

Carrizo Plain National Monument Advisory Committee
June 28, 2008

Attendees:

MAC: Neil Havlik, Bob Pavlik, Carl Twisselman, Ellen Cypher, Ray Hatch, Michael Khus-Zarate.

BLM: Johna Hurl, Tim Smith, Ryan Cooper, Tammy Whitley, Duane Christian, David Christy, Jeff Prude, Nancy Dodson, Judy Sackett.

Managing Partners: Tom Maloney, The Nature Conservancy.

Public: Cal French, Eric Greening, Pat Veasart, Jeff Reschke, Lodema Hatch, Craig Deutsche, Pilulau Khus, Mary Fullwood, Lorraine Unger, Joe Rudnick.

MORNING SESSION

Tim Smith introduced Tammy Whitley, the new BLM archaeologist and said Katherine Worn has been hired as the new planner. He said the Pierdras Blancas Light Station has been designated an outstanding natural area and will be dedicated July 19.

ROCK ART

Duane Christian introduced the cultural portion of presentation and highlighted the meeting with the NAAC and the progress on creating a public use permit for Painted Rock. Summarizing that with adaptive management there is always room for change if NAAC is not satisfied with the level of access.

Cal French asked about commercial photography of pictographs. Johna Hurl said photos are allowed only for personal use, not commercial use, and can't be posted on the web.

Tom Maloney asked what could be done to preserve the rock art at the monument. Duane Christian said weathering and flaking are the problems at the monument. BLM has considered taking protective measures such as channeling water away from paintings and protecting the images from bird excretions. However, BLM has not implemented such conservation treatment in the Monument. BLM is proposing allowing access to Painted Rock through guided tours and self-guided permits.

Eric Greening asked about monitoring under a permit system.

Duane Christian said BLM law enforcement rangers, volunteers and other staff will monitor the rock art. As proposed, the permit will contain stipulations such as not touching or walking on rock art. There will be a meeting July 26 with the Native American Advisory Council (NAAC) to develop the self-guided permit conditions or stipulations and compliance measures.

Carl Twisselman said he doesn't expect to see a problem if people have to walk in to Painted Rock.

Johna Hurl said vandalism increased when the road is closed.

Duane Christian said requiring people to walk in helps deter vandalism.

Johna Hurl said BLM is looking at ways to have surveillance systems and/or other ways to protect the rock art. BLM will continue working with the NAAC on this and other issues.

Tim Smith said BLM has hired Brien Chartier as a new law enforcement ranger. He should start work in November or December after finishing required training.

Ellen Cypher asked if the NAAC approved the proposed Preferred Alternative that allows access to Painted Rock by self-guided permit.

Michael Khus-Zarate said the NAAC is aware there will be public access. The permit system is a compromise that includes monitoring. BLM needs to hold people accountable and prevent vandalism. The present level of protection is not sufficient. The NAAC will decide whether to support the alternative based on the permit system proposal.

Neil Havlik asked if input from the NAAC is reflected in the proposed preferred alternative.

Johna Hurl said it is reflected and BLM is working with the NAAC on the permit process.

Neil Havlik said the success or failure of the permit process is integral to the plan. BLM needs to provide detail, not just say a permit process will be developed.

Johna Hurl said the permit process and adaptive management measures will be documented.

Neil Havlik said the MAC may make statements of its own at the last public meeting. He encouraged the public to view the MAC as a conduit to BLM.

Johna Hurl outlined next steps in the planning process. A briefing for the Managing Partners will be held in August. There will be a 90-day comment period on the draft Resource Management Plan. The proposed final plan will be released about a year after the draft. There will be a protest period on the proposed final and the Record of Decision should be released six to nine month after the proposed final.

PUBLIC COMMENT PERIOD

Eric Greening said the permit system represents a change in direction from the previous MAC direction. He asked if surveillance cameras would capture Native American ceremonies.

Duane Christian said surveillance systems would be turned off during ceremonies to protect their privacy.

Eric Greening said other areas offer guided tours by Native Americans rather than self-guided permits. He said BLM should schedule public meetings on the draft plan late enough in the comment period to give people time to study the document before the meeting.

Pilulau Khus said she appreciates the parties working together. Cultural resource protection is a difficult issue. It is hard for non-Indigenous People to understand. Painted Rock is a sacred place and sacred places can't be rebuilt if they are destroyed. Even taking photos has an impact on the energy of a place. The present dominant culture is based on profit. Until 1978 it was illegal for Indigenous People to practice their religion.

Pat Veasart said he appreciates that the tone of the proposed plan has changed. He is disappointed that BLM is renewing grazing leases and didn't notify Los Padres Forest Watch or other groups. BLM should allow more time for comments.

Mary Fullwood said it would be better for BLM to prohibit photography of the rock art. A book on Chumash symbology contains pictures.

Craig Deutsch said if only guided tours are allowed, the public needs to be informed of time, date and requirements.

Carl Twisselman said he supports a self-guided permit system. There should be as much public use as possible.

Ray Hatch said he agreed with Craig Deutsch; the public will need information and education .

Bob Pavlik said compliance by casual visitors needs to be enforced by access control and better enforcement.

Pilulau Khus asked if the BLM and state Fish and Games plans would be separate. There should be communication and cooperation between the agencies.

Tim Smith said the plans are separate, but the agencies are cooperating and the plans should be compatible. Johna Hurl said portions of the state plan will reference the BLM plan.

Tom Maloney said The Nature Conservancy has been involved with BLM planning and will do the same for Fish and Game.

Craig Deutsch asked if there will be an e-mail notification of the plan's availability.

Johna Hurl said BLM will mail postcards.

AFTERNOON SESSION

OIL AND GAS

Tim Smith provided an update on the proposed geophysical exploration on the monument by Vintage Petroleum. Vintage has subsurface rights and BLM manages the surface; the issue is access. The Notice of Intent from Vintage states they plan to do seismic work. There are a number of options including using explosives in shot holes and vibroseis trucks. BLM told Vintage in a letter that BLM will require an Environmental Impact Statement due to listed species and public interest. Vintage hasn't yet responded.

Tom Maloney asked what would be required for geophysical exploration outside the monument. Tim Smith said it wouldn't be an issue, a Categorical Exclusion would likely be all that would be needed to meet National Environmental Policy Act (NEPA) requirements. A higher level of NEPA coverage is needed on a national monument with sensitive resources.

Neil Havlik asked if a route had been determined for the testing. Tim Smith said there was a map with a general route, but there are options.

Jeff Prude said the route is somewhat flexible, but needs to be in a fairly straight line.

Neil Havlik asked if the presence of oil and gas is still in question.

Jeff Prude said it's uncertain as to the extent of the resources. The geophysical work will help quantify the resources.

Neil Havlik said the results of the tests should be made public if there is a mechanism to do so.

Jeff Prude said the data is confidential, but BLM geologists will see it. Vintage has a right to drill if they think there are sufficient resources.

Carl Twisselman said he believes there is a lot of existing geophysical data.

Jeff Prude said has been geophysical exploration in the general area, but not at that exact location.

Pat Veesart asked how much BLM can restrict operations as the surface manager.

Tim Smith said BLM will tell Vintage what requirements they need to meet through the EIS process. BLM needs to provide Vintage with reasonable access.

Tom Maloney said Vintage will need to mitigate any environmental damage and compensate for it if they can't mitigate.

Eric Greening asked if the EIS would cover developing the resource or just the geophysical work.

Jeff Prude said the EIS would just cover the geophysical work. Vintage will need additional NEPA coverage before doing other work.

Tom Maloney said TNC has been concerned about the split in surface-subsurface rights for some time. There isn't enough information to negotiate a possible purchase until Vintage determines the extent of the resource. He will see if there are similar situations elsewhere.

Pilulau Khus said everyone should assume there is oil. Once it is found, it will be too late. Mitigate means the site will be destroyed.

Johna Hurl said oil companies are doing geophysical work in the Midway-Sunset oil field outside the monument. They are going to walk onto edge of the monument and place geophones by hand. Also, she mentioned that Chevron has indicated they will voluntarily relinquish their 160-acre federal oil and gas lease that is located on the CPNM floor. This was the only "grandfathered" federal lease on the valley floor, and when it is relinquished, there will no longer be any potential for federal development within the prime habitat area.

Tim Smith said BLM-Bakersfield conducts four lease auctions per year. The next will be in September. No parcels are contiguous to the monument.

WIND ENERGY

Johna Hurl said a firm is putting up a meteorological tower on a 40-acre private parcel in the monument and has applied for a right-of-way. They also have applied for a 23,000-acre right-of-way (ROW) just outside the monument on the east side. The right-of-way gives them three years to plan a project. If they want to develop a project they will need to apply again. At that time BLM will determine the level of NEPA analysis that needs to be done.

Neil Havlik asked if there would be a fee for the ROW. Tim Smith said it is a new issue for Bakersfield, usually there is a fee. The Desert District has had some problems.

Neil Havlik said there have been problems in Cordelia Pass with hawks and wind generation. There could be a similar problem at Carrizo. Projects should consider impacts to the monument.

Eric Greening asked if there would be a role for local government.

Johna Hurl said that information would need to come from the county. Most of the area is in San Luis Obispo County.

SOLAR

Neil Havlik said there are four proposals for solar plants near the monument. The MAC previously asked BLM to raise concerns about possible hydrologic impacts to Soda Lake from a Ausra plant north of the monument.

Tim Smith said hydrology is the link between the plant and the monument. BLM doesn't have authority over projects outside the monument.

Neil Havlik said the proposed plants would total 91/2 square miles of panels.

Pat Veasart said he is concerned about impacts from people working on the projects such as additional traffic and lower air quality.

Pilulau Khus said BLM and the MAC need to pay attention to water quality in Soda Lake.

Eric Greening said the Ausra project would employ 400 people during construction and 130 to operate the plant.

Tom Maloney said Fish and Wildlife is reviewing the projects, including cumulative impacts. Fish and Game is mapping kit fox corridors.

NEXT MEETINGS

Tim Smith said BLM will brief the MAC a month after the last public meeting.

Eric Greening asked if the MAC must submit comments during the 90-day comment period.

Tim Smith said the MAC has a special status and isn't limited to the comment period.