

In the Matter of:

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

Reporter's Transcript Of Proceedings

03/20/2018

Job #: 126236



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1 U.S. DEPARTMENT OF THE INTERIOR
2 BUREAU OF LAND MANAGEMENT
3 CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL
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17 REPORTER'S TRANSCRIPT OF PROCEEDINGS
18 TUESDAY, MARCH 20, 2018
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23 JOB NO. 126236

24 REPORTED BY: JUDITH W. GILLESPIE, CLR, CSR NO. 3770
25

1 MEETING OF THE U.S. DEPARTMENT OF THE INTERIOR BUREAU
2 OF LAND MANAGEMENT, CALIFORNIA DESERT DISTRICT
3 ADVISORY COUNCIL AT HILTON GARDEN INN, MIRAGE ROOM,
4 12603 MARIPOSA ROAD, VICTORVILLE, CALIFORNIA,
5 COMMENCING AT 12:08 P.M. ON TUESDAY, MARCH 20, 2018,
6 BEFORE JUDITH W. GILLESPIE, CSR NO. 3710.

7
8 APPEARANCES

| MEMBERS PRESENT: | REPRESENTING: |
|-----------------------------|---------------------------------|
| 9 | |
| 10 RANDY BANIS, CHAIR | RECREATION |
| 11 ROBERT BURKE, VICE CHAIR | PUBLIC AT LARGE |
| 12 LESLIE BARRETT | RENEWABLE RESOURCES |
| 13 MICHELLE LONG | TRANSPORTATION/RIGHTS OF WAY |
| 14 NATHAN FRANCIS | NONRENEWABLE RESOURCES |
| 15 ROBERT ROBINSON | TRIBAL INTERESTS |
| 16 AL MUTH | WILDLIFE |
| 17 JAMES KENNEY | PUBLIC AT LARGE |
| 18 WILLIAM "BILLY" MITCHELL | RENEWABLE RESOURCES |
| 19 FRAZIER HANEY | ENVIRONMENTAL PROTECTION |
| 20 PAUL MARTIN | NONRENEWABLE RESOURCES |
| 21 BETH RANSEL | DESERT DISTRICT MANAGER |

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1 APPEARANCES - CONTINUED

2 MEMBERS OF THE BLM PRESENT:

3 STEPHEN RAZO, EXTERNAL AFFAIRS DIRECTOR, CDD

4 JENNIFER WOHLGEMUTH, DISTRICT MANAGER STAFF ASSISTANT

5 MARTHA MACIEL, CA DEPUTY STATE DIRECTOR,
6 COMMUNICATIONS

7 RUSSELL SCOFIELD, BLM

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A G E N D A

| AGENDA ITEM: | PAGE: |
|---|-------|
| Welcome/Pledge of Allegiance, Introductions Approval of Feb. 25, 2017 meeting transcript, Review of agenda and procedures for public comment | 5 |
| State Director's Report, Martha Maciel, CA Deputy State Director, Communications | 10 |
| CDD District Manager report, Beth Ransel, District Manager | 14 |
| DAC questions/comments on DM report | 22 |
| Public questions/comments on DM report | 29 |
| Afternoon break | 45 |
| Advisory Council member reports and Chair close-outs from previous meeting(s) | 45 |
| California Desert Conservation Area (CDCA) Plan | 49 |
| DAC discussion on CDCA Plan | 59 |
| Public questions/comments to DAC on CDCA Plan | 101 |
| Wrap-up and summary, future agenda items, Council questions | 153 |
| Adjournment | 155 |
| Motions | 156 |
| Addendum | 158 |

1 VICTORVILLE, CALIFORNIA; TUESDAY, MARCH 20, 2018

2 12:08 P.M.

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

5
6 CHAIR BANIS: Going morning, everyone. I
7 call the meeting to order at 12:08 in the afternoon.
8 Thank you, everyone, for coming out on the first day
9 of Spring. Before I do the introductions, there is
10 one Paul Martin, new member of the Desert Advisory
11 Council. And I have asked him if he would lead us in
12 the pledge of allegiance.

13 (The Pledge of Allegiance was recited.)

14 Thanks, Paul; thank you, everyone. Today the
15 Desert Advisory Council is meeting to consider
16 questions regarding amendments for the California
17 Desert Conservation Area Plan. The topic on
18 everyone's mind is obviously the DRECP, and I want to
19 first of all make sure everyone understands what the
20 role of the Desert Advisory Council is and the role
21 that you play as members of the public at a public
22 Desert Advisory Council meeting. So first, this is
23 not a scoping meeting for any project, proposal or any
24 plan today. This is an opportunity for the Desert
25 Advisory Council to provide advice to the Desert

1 Manager, the BLM, and through them to the Secretary of
2 Interior on the matters before us today. We take
3 public comment prior to coming to those decisions and
4 coming to our opinions, and your public comments are
5 very important in how we arrive at our opinions and
6 the advice that we may give, if any.

7 But what is going to be very important today
8 is that you focus your comments to the Council
9 members, those of us seated here at the table, because
10 we are the ones who are trying to figure out what
11 advice to provide to the BLM. This is not a scoping
12 meeting, per se, so we need you to address your
13 comments to us, to the Advisory Council rather than to
14 the BLM. There may be opportunities for questions
15 regarding the presentations, but generally this won't
16 be an information session geared for the public in
17 terms of scoping for the DRECP. I hope I have been
18 able to frame that well enough so that your
19 comments -- the goal here is not for me to be a bad
20 guy or try to limit what you want to say.

21 My goal here is to help you in making your comments
22 substantive and weighty. So if you say "addressing
23 the Desert Advisory Council on these topics," I assure
24 you that is where your comments will have the most
25 effect. So thank you for that brief introduction, and

1 now I'm going to introduce the other members of the
2 Board. Let's start to the right with Al.

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

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

7 MEMBER MUTH: Background: Professional biologist.
8 Ph.D, University of Wisconsin, 36-year director of
9 Boyd Deep Canyon Research Center and University of
10 California National Reserve System Unit. Second go-
11 around on the Desert Advisory Council.

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

17 MEMBER MITCHELL: Billy Mitchell, fourth
18 generation. Chairman of the Range Improvement Board,
19 first term on the Desert Advisory Council.

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

25 MEMBER HANEY: Frazier Haney. I'm the

1 environmental protection person on the Desert Advisory
2 Council, and I have a background in biology but also a
3 long history with some of the conservation work in the
4 California Desert National Monuments and work for a
5 couple of NGOs that help with management, as well.

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

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

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

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

24 VICE-CHAIR BURKE: I'm the vice-chairman of the
25 Desert Advisory Council, and my background is the

1 desert itself. I'm the vice-chairman of the Society
2 For Conservation of Elkhorn Sheep. I represent the
3 public-at-large and just about everybody else.

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

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

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

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

1 been up to these last several months.

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

8 DEPUTY STATE DIRECTOR MACIEL: Good afternoon.
9 Thank you, Beth, and thank you, Randy. Martha Maciel.
10 I'm the deputy state director for communications for
11 the BLM here in California, and I'm stationed in
12 Sacramento. I'm here on behalf of our State Director
13 Jerry Perez and our Associate State Director Joe
14 Stout, both who wanted to be here today and were not
15 able to join us. Jerry is back in Washington, DC,
16 this week for the National Executive Leadership Team
17 Meeting with the rest of the BLM leadership back in
18 DC. Jerry has spent quite a bit of time in the
19 desert. For the last two years he has been State
20 Director of California and prior to that he was a
21 State Director in Oregon and Washington with the BLM.
22 In late February and early March, he spent quite a bit
23 of time traveling through the desert attending the
24 public scoping meeting and hopefully you have had an
25 opportunity to meet Jerry and share some of your

1 thoughts on various issues on public land. If you
2 haven't met Jerry, I'm sure he will be back to the
3 desert soon, and you will have an opportunity to meet
4 Jerry then.

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

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

23 Just wanted to give you an update on a couple of
24 national issues. First of all, some of the leadership
25 positions back in DC. We have some new appointments

1 since you last met a year ago. So at the department
2 level, the Department of Interior, of course our
3 secretary is Secretary Ryan Zinke. Our deputy
4 secretary has been appointed, and that is David
5 Bernhardt. Under the Assistant Secretary for Land and
6 Minerals, we have Joe Balash. And then within the BLM
7 there is a -- we don't yet have an appointed National
8 Director. We do have Brian Steed, who is the Deputy
9 Director for Policy and Programs, and he is fulfilling
10 the role of the acting director until a director is
11 appointed. And Mike Nedd is the Acting Director For
12 Operations, so we have folks working really hard every
13 day back in DC so that we are successful here in the
14 field.

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

24 The priorities and the focus revolve around a
25 number of themes, one being expanding outdoor

1 recreation and access, providing energy development
2 and independence, shared conservation and modernizing
3 our organization and infrastructure for the next 100
4 years.

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

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

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

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

24 MS. MACIEL: Absolutely.

25 MEMBER MITCHELL: Who is responsible for the

1 ranching industry for renewable resources? Who is
2 going to be heading that up under Washington, DC,
3 under the secretary? Who is going to be taking care
4 of the renewable resources or the ranching industry or
5 do you know?

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

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

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

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

25 DISTRICT MANAGER RANSEL: All right. Thanks,

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

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

1 Washington office.

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

17 We also were able to have a notice published to
18 announce a meeting of the Dumont Dunes Subgroup, and
19 that notice included two meetings of the Dumont Dunes
20 Subgroup, so we are happy about that. And the first
21 meeting for that subgroup is going to be Saturday from
22 noon to 2:30 at the Barstow Field Office, and that
23 meeting is open to the public. And I believe we have
24 the news release at the public information table. And
25 I think the news release just had the one meeting, but

1 the Federal Register notice also announced there will
2 be a second meeting later this year.

3 And then big ticket items of interest. February
4 2nd the Notice of Intent was published to initiate the
5 public scoping process for potential plan amendments
6 and environmental analysis documents. And that will
7 be the main item on our agenda today. We just
8 completed eight public scoping meetings as part of
9 that effort, and it's considering changes to the three
10 Land Use Plans underlying the DRECP planning effort.
11 So it's the CDCA Plan, the Bishop Plan and the
12 Bakersfield Plan. So we will be delving into that
13 more today.

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

17 On February 6th the DRECP withdrawal application
18 was canceled, and so those lands are no longer
19 segregated. So that was a big announcement by the
20 department related to the lands here in the desert.
21 And then on March 16, we announced the availability of
22 the Draft Supplemental Environmental Analysis for the
23 West Mojave Route Network Project, also known as WEMO.
24 That news release was on the public comment table, as
25 well, for anyone interested in that. And there is

1 going to be four open house public meetings associated
2 with that, beginning April 17th I think is the first
3 meeting for that effort. Dates and locations for that
4 are in the news release that is available.

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

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

17 And then Palin Solar, we have -- we are working on
18 finalizing the final Supplemental Environmental Impact
19 Statement and Land Use Plan Amendment. And that is
20 for the revised technology of the approximately
21 4,200-acre Palin Solar PV Project near Desert Center
22 in eastern Riverside County. And we are getting close
23 to finalizing that, so we anticipate an announcement
24 soon on that.

25 On March 14 we modified our fire restrictions, so

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

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

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

1 field office and getting their staff whole.

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

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

19 We are working on -- still working on trying to
20 get what we call position description finalized to
21 hire a District Outdoor Rec Planner Position, which
22 will probably have high interest to this group. That
23 position is going to be critical to help us address
24 some of the things identified in the special
25 recreation permit review. I think we had had a

1 presentation on that a year and a half ago, and we
2 want to get some more momentum to getting that
3 addressed, as well as there is a subgroup that hasn't
4 met yet, the Special Recreation Permit subgroup, and
5 that position will be key to helping facilitate having
6 a meeting of that group and actually getting some
7 actions taken relating to that.

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

23 And on a final sad note, I'm going to announce
24 that Jennifer, who is our -- she is our foundation for
25 the meetings that we have, the Desert Advisory Council

1 meetings -- Jennifer has been with us here in the
2 desert for 31 years. And she has over 36 years of
3 federal service. And she has accepted a position to
4 do her dream job as a realty specialist in Nevada at
5 the Battle Mountain field office.

6 (Applause from the attendees.)

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

16 And that's the end of my report.

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

22 MEMBER MUTH: Thanks for that lengthy report.
23 Could you go back and sort of reiterate what you had
24 to say about the DRECP land withdrawals, the dates and
25 whatever documentation is available to look at that?

1 DISTRICT MANAGER RANSEL: Admittedly, I have the
2 date that the DRECP withdrawal application was
3 canceled and that was February 6. But I don't have
4 all the other details on me right now. So what
5 happened was as the previous administration was
6 heading out the door, we actually published a notice
7 in the Federal Register that filed an application to
8 withdraw 1.3 million acres of NCL land in the desert.
9 And that filing of that application, the temporary
10 segregation of those lands, which means it sort of put
11 a temporary withdrawal from mining activities,
12 location of mining claims -- let me restate that.
13 Location of new mining claims on those acres that were
14 identified. And then this year, on February 6th, there
15 was another notice that was published that withdrew
16 that application. So that segregation and the
17 withdrawal is not in place on those acres anymore.
18 And it was determined that there wasn't a high risk to
19 those landscapes from some mining activity that might
20 take place for new claims that might be filed.

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

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

25 DISTRICT MANAGER RANSEL: That will state it way

1 better than I have. I will provide you the details.

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

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

16 MEMBER MITCHELL: Thank you.

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

19 MEMBER HANEY: I would like to say thanks for
20 convening the meeting today. I know it's a lot of
21 work for the staff, and thanks for getting it in
22 before the end of the comment period. I would also
23 like to take a moment to remind ourselves that we
24 voted the last time we met to convene a DRECP
25 subgroup, and we need to get that restarted. So I

1 wonder if you could give us your thoughts on that as
2 to timing and membership.

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

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

17 DISTRICT MANAGER RANSEL: You are correct. There
18 was a call for nominations to the subgroup, and we had
19 not stood up that subgroup yet either. So there has
20 been some effort and work that's happened behind the
21 scenes to prepare for Monument planning to entering a
22 Monument phase for Monument Trail. But we have not
23 yet gotten to where we are well-poised to initiate
24 planning yet. That's the best I can do as far as
25 update right now, but we can give some thoughts to the

1 subgroup.

2 MEMBER HANEY: One last question. But it's
3 apparent after getting the publication about WEMO, it
4 looked like there were around 6300 miles of route in
5 the preferred alternative. So it looks to me like
6 that after this kind of making WEMO informed --

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

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

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

16 MEMBER HANEY: Thank you.

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

22 CHAIR BANIS: If I could, staying on the subject
23 of the DRECP subgroup that you suggested we reopen
24 nominations for, are there any objections from the DAC
25 for re-opening the nominations for that DRECP

1 subgroup? Do we have any problem with continuing to
2 accept the applications we already received and not
3 make members of the public resubmit? Is that okay?
4 Is that all right? Are those two pieces of advice
5 helpful?

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

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

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

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

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

25 MEMBER LONG: Just as far as scheduling future

1 meetings for the Desert Advisory Council, our previous
2 meetings were on Saturday. I wanted to put that out
3 there. Saturdays are generally more convenient
4 because most of us have day jobs. If we could do
5 that.

6 CHAIR BANIS: Very good. And just to say that the
7 genesis of the meeting with the conversation that I
8 had with Beth and with Steve was in full recognition
9 of all the shortcomings with which we would be faced
10 here. I guess I was just very happy to see the
11 Advisory Council had been given the green light to be
12 able to at least get up and maybe go for a short jog,
13 perhaps, before we are unleashed for a full run. And
14 in recognition of that, I hope this will just help us
15 gear up for the next meeting where I do hope we will
16 return to our regular type of schedules and agenda.
17 So I hope that didn't upset you too much for my
18 working with the Bureau to schedule this meeting
19 today. I did feel it was valuable, at least if not
20 for us, for the members of the public. And I'm
21 essentially super pleased that everybody made it on
22 such short notice. Everything else I knew would be
23 wonderful, the only thing I was worried about. So
24 again, Al, Crazy Al's drive coming down from beautiful
25 Truckee River.

1 I have questions from the public on the Desert
2 Manager's report. I had four cards that indicated
3 that. I have John Stewart, Sam Merk, Ron Schiller and
4 Marie Brashear, if you have questions. And also one
5 from Elizabeth, so we have five. John.

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

21 One thing not mentioned that is a major impact is
22 there have been news reports of a BLM reorganization.
23 That will have California BLM split into two, maybe
24 three different regions throughout the west. And as
25 that would realign the Southern California area, from

1 published reports, I realize the Southern California
2 area more into the Colorado plateau, including Nevada
3 and Arizona. And this is something that's of a high
4 level of importance and interest to the people that
5 live and recreate in the Southern California desert
6 region. So it's something we need more information on
7 that, and we would like to see what is transpiring for
8 the future. So thank you.

9 MEMBER BANIS: Thanks, John. Sam?

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

19 I have some deep concerns that this meeting -- I
20 don't see a person here that is what you call an
21 elected official. And I wonder about that. Even
22 though the Desert Advisory Council amended it, I
23 wonder, because according to FLPMA, it was
24 specifically called out that it should be an elected
25 official to be at these meetings.

1 I also have concerns that the public did not get
2 enough notification under the Register, the Federal
3 Register, and that is under the American Procedures
4 Act. And it gives us the guidelines for all agencies.
5 That came about in 1946. I wish that a lot of the new
6 members would read some of the old documents,
7 including the Desert Plan and what it really stood for
8 and what it really stood for the public. We
9 appreciate the fact the public is being able to talk
10 to the DAC members. Thank you.

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

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

22 I thank you for having a DAC meeting. However, I
23 learned about the DAC meeting on Sunday. I made some
24 phone calls. Some people in the audience had never
25 heard of the DAC meeting today. People who wanted to

1 be here couldn't be here because they didn't know in
2 time. I think, just to give you a sort of a little
3 heads-up, the DAC in 42 years has never met in the
4 middle of a week or on a workday in the middle of the
5 day.

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

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

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

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

18 MR. SCHILLER: Yes. I'm one of the ones Marie
19 called. And yes, I'm a past member of Desert Advisory
20 Council. I haven't been to a meeting in a while
21 because we haven't had one. I know we have had a
22 couple scheduled up in Ridgecrest, and they never
23 materialized. And I'm kind of frustrated, and a lot
24 of other folks, because Congress felt it was important
25 enough to create the Desert Conservation Area Plan and

1 include public involvement through a DAC, not a RAC.
2 And that's defined in public law commonly known as
3 FLPMA. And that should be honored.

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

15 Everything you folks do has an impact on my local
16 community. I'm a rockhound. I've lived in Ridgecrest
17 California since 1957. In 1957 there wasn't a lot of
18 stuff to do in Ridgecrest excepting out on public
19 lands, while if you lived in LA or even down here in
20 Barstow and Victorville, you still have a lot of stuff
21 to do. In Ridgecrest we don't. We depend on the
22 public lands for hunting and fishing and recreation,
23 getting out of the heat in the summer, getting up in
24 higher country. So I want you to know that what you
25 do impacts us directly. And I think that's about

1 all -- oh, and the Federal Register notice. I went
2 back and looked at the Federal Register notice for
3 this meeting, and it was March the 9th. Was that 10
4 days, something like that? That's way too short for
5 people that get together, although it don't make any
6 difference if you are not going to advertise it. Ten
7 days before the meeting, people won't show up anyway.
8 You might let us know a little earlier and have it so
9 working people can come to the town and put in their
10 input.

11 Thank you very much for your time.

12 CHAIR BANIS: Thank you for coming out, Ron.

13 Lisbet?

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

23 First, I want to say how very glad I am for this
24 Desert Advisory Council meeting, albeit during the
25 middle of the week out of regular order, which

1 convenes for the first time since February 23 last
2 year. The Desert Advisory Council meetings are the
3 most important we, the public, have to engage in the
4 BLM by the Council to learn what is going on, what is
5 being planned, and to provide us an opportunity to
6 give some input. So I just want to say thank you.
7 The rockhound community has missed you.

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

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

24 And second, if BLM does post these reports or
25 briefs, could you please send it out in a broadcast

1 e-mail containing the hyperlink to the URL destination
2 Web pages and make sure that these URLs are permanent
3 destination links, because very often many of our
4 clubs post these URLs and after your latest BLM Web
5 site overhaul, a lot of those links become dead links.
6 And we want to make sure there is a permanent
7 track-back to some of the important documents that you
8 do produce and make available to the public. Thank
9 you.

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

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

15 MR. STEWART: Good afternoon. John Stewart,
16 California Four-Wheel Drive Association. One thing I
17 would like to bring to the Council's attention is that
18 a recently released Bureau of Economics report -- and
19 this comes out of the US Department of Commerce --
20 indicates that outdoor recreation is 2 percent of the
21 gross domestic product in 2016. And what is further
22 interesting is that when the growth rate of the
23 overall economy during this time frame was a mere
24 anemic 2.8 percent, recreation was growing at a rate
25 of 3.8 percent. I would request that the Council look

1 at this report about the impact of recreation and put
2 that to the agenda for future Desert Advisory Council
3 meeting consideration.

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

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

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

23 CHAIR BANIS: I have speaker requests for items
24 not on the agenda from the Friends of Juniper Flats.
25 Jenny, would you like to go first? And I take it you

1 would like me to pass these out to my colleagues?

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

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

25 So I have been in contact with the Barstow office

1 and also the County of San Bernardino, and they are
2 working it out since 2016, because this incident was
3 in 2016. So they are working it out, but I haven't
4 heard anything and nothing has happened. It's still
5 going on.

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

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

23 Also, there is no notice in the area or on some of
24 the brochures there is no indication that a person
25 doing a group activity might even need to look into a

1 permit. And we have a permit on-line for campfires
2 and wilderness permits. You just go on-line, you fill
3 out the form, you look at the video and you print out
4 your permit. Something as simple of that would be
5 great for small groups of activities.

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

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

19 COUNCIL MEMBER BANIS: Thank you. If there is no
20 objection from the Desert Advisory Council, I think it
21 would be good referral to our SRP subgroup. That's
22 what we are hoping to take on is those exact same
23 issues. So that is on the Desert Manager's -- in her
24 notes that we do want to restart the process. You can
25 see that there are still concerns from the public over

1 the confusion of applicability and necessity of
2 special recreation permits. I'm still in favor of
3 having that subgroup move forward and advise the
4 Desert Advisory Council on that in the future.

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

23 So I would like to refer those two items to the
24 subgroup and our future WEMO decision. Billy, I hope
25 I didn't take the thunder out of yours.

1 MEMBER MITCHELL: You forgot I'm seventy and I
2 forgot what I was going to say. There is none on
3 Hodge Road and even in shotgun only, they were
4 supposed to have a hunting license. And there is
5 something to shoot at. You can't go out and shoot
6 skeet and stuff like that. That's what I was told and
7 my wife and I ran because we had a terrible problem
8 there. And I would like you to get ahold of Mark
9 Brown back here. There is a different set of rangers,
10 an attitude with the rangers at the BLM now, and I'm
11 sure Mark can give you a card. They have done
12 extensive work on Rattlesnake Canyon, not just
13 shooting but OHVs, numerous tickets. They had a
14 ranger, they are working on right now -- and excuse
15 me, Mark, I forgot his name. But between Juniper
16 Flats and Rattlesnake Canyon. We are also working
17 with an MOU with the sheriff's department -- we don't
18 know how far that's going to go yet -- to utilize both
19 of them together for all the problems that you are
20 having and the ranching industry is having. So I hope
21 that helps you. Thank you.

22 CHAIR BANIS: Any comments or questions, comment
23 cards for items not on the agenda? Barbara Hampton,
24 also from Friends for Juniper Flats, comments. You
25 have three minutes on the floor.

1 MS. HAMPTON: Some of this will probably be
2 redundant. Barbara Hampton. I have lived in the high
3 desert now for well over 30 years. And this is a
4 fairly residential area that abuts all of this desert.
5 And friends and I go hiking quite a bit. And our
6 concerns are also with the preservation of what we
7 have: the wildlife, the plants and the children. Not
8 a year goes by that someone goes off trail, because we
9 don't have many trails, gets injured, falls, drowns,
10 has to be helicoptered out of our public lands because
11 we don't have the designated trails. So they go
12 wandering. And quite frankly, on the few trails that
13 I have been on, like Bonita Vista, which Friends of
14 Juniper Flats helped to create, Straight Falls, I have
15 invariably come across massive piles of shotgun
16 shells. And my concern is equal. Even if the shotgun
17 is allowed, and I use firearms, they are near trails
18 that are preexisting. There is no signage telling
19 people how to take care of themselves or specific
20 areas to shoot, which I think would be tremendously
21 helpful. Otherwise, they won't be attracted to go to
22 Straight Falls. And people come here to Juniper
23 Flats. I have met people from Los Angeles, Riverside
24 and Big Bear. So it's a drawing point, especially
25 around Straight Falls.

1 And I'm really concerned if we could only just
2 have, even aside from designated trails, some signage.
3 What do you do when you see a rattlesnake? No, you
4 don't shoot it. You are going on a designated trail.
5 Bring water. Something educational so that when the
6 children leave, they are not only walking on their own
7 two feet, they have learned something. That's all.
8 Thank you.

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

11 MS. HAMPTON: Yes.

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

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

24 Also, we used to get written reports from the
25 director and from the field managers' reports. And I

1 find that lacking in this meeting also.

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

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

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

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

23 I missed an item, Council Members' Reports. Do I
24 have any Council Member reports? Al, you have the
25 floor.

1 MEMBER MUTH: Thank you. I'll start my report by
2 saying you all look about a year older, except for me.
3 But this has not been a year to instill happiness in
4 me. There have been a lot of issues that have
5 continued on down the line without our input, and I
6 would like to request several issues to be put on
7 future agendas. But I will do that toward the end.

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

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

24 I would also point out that in my opinion, we
25 spent eight years, 14,000 plus public comments, heaven

1 only knows how many million of dollars on the DRECP,
2 and in the stroke of a pen, any reason to have faith
3 in the Bureau? Their word or the process has gone out
4 the window. I mean, how are you planning to
5 reconstitute what has been lost in the reopening of
6 the plan?

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

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

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

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

23 MEMBER KENNEY: People in my area have lost all
24 faith in the BLM as far as the Website goes. Most of
25 the people, myself included, find that about 60 to 75

1 percent of those links that have been sent out and/or
2 sent to us by other people are frequently not working.
3 And it's really frustrating to tell a constituent,
4 here is where you go find that information. And you
5 go to a page that won't open, especially on Friday or
6 the weekend. There must be absolutely nobody home to
7 make sure those pages are there. It really has -- in
8 my area has really hurt the validity of the BLM's
9 whole premise of managing the desert.

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

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

25 That said and done, if there are no objections we

1 would like to move on to the presentation.

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

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

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

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

16 So what I'm going to talk about today is the
17 proposed Land Use Plan Amendment to the land use plans
18 underlying the area covered by the Desert Renewable
19 Energy Conversation Plan. So the purpose of today's
20 briefing, at least, is to provide information to you,
21 the Desert Advisory Council members, that would help
22 you formulate any advice that you would give the
23 Bureau on this plan amendment. So just a reminder, as
24 Randy said earlier, this is not a public scoping
25 meeting. We will talk a little bit about the public

1 scoping period, but this is not that public scoping
2 meeting. And any comments made in the meeting today
3 will not become a part of the public comment scoping
4 report. If you do have comments, then those need to
5 be made. And again, I will provide that information.
6 But those need to be made through the proper channels.

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

1 So let's talk about the planning area overview.
2 So as I said, what we are talking about here is the
3 three land use plans which underlie the DRECP. And
4 those are, of course, the California Desert
5 Conservation Area Plan, which you are all very
6 familiar with. And then also a portion of the Bishop
7 Resource Management Plan and a portion of the
8 Bakersfield Resource Management Plan. So as you all
9 know, those three plans were amended by the DRECP in
10 2016. And the goal of the DRECP was to support
11 streamlined renewable energy development as well as
12 provide a conservation strategy that supports multiple
13 use upon the public lands.

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

22 BLM does not make planning decisions and does not
23 have jurisdiction on anything except for the yellow
24 part of the map, the public land administered by BLM.
25 Let's talk about what the current land use plans say.

1 So renewable energy development: Currently we
2 have 388,000 acres of transmission-aligned development
3 focus areas or DFAs that are identified for wind,
4 solar and geothermal development. Most are not
5 technology specific or to use of our geothermal
6 public. Those are the areas that are sort of bright
7 pink on the map. There are also about 40,000 acres of
8 what we call variance processed lands. Those are the
9 lands that may be suitable for renewable energy, but
10 they weren't necessarily the ones that the industry
11 said was super valuable for renewable energy
12 development. And on various processed lands, we can
13 accept an application for renewable energy, but they
14 have to go through the variant process, which is
15 prescribed in the West Watt Solar PEIS, which preceded
16 the DRECP.

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

1 lands.

2 Conservation lands: So we have, across the three
3 plans, we have about six and a half million acres that
4 are managed for conservation in several different
5 allocation. The California Desert National
6 Conservation lands, those are the lands that were
7 established pursuant to Public Law 10111, those lands
8 that are managed for conservation purposes within the
9 CDCA.

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

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

24 So recreation: I know recreation is a high
25 priority topic for many of you. We have approximately

1 four million acres managed within the desert with a
2 recreation focus. And when we talk about management
3 for recreation focus, we are talking about the whole
4 gamut of recreation, everything from hiking and
5 backpacking to open OHV use. So these lands do
6 include the open OHV areas, but they also include many
7 of what your formally referred to as the limited use
8 areas, limited route areas. And those recreation
9 areas are primarily in two designations: Special
10 recreation management areas, and then also extensive
11 recreation management areas, or SRMAs and ERMAs. Of
12 course, we have to have fun acronyms.

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

25 Mining and minerals: So DRECP recognizes the

1 importance of high priority mineral areas. DRECP
2 provides access to folks' mining claims and really,
3 the existing plans provide for the development of
4 mineral resources, while also providing for the
5 protection of natural and cultural resources. In
6 association with development of the DRECP, a
7 programmatic agreement was developed under Section 106
8 of the National Historic Preservation Act. And
9 really, what that programmatic agreement does, it
10 defines the roles both for the tribes and for other
11 consulting parties. And it develops a consistent
12 process that will be followed throughout the plan
13 area. And the programmatic agreement also establishes
14 a set timeline so project developers, renewable energy
15 project developers will know exactly what the roles
16 are and what process is and what the time line is
17 consistently across the desert. And currently
18 government to government consultation with tribes is a
19 constant ongoing process for BLM. And just as I said
20 before, DRECP remains in full force and effect until
21 it's amended. Similarly, the programmatic agreement
22 and our commitments in the programmatic agreement
23 remain in place.

24 So let's talk a little bit about how we got to
25 where we are right now. So as, again, you are all

1 aware, both Governor Schwarzenegger and Governor Brown
2 created a pretty ambitious renewable energy portfolio
3 standard for the state. 2008 it was set at 33 percent
4 renewable energy, recently at 50 percent. And I hear
5 there is legislation now that would make it 100
6 percent. I don't know in what stance that legislation
7 is. Then we have a couple of executive orders. The
8 one Executive Order 13783, that's the one that
9 Dr. Muth mentioned, which is promoting energy
10 independence and economic growth. And then we have
11 another executive order, and this is something that
12 the president talked about at an agriculture meeting,
13 I believe, in Tennessee. He talked about expanding
14 broadband Internet connectivity and removing barriers
15 for expansion of that capability. So these are the
16 executive orders that we see cited in the Notice of
17 Intent issued February 2nd, which kicked off the
18 public scoping period.

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

1 Advisory Council members when we are done.

2 So that gets us to the Notice of Intent, which is
3 where we are right now. So as I said, February 2nd,
4 2018, BLM published the Notice of Intent to kick off
5 the public scoping period that we are currently in.
6 And what we said was that we would amend --
7 potentially amend the three land use plans within the
8 DRECP planning area. So we hosted eight public
9 meetings. Some of you went to those meetings. I see
10 some familiar faces. They were very successful. Lots
11 of public participation, which is good. And we are
12 really seeking comments in the public scoping period
13 on the potential impacts that land use designations
14 made in the land use plans have on commercial scale
15 renewable energy as well as comments on other multiple
16 uses on public lands.

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

25 So what comes next? What are we doing with

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

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

22 And if we do move forward with a land use plan
23 amendment, here are the steps. So we would formulate
24 alternatives, as I said, incorporating the public
25 comments from the scoping report. And then we would

1 release a draft plan amendment with an environmental
2 analysis. And depending on the plan amendment, it
3 could either be at an environmental analysis level if
4 it's a minor plan amendment, or if something major, it
5 would need to be done with an EIS. So we would then
6 release a proposed land use plan amendment and a final
7 environmental analysis, again, either an EA or an EIS.
8 We would need to conduct a governor's consistency
9 review and a protest period. And then we would
10 publish a final decision and final land use plan
11 amendment.

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

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

20 MEMBER HANEY: Thank you, Russ. One comment from
21 an environmental protection standpoint is that we got
22 a great deal accomplished at DRECP for conservation of
23 the desert. At the same time as we were doing that,
24 our belief was that we would leave many uses intact.
25 Open routes on designated trails. And one of the

1 things that has come up that's important to me and I
2 think important to a lot of people in the room is the
3 way the DRECP has or has not limited casual surface
4 use, but specifically rockhounding. So I wonder if
5 you could answer the question, which is, does DRECP
6 limit rockhounding in casual surface use in any of the
7 land use allocations?

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

17 And as I said, DRECP, not being a travel
18 management plan in and of itself, also doesn't really
19 do anything to either limit or expand access. So
20 if -- you know, if a mining operation, rockhound
21 operation, were to move beyond casual use into the
22 commercial realm, whether that be through the need to
23 issue a Special Recreation Permit or if it's just
24 because of the size of operation, a commercial
25 operation, then that might be a little bit different

1 story. Special Recreation Permits would have to be in
2 conformance with the land use plan. They would have
3 to comply with the conservation management actions
4 within the DRECP. Similarly, if it's a mining claim,
5 a mining claim, we are not going to deny reasonable
6 access to a mining claimant to work their mining
7 claim. However, we also have performance standards
8 which that claimant will need to adhere to. So does
9 that answer your question?

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

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

20 CHAIR BANIS: If I may, to get a little deeper in
21 the weeds, I do recall there may have been one, maybe
22 two very isolated CMAs within the ACEC worksheets that
23 may have identified specific locations that there may
24 be concerns about rock collecting interfering with
25 vertebrate activity or cultural or something like

1 that. But it was very limited. It was one, maybe two
2 CMAs across the 130 ACECs. On the converse, I believe
3 there was even one ACEC that has the name "rock
4 collecting" in it. Something of that nature in it.
5 So even on the converse, there was one ACEC that was
6 actually set aside with the primary purpose of
7 fostering that collecting activity.

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

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

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

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

22 MR. SCOFIELD: Yes, that's correct.

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

25 MR. SCOFIELD: Well, it depends. Environmental

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

8 CHAIR BANIS: Al?

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

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

25 MR. SCOFIELD: So I don't know the status of

1 Interior's report under that executive order. I don't
2 have an answer for you on that.

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

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

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

18 DISTRICT MANAGER RANSEL: Maybe I can jump in
19 there. That's a fair comment. We would have to look
20 at the order or the Notice of Intent with your
21 question in mind in order to be able to provide a
22 robust response to your question. So on the spot, I
23 don't think Russ or myself are quite prepared for
24 that, but we could get back to you. I'm sure it's a
25 concern for you -- I can tell it is -- so I would

1 encourage any lingering concerns either to be part of
2 what this group sends in for consideration or as part
3 of a personal comment on this scoping effort that's
4 taking place, because we don't want to lose track of
5 those concerns. I think this should be part of the
6 process and given consideration.

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

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

17 So was there any consultation with the state-owned
18 and NOI in the proposed plan amendment? No, there was
19 not. Will there be as we move forward? Absolutely.
20 We have sent cooperating agencies invitation letters
21 to a variety of state and other federal and local
22 jurisdictions. Of course, any federal, state, local
23 or tribal government can become a cooperating agency.
24 So we certainly hope that while there was no
25 coordination with the state in the development of the

1 NOI, that as we move forward, that the state will be a
2 cooperating agency and engage as whatever juncture
3 they feel most appropriate and most helpful in the
4 process.

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

12 VICE-CHAIR BURKE: Hear-hear.

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

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

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

23 MEMBER MITCHELL: I asked a question about a
24 couple of leases that the BLM was virtually sitting on
25 for, I want to say, ten years. It might be 12 years

1 now. And a lady -- before you took over this project,
2 they were supposed to get back with me. And I never
3 got any of the questions answered at the other Desert
4 Advisory Council meetings nor to myself. And I guess
5 what I want to ask you is what does this land use plan
6 have anything to do with -- or this energy plan have
7 anything to do with removing grazing leases that were
8 not properly put out, that were applications filed for
9 in the Barstow resource area. Now, what does that
10 have anything to do with this energy plan? Go ahead
11 and answer that, and then I will have another one.

12 MR. SCOFIELD: The DRECP plan amendment, yeah, has
13 energy in its name and also conservation in its name.
14 It really addresses all of multiple uses on public
15 lands, the idea being that in order to support
16 renewable energy development and other multiple public
17 land uses, you have to have the sufficient
18 conservation strategy. So DRECP did a variety of
19 things that weren't directly related to renewable
20 energy. For example, DRECP established the recreation
21 designations that I mentioned a little while ago.
22 DRECP also established some visual resource management
23 categories that formerly had never been established
24 for the DRECP. So I'm not answering the why. I'm
25 answering the, yes, it did impact -- or I shouldn't

1 say impact, made planning decisions for essentially
2 every multiple use which BLM manages.

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

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

1 if we can.

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

4 MEMBER MITCHELL: It's already in.

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

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

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

16 MEMBER MITCHELL: Thank you.

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

19 MEMBER KENNEY: I'm concerned about this
20 conservation strategy in which case they have all
21 these ACEC's. And how does the surface disturbance --
22 which is not something we talked about in the first
23 comment whatever, and yet nobody has supplied a
24 realistic value of what that's going to be. We have a
25 number, 1 percent, but nobody has told us how much of

1 that ACEC is one percent. They give us a thing like
2 10,000-to-1 view, which means what? It doesn't mean a
3 thing to me and most of the people I talked to haven't
4 a clue. The thought of limiting an ACEC to 1 percent
5 in an area that's heavily mineralized and has been
6 mined consistently, the disturbance is going to be
7 extensive. Yet I can't get an answer from anybody,
8 and most of my constituents can't. Where is that
9 going? Do we have a value? Do we have an example of
10 what that is going to look like? I sure want to make
11 a comment about it, but nobody can give us an idea of
12 what we are talk looking at.

13 MR. SCOFIELD: We have those values --

14 MEMBER KENNEY: We don't.

15 MR. SCOFIELD: So there is a database that is
16 still being tested, which is why it was not made
17 available to the public yet, because it still has
18 quite a number of bugs in it. But there is a database
19 which the USGS has developed. They actually developed
20 it in support of the Greater Sage-Grouse, but we will
21 be utilizing that database for DRECP to manage those
22 disturbance caps. And once the USGS fixes the bugs in
23 that database, then it will be made available to the
24 public. And anyone with a computer and Internet can
25 look up the disturbance level of any ACEC.

1 MEMBER KENNEY: The disturbance has been listed
2 for most of them at 1 percent, but we have nothing to
3 base a comment on.

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

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

11 MR. SCOFIELD: How much what is already there?

12 MEMBER KENNEY: How much disturbance.

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

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

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

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

23 DISTRICT MANAGER RANSEL: Maybe I can jump in as
24 well. The current notice of intent, the scoping
25 period that's open, we are seeking comments on what

1 people like about the decisions made on the DRECP,
2 what decisions you think should be modified or what
3 you think shouldn't be there. It has unintended
4 consequences or interfering with development or
5 whatever use you are interested in. So those are the
6 comments being sought. So if there is an ACEC that
7 has a 1 percent disturbance cap and you think that
8 would be interfering with your use, I would encourage
9 you to make comments about that 1 percent disturbance
10 cap. I know the information isn't available about
11 what the base line disturbance is today, but that
12 information will be available soon. But in terms
13 of -- it's always good to have the information in
14 hand, so I don't disagree with that. But if the
15 1 percent is concerning you, definitely that would be
16 a very valuable comment to have. And if you can
17 describe what use you think it's interfering with or
18 what it is about that that concerns you, that's very
19 valuable and that's exactly the type of comment we are
20 seeking here.

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

24 DISTRICT MANAGER RANSEL: The plan that's the
25 disturbance cap, which would be the 1 percent, WEMO

1 would be using that disturbance cap to make decisions,
2 implementation levels of decisions on the ground. So
3 they may make route decisions related to that 1
4 percent cap. If the 1 percent is what is concerning
5 to you, that level is pretty minimal in terms of
6 disturbance, but I would encourage you to make that
7 comment during this DRECP scoping period, and then
8 there will be another bite of the apple. Or this is a
9 bite right now with the WEMO effort, but there will be
10 public meetings which will help inform your comment in
11 terms of the disturbance piece.

12 MEMBER KENNEY: Thank you.

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

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

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

23 MEMBER HANEY: If in an area the surface
24 disturbance cap is exceeded, but a project still wants
25 to go ahead, whether that's a new road or energy

1 project or whatever it is, does that mean it would
2 stop a project? Or does it just increase the
3 mitigation ratios?

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

15 CHAIR BANIS: Bob, you have the floor.

16 VICE-CHAIR BURKE: As I have been trying to say, I
17 just went through this. It took me over 18 months,
18 because of the National Monument. First it was DRECP,
19 the National Monuments, and so on. And we dealt
20 specifically with disturbance caps to move a wildlife
21 water system 300 feet. And it took 18 months to get
22 the permit because of disturbance caps. I understand
23 what you are saying about the algorithm and so on and
24 so forth, but Sage-Grouse and Bighorn Sheep don't get
25 along. The 300 feet and the actual disturbance cap

1 for the area around the Cady Mountains, Billy, for
2 example, was 1 percent. And Katrina actually had to
3 go out and look for more so that we were able to do
4 what we needed to do because the disturbance cap
5 example that they were using was inaccurate.

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

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

17 It's just a database where they had done mapping
18 efforts to determine -- to help us to determine what
19 the baseline disturbance is of what exists on the
20 ground today. I'm sure Russell could say this much
21 more delicately. And they have inputted that into the
22 system so that not only the BLM and stakeholders and
23 project proponents, but the public, hopefully, at some
24 point in the future would be able to look at that and
25 know what the baseline disturbance would be for any

1 unit outlet out there. So it's just kind of a
2 database interface. Though the disturbance caps are
3 in there and the baseline information is in there, the
4 disturbance caps are really set by the plan. Like
5 that caused a major challenge for you and your
6 project, we know that there has been some
7 implementation challenges, but we have been kind of
8 working through when this opportunity to came to us to
9 take another look overall. And that's part of it.

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

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

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

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

23 MR. SCOFIELD: They include existing disturbance.
24 All disturbance on landscape.

25 MEMBER LONG: All disturbance on the landscape,

1 and the 1 percent would be beyond that or is it
2 including, including the baseline. It seems like we
3 have gone beyond that in a number of areas.

4 MR. SCOFIELD: There are a number exceeding.

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

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

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

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

23 MEMBER MARTIN: I would like to follow up on that.
24 The caps do affect significantly nonrenewable
25 resources because there are many unpatented mineral

1 claims that fall within these newly created ACECs. So
2 with these very minimal disturbance caps that range
3 from .1 percent to 1 percent, when you take into
4 account existing disturbance, that leaves very little
5 area left for any type of nonrenewable energy
6 development. So essentially, a lot of these mining
7 claims that are legal and active that are on federal
8 lands become worthless.

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

17 MEMBER MARTIN: I have submitted that as a comment
18 in the scoping. However, when you start an operation,
19 when you look at the calculations and say you have a
20 1,000-acre ACDC area and you have a 1 percent cap,
21 there are 10 acres that go towards mining or any type
22 of development, nonrenewable resources. So it leaves
23 you very little area. And I feel that -- and I have
24 submitted these comments that that needs to be
25 reviewed. And it seems like it doesn't really apply

1 to renewable energy, solar energy. I mean, this is a
2 nonrenewable energy, pretty much, almost a taking in
3 many cases of established mineral claims.

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

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

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

21 But for the baseline, we are looking at all
22 disturbance, whether it be authorized, unauthorized or
23 whether it would be even a natural disturbance such as
24 a wild fire. If you are proposing a project in an
25 area that is already in an unauthorized disturbance

1 area, we are not going to require mitigation for that
2 additional project in the area that had authorized
3 disturbance on it.

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

6 CHAIR BANIS: Jump right in.

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

13 MR. SCOFIELD: Let me go back and try to explain
14 that. So the planning decisions BLM made in the
15 DRECP that amended those three land use plans, those
16 are in full force and effect. The segregation, which
17 Beth spoke of earlier, we said in the DRECP ROD that
18 we would pursue the withdrawal of high priority
19 California desert conservation lands. However, the
20 segregation and withdrawal, in and of itself, that's
21 not a planning decision. When we begin a segregation,
22 when we begin -- let me back up. When we begin the
23 withdrawal process, those lands are then segregated
24 for a period of two years. And then in that two-year
25 period we go through an EIS period where we analyze

1 impacts to the human environment. We also do a
2 mineral potential report and then a separate decision
3 is made by the Secretary as to whether those lands can
4 be or should be withdrawn. So that is above and
5 beyond BLM making a planning decision.

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

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

23 MR. SCOFIELD: I don't think we know the answer to
24 that yet as far as what in the science has changed.
25 That's something that we are hoping to determine

1 through the scoping period. If folks have new
2 information, new science that has changed that would
3 have somehow changed the presence of the relevance and
4 importance criteria for those ACEC's, then that would
5 be information we would hope to receive in the scoping
6 period. So, you know, it's really premature to
7 discuss how allocations may change and what additional
8 land might be unallocated for something else and
9 reallocated for renewable energy until we start
10 getting into the scoping comments and see what other
11 information folks are providing to us. That's going
12 to be a need for a follow-up question at a future
13 meeting.

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

17 MEMBER SCOFIELD: Can we go to the next question?

18 MEMBER MUTH: I yield, Mr. Chairman.

19 MEMBER ROBINSON: I have some fears, I guess.
20 This process, because our experience in the WEMO was
21 that route designations have been brought into this
22 process also. And I commented on this previously that
23 the BLM has chosen, because of economic reasons as one
24 of the main reasons they cited, they were going to
25 sample 1 percent of the routes and create a model to

1 make decisions on routes as to cultural resources on
2 those properties. And I have a real serious problem
3 with sampling 1 percent of the routes and creating a
4 model and making decisions from that model on route
5 designations. And that's an easy process to
6 manipulate and create new properties and expand the
7 renewable energy process and at the expense of
8 cultural resources.

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

25 MEMBER ROBINSON: I guess the development of the

1 model was done -- the field mostly was done by
2 temporary employees just out of school, for the most
3 part. They had no experience in the desert, and they
4 went out and did the best they could do and sampled
5 1 percent. There is a lot of room there for
6 inaccuracy, I guess, and not intentionally and being
7 able to go out and do their best. But the routes -- I
8 mean the sites that they were recording and the size
9 of those sites and what they were actually seeing on
10 the 1 percent is going to take the 99 percent and
11 making predictions. I just really have a problem with
12 that. And that was for the route designation. It
13 sounds like this process, because of economic reasons,
14 is going to be applied to this process also.

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

1 where are the areas that are more sensitive for
2 cultural resources as opposed to the areas that are
3 less sensitive for cultural resources.

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

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

13 MEMBER ROBINSON: I find over and over again areas
14 that were supposedly weren't supposed to be, they
15 were. The age of the sites, there is areas what there
16 is no water now, where 8,000 or 10,000 years ago there
17 was water and people were there. And with erosion and
18 things, a lot of those sites have been covered up.
19 And on private lands we find mostly for energy
20 development happening. They are going down 6 to 18
21 inches and finding all types of things that there was
22 nothing on the surface, and they are finding 8,000 to
23 10,000 artifacts just in the trenching and stuff for
24 the solar projects. And it's happened over and over
25 again, and I think that needs to be a consideration

1 more than just the 1 percent modeling.

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

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

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

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

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

24 DISTRICT MANAGER RANSEL: I appreciate those
25 comments.

1 CHAIR BANIS: I would like to take a shot, if I
2 may, in this break. Bob just stepped out and he will
3 be right back.

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

15 Let me start first with what I like very much
16 about the DRECP with respect to recreation, and that
17 was the exclusion of renewable energy development, in
18 particular, in the OHV open areas. Now, that
19 exclusion for renewable energy development actually
20 comes from the SERMA or the ERMA, but virtually all
21 the SERMA and ERMA lands outside of the OHV open areas
22 is overlapped by a conservation designation. So
23 excluding renewable energy development from an area
24 that's not an OHV open area but has a vibrant and
25 well-used trail system, even if there wasn't a SERMA

1 or an ERMA area, that energy exclusion would still be
2 enjoyed because of the overlapping ACEC or NLCs. So,
3 getting back to that point is outside of the OHV open
4 areas -- let me back up. Let me say inside the OHV
5 open area where the real big dollars are coming for
6 these small communities that are having a hard time
7 finding two nickels to rub together, the OHV areas
8 have enjoyed that renewable energy exclusion. There
9 is a desire in the executive order to perhaps carve
10 out more energy opportunity for renewable. I highly
11 doubt that those additional opportunities will come
12 from the deep, dark back country where we see very
13 high biological and conservation values. Where we are
14 going to see, in my opinion, additional energy
15 development opportunities will be in places where the
16 bar is the lowest, the places where there may be not
17 the kinds of impacts to conservation or biological
18 values. And it has been the history of the wind
19 energy advocates to seek those -- to seek project
20 applications in those OHV open areas because they
21 sense a lower bar for environmental impacts.

22 We fought very hard and almost every OHV only area
23 had more than one renewable energy project application
24 pending in it. And it scared us very much, and it
25 also came right at a time after the Congress felt the

1 need to reduce OHV acreage for national security and
2 the military needs. So when OHV saw their exclusion
3 and saw all the OHV areas would be safe from energy
4 development, that was really significant for us. I'm
5 scared to death that if we reopen this thing from
6 ground zero, from a complete wipeout all those lines
7 and start over, I'm just concerned that renewable
8 energy development will come into those OHV open
9 areas. I believe these are incompatible uses, but
10 there are others that believe that they are not
11 incompatible uses. And I'm afraid that that side may
12 win that argument.

13 Now, on the other hand, outside of the OHV open
14 areas, the SERMAS and the ERMAs may see the
15 protections for recreational activities trumped by
16 those overlapping conservation designations, because
17 as I said before, all of the 30,000 acres outside the
18 open OHV areas, all the 30,000 acres of the SERMAS and
19 ERMAs are overlapped by ACEC and NLCS. I did not have
20 a way to test my concerns until just Friday, when the
21 West Mojave Route Designation Plan was released. And
22 I am pleased, even though it's just a matter of days,
23 I'm pleased it at least came out before this comment
24 period ended, so at least we have a chance to take a
25 peek for those of us who have time. And the West

1 Mojave -- and this is not supposed to be a discussion
2 about WEMO and I'm not going to go too deep there --
3 but only to show that WEMO is essentially one of the
4 very first large-scale planning processes post-DRECP.
5 The West Mojave Plan will designate the roads and the
6 trails, the green lines on the map. In 2006, West
7 Mojave Plan designated 5,098 miles of roads. The
8 Court asked -- the Court invalidated the BLM's
9 methodology and sent them back to the drawing board
10 and ordered the BLM to develop a new designation plan,
11 pre-DRECP. Using the Court's direction that if a road
12 has significant impacts that cannot be minimized per
13 the minimization criteria, roads that cannot be opened
14 because of that would have to be closed.

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

24 When the DRECP and the WEMO was resequenced, the
25 West Mojave planners had a whole new set of important

1 sideboards, disturbance caps, management actions, a
2 whole bunch of rules to apply to the management
3 process. This came out on Friday at approximately
4 6,030 miles of trails. The baseline was increased
5 from the 5,098 to over 6,000 by taking into
6 consideration rights-of-ways that had been granted
7 that were not counted in the original WEMO as well as
8 routes of travel on newly acquired lands. So the real
9 increase in WEMO in routes from 2006 to current is
10 about 300 miles. That's what you are really looking
11 at, 300.

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

22 I think that some of the other communities may be
23 a little more solid in how they feel. So this one is
24 tough for me. And so going forward on that, I mean,
25 if I were to just kind of throw something else here

1 because nobody else has yet and I hope somebody may
2 want to, and since we do have a quorum, we have the
3 ability to issue advice. And listening to what I am
4 hearing from people, I'm hearing some saying they
5 don't want to see a full-blown reopening and other
6 people saying, boy, we got stung over here and there.
7 Maybe there is a necessity for refinement. I don't
8 think anybody is entirely 100 percent happy. I think
9 perhaps members of the conservation community that
10 have concerns about reopening DRECP might agree that
11 there certainly could be some refinements and
12 clarifications. I think my friends in grazing could
13 feel the same and maybe even from the mining
14 community. And from the recreation community I'm sure
15 they're concerned about opening up that can of worms
16 and losing something big.

17 So if there was something where the scope of
18 analysis could be limited to a kind of refinement
19 rather than just throwing that whole baby out with the
20 bath water, it might be a different way to approach
21 this. I know that's maybe confusing from an
22 administrative side, but that might be something that
23 we could all maybe get around because one thing about
24 the Desert Advisory Council and its voting and advice,
25 one way to make sure that our advice fits all the

1 categories and all the technical junk is to make sure
2 we all vote in consensus. That way we don't have to
3 worry about the details of different categories and
4 all that stuff. So if we could reach some sort of
5 brief consensus sentence of a feeling that we have
6 today, maybe that we would be allowed a short amount
7 of time for me to draft a letter expressing that
8 sentiment, maybe that's something we could do here
9 today to help provide some kind of input to the BLM
10 here at this eleventh hour in the planning process.

11 So just trying to put that out and see where we
12 can go, how can we deliver some advice here today.
13 What are you thinking, Al?

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

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

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

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

25 CHAIR BANIS: We want to put a question on the

1 table for the public to comment on. That's really
2 part of it. We need to get this a little more
3 loosey-goosey and then we are really very much
4 interested what every one of you have to say with
5 respect about what we are about to do.

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

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

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

1 your advisement for us.

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

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

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

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

20 MEMBER MITCHELL: Area of industry's concerns.

21 CHAIR BANIS: The DRECP did -- here is where I get
22 is little confused because over the time of the whole
23 planning and the stakeholder meetings and the
24 stakeholder process, there was always a fallback that
25 the DRECP did have within it, a process for

1 reevaluation and reiterative updates and changes. I
2 just have to admit that when the final came out, I was
3 looking for other things when it came to reading. And
4 I did not verify exactly what that whole process is,
5 but Russ or Beth, there is that component, is there?
6 Or did that get thrown out and I am behind?

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

19 And in this case, it's a little sooner than we
20 would normally be looking at it. But on a broad scale
21 this plan, looking at such a huge planning area, that
22 50,000-foot view, we have identified already that
23 there are a few areas where there have been challenges
24 with implementation, so there is some refinement. We
25 have already identified some areas previously, and we

1 are continuing to identify those, but refinement is
2 necessary to make sure the implementation works.

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

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

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

25 So I think whatever we do has to be -- we have to

1 find a way to limit our advice so we don't end up
2 pushing this thing over the cliff.

3 DISTRICT MANAGER RANSEL: That's a good comment.
4 I just do want to mention -- as we are talking about
5 the DRECP and the plan being a living document, it
6 occurs to me that we didn't bring the factoids that we
7 have been sharing in a lot of the public meetings. The
8 CDCA plan has been amended -- the DRECP was amended
9 168 times with the ROD that was signed for DRECP. So
10 that kind of demonstrates -- the DRECP is very broad
11 and far-reaching, and some of those amendments might
12 have been very narrow and specific to a project. But
13 that demonstrates how this DRECP plan has been a
14 living document since its inception. I'm not
15 advocating for a big, wide plan amendment, but I want
16 to share information about how the DRECP plan has
17 evolved through the years with 168 amendments to date.
18 And if there is another one undertaken, this would be
19 amendment 169, plus or minus.

20 MEMBER MUTH: Your discussions are predicated on
21 a, quote, living document and evolution of need and
22 refinement. This isn't the case. This is a
23 bludgeoning of a plan, a stroke of a pen from on high.
24 That's why I am so very concerned about reopening this
25 thing. It's not an on-the-ground local demand. And I

1 think the discussion of it as an evolution or living
2 document is totally inappropriate. Sorry, guys.

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

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

19 MR. SCOFIELD: Randy, a couple of points. So keep
20 in mind what I said earlier as far as if we do go into
21 a plan amendment that I talked briefly about at the EA
22 level, environmental analysis level plan amendment
23 versus an EIS level plan amendment. And keep in mind
24 that those are two very different beasts. So an EIS
25 is required whenever the impacts to the human

1 environment either rise to the level of significance.
2 Or another example, the controversy rises to a level
3 of significance, et cetera. An EA level plan
4 amendment would be less controversial or a plan
5 amendment that does not have environmental effects
6 which potentially rise to the level of significance.

7 So I think as the Desert Advisory Council
8 discusses where you are going to go next, what this
9 motion is going to look like, you might think about
10 the types of plan amendments that are potentially on
11 the horizon or could potentially be on the horizon and
12 the ties that you might support that would be more in
13 the minor tweak category versus we are going to jack
14 up the allocations and replace them with something
15 else. And I think you could use your imagination and
16 spectrum to see what might fall as an EA or an EIS.
17 Also keep in mind you are using the word "living
18 document," which makes me a little uncomfortable
19 because the DRECP plan has been amended 168 counts.
20 However, remember, we are not talking about amending
21 the DRECP. I used the term DRECP -- I know you know
22 this, Randy, but for everyone else, I use the term
23 DRECP fairly liberally because we are familiar with
24 it. But what we are talking about here is the
25 underlying land use plan, the Bishop Land Use Plan and

1 Bakersfield Land Use Plan. And for this group, the
2 CDCA Plan. So again, semantics are important here
3 when we are talking about what we are actually
4 proposing an amendment to or what we are not proposing
5 an amendment to. So those are just some thoughts that
6 might help you make your decision.

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

13 MS. THORESEN: I'm representing San Diego Mineral
14 and Gem Society. I'm not representing California
15 Federation as the chair of the Public Land Advisory
16 Committee. The CFMS has made no public position
17 statement about the view that it takes. And I'm
18 disappointed that there isn't any advice or
19 declaration or discussion amongst our clubs. But I am
20 representing San Diego, seven other societies that
21 signed onto our letter and more than a dozen
22 individual rockhound advocates, our concerns being
23 recreational users, low impact activity, casual users.

24 I didn't want to get into the whole discussion
25 about how that tends to bleed out more toward mining

1 and claims and all that. That's a discussion for
2 another day. But I think therein lies the rift within
3 our own community.

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

23 This was not only our organization's concerns, so
24 we took the kitchen sink approach in drafting our
25 48-page letter from 16 months ago. You have our

1 recapitulation as to what we think the rockhounding
2 community got out of the Record of Decision and remind
3 you that we hope to be holding the BLM to that. And
4 we want to make clear if it goes to a role-amending
5 process, that somehow there are considerations we have
6 and concerns. However, we want to be really clear:
7 We don't want this process reopened to a drastic
8 amendment. This is like the red queen of playing
9 croquet. When the power players jump to, the wicket
10 moves to accommodate the ball going through their
11 wicket. This just doesn't seem right. I have written
12 comments, if those can be submitted. I don't know if
13 they can be for the sake of this discussion.

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

16 Hi, Tory. Welcome. You have three minutes.

17 MS. ELMORE: I'm here to read a statement on
18 behalf of the Renewable Energy Director for Audubon
19 California. Audubon spent eight years of the
20 stakeholder of the DRECP providing science and
21 conservation expertise on birds and the places that
22 they need. Audubon supports the land use amendment
23 signed by Secretary Jewell in September 2016. That
24 amendment provides 380,000 acres for focus areas for
25 wind, solar, and geothermal envelope, which is enough

1 to reach California's goals by 2040. Any obstacles in
2 the development focus areas we believe can be resolved
3 during implementation of the plan. There is no need
4 for a new plan, particularly one that threatens the
5 desert and removes the ability to expedite clean
6 energy and thoughtfully and scientifically planned
7 development focus areas, which represent the areas of
8 least conflict with desert resources, access to
9 existing transmission, and close proximity to energy
10 demands.

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

16 CHAIR BANIS: Bill Jensen, followed by Al Muth.

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

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

24 MR. JENSEN: I didn't hear mining and minerals
25 come up to the degree it should have, and I was one of

1 the guys that applied for the seat there. That needed
2 to be raised, but there is no mention in this entire
3 operation. We tried to voice that at the scoping
4 meeting, and we saw no corrective actions at the
5 scoping meeting to list the mining district as the
6 original land use designation. Those land use
7 designations have kept roads open for ranchers,
8 grazing and for a host of other different reasons,
9 whether it's rockhounding or otherwise. And we seem
10 to get no traction with regard to that. I would like
11 to make that a point because they exist, and by trying
12 to amend them out of existence, you have to address
13 them and that hasn't been done. Holding with mining
14 as the one legal right to all of this, it opened it
15 up. We missed the executive order in this briefing as
16 is missed in the scoping meetings, Executive Order
17 13817, which is the Strategic and Critical Minerals
18 Executive Order by the president of the United States.
19 So to the Desert Advisory Council and -- who would you
20 like me to give these to in order for you to have the
21 letter that went to the president of the United
22 States?

23 CHAIR BANIS: Give it to Judy.

24 MR. JENSEN: You will see a host of people on
25 this, and there isn't anybody here I did not visit

1 with when I went there and just returned. That list
2 of people mentioned there is backed up with a
3 scientific report from the minerals and mining
4 advisory council. We have a couple of EPA scientists
5 who applied the law to the things that are in this
6 DAC, so along with the recommendation to the
7 president, we also have the report from those
8 scientists with regards to exactly what and how the
9 law has applied.

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

20 Mr. Chairman, I ask you to indulge me just one
21 more second. The other documents I want to turn in
22 and make sure you get are the mining and minerals
23 request for not only -- mining -- you can't just shut
24 down the deserts completely. In Washington, DC, they
25 said, "Bill, what else do you need?" And I said, "You

1 missed microbials completely, and they are critical to
2 the agricultural base and the diversity of not just
3 mining and minerals the DOP needs in this exploration.
4 We have been told that we amend and incorporate by
5 reference all the former DRECP complaints which were
6 ignored, for the most part. But be advised that these
7 overlaid maps -- and this is something Washington, DC
8 represented or understood -- when we said our
9 Congressmen don't need anything anymore, neither do
10 our County Supervisors, State Assemblymen, nobody.
11 These maps have now officially overlaid things in such
12 a fashion that there isn't an elected official that
13 can do a damned thing about it. So whether you are
14 ranching, mining or anything, you are subject to the
15 BLM, you are subject to the Forestry or whatever the
16 case might be. And that is not acceptable.

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

24 The County Supervisor called a meeting with the
25 Edison engineers, and I was in that meeting. And they

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

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

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

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

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

23 "While the Taylor Grazing Act, Federal Land Policy
24 and Management Act and the Public Rangelands
25 Improvement Act are multifaceted in their intent, they

1 are all consistent in the fact that they wish to
2 maintain custom and culture of an area, healthy public
3 rangelands that insure not only the stabilization of
4 the livestock industry, but also, that the public
5 lands be managed in a manner which recognizes the
6 Nation's need for domestic sources of minerals, food,
7 timber, and fiber from the public lands.

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

20 "Science has not shown that grazing within the
21 CDCA is incompatible with other objectives of these
22 laws; it has only shown that in certain instances
23 grazing has overlapping but not necessarily negatively
24 competing associations with native species. While the
25 National Environmental Policy Act requires analysis

1 under the Endangered Species Act, management decisions
2 may be made to allow certain uses when accompanied by
3 actions that would reduce negative associations with
4 threatened and endangered species. It is unfortunate,
5 that like politics, it seems everyone has an agenda
6 and it is more important to succumb to the wishes of
7 their own tribe than work towards the goal of best
8 meeting the needs of all involved, and fulfill to the
9 fullest, the intent of the law. The CDCA covers more
10 than 25 million acres, roughly one quarter of
11 California. Twelve million of those acres are managed
12 by the federal government, and as we all know, that is
13 a daunting task. It is the responsibility of this
14 board to know and understand the complex issues
15 regarding these lands and reasonably inform the BLM as
16 to the concerns of stakeholders so that after
17 carefully considered consultation the BLM can make use
18 of the best available information, in making large-
19 scale management decisions. A huge concern of the
20 livestock industry is the vast reduction in lands
21 available for grazing. The latest plan amendment
22 calls for the closure of sixteen grazing allotments
23 within the CDCA. While the secretary has broad
24 authority to reduce grazing and to re-classify land
25 for another public purpose, some of the reasoning for

1 doing so in the DRECP are factually incorrect and in
2 some cases in violation of the law and the BLM's own
3 regulations.

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

20 "The last lessee of record for those allotments
21 lost the base property that was attached to those
22 allotments on September 17, 2004, which immediately
23 had the effect of them no longer being the lessee. On
24 December 4, 2004 I applied for those grazing leases,
25 and in violation of the Administrative Procedures Act,

1 the BLM refused to process my applications. On
2 January 24, 2005 the BLM received a letter of
3 relinquishment from the previous lessee for the Cady
4 Mountain and Cronese Lake Allotments. Those requests
5 were invalid for two reasons: (1) they no longer owned
6 the base property attached to those leases, and (2)
7 the West Mojave Plan had not yet been signed into
8 effect, so there would have been no mechanism to
9 relinquish them.

10 "Other allotments that this plan amendment wishes
11 to retire from grazing are the Crescent Peak and Jean
12 Lake allotments. Both of those allotments were issued
13 to me in proposed grazing decisions that were not
14 timely protested and therefore became final grazing
15 decisions. Because no protest was timely filed a
16 final decision was not issued. The proposed grazing
17 decision for Jean Lake was issued to me on September
18 14, 2007 and The Crescent Peak proposed grazing
19 decision was issued to me on May 12, 2008. The
20 Needles Field Office then proceeded to issue me the
21 fencing required to comply with the terms and
22 conditions of those decisions, but after the area
23 manager changed, the new area manager refused to allow
24 me to install the fencing and withheld that allotment
25 from my use. These are valid existing allotments held

1 by me and improperly withheld from grazing.

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

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

16 "Another area of the plan amendment I wish to
17 address is voluntary relinquishment, and the
18 acceptance of grazing allotments under the
19 Consolidated Appropriations Act. I was principal
20 author of the language utilized in (Public Law 112-74,
21 Sec. 122(b)). The intent of the legislation was not
22 intended to be used as a grazing elimination tool, but
23 to provide the mechanism needed to utilize the removal
24 of livestock on federal lands and the associated
25 allotments as mitigation for renewable energy projects

1 anticipated in the CDCA. Moreover, it was intended to
2 use that mitigation in place of deeded land, to keep
3 private land in the counties within the CDCA available
4 for development and a source of economic value to the
5 public; to allow a lessee who would be affected by a
6 renewable energy project to mitigate all, or a portion
7 of the allotment to offset the economic cost of losing
8 that rangeland. The elimination of grazing allotments
9 in the CDCA outside the authority of Public Law 112-74
10 takes away from the stabilization of the livestock
11 industry and should not be considered."

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

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

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

21 MR. MOON: First of all, it's incredulous that the
22 BLM has disregarded all of the past efforts with WEMO,
23 NECO and -- you know them all -- to change everything
24 that had been fought for in the past in the DRECP. I
25 had no idea the DRECP included grazing. I was not

1 notified, maybe through the Federal Register, but I
2 don't sit on the computer every day. I generally knew
3 the DRECP existed as a renewable energy plan and as we
4 as ranchers -- and I can give you background on how
5 that came into place because I don't think any of you
6 probably know, at least Section 132-B, so I know of no
7 new science that has a come about since the last plans
8 that would necessitate a change in grazing so drastic
9 as the BLM has -- well, actually -- passed in the
10 DRECP. At least the grazing portion of the DRECP
11 should be opened back up for review because I think
12 there are so many problems that occurred through
13 illegal actions of the BLM. I have those proposed
14 decisions. I have a letter from Roxie Trost
15 acknowledging my applications.

16 CHAIR BANIS: That was advice right at the end.

17 MEMBER MITCHELL: Mr. Chairman, thank you for
18 allowing him to finish because it took a long time to
19 do it, and if you can leave that or copies so they can
20 do that. Thank you again. That's what I was
21 suggesting. There has been illegal things done, not
22 to the BLM here today, but for the last ten years from
23 different managers that are gone now that's destroyed
24 a great deal in San Bernardino County. We went from
25 16 people to 6.

1 CHAIR BANIS: I have cards. Sheara. Sheara.

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

8 My name is Sheara Cohen. I'm with the Wilderness
9 Society. I am the California Desert rep for the
10 California Wilderness Society. We as an organization
11 are taking a really strong position not to open this
12 plan. And I urge you guys to consider your position
13 about this carefully. And here is a huge part of our
14 thinking. I think it's dangerous. You know, in this
15 country most of us think we should be able to afford
16 medicine, and it doesn't change the fact that there
17 are pills out there that cost several hundred dollars
18 for a single pill. And that has everything to do with
19 what we call the power players and the little guy. We
20 know what the right solutions are, and we are not
21 winning them in several cases. I would think a plan
22 that was eight years in the local government, state,
23 federal government, energy developers, miners,
24 off-roaders, rockhounds, conservationists and local
25 community groups and 16,000 comments, whatever

1 conclusions they made, that's a lot of input. But I
2 really question whether the evidence shows that that
3 power is being respected.

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

8 The other example is the National Monuments.
9 Whether you like them or hate them, the review
10 happened this past year. And the Department of the
11 Interior got more comments than they have ever gotten
12 before. Ninety-nine percent of those did not want an
13 opening of the Monuments. And it happened anyway.
14 Are we going to be listened to? If we ask for tweaks,
15 is that what we are going to get? And there are some
16 tweaks needed. Or there are some tweaks that you
17 could argue for all around. As with any compromise,
18 nobody got 100 percent of what they wanted, and that's
19 what compromise is. If somebody got 100 percent of
20 what they wanted, I'm pretty sure there are others who
21 didn't get close. But I would argue that the DRECP
22 gave all of us a lot of assurances that our needs are
23 going to be largely met. And I think we risk losing
24 that. I think there are players out there that would
25 like 100 percent.

1 Just a couple more comments. I think the Federal
2 Register notice, along with the policy that guided it,
3 and along with input we have gotten in our work
4 talking to federal agencies that suggests there is a
5 very clear motive here, and that is to expand
6 opportunities for renewable energy development. I
7 know it says off-roading and mining, but right now the
8 plan is largely protective of those activities.

9 So here's what I think we want, and some of this
10 addresses what I think are some pledges out there.
11 Before this plan started, and it started because
12 people were frustrated, there were energy projects
13 dropping anywhere, and this was good sites in some
14 places and terrible sites in other places. So this
15 process basically warranted the protection of six
16 million acres from renewable energy process. Those
17 were for conservation and recreation. Still, even
18 though the federal government doesn't want to burden
19 renewable energy, the state wants to keep this stand
20 as it is. And why? It's the most goals in the
21 country, which more than meets the need of unburdening
22 renewable energy or any energy. They know and they
23 have accepted 10 times the amount of plan necessary in
24 the plan for renewable energy. So why do we need
25 more? It's probably ideological positions and the

1 positions of developers. And what we have and what I
2 have heard as myth is a feeling that the ACECs serve
3 offroading but they curb rockhounding. This is not
4 fact. So rockhounding is prevented nowhere for
5 recreational casual use. It's a different story for
6 commercial use, but even then, nothing changed.

7 The disturbance caps, which I think there is some
8 confusion about, there may be a cap on land of
9 1 percent, but if the baseline disturbance is already
10 5 or 10 percent, there is absolutely no requirement in
11 the plan to reduce that disturbance to the 1 percent.
12 If you are going to propose a new trail or parking lot
13 or pipeline, you are going to have to mitigate.

14 May I actually say one more comment? And it's
15 about the change in WEMO after DRECP. Pre-WEMO in the
16 last court order, there were several concerns about
17 the plan by the judge that had nothing yet to do with
18 DRECP. They still weren't meeting the minimization
19 criteria. We looked at the plan, but I might not be
20 surprised if this is not related with the other
21 things, especially since there is actually nothing in
22 the plan where they tried to bring it down to
23 disturbance caps. So anyway, it's a thought. We can
24 figure it out, but it may or may not be evidence of
25 the impact of DRECP. I think it's dangerous. I think

1 we should be very cautious about moving forward in
2 terms of getting something each of us wants and losing
3 what all of us have.

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

6 MR. STEWART: Good afternoon, Council members.
7 John Stewart, California Four-Wheel Drive Association.

8 DRECP has morphed over the years. It started out
9 as a multi-state plan governing Southern California,
10 Southern Nevada and parts of Arizona. That evolved
11 down to something that just covered California and
12 within that concept, it became a Habitat Conservation
13 Plan. Within the framework of a Habitat Conservation
14 Plan it decided to become a Programmatic document. By
15 BLM's own definitions -- and Russel Scofield earlier
16 reiterated -- that this is a Programmatic document.
17 But by BLM's own definitions, a Programmatic document
18 provides broad guidance for implementing site specific
19 decisions. What this land use amendment, the CDCA
20 amendment, whatever you want to call it, is the
21 Programmatic document that does actually implement
22 hard, fast limitations as guidance.

23 Now, these limitations have the effect of driving
24 decisions and allowing no other decisions except route
25 closures, area closures that within the subsequent

1 site specific analysis. Yes, it's a flawed method of
2 working, especially when you look at the disturbance
3 caps. Yes, U.S. Geological Survey developed a
4 database and an algorithm was developed out of that.
5 That database is not directly applicable to Southern
6 California area because it looks at a certain species
7 in order to develop that. And that has even been
8 found to be flawed within the Great Basin area where
9 the Sage-Grouse is dwelling. It just doesn't work.
10 And especially translate that down into the Desert
11 District here, it further does not work. It's an
12 arbitrarily defined limitation which hinders actual
13 implementation of any aspects of the DRECP.

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

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

25 Politically, it will be opened up in order to

1 accommodate increased mobile broadband infrastructural
2 development, not so much for solar development,
3 geothermal development or wind development, but mobile
4 broadband infrastructure.

5 Now, earlier I mentioned the economic impacts.
6 One thing to consider is that BLM's estimates find
7 that wind, geothermal and solar account for roughly
8 633 million dollar investment or return to the
9 economy. Recreation, 744.5 million. This is a 17
10 percent difference. Jobs: Geothermal, wind and solar
11 account for 3,993 jobs created. Recreation accounts
12 for 5,679 jobs.

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

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

22 MS. BRASHEAR: I was going to make some points,
23 and I chose to pick up on something that Mr. Moon said
24 instead. He said that ranchers didn't know about the
25 DRECP. Well, I have to tell you not only did ranchers

1 not know, no one knew. It started off as an energy
2 plan. It was not a ranching plan. What we have here
3 in front of us today that we are discussing is
4 actually a new Desert Plan. And if it had been
5 presented to desert interest groups as a new Desert
6 Plan, there would have been more participation. The
7 number of letters you got would have been twice the
8 number, at least, and probably more. We are looking
9 at a whole brand-new plan. And decisions were made in
10 finalizing that plan that impacted the ranching and
11 mining and any other activity out there that wasn't
12 energy. And it's impacting it today because it is
13 still in place.

14 And there are a whole lot of major fixes that need
15 to happen. The DFAs surround my community. We have
16 at least one person whose home is surrounded on three
17 sides by a DFA that has been applied for, a permit.
18 Part of the land is BLM and part is private. So it's
19 going to be a little tiny bit more complicated because
20 of the two different ownerships, but that's the kind
21 of crap we are looking at. Every small town and
22 community in the desert has been surrounded by these
23 DFAs. Those that have minerals in their area, like my
24 community does, all of the BLM lands were withdrawn
25 from mineral land use by the designations of the DFA.

1 And I think each and every one of you need to look at
2 what you are actually doing. You are doing a
3 brand-new plan for the California desert and the
4 public was not notified.

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

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

12 MS. MERK: Sophia Merk, Sam. I was concerned
13 about fact that this is not following the procedures
14 that have been based ever since the Taylor Grazing
15 Act. Also the American Procedures Act of 1946, June,
16 I believe. I have had chemo, so I can't really
17 remember, but believe it was June of '46. I think
18 everybody is correct -- this may be the 168th
19 amendment to the Desert Plan. But maybe it's time for
20 a new resource management plan. A lot of people don't
21 know how much this is going to impact them. The
22 public was not notified correctly. It's not following
23 the procedures that was put out in the federal land
24 policy management act, and I have great concerns that
25 even though the tribes are going to be talked to in

1 regards to in certain areas, I participated in the
2 Programmatic and the 106 for both the WEMO and the
3 DRECP. And they were not saying the same thing. I
4 have great concerns about that. I have great
5 concerns, and it's not stipulated. Everybody assures
6 everybody that it's going to apply equally to
7 federally and non-federally tribes here in California
8 in the desert communities, but I don't see it in
9 writing as of yet. I also have great concerns that
10 the cattlemen were not notified correctly. I know the
11 Federal Register notices have not been completed
12 correctly. Sure, it might limit the renewable, but
13 what it's doing to the rest of us that live and
14 breathe in this area is disastrous. I'm very
15 concerned about it. It should not go forward until we
16 know what is going to happen with WEMO. It should not
17 go forward until we know all the disturbance caps. I
18 am really saddened that the Desert Plan that I love so
19 much is going to be impacted by this piece. Thank
20 you.

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

25 MR. SCHILLER: After I look at what I see and

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

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

25 I went to one of the DRECP meetings. They

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

21 The last thing I want to bring up is something
22 that makes me very angry. How long has it been since
23 the West Mojave Plan was signed? It's been a while.
24 But if you read that plan, it was a commitment made.
25 The commitment was made by Bill Haigh to allow the

1 Ridgecrest area and the El Paso Mountains under what's
2 called the CAPA, which is a Collaborative Access
3 Planning Area. Promised within two years of the
4 signature of that, it would be done in Ridgecrest. It
5 still hasn't been done and that was a commitment. In
6 fact, the room we had -- some of you are here -- in
7 the room that we had in Ridgecrest when we met last
8 week over this plan, at that time, we put 350 people
9 in that room. There was no sitting. It was standing
10 only all around the room. And that's exactly why CAPA
11 and the Ridgecrest planning -- route planning area is
12 in that plan. But it's never been honored. And
13 that's the problem with this whole thing. It's never
14 been honored to this day. And when you start looking
15 at this plan, how are you going to honor anything when
16 you don't even have metrics to measure anything. So I
17 think you should throw the whole damn thing out.

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

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

24 Another former Desert Advisory Council member,
25 Mark Algazy. You have the floor. Hi, Mark.

1 MR. ALGAZY: Hello. At the beginning of this
2 meeting I didn't think that I was going to get up and
3 talk. But then as the famous Eagles' song, Hotel
4 California goes, you can check out any time you like,
5 but you can never leave. So in my heart, even though
6 I stepped down from the DAC, I still care about the
7 DAC's business. And I thought that I would come up
8 here not to just make a comment, but also to make a
9 suggestion.

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

18 The ACEC is an area that you decide needs special
19 attention, but there were no maps. It's like the BLM
20 saying, we have something that we need to protect.
21 And we are going to build something with the idea that
22 we are going to protect it. But we can't tell you
23 what shape it is and we can't tell you where the roads
24 are yet, the doors and the windows, the major things
25 would cause those assets inside that structure to be

1 vulnerable. We can't tell you the size and shape or
2 where the doors and windows are going to be, but we
3 want you to approve it. So that falls flat in the
4 face of due process. Due process never guarantees an
5 outcome, but it does guarantee notice and opportunity
6 to be heard. And for the notice to be meaningful, you
7 have to know what it is you are going to be talking
8 about. And that process never happened during the
9 DRECP.

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

22 So what is the DAC supposed to do? Well, if I
23 were on the DAC, I think -- I have already mentioned,
24 I would opt for the no-action alternative. It doesn't
25 seem safe to move forward when there are so many

1 dangers in front of us. But I'm sitting here
2 listening to everything that has happened today and
3 I'm saying, well, it's not really any better than
4 trying to get a camel through the eye of a needle.
5 But it seems to me if the DAC had to choose between
6 more than one option, they could say, well, let's say
7 we will opt for the no-action alternative. But if
8 there was going to be any recommendations to do any
9 amendment, that the amendment would have to be under a
10 full EIS, a full EIS that guaranteed the public notice
11 and opportunity that they were not given before, which
12 means that the EIS would have to happen after those
13 maps for the ACECs were done so that the public could
14 be given the opportunity they were denied the first
15 time through. That's my suggestion to make to you.

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

22 DISTRICT MANAGER RANSEL: We have them.

23 CHAIR BANIS: Are they up now?

24 MR. SCOFIELD: I have a single geo database. I
25 don't have separate shape files pertaining to ACECs,

1 but the geo database has been available since 2016.

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

4 DISTRICT MANAGER RANSEL: I have it.

5 CHAIR BANIS: All right. Thank you.

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

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

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

15 MEMBER LONG: I think some very good points have
16 been brought up today. One thing in particular that
17 struck me was Marie's comment that the DRECP has
18 morphed from managing renewables and the renewable
19 projects to turning to a larger scope management plan
20 that's affecting not just new renewable projects but
21 right-of-way holders and others because of the
22 mitigation resulting from the DRECP. And because of
23 that, and I know we discussed before the public
24 comments about revising the scope of the review. And
25 I think at this point that that would be difficult to

1 do based on how many people are affected by the DRECP.
2 And for that reason, I'm stepping away from the
3 refining of the comments.

4 CHAIR BANIS: Anybody, jump right in.

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

14 CHAIR BANIS: Al.

15 MEMBER MUTH: I am going to come down with saying
16 order is Frazier on this. I think -- I believe it
17 would not be prudent to move forward with any drastic
18 measures at this point. The blunt statement would be
19 let's not reopen the Land Use Plan Amendment. Let's
20 proceed cautiously and do what we can during the
21 implementation phase to knock off some rough edges
22 that grate on a great many people and try to improve
23 the plan without really tossing it out. That's my
24 comment on that. Then later I have additions to
25 future agendas.

1 CHAIR BANIS: The only thing that's got me here is
2 that is this is a renewable energy plan and it's
3 designated zones for it. And it's been out for a year
4 or so, and there are no applications in the renewable
5 energy zones that I know of. I can see some of that
6 as politics and some of that, as well, let's take
7 another avenue and maybe get that fixed. Or is it
8 really telling us that the industry has no more
9 interest in developing in public lands? Or is it
10 telling us that the zones that were set aside aren't
11 going to be feasible or aren't going to produce any
12 renewable energy. And that's one of the bigger
13 points.

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

25 MEMBER MITCHELL: But for the industry that I

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

13 MEMBER HANEY: I would like to offer, with all due
14 respect, that part of the reason I think the renewable
15 industry hasn't been as active in the California
16 desert is because there are no more areas like Sun
17 Cities, and California is ahead of its target to meet
18 33 percent of the RPS by 2020. So I think some of it
19 could be structural in the industry or just because
20 California is ahead of the curve.

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

23 MEMBER KENNEY: Just look at our geo land.

24 MEMBER ROBINSON: The (inaudible) river had --
25 Southern California Edison has three power plants and

1 two of those power plants they are not going to pursue
2 relicensing. And because they said that they can't --
3 it is not economical for them anymore because they
4 have more power availability to them than they need
5 right now. And there needs to be a need or they are
6 not going to build power plants. And they are
7 eliminating the hydroelectric plants. And I know that
8 PG&E has decommissioned a bunch of them.

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

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

19 MEMBER MUTH: Mr. Chairman. Good morning, Randy.
20 I don't know the facts about the applications for the
21 DFAs, but I do recall that our previous chairman,
22 Leslie -- forgive me, I have forgotten his last name.
23 Barrett. Leslie was well-attuned to the sector
24 represented by renewable energy. And he several
25 times, to paraphrase him, I believe, says the industry

1 has moved on. It's too hard to do it on federal land.
2 The incentives aren't there. And the easing
3 facilitation component is just not there. So I'm not
4 at all surprised if there has not been any new
5 applications in DFAs, which gets us back to the very
6 start of this conversation. Why are we opening this
7 thing up for energy development? That's it.

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

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

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

23 MR. SCOFIELD: There are three at Palm Springs and
24 Riverside East more or less ready to go, but it's a
25 staffing issue, and more waiting in the hopper that

1 are public land-private land projects. So Palm
2 Springs I think does have something in the
3 (inaudible). Something in Riverside. I don't
4 remember exactly how many folks have been talked to
5 recently.

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

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

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

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

1 vote is split.

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

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

19 MEMBER MITCHELL: I don't want to recreate the
20 wheel, but I want something in there that is going to
21 help with the problem they created. We have an
22 industry, and I just don't want to go say, okay, why
23 don't we go ahead and take a chance for all these
24 people? I don't want to ten years from now say, My
25 God, Lord, he is still fighting the same battle. That

1 ain't going to fly. So I don't care what your motion
2 is. Make a motion that we proceed with caution and
3 check it out and make sure this grazing issue is
4 resolved before the plan goes through. But that issue
5 is going to be resolved as far as I'm concerned. So
6 whether you vote me down, that's up to you guys. But
7 my responsibility is for these ranchers, and by God, I
8 take it seriously. Thank you.

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

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

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

1 soggy dry lakes.

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

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

25 MEMBER ROBINSON: I don't understand why this

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

21 MEMBER LONG: I would like to just point out,
22 while grazing is an important issue, it's not the only
23 issue with the DRECP. We also have our nonrenewable
24 right-of-way owners are also facing difficulties, as
25 well as mining sector. So it's not just mining.

1 There are a lot of issues wrong with the final
2 document that could use some tweaking with public
3 comments.

4 MEMBER MARTIN: I agree with that.

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

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

1 railroaded down and this is going to be going on for
2 ten more years. I don't want to recreate that plan,
3 but I want that issue addressed.

4 MR. JENSEN: May I make a clarification?

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

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

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

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

1 language. How is that?

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

7 (Hands raised.)

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

10 (Hands raised.)

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

13 (Hands raised.)

14 So what we have is the temperature between 1 and
15 10 of about a 5. It's not very enthusiastic, but it
16 shows interest. I mean this is obviously peaked
17 curiosity.

18 MEMBER ROBINSON: Not enough information.

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

25 CHAIR BANIS: How many of us -- how many of us

1 recognize the concerns of the grazing community and
2 would like to see some resolution? Can we say that
3 there's a feeling of caution with reopening? But we
4 recognize that additional -- that special additional
5 work needs to be done to reach out to the grazing
6 community?

7 MEMBER KENNEY: I'll second that.

8 MR. JENSEN: And the mining community.

9 MEMBER LONG: And right-of-way nonrenewables.

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

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

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

21 MEMBER MARTIN: I would add that mining and the
22 ACECs and their effect on existing unpatented mineral
23 claims is a great detriment to the nonrenewable energy
24 availability on public land. So I believe that it's
25 just equally as important as grazing, right-of-ways,

1 there are a number of issues that need to be resolved.
2 And I believe that -- I think the scoping that's going
3 on right now, what we need to be focused on is getting
4 our comments into the BLM and in your comments state
5 that you are a member of the Desert Advisory Council.
6 Maybe it will help in that sense. But right now we
7 need to get our comments in and we have until
8 Thursday. So I think that's one of the most important
9 things.

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

23 CHAIR BANIS: Same.

24 MEMBER MUTH: But that's just trying to move it
25 forward.

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

22 MEMBER MITCHELL: We appreciate that.

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

25 MEMBER KENNEY: I will second it.

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

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

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

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

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

25 CHAIR BANIS: Absolutely. On each and every

1 proposal. I would accept that if you are seconding.

2 VICE-CHAIR BURKE: I will second it.

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

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

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

21 (Voice vote taken.)

22 Thank you very much for working so hard with us to
23 find some words to offer to our friends at the BLM.

24 I'm going to recognize Al for items for the next
25 agenda.

1 MEMBER MUTH: Riding a dead horse, the Palin Solar
2 Plan is back on the drawing boards. This was first
3 proposed back in 2007. There is a new proposal that
4 changes the footprint somewhat. BLM has a preferred
5 alternative, but the truth of the matter is that if
6 the project were proposed today, it would not meet
7 contemporary mitigation standards. The only reason
8 for it being processed under conditions that existed
9 prior to the Western Solar Plan and the DRECP is that
10 it was an old proposal. It came in 2007. Today it
11 would not even be considered given the mitigation
12 that's proposed. The Bureau has an opportunity to do
13 the right thing rather than be bound by bureaucratic
14 stipulations.

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

17 The other thing -- another thing I would like put
18 on the agenda is the Shaffer's Valley, Paradise Valley
19 proposal for a 5,000-acre new community east of Indio.
20 The Desert Advisory Council visited the site some time
21 ago. To refresh your memory, that's when we set off
22 the alarms of the pumping plant and had the National
23 Security infrastructure threatened by our presence.
24 But that proposal has not gone away, and it's being
25 processed through Riverside County. The nexus with

1 BLM is right-of-ways and also endangered species. The
2 Desert Tortoise and I believe sheep are also of
3 concern, plus its closure of off-road vehicle routes
4 that would be involved in that proposal. So I would
5 like to see that on the agenda.

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

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

25 CHAIR BANIS: Frazier and then Billy.

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

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

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

21 MR. MARTIN: Could I make a suggestion that we
22 address the ACECs in respect to vested mineral rights
23 and how these claims that my constituents own have now
24 become worthless because of the maximum disturbance
25 allowances within the ACEC areas. And just address

1 this problem because it does affect nonrenewable
2 resources dramatically.

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

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

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

23 As far as the public goes, I appreciate you
24 hanging in there, and I know the timing of this
25 meeting might have been difficult for some. And I

1 really appreciate all of those who are able to attend
2 today. And it's not lost on me that your time is
3 precious, and for you to spend your time with us and
4 be here and to engage and bring your comments forward
5 to provide to the Desert Advisory Council, I
6 definitely appreciate that. So thank you to all of
7 you, and that's it.

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

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

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

16 --0--

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

18 A. Maker: Muth/Banis
19 Second: Burke
20 Motion: See below
21 Result: Carried

22 "Advise the Bureau to proceed cautiously with
23 implementation and examine issues that can be amended,
24 minor amendments to the LUPA, and emphasize in that
25 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."

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B. Maker: Banis
 Second: Kenney
 Motion: To adjourn the meeting
 Result: Carried.

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C-E-R-T-I-F-I-C-A-T-E

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

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- 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