

Director's Protest Resolution Report

**Bakersfield Field Office Resource
Management Plan**

December 22, 2014



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Reader's Guide

How do I read the Report?

The Director's Protest Resolution Report is divided into sections, each with a topic heading, excerpts from individual protest letters, a summary statement (as necessary), and the Bureau of Land Management (BLM) Director's response to the summary statement.

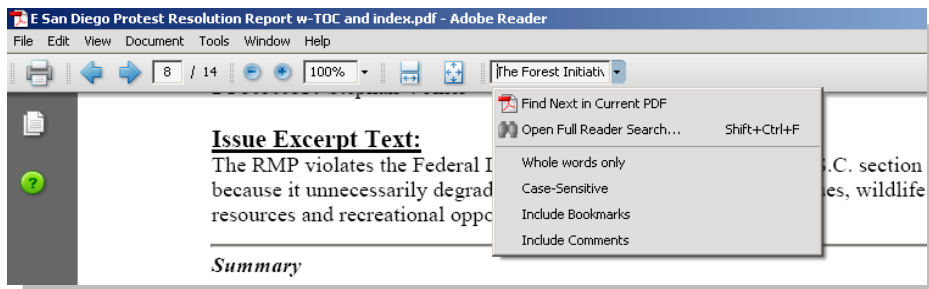
Report Snapshot

The diagram shows a report snapshot with several fields and callouts:

- Topic heading:** Issue Topics and Responses
- Submission number:** NEPA
- Issue Number:** PP-CA-Rew-13-0020-10
- Protest issue number:** (empty)
- Organization:** The Land Organization
- Protesting organization:** (empty)
- Protester's name:** John Smith
- Direct quote taken from the submission:** (empty)
- Issue Excerpt Text:** Rather than analyze these potential impacts, as required by NEPA, BLM postpones analysis of renewable energy development projects to a future case-by-case analysis.
- Summary:** There is inadequate NEPA analysis in the PRMP/FEIS for renewable energy projects.
- Response:** BLM's response to the summary statement or issue excerpt if there is no summary. Specific renewable energy projects are implementation-level decisions rather than RMP-level decisions. Upon receipt of an application for a renewable energy project, the BLM would require

How do I find my Protest Issues and Responses?

1. Find your submission number on the protesting party index which is organized alphabetically by protester's last name.
2. In Adobe Reader search the report for your name, organization or submission number (do not include the protest issue number). Key word or topic searches may also be useful.



List of Commonly Used Acronyms

ACEC	Area of Critical Environmental Concern
APA	Administrative Procedures Act
APCD	Air Pollution Control District
BLM	Bureau of Land Management
CDFG	California Department of Fish and Game
CFR	Code of Federal Regulations
CSU	Controlled Surface Use
DOI	Department of the Interior
DEIS	Draft Environmental Impact Statement
DRMP	Draft Resource Management Plan
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act of 1976
FWS	U.S. Fish and Wildlife Service
NEPA	National Environmental Policy Act of 1969
NSO	No Surface Occupancy
NWR	National Wildlife Refuge
PM	Particulate Matter
RFD	Reasonably Foreseeable Development
RMP	Resource Management Plan
RMZ	Recreation Management Zone
ROD	Record of Decision
ROG	Reactive organic gases
ROW	Right-of-Way
SRMA	Special Recreation Management Area
USFS	United States Forest Service
USC	United States Code
USGS	U.S. Geological Survey
VOC	Volatile organic compounds

Protesting Party Index

Protester	Organization	Submission Number	Determination
Dennis Huggins	Kern County Mineral Society	PP-CA-Bakersfield-12-01; PP-CA-Bakersfield-12-11	Denied - Comments/Issues
Mesonika Piecuch	ORV Watch Kern County	PP-CA-Bakersfield-12-02	Dismissed - Comments Not Germane (Route Designation)
Joyce N. Miller		PP-CA-Bakersfield-12-03	Dismissed - Comments Not Germane
Erik Melchiorre	California State University San Bernardino	PP-CA-Bakersfield-12-04	Denied - Comments/Issues
Richard and Susan Snedden		PP-CA-Bakersfield-12-05	Denied - Comments/Issues
Kenneth and Rosemary Twisselman		PP-CA-Bakersfield-12-06	Denied - Comments/Issues
Richard D. Pankey	American Lands Access Association, Inc.	PP-CA-Bakersfield-12-07	Denied - Comments/Issues
Shirley Leeson	American Lands Access Association, Inc.	PP-CA-Bakersfield-12-08	Denied - Comments/Issues
Robert E. Reynolds		PP-CA-Bakersfield-12-09	Denied - Comments/Issues
L. W. Monroe		PP-CA-Bakersfield-12-10	Denied - Comments/Issues
Jack Caufield	Lodi Gem and Mineral Club	PP-CA-Bakersfield-12-12	Denied - Comments/Issues
Marshall Havner	American Lands Access Association	PP-CA-Bakersfield-12-13	Denied - Comments/Issues
Patrick Harrison	Tule Gem and Mineral Society	PP-CA-Bakersfield-12-14	Denied - Comments/Issues
George Silva	American Lands Access Association	PP-CA-Bakersfield-12-15	Denied - Comments/Issues
Charles Reed	Tule Gem and Mineral Society	PP-CA-Bakersfield-12-16	Denied - Comments/Issues
Tony Hart	Tule Gem and Mineral Society	PP-CA-Bakersfield-12-17	Denied - Comments/Issues
Bill Bingaman	Tule Gem and Mineral Society	PP-CA-Bakersfield-12-18	Denied - Comments/Issues
Donald Vierira	American Lands Access Association, Inc.	PP-CA-Bakersfield-12-19	Denied - Comments/Issues
Brendan Cummings	Center for Biological Diversity	PP-CA-Bakersfield-12-20	Denied - Comments/Issues
Jeff Kuyper	Los Padres ForestWatch	PP-CA-Bakersfield-12-21	Granted in Part – Comments/Issues

Issue Topics and Responses

National Environmental Policy Act (NEPA)

NEPA - Analysis of Conflicts

Issue Number: PP-CA-Bakersfield-12-04-29
Protestor: Erik Melchiorre

Issue Number: PP-CA-Bakersfield-12-13-26
Protestor: Marshall Havner

Issue Number: PP-CA-Bakersfield-12-07-20
Protestor: Richard Pankey

Issue Number: PP-CA-Bakersfield-12-14-26
Protestor: Patrick Harrison

Issue Number: PP-CA-Bakersfield-12-08-23
Protestor: Shirley Leeson

Issue Number: PP-CA-Bakersfield-12-15-26
Protestor: George Silva

Issue Number: PP-CA-Bakersfield-12-09-29
Protestor: Robert Reynolds

Issue Number: PP-CA-Bakersfield-12-16-26
Protestor: Charles Reed

Issue Number: PP-CA-Bakersfield-12-10-26
Protestor: L.W. Monroe

Issue Number: PP-CA-Bakersfield-12-17-26
Protestor: Tony Hart

Issue Number: PP-CA-Bakersfield-12-11-28
Protestor: Dennis Huggins

Issue Number: PP-CA-Bakersfield-12-18-26
Protestor: Bill Bingaman

Issue Number: PP-CA-Bakersfield-12-12-26
Protestor: Jack Caufield

Issue Number: PP-CA-Bakersfield-12-19-26
Protestor: Donald Vierira

Issue Excerpt Text:

The BLM says there is a conflict between archaeology/paleontology resources and agate collecting, but there is no documentation in either the DRMP or PRMP of that condition.

Response:

Under the Proposed Plan (Alternative B), casual collection of agates in the Horse Canyon Area of Critical Environmental Concern (ACEC) will be prohibited. This prohibition arises from a

conflict specific to the Horse Canyon ACEC, not to the planning area generally. The conflict is due to the coincident occurrence of an agate collection site and sensitive cultural resources in the Horse Canyon ACEC (Proposed Resource Management Plan/Final Environmental Impact Statement (Proposed RMP/FEIS), pp. 261, 530)). The presence of these sensitive cultural resources, including specific locations sacred to the Kawaiisu people, gives the Horse Canyon area relevance and importance, and serves as the primary reason for the existing ACEC designation. (Proposed RMP/FEIS, pp. 84, 261, and 341)

In the Proposed RMP/FEIS, the BLM documents the cumulative and potential impacts of unregulated casual collecting of agates and other minerals that has occurred within the Horse Canyon ACEC. Specifically, “significant deposits of agates occur throughout the area [Horse Canyon ACEC] that has been the focus of both commercial and private collectors for the past 50 years. Due to the likely co-occurrence of prehistoric stone tool material quarries with the agate deposits, the cumulative impacts of mineral specimen collecting in this area threatens the integrity of these sensitive cultural sites. The agate collecting locations occur on both private and BLM administered lands. There is currently no legal public access to the public land agate sources in this area.” (Proposed RMP/FEIS, p. 341)

The Environmental Consequences chapter of the Proposed RMP documents these concerns further, noting that “the continued allowance of mineral/fossil specimen collection” within the Horse Canyon ACEC “would subject these cultural resources to disturbance and increase the potential for vandalism and looting. In addition, the presence of people engaged in these activities may diminish the important traditional cultural values of the area to contemporary Native Americans.” (Proposed RMP/FEIS, pp. 449 and 455) Because of the inherent conflict between casual collection of agates and protection of sensitive cultural resources in the Horse Canyon ACEC, and because of the continued need for special management attention to these sensitive cultural resource values, the continued designation of the Horse Canyon ACEC and the prohibition of casual collection of agates within the Horse Canyon ACEC in the Proposed Plan (Alternative B) is warranted.

NEPA - Inventory

Issue Number: PP-CA-Bakersfield-12-04-31
Protestor: Erik Melchiorre

Issue Number: PP-CA-Bakersfield-12-07-22
Protestor: Richard Pankey

Issue Number: PP-CA-Bakersfield-12-08-25
Protestor: Shirley Leeson

Issue Number: PP-CA-Bakersfield-12-10-28
Protestor: L.W. Monroe

Issue Number: PP-CA-Bakersfield-12-11-30
Protestor: Dennis Huggins

Issue Number: PP-CA-Bakersfield-12-12-28
Protestor: Jack Caufield

Issue Number: PP-CA-Bakersfield-12-13-28
Protestor: Marshall Havner

Issue Number: PP-CA-Bakersfield-12-14-28
Protestor: Patrick Harrison

Issue Number: PP-CA-Bakersfield-12-15-28
Protestor: George Silva

Issue Number: PP-CA-Bakersfield-12-16-28
Protestor: Charles Reed

Issue Number: PP-CA-Bakersfield-12-17-28
Protestor: Tony Hart

Issue Number: PP-CA-Bakersfield-12-18-28
Protestor: Bill Bingaman

Issue Number: PP-CA-Bakersfield-12-19-28
Protestor: Donald Vierira

Issue Excerpt Text:

BLM did not make an inventory of agate resources within the Horse Canyon ACEC or Wallow Rock RMZ. Without such an inventory, it is not possible to identify conflicts with paleontological or archaeological resources.

The agate occurs in veins in igneous rock formations, or as alluvial stones. The fossils occur in Miocene age sedimentary rocks that do have agate. The archaeological resources are mostly flakes and pottery fragments. The inventory of archaeology sites is not complete. BLM has not demonstrated adequate data to justify its decisions regarding management of agate resources in the ACEC.

Issue Number: PP-CA-Bakersfield-12-09-31
Protestor: Robert Reynolds

Issue Excerpt Text:

BLM did not make an inventory of agate resources within the Horse Canyon ACEC or Wallow Rock RMZ. Without such an inventory, it is not possible to identify conflicts with paleontological or archaeological resources.

Hobby mineral collecting areas need to be compared graphically to the sedimentary formations that have records of containing vertebrate fossils.

The agate occurs in veins in igneous rock formations, or as alluvial stones. The fossils occur in Miocene age sedimentary rocks that do have agate. The archaeological resources are mostly flakes and pottery fragments. The inventory of archaeology sites is not complete. BLM must complete the inventory of both archaeological and paleontological resource localities prior to a decision that "a potential conflict" might exist. Subsequent to that,

conflict must be demonstrated by repeated citations. At the same time, BLM must document their attempts to encourage vertebrate paleontologists to assist with volunteer

management of vertebrate paleontological resources. BLM has not demonstrated adequate data to justify its decisions regarding management of agate resources in the ACEC.

Response:

As noted by the protesting party and in the Proposed Resource Management Plan (RMP), there is at least a 50-year history of agate collection in the Horse Canyon ACEC, and there was also an active period of mining that occurred from the early 1950s to the early 1960s for volcanic and sedimentary rocks used to make roofing materials. (Proposed RMP/FEIS, p. 341) A new, separate inventory of agate resources is not necessary to identify and analyze impacts from agate collection on cultural resources in the Horse Canyon ACEC. There is no need for a specific inventory of agate resources within the Wallow Rock Recreation Management Zone (RMZ) as there are no known agate collection sites or evidence of historic agate collecting within this area. In Wallow Rock, an area of granitic origin, the proscription of casual mineral collection is targeted to the collection of gold including gold panning. (Proposed RMP/FEIS, p. 530)

The cultural resources within the Horse Canyon ACEC are extensive, and are the primary reason for the designation of the Horse Canyon ACEC. (P. I-22, Appendix I of the Draft Resource Management Plan/Draft Environmental Impact Statement (Draft RMP/DEIS)). These include both artifacts (e.g., lithic flakes, pottery, etc.), sites (e.g., stone tool quarries), and locations sacred to the Kawaiisu people. (Proposed RMP/FEIS), pp. 84, 261, and 341) Many of these cultural resources are fragile and easily damaged by the kind of activity involved in casual agate collection. Additionally, prehistoric stone tool materials are often found together with agate deposits; thus casual collection of agate could easily damage these important cultural resources. The Proposed RMP describes how a general understanding of the impacts on known cultural resources serves as a proxy for estimating the potential for impacts in areas for which a complete survey is impracticable and infeasible. (Proposed RMP/FEIS, p. 447) Additionally, the BLM has documented in the Proposed RMP that overall, casual collection of mineral materials as well as other activities has resulted in degradation of cultural resources within Horse Canyon ACEC and the unauthorized collection of vertebrate fossils. (Proposed RMP/FEIS, p. 341 and Draft RMP/DEIS, pp. I-21 - 22) Therefore, the known importance of the Horse Canyon ACEC and the record of degradation and unauthorized collection of sensitive cultural and paleontological resources over a long period of time within it as described in the Proposed RMP provide the BLM with the proper basis from which to make an informed management decision.

NEPA - Cumulative Impacts

Issue Number: PP-CA-Bakersfield-12-01-2

Protestor: Dennis Huggins

Issue Excerpt Text:

The proposed management resource plan is concerned with the cumulative effects of rock collection in the Horse Canyon ACEC.

In the RCM plan is a statement citing there is degradation of the historical and cultural resources caused by years of rock collecting. We are not aware of any comparable studies that will backup these claims of cumulative degradation. Also we are not aware of any rock hound our rock collecting groups who have received or have been issued a citation, ticket are having been prosecuted for destroying, defacing or molesting any cultural sites or artifacts.

Response:

The absence of another study documenting the cumulative degradation of cultural resources in Horse Canyon ACEC does not mean that degradation has not occurred. The BLM cultural resources staff identified the cumulative and potential impacts to the cultural resources in the Horse Canyon ACEC in both the Affected Environment and Environmental Consequences chapters of the Proposed RMP. (Proposed RMP/FEIS, pp. 261, 341, 449, and 455) This impact identification was based on field review, discussions with local landowners and rock collectors, and evidence that artifacts have been inadvertently collected. The BLM's decision to close the Horse Canyon ACEC to casual mineral and rock collection is not made solely on the basis of the past impacts or impacts anticipated from future collection of agate collection, but also on other factors including the importance of the cultural resource and the potential threats to these resources. (Draft RMP/DEIS, Appendix I, pp. I-21 -22, and also see previous responses to protests regarding casual collection within the Horse Canyon ACEC).

The BLM considered this information and determined that the cumulative and potential future impacts from all of these different sources on the cultural resources located in and around Horse Canyon ACEC are significant, and in order for the BLM to adequately protect the cultural resources for which the Horse Canyon ACEC was established to protect, it is necessary to proscribe activities that could lead to further degradation of those resources, including casual agate collection. (Proposed RMP/FEIS, pp. 341, 449, and 455; Draft RMP/DEIS, pp. I-21 - 22)

The BLM is not alleging that past agate collection activities were necessarily illegal in nature; as such enforcement actions (i.e., citations or tickets) have not necessarily been issued. An activity does not have to be illegal or untoward to have a negative impact on a cultural resource. Many impacts to cultural resources in the Horse Canyon ACEC have likely been inadvertent or unintentional, but are nonetheless harmful, especially in the aggregate. (Proposed RMP/FEIS, p. 446)

NEPA - BLM Development Scenario

Issue Number: PP-CA-Bakersfield-12-20-10

Protestor: Brendan Cummings

Issue Excerpt Text:

As noted below, as well as in the EPA letter, BLM's projections largely ignore the increased development and likely much higher number of wells be drilled in the coming years in light of the deployment of recent fracking techniques. Consequently, even if it were lawful for BLM to consider only the increment over the projected baseline, this analysis still likely vastly underestimates true air quality impacts.

Issue Number: PP-CA-Bakersfield-12-20-13

Protestor: Brendan Cummings

Issue Excerpt Text:

Because BLM relied on the same flawed development scenario in all alternatives, a

scenario that largely ignored and arbitrarily downplayed the increased oil development that would likely occur as a result of new fracking technologies and practices, BLM failed to consider a reasonable range of alternatives, rendering the FEIS woefully deficient.

Issue Number: PP-CA-Bakersfield-12-20-8

Protestor: Brendan Cummings

Issue Excerpt Text:

BLM calculates a baseline of 3600 new oil wells over the next decade as the no action alternative, and then only analyses the impacts of 360 new wells as flowing from the PRMP. By so doing BLM analyzes only 10% of the projected air impacts of activities under the PRMP and consequently minimizes the very real and significant impacts that leasing and development under the PRMP will have upon air quality.

Response:

The BLM prepared its reasonably foreseeable development (RFD) scenario based on historic trends in oil and gas development within the Planning Area. This was inclusive of trends resulting from new technologies for oil and gas production including such items as steam injection, horizontal drilling, and hydraulic fracturing. (Proposed RMP/FEIS, Appendix M, pp. 986-7) As such the BLM does not consider levels of development beyond the 4000 wells drilled over 10 years as a result of new hydraulic fracturing techniques to be reasonably foreseeable; nor is evidence to the contrary provided by the protestor or in the letter received from the Environmental Protection Agency (EPA) commenting on the Draft RMP/DEIS. In a letter to the BLM dated September 26, 2012, the EPA stated that with regard to the BLM's RFD projection of 4000 wells drilled over the next ten years that "the BLM projections are likely to be realized." (EPA Letter).

The RFD does not vary by alternative as the foreseeable development is most likely to occur in existing oil fields on leases for which exploration and development rights have already been

granted. Even given advancements in drilling and production technology, the BLM does not expect development to deviate from this historic pattern. (Proposed RMP/FEIS, p. 318; Appendix M, pp. 986-987)

In the Proposed RMP/FEIS, the BLM presented both the baseline emissions resulting from the current level of oil and gas drilling approvals and the additional emissions expected to occur as a result of an increase from 360 wells per year to 400 wells per year. (Proposed RMP/ Final EIS, p. 229-230; Appendix A, p. 747) As such the BLM fully disclosed the emissions resulting from the current rate of oil and gas activity approvals and the anticipated increase resulting from the management decisions in the Proposed RMP. This data is presented on a per year basis in order to relate the estimated emissions from the increase in predicted well drilling to the de minimis levels which serve as a proxy for the establishment of a significant impact. (Proposed RMP/FEIS, p. 397)

The BLM's overall conclusion is that the emissions from oil and gas production and all of the other expected activities arising from this planning effort are likely to fall below de minimis threshold values of air pollutants. (Proposed RMP/FEIS, Appendix A, p. 755) "The BLM's projected emissions do not exceed any air quality standards, and are not expected to contribute substantially to an existing air quality violation, or result in a cumulatively considerable net increase of any criteria pollutant for which a geographic area is designated non-attainment. Furthermore, estimated emissions are not anticipated to conflict with or obstruct implementation of applicable air quality plans." (Proposed RMP/FEIS, Appendix A, p. 755)

The San Joaquin Valley Air Pollution Control District (APCD), which has regulatory authority over the planning area to determine conformance with the Clean Air Act and other applicable Air Quality plans, concurred with this assessment in a letter dated October 25, 2012, responding to BLM's publication of the Proposed RMP/FEIS. The letter stated in part that "Based on the emissions input information provided in the BLM PRMP/FEIS and the preliminary projected emissions increase from livestock grazing calculated by District staff, the PRMP/FEIS appears to be below de minimis and would meet applicable requirements under the general conformity rule." (San Joaquin Valley APCD Letter)

It should be noted with regard to the potential impact of hydraulic fracturing on the number of wells that might be drilled within the planning area, that hydraulic fracturing production like all oil and gas production is highly uncertain. As with all other project proponents in the planning area, proponents employing hydraulic fracturing techniques will be required to include measures for reducing air pollutant emissions in project proposals; they will be required to comply with air regulatory agency rules, regulations, and permits and reporting requirements. When applications for permits to drill on leased lands are submitted to the BLM, additional National Environmental Policy Act of 1969 (NEPA) analysis will be required and additional requirements and mitigation methods will be considered to address potential impacts (see pages 896 and 897 of the Proposed RMP/FEIS). The BLM will require additional air emission control measures and strategies within its regulatory authority and in consultation with the EPA, the California Air Resources Board, and pertinent local air pollution control districts. The BLM will ensure that air pollution control measures and strategies (both operator committed and required mitigation) are

enforceable by including the specific conditions in the decision document (Record of Decision (ROD) or Decision Record) for each approved permit to drill. (Proposed RMP/FEIS, Appendix A, pp. 761 - 762)

The Federal Land Policy and Management Act

Issue Number: PP-CA-Bakersfield-12-20-4

Protestor: Brendan Cummings

Issue Excerpt Text:

The PRMP is not consistent with FLPMA which requires BLM to prepare and maintain adequate inventory data on the resources of an area and that information be used to inform the planning process. 43 U.S.C. § 1711 (a); 43 U.S.C. § 1701(a)(2) As noted by the EPA, the BLM has failed to properly identify or quantify air quality baseline and impact data, such as secondary PM2.5 formation resulting from nitrogen oxides, volatile organic compounds and sulfur oxides associated with foreseeable activities under the PRMP. Moreover, BLM has failed to maintain an inventory of impacts and emissions from existing active wells as well as from the 4000 new wells BLM anticipates will be drilled under the PRMP.

Response:

The BLM's proposed plan is consistent with the Federal Land Policy and Management Act (FLPMA) and, as part of the planning process and NEPA review, an adequate description of the planning area's air quality resources has been provided to support an analysis of impacts of the proposed management. Appendix A in the Proposed RMP/FEIS includes an assessment of the Air and Atmospheric Values impacts within the planning area (including an air emissions inventory) based upon reasonable assumptions of the impacts of the BLM's current and future land use decisions. Table A-1 summarizes the air quality inventory for criteria air pollutants from oil and gas activity in the planning area, and Table A-2 summarizes the air quality inventory for criteria air pollutants from the total projected emissions in the planning area. (Proposed RMP/FEIS, Appendix A, pp. 745 - 747) Air resources impacts are described in narrative form in the Environmental Consequences section. (Proposed RMP/FEIS, pp. 399-400)

Overall, all of the activities within the planning area, including oil and gas production, are expected to remain below the de minimis thresholds for all criteria air pollutants. (Proposed RMP/FEIS, Appendix A, p. 755) The quantification of secondary PM2.5 formation resulting from nitrogen oxides, volatile organic compounds and sulfur oxides is outside the broad scope of this broad scale planning effort, and is best addressed when the BLM considers site-specific proposals that include more detailed information about a proposal's potential PM2.5 emission sources. (Proposed RMP/FEIS, p. 610) The Proposed RMP/FEIS does describe PM2.5, secondary PM2.5, and its sources (e.g., diesel engines, high emitting vehicles including boats, off-road equipment, etc.) on page 231-2, and emissions estimates are made for PM2.5 precursors (e.g., nitrogen oxides, sodium oxides, and volatile organic compounds/reactive organic gases (VOC/ROG)) associated with combustion sources. (Proposed RMP/FEIS, pp. 398-400) However, the analytical limitation of these estimates due to the variability of sources is described in Appendix A, pages 744 and 745.

The BLM has identified the impacts from nitrogen oxides and VOC/ROG, and particulate matter (PM10 and PM2.5) as “pollutants of concern” within the planning area: “The emissions inventory compiled for each alternative shows that estimated emissions from BLM authorized activities such as oil and gas development have the potential to cause or contribute to increased levels of ozone which may contribute to exceedances of the ozone standard due to increased emissions of ozone forming precursors.” (Proposed RMP/FEIS, Appendix A, p. 758) The BLM is addressing those “pollutants of concern” through specific management actions that will be implemented at the project level. (Proposed RMP/FEIS, Appendix A, p. 758)

Please refer to the following citation for a full description of these actions in the Proposed RMP/FEIS. (Proposed RMP/FEIS, Appendix A, pp. 761 - 762)

The Administrative Procedure Act

Issue Number: PP-CA-Bakersfield-12-04-33

Protestor: Erik Melchiorre

Issue Number: PP-CA-Bakersfield-12-07-24

Protestor: Richard Pankey

Issue Number: PP-CA-Bakersfield-12-08-27

Protestor: Shirley Leeson

Issue Number: PP-CA-Bakersfield-12-09-33

Protestor: Robert Reynolds

Issue Number: PP-CA-Bakersfield-12-10-30

Protestor: L.W. Monroe

Issue Number: PP-CA-Bakersfield-12-11-32

Protestor: Dennis Huggins

Issue Number: PP-CA-Bakersfield-12-13-30

Protestor: Marshall Havner

Issue Number: PP-CA-Bakersfield-12-14-30

Protestor: Patrick Harrison

Issue Number: PP-CA-Bakersfield-12-15-30

Protestor: George Silva

Issue Number: PP-CA-Bakersfield-12-16-30

Protestor: Charles Reed

Issue Number: PP-CA-Bakersfield-12-17-30

Protestor: Tony Hart

Issue Number: PP-CA-Bakersfield-12-18-30

Protestor: Bill Bingaman

Issue Number: PP-CA-Bakersfield-12-19-30

Protestor: Donald Vierira

Issue Excerpt Text:

BLM says that a permit system for casual use collection will work in all the other ACECs and SMAs. It does not explain why such a system for non-mining claim owners could not be implemented in the Horse Canyon ACEC. BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-12-30

Protestor: Jack Caufield

Issue Excerpt Text:

BLM says that a permit system for casual use collection will work in all the other ACEC;s and SMA's. It does not explain why such a system for non-mining claim owners could not be implemented in the Horse Canyon ACEC BLM's decision is arbitrary and capricious. Even this permit requirement is clearly contrary to the intent of the OPLA-PRP SEC 6304.

Response:

The Proposed RMP/FEIS does not establish a permit system for casual use or casual collection in any ACEC.

A permit system for casual collection managed under 43 CFR 8365.1-5(c) is proposed within the Gold Fever, French Gulch, and The Dam RMZs in the Keyesville Special Recreation Management Area (SRMA), but not, however, within any other areas within the planning area. The permit system proposed for the RMZs is deemed necessary to meet recreation objectives

rather than achieve the protection of resources. This type of permit system was not considered for the Horse Canyon ACEC as it is not managed for recreation. (Proposed RMP/FEIS, p. 73)

The Proposed RMP/FEIS also proposes the establishment of special areas, including some ACECs, areas of ecological importance, cultural resource sites, and RMZs, which requires a 15-day notification to be provided to the BLM before any casual use activity is conducted under the mining laws. (Proposed RMP/FEIS, p. 72) The rationale for the introduction of this requirement is to allow the BLM to conduct site-specific review of proposed activities in areas with sensitive resources and determine the appropriate level of authorization necessary to allow the mining activity to occur. (Proposed RMP/FEIS, p.72)

However, applying this 15-day notification system to the Horse Canyon ACEC would not ameliorate the deleterious impact casual collection of minerals and rocks within the Horse Canyon ACEC would have on the cultural resources the Horse Canyon ACEC was established to protect. The 50-year history of agate collection within the Horse Canyon ACEC has shown the cumulative impact of the activity involved in agate collection and the preservation of important cultural resources within Horse Canyon ACEC. (Proposed RMP/FEIS, pp. 341 and 449 and Draft RMP/DEIS, pp. I-21-22)

As noted in prior responses, the Horse Canyon ACEC was established in order to provide protection for important cultural resources. (Proposed RMP/FEIS, pp. 84, 261, and 341) The BLM has determined that casual collection activities of agate and other minerals and fossils within the Horse Canyon ACEC individually and in combination with impacts from other activities has led cumulatively to the degradation of the cultural resources within the Horse Canyon ACEC. Furthermore, the casual collection of agate and other minerals and fossils within the Horse Canyon ACEC has the potential to further degrade those important cultural resources. (Proposed RMP/FEIS, pp. 341 and 449 and Draft RMP/DEIS, pp. I-21-22) Therefore, the BLM has determined that it is necessary to proscribe casual collection of minerals and fossils within the Horse Canyon ACEC.

Areas of Critical Environmental Concern (ACEC)

Salinas River ACEC

Issue Number: PP-CA-Bakersfield-12-21-22

Protestor: Jeff Kuyper

Issue Excerpt Text:

The FEIS states that this change in designation would receive the "same level of protection" through designation as an area of ecological importance. *id.* at 541. However, the FEIS fails to consider that this area has benefitted from a longstanding mineral withdrawal by virtue of its current ACEC designation, and the Preferred Alternative replaces this withdrawal with a 15-day notification requirement and a determination as to whether a notice or plan of operations must be submitted to BLM prior to commencing mining activities. PRMP/FEIS at 47. The Preferred Alternative also eliminates the existing prohibition on the discharge of firearms in the area, and identifies the area as open for fluid mineral leasing including oil and gas development.

Issue Number: PP-CA-Bakersfield-12-21-24

Protestor: Jeff Kuyper

Issue Excerpt Text:

The PRMP/FEIS provides no rationale for revoking this area's ACEC status. Rather, the PRMP/FEIS concludes that the area is still eligible for ACEC designation:

The ACEC contains two rare plant species (Camissonia hardhamiae and Chorizanthe rectispina) and a riparian system containing several rare plant communities such as central coast live oak riparian forest, central coast arroyo willow riparian forest, sycamore alluvial woodland and central coast riparian scrub. In addition, critical habitat for the South Central California Coast Steelhead ESU occurs within

the ACEC on non-BLM land. Western pond turtle, a BLM California sensitive species also is present and this ACEC provides critical migratory and nesting habitat for Neotropical Migrating Birds.

The Salinas River area requires special management because the riparian zone along the river harbors a diversity of plants and animals, including rare and special management species, many of which are not found elsewhere in the Bakersfield Field Office. The sensitive plant and animal species and riparian habitats are fragile, sensitive, and vulnerable to adverse change. PRMP/FEIS at 341.

Issue Number: PP-CA-Bakersfield-12-21-25

Protestor: Jeff Kuyper

Issue Excerpt Text:

Ironically, the BLM relies on the existing ACEC designation in concluding that this river stretch is not suitable for designation under the Wild and Scenic Rivers Act. Specifically, the Wild and Scenic River Suitability Report (Draft RMP/DEIS at Appendix J) states that other protections, such as an ACEC, are more beneficial in protecting the river's outstandingly remarkable values and give the BLM more flexibility in managing the area. See Draft RMP/DEIS, Appendix J at 3-36.

The BLM's revocation of ACEC status for the Salinas River ACEC would remove longstanding protections against mining, oil drilling, and shooting and is not consistent with the BLM's own ACEC criteria. Moreover, it does not fulfill the BLM's duty to prioritize ACEC designation, and violates FLPMA and NEPA.

Summary:

The Proposed RMP/FEIS provides no rationale for revoking this area's ACEC status. Rather, the Proposed RMP/FEIS concludes that the area is still eligible for ACEC designation.

The Proposed RMP/FEIS states that this change in designation would receive the "same level of protection" through designation as an area of ecological importance; and

The BLM relies on the existing ACEC designation in concluding that this river stretch is not suitable for designation under the Wild and Scenic Rivers Act.

Response:

- The Proposed RMP/FEIS provides no rationale for revoking this area's ACEC status. Rather, the Proposed RMP/FEIS concludes that the area is still eligible for ACEC designation.

Upon further review of the Proposed RMP/FEIS, the BLM has determined that a more thorough rationale for the proposal not to continue management of the Salinas River area as a designated ACEC was necessary in the Proposed RMP, given that the area has been managed as an ACEC since 1997 and that the area continues to possess relevant and important values.

Therefore, this protest is granted, in part. In the ROD, the BLM will designate the area as an ACEC, as proposed and analyzed in Alternative C, which provides greater protections than current management (Alternative A) and Alternative B. Under Alternative C, the BLM designates 946 acres of public lands and 658 acres of Federal mineral estate as the Salinas River ACEC (Map 2.4.5), administered with the following management. (Proposed RMP/FEIS, pp. 159-160):

- Identify as open for fluid mineral leasing, subject to moderate constraints (CSU- priority species, plant communities and habitats stipulations);
- Recommend proposal of the riparian zone (approximately 10 acres) for withdrawal from appropriation and entry under the General Mining Law;
- Identify as unavailable for livestock grazing;
- Prohibit campfires and overnight camping;
- Prohibit cross country equestrian travel; and
- Prohibit the discharge of firearms, except the legal taking of game species.

In the Proposed RMP, a planning area wide management allocation for exclusion areas for utility scale renewable energy rights-of-way includes all ACECs, as well as other sensitive areas (see Section 2.2.12.2, page 61); therefore, this general management direction applies to the area within the Salinas River ACEC.

- The Proposed RMP/FEIS states that this change in designation would receive the "same level of protection" through designation as an area of ecological importance.

The protesting party also questioned the effectiveness of the BLM's proposed management prescriptions of the "area of ecological importance." The BLM's decision to grant this protest in part and designate the ACEC addresses the party's concerns with the discharge of firearms and the recommendation to withdraw the area from mineral entry. Regarding the concern with the BLM's identification of the area as open to fluid mineral leasing, subject to moderate constraints, it should be noted that under current management, the Salinas River ACEC is open to oil and gas leasing under standard stipulations (see the Caliente RMP provisions at <http://www.blm.gov/ca/st/en/fo/bakersfield/Programs/planning/rmpcontents/stiptable.html>).

Applying controlled surface use limitations to potential oil and gas activities "would allow the BLM to move, delay, and even prohibit surface-disturbing activities on all or a portion of the lease, if necessary, to reduce impacts on biological resources to an acceptable level." (Proposed RMP/FEIS, p. 421) In this way, the ACEC designation under Alternative C provides greater protections of the area's relevant and important values than the current management (the no action alternative).

- The BLM relies on the existing ACEC designation in concluding that this river stretch is not suitable for designation under the Wild and Scenic Rivers Act.

Several factors caused eligible waterways to be recommended as not suitable for inclusion in the National Wild and Scenic Rivers (WSR) System, including the effectiveness of current non-WSR management in protecting the identified ORVs. (Proposed RMP/FEIS, p. 358) The factors identified for the 0.8 mile segment of the Salinas River are specifically described in Appendix J of the Draft RMP/EIS (page 3-35): (1) limited public access, which could make WSR management enforcement difficult; (2) other protections, such as an ACEC designation, may be more beneficial in protecting the ORV due to the potential for the condition of the riparian area to change over time; and (3) Congressional designation as a WSR does not give the BLM as much flexibility in managing the area as does an ACEC designation, where management can be dynamic. While current non-WSR management as an ACEC was considered in the determination of suitability, it was not the only factor in the preliminary determination.

ACEC - Give priority to ACEC Designation

Issue Number: PP-CA-Bakersfield-12-21-4

Protestor: Jeff Kuyper

Issue Excerpt Text:

To resolve this, once BLM has determined that certain areas in the Bakersfield Field Office contain the requisite relevant and important values (R&I values) and that the PRMP does not protect all of the R&I values which the Bakersfield Field Office has already done the agency must give priority to the designation of those areas as ACECs over other competing resource uses and likewise give priority to the protection of those areas over other competing resource uses. BLM has violated FLPMA by failing to give priority to the designation and protection of ACECs.

The practical result of failing to prioritize ACEC designation in the PRMP/FEIS is a reduction in protections for rare, sensitive, threatened, and endangered species in the planning area. In fact, the ACEC designations in the preferred alternative (Alternative B) protect fewer special-status species than current ACEC designations. A total of 328 special-status species occur in the planning area; Alternative A (the "no action" alternative) affords protection for 93 of these species (28%), while Alternative B (the preferred alternative) affords protection for only 83 of these species (25%). PRMP/FEIS at 212, Table 2.2 (Summary of Environmental Consequences by Alternative). Overall, Alternative B is the second-least protective alternative analyzed in the Draft RMP/DEIS with respect to species at risk. Id. The BLM's selection of Alternative B as the Preferred Alternative does not fulfill the agency's obligation to prioritize the designation of ACECs through the RMP process, and places numerous special-status species and their habitat in jeopardy.

Response:

While FLPMA requires the BLM to "give priority to the designation and protection of areas of critical environmental concern" (ACEC; 43 USC § 1712(c)(3)), there is no requirement that all potential ACECs considered during the planning process be carried forward into the Proposed Plan. The BLM's ACEC Manual Section 1613 provides that all potential recommended ACECs be carried forward into at least one alternative in the Draft RMP/DEIS. In the Bakersfield Proposed RMP/FEIS, two alternatives (Alternatives C and D) carry forward all potential ACECs for designation. The BLM Manual Section 1613.23 states:

[a]fter completing the analysis of the effects of each alternative, the manager selects the preferred plan alternative which best meets the planning criteria and the guidance applicable to the area. The preferred alternative reflects the BLM's proposal for designation and management of ACECs.

The BLM has full discretion in the selection of ACECs for the various alternatives. A comparison of estimated effects and trade-offs associated with the alternatives leads to development and selection of the Preferred Alternative. In the Bakersfield Proposed RMP/FEIS,

the BLM proposes to designate 18 of the 22 potential ACECs that were considered during the planning process. Though the BLM does not propose to designate all potential areas, it has complied with FLPMA and acted consistent with BLM policy in its careful consideration of these areas and in its deliberative selection of the proposed ACECs. (Note, as discussed above, the BLM is granting a protest regarding the Salinas River ACEC, and upon further review has determined to designate the Salinas River ACEC in the Record of Decision (ROD). Designating the Salinas River ACEC will bring the total number of designated ACECs in the planning area to 19; see the response to the Salinas River ACEC issue below.)

Under the Proposed RMP, when compared to the No Action Alternative, there are six *additional* ACECs designated to protect biological resources, resulting in an increase of 47,000 acres of ACECs. (Proposed RMP/FEIS, p. 203) The primary way that special status species are managed and protected in the Proposed RMP is through the application of specific management of priority species and plant communities and habitats wherever they occur in the planning area as well as in areas of ecological importance (Proposed RMP/FEIS p. 44); these 11 areas (excluding the Salinas River area, which will be designated as an ACEC in the ROD, as discussed above) encompass almost 275,000 acres. Analysis in chapter 4 (Section 4.17.3) describes how these areas will be protected and concludes that the ecological values will not be degraded or lost. (Proposed RMP/FEIS, pp. 215, 422, 684, and 685)

As noted in the Proposed RMP/FEIS, one of the principle goals of the Proposed RMP is to promote the recovery of state and federally-listed species, and to conserve and recover these species through maintenance, enhancement, and restoration of their habitats. (Proposed RMP/FEIS, p. 41) Decisions on pages 41 through 49 of the Proposed RMP/FEIS will apply to all BLM lands, regardless of whether they are designated as ACECs or identified as areas of ecological importance.

ACEC – Identification of Private Lands

Issue Number: PP-CA-Bakersfield-12-05-2

Protestor: Richard and Susan Snedden

Issue Excerpt Text:

In this proposal, the BLM claims land use planning jurisdiction on private land in Alternatives B through E. (See "Exhibit A") The BLM's Bitter Creek ACEC prohibitions include, "Identify as an exclusion area for rights-of-way related to utility scale renewable energy, prohibit public access to lands adjacent to USFWS surface, prohibit campfires and overnight camping; and prohibit the discharge of firearms for shooting sports activities; except for the legal taking of game species." (Volume One, Section 2.2.17, pp.85-86) The even more restrictive Alternatives C, D, and E include restrictions on livestock grazing. Kern County government imposes none of these prohibitions on our land use.

According to the Kern County General Plan, Map Code 1.1 (State and Federal Land) and Map Code 1.2 (Incorporated Cities) are the two classifications that Kern County has determined to be non-jurisdictional land. Map Code 1.1 "applies to all property under the ownership and control of the various State and federal agencies operating in Kern County (military, U.S. Forest Service, Bureau of Land Management, Department of Energy, etc.)" Kern County's Use Code for all Snedden fee title land is 8.3 (Extensive Agriculture) in which "uses shall include, but are not limited to, the following: livestock grazing; ranching facilities; timber harvesting; water storage or groundwater recharge areas; and recreational activities, such as gun clubs and guest ranches." (See "Exhibits B, C, D") Our private property within the boundaries of the proposed ACEC is also zoned A (Exclusive Agriculture) on the Kern County General Plan Resource Map Code. As Kern County Planning Director Lorelei Oviatt expressed in her comments to BLM, these

County zoning designations "recognize that agriculture has been and will continue to be vital to Kern County." (12/8/11)

As indicated in the Kern County General Plan, the elected members of the Kern County Board of Supervisors have authority in surface land use decisions, including over the private surface in a split estate with federal subsurface. This is not only confirmed by the County General Plan, but Kern County Supervisor Ray Watson and Kern County Planning Department Director Lorelei Oviatt also confirmed this fact when they submitted comments requesting that the BLM exclude our private property from the ACEC designation. (12/6/11) (12/8/11)

The BLM confirms the County's authority over surface management decisions in the RMP-EIS Document. "The decisions generated by the RMP would only apply to BLM-administered surface and mineral estate. No decisions generated by the RMP would change existing rights or authority of private land owners or other surface management agencies." (Volume One, Chapter Two, p. 19) BLM plans and BLM statements are misleading and contradictory.

We insist that the BLM remove the ACEC designation from any and all Snedden private land. This BLM action will make clear to us and to Kern County government that the BLM will not assume decision making authority outside of its legitimate decision area. This will allow the BLM to avoid a land use conflict in this area as well as reconcile BLM plans with BLM published statements.

Map Correction Needed ("Exhibit E")

As requested in our previous comments, please correct Map 2.2.10 (Bitter Creek ACEC) on page 106 so that the property shaded green for USFWS is changed to indicate that it is private land. That property belongs to us, Richard and

Susan Snedden: T10N, R23W, S.B.B.M. All of the W1/2 of the SW 1/4; SE ¼ of the SW ¼ of Section 22. (See "Exhibit E")

Issue Number: PP-CA-Bakersfield-12-06-1

Protestor: Kenneth and Rosemary Twisselman

Issue Excerpt Text:

We are sending you this letter to protest the BLM including our private property in the proposed Chico Martinez Area of Critical Environmental Concern. (Map 2.2.11) As we stated in our comments letter, dated December 1, 2011, we were not previously aware that BLM had made that designation involving our private land. BLM's ownership of subsurface rights does not give it land planning authority over the surface use decisions of surface owners.

In Alternative B, the BLM's Proposed Plan Alternative, the BLM establishes several use restrictions and prohibitions for our private surface property, including closing the area to mineral materials disposals, except for administrative purposes and excluding rights-of-

way related to utility-scale renewable energy projects. The objectives for the proposed Chico Martinez ACEC are to "protect important cultural, paleontological resources, and the Zemorrian stage geologic formations." (Special Designations; 2.2.17 p. 84.) There are no details given for how the BLM expects to achieve these objectives, but these are surface resources. Any and all cultural and paleontological resources and geologic formations on our private land are off limits to BLM access, oversight and control.

We are attaching the map of the Proposed Chico Martinez ACEC to indicate our private property. Our private surface property is in T29S; R20E; M.D.B.M.; within Sections 4,5,7,9, 17& 18 where the private land use zoning is determined by the elected officials of the County of Kern.

The inclusion of our land into the Chico Martinez ACEC is a federal action that interferes with our constitutionally protected property rights. As we stated in our comment letter dated December 1, 2011, we want the Chico Martinez ACEC designation removed from all of our private property.

Response:

Management direction in the Proposed RMP only applies to Federal interests, as explained in the Proposed RMP/FEIS. Please see the description of the decision area in section 1.3.2 of chapter 1 and the Introduction of chapter 2. As referenced by a protesting party, the BLM states on page 19 of chapter 2 that there are no decisions in this plan that affect the existing rights or authority of private land owners, nor does the plan affect zoning decisions made by local planning authorities regarding the private surface lands. The BLM does not assume decision-making authority on these surface lands. Any use restrictions and prohibitions included in the Proposed RMP for the management of these ACECs do not apply to non-BLM lands or to private interests.

As noted in the BLM's Responses to Comments section of the Proposed RMP/FEIS (page 684, comment 5.5.14.2), the boundaries of the Bitter Creek and Chico Martinez ACECs were redrawn to exclude lands for which the BLM has no authority to apply management prescriptions. This revision was made in response to requests made by the protesting parties on the Draft RMP/DEIS. The maps still show private surface overlying Federal mineral estate areas within the boundaries of the ACECs, including areas for which the protesting parties own the surface overlying mineral estate. The BLM's ROD will clarify that the plan's decisions apply only to

federal interests, not to privately-owned surface lands. The Bitter Creek and Chico Martinez ACECs are discussed further in area-specific responses below.

Regarding the protesting party's concern with the Proposed RMP/FEIS' Map 2.2.10 (Bitter Creek ACEC), the land in question falls outside of the ACEC boundary so no decision is affected by your concern. The map is based on information provided by the U.S. Fish and Wildlife Service (FWS) regarding their Refuge lands.

ACEC - Disclosure of Information and Rationale

Issue Number: PP-CA-Bakersfield-12-21-49

Protestor: Jeff Kuyper

Issue Excerpt Text:

The BLM ACEC Manual requires that the rationale for ACEC designations must be discussed. BLM Manual § 1613.33(E). However, BLM's reasoning for determining whether to propose a potential ACEC is obscured. The PRMP does not explain what weight BLM gave to the different values, why it excluded some lands with similar values from the ACEC boundary, or why it determined to propose certain potential ACECs but not others, even when potential units possessed comparable values. Nor does the FEIS evaluate the environmental impacts of excluding certain lands from ACEC designation. To present high-quality information, as required by NEPA and the BLM Manual, the PRMP should clearly indicate the weight given to the different factors and values in the ACEC determination process, and should likewise explain and the

justifications for recommending certain areas as proposed ACECs, but not others. BLM Manual § 1613.31 to .33; 40 C.F.R. § 1500.1(b).

Issue Number: PP-CA-Bakersfield-12-21-50

Protestor: Jeff Kuyper

Issue Excerpt Text:

Complicating the public's review of the PRMP/FEIS, the BLM failed to update Appendix I (Evaluation of Proposed Areas of Critical Environmental Concern) based on the new information provided during the public comment period, and failed to include the detailed ACEC evaluations in the PRMP/FEIS. The PRMP/FEIS is also missing most of the ACEC maps that were included in the Draft RMP/DEIS. We hope that the BLM will include this important information in the final RMP, so that the agency and the public can easily refer to them.

Response:

The BLM has adequately disclosed the process it used to evaluate potential ACECs. The Proposed RMP/FEIS discloses the determinations made regarding the relevance and importance of values and provides the rationale for the proposed designations and management prescriptions. Many of the statements made by the protesting party are protestations of the rationale provided by the BLM in the Proposed RMP/FEIS.

Consistent with BLM Manual Section 1613, the BLM disclosed the rationale for ACEC designations brought forward into the Proposed RMP and analysis of the BLM's decision not to designate other potential ACECs. Upon further review of the Proposed RMP/FEIS, however, and as explained above, the BLM has determined that a more thorough rationale for the proposal not to continue management of the Salinas River area as a designated ACEC was necessary in the Proposed RMP, given that the area has been managed as an ACEC since 1997 and that the area continues to possess relevant and important values. For this reason, the Salinas River ACEC protest is granted.

The BLM's consideration of potential ACECs and their appropriate management is captured in the Draft RMP/DEIS and its Appendix I, as well as in the Proposed RMP/FEIS. In Appendix I of the Draft RMP/DEIS, the BLM provides, in tabular form, a record of the evaluation of nominated areas and the rationale for determinations made in regard to which lands met the relevance and importance criteria for a potential ACEC, and why lands were not further considered as proposed ACECs. Section 3.17 of the Proposed RMP provides a similar discussion of each of the existing and proposed areas considered in the range of alternatives, as well as of those areas dropped from consideration by the BLM. (Proposed RMP/FEIS, pp. 336-353) Further, the BLM has adequately analyzed the impacts of management actions on those lands not included as potential ACECs. In the alternatives where a potential ACEC is not recommended for designation and special management, the impacts of the proposed management on the relevant and important values was analyzed. (Proposed RMP/FEIS, pp. 537-543)

As noted above, the BLM Manual Section 1613.23 states that the manager selects the preferred plan alternative "which best meets the planning criteria and the guidance applicable to the area" after a comparison of estimated effects and trade-offs associated with the alternatives. The Proposed RMP/FEIS provides the rationale for designating or not designating these ACECs. (Proposed RMP/FEIS, pp. 540-541) The ROD will include an explanation for this decision.

BLM Manual Section 1613 provides that the BLM review public comments on its proposed ACEC management and designations and to make changes "as necessary." BLM Manual Section 1613.23(B) The BLM considered the public's comments regarding the proposed ACECs and the new information provided by the public, including the protesting party, was added to the document, including information on resources in the Hopper Mountain ACEC. (Proposed RMP/Final EIS, p. 347)

Some supporting documents included in the Draft RMP/DEIS were not republished and appended to the Proposed RMP/FEIS. The BLM considers the "Evaluation of Proposed Areas of Critical Environmental Concern" to be a standalone document in its final version. The evaluation was removed from the Proposed RMP/FEIS to reduce redundancy and duplication; several other documents were likewise not republished in the Proposed RMP/FEIS. however, they are available to the public. (Proposed RMP/FEIS, p. 731) The evaluations' findings are summarized in the Proposed RMP/FEIS. Further, the maps of ACECs in the Proposed RMP/FEIS were adequate to present to the reader the location of the proposed ACEC designations and boundary adjustments included in the BLM's Proposed RMP alternative.

Chimineas Ranch ACEC

Issue Number: PP-CA-Bakersfield-12-21-11
Protestor: Jeff Kuyper

Issue Excerpt Text:

Clearly, given the language above [BLM ACEC Manual 1613.21(b)], the BLM can (and should) rely on the opinions and conclusions of other land management agencies in evaluating the ACEC criteria for a particular area. As this was the only basis for the BLM's dismissal of the evidence provided in our comments on the Draft RMP/DEIS, the BLM acted contrary to its own ACEC Manual and did not fulfill its duty to prioritize ACEC designations for lands requiring special management considerations. Thus, the BLM's failure to fully evaluate the Chimineas Ranch for ACEC designation violates FLPMA.

Issue Number: PP-CA-Bakersfield-12-21-12
Protestor: Jeff Kuyper

Issue Excerpt Text:

Moreover, the BLM's failure to designate the Chimineas Ranch ACEC violates NEPA because the BLM failed to respond to extensive evidence we submitted during the comment period showing that the area has regional and state-wide importance. Likewise, the BLM failed to respond to our evidence showing that the area is facing a variety of threats that require special management attention, particularly impacts from livestock grazing, oil and gas development, and other land uses. Moreover, the BLM failed to include the Chimineas Ranch ACEC in any of the five alternatives proposed in the PRMP/FEIS, despite an obligation under NEPA to "rigorously explore and objectively evaluate all reasonable alternatives." 40 CFR §1502.14(a).

Issue Number: PP-CA-Bakersfield-12-21-15
Protestor: Jeff Kuyper

Issue Excerpt Text:

The PRMP also does not contain adequate management prescriptions to guard this area against ongoing impacts from livestock grazing. We presented an extensive amount of evidence in our comments on the Draft RMP/DEIS regarding known, ongoing impacts to this area caused by livestock grazing. The BLM even acknowledges in the FEIS that the Chimineas Ranch North grazing allotment has a Range Health Category of 1 ("One or more standards not being met, livestock are significant contributor to failure.") PRMP/FEIS at 861-863, Appendix F, Table F.3.A. (Current Rangeland Health Assessment Results). Despite the threat posed by livestock grazing, the Preferred Alternative B in the PRMP proposes no changes to current grazing management in the Chimineas Ranch area. See PRMP/FEIS at 866-878, Table F.5 (Livestock Grazing Implementation Levels By Alternative).

Issue Number: PP-CA-Bakersfield-12-21-7
Protestor: Jeff Kuyper

Issue Excerpt Text:

The Draft RMP/Draft EIS evaluated 6,594 acres of the Chimineas Ranch for ACEC designation as nominated by the public, and concluded that the area is not "important" because "it does not present more than locally significant assemblages of threatened and endangered species habitat and is not particularly vulnerable to adverse change as it is surrounded by CDF&G Ecological Reserve and USFS lands." Draft RMP/Draft EIS at 317. In our comments on the Draft RMP/DEIS, we urged the BLM to reconsider this area for ACEC designation, based on substantial evidence from other expert

agencies -including the California Department of Fish & Game and the Wildlife Conservation Board -showing that the area does have regional (and not just local) importance. We also provided evidence -including some of the BLM's own records and reports -showing that the area is vulnerable to a variety of threats and requires special management consideration.

Despite this overwhelming evidence, the PRMP/FEIS continues to conclude that the Chimineas Ranch ACEC does not possess sufficient importance values for ACEC designation. This conclusion is not consistent with the BLM's own ACEC criteria, does not fulfill the BLM's duty to prioritize ACEC designation, and violates FLPMA and the National Environmental Policy Act ("NEPA").

Issue Number: PP-CA-Bakersfield-12-21-8
Protestor: Jeff Kuyper

Issue Excerpt Text:

First, the PRMP/FEIS fails to include any analysis supporting its rejection of ACEC designation for the Chimineas Ranch, leaving the public in the dark about the exact reasons for the agency's decision. When the BLM concludes that an area does not meet the relevance and importance criteria for ACEC designation -as is the case with the Chimineas Ranch -the analysis supporting the conclusion "must be incorporated into the plan and associated environmental document." ACEC Manual 1613.21 (Identifying Potential ACECs). Despite this requirement, the PRMP does not offer the public any analysis, but rather relies on a brief summary of the Draft RMP/DEIS, stating: "This area was nominated through the public scoping process. After examination, the area has been determined to meet the relevance criteria for wildlife resource because it contains habitat for endangered and threatened wildlife species. The nomination also suggested the area contributes to a corridor linking Los Padres National Forest and CPNM. The area does not

however, meet the importance criteria as it does not present more than locally significant assemblages of threatened and endangered species habitat and is not particularly vulnerable to adverse change as it is surrounded by CDFG Ecological Reserve and USFS lands." PRMP/FEIS at 351. This summary does not include the level of detail contained in Appendix I of the Draft RMP/DEIS, which was wholly omitted from the PRMP/FEIS. Nor does it address any of the evidence presented by the public showing that the area does have regional and state-wide significance and is vulnerable to environmental impacts.

Issue Number: PP-CA-Bakersfield-12-21-9
Protestor: Jeff Kuyper

Issue Excerpt Text:

The only further explanation offered by the BLM in the PRMP/FEIS is a short paragraph in the Response to Comments section, stating: "The statements, conclusions and determinations made by CDF&G or WCB with their own purpose, scope and intent, are not used by BLM nor the ACEC relevance and importance criteria found in 43 CFR 1610.7-2 and BLM Manual 1613.1. As such the determination made in the ACEC Report (Appendix I of the Draft RMP/Draft EIS, 2011) has not been modified in the PRMP and no "special management attention" is required to protect resources in the area." PRMP/FEIS at 687.

This explanation is not consistent with the BLM's ACEC Manual, which highlights the importance of relying on the findings and conclusions of other land management agencies in identifying lands to be considered for ACEC evaluation. Specifically, the ACEC Manual states: "Public lands adjacent to designations of other Federal and State agencies must be reviewed to determine if the special values upon which the adjacent designation was based extend into the planning area and meet the relevance

Summary

The BLM did not consider evidence from California Department of Fish and Game (CDFG), the Wildlife Conservation Board, and the BLM’s own records and reports supporting the designation of Chimineas Ranch as an ACEC. This violates the ACEC Manual Section 1613.21, as well as FLPMA because the BLM did not fully evaluate the Chimineas Ranch for ACEC designation.

The BLM violated NEPA because it did not respond to evidence submitted by Forest Watch during the comment period regarding the Chimineas Ranch ACEC.

The BLM violated NEPA because it did not include the Chimineas Ranch in any of the five alternatives, thus failing to "rigorously explore and objectively evaluate all reasonable alternatives."

The BLM acknowledges in the FEIS that the Chimineas Ranch North grazing allotment has a Range Health Category of 1, but the Preferred Alternative B in the Proposed RMP proposes no changes to current grazing management in the Chimineas Ranch area.

The Proposed RMP/FEIS does not include analysis supporting the rejection of ACEC designation for the Chimineas Ranch, thus violating the ACEC Manual Section 1613.21. The Proposed RMP/FEIS states that the area does not meet the importance criteria as it does not present more than locally significant assemblages of threatened and endangered species habitat and is not particularly vulnerable to adverse change as it is surrounded by CDFG Ecological Reserve and U.S. Forest Service (USFS)lands, but it does not include the level of detail contained in Appendix I of the Draft RMP/DEIS, nor does it address any of the evidence presented by the public showing that the area does have regional and state-wide significance and is vulnerable to environmental impacts.

Response:

- The BLM did not consider evidence from CDFG, the Wildlife Conservation Board, and BLM’s own records and reports supporting the designation of Chimineas Ranch as an ACEC. This violates the ACEC Manual Section 1613.21, as well as FLPMA because the BLM did not fully evaluate the Chimineas Ranch for ACEC designation.

The BLM considered the resource values and management issues that led the CDFG and the Wildlife Conservation Board to reserve lands for special management attention in the Chimineas Ranch nomination area. These designations were pursuant to these State agencies’ own policies, purposes, and management criteria, which differ from the BLM’s. In evaluating the Chimineas Ranch proposed ACEC, the BLM considered its own objectives, requirements, and criteria for

determining the importance of a resource value, established in FLPMA, at 43 CFR 1610.7-2, and in BLM Manual Section 1613. Consistent with BLM's regulations and policies, the BLM determined that the "special management attention from ACEC designation would not necessarily provide additional protection to the [relevant] values present." (Proposed RMP/FEIS, p. I-48)

- The BLM violated NEPA because it did not respond to evidence submitted by ForestWatch during the comment period regarding the Chimineas Ranch ACEC.

The comments provided by the protesting party on the Draft RMP/EIS regarding the Chimineas area did not constitute new information or evidence of impacts of current management actions on the area's resources. The protesting party's comments regarding the area primarily discussed the BLM's own 2010 rangeland health assessment of the North Chimineas Allotment and the 2010 Environmental Assessment to reauthorize grazing on the allotment. The protesting party also did not provide any evidence in their letter regarding the potential impacts of oil and gas development in the area. The BLM responded to the protesting party's comments regarding the Chimineas area on page 687 of the Proposed RMP/FEIS, citing the BLM's policy and briefly explaining why the comments do not warrant changes to the Proposed Plan.

- The BLM violated NEPA because it did not include the Chimineas Ranch in any of the five alternatives, thus failing to "rigorously explore and objectively evaluate all reasonable alternatives."

To be considered as a potential ACEC and analyzed in the resource management plan alternative and associated NEPA analysis, the area must meet the basic criteria of relevance and importance, as established in 43 CFR 1610.7-2. (ACEC Manual Section 1613.1) The BLM did not include Chimineas Ranch in any of the five alternatives because the BLM determined that the area did not meet these criteria. Additionally, NEPA does not require the BLM to include and consider an administrative designation in a decision-making process if the agency's criteria for designation are not met.

- The BLM acknowledges in the FEIS that the Chimineas Ranch North grazing allotment has a Range Health Category of 1, but the Preferred Alternative B in the Proposed RMP proposes no changes to current grazing management in the Chimineas Ranch area.

It is not always necessary to reconsider and modify land use planning-level grazing decisions for allotment areas that have been found not to meet rangeland health standards. In many cases, the BLM may address allotment health issues by taking site-specific, implementation-level actions. For example, rangeland health issues in some allotments may be resolved by constructing fencing around sensitive areas or developing additional water sources.

In the case of the Chimineas Ranch North grazing allotment, when reauthorizing grazing on the allotment in 2010, the BLM made implementation-level decisions to address the rangeland health issues identified in some portions of the allotment (North Chimineas Allotment, Livestock Grazing Authorization Environmental Assessment (EA), August 2010). In the EA, the BLM

required that riparian exclosures and a water development be constructed to address grazing impacts to riparian and water resources (page 12 of EA). These actions were expected to reduce impacts and to make progress towards meeting rangeland health standards (page 24 of EA).

Therefore, the BLM does not propose to change the land use planning decision to allow grazing in the allotment. As stated in the Proposed RMP/FEIS, the BLM will continue to manage allotments in the planning area according to the RMP's goals and objectives and in a manner that limits impacts on other resources. (Proposed RMP/FEIS, p. 62) One measure identified in the Proposed Plan that addresses potential impacts of grazing to riparian health is the BLM's commitment to apply seasons of use to riparian areas previously identified as having poor to fair condition, which would apply to the Chimineas Ranch North area based on the 2010 assessment. The season of use for the allotment will be from December 1 to May 31. (Proposed RMP/FEIS, p. 63 and Appendix F, p. 870)

- The Proposed RMP/FEIS does not include analysis supporting the rejection of ACEC designation for the Chimineas Ranch, thus violating the ACEC Manual Section 1613.21. The Proposed RMP/FEIS states that the area does not meet the importance criteria as it does not present more than locally significant assemblages of threatened and endangered species habitat and is not particularly vulnerable to adverse change as it is surrounded by CDFG Ecological Reserve and U.S. Forest Service lands, but it does not include the level of detail contained in Appendix I of the Draft RMP/DEIS, nor does it address any of the evidence presented by the public showing that the area does have regional and state-wide significance and is vulnerable to environmental impacts.

The BLM adequately documented its review of whether the Chimineas Ranch area met the relevance and importance criteria as described in BLM's regulations and its ACEC Handbook in Appendix I, Draft RMP/DEIS, pages I-48 to 50. The BLM's findings are summarized on page 351 of the Proposed RMP/FEIS, which states that the area did not meet the importance criterion because "it does not present more than locally significant assemblages of threatened and endangered species habitat and is not particularly vulnerable as it is surrounded by CDFG Ecological Reserve and USFS lands."

As noted above, the BLM considers the "Evaluation of Proposed Areas of Critical Environmental Concern" to be a standalone document in its final version and is available in its published format as part of the Draft RMP/DEIS. The evaluation is an important part of the record for this planning effort and serves as a basis from which the BLM's alternatives and impact analysis were derived. The evaluation document was removed from the Proposed RMP/FEIS to reduce redundancy and duplication (as were other supporting reports, see page 731). It is appropriate to summarize the findings of supporting documents in the BLM's analysis when those supporting documents are available as part of the record.

Bitter Creek ACEC

Issue Number: PP-CA-Bakersfield-12-21-28

Protestor: Jeff Kuyper

Issue Excerpt Text:

The Draft RMP recommended for ACEC designation 1,026 acres of public lands and 5,095 acres of federal mineral estate, with a boundary of 20,914 acres. Draft RMP at 104, and 1-45 to 1-47. In our comments on the Draft RMP, we urged the BLM to expand the boundary of this ACEC. Unfortunately, the PRMP drastically shrinks the total boundary acreage of this ACEC to a mere 6,121 acres -a 70% reduction in total boundary size. PRMP/FEIS at 85-86. Elsewhere in the PRMP, the acreage is listed as 2,812 acres (nearly an 87% reduction). *id.* at 208, Table 2.1 (Summary of Alternatives). Regardless of the actual amount, this boundary reduction excludes ecologically significant lands from the protections afforded by ACEC designation, and does not fulfill the BLM's duty to prioritize ACEC designations for lands requiring special management considerations, in violation of FLPMA.

The only rationale for this extreme boundary reduction is buried in the Response to Comments section of Chapter 5 of the PRMP/FEIS. In responding to our recommendation to enlarge the boundary of the ACEC to encompass other public lands in the area and provide connectivity between the Bitter Creek ACEC and the proposed Upper Cuyama ACEC, the BLM states:

“The PRMP has modified the Bitter Creek ACEC boundary to include all BLM administered surface and mineral estate within the Congressionally Approved Acquisition Boundary for the Bitter Creek National Wildlife Refuge (Chapter 2, Section 2.2.17 -ACECs). There is no BLM administered surface or mineral estate inside the Approved Acquisition Boundary within T9N, R24W and T10N, R24W;

and T11N, R23W and T11N, R24W are outside the Approved Acquisition Boundary.” PRMP/FEIS at 688-689.

The BLM also states that the boundary was reduced in response to concerns about private property being included in the ACEC boundary. *Id.* at 684 (“For clarity the boundaries of Bitter Creek and Chico Martinez ACECs have been reduced to include only federal interests (public lands surface and federal mineral estate.”) The ACEC designation only applies to federal land and federal mineral interests -a fact that the BLM itself acknowledges several times throughout the PRMP/FEIS -so it is unclear why this was used as a justification to shrink the boundary by at least 70%.

Issue Number: PP-CA-Bakersfield-12-21-29

Protestor: Jeff Kuyper

Issue Excerpt Text:

It is also unclear why the BLM suddenly decided to use the "Congressionally Approved Acquisition Boundary for the Bitter Creek National Wildlife Refuge" (see map below) as the sole criteria for determining the outer boundary of the proposed ACEC. As mentioned above, ACEC boundaries must be determined using the three criteria (relevance, importance, and special management attention) outlined in the BLM's ACEC Manual and 43 C.F.R. 1610.7-2. The guiding factor in determining the boundary of an ACEC is the special management that is required to protect important natural, cultural, and scenic resources -and often, as with Bitter Creek, these resources extend across jurisdictional boundaries. The BLM's sole reliance on the Congressionally Approved Acquisition Boundary to redraw the boundary of the Bitter Creek ACEC does not include all lands that are necessary for the protection of the

area's values, particularly the protection of condor roosting and foraging habitat.

Issue Number: PP-CA-Bakersfield-12-21-30
Protestor: Jeff Kuyper

Issue Excerpt Text:

The PRMP/FEIS states that the goal of the Bitter Creek ACEC is to "provide suitable habitat for federally listed species" and lists as an objective to "[p]rovide suitable foraging and roosting habitat for California condor in support of the California Condor Recovery Program and Bitter Creek National Wildlife Refuge." PRMP/FEIS at 83-84. The FWS maintains satellite telemetry data to record the locations of many condors in the Bitter Creek area (see map below), and that data shows significant foraging and roosting activity outside of the acquisition boundary. The boundary of the ACEC should be extended to incorporate these condor activity areas and to fulfill the mandates of the BLM ACEC Manual, which states that ACECs are to be as large as necessary to protect the important or relevant values for which the ACEC was established.

Issue Number: PP-CA-Bakersfield-12-21-31
Protestor: Jeff Kuyper

Issue Excerpt Text:

The BLM's reliance on the acquisition boundary is particularly arbitrary and capricious considering that the boundary for the proposed Hopper Mountain ACEC -which has similar goals, objectives, and values -extends well beyond that area's acquisition boundary. U.S. Fish & Wildlife Service, March 2012. Draft Comprehensive Conservation Plan and Environmental Assessment: Hopper Mountain, Bitter Creek, and Blue Ridge National Wildlife Refuges at 30, Figure 3-1 (Hopper Mountain NWR, Location) (included as Exhibit D to this protest). If the Hopper Mountain ACEC

boundary can extend beyond its acquisition boundary, then there is no valid reason why the Bitter Creek ACEC boundary cannot do the same.

If the BLM is now using the Congressionally Approved Acquisition Boundary as the sole criteria for establishing the boundary of the ACEC, it is unclear why the new boundary does not follow the acquisition boundary. Instead, the new boundary excludes several hundred acres of land within the acquisition boundary between the Bitter Creek National Wildlife Refuge and Wind Wolves Preserve, as well as several hundred acres between the refuge and the Los Padres National Forest, along with several hundred more acres between Soda Lake Road and Highway 166 near the Carrizo Plain.

Issue Number: PP-CA-Bakersfield-12-21-32
Protestor: Jeff Kuyper

Issue Excerpt Text:

Moreover, the PRMP/FEIS fails to provide any analysis on why it decided to exclude from the ACEC boundary the adjacent lands identified in our comments on the Draft PRMP. As explained in our comments, including these lands would provide connectivity between the Bitter Creek ACEC and the Upper Cuyama ACEC. Ensuring connectivity between ACECs is recognized as a priority in the BLM's ACEC Manual, which states: "When a prospective ACEC is located in close proximity to another prospective ACEC, consideration is given to consolidation during boundary review. In some situations, a combination of different kinds of prospective ACEC values may add to the importance of the area as a whole and influence boundary locations." "BLM ACEC Manual 1613.22(A)(5).

These lands clearly possess the same values, and require the same special management considerations, as those lands located inside the boundary.

Summary:

The Bitter Creek ACEC in the Proposed RMP was reduced in size from the Draft RMP (the exact acreage is given differently within the document). The only rationale provided in response to comments is that the boundary was reduced to include only Federal interests in response to concerns about private property being included within the ACEC boundary. It is unclear why this was used as a justification to shrink the boundary by 70 percent.

It is unclear why the BLM decided to use the “Congressionally Approved Acquisition Boundary” for the Bitter Creek National Wildlife Refuge instead of the criteria outlined in the BLM’s ACEC Manual Section (relevance, importance, and special management attention). The BLM’s reliance on the acquisition boundary is arbitrary and capricious considering that the boundary for the proposed Hopper Mountain ACEC --which has similar goals, objectives, and values -- extends well beyond that area’s acquisition boundary. Additionally, the new boundary excludes several hundred acres of land within the acquisition boundary between the Bitter Creek National Wildlife Refuge and Wind Wolves Preserve, as well as several hundred acres between the refuge and the Los Padres National Forest, along with several hundred more acres between Soda Lake Road and Highway 166 near the Carrizo Plain.

The Bitter Creek ACEC boundary excludes California condor foraging and roosting habitat, as identified by the FWS. This violates the ACEC manual which says that ACECs are to be as large as necessary to protect the important or relevant values for which the ACEC was established.

The Proposed RMP/FEIS does not provide analysis on the decision to exclude adjacent lands that would provide connectivity between Bitter Creek ACEC and Upper Cuyama ACECs, as recommended in comments to the Draft RMP. Connectivity between ACECs is recognized as a priority in the ACEC manual.

Response:

The acreage figures and map for the proposed Bitter Creek ACEC were modified between the Draft RMP and the Proposed RMP to more accurately reflect the area over which the BLM has land use planning authority. No change was made to the acreage of BLM public surface lands within the proposed ACEC (1,026 acres). The Federal mineral estate acreage underlying the Bitter Creek National Wildlife Refuge was removed from within the proposed ACEC boundary (3,309 acres) because the BLM determined that the management of this mineral estate is more appropriately addressed by FWS under provisions outlined at 43 CFR 3101.5.

The other modification in acreage is the result of removing non-Federal lands from within the ACEC boundary. This change was made because the BLM does not have authority to designate

private lands as an ACEC and was requested by private landowners. This was a reasonable request and modification given the BLM's authorities.

As stated on page 19 of the Proposed RMP:

It should be noted the decisions generated by the RMP only apply to BLM-administered surface and mineral estate. No decisions generated by the RMP would change existing rights or authority of private land owners or other surface management agencies.

Therefore, the removal of the private lands has no bearing on the amount of lands receiving special management prescriptions as an ACEC since the BLM's authority only extends to Federal interests and actions. Thus, the management direction for the Bitter Creek ACEC is the same in the Proposed RMP as the direction in the Draft RMP.

The BLM policy requires that careful consideration be given to proposed boundaries but allows for discretion in delineating a potential ACEC (Manual Section 1613). The Bitter Creek ACEC boundary excludes some California condor habitat, as pointed out in the protest letter. However, the BLM is not required to designate all California condor habitat as an ACEC, particularly if it does not have more than locally significant qualities.

Land use plan decisions in this Proposed RMP are designed to be consistent with the objectives and recommended actions in approved recovery plans, conservation strategies, memoranda of understanding, and applicable biological opinions. (Proposed RMP/FEIS, p. 773) The Bitter Creek ACEC boundary originally depicted in the Draft RMP was developed specifically for consistency with the Bitter Creek National Wildlife Refuge, which is a reasonable delineation of the ACEC boundary. However, for the reason noted above, the BLM altered the boundary in the Proposed RMP. Under the Proposed RMP, split estate lands with private surface ownership remain within the Federal acquisition boundary and, could become part of the Bitter Creek National Wildlife Refuge (NWR) in the future. Providing special designation to these split estate lands as an ACEC serve to minimize future land use and/or land management conflicts associated with future changes in land ownership. For example, the area is currently managed as the Bitter Creek Special Management Area and is closed to any fluid mineral leasing. This closure is consistent with the closure to oil and gas leasing on National Wildlife Refuges and ensures all Federal mineral estate within the Congressionally Approved Acquisition boundary for the Bitter Creek NWR remains unleased. (Proposed RMP/FEIS, p. 344)

During the review of this protest issue, the BLM found that the acreage figure presented on page 85 of the Proposed RMP is incorrect. However, the correct acreage figure for this ACEC (2,812 acres) is provided in Table 2.1 (Proposed RMP/FEIS, p. 208), and is based on Map 2.2.10 in the Proposed RMP/FEIS (p. 106). This correction will be clarified in the ROD.

Hopper Mountain ACEC

Issue Number: PP-CA-Bakersfield-12-21-40

Protestor: Jeff Kuyper

Issue Excerpt Text:

In response, the PRMP/FEIS states in the Response to Comments section that all federal mineral estate within the Hopper Mountain ACEC is currently under oil and gas lease, and therefore, a closure to future leasing "would not prevent development under these current leases." PRMP/FEIS at 688. While this may be true, some or all of the leases may expire during the term of the PRMP; when this occurs, it is important to have some mechanism in place in the PRMP to ensure that these lands and mineral estates are not leased again. The leases all appear to be currently undeveloped.

Issue Number: PP-CA-Bakersfield-12-21-42

Protestor: Jeff Kuyper

Issue Excerpt Text:

Furthermore, the existence of an oil and gas lease does not prevent BLM from exercising its authority to condition the approval already-leased lands for oil and gas development on the protection of natural resources, such as wildlife. In Yates Petroleum Corporation, 174 IBLA 155 (September 30, 2008), the IBLA affirmed the BLM's authority to revise conditions of approval (COAs) for applications for permit to drill (APDs) to increase the stipulated seasonal buffers around sage-grouse leks from 2 to 3 miles, based on updated scientific information demonstrating previously conditioned smaller buffers as inadequate. The IBLA based its conclusions in Section 6 of the standard oil and gas lease terms, which provides that leases are subject to "reasonable measures" as needed to "minimize adverse impacts" to other resource values not otherwise addressed at the time of leasing. According to the IBLA, "reasonable

measures" could also include siting and timing of operations.

Not only does the BLM have the authority to impose more protective measures in COAs, but the IBLA also required the BLM to consider such measures when a need exists for the agency to do so. In William P. Maycock, et al., 177 IBLA I (March 16, 2009), the IBLA found that when the agency "acknowledges the validity of the more recent research that demonstrates that [previous] mitigation measures are not as effective as originally anticipated" the BLM is obligated to consider that a 2-mile seasonal buffer would not reduce the impacts of oil and gas drilling to insignificance. The BLM was required to reassess the potential mitigation measures included in the COAs prior to approving APDs: As a result, the BLM clearly has the legal authority to impose reasonable measures on existing and future leases and is required to consider the need for such measures in the PRMP/FEIS.

Issue Number: PP-CA-Bakersfield-12-21-43

Protestor: Jeff Kuyper

Issue Excerpt Text:

In addition, the Draft RMP/DEIS included a special management prescription to withdraw the ACEC from appropriation and entry under the General Mining Law. This management prescription has been changed without explanation in the PRMP/DEIS; instead of a mineral withdrawal, the BLM is now only recommending that the area be classified as a "special area" requiring 15-day notice to BLM before mining activity can begin. The PRMP/FEIS does not provide any rationale for weakening the management prescriptions for this area.

Issue Number: PP-CA-Bakersfield-12-21-45
Protestor: Jeff Kuyper

provides no criteria for the BLM to use in determining which lands to close to grazing.

Issue Excerpt Text:

Finally, the PRMP/FEIS includes a management prescription to identify "portions" of the ACEC that are unavailable for livestock grazing. PRMP/FEIS at 88. While we support limitations on grazing in this ACEC in order to fully protect the resource values here, the PRMP/FEIS

Issue Number: PP-CA-Bakersfield-12-21-46
Protestor: Jeff Kuyper

Issue Excerpt Text:

And the PRMP/FEIS includes a management prescription to implement "best management practices to minimize impacts on condors," but fails to identify what these practices entail.

Summary:

The Proposed RMP/FEIS states that all Federal mineral estate within the Hopper Mountain ACEC is currently under oil and gas lease, and therefore, a closure to future leasing would not prevent development under these current leases. This reasoning is flawed because the leases are currently undeveloped, and may expire during the term of the Proposed RMP; thus a mechanism is needed to ensure they are not leased again. Furthermore, the BLM has the legal authority to impose reasonable measures on existing and future leases and is required to consider the need for such measures in the Proposed RMP/FEIS.

The Draft RMP/DEIS included a special management prescription to withdraw the ACEC from appropriation and entry under the General Mining Law. This management prescription has been changed without explanation in the Proposed RMP/FEIS.

The Proposed RMP/FEIS includes a management prescription to identify "portions" of the ACEC that are unavailable for livestock grazing but provides no criteria to determine which lands to close to grazing.

The Proposed RMP/FEIS also includes a management prescription to implement best management practices to minimize impacts on condors, but fails to identify what these practices entail.

Response:

Under BLM policy, areas should be closed to leasing when it has been determined that other land uses or resource values cannot be adequately protected with even the most restrictive lease stipulations. Moreover, when applying leasing restrictions, the least restrictive constraint to meet the resource protection objective should be used (Land Use Planning Handbook, H-1601-1,

Appendix C, p. 24). The BLM has determined that resource values in Hopper Mountain ACEC can be adequately protected with lease stipulations, rather than lease closures. No Surface Occupancy (NSO) Stipulations which prohibit any surface disturbance on the lease surface were analyzed in Alternative C and Alternative D. (Proposed RMP/FEIS, p. 156 and 175) Controlled Surface Use (CSU)-Protected Species and CSU-Raptor stipulations were analyzed in Alternative B (Proposed Plan), and Alternative E. (Proposed RMP/FEIS, pp. 886 to 888, pp. 892 to 893) The CSU Stipulations were determined to be adequate to meet resource protection objectives. Should leases in the area be developed during the life of the Proposed RMP, the BLM would conduct additional NEPA analysis based on the application to drill and additional mitigation measures may be considered. If current leases expire during the life of the Proposed RMP, additional NEPA review would be required before new leases in the area are issued.

The Draft RMP proposed to recommend the Hopper Mountain ACEC for proposal for withdrawal from appropriation and entry under the General Mining Law. The BLM proposes under the Proposed RMP to establish, in accordance with 43 CFR 3809.31, the ACEC as a special area requiring that a 15-day notification be given to the BLM prior to beginning any activity under the mining laws, including casual use by individuals or groups. Such a requirement allows the BLM to carefully consider whether any activities, including casual use by individuals or groups, cumulatively result in more than negligible disturbance. This requirement allows the BLM to more closely monitor activities in the area. Further, upon notification the BLM would determine on a case-by-case basis whether casual use or mineral operations would be allowed. A site-specific NEPA review would be required to consider proposals of mining operations and additional protective measures will be considered at that time.

Areas available or unavailable for livestock grazing can be found on the “Alternative B – Livestock Grazing Map” in the oversized maps section. The management prescription to designate areas as unavailable for grazing is not a special management prescription for this ACEC. Areas available or unavailable for livestock grazing within the Hopper Mountain ACEC were based on the overall grazing allocation decisions described in section 2.2.13. (Proposed RMP/FEIS, pp. 62 - 64)

California condor best management practices for oil and gas operations can be found in Appendix L of the Proposed RMP/FEIS (pages 958 - 963).

East Temblor Range ACEC

Issue Number: PP-CA-Bakersfield-12-21-18

Protestor: Jeff Kuyper

Issue Excerpt Text:

The Preferred Alternative B in the PRMP/FEIS did not further consider the 16,380-acre East Temblor Range ACEC designation as nominated by the public, concluding that the area is not "important" because rare plant communities there "are not considered important on a regional scale" and "is not identified in the SJV Recovery Plan as a reserve or core area." PRMP/FEIS at 352. In our comments on the Draft RMP, we urged the BLM to reconsider this area for ACEC designation, consistent with its important and relevant values and the need for special management attention for the area. The BLM's refusal to consider this area for ACEC designation in even one of the alternatives in the FEIS violates the BLM's duty under FLPMA to prioritize ACEC designations, and violates NEPA.

Response

According to the BLM's ACEC Manual Section 1613.1.11 and 43 CFR 1610.7-2, to be considered as a potential ACEC and analyzed in resource management plan alternatives, an area must meet the criteria of relevance and importance. East Temblor Range was analyzed for inclusion as a potential ACEC and did not meet the importance criteria and was therefore not analyzed as a potential ACEC in any alternative. (Draft RMP/DEIS, p. I-58) The additional information provided by the protesting party in their comments on the Draft RMP/DEIS were considered and incorporated into the discussion of the area's relevant values and their importance. (Proposed RMP/FEIS, pp. 352 and 687)

Upper Cuyama Valley ACEC

Issue Number: PP-CA-Bakersfield-12-21-35

Protestor: Jeff Kuyper

Issue Excerpt Text:

The PRMP/FEIS fails to respond to this recommendation to expand the [Upper Cuyama Valley ACEC] boundaries, and fails to evaluate the environmental impacts of not designating these additional lands for inclusion in the ACEC. Not only does this oversight violate NEPA, but it also contradicts the BLM's stated objective for this ACEC to "[m]aintain the link between the Sierra Madre and the San Emigdio Mountains." PRMP/FEIS at 85.

Response

The recommended expansion was addressed in the "Response to Comments" section of the Proposed RMP/FEIS (pages 685 - 686): "The PRMP has been modified to include some of the additional Federal interests within the ACEC boundary, where those lands have the same relevant and important values." This expansion includes some of the lands requested for inclusion: those lands in T8N, R24W, section 17. See map on page 109 of the Proposed RMP for revised ACEC boundary.

Further, the BLM has analyzed the impacts of management actions on those lands not included as potential ACECs in its analysis for each alternative: (Proposed RMP/FEIS, pp. 537 - 543). The proposed management of these lands was analyzed absent special management attention in multiple alternatives.

The BLM has not contradicted the stated objective to maintain the link between the Sierra Madre and the San Emigdio Mountains. Designation of the Upper Cuyama Valley ACEC provides increased connectivity between these mountain ranges. This stated objective does not require the BLM to include all BLM-managed land located between these ranges as part of the ACEC.

Chico Martinez ACEC

Issue Number: PP-CA-Bakersfield-12-21-38

Protestor: Jeff Kuyper

Issue Excerpt Text:

Chico Martinez ACEC - The PRMP/FEIS reduces the boundary of the existing Chico Martinez ACEC, and acknowledges that this new configuration and the special management prescriptions that accompany it would not adequately protect the area's ACEC values. Specifically, it states: "Values present would remain at risk to oil and gas development with no protection beyond those afforded through regulation, policy, and standard procedures." PRMP/FEIS at 452. The BLM must propose adequate boundaries and sufficient management prescriptions to protect ACEC values, and its failure to do so violates FLPMA.

Response:

In the Draft RMP/DEIS, the BLM described the Chico Martinez ACEC as having 3,234 acres of public lands and 1,374 acres of mineral estate, for a total of approximately 4,608 acres (page 124). The description in the Draft RMP/DEIS denotes that there are a total of 7,217 acres that fall within the ACEC boundary, yet states that only 4,608 acres are public lands or mineral estate. As noted above, the BLM has no authority to apply management prescriptions to non-BLM lands or privately owned surface land, regardless of whether those lands fall within an ACEC boundary. (Proposed RMP/FEIS, p. 19)

Between issuing the Draft RMP/DEIS and the Proposed RMP/FEIS, the BLM updated GIS ownership data layers and found that an 80 acre parcel of mineral estate is within the ACEC boundary. The update to the acreage figures is noted on page five, footnote two, of the Proposed RMP/FEIS. In the Proposed RMP/FEIS, the additional 80 acres is included in the acreage figure for the Chico Martinez ACEC in Table 2.1, page 208. However, upon review of this issue, the BLM found that the acreage figures on pages 86 and 339 of the Proposed RMP/FEIS are incorrect in that they do not include the 80 additional acres. The ROD will clarify this error and will clearly identify that the proposed Chico Martinez ACEC includes 4,687 acres. With the additional 80 acres, the BLM-administered Chico Martinez ACEC is larger under the Proposed RMP than in the Draft RMP (when excluding those lands the BLM has no authority to apply protective management prescriptions).

The ACEC would be open to oil and gas leasing but with stipulations to protect protected species, sensitive species and raptors would apply. (Proposed RMP/FEIS, pp. 66-68) These controlled surface use stipulations (CSU) would apply moderate constraints development that "will allow the BLM to move, delay, and even prohibit surface-disturbing activities on all or a portion of the lease, if necessary, to reduce impacts on biological resources to an acceptable level." (Proposed RMP, FEIS, pp. 86 and 421)

The Chico Martinez ACEC has been completely surveyed for cultural resources and there are several known sites within the ACEC; these sites will be protected from future oil and gas development through the application of the CSU-Cultural Resource stipulation. (Proposed RMP/FEIS, p. 69 and Appendix G, p. 893) The application of this CSU stipulation applies across the Decision Area based on the presence of known cultural resources and is not considered “special management attention” provided to the Chico Martinez ACEC.

Mineral Withdrawals

Issue Number: PP-CA-Bakersfield-12-04-10

Protestor: Erik Melchiorre

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061 to explain the way mineral potential was analyzed. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-04-14

Protestor: Erik Melchiorre

Issue Excerpt Text:

BLM has not explained why closure to salable mineral exploration and development is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from salable mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against salable mineral operators in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between salable mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-04-16

Protestor: Erik Melchiorre

Issue Excerpt Text:

BLM currently has authority to disapprove salable mineral projects. Salable mineral projects are discretionary under the 43 CFD 3500 regulations. Closing thousands of acres of ACEC's and SMA's to salable minerals is an arbitrary and capricious decision. If any salable mineral exploration or development proposal would be unmitigatable within any ACEC, RMZ or SMA, that proposal could be denied under current authority. Plan-level closures to salable minerals are not necessary. BLM did not explain why the regulatory authorities do not already give it the power to close the ACEC's and SMA's to salable mineral development, and why a plan-level decision is necessary.

Issue Number: PP-CA-Bakersfield-12-04-17

Protestor: Erik Melchiorre

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of salable minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of salable mineral sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-04-20

Protestor: Erik Melchiorre

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for salable minerals.

Issue Number: PP-CA-Bakersfield-12-04-21
Protestor: Erik Melchiorre

Issue Excerpt Text:

BLM did not make an adequate inventory of salable mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are at least dozens of salable mineral mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous and sedimentary formations in the ACEC's and SMA's that have potential as sources for salable mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-04-23
Protestor: Erik Melchiorre

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on salable mineral exploration or development

are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-04-3
Protestor: Erik Melchiorre

Issue Excerpt Text:

BLM has not explained why withdrawal and closure to mineral exploration, development and entry is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against mineral operators or even by mineral collectors/prospectors in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-04-5
Protestor: Erik Melchiorre

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of mineral, mine, or mineral collecting sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-04-6
Protestor: Erik Melchiorre

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for any class of minerals.

Issue Number: PP-CA-Bakersfield-12-04-8
Protestor: Erik Melchiorre

Issue Excerpt Text:

BLM did not make an adequate inventory of its mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are at least of mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous, metamorphic and sedimentary formations in the ACEC's and SMA's that have potential as sources for mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-07-10
Protestor: Richard Pankey

Issue Excerpt Text:

BLM did not make an adequate inventory of salable mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are dozens of salable mineral mines in the ACEC's and other SMA's. The U.S. Geological Survey digital geologic database indicates that there are abundant igneous and sedimentary formations in the

ACEC's and SMA's that have potential as sources for salable mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-07-12
Protestor: Richard Pankey

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on salable mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-07-3
Protestor: Richard Pankey

Issue Excerpt Text:

BLM has not explained why closure to salable mineral exploration and development is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from salable mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against salable mineral operators in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between salable mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-07-7
Protestor: Richard Pankey

Issue Excerpt Text:

Salable mineral projects are discretionary under the 43 CFD 3500 regulations. Closing thousands of acres of ACEC's and SMA's to salable minerals is an arbitrary and capricious decision. If any salable mineral exploration or development proposal would be unmitigatable within any ACEC, RMZ or SMA, that proposal could be denied under current authority. Plan-level closures to salable minerals are not necessary. BLM did not explain why the regulatory authorities do not already give it the power to close the ACEC's and SMA's to salable mineral development, and why a plan-level decision is necessary.

Issue Number: PP-CA-Bakersfield-12-07-8
Organization: American Lands Access Association
Protestor: Richard Pankey

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of salable minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of salable mineral sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-07-9
Protestor: Richard Pankey

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional

Memoranda minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for salable minerals.

Issue Number: PP-CA-Bakersfield-12-08-10
Protestor: Shirley Leeson

Issue Excerpt Text:

BLM has not explained why closure to salable mineral exploration and development is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from salable mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against salable mineral operators in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between salable mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-08-12
Protestor: Shirley Leeson

Issue Excerpt Text:

Salable mineral projects are discretionary under the 43 CFD 3S00 regulations. Closing thousands of acres of ACEC's and SMA's to salable minerals is an arbitrary and capricious decision. If any salable mineral exploration or development proposal would be unmitigatable within any ACEC, RMZ or SMA, that proposal could be denied under current authority. Plan-

level closures to salable minerals are not necessary. BLM did not explain why the regulatory authorities do not already give it the power to close the ACEC's and SMA's to salable mineral development, and why a plan-level decision is necessary.

Issue Number: PP-CA-Bakersfield-12-08-13
Protestor: Shirley Leeson

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of salable minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of salable mineral sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-08-14
Protestor: Shirley Leeson

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda of minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for salable minerals.

Issue Number: PP-CA-Bakersfield-12-08-15
Protestor: Shirley Leeson

Issue Excerpt Text:

BLM did not make an adequate inventory of salable mineral resources to make an informed decision on the withdrawals. The U.S.

Geological Survey historic mine database indicates that there are dozens of salable mineral mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous and sedimentary formations in the ACEC's and SMA's that have potential as sources for salable mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-08-17
Protestor: Shirley Leeson

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on salable mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-08-2
Protestor: Shirley Leeson

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of mineral, mine, or mineral collecting sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-08-3
Protestor: Shirley Leeson

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda _ and _, minerals only be withdrawn on BLM lands when two conditions are met; 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for any class of minerals.

Issue Number: PP-CA-Bakersfield-12-08-4

Protestor: Shirley Leeson

Issue Excerpt Text:

BLM did not make an adequate inventory of its mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are closed mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous, metamorphic and sedimentary formations in the ACEC's and SMA's that have potential as sources for mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-08-6

Protestor: Shirley Leeson

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061 to explain the way mineral potential was analyzed. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through

assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-09-10

Protestor: Robert Reynolds

Issue Excerpt Text:

An existing mine, by BLM's own definition in BLM Manual 3031, Illustration 3, (.34) requires that the direct evidence of existence of mineral resources, and favorable geologic environment result in a potential classification of Level of Potential =H and Level of Certainty for those lands. In the DRMP and PRMP BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manuals 3060 to explain the way mineral potential was analyzed. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geologic Survey and as required by BLM policy. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious, and contrary to its own policy.

Issue Number: PP-CA-Bakersfield-12-09-15

Protestor: Robert Reynolds

Issue Excerpt Text:

BLM has not explained why closure to salable mineral exploration and development is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from salable mineral exploration or

development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against salable mineral operators in any of the ACECs or SMA's. The record in the DRMP and PRMP show no real conflicts between salable mineral exploration or development and the non-mineral resources for which the ACECs and SMAs were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-09-17
Protestor: Robert Reynolds

Issue Excerpt Text:

Salable mineral projects are discretionary under the 43 CFR 3500 regulations. Closing thousands of acres of ACECs and SMAs to salable minerals is an arbitrary and capricious decision. If any salable mineral exploration or development proposal would be unmitigatable within any ACEC, RMZ or SMA, that proposal could be denied under current authority. Plan-level closures to salable minerals are not necessary. BLM did not explain why the regulatory authorities do not already give it the power to close the ACECs and SMAs to salable mineral development, and why a plan-level decision is necessary.

Issue Number: PP-CA-Bakersfield-12-09-18
Protestor: Robert Reynolds

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of salable minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of salable mineral sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3060.

Issue Number: PP-CA-Bakersfield-12-09-19
Protestor: Robert Reynolds

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for salable minerals.

Issue Number: PP-CA-Bakersfield-12-09-20
Protestor: Robert Reynolds

Issue Excerpt Text:

These withdrawals are made contrary to BLM's Energy and Non-Energy Mineral Policy of April 21, 2006 which states (item #4 and #5) which says

"4. The BLM land use planning and multiple-use management decisions will recognize that, with few exceptions, mineral exploration and development can occur concurrently or sequentially with other resource uses. The least restrictive stipulations that effectively accomplish the resource objectives or uses will be used. The BLM will coordinate with surface owners when the Federal minerals estate under their surface ownership is proposed for development.

5. Land use plans will reflect geological assessments and mineral potential on public lands through existing geology and mineral resource data, and to the extent feasible, through new mineral assessments to determine mineral potential. Partnerships with State Geologists and the U.S. Geological Survey for obtaining existing and new data should be considered."

BLM did not enter into a partnership with the U.S. Geological Survey for an analysis of mineral Potential.

Issue Number: PP-CA-Bakersfield-12-09-21

Protestor: Robert Reynolds

Issue Excerpt Text:

BLM did not make an adequate inventory of salable mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are 13 of non-metallic mineral mines in the ACECs and other SMAs (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous and sedimentary formations in the ACECs and SMAs that have potential as sources for salable mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-09-23

Protestor: Robert Reynolds

Issue Excerpt Text:

An existing mine, by BLM's own definition in BLM Manual 3031, Illustration 3, (.34) requires that the direct evidence of existence of mineral resources, and favorable geologic environment result in a potential classification of Level of Potential = H and Level of Certainty for those lands. BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3060. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. BLM Policy requires that such a partnership be made for assessing mineral potential in land use plans. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on salable mineral

exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious, and contrary to its own policy.

Issue Number: PP-CA-Bakersfield-12-09-3

Protestor: Robert Reynolds

Issue Excerpt Text:

BLM has not explained why withdrawal and closure to mineral exploration, development and entry is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against mineral operators or even by mineral collectors/prospectors in any of the ACECs or SMAs. The record in the DRMP and PRMP show no real conflicts between mineral exploration or development and the non-mineral resources for which the ACECs and SMAs were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-09-5

Protestor: Robert Reynolds

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of mineral, mine, or mineral collecting sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3060.

Issue Number: PP-CA-Bakersfield-12-09-6

Protestor: Robert Reynolds

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for any class of minerals.

Issue Number: PP-CA-Bakersfield-12-09-7
Protector: Robert Reynolds

Issue Excerpt Text:

These withdrawals are made contrary to BLM's Energy and Non-Energy Mineral Policy of April 21, 2006 which states (item #4 and #5) which states:

"4. The BLM land use planning and multiple-use management decisions will recognize that, with few exceptions, mineral exploration and development can occur concurrently or sequentially with other resource uses. The least restrictive stipulations that effectively accomplish the resource objectives or uses will be used. The BLM will coordinate with surface owners when the Federal minerals estate under their surface ownership is proposed for development.

5. Land use plans will reflect geological assessments and mineral potential on public lands through existing geology and mineral resource data, and to the extent feasible, through new mineral assessments to determine mineral potential. Partnerships with State Geologists and the U.S. Geological Survey for obtaining existing and new data should be considered." BLM did not enter into a partnership with the U.S. Geological Survey for an analysis of

mineral potential.

Issue Number: PP-CA-Bakersfield-12-09-8
Protector: Robert Reynolds

Issue Excerpt Text:

BLM did not make an adequate inventory of its mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are 1,187 mines in the ACECs and other SMAs (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous, metamorphic and sedimentary formations in the ACECs and SMAs that have potential as sources for mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-10-13
Protector: L.W. Monroe

Issue Excerpt Text:

BLM has not explained why closure to salable mineral exploration and development is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from salable mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against salable mineral operators in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between salable mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-10-15
Protector: L.W. Monroe

Issue Excerpt Text:

Salable mineral projects are discretionary under the 43 CFR 3500 regulations. Closing thousands of acres of ACEC's and SMA's to salable minerals is an arbitrary and capricious decision. If any salable mineral exploration or development proposal would be unmitigatable within any ACEC, RMZ or SMA, that proposal could be denied under current authority. Plan-level closures to salable minerals are not necessary. BLM did not explain why the regulatory authorities do not already give it the power to close the ACEC's and SMA's to salable mineral development, and why a plan-level decision is necessary.

Issue Number: PP-CA-Bakersfield-12-10-16
Protector: L.W. Monroe

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of salable minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of salable mineral sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-10-17
Protector: L.W. Monroe

Issue Excerpt Text:

According to BLM policy regarding withdrawals minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the

proposed administrative closures for salable minerals.

Issue Number: PP-CA-Bakersfield-12-10-18
Protector: L.W. Monroe

Issue Excerpt Text:

BLM did not make an adequate inventory of salable mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are dozens of salable mineral mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous and sedimentary formations in the ACEC's and SMA's that have potential as sources for salable mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-10-20
Protector: L.W. Monroe

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on salable mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-10-3
Protector: L.W. Monroe

Issue Excerpt Text:

BLM Has not explained why withdrawal and closure to mineral exploration, development and entry is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against s mineral operators or even by mineral collectors/prospectors in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-10-5
Protestor: L.W. Monroe

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of mineral, mine, or mineral collecting sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-10-6
Protestor: L.W. Monroe

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided,

compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for any class of minerals.

Issue Number: PP-CA-Bakersfield-12-10-7
Protestor: L.W. Monroe

Issue Excerpt Text:

BLM did not make an adequate inventory of its mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are dozens of mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous, metamorphic and sedimentary formations in the ACEC's and SMA's that have potential as sources for mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-10-9
Protestor: L.W. Monroe

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061 to explain the way mineral potential was analyzed. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-11-10
Protestor: Dennis Huggins

Issue Excerpt Text:

An existing mine, by BLM's own definition in BLM Manual 3031, Illustration 3, (.34) requires that the direct evidence of existence of mineral resources, and favorable geologic environment result in a potential classification of Level of Potential =H and Level of Certainty for those lands. In the DRMP and PRMP BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manuals 3060 to explain the way mineral potential was analyzed. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey and as required by BLM policy. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious, and contrary to its own policy.

Issue Number: PP-CA-Bakersfield-12-11-14
Protestor: Dennis Huggins

Issue Excerpt Text:

BLM has not explained why closure to salable mineral exploration and development is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from salable mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against salable mineral operators in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between salable mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a

statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-11-16
Protestor: Dennis Huggins

Issue Excerpt Text:

Salable mineral projects are discretionary under the 43 CFD 3500 regulations. Closing thousands of acres of ACEC's and SMA's to salable minerals is an arbitrary and capricious decision. If any salable mineral exploration or development proposal would be unmitigatable within any ACEC, RMZ or SMA, that proposal could be denied under current authority. Plan-level closures to salable minerals are not necessary. BLM did not explain why the regulatory authorities do not already give it the power to close the ACEC's and SMA's to salable mineral development, and why a plan-level decision is necessary.

Issue Number: PP-CA-Bakersfield-12-11-17
Protestor: Dennis Huggins

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of salable minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of salable mineral sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3060.

Issue Number: PP-CA-Bakersfield-12-11-18
Protestor: Dennis Huggins

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda, minerals can only be withdrawn on

BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for salable minerals.

Issue Number: PP-CA-Bakersfield-12-11-19
Protestor: Dennis Huggins

Issue Excerpt Text:

These withdrawals are made contrary to BLM's Energy and Non-Energy Mineral Policy of April 21, 2006 which states (item #4 and #5) which say

"4. The BLM land use planning and multiple-use management decisions will recognize that, with few exceptions, mineral exploration and development can occur concurrently or sequentially with other resource uses. The least restrictive stipulations that effectively accomplish the resource objectives or uses will be used. The BLM will coordinate with surface owners when the Federal minerals estate under their surface ownership is proposed for development.

5. Land use plans will reflect geological assessments and mineral potential on public lands through existing geology and mineral resource data, and to the extent feasible, through new mineral assessments to determine mineral potential. Partnerships with State Geologists and the U.S. Geological Survey for obtaining existing and new data should be considered." BLM did not enter into a partnership with the U.S. Geological Survey for an analysis of mineral potential.

Issue Number: PP-CA-Bakersfield-12-11-20
Protestor: Dennis Huggins

Issue Excerpt Text:

BLM did not make an adequate inventory of salable mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are 13 of non-metallic mineral mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous and sedimentary formations in the ACEC's and SMA's that have potential as sources for salable mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-11-22
Protestor: Dennis Huggins

Issue Excerpt Text:

An existing mine, by BLM's own definition in BLM Manual 3031, Illustration 3, (.34) requires that the direct evidence of existence of mineral resources, and favorable geologic environment result in a potential classification of Level of Potential =H and Level of Certainty for those lands. BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3060. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. BLM Policy requires that such a partnership be made for assessing mineral potential in land use plans. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on salable mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious, and contrary to its own policy.

Issue Number: PP-CA-Bakersfield-12-11-3
Protestor: Dennis Huggins

Issue Excerpt Text:

BLM has not explained why withdrawal and closure to mineral exploration, development and entry is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against s mineral operators or even by mineral collectors/prospectors in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-11-5
Protector: Dennis Huggins

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of mineral, mine, or mineral collecting sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3060.

Issue Number: PP-CA-Bakersfield-12-11-6
Protector: Dennis Huggins

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda, minerals can only be withdrawn on BLM lands when two conditions are met: 1)

there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for any class of minerals.

Issue Number: PP-CA-Bakersfield-12-11-7
Protector: Dennis Huggins

Issue Excerpt Text:

These withdrawals are made contrary to BLM's Energy and Non-Energy Mineral Policy of April 21, 2006 which states (item #4 and #5) which say:

4. The BLM land use planning and multiple-use management decisions will recognize that, with few exceptions, mineral exploration and development can occur concurrently or sequentially with other resource uses. The least restrictive stipulations that effectively accomplish the resource objectives or uses will be used. The BLM will coordinate with surface owners when the Federal minerals estate under their surface ownership is proposed for development.

5. Land use plans will reflect geological assessments and mineral potential on public lands through existing geology and mineral resource data, and to the extent feasible, through new mineral assessments to determine mineral potential. Partnerships with State Geologists and the U.S. Geological Survey for obtaining existing and new data should be considered." BLM did not enter into a partnership with the U.S. Geological Survey for an analysis of mineral potential.

Issue Number: PP-CA-Bakersfield-12-11-8
Protector: Dennis Huggins

Issue Excerpt Text:

BLM did not make an adequate inventory of its mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are 1,187 mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous, metamorphic and sedimentary formations in the ACEC's and SMA's that have potential as sources for mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-12-13
Protector: Jack Caufield

Issue Excerpt Text:

BLM Has not explained why closure to salable mineral exploration and development is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from salable mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against salable mineral operators in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between salable mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-12-15
Protector: Jack Caufield

Issue Excerpt Text:

Salable mineral projects are discretionary under the 43 CFR 3500 regulations. Closing thousands of acres of ACEC's and SMA's to salable minerals is an arbitrary and capricious decision. If any salable mineral exploration or development proposal would be unmitigatable

within any ACEC, RMZ or SMA, that proposal could be denied under current authority. Plan-level closures to salable minerals are not necessary. BLM did not explain why the regulatory authorities do not already give it the power to close the ACEC's and SMA's to salable mineral development, and why a plan-level decision is necessary.

Issue Number: PP-CA-Bakersfield-12-12-16
Protector: Jack Caufield

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of salable minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of salable mineral sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-12-17
Protector: Jack Caufield

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for salable minerals.

Issue Number: PP-CA-Bakersfield-12-12-18
Protector: Jack Caufield

Issue Excerpt Text:

BLM did not make an adequate inventory of salable mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are numerous salable mineral mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous and sedimentary formations in the ACEC's and SMA's that have potential as sources for salable mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-12-20
Protestor: Jack Caufield

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on salable mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-12-3
Protestor: Jack Caufield

Issue Excerpt Text:

BLM has not explained why withdrawal and closure to mineral exploration, development and entry is necessary. There is no analysis in the DRMP or the PRMP of any historic surface

disturbing activities from mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against mineral operators or even by mineral collectors/prospectors in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-12-5
Protestor: Jack Caufield

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of mineral, mine, or mineral collecting sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-12-6
Protestor: Jack Caufield

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for any class of minerals.

Issue Number: PP-CA-Bakersfield-12-12-7

Protestor: Jack Caufield

Issue Excerpt Text:

BLM did not make an adequate inventory of its mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are many mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous, metamorphic and sedimentary formations in the ACEC's and SMA's that have potential as sources for mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-12-9

Protestor: Jack Caufield

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061 to explain the way mineral potential was analyzed. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-13-13

Protestor: Marshall Havner

Issue Excerpt Text:

BLM Has not explained why closure to salable mineral exploration and development is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from salable mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against salable mineral operators in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between salable mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-13-15

Protestor: Marshall Havner

Issue Excerpt Text:

Salable mineral projects are discretionary under the 43 CFR 3500 regulations. Closing thousands of acres of ACEC's and SMA's to salable minerals is an arbitrary and capricious decision. If any salable mineral exploration or development proposal would be unmitigatable within any ACEC, RMZ or SMA, that proposal could be denied under current authority. Plan-level closures to salable minerals are not necessary. BLM did not explain why the regulatory authorities do not already give it the power to close the ACEC's and SMA's to salable mineral development, and why a plan-level decision is necessary.

Issue Number: PP-CA-Bakersfield-12-13-16

Protestor: Marshall Havner

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of salable minerals.

Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of salable mineral sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-13-17
Protector: Marshall Havner

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda _ and _, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for salable minerals.

Issue Number: PP-CA-Bakersfield-12-13-18
Protector: Marshall Havner

Issue Excerpt Text:

BLM did not make an adequate inventory of salable mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are dozens of salable mineral mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous and sedimentary formations in the ACEC's and SMA's that have potential as sources for salable mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-13-20
Protector: Marshall Havner

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on salable mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-13-3
Protector: Marshall Havner

Issue Excerpt Text:

BLM has not explained why withdrawal and closure to mineral exploration, development and entry is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against s mineral operators or even by mineral collectors/prospectors in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-13-5
Protector: Marshall Havner

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of minerals. Firstly,

there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of mineral, mine, or mineral collecting sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-13-6
Protestor: Marshall Havner

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda _ and _, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for any class of minerals.

Issue Number: PP-CA-Bakersfield-12-13-7
Protestor: Marshall Havner

Issue Excerpt Text:

BLM did not make an adequate inventory of its mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are dozens of mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous, metamorphic and sedimentary formations in the ACEC's and SMA's that have potential as sources for mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-13-9
Protestor: Marshall Havner

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061 to explain the way mineral potential was analyzed. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-14-13
Organization:
Protestor: Patrick Harrison

Issue Excerpt Text:

BLM Has not explained why closure to salable mineral exploration and development is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from salable mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against salable mineral operators in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between salable mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-14-15
Protestor: Patrick Harrison

Issue Excerpt Text:

Salable mineral projects are discretionary under the 43 CFR 3500 regulations. Closing thousands of acres of ACEC's and SMA's to salable minerals is an arbitrary and capricious decision. If any salable mineral exploration or development proposal would be unmitigatable within any ACEC, RMZ or SMA, that proposal could be denied under current authority. Plan-level closures to salable minerals are not necessary. BLM did not explain why the regulatory authorities do not already give it the power to close the ACEC's and SMA's to salable mineral development, and why a plan-level decision is necessary.

Issue Number: PP-CA-Bakersfield-12-14-16
Protestor: Patrick Harrison

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of salable minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of salable mineral sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-14-17
Protestor: Patrick Harrison

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda _ and _, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The

BLM has no documentation that these conditions were met for any of the proposed administrative closures for salable minerals.

Issue Number: PP-CA-Bakersfield-12-14-18
Protestor: Patrick Harrison

Issue Excerpt Text:

BLM did not make an adequate inventory of salable mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are dozens of salable mineral mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous and sedimentary formations in the ACEC's and SMA's that have potential as sources for salable mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-14-20
Protestor: Patrick Harrison

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on salable mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-14-3
Protestor: Patrick Harrison

Issue Excerpt Text:

BLM has not explained why withdrawal and closure to mineral exploration, development and entry is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against s mineral operators or even by mineral collectors/prospectors in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-14-5
Protestor: Patrick Harrison

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of mineral, mine, or mineral collecting sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-14-6
Protestor: Patrick Harrison

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda _ and _, minerals can only be withdrawn on BLM lands when two conditions

are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for any class of minerals.

Issue Number: PP-CA-Bakersfield-12-14-7
Protestor: Patrick Harrison

Issue Excerpt Text:

BLM did not make an adequate inventory of its mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are dozens of mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous, metamorphic and sedimentary formations in the ACEC's and SMA's that have potential as sources for mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-14-9
Protestor: Patrick Harrison

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061 to explain the way mineral potential was analyzed. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-15-13

Protestor: George Silva

Issue Excerpt Text:

BLM has not explained why closure to salable mineral exploration and development is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from salable mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against salable mineral operators in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between salable mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-15-15

Protestor: George Silva

Issue Excerpt Text:

Salable mineral projects are discretionary under the 43 CFD 3500 regulations. Closing thousands of acres of ACEC's and SMA's to salable minerals is an arbitrary and capricious decision. If any salable mineral exploration or development proposal would be unmitigatable within any ACEC, RMZ or SMA, that proposal could be denied under current authority. Plan-level closures to salable minerals are not necessary. BLM did not explain why the regulatory authorities do not already give it the power to close the ACEC's and SMA's to salable mineral development, and why a plan-level decision is necessary.

Issue Number: PP-CA-Bakersfield-12-15-16

Protestor: George Silva

Issue Excerpt Text:

BLM made several errors in its analysis of the Suitability for withdrawal of salable minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of salable mineral sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-15-17

Protestor: George Silva

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda _ and _, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for salable minerals.

Issue Number: PP-CA-Bakersfield-12-15-18

Protestor: George Silva

Issue Excerpt Text:

BLM did not make an adequate inventory of salable mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are dozens of salable mineral mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous and sedimentary formations in the ACEC's and SMA's that have potential as sources for salable mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-15-20
Protector: George Silva

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on salable mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-15-3
Protector: George Silva

Issue Excerpt Text:

BLM has not explained why withdrawal and closure to mineral exploration, development and entry is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against s mineral operators or even by mineral collectors/prospectors in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-15-5
Protector: George Silva

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of mineral, mine, or mineral collecting sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-15-6
Protector: George Silva

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda _ and _, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for any class of minerals.

Issue Number: PP-CA-Bakersfield-12-15-7
Protector: George Silva

Issue Excerpt Text:

BLM did not make an adequate inventory of its mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are dozens of mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous, metamorphic and sedimentary formations in the ACEC's and SMA's that have potential as

sources for mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-15-9
Protestor: George Silva

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061 to explain the way mineral potential was analyzed. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-16-13
Protestor: Charles Reed

Issue Excerpt Text:

BLM has not explained why closure to salable mineral exploration and development is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from salable mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against salable mineral operators in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between salable mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-16-15
Protestor: Charles Reed

Issue Excerpt Text:

Salable mineral projects are discretionary under the 43 CFD 3500 regulations. Closing thousands of acres of ACEC's and SMA's to salable minerals is an arbitrary and capricious decision. If any salable mineral exploration or development proposal would be unmitigatable within any ACEC, RMZ or SMA, that proposal could be denied under current authority. Plan-level closures to salable minerals are not necessary. BLM did not explain why the regulatory authorities do not already give it the power to close the ACEC's and SMA's to salable mineral development, and why a plan-level decision is necessary.

Issue Number: PP-CA-Bakersfield-12-16-16
Protestor: Charles Reed

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of salable minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of salable mineral sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-16-17
Protestor: Charles Reed

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda..., minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided,

compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for salable minerals.

Issue Number: PP-CA-Bakersfield-12-16-18

Protestor: Charles Reed

Issue Excerpt Text:

BLM did not make an adequate inventory of salable mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are dozens of salable mineral mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous and sedimentary formations in the ACEC's and SMA's that have potential as sources for salable mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-16-20

Protestor: Charles Reed

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on salable mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-16-3

Protestor: Charles Reed

Issue Excerpt Text:

BLM has not explained why withdrawal and closure to mineral exploration, development and entry is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against mineral operators or even by mineral collectors/prospectors in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-16-5

Protestor: Charles Reed

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of mineral, mine, or mineral collecting sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-16-6

Protestor: Charles Reed

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda _ and _, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be

avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for any class of minerals.

Issue Number: PP-CA-Bakersfield-12-16-7
Protector: Charles Reed

Issue Excerpt Text:

BLM did not make an adequate inventory of its mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are dozens of mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous, metamorphic and sedimentary formations in the ACEC's and SMA's that have potential as sources for mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-16-9
Protector: Charles Reed

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061 to explain the way mineral potential was analyzed. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-17-13
Protector: Tony Hart

Issue Excerpt Text:

BLM has not explained why closure to salable mineral exploration and development is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from salable mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against salable mineral operators in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between salable mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-17-15
Protector: Tony Hart

Issue Excerpt Text:

Salable mineral projects are discretionary under the 43 CFR 3500 regulations. Closing thousands of acres of ACEC's and SMA's to salable minerals is an arbitrary and capricious decision. If any salable mineral exploration or development proposal would be unmitigatable within any ACEC, RMZ or SMA, that proposal could be denied under current authority. Plan-level closures to salable minerals are not necessary. BLM did not explain why the regulatory authorities do not already give it the power to close the ACEC's and SMA's to salable mineral development, and why a plan-level decision is necessary.

Issue Number: PP-CA-Bakersfield-12-17-16
Protector: Tony Hart

Issue Excerpt Text:

BLM made several errors in its analysis of the Suitability for withdrawal of salable minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of salable mineral sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-17-17
Protestor: Tony Hart

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda _ and _, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for salable minerals.

Issue Number: PP-CA-Bakersfield-12-17-18
Protestor: Tony Hart

Issue Excerpt Text:

BLM did not make an adequate inventory of salable mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are dozens of salable mineral mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous and sedimentary formations in the ACEC's and SMA's that have potential as

sources for salable mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-17-20
Protestor: Tony Hart

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on salable mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-17-3
Protestor: Tony Hart

Issue Excerpt Text:

BLM has not explained why withdrawal and closure to mineral exploration, development and entry is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against s mineral operators or even by mineral collectors/prospectors in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-17-5
Protestor: Tony Hart

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of mineral, mine, or mineral collecting sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-17-6
Protestor: Tony Hart

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda _ and _, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for any class of minerals.

Issue Number: PP-CA-Bakersfield-12-17-7
Protestor: Tony Hart

Issue Excerpt Text:

BLM did not make an adequate inventory of its mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are dozens of mines in the ACEC's and other SMA's (Appendix C). The U.S.

Geological Survey digital geologic database indicates that there are abundant igneous, metamorphic and sedimentary formations in the ACEC's and SMA's that have potential as sources for mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-17-9
Protestor: Tony Hart

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061 to explain the way mineral potential was analyzed. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-18-13
Protestor: Bill Bingaman

Issue Excerpt Text:

BLM has not explained why closure to salable mineral exploration and development is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from salable mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against salable mineral operators in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between

salable mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-18-15

Protestor: Bill Bingaman

Issue Excerpt Text:

Salable mineral projects are discretionary under the 43 CFR 3500 regulations. Closing thousands of acres of ACEC's and SMA's to salable minerals is an arbitrary and capricious decision. If any salable mineral exploration or development proposal would be unmitigatable within any ACEC, RMZ or SMA, that proposal could be denied under current authority. Plan-level closures to salable minerals are not necessary. BLM did not explain why the regulatory authorities do not already give it the power to close the ACEC's and SMA's to salable mineral development, and why a plan-level decision is necessary.

Issue Number: PP-CA-Bakersfield-12-18-16

Protestor: Bill Bingaman

Issue Excerpt Text:

BLM made several errors in its analysis of the Suitability for withdrawal of salable minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of salable mineral sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-18-17

Protestor: Bill Bingaman

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda _ and _, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for salable minerals.

Issue Number: PP-CA-Bakersfield-12-18-18

Protestor: Bill Bingaman

Issue Excerpt Text:

BLM did not make an adequate inventory of salable mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are dozens of salable mineral mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous and sedimentary formations in the ACEC's and SMA's that have potential as sources for salable mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-18-20

Protestor: Bill Bingaman

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a

situation where any administrative restrictions on salable mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-18-3

Protector: Bill Bingaman

Issue Excerpt Text:

BLM has not explained why withdrawal and closure to mineral exploration, development and entry is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against mineral operators or even by mineral collectors/prospectors in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-18-5

Protector: Bill Bingaman

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of mineral, mine, or mineral collecting sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-18-6

Protector: Bill Bingaman

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda _ and _, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for any class of minerals.

Issue Number: PP-CA-Bakersfield-12-18-7

Protector: Bill Bingaman

Issue Excerpt Text:

BLM did not make an adequate inventory of its mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are dozens of mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous, metamorphic and sedimentary formations in the ACEC's and SMA's that have potential as sources for mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-18-9

Protector: Bill Bingaman

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061 to explain the way mineral potential was analyzed. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through

assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-19-13
Protestor: Donald Vierira

Issue Excerpt Text:

BLM has not explained why closure to salable mineral exploration and development is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from salable mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against salable mineral operators in any of the ACEC's or SMA's. The record in the DRMP and PRMP show no real conflicts between salable mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-19-15
Protestor: Donald Vierira

Issue Excerpt Text:

Salable mineral projects are discretionary under the 43 CFD 3500 regulations. Closing thousands of acres of ACEC's and SMA's to salable minerals is an arbitrary and capricious decision. If any salable mineral exploration or development proposal would be unmitigatable within any ACEC, RMZ or SMA, that proposal could be denied under current authority. Plan-level closures to salable minerals are not necessary. BLM did not explain why the

regulatory authorities do not already give it the power to close the ACEC's and SMA's to salable mineral development, and why a plan-level decision is necessary.

Issue Number: PP-CA-Bakersfield-12-19-16
Protestor: Donald Vierira

Issue Excerpt Text:

BLM made several errors in its analysis of the Suitability for withdrawal of salable minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of salable mineral sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-19-17
Protestor: Donald Vierira

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda _ and _, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for salable minerals.

Issue Number: PP-CA-Bakersfield-12-19-18
Protestor: Donald Vierira

Issue Excerpt Text:

BLM did not make an adequate inventory of salable mineral resources to make an informed decision on the withdrawals. The U.S.

Geological Survey historic mine database indicates that there are dozens of salable mineral mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous and sedimentary formations in the ACEC's and SMA's that have potential as sources for salable mineral exploration and development.

Issue Number: PP-CA-Bakersfield-12-19-20
Protestor: Donald Vierira

Issue Excerpt Text:

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on salable mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-19-3
Protestor: Donald Vierira

Issue Excerpt Text:

BLM has not explained why withdrawal and closure to mineral exploration, development and entry is necessary. There is no analysis in the DRMP or the PRMP of any historic surface disturbing activities from mineral exploration or development that have impacted non-mineral resources on the lands proposed for withdrawal. There have been no Notices of Non-Compliance, or any other adverse action taken by BLM against s mineral operators or even by mineral collectors/prospectors in any of the ACEC's or

SMA's. The record in the DRMP and PRMP show no real conflicts between mineral exploration or development and the non-mineral resources for which the ACEC's and SMA's were established. There is only a statement by BLM that a conflict exists, without documentation.

Issue Number: PP-CA-Bakersfield-12-19-5
Protestor: Donald Vierira

Issue Excerpt Text:

BLM made several errors in its analysis of the suitability for withdrawal of minerals. Firstly, there is no up to date or detailed inventory in any of the DRMP or PRMP documents provided to the public to show that BLM has an inventory of mineral, mine, or mineral collecting sites. BLM prepared no report on mineral potential for the withdrawals as required by BLM manual 3061.

Issue Number: PP-CA-Bakersfield-12-19-6
Protestor: Donald Vierira

Issue Excerpt Text:

According to BLM policy regarding withdrawals, as described in BLM Instructional Memoranda _ and _, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential and 2) effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM has no documentation that these conditions were met for any of the proposed administrative closures for any class of minerals.

Issue Number: PP-CA-Bakersfield-12-19-7
Protestor: Donald Vierira

Issue Excerpt Text:

BLM did not make an adequate inventory of its mineral resources to make an informed decision on the withdrawals. The U.S. Geological Survey historic mine database indicates that there are dozens of mines in the ACEC's and other SMA's (Appendix C). The U.S. Geological Survey digital geologic database indicates that there are abundant igneous, metamorphic and sedimentary formations in the ACEC's and SMA's that have potential as sources for mineral exploration and development.

BLM used no standards or criteria for development of its mineral potential determinations. No mineral report was prepared for the mineral potential analysis as required by BLM Manual 3061 to explain the way mineral potential was analyzed. The BLM could have obtained adequate inventories and mineral potential analysis for its DRMP and through assistance agreement with the U.S. Geological Survey. Lack of proper inventory and lack of proper mineral potential analysis create a situation where any administrative restrictions on mineral exploration or development are unwarranted and unnecessary. Absent such data, BLM's decision is arbitrary and capricious.

Issue Number: PP-CA-Bakersfield-12-19-9

Protestor: Donald Vierira

Issue Excerpt Text:

Summary:

No documentation of stated conflict: The BLM states that a conflict exists between mineral exploration or development and the non-mineral resources for which the ACECs and Special Management Areas were established, but they provided no documentation of this conflict in the Draft RMP or the Proposed RMP.

No standards or criteria for development of mineral potential determinations: the BLM used no standards or criteria for development of its mineral potential determinations. The BLM did not prepare an up-to-date or detailed inventory of mineral resources, mine, or mine collecting sites. The BLM did not prepare a report on mineral potential analysis as required by BLM Manual Section 3060 to explain the way mineral potential was analyzed. According to the BLM Manual Section 3061, an existing mine requires that the direct evidence of existence of mineral resources, and favorable geologic environment reflect a high potential and level of certainty for those lands. Without proper inventory and mineral potential analysis, the BLM's decisions on mineral withdrawals and restrictions on mineral exploration and development are arbitrary and capricious.

No documentation that conditions for mineral withdrawal have been met: According to BLM policy, minerals can only be withdrawn on BLM lands when two conditions are met: 1) there is high mineral potential, and 2) the effects of exploration or development for minerals on non-mineral resources cannot be avoided, compensated for or mitigated. The BLM provided no documentation that these conditions were met for any of the proposed administrative closures for any class of minerals.

No explanation for plan-level restrictions on salable minerals: Plan-level closures to salable

minerals are not necessary because salable mineral projects are discretionary under the 43 CFR 3500 regulations; thus the BLM could deny any proposal that could not be mitigated. The BLM did not explain why a plan-level decision is necessary; the decision to implement plan-level closures is arbitrary and capricious.

No partnership with USGS for analysis of mineral potential: The mineral withdrawals are made contrary to BLM's Energy and Non-Energy Mineral Policy of April 21, 2006 (item #4 and #5). The BLM did not enter into a partnership with the U.S. Geological Survey (USGS) for an analysis of mineral potential.

Response:

The protesting parties have stated that the BLM is not consistent with two Instruction Memoranda, but have failed to identify the specific memoranda. The protesting parties also state that BLM has not complied with Manual Section 3061; there is no Manual Section 3061.

- No documentation of stated conflict.

The Proposed RMP/FEIS identifies a number of anticipated resource issues and conflicts between solid mineral development and the management of proposed ACECs and other areas with important resource values identified in the plan. (Proposed RMP/FEIS, pp. 73, 346, 347, 350, 364, 426-7, 431, 435, and 440) The primary impacts from solid mineral development include declines in habitat quality, habitat fragmentation or outright loss of habitat; destruction of vegetation, and introduction of weeds and other invasive plant species; creation of dust, which reduces photosynthesis and reproduction in plants; creation of trenches, pits, pipe segments, and collapsed burrows or dens, where animals can become entrapped; displacement of wildlife from the area; introduction of trash in which wildlife can become entangled; surface disturbance on both a small and large scale to stream channels, floodplains, and riparian habitat; and introduction of artificial light that can either attract or displace wildlife and can disrupt normal behavior patterns from nighttime mining activities. (Proposed RMP/FEIS, pp. 413 - 414)

In general, withdrawal of these lands from mineral entry “would eliminate surface disturbance and reduce habitat degradation, fragmentation, and loss, and the potential for interactions between mineral activities and biological resources in these areas” (Proposed RMP/FEIS, p. 420) and “would benefit native populations and habitats at the local and landscape scales by eliminating or reducing negative impacts stemming from development.” (Proposed RMP/FEIS, p. 417) Such protections would help conserve the sensitive habitat and other important biological characteristics which many of the ACECs, areas of ecological importance, and other areas with important resource values have been managed to conserve. (Proposed RMP/FEIS, pp. 336 – 368 and pp. 421 - 425) They would also help to prevent the risk to public safety requiring the closure of mining sites and subsequent irretrievable loss of public access and recreation opportunity that can result from mining activity. (Proposed RMP/FEIS, p. 598)

As there are irretrievable impacts associated with the extraction of mineral resources, the BLM must weigh the inherent conflicts between the development of mineral resources and the

conservation of various natural and cultural resource values. Approximately 908,510 acres remain open for solid mineral leasing, mineral material disposal, and available for locatable minerals under the Proposed RMP. (Proposed RMP/FEIS, pp. 207 and 518) Of the areas closed or withdrawn: only 2 percent have development potential for solid non-energy leasable minerals and 8 percent have development potential for locatable minerals. However, approximately 20,980 acres (41 percent of the area with potential for salable mineral development would be unavailable. (Proposed RMP/FEIS, pp. 214-215 and 517-518)

- No standards or criteria for development of mineral potential determinations.

The BLM provided a reasonable estimation of mineral potential for the planning area based on the best available information. The BLM's Proposed RMP/FEIS is based on the RFD description; the review of reports from USGS and other relevant information, the discussion with interested stakeholders during the scoping process, the review of current and historical mining development, and the review of other relevant information has provided the BLM with the proper basis from which to make decisions as part of this planning process. (Proposed RMP/FEIS, pp. 317, 519, and 671) The resulting estimations, analysis and conclusions are not arbitrary or capricious, and have been adequately documented in this FEIS.

The BLM's RFD scenario for mineral development included in the Proposed RMP was developed "based on knowledge of past use, the capability of the resource for additional development, local and regional economic trends, and the needs of the public." (Proposed RMP/FEIS, Appendix M, p. 985) The BLM did not produce an updated inventory of mineral resources, mine, or mine collecting sites during this planning process. Instead, the BLM utilized available data and information, relying on the USGS inventory of historic mine sites, metallic mines, non-metallic mines, and phosphate and sodium to produce its mineral potential estimates. (Proposed RMP/FEIS, p. 514) The impacts analysis was further guided by nine assumptions based on trends, regulatory and other requirements, and relevant factors affecting development which were described on pages 514 and 515 of the Proposed RMP/FEIS.

Furthermore, the BLM is able to make an informed decision regarding the impacts of mineral management based upon an understanding of impacts that are known to affect mineral development in general. The Proposed RMP/FEIS has identified the acreage available for mineral development for each mineral type and has quantified impacts to mineral management. As explained on page 514 of the Proposed RMP/FEIS, direct impacts are considered to be those that allow or prohibit the development of federal mineral estate. These impacts are quantified by comparing the areas available for mineral development for each mineral type. Consistent with BLM Manual Sections 3031.3 and 3060, the mineral potential was assessed for each mineral type and categorized as "high", "moderate", "low", and "none" using the BLM's mineral potential classification system.

- No documentation that conditions for mineral withdrawal have been met.

The protesting parties have stated that the BLM is not consistent with BLM Instruction Memoranda, but did not identify the specific memoranda.

There are no additional mineral withdrawals being proposed in the Proposed Plan (Alternative B of the Proposed RMP/FEIS). Although the BLM is authorized by the Secretary of the Department of the Interior, under FLPMA Section 204, to execute withdrawals to preserve and protect various resources, the Proposed Plan only proposes the continuance of existing withdrawals covering 187,860 acres within the planning area. (Proposed RMP/FEIS, p. 62) Please note, in reviewing this issue, the BLM found that the acreage figure on page 312 (176,000 acres) of the Proposed RMP/FEIS is incorrect; the correct acreage figure is 195,178, which includes non-mineral public land withdrawals and two mineral-only withdrawals. Also note, as a result of the BLM granting the protest regarding Salinas River ACEC, approximately 10 acres within the ACEC will continue to be recommended for withdrawal, as it is under current management.

As noted on page 312 of the Proposed RMP/FEIS, some of these proposed withdrawals are non-discretionary. For instance, Piedras Blancas Light Station is currently under a 20-year withdrawal, and all Wilderness Areas are by statute withdrawn from entry and leasing under the mining laws. “There are 117,720 acres that will continue to be withdrawn in Wilderness Areas.” (Proposed RMP/FEIS, p. 516) Other withdrawals are discretionary, including “from disposition under the homestead, desert land entry and script selection laws for the Caliente, Monache-Walker Pass and Temblor National Cooperative Land and Wildlife Management Areas (NCLWMAs) and the withdrawal of the Piute Cypress Natural Area from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws.” (Proposed RMP/FEIS, p. 312)

With regard to the discretionary withdrawals, the BLM has identified the areas with high, moderate, low, and non-existent mineral potential in the planning area in maps in the Proposed RMP/FEIS: for oil and gas (see Map 3.14.1); solid (non-energy) leasable minerals (see Map 3.14.3); locatable minerals (see Map 3.14.4); and salable minerals (see Map 3.14.5). (Proposed RMP/FEIS, pp. 319, 323, 324, 326) General descriptions of the acres with mineral potential development open for development can be found on pages 515 and 516. The discretionary withdrawals from the mining laws are designed to protect the sensitive habitat within the Keyesville and San Joaquin River Gorge Special Recreation Management Areas (SRMAs), in the Piute Cypress Natural Area, and, under the ROD, the relevant and important values within the Salinas River ACEC. As noted in Proposed RMP/FEIS, mineral development has significant adverse, unavoidable, and irretrievable impacts on sensitive biological and other resources. (Proposed RMP/FEIS, p. 598) As such, because impacts would be counter to the purposes the two SRMAs, the Piute Cypress Natural Area, and the Salinas River ACEC were established to protect, the BLM has decided to continue the existing withdrawals governing these areas. (Proposed RMP/FEIS, pp. 51, 62, 75-77, 79, and 83; and the response regarding the “Salinas River ACEC” above)

Consistent with applicable authorities, the BLM closes certain areas, including some lands in proposed ACECs, lands managed for wilderness characteristics, and suitable WSR segments, to mineral material disposal, unless otherwise noted. (Proposed RMP/FEIS, p. 73)

As noted above, the Proposed RMP/FEIS recommends that certain areas be proposed for withdrawal. Any future withdrawals would be a separate action from this planning effort and would be consistent with BLM authorities and policy.

- No explanation for plan-level restrictions on salable minerals.

Restrictions on the uses and/or extraction of any resources on public lands are proposed to avoid potential conflicts with other, more sensitive, resources in particular locations. At Section II.B.2.a, the BLM Land Use Planning Handbook states “Land use plans must identify uses, or allocations, that are allowable, restricted, or prohibited on the public lands and mineral estate.” The Proposed RMP/FEIS salable mineral restrictions pertain to particular designated areas including the non-discretionary closure of designated Wilderness Areas and Piedras Blancas Light Station, and a discretionary closure. Discretionary closures, or withdrawals, are commonly authorized by the Secretary of the Department of the Interior, through BLM State Directors, per Section 204 of FLPMA.

Closures and withdrawals are warranted for the preservation and protection of various classes of resources in particular areas where those are deemed to be sensitive. This is typically within areas proposed or designated as ACECs, suitable segments of WSRs, and lands managed for their wilderness characteristics. (Proposed RMP/FEIS, p. 73) As noted in the Proposed RMP, “due to the location of the deposits, sand and gravel extraction could result in surface disturbance to stream channels, floodplains, and riparian habitat;” “surface disturbance and development from the route network, [rights-of-way] ROWs, livestock grazing, and mineral exploration and extraction all diminish naturalness and solitude;” and “lands occupied by mineral extraction developments would permanently lose habitat values and, therefore, would have reduced carrying capacity for wildlife resources. In addition, these developments may pose substantial risk to public safety requiring their closure and subsequent irretrievable loss of public access and recreation opportunity.” (Proposed RMP/FEIS, pp. 414, 456, and 598) Restrictions on the development on salable minerals development help to prevent such impacts on other important resource values within the planning area.

- No partnership with USGS for analysis of mineral potential.

The BLM is not required to partner with or establish an agreement with USGS to develop its mineral reports. However, the BLM is required to use the best information available in analyzing the potential impacts of its decisions, and as such, the BLM often relies on data and analysis provided by USGS in conducting its planning efforts. As set forth in the BLM’s August 2008 Energy and Mineral Policy statement, “Partnerships with the National Renewable Energy Laboratory, Federal and State agencies, such as the USGS and State Geologists, to obtain existing and new data will be considered.”

Thus, as noted in the Proposed RMP, the USGS inventory of historic mine sites, metallic mines, non-metallic mines, and phosphate and sodium was used in the development for mineral potential in this analysis. (Proposed RMP/FEIS, p. 514) Additionally, “Mineral potential maps were created for the RMP analysis using mineral location data available from the USGS. This data in addition to information available to the BLM on recent and historic mineral exploration and activity were used to identify areas where potential for economically viable mineral exploration and development is likely to occur during the life of the Plan.” (Proposed RMP/FEIS, p. 671)

Leasable Minerals

Issue Number: PP-CA-Bakersfield-12-20-6
Organization: Center for Biological Diversity
Protestor: Brendan Cummings

Issue Excerpt Text:

The PRMP is not consistent with the MLA which requires BLM to ensure that "[a]ll leases of lands containing oil or gas ... shall be subject to the condition that the lessee will, in conducting his explorations and mining operations, use all reasonable precautions to prevent waste of oil or gas developed in the land 30 USC. § 225; see also id. at § 187. Specifically, BLM has failed to ensure that oil leases issued under the PRMP prevent the venting or leakage of methane gas, a powerful greenhouse gas, when operations are carried out pursuant to any such leases.

Issue Number: PP-CA-Bakersfield-12-21-14
Organization: Forest Watch
Protestor: Jeff Kuyper

Issue Excerpt Text:

Moreover, the stipulation states that split estate land in the Chimineas Ranch area "would be subject to the NSO-Existing Surface Use/Management stipulation. However, no such stipulation is presented or analyzed in the PRMP/FEIS. And it is unclear whether the stipulation only applies to lands within the proposed boundaries outlined in Map I 3.4-1 in the Draft RMP/DEIS, or if it applies to state-owned and private lands surrounding this area.

Response

All BLM policies, procedures, and management actions must be consistent with FLPMA, the Mineral Leasing Act, and the other laws that govern use of the public lands. The BLM manages oil and gas leases under Title 43 CFR, Part 3100. Subsection 3100.0-34 states: "Authority. (a) Public domain. (1) Oil and gas in public domain lands and lands returned to the public domain under section 2370 of this title are subject to lease under the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 *et seq.*)." Title 30 U.S.C 181, Subtitle IV, Subsection 225 states "All leases of lands containing oil or gas, made or issued under the provisions of this chapter, shall be subject to the condition that the lessee will, in conducting his explorations and mining operations, use all reasonable precautions to prevent waste of oil or gas developed in the land, or the entrance of water through wells drilled by him to the oil sands or oil-bearing strata, to the destruction or injury of the oil deposits. Violations of the provisions of this section shall constitute grounds for the forfeiture of the lease, to be enforced as provided in this chapter." As such, oil and gas leasing conducted under the Proposed RMP must comply with the Mineral Leasing Act as indicated in the Proposed RMP/FEIS (pages 11 and 316-317). Lessees will be required to comply with the BLM's requirements under these laws.

When the BLM receives applications to conduct activities on leases, additional NEPA analysis is required. During this site-specific, implementation-level analysis, the BLM may consider additional mitigation measures to address any anticipated concerns, including those expressed by the protesting party regarding flaring or leakage of methane gas. These requirements are

appropriately addressed during implementation of the Proposed RMP's leasing decisions (see Appendix C 23 -24 of Land Use and Planning Handbook H-1601-1).

The CSU - Chimineas Ranch stipulation applies to lands within or adjacent to the State of California's Chimineas Unit of the Carrizo Plain Ecological Reserve (Chimineas Ranch) where the surface and Federal mineral estate is managed by the BLM. This stipulation is designed to protect the unique and significant natural and cultural values that exist adjacent to or within the boundaries of Chimineas Ranch area. (Proposed RMP/FEIS, p. 66 and Appendix G, pp. 895-896) These values include a herd of Tule elk, which currently number about 500 animals, and generally "animals commonly occur in the Chimineas Ranch and Taylor Canyon areas." (Proposed RMP/FEIS, Appendix B, p. 800)

Split estate within Chimineas Ranch, where the surface is managed by the CDFG and the sub-surface mineral estate is managed by the BLM, would be subject to a CSU-Existing Surface Use/Management stipulation for fluid mineral leasing, exploration, and development activities. (Proposed RMP/FEIS, p. 42) The CSU-Existing Surface Use/Management stipulation for split estate in the area and its application are presented in the Proposed RMP/FEIS (pages 42, 70, and Appendix G, page 894). Note that the reference to a No Surface Occupancy (NSO)-Existing Surface Use/Management stipulation in split estate in the area on Proposed RMP/FEIS, page 896 (under sub-heading "Application") is a typographical error and should state "CSU-Existing Surface Use/Management." This error will be noted and corrected in the ROD.

Locatable Minerals

Issue Number: PP-CA-Bakersfield-12-04-26

Protestor: Erik Melchiorre

Issue Excerpt Text:

Just because land is within an ACEC or other SMA does not automatically mean that a permit system is necessary to protect the resources for which those ACEC's or SMA's were established. There have been no violations of law or regulation and no notices of non-compliance issued to any miner or mineral collector in any of the ACEC's or SMA's. The proposed permit system is not needed. BLM is proposing a new system under its 43 CFR 3809.31 regulations but provide no justification of why it is necessary.

Issue Number: PP-CA-Bakersfield-12-07-17

Organization: American Lands Access Association

Protestor: Richard Pankey

Issue Excerpt Text:

Just because land is within an ACEC or other SMA does not automatically mean that a permit system is necessary to protect the resources for which those ACEC's or SMA's were established. There have been no violations of law or regulation and no notices of non-compliance issued to any miner or mineral collector in any of the ACEC's or SMA's. The proposed permit system is not needed. BLM is proposing a new system under its 43 CFR 3809.31 regulations but provide no justification of why it is necessary.

Issue Number: PP-CA-Bakersfield-12-08-20

Organization: American Lands Access Association

Protestor: Shirley Leeson

Issue Excerpt Text:

Just because land is within an ACEC or other SMA does not automatically mean that a permit system is necessary to protect the resources for which those ACEC's or SMA's were established. There have been no violations of law or regulation and no notices of non-compliance issued to any miner or mineral collector in any of the ACEC's or SMA's. The proposed permit system is not needed. BLM is proposing a new system under its 43 CFR 3809.31 regulations but provide no justification of why it is necessary.

Please note that as early as 1955 I have verifiable published proof that there were claims in Horse Canyon by rockhounds. And casual use of the area ever since. How can you now suggest that earlier historical sites were not compromised many years ago and are now contaminated?

Issue Number: PP-CA-Bakersfield-12-09-26

Protestor: Robert Reynolds

Issue Excerpt Text:

Just because land is within an ACEC or other SMA does not automatically mean that a permit system is necessary to protect the resources for which those ACECs or SMAs were established. There have been no violations of law or regulation and no notices of non-compliance issued to any miner or mineral collector in any of the ACECs or SMA's. The proposed permit system is not needed. BLM is proposing a new system under its 43 CFR 3809.31 regulations but provide no justification of why it is necessary.

Issue Number: PP-CA-Bakersfield-12-10-23

Protestor: L.W. Monroe

Issue Excerpt Text:

Just because land is within an ACEC or other SMA does not automatically mean that a permit system is necessary to protect the resources for which those ACEC's or SMA's were established. There have been no violations of law or regulation and no notices of non-compliance issued to any miner or mineral collector in any of the ACEC's or SMA's. The proposed permit system is not needed. BLM is proposing a new system under its 43 CFR 3809.31 regulations but provide no justification of why it is necessary.

Issue Number: PP-CA-Bakersfield-12-11-25
Protestor: Dennis Huggins

Issue Excerpt Text:

Just because land is within an ACEC or other SMA does not automatically mean that a permit system is necessary to protect the resources for which those ACEC's or SMA's were established. There have been no violations of law or regulation and no notices of non-compliance issued to any miner or mineral collector in any of the ACEC's or SMA's. The proposed permit system is not needed. BLM is proposing a new system under its 43 CFR 3809.31 regulations but provide no justification of why it is necessary.

Issue Number: PP-CA-Bakersfield-12-12-23
Protestor: Jack Caufield

Issue Excerpt Text:

Establishment of a permit system for casual collecting is clearly contrary to the intent of the OPLA-PRP SEC. 6304

Just because land is within an ACEC or other SMA does not automatically mean that a permit system is necessary to protect the resources for which those ACEC's or SMA's were established. There have been no violations of law or regulation and no notices of non-compliance issued to any miner or mineral collector in any of the ACEC's or SMA's. The proposed permit

system is not needed. BLM is proposing a new system under its 43 CFR 3809.31 regulations but provide no justification of why it is necessary.

Issue Number: PP-CA-Bakersfield-12-13-23
Protestor: Marshall Havner

Issue Excerpt Text:

Just because land is within an ACEC or other SMA does not automatically mean that a permit system is necessary to protect the resources for which those ACEC's or SMA's were established. There have been no violations of law or regulation and no notices of non-compliance issued to any miner or mineral collector in any of the ACEC's or SMA's. The proposed permit system is not needed. BLM is proposing a new system under its 43 CFR 3809.31 regulations but provide no justification of why it is necessary.

Issue Number: PP-CA-Bakersfield-12-14-23
Protestor: Patrick Harrison

Issue Excerpt Text:

Just because land is within an ACEC or other SMA does not automatically mean that a permit system is necessary to protect the resources for which those ACEC's or SMA's were established. There have been no violations of law or regulation and no notices of non-compliance issued to any miner or mineral collector in any of the ACEC's or SMA's. The proposed permit system is not needed. BLM is proposing a new system under its 43 CFR 3809.31 regulations but provide no justification of why it is necessary.

Issue Number: PP-CA-Bakersfield-12-15-23
Protestor: George Silva

Issue Excerpt Text:

Just because land is within an ACEC or other SMA does not automatically mean that a permit

system is necessary to protect the resources for which those ACEC's or SMA's were established. There have been no violations of law or regulation and no notices of non-compliance issued to any miner or mineral collector in any of the ACEC's or SMA's. The proposed permit system is not needed. BLM is proposing a new system under its 43 CFR 3809.31 regulations but provide no justification of why it is necessary.

Issue Number: PP-CA-Bakersfield-12-16-23
Protestor: Charles Reed

Issue Excerpt Text:

Just because land is within an ACEC or other SMA does not automatically mean that a permit system is necessary to protect the resources for which those ACEC's or SMA's were established. There have been no violations of law or regulation and no notices of non-compliance issued to any miner or mineral collector in any of the ACEC's or SMA's. The proposed permit system is not needed. BLM is proposing a new system under its 43 CFR 3809.31 regulations but provide no justification of why it is necessary.

Issue Number: PP-CA-Bakersfield-12-17-23
Protestor: Tony Hart

Issue Excerpt Text:

Just because land is within an ACEC or other SMA does not automatically mean that a permit system is necessary to protect the resources for which those ACEC's or SMA's were established. There have been no violations of law or regulation and no notices of non-compliance issued to any miner or mineral collector in any

of the ACEC's or SMA's. The proposed permit system is not needed. BLM is proposing a new system under its 43 CFR 3809.31 regulations but provide no justification of why it is necessary.

Issue Number: PP-CA-Bakersfield-12-18-23
Protestor: Bill Bingaman

Issue Excerpt Text:

Just because land is within an ACEC or other SMA does not automatically mean that a permit system is necessary to protect the resources for which those ACEC's or SMA's were established. There have been no violations of law or regulation and no notices of non-compliance issued to any miner or mineral collector in any of the ACEC's or SMA's. The proposed permit system is not needed. BLM is proposing a new system under its 43 CFR 3809.31 regulations but provide no justification of why it is necessary.

Issue Number: PP-CA-Bakersfield-12-19-23
Protestor: Donald Vierira

Issue Excerpt Text:

Just because land is within an ACEC or other SMA does not automatically mean that a permit system is necessary to protect the resources for which those ACEC's or SMA's were established. There have been no violations of law or regulation and no notices of non-compliance issued to any miner or mineral collector in any of the ACEC's or SMA's. The proposed permit system is not needed. BLM is proposing a new system under its 43 CFR 3809.31 regulations but provide no justification of why it is necessary.

Summary:

The BLM is proposing a new system under its 43 CFR 3809.31 regulations but provide no justification of why it is necessary. The permit system for casual collecting is contrary to the intent of the Omnibus Public Lands Act of 2009's provisions on paleontological resource

protection (Section 6304).

Response:

The Proposed RMP/FEIS does not establish a permit system for casual use or casual collection in any proposed ACEC or anything in the decision area. The Proposed RMP/FEIS does propose the establishment of special areas, including some ACECs, areas of ecological importance, cultural resource sites, and Recreation Management Zones, which requires a 15-day notification to be provided to the BLM before any casual use activity conducted under the mining laws. (Proposed RMP/FEIS, p. 72) The rationale for the introduction of this direction is to allow the BLM to conduct site-specific review of proposed activities in areas with sensitive resources and determine the appropriate level of authorization necessary to allow the mining activity to occur at which point the BLM would respond to the notification if a Notice or Plan of Operations would be required for the casual use activity being proposed. (Proposed RMP/FEIS, p.72)

It should be noted that the BLM did not allege that violations of law or other illegal activity has occurred on mining claims through the implementation of this existing regulation. An activity need not be illegal or untoward to have a negative impact on sensitive resources.

The BLM's management of paleontological resources in the planning area, both common and significant, follows applicable laws and regulations, including provisions for protection of paleontological resources in the Omnibus Public Lands Act of 2009, Section 6304 (see Proposed RMP/FEIS, Section 3.6, pages 265 to 271).