In the Matter of:
U.S. Department of the Interior Bureau of Land Management
California Desert District Advisory Council

Reporter's Transcript Of Proceedings

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MEETING OF THE U.S. DEPARTMENT OF THE INTERIOR BUREAU
OF LAND MANAGEMENT, CALIFORNIA DESERT DISTRICT
ADVISORY COUNCIL AT HILTON GARDEN INN, MIRAGE ROOM,
12603 MARIPOSA ROAD, VICTORVILLE, CALIFORNIA,
COMMENCING AT 12:08 P.M. ON TUESDAY, MARCH 20, 2018,
BEFORE JUDITH W. GILLESPIE, CSR NO. 3710.

APPEARANCES

MEMBERS PRESENT: REPRESENTING:
RANDY BANIS, CHAIR RECREATION
ROBERT BURKE, VICE CHAIR PUBLIC AT LARGE
LESLIE BARRETT RENEWABLE RESOURCES
MICHELLE LONG TRANSPORTATION/RIGHTS OF WAY
NATHAN FRANCIS NONRENEWABLE RESOURCES
ROBERT ROBINSON TRIBAL INTERESTS
AL MUTH WILDLIFE
JAMES KENNEY PUBLIC AT LARGE
WILLIAM "BILLY" MITCHELL RENEWABLE RESOURCES
FRAZIER HANEY ENVIRONMENTAL PROTECTION
PAUL MARTIN NONRENEWABLE RESOURCES
BETH RANSEL DESERT DISTRICT MANAGER

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APPEARANCES - CONTINUED

MEMBERS OF THE BLM PRESENT:

STEPHEN RAZO, EXTERNAL AFFAIRS DIRECTOR, CDD

JENNIFER WOHLMEMUTH, DISTRICT MANAGER STAFF ASSISTANT

MARTHA MACIEL, CA DEPUTY STATE DIRECTOR, COMMUNICATIONS

RUSSELL SCOFIELD, BLM
AGENDA

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CHAIR BANIS: Going morning, everyone. I call the meeting to order at 12:08 in the afternoon. Thank you, everyone, for coming out on the first day of Spring. Before I do the introductions, there is one Paul Martin, new member of the Desert Advisory Council. And I have asked him if he would lead us in the pledge of allegiance.

(The Pledge of Allegiance was recited.)

Thanks, Paul; thank you, everyone. Today the Desert Advisory Council is meeting to consider questions regarding amendments for the California Desert Conservation Area Plan. The topic on everyone's mind is obviously the DRECP, and I want to first of all make sure everyone understands what the role of the Desert Advisory Council is and the role that you play as members of the public at a public Desert Advisory Council meeting. So first, this is not a scoping meeting for any project, proposal or any plan today. This is an opportunity for the Desert Advisory Council to provide advice to the Desert
Manager, the BLM, and through them to the Secretary of Interior on the matters before us today. We take public comment prior to coming to those decisions and coming to our opinions, and your public comments are very important in how we arrive at our opinions and the advice that we may give, if any.

But what is going to be very important today is that you focus your comments to the Council members, those of us seated here at the table, because we are the ones who are trying to figure out what advice to provide to the BLM. This is not a scoping meeting, per se, so we need you to address your comments to us, to the Advisory Council rather than to the BLM. There may be opportunities for questions regarding the presentations, but generally this won't be an information session geared for the public in terms of scoping for the DRECP. I hope I have been able to frame that well enough so that your comments -- the goal here is not for me to be a bad guy or try to limit what you want to say. My goal here is to help you in making your comments substantive and weighty. So if you say "addressing the Desert Advisory Council on these topics," I assure you that is where your comments will have the most effect. So thank you for that brief introduction, and
now I'm going to introduce the other members of the Board. Let's start to the right with Al.

MEMBER MUTH: Al Muth, representing wildlife. Shall I continue on?

CHAIR BANIS: Background or who you are. Not a report.


MEMBER ROBINSON: Bob Robinson. I'm chairman and officer for the Tribal Interest Community. We have input on the projects in the desert for a long time now, and I am also a member of the Desert Advisory Council, first term.


MEMBER KENNEY: Jim Kenny, public-at-large. I represent a lot of different diverse groups all the way from bikers and off-roaders and equestrians, hikers, rockhounds, just about anybody that uses the desert for recreation.

MEMBER HANEY: Frazier Haney. I'm the
environmental protection person on the Desert Advisory Council, and I have a background in biology but also a long history with some of the conservation work in the California Desert National Monuments and work for a couple of NGOs that help with management, as well.

DISTRICT MANAGER RANSEL: Beth Ransel, District Manager for the California Desert District and on the DAC as the federal official that seeks advisement from the Desert Advisory Council.

MEMBER FRANCIS: My name is Nathan Francis. I represent the Non-Renewable Resources, and I currently work with US Borax.

MEMBER MARTIN: Paul Martin. I'm a new member for Non-Renewable Resources. My background is in engineering, primarily in civil, geologic and mining engineering. And again, I represent non-renewable resources.

MEMBER LONG: I'm Michelle Long. I represent Transportation and Rights-of-Way. My background is environmental consulting, which I have been doing for the last 16 years. I currently work at the Environmental Services Group with Southern California Gas Company.

VICE-CHAIR BURKE: I'm the vice-chairman of the Desert Advisory Council, and my background is the
desert itself. I'm the vice-chairman of the Society For Conservation of Elkhorn Sheep. I represent the public-at-large and just about everybody else.

MEMBER BANIS: My name is Randy Banis. I represent Recreational Interests. I'm a resident of Leona Valley. So nice to have everybody here in the high desert.

We will be taking public comment today. The first item of public comment, we need to receive your cards prior to the start of public comment. And the first questions can be raised under the District Manager's Report. And then the next public comment will be for items not on the agenda. And lastly will be public comment on the Desert Advisory Council's considerations. So please get those cards in to the side table prior to the start of that public comment period.

No. 2, if the cell phones are still on, you might want to turn that ringer off. The restrooms are outside and to the right. I remember my meeting venues. There are only so many out here.

That said, it's been a year since the Desert Advisory Council has met. And it's nice to be back sitting next to Manager Ransel. And Beth has a report for us today. We would love to hear what you have
been up to these last several months.

DISTRICT MANAGER RANSEL: Good afternoon. First I
would like to introduce Martha Maciel. She is the
Deputy State Director For Communications at the
California State Office for the BLM. And she came all
the way from Sacramento to provide the State
Director's report today.

DEPUTY STATE DIRECTOR MACIEL: Good afternoon.
Thank you, Beth, and thank you, Randy. Martha Maciel.
I'm the deputy state director for communications for
the BLM here in California, and I'm stationed in
Sacramento. I'm here on behalf of our State Director
Jerry Perez and our Associate State Director Joe
Stout, both who wanted to be here today and were not
able to join us. Jerry is back in Washington, DC,
this week for the National Executive Leadership Team
Meeting with the rest of the BLM leadership back in
DC. Jerry has spent quite a bit of time in the
desert. For the last two years he has been State
Director of California and prior to that he was a
State Director in Oregon and Washington with the BLM.
In late February and early March, he spent quite a bit
of time traveling through the desert attending the
public scoping meeting and hopefully you have had an
opportunity to meet Jerry and share some of your
thoughts on various issues on public land. If you haven't met Jerry, I'm sure he will be back to the desert soon, and you will have an opportunity to meet Jerry then.

I'm the Deputy State Director for Communications. I have been with the BLM for eight years in a communication capacity and also as the congressional liaison. I have been involved with a number of issues throughout the state and here in the desert, like the Monument Designation, Desert Renewable Energy Conservation Plan and other issues. Prior to that I was in communications with the Forest Service for 11 years. Sorry, but I have quite a bit of background, almost 20 years in land management issues. With that, that's just a little bit of background.

And I wanted to say thank you to the Desert Advisory Council for your commitment, support, dedication. I know it has been a long time since the Council has been able to meet. We are very happy that you are here today having this public meeting. It's been a long time coming, so thank you for your patience.

Just wanted to give you an update on a couple of national issues. First of all, some of the leadership positions back in DC. We have some new appointments...
since you last met a year ago. So at the department level, the Department of Interior, of course our secretary is Secretary Ryan Zinke. Our deputy secretary has been appointed, and that is David Bernhardt. Under the Assistant Secretary for Land and Minerals, we have Joe Balash. And then within the BLM there is a -- we don't yet have an appointed National Director. We do have Brian Steed, who is the Deputy Director for Policy and Programs, and he is fulfilling the role of the acting director until a director is appointed. And Mike Nedd is the Acting Director For Operations, so we have folks working really hard every day back in DC so that we are successful here in the field.

The department has issued its strategic plan for the next five years. That plan is now available online. They had identified the priorities of how the department will support the president's goals. I will for the record hand over some information that will outline what those six mission areas that the department has established and what the five BLM priority areas are. I will mention them briefly, and I will submit them for the record.

The priorities and the focus revolve around a number of themes, one being expanding outdoor
recreation and access, providing energy development and independence, shared conservation and modernizing our organization and infrastructure for the next 100 years.

Next, some of you are aware with regards to our budget situation. We are operating under a Continuing Resolution. That Continuing Resolution expires this coming Friday, so we are hoping that Congress will pass a budget and send it to the president for enactment. They have been through this the last couple of months, hopefully avoiding another government shutdown. But we are preparing so we do have an orderly shutdown. We are hopeful that we can keep the government open past this Friday.

With that, again, thank you for having me today. I will be here for the rest of the meeting. If there are any questions during break, I will be happy to answer them.

CHAIRMAN BANIS: Al first, then Billy. Al and Billy, please.

MEMBER MUTH: Thank you for that update. Before the meeting is over, can you provide a link to that five-year plan?

MS. MACIEL: Absolutely.

MEMBER MITCHELL: Who is responsible for the
ranching industry for renewable resources? Who is
going to be heading that up under Washington, DC,
under the secretary? Who is going to be taking care
of the renewable resources or the ranching industry or
do you know?

MS. MACIEL: I do not know. We have a number of
vacancies. Currently ranching and renewable
resources, they fall into two directorates. One is
the W-200 and that is the responsibility under Kristin
Bale. And then we also have W-300, which is energy
and minerals, and we do have an acting director in
that position by the name of Timothy Spisak.

MEMBER MITCHELL: Is there a way I could get a
name of a person who is very instrumental for things
that happen here in the desert that we could not get
past different area managers and stuff? So I would
love to have that link or information if you could get
it to me.

MS. MACIEL: Absolutely. We will work with the
district manager to get that information once those
vacancies are filled.

CHAIR BANIS: Thank you, Martha. Thanks for
coming down from Sacramento. We appreciate that.
Beth, you're next.

DISTRICT MANAGER RANSEL: All right. Thanks,
Martha. So I have a number of things. Just to acknowledge what Martha said, it's been about a year since we met, and I wanted to talk a little bit about that. The Department of Interior, when the new administration came in, wanted to conduct a review of all RAC charters, so they did have a pause on allowing RACs to meet. And the review process was to identify committees in order to fully support the mission and serve the local communities and get local feedback to the maximum extent possible. So in the Fall of last year, we were notified that the review will be ongoing, so they will be looking at the RACs and their charters to meet the goals. But they did say we could start planning to have a RAC meeting. And we are very pleased to be here today to be able to go through the process, to get a notice published, and to be able to announce a meeting and to be seeking advisement from the RAC -- from the Desert Advisory Council on this important issue.

So just to acknowledge that up front that it's been awhile, but we are happy to be back to hold meetings and be able to consult with the Desert Advisory Council. Just to let you know, the Desert Advisory Council charter isn't up for renewal until June of 2019, and we know that's on the radar of the
Washington office.

I have had some questions from people about the Desert Advisory Council nominations, because we do have five vacancies right now on the Desert Advisory Council, and we received a number of applications. And we are very excited about the candidates that have applied and nominated and are interested in fulfilling the roles on the Desert Advisory Council. And we have submitted those up to the Washington office, and they are being reviewed for eligibility. So we anticipate to be receiving those back to the State and District office in the near future so we can go through those and provide recommendations back up to the Department for actually seating members of the Desert Advisory Council. So the review is ongoing, but hopefully we will be seeing some progress on that soon.

We also were able to have a notice published to announce a meeting of the Dumont Dunes Subgroup, and that notice included two meetings of the Dumont Dunes Subgroup, so we are happy about that. And the first meeting for that subgroup is going to be Saturday from noon to 2:30 at the Barstow Field Office, and that meeting is open to the public. And I believe we have the news release at the public information table. And I think the news release just had the one meeting, but
the Federal Register notice also announced there will be a second meeting later this year.

And then big ticket items of interest. February 2nd the Notice of Intent was published to initiate the public scoping process for potential plan amendments and environmental analysis documents. And that will be the main item on our agenda today. We just completed eight public scoping meetings as part of that effort, and it's considering changes to the three Land Use Plans underlying the DRECP planning effort. So it's the CDCA Plan, the Bishop Plan and the Bakersfield Plan. So we will be delving into that more today.

Russell Scofield, the CDCA Coordinator, is here to do a presentation and go into that topic a little bit more in depth.

On February 6th the DRECP withdrawal application was canceled, and so those lands are no longer segregated. So that was a big announcement by the department related to the lands here in the desert. And then on March 16, we announced the availability of the Draft Supplemental Environmental Analysis for the West Mojave Route Network Project, also known as WEMO. That news release was on the public comment table, as well, for anyone interested in that. And there is
going to be four open house public meetings associated with that, beginning April 17th I think is the first meeting for that effort. Dates and locations for that are in the news release that is available.

We are also working to pull together a DAC meeting on the WEMO project to seek advisement from the DAC, so we are hoping we will be able for get an announcement for that in the near future.

We have scheduled a public scoping meeting on the proposed Crimson Solar Project in eastern Riverside County on April 3rd from 5 to 8 p.m. at the Palm Springs South Coast BLM Field Office. And that notice -- the notice for that release was published in the Federal Register on March 9. And I believe that news release was also on the public information table on the way in.

And then Palin Solar, we have -- we are working on finalizing the final Supplemental Environmental Impact Statement and Land Use Plan Amendment. And that is for the revised technology of the approximately 4,200-acre Palin Solar PV Project near Desert Center in eastern Riverside County. And we are getting close to finalizing that, so we anticipate an announcement soon on that.

On March 14 we modified our fire restrictions, so
we move from all public lands managed by BLM in the
California Desert District, all of them will now be at
the stage 1 level. And then that also rescinded the
recreational rural shooting restrictions that were in
place since May 26 of last year. So we are very
excited actually to be moving forward with that and
happy to see greening up and wetting up in the desert.
But it's nice that the fire danger has gone downwards.

Budget and staffing update: So FY 2018 for the
planning levels for the budget here in the Desert
District -- well, let me just say, for FY 2018 budget
planning level, California saw an overall reduction in
a lot of our programs, funding, and a lot of the
reduction was absorbed at the state office in order to
get more of the funding down to the field level or to
minimize the reductions to the field level. But this
year our planning level for the desert, we did see a
reduction of $500,000 from FY 2017 enacted levels.

And then in terms of -- Martha talked about the
continuing resolutions, and we are watching that
closely. And in terms of staffing, our Needles field
office has seen -- has a substantial number of
vacancies, so folks working within the Needles office
probably have recognized staffing challenges. So we
are putting a lot of energy on filling the Needles
field office and getting their staff whole.

Also, with the reduction in budget funding, we are focusing a lot of our energies on staffing up in areas in what we have called soft money. So one thing we are doing is we are working to stand up a team focused on Southern California Edison workload. And that's because there is a mechanism for them to provide funding for that team. So we are hopefully standing up that team, and that will help relieve some of the workload district-wide with that team able to focus on that workload.

We are also looking to hire a few project managers that will focus on major projects district-wide, and that's another effort to utilize external funding sources and to get some additional staff resources to address those workloads. So we are excited to be hopefully moving forward and putting an announcement out to hire for those positions soon, as well.

We are working on -- still working on trying to get what we call position description finalized to hire a District Outdoor Rec Planner Position, which will probably have high interest to this group. That position is going to be critical to help us address some of the things identified in the special recreation permit review. I think we had had a
presentation on that a year and a half ago, and we
want to get some more momentum to getting that
addressed, as well as there is a subgroup that hasn't
met yet, the Special Recreation Permit subgroup, and
that position will be key to helping facilitate having
a meeting of that group and actually getting some
actions taken relating to that.

So in the interim we did have a couple of
different people that served on a temporary basis,
such as Dorothy that had been here serving in that
role. And she was a Washington office employee, and
of course, had to go home. And then we had Neal
Hamada, who is the recreation branch chief in the El
Centro office. And he served in that role formally
for four months and has been sort of helping us. He
wasn't able to totally divest himself of that role, so
he has been helping us out in that role since his
temporary assignment ended. So we are happy to have
him help us just a little bit still. But I would like
to get that position description finalized and be able
to recruit and hire for that position. So we are
focusing on that.

And on a final sad note, I'm going to announce
that Jennifer, who is our -- she is our foundation for
the meetings that we have, the Desert Advisory Council
meetings -- Jennifer has been with us here in the
desert for 31 years. And she has over 36 years of
federal service. And she has accepted a position to
do her dream job as a realty specialist in Nevada at
the Battle Mountain field office.

(Applause from the attendees.)

So it's a bit uncertain when she might depart, but
just definitely celebrate her and her major
contributions to keeping things running and taking
care of all of our Desert Advisory Council members
through the years and everything she does to keep my
life in order. So thank you, Jennifer, for everything
you do and definitely appreciate that. So I would
encourage you to touch base with her and wish her well
on her adventures.

And that's the end of my report.

CHAIR BANIS: Thank you, Beth. That was a good
update. Do I have questions and comments from the
Desert Advisory Council members for the Desert Manager
report? I have Al. Just throw up your hand if you
want to go next.

MEMBER MUTH: Thanks for that lengthy report.
Could you go back and sort of reiterate what you had
to say about the DRECP land withdrawals, the dates and
whatever documentation is available to look at that?
DISTRICT MANAGER RANSEL: Admittedly, I have the date that the DRECP withdrawal application was canceled and that was February 6. But I don't have all the other details on me right now. So what happened was as the previous administration was heading out the door, we actually published a notice in the Federal Register that filed an application to withdraw 1.3 million acres of NCL land in the desert. And that filing of that application, the temporary segregation of those lands, which means it sort of put a temporary withdrawal from mining activities, location of mining claims -- let me restate that. Location of new mining claims on those acres that were identified. And then this year, on February 6th, there was another notice that was published that withdrew that application. So that segregation and the withdrawal is not in place on those acres anymore. And it was determined that there wasn't a high risk to those landscapes from some mining activity that might take place for new claims that might be filed.

And what I will do is I will send out to this group the Federal Register notice and the press release and all the materials we have related to that.

MEMBER MUTH: Yes, I would like to see that.

DISTRICT MANAGER RANSEL: That will state it way
better than I have. I will provide you the details.

MEMBER MITCHELL: Beth, on those lands, how do they affect the grazing allotments that somebody will talk about later that we were talking about a year ago that they took out and there was no avenue for them to relinquish? Were those any part of those lands or was it just for mining?

DISTRICT MANAGER RANSEL: The particular thing that you are mentioning is the withdrawal application which was only related to new mining claims. So actually, the mining activity or mining claims that had been in place previous to that notice that was published in December, they could still mine. There was a little bit more process that would have to take place.

MEMBER MITCHELL: Thank you.

DISTRICT MANAGER RANSEL: But I guess it's a nonissue at this point.

MEMBER HANEY: I would like to say thanks for convening the meeting today. I know it's a lot of work for the staff, and thanks for getting it in before the end of the comment period. I would also like to take a moment to remind ourselves that we voted the last time we met to convene a DRECP subgroup, and we need to get that restarted. So I
wonder if you could give us your thoughts on that as to timing and membership.

DISTRICT MANAGER RANSEL: We have done a call for interest in a DRECP subgroup. So I think maybe with a different focus at this point it might be worth considering putting out another call, because we might get other folks that would be interested. It was not formally -- selections were not made yet. We still have all those application materials in place, but that subgroup had not been stood up yet.

MEMBER HANEY: Then on a similar note, I note that we just celebrated the two-year anniversary of Mojave Trails National Monument, and we are happy about that. But there is no apparent progress on the management plan. I wonder if you could comment on that and if we need a call for folks to join that subgroup.

DISTRICT MANAGER RANSEL: You are correct. There was a call for nominations to the subgroup, and we had not stood up that subgroup yet either. So there has been some effort and work that's happened behind the scenes to prepare for Monument planning to entering a Monument phase for Monument Trail. But we have not yet gotten to where we are well-poised to initiate planning yet. That's the best I can do as far as update right now, but we can give some thoughts to the
MEMBER HANEY: One last question. But it's apparent after getting the publication about WEMO, it looked like there were around 6300 miles of route in the preferred alternative. So it looks to me like that after this kind of making WEMO informed --

CHAIR BANIS: Would you speak into the microphone, please?

MEMBER HANEY: Oh, I thought I had. It looks like after making WEMO conform to the DRECP, that there has been a net increase in routes overall; is that correct?

DISTRICT MANAGER RANSEL: I would actually have to take a look at that closer. I don't have that answer right on hand.

MEMBER HANEY: Thank you.

DISTRICT MANAGER RANSEL: I definitely invite you and others to come to any of those public meetings or to touch base with our field offices that are affected. And if there are questions like that, we want to make sure we get answers on that for you.

CHAIR BANIS: If I could, staying on the subject of the DRECP subgroup that you suggested we reopen nominations for, are there any objections from the DAC for re-opening the nominations for that DRECP
subgroup? Do we have any problem with continuing to accept the applications we already received and not make members of the public resubmit? Is that okay? Is that all right? Are those two pieces of advice helpful?

DISTRICT MANAGER RANSEL: The only thing I would wonder from the Desert Advisory Council is that subgroup was focused on implementation, I believe, and I don't know if that is what we are looking for or the Desert Advisory Council would want to have right now as a subgroup focused on implementation. But maybe when we know more about -- after the presentation, we might want to consider whether to work more on an effort of whatever that comes of this scoping phase.

CHAIR BANIS: I think that's reasonable for us to consider for certain. The nature of the animal has changed.

MEMBER MUTH: My comment was we should have some idea of what we are trying to implement. It's a different carcass now.

CHAIR BANIS: Let's revisit that toward the end of the meeting, then.

Any other questions from the Council members on the Desert Manager's report?

MEMBER LONG: Just as far as scheduling future
meetings for the Desert Advisory Council, our previous meetings were on Saturday. I wanted to put that out there. Saturdays are generally more convenient because most of us have day jobs. If we could do that.

CHAIR BANIS: Very good. And just to say that the genesis of the meeting with the conversation that I had with Beth and with Steve was in full recognition of all the shortcomings with which we would be faced here. I guess I was just very happy to see the Advisory Council had been given the green light to be able to at least get up and maybe go for a short jog, perhaps, before we are unleashed for a full run. And in recognition of that, I hope this will just help us gear up for the next meeting where I do hope we will return to our regular type of schedules and agenda. So I hope that didn't upset you too much for my working with the Bureau to schedule this meeting today. I did feel it was valuable, at least if not for us, for the members of the public. And I'm essentially super pleased that everybody made it on such short notice. Everything else I knew would be wonderful, the only thing I was worried about. So again, Al, Crazy Al's drive coming down from beautiful Truckee River.
I have questions from the public on the Desert Manager's report. I had four cards that indicated that. I have John Stewart, Sam Merk, Ron Schiller and Marie Brashear, if you have questions. And also one from Elizabeth, so we have five. John.

MR. STEWART: Good afternoon, DAC members. I'm John Stewart, consultant for the California Four-Wheel Drive Association. I appreciate hearing the update on what is happening in the BLM. A couple of points that I would really like to look at or find out if there is additional information on. Like Mr. Muth, I'm also interested in finding out a Website link for a five-year plan. And as recreation was identified as a major point of focus, I would like to see more about what is in store for recreation and appreciate the fact that you are going to get a district level recreation planner to assist on the Special Recreation Permit issues. It's a welcome sight and something we are really looking forward to have that come to fruition.

One thing not mentioned that is a major impact is there have been news reports of a BLM reorganization. That will have California BLM split into two, maybe three different regions throughout the west. And as that would realign the Southern California area, from
published reports, I realize the Southern California area more into the Colorado plateau, including Nevada and Arizona. And this is something that's of a high level of importance and interest to the people that live and recreate in the Southern California desert region. So it's something we need more information on that, and we would like to see what is transpiring for the future. So thank you.

MEMBER BANIS: Thanks, John. Sam?

THE WITNESS: My name is Sophia "Sam" Merk. Everybody calls me Sam. Thank you for having a Desert Advisory Council meeting. Thank you very much. I want to remind everyone that the DAC came forth under Federal Land Policy Management Act, October 21, 1976. We were specifically called out as the Council, not a RAC. Therefore, we should have had all the meetings that we had prescribed under the amended Bylaws under the desert planning.

I have some deep concerns that this meeting -- I don't see a person here that is what you call an elected official. And I wonder about that. Even though the Desert Advisory Council amended it, I wonder, because according to FLPMA, it was specifically called out that it should be an elected official to be at these meetings.
I also have concerns that the public did not get enough notification under the Register, the Federal Register, and that is under the American Procedures Act. And it gives us the guidelines for all agencies. That came about in 1946. I wish that a lot of the new members would read some of the old documents, including the Desert Plan and what it really stood for and what it really stood for the public. We appreciate the fact the public is being able to talk to the DAC members. Thank you.

CHAIR BANIS: Thank you. Glad you could make it today. Marie.

MS. BRASHEAR: I, like Sam -- mine are comments rather than questions. For those who are new to the Desert Advisory Council and who do not know me, I'm a former DAC member. I served under the Secretaries of the Interior James Watts, William Clark, Manuel Lujan and Bruce Babbitt. I'm 78-plus years old. I have been doing land use for 49 years, primarily the California desert, and I have some of Sam's same concerns.

I thank you for having a DAC meeting. However, I learned about the DAC meeting on Sunday. I made some phone calls. Some people in the audience had never heard of the DAC meeting today. People who wanted to
be here couldn't be here because they didn't know in
time. I think, just to give you a sort of a little
heads-up, the DAC in 42 years has never met in the
middle of a week or on a workday in the middle of the
day.

The public was promised -- I think the one thing I
want to emphasize, when Beth talked about the WEMO, we
were promised, the public was promised that the WEMO
would be finished, done, and it would drive the DRECP,
not the reverse.

MEMBER BANIS: Thank you, Marie. I have Ron,
followed by Elizabeth. Ron, do you have comments?

MR. SCHILLER: It's been a while, Billy. Marie
and Sam stole all my thunder, so I'm just going to
make a few points here and call it good.

CHAIR BANIS: I will call you first on the next
one.

MR. SCHILLER: Yes. I'm one of the ones Marie
called. And yes, I'm a past member of Desert Advisory
Council. I haven't been to a meeting in a while
because we haven't had one. I know we have had a
couple scheduled up in Ridgecrest, and they never
materialized. And I'm kind of frustrated, and a lot
of other folks, because Congress felt it was important
enough to create the Desert Conservation Area Plan and
include public involvement through a DAC, not a RAC. And that's defined in public law commonly known as FLPMA. And that should be honored.

When I was on the Desert Advisory Council, I could remember several times waiting for an hour and one time even postponing it for a while because we didn't have an elected government official present at the meeting. Isn't that still a requirement? Isn't that supposed to happen before you call the meeting to order? Like I said, like Marie and Sam said, I never heard of a DAC meeting in the middle of the week at noon. I do recall many, many, many DAC meetings on Friday and Saturday with field trips. And it's important to the public and the people who live there.

Everything you folks do has an impact on my local community. I'm a rockhound. I've lived in Ridgecrest California since 1957. In 1957 there wasn't a lot of stuff to do in Ridgecrest excepting out on public lands, while if you lived in LA or even down here in Barstow and Victorville, you still have a lot of stuff to do. In Ridgecrest we don't. We depend on the public lands for hunting and fishing and recreation, getting out of the heat in the summer, getting up in higher country. So I want you to know that what you do impacts us directly. And I think that's about
all -- oh, and the Federal Register notice. I went back and looked at the Federal Register notice for this meeting, and it was March the 9th. Was that 10 days, something like that? That's way too short for people that get together, although it don't make any difference if you are not going to advertise it. Ten days before the meeting, people won't show up anyway. You might let us know a little earlier and have it so working people can come to the town and put in their input.

Thank you very much for your time.

CHAIR BANIS: Thank you for coming out, Ron. Lisbet?

MS. THORESEN: My name is Lisbet Thoresen. I'm the public lands representative for the San Diego Mineral and Gym Society, Inc., SBMG for short. We are the largest gem and mineral club in the State of California and one of the largest in the United States. I'm also the chair of the Public Lands Advisory Committee, South, for Southern California, for the California Federation of Mineralogical Society, or CFMS for short. We do the acronyms too.

First, I want to say how very glad I am for this Desert Advisory Council meeting, albeit during the middle of the week out of regular order, which
convenes for the first time since February 23 last year. The Desert Advisory Council meetings are the most important we, the public, have to engage in the BLM by the Council to learn what is going on, what is being planned, and to provide us an opportunity to give some input. So I just want to say thank you.

The rockhound community has missed you.

I would like to say further the suspension of the Council's activities have had the effect of being an opaque barrier, the result being the silencing of the BLM and its activities, leaving the public in the dark, even as planning and decisions are being made behind the scenes on some of the most consequential proposals and implementations related to public land management.

So I have a few questions and requests. First, would the BLM please post on its website some progress reports, if you will, that provide some details on what you guys have been up to and give us some information on the backlog of past years' activities so we know what is going on and the status of various projects, something a little more substantive rather than the News.Bytes.

And second, if BLM does post these reports or briefs, could you please send it out in a broadcast
e-mail containing the hyperlink to the URL destination Web pages and make sure that these URLs are permanent destination links, because very often many of our clubs post these URLs and after your latest BLM Web site overhaul, a lot of those links become dead links. And we want to make sure there is a permanent track-back to some of the important documents that you do produce and make available to the public. Thank you.

CHAIR BANIS: Thank you, Lisbet. Nice to see you too.

Are there other comments or questions regarding items not on the agenda? John. We are moving through, folks.

MR. STEWART: Good afternoon. John Stewart, California Four-Wheel Drive Association. One thing I would like to bring to the Council's attention is that a recently released Bureau of Economics report -- and this comes out of the US Department of Commerce -- indicates that outdoor recreation is 2 percent of the gross domestic product in 2016. And what is further interesting is that when the growth rate of the overall economy during this time frame was a mere anemic 2.8 percent, recreation was growing at a rate of 3.8 percent. I would request that the Council look
at this report about the impact of recreation and put that to the agenda for future Desert Advisory Council meeting consideration.

It's evident that the Bureau of Economic Analysis says that recreation is the fastest growing industry around, and this is also reported by Forest Service and BLM reports dating back some 20-plus years when recreation was a mere blip on their reports. And it is now shown that throughout the public lands, recreation is a viable use of the lands and public wants to get out and view the public lands that we have.

When you start looking at the land management designations, these administrative designations you are throwing around, we believe this has an adverse impact on public availability. So please, I request that we look at the economic impact for future DAC meetings.

And also, somewhere in the future, I would like to look at or hear what is happening with the Mojave Trails National Monument. That plan seems to have dropped into oblivion with no information available.

CHAIR BANIS: I have speaker requests for items not on the agenda from the Friends of Juniper Flats. Jenny, would you like to go first? And I take it you
would like me to pass these out to my colleagues?

MS. WILDER: Jenny Wilder, Juniper Flats. And we have three items of interest, two different recreation pursuits. One is recreational shooting. The Juniper Flats subregion is within the shotgun only area south of Highway 58. It's just north of the San Bernardino National Forest and just south of Apple Valley. In this area the shotgun only stipulation is not being enforced. And on one occasion my husband and I were hiking out there and bullets went whizzing by. And when we came across the shooter, it was a San Bernardino County sheriff in training. He had a badge, and I don't know what kind of weapon, semi or automatic weapon. I don't know what it was. He basically said, "I didn't know anybody was out here."

This is a shotgun only area. I would assume that the sheriff's department would know about that, but they didn't, along with a multitude of other people. In the hand-out there is also a couple of pictures of shells that we routinely pick up in various locations in Juniper Flats on the top of hills, in areas where the shooters have apparently been shooting into the bushes where there are hiking trails on the other side that you can't see, et cetera.

So I have been in contact with the Barstow office
and also the County of San Bernardino, and they are working it out since 2016, because this incident was in 2016. So they are working it out, but I haven't heard anything and nothing has happened. It's still going on.

So I would like for the Desert Advisory Council to look into this recreational shooting item. We need signs and brochures that are specific to shotgun-only areas. And maybe -- I don't know if the off-road areas are no shooting. Why is that? How does that happen? Can we have that in Juniper Flats also?

Another item of interest is the special rec permit for hiking. I was a hike leader. I was told that I would need a special recreation permit to take a group of hikers into Juniper Flats. I would need to do that months ahead of time and pay and give a map. Well, there are no hiking trails in Juniper Flats, so that would have been kind of impossible, other than saying we are hiking in Juniper Flats. So I would like the Desert Advisory Council to look at the special rec permit process for things like hiking and small groups.

Also, there is no notice in the area or on some of the brochures there is no indication that a person doing a group activity might even need to look into a
permit. And we have a permit on-line for campfires and wilderness permits. You just go on-line, you fill out the form, you look at the video and you print out your permit. Something as simple of that would be great for small groups of activities.

CHAIR BANIS: Thanks, Jenny. Three minutes are up.

MS. WILDER: I have one other item. Hiking trails. We have no designated hiking trails in the Juniper Flats area, even though hundreds hike out there every year. I want you to know that the BLM doesn't seem to have a way of finding the hiking trails, so when they are monitoring out there, they don't have any way of documenting what they see. If they see a narrow little trail, I don't know what they do with it. They just ignore it, I guess, because they are not on the maps. I did submit one copy of some of the trails I'm talking about.

COUNCIL MEMBER BANIS: Thank you. If there is no objection from the Desert Advisory Council, I think it would be good referral to our SRP subgroup. That's what we are hoping to take on is those exact same issues. So that is on the Desert Manager's -- in her notes that we do want to restart the process. You can see that there are still concerns from the public over
the confusion of applicability and necessity of
special recreation permits. I'm still in favor of
having that subgroup move forward and advise the
Desert Advisory Council on that in the future.

Similar to that, the item regarding the designated
hiking trails in Juniper Flats would be in the WEMO,
the West Mojave Designations that were just released
last week and the new Travel Management Plans do have
foot trails and hiking trails designated in that new
WEMO. I haven't been able to go through all the maps
to be able to see if that applies in your area, but my
understanding is we are going to do our best to
schedule another DAC as soon as possible to be able to
be within the time constructs of the West Mohave plan
commenting period, again, perhaps up in Ridgecrest.
And I think that this designated hiking trails and
perhaps the recreational shooting discussion I think
fits in WEMO because the West Mojave also has measures
with recreational shooting and things like that within
the Desert Tortoise ACEC's and the National Landscape
Conservation System lands that were recently
designated.

So I would like to refer those two items to the
subgroup and our future WEMO decision. Billy, I hope
I didn't take the thunder out of yours.
MEMBER MITCHELL: You forgot I'm seventy and I forgot what I was going to say. There is none on Hodge Road and even in shotgun only, they were supposed to have a hunting license. And there is something to shoot at. You can't go out and shoot skeet and stuff like that. That's what I was told and my wife and I ran because we had a terrible problem there. And I would like you to get ahold of Mark Brown back here. There is a different set of rangers, an attitude with the rangers at the BLM now, and I'm sure Mark can give you a card. They have done extensive work on Rattlesnake Canyon, not just shooting but OHVs, numerous tickets. They had a ranger, they are working on right now -- and excuse me, Mark, I forgot his name. But between Juniper Flats and Rattlesnake Canyon. We are also working with an MOU with the sheriff's department -- we don't know how far that's going to go yet -- to utilize both of them together for all the problems that you are having and the ranching industry is having. So I hope that helps you. Thank you.

CHAIR BANIS: Any comments or questions, comment cards for items not on the agenda? Barbara Hampton, also from Friends for Juniper Flats, comments. You have three minutes on the floor.
MS. HAMPTON: Some of this will probably be redundant. Barbara Hampton. I have lived in the high desert now for well over 30 years. And this is a fairly residential area that abuts all of this desert. And friends and I go hiking quite a bit. And our concerns are also with the preservation of what we have: the wildlife, the plants and the children. Not a year goes by that someone goes off trail, because we don't have many trails, gets injured, falls, drowns, has to be helicoptered out of our public lands because we don't have the designated trails. So they go wandering. And quite frankly, on the few trails that I have been on, like Bonita Vista, which Friends of Juniper Flats helped to create, Straight Falls, I have invariably come across massive piles of shotgun shells. And my concern is equal. Even if the shotgun is allowed, and I use firearms, they are near trails that are preexisting. There is no signage telling people how to take care of themselves or specific areas to shoot, which I think would be tremendously helpful. Otherwise, they won't be attracted to go to Straight Falls. And people come here to Juniper Flats. I have met people from Los Angeles, Riverside and Big Bear. So it's a drawing point, especially around Straight Falls.
And I'm really concerned if we could only just have, even aside from designated trails, some signage. What do you do when you see a rattlesnake? No, you don't shoot it. You are going on a designated trail. Bring water. Something educational so that when the children leave, they are not only walking on their own two feet, they have learned something. That's all. Thank you.

CHAIR BANIS: Thank you, Barbara. Is this your first visit to the Desert Advisory Council?

MS. HAMPTON: Yes.

CHAIR BANIS: I thought so. Welcome. Forgive me, Council members. One more card I did not see. I missed a comment from Sam regarding the previous items not on the agenda. This is her District Manager report question. I got these mixed up on the agenda.

MS. MERK: I'm sorry, too. I have a question in regards to the District Manager's report. She mentioned that there was 500,000 K less, but she didn't say what the top number was for the whole desert. How much do you receive in the desert to manage this area? If you did say it, I didn't hear it.

Also, we used to get written reports from the director and from the field managers' reports. And I
find that lacking in this meeting also.

There is one other topic, too, the Wild Horse and Burro Act. And I know that there has been some cut-backs, and it will deeply affect the Ridgecrest area because we do have a holding area for the horses and burros there. And we haven't had a report on that in quite some time, so that should be brought up through the DAC. And maybe you could find that information out for me. Thank you.

CHAIR BANIS: Thanks, Sam. Ladies and gentlemen, Desert Advisory Council members, that concludes the public comments on Desert Manager report and items not on the agenda. It's time for an afternoon break. We had a 15-minute afternoon break scheduled. We are a few minutes ahead of schedule. Let's make this 15 minutes, a return at 1:35.

(Afternoon recess from 1:19 to 1:37 p.m.)

CHAIR BANIS: Thank you, everybody. If we could begin to take our seats, I will convene the next session. Thanks, everybody, for a quick return to the meeting. It's awesome we are still plugging right away. Call the meeting back to order at 1:37.

I missed an item, Council Members' Reports. Do I have any Council Member reports? Al, you have the floor.
MEMBER MUTH: Thank you. I'll start my report by saying you all look about a year older, except for me. But this has not been a year to instill happiness in me. There have been a lot of issues that have continued on down the line without our input, and I would like to request several issues to be put on future agendas. But I will do that toward the end.

But right now I would like to address some comments to the subject of the meeting today. The DRECP, and Mr. Scofield, listen up because I have some things that I would like you to address, and I hope you will sort out in your presentation.

I have read Executive Order 13783, and then the BLM Notice of Intent published on February 2, 2018. And can you explain to me how the Executive Order translates to reopening the DRECP to increase opportunities for ORV access, mining access and grazing. None of those issues were raised in the Executive Order, and it seems that somehow or other in the Star Wars continuum at Interior, all those issues got shoved in there. And is there any science to back up a call for new access? I would like to hear something about that.

I would also point out that in my opinion, we spent eight years, 14,000 plus public comments, heaven
only knows how many million of dollars on the DRECP, and in the stroke of a pen, any reason to have faith in the Bureau? Their word or the process has gone out the window. I mean, how are you planning to reconstitute what has been lost in the reopening of the plan?

What about the state and the other stakeholders? I am not aware of any state agency or politician from CEC, Feinstein, our senator, any agency in the state that's in favor of reopening the plan. Could you sort of help me out there? Yes, I know it's on federal land, but you do have stakeholders. Before I really get upset, I think I will end it there. If you could address some of those issues I would appreciate it.

CHAIR BANIS: Since Russ is giving the presentation on the DRECP next, can you find a way to incorporate that? And I can keep those on my list or do you want to jump right on them?

MR. SCOFIELD: If I don't cover them, just refresh my memory and remind me.

CHAIR BANIS: Very well. Thanks, Al. Anything to report from the last year? Jim?

MEMBER KENNEY: People in my area have lost all faith in the BLM as far as the Website goes. Most of the people, myself included, find that about 60 to 75
percent of those links that have been sent out and/or sent to us by other people are frequently not working. And it's really frustrating to tell a constituent, here is where you go find that information. And you go to a page that won't open, especially on Friday or the weekend. There must be absolutely nobody home to make sure those pages are there. It really has -- in my area has really hurt the validity of the BLM's whole premise of managing the desert.

CHAIR BANIS: Thanks, Jim. Just two items on my side. First I would like to thank the Ridgecrest Public Lands Roundtable for their resolution of support for the Desert Advisory Council at the time that the Council was -- the hiatus was announced. It was very nice to hear we had support throughout the desert community for what we do.

And the second is late in February I had the privilege of testifying at the Subcommittee on Federal Lands for the House of Representatives on Representative Cook's bill that would designate wilderness and OHV wilderness areas. And that was really a joy to do, and if anybody has any questions about what it is I said, I'd be happy to talk to you during the break.

That said and done, if there are no objections we
would like to move on to the presentation.

Russ Scofield from the BLM will be making a presentation on the California Desert Conservation Area Plan and the floor is yours, Russ, unless you would like to make an introduction to him.

DISTRICT MANAGER RANSEL: I would just suggest, since it will be behind us, we just --

MR. SCOFIELD: Right. Okay. I'm going to stand away from the lectern because it seems to make a lot of noise, so hopefully this will work. Okay.

Perfect.

So I'm going to go through some slides, and then we will take some questions. And I will try to address your points as best I can, Dr. Muth. And as I said, if I don't, then please flag me.

So what I'm going to talk about today is the proposed Land Use Plan Amendment to the land use plans underlying the area covered by the Desert Renewable Energy Conversation Plan. So the purpose of today's briefing, at least, is to provide information to you, the Desert Advisory Council members, that would help you formulate any advice that you would give the Bureau on this plan amendment. So just a reminder, as Randy said earlier, this is not a public scoping meeting. We will talk a little bit about the public
scoping period, but this is not that public scoping meeting. And any comments made in the meeting today will not become a part of the public comment scoping report. If you do have comments, then those need to be made. And again, I will provide that information. But those need to be made through the proper channels.

So I'm going to talk a little bit about the land use plans as they exist today. The current land use plans talk a little bit about the scoping process, where we are with that. And then what the next steps are. And then one thing before I get started, this is a recurring question that we got in the public scoping meetings. Is the DRECP still in effect? What is the status of the DRECP? And the answer to that is yes, the land use plans as amended by the DRECP are in full force and effect until such a time they are further amended. So for now, everything in the desert is in conformance with the DRECP. And then also before I get started, there are some maps that you shouldn't try to squint too much to read because we have copies of the maps along the wall. And then Steve and I talked about also making PDFs of the maps available to the DAC members, but they are also available on the e-planning website which I will give you the link to, too.
So let's talk about the planning area overview.

So as I said, what we are talking about here is the three land use plans which underlie the DRECP. And those are, of course, the California Desert Conservation Area Plan, which you are all very familiar with. And then also a portion of the Bishop Resource Management Plan and a portion of the Bakersfield Resource Management Plan. So as you all know, those three plans were amended by the DRECP in 2016. And the goal of the DRECP was to support streamlined renewable energy development as well as provide a conservation strategy that supports multiple use upon the public lands.

So a picture again of the planning area, again a polygon you have all seen many times, roughly 22 million acres of federal and nonfederal land, seven counties, Imperial, Inyo, Kern, LA, Riverside, San Bernardino, San Diego. And of that there are about 11 million acres of BLM managed public lands. Those were across seven regions out here in the desert, plus Bishop and Bakersfield. You are all aware of this.

BLM does not make planning decisions and does not have jurisdiction on anything except for the yellow part of the map, the public land administered by BLM.

Let's talk about what the current land use plans say.
So renewable energy development: Currently we have 388,000 acres of transmission-aligned development focus areas or DFAs that are identified for wind, solar and geothermal development. Most are not technology specific or to use of our geothermal public. Those are the areas that are sort of bright pink on the map. There are also about 40,000 acres of what we call variance processed lands. Those are the lands that may be suitable for renewable energy, but they weren't necessarily the ones that the industry said was super valuable for renewable energy development. And on various processed lands, we can accept an application for renewable energy, but they have to go through the variant process, which is prescribed in the West Watt Solar PEIS, which preceded the DRECP.

One important note here is the renewable energy applications that we receive in the DFAs, the bright pink areas, those are streamlined under DRECP. Streamlined means they receive a higher priority to work on; that potentially they can be analyzed at a lower level of NEPA; that the DRECP biological opinion will apply to those projects. Various processed land projects are not streamlined and in fact, actually a higher bar for analysis that needs to occur on those
lands.

Conservation lands: So we have, across the three plans, we have about six and a half million acres that are managed for conservation in several different allocation. The California Desert National Conservation lands, those are the lands that were established pursuant to Public Law 101-111, those lands that are managed for conservation purposes within the CDCA.

We also have areas of critical environmental concern, which I know you are all familiar with. And then over in the Bakersfield Field Office, we have some land that didn't quite meet the relevance and importance criteria to become an ACEC, but yet were still important to be managed for wildlife. And we call those wildlife allocations. But that's outside of the CDCA and only in Bakersfield.

So these lands really form the backbone of the conservation strategy at DRECP, and they were identified for the conservation of important ecological, but also historical and cultural -- yeah, there are some cultural ACECs, also scenic and wildlife values.

So recreation: I know recreation is a high priority topic for many of you. We have approximately
four million acres managed within the desert with a recreation focus. And when we talk about management for recreation focus, we are talking about the whole gamut of recreation, everything from hiking and backpacking to open OHV use. So these lands do include the open OHV areas, but they also include many of what your formally referred to as the limited use areas, limited route areas. And those recreation areas are primarily in two designations: Special recreation management areas, and then also extensive recreation management areas, or SRMAs and ERMAs. Of course, we have to have fun acronyms.

So one thing of note that I will stop and comment on, related recreation, DRECP did not make any route of travel decisions. It recognized the route management plans that are in existence, in the NECO area and NEMO area, and WEMO, which we have already talked about a little bit is ongoing. And there will be -- I don't personally have the dates with me, but I'm sure somebody has dates here. But we know we will be having some public scoping meetings coming up in the next month or so. And those are the plans which actually make the route of travel decisions, not DRECP.

Mining and minerals: So DRECP recognizes the
importance of high priority mineral areas. DRECP provides access to folks' mining claims and really, the existing plans provide for the development of mineral resources, while also providing for the protection of natural and cultural resources. In association with development of the DRECP, a programmatic agreement was developed under Section 106 of the National Historic Preservation Act. And really, what that programmatic agreement does, it defines the roles both for the tribes and for other consulting parties. And it develops a consistent process that will be followed throughout the plan area. And the programmatic agreement also establishes a set timeline so project developers, renewable energy project developers will know exactly what the roles are and what process is and what the time line is consistently across the desert. And currently government to government consultation with tribes is a constant ongoing process for BLM. And just as I said before, DRECP remains in full force and effect until it's amended. Similarly, the programmatic agreement and our commitments in the programmatic agreement remain in place.

So let's talk a little bit about how we got to where we are right now. So as, again, you are all
aware, both Governor Schwarzenagger and Governor Brown created a pretty ambitious renewable energy portfolio standard for the state. 2008 it was set at 33 percent renewable energy, recently at 50 percent. And I hear there is legislation now that would make it 100 percent. I don't know in what stance that legislation is. Then we have a couple of executive orders. The one Executive Order 13783, that's the one that Dr. Muth mentioned, which is promoting energy independence and economic growth. And then we have another executive order, and this is something that the president talked about at an agriculture meeting, I believe, in Tennessee. He talked about expanding broadband Internet connectivity and removing barriers for expansion of that capability. So these are the executive orders that we see cited in the Notice of Intent issued February 2nd, which kicked off the public scoping period.

Really, what BLM is trying to do here is to ensure that, through our land use plans, that we are able to meet the intent of these executive orders. And that, just as any administration steers the direction of public land management, we are trying to, as I said, meet the intent of these executive orders to reach the president's goals. So we will do questions for Desert
Advisory Council members when we are done.

So that gets us to the Notice of Intent, which is where we are right now. So as I said, February 2nd, 2018, BLM published the Notice of Intent to kick off the public scoping period that we are currently in. And what we said was that we would amend -- potentially amend the three land use plans within the DRECP planning area. So we hosted eight public meetings. Some of you went to those meetings. I see some familiar faces. They were very successful. Lots of public participation, which is good. And we are really seeking comments in the public scoping period on the potential impacts that land use designations made in the land use plans have on commercial scale renewable energy as well as comments on other multiple uses on public lands.

So how are comments being received? Via e-mail at that e-mail address, either electronically directly into E-Plan. That address is where you can find the PDFs of the maps. Or via US mail to our state office in Sacramento. Electronic comments must be received by the 22nd, or mailed comments must be post-marked by the 22nd. So once we are done, I can flip back to this slide if you need to write down these addresses.

So what comes next? What are we doing with
scoping comments? So comments will be placed into three categories, basically. We will bend the comments into comments that would lead us to a plan amendment; comments on issues that can be addressed through implementation -- there are a lot of things we can do for implementation that do not require plan amendment; and then the third categories of comments that are either out of the scope of what we were proposing -- somebody makes a comment, we need to do more for tidepools in Arcada. Yes, but that's out of the scope of what we are talking about here. Or comments just outside of BLM's jurisdiction.

So we will then take those comments that we have received and we will generate a document called a scoping report. That scoping report will really tell us what information we received from the public during the scoping period, and that will guide us as we make the decision as to whether we should pursue a land use plan amendment and what that would look like. And it would help us frame the alternatives for that land use plan amendment.

And if we do move forward with a land use plan amendment, here are the steps. So we would formulate alternatives, as I said, incorporating the public comments from the scoping report. And then we would
release a draft plan amendment with an environmental analysis. And depending on the plan amendment, it could either be at an environmental analysis level if it's a minor plan amendment, or if something major, it would need to be done with an EIS. So we would then release a proposed land use plan amendment and a final environmental analysis, again, either an EA or an EIS. We would need to conduct a governor's consistency review and a protest period. And then we would publish a final decision and final land use plan amendment.

So let me instead of parking on this slide, let me go to the address slide. Randy, I will turn it over to you for questions.

CHAIR BANIS: Thank you, Russ. It was good catching up on that. An opportunity for the Desert Advisory Council to ask questions and to discuss what is in front of us. Who wants to go first? Frasier. Anybody else?

MEMBER HANEY: Thank you, Russ. One comment from an environmental protection standpoint is that we got a great deal accomplished at DRECP for conservation of the desert. At the same time as we were doing that, our belief was that we would leave many uses intact. Open routes on designated trails. And one of the
things that has come up that's important to me and I think important to a lot of people in the room is the way the DRECP has or has not limited casual surface use, but specifically rockhounding. So I wonder if you could answer the question, which is, does DRECP limit rockhounding in casual surface use in any of the land use allocations?

MR. SCOFIELD: Now, DRECP doesn't specifically address casual use such as rockhounding, per se. Of course, anything casual in use is going to be a very minimal impact on the environment. And the whole idea behind casual use is that it's casual, noncommercial. When the individual is done doing what they are doing, you wouldn't know they were there. That's what casual use means. So DRECP in and of itself in any of those allocations doesn't really limit casual use.

And as I said, DRECP, not being a travel management plan in and of itself, also doesn't really do anything to either limit or expand access. So if -- you know, if a mining operation, rockhound operation, were to move beyond casual use into the commercial realm, whether that be through the need to issue a Special Recreation Permit or if it's just because of the size of operation, a commercial operation, then that might be a little bit different
story. Special Recreation Permits would have to be in conformance with the land use plan. They would have to comply with the conservation management actions within the DRECP. Similarly, if it's a mining claim, a mining claim, we are not going to deny reasonable access to a mining claimant to work their mining claim. However, we also have performance standards which that claimant will need to adhere to. So does that answer your question?

MEMBER HANEY: I think so. I need to go down to Chuckwalla DSM educationally, so using that as an example of what I consider a rockhounding activity -- are you familiar with the House of DSM down in Chuckwalla? I'm just thinking of a place that a lot of people might know we could use as an example --

MR. SCOFIELD: Yes. So the point is, if you are staying in open routes, you are picking up maybe a handful of geodes or whatever for your own personal use, than DRECP is not going to impact that.

CHAIR BANIS: If I may, to get a little deeper in the weeds, I do recall there may have been one, maybe two very isolated CMAs within the ACEC worksheets that may have identified specific locations that there may be concerns about rock collecting interfering with vertebrate activity or cultural or something like
that. But it was very limited. It was one, maybe two
CMAs across the 130 ACECs. On the converse, I believe
there was even one ACEC that has the name "rock
collecting" in it. Something of that nature in it.
So even on the converse, there was one ACEC that was
actually set aside with the primary purpose of
fostering that collecting activity.

MR. SCOFIELD: Yeah, you are right. There is an
ACEC down in the El Centro field office set for
cultural. There is no rock collecting because of the
scratch petroglyphs. So yeah, you are correct on
that. And I had another point which will come back to
me at some point in the future, I hope.

CHAIR BANIS: Thanks for that. Al, and then
Michelle.

MEMBER MUTH: I will give the floor over to
Michelle. And then I would like to speak after that.

MEMBER LONG: I have a question on the process.
You mentioned that there is an Environmental
Assessment done if you determine the need to amend the
LUPA; is that correct?

MR. SCOFIELD: Yes, that's correct.

MEMBER LONG: So the Environmental Assessment
would not go out for a second round of public comment?

MR. SCOFIELD: Well, it depends. Environmental
Analysis, let's call it an Environmental Analysis for now because we don't know what level of NEPO we would be at. Depending on what we propose, we may be in either the EA realm or EIS realm. Obviously, if it's an EIS, then it could be draft EIS. If it's an EA, then yeah, we would follow the process for how we do the EIS, as well.

CHAIR BANIS: Al?

MEMBER MUTH: Okay. I'm still not happy. Let's start -- go back to the Executive Order, wherever I have the number here. That on page 3 of 6 on the order. It talks about reports that are due. Pardon me, page 2. Within 120 days of the date of this order, the head of each agency shall submit draft -- final report detailing the agency's actions described in Section A to the vice president, the OMD director, assistant to the president for economic policy, and so forth and so on.

Was that report ever submitted, and if so, can we see what it is? The report shall include specific recommendations that to the extent permitted by law, could alleviate or eliminate aspects of agency actions that burden energy production. That should be what's guiding the opening of the DRECP, in my opinion.

MR. SCOFIELD: So I don't know the status of
Interior's report under that executive order. I don't have an answer for you on that.

MEMBER MUTH: Well, it's three-quarters of a year overdue, if it hasn't been produced. I also didn't hear anything about how the executive order translated into more access for off-road vehicles, more grazing or mining activity that's mentioned in the Bureau's Intent, was it? Federal Register? How did that translate? Where did that come from and how does that come out of this executive order?

MR. SCOFIELD: So, as I said when I was talking about executive order, each administration places their finger prints on public lands management.

MEMBER MUTH: I realize that. But how did this sausage get made? It doesn't fall logically from the start to the conclusion that was in the Bureau's intent. I don't understand that.

DISTRICT MANAGER RANSEL: Maybe I can jump in there. That's a fair comment. We would have to look at the order or the Notice of Intent with your question in mind in order to be able to provide a robust response to your question. So on the spot, I don't think Russ or myself are quite prepared for that, but we could get back to you. I'm sure it's a concern for you -- I can tell it is -- so I would
encourage any lingering concerns either to be part of what this group sends in for consideration or as part of a personal comment on this scoping effort that's taking place, because we don't want to lose track of those concerns. I think this should be part of the process and given consideration.

MEMBER MUTH: I think it's getting back to Desert Advisory Council and everybody in this room, the public. And let me go back and pick on Russ for a little more. You didn't mention consultation with your stakeholders, to wit, the State. I realize this is an action only on public lands, but what happens on public land is not in a vacuum. So was there any consultation with state and state agencies?

MR. SCOFIELD: Yes, and I apologize for skipping over that. I wrote that down.

So was there any consultation with the state-owned and NOI in the proposed plan amendment? No, there was not. Will there be as we move forward? Absolutely. We have sent cooperating agencies invitation letters to a variety of state and other federal and local jurisdictions. Of course, any federal, state, local or tribal government can become a cooperating agency. So we certainly hope that while there was no coordination with the state in the development of the
NOI, that as we move forward, that the state will be a cooperating agency and engage as whatever juncture they feel most appropriate and most helpful in the process.

MEMBER MUTH: Since the DAC should be having input to the Bureau, can we be made privy to the correspondence? Can we have links -- that should be public information. Can we have links to the letters, the state's response? Look, we spent years on this. I don't -- my personal belief is I do not believe we should be excluded from deliberations at this point.

VICE-CHAIR BURKE: Hear-hear.

MR. SCOFIELD: As you said, all of that correspondence will become part of the public record so we can talk about and similarly, with the scoping report as things start moving out of draft and into final. The scoping report we haven't even started on yet. So yes, we can certainly make that available.

MEMBER MUTH: Again, before I get too worked up, I would yield.

CHAIR BANIS: You can come back for a second helping. Billy, next on the list.

MEMBER MITCHELL: I asked a question about a couple of leases that the BLM was virtually sitting on for, I want to say, ten years. It might be 12 years
now. And a lady -- before you took over this project, they were supposed to get back with me. And I never got any of the questions answered at the other Desert Advisory Council meetings nor to myself. And I guess what I want to ask you is what does this land use plan have anything to do with -- or this energy plan have anything to do with removing grazing leases that were not properly put out, that were applications filed for in the Barstow resource area. Now, what does that have anything to do with this energy plan? Go ahead and answer that, and then I will have another one.

MR. SCOFIELD: The DRECP plan amendment, yeah, has energy in its name and also conservation in its name. It really addresses all of multiple uses on public lands, the idea being that in order to support renewable energy development and other multiple public land uses, you have to have the sufficient conservation strategy. So DRECP did a variety of things that weren't directly related to renewable energy. For example, DRECP established the recreation designations that I mentioned a little while ago. DRECP also established some visual resource management categories that formerly had never been established for the DRECP. So I'm not answering the why. I'm answering the, yes, it did impact -- or I shouldn't
say impact, made planning decisions for essentially
every multiple use which BLM manages.

MEMBER MITCHELL: I want to know how did they do
it? Did you guys do that when there was people that
had applied for this in the resource area, and they
never even went and did anything? They said we are
going to take this up because obviously it's not being
used. But there were applications out there for it.
Did they do any of that research? Or did they say we
are going to take this off and this off and we are
done. Apparently that's what they did. But they
still have never answered that.

The last thing I want to ask is on your public
comment that we go through here and the amendment
process to this, is there a way or are you going to
let the ranching industry be able to put an amendment
to bring those leases back that were not properly
retired? There was no asking for any of those leases
to be retired, bottom line, at the end. Now, are you
going to review this because I know there is some
verbiage in there. I know people that asked this
question. And I personally want that at the next
Desert Advisory Council meeting on the agenda because
I want to know the amendment process. Because we are
not as ranching industry going to allow that to happen
if we can.

MR. SCOFIELD: So what I would suggest is that you formulate that as a comment.

MEMBER MITCHELL: It's already in.

MR. SCOFIELD: That will be a part of that scoping report that I mentioned, which will then lead us to whatever we do for a plan amendment, so that's the best place for it right now.

MEMBER MITCHELL: We will be kept on top of it on the Desert Advisory Council before the final decision? I guess that would be another question.

MR. SCOFIELD: Of course I can't predict future Desert Advisory Council meetings. But I'm quite sure we will have more than one Desert Advisory Council meeting before we get to a final decision.

MEMBER MITCHELL: Thank you.

CHAIR BANIS: I will take a bite -- or Jim, do you want to jump in?

MEMBER KENNEY: I'm concerned about this conservation strategy in which case they have all these ACEC's. And how does the surface disturbance -- which is not something we talked about in the first comment whatever, and yet nobody has supplied a realistic value of what that's going to be. We have a number, 1 percent, but nobody has told us how much of
that ACEC is one percent. They give us a thing like
10,000-to-1 view, which means what? It doesn't mean a
thing to me and most of the people I talked to haven't
a clue. The thought of limiting an ACEC to 1 percent
in an area that's heavily mineralized and has been
mined consistently, the disturbance is going to be
extensive. Yet I can't get an answer from anybody,
and most of my constituents can't. Where is that
going? Do we have a value? Do we have an example of
what that is going to look like? I sure want to make
a comment about it, but nobody can give us an idea of
what we are talk looking at.

MR. SCOFIELD: We have those values --
MEMBER KENNEY: We don't.
MR. SCOFIELD: So there is a database that is
still being tested, which is why it was not made
available to the public yet, because it still has
quite a number of bugs in it. But there is a database
which the USGS has developed. They actually developed
it in support of the Greater Sage-Grouse, but we will
be utilizing that database for DRECP to manage those
disturbance caps. And once the USGS fixes the bugs in
that database, then it will be made available to the
public. And anyone with a computer and Internet can
look up the disturbance level of any ACEC.
MEMBER KENNEY: The disturbance has been listed for most of them at 1 percent, but we have nothing to base a comment on.

MR. SCOFIELD: Well, yeah, so the disturbance percentage -- it's 1 percent for some. It varies, but that percentage translates into an acreage of what we have on the ground. I thought that's what you were asking about.

MEMBER KENNEY: No, we have no idea of how much is already there.

MR. SCOFIELD: How much what is already there?

MEMBER KENNEY: How much disturbance.

MR. SCOFIELD: That's what I'm saying. That's what database shows you.

MEMBER KENNEY: We don't have access to that, so how can we make a comment on something we have no access to?

MR. SCOFIELD: You will have access to it. You don't have access now. I would suggest that you make comments more globally based on the percentages.

MEMBER KENNEY: Okay. I don't think that answered my question either.

DISTRICT MANAGER RANSEL: Maybe I can jump in as well. The current notice of intent, the scoping period that's open, we are seeking comments on what
people like about the decisions made on the DRECP, what decisions you think should be modified or what you think shouldn't be there. It has unintended consequences or interfering with development or whatever use you are interested in. So those are the comments being sought. So if there is an ACEC that has a 1 percent disturbance cap and you think that would be interfering with your use, I would encourage you to make comments about that 1 percent disturbance cap. I know the information isn't available about what the base line disturbance is today, but that information will be available soon. But in terms of -- it's always good to have the information in hand, so I don't disagree with that. But if the 1 percent is concerning you, definitely that would be a very valuable comment to have. And if you can describe what use you think it's interfering with or what it is about that that concerns you, that's very valuable and that's exactly the type of comment we are seeking here.

MEMBER KENNEY: Won't this come up in WEMO? Is that where this information is going to come from eventually?

DISTRICT MANAGER RANSEL: The plan that's the disturbance cap, which would be the 1 percent, WEMO
would be using that disturbance cap to make decisions, implementation levels of decisions on the ground. So they may make route decisions related to that 1 percent cap. If the 1 percent is what is concerning to you, that level is pretty minimal in terms of disturbance, but I would encourage you to make that comment during this DRECP scoping period, and then there will be another bite of the apple. Or this is a bite right now with the WEMO effort, but there will be public meetings which will help inform your comment in terms of the disturbance piece.

MEMBER KENNEY: Thank you.

CHAIR BANIS: I have Bob, and then Al, unless there is a follow-up.

MEMBER MUTH: It's a direct follow-up. One, I note two days left in the comment period; and two, Stage-Grouse don't occur in most of the ACECs, so is this just a use of their algorithm?

MR. SCOFIELD: It's the same algorithm and same database, but you are right, it's just a convenience. A database would be developed for basically the same purpose, so we just piggy-backed onto their stats.

MEMBER HANEY: If in an area the surface disturbance cap is exceeded, but a project still wants to go ahead, whether that's a new road or energy
project or whatever it is, does that mean it would stop a project? Or does it just increase the mitigation ratios?

MR. SCOFIELD: If an area is exceeding the disturbance cap, than that project can go forward with mitigation, assuming they exist. So there are mitigation ratios depending on the type of disturbance is occurring, whether it's new disturbance in an area that has never been disturbed or an authorization on existing disturbance, then there is not even mitigation required. And mitigation can either be in the form of habitat restoration or acquisition of undisturbed area within that ACEC unit. So absolutely, the project would go forward.

CHAIR BANIS: Bob, you have the floor.

VICE-CHAIR BURKE: As I have been trying to say, I just went through this. It took me over 18 months, because of the National Monument. First it was DRECP, the National Monuments, and so on. And we dealt specifically with disturbance caps to move a wildlife water system 300 feet. And it took 18 months to get the permit because of disturbance caps. I understand what you are saying about the algorithm and so on and so forth, but Sage-Grouse and Bighorn Sheep don't get along. The 300 feet and the actual disturbance cap
for the area around the Cady Mountains, Billy, for example, was 1 percent. And Katrina actually had to go out and look for more so that we were able to do what we needed to do because the disturbance cap example that they were using was inaccurate.

So I understand what you are saying, but it doesn't work. Thank you.

DISTRICT MANAGER RANSEL: Just to provide a point of clarification, so Russell was providing information about a database system that will help us to track the baseline disturbance that exists out there. So it was developed for Sage-Grouse so we didn't have to pay for a new system for baseline. Sage-Grouse has nothing to do with this. We are just borrowing a system they developed for Sage-Grouse because they have disturbance caps too.

It's just a database where they had done mapping efforts to determine -- to help us to determine what the baseline disturbance is of what exists on the ground today. I'm sure Russell could say this much more delicately. And they have inputted that into the system so that not only the BLM and stakeholders and project proponents, but the public, hopefully, at some point in the future would be able to look at that and know what the baseline disturbance would be for any
unit outlet out there. So it's just kind of a
database interface. Though the disturbance caps are
in there and the baseline information is in there, the
disturbance caps are really set by the plan. Like
that caused a major challenge for you and your
project, we know that there has been some
implementation challenges, but we have been kind of
working through when this opportunity to came to us to
take another look overall. And that's part of it.

In some cases there are what I would view as
unintended consequences. I don't know if anyone would
have wanted the project such as yours that had the
difficulty you experienced to happen. And that's the
stuff we want to know about and we want to get that
consideration in that effort. I don't know if you
wanted to add anything to the data line piece.

MR. SCOFIELD: No, I think you covered it.

DISTRICT MANAGER RANSEL: So I hope you do provide
information about that during this process.

MEMBER LONG: I think you pretty much answered my
first question here. So these data caps are above and
beyond existing disturbance; that's correct, right?

MR. SCOFIELD: They include existing disturbance.

All disturbance on landscape.

MEMBER LONG: All disturbance on the landscape,
and the 1 percent would be beyond that or is it including, including the baseline. It seems like we have gone beyond that in a number of areas.

    MR. SCOFIELD: There are a number exceeding.

    MEMBER LONG: My second question is as far as these disturbance area caps, we are calling it the Desert Renewable Energy Plan, but these disturbance caps apply to all projects, not just renewable energy projects; is that correct?

    MR. SCOFIELD: That is correct. In fact, these disturbance caps only apply within ACECs and California Desert National Conservation Land, which are renewable energy exclusion areas. They obviously don't apply where we are basically managing those areas for renewable energy.

    MEMBER LONG: Okay. So the majority of the caps in these plans do not refer to nonrenewable projects is what it sounds like, then?

    MR. SCOFIELD: Well, it would apply to any type of right-of-way or authorization or what have you that BLM would issue that happened to be in an ACEC or California Desert Conservation Land area.

    MEMBER MARTIN: I would like to follow up on that. The caps do affect significantly nonrenewable resources because there are many unpatented mineral
claims that fall within these newly created ACECs. So with these very minimal disturbance caps that range from .1 percent to 1 percent, when you take into account existing disturbance, that leaves very little area left for any type of nonrenewable energy development. So essentially, a lot of these mining claims that are legal and active that are on federal lands become worthless.

MR. SCOFIELD: So again, in the instances where we are exceeding the cap, that doesn't mean the project stops. That means it exceeds with mitigation. If the unit is under the cap, then we are green-lighted, regardless. So I wouldn't say it precludes access to any mining claim. It might add an additional mitigation requirement. But again, things like that are good scoping comments.

MEMBER MARTIN: I have submitted that as a comment in the scoping. However, when you start an operation, when you look at the calculations and say you have a 1,000-acre ACDC area and you have a 1 percent cap, there are 10 acres that go towards mining or any type of development, nonrenewable resources. So it leaves you very little area. And I feel that -- and I have submitted these comments that that needs to be reviewed. And it seems like it doesn't really apply
to renewable energy, solar energy. I mean, this is a nonrenewable energy, pretty much, almost a taking in many cases of established mineral claims.

MR. SCOFIELD: Just again, to be clear, the disturbance caps don't apply to renewable energy projects because they are not allowed in areas with disturbance caps. So --

CHAIR BANIS: Could you also clarify when we state existing disturbances, isn't there a differentiation between authorized and nonauthorized disturbances with how those are calculated in the caps?

CHAIR BANIS: That's absolutely correct, and I apologize for not making that clear earlier. So, yes, we are talking about existing -- when we are talking about disturbance, we are talking about all disturbance for the baseline. But when we talk about mitigation, when we talk about whether mitigation would be required and what that mitigation would be, that's when the authorized versus unauthorized becomes a factor.

But for the baseline, we are looking at all disturbance, whether it be authorized, unauthorized or whether it would be even a natural disturbance such as a wild fire. If you are proposing a project in an area that is already in an unauthorized disturbance
area, we are not going to require mitigation for that additional project in the area that had authorized disturbance on it.

MEMBER MUTH: This isn't a follow-up. This is just opening some new ground; fair?

CHAIR BANIS: Jump right in.

MEMBER MUTH: Okay. In your comments, Russ, you stated land use plans still in effect until amended. How does that square with the -- I don't know how to phrase this -- withdrawal or withdrawals of the mining segregation? So that would seem to be contradictory, or am I just misunderstanding?

MR. SCOFIELD: Let me go back and try to explain that. So the planning decisions BLM made in the DRECP that amended those three land use plans, those are in full force and effect. The segregation, which Beth spoke of earlier, we said in the DRECP ROD that we would pursue the withdrawal of high priority California desert conservation lands. However, the segregation and withdrawal, in and of itself, that's not a planning decision. When we begin a segregation, when we begin -- let me back up. When we begin the withdrawal process, those lands are then segregated for a period of two years. And then in that two-year period we go through an EIS period where we analyze
impacts to the human environment. We also do a mineral potential report and then a separate decision is made by the Secretary as to whether those lands can be or should be withdrawn. So that is above and beyond BLM making a planning decision.

So what I was speaking about when I said the plans decisions of the DRECP are in full force and effect, what I meant is all of the allocations, all of the CMA's, essentially anything else in the DRECP, everything that you see in the DRECP land use plan amendment document and it's appendices. Does that clarify for you?

MEMBER MUTH: Sort of. I will move on. The natural conservation lands and ACECs were identified for the natural and cultural values. What has changed in the last two years and what that is leading up to is in this effort to expand availability of lands for energy development, where is that going to come from? The lands are carefully divided up and designated under the DRECP. It's a painful process. So if you are going to change, whose pot are you going to take it out of?

MR. SCOFIELD: I don't think we know the answer to that yet as far as what in the science has changed. That's something that we are hoping to determine
through the scoping period. If folks have new information, new science that has changed that would have somehow changed the presence of the relevance and importance criteria for those ACEC's, then that would be information we would hope to receive in the scoping period. So, you know, it's really premature to discuss how allocations may change and what additional land might be unallocated for something else and reallocated for renewable energy until we start getting into the scoping comments and see what other information folks are providing to us. That's going to be a need for a follow-up question at a future meeting.

MEMBER MUTH: Perhaps this would be pre-decisional on your part, but surely a future of this magnitude of planning, there must be a strategy somewhere. Right?

MEMBER SCOFIELD: Can we go to the next question?

MEMBER MUTH: I yield, Mr. Chairman.

MEMBER ROBINSON: I have some fears, I guess. This process, because our experience in the WEMO was that route designations have been brought into this process also. And I commented on this previously that the BLM has chosen, because of economic reasons as one of the main reasons they cited, they were going to sample 1 percent of the routes and create a model to
make decisions on routes as to cultural resources on those properties. And I have a real serious problem with sampling 1 percent of the routes and creating a model and making decisions from that model on route designations. And that's an easy process to manipulate and create new properties and expand the renewable energy process and at the expense of cultural resources.

MR. SCOFIELD: So the Programmatic Agreement has as one of its appendices, yet to be developed appendices, the development of a cultural sensitivity model, and that model would help guide discussions that BLM would have with potential applicants as to what the various cultural sensitivities of the area they are proposing to develop their project in would be. It would be a discussion tool so that the project could be designed to avoid the more sensitive cultural areas. That, in and of itself, would not then replace the standard cultural surveys that would need to occur before any project -- and I'm not speaking of routes here; I'm talking more of right-of-way authorizations -- but that would not preclude the requirement to do more intensive cultural surveys as a part of the analysis for any right-of-way application.

MEMBER ROBINSON: I guess the development of the
model was done -- the field mostly was done by
temporary employees just out of school, for the most
part. They had no experience in the desert, and they
went out and did the best they could do and sampled
1 percent. There is a lot of room there for
inaccuracy, I guess, and not intentionally and being
able to go out and do their best. But the routes -- I
mean the sites that they were recording and the size
of those sites and what they were actually seeing on
the 1 percent is going to take the 99 percent and
making predictions. I just really have a problem with
that. And that was for the route designation. It
sounds like this process, because of economic reasons,
is going to be applied to this process also.

MR. SCOFIELD: What you are speaking about was
developed in support of WEMO is totally separate than
what is occurring for DRECP under the Programmatic
Agreement. So you are right. The process for WEMO
was a 1 percent statistical model for cultural
resources, whereas the model that I spoke of is not a
statistical model. It's more of, as I said, a
sensitivity model based on information we received
from the tribes, information that we know what are the
areas, and information we have garnered from prior
cultural surveys, site record forms, and so forth,
where are the areas that are more sensitive for
cultural resources as opposed to the areas that are
less sensitive for cultural resources.

MEMBER ROBINSON: The record surveys only exist
where there have been previous applications for
projects in recent years, which is a very, very small
portion.

MR. SCOFIELD: That's correct. There are also
other areas that we know are more sensitive to
cultural resources, even though there might not have
been surveys there. We know certain areas of the
desert are important to tribes.

MEMBER ROBINSON: I find over and over again areas
that were supposedly weren't supposed to be, they
were. The age of the sites, there is areas what there
is no water now, where 8,000 or 10,000 years ago there
was water and people were there. And with erosion and
things, a lot of those sites have been covered up.
And on private lands we find mostly for energy
development happening. They are going down 6 to 18
inches and finding all types of things that there was
nothing on the surface, and they are finding 8,000 to
10,000 artifacts just in the trenching and stuff for
the solar projects. And it's happened over and over
again, and I think that needs to be a consideration
more than just the 1 percent modeling.

MR. SCOFIELD: For DRECP right-of-way projects, it's not being done with the 1 percent statistical model. It's the standard Class 3 survey, pedestrian surveys.

CHAIR BANIS: The 1 percent is the WEMO programmatic, not DRECP. But your discussion about digging up for the projects and stuff is actually part of the DRECP programmatic, and that's right on target.

MEMBER ROBINSON: Making decisions on-site based on that 1 percent, I have concerns with that. Talking about expanding what's already been hashed out and brought forward.

DISTRICT MANAGER RANSEL: I hope you have comments, if you have concerns as far as the WEMO public comments or even tribal consultations. I hope those concerns do become part of that WEMO process.

MEMBER ROBINSON: I understand that's under WEMO process, but when you are going forward with this process, I understand it was kind of out of left field when all of a sudden you have to go back and reconsider. And you are under pressure to find new properties.

DISTRICT MANAGER RANSEL: I appreciate those comments.
CHAIR BANIS: I would like to take a shot, if I may, in this break. Bob just stepped out and he will be right back.

With respect to the impacts on recreation, DRECP and the DRECP planning process, I myself am very torn and ambivalent on how I come down on the question of the reopening of the DRECP. There are members of the recreation community that have drafted comments that I have seen that seem to be supportive of reopening the process. There are some significant concerns of theirs that they would like to see addressed right from the very start again. Others are scratching their heads probably similar to the way I am because I see this somewhat as a two-edged sword.

Let me start first with what I like very much about the DRECP with respect to recreation, and that was the exclusion of renewable energy development, in particular, in the OHV open areas. Now, that exclusion for renewable energy development actually comes from the SERMA or the ERMA, but virtually all the SERMA and ERMA lands outside of the OHV open areas is overlapped by a conservation designation. So excluding renewable energy development from an area that's not an OHV open area but has a vibrant and well-used trail system, even if there wasn't a SERMA
or an ERMA area, that energy exclusion would still be enjoyed because of the overlapping ACEC or NLCs. So, getting back to that point is outside of the OHV open areas -- let me back up. Let me say inside the OHV open area where the real big dollars are coming for these small communities that are having a hard time finding two nickels to rub together, the OHV areas have enjoyed that renewable energy exclusion. There is a desire in the executive order to perhaps carve out more energy opportunity for renewable. I highly doubt that those additional opportunities will come from the deep, dark back country where we see very high biological and conservation values. Where we are going to see, in my opinion, additional energy development opportunities will be in places where the bar is the lowest, the places were there may be not the kinds of impacts to conservation or biological values. And it has been the history of the wind energy advocates to seek those -- to seek project applications in those OHV open areas because they sense a lower bar for environmental impacts.

We fought very hard and almost every OHV only area had more than one renewable energy project application pending in it. And it scared us very much, and it also came right at a time after the Congress felt the
need to reduce OHV acreage for national security and the military needs. So when OHV saw their exclusion and saw all the OHV areas would be safe from energy development, that was really significant for us. I'm scared to death that if we reopen this thing from ground zero, from a complete wipeout all those lines and start over, I'm just concerned that renewable energy development will come into those OHV open areas. I believe these are incompatible uses, but there are others that believe that they are not incompatible uses. And I'm afraid that that side may win that argument.

Now, on the other hand, outside of the OHV open areas, the SERMAs and the ERMAs may see the protections for recreational activities trumped by those overlapping conservation designations, because as I said before, all of the 30,000 acres outside the open OHV areas, all the 30,000 acres of the SERMAs and ERMAs are overlapped by ACEC and NLCS. I did not have a way to test my concerns until just Friday, when the West Mojave Route Designation Plan was released. And I am pleased, even though it's just a matter of days, I'm pleased it at least came out before this comment period ended, so at least we have a chance to take a peek for those of us who have time. And the West
Mojave -- and this is not supposed to be a discussion about WEMO and I'm not going to go too deep there -- but only to show that WEMO is essentially one of the very first large-scale planning processes post-DRECP. The West Mojave Plan will designate the roads and the trails, the green lines on the map. In 2006, West Mojave Plan designated 5,098 miles of roads. The Court asked -- the Court invalidated the BLM's methodology and sent them back to the drawing board and ordered the BLM to develop a new designation plan, pre-DRECP. Using the Court's direction that if a road has significant impacts that cannot be minimized per the minimization criteria, roads that cannot be opened because of that would have to be closed.

The BLM looked at it in that way and also in the converse, if there isn't an impact, that it should be opened. If there is no reason to close it, the road would be opened. That's the first way the 2011 draft came out. That's where we saw 10,000 miles being proposed as not meeting the resource concerns that would require the route to be closed. That's a doubling of the route network. I know that made a lot of people mad.

When the DRECP and the WEMO was resequenced, the West Mojave planners had a whole new set of important
sideboards, disturbance caps, management actions, a whole bunch of rules to apply to the management process. This came out on Friday at approximately 6,030 miles of trails. The baseline was increased from the 5,098 to over 6,000 by taking into consideration rights-of-ways that had been granted that were not counted in the original WEMO as well as routes of travel on newly acquired lands. So the real increase in WEMO in routes from 2006 to current is about 300 miles. That's what you are really looking at, 300.

But wait a minute. Before DRECP, there was 10,000 miles of trails proposed. So what changed from 10,000 miles to 6,000 miles? One thing. DRECP. So I see impacts of DRECP on route designation. And I am concerned about how those were applied and now see those two edges of the sword. So I know it's been a lengthy presentation to explain my ambivalence. I'm scratching both sides of my head at the same time. There is a risk of losing a win and there may be a possibility of winning something we may have lost.

I think that some of the other communities may be a little more solid in how they feel. So this one is tough for me. And so going forward on that, I mean, if I were to just kind of throw something else here
because nobody else has yet and I hope somebody may
want to, and since we do have a quorum, we have the
ability to issue advice. And listening to what I am
hearing from people, I'm hearing some saying they
don't want to see a full-blown reopening and other
people saying, boy, we got stung over here and there.
Maybe there is a necessity for refinement. I don't
think anybody is entirely 100 percent happy. I think
perhaps members of the conservation community that
have concerns about reopening DRECP might agree that
there certainly could be some refinements and
clarifications. I think my friends in grazing could
feel the same and maybe even from the mining
community. And from the recreation community I'm sure
they're concerned about opening up that can of worms
and losing something big.

So if there was something where the scope of
analysis could be limited to a kind of refinement
rather than just throwing that whole baby out with the
bath water, it might be a different way to approach
this. I know that's maybe confusing from an
administrative side, but that might be something that
we could all maybe get around because one thing about
the Desert Advisory Council and its voting and advice,
one way to make sure that our advice fits all the
categories and all the technical junk is to make sure we all vote in consensus. That way we don't have to worry about the details of different categories and all that stuff. So if we could reach some sort of brief consensus sentence of a feeling that we have today, maybe that we would be allowed a short amount of time for me to draft a letter expressing that sentiment, maybe that's something we could do here today to help provide some kind of input to the BLM here at this eleventh hour in the planning process.

So just trying to put that out and see where we can go, how can we deliver some advice here today.

What are you thinking, Al?

MEMBER MUTH: Mr. Chairman, was there a motion hidden in all that?

CHAIR BANIS: Yes, so moved. But I know it wasn't detailed enough. I would like it in a motion.

MEMBER MUTH: It's not coming from me. I thought perhaps you had one and just happened to have it written down here. Okay.

MR. JENSEN: Mr. Chairman, can you open the public hearing then go back and call for a vote? You might get some information because I brought some information from Washington, DC.

CHAIR BANIS: We want to put a question on the
table for the public to comment on. That's really part of it. We need to get this a little more loosey-goosey and then we are really very much interested what every one of you have to say with respect about what we are about to do.

MEMBER MUTH: I think it's standard procedure to comment before the vote anyway.

CHAIR BANIS: Before the vote. I would at least like to have a motion. Anyone want to give a thought of it or shall I give it a try?

DISTRICT MANAGER RANSEL: Can I just jump in and say one thing in terms of the public comment period? And I bet Russell was going to say something similar, but our public comment period officially closes on Thursday. And it's most helpful for comments to come in so they can be included in that. However, you are the Desert Advisory Council, and so we will take your comment and we will take anyone's comment whenever it comes in. To be most helpful and part of the scoping, it's helpful if it comes in around that time so it can be considered in terms of what we are trying to figure out what the scope is going to be for whatever we do moving forward. So as gray as that is, I would say the Desert Advisory Council will have a little additional time for you to formulate your response and
your advisement for us.

MR. SCOFIELD: With that, we would still want your advice in the scoping report, which probably is three weeks before we have a draft of that.

DISTRICT MANAGER RANSEL: A little extra time and we will squeeze it on in there, into the draft.

CHAIR BANIS: If I may, then, is this something we could get consensus on to recognize inherent shortcomings of a planning process that large? And recognize that the plan was to be an iterative plan involving refinement; that we would encourage a process that utilizes that iterative refinement to help address the lingering concerns the stakeholders on the DRECP. I didn't write it down because I know somebody else is. Thank you, Judy.

MEMBER MUTH: Mr. Chairman, how do you define "iterative"? Is it a small-scale amendment to the Desert Plan? To what level do we take that definition of refinement?

MEMBER MITCHELL: Area of industry's concerns.

CHAIR BANIS: The DRECP did -- here is where I get is little confused because over the time of the whole planning and the stakeholder meetings and the stakeholder process, there was always a fallback that the DRECP did have within it, a process for
reevaluation and reiterative updates and changes. I
just have to admit that when the final came out, I was
looking for other things when it came to reading. And
I did not verify exactly what that whole process is,
but Russ or Beth, there is that component, is there?
Or did that get thrown out and I am behind?

DISTRICT MANAGER RANSEL: No, it's a component of
BLM's land use planning process in general. So even
after a plan is issued -- so in this case a plan
amendment -- we would still go back after a period and
assess, are we seeing the desired results, how is it
working, are there things that need to be modified?
So it's intended to be a living document, and if you
issue it and the planning period that we are looking
at is 20 to 30 years generally with our land use
plans, we need to be able to adjust as needed through
those 20 or 30 years to make sure our plan is
relevant.

And in this case, it's a little sooner than we
would normally be looking at it. But on a broad scale
this plan, looking at such a huge planning area, that
50,000-foot view, we have identified already that
there are a few areas where there have been challenges
with implementation, so there is some refinement. We
have already identified some areas previously, and we
are continuing to identify those, but refinement is necessary to make sure the implementation works.

So, yes, it's a normal part of the planning process to look at the plan and make adjustments as needed.

CHAIR BANIS: I would like to keep it a living document instead of shooting this dead and having to birth another.

MEMBER HANEY: Those of us that are concerned about opening up the plan, I know reopening the plan isn't a technical term for land use plan amendment. Don't reopen the plan, but none of us quite know what that means. And I think my concern is that while we recognize that all land use plans are supposed to evolve, what the conservation community is concerned about is getting onto the slippery slope of unwinding the plan in a way that reduces it to rubble. You could have the durability agreement as an example of carefully drafted compromise that without the conservation designations in the plan, that durability agreement that gives counties a way to mitigate on federal lands would go away. So I'm cautious of getting onto a slippery slope and unwinding the whole plan.

So I think whatever we do has to be -- we have to
find a way to limit our advice so we don't end up pushing this thing over the cliff.

DISTRICT MANAGER RANSEL: That's a good comment.
I just do want to mention -- as we are talking about the DRECP and the plan being a living document, it occurs to me that we didn't bring the factoids that we have been sharing in a lot of the public meetings. The CDCA plan has been amended -- the DRECP was amended 168 times with the ROD that was signed for DRECP. So that kind of demonstrates -- the DRECP is very broad and far-reaching, and some of those amendments might have been very narrow and specific to a project. But that demonstrates how this DRECP plan has been a living document since its inception. I'm not advocating for a big, wide plan amendment, but I want to share information about how the DRECP plan has evolved through the years with 168 amendments to date. And if there is another one undertaken, this would be amendment 169, plus or minus.

MEMBER MUTH: Your discussions are predicated on a, quote, living document and evolution of need and refinement. This isn't the case. This is a bludgeoning of a plan, a stroke of a pen from on high. That's why I am so very concerned about reopening this thing. It's not an on-the-ground local demand. And I
think the discussion of it as an evolution or living
document is totally inappropriate. Sorry, guys.

COUNCIL MEMBER BANIS: After Billy, what I would
like to do is I would like to float that motion and
get a second on it and turn it over for public
comment.

MEMBER MITCHELL: I think -- for the way I feel, I
think we ought to use the amendment process for the
things that are not taken care of or that wasn't dealt
with properly. So if every industry or whoever is
there go through that amendment process and get that
particular problem changed, if possible, without
redoing through the whole thing. If we are going to
be able to use the amendment process, I would rather
do it that way. That way it would help our industry
retrieve some of the stuff that with just a stroke
took away with no avenue to do that. That's the way I
would feel. Thank you.

MR. SCOFIELD: Randy, a couple of points. So keep
in mind what I said earlier as far as if we do go into
a plan amendment that I talked briefly about at the EA
level, environmental analysis level plan amendment
versus an EIS level plan amendment. And keep in mind
that those are two very different beasts. So an EIS
is required whenever the impacts to the human
environment either rise to the level of significance. Or another example, the controversy rises to a level of significance, et cetera. An EA level plan amendment would be less controversial or a plan amendment that does not have environmental effects which potentially rise to the level of significance.

So I think as the Desert Advisory Council discusses where you are going to go next, what this motion is going to look like, you might think about the types of plan amendments that are potentially on the horizon or could potentially be on the horizon and the ties that you might support that would be more in the minor tweak category versus we are going to jack up the allocations and replace them with something else. And I think you could use your imagination and spectrum to see what might fall as an EA or an EIS. Also keep in mind you are using the word "living document," which makes me a little uncomfortable because the DRECP plan has been amended 168 counts. However, remember, we are not talking about amending the DRECP. I used the term DRECP -- I know you know this, Randy, but for everyone else, I use the term DRECP fairly liberally because we are familiar with it. But what we are talking about here is the underlying land use plan, the Bishop Land Use Plan and
Bakersfield Land Use Plan. And for this group, the CDCA Plan. So again, semantics are important here when we are talking about what we are actually proposing an amendment to or what we are not proposing an amendment to. So those are just some thoughts that might help you make your decision.

CHAIR BANIS: Yeah. More options. If there is no objection, let's move into public comments and see if the public can help us out. I'm going to start on the top of the pile. Lisbet, I have your three minutes on this CDCA plan amendment review. That covers both. Followed by Tory Elmore.

MS. THORESEN: I'm representing San Diego Mineral and Gem Society. I'm not representing California Federation as the chair of the Public Land Advisory Committee. The CFMS has made no public position statement about the view that it takes. And I'm disappointed that there isn't any advice or declaration or discussion amongst our clubs. But I am representing San Diego, seven other societies that signed onto our letter and more than a dozen individual rockhound advocates, our concerns being recreational users, low impact activity, casual users. I didn't want to get into the whole discussion about how that tends to bleed out more toward mining.
and claims and all that. That's a discussion for another day. But I think therein lies the rift within our own community.

People on this Council have made really cogent and eloquent statements that reflect those that I would like to speak to. We were confused about what we needed to put into a comment letter. And I left copies of our draft version of our letter for you, not so much to appreciate what we are saying as to reflect the concern and confusion about what needed to go into this thing. Are we going to have to -- if we don't put all of our concerns or considerations, will they not be revisited another time? Must we restate what we stated only 18 months ago? Will precedence be given to anyone who makes comments now with preference given especially to renewables? There are people who the last person they listen to, the last comment letter they got or the last person who whispered in the ear is the one that gets the priority and the decision goes in that direction. And some of these comments that were made 18 months ago fade in their significance, and that's concerning to us.

This was not only our organization's concerns, so we took the kitchen sink approach in drafting our 48-page letter from 16 months ago. You have our
recapitulation as to what we think the rockhounding community got out of the Record of Decision and remind you that we hope to be holding the BLM to that. And we want to make clear if it goes to a role-amending process, that somehow there are considerations we have and concerns. However, we want to be really clear: We don't want this process reopened to a drastic amendment. This is like the red queen of playing croquet. When the power players jump to, the wicket moves to accommodate the ball going through their wicket. This just doesn't seem right. I have written comments, if those can be submitted. I don't know if they can be for the sake of this discussion.

CHAIR BANIS: Absolutely. We submit written comments to the Desert Advisory Council.

Hi, Tory. Welcome. You have three minutes.

MS. ELMORE: I'm here to read a statement on behalf of the Renewable Energy Director for Audubon California. Audubon spent eight years of the stakeholder of the DRECP providing science and conservation expertise on birds and the places that they need. Audubon supports the land use amendment signed by Secretary Jewell in September 2016. That amendment provides 380,000 acres for focus areas for wind, solar, and geothermal envelope, which is enough
to reach California's goals by 2040. Any obstacles in the development focus areas we believe can be resolved during implementation of the plan. There is no need for a new plan, particularly one that threatens the desert and removes the ability to expedite clean energy and thoughtfully and scientifically planned development focus areas, which represent the areas of least conflict with desert resources, access to existing transmission, and close proximity to energy demands.

One thing I want to add is Audubon recognizes climate change as the number one threat to birds. Therefore, we support renewable energy development if it takes into account the needs of birds in the desert. And that's it.

CHAIR BANIS: Bill Jensen, followed by Al Muth.

MR. JENSEN: Ladies and gentlemen, I just returned from Washington, DC, and there isn't a Congressman, a Senator, and in some cases, their staff, a department or agency I didn't cover. Who is our nonrenewable resource person from Rio Tinto?

CHAIR BANIS: Nathan Francis. He had to leave today.

MR. JENSEN: I didn't hear mining and minerals come up to the degree it should have, and I was one of
the guys that applied for the seat there. That needed
to be raised, but there is no mention in this entire
operation. We tried to voice that at the scoping
meeting, and we saw no corrective actions at the
scoping meeting to list the mining district as the
original land use designation. Those land use
designations have kept roads open for ranchers,
grazing and for a host of other different reasons,
whether it's rockhounding or otherwise. And we seem
to get no traction with regard to that. I would like
to make that a point because they exist, and by trying
to amend them out of existence, you have to address
them and that hasn't been done. Holding with mining
as the one legal right to all of this, it opened it
up. We missed the executive order in this briefing as
is missed in the scoping meetings, Executive Order
13817, which is the Strategic and Critical Minerals
Executive Order by the president of the United States.
So to the Desert Advisory Council and -- who would you
like me to give these to in order for you to have the
letter that went to the president of the United
States?

CHAIR BANIS: Give it to Judy.

MR. JENSEN: You will see a host of people on
this, and there isn't anybody here I did not visit
with when I went there and just returned. That list
of people mentioned there is backed up with a
scientific report from the minerals and mining
advisory council. We have a couple of EPA scientists
who applied the law to the things that are in this
DAC, so along with the recommendation to the
president, we also have the report from those
scientists with regards to exactly what and how the
law has applied.

We visited with Forestry, EPA, DOI, BLM, and the
one thing I brought back from all those people -- and
I want to make sure that the guys that know me for
being the bull in the China shop I am -- those senior
management officials said we want names and incidents
and the reports and we want to know if we've got rogue
agencies in the field making decisions and not taking
input. Desert Advisory Council goes away. Look, I'm
surprised we have the number of people here we do
right now.

Mr. Chairman, I ask you to indulge me just one
more second. The other documents I want to turn in
and make sure you get are the mining and minerals
request for not only -- mining -- you can't just shut
down the deserts completely. In Washington, DC, they
said, "Bill, what else do you need?" And I said, "You
missed microbials completely, and they are critical to
the agricultural base and the diversity of not just
mining and minerals the DOP needs in this exploration.
We have been told that we amend and incorporate by
reference all the former DRECP complaints which were
ignored, for the most part. But be advised that these
overlaid maps -- and this is something Washington, DC
represented or understood -- when we said our
Congressmen don't need anything anymore, neither do
our County Supervisors, State Assemblymen, nobody.
These maps have now officially overlaid things in such
a fashion that there isn't an elected official that
can do a damned thing about it. So whether you are
ranching, mining or anything, you are subject to the
BLM, you are subject to the Forestry or whatever the
case might be. And that is not acceptable.

In the desert right now there is a resolution by
the County Board of Supervisors that selected five
areas based on the fact that Edison could provide
tentatively reasonable, economically feasible
transmission lines as a new concept for that service.
Therefore, there was no reason to lock down the rest
of the desert.

The County Supervisor called a meeting with the
Edison engineers, and I was in that meeting. And they
opened that meeting with all those solar field
developers and said, "Guys, build them wherever you
want. The problem is there is no transmission lines
for these things in these remote areas. Who has the
first question?" And that was the end of that meeting
and people were cancelling escrows. So the County is
working on designated areas so that we all don't have
to be overrun. If you object to this, you need to get
a letter up to DOI and ask for corrective actions.

I would like to submit these documents. They are
all typewritten, they are all scientific data.

MEMBER BANIS: If you can hand those to Judy. I
have a few looks. Next is Jay Moon and that will be
followed by Sheara Cohen.

MR. MOON: I didn't realize we had such a short
time. I'm just going to read this.

"I am here today to voice my concern over the
functional destabilization of the livestock industry
in the California Desert Conservation Area, and as a
result of that destabilization, the deterioration of
the historical custom and culture of the western way
of life in that same area.

"While the Taylor Grazing Act, Federal Land Policy
and Management Act and the Public Rangelands
Improvement Act are multifaceted in their intent, they
are all consistent in the fact that they wish to maintain custom and culture of an area, healthy public rangelands that insure not only the stabilization of the livestock industry, but also, that the public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands.

"While that seems to be a simplistic statement in such a complex setting, nevertheless, it is one of the goals, and I would argue that it is one of the principal goals, as things pertaining to the livestock industry are typically addressed first in these laws. Without arguing the merit of each individual's concerns on this board, I am here today to specifically address the continued reduction in lands available for livestock grazing in the CDCA which, thereby, is creating an environment in which it is impossible to maintain a stabilized livestock industry that is economically and environmentally functional.

"Science has not shown that grazing within the CDCA is incompatible with other objectives of these laws; it has only shown that in certain instances grazing has overlapping but not necessarily negatively competing associations with native species. While the National Environmental Policy Act requires analysis
under the Endangered Species Act, management decisions may be made to allow certain uses when accompanied by actions that would reduce negative associations with threatened and endangered species. It is unfortunate, that like politics, it seems everyone has an agenda and it is more important to succumb to the wishes of their own tribe than work towards the goal of best meeting the needs of all involved, and fulfill to the fullest, the intent of the law. The CDCA covers more than 25 million acres, roughly one quarter of California. Twelve million of those acres are managed by the federal government, and as we all know, that is a daunting task. It is the responsibility of this board to know and understand the complex issues regarding these lands and reasonably inform the BLM as to the concerns of stakeholders so that after carefully considered consultation the BLM can make use of the best available information, in making large-scale management decisions. A huge concern of the livestock industry is the vast reduction in lands available for grazing. The latest plan amendment calls for the closure of sixteen grazing allotments within the CDCA. While the secretary has broad authority to reduce grazing and to re-classify land for another public purpose, some of the reasoning for
doing so in the DRECP are factually incorrect and in
some cases in violation of the law and the BLM's own
regulations.

"For example, the removal of livestock on the
Harper Lake, Cady Mountain and Cronese Lake allotments
were utilized as mitigation for the expansion of the
Army's National Training Center at Fort Irwin. While
that was the intent, at the time there was no legal
mechanism to allow for the removal of grazing as
mitigation. There was a proposal in the West Mojave
Plan that would allow for the voluntary relinquishment
of grazing allotments, and that allotment may be
reclassified for another public purpose. However, the
ROD for West Mojave Plan had not yet at that time been
signed, and the relinquishment of those allotments was
not valid for that purpose. The Taylor Grazing Act
specifically states the main criteria to hold a
grazing allotment is that you own or control the base
property.

"The last lessee of record for those allotments
lost the base property that was attached to those
allotments on September 17, 2004, which immediately
had the effect of them no longer being the lessee. On
December 4, 2004 I applied for those grazing leases,
and in violation of the Administrative Procedures Act,
the BLM refused to process my applications. On January 24, 2005 the BLM received a letter of relinquishment from the previous lessee for the Cady Mountain and Cronese Lake Allotments. Those requests were invalid for two reasons: (1) they no longer owned the base property attached to those leases, and (2) the West Mojave Plan had not yet been signed into effect, so there would have been no mechanism to relinquish them.

"Other allotments that this plan amendment wishes to retire from grazing are the Crescent Peak and Jean Lake allotments. Both of those allotments were issued to me in proposed grazing decisions that were not timely protested and therefore became final grazing decisions. Because no protest was timely filed a final decision was not issued. The proposed grazing decision for Jean Lake was issued to me on September 14, 2007 and The Crescent Peak proposed grazing decision was issued to me on May 12, 2008. The Needles Field Office then proceeded to issue me the fencing required to comply with the terms and conditions of those decisions, but after the area manager changed, the new area manager refused to allow me to install the fencing and withheld that allotment from my use. These are valid existing allotments held..."
by me and improperly withheld from grazing.

"The reasons being given for other allotments that are being considered for retirement are that they are vacant allotments and have not been grazed in over ten years.

"Allotments considered in this plan that I personally filed grazing applications on, that in violation of the Administrative Procedures Act were not processed by the BLM were Pilot Knob, Kessler Springs, Valley View, Harper Lake, Cady Mountain and Cronese Lake. The BLM has been willfully withholding grazing allotments and not processing applications for grazing with the intent of trying to eliminate them in a plan amendment under the guise that nobody has any interest in grazing them. That is simply not true.

"Another area of the plan amendment I wish to address is voluntary relinquishment, and the acceptance of grazing allotments under the Consolidated Appropriations Act. I was principal author of the language utilized in (Public Law 112-74, Sec. 122(b)). The intent of the legislation was not intended to be used as a grazing elimination tool, but to provide the mechanism needed to utilize the removal of livestock on federal lands and the associated allotments as mitigation for renewable energy projects
anticipated in the CDCA. Moreover, it was intended to use that mitigation in place of deeded land, to keep private land in the counties within the CDCA available for development and a source of economic value to the public; to allow a lessee who would be affected by a renewable energy project to mitigate all, or a portion of the allotment to offset the economic cost of losing that rangeland. The elimination of grazing allotments in the CDCA outside the authority of Public Law 112-74 takes away from the stabilization of the livestock industry and should not be considered."

CHAIR BANIS: I'm getting a few looks again. How are you doing on this? I see you turning a few more pages. Unless you have a big conclusion for you and we are going to take your entire -- if you leave it with us, you will have it in the record and Ms. Judy will take it.

MR. MOON: I won't read the whole thing if you put it in the record.

CHAIR BANIS: Can you give me a 30-second punch.

MR. MOON: First of all, it's incredulous that the BLM has disregarded all of the past efforts with WEMO, NECO and -- you know them all -- to change everything that had been fought for in the past in the DRECP. I had no idea the DRECP included grazing. I was not
notified, maybe through the Federal Register, but I
don't sit on the computer every day. I generally knew
the DRECP existed as a renewable energy plan and as we
as ranchers -- and I can give you background on how
that came into place because I don't think any of you
probably know, at least Section 132-B, so I know of no
new science that has a come about since the last plans
that would necessitate a change in grazing so drastic
as the BLM has -- well, actually -- passed in the
DRECP. At least the grazing portion of the DRECP
should be opened back up for review because I think
there are so many problems that occurred through
illegal actions of the BLM. I have those proposed
decisions. I have a letter from Roxie Trost
acknowledging my applications.

CHAIR BANIS: That was advice right at the end.

MEMBER MITCHELL: Mr. Chairman, thank you for
allowing him to finish because it took a long time to
do it, and if you can leave that or copies so they can
do that. Thank you again. That's what I was
suggesting. There has been illegal things done, not
to the BLM here today, but for the last ten years from
different managers that are gone now that's destroyed
a great deal in San Bernardino County. We went from
16 people to 6.
CHAIR BANIS: I have cards. Sheara. Sheara.

MS. COHEN: So I want to thank you guys for what I think is a really interesting discussion here and for the opportunity to share a few words. I had my comments all prepared and then this discussion made me have many other thoughts. I will try to be organized. That may or may not hold up.

My name is Sheara Cohen. I'm with the Wilderness Society. I am the California Desert rep for the California Wilderness Society. We as an organization are taking a really strong position not to open this plan. And I urge you guys to consider your position about this carefully. And here is a huge part of our thinking. I think it's dangerous. You know, in this country most of us think we should be able to afford medicine, and it doesn't change the fact that there are pills out there that cost several hundred dollars for a single pill. And that has everything to do with what we call the power players and the little guy. We know what the right solutions are, and we are not winning them in several cases. I would think a plan that was eight years in the local government, state, federal government, energy developers, miners, off-roaders, rockhounds, conservationists and local community groups and 16,000 comments, whatever
conclusions they made, that's a lot of input. But I really question whether the evidence shows that that power is being respected.

And my example is the fact that that was eight years and they are opening this with a 45-day comment period. That's pretty different, especially from an administration that says they are valuing input.

The other example is the National Monuments. Whether you like them or hate them, the review happened this past year. And the Department of the Interior got more comments than they have ever gotten before. Ninety-nine percent of those did not want an opening of the Monuments. And it happened anyway. Are we going to be listened to? If we ask for tweaks, is that what we are going to get? And there are some tweaks needed. Or there are some tweaks that you could argue for all around. As with any compromise, nobody got 100 percent of what they wanted, and that's what compromise is. If somebody got 100 percent of what they wanted, I'm pretty sure there are others who didn't get close. But I would argue that the DRECP gave all of us a lot of assurances that our needs are going to be largely met. And I think we risk losing that. I think there are players out there that would like 100 percent.
Just a couple more comments. I think the Federal Register notice, along with the policy that guided it, and along with input we have gotten in our work talking to federal agencies that suggests there is a very clear motive here, and that is to expand opportunities for renewable energy development. I know it says off-roading and mining, but right now the plan is largely protective of those activities.

So here's what I think we want, and some of this addresses what I think are some pledges out there. Before this plan started, and it started because people were frustrated, there were energy projects dropping anywhere, and this was good sites in some places and terrible sites in other places. So this process basically warranted the protection of six million acres from renewable energy process. Those were for conservation and recreation. Still, even though the federal government doesn't want to burden renewable energy, the state wants to keep this stand as it is. And why? It's the most goals in the country, which more than meets the need of unburdening renewable energy or any energy. They know and they have accepted 10 times the amount of plan necessary in the plan for renewable energy. So why do we need more? It's probably ideological positions and the
positions of developers. And what we have and what I have heard as myth is a feeling that the ACECs serve offroading but they curb rockhounding. This is not fact. So rockhounding is prevented nowhere for recreational casual use. It's a different story for commercial use, but even then, nothing changed.

The disturbance caps, which I think there is some confusion about, there may be a cap on land of 1 percent, but if the baseline disturbance is already 5 or 10 percent, there is absolutely no requirement in the plan to reduce that disturbance to the 1 percent. If you are going to propose a new trail or parking lot or pipeline, you are going to have to mitigate.

May I actually say one more comment? And it's about the change in WEMO after DRECP. Pre-WEMO in the last court order, there were several concerns about the plan by the judge that had nothing yet to do with DRECP. They still weren't meeting the minimization criteria. We looked at the plan, but I might not be surprised if this is not related with the other things, especially since there is actually nothing in the plan where they tried to bring it down to disturbance caps. So anyway, it's a thought. We can figure it out, but it may or may not be evidence of the impact of DRECP. I think it's dangerous. I think
we should be very cautious about moving forward in terms of getting something each of us wants and losing what all of us have.

CHAIR BANIS: Thank you, Sheara. I have John, followed by Marie, followed by Sam.

MR. STEWART: Good afternoon, Council members. John Stewart, California Four-Wheel Drive Association. DRECP has morphed over the years. It started out as a multi-state plan governing Southern California, Southern Nevada and parts of Arizona. That evolved down to something that just covered California and within that concept, it became a Habitat Conservation Plan. Within the framework of a Habitat Conservation Plan it decided to become a Programmatic document. By BLM's own definitions -- and Russel Scofield earlier reiterated -- that this is a Programmatic document. But by BLM's own definitions, a Programmatic document provides broad guidance for implementing site specific decisions. What this land use amendment, the CDCA amendment, whatever you want to call it, is the Programmatic document that does actually implement hard, fast limitations as guidance.

Now, these limitations have the effect of driving decisions and allowing no other decisions except route closures, area closures that within the subsequent
site specific analysis. Yes, it's a flawed method of working, especially when you look at the disturbance caps. Yes, U.S. Geological Survey developed a database and an algorithm was developed out of that. That database is not directly applicable to Southern California area because it looks at a certain species in order to develop that. And that has even been found to be flawed within the Great Basin area where the Sage-Grouse is dwelling. It just doesn't work. And especially translate that down into the Desert District here, it further does not work. It's an arbitrarily defined limitation which hinders actual implementation of any aspects of the DRECP.

Now, like I said, overall the scoping has changed. And one of the interesting concepts here is that two executive orders are cited for the plan and for this new scoping process. One that has not really been touched on is this rural broadband development.

What really is rural broadband? Broadband is the next generation of your cell phones and mobile devices. That has not been addressed anywhere within the discussion today other than to say yes, that's out there. So what are the implications in this for DRECP?

Politically, it will be opened up in order to
accommodate increased mobile broadband infrastructural
development, not so much for solar development,
geothermal development or wind development, but mobile
broadband infrastructure.

Now, earlier I mentioned the economic impacts.
One thing to consider is that BLM's estimates find
that wind, geothermal and solar account for roughly
633 million dollar investment or return to the
economy. Recreation, 744.5 million. This is a 17
percent difference. Jobs: Geothermal, wind and solar
account for 3,993 jobs created. Recreation accounts
for 5,679 jobs.

Throughout the entire discussion and development
of the DRECP, a lot of mitigation is called for. One
of the things that is not really iterated and
developed and defined adequately is the fact that
mitigation for the loss of recreation opportunity, and
by BLM's own numbers, recreation is a significant
economic driver to the area. Thank you.

CHAIR BANIS: Thank you, John. Marie, you are
next, please.

MS. BRASHEAR: I was going to make some points,
and I chose to pick up on something that Mr. Moon said
instead. He said that ranchers didn't know about the
DRECP. Well, I have to tell you not only did ranchers
not know, no one knew. It started off as an energy plan. It was not a ranching plan. What we have here in front of us today that we are discussing is actually a new Desert Plan. And if it had been presented to desert interest groups as a new Desert Plan, there would have been more participation. The number of letters you got would have been twice the number, at least, and probably more. We are looking at a whole brand-new plan. And decisions were made in finalizing that plan that impacted the ranching and mining and any other activity out there that wasn't energy. And it's impacting it today because it is still in place.

And there are a whole lot of major fixes that need to happen. The DFAs surround my community. We have at least one person whose home is surrounded on three sides by a DFA that has been applied for, a permit. Part of the land is BLM and part is private. So it's going to be a little tiny bit more complicated because of the two different ownerships, but that's the kind of crap we are looking at. Every small town and community in the desert has been surrounded by these DFAs. Those that have minerals in their area, like my community does, all of the BLM lands were withdrawn from mineral land use by the designations of the DFA.
And I think each and every one of you need to look at what you are actually doing. You are doing a brand-new plan for the California desert and the public was not notified.

And what Robert said earlier was also another good point. You said that the roads out there and other things are the basis for the -- well, then I will stop. But you will be getting some comments. What I heard here today disturbed me greatly.

CHAIR BANIS: Thank you, Marie. Sam, Ron and Mark.

MS. MERK: Sophia Merk, Sam. I was concerned about fact that this is not following the procedures that have been based ever since the Taylor Grazing Act. Also the American Procedures Act of 1946, June, I believe. I have had chemo, so I can't really remember, but believe it was June of '46. I think everybody is correct -- this may be the 168th amendment to the Desert Plan. But maybe it's time for a new resource management plan. A lot of people don't know how much this is going to impact them. The public was not notified correctly. It's not following the procedures that was put out in the federal land policy management act, and I have great concerns that even though the tribes are going to be talked to in
regards to in certain areas, I participated in the
Programmatic and the 106 for both the WEMO and the
DRECP. And they were not saying the same thing. I
have great concerns about that. I have great
concerns, and it's not stipulated. Everybody assures
everybody that it's going to apply equally to
federally and non-federally tribes here in California
in the desert communities, but I don't see it in
writing as of yet. I also have great concerns that
the cattlemen were not notified correctly. I know the
Federal Register notices have not been completed
correctly. Sure, it might limit the renewable, but
what it's doing to the rest of us that live and
breathe in this area is disastrous. I'm very
concerned about it. It should not go forward until we
know what is going to happen with WEMO. It should not
go forward until we know all the disturbance caps. I
am really saddened that the Desert Plan that I love so
much is going to be impacted by this piece. Thank
you.

CHAIR BANIS: Thank you, Sam, for coming over here
today and sharing your thoughts with us. Appreciate
it. And Ron, you are up next and followed by Mark
Algazy.

MR. SCHILLER: After I look at what I see and
after attending the meetings in Ridgecrest, I'm trying to find all the material and information on-line and it appears to me after 168 amendments to the Desert Plan, this ain't -- that's an understatement. This is a complete rewrite. It has no resemblance. The problem that I see here -- and Jim touched on it -- the way I read documents that I have seen, they are so -- can be so broadly interpreted that you can actually completely do any damn thing you want because you can manipulate this document so easily. There is no quantifiable limits to -- when you talk about service disturbance, it's so vague that you can't even determine what it is yourself sitting here looking at it. But it can be used greatly to manipulate this whole process.

When we started with the original plan, you had terms that had been twisted and changed so completely, no matter what you do, they don't even resemble what they were intended to be in the original plan. So you can manipulate the process. You can attach any activity by looking at this DRECP. I am of the camp to throw the whole damn thing out and go back to the Desert Plan and do it right with the public involvement.

I went to one of the DRECP meetings. They
wouldn't let me talk or ask a question. But they used the process at those the meetings, and the BLM is starting to use them more and more and more. It's called the Delphi process. And I would urge you to look it up on the Internet, D-E-L-P-H-I. And the Delphi process is something that was used at our recent meetings regarding this DRECP plan. The Delphi process was developed by the Rand Corporation and it was developed for the army. And the reason it was developed for the army is so they could appear to have a public process under NEPA. And when you go to these Delphi meetings and you go to the little map to map to map, you see nobody has the benefit of anybody else's ideas like we have here today because you don't get to hear them. You are at this little map and you get to talk to the guy and you go to the next map and you get to talk to the lady. And when you get all done, the BLM comes back and says, guess what. This is what the public thinks, but you don't know because you are not privy to any discussions like we were here today.

The last thing I want to bring up is something that makes me very angry. How long has it been since the West Mojave Plan was signed? It's been a while. But if you read that plan, it was a commitment made. The commitment was made by Bill Haigh to allow the
Ridgecrest area and the El Paso Mountains under what's called the CAPA, which is a Collaborative Access Planning Area. Promised within two years of the signature of that, it would be done in Ridgecrest. It still hasn't been done and that was a commitment. In fact, the room we had -- some of you are here -- in the room that we had in Ridgecrest when we met last week over this plan, at that time, we put 350 people in that room. There was no sitting. It was standing only all around the room. And that's exactly why CAPA and the Ridgecrest planning -- route planning area is in that plan. But it's never been honored. And that's the problem with this whole thing. It's never been honored to this day. And when you start looking at this plan, how are you going to honor anything when you don't even have metrics to measure anything. So I think you should throw the whole damn thing out.

Anyway, thank you very much. I enjoyed it. I recognize a few people here today. The problem is all you damn guys got older.

CHAIR BANIS: Many of you remember Ron. He did several terms on the Desert Advisory Council a few years ago. It's good to have you back with us.

Another former Desert Advisory Council member, Mark Algazy. You have the floor. Hi, Mark.
MR. ALGAZY: Hello. At the beginning of this meeting I didn't think that I was going to get up and talk. But then as the famous Eagles' song, Hotel California goes, you can check out any time you like, but you can never leave. So in my heart, even though I stepped down from the DAC, I still care about the DAC's business. And I thought that I would come up here not to just make a comment, but also to make a suggestion.

I have to take a step back to help some of the new members understand a little bit about where I am coming from. In the final phase of the DRECP, I was successful in challenging the designation of the ACECs for lack of proper Federal Register notice. And there was another round of scoping meetings in which I made a very valid point that the whole ACEC process had been fundamentally flawed from a point of due process.

The ACEC is an area that you decide needs special attention, but there were no maps. It's like the BLM saying, we have something that we need to protect. And we are going to build something with the idea that we are going to protect it. But we can't tell you what shape it is and we can't tell you where the roads are yet, the doors and the windows, the major things would cause those assets inside that structure to be
vulnerable. We can't tell you the size and shape or where the doors and windows are going to be, but we want you to approve it. So that falls flat in the face of due process. Due process never guarantees an outcome, but it does guarantee notice and opportunity to be heard. And for the notice to be meaningful, you have to know what it is you are going to be talking about. And that process never happened during the DRECP.

Now they want to make a plan amendment and they want to make a plan amendment whose primary focus is going to be whether there is going for be more opportunities for renewable energy development. And they are not looking at NCLs. They are off the table. Where are they looking? They sent out a notice -- and thank you, Randy, for helping me to find that when I couldn't see it. They want to focus on ACECs. ACECs is what we never had a substantive opportunity to comment on the first time around. It's still in the dark. The maps are being made, but they still don't exist. And now they want to go forward.

So what is the DAC supposed to do? Well, if I were on the DAC, I think -- I have already mentioned, I would op for the no-action alternative. It doesn't seem safe to move forward when there are so many
dangers in front of us. But I'm sitting here
listening to everything that has happened today and
I'm saying, well, it's not really any better than
trying to get a camel through the eye of a needle.
But it seems to me if the DAC had to choose between
more than one option, they could say, well, let's say
we will opt for the no-action alternative. But if
there was going to be any recommendations to do any
amendment, that the amendment would have to be under a
full EIS, a full EIS that guaranteed the public notice
and opportunity that they were not given before, which
means that the EIS would have to happen after those
maps for the ACECs were done so that the public could
be given the opportunity they were denied the first
time through. That's my suggestion to make to you.

CHAIR BANIS: Thank you, Mark. I would like to
take that and just make a request to the BLM. To the
best of our knowledge, the ACEC/GIS layer is still a
consolidated layer. And at some point I would like to
see if the files could be posted for the individual
ACECs.

DISTRICT MANAGER RANSEL: We have them.

CHAIR BANIS: Are they up now?

MR. SCOFIELD: I have a single geo database. I
don't have separate shape files pertaining to ACECs,
but the geo database has been available since 2016.

CHAIR BANIS: We have it all as one consolidated layer, as one giant ACEC.

DISTRICT MANAGER RANSEL: I have it.

CHAIR BANIS: All right. Thank you.

That said and done, we have a lot of advice. We still have some chatting to do. Do we want to take five and come right back or do you want to keep going? Just five, and I really mean that. 4:15. We will be back at 4:15 and close up the day. Thank you.

(Brief recess to 4:22 P.M.)

CHAIR BANIS: DAC members, do you have anything else you would like to bring up to see if we can come up to a consensus opinion?

MEMBER LONG: I think some very good points have been brought up today. One thing in particular that struck me was Marie's comment that the DRECP has morphed from managing renewables and the renewable projects to turning to a larger scope management plan that's affecting not just new renewable projects but right-of-way holders and others because of the mitigation resulting from the DRECP. And because of that, and I know we discussed before the public comments about revising the scope of the review. And I think at this point that that would be difficult to
do based on how many people are affected by the DRECP. And for that reason, I'm stepping away from the refining of the comments.

CHAIR BANIS: Anybody, jump right in.

MEMBER HANEY: I want to offer that I think we are part of the way through the implementation process of the plan, knowing we don't have things like the publically available data for the disturbance caps. My thought is that we should let that implementation process take care of as many problems in the plan as possible before we move to making amendments to the plan before it's had a chance to get up and stand on its own two feet.

CHAIR BANIS: Al.

MEMBER MUTH: I am going to come down with saying order is Frazier on this. I think -- I believe it would not be prudent to move forward with any drastic measures at this point. The blunt statement would be let's not reopen the Land Use Plan Amendment. Let's proceed cautiously and do what we can during the implementation phase to knock off some rough edges that grate on a great many people and try to improve the plan without really tossing it out. That's my comment on that. Then later I have additions to future agendas.
CHAIR BANIS: The only thing that's got me here is that is this is a renewable energy plan and it's designated zones for it. And it's been out for a year or so, and there are no applications in the renewable energy zones that I know of. I can see some of that as politics and some of that, as well, let's take another avenue and maybe get that fixed. Or is it really telling us that the industry has no more interest in developing in public lands? Or is it telling us that the zones that were set aside aren't going to be feasible or aren't going to produce any renewable energy. And that's one of the bigger points.

The parts about excluding renewal from OHV areas isn't working very well. Those projects have been canceled and people have met with us and we said no and they walk away. But parts of it seem to be working okay, but part of it is a complete bust. Like the renewable energy component. We still don't have a megawatt under this plan. I don't know how just saying we hope this works out is going to make it work out. I think that if we see problems keeping it from working out, we need to get those problems out to make it work out.

MEMBER MITCHELL: But for the industry that I
represent or renewable resources and the people that are my constituents, I have to have for them more of a guarantee than that we are going to hope this thing works, because we were totally thrown by the wayside. This was totally set up for them to bury something illegal. And I want something from them saying we are going to review this and see what went wrong and bring these back. Because I don't want the whole wheel recreated. But I want the damn thing breached, especially for the cattle industry because it's totally against us. It was totally wrong. So that's my feeling.

MEMBER HANEY: I would like to offer, with all due respect, that part of the reason I think the renewable industry hasn't been as active in the California desert is because there are no more areas like Sun Cities, and California is ahead of its target to meet 33 percent of the RPS by 2020. So I think some of it could be structural in the industry or just because California is ahead of the curve.

CHAIR BANIS: We are seeing it go up on private property left and right.

MEMBER KENNEY: Just look at our geo land.

MEMBER ROBINSON: The (inaudible) river had -- Southern California Edison has three power plants and
two of those power plants they are not going to pursue relicensing. And because they said that they can't -- it is not economical for them anymore because they have more power availability to them then they need right now. And there needs to be a need or they are not going to build power plants. And they are eliminating the hydroelectric plants. And I know that PG&E has decommissioned a bunch of them.

And the other thing is these people, renewable energy people, are looking to see what comes out of incentives or what kinds of things will be available for them before they even apply. And that's the reality of it.

And transmission is another huge issue. How many of these areas actually will have transmission available to them that they won't have to -- that the developer won't have to put in 10 miles of transmission that will kill the project.

MEMBER MUTH: Mr. Chairman. Good morning, Randy. I don't know the facts about the applications for the DFAs, but I do recall that our previous chairman, Leslie -- forgive me, I have forgotten his last name. Barrett. Leslie was well-attuned to the sector represented by renewable energy. And he several times, to paraphrase him, I believe, says the industry
has moved on. It's too hard to do it on federal land. The incentives aren't there. And the easing facilitation component is just not there. So I'm not at all surprised if there has not been any new applications in DFAs, which gets us back to the very start of this conversation. Why are we opening this thing up for energy development? That's it.

CHAIR BANIS: Who is telling who that they need more land for renewable energy development? I don't know who is telling them that. I wish Leslie was here to shed some further light on this.

DISTRICT MANAGER RANSEL: So we do have some applications and DFAs. We have been focused on -- we do have a few application projects that are moving forward that were grandfathered in. But we have pending applications, and we haven't had the capacity to start them moving. I don't want to overstate it, but we do have some. There are a few applications. Maybe Russell knows more on the details, but there is interest in development, but we haven't had the capacity to move forward with the processing.

CHAIR BANIS: Even if it's one, I stand corrected.

MR. SCOFIELD: There are three at Palm Springs and Riverside East more or less ready to go, but it's a staffing issue, and more waiting in the hopper that
are public land-private land projects. So Palm Springs I think does have something in the (inaudible). Something in Riverside. I don't remember exactly how many folks have been talked to recently.

DEPUTY SECRETARY RANSEL: There have been some very pre-pre-meetings in some of the offices where there has been some interest in development and DFAs.

CHAIR BANIS: Any other language? I'm still up for ideas.

MEMBER HANEY: I would like to add to the discussion about DFAs that San Bernardino County has identified some areas for renewable energy development and those are DFAs, and the county is trying to finish its renewable energy element right now. It has one section left to go, Section 410 as it relates to renewable energy development around rural communities. Their planning efforts are wrapping up right now. The Mojave Desert Land Trust is supportive of protecting rural communities. To get legs, it is reliant on the DRECP staying predictably intact.

CHAIR BANIS: So I'm going to give it one more shot. Do we have a motion or a second that we can either get through with consensus or maybe we have to pull out our handy-dandy group chart and see how the
vote is split.

MEMBER MUTH: Back to your court, Mr. Chairman. What would the votes be split between or among? Would it be proceed with caution, advise the Bureau to forge ahead at full steam on reopening the Land Use Plan Amendment? What are the alternatives that we are dealing with?

CHAIR BANIS: That's a good way to look at it. That's a good way to look at it. Can we say perhaps that we have a temperature for this? Maybe a very proceed with caution temperature gauge. I think we have expressed enough concerns over what unintended results could come from an unbridled change if it's just thrown out, but I think we all have thoughts that there might be something that could be fixed. But I think we are all very nervous about the wholesale. Bill seems to have nothing to lose on this one, and I could potentially see that.

MEMBER MITCHELL: I don't want to recreate the wheel, but I want something in there that is going to help with the problem they created. We have an industry, and I just don't want to go say, okay, why don't we go ahead and take a chance for all these people? I don't want to ten years from now say, My God, Lord, he is still fighting the same battle. That
ain't going to fly. So I don't care what your motion is. Make a motion that we proceed with caution and check it out and make sure this grazing issue is resolved before the plan goes through. But that issue is going to be resolved as far as I'm concerned. So whether you vote me down, that's up to you guys. But my responsibility is for these ranchers, and by God, I take it seriously. Thank you.

MEMBER KENNEY: Proceed with caution and revisit it at a later date.

MEMBER MUTH: So the question would be, Bill, can your concern be met by the implementation phase of a small-scale renewal coming through that mechanism? I'm not minimizing your concern. I'm just trying to see if there is a way we can proceed where change can be made where it needs to be made without opening up the whole can of worms again.

MEMBER MITCHELL: Well, again, that's possible. But I guess that falls back on the BLM's lap. When are they going to solve this issue? For ten years we have been working on it. If we go ahead, I want some kind of guarantee, but I want that stipulated that this is going to be worked out. That was illegal what they did. I know you feel the same way about the road. Solar plant was going to go over on one of your
soggy dry lakes.

CHAIR BANIS: It's sort of different from you, though. I mean, this is something, part of that heritage and it's part of the connection that you and the families have had with the land is something long-standing and important. And I feel the same way to a great degree with the mineral extractions. They have had protections from the 1800s, and these are old, old issues that go way back. And when I listen to Mr. Moon's concerns, some of them seemingly have to do with huge, high-level regulatory issues, some have to do with acts of Congress, and some have to do with the manager that put something in the trash. And it's hard for me to know which parts of these are DRECP or which of these are just something else, very large systematic --

MEMBER MITCHELL: I can make it real simple for you. It has nothing to do with energy. All it was was an avenue for them to sneak this through, bottom line, end of story. So if there is some kind of guarantee, I don't mind doing that. I'm sure the ranchers wouldn't. But I don't want to continue this with five more meetings down the road. It's just not going to fly.

MEMBER ROBINSON: I don't understand why this
grazing issue in lands were taken out of grazing on these properties that are eligible for people to go out and do energy projects on, you know, they can apply on. But there is no obligations on these properties. And why wouldn't the grazing be taking only the issue at the point where these -- when the application goes through and reaches the point where they actually have a power purchase agreement in place. And it looks like -- at that point you start addressing the grazing issue and mitigate it at that point. And if it's a large wind project, I know some that have grazing still existing on those wind projects. And why wouldn't it be taken on a case-by-case basis instead of throwing out the baby with the bath water? Grazing needs to be on by prescription. And it needs to be looked at so it's not over-grazed so the resource continues to be viable. I understand that. But why would you exclude grazing from properties that may never be applied for because of whatever reason?

MEMBER LONG: I would like to just point out, while grazing is an important issue, it's not the only issue with the DRECP. We also have our nonrenewable right-of-way owners are also facing difficulties, as well as mining sector. So it's not just mining.
There are a lot of issues wrong with the final document that could use some tweaking with public comments.

MEMBER MARTIN: I agree with that.

MEMBER MUTH: I think I'm getting lost here. I think Bill's big concern was the ex cathedra elimination of grazing allotments rather than there being a conflict, a future conflict with energy development on existing allotments; is that correct, Bill?

MEMBER MITCHELL: Yeah. (Inaudible.) What is happening now is this was snuck through and taken out, these leases that were applied for, and they were deliberately sat on with soft money coming from San Bernardino County, took money away from the other family. That's what the concern is. They should never have been given this bill to begin with. It's not my problem that they stuck it to Bill, but it's my problem now because I don't want it in there and neither do the other families. Now, if there is a way you can make a motion and word it so Russell is going to do something about this or we are going to get to the bottom of this and get that man's proper lease back that you already have a decision for, I can live with that. But what I don't want to do is be
railroaded down and this is going to be going on for
ten more years. I don't want to recreate that plan,
but I want that issue addressed.

MR. JENSEN: May I make a clarification?

CHAIR BANIS: I don't think we are going to be
able to make our timeline if we do. I think I am
ready to gavel this item closed because I don't see a
motion. I don't even have a motion or a second and
it's 4:44. I don't see a motion. I don't hear words
for a motion. I don't see anything for us to vote on.
Even my motion didn't get a second.

MR. JENSEN: Randy, mining is not represented. I
want to recommend a motion.

CHAIR BANIS: This is the time for the Desert
Advisory Council -- this is our show at this point of
time. BLM is looking for advice from the Desert
Advisory Council. Council Members, please, I need to
hear from my Council members in order to have a motion
or any other direction. Do you wish to hear from
other individuals? What is it that this Council
wishes to do?

MEMBER MUTH: I would like to revisit your sort of
taking the pulse or the temperature of the Desert
Advisory Council. And maybe once we see in which
direction the majority leans, we can come up with some
language. How is that?

CHAIR BANIS: That's an interesting idea. Do you want to start with a poll? How many people -- and I'm not going to announce the results on the record -- how many of you feel that the DRECP needs to be reopened to address your constituency's concerns?

(Hands raised.)

How many people feel the opposite, that reopening the DRECP would not help your constituency's concerns?

(Hands raised.)

And are there any of us that are very much square in the middle.

(Hands raised.)

So what we have is the temperature between 1 and 10 of about a 5. It's not very enthusiastic, but it shows interest. I mean this is obviously peaked curiosity.

MEMBER ROBINSON: Not enough information.

MEMBER HANEY: I agree with you, not enough information. Maybe we could say something to the effect of it would be very good to have a summary of the problems. We could understand a little bit better and to proceed with caution. That's about the only thing we could all agree on at this point.

CHAIR BANIS: How many of us -- how many of us
recognize the concerns of the grazing community and would like to see some resolution? Can we say that there's a feeling of caution with reopening? But we recognize that additional -- that special additional work needs to be done to reach out to the grazing community?

MEMBER KENNEY: I'll second that.

MR. JENSEN: And the mining community.

MEMBER LONG: And right-of-way nonrenewables.

MEMBER MUTH: I would not support that language. My language -- you have already made a motion, I believe.

CHAIR BANIS: I didn't get seconded, so it's dead.

MEMBER MUTH: We should advise the Bureau to proceed cautiously with implementation and examine issues that can be amended, minor amendments to the LUPA and emphasize in that language that the grazing issue must come to a head and be resolved, top of the agenda, in fairness to longstanding family interests, custom and culture of the land.

MEMBER MARTIN: I would add that mining and the ACECs and their effect on existing unpatented mineral claims is a great detriment to the nonrenewable energy availability on public land. So I believe that it's just equally as important as grazing, right-of-ways,
there are a number of issues that need to be resolved. And I believe that -- I think the scoping that's going on right now, what we need to be focused on is getting our comments into the BLM and in your comments state that you are a member of the Desert Advisory Council. Maybe it will help in that sense. But right now we need to get our comments in and we have until Thursday. So I think that's one of the most important things.

MEMBER MUTH: You are right. But at this juncture, I'm just trying to get some simple language into what the chair has asked for, some direction that we can give to the Bureau to move forward. I think your concerns -- I'm not dismissing them at all. They are very valid, but for what I have suggested, I think those can be handled during the implementation phase with minor amendments. And I would also support -- let's bring this puppy back for another round whenever our next meeting is. Your issues aren't going to go away, and they are painful issues to your constituents. So I am glossing over things with my suggestion to the chair.

CHAIR BANIS: Same.

MEMBER MUTH: But that's just trying to move it forward.
CHAIR BANIS: All right. The part where you mentioned about carefully identifying issues, maybe we can recognize -- the Council members recognize that each of our constituencies have unique troubled concerns. That way I am trying to say that we recognize the trouble with rights-of-way, the granting of rights-of-way and I recognize the troubles with the unpatented claims and the ACECs. But I still feel the need to do a call-out on the grazing because of a long-standing -- we have had presentations on this before. Remember, Billy, you and Ron and Kemper, and we had this long presentation. We really took your side. And I'm just trying to call out the grazing because of their steadfastness and the way they have come to the Desert Advisory Council and been a part and so carefully prepared for us. So we say that each and every one of us as Desert Advisory Council members recognizes that we have troubling concerns with the reopening of the DRECP and to proceed cautiously but we have -- we would like to see special attention paid to the issue of grazing.

MEMBER MITCHELL: We appreciate that.

CHAIR BANIS: Is that close enough to get a second?

MEMBER KENNEY: I will second it.
CHAIR BANIS: So would you be so kind as to step back and read Al's motion or Al's statement? Read Al's statement slowly, because I'm probably going to interrupt you with my amendment. And then we will have that final language because I'm concerned we don't have real language yet.

Insert ahead of that statement that I made that each DAC member recognizes that we all have troubling concerns with the reopening of the DRECP, but we advise to proceed cautiously with implementation. Add that to the end of Al's statement.

MEMBER LONG: Now, perhaps I am misunderstanding. So we are advising the BLM to go ahead and implement the LUPA without opening it up to further public comment? Is that what I am hearing?

CHAIR BANIS: No, Al suggested amendments to the LUPA, suggested amendments -- to carefully examine and identify the issues that can be resolved with a planning amendment or an amendment to the LUPA, minor amendment to the LUPA, I think is what I said. I did say minor.

MEMBER LONG: That's fine as long as there is not implications that there is not going to be further public comment on this issue.

CHAIR BANIS: Absolutely. On each and every
proposal. I would accept that if you are seconding.

VICE-CHAIR BURKE: I will second it.

CHAIR BANIS: And Frazier would like to insert
that statement, Michelle, directly. That our advice
is intended to encourage additional public
participation, not to discourage it. So we have --
I'm going to do a slight bit of paraphrasing here, but
I think we have heard it enough times. We have a
statement that each and every one of us recognizes
that we all have troubling concerns with the reopening
of the DRECP. But that we recommend the BLM proceed
cautiously with implementation and identify potential
minor amendments. And that this advice is not to be
construed -- let's not take the negative. And we
further advise continued public input throughout the
rest of the process.

MEMBER MUTH: I think you have consensus,
Mr. Chairman.

CHAIR BANIS: All those in favor, say aye;
opposed?

(Voice vote taken.)
Thank you very much for working so hard with us to
find some words to offer to our friends at the BLM.
I'm going to recognize Al for items for the next
agenda.
MEMBER MUTH: Riding a dead horse, the Palin Solar Plan is back on the drawing boards. This was first proposed back in 2007. There is a new proposal that changes the footprint somewhat. BLM has a preferred alternative, but the truth of the matter is that if the project were proposed today, it would not meet contemporary mitigation standards. The only reason for it being processed under conditions that existed prior to the Western Solar Plan and the DRECP is that it was an old proposal. It came in 2007. Today it would not even be considered given the mitigation that's proposed. The Bureau has an opportunity to do the right thing rather than be bound by bureaucratic stipulations.

So I would like to see that plan reviewed back on our agenda for our next meeting. That's one.

The other thing -- another thing I would like put on the agenda is the Shaffer's Valley, Paradise Valley proposal for a 5,000-acre new community east of Indio. The Desert Advisory Council visited the site some time ago. To refresh your memory, that's when we set off the alarms of the pumping plant and had the National Security infrastructure threatened by our presence. But that proposal has not gone away, and it's being processed through Riverside County. The nexus with
BLM is right-of-ways and also endangered species. The Desert Tortoise and I believe sheep are also of concern, plus its closure of off-road vehicle routes that would be involved in that proposal. So I would like to see that on the agenda.

There is also one of our old favorites, the Cadiz proposal for pump water storage. The nexus is that there is a BLM railroad right-of-way that originally was -- BLM advised that it could not be used to carry a pipeline from Cadiz to I believe MWD, Metropolitan Water District, and all of a sudden that was overturned. I don't see the connection between a water pipeline and railroad right-of-way. I would like to see that on the agenda.

And then finally, there is the Sand to Snow Monument Issue having to do with feral cattle, not branded. Apparently pit bulls attacking the cattle. And the Pacific Coast Trail goes right through there and this is a public endangerment issue. The solution is obvious. Implementing that solution is another bureaucratic nightmare, but something needs to be done before somebody is killed. I would really like to see that addressed in the next agenda. And that's what I have in mind.

CHAIR BANIS: Frazier and then Billy.
MEMBER HANEY: Beth, you mentioned some things going on behind the scenes with the Mojave Trails Management Plan update, just to get an update on that. It has been a while since we heard anything about it. And I support the items that you mentioned, Al, and a lot of the reasons you mentioned, particularly the Cadiz groundwater project.

MEMBER MITCHELL: Just an update on what we talked about on the DRECP where we are going through. And thanks about that, Al, I guess Palm Springs will -- I have already visited with them about those cattle and different issues. Obviously there has to be a plan, and they have had a lot of people go there and they haven't done the studies yet. Somebody is going to have to go and look. It's not going to be easy and it's going to be costly. So I ask to be involved in those studies just to help the BLM out on that issue. But that's all I have. Thank you.

CHAIR BANIS: Any other comments? Items for next agenda?

MR. MARTIN: Could I make a suggestion that we address the ACECs in respect to vested mineral rights and how these claims that my constituents own have now become worthless because of the maximum disturbance allowances within the ACEC areas. And just address
this problem because it does affect nonrenewable resources dramatically.

VICE-CHAIR BURKE: And for the umpteenth time, can we have our next meeting in Ridgecrest, please?

CHAIR BANIS: Well, thank you everybody for sticking around so long. Appreciate the presentation from Russ, and thank you, Beth, for putting your team together to hold this meeting. And Council members for taking time out of your weekday. And I appreciate everybody working so hard in trying to come to some form of advice for the BLM. We did our job and we did the very best we could today, and I'm happy and proud of that.

DISTRICT MANAGER RANSEL: So I just want to say just a couple closing comments. I want to say a big thank you to the DAC members and the service that they are providing and serving on the Desert Advisory Council and making yourself available on short notice to attend this meeting. I really appreciate all the comments and the engagement that all you have. And it's a heck of a Council and I'm very honored to be a part of it.

As far as the public goes, I appreciate you hanging in there, and I know the timing of this meeting might have been difficult for some. And I
I really appreciate all of those who are able to attend today. And it's not lost on me that your time is precious, and for you to spend your time with us and be here and to engage and bring your comments forward to provide to the Desert Advisory Council, I definitely appreciate that. So thank you to all of you, and that's it.

CHAIR BANIS: Do I have a motion to adjourn? Thanking Jennifer for your many, many years of service to the Desert Advisory Council and congratulating her for her future opportunities.

A motion and second? All those in favor? (Voice vote taken.) We are adjourned at 5:08. Thank you, everybody.

(Meeting adjourned at 5:08 p.m.)

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M-O-T-I-O-N-S

A. Maker: Muth/Banis
   Seconder: Burke
   Motion: See below
   Result: Carried

"Advise the Bureau to proceed cautiously with implementation and examine issues that can be amended, minor amendments to the LUPA, and emphasize in that language that the grazing issue must come to a head and be resolved, top of the agenda, in fairness to longstanding family interests, custom and culture of the land. And we further advise continued public input throughout the rest of the process; that each DAC member recognizes that we all have troubling concerns with the reopening of the DRECP, but we advise to proceed cautiously with implementation."
B. Maker: Banis
   Seconder: Kenney
   Motion: To adjourn the meeting
   Result: Carried.
I, Judith W. Gillespie, CSR No. 3710, in and for the State of California, do hereby certify:

That the foregoing pages were taken down by me in shorthand at the time and place stated herein and represent a true and correct transcript of said proceedings.

I further certify that I am not interested in the event of the action.

Witness my hand this day of , 20 .

Certified Shorthand Reporter in and for the State of California.
ADDENDUM A

Document dated February 27, 2018
Document dated February 21, 2018
Document dated March 14, 2018
Document dated March 20, 2018
Document dated September 14, 2007
Document dated May 12, 2008
Document dated March 18, 2018
Document entitled The Four Pillars of FLPMA
Document entitled DRECP Review FR Do. 2018-02098
Document entitled Reinstatement of DAC Meetings
Document entitled Recreational Target Shooting