of us could have heard those details, heard the dissenting reports, hashed it out a little bit then maybe had a recommendation for the full DAC to move on. I'm sorry about going that 20/20, but we all learn, and maybe advice might be the next time we have a big thing like that, to consider pulling out the extra stop of having the subcommittee.

But in the meantime we are the committee, the full committee, and we need to move through this as quickly as possible. But I don't want to tie our hands into doing anything we don't want to do.

Don, please.

MEMBER HOUSTON: I have a prepared statement I wrote this morning.

CHAIRPERSON BANIS: Oh, please, go ahead.

MEMBER HOUSTON: And it speaks to the report itself.

I yearn for simpler times. Therefore my comments will be simple, short and to the point. During the course of my lifetime, the proliferation of roads in the West Mojave has adversely affected desert resources
in the areas of archeology, biology, hydrology and
paleontology. These adverse effects are the driving
forces of the route designation process and the Court's
decision. I have read the subgroup's report. In fact I
read it twice and some parts, three times. I say this
as evidence of the seriousness I lend to the subject and
the appreciation and respect for the extraordinary
commitment of time the subgroup has devoted to the
preparation of this report.

Although I agree with much of what was in the
report, I cannot support the subgroup's Alternative "A"
recommendation. While the subgroup has offered a range
of four alternatives, its recommendation allows for the
highest intensity of use. This recommendation does not
strike a fair and reasonable balance between the needs
of the desert users and the protection of desert
resources, nor does it adequately address the Court's
concerns with protection of resources on Public Lands,
public safety or the minimization of conflicts among
various uses.

Finally the subgroup's suggestion that
increased BLM resource management and a more robust
volunteer program is sufficient to protect desert
resources is, in my opinion, unrealistic in light of
current fiscal realities.
CHAIRPERSON BANIS: Very good. Thank you.

Very comprehensive. Anyone want to try to follow that? Come on. Thanks, Don.

Seth, please.

MEMBER SHTEIR: Okay. Well, thank you, Mr. Chair, and I'd like to thank the subgroup that worked on this report. I agreed with some of the recommendations, but I had some concerns related to the report and ultimately can't support the report's findings.

One of the things that concerns me is the reasoning to maintain multiple routes and open status within WEMO TMA's. And it lists one of the most important reasons as continued and increasing managed passive access to access the BLM with resource management. And I would definitely agree that that type of access is necessary sometimes for inventory and management, but where inventory and management takes place is dependent upon the resources themselves. So in other words, you may need it in some places but not in others, and it should be decided on a case-by-case basis whether multiple routes are necessary or not. As a blanket statement it doesn't make sense to me.

Let me address another underlying issue that I think is in the report. It says that much of the public
uses the desert in additional and mostly in passive ways, camping, hiking, photography, et cetera. These passive users who assist with resource management, camp with families, surveyors and education students would be hurt by further route closures.

I'd like to acknowledge that, yes, those are those among the public who do feel they will be hurt by further route closures, but there are also those in the public who would support route closures if it were coupled with education. And I think there are hikers and ecologists and professors and students and backpackers who would support certain route closures if they understand why those are.

There's another assumption here that I'd like to address. I think it occurs on Page 21, and that is, "The more closed routes, the higher the impact will be on the remaining routes because traffic will be diverted to fewer routes, increasing the intensity of use."

And the implicit assumption here is that, if you have open routes, you'll have a little bit gentler impact. But what we know about recreation and recreation management is that it's not evenly distributed. So necessarily having a wide variety of open routes won't necessarily limit impacts because resource use will be concentrated in certain areas. And
I know that from studying wilderness management. It's certainly the case where you have wilderness areas that have a large network of trails but you have use concentrated in certain areas.

I want to echo what Tom said. I'm not going to take a lot of time on this, but on Page 26, "Nonrenewable resources within wilderness and wilderness study areas need inventory and management. Limited access for management must be provided by special or limited use permits to evaluate impacts on these sites."

And so that does, with what I've studied about the Wilderness Act of 1964, violate the intent of that act. You know, the act only allows for that under certain conditions and not as a broad-based policy. And there's something called the minimum tool rule, which means what you must use the tool for management that is least impactful, and it is not based on cost or convenience according to Wilderness Management text, Hendee and Dawson, which is a pretty big text.

I think that's about it. I would pose a question to the chair. And that is that -- you mentioned that it might be a good idea to convene a subcommittee about this particular issue. And I wonder, is it, in your opinion, too late to do that at this point, or is that still a possibility, and what might be
the process for commenting and working on further drafts
of this report?

CHAIRPERSON BANIS: I loathe to speculate at
this late date without consulting with our advisors from
the BLM. We understand the BLM sets our agenda and has
a limited budget for us to operate in our meetings. And
let's have some discussions, perhaps, over lunch and see
if there's some venues or avenues that we might be able
to do so and maybe also get a feeling as to just what
the real drop-dead deadline is, given that progress.

Now, of course, our timeline, the timeline the
subcommittee worked on, was based upon the WEMO timeline
that was estimated at that time. I don't know for a
fact that everything is on time necessarily with the
BLM's efforts, and maybe I'm not quite accurate in
saying that it's desperation that it be done today.
Maybe we need a little counsel on that too. But I think
that needs a little more discussion with our BLM
partners. I'm sorry. I wish I to could add more on
that.

MEMBER SHUMWAY: Could I chime in more on that?

CHAIRPERSON BANIS: Please.

MEMBER SHUMWAY: First we expected to make
revisions after this. We wanted the DAC to approve our
report based on -- with certain revisions. To be fair
to our group and the people who wrote most of the
report, which included me, we never got Tom or Mark's
dissents until, like, after the report was released. So
they came in late. We probably would have addressed
them if we had had those extensive dissents early on,
but it would have extended our deadline too.

But to be pragmatic about this whole thing,
this hasn't been a report that's been done in secret.
All of the WEMO people have known what's going on. The
BLM asked for a very early draft by --

MS. SYMONS: November.

MEMBER SHUMWAY: It was after the December
meeting they asked for a list of our recommendations
which we had been working on, and so we spent some time.
I'm sorry. It was September. She said they needed it.
I'm sorry. The girl -- I don't know what her name is,
but she asked us for a preliminary list of
recommendations. It went out on the internet. It came
back. And so the BLM has had access to our skeleton
list of recommendations for a very long time, especially
the major ones like marking closed roads and things like
that. A lot of the recommendations are redundant
because some of them are in, like, management, and some
are just strategies.

But we never intended this to be a final
document, because I frankly expected comments from the
dAC. You were supposed to read this and get back to me.
Obviously very few people did that. So Bob and I have
already resolved to meet to prepare a final document,
and for that we'll consult with Mark and Tom to resolve
some of our issues. I'm not sure they'll all be
resolved.

Even though it's not a consensus report, it's
still pretty much a majority report. So that's all I
can say. So if the DAC wants to convene a bunch of DAC
members to help revise that document, I think we kind of
expected the DAC members to weigh in on this document.
That's why you were sent a draft. So it's not like it
will be a surprise. I mean, Teri, you've kind of known
what's been coming down the pipe for a long time, so
it's not liking it's going to be a surprise. So putting
it off another month probably wouldn't be much
different.

CHAIRPERSON BANIS: You know, if there is no
objections -- and looking at the time and how we are
moving on the schedule, we're hanging in there, doing
okay. Maybe we will get some literally food for thought
here. Let's take a break. Let's have our lunch. Let's
let it roll around in our heads a little bit. We'll
come to the table and see if somebody has thought of
something really great.

MEMBER SHTEIR: Mr. Chair, may I just address what was said. Yeah, I definitely appreciate your sending around the draft. I, being a new member, wasn't clear that this was a time-sensitive issue. But I do believe the issues in this are substantive enough so that maybe the review shouldn't just be conducted by e-mail, but maybe there should be a working group on it.

CHAIRPERSON BANIS: Very good. Well, thank you. With that we're going to adjourn for lunch. We're adjourning on time, relatively, so we'll be back on time. Adjourned.

(A lunch recess was taken.)

CHAIRPERSON BANIS: Thank you, everybody, for coming back from lunch. I hope it was good, and I reconvene this meeting at 1:11.

We're going to resume where we left off, and that is the Desert Advisory Council members who were discussing the West Mojave Route Network Subgroup report and discussion. So who would like the floor next? I have an empty speaker's list. Al, April and Zach and Kim. Go ahead.

MEMBER MUTH: After lunch one always has to stay awake, so I'll try to be brief. First of all, thanks to all the volunteers and to Dinah for all the
person-years of work that went into that thing.

Having said that, I do have some significant reservations about the product, the report. And in bullet form, I think in many areas the tragedy of the commons in the sense of Garrett Hardin's original usage is one problem.

There are some species arguments, I believe, in there. At times the report actually goes into a rebuttal of the judge's findings, which I think was outside the scope of the report. And clearly there was a bit of mission creep that came into the report. My basic concern is that I don't believe that it satisfies the charge of the Court, the minimization charge to look at the alternatives in that light.

Now, having said that, I would support moving this report forward to the Bureau. It's advisory. I would also support moving the dissenting minority reports forward, along with that big pile of documents and everything else.

MEMBER SHUMWAY: We have that on CD.

MEMBER MUTH: Okay. You can frisbee it to them. Just to move this thing along in a timely manner. Those are my thoughts on that.

CHAIRPERSON BANIS: Thanks, Al. April?

MEMBER SALL: Thank you. Thanks for the
report, Dinah, and for the subgroup. I understand a
tremendous amount of work has gone into this. To make
this quick, I guess, that was a great segway for me, Al,
because I had some similar comments.

So I will also state that I think -- I had some
concern, and it sounds like several others feel also,
that there may have been that the report didn't
necessarily follow the lines of what the Court was
asking, which was to identify alternatives and to I.D.
and implement minimization and that requirement.

So I think there was a lot of work that went
into the subgroup, and there's a lot of different
opinions coming from a lot of different directions, so
that is very hard to channel into a product, and
certainly there's no way to get consensus. And so I
fully understand that and that we are trying to provide
information to the BLM in an advisory role.

I think, looking back, a DAC subcommittee might
have been helpful on this topic, but that's hindsight.
And so moving forward we should consider some of the
subgroup versus subcommittee formats on topics that are
time sensitive, where the BLM needs to take an action
item. So I think this all will go into the draft EIS.
And I would support also that the dissenting comments
are officially submitted with the subgroup. And I guess
I'll leave it at that.

I guess also, just to clarify some discussion about the washes, I think that hopefully in the EIS there will be a little bit of information about the wash travel, because those are important geological corridors, and so there should be a little more clarification at least regionally as it relates to some species.

MEMBER SCRIVNER: Mr. Chairman?

CHAIRPERSON BANIS: Zach.

MEMBER SCRIVNER: Thank you, Mr. Chairman. My comments are along the lines of Al and April's as well. I certainly want to try and move this process forward. I first want to express my deep appreciation to Dinah and to the subgroup for all the hard work that they put into this. You know, we all struggle to balance all the needs of all the uses and users of the desert, and we certainly support public access to Public Lands.

I did want to state one concern from Kern County, which is, the routes crossing private property that are not established public easements. So that's going to be at Page 26-A5 of the report, "Private Versus Public Lands." It talks about clarifying the responsibilities, "that the BLM managers must clarify responsibilities for routes that cross private lands."
So that's a concern for us, how we're dealing with those private property owners. Are they at the table when we're developing the mapping to make sure that their private property rights are supported?

Having said that, I think that the group has come up with a very good framework. I know that a large majority of the work that went into this was actually in the mapping. That's something that I think was included as attachments to the report, but I think that's where a lot of work went into place. There's a big pile of those maps over there. So as Al and April stated, I think that what needs to happen now is receive and file the report and the information, refer that to BLM staff.

I'd like to ask BLM staff where we are with the West Mojave route designation. Is there a timeline where we might expect something to come back to the DAC for review after staff has had a chance to review and assimilate all the information?

MS. SYMONS: Right now we're currently working on alternative development. We will be having the draft EIS available on or about September, October. And then right now we're still pushing hard to be able to meet the Court's mandated March, 2014 final decision.

MEMBER SCRIVNER: Okay. Thank you very much.

Thank you, Mr. Chairman.
CHAIRPERSON BANIS: I think before I move to Kim, I just want to reframe what has come out of Zach's question, and that is, we don't have time to wait until September or October for the DAC to have another meeting on this. The draft will be coming out potentially by September, October.

So Kim?

MEMBER ERB: Okay. I'm not sure whether to start with my specific comments to previous comments, or I'm not sure where I should start. But I think I'm going to start with a response to some of the comments that were made by previous people who made comments.

On washes, there are washes all over the desert. If you close every road that affects a wash, there will be nothing; no one will have any access to the desert. I understand that they're significant and that care needs to be used. If there are some that are very critical, perhaps they should be closed. But washes are important to everyone, not just the environment and the species. And I think that is something that everyone needs to consider.

A comment was made about access, the word "access" being used throughout the report. This is about routes. This is about access, so it is entirely appropriate that there would be hundreds of times that
access was mentioned in the report. I thought that Tom Laymon eloquently described how I feel about this particular subject and about access and about the routes.

Aggressive and passive use. My understanding is, maybe those were terms that were used that were different than what has been used in other situations with the BLM, but I understand it to be as simple as aggressive use is perhaps considered to be motorized recreation, which I understand to be when the motorized use itself is the recreation, and motor-dependent use, which is more like what rockhounds do, where we use our vehicles to get us to our recreation.

And then here's the bottom line for me: we, the public, we have been closed off from going to lots of places that we want to go in the desert. In particular, rockhounds have lost a lot of locations. We've lost them to wilderness. We don't get to collect in the wildernesses. We can't get to the location with our vehicles. Military, national monument designations, energy projects. We've lost a lot. And I see a continuing movement to continue closing routes for whatever reason. I think now there's not that much left. We have to be able to share it.

The public needs to be responsible in its use,
but we all have to share what's left. You can't close it off to everybody. And when you close a route, you are effectively excluding the public from using its land. And it's time to start figuring out how to share it rather than how to take it away, take away more. And that's why this is such a passionate issue to most of us.

The crux of those meetings was having the public come to the meetings and tell us so that the BLM would know what areas we consider and the public considers important. That's what this report is about. That's what the report is about. And it's significant because we had a lot of people go to great lengths to go to these meetings and tell us what they wanted, tell us what areas were important and why they wanted the route. They didn't just give us the information about the routes they wanted open. They told us why they wanted them open, what it was about that route that was important to them.

So this report is really significant, in my opinion. And it may not be perfect. You're not going to get people from all these different interests to ever agree completely on anything, never. But I think this report is extremely important. And I think the absurdity to me of covering the desert with solar panels
and windmills and then telling the public, "Sorry. You can't have that route anymore. You can't have access because we're going to close your route," it's absurd. We have to share what we've got left.

The public needs to get to the desert. They're not going to learn to love the desert unless they can get to the desert. And if you close a route, people aren't going to be able to get somewhere where they need to get to. So that's the bottom line to me, and I would support the report. Thank you.

MEMBER SHUMWAY: Thanks.

UNIDENTIFIED SPEAKER: Amen.

CHAIRPERSON BANIS: Next I have Ron. Any others on the list?

MEMBER JOHNSTON: I won't be overly loquacious, but I think the overriding concern is, is this going to pass muster with the Court, and is it consistent? And I think Ed Waldheim has addressed those issues very poignantly in his comments and dissent from some of the findings that have been produced in the report.

I think the subgroup did a marvelous job of putting this together based upon the input that they were given and the participants who volunteered to be in the subgroup, which has got to have a weighting on the outcome and the findings. And it's difficult to get an
ideal cross-section to volunteer for any subgroup, without question.

But I think we're kidding ourselves if we think that the WEMO subgroup's report is going to be consistent with what the Court has spelled out. And I would hope and would expect that the BLM is going to take that caveat and remassage this with the considerations of the dissenting items and the exceptions that have been made before it's presented to the Court.

So I have confidence that Teri and your staff are going to rework this to make it so that it is compliant, because the Court clearly states one of the big problems -- one of the major issues they bring up is the great number of routes that have been spawned since the 1980 report, and they didn't want more of them. They wanted the same or fewer numbers of routes. So minimization, I think, was a major goal that the Court set out, and we have to abide by that.

CHAIRPERSON BANIS: In a moment I'd like to move into the public comment for that. I want to --

MEMBER SHUMWAY: Mr. Chairman, are we done with the DAC?

CHAIRPERSON BANIS: No.

MEMBER SHUMWAY: I mean, I have a very few
bullet items to comment on.

CHAIRPERSON BANIS: A couple of ideas relative to route proliferation or the concept of route proliferation having happened over a course of time. I would ask the DAC members to consider that the proximity to urban and community environments will see greater route proliferation than you will see in what I call the deep, dark back country. In other words the places that are furthest away from the urban centers or from the communities are generally those that have less route density.

We're finding, in my observation, purely anecdotal, is that what has seemed to me to grow exponentially has been the play area development in the hills around the communities and around the towns themselves as a result of babysitting by motorcycle.

I would just challenge folks that are interested in really looking at route proliferation in a specific area to make use of a great tool now on Google Earth, on the Google Earth software. It's a tool called the Timeline. And it now allows you to scroll through all the way back to 1984. And I think you will be quite surprised, depending on where you have your screen focused. By moving that slider back in time, you will be surprised at how many of those routes are noticeable.
and present on the '84 imagery. The '84 imagery is far inferior to current imagery, but nonetheless, they appear in the '84 imagery.

So talking about proliferation, just as a test, go into Google Earth, look at that timeline, and then let me know what you find. I'd be interested. I picked out a few places, and it's different. So there.

Dinah, you have some points to make?

MEMBER SHUMWAY: I have just a few points before our public comment.

CHAIRPERSON BANIS: After Dinah's comment I'm going to roll into the public comment. Go right ahead.

MEMBER SHUMWAY: I have just a few comments. One, to Ron's comment that it wouldn't pass muster as a court document, it was pointed out early on that because the DAC and the subgroup in particular was not a party in the suit, that no way would the judge ever see this document. I mean, this was a report that was prepared for the DAC as an advice -- as a set of recommendations and advice for the BLM. So it's not a court document. It was pointed out clearly to us that the judge would never see this document.

On monitoring, monitoring and management, there's been a lot said about minimization. And unfortunately minimization, you can have some general
kind of comments. But unless you're going to be route
specific, it's hard to talk about minimization except on
specific routes. But I would submit -- and I think most
of us would feel this way about monitoring and
management, monitoring and proper management. And by
"monitoring," I mean in-the-field monitoring. That in
itself is an implementation of minimization because you
are constantly evaluating degradation and trying to stop
it along the way. So I would make that comment.

Also before anybody makes comments from the
public, our plan always was to revise our document to
include input from the DAC after this meeting. So
there's still going to be a revised document out there
based on this kind of comment. And for that, I have
Ed's report. I need Tom's report. So I have Ed's,
Tom's and Mark's comments. So I have those, and I would
request for any of you who have specific comments, you
need to get them to me. Via e-mail is fine, but really
I can't rely on my notes. You need to send them to me.
And please, be specific if you can. Thank you.

CHAIRPERSON BANIS: Very good. Moving into
public comment on this subject of the WEMO Subgroup
report, first Ileene, Ileene Anderson. And that will be
followed by Sam.

MS. ANDERSON: Good afternoon, chairman and DAC
members. My name is Ileene Anderson. I'm with the Center for Biological Diversity, and I just wanted to weigh in, having been able to read at least the final report but without the appendices, to state that from our perspective, despite the substantial time and effort that the subgroup put in -- and I do want to recognize all of the efforts that went into this and the vast amount of data that was collected -- we still believe that the report fails to meet the DAC charter of the subgroup, which is what I thought that the subgroup was actually working on. And we also feel that it doesn't provide the BLM meaningful help on the issues that the Court directed them to evaluate. I sort of feel like it got off on the wrong foot and then just continued down the wrong route.

As most of you know, the judge's order required the BLM to identify various minimization criteria to be consistent with the CDCA plan, which limited the routes to existing routes in 1980, which was over 33 years ago, and to also provide a reasonable range of alternatives. Obviously the documents are going to also have to adhere to FLPMA and the BLM regs, including other laws, including the Wilderness Act. So I don't see how this plan is actually going to help the BLM in moving forward with route designation in WEMO.
I also want to reiterate a point of concern for us. And that is, while we're supportive of the route's signing that the BLM is doing as part of the court order, the 2006 designation, which the Court found to be faulty, you know, obviously can't be the baseline for what routes are going to be open and closed. And surely no new routes since 2006 can be included as that baseline.

I then want to turn my comments to another issue regarding WEMO that we have great concerns with, and that's the new scoping notice that was in the Federal Register on May 2nd. We've submitted comments, but I wanted to reiterate them to the DAC here, which is, we found that notice incredibly confusing. It's very unclear about what BLM is proposing to do and could be interpreted to say that they're proposing not to engage in comprehensive site-specific route designation.

On the end of the notice it appears to say BLM will decide which issues to address in the plan and amendment in the EIS after receiving additional scoping comments and that the BLM will engage in a different collaborative process with some subset of the public outside of the NEPA scoping process to make that determination of what to include.

We think that that would violate NEPA and may
not comply at all with the court order, and so I just
wanted to flag that, that I think the BLM needs to be
much more clear about what they're actually going to be
doing. Thank you.

CHAIRPERSON BANIS: Thank you, Ileene.

MS. MERK: Hi. My name is Sophia Merk, and I'd
like to read you what I wrote at 4:00 this morning.

I would personally like to thank all the
members of the DAC WEMO subgroup who worked so hard
trying to comply with what they were given as the
direction from the BLM. They did it at great expense,
financial and emotional. For the most part they were
not provided with maps, and they had to keep justifying
it to what little public that did participate. I would
also like to recommend the WEMO subgroup stay together
as a unit until the time when the BLM submits the
package to the judge.

I have read the draft that was placed on the
website. I do have some concerns. The justifications
for the routes are not detailed enough for the Court to
make their decisions. These alternatives do not comply
with NEPA. There needs to be several alternatives, and
one has to be a no-action alternative. If it does not
comply with NEPA, then don't state it. The objective
from the BLM to DAC WEMO subgroup changed from the
initial concept. The Notice of Intent for a possible EEA is different than the most recent Federal Register Notice that just came out, the May 2nd one. There was no recordings by the BLM by a court recorder to form a justifiable case to the Court that standards were kept.

The public was asked to comment on the latest Federal Register without all the information privy and with a time slot that was unworkable. Less than 30 days without the working draft and maps not listed for the first 20 days is unacceptable.

Lists of suggestions for this committee: stay together. A disclosure needs to be provided, because not all the members bought on to every statement.

Demand that the Federal Register be changed to reflect what the committee came up with. And when all information is available to the public, put in a new Federal Register Notice amending this last mistake.

Hold new scoping meetings for an EIS, and present what the judge requested. Preliminary decision criteria has not been presented to the public.

Expand the latest Federal Register Notice to reflect the DAC's WEMO subgroup. Baseline data was and has not been given to the public or to the subgroup.

Give the public 90 days to comment on an EIS for a plan amendment, as guaranteed under Section 7.
Next speakers we have are John Stewart, followed by Jim Bramham.

MR. STEWART: Good afternoon, council. John Stewart, California Association of Four-Wheel-Drive Clubs.

Quite a bit has been said about minimization in this discussion. I'd like to point out some salient facts dealing with it. Minimization deals with two concepts. One is minimization of impacts, and the second is minimization of routes. And while not completely pertinent to this discussion, I'd like to point out that the Ninth Circuit Court has recently issued two court cases dealing with the minimization context. One of them is minimization of impacts, and the other is minimization of routes.

Both of those cases have one common factor in that the agency -- and in this case it was the Forest Service -- the agency is at fault by trying to apply minimization across the landscape or in a broad scale. Any minimization needs to be done in accordance with the Code of Federal Regulations and deal with site-specific analysis, whether it is the minimization routes or minimization of impacts, however you address that. And in dealing with minimization of impacts, care has to be
used to -- that is, just parsing words out of the Code of Federal Regulations and not the full context of what minimization is about.

So in short with minimization, this is an issue that is an inherent government function for the agency to determine what the criteria for minimization are and to establish the framework or the standards under which the site-specific analysis will be done. I believe that this is in the feeling or would answer the judge's ruling to come back with that.

As it is, is the agency cannot sublet their requirements to a non-agency group -- this being the DAC or the subgroup of the DAC -- in order to come up with the exact criteria. The DAC and the subgroup can advise, and they have put forth some advice and helped a lot to identify or helped BLM identify what minimization criteria will mean either in a framework context, or that which would lead to a subsequent site-specific analysis.

Now, one other factor that has to be looked at is within this discussion and within that report that was issued, the term of limited use needs to be looked at closely. Limited use is already a defined legal term within the BLM discussion, and yet there is some conflicting reports of how the limited use is to be
applied within that report. So that's something which
care has to be taken to look at in the future. Thank
you.

The floor is yours.

MR. BRAMHAM: Reset it to three minutes. Thank
you very much. The WEMO project is very near and dear
to me, is that in 2001 I nearly died trying to do the
initial mapping project for this when the maps were in
such disarray the Bureau decided to do a ground-truthing
project, which included the routes in the desert that
the decision that has now been overturned in 2006 was
applied for. I spent five hours waiting for Life Flight
to help with that. So I'm very conscious of how WEMO is
going.

I would like to reiterate John's thoughts that
in 2006 that decision was one of the first on
minimization, and since then the Ninth Circuit Court has
definitely done some reevaluation and some landmark
decisions about how the agencies are to proceed with the
minimization evaluation, and I hope those new criterion
are used in the new planning document.

There's an old adage, if you disappoint
everybody in a planning process, you probably have
created a good document. It appears that would be
today. Not everyone is happy, but the information is there. And so I would encourage this body to move that to the folks who are actually going to create the document that will go to the Court.

And so I've heard this referred to as a plan. I don't think that this was a plan that was presented to you today. This was a report, and the planning document is going to be done by the Bureau. And I hope that you will move all this body of information that was presented to you today to the Bureau so they can use it in creating a document with their full analysis and with the use of their court appointer or their attorneys to come up with something they feel will fit the Court's analysis.

So please don't internalize this; externalize it, and give it to the Bureau. Thank you.

CHAIRPERSON BANIS: Thank you for that advice, Jim. Jim Kenney, followed by Gerry Hillier and then Dave Matthews.

MR. KENNEY: Jim Kenney. I would like to emphasize the fact that we need to really work on the public-private separation of the routes, because most of the routes that I personally use, which are consistent and constant, were originally created as user routes to a specific resource, and a lot of that property now is
considered private, but it has not been monitored and/or
signed and/or delineated on any map significantly in
sometimes more than a hundred years. And a lot of the
trails that are marked have gone across these for as
long as I've been recreating, which has been since the
'60s.

So to say that suddenly a fence appears on land
that you didn't even know was private and it's just a
white blob on an old, obscure BLM map is not nearly
enough information to properly stay off this land. And
yet if you create another route, say, a hundred feet
around that, you've created another route to replace one
that you say shouldn't be there. And usually it's every
bit as bad, and the other one doesn't obviously just
disappear unless you put a crew on, like the SCE crew,
to get rid of it. So you're actually creating another
route or not to replace one that has been there a long
time, and then nobody knows who the property belongs to,
except maybe the county recorder. So you really need to
work that out.

CHAIRPERSON BANIS: Thanks, Jim. Thank you for
that, too. Gerry, followed by Dave Matthews.

MR. HILLIER: I just have a couple of quick
observations that I wanted to make, since I did not have
a chance to see much more than the executive summary.
First off, I thank Dinah and her crew for not even reaching consensus but simply assembling the data. They deserve a lot of plaudits.

Second, really, as an interested observer more than with any of my contracting hands-on, I have a sense of déjà vu all over again. BLM has been at this for, as near as I can count, 42 years. And if it was easy, I guess we would have probably reached some decisions. For those that can't count, BLM first tackled route designation in the desert in 1971 inventories and with the ICMP that was released in 1972. So this discussion, believe me, in one form or another has continued unabated for the last 42 years when the Desert Plan was done, when the Desert Plan was amended and so on.

I really recommend that it be moved ahead and handed to the BLM without further wordsmithing or adjustment or trying to reach consensus. Just simply, it is data. BLM is going to make the decision. The subgroup is not going to make the decision.

There's two specific points that I have -- well, three. One, personally I really like the recommendation about no buffers. I think that's important and important to keep before you. It doesn't apply legally to the ACECs, but it does apply legally to the National Parks, National Monuments and the
Wilderness Areas, because the law specifically CDCA says no buffers are created. And I'm paraphrasing, but you know what I mean. And so that language needs to be reflected.

The recommendation for consistent signage certainly across the CDCA is very strong. You can't have one set of signs in Ridgecrest and a different set of signs in El Centro. And believe me, each of the field offices kind of develops their own personality, and individuals sometimes have their own ideas. It has to be consistent, and it's something there that the district office really needs to be on top of and insist that it be done. Whatever is done in WEMO needs to be extended certainly in terms of consistent warnings.

Last this idea of easements across private lands, I think it's a terrific idea. People have talked about it really for the last 25 years, but it's never happened. It may be expensive in acquiring the underlying land and may be even more expensive, but if there's grant money out there, it probably ought to be slotted so they can provide some legal access. It's much better than trying to put a route around it.

CHAIRPERSON BANIS: I heard that same comment a couple of times privately today as well, so that's good ear-warming for me.
Dave Matthews, welcome again.

MR. MATTHEWS: Thank you. This thing does tilt. Somebody earlier mentioned that the some of the routes needed to be minimized according to what the Court has ordered to help preserve species and so on and so forth. As I mentioned earlier, I have been here about 45 years, except for about six months of that, and I've always the rest of the time have been in the same residence.

When we first got here, there was a number of roadrunners, and I will submit that roadrunners are not endangered, I don't think, although I haven't checked lately. But we used to see them right across the street right on the pavement. They've kind of moved out a little bit as development has filled in.

But my point is this: I still see roadrunners, particularly since my backyard faces the schoolyard, which since they have remodeled recently within the last couple of years, has put a fence up for security reasons. I still see those roadrunners come in, because now they can get over the fence -- and why they call it coyote camp.

So I submit that in many cases the species will adapt. In fact I have reason to believe that the desert tortoise has increased and we're not just seeing the
numbers because people aren't really out there looking
and counting every day or every week, and thank God
they're not.

As far as minimization is concerned, to me that
means -- I'm reading into that minimization of the
routes. Well, I think it's been pointed out earlier
that we've already got enough routes taken care of.

And one last point. This is being discussed
because a court order from a lawsuit. Now, I could
never figure out, because somebody told me many years
ago, and I've still heard the phrase recently, you can't
 sue the government. So I'm still confused on how these
lawsuits come about. What I suspect is, that lawsuit
was filed with a judge that was, shall we say, friendly
to the plaintiff? I could be wrong, but then again
maybe I'm not. I don't know.

And there was one another comment, and I can't
remember now what it was. Anyway, I'll think of it
later and submit it in writing. Thank you.

CHAIRPERSON BANIS: Thank you, David. That
concludes our public comment. Okay. Let me summarize
where we are.

MEMBER SCRIVNER: I think you have one more.

CHAIRPERSON BANIS: Do we have another card?
Sorry, Mark. You're right. He's right. I buried his
MEMBER SHUMWAY: Where were you when we needed to hang up those maps?

MR. ALGAZY: I was there. Don't you remember?

I just wanted to make one comment on some of the legal ramifications of the lawsuit, and that was that the Court did -- excuse me?

UNIDENTIFIED SPEAKER: Turn on the mic.

MR. ALGAZY: The Court did make the BLM concede that the 1980 baseline was illusory, and so you can't have it both ways. Either there is a baseline, or there isn't a baseline. And if the Court made the BLM say that the baseline illusory and you've got to start over again, you can start anywhere.

So when the BLM tasked us as a subgroup, we weren't told that we had to start with 2005 as our baseline. We started with what we thought would work in the end. We didn't want to start with an unrealistic baseline, so we took the 2005 FEIS, and we worked with it. But then we added routes to it that we thought were appropriate.

And BLM shouldn't be afraid to take that entire route network the way it was generated, take it in from the DAC and then work with it to produce a viable route network. They have been actually, in my opinion, given
the flexibility to do that, because they were freed from
the original baseline. That's all I have to say.

CHAIRPERSON BANIS: Very good. Thank you. Ed,
do you have a comment? I've got you.

MR. WALDHEIM: Ed Waldheim. Everybody needs to
know we all, as has been stated before, have worked very
hard on this, as has been stated, worked very hard on
the subgroup.

We had maps. Our big effort was on the maps.
We concentrated over and over on the maps. And this
document, I hope you just accept it, give it to the BLM,
because they've got to make the decision. In all
honesty, I don't see you spending much time to try to
bring your report up to date. It doesn't make any
difference. You have the minority reports, all reports
provided to the BLM. They're big boys and girls. They
know how to go through what is good, what isn't good,
and they can make their own decision. That was the
whole purpose of this.

But I don't want you to forget that the maps
are our key. We went over the first set of maps. Then
they changed maps to another set of maps. Then they
went to a third set of maps. We went through three
different sets of maps. And one, we never even got the
map yet today.
So all the notations were done on the maps. Our work on is on those maps. So when the BLM takes it back, please make sure that they review the maps and all the comments that the subgroup made from all the public on those maps. That is our report, really. The maps are our report, and then based on that is where we're going to get the thing going.

I definitely want to make sure that we do not do the same mistake as last time. Last time the BLM went dark two years, and then came out with a report and totally floored us. I want to make sure the DAC stays engaged with the Bureau of Land Management until the report comes out. I don't want to see surprises like we did last time. There's no excuse for that, because we got hosed last time. I don't want to go that route again.

Somebody from this group better monitor or be in touch with the Bureau of Land Management as they come up with the report for the March deadline.

CHAIRPERSON BANIS: Very good. Thank you.

Thanks, Ed.

Okay. To recap where we are, we have a 47-page subgroup report, 383 pages of appendices, 87 maps that have been marked up. By the end of the day, we'll have about a hundred pages of transcripts. The transcripts
will include comments from the public, comments from the
DAC and even comments from a member of the plaintiffs
from the lawsuit.

What I have heard from particularly this side
of the table and has been echoed by about a third of the
speakers is an urging that we take this volume of
advice, this volume of input, this volume of data that
we've collected, that we accept this data, we forward it
to the Bureau of Land Management and we ask the BLM to
utilize this report and all of the data as very as best
as possible as they move forward in the producing of the
WEMO route network.

Is anyone interested in making a motion in that
line, or does somebody else have another way to go?

MEMBER SCRIVNER: So moved.

CHAIRPERSON BANIS: Moved by Zach.

MEMBER ERB: Second.

CHAIRPERSON BANIS: Second by Kim. Discussion
on this aspect versus other courses of action?

Thanks, Don. You're up.

MEMBER HOUSTON: Okay. Just a question. I've
heard repeatedly that the existing report findings and
recommendations on the WEMO route designation effort is
a draft report and it's going to be revised. Is the
motion to send the existing draft report forward with
all this additional data or to first revise it based on additional comments from the DAC members?

CHAIRPERSON BANIS: Zach made the motion.

Let's let Zach say.

MEMBER SCRIVNER: I don't think a revised document is necessary. I think that the existing document along with the transcripts, the maps, all the other information is sufficient. And so my motion is just to send the existing materials on to staff.

And I'd also like to add one comment about the minimization. You know, that wasn't the purpose or the goal of the subgroup. The subgroup was for user input. You know, the minimization question, that's for the BLM specialists to decide biological, cultural, et cetera, and I think the legal sufficiency is also something for the BLM to determine. Thank you.

CHAIRPERSON BANIS: Al?

MEMBER MUTH: Dinah, do you object strongly to passing it along without revision? Your thoughts?

MEMBER SHUMWAY: With all of the comments, many of the comments would require some major changes in some limited areas. The only thing that I would like to change in the document is something I alluded to right at the front, which is "motorized" versus "motor dependent." I would feel more comfortable if we changed
those terms throughout the document to, where appropriate, "motorized" and "motor dependent," because even though I think that -- this is not a legal document, never was meant to be a legal document, it's not an EIS or EIR bureaucratic whatever it is. It's a document written by normal people, and I believe that normal people, a citizen, understands what our content is, and they certainly can understand what our intent is. So I think that's the only thing I would really feel comfortable changing.

We could change a lot of stuff, but can tell you, that will take a long time. That is the only thing I'm uncomfortable with with the document now, because as Ed has pointed out, it does give a different kind of aspect to the report. So that's the only thing I would like to change before I pass it on.

CHAIRPERSON BANIS: Would that be acceptable to the maker and the seconder?

MEMBER SCRIVNER: Yes.

MEMBER ERB: Yes.

CHAIRPERSON BANIS: That's the friendly amendment. Jess, I know you're trying. Almost?

MEMBER REILLY: No.

MEMBER SHTEIR: Quick comment. Again I wanted to thank the subgroup for their work on this, and thank
you for the amendment too.

In terms of process, I'd just like to say that I think that perhaps in the future when we have a complicated issue like this, we can plan a little bit more in terms of anticipating a little bit more revision on this. My feeling is that, although our dissenting views are captured in the record, it may not carry the same weight as the report that is based on the advice of the council. And so it's a little bit different in weight there in terms of my feeling and my feeling about process. And I just wanted to say that. Thank you.

CHAIRPERSON BANIS: Very well noted. Jess?

MEMBER REILLY: Essentially just wanted to add what you stated, which is that it's really important for me in evaluating a document, too, to hear public comment and to hear the comment of the entire committee. And so in the future it would be great to have the opportunity to think about and then present my revisions, just even from the context of being a writer, that that's how it's best to work through that process. So I would appreciate that opportunity in the future.

CHAIRPERSON BANIS: We'll have many more issues and many more opportunities for engagement. Any further comments from the DAC?

MR. BUDLONG: Randy, do you accept a comment
from here?

CHAIRPERSON BANIS: I appreciate it. I've had to close the public comment, and it's time for us to do our thing. Hearing and seeing none --

MR. BUDLONG: I want to respond to something said previously.

CHAIRPERSON BANIS: I'm sorry. We'll have to pick it up at another time.

So the question is on the table. Those in favor of forwarding the report to the BLM with all of the documents attachments, testimony that we've received today with the amendment with that one change of incorporating "motorized" and "motor dependent," those in favor, please raise your hand. Those opposed?

MEMBER SHUMWAY: Should I vote?


(Vote was taken.)

CHAIRPERSON BANIS: Very good. The motion passed. I just want to say thank you, everybody. This was a very tough one and a long one, and we've learned a lot not only from the content of the material, but I think we've learned a lot about the process and about how we work together. And I really look forward to the next big issue or the next big challenge so we can take
this one on with more vigor and a stronger process and a more clear mission and resolve. Thank you very much for this item.

Would you like to comment?

DIRECTOR RAML: Yes, I would. And this has been a very interesting experience for all involved. First of all, as several people have said, I want to thank the DAC, thank the subgroup, thank Dinah, especially. What a task, huh?

So kind of in close for me, one of the things is the formation of the subgroup actually came about at the suggestion of people who had been involved in the earlier planning process. And one of the concerns that was brought forward when BLM started this, again, is that they wanted to be engaged. And so with what we got, I think, that was certainly accomplished.

Now, if there was mission creep, I will say that mission creep was shared by all. From my perspective BLM got what we wanted, which was data, data, data, data, data. You started with that, Dinah, in your talk, and that's what we got. You know, all of us can go back and look at the transcripts, but what we were looking for was a way for people to engage, and you got 450, 500 people engaging and providing data in a way that BLM was not staffed and, as several have commented,
was not even appropriately responsive to the readiness
of the group to provide data. And we could not have
done that, and we really thank the subgroup.

Also a lot of people have said things. I've
even commented. Zach, thank you. One of the things is,
the role of the subgroup was to get us data, data, data
and engage with the public.

I certainly appreciate everyone's input about
minimization criteria. And the terminology is tricky.
The NEPA standards, the planning standards that go along
with it are not easily absorbed, and that is our job.
It is also our job to comply with the Court, so that was
not the subgroup's intention. And so those of you that
kind of kept that, we did not expect the subgroup to
hand us a document full of data, comply it with the
Court and all of our laws and regulations. We wanted
the data.

Also in terms of mission creep, one of the
things I have to talk about, too, is, you know, we have
lots of transitions going on. And I think one of the
things that happened that was also alluded to is, in the
middle of this process, I thankfully got two new field
managers, and we got new DAC members that might have
engaged totally differently in this process had they
been there in the beginning.
And I'd like to just take a minute and let my field group managers who came into with subgroups working with missions stated, I'd like them to kind of take a minute and say a word or two. And Carl, I'll say welcome to this process.

MR. SYMONS: You can leave it low for the next person.

I'd just like to thank once again the DAC and the subgroup for -- one of the key things that I take away from this is, as a decision maker, what I'm looking for ultimately is to make the best and most informed decision I can make. And so why I really like what's going on here, despite the tension that might be there or the feelings, that it's nice to know where there's consensus.

But it's also good to know where there's not consensus. And I know it's not easy when people come forward to have an opinion that maybe isn't consistent with the rest of the group, and that makes it even more so important because without that aspect that's information that I don't have when I sit down to make a decision, and that makes my decision not possibly as good as it could be because I don't have all the information.

So all the hard work, everything you have,
that's all information that goes into it. And to me it's just, because like I said, that we don't have consensus on every issue, that's not my point. My point is that I want to have that information. I want to know where the concerns are, and then we can talk about it. And then as the gentleman earlier stated, if you come out with a decision that one side likes everything, that's probably a red flag that maybe you didn't have all the information. And so for me, I just really appreciate all that effort.

In the beginning when I got here, it was talked about maps, maps. You know, we have problems that routes aren't there. All that work that you sent into it. And this is not going to be the last decision in land management that I'm going to make, hopefully, as I go forward. So this pays off not only in WEMO, but it's going to pay off in decisions that go forward. It's going to pay off when I go into my capital process. It's going to go in when I'm trying to look at individual processes. This is going to have repercussions way beyond WEMO, and all this information is very, very valuable. And I thank you very much.

DIRECTOR RAML: Now for the shorter member of that management team, Katrina, who also came on board and also had her staff, Edy, who everyone has referred
to, fully invested in this process. So Katrina.

MS. SYMONS: Oh, Dinah, my sincere appreciation
for a year and a half of your life and that of your
subgroup that you took out, not paid, in order to take
on the heavy lifting for BLM in this process. And
really, a heartfelt, big thank you.

You know, me, I'm a public servant. I love my
job. I love the BLM mission, trying and, you know,
looking at the challenges and opportunities of public
land management, and I get the benefit of getting paid
for it. You spent a year and a half volunteering your
time and putting in tremendous hours. So I'm hoping
that you and the subgroup can walk away from this
experience feeling good about it.

And I'm saying that because, when I first got
on board and I went to a task group meeting and there
was the GIS maps being displayed and we had members of
the public coming up and actually interacting in those
maps, pointing out spots that were special, pointing out
roads that accessed areas of importance to them that BLM
didn't have that information. And you helped to take an
environment that provided for really good public input.
And I thank you very much for that and look forward to
working with you in the future, especially on our NEPA
project coming up.
MEMBER SHUMWAY: Can I just make one comment.

Thanks, Katrina, and Carl, too, for those words. Thank God for Katrina being there because we had so many different BLM people there. The only person who really knew what was going on was Edy. She was the only consistent person for about six months. But really it wasn't just me.

And I credit Randy for choosing our subgroup, because we had a subgroup that had a lot of variety. And because of that, that subgroup also spread the word and brought in people that would normally not have come in. Bob Reynolds and Don Buchanan, who is another geologist, literally contacted USGS people and said what was happening, and that's why we got USGS input. That's how we got county input. That's why we got academic input. All of the subgroup worked really hard too, so I don't want everybody to think it was just me, because it wasn't.

DIRECTOR RAML: Yes. And thank you. And so in closing, yesterday we were talking, and the DAC members expressed how tough the BLM job can be and our multiple-use mission. But what I can say is that you shared that with us. The subgroup shared that tough job trying to achieve that mission, and I appreciate that, and the DAC does too. And thank you very much, and we
look forward to sorting through all the -- whatever
Randy said we're going to get.

CHAIRPERSON BANIS: There it is.

DIRECTOR RAML: I'm sorry. One last comment.
Lots of comments I'm hearing about the notice of intent.
We will take another look based on what we're hearing
about it. I can say that there is several
interpretations of it. That certainly wasn't our
intention. So we will go back and look at it and try to
figure out how to clarify. And I certainly don't want
to reissue it. We thought it said what we wanted it to
say, but obviously we have missed the mark with some of
you that are reading it closely, so we'll go take
another look at it.

CHAIRPERSON BANIS: Thank you. Okay.
Following the agenda, the next item after the WEMO is
lunch again. That can't be right. The next item after
that is the El Centro Field Office ISDRA. That's
Imperial Sand Dunes Recreation Area Business Plan and
Resource Area Management Update Plan Briefing.

Tom Zale from the El Centro Field Office, new
field manager. The floor is yours.

MR. ZALE: Well, thank you very much. Again my
name is Tom Zale. I'm the field manager for the
El Centro Field Office, and I'm here to talk about a
couple of huge accomplishments. I'm very proud to
represent the staff in El Centro. They're a very
hardworking good bunch of people.

And there are two notable accomplishments that
we're going to talk about today. I'll start with the
Record of Decision for the RAMP, and then I'll ask
Neil Hamada, one of our incredible staff members, to
join me to talk about the Business Plan for the Imperial
Sand Dunes.

So as you all know, the planning area for the
Imperial Sand Dunes covers over 200,000 acres. It's in
the eastern part of Imperial County. It contains one
wilderness area, the North Algodones Dunes Wilderness
and two areas of critical environment concern. It's an
area that is been utilized for both OHV and
non-motorized recreations since the 1970s. We completed
a RAMP, or recreation area management plan, for the
Dunes the first time around in July of 1987.

So a little bit of background. The reason that
we're here talking about this RAMP is the result of a
lawsuit that was initiated in 2000, where the Center for
Biological Diversity sued the Bureau of Land Management
and the Fish and Wildlife Service. A settlement was
reached in that suited that establishment interim
closures for the off-highway vehicle use in the ISDRA.
The purpose of those closures was to project Peirson's Milk-vetch, a listed species, and desert tortoise, another listed species.

In 2003 BLM prepared a RAMP. We issued the Record of Decision for that RAMP in 2005. There was no jeopardy biological opinion issued by the Fish and Wildlife Service, and the Fish and Wildlife Service designated about 20,000 acres as critical habitat for Peirson's Milk-vetch.

In 2006 the Court afforded us an opportunity to redo the RAMP and also an opportunity for Fish and Wildlife Service to revise their critical habitat rule. In 2008 Fish and Wildlife Service did revise their critical habitat rule, and that opened the door for BLM to begin this new RAMP process.

So in 2010 BLM issued the draft RAMP for the Imperial Sand Dunes. It was released for public comment for 90 days. Subsequent to that, in September of 2012, we issued a proposed RAMP and final environmental impact statement. The Imperial Sand Dunes Recreation Area Management Plan includes amendments to the California Desert Conservation Area Plan of 1980. And in this version we cover most land uses and resource management decisions for the sand dunes planning area.

So we have a signed Record of Decision for this
process. It was actually signed yesterday. There is an
agonizing number of additional steps between the
signatures on that document and it being available for
public review. But I hope that it will be out with a
notice of availability by the end of next week.

In that decision we're selecting Alternative 8, which was our preferred alternative in the proposed
plan. So the decisions there would make 84 percent of
the planning area available for off-highway recreation
use. It closes 100 percent of critical habitat. It
also closes about 11,000 acres of microphyll woodlands
on the east side of the planning area to camping, but
that area is still available to off-highway vehicle use.

About 18 percent of the planning area,
primarily the periphery of the planning area, will be
available for wind and solar development and also
available for geothermal leasing. An additional 12,000
acres of the planning area would be available for
geothermal leasing with no surface occupancy.

The ACEC designation for the North Algodones
Dunes will be eliminated because it's such a redundant,
overlapping designation within an existing wilderness
designation. And then finally we modified the boundary
of the East Mesa ACEC to avoid overlap with the Imperial
Sand Dunes Recreation Area.
So there were a few changes that we made, minor changes and clarifications between the final proposed RAMP and our decision here, and those have to do with clarifications regarding multiple-use classes, vegetation-use authorizations and what kind of collection would be available -- or actually, none in the planning area. We also clarified some discrepancies regarding camping and then corrected a map, which appeared to create a corridor through critical habitat.

And then finally we clarified that the proposed RAMP is in conformance with the problematic solar environmental impact statement the BLM released. And then finally the desert renewable energy planning process will consider this area at some point in the future.

This map just intends to illustrate that the solar energy zone that was created by the solar PEIS is near but not within the Dunes planning area, and it's located to the essentially southeast of the Imperial Sand Dunes.

So finally we think that the decision that we have just made is in compliance with the court order. It makes some corrections with respect to how the no-action alternative was defined. We included a survey of endemic invertebrates and analyzed the impacts across
eight alternatives. We prepared the RAMP to address the arguments that the plaintiffs raised in the last litigation. We have a new biological opinion and a new critical habitat rule for Peirson's Milk-vetch, and then finally we eliminated all off-highway vehicle use within critical habitat.

So there were three processes to the proposed plan and final EIS. One was by EcoLogic Partners, one was by the Center for Biological Diversity and one was by the County Sanitation Districts of Los Angeles. The protests were reviewed by our Washington office, and then we made some minor changes in the document to correct errors that the County Sanitation District raised, and then the rest of the protests were denied. And the Protest Resolution Report is available at that internet link that's illegible but on the screen.

So basically our decision is out -- or will be out at the end of the week. One-hundred percent of Peirson's Milk-vetch critical habitat is closed to off-highway vehicle use. We've done some camping closures to help protect sensitive biological areas, and we will ultimately be making more of the land in the Imperial Sand Dunes available for off-highway vehicle use.

So with that, as I said, the plan has been
signed. We have approval to post and print it. By the end of next week I hope that the notice of availability will be published in the Federal Register. There will be a filing with the Court and plaintiffs of the documentation associated with this planning effort, and then our goal is to implement the results of this planning process in September of 2013.

Do you want to come up and talk about the Business Plan?

MR. HAMADA: Good afternoon. My name is Neil Hamada. I'm the Imperial Sand Dunes Recreation Area Manager. Do you want me to start now, or do you want me to give you a minute to pass those around?

MEMBER MUTH: You can start. I got mine.

MR. HAMADA: Okay. I'm here to talk to you today to give you an update about the final 2013 ISDRA Business Plan. That's the Imperial Sand Dunes Recreation Area. It was released on May 31st and takes a hard look at the numbers and trends. We incorporated feedback from our partners at Imperial County, the Imperial Sand Dunes Desert Advisory Council Subgroup and public comments, and it develops a long-term strategy to make the Dunes financially sustainable.

For the past three years we have on average spent more than $500,000 over our budget to manage the
Dunes, and this comes at the expense of other areas that we manage. Go ahead.

The plan looks at aligning all of our responsibilities to manage the Dunes, not just the ones funded through fees. We take a look at what it takes to provide what our visitors expect when they arrive at the Dunes; for instance, access to camping areas, sanitation facilities and a response when they call 911. We also discuss what minimum level of service is needed to continue to allow us to provide sustainable OHV recreation at the Dunes. Next.

The final Business Plan incorporates several changes requested through public comment on the Draft Business Plan. It was written in a more traditional format, and the alternatives were removed. Since some time had passed, we were able to include more current budget information. We included a lot more financial detail. The financial analysis in the final was expanded and more detailed. A new section was included discussing how regulations and policies guide what the BLM provides as a minimum level of service.

We provided a more descriptive rationale in the fee concepts that were considered but eliminated. An entire chapter is now dedicated to public participation and documents the scoping and changes, communications,
marketing, visitor feedback and annual reports. And the socioeconomic chapter was further developed. Next.

After the draft and before the April 18th subgroup meeting, we received 236 comments. After the presentation at the subgroup we received another 103, totaling the 339 public comments. The first set of comments were categorized into ten common themes, and that was posted on our website. Then I also added a column here on the slide that addresses how we responded to each of these themes.

I'm going to go over these quickly. The public stated they wanted to have more opportunity for involvement, so we feel we provided that through social media three different public comment periods, one in which we are in now and public meetings going back to 2009. Social media for us is really taking off. It's the way our visitors want to get information. I think the highest number of people we reached in one week so far has been 30,000 people in one week.

Fiscal accountability. We added financial detail that gives a reader a better understanding of how we came up with our numbers. We refined our calculations for the financial figures and data.

Program of work and service levels. We discussed how we came up with that so that they can
understand it a lot easier and further describe how we
developed the estimates. There were questions about our
legal authority and process, so we included a discussion
on that and described what our legal authority is.

There were questions on examination of
alternative fee structures and implementation methods,
and so we have added a second-vehicle permit at a
reduced cost and added a season permit as a sticker.

The amount of the proposed fee was questioned,
and so in the final proposal it has been reduced, and it
also has included increased incremental amounts.
Revenue sources were questioned, and so we added more
detail on that. We recalculated what our revenue
projections would be. We increased our grant and
federal contributions and assumptions to keep fees low.

In the impact to regular recreation visitation
socioeconomic section we discussed the proposed lower
fees, an option for a discounted second-vehicle permit
and a no-fee period during the summer, and then we
reformatted and rewrote the entire document to make it
easier to read.

Below the black line there are comments we
received after the 18th subgroup meeting. Many comments
could be categorized in one of the above ten, but the
majority of all the comments we received after the 18th
could be categorized into one of those three there. And
two of them are already addressed above, the amount and
the fiscal accountability. But the one that encompassed
the majority of the comments was the need for or the
want for an option to have a season permit. And so
because that wasn't included in the draft that we
proposed on the 18th, we have re-included that back in
the final plan so visitors will have the opportunity to
purchase the season permit.

During the time that I said we have been
overspending, we have also been decreasing our costs to
operate the Dunes, and so we have been cutting services
to try and stay within our budget. So to offset these
reductions in revenues, we have utilized partners,
grants and volunteers as much as possible, but it's not
been enough, and so some things are beginning to be
cut -- or have been cut, actually.

Most outreach education programs have ceased
unless there's grant opportunities or partners to fund
them. Facility maintenance has stopped. We do most of
that during the summertime, and it usually costs 250- to
$300,000 a year to rebuild the roads each year, and so
we've stopped doing that. And we mainly concentrate our
efforts on just removing sand from the roadway so people
can actually access the Dunes. Next.
Proactive outreach events such as the mini-cleanups, the OHV registration events, information distribution points and ATA safety courses, which was done with one of our partners, have all been cancelled. Next.

Holiday staffing has been reduced. We normally bring in help for the holidays. Thanksgiving staff last year was reduced by 49 percent. And that picture there is a picture from last Thanksgiving. We had 133,000 visitors. Emergency medical services has also been reduced. Last year we saved 41 percent in costs by reducing our medical services.

And in the next slide I wanted to talk to you about what our workload is there. So comparing FY12 and 13, I'm glad do say we had four less fatalities compared to last year. So we had one this year. That's off-highway vehicle fatalities, not including the medical ones. Rescue buggy deployments, we saw a 13-percent increase. We deployed our rescue buggy 124 times. That's when people are injured out in the deep dunes and they're seriously injured. Our critically injured patients, which includes moderate, severe or fatal injuries, were up to 195. That's a 26-percent increase. Those are folks that need to go to surgery right away to a trauma center.
Law enforcement was reduced by 28 percent last Thanksgiving. That was the same visitation load from the previous slide. But here's a photo of our law enforcement officers. They not only do law enforcement, but they assist us on many, many of the medical calls that we go to. Next.

The workload on that is a little troubling. We have a couple of stats here. Our DUI arrests have gone up quite a bit from FY12 to 13. You can see the numbers in red there. It's up to 78 arrests last year for DUI and 161 arrests overall in the Dunes, 178 of those DUI, but many, many others are from narcotics. Next.

In this slide I tried to show that we were listening to the visitors. In 2003 an independent contractor did a review of our area, wrote a Business Plan and said, to manage the Dunes at the bare-bones minimum, you need $6.1 million. In April we wrote our plan or draft and said we think we could do it for five million, reducing it by 1.1 million. We got more comments saying we need to reduce cost even further, so in our final Business Plan we're projecting to run the Dunes at $4,496,000, and you can see the different business lines there of how we laid it out.

The Business Plan had to base our revenues on some assumptions, and that's what we have here on this
page, the federal grants and the fee revenues. The fee revenues there are both a combination of revenues we get from the vendors, 79,000, as well as our Dunes permits that we sell to our visitors, 2.98 million. One thing to note here is, we were estimating we would get about $429,000 per year in grants. That was taken from an average of the last three years. The OHV grants for this year just came out, and we were about $80,000 less than that.

This is a comparison of what we currently charge compared to the proposed fee structure in the Business Plan. And so you can see there's incremental increases in 2014 proposed and 2016. We currently charge $25 a week for offsite, 40 for onsite. We sell about 85 percent of our permits offsite now. Season permits, 90 and 120 on and offsite. We're proposing to raise it to 35 offsite and 50 onsite and 150 for a season permit offsite. It won't be available onsite. Very, very few people purchase that $120 permit, so we are just going to make it available offsite.

A new item there is the $25 online week discount, and so if you purchase a full price permit online, you will be able to buy a second permit for $25, basically a ten-dollar discount. You can use that yourself, if you tell us what date you're going to
arrive in the future, and we'll stamp it. Or you can buy it for another friend and pass it on to them. You see the footnotes there. We're reserving the ability to not increase in 2016 if we don't need it. If for some reason other revenue sources come up -- grants increase, visitation increases, permit sales go up -- if we estimated wrong and we don't need to increase, then we would choose not to do that.

Season permits we changed from a hang tag to a sticker. They're currently a hang tag you put on your rearview mirror, and what we're finding is that there are folks who are sharing that with other people, passing it around, and so we're going to change that to a sticker to allow the program to be more fair for those people that are buying permits. And then permits would be required from October 1 through April 15th. We calculated it out. That means about every six or seven years Easter would be free one of the holidays.

So next steps. We're in the 30-day public comment period. It goes through June 30th. Our State Director presented to the OHV Commission on May 17th and received support about our plan. The slide went off. We received two support letters since the final plan has been released, one of those being from previous DAC member Dick Holliday and previous DAC
subgroup chair. The Imperial Valley Press printed on June 5th that the latest Dunes proposal works. They don't like the fee increase, but they said it works.

We want to present to the ISDRA subgroup hopefully around the end of June -- I believe maybe on the 27th is being discussed. Then we'll review the comments that we get from the public comment period, develop a decision record and then present hopefully to the Desert Advisory Council around the end of July.

Yes?

MEMBER SHTEIR: Quick question on the slide "Workload." Does the fiscal --

CHAIRPERSON BANIS: Use the mic. Thank you, Seth. Sorry.

MEMBER SHTEIR: I had a quick question under the slide "Workload." Does the fiscal '13 holiday weekend comparison include -- that's all the holiday weekends?

MR. HAMADA: The four holiday weekends busiest for us. That will be Halloween, Thanksgiving, New Year's and Presidents' Day.

MEMBER SHTEIR: Okay. Four. So thanks very much.

MR. HAMADA: Yes?

MEMBER SALL: Yes. I was curious, when did you...
eliminate the education and outreach programs?

MR. HAMADA: They're not 100-percent eliminated. We're still doing some, but we've been scaling those back for several years. I guess a good example is, we used to go to most of the off-road event shows around the southwest that had large Dunes visitors at them, like the Sand Show in Phoenix, San Diego Off-Road Coalition Show, the Off-Road Expo, probably about six or seven per year. We don't go to those anymore. We only go to the Sand Sports Super Show because it actually pays us back in fee revenues because we sell our permits there. The other sites don't make enough to pay for themselves, so we stopped doing them.

MEMBER SALL: Okay. And I guess -- so then you said you've been scaling back for several years. So has it been a pretty even scaleback, in your opinion, or was there a dramatic scaleback because of the budget projections?

MR. HAMADA: It depends on the year and what the particular project is. So for instance, if we get a grant for a particular outreach project, you might see an outreach workload go up that year substantially, but if we don't get a grant, like this year, then there won't be anything.

MEMBER SALL: Okay. And similar question for
the ATV safety courses.

MR. HAMADA: That was a really great program. We actually partnered with the American Desert Foundation, which is the 501c(3) arm of the ASA. Jim is here, and he knows about the project. Our partners at UDG, the local community partnered on that. They didn't apply for a grant this year, so they didn't get one. I can't even list all the partners that were in that, but it was well received, but it's just not something we can do on our own.

MEMBER SALL: Sure. And so your fiscal year, is it October?

MR. HAMADA: October 1.

MEMBER SALL: So the numbers that you are showing for the fiscal year '13 was for those four holiday seasons. Okay. All right.

Well, just a comment, then, I guess. And I know all the managers are familiar with this, but I guess, you know, education and outreach in land stewardship is one of the things that many would argue is the best bang for your buck in terms of getting people to understand what you're trying to manage and the sensitivity of resources and their own safety and how to hopefully make your job easier. And so I would just encourage everyone to brainstorm on ways to bring
those programs back, because the higher numbers of arrests and accidents may be correlated.

MR. HAMADA: We definitely try. In fact, Nicole from ASA put us together with Kawasaki. We have a project working with Kawasaki, ASA. The Imperial County Board of Supervisors funded it, and we're all pooling together this year to actually have new education kiosks in the Dunes. Sounds like it's going to be a great project. We're in the implementation phase now of developing all the new panels.

But if it wasn't for our partners -- if it wasn't for Nicole, if it wasn't for ASA putting us in touch with Kawasaki and UDG with the local county, we wouldn't be doing that.

MEMBER SHUMWAY: To follow up with your comment, too, yeah, this number of arrests, I mean, we've got double the whole of last year, just half the year so far. So besides just maybe correlating it with lack of education, do you have a feel that it's maybe part of the culture? Is it related to more visitors, or do you have any feel for why this has gone up so high, or is it half the staff on a busy weekend?

MR. HAMADA: You know, I can't say, you know, for sure. Visitation is down, and the arrests are up.
Although we talk about visitation going down, the activity level hasn't really decreased. You know, we've gone down from 1.3 million to 1.2 million, 100,000 or 150,000, 1.1 and a half million. But when you still have a million visitors, that's a lot of people, and they're all riding off-highway vehicles. The activity level is still there for over a million visitors, and we're just trying to deal with those issues.

MEMBER SHUMWAY: This is only like the one year's data. It would be more than concerning if the data kept going on up. Thank you.

MR. ZALES: In part that's a product of rangers focusing attention on those more serious crimes as well. And you know, we have always emphasized the safety regulations, but we've been really focusing on DUlIs and drugs and things like that.

MEMBER SHUMWAY: It's sort of a different perspective of enforcement.

MR. HAMADA: Yeah. I've got one more stat for you. I think we included it in the written report. On those same holiday weekends you asked about, we made a total of 31,963 contacts just through our law enforcement rangers. Fourteen percent of those people were issued written warnings, and five percent were actually issued citations. And so our law enforcement
rangers are out there making these contacts and doing a
lot of education, a lot of one on one, face-to-face
visitor contacts.

MR. ZALE: So I just wanted to conclude with
one more public thanks to the staff in El Centro as well
as other offices here in California that have helped us
with the Business Plan and the RAMP. It really does
take a village. I think that our employees did a really
fine job on both of these products, but I think also as
evidenced in some of those photos, they make a huge
difference in people's lives and on the ground, and so I
want to applaud their efforts in that.

And then finally I will say, if you guys have
Facebook accounts, check us out, and like us.

MR. MATTHEWS: I don't like anybody. I don't
have an account.

MR. ZALES: Such shameless advertisement.

CHAIRPERSON BANIS: So that's good timing. So
we've concluded that. We're going to have a break.

When we come back, we'll have public comment on the
ISDRA presentation that we just had. We have two
comments, and I'm closing at the two so we can stay on
schedule to get out. So we're going to take a
five-minute break for the stenographer, and we'll be
back to wrap up this item here, please. Thanks. Let's
take a recess. It's 2:47.

(A brief recess was taken.)

CHAIRPERSON BANIS: Thank you. Reconvening at 2:58 p.m. We'll continue on the agenda. The next item of business is public comment on the ISDRA presentations. I have three cards. I have Ileene Anderson, followed by John Stewart, followed by Jim Bramham. Hi, Ileene. The floor is yours.

MS. ANDERSON: Hi. Great. Ileene Anderson with the Center for Biological Diversity again. I had a question, actually, for Neil. I'm not sure if he's still here.

MR. RAZO: Yes, he is.

MS. ANDERSON: Great. I was wondering. What I scribbled down was that you have had 49-percent reduction in the Thanksgiving staff and 133,000 people that visited that weekend. I was wondering exactly how many staff that is.

MR. HAMADA: The total staff for last Thanksgiving was around 50.

MS. ANDERSON: Fifty. Okay. Thank you. So that was my question and then a comment. You know, obviously, we're anxiously awaiting the ISDRA RAMP. As we often refer to the Imperial Sand Dunes Recreation Area, it's also known as Algodones Dunes. And it's the
largest sand dunes system in the continental U.S., has a bunch of rare species that don't occur anywhere else in the world, and so we have had great interest in what's gone on in the Algodones Dunes.

Since we haven't seen the actual document, yet I reserve comments. But I will say that we made extensive comments and a number of different comment letters submitted on the draft RAMP and are very disappointed to hear that the Bureau has selected Alternative 8 if it isn't significantly modified. And we'll be looking at that and evaluating that, and you undoubtedly will be hearing more from us with regards to that. Thank you.

CHAIRPERSON BANIS: Thank you. Next up is John Stewart, followed by Jim.

MR. STEWART: Good afternoon, council members. John Stewart, California Association of Four-Wheel-Drive Clubs. Your draft plan was recently released, and I only had the opportunity to really begin kind of leafing through it, but I did catch one thing because something that originally caught my eye years ago on this is your funding levels and how you identify the funding levels.

Now, in Neil's presentation he alluded to the fact that you provided an increase in grant funding in order to reach some of your funding targets. And then
when I'm looking at some of the graphs and some of the
information in there, I'm not sure that this is a -- you
know, if you did increase the grant funding, the grant
expectations, this may be an unstable or not-supportable
figure that might impact the actual cost of the program
for the long-term. Grant funding is unstable by nature,
and if it is looking at the OHV trust fund for the
grants, again you have a lot of complexities with the
amount of reductions of that program at the whims of the
state legislature and the governor's budget.

So I would caution that some of these numbers
as it moves forward, that if that is going to happen,
then you may be looking at some science fiction or some
kind of a fictional work here. And again when you look
at your funding coming from the federal side, the
appropriated dollars, with sequestration, with the
various other pressures to reduce the budget, I don't
have a high level of confidence that some of your
program numbers for the matching to establish the fee
costs are sustainable for the long term.

Anyway that's just something that -- it's not
something that's going to, you know, kill the program or
really be a detriment to the program. It's just
something that's an observation that should be kept in
mind as you move forward. Thank you.
CHAIRPERSON BANIS: Very good. Thank you, John. And thanks to California Four-Wheel Drive Clubs for the comment on the second-vehicle request. I found that interesting. Thanks.

MR. BRAMHAM: I provided you one from the American Sand Association one from Cal Four Wheel, and I have both hats, plus being on the subcommittee.

CHAIRPERSON BANIS: Thank you, Jim, for Cal Four Wheel Drives on the second-vehicle permit.

MR. BRAMHAM: Yes. And we are much closer than we have been in a very long time on this thing. And yes, we see that there are some deficiencies that we would like to see addressed after this 30-day comment period. We recognize two realities. One is that some of our comments fall outside the scope of the local management to be able to fix or even at the state level, particularly those that have to do with income that would come from congressional sources. Certainly it remains on our wish list that we could fix those things. So there are a couple of things that we're highly concerned about. One is that there was a request, and has been for as long as I've been on the subgroup, for a one-day pass for people who just wish to come to the Dunes for one day, stop for dinner to see somebody, stop by the Dunes just to be able to have
their kids running up and down the sand dunes or whatever it is. At this point they're required to buy at least a week's pass to be able to do that. The County put that during the discussions at the subgroup that one of their highest priorities was a one-day pass. It's not in here.

The second-vehicle pass has been another thing that's been asked for since I've been on the subgroup. It does get addressed in here, but we feel that it is not the correct way to address it, and we will be giving some suggestions in our comments on how better to do that. Right now the system precludes people who buy season passes who would be the most likely to desire a second vehicle because they would already have their primary vehicle and toys there, and mom and the kids are coming out to visit or stay, and they're just looking for the ability to park there just to be able to, if it's not being used for anything other than transportation to the Dunes. This now requires that you now buy the regular week pass ahead of time.

So we worry about that. We worry about the fact that there isn't a stated way to add to or augment this plan as it moves forward as we see the things, how is it that these things can be modified. And we're not talking about dollars, and we're not talking about plan,
but as the implementation goes forward, new technologies that come forward, will those come through the subgroup and then come to the DAC? We don't see that pathway.

We're concerned about the figures for maintenance. We just don't quite see that there's that many full-time, year positions that are being used. Neil talked about $250,000 a year to clean the pads and do the roads, yet it talks about year-round staffing for those kinds of positions. It just doesn't make that argument in the plan.

So there's several things in both of these. Some of them are redundant between the two groups. Both of them absolutely want the support of the RRAC. It is our desire to come to some situation where the groups that have the greatest influence and the largest user groups there have the ability to come to the RRAC with the Bureau and say, this is the proposal that we're willing to support. Again we're much closer than we were three days ago or three weeks ago, but we do see that there's some improvement that can be made in the plan.

And if I can have a minute of indulgence on the RAMP itself, we likewise are not entirely happy with the alternative that was chosen. We protested that, and our protest was rejected. So once again, if we're into the
“everyone's disappointed” factor, you know, maybe it's a good document. But we'll have to see where that goes forward.

We appreciate all the work that's gone into doing that RAMP. I was personally part of the monitoring that went on for the Peirson's Milk-vetch back in 2004 and five and saw on the ground, every acre walked to try to figure out what the species were out there. And I'm just really pleased that that work has been incorporated into a document that is going to go forward for management. So thank you very much.

CHAIRPERSON BANIS: Sure thing. Thanks for coming today, Jim.

MR. BRAMHAM: Wouldn't miss it.


Okay. ISDRA Subgroup Report is next. Number one, I apologize. Our ISDRA subgroup representative and chair is Meg Grossglass, and Meg has told us that she is taking an early exit from the DAC briefly, just a couple of months early exit. Meg Grossglass is in her sixth year as a DAC member. But Meg has a new job and even more so has returned to school, and both of those things together can impact your free time for participating in
events. And there's been another development in another
part of the desert with another agency involving an OHV
issue that Meg feels very near and dear to her heart.
It's her childhood riding area. And so she's asked to
be excused from the DAC to participate more fully on
that issue. And so I'm letting everyone know that Meg
wishes everyone her best and has really enjoyed working
with us, and I'm sure we'll see her at a future meeting,
and in time we will get to reconnect.

So what that then means is that the ISDRA
subgroup is going to need a new representative from this
Desert Advisory Council, and the next ISDRA subgroup
meeting is June 20 --

DIRECTOR RAML: Seventh.

CHAIRPERSON BANIS: -- June 27th. That's been
changed. That's right. And is there someone from the
DAC in the southern area that would be willing to help
at least in the interim at some point? If no one right
here and now, I'll be making some calls and e-mails.

MEMBER RUDNICK: Not after what happened to
Dinah.

MEMBER SHUMWAY: You wouldn't have to meet
every month.

CHAIRPERSON BANIS: The ISDRA subgroup, as you
know, those of us who have been here for a few years,
they've been following these issues, carefully reporting them back to us. We've seen movement and changes throughout time, and it's a very important subgroup, and I would hope that somebody could step forward in the near future to help keep that group's FACA nexus to the DAC.

Any questions on the ISDRA? You've heard a lot about it today.

I'm going to move to the Dumont Subgroup. The Dumont Dunes Subgroup took an action at its last meeting, and it has asked the DAC to essentially -- I'm going to slightly paraphrase. Sorry, Jim. I didn't write the exact thing down. But it's essentially, don't forget about the Dumont Dunes fee program also, that the Dumont Dunes subgroup has partnered with the Barstow Field Office Dunes management to simplify the fee schedule at Dumont Dunes to make it easier for the BLM to administer and more simple for the public to purchase their passes. And so the Dumont Dunes subgroup requests that the Desert Advisory Council ask the BLM to move this issue to the front burner as soon as there's space available and start discussing a fee-proposal modification for the Dumont Dunes area as well.

Did I do that justice, Jim?

MR. BRAMHAM: You did that fine with much less
contention.

    CHAIRPERSON BANIS: Any questions or comments on that?

    MEMBER SALL: Question.

    CHAIRPERSON BANIS: Certainly.

    MEMBER SALL: When was the current fee structure set and implemented, I guess, for both ISDRA and Dumont Dunes? Do you have a year?

    CHAIRPERSON BANIS: Five years ago. Maybe five years ago for Dumont Dunes.

    MR. BRAMHAM: At least five, because we requested two years ago to do it. When Roxie was still there, we requested to change it.


    MEMBER SALL: Thank you.

    CHAIRPERSON BANIS: The Dumont Dunes subgroup has a call for nominations issued on May 8th. The deadline is June 10th for applicants, and the next meeting of the Dumont Dunes subgroup will be Tuesday, June 11th at 10:00 a.m. in Barstow. Yes?

    MS. SYMONS: Just note that there is a discrepancy on the due date of nominations. The news release said June 10th. On the web page it says applications are accepted until June 20th.
CHAIRPERSON BANIS: We'll extend to the 20th. The deadline will be the 20th. We'll accept it through the 20th? That's okay?

DIRECTOR RAML: Yes.

CHAIRPERSON BANIS: I'm sorry. I need to go back to ISDRA for one minute. Two new appointees to the ISDRA subgroup I wanted to share with you all. One is Ed Stofan, who is a representative of the California Off-Highway Vehicle Association. This would be a member from that group to participate in that subgroup. And I also appointed our old friend and my predecessor as chair of the DAC, Tom Acuna, to the subgroup, and he's very, very happy to be involved with the DAC again. He misses us very much.

And so I'm pleased that we are able to continually tap previous DAC members to help continue their service. I've said before, we go through a long training program, and we serve, and we develop tremendous amount of institutional knowledge, and it's nice when we can have that investment come back to the DAC at a later time and help us with the rest of our duties. So that's kind.

MR. HILLIER: I just had a quick question. The Imperial Dunes had a local government representative, and that had been Bob Hamm, that I know of. Bob
retired, and are you going to seek another county representative on that to replace Bob? A fellow by the name of Gary Wyatt, who is a former county supervisor, has assumed Bob's job as intergovernmental relations officer or director or whatever they call him and just recently assumed -- in fact, he's so new he didn't even have business cards printed up yet.

CHAIRPERSON BANIS: Okay.

MR. HILLIER: But I would contact him relative to replacing Bob, because I think Bob has pretty much gone into full retirement.

CHAIRPERSON BANIS: I'll be. Tom?

MR. ZALES: So Bob did participate in the last meeting. It's a County appointment, and so if they decide to appoint Gary, you know, we'll hear about that. But in the meantime Bob did continue to participate and had some good comments at the last meeting.

MR. HILLIER: Oh, he did?

MR. ZALES: Yeah.

MR. HILLIER: If he goes over the hill, though.

MR. ZALES: Yeah.

CHAIRPERSON BANIS: Thank you. Thanks for bringing that up. I want to touch on another ISDRA matter. I'm sorry. I need to go back to it briefly. The Desert Advisory Council -- sorry, new folks. Those
of us who have been here for five, six meetings know
that the ISDRA Business Plan and the fees have been
discussed at each of our DAC meetings for a year or so
now, and we've been following the progress and the
changes in the proposals and the plans.

You will also recall that there is another
resource advisory council called the Recreation Resource
Advisory Council. We call it the RRAC, RRAC. There's
another resource advisory council that exists in the
State of California that is administered by the Forest
Service, and that RRAC is responsible for reviewing all
fee proposals, changes and so forth that are proposed by
the BLM or by the Forest Service.

The RRAC had some very busy times a few years
ago, when a number of campgrounds and new fee areas were
developed across the state in the Forest Service areas,
and they've heard some BLM issues. But the RRAC has not
been meeting regularly, has not had fee proposals put
forward to it in quite some time.

The RRAC is constituted with members. In other
words, it has filled its seats. I've been advised that
the RRAC may not be in a position to call a meeting in
time to be able to review the ISDRA fee proposal in
order for that proposal to be acted on and, if approved,
to be able to have the passes printed and the program
put into effect.

So as I said, I've been put on notice that it may be likely that the DAC may be called upon by the secretary to act as the resource advisory council that will be reviewing the ISDRA fee proposal.

It was in your packet. There is an agreement, a memorandum of understanding, an inter-agency agreement between the Forest Service and the BLM, that says in California the RRAC will take care of it always, except if the secretary asks that it's not. So it was one of those cases where it always is, except when it's not.

And this may be one of those times when it's not.

And I would ask the DAC -- and not just ask the DAC. I would say I'm sure that the DAC would be willing to rally to the cause and fulfill its duty if asked upon by the secretary and by the BLM to review this fee proposal and make its recommendation. If it were to occur, it would be a special meeting of the DAC, and if it were to occur, it would occur likely end of July, July 27th potentially, July 27th potentially.

And so I'd like everybody to put that notice on their schedule for July 27. It is probable that the meeting would be centrally located in the Moreno Valley, Riverside, Inland Empire area so that it would be easy for all of us, most of us, to get to. And it would be
that one agenda item only. It would be to review the
final business plan and the fee proposal, take public
comment and to deliver a recommendation to the BLM on
that. It's something that we haven't been called upon
to do, but we may very well do so.

So this is, I know, a little different than
what we've been talking about, but I want us to be ready
to rally in the event we're called upon to do so.

Everybody okay with that?

Kim?

MEMBER ERB: So are you asking us to set aside
that date?

CHAIRPERSON BANIS: Yeah.

MEMBER SHUMWAY: Can we participate by phone if
we need to?

CHAIRPERSON BANIS: We'll get back. We'll see
what we can arrange. We'll try to arrange that the best
that we can.

MEMBER RUDNICK: What's the date again?

CHAIRPERSON BANIS: July 27. Again put a big
"T" next to it for "tentative."

MR. RAZO: It's Saturday.

MR. HILLIER: Randy, could you take Dumont at
the same time?

CHAIRPERSON BANIS: No, because there's no
proposal. There's no document.

MR. BRAMHAM: We could make that.

MS. SYMONS: Fiscal year '14.

CHAIRPERSON BANIS: Steve, do you have just a -- when we might -- is this it? Are we going to do it, or you want to give us ten days? Two weeks?

MR. RAZO: Teri.

DIRECTOR RAML: You can tell the enthusiasm with which we are all approaching this. The Forest Service has been desperately trying to pull together a meeting, and they -- you know, it's not the lack of staff commitment now. The regional -- or our state director reached out to -- regional forestry is willing to do it.

It is actually -- now, you'll find this ironic. The RRAC's calendar, they have a similar sort of representational setup that we do, and there's a certain number of people where their calendar makes their ability to come together and have a quorum kind of impossible. I'll run back one more check, because I know that we can just call it this way.

Randy and Jim have been talking, and the Forest Service would really like to come through for us because it is their job, and they're all positioned to do it.

Randy Moore is the regional forester. Jim Ken is the
state director.

   CHAIRPERSON BANIS: Jim.

   DIRECTOR RAML: I'm sorry.

   CHAIRPERSON BANIS: Yeah, but not on this.

He's as surprised as I am.

   DIRECTOR RAML: For the last several months the
staff level has been saying, we can do this we're,
willing to have an RRAC meeting just for the BLM
proposals. So we have been really hoping they would do
that for several reasons. So I think, you know, you
could probably ink it in, I think, but even -- let me
get -- like I said, I keep hoping they'll pull it
together.

   MEMBER SALL: More than not?

   DIRECTOR RAML: Yeah.

   MEMBER SALL: Got it.

   DIRECTOR RAML: We'll do our best to help make
sure we prepare you for this discussion. It's WEMO,
WEMO, only compressed.

   MEMBER SHUMWAY: That's a little bit of an
exaggeration.

   CHAIRPERSON BANIS: I don't think I have any
more announcements of that nature. But any objections
to moving on? The next item was the SRP subgroup. The
SRP subgroup has resumed its meeting schedule; SRP,
meaning special recreation permits. The BLM has called
for nominations for re-applicants or new applicants to
the subgroup. They called for the nominations on the
15th of May with a deadline of June 17. They submitted
a report of action requesting information on how the
field offices process special recreation permits, in
particular how do they address multiple permit requests
for the same weekend? And do longstanding organizations
have priority over keeping their dates in the future
years?

There was also an information request, or a
notice to the DAC that the subgroup is moving on to the
topic that has been approved by the DAC to look at when
is a special recreation permit required? That would be
to better help the Bureau better clarify to the public
the difference between casual use and a permitted event.
And there are some fine lines, and they're going to look
at that and see if there's a better way to communicate.

We've heard this before from the public, that
they're getting information that their garden club needs
a permit, but these guys don't and so forth. That's
what this all comes out of, is a chance to clarify that
and maybe come up with some more guidance for the
public. Plus social media, the internet and things have
come into play since the previous advertising clause was
in effect. And so that needs to be looked at to see if
social media is the same as advertising or something
different, so that's a fascinating subject. And I'm
looking forward to hearing their input and their advice.

Last item I have on the SRP subgroup, if
there's no objections. I'd like to appoint Kim as the
new representative to the SRP subgroup on behalf of the
DAC, and I'd like to name her as the chair of that
group. And I think she will bring her experience with
the DAC to that group well. She's been going to all of
those meetings even before she was on the DAC. So I
have full confidence that she's more than up to speed.
She might even be a step or so ahead, which is great.

So hearing and seeing none, thank you, Kim, for
volunteering. You're the new chair of that group.
Congratulations. My sympathies.

Moving on now to Public Questions and Comments
on Subgroup Reports. I have Ed Waldheim. I have two
other cards. I have an Ed and Gerry for Field Manager
Reports later. Oh, wait. Sorry. Wait a minute. It
should be DAC questions first. We missed that. My
fault. Go to the DAC first, Questions Or Comments on
the Field Manager Reports, and the then we'll move on to
our public comments. Sorry.

Why don't I just turn it over to you, April.
You go next. Questions on the field office reports.

    MEMBER SALL: Okay. Thank you. First question is actually for the Palm Springs Field Office. I was curious since -- do we have a Palm Springs? Oh, sorry. I'm sorry. I was curious. The Palen Solar Project, since that has been purchased by BrightSource Energy, which plans to use a different type of technology, could you give a brief update on where that's at in the NEPA process.

    MS. NABAHE: We're still working that out right now.

    MEMBER SALL: Right. Are they overdue for getting back to you, or are they just taking a while?

    MS. NABAHE: Yeah. The company is struggling a little bit, yeah. So yeah.

    MEMBER SALL: Okay. Other question was for the existing wind projects in the San Gorgonio Pass. Are there ongoing monitoring or any studies that BLM has implemented in the past for impacts to species from those projects? And secondly on the re-powers that are being proposed, are there new requirements for studies and monitoring?

    MS. NABAHE: They're not re-powers. Are you talking about re-powers or renewals for the lease?

    MEMBER SALL: Both, I guess.
MS. NABAHE: Okay. We have a current operator right now that is doing a renewal and a re-power, and he's doing some current avian studies and bat-monitoring studies, and our office did have a meeting a couple of weeks ago with all the wind lease holders and explained to them the new current guidance on the requirements for avian studies, survey studies. So we're still in the works on getting some additional information to our leaseholders on some ideas, and then we're going to throw it out to the group, and then they're going to provide comments on that to us.

MEMBER SALL: Great. Thank you. My other question was for Barstow. My apologies. I need to find my notes, if someone else wants to take over.

CHAIRPERSON BANIS: Next, any questions, field office reports? Go down this side. Go with Al, and then I'll come down this side.

MEMBER MUTH: We are at Ridgecrest, and I see we have a unique resource in Ridgecrest. It's a lake of forage, if you look on Page 5 under "Status." I've just never heard of that before. It's a typo. It's "lack of forage." You provide me with too much information -- too much -- I can't resist.

MR. SYMONS: We have every other type of lake. We figured we'd have a forage lake. We have China Lake
and everything.

MEMBER MUTH: And next one typo down, you either excited or exited your target for adoption.

MR. SYMONS: Both.

MEMBER MUTH: I can't make out the word. The word is "exceeded," I believe.

DIRECTOR RAML: Keep your glasses off, Carl?

MR. SYMONS: If I don't have any glasses, I can't --

MEMBER MUTH: I also point out I'm appalled by the cost of the Wild Horse and Burro Program. That number comes out to be $3,420 a day, $102,600 a month, 1,131,200 per year. And the solution to the problem -- this isn't a criticism of you. Your hands are tied by the Wild Horse and Burro Act. But you ship these things off to some other place. They're going to have to take care of them for the rest of their lives because there's never going to be enough people to adopt those animals. What can I say? I've had my rant.

MR. SYMONS: You'll notice actually hay prices have gone down. If you look at the last DAC meeting report, I believe the cost of hay was $350 at the time.

MEMBER MUTH: And that's the good news.

MR. SYMONS: So it's gone down.

MEMBER MUTH: The next page under your "BLM
Actions" is a recreation of public purpose sale to an exotic feline breeding compound. Can you sort of expand on what that is.

MR. SYMONS: That's the feline cat park outside of Mojave. I don't know if people are familiar with that, but there's a feline animal park that's just outside of Mojave. I don't know the exact name of it. I can't remember, but they have different types of -- all different types of cats from lions to fisher cats to other stuff that they breed there and rescue and stuff. Part of it was built on BLM land, so part of it's permitted by BLM.

MEMBER MUTH: Okay. I'm done.


MEMBER SHTEIR: Just a quick question for Barstow BLM regarding the Soda Mountain Solar Project. I think somebody had told me that one of the alternatives may include the transport of water into the safe for use as opposed to the drilling of a well? Can you confirm or --

MS. SYMONS: Okay. Seth, the project manager is Jeff Childers. He's with the RECO team out of the district office. And I have not gotten the latest brief as to the range of alternatives. I can absolutely
follow up with him and get you the answer to your question. And I can do that by next week.

MEMBER SHTEIR: Well, that would be great.

Thank you very much.

CHAIRPERSON BANIS: Good. Let's go down this side. Richard.

MEMBER RUDNICK: Okay. Back to Ridgecrest. Lava Mountain donation, it says here, has been accepted and an allotment has been retired, a sheep allotment.

MR. SYMONS: Yes, that's correct.

MEMBER RUDNICK: And what's the donation?

MR. SYMONS: The donation is as the actual -- the preference, the allotment for the I.M. has come out that allows us to accept for mitigation purposes grazing allotments that can be donated back to the Bureau then retired in perpetuity from grazing as mitigation for renewable energy projects. And that was first. We actually have had two now, two sheep allotments that we've accepted back in donation as mitigation for renewable energy.

MEMBER RUDNICK: So I take it Lava Mountain is not a sheep outfit.

MR. SYMONS: No. That's the name of the allotment. It's the Lava Mountain allotment. It doesn't have anything to do with the company or the
person that's grazing.

MEMBER RUDNICK: So who would grant it back? Who is the permit holder?

MR. SYMONS: I don't know the exact permit holder. I can get those names for you, but I don't have who was actually holding it at the time it was donated. It was purchased by the energy company and then donated back to us, but I'd have to get who was holding the permit at the time.

MEMBER RUDNICK: I see. So the energy company gave it back?

MR. SYMONS: Yeah.

MEMBER RUDNICK: You say it's retired from grazing in perpetuity?

MR. SYMONS: Correct.

MEMBER RUDNICK: And what if in further analysis grazing becomes necessary in that area to maintain the wildlife or something else? Is that not a tool you could use anymore?

MR. SYMONS: Right now it's scheduled to be retired in perpetuity. You know, like anything else, if situations change, if regulations change and we relook at stuff, but the intent is under the I.M. and under the regulations that came out, that it's retired in perpetuity from grazing. And these allotments are
generally ones that have been marginal, especially lately during the drought. Of course that's cyclical, but they're marginal right now. And those are the ones. The first ones that have been relinquished are the two sheep allotments.

MEMBER RUDNICK: I see just below that you have one scheduled for the Walker Pass allotment.

MR. SYMONS: That's the second one. I just accepted that one.

MEMBER RUDNICK: And that, I understand, was held by the Audubon Society? Kern River Preserve?

MR. SYMONS: I'd have to check back in the records and tell you exactly.

MEMBER RUDNICK: I think it was.

MR. SYMONS: I believe it was not being grazed at the time.

MEMBER RUDNICK: It hasn't been grazed for quite a few years. In fact that's the allotment that goes over Walker's Pass alongside both sides of Highway 178. It's curious to me. And I know it's nothing personal with you, but it's curious to me why these allotments can end up in hands that are not livestock people like the Audubon or the Kern River Preserve, which is an arm of the Audubon, and then retired forever without a vote or without somebody in
the livestock industry being able to use that, utilize it.

And I happen to know from my personal experience that the Walker Pass allotment is in very good shape, even in this drought. And in parts of the country like New Mexico, they have ranchers that save areas for times of drought and allow other ranchers to use them. And that would have been a very good thing for that to happen in this case this year.

It's just a personal thing with me, and it just doesn't seem right. It doesn't stand up to what the Bureau is supposed to be managing livestock allotments, and people not in the livestock business end up with them and donating them, taking a tax write-off or a donation or whatever they do and retire these.

MR. SYMONS: Yeah, right. And this is actually a fairly -- like I said, it was a new one. The Lava Mountain was the first one that's actually been done. It's just a new authority that we've been given to allow that to happen. Before, if it came back in, it would be recycled back out. It would be analyzed and recycled back out. But this is a new regulation, and we got our policy down that allows it to do that. And they've chosen to act on that.

MEMBER RUDNICK: Right. And I understand the
law used to be just the opposite. That could not
happen.

MR. SYMONS: Correct.

MEMBER RUDNICK: Somehow that changed.

Another question. On Wild Burros and Horses,
you mention here that the Navy has requested for the BLM
to take off some wild horses and burros off their land?

MR. SYMONS: That's correct. I got a formal --
a request letter. We work with a lot of the military
bases. They pay to have that. But right now we still
have to go -- we're on a type of moratorium. We won't
have the authority to go out and do any gathers without
running it all the way up to Washington to get an
exemption for that. So right now we're prohibited from
doing any gathers, but we have been formally asked for
the letter from the base commander to do that.

MEMBER RUDNICK: Is there a charge? Does BLM
get reimbursed?

MR. SYMONS: Yes, we do. We've gotten money
from China Lake. We also get money from NASA. We've
also gotten money from Fort Irwin to help that happen
and also help with their holding costs and doing that.

Military does pay for that.

MEMBER RUDNICK: In the past I know China Lake
has been a private lake, had burros and horses removed.
Is that a possibility now? Do you know?

MR. SYMONS: As far as I know, right now that's not, because the BLM still manages the horses and burros, even though -- because it's withdrawn land, but the agreement we have is that we still will do the management portion. So they coordinate with us. Just as just a few weeks back we did a head count on the base. We used their ships, and they paid for the wages and everything else. And we just recently did a count on the horses and burros on the base, and part of that is in response to trying to manage their --

MEMBER RUDNICK: How many was there?

MR. SYMONS: Steve has got the number right there. I don't have it right off the top of my head.

MR. RAZO: This answers all your questions.

MR. SYMONS: I believe when they flew, they got a count on the horses. I believe they did not see any burros, but sometimes they miss those because part of the flights that we do -- we have two different types of flights. One you can go real low and count and get a lot of data. But that requires a very, very specific certified pilot and ship and everything.

And then we have the higher elevation, where you just fly across the top, and whatever you can see from a higher elevation, and that's the type we did.
It's a safer -- and the shifts don't have to have special services, other than the normal aviation that the BLM would require from the military.

MEMBER RUDNICK: It says here it was estimated to be 55 or 60 horses, an estimate of 30 burros?

MR. SYMONS: Yeah. And the estimate is from previous ones, but I don't believe that they actually were able to find the herds of the burros. But I could be wrong, but I just heard them talking as they were coming through. We just recently did it.

MEMBER RUDNICK: Thank you, Carl.

MEMBER SHUMWAY: Can I ask a quick question, Mr. Chairman. Carl, so following up to Richard's question to you, so this was BLM land that originally had a grazing allotment; right?

MR. SYMONS: Are you referring to the Walker Pass allotment?

MEMBER SHUMWAY: Yes.

MR. SYMONS: Yes.

MEMBER SHUMWAY: A BLM land that originally had a grazing allotment which fits in with BLM's multiple use. And it's still good grazing land; right?

MEMBER RUDNICK: Yes.

MEMBER SHUMWAY: So was this relinquishment of the potential to even get another grazing allotment
because it fulfilled some habitat thing. So we are here. We're fighting against habitat and grazing land? I mean, what quality would the proponent be able to use a grazing allotment for mitigation measure?

MR. SYMONS: Yeah. They're putting it back and using it for habitat versus taking the grazing off of it. And the thought process is --

MEMBER SHUMWAY: What kind of habitat does it qualify?

MR. SYMONS: It would depend. Some might be tortoises. Some other might be other types of animals or plants. I mean, it just depends on the characteristics of the allotment.

MEMBER SHUMWAY: It just seems to go against the multiple-use mission of the BLM, especially if it's still suitable for grazing. Just my opinion.

MEMBER RUDNICK: I don't want to belabor the point, but the fact that it can't ever be grazed -- and I don't know if there was a comprehensive analysis of what's there or whether grazing is important to it or not, but I do graze in other areas west of Bakersfield where the Tipton kangaroo rat is an endangered species and grazing is a very important part with the biologists there to maintaining their population. In fact they see an explosion when there's grazing.
And I would hate to see the BLM or anybody else exclude something that can be used by a person and actually be a degradation to the land by not grazing it. So it's something -- I know the policy has changed, but I guess it could always be changed back also.

MR. SYMONS: Right. And other than the bill that was passed -- and then they had the regulations. But other than that, I don't know the specifics of what analysis was done as far as when they decided to do that, whether they take into account the non-grazing on it or whether they just looked at the grazing issue and saying -- taking grazing off Federal Lands.

But all the specifics says is that it has to be part of a conservation plan. It has to be included in that. It can't just be any allotment that's out there. The land that's in it has to be part of a conservation plan in order for it to qualify for mitigation measures. That's why it was with the habitat. So I should state that it's not just any allotment that's out there. It has to be contained within a plan.

MEMBER RUDNICK: Do you know how many allotments in the California Desert are designated as that would qualify for --

MR. SYMONS: No, I don't, but I could check with our range staff and find out and get that
information back to you.

MEMBER RUDNICK: I would be interested.

MR. SYMONS: I'll try to get that, and I'll try
to get the names as well for you.

MEMBER REILLY: May I?

CHAIRPERSON BANIS: Of course.

MEMBER REILLY: It sounds like this is a
question of interest to the DAC, and maybe it would be
something that we could ask for from the BLM, whoever
would be able to find that information as to what that
process is, how it went from a grazing allotment to an
Audubon lands and further on, just so we understand the
process.

CHAIRPERSON BANIS: The next meeting the topic
is the working landscape. We'll be dealing with grazing
issues, mineral issues and other, you know, uses of the
land. I think that would be a great discussion to have,
a good topic to have. We'll get some more answers then.

MEMBER RUDNICK: Excellent.

CHAIRPERSON BANIS: Get more background, the
history and some answers on that at the next meeting.

MR. SYMONS: Yeah. And if you'd like, I can
take the lead on that, since the first two were in
Ridgecrest, to provide that information back.

CHAIRPERSON BANIS: Yeah, let's do that. Let's
put that in as a topic for sure for next time.

MEMBER RUDNICK: That's all I have, Carl.

CHAIRPERSON BANIS: Great. Don?

MEMBER RUDNICK: I have one more but not for Ridgecrest. Rusty, on the Horse Thief Springs.

MR. LEE: Yes.

MEMBER RUDNICK: Two things here. U.S. Iron, it says, did some damage to the spring itself?

MR. LEE: Yes.

MEMBER RUDNICK: Or to the road?

MR. LEE: No. They bulldozed the spring and the trees around it.

MEMBER RUDNICK: And was there cattle grazing there at the time?

MR. LEE: There were. It's within an enclosure.

MEMBER RUDNICK: That's been taken care of now?

MR. LEE: That has been taken care of. They settled. We went through a couple of appeals, and then they finally settled up to about $80,000, and we will be contracting out repair of that area this fall. We have a contractor in place, but we have to wait until this fall before we can do the work on it.

MEMBER RUDNICK: Did that affect the -- I see just below it you've issued a ten-year grazing permit
for the Horse Thief Spring allotment. I assume that's the same area.

MR. LEE: Yes, it is.

MEMBER RUDNICK: Did that affect the allotment?

MR. LEE: No relationship, whatsoever. One of our key issues on that allotment to get to the point where we can reissue the grazing least on it was condition of the riparian areas. So we made sure the three riparian areas on the allotment were properly exclosed, and at the time of the allotment evaluation they were. Livestock were not into spring areas. Riparian areas look good. They passed PFC assessments, and that's literally PFC.

MEMBER RUDNICK: Is everybody happy now?

MR. LEE: Oh, no way.

CHAIRPERSON BANIS: Same topic?

MEMBER JOHNSTON: Yeah.

MR. LEE: It would take about an hour. This ties back in with what you were asking with him on the Feinstein language for using allotment relinquishments as grazing, as mitigation for specifically for desert tortoise for renewable energy projects. And that is very large, and it's very complex at this point.

Our permittee there -- in fact, all three permittees have been offered funds from renewable energy
companies. Two of them are in negotiation at this point in time, and unfortunately, how you do that, how it will be accepted involves the State of California, CDFW, Fish and Wildlife Service. San Bernardino County has weighed in. I should let you know San Bernardino County actually approves of buying out allotments as mitigation, because that does not involve buying private land, which takes from their tax base. So it's a big, hairy thing, and it's fully appropriate, I think, for the next discussion with the DAC.

MEMBER RUDNICK: Thank you.

MEMBER JOHNSTON: Question, Rusty. Isn't this U.S. Iron the same outfit that bulldozed the trees and who had to remediate?

MR. LEE: That's exactly what Richard was asking about. That was Horse Thief Springs where they did that. All of that has been sorted out. We have a good relationship with the company now. They understand what the requirements are. They've got a permit in place to use the road. They're producing on their property. They're hauling their materials out, and they paid up to repair the damage.

CHAIRPERSON BANIS: Thanks for your patience, Don. You're up. Got a couple?

MEMBER HOUSTON: I'll see if I can remember.
Katrina, I have a real quick one for you. It's about the Desert Tortoise Recovery Action Plan. It's undergoing a revision, and the write-up says a forum for public comment will be provided. Do you have a date for that forum?

MS. SYMONS: No, I don't. The report was provided for some internal review back in March. We were given about 30 days or so, and so those comments, they're working on that right now. So I don't have a projected date of when Version 2 of that document will be out.

MEMBER HOUSTON: You think this year?

MS. SYMONS: Teri, have you heard? I would hope that it would be, but I have not heard a date, so I can't commit.

MEMBER HOUSTON: Okay. Thanks.

DIRECTOR RAML: DRECP, DRECP, DRECP.

CHAIRPERSON BANIS: Ron?

MEMBER JOHNSTON: Katrina, on the Calnev Pipeline.

MS. SYMONS: Okay.

MEMBER JOHNSTON: This is the third pipeline they're putting in there, or are they replacing one of the existing pipelines?

MS. SYMONS: Calnev new?
MR. LEE: This will be a third line.

MS. SYMONS: New.

MEMBER JOHNSTON: And they're going to be sending, it says, refined petroleum products. What is it? Finished gasoline? Or what are they going to be putting through it?

MS. SYMONS: I don't know, but I can get back with you on that.

MR. LEE: Everything.

MEMBER JOHNSTON: Is it underground or above ground?

MS. SYMONS: Combo.

MR. LEE: I haven't seen on your side, our portion was underground. They send slugs of product. Actually the gentleman next to you can probably explain this better than I can, but it's a multiplicity of projects. Their main place they supply to is the McCarran Airfield in Las Vegas. It's mainly jet fuel. They'll change over a lot of the gas station fuel in that area, heavy crude, whichever is needed, tank farm, and then they sell sort it out and sell it. A lot of tanks.

CHAIRPERSON BANIS: Paul?

MEMBER O'BOYLE: I'm good.

CHAIRPERSON BANIS: Dinah?
MEMBER SHUMWAY: I'm good.

CHAIRPERSON BANIS: Oh, April?

MS. SYMONS: You found your notes, April?

MEMBER SALL: Yeah. Two things, I guess. Really quickly on the geothermal, I was wondering if there has been any updates on any new geothermal either about to be permitted or recently permitted in 2012, because we haven't had an official briefing, I think, on this topic for a couple of years.

MR. SYMONS: Mike Lystad handles our zone geothermal. So as far as Ridgecrest goes, we're still working. Hopefully we'll publish a final EIS for Hawai in -- is it in August now? It's been bumped back a little bit, but as far as specifics, because we have some down in El Centro and some other places. So he's more familiar with that as far as the whole area. He can answer.

DIRECTOR RAML: Michael, I know it's towards the end of the day, but tell the people a little bit about what you do, because we hate to have you sitting here all day and not hear from you.

MR. LYSTAD: I just came in this afternoon.

DIRECTOR RAML: Then never mind. Talk a little bit about your roles and responsibilities.

MR. LYSTAD: My name is Mike Lystad, and I'm
the south zone geothermal lead. We have a north and a
south zone here in California. So I deal with
everything from Mammoth on down to the El Centro area,
and I take care of all the downhole stuff, the drilling
permits, most of the reports and do all the production
verification and different stuff like that.

MEMBER SALL: How many megawatts of geothermal
is currently on BLM land in your region, approximately?

MR. LYSTAD: Approximately. Well, because the
production numbers are propriety as far as the
geothermal companies, you know, at Coso up here on BLM
land there's maximum of 90. Each plant is 30 megawatts,
so that would be 90. El Centro, their maximum output
would be, like, 75 or 85 megawatts. But as far as the
actual numbers, the companies keep them proprietary.

MEMBER REILLY: Is there a geothermal resources
map available for this southern region either online
or --

MR. LYSTAD: I have my own maps that I make up
everything, but I can do stuff for you and get you a map
where all the stuff is, if you'd like.

MR. HILLIER: Noah, Noah website.

CHAIRPERSON BANIS: Dinah. Just a minute.

Steve, have you got the answer?

MR. RAZO: Geothermal was on what I was handing
out.

MEMBER SHUMWAY: The California Geological Society with the California Division of Mines and Geology published a geothermal map about the 1980s, late 1970s and '80s.

MR. LYSTAD: And the California Department of Geothermal Resources, they have a website, and they have several maps that have wells and everything on them.

MEMBER SHUMWAY: Yeah, they're very detailed.

MR. LYSTAD: Yes.

MEMBER REILLY: I was asking for the actual resources that had been mapped. I was curious about what was available, not just what's been developed.


MR. LYSTAD: Okay.

CHAIRPERSON BANIS: Thank you.

MR. SYMONS: One of the things they might be interested in, I was just going to ask, did you talk about the situation with complying with the courts and the recent ruling?

MR. LYSTAD: The Truckhaven, there are three lessees there. And the lease says we have to unitize, and so we came up and said you got to make a north and south unit. There are three lessees in the north unit,
and they have not come up with a unitization agreement. They really can't get along, I don't think, real well. And there's just one lessee in the south unit.

So you know, if they can't unitize, they're going to have to lose their lease eventually, and I think there's going to be a meeting with all the lessees in the State office next week, and they're going to explain to the State Director what they want to do, and he's going to tell them what he wants done.

CHAIRPERSON BANIS: Very good. Thank you. I think we're good.

MR. LYSTAD: Thank you.

CHAIRPERSON BANIS: All set on the field office manager and those reports? Okay. Well, I sort of almost did my job here. It's 4:00 p.m., but we have two people who are going to close our meeting for us.

Comment first, Ileene Anderson, and then Gerry will be our last speaker from the public. After that we'll quickly review the items for next agenda, and we might want to look at a date, and then we're out of here; okay?

MS. ANDERSON: Thank you. I like this. I just have a couple of questions for the field managers from the reports, and I'm going to start from the west and go east, basically.
Carl, I had a couple of questions on your report with regards to renewable energy. And under Tyler Horse it talked about something projected for the Federal Register release on June 24th, and I'm just wondering if that's the draft EIS, I'm presuming. It's on Page 6.

MR. SYMONS: Yeah. It's still in the draft format. They're trying to get out the Federal Register Notice for -- I believe it is the actual action that's going -- that's not going to go forward but is proposed to go, because it was still trying to get that finalized. And where there's going to be the exact size and things, they are going to go forward with.

MS. ANDERSON: Then a follow-up question to that. Do you know, are they going to be seeking a take permit for condor on that one?

MR. SYMONS: The last that I knew, they're still trying to work that out. There was a conference call just the other day -- actually two days ago, I guess it was. And they're trying to figure out whether they're going to be able to get the radar system similar to what they're doing in Alta East up and running but also trying to do human -- have actual human monitors, because they're not sure whether or not they can get a reliable radar system up in the timeframe that they want
in order to start production and start getting it built.

So they are looking at long-term for
non-banded, non-marked condors. And right now the
consensus is, they're going to need to probably do human
monitors. And what they're saying is that they need
dedicated human monitors, not people on-site keeping an
eye out for them. They need to have monitors that are
specifically dedicated to watching for condors and other
species.

MS. ANDERSON: Okay. Thank you. And one other
question for you. On the North Sky River there's a note
about right-of-way grant amendment. Can you talk a
little bit about that for the final right-of-way.

MR. SYMONS: Oh, that's when North Sky River
was -- when we issued the right-of-way grant on it, the
right-of-way grant was designed for the work that was
done on the road, and so they had a width in order to
allow for that work to get done and everything. Now the
modification is, it's done, and we want to take any
excess land out of the right-of-way, and then they no
longer have the rights or whatever to do it and not
cumber any more lands than is absolutely necessary.

And it's a common thing during construction.
You give them the room in case they need to locate it.
Once they do, you relinquish the land that's not used.
MS. ANDERSON: Thank you for that clarification. Then Katrina, I had two questions for you. One, is there any update on the orange fungus infestation on the Amargosa Bowl?

MS. SYMONS: I do not have an update, but what I can tell you is we got the $24,000 grant to put towards further studies.

MS. ANDERSON: Great. And then my other question for you is with regards to Granite Wind -- and this is just a deadline question. It's talking about a joint supplemental draft EIS/EIR is supposed to be projected for publication in the summer of 2013. Do you have any more of --

MS. SYMONS: It's now been changed. You know, NEPA schedules keep on slipping. It's now been changed to early 2014.


And then last but not least, Rusty, I have a question for you with regards to the First Solar StateLine Solar Farm, and again the status talks about it's scheduled for distribution and public comment in the summer of 2013. And I'm just wondering if you had a more specific timeline.

MR. LEE: No. In fact --
CHAIRPERSON BANIS: There's an update on this.

MR. LEE: I wanted to go home.

CHAIRPERSON BANIS: Good job working this with you. Thanks, Ileene, for asking.

MR. LEE: We received a revised plan and development from the company Friday evening, 1,000 pages electronic version. We're looking at that right now. Our contractor is chomping at the bit and very frustrated that things keep changing on him. He's a good contractor. They have revised their footprint down to 1600 acres from their previous 2150, same megawatts. They're taking a more dense approach. They have increased the corridor between there and Stateline mountains.

This is part of why NEPA is important. Even if the public doesn't see parts of NEPA, the contractors look at it, proponents look at it. They read the comments. They see what's going on. They see what they can do to minimize their impacts before it even gets out the door. The other thing they have changed is that they put a mowing component into it. That's where we need more information from them.

First Solar's previous approach, they have a fancy name for it, and they try to sell it. It's basically bare dirt slick. And the new standard, as you
can tell, over at Zzyzx, I think, from NextEra -- it's one of their recently proposed projects -- is looking at mowing, so they have decided to look at mowing. They're proposing mowing for about one third of the project and a different surface treatment for another third, depending on what the actual surface on the terrain is like.

So we're having to go back and look at that, and that's all very different from what we had in the draft EIS, so it probably is going to still be late summer and then early fall timeframe.

MS. ANDERSON: Are you thinking about a supplemental EIS then, or how is that going to be handled?

MR. LEE: We're discussing it, but I think there's just going to be an additional alternative that includes mowing.

MS. ANDERSON: Okay. Thank you very much. That's all my questions. Thank you.

CHAIRPERSON BANIS: Thanks, Ileene, for coming. Hi, Gerry. Last one up. These are comments on the field manager and office reports. Thanks.

MR. HILLIER: Thank you very much, Mr. Chairman. You know, one of the worst places to be in public speaking is to be the only thing standing
between the group and lunch or between the group and
dinner. In my case, you have left me the last person
standing between you and the road home, which is not
enviable, but it will make me quick.

CHAIRPERSON BANIS: It's because we've gotten
great tidbits of wisdom from you, and there's no better
way to depart than with a really good one.

MR. HILLIER: Thank you for that. I'm not sure
that that's necessarily always consistent. I always
wear my Athenian owl there for sudden bursts.

But at any rate, this morning there was a
discussion of fencing of private land that have occurred
as a result of the acquisition of some private land that
still stayed in private ownership, as I understood it,
here in Kern County. This issue is much broader
districtwide. And I'm sorry I didn't get a chance to
speak to it this morning. But it does tie in, frankly,
timingwise with some questions that Richard raised, when
he brought up the grazing.

And so you'll recall at the DRECP discussion
three counties made presentations, and if there was one
unifying statement that all three counties made, it was,
we don't want to be losing further tax base as a result
of mitigation that's required for renewable energy. And
so that's been consistent.
And my organization, Quadstate, has sponsored resolutions which have been adopted by the National Association of Counties, frankly, to discourage private land acquisition in order to preserve the tax base. And I confess that the wildlife agencies have never gotten the memo yet, and so the press for private land acquisition continues.

There's one little wrinkle, though, and this is what I wanted to let the council know about and they can ruminate on. Along with the acquisition of private lands for mitigation -- and most of these renewable energy projects require a state 2081 permit, as well as, you know, whatever Section 7 is required at the federal level, particularly for desert tortoises. Where they're involved, a 2081 is required.

The State, regardless of who is the ultimate destination of the land, whether it's the State Fish and Wildlife Department, though I still have a problem saying that, or BLM, the donator -- I kind of have to put that in quotes -- the donator who has to offer up the mitigation land also has to deposit with the State of California Enhancement and Endowment Funds. These amount to -- and don't quote me exactly on the figures, but they're around there, about $1300 an acre for the enhancement fee for every acre donated -- do the
arithmetic on that -- and another $300 an acre for the endowment from which maintenance can be drawn.

Part of the use of that money can be fencing the piece of land. And if the State of California decides to go out there and fence this acquired land to make sure that it's managed consistent with the conservation for which it was acquired for mitigation, they can do that. They may have to get a permit from BLM to do it, but, you know, in terms of practicality, I'm not sure what would go on. So this aspect, even if land becomes ultimately publicly owned, doesn't guarantee that there won't be a fence there. And that is an ongoing problem with this whole acquisition thing.

Again this working landscapes theme for the next meeting might be a good time to weave that in, but I can tell you on behalf of the counties that I speak for that this whole area of land acquisition and erosion is a tremendous concern.

The second part of that -- and it gets to Richard's point -- because private land was getting in short supply in East Mojave, several of the ranchers out there and a couple of them hanging on by their fingernails economically anyway, have tried to offer their allotments to the renewable energy companies as a way of reaping at least some return on their capital
investment for their ranches. And there was an ongoing discussion between -- or among all the parties relative to renewable energy.

The California Department of Fish and Game, now California Department of Fish and Wildlife, objected to that because there was no guarantee that BLM would not do exactly what Richard suggested, have the allotment for a while, and if somebody wanted to come in and use it, that they could reallocate it back to grazing again. And so the Department of Fish and Game, even under managed use. Would not agree that unless the area was permanently withdrawn from grazing, that they would go along with the use of that land for mitigation.

And so the only way to overcome that was with special legislation. And congressman Lewis and Senator Feinstein teamed up and got that written into the appropriation bill. I think it was the fiscal year '11 appropriation bill specifically at the request of that small group of ranchers mostly in the East Mojave, but it would apply desertwide, CDCAwide.

And so that's why that is that, if the secretary closes it to grazing, it has to stay that way. Otherwise it could not be acquired for mitigation. And that was done in order to get that legislation through and become operational, as it has begun to get
operational here in Ridgecrest. And management of the
resources and uses of livestock as a tool have nothing
to do with it. It's just simply a practical out for
this.

Ironically and kind of as a side bar there, one
of the authors of this and one of the people who helped
carry it was a former district manager here, Henry
Bisson. And so that's the way it is, and it's not
something that we necessarily agree with. But on the
other hand, it can help to stem this tide of eroding
private land base and, you know, facilitate renewable
energy. And, you know, whatever you feel
philosophically, that's the way it is.

CHAIRPERSON BANIS: Thank you.

MR. HILLIER: Thank you, Mr. Chairman, for
making time for me.

CHAIRPERSON BANIS: Thank you. Okey dokey.

Can we pull out our calendars for a moment.

MR. MATTHEWS: Mr. Chairman, can I ask a
procedural question?

CHAIRPERSON BANIS: Pull out your calendars,
and look at October. What have you got, Dave? Real
quick now, because the court reporter, she's getting a
little tired.

MR. MATTHEWS: I was just wondering, is there a
window or procedure where we can provide written
comments on the meeting today to get into the record?

   CHAIRPERSON BANIS: Absolutely.

   MR. MATTHEWS: Okay.

   CHAIRPERSON BANIS: Absolutely. Anything
   that's submitted for this meeting to the BLM can be
   added into the record. In fact many people opt to
   submit written comments. We give them to the
   stenographer. She attaches it to the back.

   MR. MATTHEWS: Thank you.

   CHAIRPERSON BANIS: You betcha. How's
   October 4th and 5th looking?

   MEMBER SHUMWAY: What are we looking at?

   CHAIRPERSON BANIS: This is meeting, the real
   meeting, for the working landscape.

   MEMBER SHUMWAY: We have September 6th and 7th
   on my calendar.

   DIRECTOR RAML: We have to change it.

   CHAIRPERSON BANIS: We have to change the 6th
   and 7th.

   MEMBER SHUMWAY: It has to be in October.

   CHAIRPERSON BANIS: We would like it to be
   after September 30th.

   MEMBER SHUMWAY: How about the 25th and 26th of
   October?
MEMBER REILLY: You'll have to give me a day exactly.

CHAIRPERSON BANIS: Keep going. Keep suggesting, then. Whoever says no comes up with the next one.

MEMBER SHTEIR: Fourth and fifth didn't work for people?

MEMBER SHUMWAY: I'm in Europe for those first three weekends. It's working landscapes, so I really don't want to miss that meeting.

MEMBER SHTEIR: What about 18th and 19th?

MEMBER SHUMWAY: I don't get back until the 18th late.

CHAIRPERSON BANIS: November 1 and 2?

MEMBER SHUMWAY: That works for me. Does it work for anybody else?

MR. RAZO: That would get us too close to if we have a December meeting.

CHAIRPERSON BANIS: Well, we can't go backward.

DIRECTOR RAML: That might work, Steve.

CHAIRPERSON BANIS: Can't go backward, and working landscape needs our industry representatives.

MEMBER REILLY: So it can't be the very end of September?

DIRECTOR RAML: It has to be after the 30th.
MEMBER HOUSTON: As long as it's Friday and Saturday, I can make it work.

MS. SYMONS: Randy, the November 1st and 2nd, is that part of that Halloween holiday, so it's a blackout date, so El Centro and Barstow is going to be hammered.

MR. HILLIER: Eighth and ninth is a three-day weekend too.

MS. SYMONS: But it's not one of those designated holidays.

CHAIRPERSON BANIS: We may be talking about our last meeting of the year, then. So we may be talking about a last meeting of the year.

MEMBER SHUMWAY: The last meeting was supposed to be volunteers, and maybe we could get more of them together for the last meeting.

CHAIRPERSON BANIS: We can do this off the record.

(Discussion was held off the record.)

CHAIRPERSON BANIS: The next DAC meeting will be November 1st and 2nd, with the topic of the working landscape at a location to be determined. Sound good?

Good. So items on the next agenda.

MEMBER SHUMWAY: Can I be first, please.

CHAIRPERSON BANIS: Yeah. Items for the next
agenda that have been suggested is the Questar Pipeline. Seth, thank you. April, the iron mining, Johnson Valley, a little more detail there, or to discuss, at least. Jess, you came up with retirement of grazing allotments and grazing issues. Got a good head start. Very good.

Dinah?

MEMBER SHUMWAY: One last item. This is an old item that came back because of WEMO. I can't believe it's been almost two years since I talked about this. Remember I talked about following a realtime NEPA project through to educate all of us, especially me, about because I'm totally selfish, especially me, about how NEPA really works. And since WEMO is now done, Katrina and I talked. We're going to meet in the next couple of weeks, I think; right?

MS. SYMONS: We talked about July.

MEMBER SHUMWAY: Well, in July we're going to choose a project. And I think my proposal to the DAC would be that, since this is going to be for in the next about six meetings, I would present how this process works. Hopefully we'll be done by December, 2014, but I will send a monthly updated to everybody just give an e-mail for how the NEPA project is going with a quarterly update. That would be my proposal for the
NEPA project, whatever it's going to be called, NEPA little project.

CHAIRPERSON BANIS: Good. Okay. Well, then at this point I'd be more than grateful to entertain a motion to adjourn. Do we have one?

MEMBER SALL: Motion to adjourn.

MEMBER MUTH: Second.

CHAIRPERSON BANIS: Motion from April, second from Al.

DIRECTOR RAML: Meeting adjourned.

CHAIRPERSON BANIS: Meeting adjourned at 4:24.

(Whereupon, the proceedings were concluded at 4:24 p.m.)

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MOTIONS

A. Maker: Muth
   Seconder: Rudnick
   Motion: To approve the transcript from the February, 2013 meeting
   Result: Motion carried

B. Maker: Sall
   Seconder: Reilly
   Motion: To request the BLM work with the REAT agency to plan public meetings for the DRECP draft document in the planning area in the desert cities
   Result: Motion carried

C. Maker: Shteir
   Seconder: Johnston
   Motion: To recommend DRECP and CEC to include a comprehensive analysis of socioeconomic impacts, particularly as they relate to regional tourism in the draft DRECP report so that we can understand better how it might impact our regional tourism economy, including recreation
   Result: Motion carried

D. Maker: Scrivner
   Seconder: Erb
   Motion: To forward WEMO subgroup report (with revisions) to the BLM and ask the BLM to utilize this report and all of the data as very as best as possible as they move forward in the producing of the WEMO route network.
   Result: Motion carried

E. Maker: Sall
   Seconder: Muth
   Motion: To adjourn
   Result: Motion carried
CERTIFICATE

I, DIANE CARVER MANN, C.S.R. No. 6008, in and for the State of California, do hereby certify:

That the foregoing ___-page proceedings were taken down by me in shorthand at the time and place stated herein, and represent a true and correct transcript of the proceedings.

I further certify that I am not interested in the event of the action.

Witness my hand this _____ day of ________, 2013.

__________________________
Certified Shorthand
Reporter in and for the State of California